

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

6:00 PM Public Hearings begin

September 17, 2026

AGENDA

REGULAR MEETING 6:00pm

**PLEASE NOTE THE NEW STANDARD START TIME OF 6:00 P.M.,
EFFECTIVE FOR ALL FUTURE PLANNING BOARD MEETINGS.**

I. APPROVAL OF MINUTES

- A. Approval of the August 20, 2026 meeting minutes.

II. DETERMINATIONS 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.

III. 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 **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, Map 240 Lots 2-2001, and 3 and lies within the Gateway Neighborhood Corridor (G1), Office Research (OR), Municipal (M), and General Business (GB) Districts. (LU-26-90)
- 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. (LU-25-177)
- 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). (LU-25-96)
- D. The request of **The City of Portsmouth, (Owner)**, for property located along **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 253 Lot 7 and Map 255 Lot 2 and lies within the Single Residence A (SRA), Single Residence B (SRB), Natural Resources Protection (NRP), Gateway Neighborhood Mixed Use Center (G-2), and Municipal (M) Districts. (LU-26-104)
- 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. (LU-26-103)
- F. The request of **Rezma Shrestha & Mark Esposito (Owners)**, for property located at **224 Cate Street** requesting a Wetland Conditional Use Permit from Section 10.1017.50 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. (LU-26-106)
- G. **POSTPONED TO OCTOBER** The request of **124 Group Inc (Owner)**, for property located at **124 Heritage Avenue** requesting amended Site Plan approval for minor site improvements including a garden, ADA accessible ramp, parking lot re-striping, stormwater conveyance modifications, lighting and landscaping. Said property is located on Assessor's Map 284 Lot 8 and lies within the Industrial (I) District.
POSTPONED TO OCTOBER (LU-26-46)

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

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

IV. CITY COUNCIL REFERRALS [NOTE: ANY REFERRALS REQUIRING PUBLIC HEARING SHOULD BE INCLUDED ABOVE]

A. 0 Elm Street

B. 361 Hanover Street - Landscape and pole license over City property

C. Housing Action Plan

D. Heritage Commission

E. Preapproved Plans for Accessory Dwelling Units+

V. OTHER BUSINESS

A. 1 (15) Congress Street requesting a 1-Year Extension to the Conditional Use Co-Living Permit approval granted on September 18, 2025. (LU-22-12)

B. Board discussion on Regulatory Amendments

i. Article 10 Amendments

C. Chairman updates and discussion items

VI. 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_teYas54TTmieV9zE4PMyzQ



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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: 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.

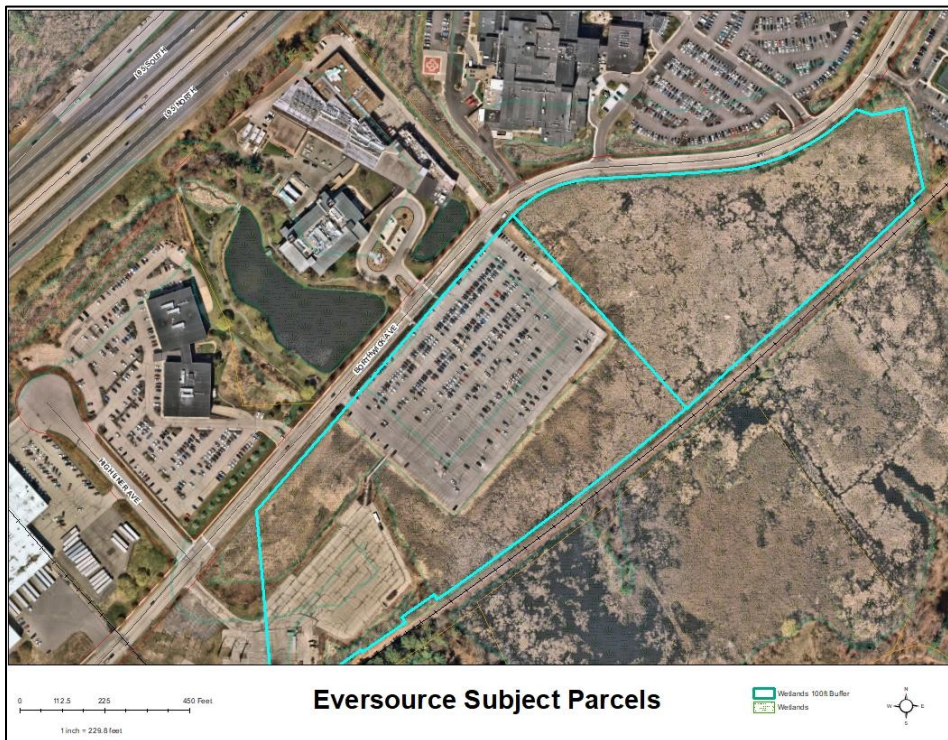
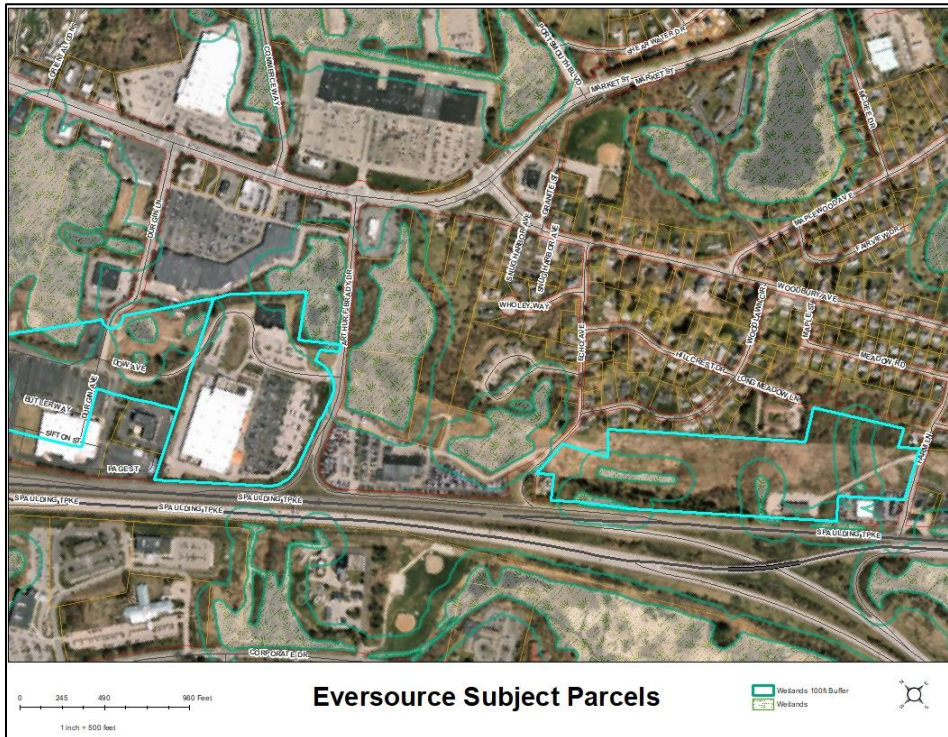
The Board's action in these matters has been deemed to be quasi-judicial in nature. If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.

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.

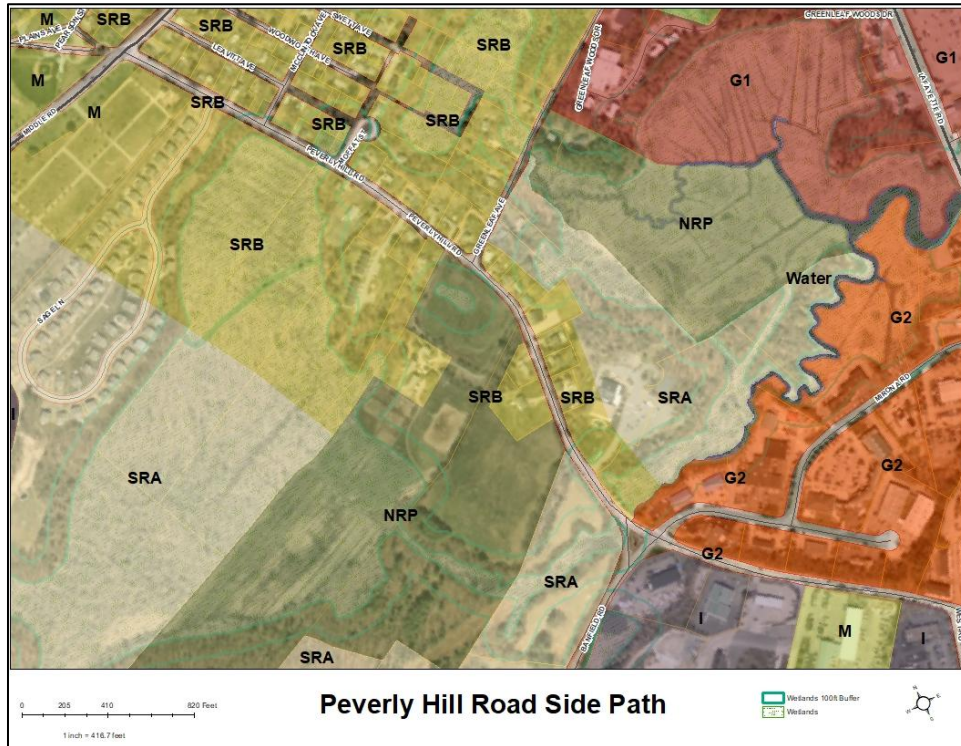
2) *Vote to approve the conditional use permit as presented.*

- 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

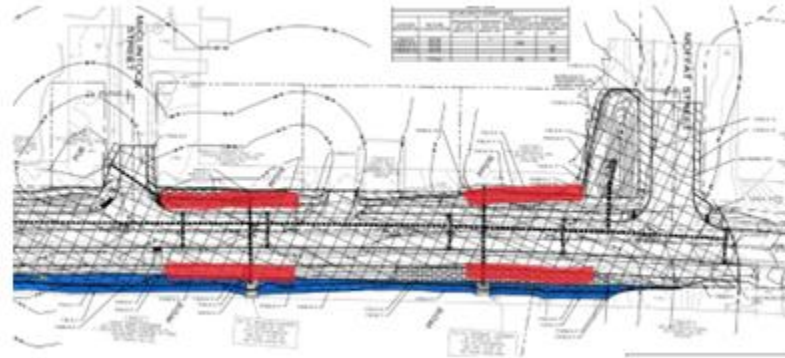
The project was before the Conservation Commission. See below for details.

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.*

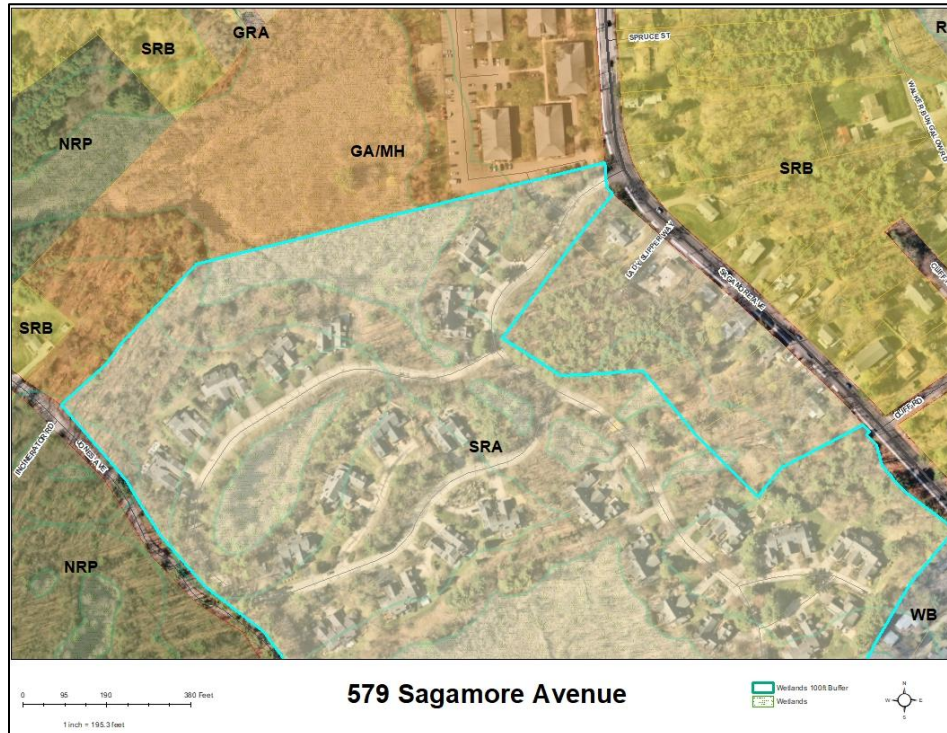
- E. The request of **Tidewatch Condominium Association, (Owner)**, for property located at **579 Sagamore Avenue** requesting an After-the-Fact Wetland Conditional Use Permit for the removal of a mature beech tree within the vegetated no-cut wetland buffer. The applicant is proposing to plant within 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.

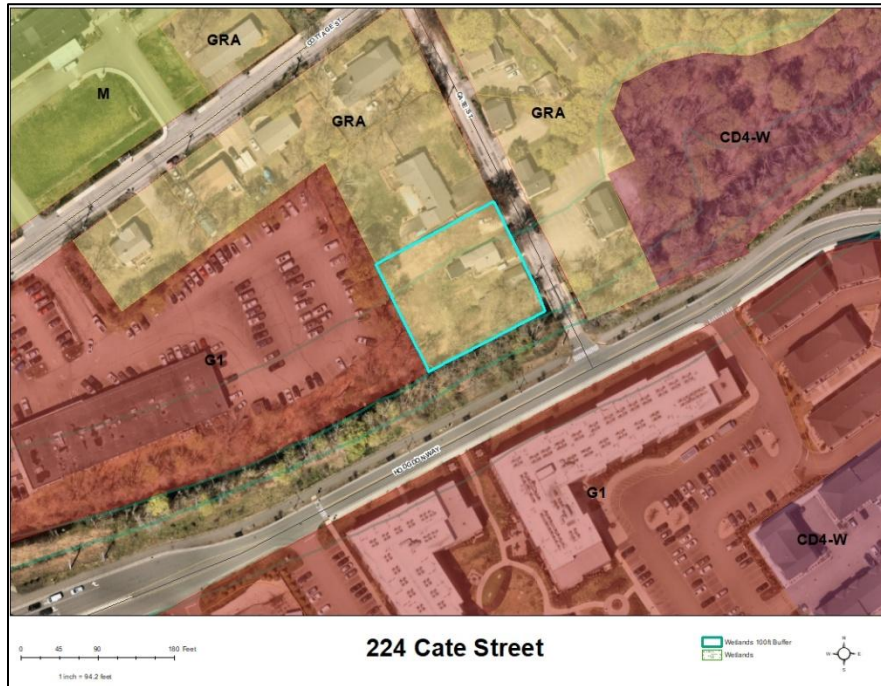
2.3 Applicant shall monitor the survival of the three trees and eight shrubs and submit annual reports to the Planning & Sustainability Department for the first two years after installation. If plant survival is less than 80% after two years, replacement planting shall occur.

- 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.*
-

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.*
-

- 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

**PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE**

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

7:00 PM Public Hearings begin

August 20, 2026

MEMBERS PRESENT: Rick Chellman, Chairman; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Members Andrew Samonas, William Bowen, Ryann Wolf; and Alternates Frank Perier and Logan Roy

.....

ALSO PRESENT: Peter Stith, Planning Department Manager

MEMBERS EXCUSED: Paul Giuliano, Vice-Chair Anthony Coviello

.....

Chair Chellman called the meeting to order at 7:00 p.m. Alternates Frank Perier and Logan Roy took voting seats in place of Mr. Giuliano and Vice-Chair Coviello.

I. PRESENTATIONS [Video timestamp 6:25]

A. Presentation on Capital Improvement Plan Process

City Manager Karen Conard reviewed the Capital Improvement Plan (CIP) process and touched upon the following topics: what qualifies as a CIP project, how projects are evaluated and prioritized, the Funding Options Capital Outlay being currently at 0.96 percent, and the City's Net Debt Service being at 7.64 percent and remaining below 10 percent of the prior year's budget. She reviewed the 10-Year Outlook and said no new projects had been added as of now. She reviewed the Global CIP thoughts and explained the 3-step process of the City Council's capital funding approval. She reviewed the proposed FY28-FY33 CIP timeline and how to submit a Citizen Request Project.

[Timestamp 13:08] Mr. Bowen asked what the relationship is between the Master Plan and the Capital Budget. Ms. Conard said the Master Plan starts out aspirational and works through an implementation set of items and that the final version was expected by the end of the calendar year. It was further discussed. The topic of whether housing was visualized into the southwest quadrant of the City that would cause sewer, water, and road developments to be needed before the end of the fiscal year was discussed. Chair Chellman noted that the Master Plan gets adopted on a periodic basis, and what gets adopted this year may change the next year. He said the big picture that the Board should be keeping in mind as development happens is where things are happening in the City and the big infrastructure issues like sewer, water, and electricity, and if a part of the City did not have adequate water supply for fire protection, that issue would rise to the top and get into a CIP. He asked Ms. Conard if the two percent and ten percent limits were City Council goals. Ms. Conard said they were City financial policies. It was further discussed. The need for a new parking garage in the context of the CIP was discussed.

II. APPROVAL OF MINUTES

A. Approval of the July 16, 2026 Meeting Minutes

Mr. Samonas moved to approve the July 16 meeting minutes as submitted. Mr. Almeida seconded. The motion passed with all in favor, with Ms. Conard abstaining.

III. CITY COUNCIL REFERRALS

A. Parking Regulations [Timestamp 25:21]

Mr. Stith reviewed the changes and said one was related to a zoning text amendment to remove the bulk of the parking from the zoning ordinance. He said he had to make some corrections to the work the City Staff did with the Site Plan Regulations before sending it to the City Council. Councilor Moreau said in Section 10.1124.10, the sentence "Loading areas shall not be located between the front property line and any building or structure" was left unfinished. Mr. Stith said it would be fixed. He said the recommendation was to forward it to the City Council knowing that the Site Plan Regulation amendments will parallel. He said a public hearing was needed for the changes, but if the zoning amendment was forwarded to the Council, three readings would still be needed. He said the Board could consider the Site Plan changes at the September 17th meeting but that the Board should vote on the Site Plan Regulations and have them be in effect the night the City Council votes to amend the zoning ordinance. It was further discussed. Mr. Stith said there would no longer be a Conditional Use Permit (CUP) for parking in the Site Plan Regulations and that the Planning Board will be allowed to make modifications at its discretion.

DECISION OF THE BOARD

Councilor Moreau moved to recommend that the City Council hold first reading on the proposed Zoning Ordinance amendment s as amended. Mr. Roy seconded. The motion passed with all in favor.

B. Housing Action Plan [Timestamp 34:15]

Mr. Stith said the Housing Action Plan was developed by City Staff and the Housing Committee and then forwarded to the City Council, who referred it to the Planning Board for comments and scheduled two public meetings on September 23rd and 28th. He suggested that the Board wait until after the public meetings to see what additional information would be provided by the public. Councilor Moreau said the City Council would want feedback from the public and the Planning Board before they made a final decision. Mr. Bowen said about 30 State laws relative to housing had changed in the last six months and he was not sure if the document digested all that, so he felt there had to be some parsing of pieces to indicate what the economic benefit would be, the impact on housing that people now lived in, and another level of reality to the document before people acted on it. Chair Chellman asked the members to bring forward at the next meeting any items that they thought were missing. The Key Implementation and Timeframe columns were discussed. Chair Chellman noted that the Housing Committee came up with a policy and recommendations and the Board's job was to make sure the public understood it.

DECISION OF THE BOARD

Councilor Moreau moved to continue review of the Housing Action Plan at the September 17th 2026 Planning Board meeting. Mr. Almeida seconded. The motion passed with all in favor.

C. Heritage Commission [Timestamp 52:38]

Mr. Stith said the City Council voted in July to recommend that the Planning Board review the potential status of the Heritage Commission' deadline of September 28th. He said he and Chair Chellman did some research into what was currently allowed for demolition and historic preservation. He said there is the Historic District Commission (HDC) that has distinct boundaries to their Historic District and there is the Demolition Review Ordinance, and he explained how someone could be exempt from the Demolition Review Ordinance. He said a Heritage Commission would be more advisory and advise land use boards on applications, grants, how to seek funding, and how to conduct surveys and education to the public. He said he and Chair Chellman had talked to the Legal Department about creating a Heritage Commission through the Innovative Land Use Control Statute and that it was a potential path forward. Chair Chellman said there was a way to prevent demolition of some buildings outside the Historic District without involving the Innovative Land Use Control Statute. He said it could be a more limited Historic District that could deal just with demolitions of certain structures. He said criteria would have to be established to prevent demolitions, but there were buildings that were not in the Historic District that would probably conform. He said if the context of the new building did not fit into the neighborhood, the issue would go to the Planning Board and not the HDC. He said the Heritage Commission could do a lot of the research and make a recommendation to the Planning Board, or the Board could do it itself. He said the Heritage Commission could only make a recommendation for something like a massing limitation but it would have to be adopted by the City Council and brought to the Planning Board to make it a requirement. The current time constraints of demolition permits (90 days) was discussed as well as whether demolished buildings could be turned into affordable housing. The potential workload on City Staff and land use boards was discussed. Chair Chellman said the Board needed more information and had until September 28th to continue the discussion.

DECISION OF THE BOARD

Mr. Almeida moved to continue review of the potential establishment of a Heritage Commission to the September 17th, 2026 Planning Board meeting. Ms. Conard seconded. The motion passed with all in favor.

IV. OTHER BUSINESS [Timestamp 1:12:22]**A. 409 and 411 Lafayette Road – Post Approval Waiver Request**

Mr. Stith said it was a two-lot subdivision north of the high school and that minor utility work was paid through an excavation permit. He said it was requested to waive the requirement to post a bond to do a subdivision and that the Department of Public Works was okay with it.

DECISION OF THE BOARD

Councilor Moreau moved that the Board grant the requested waiver from Section IX.1 of the Subdivision Ordinance.

- 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.*

Ms. Wolf seconded. The motion passed with all in favor.

B. Board Discussion of Regulatory Amendments and Other Matters**i. Site Plan Review Regulation Amendments [Timestamp 1:14:00]**

Mr. Stith said the Site Plan amendments were copied over from Article 11 last month and were simplified with the Planning Board's guidance. He said the guest parking requirement was removed and the Table of Uses condensed and grouped into categories. He said the big change was the Parking Flexibility section which allows the Planning Director to modify parking. He said the amendment was about when Site Plan is required and if more than five parking spaces are created, it could be added to the Flexibility Section so that it would be appropriate for the Planning Director to modify a change of use. He said if there were five or less parking spaces required, the Planning Director could approve it administratively, but if there were five or more parking spaces, it would have to go back to the Planning Board for modification. He said he would word Section 4.3.1, Administrative Parking Modification, for the next meeting. Chair Chellman said there were also more changes at the beginning of the document to make it more in conformance with the State code when a Site Plan is required. He said the objective was to delete Section B in the future, but there was talk about amending the Subdivision Ordinance to capture condominium conversions as a subdivision, so for now Section B would remain. He said a lot of the dimensional requirements for parking aisles were not changed and that the Downtown Overlay District (DOD) requirements were left in. He said that inns were added to the DOD in Section 4.8. There was further discussion on whether inns required parking and it was said that the guest parking requirement was removed because it was no longer allowed by the State.

DECISION OF THE BOARD

Councilor Moreau moved to schedule a public hearing on the proposed amendments to the Site Plan Review Regulations at the September 17th, 2026 Planning Board meeting. Ms. Wolf seconded. The motion passed with all in favor.

ii. Subdivision Ordinance Amendments [Timestamp 1:21:47]

Mr. Stith said there was one change that was referred to the City Council the previous month about abutter noticing within 300 feet and that it was to make it more consistent with the State statute for abutter notification. He said the current definition of an abutter in the Subdivision Ordinance was any person who owns land within 200 feet of the boundaries of the land under consideration, and the proposed change would be that it would be a person or entity meeting the definition of abutter contained in RSA 6723 as amended to be consistent with the state RSA. He said the Board would notify accordingly for Subdivision applications.

DECISION OF THE BOARD

Councilor Moreau moved to schedule a public hearing on the proposed amendments to the Subdivision Ordinance at the September 17th, 2026 Planning Board meeting. Mr. Almeida seconded. The motion passed with all in favor.

iii. Historic District Boundary Amendments [Timestamp 1:23:28]

Mr. Stith said the Board had discussed advancing just the changes on Middle Street for the Historic District boundary. He said the HDC met in July and did not have any changes to their original recommendations to the Board. He said a letter was received in January from the property owner of 670 Middle Street, a condo property that was proposed to be included. He said the owner requested that his property be removed from the Historic District. He said the house at 873 Middle Street property also accessed Middle Street but the current boundary split that parcel in half. Chair Chellman said it would be unusual to split a front condo unit that was in the Historic District. He said it was not desired to have the Historic District line go through a property because it should be the entire property. He said the condo in question had frontage on two roads and was irregularly shaped and was really acting as if it were two lots even though legally it was not. He said keeping it that way it is made sense.

DECISION OF THE BOARD

Councilor Moreau moved to recommend that the City Council schedule first reading on the proposed Historic District map amendments as amended. Mr. Almeida seconded. The motion passed with all in favor.

iv. Article 10 Amendments [Timestamp 1:30:48]

Chair Chellman said the changes for the Conditional Use Permit (CUP) for the wetland impacts had been in the works for some time and that a meeting was needed with the Conservation Commission to discuss it. He said the HDC also wanted to meet to discuss the Master Plan. He suggested meeting an hour before the regular September 17th Planning Board meeting.

Chair Chellman asked the Board members how they felt about starting the monthly Planning Board meetings at 6:00 p.m. instead of 7:00. The members liked the idea. Councilor Moreau said they should check with the Legal Department to make sure they could do that. Mr. Stith said Utile would be joining the HDC at their September 9th meeting to get feedback for the Master Plan and asked if the Planning Board should be involved. Chair Chellman said it was a joint meeting, so the Planning Board should attend and that he would talk to the HDC Chair about it.

DECISION OF THE BOARD

There was no decision made by the Board.

C. Chairman Updates and Discussion Items [Timestamp 1:36:16]

Chair Chellman said the Master Plan was in the final stages of text compilation and that the recommendations from the consultants would come in the following Monday. He said they had a

minor revision schedule and a major one. He said he didn't feel that there was enough time for the Board to adequately review it, so the adoption of the updates would be either at the October 15th Planning Board meeting or the November 5th one. It was further discussed.

V. ADJOURNMENT

The meeting adjourned at 8:40 p.m.

Submitted,
Joann Breault
Planning Board Meeting Minutes Taker



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: Public Service Company of NH dba Eversource Energy Date Submitted: 6/24/2026

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

Site Address: E194 Utility Right-of-Way, Schiller Substation Map: 214 Lot: 3

☒	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	Submitted electronically
☒	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.	See included Conditional Use Permit Application Package

☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
☒	Basic property and wetland resource information. (10.1017.21)	See included Conditional Use Permit Package
☒	Additional information required for projects proposing greater than 250 square feet of permanent or temporary impacts. (10.1017.22)	See included Conditional Use Permit Application Package
☒	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)	See included Conditional Use Permit Package
☒	Balance impervious surface impacts with removal and/or wetland buffer enhancement plan. (10.1017.24)	See included Conditional Use Permit Application Package

☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
☒	Wetland buffer enhancement plan. (10.1017.25)	See included Conditional Use Permit Package
☐	Living shoreline strategy provided for tidal wetland and/or tidal buffer impacts. (10.1017.26)	Not Applicable
☒	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)	See included Conditional Use Permit Application Package
☐	Vegetated Buffer Strip slope of greater than or equal to 10%. (10.1018.22)	Not Applicable
☒	Removal or cutting of vegetation, use of fertilizers, pesticides and herbicides. (10.1018.23/10.1018.24/10.1018.25)	See included Conditional Use Permit Application Package
☐	All new pavement within a wetland buffer shall be porous pavement. (10.1018.31)	Not Applicable
☐	An application that proposes porous pavement in a wetland buffer shall include a pavement maintenance plan. (10.1018.32)	Not Applicable
☐	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)	To be discussed with the conservation commission
☒	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.	See included Conditional Use Permit Application Package
☐	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.	NHDES Wetland Permit By Notification will be submitted for this Project

Applicant's Signature:  Date: 6/24/2026

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: 9-17-26

Property Address: Eversource Pole Replacement

Application #: LU-26-90

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 10.1017.60 (Criteria for Approval) of the Zoning Ordinance.

	Zoning Ordinance Sector 10.1017.60 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
1	<i>1. The proposed project is in the public interest.</i>	Meets Does Not Meet	The project is necessary to maintain existing corridor powerlines with upgraded support poles.
2	<i>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. 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	The applicant has stated that wooden timber matting will be used to minimize the soil disturbance of wetlands and sensitive areas. Applicant has committed to temporary impacts only and will no longer be utilizing permanent gravel roadways, as previously proposed.

	Zoning Ordinance Sector 10.1017.60 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
3	<i>3. No alternative feasible route exists which does not cross or alter a wetland or have a less detrimental impact on a wetland.</i>	Meets Does Not Meet	The applicant appears to have chosen the routes with the least amount of impact to access the replacement poles.
4	<i>4. Alterations of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals</i>	Meets Does Not Meet	The majority of vegetation is expected to return to its original configuration after the timber mats are removed.
	<u>Other Board Findings:</u>		



Memorandum

To: City of Portsmouth Planning Board
1 Junkins Avenue
Portsmouth, NH 03801

Date: August 3, 2026

Project #: 22774.00

From: Sherrie Trefry, CSS
2 Bedford Farms Drive Suite 200
Bedford, NH 03110

Re: Eversource E194 Transmission ACR Maintenance Project
City of Portsmouth Conditional Use Permit

To whom it may concern:

On behalf of the Applicant, Public Service of New Hampshire (PSNH) d/b/a Eversource Energy (Eversource), VHB is submitting this revised application for a Conditional Use Permit (CUP) for proposed utility maintenance on the existing 115kV E194 Transmission Line in Portsmouth, New Hampshire. The information provided should replace or supplement information in the original application. Changes to the application were undertaken following the July 8, 2026 Conservation Commission meeting in response to comments. This project qualifies for a Conditional Use approval as a private utility within right-of-way (ROW) in accordance with section 10.1017.60 of the zoning ordinance and is required for the proposed work to allow impacts within the wetland buffer. Contact information for the applicant and consultants is provided in the table below:

Name	Ashley Nicoletti	Sherrie Trefry	Trent Delehanty
Role	Applicant	Permitting Lead	Certified Wetland Scientist
Telephone	603-634-2992	603-391-3951	603-391-3853
E-mail	Ashley.Nicoletti@Eversource.com	STrefry@VHB.com	TDelehanty@VHB.com
Address	13 Legends Drive, Hooksett, NH 03106	2 Bedford Farms Drive, Suite 200, Bedford, NH 03110	2 Bedford Farms Drive, Suite 200, Bedford, NH 03110

During the Conservation Commission meeting that took place on July 8, 2026, the Commission continued review of the CUP until the August 12, 2026 meeting to allow Eversource to provide additional technical documentation and details. Minutes of this meeting can be found in **Attachment F: July 8, 2026 Conservation Commission Meeting Minutes**. Upon further discussion between Eversource, project contractors and VHB the decision was made to use temporary upland matting in place of gravel to eliminate the previously proposed permanent impacts to the wetland buffers. An updated set of project plans dated July 30, 2026 can be found in **Attachment A: Project Plans**.

Summary of Changes and Supporting Documentation

The following information is being provided to outline the changes between this application package, and the package uploaded and delivered on June 24, 2026.

Discussion of Plan Changes

The major revision to the **Project Plans** was to remove the proposed gravel impacts to the wetland buffers, and to depict the temporary upland matting that will be used instead to provide safe and stable access for Eversource and

their contractors to complete the proposed work. Another plan change includes the shift of Structure 15 to be 30 feet back along the line to provide a safe setback from a newly developed roadway.

Observed Site Changes

VHB Certified Wetland Scientist, Trent Delehanty, revisited the proposed work sites on July 1, 2026 to ensure site conditions were similar to those when initial delineation efforts were completed. Most of the site was in a similar condition as it was during the delineation effort. However, a major site change was identified around Structure 15 where a new access road to a housing development under construction replaced the parking lot that previously surrounded Structure 15. Structure 15 is now within 3 feet of an active roadway which presents safety and reliability concerns. Eversource re-engineered this span to address the new condition and proposes to move Structure 15 30 feet back along the line. Upland matting will be used to create access and a 100 x 100 ft work pad around the base of the structure to minimize impact to this newly restored area. For reference, please see **Attachment B: Photographic log** which provides documentation of the new site conditions.

Additional Supporting Documentation

Construction specifications for the gravel access and timber matting used in wetlands by Eversource have been provided in **Attachment G: Construction Specifications**.

Conditional Use Permit Documentation and Adherence to the City of Portsmouth Zoning Ordinance

The changes described above have altered the responses to the following sections:

- Section 10.1017.20(4)
- Section 10.1017.20(6), including *Table 3*
- Section 10.1017.20(8), including *Table 4*
- Section 10.1017.22(3)
- Section 10.1017.24
- Section 10.1017.25(1)
- Section 10.1017.31
- Section 10.1017.32

Section 10.1017.20: Application Requirements

Section 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 activities and uses;

Copies of the **Tax Maps** are included in **Attachment C** and a **USGS Site Location Map** is included in **Attachment D**.

Work will be conducted within Eversource property or Eversource-held easements. The Applicant does not own the underlying parcels of the 12 replacement structures that work will be conducted on but has permission to conduct

maintenance on the existing assets under the easements. Current use of the project location is Utility ROW that are underlain by commercial and industrial uses. Existing conditions, including wetlands and their buffers, are described below in the other CUP requirements. Locations of the structures to be replaced are provided directly below with their respective tax map and parcel numbers:

- Structure 15: Tax Map 239, Lot 18
- Structure 16: Tax Map 239, Lot 16
- Structure 18: Tax Map 238, Lot 20
- Structures 21-24: Tax Map 237, Lot 56
- Structure 26: Tax Map 236, Lot 34
- Structure 37: Tax Map 240, Lot 2-1
- Structure 38: Tax Map 240, Lots 2-2001 and 3
- Structures 39 and 40: Tax Map 240, Lot 3

(2) Location and area of all jurisdictional areas (vernal pool, inland wetland, tidal wetland, river or stream) on the lot and within 250 feet of the lot;

VHB Wetland Scientists surveyed for and delineated jurisdictional resource areas in August of 2025. Resources delineated within the project area included multiple wetlands and a small section of an ephemeral stream. VHB-delineated wetlands and historical wetland boundaries within the vicinity of the project are depicted on the **Project Plans** provided in **Attachment A**. A description of the methodology used is provided in **Section 10.1017.22(1)** below. A brief description of each wetland location and size is provided below in **Table 1**. No tidal wetlands, potential vernal pools, or major watercourses were identified within the proposed project area. Jurisdictional areas on abutting properties or outside of the surveyed utility ROW and Eversource owned properties were assessed using the land resource management permit planning tool (LRMPPT) and GRANITview mapper. Layers such as the National Wetlands Inventory (NWI), and Priority Resource Area (PRA) data were reviewed to assist in describing these resources. Wetlands that extend outside of the surveyed utility ROW are denoted with a "+" within **Table 1** to note that the area is larger than what is provided due to the limit of the wetland delineation to the ROW.

Table 1 Jurisdictional Wetland Summary

Wetland ID	Cowardin Classification	Plan Set Sheet	Total Size of Wetland (SF)*
W-2	PEM5/1C	2	306,642+***
W-3	PEM/PSS1C	2	18,135
W-5	PSS1C	2	11,869
W-6	PSS1C/E, PEM1C/E	2	7,134+**
W-6A	PEM1/5E	2	89,727+
W-7	PEM1C/E, PEM5E	3	71,973
W-8	PEM1C	3	54,994+
W-10	PEM1C, PEM5C/E	3	11,458
W-11	PEM5E, PEM1C, PSS1C/E	4	109,614+
W-12	PEM5E	4	121,242+
W-14	PEM1E	4	10,804+

* As stated above, the total size of the wetlands is derived from the delineations performed within the project area. Resources that extend outside of the boundary are noted with a "+" to indicate the full extent of the wetland was not quantified.

**Wetland W-6 was not fully delineated as the boundary extends outside of the ROW. It is estimated that this wetland, if fully delineated, would be greater than 10,000 SF and therefore a jurisdictional wetland.

***Wetland W-2 was not delineated in the field as no impacts were anticipated to the wetland. Observations were made to confirm the location from a previous delineation conducted in the ROW. The size of the wetland is from the shapefile provided from this previous delineation, and the SF may vary.

(3) Location and area of wetland buffers on the lot;

All delineated wetlands within the vicinity of work locations deemed jurisdictional by the City of Portsmouth include 100-foot wetland buffers. Buffers may not be included in their entirety due to limit of survey. Area of the buffers provided will be calculated for the area within the ROW. Wetland buffers are described in detail in **Section 10.1017.22(3)**, locations can be found in the **Project Plans** provided in **Attachment A**, and a summary is provided in **Table 2** below.

Table 2 Jurisdictional Wetland Buffer Summary

Wetland ID	Cowardin Classification	Plan Set Sheet	Total Size of Wetland Buffer (SF)*
W-2	PEM1/5E	2	132,193+
W-3	PEM/PSS1C	2	144,919+ **
W-5	PSS1C		
W-6	PSS1C/E, PEM1C/E		
W-6A	PEM1/5E	2	93,853+
W-7	PEM1C/E, PEM5E	3	217,120+ **
W-8	PEM1C		
W-10	PEM1C, PEM5C/E	3	80,527+
W-11	PEM5E, PEM1C, PSS1C/E	4	134,316+
W-12	PEM5E	4	135,391+ **
W-14	PEM1E		

* As stated above, the total size of the wetland buffers is derived from the delineations performed within the project area. The buffers created are only shown within the E194 Utility ROW where work is to take place. Wetland buffers that extend outside of the project ROW are noted with a "+" to indicate the full extent of the wetland was not measured.

**These buffers overlap and create one contiguous buffer comprised of multiple wetlands. The buffer area is provided for the full area depicted on the plans.

(4) Description of proposed construction, demolition, fill, excavation, or any other alteration of the wetland or wetland buffer;

Eversource is proposing to conduct routine maintenance work on the E194 115 kV Line in Portsmouth, New Hampshire. This work will include the replacement of 12 wood structures (15, 16, 18, 21, 22, 23, 24, 26, 37, 38, 39, and 40) with new weathered steel structures under the Asset Condition Replacement (ACR) program. The structures proposed for replacement will be replaced with weathering steel structures in the same configuration, in accordance with current construction methods and materials. The proposed project is part of Eversource's ongoing maintenance program conducted to ensure reliable electric service for their customers. The Eversource transmission system is an integral part of the regional power system delivering electricity to customers throughout New England. It is critical that this system remains operational without interruption from preventable outages. Contingent upon permit approvals, work is planned to commence in the fall of 2026.

The work locations of this project are located within vegetated and commercially developed areas of the E194 ROW. The line originates at the Schiller Substation in Portsmouth where it extends southeast to the Ocean Road Substation in Greenland. Access to the ROW will be from established roadways that intersect the ROW or commercial parking lots

that occur within the ROW. Please see the **Project Plans** included as **Attachment A** to view the locations of the proposed access and work areas.

Most of the replacement structures will be installed within 5 to 10 feet ahead or behind the existing structure footprint. Structure 22 will be relocated 20 feet behind the existing structure to optimize the design, and Structure 15 will be relocated 30 feet behind the existing structure to ensure a safe setback from a newly established roadway. Structures 37-39 will be replaced in-kind (cut and kick) because these structures are in or adjacent to existing parking lots. Most of the height of the new structures will increase between 5-20 feet to gain compliance with current regulatory standards, meet safety clearance requirements, accommodate the site topography, and minimize environmental impacts. Structure 16 will increase in height by 35 feet to gain clearance over an electric line that runs under the 115 kV transmission line. The proposed work will be contained within the existing cleared utility ROW, and no additional tree clearing or widening of the ROW is proposed.

All excavated spoils will be spread within an upland area of the project ROW (outside of NHDES or Portsmouth jurisdictional areas, including wetland buffers) or will be trucked off-site and properly disposed of. Prior to accessing work sites with construction equipment, crews will install wildlife friendly erosion and sediment control barriers in accordance with permitting plans and details, New Hampshire Department of Environmental Services (NHDES) conditions, and the Best Management Practices Manual for Utility Maintenance in and Adjacent to Wetlands and Waterbodies in New Hampshire (or "Utility BMP Manual," March 2019), published by the New Hampshire Department of Natural and Cultural Resources (NHDNCR). Erosion and sediment control barriers will not be removed until project work is complete, and all project areas are stabilized.

All wetland impacts proposed will be temporary to access structures, and to build work pads at structures proposed for replacement. Upland work areas proposed within wetland buffers will be temporarily impacted using upland matting and will follow previously used access paths to provide a stable location for matting to be placed. A *Swamp Mat Detail* describing wetland timber matting is provided in **Attachment G: Construction Specifications**.

After the completion of the structure replacement work, construction debris will be removed from the project ROW and properly disposed of off-site. The work pads, where applicable, will be reduced to a 30-foot by 60-foot work pad with the remainder of the work pad being restored. Refer to the **Project Plans** provided in **Attachment A** for the location of existing wetlands, utility structures, proposed access routes, and construction work pads.

(5) Setbacks of proposed alterations from property lines, jurisdictional areas and wetland buffers;

No property line changes or permanent alterations are proposed as part of this project. All structure replacements will occur in kind, and no additional buildings, structures, or dwellings are proposed as part of this project.

(6) Location and area of wetland impact, new impervious surface, previously disturbed upland;

Locations of wetland impacts are shown in the **Project Plans** provided in **Attachment A**. All wetland impacts proposed are temporary using timber matting. Access roads within the ROW will follow historically used routes for maintenance or past construction activities when possible. Proposed routes will utilize these areas of historic grading, disturbance, and legacy gravel to provide a smaller footprint on the landscape, and provide stable locations for placement of upland matting within the wetland buffers.

All work within wetland buffers will be utilized with temporary upland matting. As such, no ground disturbance or fills are anticipated within the wetland buffers depicted in the Project Plans. If unforeseen disturbance occurs within the wetland buffer, these areas will be restored following the wetland buffer enhancement plan detailed in **Section 10.1017.25** of the previously submitted CUP application package.

A summary of impacts to wetlands are displayed in **Table 3** below.

Table 3 Wetland and Wetland Buffer Impact Summary

Associated Structure(s)	Wetlands Impacted*	Type of Impact	Total Impact (SF)
16	W-3, W-5, W-6	Temporary Wetland Buffer	9,241
		Temporary Wetland	W-5: 7,422
15	W-2	Temporary Wetland Buffer	8,204
18	W-6A	Temporary Wetland Buffer	1,844
22 and 23	W-7, W-8	Temporary Wetland Buffer	21,312
		Temporary Wetland	W-7: 10,202
			W-8: 3,415
			Total: 13,617
38	W-12	Temporary Wetland Buffer	1,503
		Temporary Wetland	W:12 7,778
40	W-11	Temporary Wetland Buffer	1,427
		Temporary Wetland	W-11: 8,573
Totals		Temporary Wetland Buffer	43,531 SF
		Temporary Wetland	37,390 SF

*Temporary matting impacts are shown to wetlands W-4, W-9. These wetlands were delineated and marked as jurisdictional through RSA 482-A:2X but are less than 10,000 SF. Use of timber matting within these wetlands is not calculated as Portsmouth jurisdictional impacts. A wetland buffer does not apply to wetlands less than 10,000 SF.

(7) Location and description of existing trees to be removed, other landscaping, grade changes, fill extensions, rip rap, culverts, utilities;

As further discussed in **Section 10.1018.23** below, no trees will be removed as part of this project. Access roads to be established will be graded and stabilized with gravel to allow for safe transport of crews and equipment to work locations. Timber matting will be utilized to cross wetlands within the ROW to access the structures targeted for replacement and minimize soil disturbance by avoiding rutting by equipment. Upland matting is proposed to be used to create the work area for Structure 18 to protect the existing landscaping and established vegetation associated with the Home Depot parking lot. Work pads that will be established within the vegetated work areas will have the dimensions of 100 feet x 100 feet to provide adequate work pads for crews to replace the proposed structures. Minor grading may be required to create level and safe work pads for Eversource employees and contractors as part of this work. Locations of disturbances are shown in the **Project Plans** provided in **Attachment A**.

(8) Dimensions and uses of existing and proposed buildings and structures.

E194 Transmission structures currently are wooden H-Frame structures that will be replaced in kind with industry-standard weathered steel structures. Structure heights will be increased as necessary to achieve the required vertical clearance requirements between ground vegetation and overhead electric transmission lines. The above ground heights of existing structures, proposed structures, and the change in height is provided in **Table 4** below.

Table 4 Structure Height Summary Table

Structure Number	Existing Above Ground Height (ft)	Proposed Above Ground Height (ft)	Proposed Height Change (ft)
15	60.6	74.8	14.2
16	52	83.5	31.5
18	74.5	79	4.5
21	54.2	65.5	11.3
22	42.7	61	18.3
23	43	61	18
24	44.2	61	16.8
26	53	56.5	3.5
37	70	74.5	4.5
38	57.4	65.5	8.1
39	47.5	56.5	9
40	53.6	65.5	11.9

(9) Any other information necessary to describe the proposed construction or alteration.

VHB has consulted with New Hampshire Fish and Game, and the Natural Heritage Bureau for rare, threatened, and endangered ("RTE") species on behalf of Eversource. This RTE species information is confidential, however, state agency recommendations are being implemented to protect these species. Additional botanical surveys will be completed within the appropriate time of year to identify and demarcate occurrences of protected species, if present, for avoidance within the vicinity of work areas.

Section 10.1017.22: Where the proposed project will involve the temporary or permanent alteration of more than 250 sq. ft. of wetland and/or wetland buffer, the application shall provide information about the affected wetland and wetland buffer as follows:

- (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.**

Wetlands and jurisdictional resources within the project work areas and ROW were delineated by VHB wetland scientists in August of 2025. Delineation of natural resources was limited to the ROW and did not include the entire parcel. Wetland delineation was performed in accordance with procedures and standards outlined in the *1987 Corps of Engineers Wetland Delineation Manual* and the *Regional Supplement to the Corps of Engineers Wetland Delineation*

Manual: Northcentral and Northeast Region, Version 2.0 (January 2012). Wetland review also relied upon the *Field Indicators for Identifying Hydric Soils in the United States*, Version 9.2, published by the Natural Resource Conservation Service and *Field Indicators for Identifying Hydric Soils in New England*, Version 5.0 published by New England Interstate Water Pollution Control Commission and New England Hydric Soils Technical Committee (2025). Dominant wetland vegetation was assessed using the 2022 National Wetland Plant List published by the U.S. Army Corps of Engineers.

Wetlands resources that were determined jurisdictional by these methods are included on the project mapping. Per **Section 10.1013.10** of the zoning ordinance any inland wetlands that are more than 10,000 square feet in area are deemed jurisdictional wetlands by the City of Portsmouth. Portsmouth jurisdictional wetlands have a 100-foot wetland buffer applied and are shown in the **Project Plans** provided in **Attachment A** and briefly described below. A **Photo Log** is included as **Attachment B** of this memorandum that shows the site conditions of jurisdictional resources, proposed work areas, and wetland buffers. It is important to note that the work will be taking place within the Eversource Utility ROW, and as such the total wetland and/or wetland buffer on the lot outside of the ROW was not evaluated. As previously noted, Wetland W-2 was not within the proposed work area and was not fully evaluated for impacts. The boundary of this wetland was provided by Eversource from a previous project, and was confirmed to match the downslope boundary in the field. As such a full description of this wetland is not provided below. Temporary matting impacts associated with work pads and access roads to these wetlands are further described within **Table 3 Wetland and Wetland Buffer Impact Summary** provided in **Section 10.1017.21(2)**.

- Wetland W-5 is a Palustrine, Scrub-shrub, Broad-Leaved Deciduous, seasonally flooded (PSS1C) wetland. Temporary matting impacts totaling 7,422 SF are proposed to create a stable work pad at Structure 16. The structure itself is within the wetland boundary. Native species noted within this wetland include: woolgrass (*Scirpus cyperinus*), rough-stemmed goldenrod (*Solidago rugosa*), swamp aster (*Symphyotrichum puniceum*), sensitive fern (*Onoclea sensibilis*), and species of sedge (*Carex* spp.). Invasive species were dominant in this wetland and include the following species: purple loosestrife (*Lythrum salicaria*), glossy buckthorn (*Frangula alnus*), oriental bittersweet (*Celastrus orbiculatus*), and multiflora rose (*Rosa multiflora*). It is estimated that invasive species comprise 75% of the foliar cover in this wetland.
- Wetland W-7 is a Palustrine, Emergent, Persistent, Seasonally Saturated/Flooded (PEM1C/E) and Palustrine, Emergent, Persistent/*Phragmites australis*, Seasonally Flooded/Saturated (PEM1/5E) wetland. This wetland was likely historically connected to wetland W-8 but is now divided by a narrow filled access path. Temporary impacts totaling 10,202 SF are proposed to Wetland 7 to provide access and a work area to replace Structure 22. Native vegetation within this wetland includes species of goldenrod (*Solidago* spp.), broadleaf cattail (*Typha latifolia*), silky dogwood (*Cornus amomum*), flat top white aster (*Doellingeria umbellata*), and an unidentified grass species. Invasive species within this wetland include common reed, and purple loosestrife. It is estimated that invasive species comprise 35% of the foliar cover of this wetland.
- Wetland W-8 is a Palustrine, Emergent, Persistent, seasonally flooded (PEM1C) wetland. Temporary matting impacts totaling 3,415 SF are proposed to this wetland to provide access and a work area to replace Structures 22 and 23. Native vegetation noted within this wetland includes: broadleaf cattail, rough-stemmed goldenrod, silky dogwood, species of sedge, *Spiraea* spp., soft rush (*Juncus effusus*), and flat top white aster. Invasive species within this wetland include glossy buckthorn, multiflora rose, and purple loosestrife. It is estimated that invasive species comprise 30% of the foliar cover of this wetland.

- Wetland W-11 has multiple Cowardin classifications due to the size of the wetland and range in plant communities within it. Cowardin classifications include Palustrine, Emergent, Persistent, Seasonally Saturated/Flooded (PEM1C/E); Palustrine, Emergent, *Phragmites australis*, Seasonally Flooded/Saturated (PEM5E); and Palustrine, Scrub-shrub, Broad-Leaved Deciduous, Seasonally Flooded/Seasonally Saturated (PSS1C/E). Native plant species noted within this wetland include broadleaf cattail. Invasive species within this wetland include common reed, glossy buckthorn and purple loosestrife. It is estimated that invasive species comprise 80% of the foliar cover of this wetland, primarily common reed. This wetland also extends outside of the ROW and is likely connected to, and a part of wetland W-12. This feature is mapped as Prime Wetland by the City of Portsmouth.
- Wetland W-12 is a Palustrine, Emergent, *Phragmites australis*, Seasonally Flooded/Saturated (PEM5E) wetland. This wetland has a near monoculture of the invasive species common reed, estimated at 90% of the foliar cover. Isolated patches of broadleaf cattail were observed outside of the proposed work area on the northern side of this wetland, and the plant community transitions into a stand with a greater amount of broadleaf cattail on the northern extent of this wetland adjacent to the Borthwick Avenue. This wetland also extends outside of the ROW and is likely connected to, and a part of wetland W-11. This feature is a PRA as it is mapped as Prime Wetland by the City of Portsmouth.

(2) 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.

Functions and values assessments for wetlands with 1,000 SF of proposed temporary impacts or greater were assessed using data collected in the field by VHB Environmental Scientist, Trent Delehanty (NH CWS #555), in accordance with the *U.S. Army Corps of Engineers New England District - The Highway Methodology Workbook Supplement: Wetland Functions and Values - A Descriptive Approach* (1999). Thirteen wetland functions and values are recognized under the USACE methodology and a fourteenth (Ecological Integrity) is indicated in NHDES rules as follows:

- | | |
|---|---|
| ➤ Groundwater Recharge/Discharge (GW) | ➤ Wildlife Habitat (WH) |
| ➤ Floodflow Alteration (Storage & Desynchronization) (FA) | ➤ Recreation (Consumptive & Non-Consumptive) (RE) |
| ➤ Fish and Shellfish Habitat (FS) | ➤ Educational/Scientific Value (ED) |
| ➤ Sediment/Toxicant Pathogen Retention (SR) | ➤ Uniqueness/Heritage (UH) |
| ➤ Nutrient Removal/Retention/Transformation (NR) | ➤ Visual Quality/Aesthetics (VQ) |
| ➤ Production Export (Nutrient)(PE) | ➤ Threatened or Endangered Species Habitat (ES) |
| ➤ Sediment/Shoreline Stabilization (SS) | ➤ Ecological Integrity (EI) |

The USACE Highway Methodology provides a list of considerations and qualifiers that are used to assess the occurrence of each function or value, followed by a subjective determination of Principal Functions and Values, with documentation of supporting rationale on standard forms. Ecological Integrity is a function not assessed by the USACE Highway Methodology, but is required by NHDES rule to be evaluated. This function and value assessment was determined using the NH Method created by UNH Extension. Refer to the **Wetland Function – Value Evaluation Forms** provided in **Attachment E**.

In accordance with the USACE Highway Methodology practices, functions are either assigned a P for Principal Function, or an X indicating the function or value is provided by the wetland or left blank to indicate that the function is not provided by the wetland. The results of these assessments are displayed in **Table 5** below.

Table 5 Wetland Functions and Values

Wetland ID	Cowardin Class	GW	FA	FS	SR	NR	PE	SS	WH	RE	ED	UH	VQ	ES*	EI
W-5	PSS1C	-	X	-	X	P	-	-	-	-	-	-	-	X	4.1
W-7	PEM1C/E PEM5C/E	X	P	-	-	P	-	-	-	-	-	-	-	X	5.7
W-8	PEM1C	X	P	-	-	P	-	-	-	-	-	-	-	X	5.2
W-11	PEM5E, PEM1C, PSS1C/E	P	P	-	P	P	-	-	-	-	-	X	-	X	4.4
W-12	PEM5E	P	P	-	P	P	-	-	-	-	-	X	-	X	4.4

*RTE species have been noted within the vicinity of these wetlands, and as such will be noted as functioning as endangered species habitat. Due to the sensitive nature of these species, no additional information can be given at this time.

Nutrient removal/retention/transformation is a principal function of all these wetlands. Floodflow alteration was a principal function that was present in each of these wetlands, other than W-5 where it was identified as a function or value provided by the wetland. These functions and values are common within wetlands found in utility ROW corridors in low lying areas. These areas commonly provide storage of water during flood events and can trap nutrients in runoff water from upslope areas. Temporary matting impacts will not adversely impact these functions and values. W-11 and W-12 are large and extend outside of the surveyed work area. According to the desktop screening, these wetlands are within, or likely continuous with Prime Wetlands within the City of Portsmouth. As such additional principal functions of groundwater recharge/discharge, and sediment/toxicant/pathogen retention were identified. These principal functions provide the potential for the wetlands to serve as groundwater recharge and/or discharge areas, and the potential to trap sediment, toxicants, or pathogens in runoff water from surrounding uplands or upstream eroding wetland areas. Temporary matting impacts will not adversely impact these principal functions.

- (3) **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.**

Inland wetlands W-2, W-3, W-5, W-6, W-6A, W-7, W-8, W-10, W-11, W-12, and W-14 are greater than 10,000 square feet, and 100-foot wetland buffers were inventoried in the field. These 100-foot wetland buffers are shown in the **Project Plans** provided in **Attachment A**. Additionally, a brief description of each buffer is provided below, and a table that describes the size of the buffers is provided in **Table 2** which is included in **Part 10.1017.21(3)** above. Wetland buffers and the associated plant species composition were only described within the Eversource ROW. Proposed work disturbances within the 100-foot wetland buffers are provided in **Table 3 Wetland and Wetland Buffer Impact Summary** which is included in **Part 10.1017.21(2)** above.

- The buffer of wetland W-2 is within an urban area, and primarily consisted of a parking lot that housed Structure 15 during delineation. As previously described, this area is now a recently reclaimed roadside that had recently been hydroseeded during the July 1, 2026 site visit. This area also includes a stormwater outfall along the hillside that wetland is located on the toe of slope. Upland species noted (not including the hydroseed that has yet to germinate) include: staghorn sumac (*Rhus typhina*), species of goldenrod, common milkweed (*Asclepias syriaca*), brambles (*Rubus* spp.), and species of vetch (*Vicia* spp.). No invasive species were observed within the buffer. The impervious surface was estimated to be 25% of the buffer within the proposed work area. Temporary upland matting will be used to access to Structure 15 and proposed work area.
- The buffer of wetland W-3 contained the following native plant species: American basswood (*Tilia americana*), and pokeweed (*Phytolacca americana*). Invasive flora species within the buffer include glossy buckthorn, multiflora rose, common tansy (*Tanacetum vulgare*), and oriental bittersweet. These invasive species comprised approximately 60% of the foliar cover of the buffer. Additionally, a portion of the northern portion of the buffer includes a developed and impervious roadway. The impervious surface of the buffer is estimated to be 5%.
- The buffer of wetland W-5 contained the following native plant species: American basswood, staghorn sumac, pokeweed, bracken fern (*Pteridium aquilinum*), and rough-stemmed goldenrod. Invasive flora species within the buffer include oriental bittersweet, glossy buckthorn, common tansy, and multiflora rose. Invasive species comprise approximately 50% of the foliar cover of the buffer. Additionally, an impervious roadway to the south of Structure 16 comprises a portion of the buffer. The impervious surfaces are estimated to be 10% of the wetland buffer.
- The buffer of wetland W-6 includes the following native plant species: staghorn sumac, bracken fern, and American basswood saplings. Invasive flora species observed within this buffer include species of smartweed (*Polygonum* spp.), oriental bittersweet, common tansy, glossy buckthorn, and multiflora rose. Invasive species comprise approximately 50% of the foliar cover within the buffer. Impervious surfaces associated with this buffer include a roadway that is within the buffer to the south, and a shopping complex with impervious loading docks to the east. Impervious surfaces are estimated to be 30% of the wetland buffer.
- The buffer of wetland W-6A extends to the work area of Structure 18. Buffer vegetation includes staghorn sumac and species of goldenrod. Impervious surfaces associated with this buffer include commercial parking areas and Arthur Brady Drive which comprises approximately 65% of the wetland buffer. Access to Structure 18 is proposed on existing paved driveway. Upland matting will be used to protect the landscaped and maintained vegetation associated with Home Depot, and no ground disturbing impacts outside of the structure replacement is proposed at this location.
- The buffer of wetland W-7 includes the following native plant species: flat-top goldentop (*Euthamia graminifolia*), rough-stemmed goldenrod, black cherry (*Prunus serotina*), an unidentified species of grass, species of meadowsweet, and brambles. Invasive species found within the buffer of this wetland include glossy buckthorn, multiflora rose, oriental bittersweet, and common mullein (*Verbascum thapsus*). Invasive species comprise approximately 25% of the observed wetland buffer. No impervious surfaces were documented within the wetland buffer within the utility ROW.
- The buffer of wetland W-8 includes the following native plant species: flat-top goldentop, rough-stemmed goldenrod, common burdock (*Arctium minus*), common mullein, staghorn sumac, species of meadowsweet, and brambles. Invasive species found within the buffer of this wetland include autumn olive (*Elaeagnus umbellata*), glossy buckthorn, multiflora rose, and oriental bittersweet. Invasive species comprise approximately 40% of the

observed wetland buffer. Impervious surfaces within the wetland buffer include a paved commercial parking area south of the wetland. The estimated impervious area is approximately 5% of the wetland buffer.

- The buffer of wetland W-10 included the following native plant species: staghorn sumac, aspen (*Populus tremuloides*), rough-stemmed goldenrod, and bracken fern. Invasive species found within the buffer of this wetland include glossy buckthorn, purple loosestrife, and common reed. It is estimated that invasive species comprise 60% of the foliar cover of the wetland buffer. It is also important to note that an impervious roadway to the east and a car dealership to the west provide impervious surface within this wetland buffer and comprise approximately 30% of the wetland buffer. Impacts to this buffer have been avoided, all proposed access within the buffer is through existing access and no ground disturbance within the buffer is proposed.
- The buffer of wetland W-11 included the following native plant species: staghorn sumac, bracken fern, brambles, and American basswood. An unknown grass species was observed within the mowed roadway and could not be positively identified. Invasive species within this buffer include glossy buckthorn and purple loosestrife. It is estimated that invasive species comprise 30% of the foliar cover of the wetland buffer. This wetland buffer is largely comprised of impervious surfaces associated with the roadway to the west, and parking lots to the north, east, and south. Impervious surfaces are estimated at 90% within the project ROW.
- The wetland boundary of W-12 abuts the parking lot where proposed work will take place. Impervious parking lot and roadways comprise much of this wetland buffer. The wetland buffer adjacent to the roadway contains native vegetation including staghorn sumac, and an unidentified species of grass. Invasive species along this roadway include multiflora rose and oriental bittersweet. This wetland buffer is largely comprised of impervious surfaces associated with the roadway to the north, and parking lots to the south. Impervious surfaces are estimated at 80% within the wetland buffer in the project ROW. No wetland buffer impacts are proposed with work associated with Structure 37 as work is contained within previously developed parking facilities associated with the Portsmouth Hospital.
- The buffer of W-14 is comprised primarily of impervious surfaces associated with the parking lot of the Portsmouth Regional Hospital and Borthwick Avenue. Plant species within vegetated portions of this buffer include an unknown grass species and Japanese knotweed (*Polygonum cuspidatum*). The edges of this swale are routinely mowed which made plant identification difficult. An estimated 20% of the vegetated portion of the buffer is Japanese Knotweed. The impervious surfaces comprise approximately 95% of the wetland buffer. No wetland buffer impacts are proposed with work associated with Structure 37 as work is contained within previously developed parking facilities associated with the Portsmouth Hospital.

Section 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.

Please view the responses to **Section 10.1017.60** below.

Section 10.1017.24: Where feasible, the application shall include removal of impervious surfaces at least equal in area to the area of impervious surface 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 it is not feasible to remove impervious surfaces from the wetland buffer 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.

Construction disturbance has been avoided and minimized throughout the design process and while planning the construction of this project. No permanent wetland or wetland buffer impacts are proposed as part of this project. Following installation of the new structures, the existing wood poles will be removed from the ROW and properly disposed of.

Where possible, proposed access routes occur within the footprint of historic access used for previous maintenance and construction projects within the ROW. These areas have undergone previous grading and road building, and utilizing these routes reduces the amount of temporary impact on the landscape and provides a more stable location for mats to be placed within the wetland buffers.

A wetland buffer enhancement plan has been provided in **Section 10.1017.25(1)** below. As discussed in the previous application package **Section 10.1017.22(2)** functions and values of the wetlands are not anticipated to be impacted adversely as part of this project, and restoration in accordance with the wetland buffer enhancement plan will maintain the current functions and values of the wetlands.

Section 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

(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.

As stated in **Section 10.1017.20(4)** the project proposes unavoidable temporary impacts to the wetland buffer. These proposed impacts consist of temporary upland matting to facilitate access to the structures proposed for replacement. No soil disturbance is anticipated within the wetland buffers, but if disturbance were to occur, the following best management practices will be undertaken to ensure a stable and functional wetland buffer remains on the landscape. If soil disturbance is to occur these sediments will be stabilized with a native upland plant seed mix and mulched with weed-free straw. No contractor has been selected for this project and seed mix composition can vary by contractor preference. A common seed mix used within utility ROWs is New England Erosion Control/Restoration Mix for dry sites produced by New England Wetland Plants, Inc. Species included within this mix are Canada wild rye (*Elymus canadensis*), annual ryegrass (*Lolium multiflorum*), perennial ryegrass (*Lolium perenne*), little bluestem (*Schizachyrium scoparium*), Indian grass (*Sorghastrum nutans*), switch grass (*Panicum virgatum*), and upland bentgrass (*Agrostis perennans*). Native species used within these mixes are typically quick to establish on sites providing soil stabilization and compatibility with the utility ROW use. Best management practices outlined in the *Best Management Practices Manual for Utility Maintenance in and Adjacent to Wetlands and Waterbodies in New Hampshire* (or "Utility BMP Manual," March 2019), published by the New Hampshire Department of Natural and Cultural Resources (NHDNCR), and recently issued *New Hampshire Stormwater Manual* (or "Stormwater Manual", February 2025) will be adhered to. A qualified environmental monitor will conduct inspections weekly as work progresses on the site and will monitor the site post construction to ensure disturbed soils throughout the project areas including within wetland buffers are stabilized. Per the recommendations

of the forementioned Stormwater Manuals a site is deemed to be stabilized when a minimum of 85% vegetative cover has been established.

(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.

Please see the wetland buffer enhancement plan described above. Quickly establishing native plant mixes are preferred within utility ROWs to control erosion and provide the disturbed areas a native seedbank. Due to the routine vegetation maintenance that occurs within Eversource utility ROWs (typically every five to seven years), aside from some low growing shrub species, woody stemmed vegetation is difficult to establish into perpetuity.

Section 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;

As described above, the project will include the replacement of thirteen wood structures (15, 16, 18, 21, 22, 23, 24, 26, 37, 38, 39, and 40) with new weathered steel structures under the ACR program. The structures proposed for replacement will be replaced in the same configuration, in accordance with current construction methods and materials. The proposed project is part of Eversource's ongoing maintenance program conducted to ensure reliable electric service for their customers. The Eversource transmission system is an integral part of the regional power system delivering electricity to customers throughout New England. It is critical that this system remains operational without interruption from preventable outages.

(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;

Avoidance and minimization of impacts to jurisdictional resources was considered when designing the access routes and work areas. The following standard best management practices will be adhered to during and post construction.

In areas which ground disturbance will occur as part of this work, crews will install wildlife friendly erosion and sediment control barriers in accordance with the *Utility BMP Manual* and *Stormwater Manual*. Selected BMPs may include straw wattles, silt fence, wood chip/compost berms/tubes, and/or other approved BMPs. No erosion control BMPs with welded plastics will be used.

Other BMPs such as stabilized construction exits, water bars, and erosion control blankets will also be used along proposed access ways and adjacent to structure locations to manage stormwater run-off, reduce erosion and stabilize soils. As requested by NHF&G, wildlife-friendly erosion controls, such as those made from woven organic materials or other biodegradable materials will be used, rather than those that use welded plastic netting or polypropylene. Erosion control BMPs will be inspected daily by the contractor crews and weekly by a qualified environmental monitor, hired by Eversource, to ensure that the controls are maintained and are properly functioning throughout the duration of the Project.

Where the proposed access or the 100-foot by 100-foot structural work pads intersect wetlands, timber mats (typically with dimensions of 16 feet wide by 4 feet long) will be installed to safely stage equipment and crews while minimizing soil disturbance and rutting within these resources. Some work pads may need to be two-tiered or off-set due to local topography or to avoid wetland impacts. Where necessary, timber matting will be placed within the construction work pads around structure replacement locations within wetland areas to accommodate necessary equipment.

As soon as possible after the completion of the structure replacement work, timber matting and construction debris will be removed from the Project ROW and properly disposed of off-site. Stabilization and restoration of disturbed areas/exposed soils will be initiated as soon as possible once timber mats are pulled and structural work is completed. Due to the use of timber mats within wetlands, it is anticipated that minimal restoration within temporarily impacted wetlands will be required, and that natural vegetative re-colonization of impacted areas is expected during summer vegetative growth periods after mat removal activities have concluded. VHB will visit the project ROW, post-construction to assess conditions, guide work crews on restoration, and determine if additional promotion of vegetation (seeding) is required. If necessary, an appropriate upland and/or wetland seed mix will be applied to any areas where cover is slow to develop. Additionally, straw or weed-free hay will be applied in conjunction with seed. In accordance with Env-Wt 307.12(f), if the temporarily impacted areas do not have at least 75% revegetation after two growing seasons, replanting, or reseeded would occur in those areas. Per the recommendations of the recently published NH Stormwater Manual a site is deemed to be stabilized when soils on the site will not experience accelerated or unnatural erosion conditions during a 10-year storm event and a minimum of 85% vegetative cover has been established.

(3) No alternative feasible route exists which does not cross or alter a wetland or have a less detrimental impact on a wetland; and

As described briefly above, avoidance and minimization of impacts to jurisdictional resources were considered when designing the access routes and work areas of this project. Examples of this include the shift of the access route to avoid impacts to W-4 (not jurisdictional in the City of Portsmouth due to size restriction), removal of in-ROW access to Structure 24 eliminating buffer impacts to W-10 and matting impacts to W-9 (not jurisdictional in the City of Portsmouth due to size restriction), and removal of in-ROW access to Structure 40 requiring no additional matting impacts to W-11. Additional considerations such as existing access routes, landowner relations, and high traffic public roadway use were also taken into consideration when determining the access routes and work areas.

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

The current scope of work is limited to work areas at each structure, and an access route designed to provide safe and stable transport of crews and equipment to each work area. No tree clearing is proposed as part of this project and is discussed in detail below in **Sections 10.1018.23(2) and 10.1018.23(3)**. Mowing of vegetation may be required prior to work to allow for mobilization and access for work crews.

Section 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, February 2025.

2. Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials, NHDES, January 2004.

Eversource and their contractors will install wildlife friendly erosion and sediment control barriers in accordance with the *Utility BMP Manual* and *Stormwater Manual*. Upon review of the *Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials, NHDES, January 2004*, the recommendations and guidelines provided for this project closely follow these two manuals. The *Utility BMP Manual* is a manual created by NHDNCR specifically to include the unique situations found during the routine maintenance activities within utility ROWs. Additional erosion control procedures, best management practice specifications, and construction procedures are provided within the Plan Notes included on the **Project Plans** provided in **Attachment A**.

Section 10.1018.20: Vegetation Management

Section 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.

Screening the site locations using LiDAR data from GRANITView no slopes of 10% or greater for at least 10 or more feet were observed within the work areas. If steep slopes occur on the site and require stabilization, best management methods provided within **Section 10.1018.10** will be used, including erosion control blankets. 2-foot and 10-foot contours are shown on the **Project Plans** provided in **Attachment A** for reference. A specification for the installation of erosion control blankets can be found on the **Project Plans** provided in **Attachment A**.

Section 10.1018.23: Removal or cutting of vegetation

(1) Chemical control of vegetation is prohibited in all areas of a wetland or wetland buffer.

No chemical control of vegetation is proposed as part of this project within the uplands, wetlands, or wetland buffers.

(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.

Routine vegetation maintenance within Eversource Utility ROWs occur on four to seven year cycles to maintain line clearance. As such trees greater than 6-inches at diameter breast height (dbh) are uncommon within the ROW, and no trees of this size are proposed to be cut. Mowing of vegetation may be required prior to work to allow for mobilization and access for work crews.

(3) The removal of more than 50% of trees greater than 6" diameter at breast height (dbh) is prohibited in the limited cut area.

As stated above, routine vegetation maintenance within Eversource Utility ROWs occurs on four to seven year cycles to maintain line clearance. As such trees greater than 6-inch dbh are uncommon within the ROW, and no trees of any size are proposed to be cut.

Section 10.1018.24: Fertilizers

- (1) The use of any fertilizer is prohibited in a wetland, vegetated buffer strip or limited cut area.**

Fertilizers are not proposed to be used during the construction or restoration of this project. Restoration of disturbed upland soils typically includes temporary stabilization with straw and application of a native plant seed mix to promote vegetative stabilization. It is important to note the hydroseed that may contain included fertilizers applied within the buffer of Wetland W-2 is an existing condition, and no hydroseeding with included fertilizers is proposed as part of this project.

- (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.**

As stated above, fertilizers are not proposed to be used during the construction or restoration of this project. Restoration of disturbed upland soils typically includes temporary stabilization with straw and application of a native plant seed mix to promote vegetative stabilization. The hydroseed that may contain included fertilizers applied within the buffer of Wetland W-2 is an existing condition, and no hydroseeding with included fertilizers is proposed as part of this project.

Section 10.1018.30: Porous Pavement in Wetland Buffer

Section 10.1018.31:

All new pavement installed in a wetland buffer shall be porous pavement. The Planning Board may allow exceptions to this requirement where it can be demonstrated that the height of ground water, condition of soil, or other factors as described in the application are not appropriate for porous pavement.

No pavement is proposed as part of this project. Access routes within the upland wetland buffers will be accessed using temporary upland matting and no fills will be used within the wetland buffers.

Section 10.1018.32:

An application that proposes porous pavement in a wetland buffer shall include a pavement maintenance plan addressing erosion control, periodic removal of sediment and debris from the porous surfaces, snow management, and repairs

No pavement is proposed as part of this project. Access routes within the upland wetland buffers will be accessed using temporary upland matting and no fills will be used within the wetland buffers and are denoted on the **Project Plans** provided in **Attachment A**.

Section 10.1018.40: Wetland Boundary Markers

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



The current proposed plan is to use vinyl ribboning to indicate wetland boundaries for contractors. Permanent wetland boundary markers will be further discussed with the Conservation Commission. This work will occur within the E194 Utility ROW within easements on privately owned property.

Sincerely,

A handwritten signature in cursive script that reads "Sherrie Trefry".

Sherrie Trefry, CSS
Energy Market Lead

cc: City of Portsmouth Conservation Commission
Ashley Nicoletti, Eversource

Attachments

- Attachment A- Project Plans
- Attachment B- Site Photo Log
- Attachment C- Tax Maps
- Attachment D- USGS Location Map
- Attachment E- Functions and Values Assessments
- Attachment F- July 8, 2026 Conservation Commission Meeting Minutes
- Attachment G- Construction Specifications

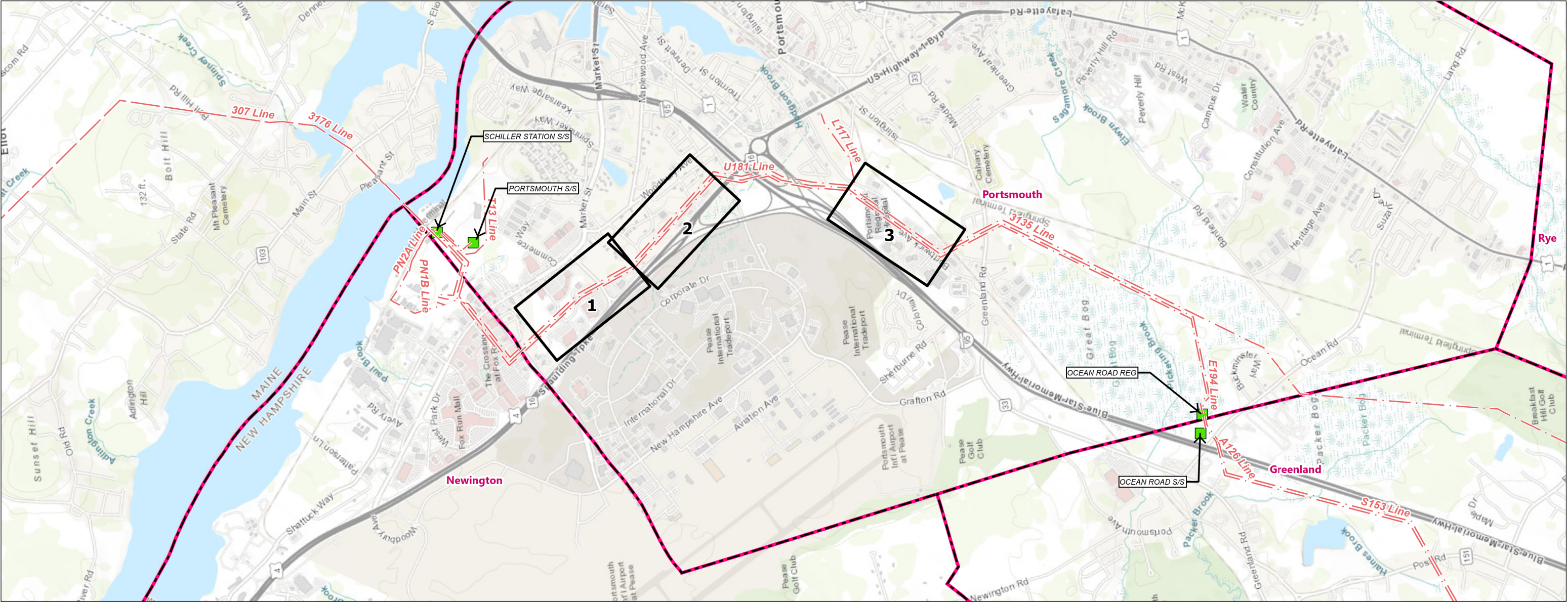
A

Project Plans

E194 Line - Structure Replacement Project

Portsmouth, NH
Environmental Resources Map

Date: August 03, 2026



Legend

- Substation
- Map Sheet
- Municipal Boundary
- Overhead Eversource Line



0 0.25 0.5 Miles

INDEX OF FIGURES

Title Sheet / Index Map
Map Sheet 1-3

Map Notes:

Coordinate System: NAD 1983 StatePlane New Hampshire
FIPS 2800 Feet

Date Source: Existing ROW Lines, Structures, and
Transmission Lines provided by Eversource Energy.
Wetlands and Watercourses delineated and certified by
VHB. Additional sources include: FEMA, and NH GRANIT.

PREPARED FOR:

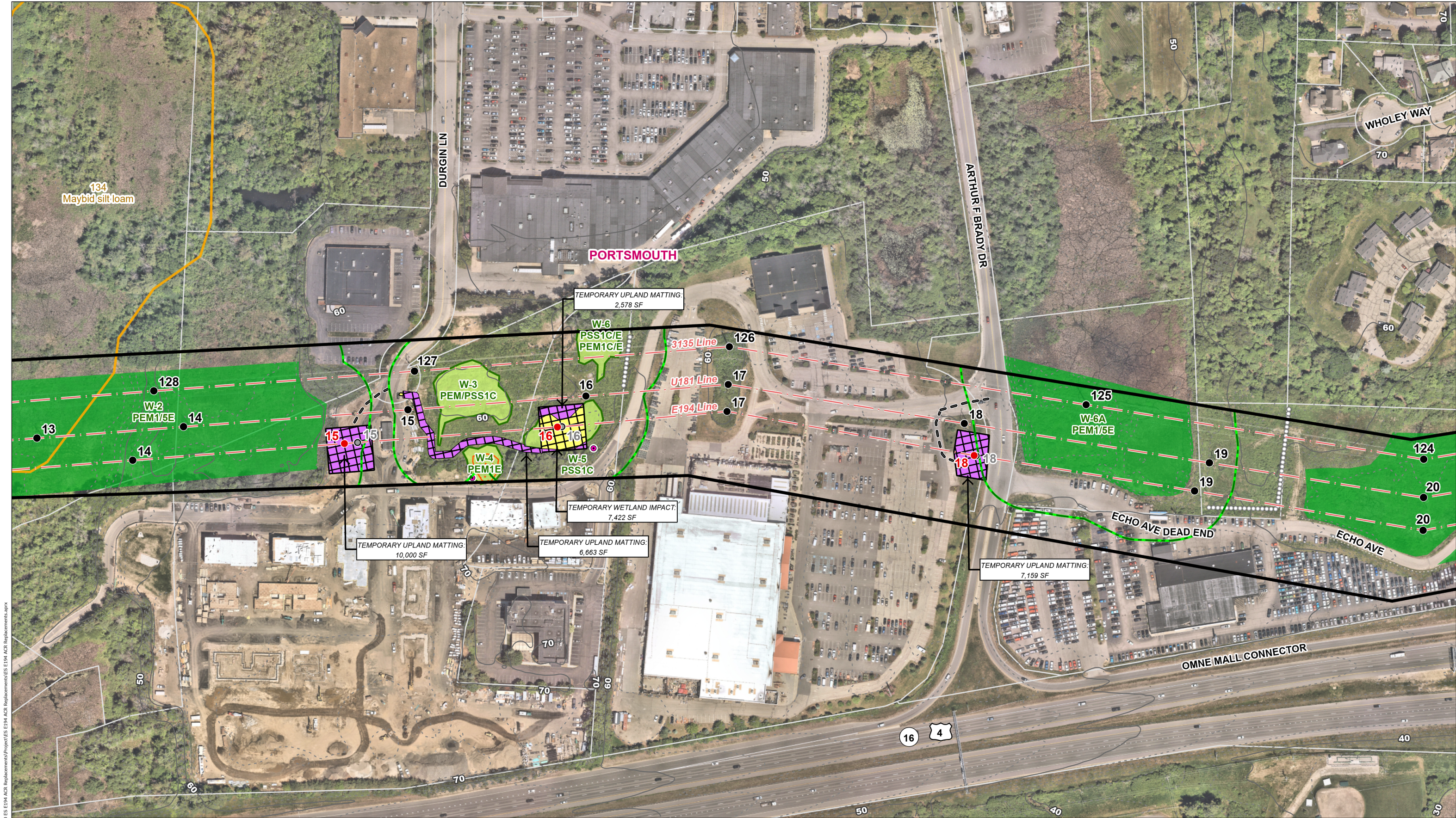
EVERSOURCE
ENERGY

13 Legends Drive
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PREPARED BY:



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Bedford, NH 03110



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INDEX MAP

● Existing Structure	— Sediment Control Barrier	Gate	● Tidal waters	● Culvert	▭ Municipal Boundary
● Existing Structure to be Replaced	— 100' Buffer to BVW	— Existing Access	▨ Flood plain wetlands adjacent to Tier 3 streams	○○○○ Stonewall	▭ Parcel Boundary
● Proposed	— Delineated Stream	— Proposed Access	▭ Prime Wetlands with 100ft buffer	— Railroad	
— Overhead Eversource Line	— Watercourse (not delineated)	— Off-ROW Access Pending Rights	▭ Prime Wetlands	— 2-foot Contour	
— Existing Right-of-Way (ROW)	— Delineated Wetland Edge	▨ Temporary Construction Matting	▨ FEMA 100-Year Flood Zone	— 10-foot Contour	
▭ Eversource Owned Property	▨ Field Delineated Wetland	▨ Upland Matting	▨ Turtle Overwintering Area	▨ Delineated Very Poorly Drained Soils	
▭ Work Pad	▨ Previous Delineated Wetland		▨ NRCS Very Poorly Drained Soils		

EVERSOURCE ENERGY

E194 Transmission Line Structure Replacement Project

Portsmouth, NH	MAP SHEET 1 of 3
Date: August, 2026	

1 Inch = 200 Feet

0 100 200 Feet

North Arrow

Right of Way boundaries, easements, fee property, substation, and junction locations depicted as points, lines, polygons and corresponding attribute data is to be considered approximate and not to be construed as the result of a field survey.



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INDEX MAP

● Existing Structure	— Sediment Control Barrier	Gate
● Existing Structure to be Replaced	— 100' Buffer to BVW	— Existing Access
● Proposed	— Delineated Stream	— Proposed Access
— Overhead Eversource Line	— Watercourse (not delineated)	— Off-ROW Access Pending Rights
— Existing Right-of-Way (ROW)	— Delineated Wetland Edge	Temporary Construction Matting
Eversource Owned Property	Field Delineated Wetland	Upland Matting
Work Pad	Previous Delineated Wetland	

Tidal waters	Culvert	Municipal Boundary
Flood plain wetlands adjacent to Tier 3 streams	Stonewall	Parcel Boundary
Prime Wetlands with 100ft buffer	Railroad	
Prime Wetlands	2-foot Contour	
FEMA 100-Year Flood Zone	10-foot Contour	
Turtle Overwintering Area	Delineated Very Poorly Drained Soils	
	NRCS Very Poorly Drained Soils	

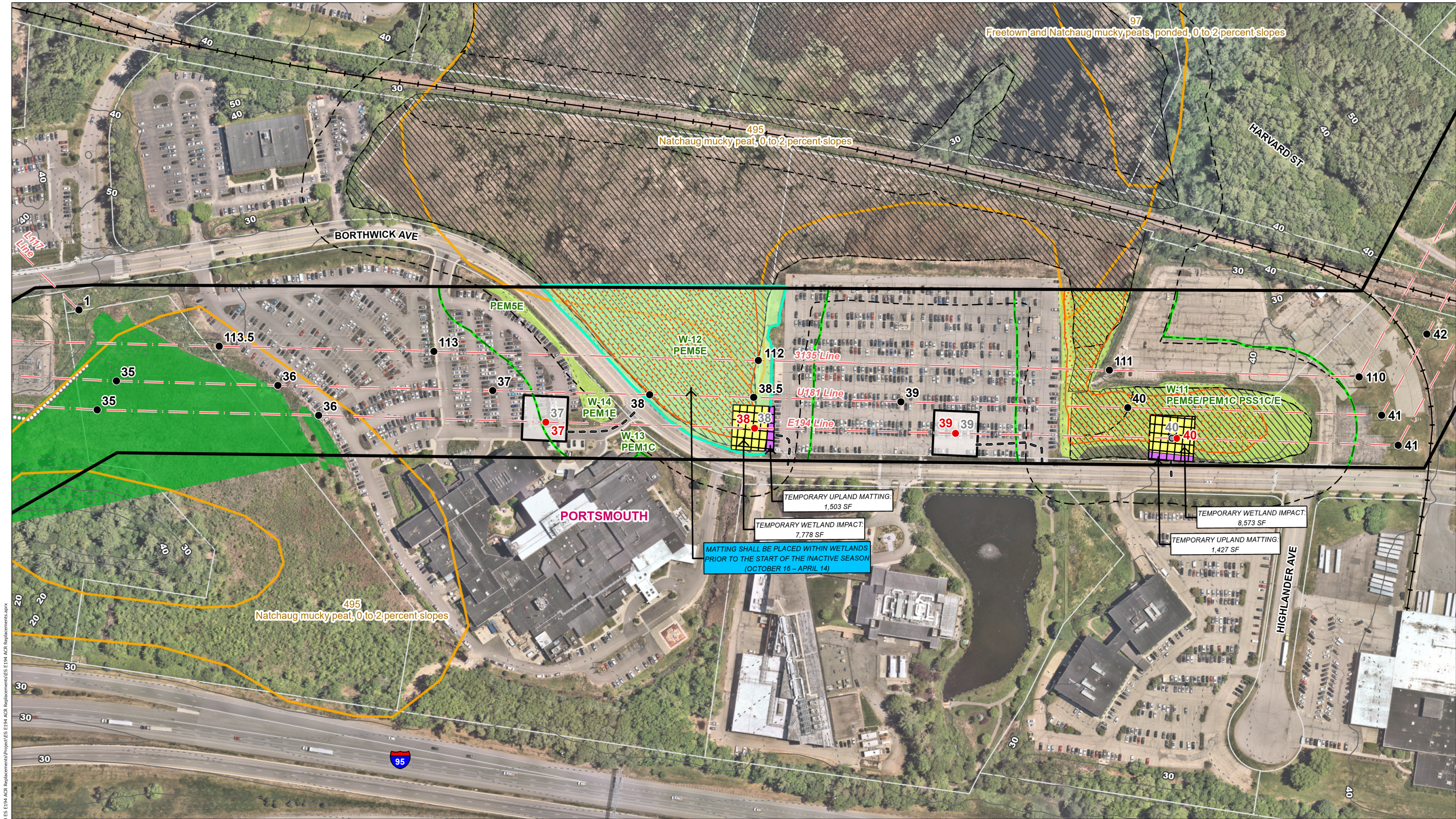
E194 Transmission Line Structure Replacement Project

Portsmouth, NH

Date: August, 2026

MAP SHEET 2 of 3

Right of Way boundaries, easements, fee property, substation, and junction locations depicted as points, lines, polygons and corresponding attribute data is to be considered approximate and not to be construed as the result of a field survey.



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INDEX MAP

● Existing Structure

● Existing Structure to be Replaced

● Proposed

--- Overhead Eversource Line

— Existing Right-of-Way (ROW)

▭ Eversource Owned Property

▭ Work Pad

— Sediment Control Barrier

— 100' Buffer to BVW

— Delineated Stream

— Watercourse (not delineated)

— Delineated Wetland Edge

— Field Delineated Wetland

— Previous Delineated Wetland

⬮ Gate

--- Existing Access

--- Proposed Access

--- Off-ROW Access Pending Rights

▨ Temporary Construction Matting

▨ Upland Matting

• Tidal waters

▨ Flood plain wetlands adjacent to Tier 3 streams

▨ Prime Wetlands with 100ft buffer

▨ Prime Wetlands

▨ FEMA 100-Year Flood Zone

▨ Turtle Overwintering Area

• Culvert

○○○○ Stonewall

— Railroad

--- 2-foot Contour

— 10-foot Contour

▨ Delineated Very Poorly Drained Soils

▨ NRCS Very Poorly Drained Soils

▭ Municipal Boundary

▭ Parcel Boundary

1 Inch = 200 Feet

0 100 200 Feet

E194 Transmission Line

Structure Replacement Project

Portsmouth, NH

Date: August, 2026

MAP SHEET 3 of 3

Right of Way boundaries, easements, fee property, substation, and junction locations depicted as points, lines, polygons and corresponding attribute data is to be considered approximate and not to be construed as the result of a field survey.



B

Photographic Log



Photography Log

PROJECT INFORMATION

Eversource E194 Transmission ACR Maintenance Project

22774.00

LOCATION

Portsmouth, NH

1. Wetland W-2

Observations

View of wetland W-2
(PEM1/5E).

Taken: 9/26/2025 Facing: N



2. Wetland W-2 Buffer

Observations

View of the vegetated
portion of the buffer
of Wetland W-2.

Taken: 09/26/2025 Facing: E



3. Structure 15

Observations

View of Structure 15.
Photo also shows the
impervious portion of
the buffer of Wetland
W-2.

Taken: 9/26/2025 Facing: E



4. ROW Access

Observations

View of the historic
access to the ROW
from the commercial
roadway between
Structures 15 and 16.
The vegetated and
impervious portions of
wetland W-3's buffer
are shown.

Taken: 9/26/2025 Facing: SW



5. Wetland W-3 Buffer

Taken: 9/26/2025 Facing: SE

Observations

View of the vegetated buffer within the ROW of Wetland W-3.



6. Wetland W-3

Taken: 9/26/2025 Facing: NE

Observations

View of wetland W-3 (PEM1C/PSS1C).



7. Wetland W-5

Observations

View of wetland W-5.
Photo also includes
Structure 16 to the
right.

Taken: 9/26/2025 Facing: N



8. Wetland W-5 Buffer

Observations

View of the vegetated
wetland buffer of
wetland W-5 east of
Structure 15.

Taken: 9/26/2025 Facing: S



9. Wetland W-6

Taken: 9/26/2025 Facing: S

Observations

View of wetland W-6. Dense scrub-shrub cover made general site photos of this wetland difficult.



10. Wetland W-6 Buffer

Taken: 9/26/2025 Facing: W

Observations

View of the vegetated wetland buffer of wetland W-6 east of Structure 16.



11. Structure 18

Observations

View of Structure 18 looking towards Arthur F Brady Drive.

Taken: 9/26/2025 Facing: S



12. Arthur F Brady Drive

Observations

View of the wetland southeast of Arthur F Brady Drive.

Taken: 9/26/2025 Facing: SE



13. Structure 21

Taken: 10/17/2025 Facing: W

Observations

View of Structure 21 and the associated work area.



14. Wetland W-7

Taken: 10/17/2025 Facing: SE

Observations

View of Wetland W-7 (PEM1C/E).



15. Wetland W-7

Taken: 10/17/2025 Facing: SE

Observations

View of Wetland W-7 (PEM1C/E PEM5C/E). Stand of *Phragmites australis* can be seen on the left side of the photo.



16. Wetland W-7

Taken: 10/17/2025 Facing: E

Observations

View of the upland buffer north of Wetland W-7.



17. Wetlands W-7 and W-8

Taken: 10/17/2025 Facing: NW

Observations

View of the filled upland strip that divides wetland W-7 from wetland W-8.



18. Wetland W-8

Taken: 10/17/2025 Facing: SW

Observations

View of a stand of purple loosestrife within wetland W-8.



19. Wetland W-8

Taken: 10/17/2025 Facing: NE

Observations

View of wetland W-8.



20. Buffer of Wetland W-8

Taken: 10/17/2025 Facing: NE

Observations

View of the vegetated buffer south of wetland W-8.



21. Structure 24

Taken: 10/17/2025 Facing: N

Observations

View of Structure 24 and the associated work area.



22. Wetland W-10

Taken: 10/17/2025 Facing: SE

Observations

View of wetland W-10.



23. Wetland W-10 Buffer

Observations

View of the buffer of wetland W-10.

Taken: 10/17/2025 Facing: NW



24. Wetland W-11

Observations

View of wetland W-11 and Structure 40.

Taken: 10/17/2025 Facing: W



25. Wetland W-11 Buffer

Observations

View of the buffer of wetland W-11 along Borthwick Avenue.

Taken: 10/17/2025 Facing: NE



26. Wetland W-12

Observations

View of wetland W-12 and Structure 38.

Taken: 10/17/2025 Facing: N



27. Structure 39

Observations

View of the base of Structure 39 within the commercial parking in the ROW.

Taken: 10/17/2025 Facing: E



28. Wetland W-14 and Buffer of Wetland W-14

Observations

View of wetland W-14 and the buffer of W-14.

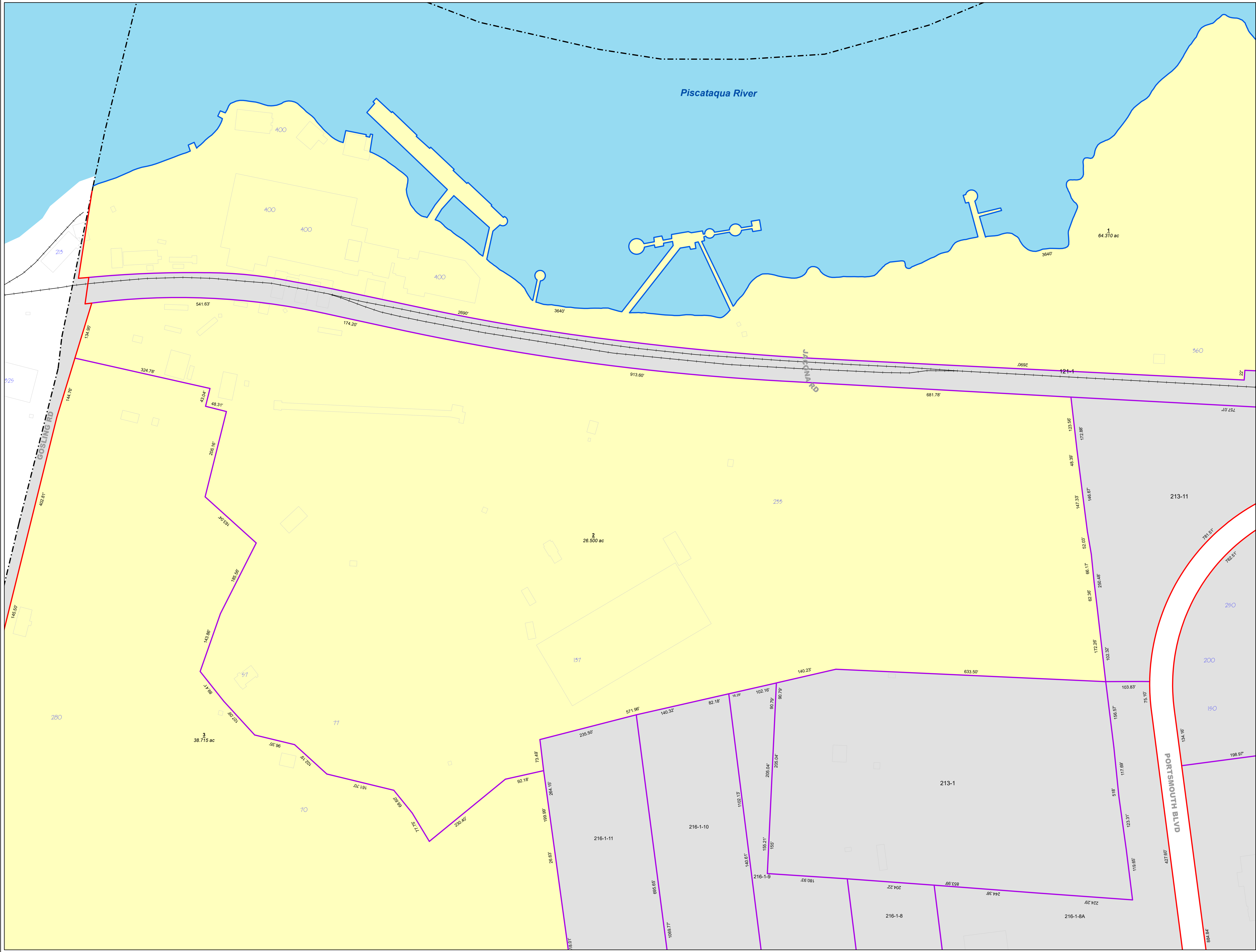
Taken: 10/17/2025 Facing: E





C

Tax Maps



Partial Legend
See the cover sheet for the complete legend.

7-5A
2.56 ac

Lot or lot-unit number
Parcel area in acres (ac) or square feet (sf)

Address number

Parcel number from a neighboring map

Parcel line dimension

Street name

Parcel/Parcel boundary

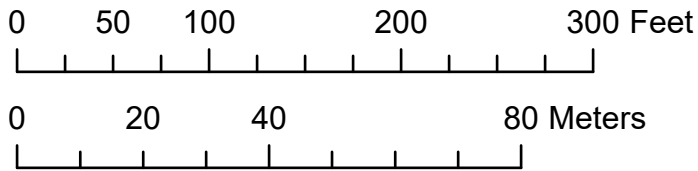
Parcel/ROW boundary

Water boundary

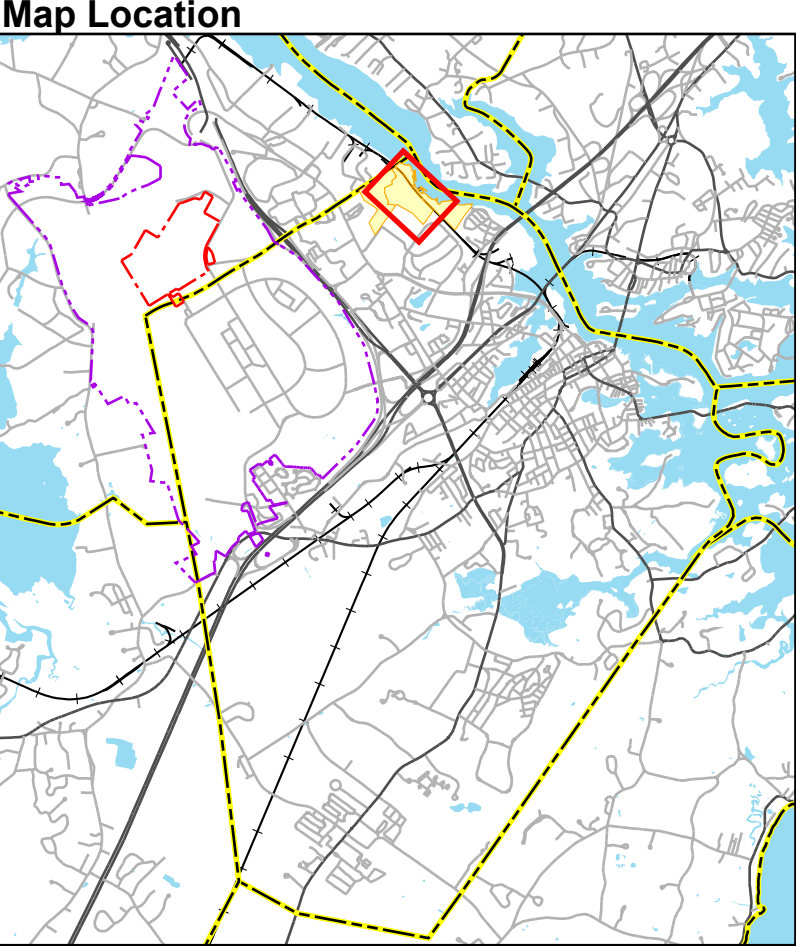
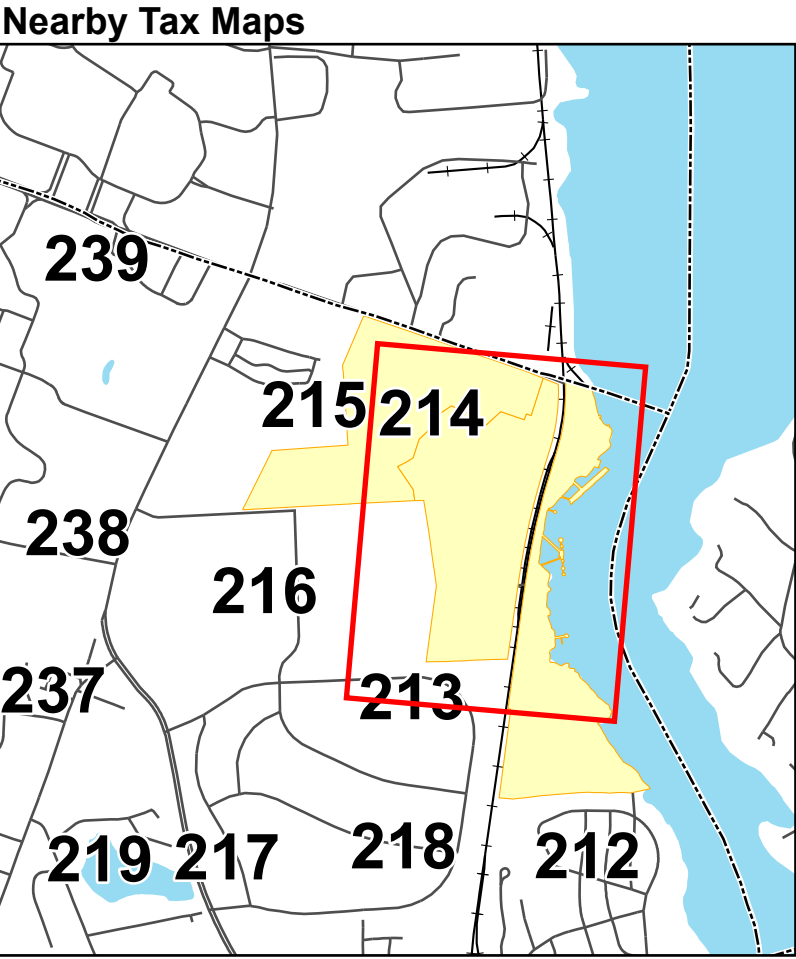
Structure (1994 data)

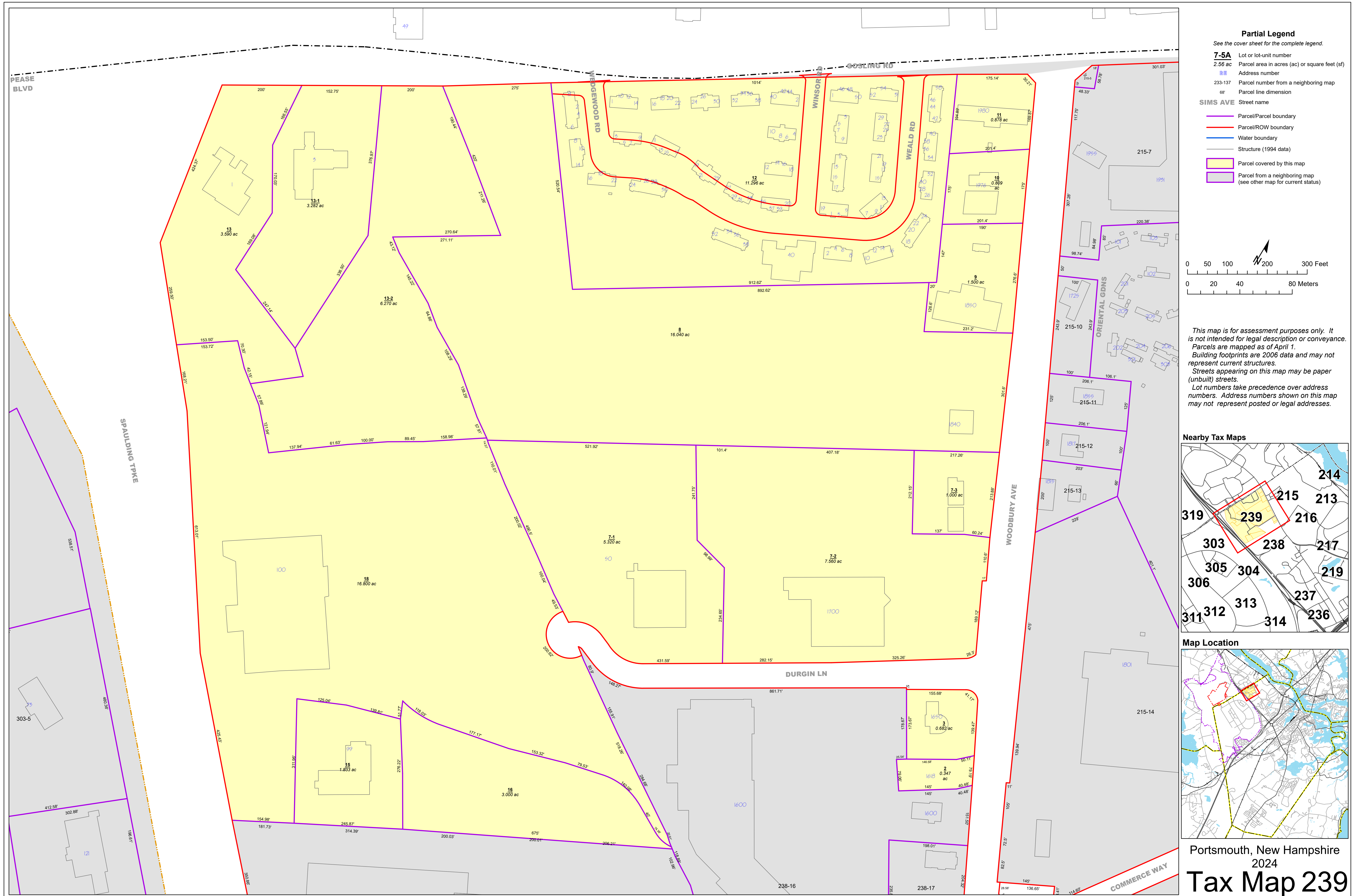
Parcel covered by this map

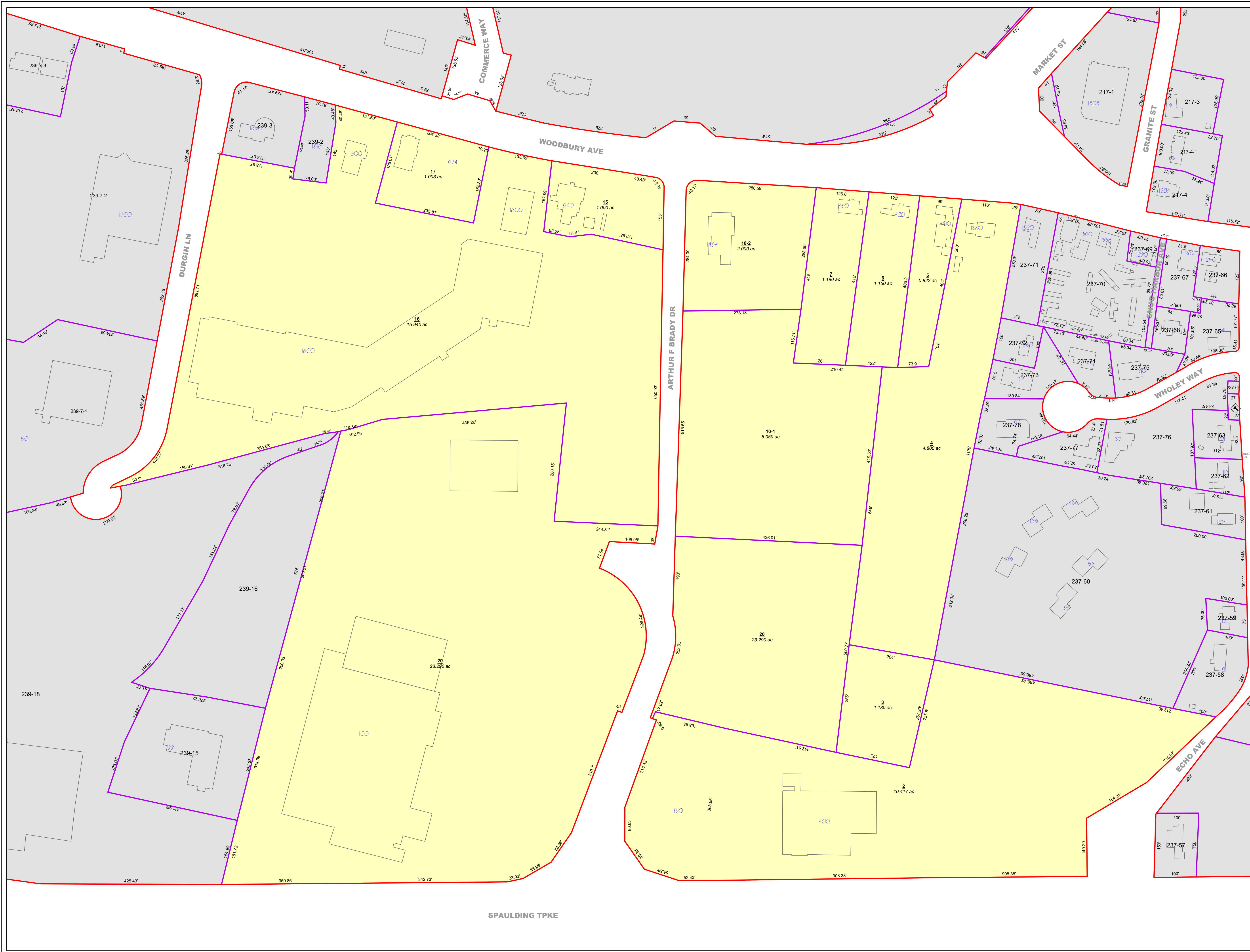
Parcel from a neighboring map
(see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.







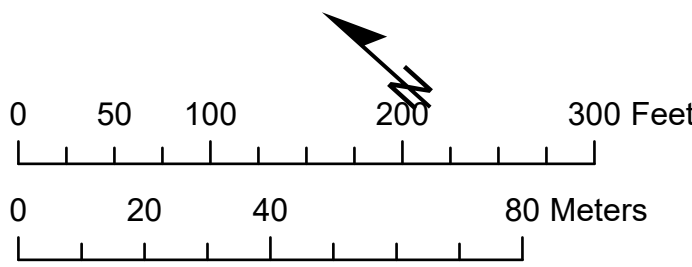
Partial Legend
See the cover sheet for the complete legend.

7-5A Lot or lot-unit number
2.56 ac Parcel area in acres (ac) or square feet (sf)
 Address number
233-137 Parcel number from a neighboring map
68' Parcel line dimension
Street name

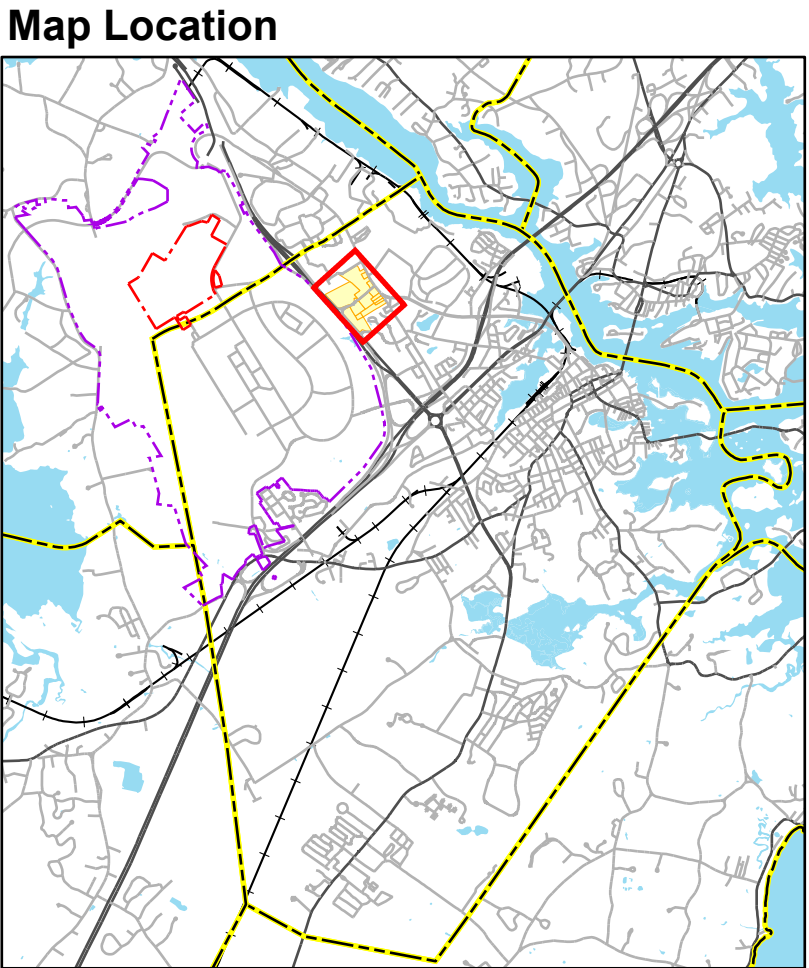
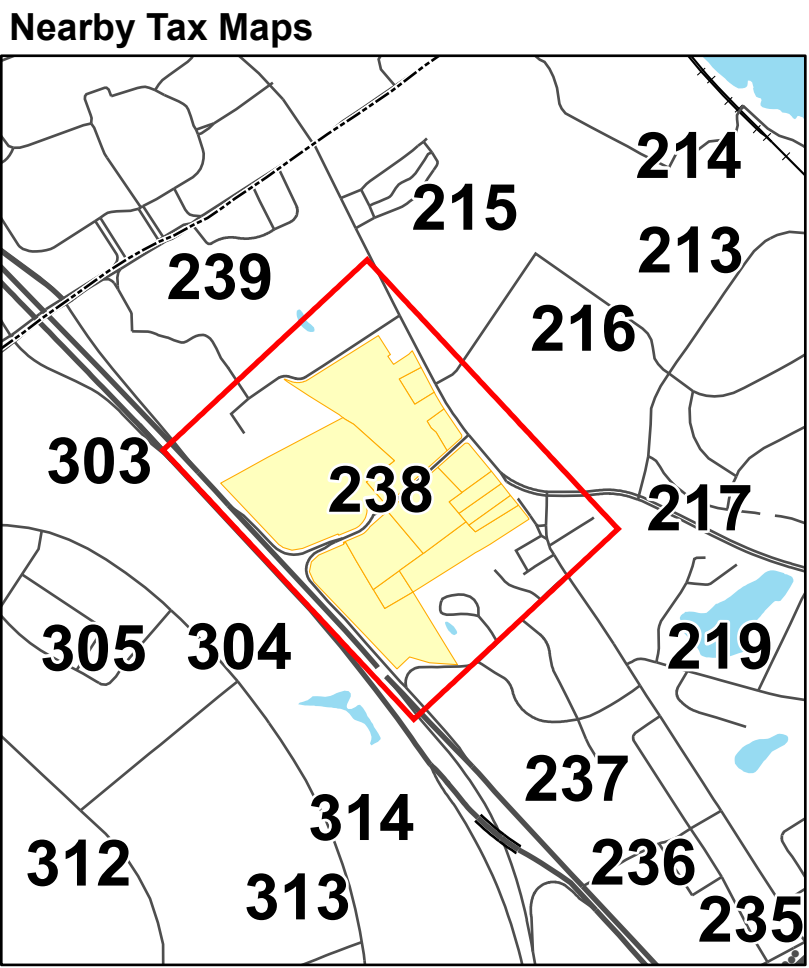
SIMS AVE

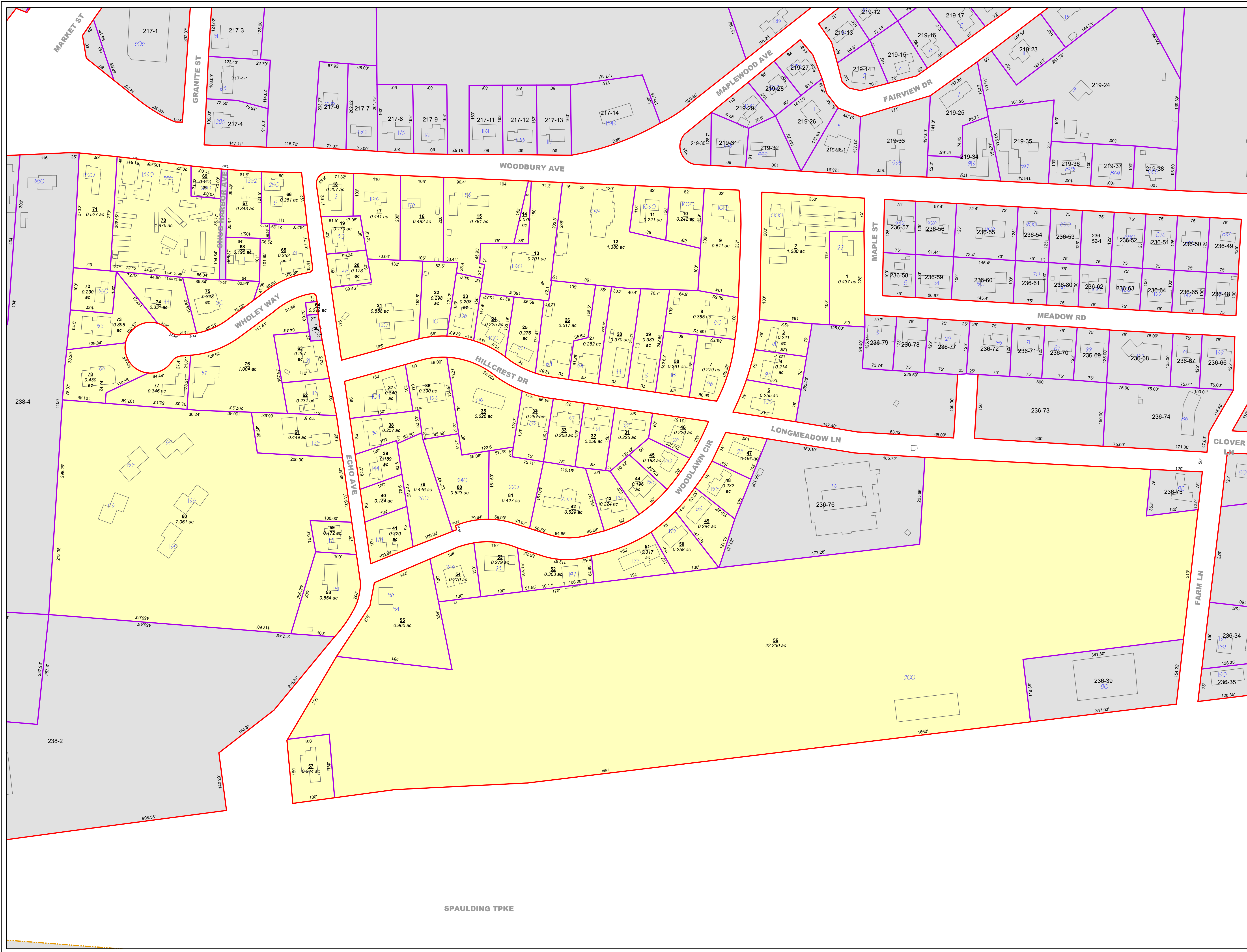
Parcel/Parcel boundary
 Parcel/ROW boundary
 Water boundary
 Structure (1994 data)

Parcel covered by this map
 Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



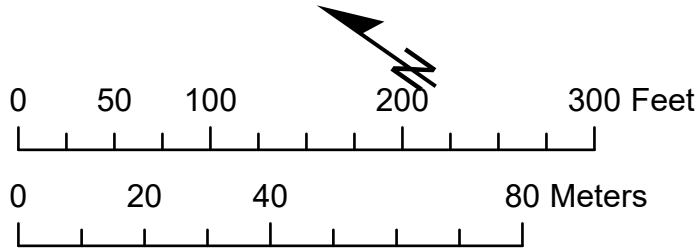


Partial Legend
See the cover sheet for the complete legend.

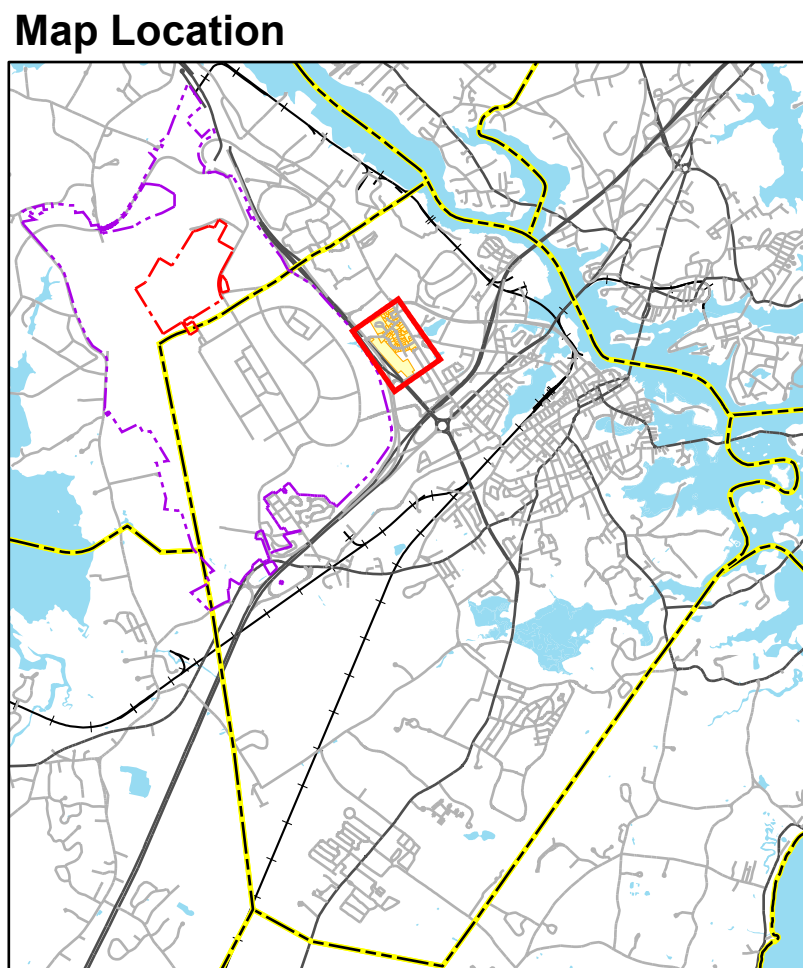
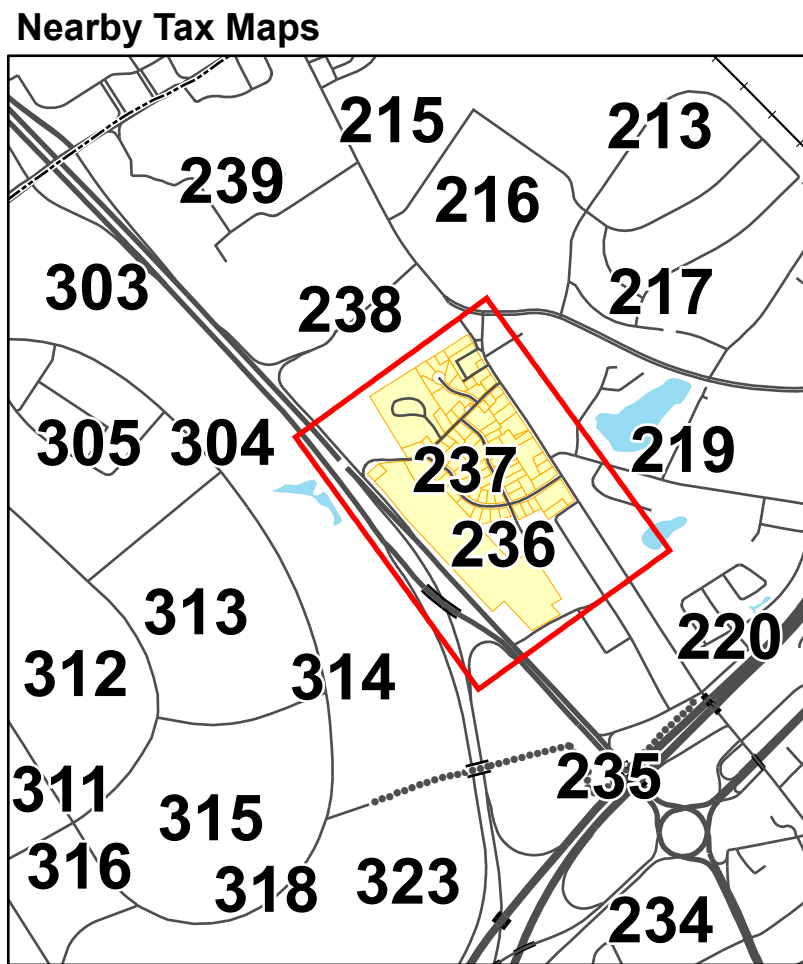
7-5A Lot or lot-unit number
2.56 ac Parcel area in acres (ac) or square feet (sf)
1509 Address number
233-137 Parcel number from a neighboring map
68' Parcel line dimension
SIMS AVE Street name

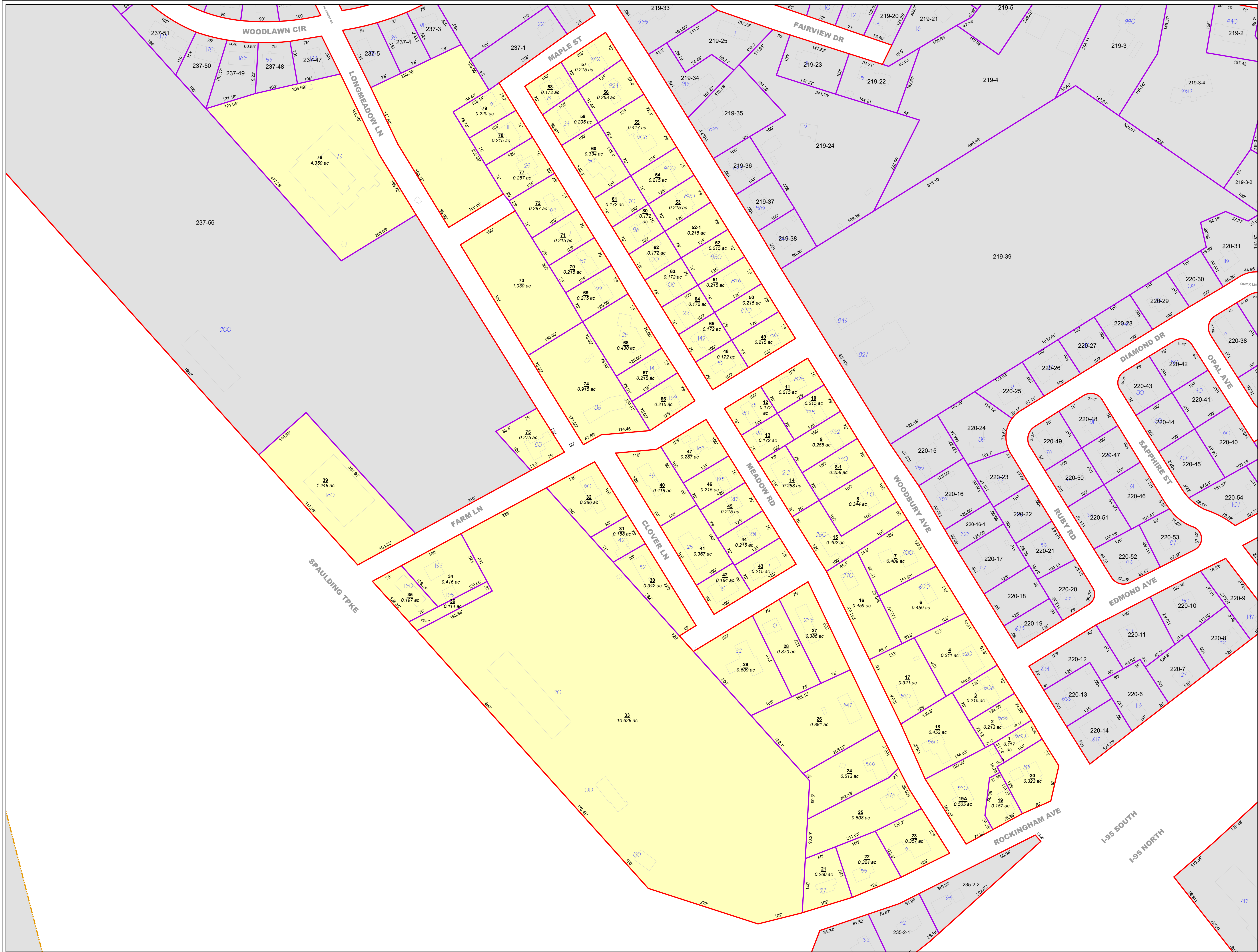
Parcel/Parcel boundary
Parcel/ROW boundary
Water boundary
Structure (1994 data)

Parcel covered by this map
Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.





Partial Legend

See the cover sheet for the complete legend.

7-5A

2.56 ac

Address number

233-137

68'

SIMS AVE

Parcel/Parcel boundary

Parcel/ROW boundary

Water boundary

Structure (1994 data)

Parcel covered by this map

Parcel from a neighboring map (see other map for current status)

Lot or lot-unit number

Parcel area in acres (ac) or square feet (sf)

Address number

Parcel number from a neighboring map

Parcel line dimension

Street name

Parcel/Parcel boundary

Parcel/ROW boundary

Water boundary

Structure (1994 data)

Parcel covered by this map

Parcel from a neighboring map (see other map for current status)

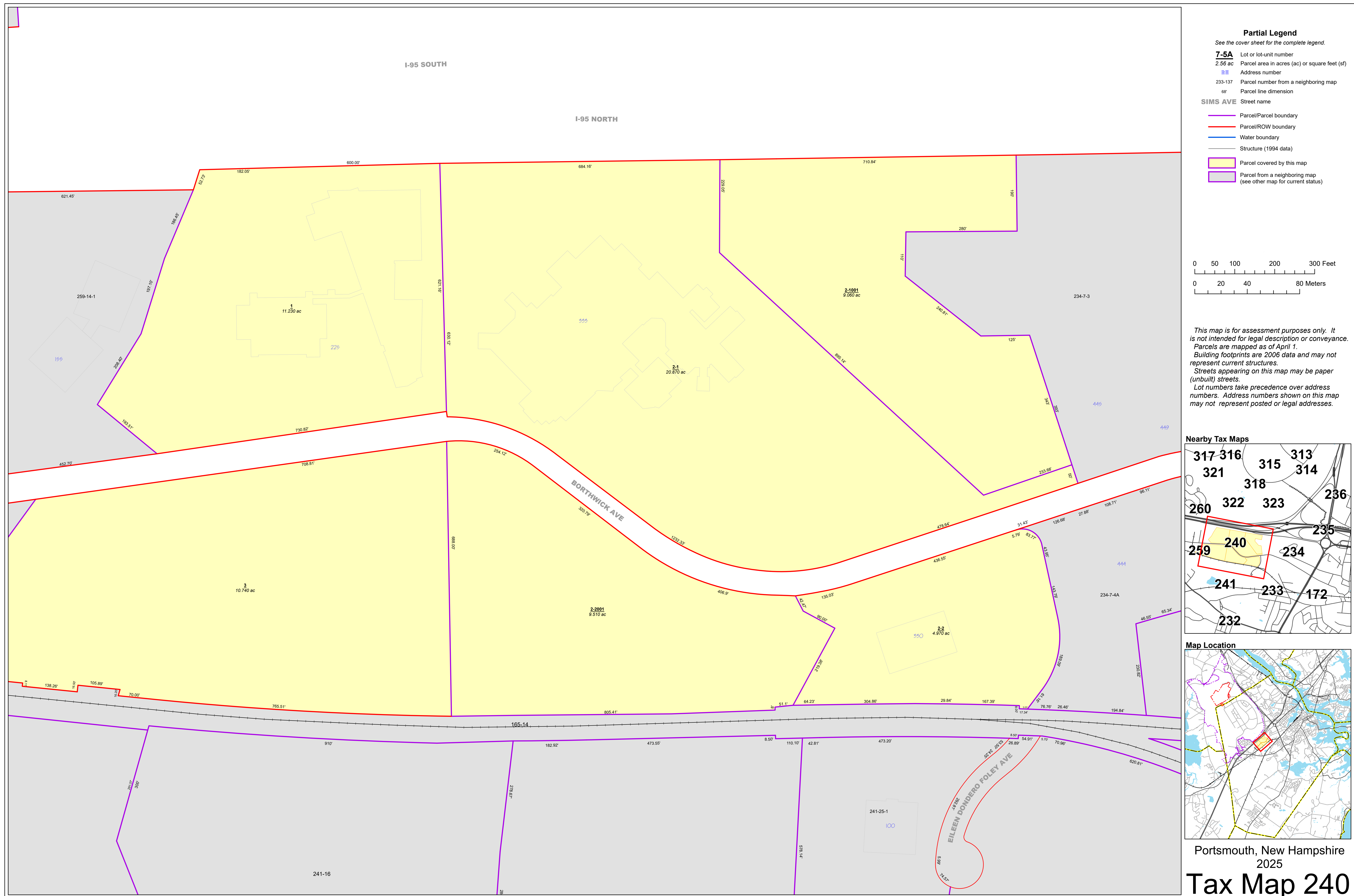
This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

Nearby Tax Maps

Map Location

Portsmouth, New Hampshire
2025

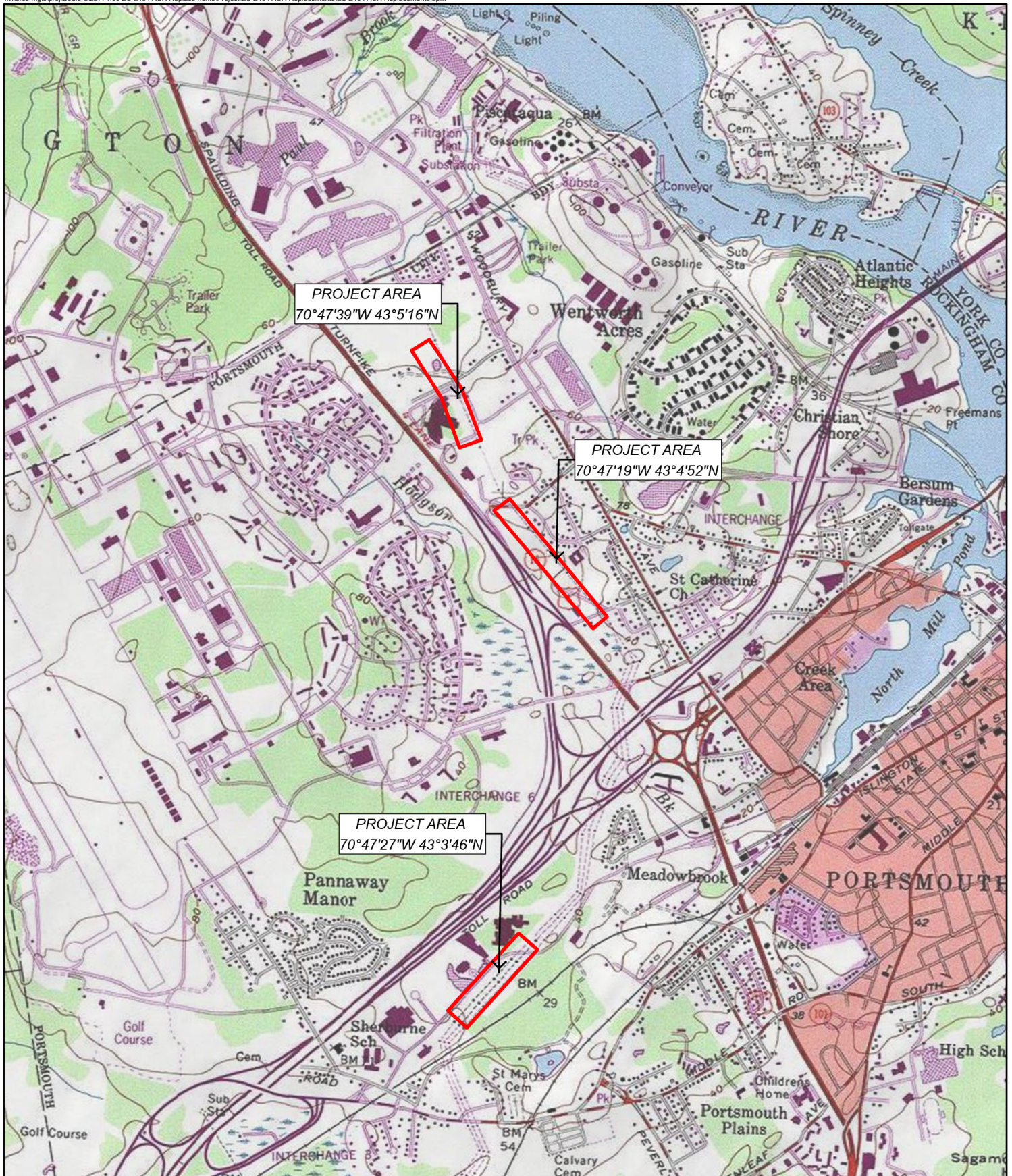
Tax Map 236





D

USGS Location Map



INDEX MAP



 Project Area

EVERSOURCE
ENERGY

USGS - Site Locus Map
E194 Line Structure Replacement Project
Portsmouth, NH

Date: May 12, 2026



1 Inch = 2,000 feet

0 1,000 2,000 Feet



E

Functions and Values Assessments

Wetland Function-Value Evaluation Form

Total area of wetland 11,869 S⁺ Human made? No Is wetland part of a wildlife corridor? No or a "habitat island"? No

Adjacent land use Commercial, utility ROW Distance to nearest roadway or other development 23 Feet

Dominant wetland systems present PSS1C Contiguous undeveloped buffer zone present No

Is the wetland a separate hydraulic system? Yes If not, where does the wetland lie in the drainage basin? N/A

How many tributaries contribute to the wetland? 0 Wildlife & vegetation diversity/abundance (see attached list)

Wetland I.D. W-5

Latitude 43.0880 Longitude -70.79491

Prepared by: TD Date 1/5/2025

Wetland Impact:
Type Temporary Area 7422SF

Evaluation based on:
Office X Field X

Corps manual wetland delineation
completed? Y X N

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
 Groundwater Recharge/Discharge	N	4, 5, 15		No piezometer data was recorded. This low lying wetland receives discharge from adjacent uplands and roadways. +
 Floodflow Alteration	Y	3, 4, 5, 8, 9, 18		This wetland receives sheet flow from adjacent upslope impervious surfaces. The wetland can retain water during precipitation events. +
 Fish and Shellfish Habitat	N			No watercourse is associated with this wetland.
 Sediment/Toxicant Retention	Y	1, 4, 5		This wetland is acting as a stormwater swale. It is receiving stormwater from adjacent uplands and impervious surfaces that may have S/T/P in runoff. +
 Nutrient Removal	Y	3, 4, 7, 8, 9, 10, 11	X	This wetland is heavily vegetated with scrub-shrub and emergent species that can process excess nutrients discharged from adjacent uplands. +
 Production Export	N	7		This wetland is functioning as a stormwater feature from the adjacent uplands, and from an observed culvert. Limited wildlife and human production functions. +
 Sediment/Shoreline Stabilization	N	2, 3		This wetland is not associated with a watercourse.
 Wildlife Habitat	N	3, 7, 13, 19		Though this wetland provides cover and flora for fauna species, the wetland is dominated by invasive species, and not high valuable wildlife habitat. +
 Recreation	N			This wetland is located within a depressional area between multiple commercial developments. +
 Educational/Scientific Value	N	10		This wetland is located within a depressional area between multiple commercial developments. No viewing areas are present. +
 Uniqueness/Heritage	N	1, 2, 9, 17		This wetland is located within a depressional area between multiple commercial developments. No viewing areas are present. +
 Visual Quality/Aesthetics	N	9, 12		This wetland is located within a depressional area between multiple commercial developments. No viewing areas are present. +
ES Endangered Species Habitat	Y			It is unknown if RTE species utilize this habitat. No species were observed during surveys, but NHFG has identified species within the vicinity. +
Other				Ecological integrity was also assessed during FVA. This form is attached within this application package. +

Notes:

* Refer to backup list of numbered considerations.

NH METHOD FOR THE EVALUATION OF FRESHWATER WETLANDS *(revised December, 2015)*

Wetland Name/Code: W-5 Evaluation Date: 1/5/2026 Evaluator: Trent Delehanty, CWS

1 – ECOLOGICAL INTEGRITY

Evaluation Questions	Observations & Notes	Answers	Score
1. Are there land uses in the wetland's watershed that could degrade water quality in the wetland?	Adjacent wetland land use are commercial developments.	a. Less than 5% of the watershed has land uses that could degrade water quality. b. 5-10% of the watershed has land uses that could degrade water quality. c. > 10% of the watershed has land uses that could degrade water quality.	10 5 1
2. Is there evidence of fill in the wetland?	No fill was observed within the wetland.	a. Less than 1 % b. From 1-3 % c. More than 3 %	10 5 1
3. What percentage of the wetland has been altered by agricultural activities?	No agricultural activities were observed within the wetland.	a. Less than 5 % b. From 5 to 25 % c. More than 25 %	10 5 1
4. What percentage of the wetland has been adversely impacted by logging activity within the last 10 years?	This wetland contained little forested cover types, and no evidence of logging was observed.	a. Less than 1% b. From 1 to 10 % c. More than 10 %	10 5 1
5. How much human activity is taking place in the wetland (e.g. ATV use, trails, cars, dumping of brush and garbage, etc.)?	Dumping was observed within the wetland.	a. Low: Few trails in use, little or no traffic, and little or no litter. b. Moderate: Some used trails, roads, litter c. High: Many trails, roads, and/or litter	10 5 1
6. What percentage of the wetland is occupied by invasive plant species?	Wetland was noted as containing 75% invasive species.	a. None b. 1-5% of the wetland has invasive species c. > 5% of the wetland has invasive species	10 5 1
7. Are there roads, driveways and/or railroads crossing or adjacent to the wetland or come within 500 ft. of the wetland?	The wetland is developed within 500 feet in each cardinal direction.	a. No roads, driveways or railroads. within 500 ft. of, or in the wetland b. Roads, driveways, railroads are within 500 ft of the wetland c. Roads, driveways, railroads cross, or are adjacent to, the wetland	10 5 1
8. How much human activity is taking place in the upland within 500 feet of the wetland edge?	Commercial parking facilities and businesses are present throughout the wetland edge	a. Less than 5% or no activity b. Human activity evident in up to 25% of the 500 ft zone c. Human activity evident in more than 25% of the 500 ft zone	10 5 1
9. What is the percent of impervious surface within 500 feet of the wetland edge?	Impervious commercial parking facilities and businesses are present throughout the wetland edge	a. Less than 3% impervious area within 500 ft of the wetland edge b. 3-10% impervious area within 500 ft of the wetland edge c. Greater than 10% impervious area within 500 ft of the wetland edge	10 5 1
10. Is there a human-made structure that regulates the flow of water through the wetland?	A discharge culvert was documented upslope of the wetland and contributes to the hydrology of the wetland	a. No human made structures present upstream of, or in the wetland. b. One or more human made structures present upstream of, or in the wetland but hydrologic modification is slight c. One or more human made structures present upstream of, or in the wetland that severely block or alter surface water hydrology	10 5 1

AVERAGE SCORE FOR ECOLOGICAL INTEGRITY

(Add scores for each question and divide by 10)

4.1

Wetland Function-Value Evaluation Form

Total area of wetland 71,973 SF Human made? No Is wetland part of a wildlife corridor? No or a "habitat island"? No

Adjacent land use Commercial, residential, utility ROW, forested Distance to nearest roadway or other development 92 Feet

Dominant wetland systems present PEM1C/E, PEM5C/E Contiguous undeveloped buffer zone present No

Is the wetland a separate hydraulic system? Yes If not, where does the wetland lie in the drainage basin? _____

How many tributaries contribute to the wetland? 0 Wildlife & vegetation diversity/abundance (see attached list)

Wetland I.D. W-7

Latitude 43.0812 Longitude -70.8891

Prepared by: TD Date 1/5/2025

Wetland Impact:
Type Temporary Area 10,202

Evaluation based on:
Office X Field X

Corps manual wetland delineation
completed? Y X N

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
 Groundwater Recharge/Discharge	Y	2, 6,		This low lying wetland collects sheet flow and discharge from upslope uplands. Piezometer reading were taken, but it likely serves as groundwater recharge. +
 Floodflow Alteration	Y	3, 4, 5, 6, 8, 9, 11	X	This low lying wetland has the traits of being effective for flood storage during precipitation, discharge, or snow melt. +
 Fish and Shellfish Habitat	N			No watercourse suitable for fish and shellfish is associated with this wetland.
 Sediment/Toxicant Retention	N	1, 4		This wetland is not associated with a watercourse, and only holds water seasonally. +
 Nutrient Removal	Y	3, 4, 7, 8, 9, 10, 11	X	This wetland contains a dense stand of vegetation that can process trapped nutrients. +
 Production Export	N	7		This wetland has little production value due to the abundance of invasive species, lack of wildlife value, and lack of economically or commercially viability +
 Sediment/Shoreline Stabilization	N	2, 3		This wetland lacks open water and a shoreline to stabilize.
 Wildlife Habitat	N	3, 7, 13, 19		Invasive species are present throughout, and generally low wildlife value vegetation dominates the stand. +
 Recreation	N			Wetland is within a privately owned parcel with no recreationally viable water.
 Educational/Scientific Value	N	8, 14		Wetland is dominated by invasive species and within a Utility ROW. Tripping hazards and dumping was present. +
 Uniqueness/Heritage	N	1, 17		It is unknown if RTE species utilize this area for habitat. This wetland is dominated by invasive species and does not have a unique plant community. +
 Visual Quality/Aesthetics	N	6, 12		The wetland is within a Utility ROW and has limited access, no viewing areas, and limited visual quality function. +
ES Endangered Species Habitat	Y			It is unknown if RTE species utilize this habitat. No species were observed during surveys, but NHFG has identified species within the vicinity. +
Other				Ecological integrity was also assessed during FVA. This form is attached within this application package. +

Notes: The northern extent of this wetland was not surveyed outside of the ROW.

* Refer to backup list of numbered considerations.

NH METHOD FOR THE EVALUATION OF FRESHWATER WETLANDS *(revised December, 2015)*

Wetland Name/Code: W-7 Evaluation Date: 1/5/2026 Evaluator: Trent Delehanty, CWS

1 – ECOLOGICAL INTEGRITY

Evaluation Questions	Observations & Notes	Answers	Score
1. Are there land uses in the wetland's watershed that could degrade water quality in the wetland?	Adjacent wetland uses are primarily commercial and residential with impervious surfaces abundant.	a. Less than 5% of the watershed has land uses that could degrade water quality. b. 5-10% of the watershed has land uses that could degrade water quality. c. > 10% of the watershed has land uses that could degrade water quality.	10 5 1
2. Is there evidence of fill in the wetland?	Wetland was likely historically filled and contiguous with wetland W-8.	a. Less than 1 % b. From 1-3 % c. More than 3 %	10 5 1
3. What percentage of the wetland has been altered by agricultural activities?	No agricultural activities were observed within the wetland.	a. Less than 5 % b. From 5 to 25 % c. More than 25 %	10 5 1
4. What percentage of the wetland has been adversely impacted by logging activity within the last 10 years?	This wetland contained little forested cover types, and no evidence of logging was observed.	a. Less than 1% b. From 1 to 10 % c. More than 10 %	10 5 1
5. How much human activity is taking place in the wetland (e.g. ATV use, trails, cars, dumping of brush and garbage, etc.)?	Some dumping was observed. Access way has some evidence of trail use.	a. Low: Few trails in use, little or no traffic, and little or no litter. b. Moderate: Some used trails, roads, litter c. High: Many trails, roads, and/or litter	10 5 1
6. What percentage of the wetland is occupied by invasive plant species?	Wetland was noted as containing 35% invasive species.	a. None b. 1-5% of the wetland has invasive species c. > 5% of the wetland has invasive species	10 5 1
7. Are there roads, driveways and/or railroads crossing or adjacent to the wetland or come within 500 ft. of the wetland?	Development is within the vicinity of the wetland.	a. No roads, driveways or railroads. within 500 ft. of, or in the wetland b. Roads, driveways, railroads are within 500 ft of the wetland c. Roads, driveways, railroads cross, or are adjacent to, the wetland	10 5 1
8. How much human activity is taking place in the upland within 500 feet of the wetland edge?	Commercial and residential development is within the vicinity of the wetland.	a. Less than 5% or no activity b. Human activity evident in up to 25% of the 500 ft zone c. Human activity evident in more than 25% of the 500 ft zone	10 5 1
9. What is the percent of impervious surface within 500 feet of the wetland edge?	There are multiple residential and commercial buildings within the 500 foot edge of this wetland.	a. Less than 3% impervious area within 500 ft of the wetland edge b. 3-10% impervious area within 500 ft of the wetland edge c. Greater than 10% impervious area within 500 ft of the wetland edge	10 5 1
10. Is there a human-made structure that regulates the flow of water through the wetland?	No human-made structures were observed within the wetland.	a. No human made structures present upstream of, or in the wetland. b. One or more human made structures present upstream of, or in the wetland but hydrologic modification is slight c. One or more human made structures present upstream of, or in the wetland that severely block or alter surface water hydrology	10 5 1

AVERAGE SCORE FOR ECOLOGICAL INTEGRITY

(Add scores for each question and divide by 10)

5.7

Wetland Function-Value Evaluation Form

Total area of wetland 54,994+ SF Human made? No Is wetland part of a wildlife corridor? No or a "habitat island"? No

Adjacent land use Commercial, residential, utility ROW, forested Distance to nearest roadway or other development 23 Feet

Dominant wetland systems present PEM1C Contiguous undeveloped buffer zone present No

Is the wetland a separate hydraulic system? Yes If not, where does the wetland lie in the drainage basin? _____

How many tributaries contribute to the wetland? 0 Wildlife & vegetation diversity/abundance (see attached list)

Wetland I.D. W-8

Latitude 43.0805 Longitude -70.8802

Prepared by: TD Date 1/5/2025

Wetland Impact:
Type Temporary Area 2,729

Evaluation based on:
Office X Field X

Corps manual wetland delineation
completed? Y X N _____

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
 Groundwater Recharge/Discharge	Y	2, 6,		This low lying wetland collects sheet flow and discharge from upslope uplands. Piezometer reading were taken, but it likely serves as groundwater recharge. +
 Floodflow Alteration	Y	3, 4, 5, 6, 8, 9, 11	X	This low lying wetland has the traits of being effective for flood storage during precipitation, discharge, or snow melt. +
 Fish and Shellfish Habitat	N			No watercourse suitable for fish and shellfish is associated with this wetland.
 Sediment/Toxicant Retention	N	1, 4		This wetland is not associated with a watercourse, and only holds water seasonally. +
 Nutrient Removal	Y	3, 4, 7, 8, 9, 10, 11	X	This wetland contains a dense stand of vegetation that can process trapped nutrients. +
 Production Export	N	7		This wetland has little production value due to the abundance of invasive species, lack of wildlife value, and lack of economically or commercially viability +
 Sediment/Shoreline Stabilization	N	2, 3		This wetland lacks open water and a shoreline to stabilize.
 Wildlife Habitat	N	3, 7, 13, 19		Invasive species are present throughout, and generally low wildlife value vegetation dominates the stand. +
 Recreation	N			Wetland is within a privately owned parcel with no recreationally viable water.
 Educational/Scientific Value	N	8, 14		Wetland is dominated by invasive species and within a Utility ROW. Tripping hazards and dumping was present. +
 Uniqueness/Heritage	N	1, 17		It is unknown if RTE species utilize this area for habitat. This wetland is dominated by invasive species and does not have a unique plant community. +
 Visual Quality/Aesthetics	N	6, 12		The wetland is within a Utility ROW and has limited access, no viewing areas, and limited visual quality function. +
ES Endangered Species Habitat	Y			It is unknown if RTE species utilize this habitat. No species were observed during surveys, but NHFG has identified species within the vicinity. +
Other				Ecological integrity was also assessed during FVA. This form is attached within this application package. +

Notes: The northern extent of this wetland was not surveyed outside of the ROW.

* Refer to backup list of numbered considerations.

NH METHOD FOR THE EVALUATION OF FRESHWATER WETLANDS (revised December, 2015)

Wetland Name/Code: W-8 Evaluation Date: 1/5/2026 Evaluator: Trent Delehanty, CWS

1 – ECOLOGICAL INTEGRITY

Evaluation Questions	Observations & Notes	Answers	Score
1. Are there land uses in the wetland's watershed that could degrade water quality in the wetland?	Adjacent wetland uses are primarily commercial and residential with impervious surfaces abundant.	a. Less than 5% of the watershed has land uses that could degrade water quality. b. 5-10% of the watershed has land uses that could degrade water quality. c. > 10% of the watershed has land uses that could degrade water quality.	10 5 1
2. Is there evidence of fill in the wetland?	Wetland was likely historically filled and contiguous with wetland W-7.	a. Less than 1 % b. From 1-3 % c. More than 3 %	10 5 1
3. What percentage of the wetland has been altered by agricultural activities?	No agricultural activities were observed within the wetland.	a. Less than 5 % b. From 5 to 25 % c. More than 25 %	10 5 1
4. What percentage of the wetland has been adversely impacted by logging activity within the last 10 years?	This wetland contained little forested cover types, and no evidence of logging was observed.	a. Less than 1% b. From 1 to 10 % c. More than 10 %	10 5 1
5. How much human activity is taking place in the wetland (e.g. ATV use, trails, cars, dumping of brush and garbage, etc.)?	Some dumping was observed. Access way has some evidence of trail use.	a. Low: Few trails in use, little or no traffic, and little or no litter. b. Moderate: Some used trails, roads, litter c. High: Many trails, roads, and/or litter	10 5 1
6. What percentage of the wetland is occupied by invasive plant species?	Wetland was noted as containing 30% invasive species.	a. None b. 1-5% of the wetland has invasive species c. > 5% of the wetland has invasive species	10 5 1
7. Are there roads, driveways and/or railroads crossing or adjacent to the wetland or come within 500 ft. of the wetland?	Development is within the vicinity of the wetland.	a. No roads, driveways or railroads. within 500 ft. of, or in the wetland b. Roads, driveways, railroads are within 500 ft of the wetland c. Roads, driveways, railroads cross, or are adjacent to, the wetland	10 5 1
8. How much human activity is taking place in the upland within 500 feet of the wetland edge?	Commercial and residential development is within the vicinity of the wetland.	a. Less than 5% or no activity b. Human activity evident in up to 25% of the 500 ft zone c. Human activity evident in more than 25% of the 500 ft zone	10 5 1
9. What is the percent of impervious surface within 500 feet of the wetland edge?	There are multiple residential and commercial buildings within the 500 foot edge of this wetland.	a. Less than 3% impervious area within 500 ft of the wetland edge b. 3-10% impervious area within 500 ft of the wetland edge c. Greater than 10% impervious area within 500 ft of the wetland edge	10 5 1
10. Is there a human-made structure that regulates the flow of water through the wetland?	One culvert was noted on the western boundary of the site. This is likely a discharge location.	a. No human made structures present upstream of, or in the wetland. b. One or more human made structures present upstream of, or in the wetland but hydrologic modification is slight c. One or more human made structures present upstream of, or in the wetland that severely block or alter surface water hydrology	10 5 1

AVERAGE SCORE FOR ECOLOGICAL INTEGRITY

(Add scores for each question and divide by 10)

5.2

Wetland Function-Value Evaluation Form

Total area of wetland 230,856+ SF Human made? No Is wetland part of a wildlife corridor? Yes or a "habitat island"? _____

Adjacent land use Commercial, Forested Distance to nearest roadway or other development Adjacent

Dominant wetland systems present PEM1/5E, PSS1E Contiguous undeveloped buffer zone present No

Is the wetland a separate hydraulic system? No If not, where does the wetland lie in the drainage basin? Low

How many tributaries contribute to the wetland? _____ Wildlife & vegetation diversity/abundance (see attached list)

Wetland I.D. W-11 and W-12

Latitude 43.0423 Longitude -70.81234

Prepared by: TD Date 1/5/2026

Wetland Impact:
Type Temporary Area 16,351 SF

Evaluation based on:
Office X Field X

Corps manual wetland delineation completed? Y X N

Function/Value	Suitability Y / N	Rationale (Reference #)*	Principal Function(s)/Value(s)	Comments
 Groundwater Recharge/Discharge	Y	2, 6, 7, 12, 15	X	No piezometer readings were taken in the field. Wetland is large and is a Prime Wetland. Large wetland retains floodflow, and recharges groundwater. +
 Floodflow Alteration	Y	1, 3, 4, 5, 6, 8, 9, 11, 13, 18	X	No watercourse was observed during field surveys or within the NWI mapping tool. The large wetland can retain high volumes of water. +
 Fish and Shellfish Habitat	N			No watercourse is associated with this wetland.
 Sediment/Toxicant Retention	Y	1, 3, 4, 5, 7, 8	X	This wetland is large and has potential to trap sediments, toxicants, or pathogens from upland runoff. +
 Nutrient Removal	Y	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11	X	This large wetland has a potential to trap excess nutrients and has a dense stand of primarily emergent vegetation to process excess nutrients. +
 Production Export	N	7, 12		This wetland provides limited production for wildlife as much of the wetland is dominated by invasive species. No commercially viable species were present. +
 Sediment/Shoreline Stabilization	N	2, 3		No watercourses were observed or found on the NWI mapping tool. Wetland is of adequate size and composition to stabilize shoreline if present. +
 Wildlife Habitat	N	7, 9, 11, 13, 19, 20		The size and saturation of this wetland provides habitat for wildlife species. The plant composition observed was primarily invasive species. +
 Recreation	N	1, 10, 11		This wetland can be easily access as a parking area is present on the western boundary. No recreational viable watercourse was present. +
 Educational/Scientific Value	N	6, 8, 11, 14		This wetland is large, and is protected by the City of Portsmouth as a Prime wetland. Access is available at parking areas. +
 Uniqueness/Heritage	Y	1, 2, 3, 4, 5, 9, 13, 17, 27		The wetland is defined as a prime wetland within the City of Portsmouth and provides functions for flood storage and nutrient cycling. +
 Visual Quality/Aesthetics	N	2, 6, 12		A walking bridge between the two parking areas provides a viewing area, but dominant species within the observed portion of the wetland were invasive. +
ES Endangered Species Habitat	Y			It is unknown if RTE species utilize this habitat. No species were observed during surveys, but NHFG has identified species within the vicinity. +
Other				Ecological integrity was also assessed during FVA. This form is attached within this application package. +

Notes:

*** Refer to backup list of numbered considerations.**

This wetland was mapped within the project area of the ROW. These two wetlands are part of a large wetland that extends outside of the ROW and study area. This form describes this feature as a whole.

NH METHOD FOR THE EVALUATION OF FRESHWATER WETLANDS *(revised December, 2015)*

Wetland Name/Code: W-11 and W-12 Evaluation Date: 1/5/2026 Evaluator: Trent Delehanty, CWS

1 – ECOLOGICAL INTEGRITY

Evaluation Questions	Observations & Notes	Answers	Score
1. Are there land uses in the wetland's watershed that could degrade water quality in the wetland?	The wetland is adjacent to commercial development and is bisected by a railway.	a. Less than 5% of the watershed has land uses that could degrade water quality. b. 5-10% of the watershed has land uses that could degrade water quality. c. > 10% of the watershed has land uses that could degrade water quality.	10 5 1
2. Is there evidence of fill in the wetland?	No fill was observed during surveys but fill likely exists where the railroad and development exist.	a. Less than 1 % b. From 1-3 % c. More than 3 %	10 5 1
3. What percentage of the wetland has been altered by agricultural activities?	No agricultural activities were observed within the wetland.	a. Less than 5 % b. From 5 to 25 % c. More than 25 %	10 5 1
4. What percentage of the wetland has been adversely impacted by logging activity within the last 10 years?	No logging impacts were observed within the wetland.	a. Less than 1% b. From 1 to 10 % c. More than 10 %	10 5 1
5. How much human activity is taking place in the wetland (e.g. ATV use, trails, cars, dumping of brush and garbage, etc.)?	Trash was observed within the wetland. A railroad crossing bisects the wetland.	a. Low: Few trails in use, little or no traffic, and little or no litter. b. Moderate: Some used trails, roads, litter c. High: Many trails, roads, and/or litter	10 5 1
6. What percentage of the wetland is occupied by invasive plant species?	Portions of the wetland were dominated by <i>Phragmites australis</i>	a. None b. 1-5% of the wetland has invasive species c. > 5% of the wetland has invasive species	10 5 1
7. Are there roads, driveways and/or railroads crossing or adjacent to the wetland or come within 500 ft. of the wetland?	Roadways and railways abut the wetland.	a. No roads, driveways or railroads. within 500 ft. of, or in the wetland b. Roads, driveways, railroads are within 500 ft of the wetland c. Roads, driveways, railroads cross, or are adjacent to, the wetland	10 5 1
8. How much human activity is taking place in the upland within 500 feet of the wetland edge?	Human activity is present along the western and southern boundaries of the wetland.	a. Less than 5% or no activity b. Human activity evident in up to 25% of the 500 ft zone c. Human activity evident in more than 25% of the 500 ft zone	10 5 1
9. What is the percent of impervious surface within 500 feet of the wetland edge?	Two large parking lots and a roadway abut this wetland.	a. Less than 3% impervious area within 500 ft of the wetland edge b. 3-10% impervious area within 500 ft of the wetland edge c. Greater than 10% impervious area within 500 ft of the wetland edge	10 5 1
10. Is there a human-made structure that regulates the flow of water through the wetland?	No culverts or structures were observed during surveys.	a. No human made structures present upstream of, or in the wetland. b. One or more human made structures present upstream of, or in the wetland but hydrologic modification is slight c. One or more human made structures present upstream of, or in the wetland that severely block or alter surface water hydrology	10 5 1

AVERAGE SCORE FOR ECOLOGICAL INTEGRITY

(Add scores for each question and divide by 10)

4.4



F

July 8, 2026 Conservation Commission Meeting Minutes

**CITY OF PORTSMOUTH, NEW HAMPSHIRE
CONSERVATION COMMISSION**



**MEETING MINUTES
WEDNESDAY, JULY 8, 2026, 4 pm
City Hall Council Chambers, 1 Junkins Ave., Portsmouth**

For the Zoom recording:

https://www.youtube.com/live/rbPysCN_U7A?si=o4_lbtXK4W2qZ7dT

Meeting called to order at 4 pm. Roll Call:

MEMBERS PRESENT: Chair Samantha Collins; Vice Chair Barbara McMillan, Lynn Vaccaro, Alice Carey, Brian Gibb. Via Zoom: Jessica Blasko

MEMBERS ABSENT: Talia Sperduto, Oliver Chag, Stewart Sheppard

STAFF PRESENT: Kate Homet; Environmental Planner

1. [04:40] Draft Minutes from the June 10, 2026 meeting

On a motion by Gibb seconded by McMillan the Commission voted to approve the June 10, 2026 minutes with Carey abstaining as she was absent from that meeting.

2. [05:43] New Business: Wetland Conditional Use Permit & State Wetland Bureau Application

124 Heritage Avenue
Assessor's Map 284 Lot 8
124 Group Inc, Owner
LU-26-61

On a motion by Carey, seconded by Vaccaro, Commission voted to approve the request to postpone the CUP and State Wetland permit application until the August meeting.

[6:20] New Business: Wetland Conditional Use Permit

E94 Utility Right-of-Way
Assessor's Map 239 Lot 18, Map 239 Lot 16, Map 238 Lot 20, Map 237 Lot 56,
Map 236 Lot 34, Map 240 Lot 2-1, Map 240 Lot 2-2001, Map 240 Lot 3 and Map
240
Lot 3 Public Service of New Hampshire d/b/a Eversource Energy, Owner
LU-26-90

Sherrie Trefry, VHB representing Eversource discussed the project for proposed utility maintenance on the existing 115kV E194 Transmission Line in Portsmouth within Eversource property or Eversource-held easements and as part of Eversource's ongoing maintenance program conducted to ensure reliable electric service for their customers. The project involves both temporary and permanent impacts within the 100' wetland buffer and temporary impacts to wetlands. The location is along Rte 16 and Liberty Mutual and Portsmouth Regional Hospital parking lots.

This work:

- Replaces 12 wood structures (15, 16, 18, 21, 22, 23, 24, 26, 37, 38, 39, and 40) with new weathered steel structures in the same configuration.
- Commences by fall 2026.
- Is located within vegetated and commercially developed areas of the E194 ROW.
- Access to the ROW will be from established roadways that intersect the ROW or commercial parking lots that occur within the ROW.
- Installs the replacement structures within 5 to 10 feet ahead or behind the existing structure footprint.
- Increases the height of the structures 5-20 feet to gain compliance with current regulatory standards, meet safety clearance requirements, accommodate the site topography, and minimize environmental impacts.

VHB Wetland Scientists surveyed for and delineated jurisdictional resource areas in August of 2025. Resources delineated within the project area included multiple wetlands and a small section of an ephemeral stream. VHB has consulted with New Hampshire Fish and Game, and the Natural Heritage Bureau for rare, threatened, and endangered species on behalf of Eversource. The project will work with time constraints and care taken not to obstruct winter nesting sites for turtles. Project does not rise to the level of needing an alteration of terrain permit. Waiting to file statutory notices until August to allow for a full year of work and restoration before the permit expires.

Prior to accessing work sites with construction equipment, crews will install wildlife friendly erosion and sediment control barriers. The upland terrain includes the City 100' wetland buffer.

- 100 x 100 gravel pads on upland terrain and 4' x 16' sections of timber matting in wetlands;
- Access routes are proposed as 16' wide permanent gravel roadways in uplands and timber matting in the wetlands;
- The upland impacts proposed within wetland buffers will be reduced to 60' x 35' permanent gravel pads and both these and the roadways will remain to allow for future access to facilitate maintenance or repairs and are expected to revegetate;

- Erosion control will be implemented in the vicinity of wetlands;
- All excavated spoils will be spread within an upland area of the project ROW or trucked off-site and properly disposed of.

Commission discussion

[15:25- 18:38] Collins: Any other examples of an Eversource gravel road within the wetland buffer to see how they revegetate?

Ashley Nicole, Eversource: Yes. Replacement near Portsmouth Ford defined in after-the-fact permit, following the rerouting of a CUP path that originally crossed a wetland. Can provide a list.

18:45-20:45 McMillan asked how often the structures need to be maintained and other justification for the permanent access.

Nicole: Primarily there in case of emergency but also maintenance.

[20:47- 24:34] Size of gravel and moving of topsoil.

Topsoil removed for the 100x100 pads is then reused when reducing the size to 60x30 and on the sides of the roadway. BMPs applied to be aware of invasives, cleaning the mats and otherwise minimizing potential for spreading, including in the buffer although not required.

[24:40- 26:35] Carey asked about limiting access to the wetlands via the new roadways.

Eversource asks underlying landowners to monitor for trespassers and place boulders or gates to limit access without preventing emergency access. They modified the plan to eliminate one access point.

26:40 – Collins asked about using removed soil to top dress the gravel.

Yes, that could be considered in this project.

[29:10- 32:26] Vaccaro refers to City memo suggesting that Eversource do what it can to avoid permanent impacts to the wetland buffer zone. Recognize 25' limit and use the timber matting instead of gravel in those areas?

Eversource prefers to leave the road to avoid redoing it when needed. Also pulls the roadway back 15' from wetlands to avoid impact. Could accommodate the 25' limit but not the 'no cut' as clearing is needed regularly for maintenance.

[33:00-33:27] Hamet noted no impact sheet in packet for timber matting or gravel as well as maintenance required. Eversource to provide.

[33:45- Macmillan made a motion to approve CUP for E94 with several conditions due to the project's significant impacts:

- Include detail sheet
- Use timber matting within 25' of wetlands instead of gravel
- Use removed soils to cover the gravel
- Monitor and remove invasives in upland as well as wetlands for a 2 year period with report on maintenance to the City staff.

Seconded by Carey. Discussion about limiting the number of gravel sections.

[38:30-43:15] Gibb asked if this approval could be a template along with any insights from similar prior projects elsewhere to be consistent and best practice for the whole series of anticipated other projects. Coming back with timber mats multiple times might be as bad as the one permanent impact. Hamet noted that emergency access is infrequent and does not have to mean permanent access. Gibb suggested Eversource take time to go back to consider options to produce a well-documented response that also reflects best practice to them rather than listing stipulations. That would expedite future similar reviews. Blasko agreed and asked Eversource to consider options for the least long term impact.

[44:52-46:40] McMillan withdrew her original motion, concurred by Carey, and made a new motion to postpone approval of the CUP until the August meeting to provide time for Eversource to provide the technical details discussed. Seconded by Gibb. Carey requested additional explanation for the location of the road. Roll call vote was unanimous to postpone.

3. [46:55] STATE WETLAND BUREAU APPLICATIONS (OLD BUSINESS)

Dredge and Fill – Major Impact
550 Peverly Hill Road
City R.O.W. & Multiple Private Lots (see application for full list)

[46:55-52:04] Brian Colburn, McFarland Johnson consulting engineer for the City on this project and Christine Perron wetland scientist spoke to the impacts in this project to improve a critical link in the City's multimodal access. Majority of the work between Middle and Banfield Road.

- 10' shared use path to west of Peverly Hill and 6' sidewalk to the east between Middle and West with a 24' wide roadway.
- New curbing along the entire length.
- Increasing impervious pavement from 5 acres to 6.15 acres.
- To mitigate increased flow and provide stormwater treatment, proposing 2 formal stormwater treatment structures: a 2.64 acre gravel wetland behind YMCA/Tai Kwan Do which pulls the gravel a bit more out of the buffer, and 0.388 acre underground infiltration chamber in the DPW parking lot. Plus sediment basins: 1.2 acres near Moffatt Rd. and 1.6 acres at Banfield Rd. Consolidated BMP. Stormwater treatment wherever gravity allows.

[52:15-56:25] Wetland

- No stream or tidal wetlands impact but wetland impact on two prime wetlands to the west and east of Peverly Hill road and tidal buffer impact on 67 sf. Impact to west;
- Applied to DES for waiver impact on 100' buffer issue for work in the existing roadway; 39 sf impact at edge of roadway
- Tidal buffer on east impact Sagamore Creek system. – within 100' buffer 9500 sf BMP at gravel at YMCA
- Tidal buffer zone remains vegetated so applied for DES waiver of mitigation rules;
- Presence of Blandings turtles so implementing construction BMPs

Commission Discussion:

[56:30 Collins asked about original submission. The applicants held off on attending a previous Commission meeting due to a delay from the State. Discussion of context for area (Sheet 10)

59:20- 1:02:40] McMillan asked about cutting trees and controlling invasives.

Christine – can provide tree plan.

Will access BMP construction via 10-15' wide trench for drainage pipe and from TaiKwanDo parking area. Most outside 100' buffer. Balancing maximum stormwater drainage by gravity and 100' impact.

[1:02:42-1:03:38] Are there alternative options? Applicant mentioned Greenleaf Avenue but that location is also in the buffer. Area around the stream is steep and not conducive to drainage.

[1:03:45- 1:04:44] Carey asked why project is so big – is it addressing other stormwater drainage? Includes the whole roadway and invokes MS4 rules apply, alteration of terrain permit – treats where there is no formal stormwater treatment at the moment.

[1:05:00- 1:09:47] Collins asked about road/side path/sidewalk configuration, widening from 24' to 44'. Applicant stated that the sidepath side has a 4' strip of grass and tree plantings between to separate the path and the roadway. Design options presented during public necessity hearings posted on City project page. [Peverly Hill Road Complete Streets Project | City of Portsmouth](#)

[1:07:49- 1:11:40] Collins asked for a comparison of existing impacts of the road and shoulder on the 100' buffer and wetland compared to the new plan. McMillan asked about the Conditional Use Permit and submitting both before the August meeting deadline.

[1:11:42- 1:12:27] Collins proposed a site walk of the proposed gravel feature. Suggestion that Eric Eby, project manager arrange, accompanied by consultant. Aug 5.

[1:12:30- 1:18:44] Collins asked which large trees will be cut for sidepath, asked to add buffer line on all plans (CUP will have) – relative to treeline, intersection at YMCA? Footprint not extended by culvert that carries stream under Peverly at Banfield. Will outfall to right of YMCA affect the stream? Vegetative and fertilizer/maintenance plan. Project timeline is to advertise bid Oct-Nov, tree clearing over the winter.

[1:19:17- McMillan made a motion to postpone approval of the application for 550 Peverly Hill Road, invoking the 40-day delay, until the August meeting when the Commission would be considering a vote on the CUP. Collins would like to review with questions at the CUP level. Carey seconded in order to look at the whole project in one piece, with the 100' buffer marked more clearly. Feels the BMP behind YMCA is problematic. McMillan would like to hear more about the stormwater flow and treatment considerations in making the choices. Gibb asked that Homet detail the requests in an email. On a roll call vote the Commission voted unanimously to postpone.

Other Business

- [1:23:50] **224 Cate Street** required to submit two monitoring reports showing reconstruction work in the buffer. First report submitted by new owner who plans to submit the second later this fall.

- [1:25:27-2:06:22] **Wetlands Ordinance Article 10 review.** Discussion about page 11 and the cutting table. Planning Board chair plans to bring his comments to the Planning Board for discussion this month and then potentially combining the two edited documents. Discussion about expanding the vegetative buffer. Decision to leave the no cut and presented by the original working group. Homet noted Portsmouth has some of the strictest limits in the state. Gibb commented that going to 50' limited cut seems an overreach – people are working with city to get to 25'. Commission decided to keep the 'no cut' buffer at 0-25' to 0-50' and adjust the limited cut at 50-100'. City should consider mapping vernal pools.
- #(3) tree-cutting edit as noted
- Wetland buffer markers – exceptions if other signage is used – or in a developed area. Confusion that the markers are educational not disciplinary in nature.
- 10.1018.50 Recommended changing heading to include salt storage: snow storage and covered salt storage be located outside the 50' buffer or be removed offsite.
- Vaccaro suggested noting the dates of Ordinance edits, noting original dates and then once adopted by Council. Homet suggested adding a comment on the side for future discussion.
- [2:05:41] Vaccaro made a motion to approve the draft edits identified by the Commission and recommended for submission to the Planning Board. Seconded by Carey.

Homet suggested dates for joint Planning Board and Conservation Commission work session noting the easiest to schedule is a Thursday, 6-7 pm – the hour before the Planning Board meeting. Recommended having Planning Board discuss their edits and then schedule joint session.

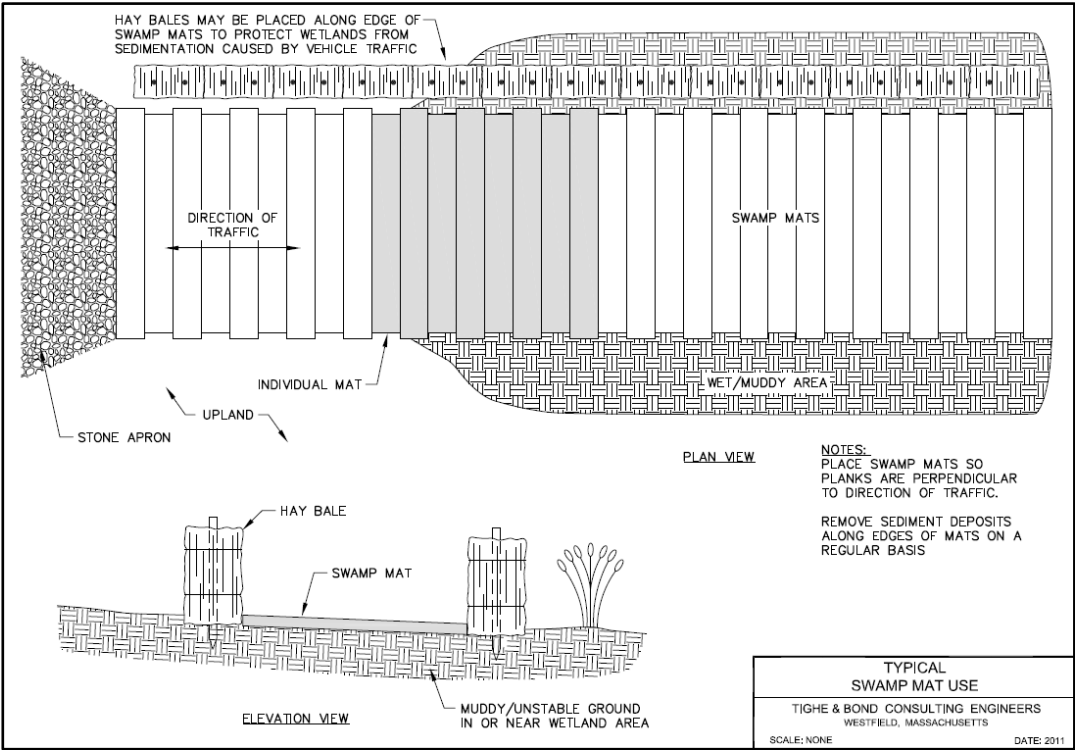
The meeting adjourned at 6:08 pm.



G

Construction Specifications

Swamp Mat Detail and Description



Description

Pre-fabricated mats are pads that can support the weight of equipment and prevent both rutting and disturbance of soils. These mats can be used for crossing wetlands or watercourses, or for providing a stable work platform to conduct repairs and maintenance activities. Mats are constructed of several different types of materials, including wood and plastic.

Considerations

- Minimize impact to wetland areas during installation, use and removal.
- Swamp mats should be removed as soon as possible following completion of maintenance activities to reduce compaction of the underlying soil.

Installation

- Install and remove in accordance with manufacturer's instructions, if applicable.
- Place mats in a location that will minimize the length needed for crossing.
- Mats may be used to cross small streams, provided the mat does not disturb the bed or banking.
- Where possible, place mats so that they are not overtopped with water and equipment can work in the dry.
- Place mats so that they do not restrict the natural flow of water or aquatic organism passage.
- Remove mats from wetland areas once the crossing or maintenance activity is completed.
- Do not reuse mats that have been placed in areas of invasive species until they have been cleaned and inspected.

Inspection and Maintenance

- Inspect after each use.
- Look for any defects or structural problems.
- Remove remaining plant material left on mats.

Eversource Overhead Transmission Line Standards

Access Roads and Structure Work Sites Eversource Approved by: (CT/WMA), (NH/EMA) Construction and Commissioning Standard Eversource Confidential Information OTRM 231.2 Rev. 3 09/26/2018

- 1) Access roads shall be constructed to a quality which generally allows the unobstructed passage for Eversource following construction operation. However, it is Eversource's intent to construct the minimal road consistent with the stated purpose.
- 2) Access roads shall be restricted to the travel surface no greater than 16 foot in width provided for in the clearing operations by others. This travel surface may exceed 16 feet in approved locations for the safe passage of vehicles and equipment due to location specific locations and/or for turning locations. These locations shall be clearly marked on the Project mapping. Subgrading for access roads shall not extend beyond the space required for the finished road.
- 3) The following types of access roads may be required:
 - a) Undisturbed existing grade where natural conditions and the traffic to be imposed permit.
 - b) As in (a) above with spot stripping to subgrade and/or spot bank run gravel fill.
 - c) Continuous bank run gravel fill.
 - d) Gravel topping over brush laid in access road.
 - e) Traprock base with gravel topping. Traprock of various size gradations up to 2" to 4" mix as required by site conditions.
 - f) Wood slab and gravel, in very soft and wet locations.

The Eversource Representative shall direct the type of road to be installed within the various sections on the right-of-way. The Eversource Representative shall also direct the depth and/or quantity of materials to be placed in each type of road and shall rule on the acceptability of the material provided.

- 4) The following material and compaction requirements shall be followed:
 - a) Where practical, existing road gravel material may be used to re-grade the road cross-sectional and longitudinally to provide a suitable sub-base.
 - b) If existing roadway material is unsuitable, material shall be added as required by sub-surface conditions. Supplemental material shall be added in 6-inch lifts and compacted.
 - c) Sub-base shall be a minimum of 6-inch compacted.
 - d) No less than 6 inches of new material shall be required to reconstruct roadway.
 - e) Wearing surface shall be 1-1/2 inch minus manufactured dense grade compacted to a thickness of not less than 3 inches.
 - f) Wearing surface shall be sloped in accordance with Eversource BMPs.
- 5) The construction of access roads shall not create an impediment to or siltation of natural drainage. The Contractor shall install corrugated metal culverts in size, number and location as the Eversource Representative may direct. As an alternate, the Eversource Representative may direct a traprock base to be laid in minor stream crossings. The Eversource Representative may direct the removal of such culverts and crossings upon completion of line construction operations in that area. Water control measures and specifications implemented for improvements of existing access roads or construction of new access roads must comply with the current version of the Eversource BMPs.

Existing elevated roads with established water run off controls can be improved and regraded to the existing elevated level at the discretion of Eversource construction and with Eversource approval.

- 6) Where practicable, based on topography and soil conditions, a typical new access road shall be constructed by scraping the existing top soil to a stable sub-straight and adding compaction material up to the original grade prior to road installation. A slight crown in the road is acceptable to facilitate water run off but shall be minimal. Effort

shall be made to maintain the existing grade to minimize the rerouting of storm water run-off and to not affect the travel of animal species native to the area.

- 7) Should field conditions warrant, the Eversource Representative may direct the installation and subsequent removal of traprock siltation filters or desiltation basins.
- 8) Access road surfaces shall be blade smooth in the traveled way in preparation for use by others. Side slopes and any similar new or disturbed surfaces off the traveled way shall be similarly shaped to avoid an unkempt appearance during subsequent construction operations. Wearing surface shall be sloped in accordance with Eversource BMPs.
- 9) Where a grade cut is necessary due to change in elevation, the cut edge shall slope no greater than 2:1 from adjacent land. If a 2:1 slope is not achievable, rip rap, a retaining wall or other approved slope stabilization measures shall be used to create and maintain a stable slope.
- 10) In appropriate season, hand seeding of side slopes or similar disturbed areas in new work may be required as the Eversource Representative may direct.

Where practicable, windrows shall be taken down to match the existing grade along the road edges, with excess material spread uniformly just beyond the limits of roadway in uplands. Excess roadway material shall be removed when volumes exceed the ability to spread immediately adjacent to the roadway. For environmentally sensitive areas (i.e. wetlands, locations of high cultural sensitivity, Natural Diversity Data Base areas, Natural Heritage Endangered Species Program areas, etc.). Eversource shall be consulted for specific requirements according to the conditions of the Project permits and approvals or agency agreements.



Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: 9-17-26

Property Address: 238 Austin St.

Application #: LU-25-177

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 the all conditions necessary to obtain final approval.

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information
1	Subdivision Rules and Regulations III. D. 1 The Board shall act to deny any application which is not in compliance with Section IV or V as appropriate. SECTION IV - REQUIREMENTS FOR PRELIMINARY PLAT	Meets Does Not Meet	Applicable standards: The project meets all the applicable Ordinances, Codes, and Regulations.
2	SECTION V - REQUIREMENTS FOR FINAL PLAT	Meets Does Not Meet	The final plan will be submitted on mylar. The plan includes all of the information required for final approval and meets the standard for recording at the registry of deeds.
3	SECTION VI - GENERAL REQUIREMENTS	Meets Does Not Meet	The application received variances from the Board of Adjustment for lot size and frontage and has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements and was recommended for approval on August 4, 2026 at the Technical Advisory Committee Meeting.

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information
4	SECTION VII - DESIGN STANDARDS	Meets Does Not Meet	The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with these minimum requirements and recommended for approval on August 4, 2026 at the Technical Advisory Committee Meeting.
5	<u>Other Board Findings:</u>		

Ross Engineering, LLC
Civil / Structural Engineering

650 Islington Street, 2nd Floor
Portsmouth, NH 03801

603-433-7560
alexross@comcast.net

238 Austin St
Subdivision Application
Project Description

August 26, 2026

This subdivision application is for dividing a single “S” shaped parcel with double frontage on Austin Street and Coffins Court into two separate lots, one on Austin St and one on Coffins Ct. Tax Map 135, Lot 61 is a fully developed 6,384 SF parcel that includes an existing house and shed on Austin St and a large abandoned and dilapidated barn on Coffins Ct. A new lot line is proposed at a point between Austin St and Coffins Ct where the property necks down to create two lots.

The existing house and shed on the proposed Austin St lot are proposed to be demolished and a new house with attached garage is proposed in their place. A paver driveway is proposed next to the garage to allow for 2 parking spaces. Existing overhead utility and underground sewer and water lines are connected to the existing house. The existing overhead utility lines will be utilized to the extent possible for the new house. The existing water and sewer lines will be abandoned outside the footprint of the proposed building prior to the demolition of the existing structure. New sewer and water connections are proposed, as well as a new gas line. Contractor to coordinate with DPW and Utility Companies to ensure all proper connections are made.

The barn on the proposed Coffins Ct lot is proposed to be demolished and a new house with attached garage is proposed in its place. An asphalt driveway is proposed next to the garage to allow for 2 parking spaces. There is a 6” PVC sewer line in Coffins Ct that has a cleanout on the parcel. A new sewer line is proposed to connect the house to this cleanout. A new water line is proposed to connect to the 2” Copper Water Main in Coffins Ct. New overhead utilities are proposed to connect to the Utility Pole on the north side of Coffins Ct. A new gas line is proposed to connect to an existing main in Coffins Ct. Contractor to coordinate with DPW and Utility Companies to ensure all proper connections are made.

Variances for each lot were necessary and obtained from the Portsmouth Zoning Board of Adjustment at its meeting on February 18, 2026. Variances obtained are listed below.

Proposed Austin St Lot

- A) Allow a frontage of 49.75’ where 70’ is required.*
- B) Allow an 8.5’ right side yard where 10’ is required.*

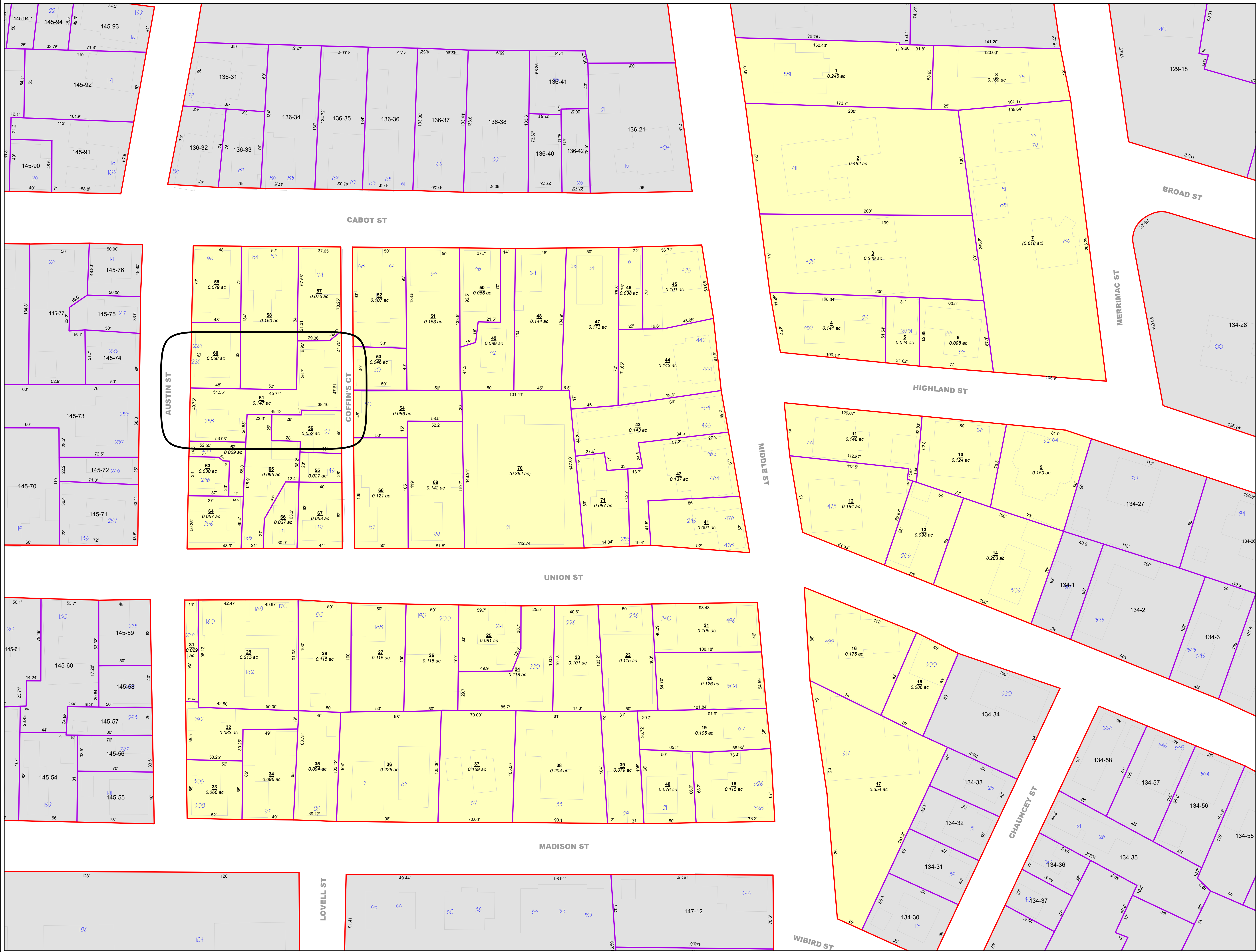
Proposed Coffins Ct Lot

- A) Allow a 2,884 SF Lot Area where 3,500 SF is required.*
- B) Allow a 2,884 SF Lot Area per dwelling unit where 3,500 SF is required.*
- C) Allow a 5.5’ side yard where 10’ is required.*
- D) Allow an 18’ rear yard where 20’ is required.*

The existing site is fully developed, and the end result of all the improvements will be two new lots without two frontages and two new structures which offer an improvement over the existing.

Sincerely,

Alex Ross, P.E.

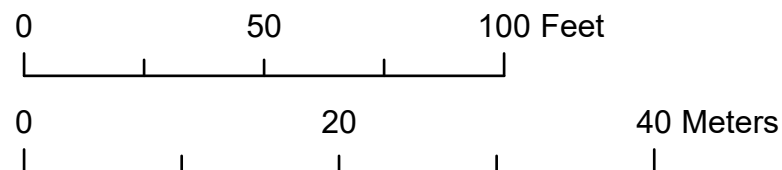


Partial Legend
See the cover sheet for the complete legend.

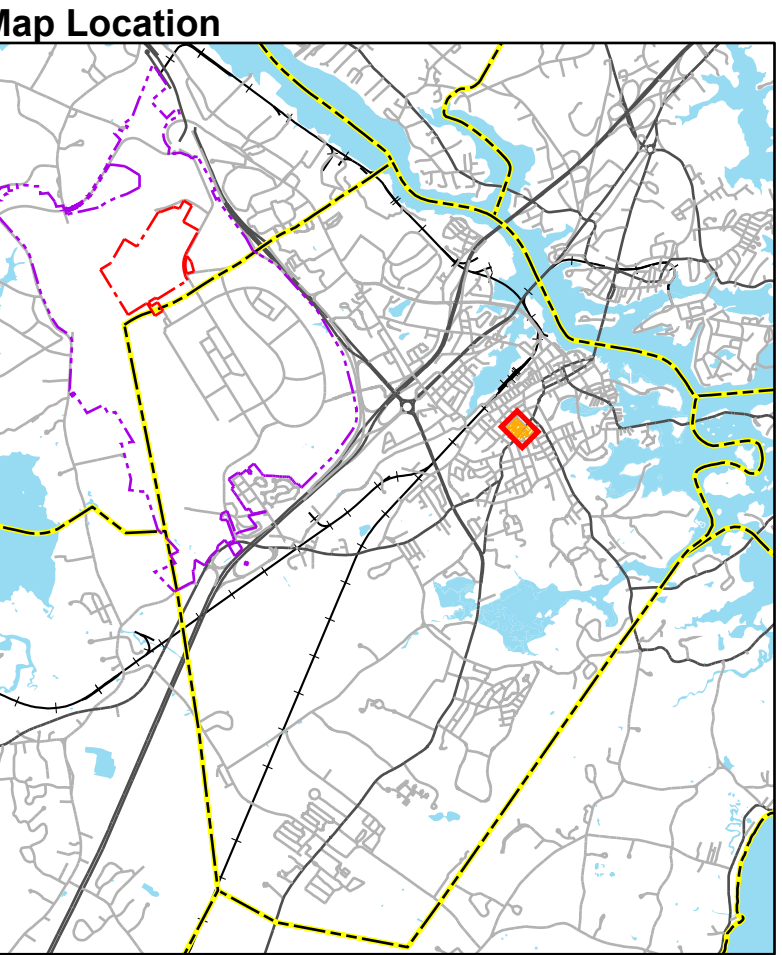
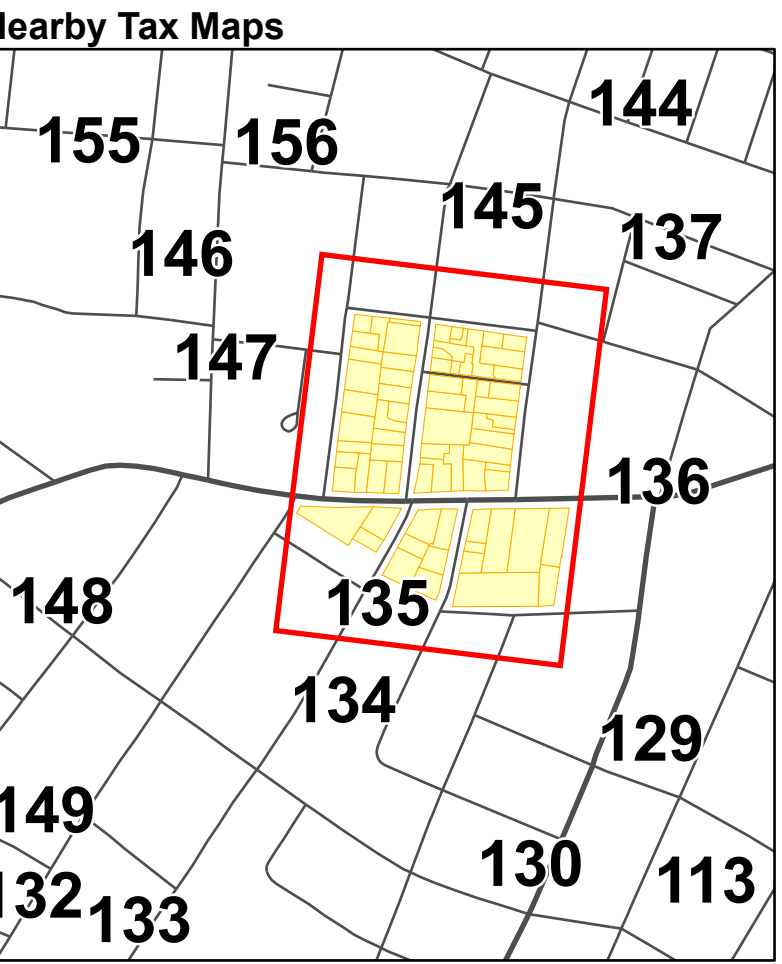
7-5A Lot or lot-unit number
2.56 ac Parcel area in acres (ac) or square feet (sf)
123 Address number
233-137 Parcel number from a neighboring map
68' Parcel line dimension
SIMS AVE Street name

Parcel/Parcel boundary
Parcel/ROW boundary
Water boundary
Structure (1994 data)

Parcel covered by this map
Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



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Civil / Structural Engineering

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Portsmouth, NH 03801**

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Photo 1 – View of the front of the existing house on Austin St looking to the south. (9/3/2025)



Photo 2 – View of rear of the existing house on Austin St looking to the north. (9/18/2025)

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**Photo 3 – View of existing shed on Austin St property looking to the south
(9/3/2025)**



**Photo 4 – View of existing barn on Coffins Ct looking to the northeast.
(9/3/2025)**

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Photo 5 – View of left side of existing barn on Coffins Ct looking to the north.
(9/3/2025)

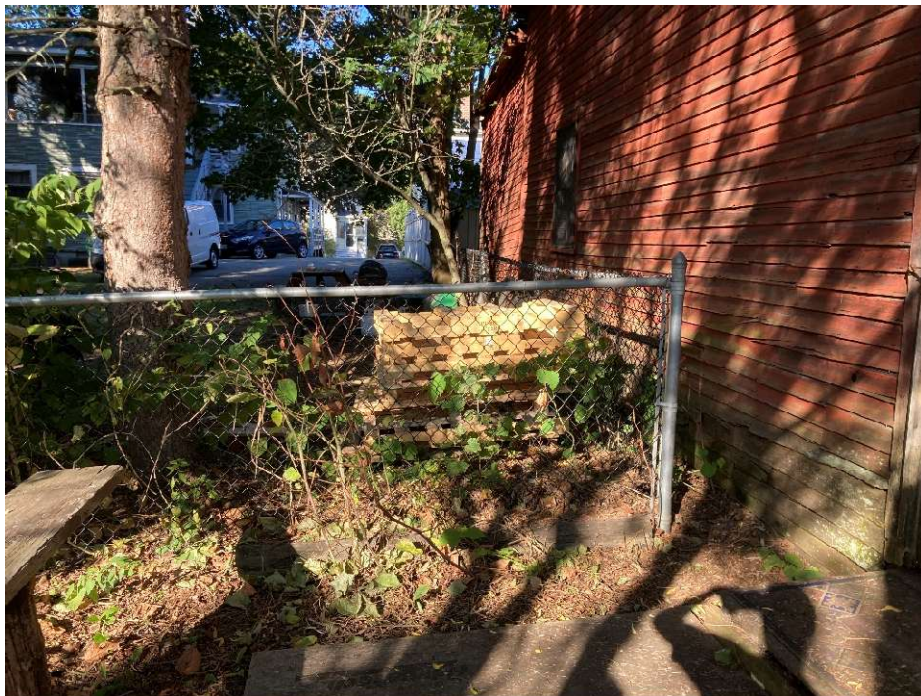


Photo 6 – View of the rear of existing barn on Coffins Ct looking to the east.
(9/3/2025)



City of Portsmouth, New Hampshire

Subdivision Application Checklist

This subdivision application checklist is a tool designed to assist the applicant in the planning process and for preparing the application for Planning Board review. A pre-application conference with a member of the planning department is strongly encouraged as additional project information may be required depending on the size and scope. The applicant is cautioned that this checklist is only a guide and is not intended to be a complete list of all subdivision review requirements. Please refer to the Subdivision review regulations for full details.

Applicant Responsibilities (Section III.C): Applicable fees are due upon application submittal along with required number of copies of the Preliminary or final plat and supporting documents and studies. Please consult with Planning staff for submittal requirements.

Owner: Alea LLC Date Submitted: 8/26/2026

Applicant: Ross Engineering, LLC

Phone Number: 603-433-7560 E-mail: alexross@comcast.net

Site Address 1: 238 Austin St Map: 135 Lot: 61

Site Address 2: _____ Map: _____ Lot: 61

Application Requirements			
☒	Required Items for Submittal	Item Location (e.g. Page or Plan Sheet/Note #)	Waiver Requested
☒	Completed Application form. (III.C.2-3)	LU-25-177	N/A
☒	All application documents, plans, supporting documentation and other materials provided in digital Portable Document Format (PDF) on compact disc, DVD or flash drive. (III.C.4)	Uploaded to Online Application in Viewpoint	N/A

Requirements for Preliminary/Final Plat				
☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Required for Preliminary / Final Plat	Waiver Requested
☒	Name and address of record owner, any option holders, descriptive name of subdivision, engineer and/or surveyor or name of person who prepared the plat. (Section IV.1/V.1)	Cover Sheet	☒ Preliminary Plat ☒ Final Plat	N/A

Requirements for Preliminary/Final Plat				
☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Required for Preliminary / Final Plat	Waiver Requested
☒	Preliminary Plat Names and addresses of all adjoining property owners. (Section IV.2) Final Plat Names and addresses of all abutting property owners, locations of buildings within one hundred (100) feet of the parcel, and any new house numbers within the subdivision. (Section V.2)	Drawings 1 & 2 "Existing Conditions Plan" & "Subdivision Plan"	☒ Preliminary Plat ☒ Final Plat	N/A
☒	North point, date, and bar scale. (Section IV.3/V3)	Required on all Plan Sheets	☒ Preliminary Plat ☒ Final Plat	N/A
☒	Zoning classification and minimum yard dimensions required. (Section IV.4/V.4)	Drawings 1 & 2 "Existing Conditions Plan" & "Subdivision Plan"	☒ Preliminary Plat ☒ Final Plat	N/A
☒	Preliminary Plat Scale (not to be smaller than one hundred (100) feet = 1 inch) and location map (at a scale of 1" = 1000'). (Section IV.5) Final Plat Scale (not to be smaller than 1"=100'), Location map (at a scale of 1"=1,000') showing the property being subdivided and its relation to the surrounding area within a radius of 2,000 feet. Said location map shall delineate all streets and other major physical features that may either affect or be affected by the proposed development. (Section V.5)	Drawings 1 & 2 "Existing Conditions Plan" & "Subdivision Plan"	☒ Preliminary Plat ☒ Final Plat	N/A
☒	Location and approximate dimensions of all existing and proposed property lines including the entire area proposed to be subdivided, the areas of proposed lots, and any adjacent parcels in the same ownership. (Section IV.6)	Drawings 1 & 2 "Existing Conditions Plan" & "Subdivision Plan"	☒ Preliminary Plat ☒ Final Plat	
☒	Dimensions and areas of all lots and any and all property to be dedicated or reserved for schools, parks, playgrounds, or other public purpose. Dimensions shall include radii and length of all arcs and calculated bearing for all straight lines. (Section V.6/ IV.7)	Drawings 1 & 2 "Existing Conditions Plan" & "Subdivision Plan"	☒ Preliminary Plat ☒ Final Plat	N/A
☒	Location, names, and present widths of all adjacent streets, with a designation as to whether public or private and approximate location of existing utilities to be used. Curbs and sidewalks shall be shown. (Section IV.8/V.7)	Drawings 1 & 2 "Existing Conditions Plan" & "Subdivision Plan"	☒ Preliminary Plat ☒ Final Plat	

Requirements for Preliminary/Final Plat				Waiver Requested
☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Required for Preliminary / Final Plat	
☒	Location of significant physical features, including bodies of water, watercourses, wetlands, railroads, important vegetation, stone walls and soils types that may influence the design of the subdivision. (Section IV.9/V.8)	No significant physical features. Site is fully developed.	☒ Preliminary Plat ☒ Final Plat	
☒	Preliminary Plat Proposed locations, widths and other dimensions of all new streets and utilities, including water mains, storm and sanitary sewer mains, catch basins and culverts, street lights, fire hydrants, sewerage pump stations, etc. (Section IV.10) Final Plat Proposed locations and profiles of all proposed streets and utilities, including water mains, storm and sanitary sewer mains, catchbasins and culverts, together with typical cross sections. Profiles shall be drawn to a horizontal scale of 1"=50' and a vertical scale of 1"=5', showing existing centerline grade, existing left and right sideline grades, and proposed centerline grade. (Section V.9)	Drawing 2 "Subdivision Plan"	☒ Preliminary Plat ☒ Final Plat	
☒	When required by the Board, the plat shall be accompanied by profiles of proposed street grades, including extensions for a reasonable distance beyond the subject land; also grades and sizes of proposed utilities. (Section IV.10)	No proposed streets	☒ Preliminary Plat ☒ Final Plat	
☒	Base flood elevation (BFE) for subdivisions involving greater than five (5) acres or fifty (50) lots. (Section IV.11)	<5 Acres, <50 Lots, Not in a FEMA SFHA	☒ Preliminary Plat ☒ Final Plat	
☒	For subdivisions of five (5) lots or more, or at the discretion of the Board otherwise, the preliminary plat shall show contours at intervals no greater than two (2) feet. Contours shall be shown in dotted lines for existing natural surface and in solid lines for proposed final grade, together with the final grade elevations shown in figures at all lot corners. If existing grades are not to be changed, then the contours in these areas shall be solid lines. (Section IV.12/ V.12)	<5 Lots	☒ Preliminary Plat ☒ Final Plat	

Requirements for Preliminary/Final Plat				
☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Required for Preliminary / Final Plat	Waiver Requested
☒	Dates and permit numbers of all necessary permits from governmental agencies from which approval is required by Federal or State law. (Section V.10)	No State or Federal Permits required	☐ Preliminary Plat ☒ Final Plat	
☒	For subdivisions involving greater than five (5) acres or fifty (50) lots, the final plat shall show hazard zones and shall include elevation data for flood hazard zones. (Section V.11)	<5 Acres & <50 Lots	☐ Preliminary Plat ☒ Final Plat	
☒	Location of all permanent monuments. (Section V.12)	Drawing 1 "Existing Conditions Plan"	☐ Preliminary Plat ☒ Final Plat	

General Requirements ¹			
☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Waiver Requested
☒	1. Basic Requirements: (VI.1)	Drawing 2 "Subdivision Plan"	
☒	a. Conformity to Official Plan or Map		
☒	b. Hazards		
☒	c. Relation to Topography		
☒	d. Planned Unit Development		
☒	2. Lots: (VI.2)	Drawing 2 "Subdivision Plan", Note 4 for ZBA Approvals regarding Lot Size and Frontage	
☒	a. Lot Arrangement		
☒	b. Lot sizes		
☒	c. Commercial and Industrial Lots		
☒	3. Streets: (VI.3)	N/A - No Proposed Streets	
☒	a. Relation to adjoining Street System		
☒	b. Street Rights-of-Way		
☒	c. Access		
☒	d. Parallel Service Roads		
☒	e. Street Intersection Angles		
☒	f. Merging Streets		
☒	g. Street Deflections and Vertical Alignment		
☒	h. Marginal Access Streets		
☒	i. Cul-de-Sacs		
☒	j. Rounding Street Corners		
☒	k. Street Name Signs		
☒	l. Street Names		
☒	m. Block Lengths		
☒	n. Block Widths		
☒	o. Grade of Streets		
☒	p. Grass Strips		
☒	4. Curbing: (VI.4)	N/A - No Proposed Streets	
☒	5. Driveways: (VI.5)	Drawing 2 "Subdivision Plan" - Note 10	
☒	6. Drainage Improvements: (VI.6)		Yes
☒	7. Municipal Water Service: (VI.7)	Drawing 2 "Subdivision Plan" - Notes 7 & 8	
☒	8. Municipal Sewer Service: (VI.8)	Drawing 2 "Subdivision Plan" - Notes 7 & 8	
☒	9. Installation of Utilities: (VI.9)	Drawing 2 "Subdivision Plan" - Note 9	
☒	a. All Districts		
☒	b. Indicator Tape		
☒	10. On-Site Water Supply: (VI.10)	N/A - Municipal Water	
☒	11. On-Site Sewage Disposal Systems: (VI.11)	N/A - Municipal Sewer	
☒	12. Open Space: (VI.12)	N/A - Fully Developed	
☒	a. Natural Features		
☒	b. Buffer Strips		
☒	c. Parks		
☒	d. Tree Planting		
☒	13. Flood Hazard Areas: (VI.13)	N/A - Not in a FEMA SFHA, See Drawing 1 "Existing Conditions Plan" - Note 4	
☒	a. Permits		
☒	b. Minimization of Flood Damage		
☒	c. Elevation and Flood-Proofing Records		
☒	d. Alteration of Watercourses		
☒	14. Erosion and Sedimentation Control (VI.14)	Drawing 9 "Details" - Siltsack Detail	

☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)	Waiver Requested
☒	15. Easements (VI.15)	N/A	
☒	a. Utilities		
☒	b. Drainage		
☒	16. Monuments: (VI.16)	Drawing 2 "Subdivision Plan"	
☒	17. Benchmarks: (VI.17)	N/A - No proposed streets	
☒	18. House Numbers (VI.18)	House Numbers to be provided by City Assessing	

Design Standards			
	Required Items for Submittal	Indicate compliance and/or provide explanation as to alternative design	Waiver Requested
☒	1. Streets have been designed according to the design standards required under Section (VII.1). a. Clearing b. Excavation c. Rough Grade and Preparation of Sub-Grade d. Base Course e. Street Paving f. Side Slopes g. Approval Specifications h. Curbing i. Sidewalks j. Inspection and Methods	N/A - No proposed streets	
☒	2. Storm water Sewers and Other Drainage Appurtenances have been designed according to the design standards required under Section (VII.2). a. Design b. Standards of Construction	N/A	
☒	3. Sanitary Sewers have been designed according to the design standards required under Section (VII.3). a. Design b. Lift Stations c. Materials d. Construction Standards	N/A	
☒	4. Water Mains and Fire Hydrants have been designed according to the design standards required under Section (VII.4). a. Connections to Lots b. Design and Construction c. Materials d. Notification Prior to Construction	N/A	

Applicant's/Representative's Signature:  Date: 8/26/2026

¹ See City of Portsmouth, NH Subdivision Rules and Regulations for details.
Subdivision Application Checklist/January 2018

Ross Engineering
Civil/Structural Engineering & Surveying

650 Islington Street, 2nd Floor
Portsmouth, NH 03801

603-433-7560
alexross@comcast.net

August 26, 2026

City of Portsmouth Planning Department
1 Jenkins Avenue
Portsmouth, NH 03801

Waiver Request Letter

Re: 238 Austin St
Tax Map 135, Lot 61
Portsmouth, NH 03801

Planning Board Members, we are requesting waivers to the regulations listed below.

1) VI.6 Drainage Improvements:

The parcels are developed, and have been for many years. The impervious coverage is decreased on both sites and no new drainage paths are introduced that would direct stormwater to different locations than currently exists. Further, the proposal of pervious pavers on both sites will allow a portion of the stormwater to infiltrate, be detained and slowly released into surrounding soils. Due to the above, both sites runoff will be reduced from the existing conditions.

Thank you for your consideration.

Sincerely,

Alex Ross, P.E., LLS



RIGHT SIDE ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"



LEFT SIDE ELEVATION
1/4" = 1'-0"

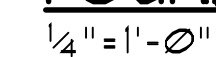
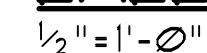
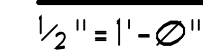
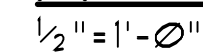
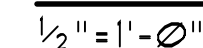


FRONT ELEVATION
1/4" = 1'-0"

1. THESE PLANS ARE BUILT TO FOLLOW THE IRC 2021 BUILDING CODE AND STATE FIRE CODE AS ADMINISTERED BY THE TOWN OF PORTSMOUTH, NH.
2. ALL DIMENSIONS ARE FRAMING DIMENSIONS, CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO EXCAVATION.
3. DO NOT SCALE DRAWING, WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

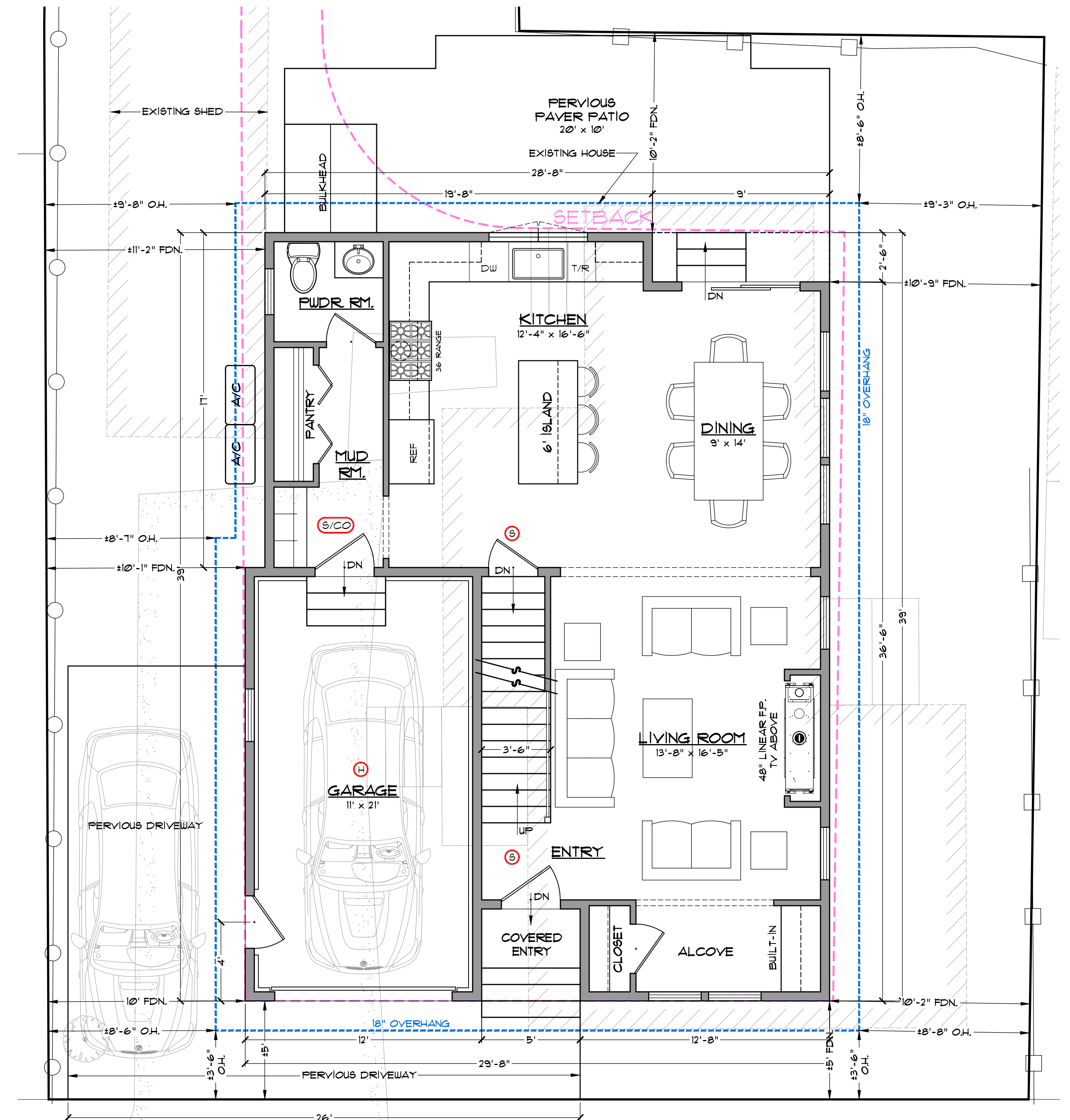
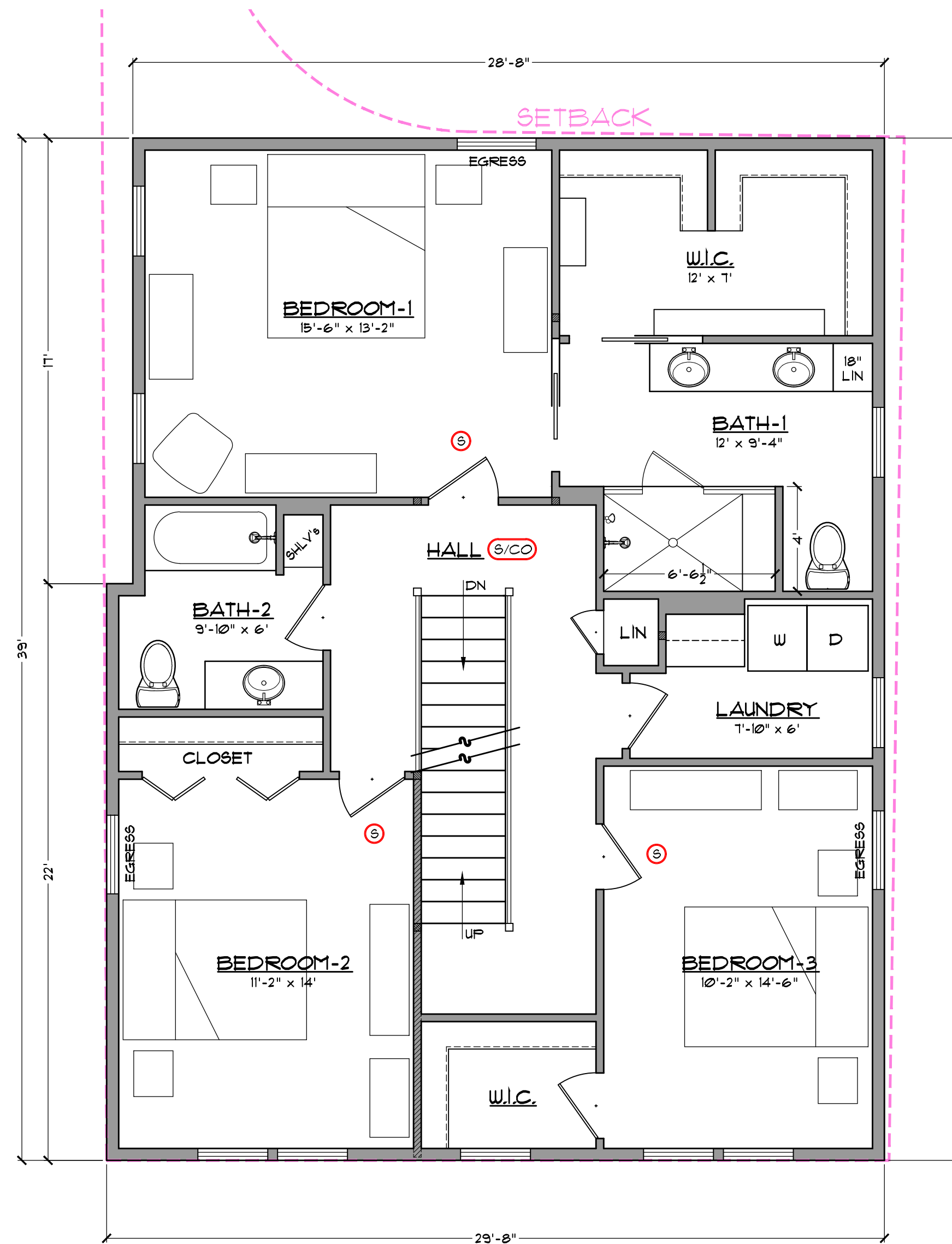
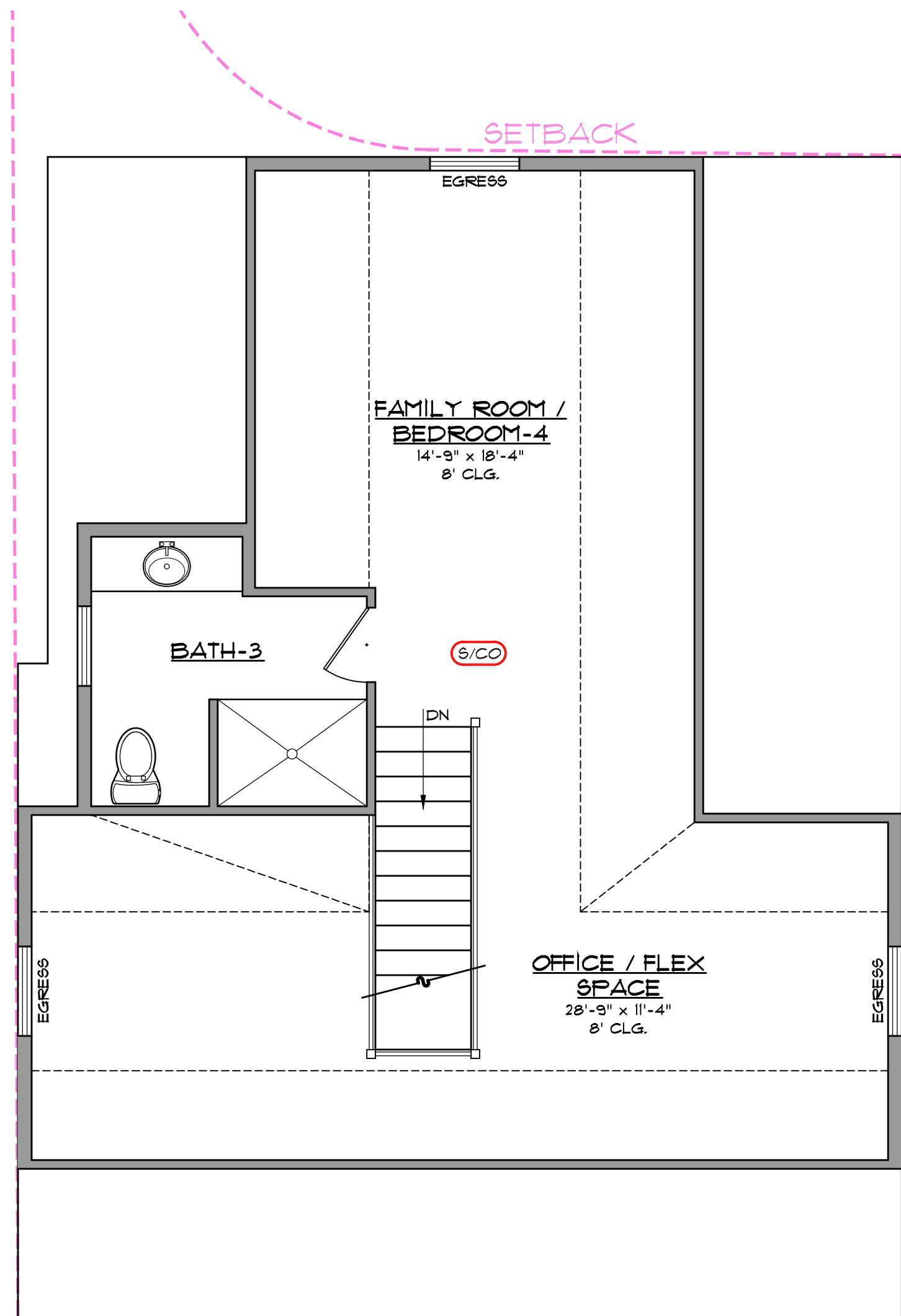
AUSTIN STREET

PROJECT: 238 Austin Street (Coffins Ct.) ZBA Portsmouth, NH 03801		
E-mail: tech-112@comcast.net	Phone: 603-964-1300 Fax: 603-960-1414	DATE: 6-17-26
Technical Illustrations		REVISED:
ARCHITECTURAL DRAFTING SERVICE		DWG. NO. 1
196 Bunker Hill Ave. Stratham, NH 03885		



S/CO SMOKE / CARBON MONOXIDE DETECTOR
H HEAT DETECTOR

PROJECT:		238 Austin Street (Coffins Ct.) ZBA Portsmouth, NH 03801	
E-mail: tech-112@comcast.net	Phone: 603-964-1300 Fax: 603-580-1414	DATE:	6-17-26
Technical Illustrations ARCHITECTURAL DRAFTING SERVICE		REVISED:	
		DWG. NO.	2
196 Bunker Hill Ave.		Stratham, NH 03885	



FIRST FLOOR PLAN

1/4" = 1'-0"
 HEATED = 843 S.F.
 GARAGE = 250 S.F.

S.F. TOTALS
 FIRST FLOOR = 843 S.F.
 SECOND FLOOR = 1,100 S.F.
 THIRD FLOOR = 712 S.F.
 TOTAL = 2,655 S.F.

EXISTING IMPERVIOUS COVERAGE = 1,432 S.F.
 PROPOSED IMPERVIOUS COVERAGE 1,314 S.F.

FIRE PREVENTION PLAN

- Ⓢ SMOKE DETECTOR
- Ⓢ/CO SMOKE / CARBON MONOXIDE DETECTOR
- Ⓢ HEAT DETECTOR

1. THESE PLANS ARE BUILT TO FOLLOW THE IRC 2021 BUILDING CODE AND STATE FIRE CODE AS ADMINISTERED BY THE TOWN OF PORTSMOUTH, NH.
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PROJECT: 238 Austin Street (Coffins Ct.) ZBA Portsmouth, NH 03801		
E-mail: tech-112@comcast.net	Phone: 603-964-1300 Fax: 603-980-1414	DATE: 6-17-26
Technical Illustrations ARCHITECTURAL DRAFTING SERVICE		REVISED:
196 Bunker Hill Ave. Stratham, NH 03885		DWG. NO. 3



RIGHT SIDE ELEVATION
1/4" = 1'-0"



REAR ELEVATION
1/4" = 1'-0"



LEFT SIDE ELEVATION
1/4" = 1'-0"

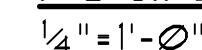
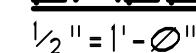
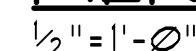
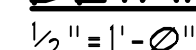
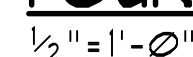


FRONT ELEVATION
1/4" = 1'-0"

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PROJECT: 238 Austin Street (Coffins Ct.) ZBA Portsmouth, NH 03801		DATE: 6-17-26
E-mail: tech-112@comcast.net	Phone: 603-964-1300 Fax: 603-960-1414	REVISED:
Technical Illustrations ARCHITECTURAL DRAFTING SERVICE 196 Bunker Hill Ave. Stratham, NH 03885		DWG. NO. 1

COFFINS COURT



GENERAL NOTE:

THESE PLANS ARE BUILT TO FOLLOW THE IRC 2021
BUILDING CODE AND STATE FIRE CODE AS
ADMINISTERED BY THE TOWN OF PORTSMOUTH, NH.

FIRE PREVENTION PLAN

- (S) SMOKE DETECTOR
- (S/CO) SMOKE / CARBON MONOXIDE DETECTOR
- (H) HEAT DETECTOR

FOUNDATION NOTES:

1. FOOTINGS: 24"x12"xCONTINUOUS W/ 3-#4 REBAR HORIZONTAL
4 1-#4 (24") REBAR VERT. W/ 6" EMBEDMENT @ 24" O.C.

2. INSTALL REBAR TO FOOTING AND WALLS IN ACCORDANCE WITH ALL CURRENT & PREVAILING CODES

3. WALLS:
8" CONCRETE WALL: #4 VERTICALS 4'-0" O.C., (2) #4 CONT.
HOR. AT TOP. W/ (1) #4 HOR. @ 1/3 POINTS

4. CONCRETE MIX - 3000 PSI

5. ANCHOR BOLTS 1/2" x 12" @ 4'-0" O.C., 8" FROM CORNERS & ENDS W/ 2x6 P.T. SILLS W/ SILL SEAL

6. WHEN FORMING THE CONC. WALL OFF OF LEDGE, WALL MUST BE PINNED TO LEDGE W/ #5 REBAR, 24" O.C.

7. PERIMETER DRAINS TO BE 4" PERFORATED WITH CRUSHED STONE AND FILTER FABRIC. INTERIOR DRAINS TO BE 4" PERFORATED PIPE CONNECTED TO PERIMETER DRAIN TILE CONNECTED TO SUMP PUMP AND DISCHARGED TO POSITIVE OUTFALL.

PROJECT: 238 Austin Street (Coffins Ct.) ZBA
Portsmouth, NH 03801

E-mail: tech-1||2@comcast.net

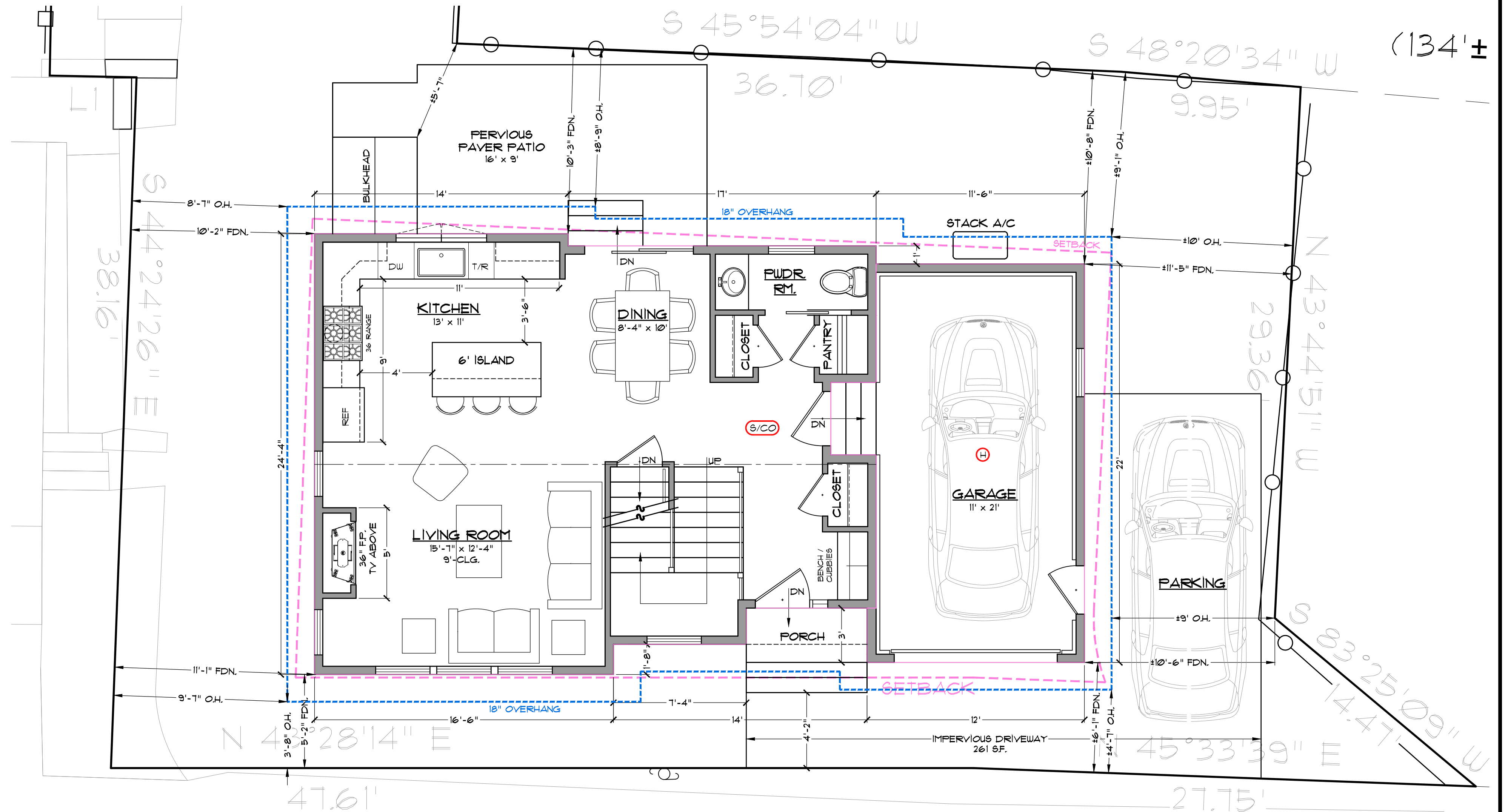
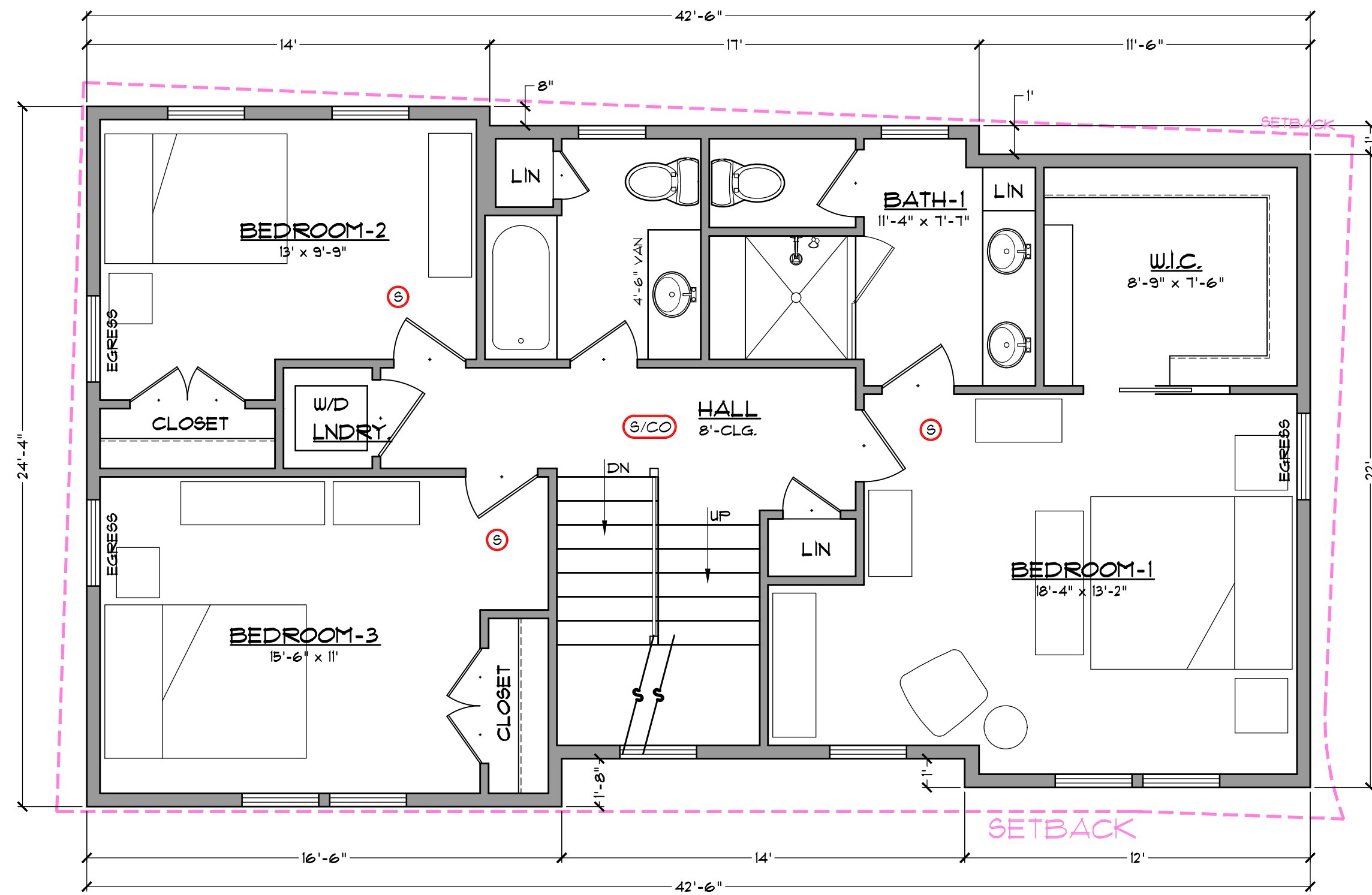
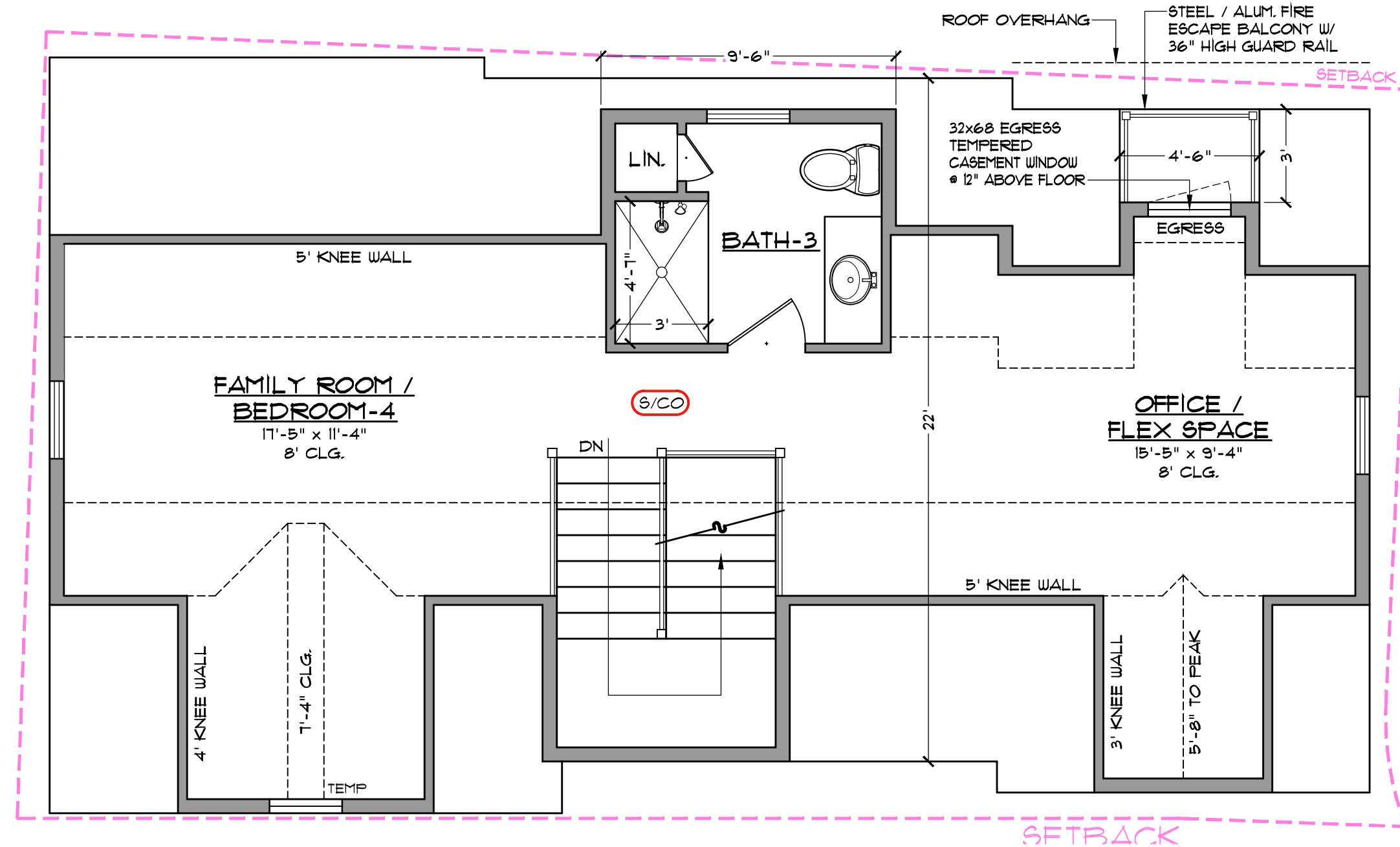
Phone: 603-964-1300

DATE: 6-17-26

Technical Illustrations

ARCHITECTURAL DRAFTING SERVICE
196 Bunker Hill Ave. Stratham, NH 03885

DWG. NO.	2
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FIRST FLOOR PLAN

1/4" = 1'-0"

HEATED = 635 S.F.
 GARAGE = 265 S.F.
 TOTAL = 900 S.F.

S.F. TOTALS
FIRST FLOOR = 635 S.F.
SECOND FLOOR = 912 S.F.
THIRD FLOOR = 600 S.F.
TOTAL = 2,207 S.F.

EXISTING IMPERVIOUS COVERAGE = 1,554 S.F.
 PROPOSED IMPERVIOUS COVERAGE = 1,469 S.F.
 STRUCTURE = 1,208 S.F.
 DRIVEWAY = 261 S.F.

FIRE PREVENTION PLAN

- ③ SMOKE DETECTOR
- ③/CO SMOKE / CARBON MONOXIDE DETECTOR
- ③ HEAT DETECTOR

1. THESE PLANS ARE BUILT TO FOLLOW THE IRC 2021 BUILDING CODE AND STATE FIRE CODE AS ADMINISTERED BY THE TOWN OF PORTSMOUTH, NH.

2. ALL DIMENSIONS ARE FRAMING DIMENSIONS. CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO EXCAVATION.

3. DO NOT SCALE DRAWING. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

COFFINS CT.

PROJECT: 238 Austin Street (Coffins Ct.) ZBA
 Portsmouth, NH 03801

E-mail: tech-112@comcast.net

Phone: 603-964-1300

Fax: 603-580-1414

DATE: 6-17-26

Technical
 Illustrations

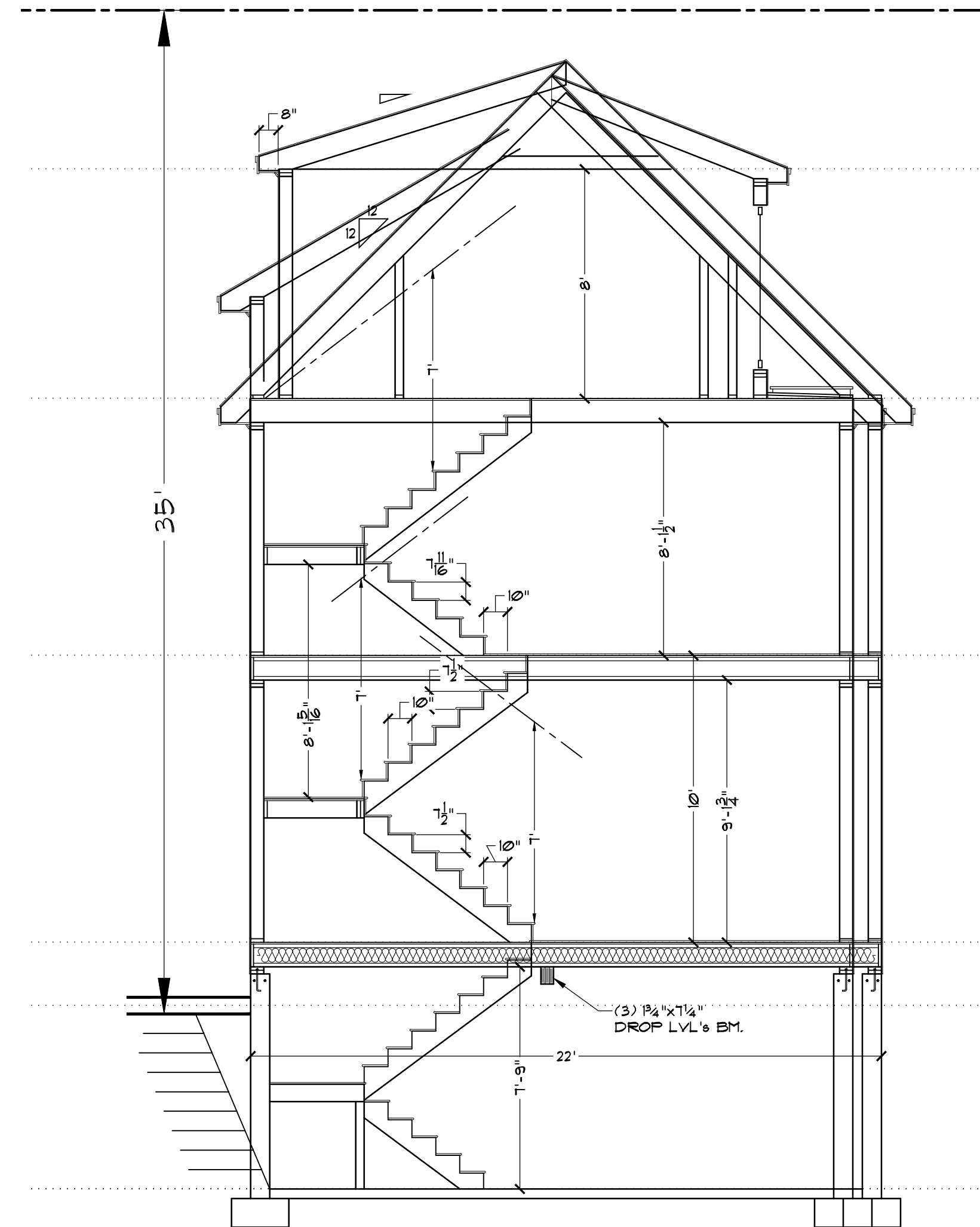
ARCHITECTURAL DRAFTING SERVICE

196 Bunker Hill Ave.

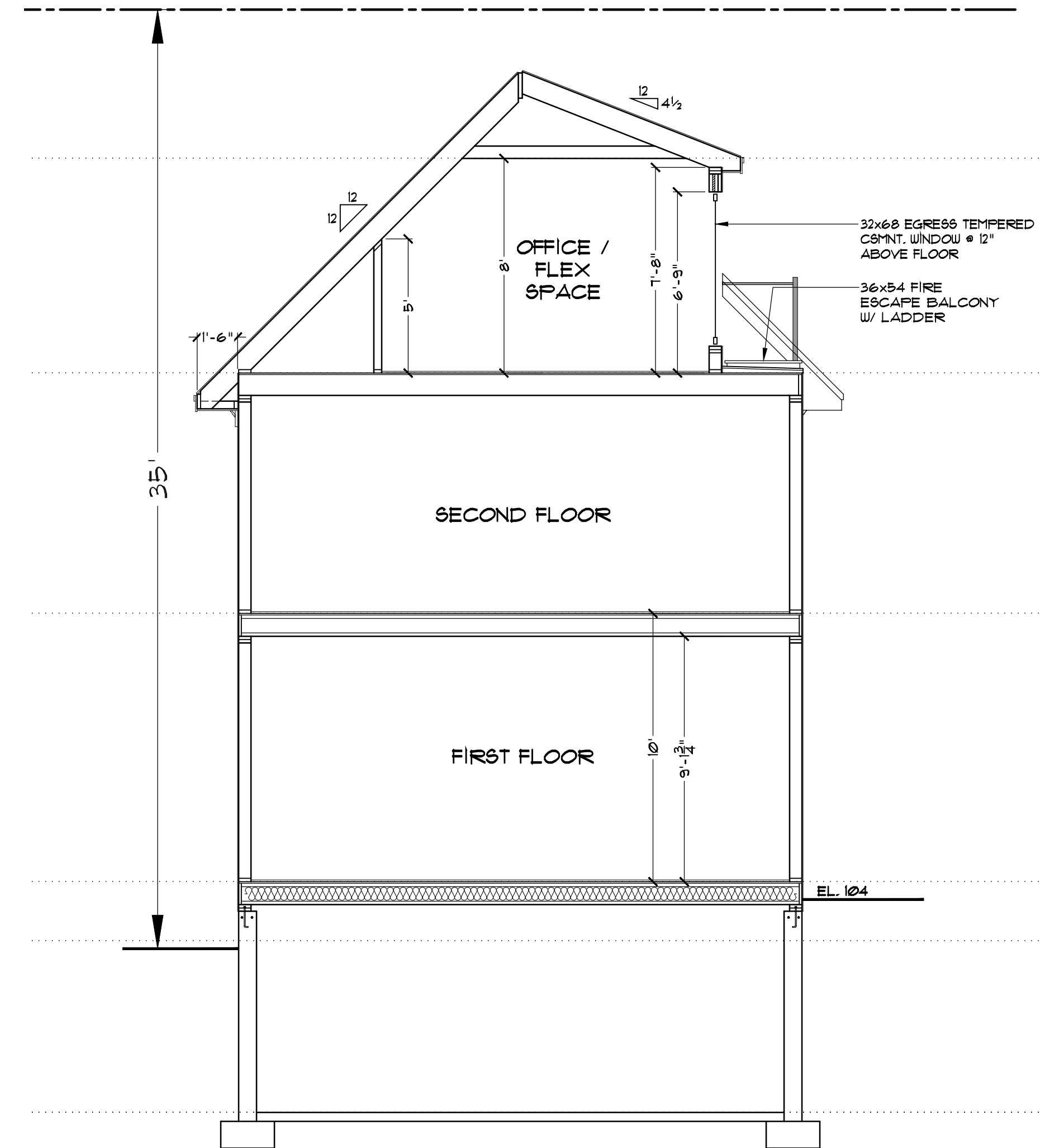
Stratham, NH 03885

REVISED: 3

C:\T\INC\2025\Coffins Court\B0



SECTION A
1/4" = 1' - 0"



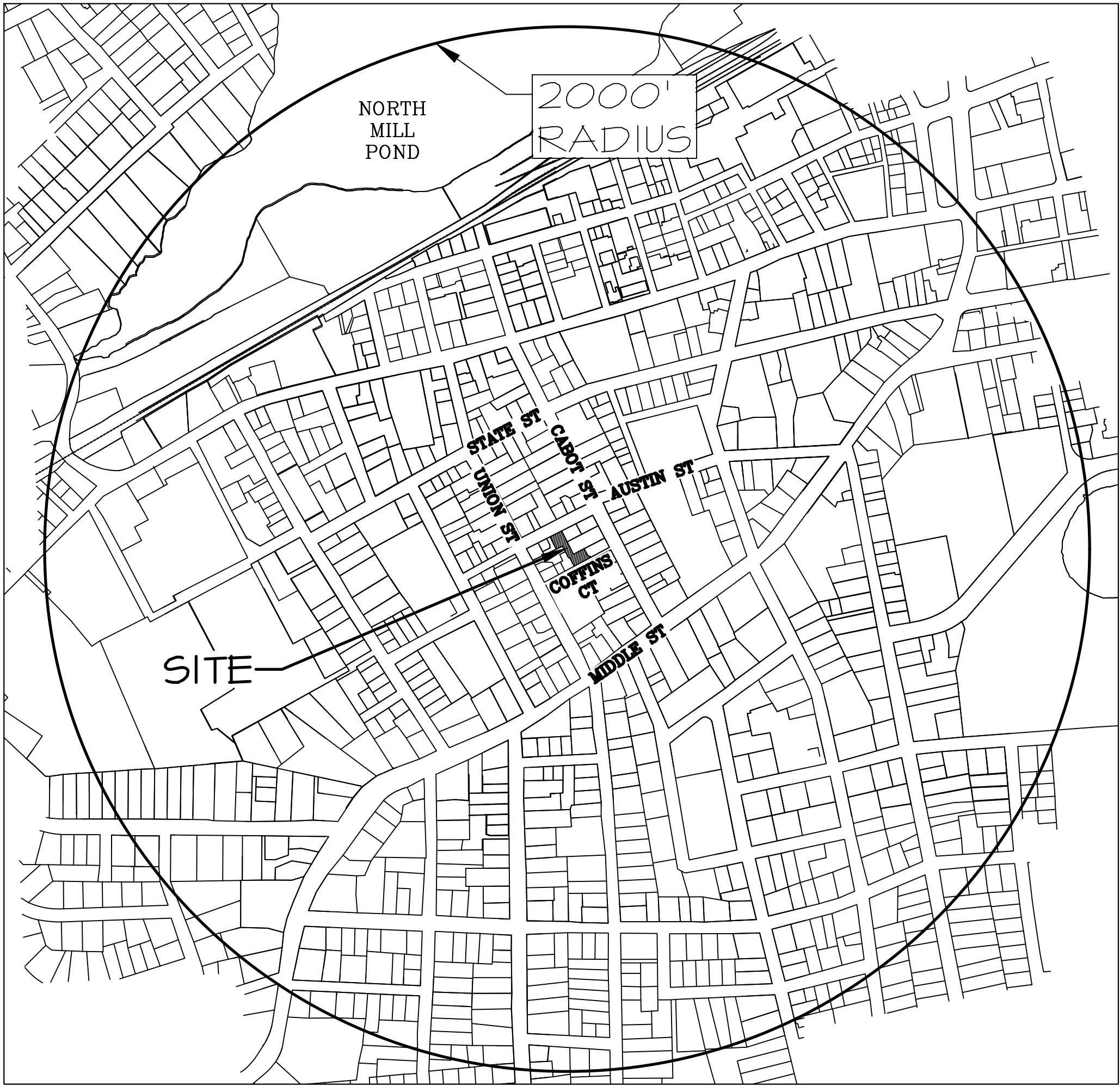
SECTION B
1/4" = 1' - 0"

PROJECT: 238 Austin Street (Coffins Ct.) ZBA Portsmouth, NH 03801		
E-mail: tech-112@comcast.net	Phone: 603-964-1300 Fax: 603-580-1414	DATE: 6-17-26
Technical Illustrations		REVISED:
ARCHITECTURAL DRAFTING SERVICE		DWG. NO. 5
196 Bunker Hill Ave. Stratham, NH 03885		

SITE PLAN REVIEW

238 AUSTIN ST

Portsmouth, NH 03801



LIST OF PROJECT PLANS AND DOCUMENTS:

CIVIL SET

- 1 - Existing Conditions
- 2 - Subdivision
- 3 - Site Plan - Austin St
- 4 - Stormwater Management Plan - Austin St
- 5 - Site Plan - Coffins Ct
- 6 - Stormwater Management Plan - Coffins Ct
- 7 - Elevations
- 8 - TAC Street Plan
- 9 - Details

PREPARED BY:
ROSS ENGINEERING, LLC

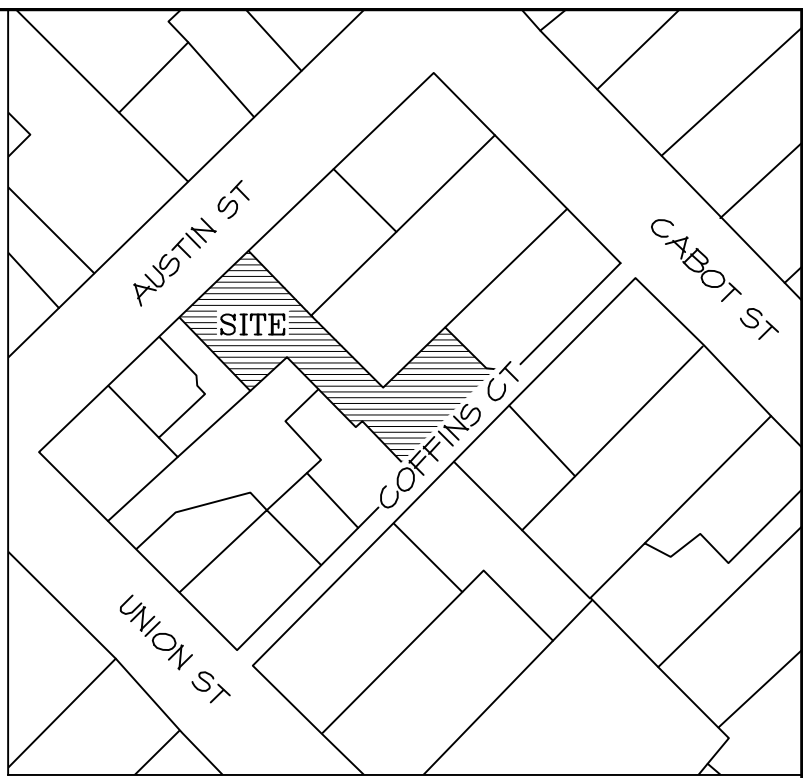
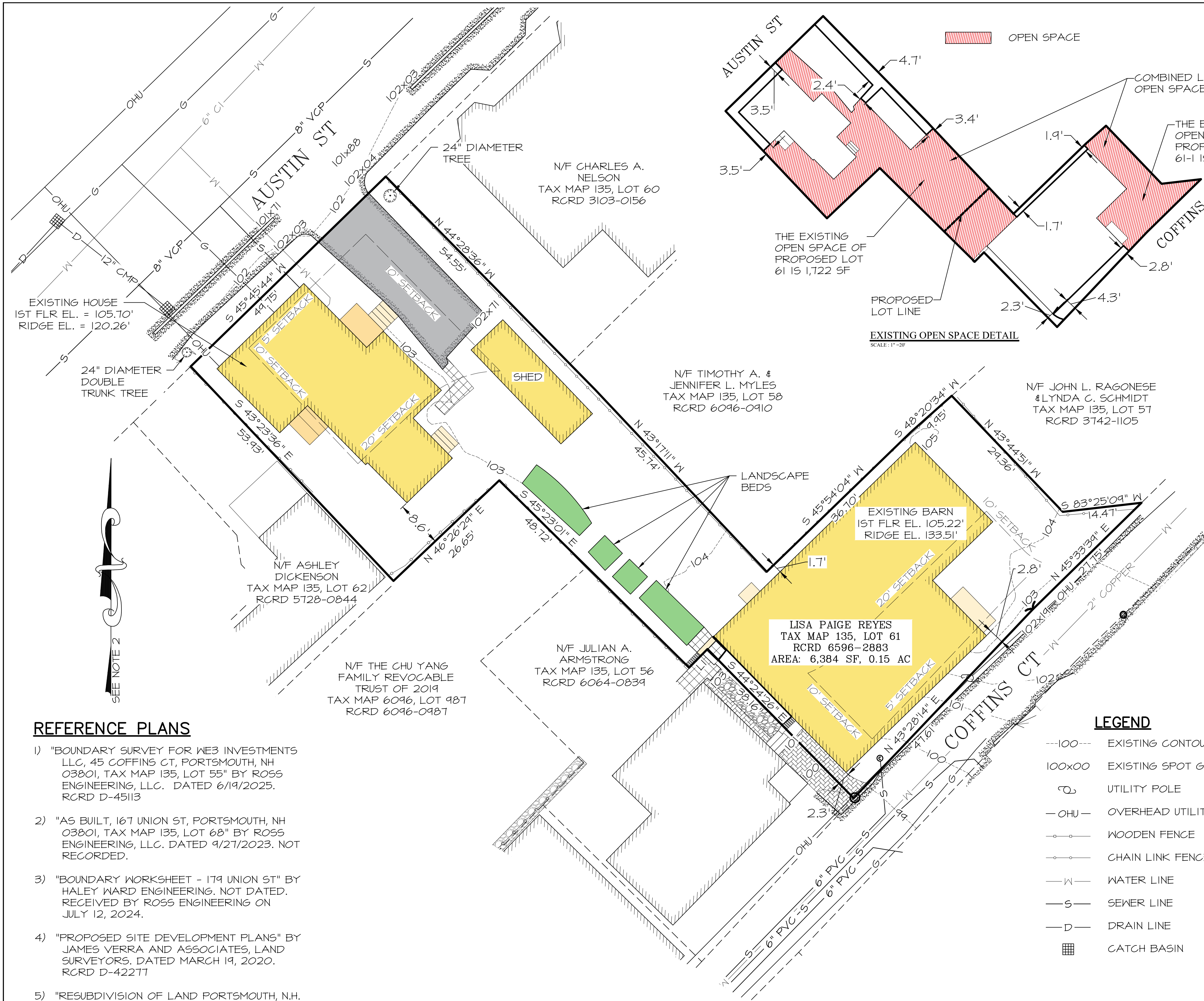
Civil/Structural Engineering
& Surveying
650 Islington St, 2nd Floor
Portsmouth, NH 03801
(603) 433-7560

PREPARED FOR:
ALEA LLC
238 AUSTIN ST
PORTSMOUTH, NH 03801

AUGUST 26, 2026

ARCHITECTURAL PLANS

Technical Illustrations
196 Bunker Hill Ave
Stratham, NH 03885



LOCUS PLAN
SCALE: 1" = 1000'

NOTES

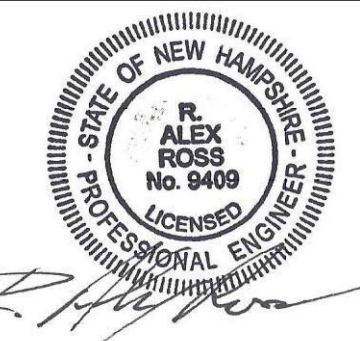
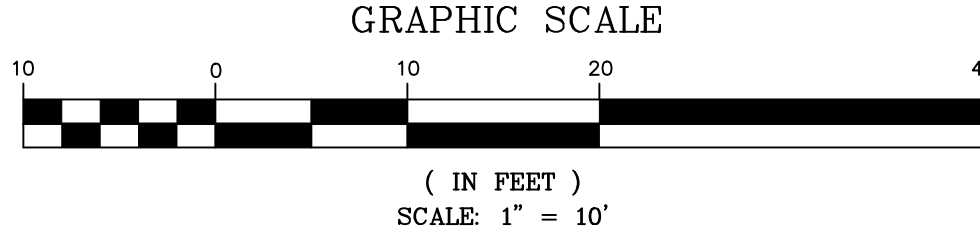
- 1) OWNER OF RECORD:
LISA PAIGE REYES
TAX MAP 135, LOT 61
236 AUSTIN ST
PORTSMOUTH, NH 03801
RCRD: 6596-2883
AREA: 6,384 SF, 0.15 ACRES
- 2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.
- 3) PARCEL IS IN THE GENERAL RESIDENCE C (GRC) ZONE:
MINIMUM LOT AREA.....3,500 SF
MIN. LOT AREA PER DWELLING UNIT.....3,500 SF
MINIMUM FRONTAGE.....70 FT
MINIMUM DEPTH.....50 FT
SETBACKS:
FRONT.....5 FT
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....35%
MINIMUM OPEN SPACE.....20%
- 4) THE PARCEL IS NOT WITHIN A FEMA SPECIAL FLOOD HAZARD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0259F, PANEL 259 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.
- 5) BUILDING COVERAGE
HOUSE.....778 SF
BARN.....1554 SF
SHED.....190 SF
DECK > 18".....31 SF
STAIRS > 18".....12 SF
BULKHEAD.....26 SF
TOTAL.....2591 SF
COVERAGE = 2591 / 6384 = 40.6%
- 6) OPEN SPACE
SEE EXISTING OPEN SPACE DETAIL. AREA OF OPEN SPACE IS 2,738 SF.
OPEN SPACE = 2,738 / 6,384 = 42.9%

LEGEND

- 100--- EXISTING CONTOUR
- 100x00 EXISTING SPOT GRAD
- ⊙ UTILITY POLE
- OHU— OVERHEAD UTILITY
- W— WATER LINE
- S— SEWER LINE
- D— DRAIN LINE
- ☐ CATCH BASIN

LENGTH TABLE

	BEARING	DISTANCE
LI	N 44°36'54" E	4.80'



REFERENCE PLANS

- 1) "BOUNDARY SURVEY FOR WE3 INVESTMENTS LLC, 45 COFFINS CT, PORTSMOUTH, NH 03801, TAX MAP 135, LOT 55" BY ROSS ENGINEERING, LLC. DATED 6/14/2025. RCRD D-45113
- 2) "AS BUILT, 167 UNION ST, PORTSMOUTH, NH 03801, TAX MAP 135, LOT 68" BY ROSS ENGINEERING, LLC. DATED 9/27/2023. NOT RECORDED.
- 3) "BOUNDARY WORKSHEET - 179 UNION ST" BY HALEY WARD ENGINEERING. NOT DATED. RECEIVED BY ROSS ENGINEERING ON JULY 12, 2024.
- 4) "PROPOSED SITE DEVELOPMENT PLANS" BY JAMES VERRA AND ASSOCIATES, LAND SURVEYORS. DATED MARCH 19, 2020. RCRD D-42277
- 5) "RESUBDIVISION OF LAND PORTSMOUTH, N.H. FOR CONSTANCE S. & WILLIAM T. WARREN & HAROLD C. SWEETSER" BY JOHN W. DURGIN ASSOCIATES, INC. DATED AUGUST 24, 1986. RCRD D-14875
- 6) "PLAN OF ANNIE OLIVER ESTATE" DATED AUGUST 19, 1941. RCRD 048

6	8/26/2026	PB SUBMITTAL	
5	8/3/2026	TAC REVISIONS	
4	7/22/2026	TAC REVISIONS	
3	6/22/2026	TAC SUBMITTAL	
2	1/6/2026	TAC SUBMITTAL	
ISS:	DATE	DESCRIPTION OF ISSUE	
SCALE 1" = 10'			
CHECKED	A.ROSS		
DRAWN	D.D.D.		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 650 Islington St, 2nd Floor Portsmouth, NH 03801 (603) 433-7560			
CLIENT			
ALEA LLC 238 AUSTIN ST PORTSMOUTH, NH 03801			
TITLE			
EXISTING CONDITIONS PLAN			
238 AUSTIN ST PORTSMOUTH, NH 03801 TAX MAP 135, LOT 61			
JOB NUMBER	DWG. NO.	ISSUE	
25-089	1 OF 9	6	

NOTES

1) OWNER OF RECORD:
LISA PAIGE REYES
TAX MAP 135, LOT 61
236 AUSTIN ST
PORTSMOUTH, NH 03801
RCRD: 6596-2883
AREA: 6,384 SF, 0.15 ACRES

2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.

3) THE INTENT OF THIS PLAN IS TO SUBDIVIDE TAX MAP 135, LOT 61 INTO TWO SINGLE FAMILY RESIDENTIAL PARCELS.

4) THE FOLLOWING VARIANCES WERE GRANTED BY THE PORTSMOUTH ZONING BOARD OF ADJUSTMENT AT ITS MEETING ON FEBRUARY 18, 2026.

PROPOSED AUSTIN ST LOT
A) ALLOW A FRONTAGE OF 49.75' WHERE 70' IS REQUIRED.
B) ALLOW AN 8.5' RIGHT SIDE YARD WHERE 10' IS REQUIRED.

PROPOSED COFFINS CT LOT
A) ALLOW A 2,884 SF LOT AREA WHERE 3,500 SF IS REQUIRED.
B) ALLOW A 2,884 SF LOT AREA PER DWELLING UNIT WHERE 3,500 SF IS REQUIRED.
C) ALLOW A 5.5' SIDE YARD WHERE 10' IS REQUIRED.
D) ALLOW AN 18' REAR YARD WHERE 20' IS REQUIRED.

5) PARCEL IS IN THE GENERAL RESIDENCE C (GRC) ZONE:
MINIMUM LOT AREA.....3,500 SF
MIN. LOT AREA PER DWELLING UNIT.....3,500 SF
MINIMUM FRONTAGE.....70 FT
MINIMUM DEPTH.....50 FT
SETBACKS:
FRONT.....5 FT
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....35%
MINIMUM OPEN SPACE.....20%

6) THE PARCEL IS NOT WITHIN A FEMA SPECIAL FLOOD HAZARD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0259F, PANEL 259 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.

7) TAX MAP 135, LOT 61 WILL BE SERVICED BY CITY WATER AND SEWER. PROPOSED SEWER WILL CONNECT TO AN 8" VCP SEWER MAIN IN AUSTIN ST. WATER LINE WILL CONNECT TO A 8" CAST IRON MAIN IN AUSTIN ST.

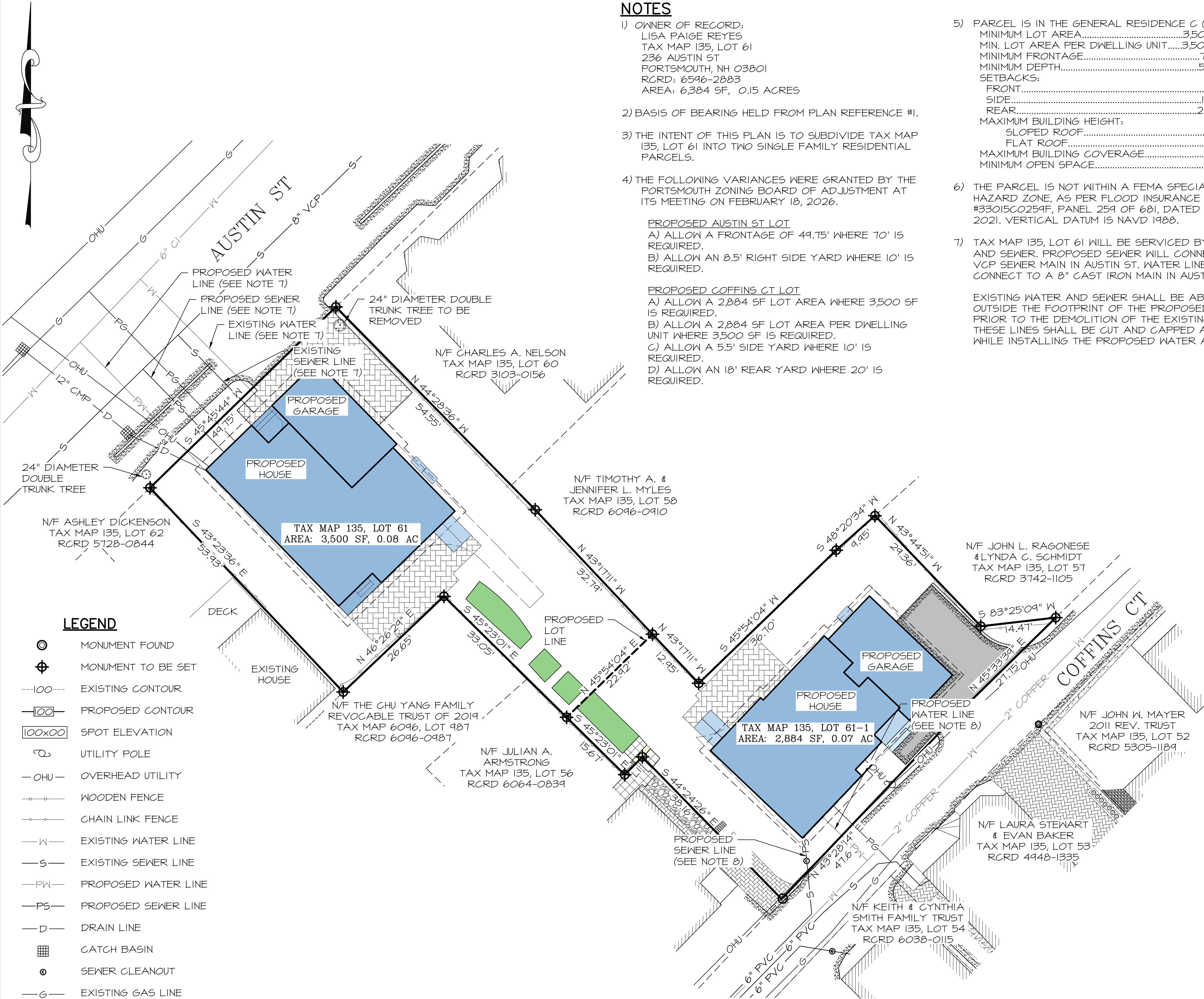
EXISTING WATER AND SEWER SHALL BE ABANDONED OUTSIDE THE FOOTPRINT OF THE PROPOSED BUILDING. PRIOR TO THE DEMOLITION OF THE EXISTING STRUCTURE. THESE LINES SHALL BE CUT AND CAPPED AT THE MAINS WHILE INSTALLING THE PROPOSED WATER AND SEWER.

8) TAX MAP 135, LOT 61-I WILL BE SERVICED BY CITY WATER AND SEWER. PROPOSED SEWER WILL CONNECT TO AN EXISTING SEWER CLEANOUT ON THE NORTH SIDE OF COFFINS CT WHICH IS OFF OF A 6" PVC SEWER CONNECTION. PROPOSED WATER LINE WILL BE CONNECTED TO 2" COPPER WATER MAIN IN COFFINS CT. CONTRACTOR TO COORDINATE WITH DPW FOR LOCATION, SIZING AND MATERIAL OF PIPES.

9) BOTH LOTS WILL BE SERVICED BY EXISTING OVERHEAD ELECTRIC LINES.
COFFINS COURT: NO PRIMARY POWER OR TRANSFORMER SHALL BE LOCATED ON COFFINS COURT, SERVICE SHALL BE LIMITED TO 200 AMPS.

10) ALL NECESSARY CITY PERMITS MUST BE OBTAINED INCLUDING:
• BUILDING PERMITS
• DRIVEWAY PERMITS.
• A CONSTRUCTION MANAGEMENT & MITIGATION PLAN (CMMP) IS REQUIRED.
• A PRE-CONSTRUCTION SURVEY & VIBRATION MONITORING IS REQUIRED DURING DEMOLITION & THE FOUNDATION STAGE OF CONSTRUCTION.
• COMPLY WITH APPLICABLE ROADWAY RESTORATION PER DPW & SURETY REQUIREMENTS FOR ANY DISTURBANCE OF COFFINS COURT.

11) THE DEMOLITION OF THE BARN WILL BE REQUIRED PRIOR TO RECORDATION OF THE SUBDIVISION PLAN.



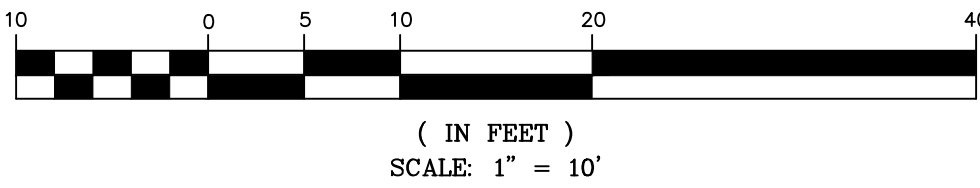
LEGEND

- MONUMENT FOUND
- MONUMENT TO BE SET
- EXISTING CONTOUR
- PROPOSED CONTOUR
- SPOT ELEVATION
- UTILITY POLE
- OVERHEAD UTILITY
- WOODEN FENCE
- CHAIN LINK FENCE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- DRAIN LINE
- CATCH BASIN
- SEWER CLEANOUT
- EXISTING GAS LINE
- PROPOSED GAS LINE

LENGTH TABLE

	BEARING	DISTANCE
LI	N 44°36'59" E	4.80'

GRAPHIC SCALE



6	8/26/2026	PB SUBMITTAL	
5	8/3/2026	TAC REVISIONS	
4	7/22/2026	TAC REVISIONS	
3	6/22/2026	TAC SUBMITTAL	
2	1/6/2026	TAC SUBMITTAL	
ISS.	DATE	DESCRIPTION OF ISSUE	

CHECKED A.ROSS
DRAWN D.D.D.

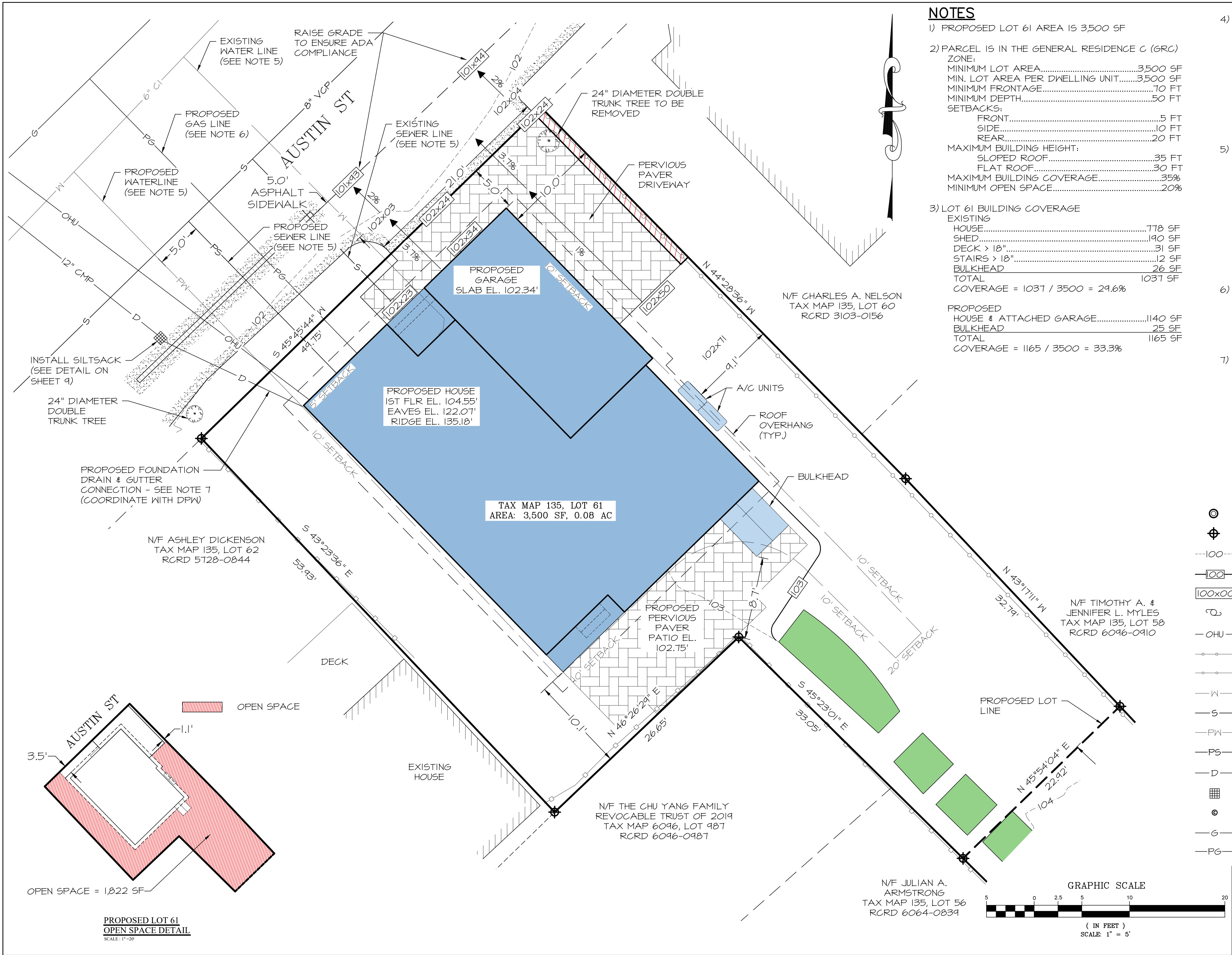
ROSS ENGINEERING, LLC
Civil/Structural Engineering
& Surveying
650 Islington St, 2nd Floor
Portsmouth, NH 03801
(603) 433-7560

CLIENT
ALEA LLC
238 AUSTIN ST
PORTSMOUTH, NH 03801

SUBDIVISION PLAN

238 AUSTIN ST
PORTSMOUTH, NH 03801
TAX MAP 135, LOT 61

JOB NUMBER	DWG. NO.	ISSUE
25-089	2 OF 9	6



NOTES

- 1) PROPOSED LOT 61 AREA IS 3,500 SF
- 2) PARCEL IS IN THE GENERAL RESIDENCE C (GRC) ZONE:
MINIMUM LOT AREA.....3,500 SF
MIN. LOT AREA PER DWELLING UNIT.....3,500 SF
MINIMUM FRONTAGE.....70 FT
MINIMUM DEPTH.....50 FT
SETBACKS:
FRONT.....5 FT
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....35%
MINIMUM OPEN SPACE.....20%
- 3) LOT 61 BUILDING COVERAGE
EXISTING
HOUSE.....778 SF
SHED.....190 SF
DECK > 18".....31 SF
STAIRS > 18".....12 SF
BULKHEAD.....26 SF
TOTAL.....1037 SF
COVERAGE = 1037 / 3500 = 29.6%
- PROPOSED
HOUSE & ATTACHED GARAGE.....1140 SF
BULKHEAD.....25 SF
TOTAL.....1165 SF
COVERAGE = 1165 / 3500 = 33.3%
- 4) LOT 61 OPEN SPACE
EXISTING
SEE EXISTING OPEN SPACE DETAIL. AREA OF OPEN SPACE = 1,722 SF
OPEN SPACE = 1,722 / 3500 = 49.2%
- PROPOSED
SEE PROPOSED LOT 61 OPEN SPACE DETAIL. AREA OF OPEN SPACE = 1,822 SF
OPEN SPACE = 1822 / 3500 = 52.1%
- 5) TAX MAP 135, LOT 61 WILL BE SERVICED BY CITY WATER AND SEWER. PROPOSED SEWER WILL CONNECT TO AN 8" VCP SEWER MAIN IN AUSTIN ST. WATER LINE WILL CONNECT TO A 8" CAST IRON MAIN IN AUSTIN ST. CONTRACTOR TO COORDINATE WITH DPW FOR LOCATION, SIZING AND MATERIAL OF PIPES.
- EXISTING WATER AND SEWER SHALL BE ABANDONED OUTSIDE THE FOOTPRINT OF THE PROPOSED BUILDING PRIOR TO THE DEMOLITION OF THE EXISTING STRUCTURE. THESE LINES SHALL BE CUT AND CAPPED AT THE MAINS WHILE INSTALLING THE PROPOSED WATER AND SEWER.
- 6) A GAS LINE IS PROPOSED TO CONNECT TO THE EXISTING MAIN IN AUSTIN ST. NEW GAS LINE WILL BE IN APPROXIMATELY THE SAME LOCATION AS THE EXISTING LINE. ABANDON EXISTING LINE AS REQUIRED. CONTRACTOR TO COORDINATE WITH UNILIT AND DPW FOR LOCATION, SIZING AND MATERIAL.
- 7) GUTTERS WILL BE INSTALLED ALONG WITH A FOUNDATION DRAIN. BOTH ARE PROPOSED TO BE CONNECTED TO AN EXISTING CATCH BASIN IN AUSTIN ST. CONTRACTOR TO COORDINATE WITH DPW TO ENSURE PROPER MATERIAL, SIZING AND CONNECTION. CONTRACTOR TO OBTAIN A STORM WATER PERMIT.

LEGEND

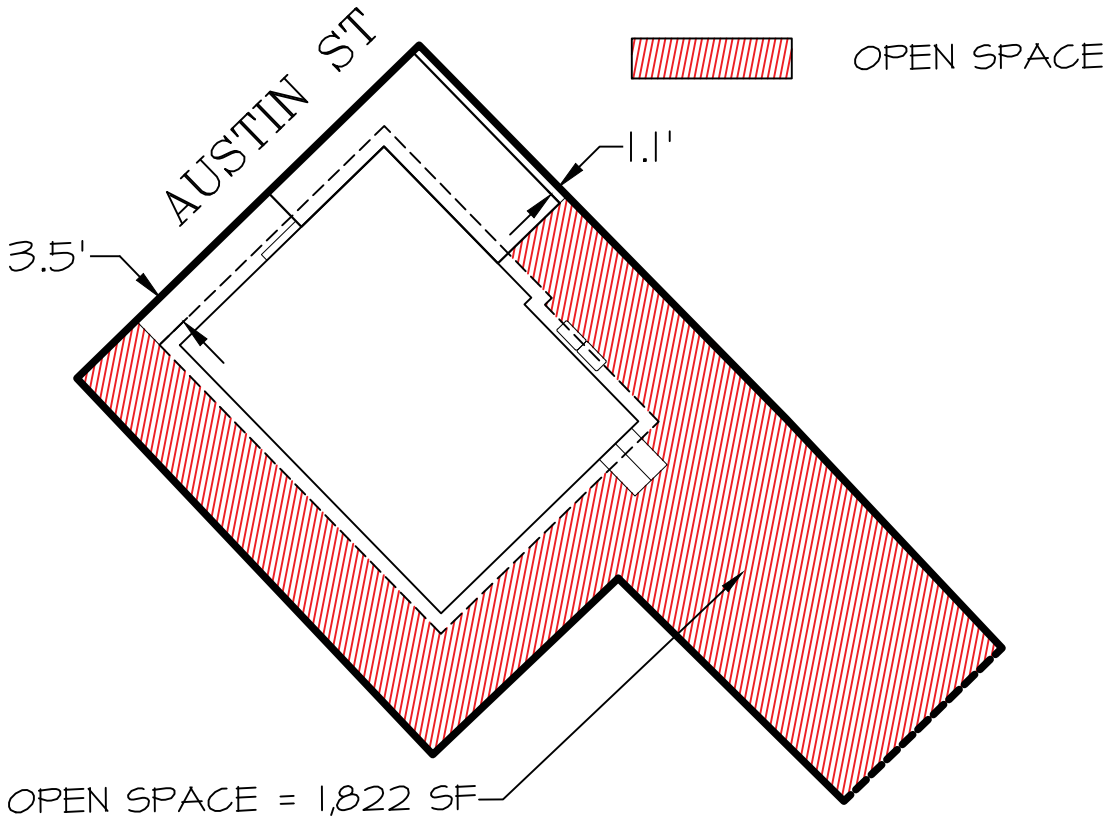
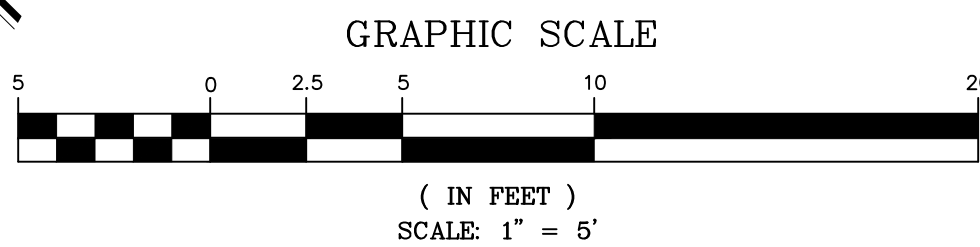
- MONUMENT FOUND
- MONUMENT TO BE SET
- EXISTING CONTOUR
- PROPOSED CONTOUR
- SPOT ELEVATION
- UTILITY POLE
- OVERHEAD UTILITY
- WOODEN FENCE
- CHAIN LINK FENCE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- DRAIN LINE
- CATCH BASIN
- SEWER CLEANOUT
- EXISTING GAS LINE
- PROPOSED GAS LINE

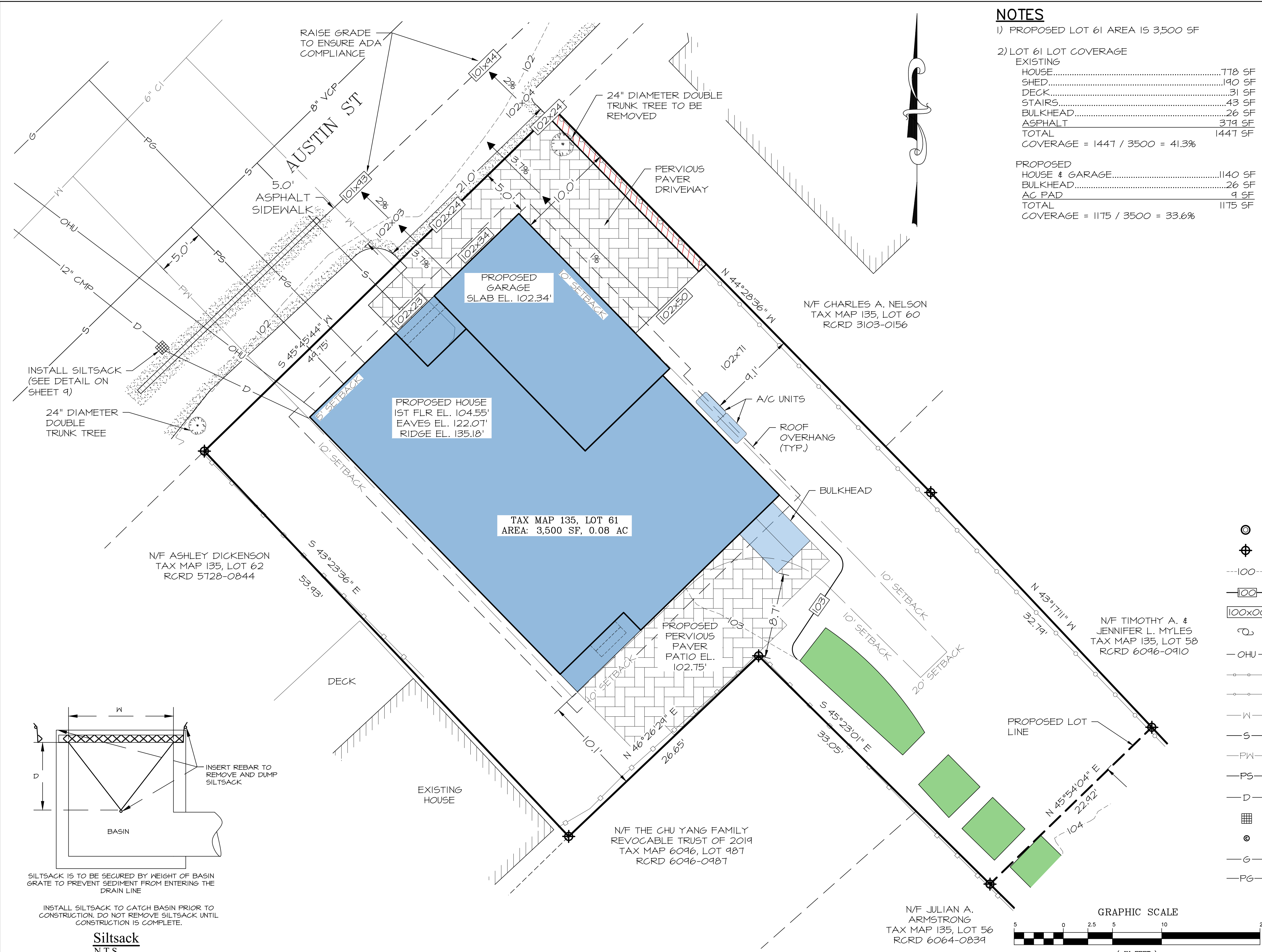
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ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 5'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		

ROSS ENGINEERING, LLC
Civil/Structural Engineering
& Surveying
650 Islington St, 2nd Floor
Portsmouth, NH 03801
(603) 433-7560

CLIENT
ALEA LLC
238 AUSTIN ST
PORTSMOUTH, NH 03801

TITLE		
SITE PLAN		
238 AUSTIN ST PORTSMOUTH, NH 03801 TAX MAP 135, LOT 61		
JOB NUMBER	DWG. NO.	ISSUE
25-089	3 OF 9	6





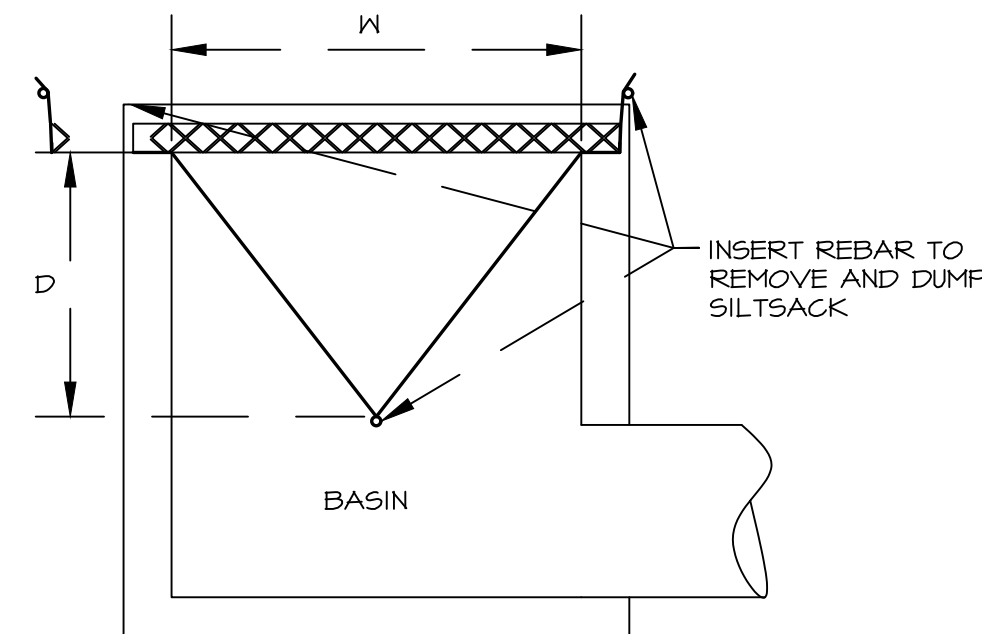
NOTES

- 1) PROPOSED LOT 61 AREA IS 3,500 SF
- 2) LOT 61 LOT COVERAGE
EXISTING
HOUSE.....778 SF
SHED.....190 SF
DECK.....31 SF
STAIRS.....43 SF
BULKHEAD.....26 SF
ASPHALT.....379 SF
TOTAL.....1447 SF
COVERAGE = 1447 / 3500 = 41.3%
- PROPOSED
HOUSE & GARAGE.....1140 SF
BULKHEAD.....26 SF
AC PAD.....9 SF
TOTAL.....1175 SF
COVERAGE = 1175 / 3500 = 33.6%
- 3) A REDUCTION IN IMPERVIOUS COVERAGE OF 7.7% IS PROPOSED, WHICH WILL REDUCE THE SURFACE RUNOFF LEAVING THE SITE. THE EXISTING DRAINAGE FOR THE SITE SLOPES FROM A HIGH POINT NEAR THE PROPOSED NEW LOT LINE TO THE NORTHWEST WHERE IT IS DIRECTED TO CATCH BASINS ON AUSTIN ST.
- THE OVERALL RUNOFF LEAVING THE SITE WILL BE REDUCED DUE TO THE REDUCTION IN IMPERVIOUS COVERAGE. A PORTION OF THE NORTHERLY PART OF THE ROOF WILL BE DIRECTED IN PART ONTO A 258 SF PERVIOUS PAVER DRIVEWAY, ALLOWING WATER TO BE DETAINED AND SLOWLY RELEASED. THE CONTOURS OF THE SITE HAVE NOT BEEN CHANGED TO INTRODUCE NEW DRAINAGE PATHS OFF SITE. DUE TO THE REDUCTION IN RUNOFF, A WAIVER FROM SUBDIVISION REGULATIONS SECTION VI.6 IS REQUESTED.

LEGEND

- MONUMENT FOUND
- MONUMENT TO BE SET
- EXISTING CONTOUR
- PROPOSED CONTOUR
- SPOT ELEVATION
- UTILITY POLE
- OVERHEAD UTILITY
- WOODEN FENCE
- CHAIN LINK FENCE
- EXISTING WATER LINE
- EXISTING SEWER LINE
- PROPOSED WATER LINE
- PROPOSED SEWER LINE
- DRAIN LINE
- CATCH BASIN
- SEWER CLEANOUT
- EXISTING GAS LINE
- PROPOSED GAS LINE

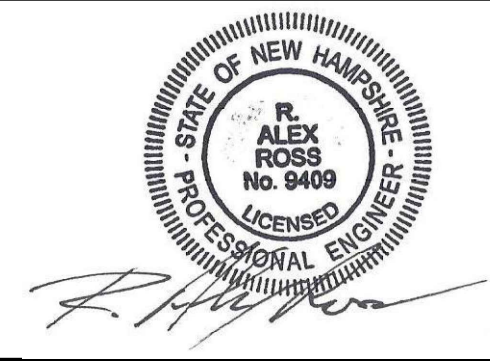
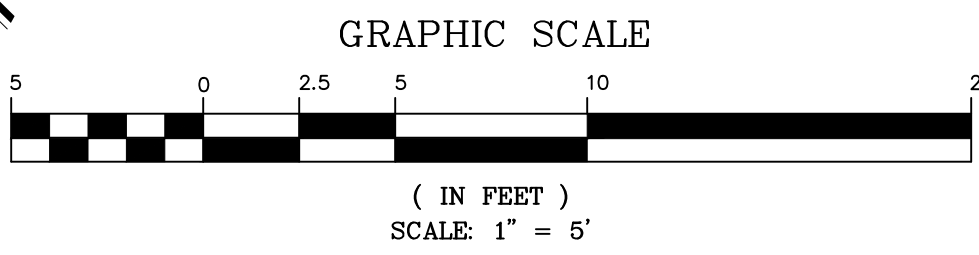
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ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 5'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 650 Islington St, 2nd Floor Portsmouth, NH 03801 (603) 433-7560			
CLIENT ALEA LLC 238 AUSTIN ST PORTSMOUTH, NH 03801			
TITLE STORMWATER MANAGEMENT PLAN 238 AUSTIN ST PORTSMOUTH, NH 03801 TAX MAP 135, LOT 61			
JOB NUMBER	DWG. NO.	ISSUE	
25-089	4 OF 9	6	



SILTSACK IS TO BE SECURED BY WEIGHT OF BASIN GRATE TO PREVENT SEDIMENT FROM ENTERING THE DRAIN LINE

INSTALL SILTSACK TO CATCH BASIN PRIOR TO CONSTRUCTION. DO NOT REMOVE SILTSACK UNTIL CONSTRUCTION IS COMPLETE.

Siltsack
N.T.S.





NOTES

1) PROPOSED LOT 61-1 AREA IS 2,884 SF

2) LOT 61-1 LOT COVERAGE

EXISTING	
BARN.....	1554 SF
RAMP.....	27 SF
LANDING.....	8 SF
PAVER WALKWAY.....	53 SF
RETAINING WALL.....	6 SF
GRANITE STEP.....	4 SF
TOTAL	1652 SF
COVERAGE = 1652 / 2884 =	57.3%

PROPOSED	
HOUSE & GARAGE.....	959 SF
BULKHEAD.....	25 SF
PORCH.....	20 SF
STAIRS.....	12 SF
AC PAD.....	4 SF
ASPHALT DRIVEWAY.....	312 SF
PAVER WALKWAY.....	53 SF
RETAINING WALL.....	6 SF
GRANITE STEP.....	4 SF
TOTAL	1395 SF
COVERAGE = 1395 / 2884 =	48.4%

3) A REDUCTION IN IMPERVIOUS COVERAGE OF 8.9% IS PROPOSED, WHICH WILL REDUCE THE SURFACE RUNOFF LEAVING THE SITE. THE EXISTING DRAINAGE FOR THE SITE SLOPES FROM A HIGH POINT NEAR THE PROPOSED NEW LOT LINE TO THE SOUTHEAST TO COFFINS CT, THEN SOUTHWESTERLY BY COFFINS CT TO UNION ST.

THE OVERALL RUNOFF LEAVING THE SITE WILL BE REDUCED DUE TO THE REDUCTION IN IMPERVIOUS COVERAGE. A PORTION OF THE NORTHERLY PART OF THE ROOF WILL BE DIRECTED INTO A 168 SF PERVIOUS PAVER PATIO, ALLOWING WATER TO BE DETAINED AND SLOWLY RELEASED. THE CONTOURS OF THE SITE HAVE NOT BEEN CHANGED TO INTRODUCE NEW DRAINAGE PATHS OFF SITE. DUE TO THE REDUCTION IN RUNOFF, A WAIVER FROM SUBDIVISION REGULATIONS SECTION VI.6 IS REQUESTED.

LENGTH TABLE

	BEARING	DISTANCE
LI	N 44°36'59" E	4.80'

LEGEND

- ⊙ MONUMENT FOUND
- ⊕ MONUMENT TO BE SET
- 100--- EXISTING CONTOUR
- 100--- PROPOSED CONTOUR
- 100x00 SPOT ELEVATION
- ⊕ UTILITY POLE
- OHU— OVERHEAD UTILITY
- W— WOODEN FENCE
- CLF— CHAIN LINK FENCE
- W— EXISTING WATER LINE
- S— EXISTING SEWER LINE
- PW— PROPOSED WATER LINE
- PS— PROPOSED SEWER LINE
- D— DRAIN LINE
- ⊕ CATCH BASIN
- ⊕ SEWER CLEANOUT
- G— EXISTING GAS LINE
- PG— PROPOSED GAS LINE

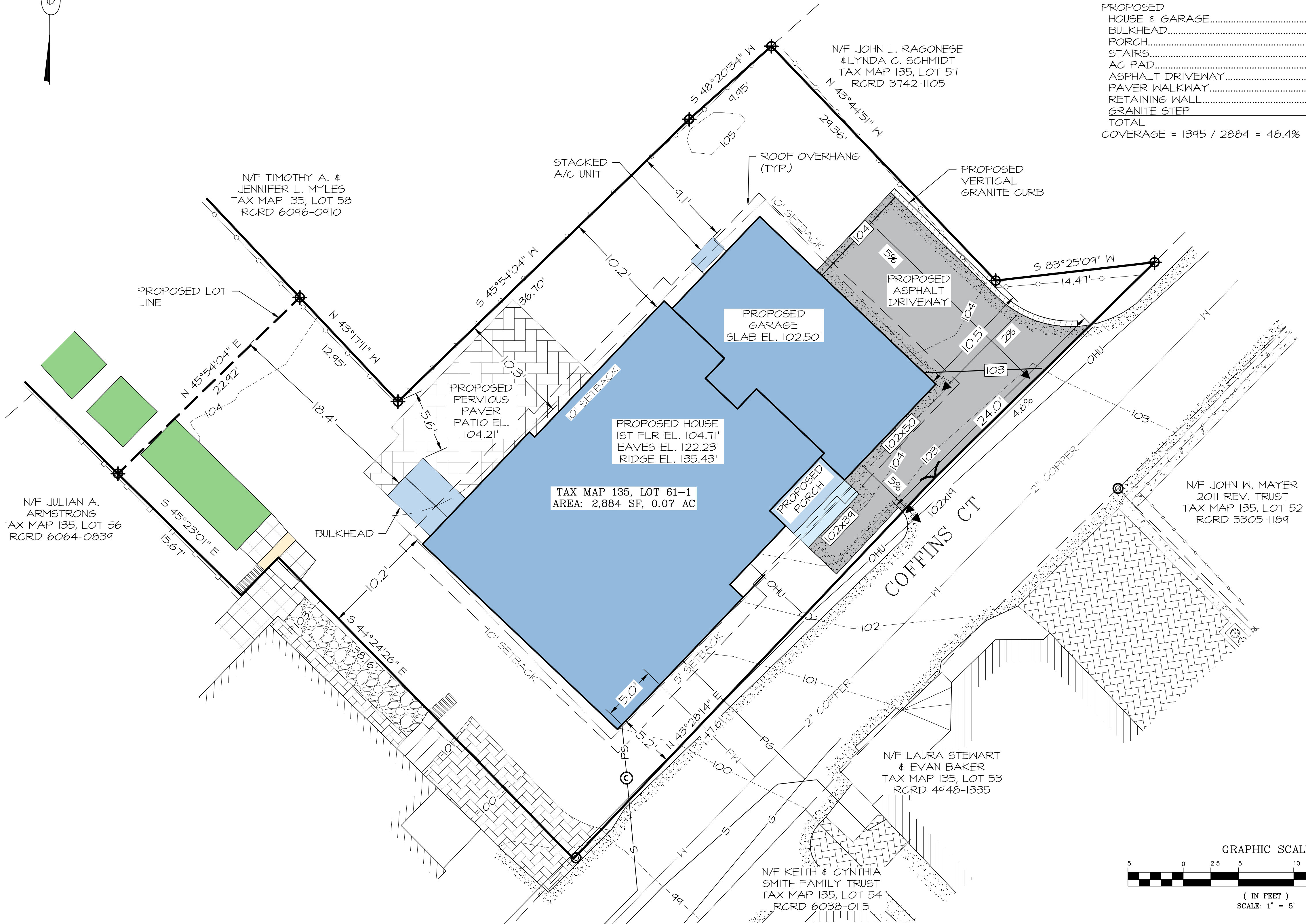
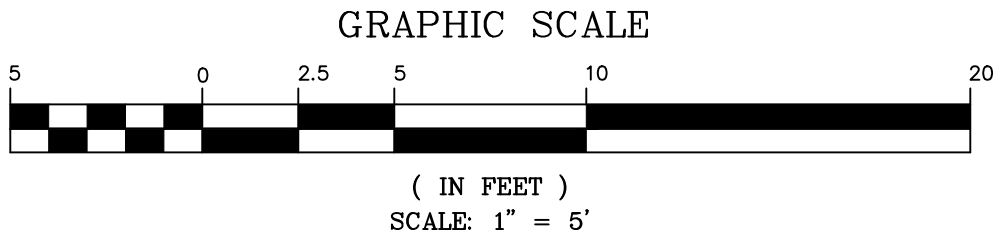
6	8/26/2026	PB SUBMITTAL	
5	8/3/2026	TAC REVISIONS	
4	7/22/2026	TAC REVISIONS	
3	6/22/2026	TAC SUBMITTAL	
2	1/6/2026	TAC SUBMITTAL	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 5'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		

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CLIENT
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TITLE
**STORMWATER
MANAGEMENT
PLAN**
238 AUSTIN ST
PORTSMOUTH, NH 03801
TAX MAP 135, LOT 61

JOB NUMBER	DWG. NO.	ISSUE
25-089	6 OF 9	6





NOTES – AUSTIN ST

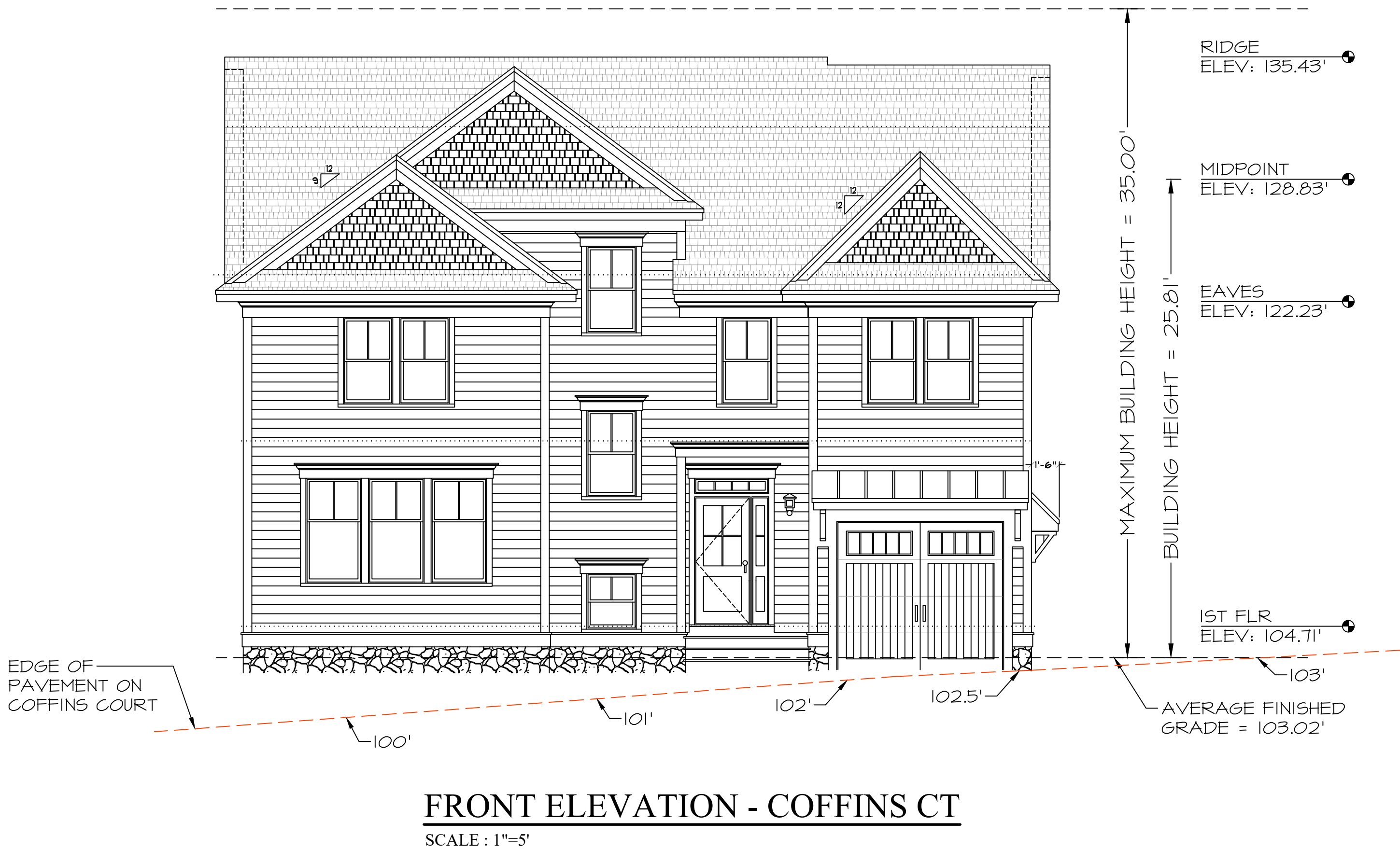
1) AVERAGE FINISHED GRADE:
AS PER PORTSMOUTH ZONING ORDINANCE THE AVERAGE EXISTING GRADE SHALL BE THE AVERAGE GROUND LEVELS ADJOINING THE BUILDING AT ALL EXTERIOR WALLS MEASURED EVERY FIVE FEET AROUND THE PERIMETER OF THE BUILDING.

THE AVERAGE FINISHED GRADE WAS CALCULATED AS 102.63'.

2) BUILDING HEIGHT:
AS PER PORTSMOUTH ZONING ORDINANCE THE BUILDING HEIGHT SHALL BE THE GREATEST VERTICAL MEASUREMENT BETWEEN THE LOWER AND UPPER REFERENCE POINTS. THE LOWER REFERENCE POINT SHALL BE THE AVERAGE EXISTING GRADE OR AVERAGE FINISHED GRADE, WHICHEVER IS LOWER. THE UPPER REFERENCE POINT FOR GAMBREL, HIP, HIP-TOPPED MANSARD ROOF, OR PENTHOUSE SHALL BE THE ELEVATION MIDWAY BETWEEN THE LEVEL OF EAVES AND THE HIGHEST POINT OF THE ROOF.

AVERAGE FINISHED GRADE = 102.63'
EAVES EL. = 122.07'
RIDGE EL. = 135.18'
MIDPOINT EL. = $122.07 + 135.18 / 2 = 128.63'$

BUILDING HEIGHT = $128.63' - 102.63' = 26.00'$



NOTES – COFFINS CT

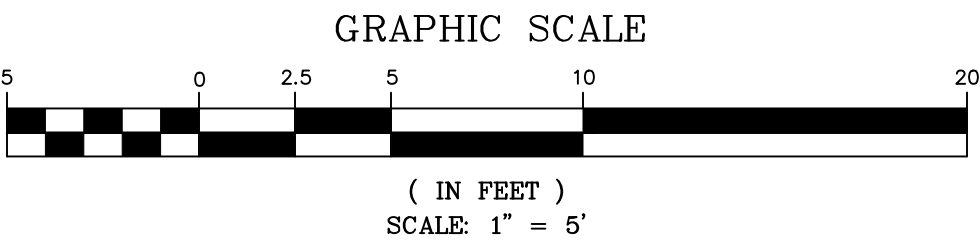
1) AVERAGE FINISHED GRADE:
AS PER PORTSMOUTH ZONING ORDINANCE THE AVERAGE EXISTING GRADE SHALL BE THE AVERAGE GROUND LEVELS ADJOINING THE BUILDING AT ALL EXTERIOR WALLS MEASURED EVERY FIVE FEET AROUND THE PERIMETER OF THE BUILDING.

THE AVERAGE FINISHED GRADE WAS CALCULATED AS 103.02'.

2) BUILDING HEIGHT:
AS PER PORTSMOUTH ZONING ORDINANCE THE BUILDING HEIGHT SHALL BE THE GREATEST VERTICAL MEASUREMENT BETWEEN THE LOWER AND UPPER REFERENCE POINTS. THE LOWER REFERENCE POINT SHALL BE THE AVERAGE EXISTING GRADE OR AVERAGE FINISHED GRADE, WHICHEVER IS LOWER. THE UPPER REFERENCE POINT FOR GAMBREL, HIP, HIP-TOPPED MANSARD ROOF, OR PENTHOUSE SHALL BE THE ELEVATION MIDWAY BETWEEN THE LEVEL OF EAVES AND THE HIGHEST POINT OF THE ROOF.

AVERAGE FINISHED GRADE = 103.02'
EAVES EL. = 122.23'
RIDGE EL. = 135.43'
MIDPOINT EL. = $122.23 + 135.43 / 2 = 128.83'$

BUILDING HEIGHT = $128.83' - 103.02' = 25.81'$



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4	7/22/2026	TAC REVISIONS	
3	6/22/2026	TAC SUBMITTAL	
2	1/6/2026	TAC SUBMITTAL	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 5'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		

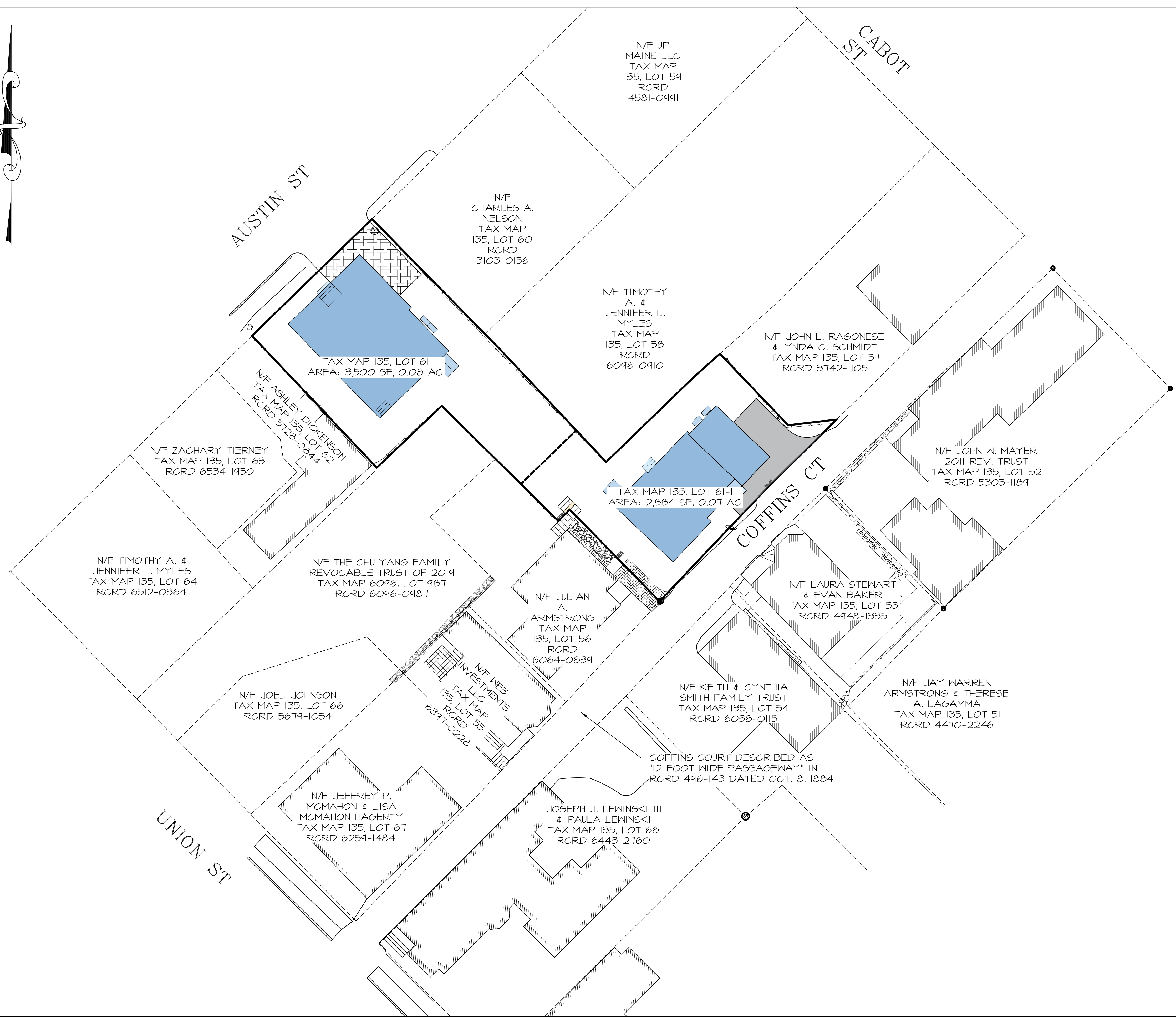
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238 AUSTIN ST
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TITLE
ELEVATIONS

238 AUSTIN ST
PORTSMOUTH, NH 03801
TAX MAP 135, LOT 61

JOB NUMBER	DWG. NO.	ISSUE
25-089	7 OF 9	6



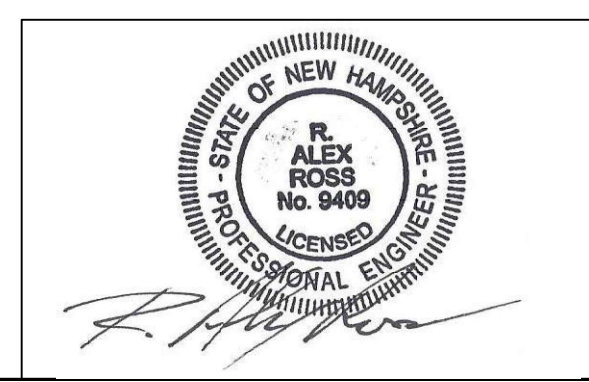
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3	6/22/2026	TAC SUBMITTAL	
2	1/6/2026	TAC SUBMITTAL	
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TITLE
**STREET
PLAN**
238 AUSTIN ST
PORTSMOUTH, NH 03801
TAX MAP 135, LOT 61

JOB NUMBER	DWG. NO.	ISSUE
25-089	8 OF 9	6



DATA COLLECTION

1. DETERMINE THE SIZE, SHAPE AND INTENDED USE OF FINISHED AREAS.
2. CLASSIFY SUB-GRADE SOILS.
3. DOCUMENT ALL EXISTING CONDITIONS. (FIXED POINTS, EXISTING GRADES, SITE CONTOURS, ETC)
4. DOCUMENT SOIL TYPE, LOCATION, AND ELEVATION OF BELOW GRADE AND OVERHEAD UTILITIES BOTH PUBLIC AND PRIVATE.
5. ENSURE PUBLIC UTILITIES ARE MARKED THROUGH THE USE OF LOCATING SERVICE.
6. DETERMINE THE CROSS SECTION DESIGN OF THE SYSTEM BASED ON SOIL TYPE AND APPLICATION, SHOWING PROPOSED SUB-GRADE AND FINISHED GRADE ELEVATIONS AND ALL GEOTEXTILES AND DRAINAGE DRAINAGE PIPES NEEDED FOR CONSTRUCTION.
7. ESTABLISH THE TYPE, LOCATION, AND ELEVATION OF RELIEF STRUCTURES IF REQUIRED (OVERFLOW PIPE DISCHARGING TO RAIN GARDEN, ETC).
8. DETERMINE CURB OR EDGE RESTRAINT TYPE, ELEVATION, AND LOCATION.
9. CHOOSE PATTERN APPROPRIATE TO THE APPLICATION (TRAFFIC TYPE AND LOAD).

EXCAVATION

1. BEFORE EXCAVATING, CALL ALL LOCAL UTILITY COMPANIES (E.G., PHONE, GAS, ELECTRICAL) TO ENSURE THAT THE AREA IN WHICH YOU PLAN TO DIG IS CLEAR OF UNDERGROUND CABLES OR WIRES. IF ANY ARE FOUND, PLEASE NOTIFY THE APPROPRIATE COMPANIES BEFORE YOU BEGIN.
2. EXCAVATION DEPTH IS DETERMINE FROM THE FOUNDATION THICKNESS ACCORDING TO THE PROJECT SPECIFICATIONS (FOUNDATION THICKNESS IS DETERMINED BY QUALIFIED ENGINEER BASED ON STRUCTURAL AND HYDROLOGIC ANALYSIS.)
3. THE SLOPE OF THE SUB-GRADE WILL DEPEND ON DRAINAGE DESIGN AND INFILTRATION TYPE, A MINIMUM SLOPE OF .5% (1/6" PER FOOT) IS REQUIRED.
4. THE DISTANCE THAT THE EXCAVATED AREA SHOULD EXTEND BEYOND THE AREA TO BE PAVED SHALL BE ONE TO 1.5 TIMES THE THICKNESS OF THE FOUNDATION. EXTRA SPACE ENSURE STABILITY OF PAVERS NEAR EDGE AND EDGE RESTRAINTS.
5. LEVEL THE BOTTOM OF THE EXCAVATED AREA WITH A RAKE.
6. COMPACTION WILL REDUCE THE PERMEABILITY OF THE SUB-GRADE. CARE SHOULD BE TAKEN TO MAINTAIN UNDISTURBED SOIL INFILTRATION DURING EXCAVATION AND CONSTRUCTION. STABILIZATION OF SUB-GRADE MAY BE REQUIRED WITH WEAK, OR CONTINUOUSLY SATURATED SOILS. REDUCED INFILTRATION MAY REQUIRE DRAINAGE PIPES WITHIN THE SUB-BASE TO CONFORM TO STORMWATER DRAINAGE REQUIREMENTS.

GEOTEXTILES, IMPERMEABLE LINERS, AND DRAIN PIPES

1. USE A WOVEN GEOTEXTILE WITH HIGH BI-AXEL STRENGTH.
2. PLACE THE GEOTEXTILE ON THE BOTTOM AND SIDES OF THE SOIL SUB-GRADE. ELIMINATE WRINKLES IN THE GEOTEXTILE AND ENSURE IT IS NOT DAMAGED DURING CONSTRUCTION.
3. OVERLAP OF GEOTEXTILE SHALL BE A MINIMUM 2'-0" IN THE DIRECTION OF DRAINAGE. OVERLAPPING SHOULD BE "SHINGLE" STYLE WITH RESPECT TO ANY SLOPE DIRECTION AND BASE STONE DISTRIBUTION DIRECTION. KEEP PROPERLY TENSIONED, ELIMINATE WRINKLES, AND AVOID DAMAGING FABRIC (NO SPIKES).

SUB-BASE

1. USE SUB-BASE ASTM NO. 2 OR NO. 3 MEETING THE FOLLOWING REQUIREMENTS:
 - A. 40% FRACTURED SYMMETRICAL PARTICALS
 - B. LESS THAN 5% PASSING 200 SIEVE
 - C. INDUSTRY HARDNESS TESTED
2. MOISTEN SPREAD AND COMPACT ASTM NO. 2 AGGREGATE SUB-BASE IN MINIMUM 6" LIFTS (WITHOUT DAMAGING OR DISTORTING THE GEOTEXTILE).
3. MAKE AT LEAST TWO PASSES IN VIBRATORY MODE FOLLOWED BY AT LEAST TWO PASSES IN STATIC MODE WITH A MINIMUM 10 TON VIBRATORY ROLLER, UNTIL THERE IS NO VISIBLE MOVEMENT OF THE AGGREGATE.
4. DO NOT ALLOW COMPACTOR TO CRUSH AGGREGATE.
5. SURFACE TOLERANCE OF THE ASTM NO. 2 SUB-BASE SHOULD BE ±2½" OVER 10'.

EDGE RESTRAINT

1. INSTALL AVIGNON, BELGIK, PIETRA, TUNDRA, OR UNIVERSAL EDGE CUT UNITS. CAST-IN-PLACE CONCRETE OR PRECAST CONCRETE CURBS SHALL BE UTILIZED IN VEHICULAR APPLICATIONS.
2. EDGE RESTRAINT MAY REST ON AN OPEN-GRADED OR DENSE-GRADED AGGREGATE BASE.

BASE

1. MOISTEN, SPREAD AND COMPACT THE ASTM NO. 57 AGGREGATE BASE LAYER IN ONE 4" THICK LIFT.
2. MAKE A MINIMUM OF TWO PASSES IN VIBRATORY MODE FOLLOWED BY AT LEAST TWO STATIC MODE WITH A MINIMUM 10 TON ROLLER, UNTIL NO VISIBLE MOVEMENT OF THE AGGREGATE. ALTERNATIVELY, A 13,500 LB PLATE COMPACTOR CAN BE USED TO COMPACTER ASTM NO. 57 AGGREGATE BASE.
3. DO NOT ALLOW COMPACTOR TO CRUSH AGGREGATE.
4. SURFACE TOLERANCE OF THE ASTM NO. 57 BASE SHOULD BE ±1" OVER 10'.

BEDDING COURSE

1. MOISTEN, SPREAD AND SCREED ASTM NO 8. AGGREGATE BEDDING LAYER IN ONE 2" THICK LIFT
2. SURFACE TOLERANCE OF THE ASTM NO 8. BEDDING COURSE ±¾" OVER 10'
3. CONSTRUCTION EQUIPMENT AND PEDESTRIAN TRAVEL ON SCREEDDED BEDDING COARSE IS PROHIBITED.

PAVER

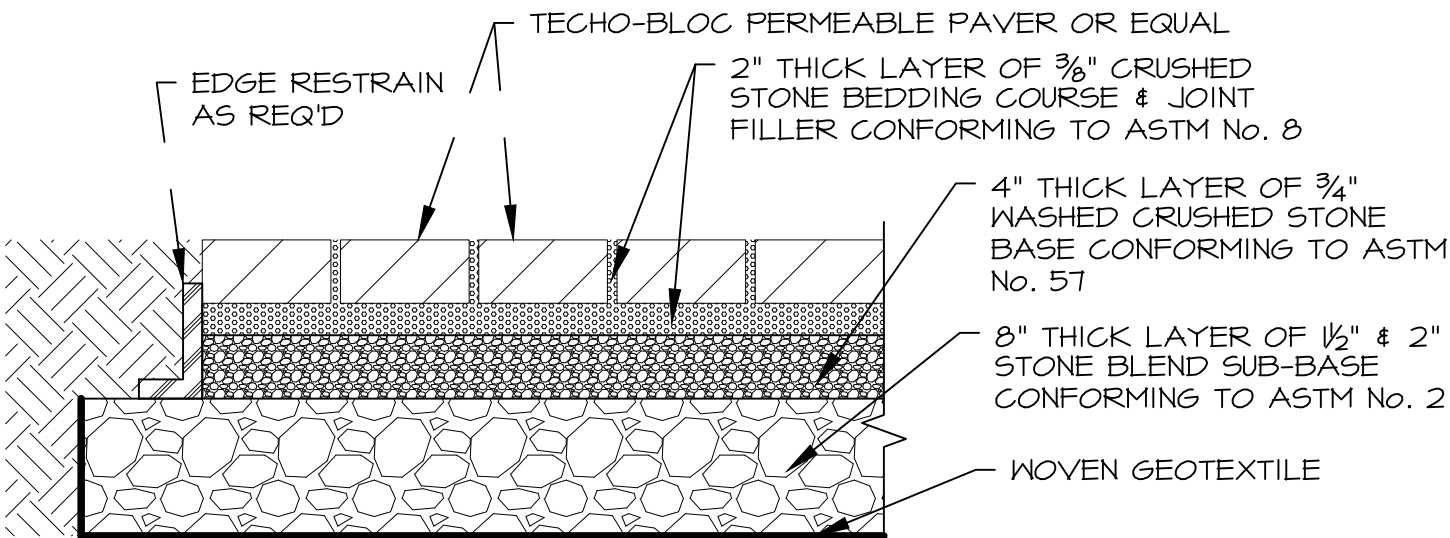
1. PAVERS SHOULD BE PLACED IN PATTERN SHOWN ON DRAWINGS. LAY UNITS TIGHT TO DESIGNATED LAYING PATTERNS. UNITS HAVE LUGS TO MAINTAIN CONSISTENT JOINT WIDTH.
2. IN SLOPED CONDITIONS START LAYING FROM THE BOTTOM IN AN UPHILL DIRECTION.
3. THE MINIMUM SLOPE FOR PERMEABLE PAVEMENT SURFACE IS 1%.
4. INFLO PAVERS CAN BE INSTALLED WITH TBLOOSI (TECHO-BLOC MECHANICAL TOOL) TO EXPEDITE INSTALLATION.
5. WHEN SUBJECT IT VEHICULAR TRAFFIC, CUT UNITS SHOULD NOT BE SMALLER THEN ⅓ THE WHOLE PAVER. WHEN USING CUT PAVERS MAINTAIN JOINT.
6. IN VEHICULAR APPLICATION LAY PATTERN PERPENDICULAR TO TRAFFIC FLOW.

JOINT FILL

1. FILL PAVER JOINT OPENINGS WITH ASTM NO. 8 AGGREGATE. SWEEP STONE TO FILL JOINTS. SURFACE MUST BE SWEPT CLEAN PRIOR TO COMPACTION
2. COMPACT WITH 5,000 LB PLATE COMPACTOR (TWO PASSES MINIMUM). INSTALL OF NEOPRENE PAD TO PROTECT THE TEXTURE OF THE PAVING UNITS.
3. DO NOT COMPACT WITHIN 6' OF UNRESTRAINED EDGES OF PAVERS.
4. APPLY ADDITIONAL AGGREGATE TO FILL THE JOINT OPENINGS IF NEEDED AND COMPACT.
5. SURFACE TOLERANCE OF COMPACTED PAVERS SHOULD BE ±¾" OVER 10'.

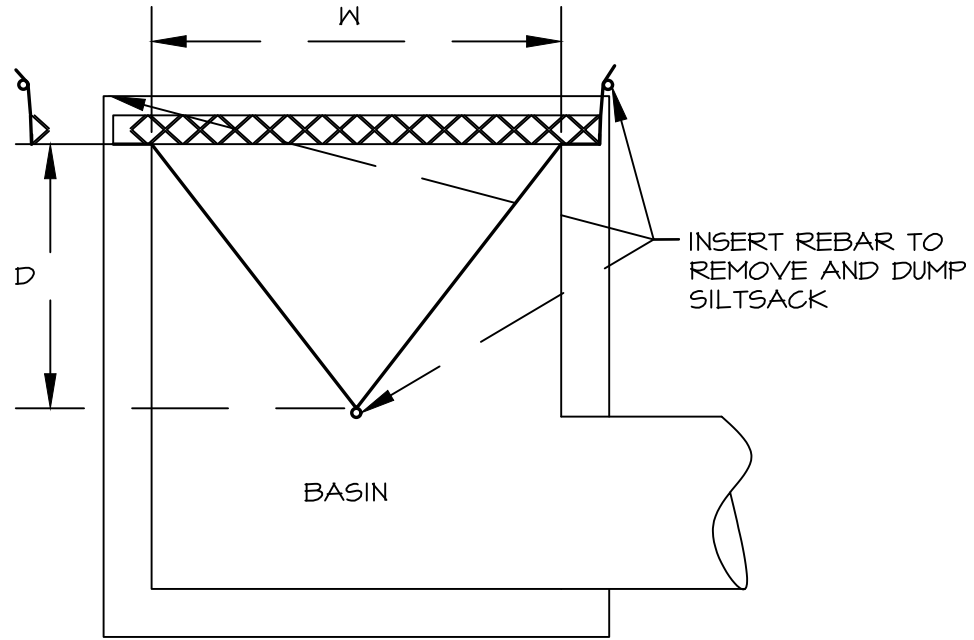
POST INSTALLATION PROTECTION

1. MAINTAIN EROSION AND SEDIMENT MEASURES AT PERIMETER TO PREVENT CONTAMINATION OF POROUS PAVEMENT SYSTEM.



PERVIOUS PAVERS DETAIL

N.T.S.

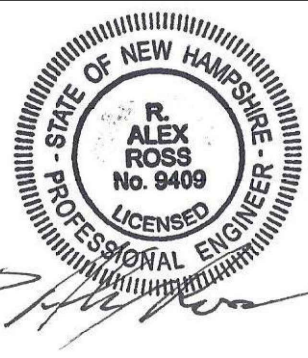


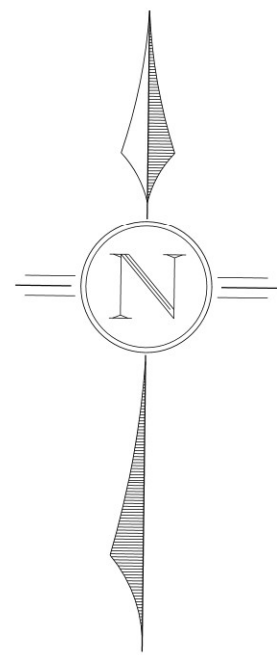
SILTSACK IS TO BE SECURED BY WEIGHT OF BASIN GRATE TO PREVENT SEDIMENT FROM ENTERING THE DRAIN LINE

INSTALL SILTSACK TO CATCH BASIN PRIOR TO CONSTRUCTION. DO NOT REMOVE SILTSACK UNTIL CONSTRUCTION IS COMPLETE.

Siltsack
N.T.S.

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DRAWN		D.D.D.	
<u>ROSS ENGINEERING, LLC</u> Civil/Structural Engineering & Surveying 650 Islington St, 2nd Floor Portsmouth, NH 03801 (603) 433-7560			
CLIENT ALEA LLC 238 AUSTIN ST PORTSMOUTH, NH 03801			
TITLE DETAILS 238 AUSTIN ST PORTSMOUTH, NH 03801 TAX MAP 135, LOT 61			
JOB NUMBER		DWG. NO.	ISSUE
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AUSTIN ST

EXISTING HOUSE

GARAGE

PROPOSED HOUSE

3 SILHOUETTE SWEETGUM

CRUSHED STONE AT A/C UNITS

BULK HEAD

EXISTING HOUSE

3 Highbush Blueberry

3 Highbush Blueberry

1 KOREANSPICE VIBURNUM

1 JANE MAGNOLIA

CRUSHED STONE AT A/C UNITS

1 DARK AMERICAN ARBORVITAE

BULK HEAD

PROPOSED HOUSE

1 KARL FOERSTER REED GRASS

3 AUTUMN JOY SEDUM

1 LIL' KIM VIOLET ROSE OF SHARON

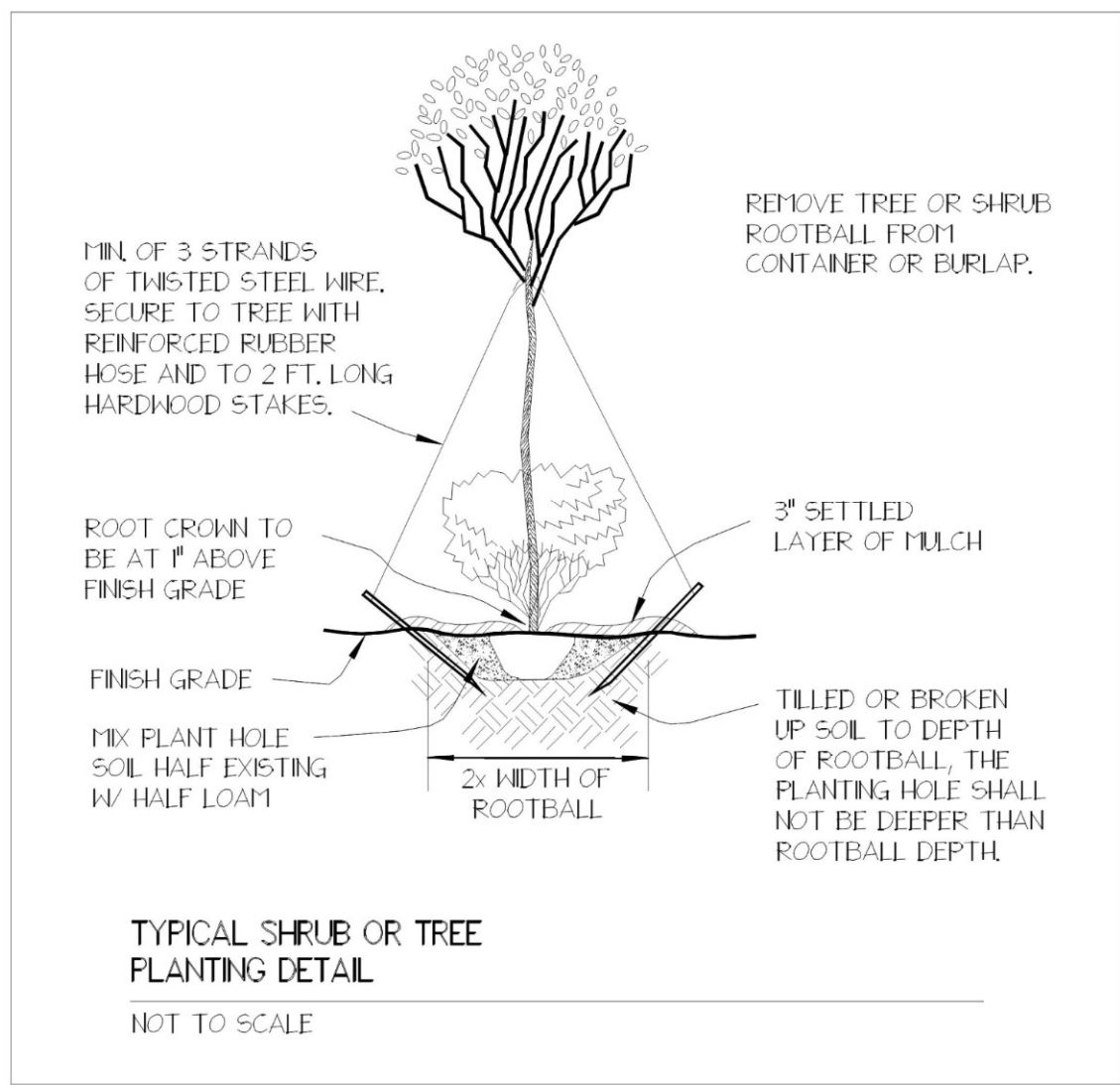
3 BOBO PANICLE HYDRANGEA

2 BLUE SHAG WHITE PINE

1 IVORY SILK TREE LILAC

EXISTING HOUSE

COFFINS CT



CLIENT:
ALEA, LLC
238 AUSTIN STREET
PORTSMOUTH, NH 03801



PLANTING NOTES:

THE LANDSCAPE INSTALLATION CONTRACTOR SHALL LOCATE AND VERIFY ALL EXISTING UTILITIES PRIOR TO STARTING WORK.

THE CONTRACTOR SHALL CONFORM TO THE GUIDELINES ESTABLISHED BY THE CURRENT AMERICAN STANDARD FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.

THE DEVELOPER SHALL PLANT A MINIMUM OF THE AMOUNT OF SHRUBS AND TREES SHOWN ON THE PLANT LIST, BUT EXACT SPECIES MAY VARY BASED ON AVAILABILITY. ALL PLANT MATERIAL SHALL BE GUARANTEED BY THE CONTRACTOR FOR ONE FULL YEAR FROM THE TIME OF OWNER ACCEPTANCE.

ALL PLANT MATERIAL SHALL BE WATERED THOROUGHLY DURING THE FIRST 24 HOUR PERIOD AFTER PLANTED. PLANTS SHALL BE WATERED WEEKLY OR MORE AS NECESSARY DURING THE FIRST GROWING YEAR. NATIVE PLANTS SPECIFIED AND SHALL NOT REQUIRE IRRIGATION ONCE ESTABLISHED.

ALL TREES, SHRUBS AND PERENNIALS SHALL BE PLANTED IN MULCH BEDS EXCEPT WHERE SPECIFIED ON THE PLAN. ALL MULCH AREAS SHALL RECEIVE A 3 INCH LAYER OF NATURAL BARK MULCH OVER A CONSTRUCTION GRADE WEED MAT BARRIER.

THE CONTRACTOR SHALL REMOVE WEEDS, ROCKS, CONSTRUCTION DEBRIS, ETC. FROM ANY LANDSCAPE AREA UNLESS DESIGNATED TO REMAIN. LEDGE SHALL BE REMOVED MINIMUM OF 3 FEET BELOW ALL PLANTINGS FOR PLANT SURVIVABILITY.

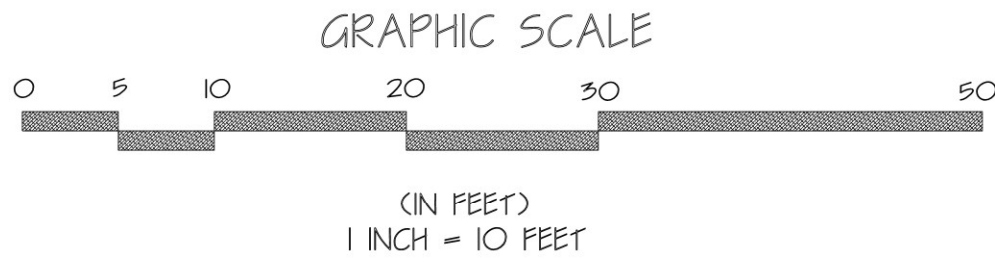
ALL DISTURBED AREAS TO BE LANDSCAPED SHALL BE REPLACED WITH SUITABLE TOPSOIL. LAWN AREAS SHALL UTILIZE TALL FESCUE HYDROSEEDING AS DROUGHT TOLERANT COOL-SEASON LAWN GRASS.

THE BUILDING FOUNDATIONS WILL HAVE STONE MULCH BORDER EXTENDING OUT 18 INCHES FROM FOUNDATION AS DRIP EDGE. THE STONE MULCH SHALL BE 3 INCH DEPTH OVER A CONSTRUCTION GRADE WEED MAT BARRIER.

THIS PLAN SHEET IS INTENDED FOR LANDSCAPING PURPOSES ONLY. REFER TO CIVIL AND SITE PLAN SHEETS FOR ALL OTHER SITE CONSTRUCTION INFORMATION.

ALL PLANTING SHALL CONFORM TO CITY OF PORTSMOUTH, NEW HAMPSHIRE SITE PLAN REVIEW REGULATIONS PLANTING REQUIREMENTS.

Qty	Botanical Name	Common Name	Size/Condition
Trees			
3	Juniperus virginiana 'Blue Arrow'	BLUE ARROW EASTERN CEDAR	5-6' B&B
3	Liquidambar styraciflua 'Slender Silhouette'	SILHOUETTE SWEETGUM	3" Caliper B&B
1	Magnolia x 'Jane'	JANE MAGNOLIA	2" Caliper B&B
1	Syringa reticulata 'Ivory Silk'	IVORY SILK TREE LILAC	2.5" Caliper B&B
1	Thuja occidentalis 'Nigra'	DARK AMERICAN ARBORVITAE	6-7' B&B
Shrubs			
1	Hibiscus syriacus 'SHIMRV24'	LIL' KIM VIOLET ROSE OF SHARON	5 Gallon
3	Hydrangea paniculata 'Bobo'	BOBO PANICLE HYDRANGEA	3 Gallon
2	Itea virginica 'Henry's Garnet'	HENRY'S GARNET SWEETSPIRE	3 Gallon
2	Pieris japonica 'Cavatine'	CAVATINE JAPANESE PIERIS	5 Gallon
2	Pinus strobus 'Blue Shag'	BLUE SHAG WHITE PINE	6 Gallon
6	Vaccinium corymbosum	HIGHBUSH BLUEBERRY	5 Gallon
1	Viburnum carlesii	KOREANSPICE VIBURNUM	5 Gallon
Ornamental Grasses			
1	Calamagrostis x acutiflora 'Karl Foerster'	KARL FOERSTER REED GRASS	2 Gallon
Perennials			
3	Astilbe chinensis 'Visions'	VISIONS CHINESE ASTILBE	1 Gallon
1	Iris sibirica 'Silver Edge'	SILVER EDGE SIBERIAN IRIS	1 Gallon
3	Sedum 'Autumn Joy'	AUTUMN JOY SEDUM	1 Gallon



REVISIONS:		DATE:	
COLOR LANDSCAPE PLAN			
SUBDIVISION PLAN			
238 AUSTIN STREET			
PORTSMOUTH, N.H. 03801			
TAX MAP 135, LOT 61			
DATE:	AUG. 26, 2026	SCALE:	1" = 10'
JOB NO:	25-089	SHEET NO.	L 1

2631 AUSTIN ST PLANT PHOTOS



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VISIONS CHINESE ASTILBE
Astilbe chinensis 'Visions'



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KARL FOERSTER REED GRASS
Calamagrostis x acutiflora 'Karl Foerster'



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LIL' KIM VIOLET ROSE OF SHARON
Hibiscus syriacus 'SHIMRV24'



©2025 Horticipia, Inc.

BOBO PANICLE HYDRANGEA
Hydrangea paniculata 'Bobo'



©2025 Horticipia, Inc.

SILVER EDGE SIBERIAN IRIS
Iris sibirica 'Silver Edge'



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HENRY'S GARNET SWEETSPIRE
Itea virginica 'Henry's Garnet'



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BLUE ARROW EASTERN CEDAR
Juniperus virginiana 'Blue Arrow'



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SILHOUETTE SWEETGUM
Liquidambar styraciflua 'Slender Silhouette'



PRAIRIFIRE CRABAPPLE
Malus x 'Prairifire'



CAVATINE JAPANESE PIERIS
Pieris japonica 'Cavatine'



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BLUE SHAG WHITE PINE
Pinus strobus 'Blue Shag'



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AUTUMN JOY SEDUM
Sedum 'Autumn Joy'



IVORY SILK TREE LILAC
Syringa reticulata 'Ivory Silk'



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DARK AMERICAN ARBORVITAE
Thuja occidentalis 'Nigra'



©2025 Horticipia, Inc.

HIGHBUSH BLUEBERRY
Vaccinium corymbosum



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KOREANSPICE VIBURNUM
Viburnum carlesii

Ross Engineering
Civil/Structural Engineering & Surveying

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alexross@comcast.net

August 26, 2026

Peter Britz
Planning and Sustainability Director
1 Junkins Ave
Portsmouth, NH 03801

RE: TAC Comments
238 Austin St
Portsmouth, NH 03801
Tax Map 135, Lot 61

This letter is in response to the Technical Advisory Committee letter dated August 11, 2026. The Technical Advisory Committee recommended approval of this project with the following conditions listed below in *italic* with our responses in **bold**.

1. *Clarify existing and proposed utilities.*

Existing connection data that is known has been added. Existing gas, water and sewer lines were located in the basement of the Austin St structure. All known locations of lines have been shown with information provided by DPW.

2. *Show all existing utility connections and clearly call them out for abandonment if applicable.*

The connections have been shown and both note 7 on drawing 2 and note 5 on drawing 3 calls for abandoning of lines.

3. *Show water and sewer service separation, with 5' between water and sewer services. All utilities entering structures be no closer than 3' from each other.*

The separation between water and sewer has been reduced to 5' on both Austin St and Coffins Ct. Water, Sewer and Gas lines are all at least 3' from each other.

4. *Show whether gas connections are proposed for the structures and show the gas main location on both streets.*

Gas connections are proposed for both structures and new lines have been shown on the plan view. Note 6 has been added on Drawings 3 and 5 calling out the gas connection.

5. *Show spot grades in the gutter line and for the sidewalk crossing of Austin Street to ensure compliance with ADA rules.*

Existing spot grades have been added to Drawings 1, 3 and 4. Proposed spot grades on the northern side of the sidewalk have been added to lift the grade to meet the cross slope requirements. The southern side of the sidewalk shall remain at existing grade.

Ross Engineering
Civil/Structural Engineering & Surveying

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Portsmouth, NH 03801

603-433-7560
alexross@comcast.net

6. *Confirm whether the 24" tree in the driveway will be removed.*

The 24" tree in the Austin St driveway will be removed. This has been called out on Drawings 2, 3 and 4 in the plan view.

7. *Show on path to the front door on the plans for Austin Street.*

The Austin St house will have a path to the front door. The plan view has been updated to reflect this on Drawings 2, 3 and 4.

8. *Tie the Austin Street house gutters directly to the storm drain.*

Note 7 on Drawing 3 has been updated to include proposed gutters that tie in to the storm drain directly.

9. *Identify the two objects on the driveway side that are 9.1' from the property line.*

The two objects are A/C units and have been noted as such on Drawing 3.

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.*

The width of the driveways at the property line is less than or equal to 24' on both Coffins Ct and Austin St. A dimension has been added to drawings 3 & 5.

11. *Barn must be removed prior to recordation of the subdivision plan.*

Note 11 on Drawing 2, has been revised to state that the demolition of the barn will be required prior to recordation of the subdivision plan.

12. *CMMP is required.*

Note 10 on drawing 2 has been expanded to include a CMMP.

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

Note 10 on drawing 2 has been expanded to include a pre-construction survey and vibration monitoring.

Ross Engineering
Civil/Structural Engineering & Surveying

650 Islington Street
Portsmouth, NH 03801

603-433-7560
alexross@comcast.net

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

Note 9 on drawing 2 has been added expanded to state that no primary power or transformer shall be located on Coffins Ct and service shall be limited to 200 Amps.

15. *Show landscaping features on the plan.*

A landscape plan has been prepared.

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

Note 10 on drawing 2 has been expanded to state that applicant must comply with applicable roadway restoration per DPW and surety requirements for any disturbance of Coffins Ct.

Sincerely,

Alex Ross, P.E.



July 21, 2026

Matthew Boyer

RE: Coffins Court Portsmouth and 238 Austin St. Portsmouth

To Whom It May Concern:

Based on the provided scope and current operation of our distribution system, I am pleased to inform you that Unitil can supply your project with natural gas. We can provide at least 262,000 BTU'S at 238 Austin Street and at least 242,000 BTU'S at the Coffins Court location. The specific terms would be spelled out in a contract with the owner or the above referenced address.

Let me know if you have any questions. You can email me at dupliseas@unitil.com. My phone number is 603-294-5147.

Sincerely,

Susan L. Duplisea
Business Development Representative

Findings of Fact | Outdoor Dining Conditional Use Permit

City of Portsmouth Planning Board

Date: 9-17-26

Property Address: 921 Islington Street

Application #: LU-25-96

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 the all conditions necessary to obtain final approval.

Outdoor Dining Conditional Use Permit

10.242.10 The Planning Board may grant a conditional use permit if the application is found to be in compliance with the general criteria in Section 10.243 or, if applicable, the specific standards or criteria set forth in this Ordinance for the particular use or activity.

	Outdoor Dining Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
1	10.243.21 The design of proposed structures, their height and scale in relation to the site's surroundings, the nature and intensity of the proposed use or activity, and the layout and design of the site will be compatible with adjacent and nearby properties, buildings and uses, will complement or enhance the character of surrounding development, and will encourage the appropriate and orderly development and use of land and buildings in the surrounding area.	Meets Does Not Meet	The scale of the site redevelopment to a Restaurant is in keeping with the surrounding properties. The existing structure will be re-used, with a small addition for some restaurant support space. The project design accommodates the required parking as well as the required site infrastructure. Included in the proposal are sidewalk and landscaping improvements to the Islington Street corridor. The developer is working with the abutting property owner to maintain light and air. The location of the patio is consistent with the surrounding development.
2	10.243.22 All necessary public and private utility infrastructure and services will be available and adequate to serve the	Meets Does Not Meet	The addition of outdoor dining will enhance the experience for the customer while not requiring additional utility services.

	Outdoor Dining Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
	proposed use.		
3	10.243.23 The site and surrounding streets will have adequate vehicular and pedestrian infrastructure to serve the proposed use consistent with the City's Master Plan.	Meets Does Not Meet	The adjacent street network is capable of servicing the proposed restaurant. Adding outdoor dining does not require additional infrastructure support.
4	10.243.24 The proposed structures, uses, or activities will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.	Meets Does Not Meet	There would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened. Adding outdoor dining to the restaurant may add some light and occasional noise impact to the abutting property. The area adjacent to the outdoor dining is used for loading and unloading, which casts light and noise on to the 921 Islington site.
5	10.243.25 The proposed structures and uses will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat.	Meets Does Not Meet	The site is urbanized, with no adjacent natural or scenic resources present.
6	10.243.26 The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.	Meets Does Not Meet	The re-use of this site from a gas station to a restaurant will have a positive impact on the values of the surrounding properties.
6	<u>Other Board Findings:</u>		
7	<u>Additional Conditions of Approval:</u>		



HALEY WARD

200 Griffin Road, Unit 14, Portsmouth, NH 03801
Phone (603) 430-9282

26 August 2026

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

RE: Request for Outdoor Dining Conditional Use Permit (CUP) Approval at 921 Islington Street, Tax Map 172, Lot 10

Dear Mr. Chellman and Planning Board Members:

On behalf of PWED2, LLC, and Chinburg Development, we are pleased to submit the attached plans and supporting documents for **CUP Outdoor Dining Planning Board Approval** for the above-mentioned project and request that we be placed on the agenda for your **September 17, 2026, Planning Board Meeting**. The project is the reconstruction of the existing structure on the parcel to accommodate a Proposed Restaurant, with the associated and required site improvements. The building footprint will remain unchanged, and an addition added on the back. The project was before the Board on October 16, 2025, at which time the Site Plan and CUP were approved with a slightly different configuration. In the final design process, the applicant desires a different layout for the Outdoor Dining, which is the nature of this request.

We submit that the restaurant will complement the surrounding commercial and mixed-use environment. Its design will blend seamlessly with the existing architecture, and no significant alterations to the building's footprint are proposed, with the exception of added accessory space. Since the applicant is proposing an outdoor seating area, the application requires a Conditional Use Permit from the Planning Board. The Site Plan Application for the initial project was approved; request for administrative approval of the minor changes are in process.

We submit that the CUP Outdoor Dining application conforms to the Portsmouth Ordinance Section 10.243 criteria, subject to Planning Board concurrence. The Ordinance requirements are repeated below with comments in **bold** text, as follows:

Section 10.243.21 The design of proposed structures, their height and scale in relation to the site's surroundings, the nature and intensity of the proposed use or activity, and the layout and design of the site will be compatible with adjacent and nearby properties, buildings and uses, will complement or enhance the character of surrounding development, and will encourage the appropriate and orderly development and use of land and buildings in the surrounding area. **The scale of the site redevelopment to a Restaurant is in keeping with the surrounding properties. The existing structure will be re-used, with a small addition for some restaurant support space. The project design accommodates the required parking as well as the required site infrastructure. Included in the proposal are sidewalk and landscaping**

improvements to the Islington Street corridor. The relocation of the patio is consistent with the surrounding development and moves this element away from the abutting property which will serve to maintain light and air, and eliminate any potential noise impacts.

Section 10.243.22 All necessary public and private utility infrastructure and services will be available and adequate to serve the proposed use. **The project utility services have been reviewed and services needed to accommodate the Restaurant are available. No changes to these services is required with the outdoor patio relocation. The relocation of the outdoor patio will enhance the experience for the customer.**

Section 10.243.23 The site and surrounding streets will have adequate vehicular and pedestrian infrastructure to serve the proposed use consistent with the City's Master Plan. **The adjacent street network is capable of servicing the proposed restaurant. The proposed outdoor dining does not require additional infrastructure support.**

Section 10.243.24 The proposed structures, uses, or activities will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare. **There would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened. Relocating the approved outdoor dining reduces impact to the abutting property.**

Section 10.243.25 The proposed structures and uses will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat. **The site is urbanized, with no adjacent natural or scenic resources present.**

Section 10.243.26 The proposed use will not cause or contribute to a significant decline in property values of adjacent properties. **The re-use of this site from a gas station to a restaurant will have a positive impact on the values of the surrounding properties.**

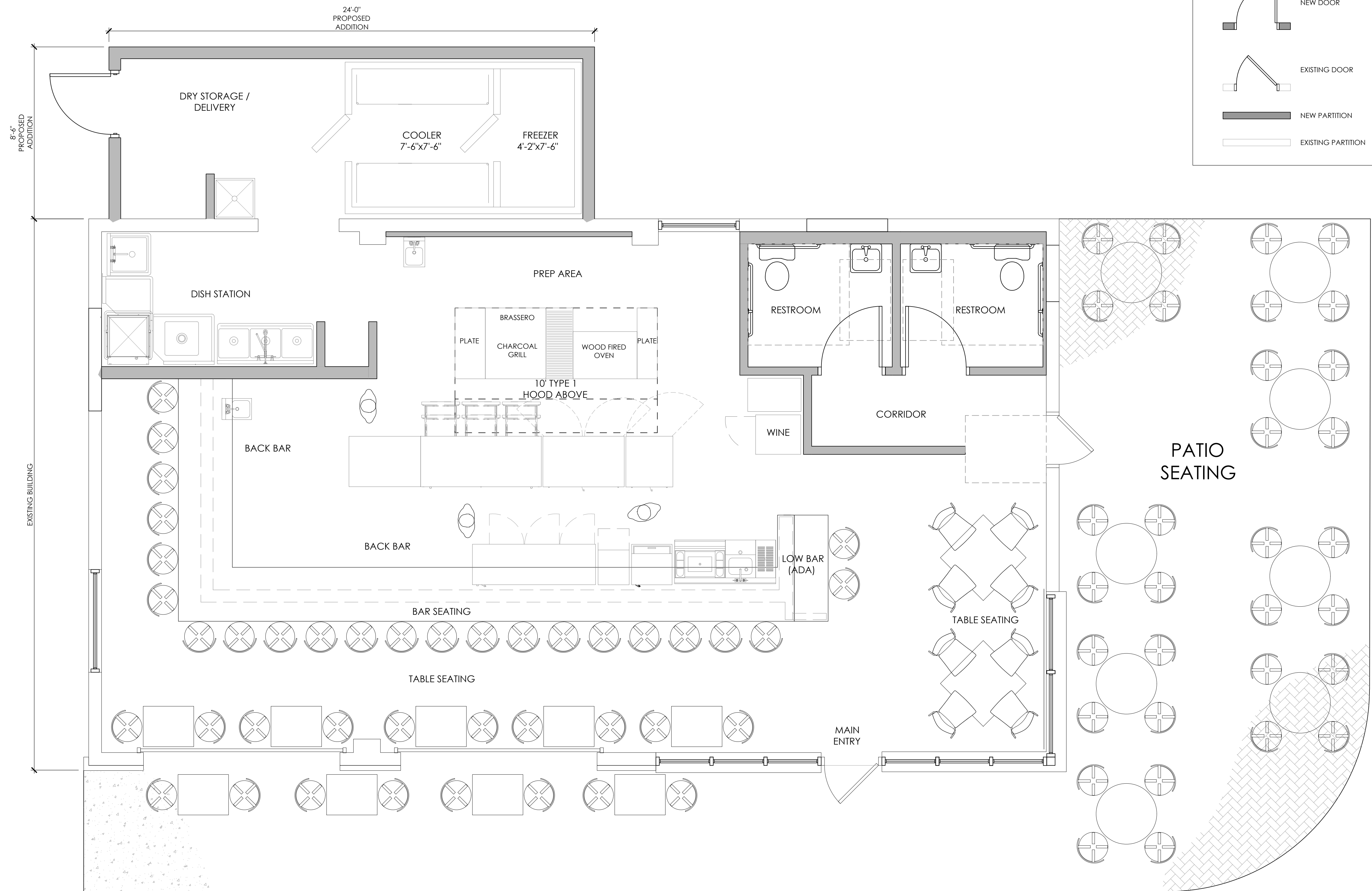
We look forward to an in-person presentation and Planning Board review of this submission, and request that the Conditional Use Permit be granted.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Chagnon', with a stylized flourish extending to the right.

John Chagnon, PE
Senior Project Manager

P:\NH\5010220-Chinburg_Builders\1379-909 Islington Street, Portsmouth-\2024 Site Development\03-WIP_Files\921 Site Plan\Portsmouth Conditional Use Permit Outdoor Dining\Planning Board CUP Outdoor Dining Submission Letter 8-26-25.doc.docx



LEGEND:

- NEW DOOR
- EXISTING DOOR
- NEW PARTITION
- EXISTING PARTITION

Owner

PWED2, LLC
3 PENSTOCK WAY
NEWMARKET, NH

Architect:

PORT ONE ARCHITECTS
201 Cate St.
Portsmouth, NH 03801
603.436.8891
info@portonearchitects.com
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NO RE-USE WITHOUT PERMISSION

General Contractor:

CHINBURG
Chinburg Builders
3 Penstock Way
Newmarket, NH

Structural

Seal

REVISION HISTORY		
Rev. No.	Description	Date

Project

921 ISLINGTON STREET
PORTSMOUTH, NH

Phase

ALTERATIONS & TENANT
FIT-OUT

Phase

SCHEMATIC DESIGN

Project No.	Date
27-071	July 31, 2026

Scale	Drawn By:
As Noted	BG

Reviewed By:
EM

Sheet Contents

GROUND FLOOR
PLAN

Sheet No.

A1.1

1 GROUND FLOOR PLAN
SCALE: 3/8" = 1'-0"

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: 9-17-26

Property Address: Peverly Hill Side Path

Application #: LU-26-104

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.

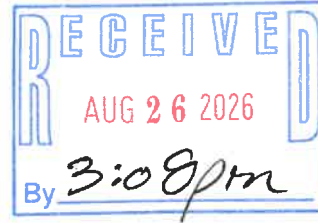
In order to grant Wetland Conditional Use permit approval the Planning Board shall find the application satisfies criteria set forth in the Section 10.1017.50 (Criteria for Approval) of the Zoning Ordinance.

	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 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	<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 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

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
			public interest project to traverse through private property.
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	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	<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 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	<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 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	<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 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).
	<u>Other Board Findings:</u>		

August 26, 2026

City of Portsmouth Planning Board
1 Junkins Avenue
Portsmouth, NH 03801



**Wetland Conditional Use Application
Peverly Hill Road (LU-26-104)**

Dear Members of the Planning Board,

This memorandum responds to the five conditions included with the Portsmouth Conservation Commission's August 14, 2026 recommendation for approval of the Wetland Conditional Use Application for the Peverly Hill Road reconstruction project. Each condition has been addressed separately in the project plan set, as summarized below.

Condition 1: Chamfered curbing with a slope of 45 degrees or less shall be shown on the plans and installed along Map 243, Lot 50 and Map 243, Lot 52, and along the same section on the opposite side of the street.

Response: *Sections of 4-inch reveal, 3-inch by 3-inch beveled granite curbing have been added to the plan set. The curbing is shown on Impervious Areas Sheet 7 and Typical Sections Sheet 9 and will be included in the Construction Drawings.*

Condition 2: The landscaped strip shall be removed along the island at the corner of Banfield and Peverly Hill Road.

Response: *The landscaped strip has been removed at the island at the corner of Banfield Road and Peverly Hill Road, and the revision is reflected on all applicable plan sheets.*

Condition 3: Wetland delineation shall be stamped, signed and dated by an NH CWS.

Response: *Christine J. Perron's NHCWS stamp has been applied to the first sheet of the plan set.*

Condition 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.

Response: *A note requiring a New England wildflower mix has been added to all Vegetation Disturbance sheets and will be included in the Construction Drawings.*

Condition 5: 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 multi-use 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.

Response: *A note identifying the location of the educational sign has been added to the Impervious Area plans at approximately Station 108+65 RT and will be included in the Construction Drawings.*

Based on the revisions noted above, the five conditions included in the Conservation Commission's recommendation have been addressed in the plan set and will be carried forward into the Construction Drawings where applicable.

Please let us know if additional information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "Christine Perron". The signature is fluid and cursive, with the first name "Christine" written in a larger, more prominent script than the last name "Perron".

Christine J. Perron
Regional Environmental Manager



CITY OF PORTSMOUTH

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

CONSERVATION COMMISSION

August 14, 2026

City of Portsmouth
680 Peverly Hill Road
Portsmouth, New Hampshire 03801



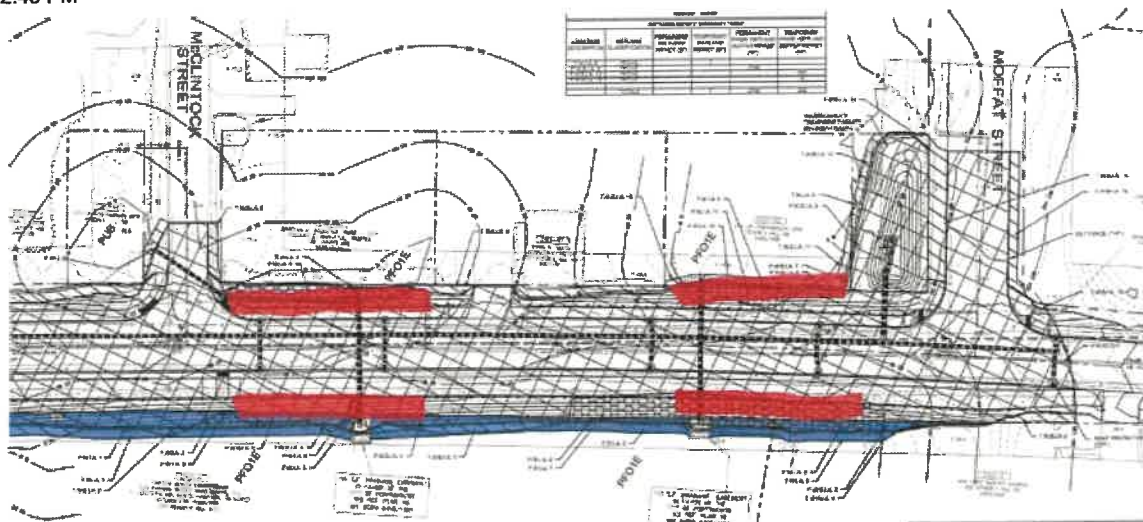
RE: Wetland Conditional Use Application for work along Peverly Hill Road (LU-26-104)

Dear Applicant:

The Conservation Commission, at its regularly scheduled meeting of **Wednesday, August 12, 2026**, considered your application for the reconstruction of an approximately 1-mile section of Peverly Hill Road between West Road and Middle Road (NH Route 33). This project consists of improving drainage infrastructure, improving and curbing existing travel lanes, and installing a sidewalk and multi-use path for alternative modes of transportation. This work is to take place within the City's R.O.W. as well as a handful of private properties. On private properties, this project is proposing 970 s.f. of permanent wetland impacts, 2,488 s.f. of temporary wetland impacts, 21,419 s.f. of permanent wetland buffer impacts and 7,294 s.f. of temporary wetland buffer impacts. Please note, City R.O.W. improvements are exempt from a wetland conditional use permit under Article 10.1016.10 (2) of the City of Portsmouth Zoning Ordinance. Said property is shown on Assessor City R.O.W. and Assessor's Map 243 Lots 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 Single Residence A (SRA), Single Residence B (SRB), Municipal (M), Natural Resource Protection (NRP), Gateway Center (G2), and Industrial (I) districts. As a result of said consideration, the Commission voted to **recommend approval** of this application to the Planning Board with the following conditions:

Prior to submission to the Planning Board:

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.

Prior to project completion:

5. 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 multi-use 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.

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, September 17, 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, August 26, 2026.

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

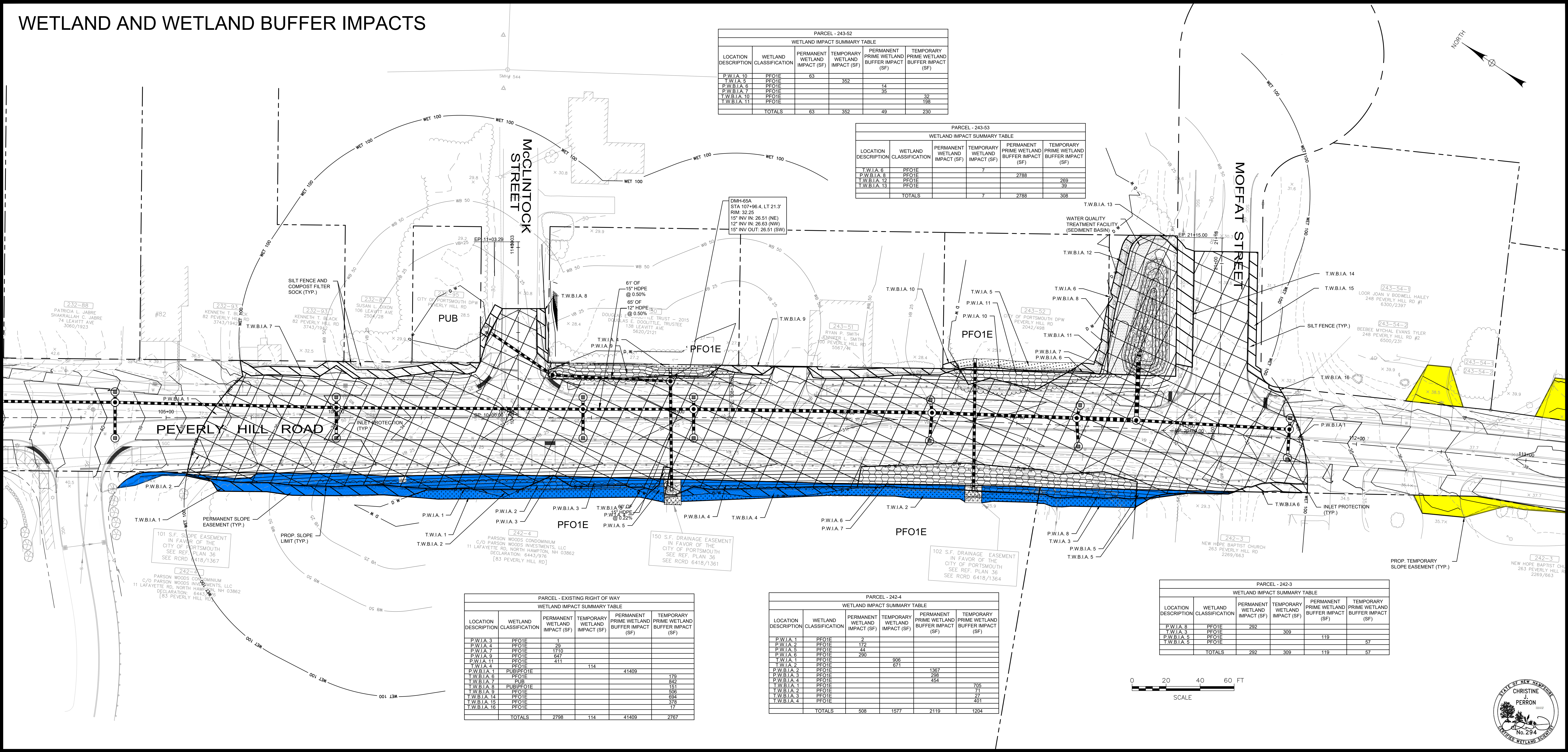
Very truly yours,

Samantha Collins, Chair
Conservation Commission

cc:

Peter Rice, Director of Public Works, City of Portsmouth
Christine Perron, Applicant, McFarland Johnson

WETLAND AND WETLAND BUFFER IMPACTS



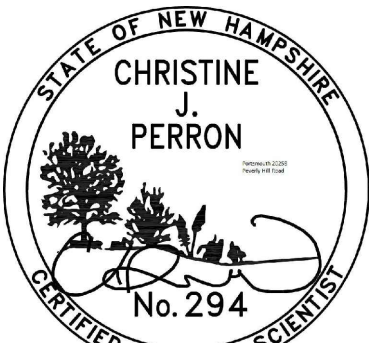
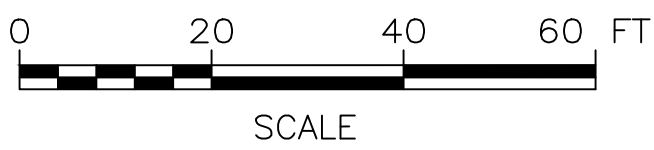
PARCEL - 243-52					
WETLAND IMPACT SUMMARY TABLE					
LOCATION DESCRIPTION	WETLAND CLASSIFICATION	PERMANENT WETLAND IMPACT (SF)	TEMPORARY WETLAND IMPACT (SF)	PERMANENT PRIME WETLAND BUFFER IMPACT (SF)	TEMPORARY PRIME WETLAND BUFFER IMPACT (SF)
P.W.I.A. 10	PFO1E	63	352		
T.W.B.I.A. 5	PFO1E			14	
P.W.B.I.A. 6	PFO1E			35	
T.W.B.I.A. 10	PFO1E				32
T.W.B.I.A. 11	PFO1E				198
TOTALS		63	352	49	230

PARCEL - 243-53				
WETLAND IMPACT SUMMARY TABLE				
LOCATION DESCRIPTION	WETLAND CLASSIFICATION	PERMANENT WETLAND IMPACT (SF)	TEMPORARY WETLAND IMPACT (SF)	PERMANENT PRIME WETLAND BUFFER IMPACT (SF)
T.W.I.A. 6	PFO1E		7	
P.W.I.A. 8	PFO1E			2788
T.W.B.I.A. 12	PFO1E			269
T.W.B.I.A. 13	PFO1E			39
TOTALS			7	2788

PARCEL - EXISTING RIGHT OF WAY					
WETLAND IMPACT SUMMARY TABLE					
LOCATION DESCRIPTION	WETLAND CLASSIFICATION	PERMANENT WETLAND IMPACT (SF)	TEMPORARY WETLAND IMPACT (SF)	PERMANENT PRIME WETLAND BUFFER IMPACT (SF)	TEMPORARY PRIME WETLAND BUFFER IMPACT (SF)
P.W.I.A. 3	PFO1E	1			
P.W.I.A. 4	PFO1E	29			
P.W.I.A. 7	PFO1E	1710			
P.W.I.A. 9	PFO1E	647			
P.W.I.A. 11	PFO1E	411			
T.W.I.A. 4	PFO1E		114		
P.W.B.I.A. 1	PUB/PFO1E			41409	
T.W.B.I.A. 6	PUB				179
T.W.B.I.A. 7	PUB				842
T.W.B.I.A. 8	PUB/PFO1E				151
T.W.B.I.A. 9	PFO1E				506
T.W.B.I.A. 14	PFO1E				694
T.W.B.I.A. 15	PFO1E				378
T.W.B.I.A. 16	PFO1E				17
TOTALS		2798	114	41409	2767

PARCEL - 242-4				
WETLAND IMPACT SUMMARY TABLE				
LOCATION DESCRIPTION	WETLAND CLASSIFICATION	PERMANENT WETLAND IMPACT (SF)	TEMPORARY WETLAND IMPACT (SF)	PERMANENT PRIME WETLAND BUFFER IMPACT (SF)
P.W.I.A. 1	PFO1E	2		
P.W.I.A. 2	PFO1E	172		
P.W.I.A. 5	PFO1E	44		
P.W.I.A. 6	PFO1E	290		
T.W.I.A. 1	PFO1E		906	
T.W.I.A. 2	PFO1E		671	
P.W.B.I.A. 2	PFO1E			1367
P.W.B.I.A. 3	PFO1E			298
P.W.B.I.A. 4	PFO1E			454
T.W.B.I.A. 1	PFO1E			705
T.W.B.I.A. 2	PFO1E			71
T.W.B.I.A. 3	PFO1E			27
T.W.B.I.A. 4	PFO1E			401
TOTALS		508	1577	2119

PARCEL - 242-3					
WETLAND IMPACT SUMMARY TABLE					
LOCATION DESCRIPTION	WETLAND CLASSIFICATION	PERMANENT WETLAND IMPACT (SF)	TEMPORARY WETLAND IMPACT (SF)	PERMANENT PRIME WETLAND BUFFER IMPACT (SF)	TEMPORARY PRIME WETLAND BUFFER IMPACT (SF)
P.W.I.A. 8	PFO1E	292			
T.W.I.A. 3	PFO1E		309		
P.W.B.I.A. 5	PFO1E			119	
T.W.B.I.A. 5	PFO1E				57
TOTALS		292	309	119	57



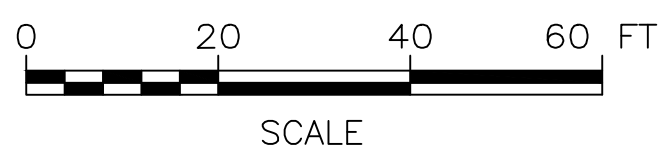
PARCEL - 244-10-A					
WETLAND IMPACT SUMMARY TABLE					
LOCATION DESCRIPTION	WETLAND CLASSIFICATION	PERMANENT WETLAND IMPACT (SF)	TEMPORARY WETLAND IMPACT (SF)	PERMANENT PRIME WETLAND BUFFER IMPACT (SF)	TEMPORARY PRIME WETLAND BUFFER IMPACT (SF)
P.W.B.I.A. 12	PEM1E/PFO1E			968	
T.W.B.I.A. 25	PEM1E/PFO1E				336
TOTALS				968	336

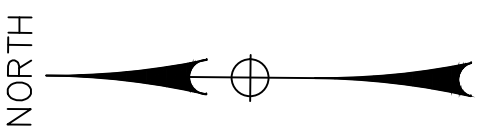
PARCEL - 244-10-B					
WETLAND IMPACT SUMMARY TABLE					
LOCATION DESCRIPTION	WETLAND CLASSIFICATION	PERMANENT WETLAND IMPACT (SF)	TEMPORARY WETLAND IMPACT (SF)	PERMANENT PRIME WETLAND BUFFER IMPACT (SF)	TEMPORARY PRIME WETLAND BUFFER IMPACT (SF)
P.W.I.A. 14	PEM1E/PFO1E	40			
T.W.I.A. 8	PEM1E/PFO1E		54		
P.W.B.I.A. 13	PEM1E/PFO1E/R2UB3			2473	
T.W.B.I.A. 26	PEM1E/PFO1E				492
T.W.B.I.A. 27	PEM1E/PFO1E/R2UB3				527
TOTALS		40	54	2473	1019

PARCEL - 253-7					
WETLAND IMPACT SUMMARY TABLE					
LOCATION DESCRIPTION	WETLAND CLASSIFICATION	PERMANENT WETLAND IMPACT (SF)	TEMPORARY WETLAND IMPACT (SF)	PERMANENT PRIME WETLAND BUFFER IMPACT (SF)	TEMPORARY PRIME WETLAND BUFFER IMPACT (SF)
P.W.B.I.A. 14	R2UB3/PSS1E			1809	
T.W.B.I.A. 28	R2UB3/PSS1E				61
TOTALS				1809	61

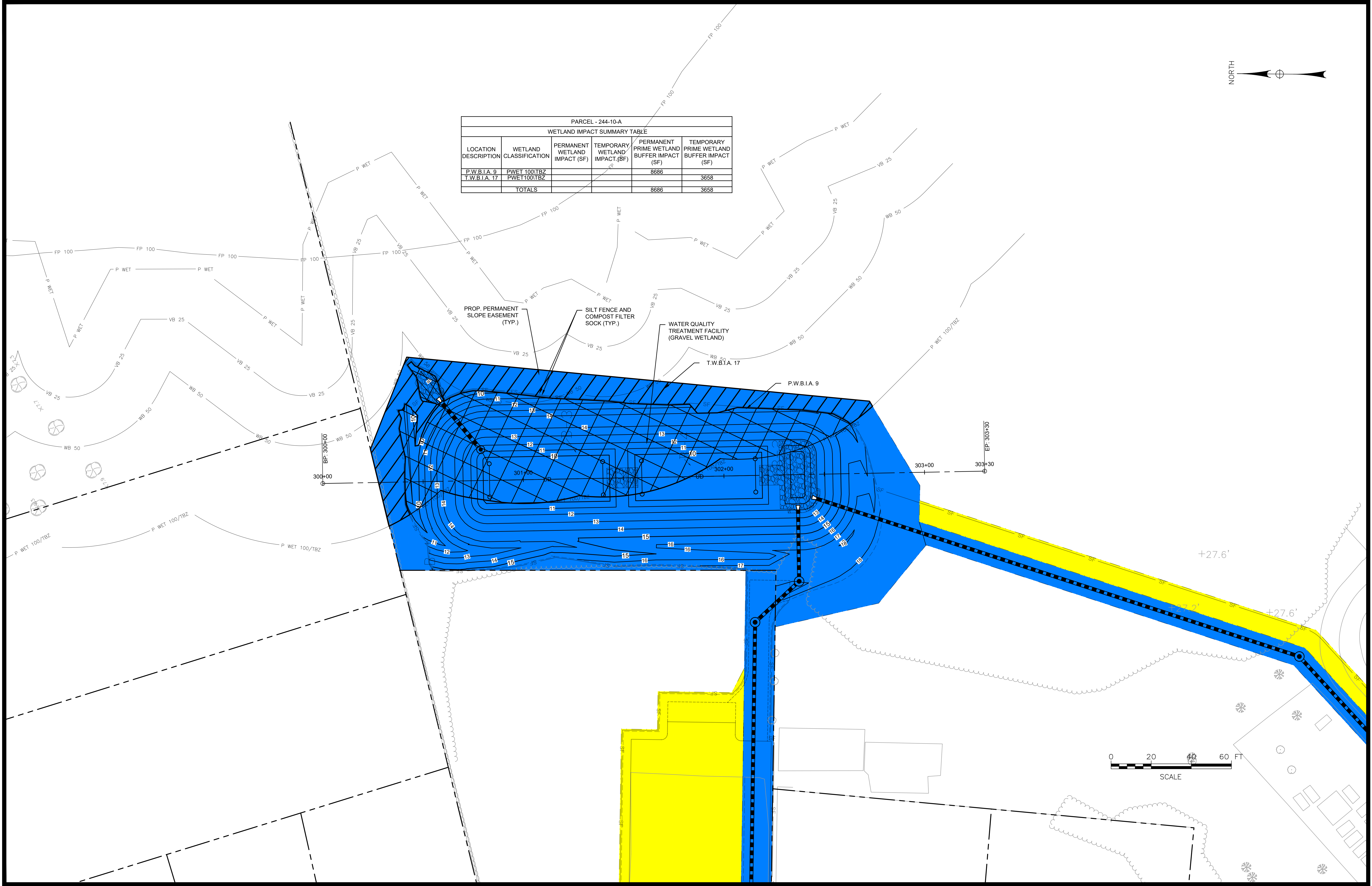
PARCEL - 255-2					
WETLAND IMPACT SUMMARY TABLE					
LOCATION DESCRIPTION	WETLAND CLASSIFICATION	PERMANENT WETLAND IMPACT (SF)	TEMPORARY WETLAND IMPACT (SF)	PERMANENT PRIME WETLAND BUFFER IMPACT (SF)	TEMPORARY PRIME WETLAND BUFFER IMPACT (SF)
P.W.I.A. 12	PSS1E	67			
T.W.I.A. 6	PSS1E		189		
P.W.B.I.A. 11	PSS1E/PEM1E/PFO1E			1645	
T.W.B.I.A. 18	PSS1E/PEM1E/PFO1E				720
T.W.B.I.A. 19	PSS1E				299
T.W.B.I.A. 20	PSS1E				84
TOTALS		67	189	1645	1103

PARCEL - EXISTING RIGHT OF WAY					
WETLAND IMPACT SUMMARY TABLE					
LOCATION DESCRIPTION	WETLAND CLASSIFICATION	PERMANENT WETLAND IMPACT (SF)	TEMPORARY WETLAND IMPACT (SF)	PERMANENT PRIME WETLAND BUFFER IMPACT (SF)	TEMPORARY PRIME WETLAND BUFFER IMPACT (SF)
P.W.I.A. 13	PSS1E	66			
T.W.I.A. 7	PSS1E		137		
P.W.B.I.A. 10	PSS1E/PEM1E/PFO1E/R2UB3			32110	
T.W.B.I.A. 21	PSS1E				353
T.W.B.I.A. 22	PSS1E				320
T.W.B.I.A. 23	PSS1E				170
T.W.B.I.A. 24	PSS1E				175
TOTALS		66	137	32110	1018

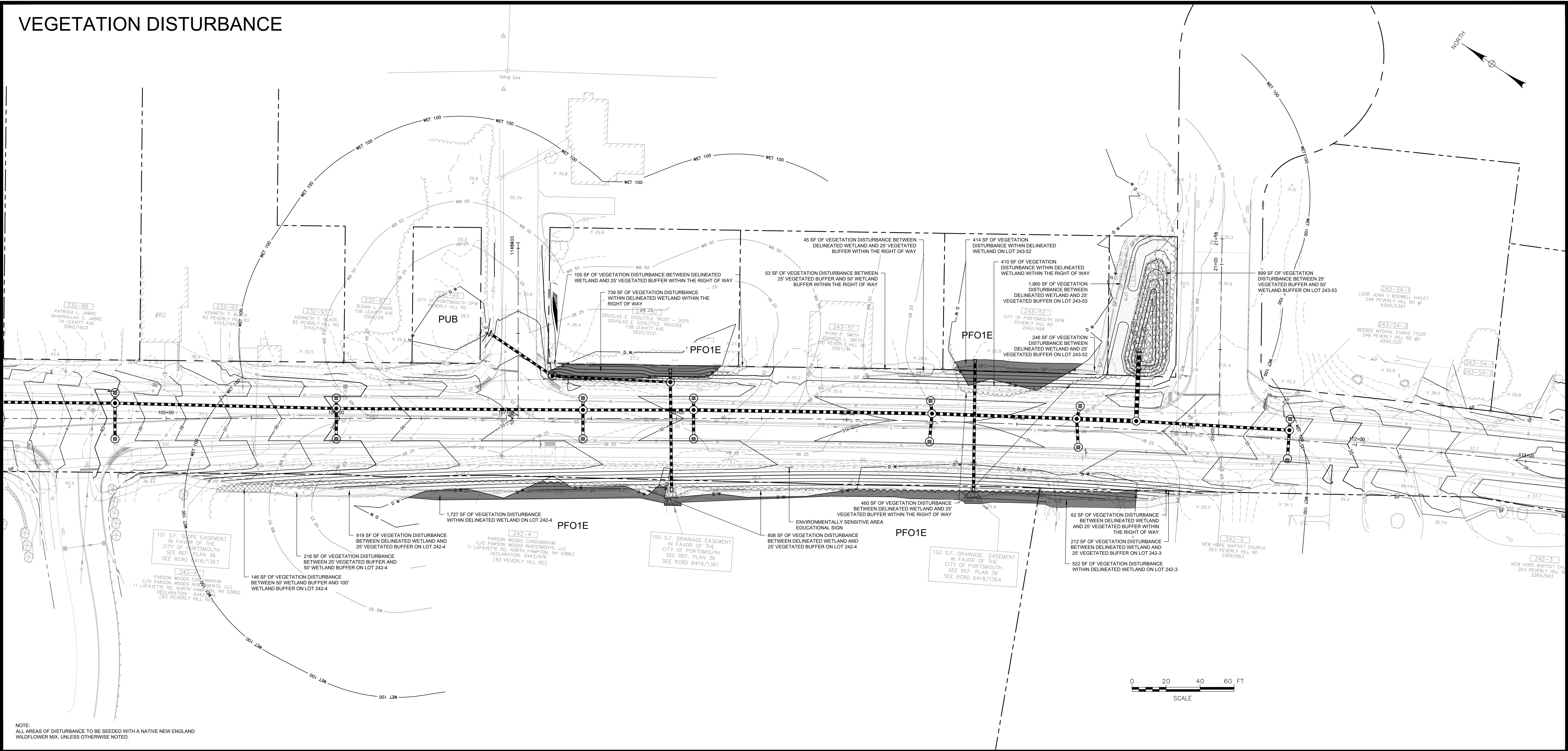


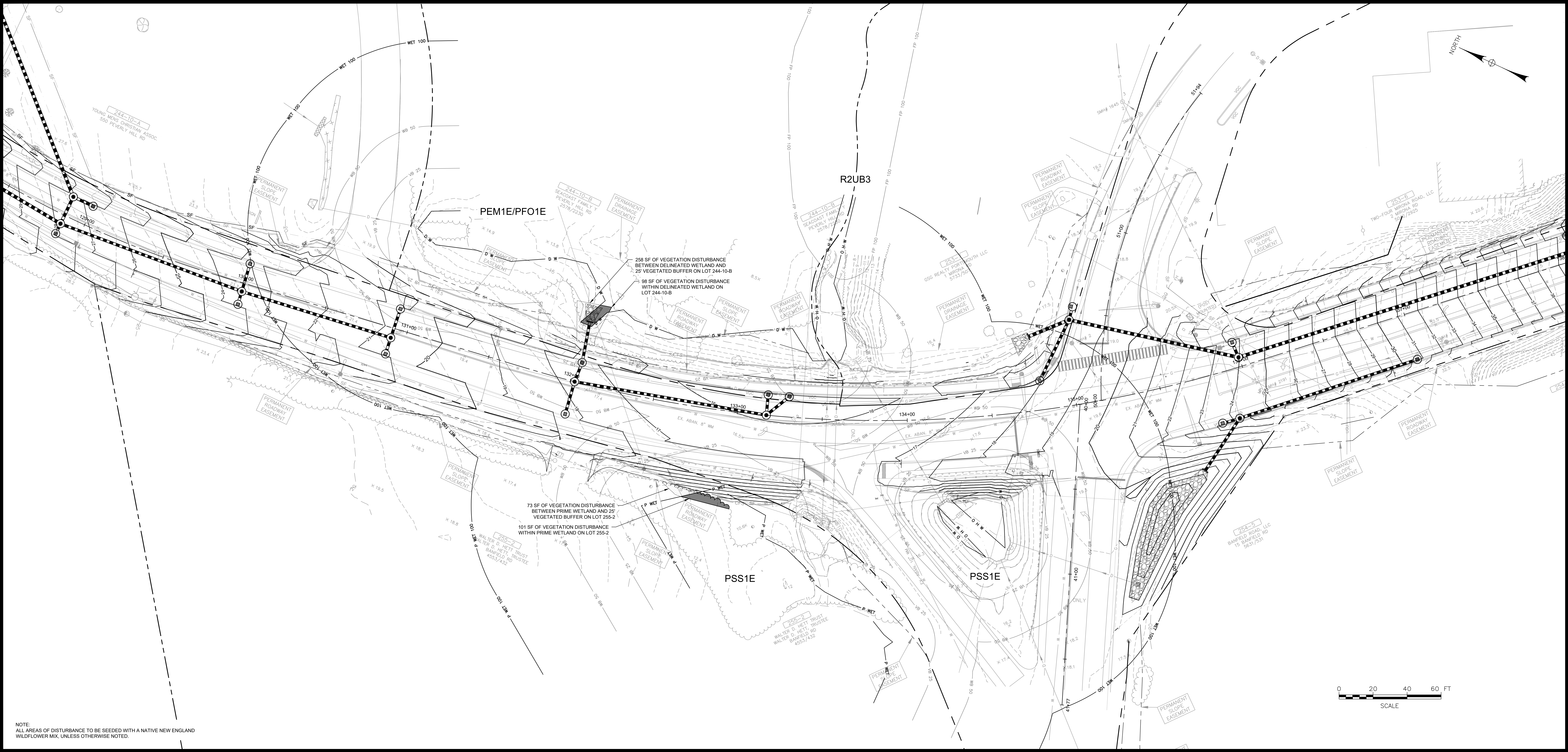


PARCEL - 244-10-A				
WETLAND IMPACT SUMMARY TABLE				
LOCATION DESCRIPTION	WETLAND CLASSIFICATION	PERMANENT WETLAND IMPACT (SF)	TEMPORARY WETLAND IMPACT (SF)	PERMANENT PRIME WETLAND BUFFER IMPACT (SF)
P.W.B.I.A. 9	PWET 100/TBZ			8686
T.W.B.I.A. 17	PWET 100/TBZ			3658
TOTALS				8686

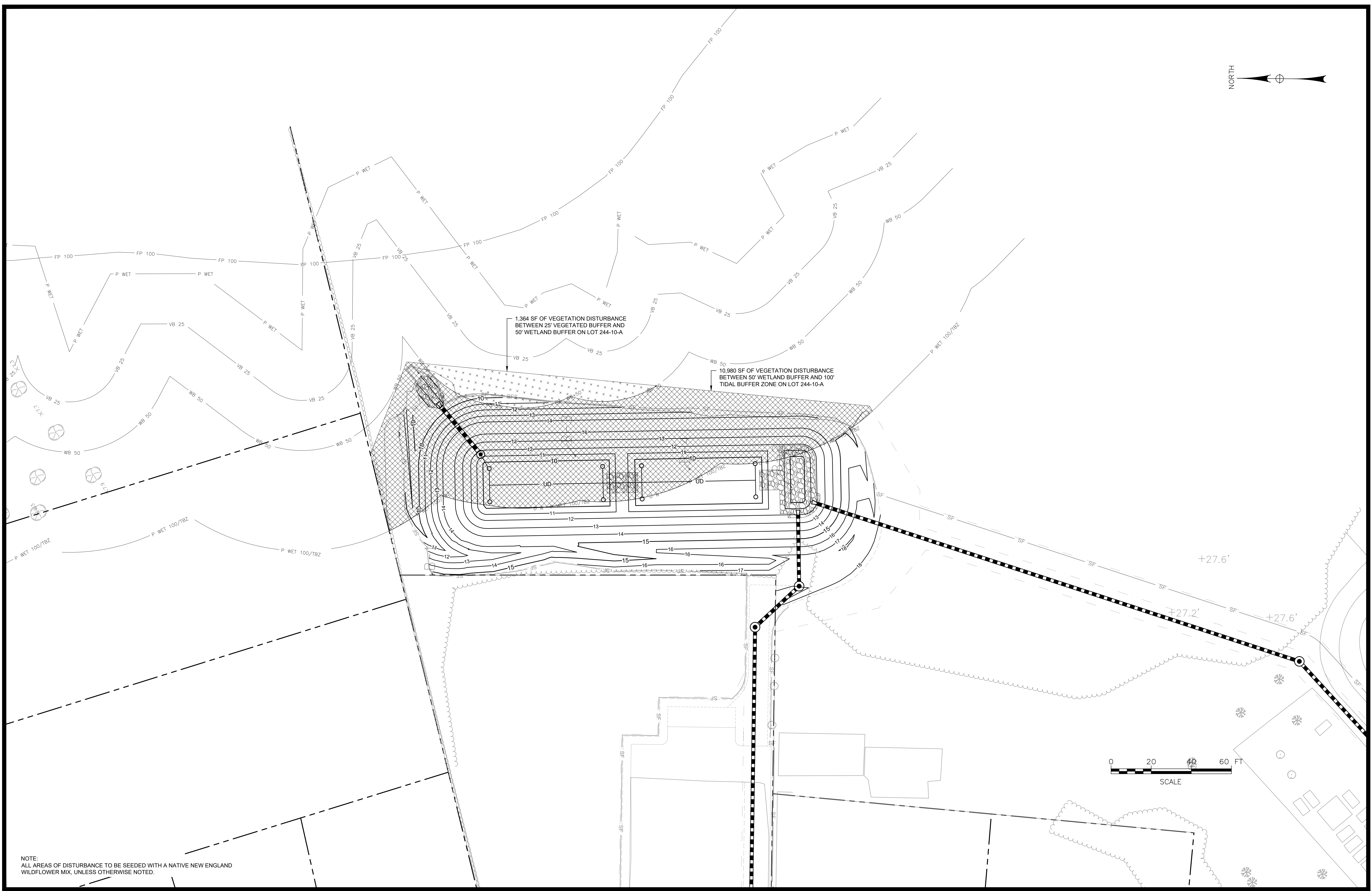
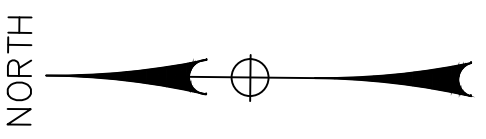


VEGETATION DISTURBANCE





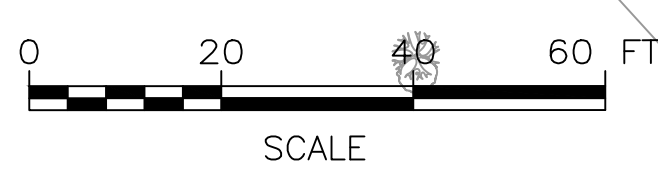
NOTE:
ALL AREAS OF DISTURBANCE TO BE SEEDED WITH A NATIVE NEW ENGLAND
WILDFLOWER MIX, UNLESS OTHERWISE NOTED.



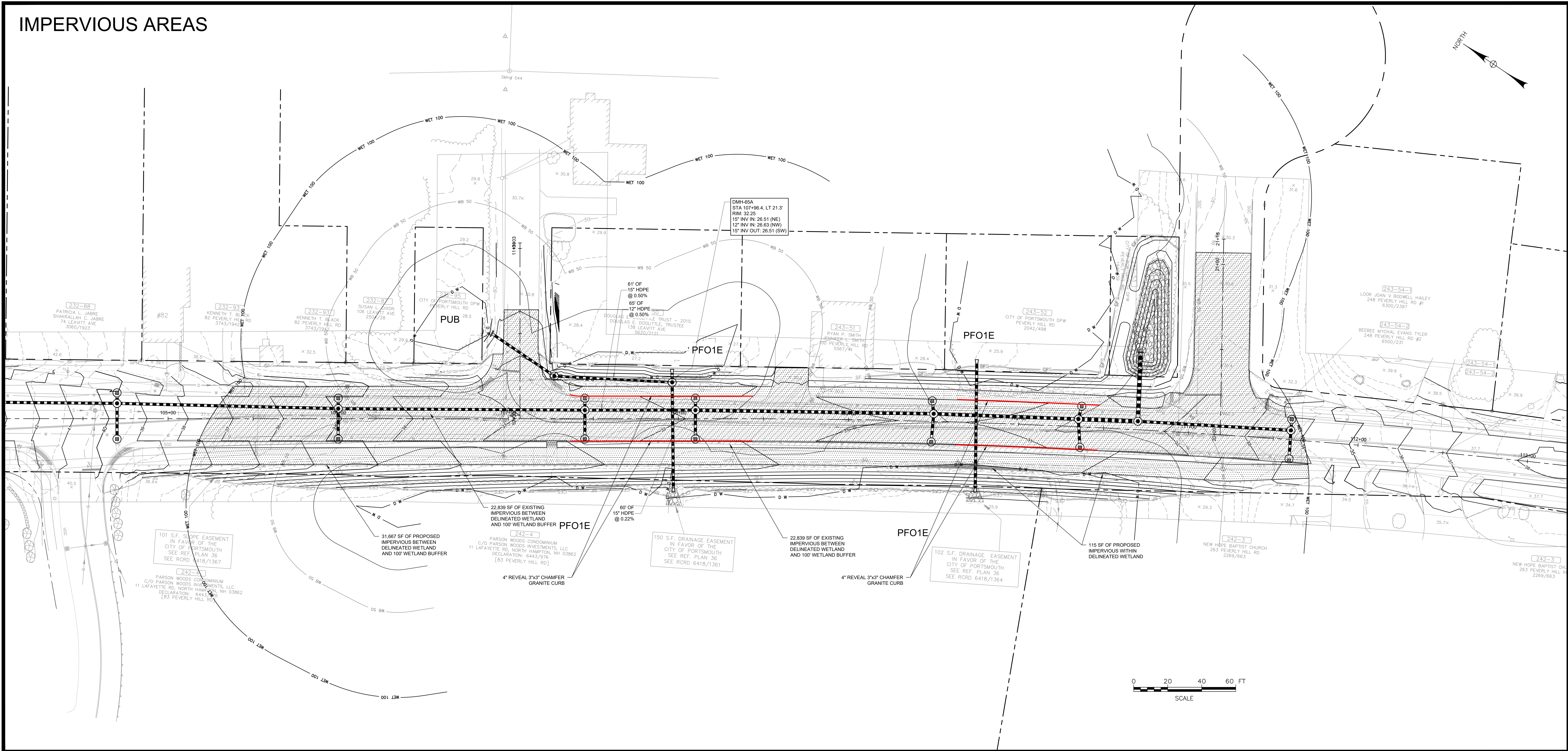
1,364 SF OF VEGETATION DISTURBANCE
BETWEEN 25' VEGETATED BUFFER AND
50' WETLAND BUFFER ON LOT 244-10-A

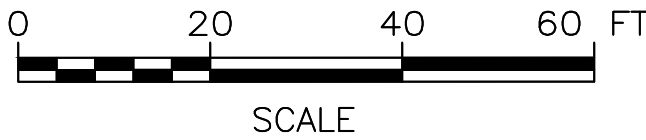
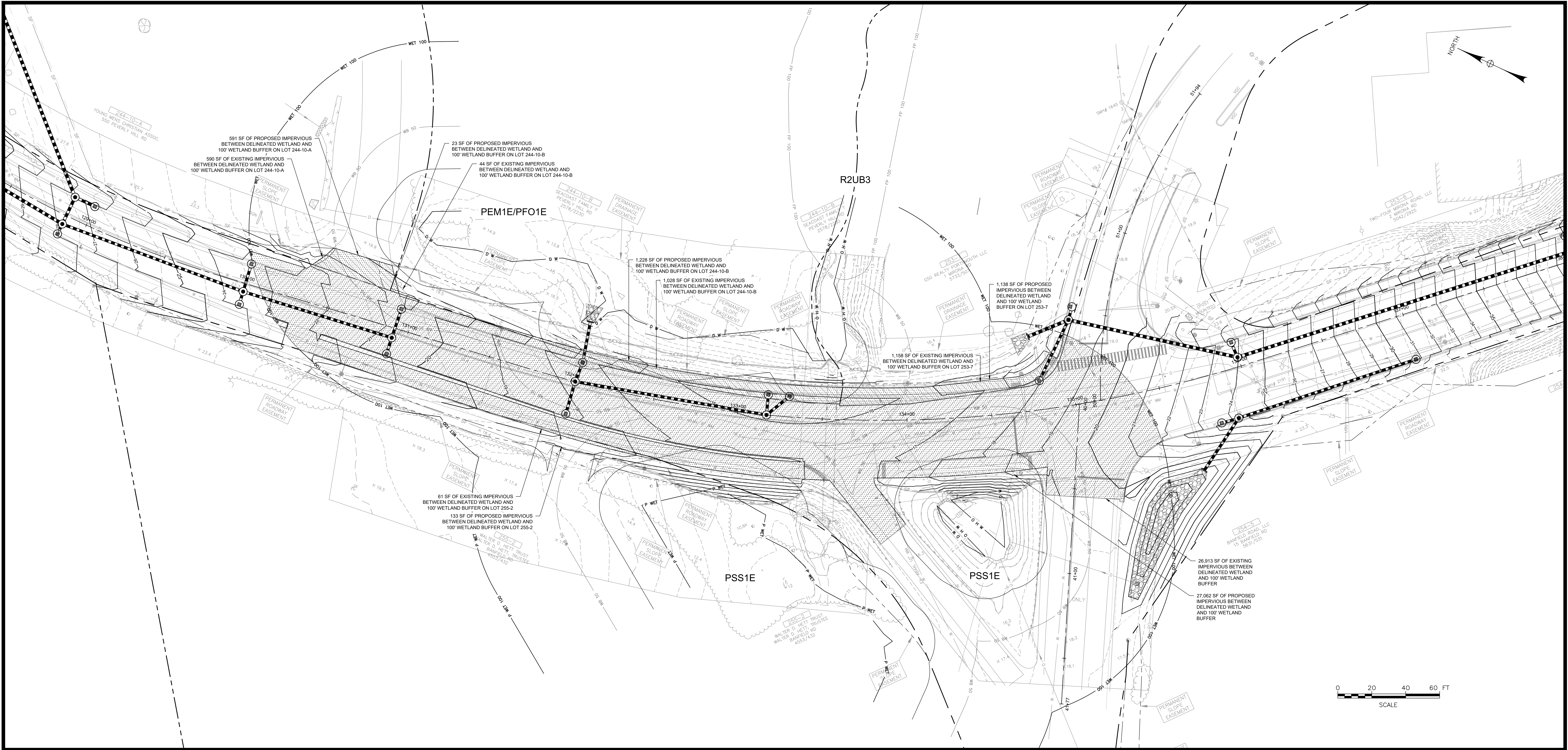
10,980 SF OF VEGETATION DISTURBANCE
BETWEEN 50' WETLAND BUFFER AND 100'
TIDAL BUFFER ZONE ON LOT 244-10-A

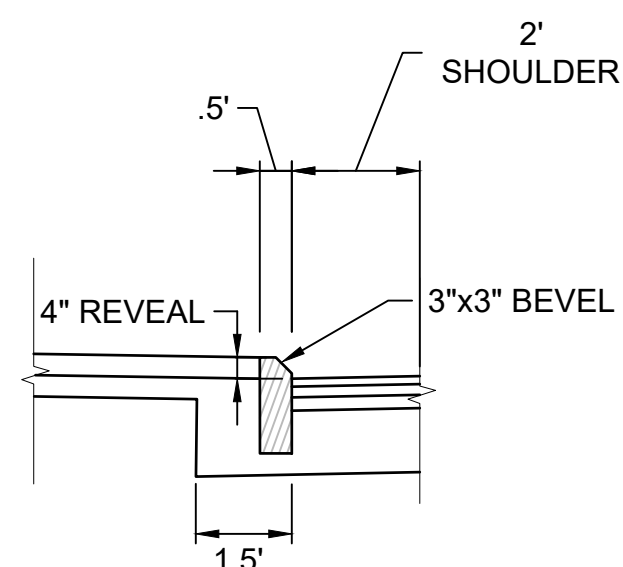
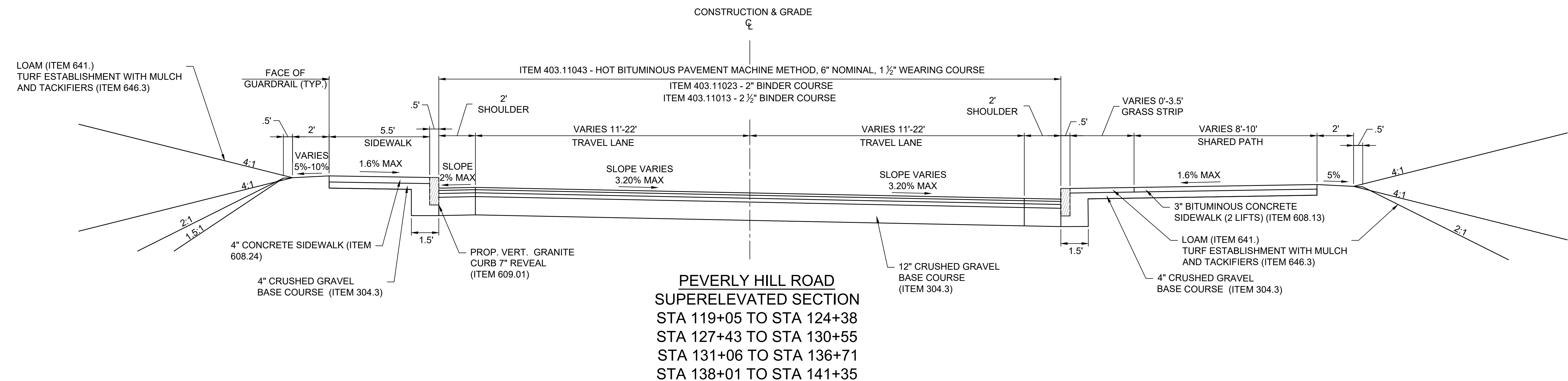
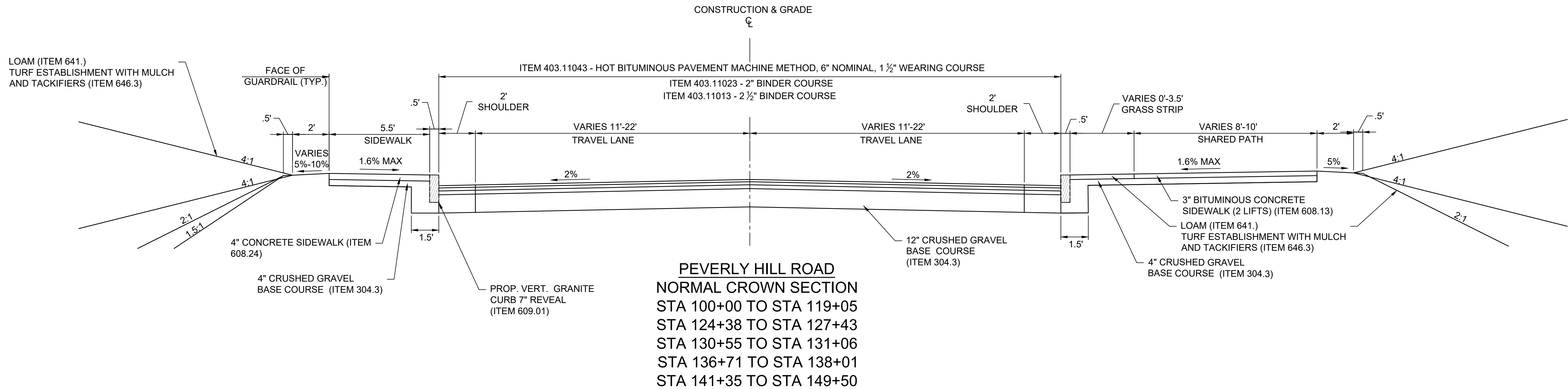
NOTE:
ALL AREAS OF DISTURBANCE TO BE SEEDED WITH A NATIVE NEW ENGLAND
WILDFLOWER MIX, UNLESS OTHERWISE NOTED.



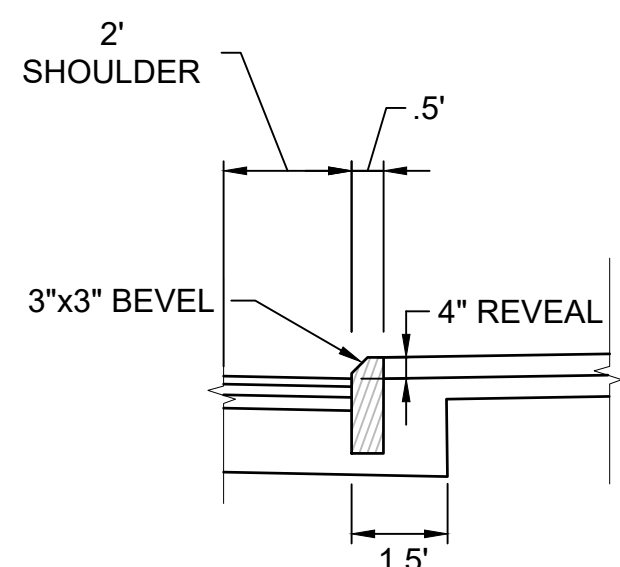
IMPERVIOUS AREAS



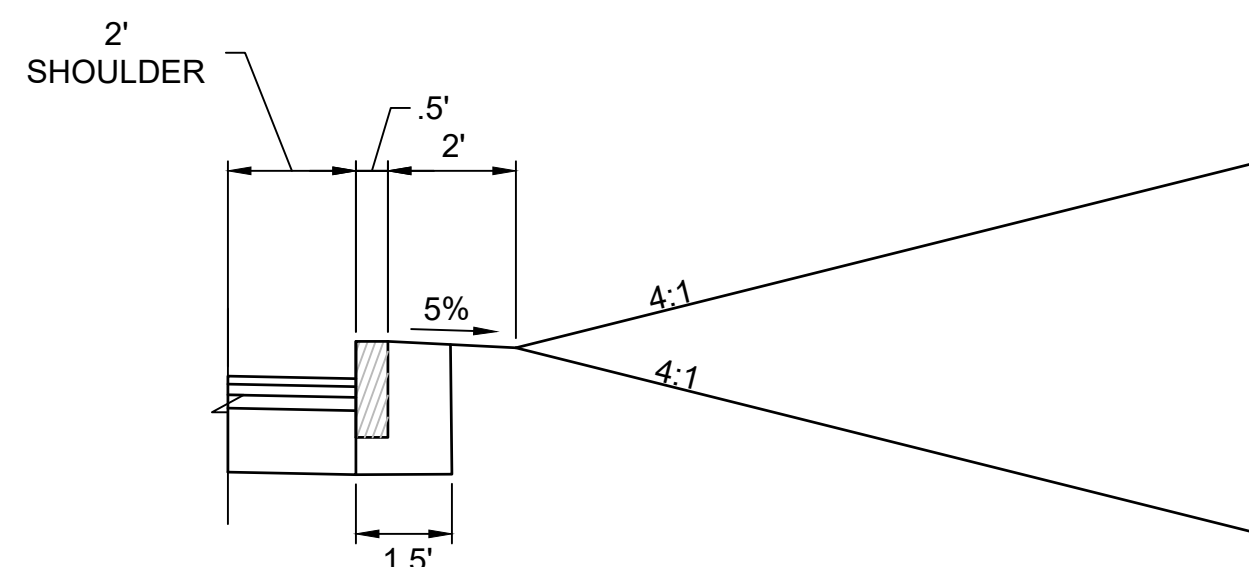




PEVERLY HILL ROAD
LEFT CURB
STA 107+36 TO STA 108+44
STA 109+64 TO STA 110+47



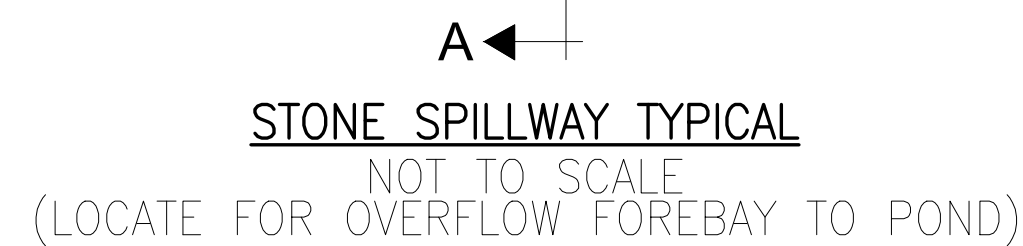
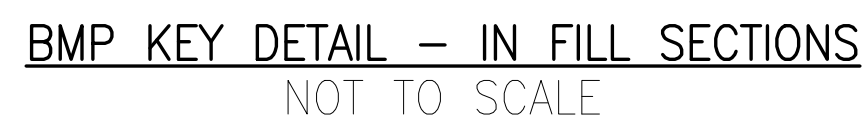
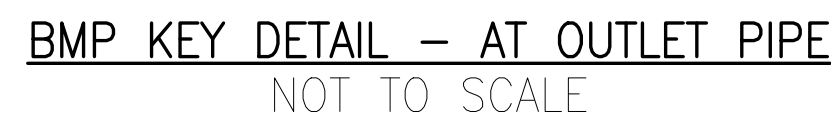
PEVERLY HILL ROAD
RIGHT CURB
STA 107+36 TO STA 108+44
STA 109+64 TO STA 110+47



PEVERLY HILL ROAD
RIGHT CURB
STA 135+18 TO STA 149+50

PERMIT PLANS

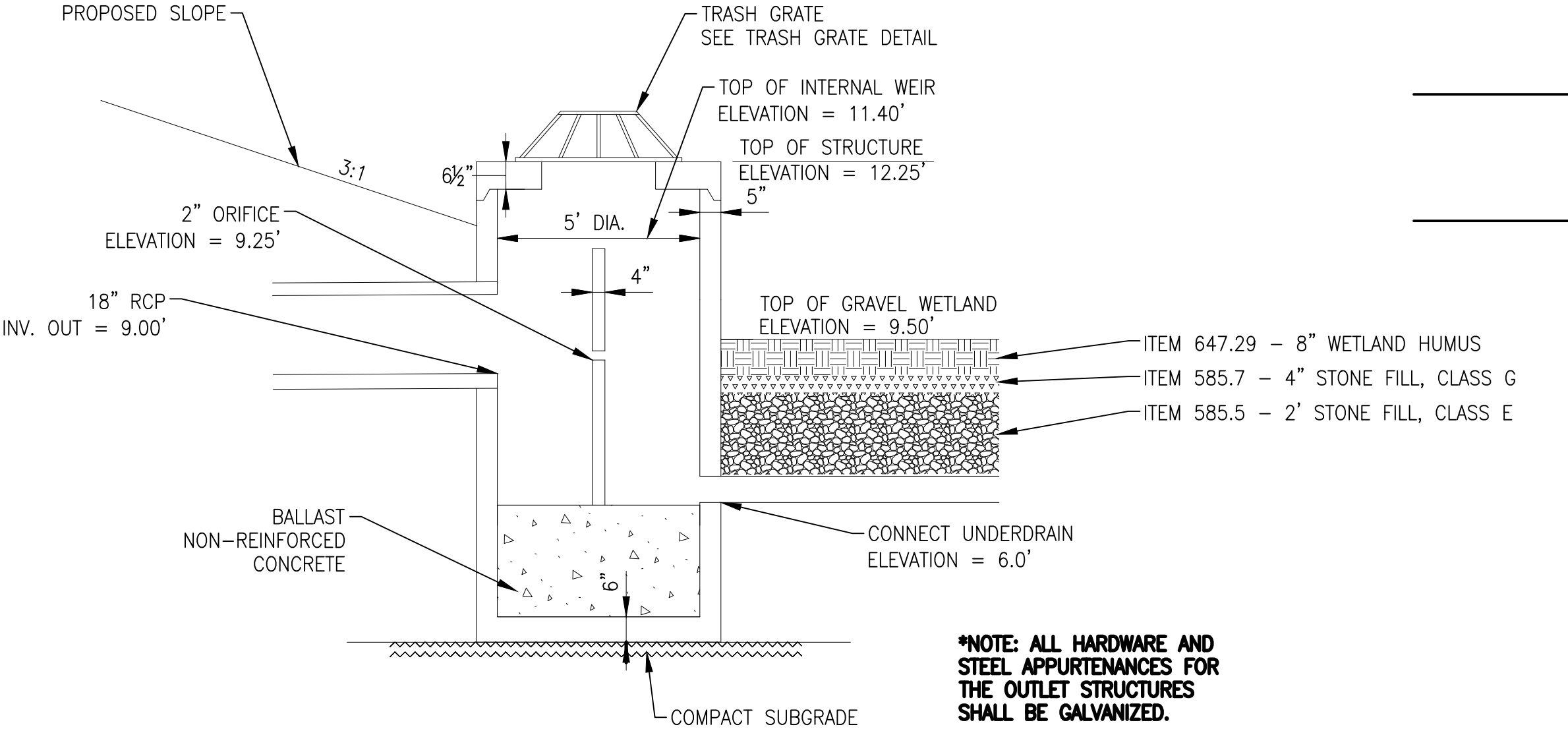
CITY OF PORTSMOUTH PORTSMOUTH, NEW HAMPSHIRE			
PEVERLY HILL ROAD RECONSTRUCTION			
TYPICAL SECTIONS			
REV	DATE	DESCRIPTION	BY
McFarland Johnson			
53 REGIONAL DRIVE CONCORD, NH 03301			
SCALE: AS SHOWN		DESIGN: MKM	9 9 OF 13
DRAWN: MAD		PROJECT: 18082.01	
CHECKED: CJP		DATE: AUGUST 2026	



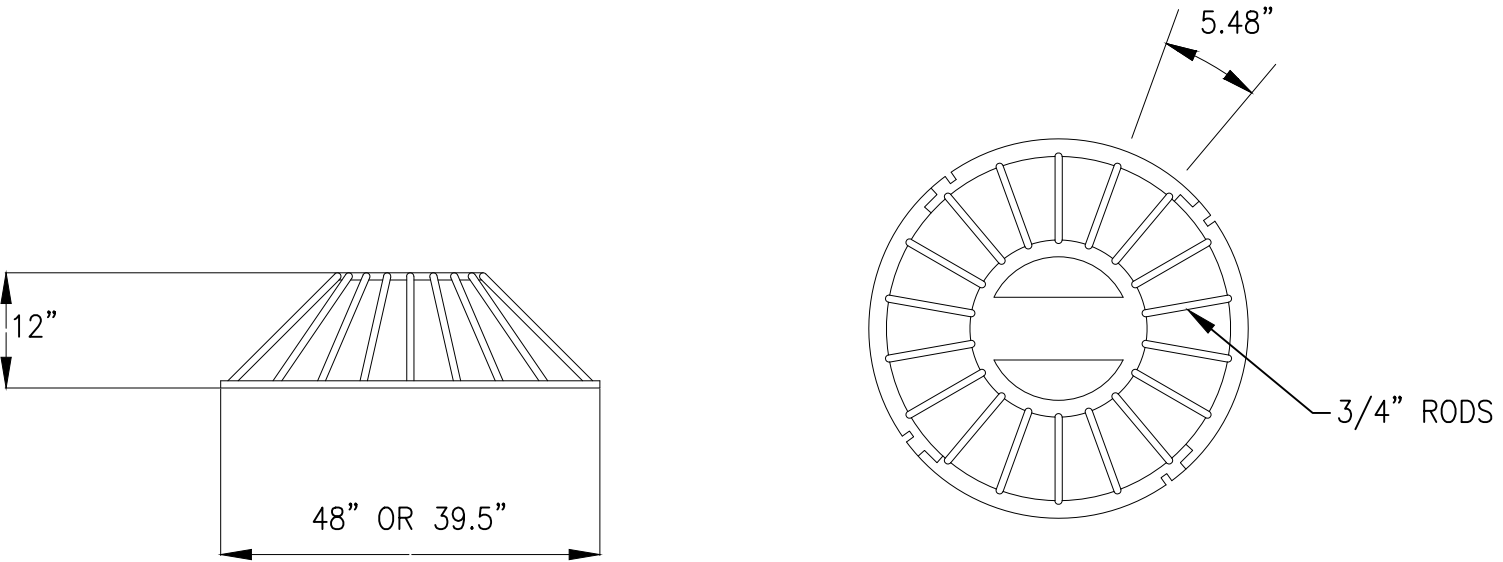
NOTE: ELEVATION OF STONE FILL VARIES BASED ON
INDIVIDUAL BMP, SEE BMP PLANS FOR ELEVATION

PERMIT PLANS

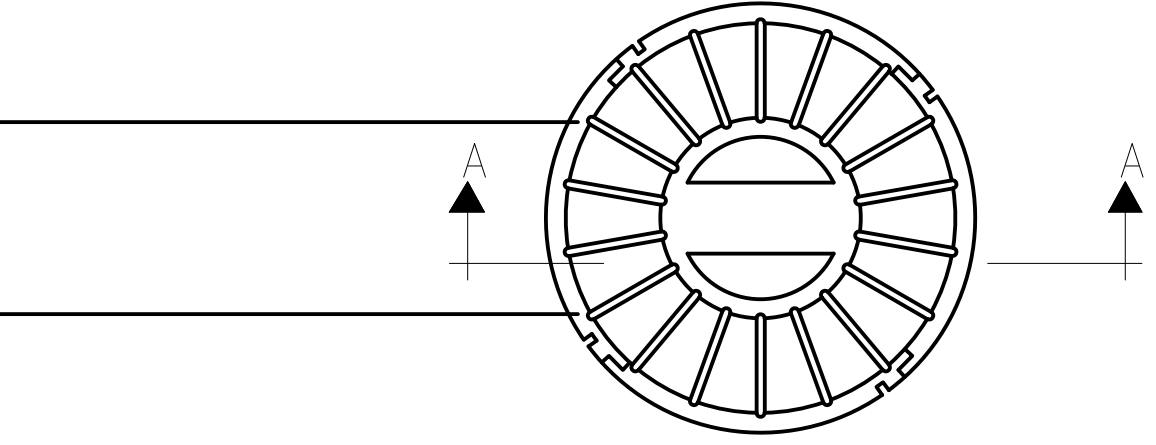
					CITY OF PORTSMOUTH PORTSMOUTH, NEW HAMPSHIRE
					PEVERLY HILL ROAD RECONSTRUCTION
					BMP DETAILS
REV	DATE	DESCRIPTION	BY		SCALE: AS SHOWN DESIGN: MKM
					DRAWN: MAD PROJECT: 18082.01
					CHECKED: CJP DATE: AUGUST 2026
					10 10 OF 13



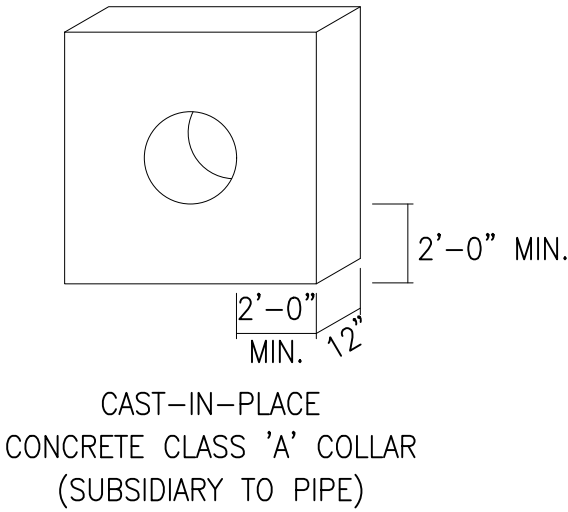
SECTION A-A
ITEM 604.910x – OUTLET CONTROL STRUCTURES SCHEMATIC
NOT TO SCALE



CONE TRASH GRATE DETAIL
NOT TO SCALE
SUBSIDIARY TO ITEM 609.91X



SEDIMENT SUMP MEASURING BLOCK
NOT TO SCALE



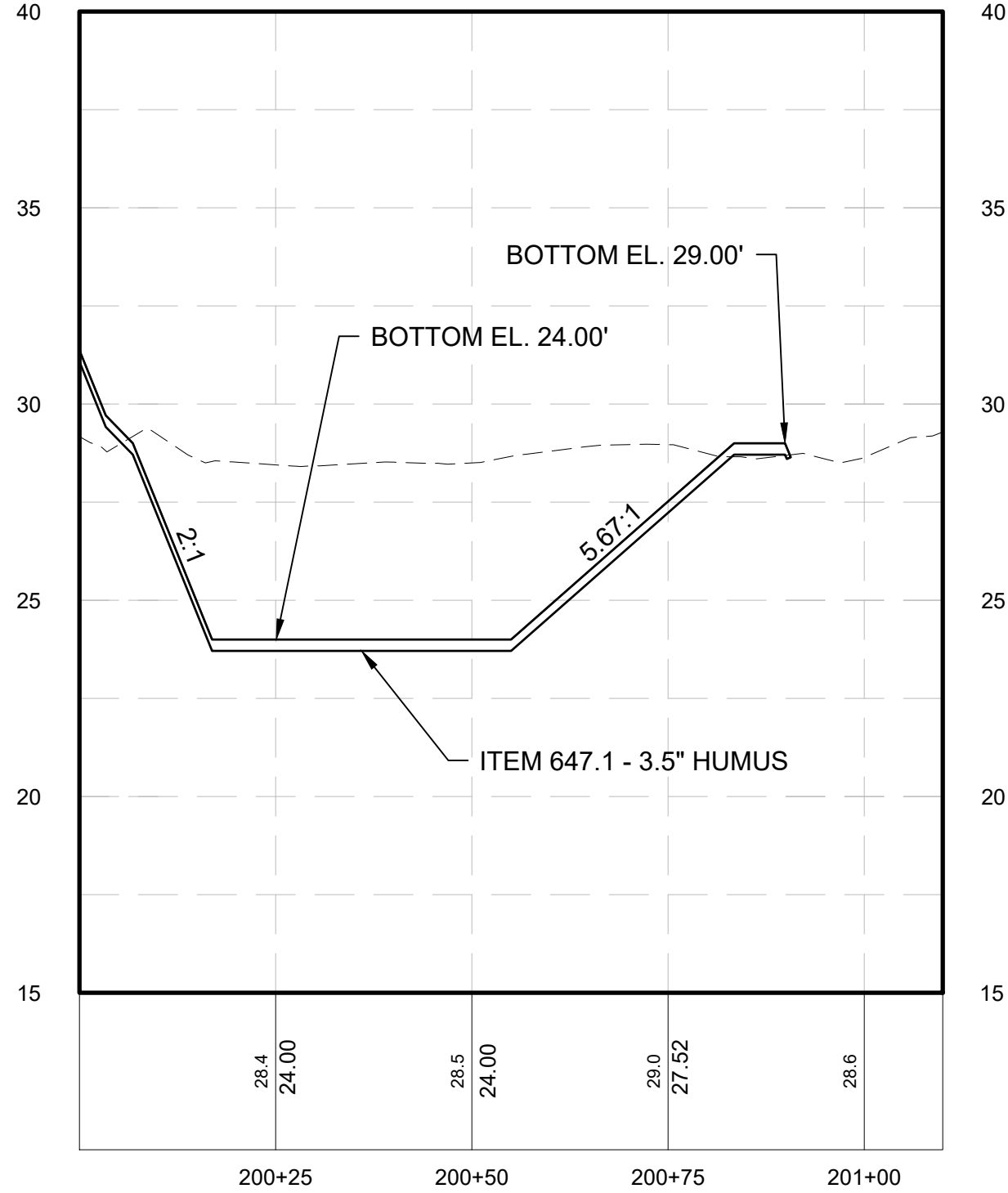
ANTI-SEEP COLLAR
NOT TO SCALE

PERMIT PLANS

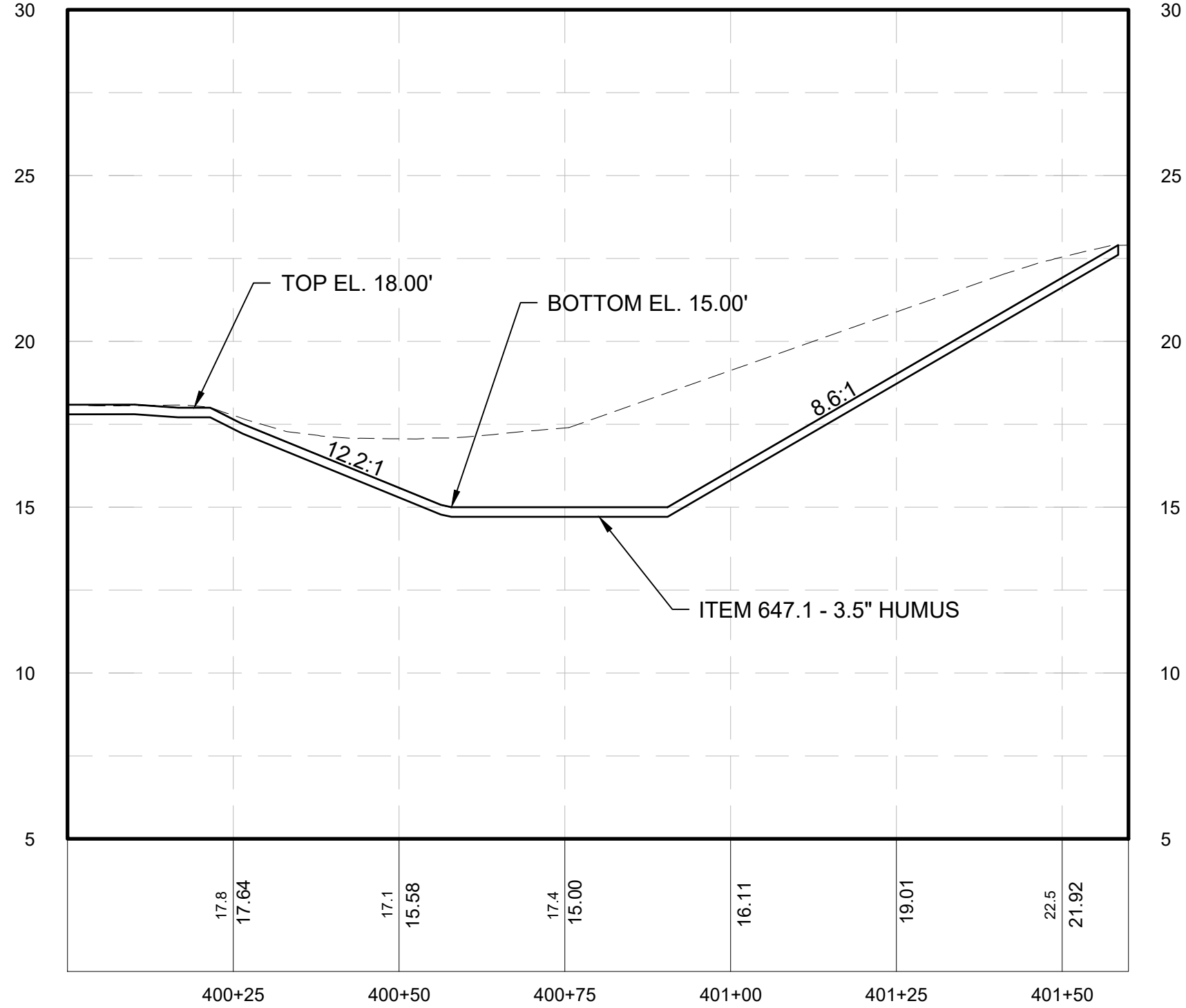
	CITY OF PORTSMOUTH PORTSMOUTH, NEW HAMPSHIRE		
	PEVERLY HILL ROAD RECONSTRUCTION		
	BMP DETAILS		
	SCALE: AS SHOWN	DESIGN: MKM	11 11 OF 13
DRAWN: MAD		PROJECT: 18082.01	
CHECKED: CJP		DATE: AUGUST 2026	

REV	DATE	DESCRIPTION	BY

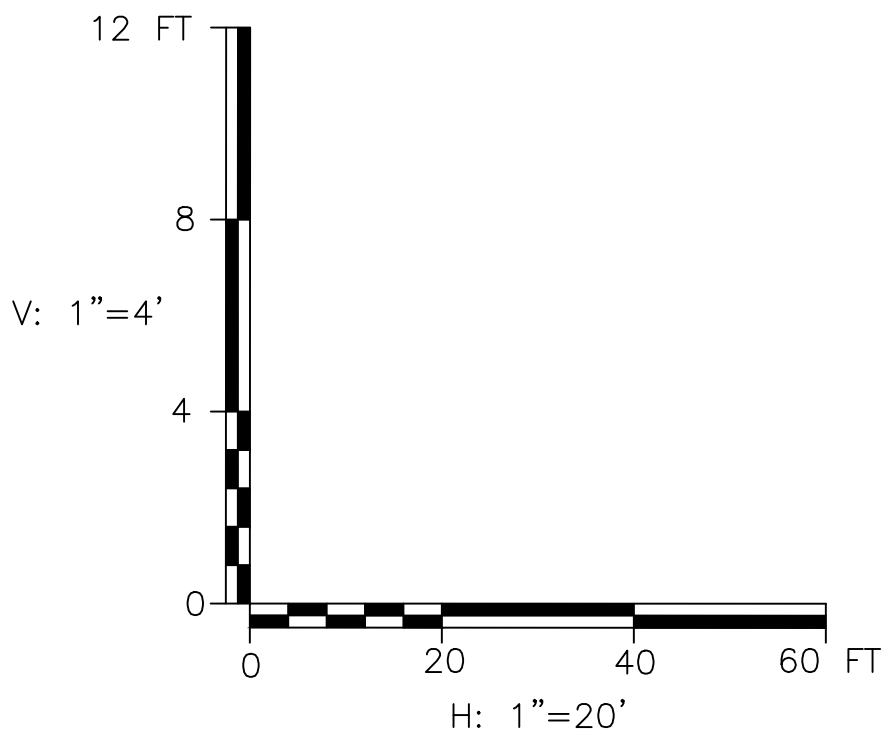
**McFarland Johnson**
53 REGIONAL DRIVE
CONCORD, NH 03301



MOFFAT STREET BMP PROFILE



BANFIELD ROAD BMP PROFILE

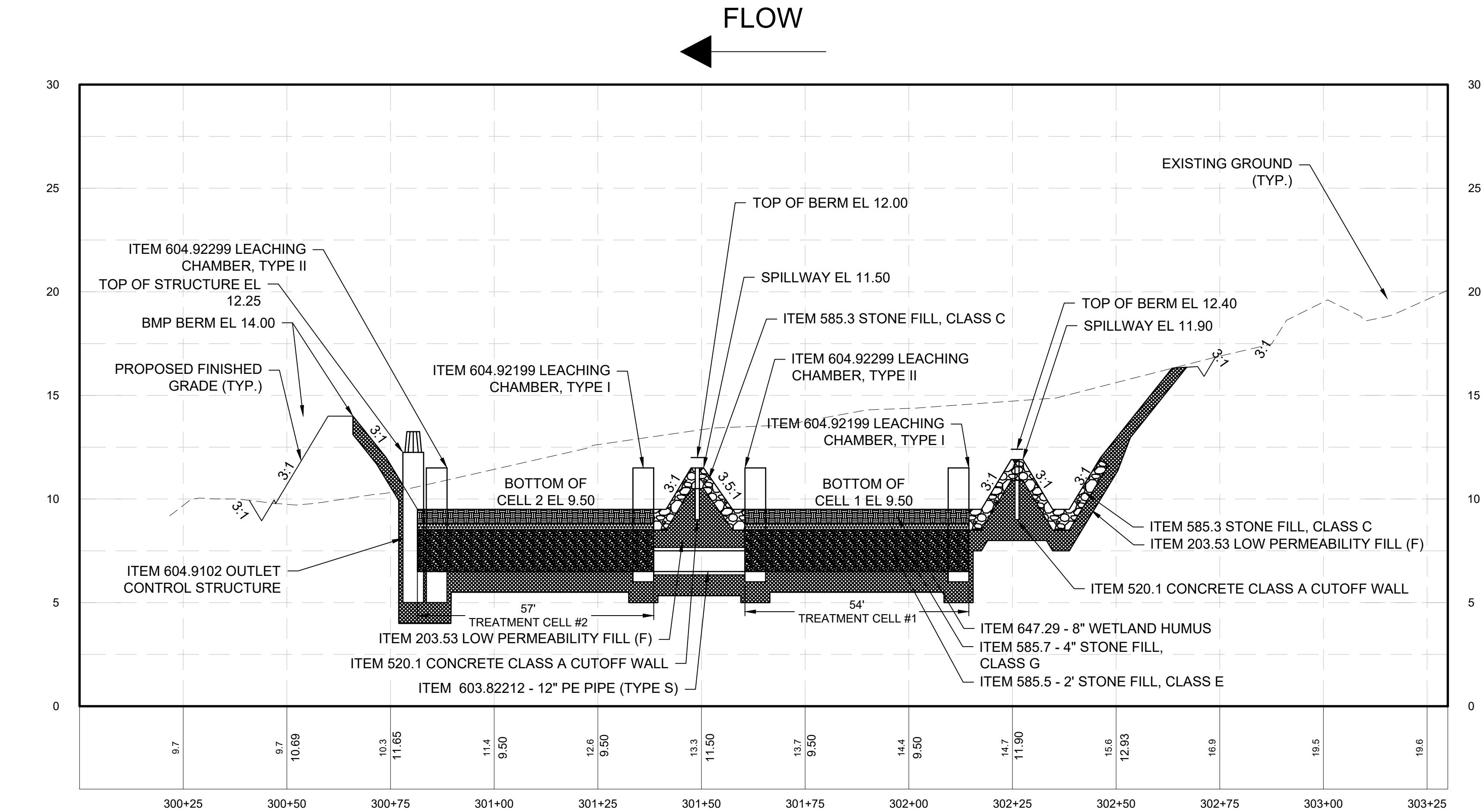


PERMIT PLANS

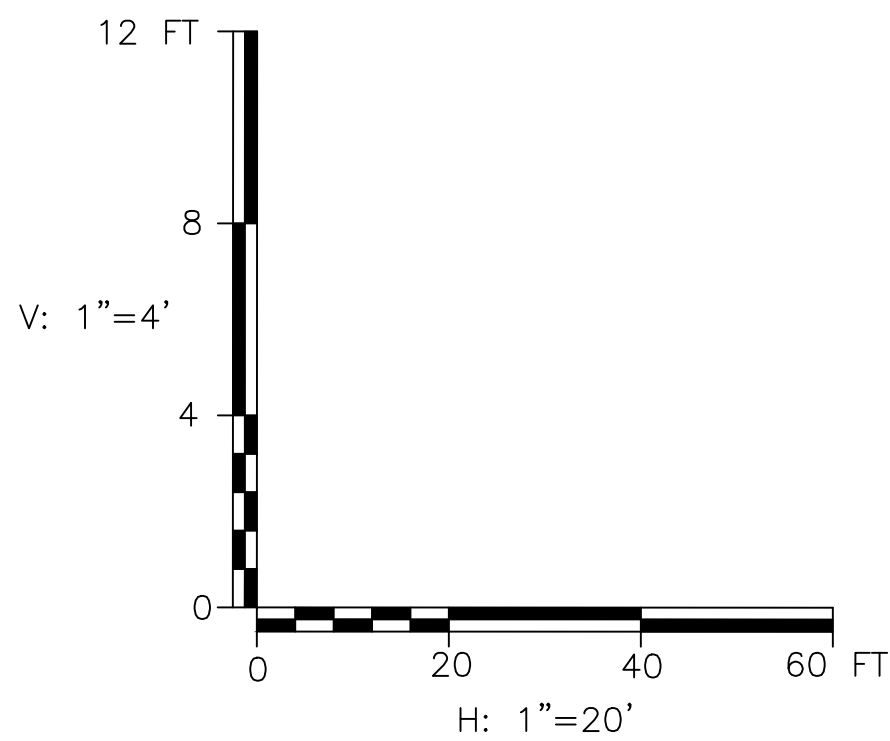
				CITY OF PORTSMOUTH PORTSMOUTH, NEW HAMPSHIRE		
				PEVERLY HILL ROAD RECONSTRUCTION		
				BMP PROFILE SHEET		
				SCALE: AS SHOWN	DESIGN: MKM	12 12 OF 13
McFarland Johnson 53 REGIONAL DRIVE CONCORD, NH 03301				DRAWN: MAD	PROJECT: 18082.01	
				CHECKED: CJP	DATE: AUGUST 2026	

WATER SURFACE ELEVATIONS			
WQV	Q ₂	Q ₁₀	Q ₅₀
10.55	12.44	12.70	12.89

GROUNDWATER DATA	
ID	GROUNDWATER ELEVATION
B-1	7.0
B-2	8.0
B-3	7.0
B-4	9.0



YMCA BMP PROFILE



PERMIT PLANS

					CITY OF PORTSMOUTH PORTSMOUTH, NEW HAMPSHIRE		
					PEVERLY HILL ROAD RECONSTRUCTION		
	REV	DATE	DESCRIPTION		BY	BMP PROFILE SHEET	
	 McFarland Johnson 53 REGIONAL DRIVE CONCORD, NH 03301				SCALE: AS SHOWN		DESIGN: MKM
DRAWN: MAD					PROJECT: 18082.01		
CHECKED: CJP					DATE: AUGUST 2026		

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: 9-17-26

Property Address: 579 Sagamore Ave.

Application #: LU-26-103

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	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	<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 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.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
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	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	<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	The natural vegetative state has already been altered. This application proposes necessary mitigation to offset this alteration.
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 is intended to mitigate existing adverse impacts.
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 proposal aims to mitigate the removal of an existing tree within the vegetated buffer strip through replanting.
7	<u>Other Board Findings:</u>		

Lee Tree Company
16 Dock Rd
York, Maine 03909
leetreecompany@gmail.com
Tel: 207-363-2306

August 26, 2026

Rick Chellman, Chair
Portsmouth Planning Board
c/o Portsmouth Planning Department
1 Junkins Avenue
Portsmouth, N.H. 03801

Re: After-the-Fact Wetland Conditional Use Permit - Application No. LU-26-103 - Revised Application
Incorporating Conservation Commission Conditions
579 Sagamore Avenue, Portsmouth, NH - Tidewatch Condominium Association (behind Unit 8)
MBL 0223-0030-0000

Dear Chairman Chellman,

This letter is submitted by Lee Tree Company on behalf of the Applicant regarding the after-the-fact land use application for the tree removal and replanting plan at Tidewatch Condominium Association (behind Unit 8), MBL 0223-0030-0000, Application No. LU-26-103. This letter updates and resubmits the Applicant's July 24, 2026 application to incorporate the conditions recommended by the Conservation Commission at its August 12, 2026 meeting, as set forth in the Commission's August 14, 2026 decision letter (Attachment C), and is submitted for consideration at the Planning Board's September 17, 2026 meeting.

As background, the affected area is approximately 130 square feet, located within the 25-foot vegetated buffer strip in this wooded area, where American Beech trees were present but diseased and severely declining from Beech Leaf Disease.

The Applicant proposes to restore the area with a practical replanting plan consisting of native trees and shrubs to fill the area around the removed tree. This will help stabilize the soil and restore the buffer's natural functions.

In the attached photo of the site (Attachment A), the best possible planting locations for the three trees have been marked with stakes. The understory shrubs would be planted inside the area defined by those three stakes.

Ania and Kim Rogers, the Property Owner Representatives for this unit, have received approval from the Tidewatch Condominium Association to proceed with replanting the area in the manner described in this proposal.

Conditions of Approval - Conservation Commission Recommendation (August 14, 2026)

At its meeting of August 12, 2026, the Conservation Commission voted to recommend approval of this application to the Planning Board, subject to the following conditions. This revised application addresses each condition as follows:

1. Wetland Boundary Markers. In accordance with Condition 1, the Applicant will install 1 to 2 permanent wetland boundary markers along the 25-foot wetland buffer edge in the area of impact.

2. Tree Caliper. In accordance with Condition 2, trees will be planted at a minimum of 2-inch caliper at time of planting, to the best ability of the contractor performing the planting. As discussed at the Commission's meeting, the planting area is situated a considerable distance from the street with no vehicular access; to avoid bringing heavy equipment into the buffer, all plants will be carried in and installed by hand. Tree caliper will therefore be maximized within the practical limits of hand-carried, hand-installed nursery stock.

3. Watering. In accordance with Condition 3, initial watering-in will be performed at the time of planting to support establishment, and maintenance watering will be performed as needed thereafter.

4. Monitoring & Reporting. In accordance with Condition 4, the Applicant will monitor the survival of the 3 new trees and 8 shrubs and will submit an annual memo to the Portsmouth Planning & Sustainability Department for the first two years after planting. If the survival rate is below 80% after two years, the Applicant will replant.

Thank you for your time and consideration.

Sincerely,
Mitchell Lee
Lee Tree Company
207-363-2306

cc: Thomas DiMatteo, President, Tidewatch Condominium Association; Ania & Kim Rogers, Applicants
This application includes the following attachments, incorporated below: Attachment A (Site Photo); Attachment B (Aerial Site Location Map); Attachment C (Conservation Commission Decision Letter, August 14, 2026); Attachment D (Photographic Plant List).

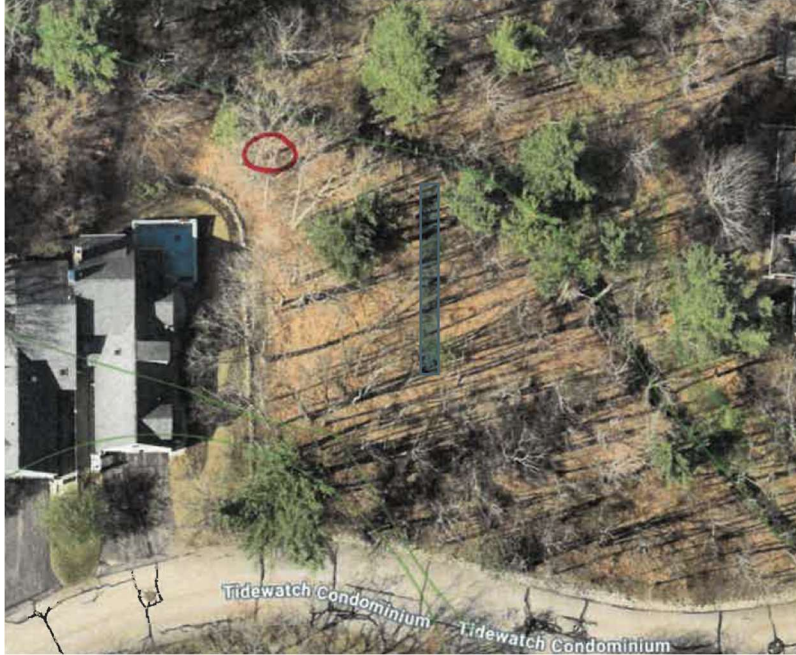
Attachment A: Site Photo – Staked Planting Locations

The photo below shows the site with the three proposed tree planting locations marked with stakes. The understory shrubs would be planted inside the area defined by those three stakes.



Attachment B: Aerial Site Location Map

The aerial image below shows the location of the affected area (blue rectangle) relative to Tide Watch Condominium and the adjacent unit.



Attachment C: Conservation Commission Decision Letter (August 14, 2026)

The Conservation Commission's August 14, 2026 decision letter (Application No. LU-26-103) is reproduced below in full. It documents the Commission's August 12, 2026 vote to recommend approval of this application to the Planning Board, subject to the four conditions addressed above.



CITY OF PORTSMOUTH

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

CONSERVATION COMMISSION

August 14, 2026

Tidewatch Condominium Association, c/o CP MANAGEMENT, LLC
11 Court Street Suite 100
Exeter, New Hampshire 03833

RE: After-the-Fact Wetland Conditional Use Permit for property located at 579 Sagamore Avenue, Portsmouth, NH (LU-26-103)

Dear Property Owner:

The Conservation Commission, at its regularly scheduled meeting of **Wednesday, August 12, 2026**, considered your application for an after-the-fact permit to remediate the loss of a mature beech tree within the vegetated 'no-cut' wetland buffer. The applicant is proposing to introduce new plantings within three areas of the 25' buffer to help stabilize the area – this includes the planting of red maple trees, yellow birch trees and northern bayberry shrubs. Said property is shown on Assessor Map 223 Lot 30 and lies within the Single Residence A (SRA) district. As a result of said consideration, the Commission voted to **recommend approval** to the Planning Board with the following conditions.

- 1. Applicant shall install 1 to 2 permanent wetland boundary markers along the 25' wetland buffer edge in the area of impact.*
- 2. Applicant shall note on plans that trees to be planted will be 2" caliper or greater at time of planting.*
- 3. Initial watering in of new plantings is required for establishment and maintenance shall be performed as needed to ensure success of new plantings.*
- 4. Applicant shall monitor the success of 3 new trees and 8 shrubs and must prepare a memo to be sent to the Portsmouth Planning & Sustainability Department annually for the first two years after planting/seeding. If after two years, the seeded areas show a survival rate of less than 80%, applicant will replant.*

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, September 17, 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, August 26, 2026.

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

Very truly yours,



Samantha Collins, Chair
Conservation Commission

cc:

Thomas DiMatteo, President, Tidewatch Condominium Association
Ania & Kim Rogers, Applicant

Attachment D: Photographic Plant List

Tidewatch Condominium Association - MBL 0223-0030-0000 - Application No. LU-26-103

The species below are proposed to replant the approximately 130 sq. ft. area within the 25-foot vegetated buffer strip where diseased American Beech (Beech Leaf Disease) was removed. Three trees will be planted at the staked locations shown in Attachment A; understory shrubs will be planted within the area defined by those three stakes.

See the Conditions of Approval and Installation and Follow-Up Plan, above, for the full planting specifications and monitoring schedule.

Photograph	Plant Name	Role in Buffer Restoration	Planting Condition / Spec
	Red Maple <i>Acer rubrum</i>	Highly reliable for this inland wetland buffer; tolerates the moist soils present at this location. Develops an extensive fibrous root system that stabilizes soil and reduces erosion. Improves water infiltration and filters nutrients and sediments before they reach the drainage ditch.	Tree – minimum 2" caliper at time of planting (per Condition 2; hand-installed, no heavy equipment - see note above) Balled & burlapped or equivalent container stock Spaced 8–12 ft. from adjacent trees
	Yellow Birch <i>Betula alleghaniensis</i>	Thrives in moist woodland soils with variable drainage, matching site conditions. Forms a strong, spreading root system that anchors soil around disturbed areas and stumps. Supports buffer function by enhancing infiltration and contributing to nutrient cycling and runoff filtration.	Tree – minimum 2" caliper at time of planting (per Condition 2; hand-installed, no heavy equipment - see note above) Balled & burlapped or equivalent container stock Spaced 8–12 ft. from adjacent trees
	Northern Bayberry <i>Morella pensylvanica</i>	Well-adapted to wet and variable soils typical of New Hampshire buffers. Produces dense, fibrous, often rhizomatous roots that hold soil and control erosion between stumps. A nitrogen-fixer; improves soil fertility for surrounding trees while aiding infiltration and pollutant filtration within the buffer.	Shrub – 1-gallon container Understory planting inside the three-stake tree layout Spaced 4–5 ft. apart
	Creeping Juniper (alternate ground cover) <i>Juniperus horizontalis</i>	Alternate low-growing ground cover option in place of, or in addition to, Northern Bayberry. Low, spreading habit helps suppress erosion and weed establishment at the soil surface. Evergreen cover contributes year-round buffer function.	Shrub / ground cover – 1-gallon container Understory planting inside the three-stake tree layout Spaced 4–5 ft. apart

Planting Recommendation

Red Maple

Red Maple is highly reliable for this inland wetland buffer. It tolerates the moist soils present in this location. It develops an extensive fibrous root system that stabilizes soil and reduces erosion. Environmentally, it improves water infiltration and filters nutrients and sediments before they reach the drainage ditch.

Yellow Birch

Yellow Birch thrives in moist woodland soils with variable drainage. It forms a strong, spreading root system that anchors soil around disturbed areas and stumps. It supports buffer function by enhancing infiltration and contributing to nutrient cycling and runoff filtration.

Northern Bayberry

Northern Bayberry is well-adapted to wet and variable soils in New Hampshire buffers. It produces dense, fibrous, and often rhizomatous roots that effectively hold soil and control erosion in the gaps between stumps. As a nitrogen-fixer, it improves soil fertility for the surrounding trees while aiding infiltration and pollutant filtration within the buffer.

An alternate option is juniper for ground cover.

Installation and Follow-Up Plan

The trees and shrubs will be planted within the approximately 130 square-foot area between the location of the removed tree and the wetland edge. Per Condition 2 of the Conservation Commission's recommendation, trees will be a minimum of 2-inch caliper at time of planting - to the best ability of the installing contractor, given that all plantings will be carried in and installed by hand rather than with heavy equipment, as the site is set back a considerable distance from the street - spaced 8–12 feet apart from one another; the one-gallon shrubs will be planted 4–5 feet apart. Once the plan is approved, the plants will be ordered and installed within the timeframe provided. Trees should be planted in late September to early October. They will be installed using natural fill mixed with organic fertilizer to support establishment and survival, with an initial watering-in at planting per Condition 3.

The plantings - 3 trees and 8 shrubs in total - will be inspected in April 2027 and again in July 2027, with continued annual monitoring through 2028, consistent with Condition 4's two-year monitoring and reporting requirement. An annual memo documenting survival will be submitted to the Portsmouth Planning & Sustainability Department each year. If the survival rate is below 80% at the two-year mark, the Applicant will replant.

Beyond the initial watering-in, a scheduled supplemental irrigation plan is not recommended, because the replanting zone is a low area where excessive watering would risk saturating the root systems in this already moist buffer environment. Instead, trees should only be watered as needed when the soil is dry.

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: 9-17-26

Property Address: 224 Cate St.

Application #: LU-26-106

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 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	<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	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.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
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	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	<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	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	<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 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	<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	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.
7	<u>Other Board Findings:</u>		

Integrated planting plan for 224 cate st

Owners: Mark Esposito PhD

Rezma Shrestha PhD

2026.08.26 updated proposal per Conservation Commission Feedback

Attn: Rick Chellman, Planning Board Chair

Proposal Summary:

This proposed plan seeks to improve the vegetation conditions at 224 Cate st and continue to improve on the prior planting plan implemented under the previous owner. The plan consists of regrading ~250 square feet of lawn that is >80 feet from the wetland on the northeastern side of the house that requires a WCUP.

As a supplemental piece of information for information purposes only, we are showing our plans for aerating and improving the soil quality throughout the property to promote deep root formation, and a planting plan that improves the aesthetic and environmental conditions of the property.

Background:

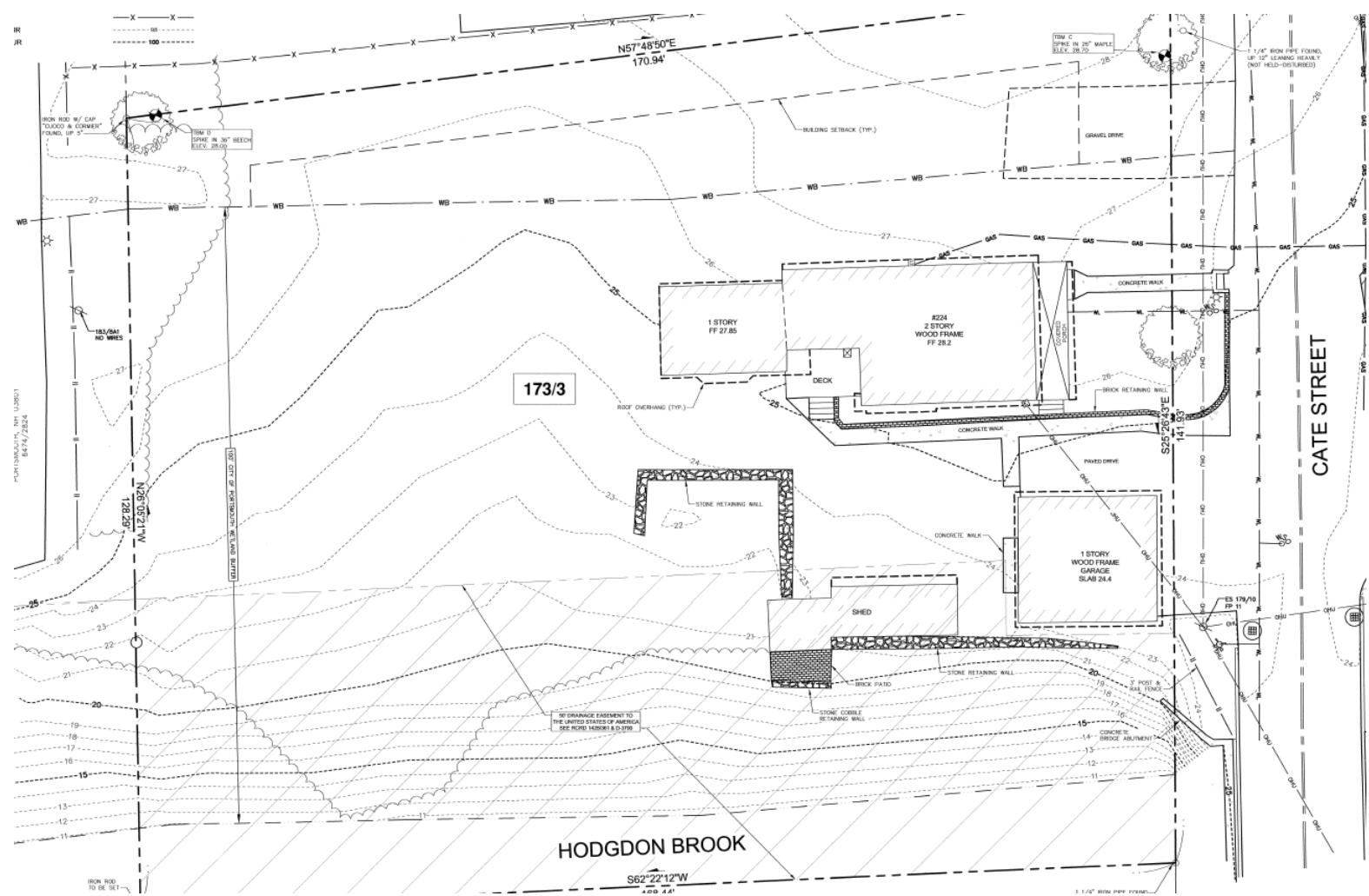
The prior owners used heavy construction to rough in a development area for a proposed new build that would be situated in the rear of the property. In doing so, they:

1. Heavily compacted the soil and left deep tires ruts
2. Deposited several areas of hard construction fill in the vegetated buffer strip
3. Left a grade that slopes upward on the northeastern side of the property causing water to run into the foundation.
4. Planted a row of arborvitaes that were not properly watered and died before we bought the property.
5. The row of trees on the western edge of the property was not properly maintained and the subsequent maple saplings have grown in too densely for what the soil can support, hence are in poor health and require thinning/pruning.

Proposed plan:

The following pages propose a plan to correct each of these issues and improve the environmental and wetland boundary conditions at 224 Cate St. This plan draws on the owner's long experience in landscaping and wetland biology and provides updates responsive to the Conservation Committee Feedback.

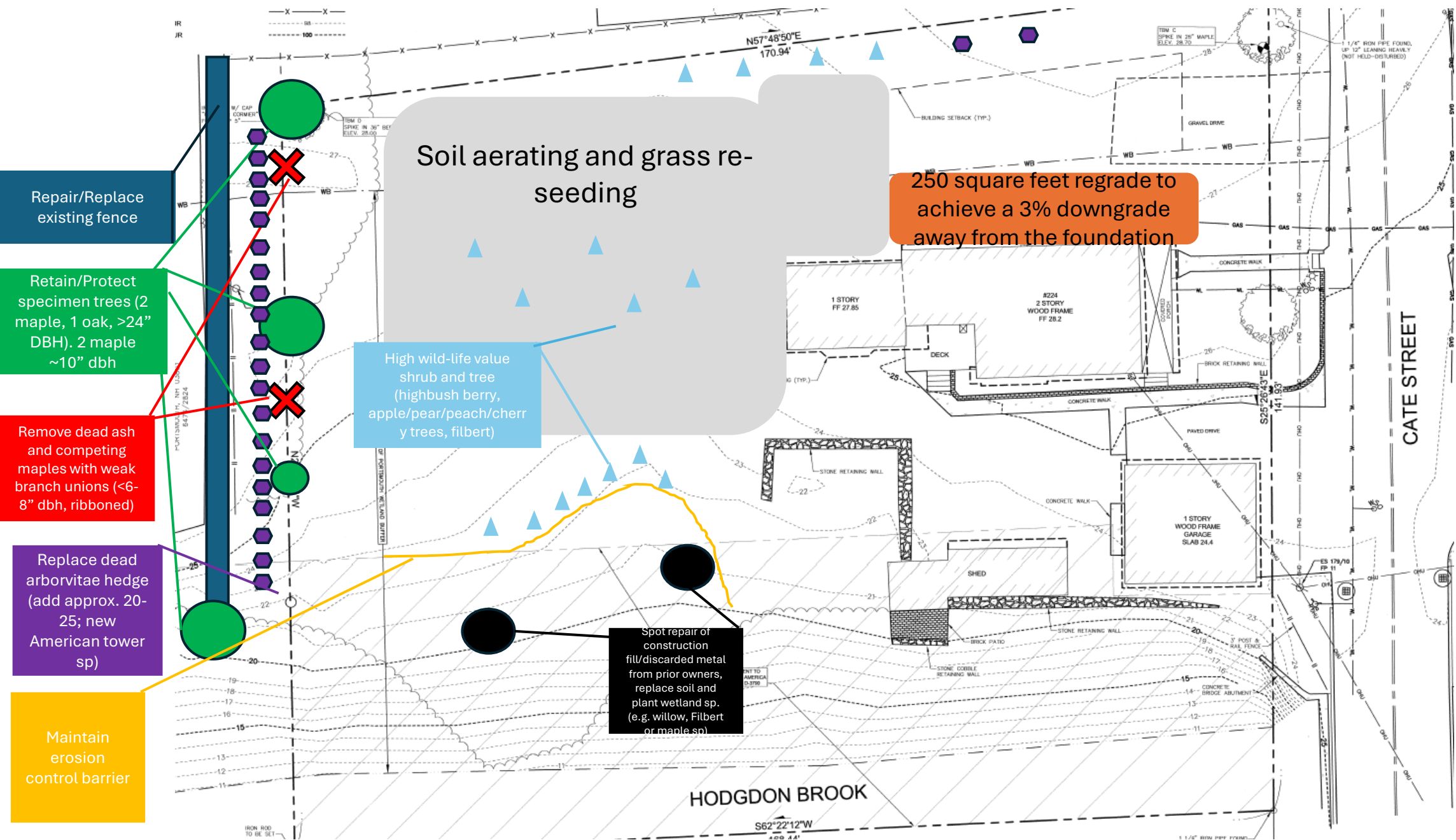
Survey, 224 Cate St



Previously approved wetland conditional use permit – 2025.05.14



Integrated planting plan proposal



Initial photos on closing



Area to be regraded into a 3% down-grade away from foundation

Supplemental restoration work (ongoing)

Highbush blueberry plantings with erosion barrier



Highbush blueberry plantings and fruit trees



Mid-summer, southwest boundary



Proposed southwest boundary vision



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;
- (~~cb~~) 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;~~
- (~~ed~~) The ~~proposed~~ addition of five (5) or more parking spaces.

1.2.2 Exemption of Small Projects

The Planning & Sustainability 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 & Sustainability 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 & Sustainability 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 & Sustainability 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 & Sustainability 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 plans 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 & Sustainability 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 & Sustainability 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 & Sustainability 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 & Sustainability 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 & Sustainability 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 & Sustainability 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 & Sustainability 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 & Sustainability 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 & Sustainability 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 & Sustainability 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 & Sustainability Director may waive the requirement for an as-built plan.

2.16.4 Release of Performance Security

1. The Planning & Sustainability 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 & Sustainability 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.

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.

3.7.3 Required Loading Areas

The Planning Board may require one or more loading areas where the scale or nature of the proposed use is expected to generate regular delivery, moving, service, or freight activity.

In determining the need for loading facilities, consideration shall be given to:

1. Building size;
2. Nature of the proposed use;
3. Frequency and type of deliveries;
4. Availability of on-street loading opportunities;
5. Internal circulation and site constraints; and
6. Potential impacts on neighboring properties and public streets.

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 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.

4.2.1 Residential Uses

Use	Minimum Parking Requirement
Dwelling unit 500 sq. ft. or less	0.5 spaces per unit
Dwelling unit greater than 500 sq. ft.	1.0 space per unit
Coliving Facility within 600 feet of a public parking garage	No parking required
Coliving Facility not within 600 feet of a public parking garage	1 space per 4 coliving units

4.2.2 Nonresidential Uses

Use Category	Examples	Minimum Parking Requirement
Office and Professional Services	Offices, financial services, government offices, business services	1 space per 350 sq. ft. GFA
Medical Uses	Medical offices, dental offices, outpatient clinics	1 space per 250 sq. ft. GFA
Retail Sales and Consumer Services	Retail stores, personal services, salons, pharmacies	1 space per 300 sq. ft. GFA
Restaurants and Drinking Establishments	Restaurants, cafes, taverns, breweries, bars	1 space per 100 sq. ft. GFA
Child Care and Educational Uses	Day care centers, nursery schools, educational facilities, tutoring centers	1 space per employee on the largest shift
Recreation, Entertainment and Assembly Uses	Fitness centers, theaters, clubs, museums, recreation facilities	1 space per 250 sq. ft. GFA, or parking demand analysis
Lodging Uses	Hotels, inns, motels, bed and breakfasts	1.25 spaces per guest room
Industrial, Research and Production Uses	Manufacturing, research and development, laboratories	1 space per 750 sq. ft. GFA
Warehouse, Distribution and Wholesale Uses	Warehousing, distribution, storage, wholesale operations	1 space per 2,000 sq. ft. GFA
Residential Care and Assisted Living Facilities	Assisted living facilities, nursing homes, rehabilitation facilities, congregate care facilities	1 space per 3 beds, plus 1 space per employee on the largest shift

4.2.3 Unlisted Uses

1. Uses not specifically listed shall be assigned to the most similar parking category by the Planning & Sustainability Director based upon the nature of the proposed use and anticipated parking demand. Where a use is not reasonably comparable to an identified category, the Planning & Sustainability Director or the Planning Board may require a parking demand analysis.

4.2.4 Parking Demand Analysis

1. A parking demand analysis may be required for unlisted uses, mixed-use developments utilizing shared parking, requests for parking reductions or increases, or developments where the Planning Board determines that the minimum parking requirements may not accurately reflect anticipated demand.

4.2.5 Maximum Parking

1. For developments requiring more than twenty (20) parking spaces, the total number of spaces provided shall not exceed 120 percent of the minimum requirement unless otherwise approved by the Planning Board based upon a parking demand analysis.

4.2.6 Change of Use

1. Any change of use, change in occupancy, or intensification of use that increases the minimum parking requirement established by this Article shall require a parking compliance determination by the Planning & Sustainability Director.
2. Where the Planning & Sustainability Director determines that the proposed use does not comply with the parking requirements of this Article, the applicant may:
 1. Provide additional parking.
 2. Obtain approval of a parking modification pursuant to Section 4.3.
3. A change of use that does not increase the minimum parking requirement shall not require additional parking.

Section 4.3 Parking Flexibility

1. The purpose of this Section is to provide flexibility in the application of the parking requirements of this Article where strict compliance is not necessary to accommodate anticipated parking demand.

2. The Planning & Sustainability Director or Planning Board, as applicable, may approve modifications to the parking requirements of this Article, including:
 - a. Reduced parking requirements;
 - b. Shared parking;
 - c. Off-site parking;
 - d. Phased parking construction; and
 - e. Reserve parking areas.
3. Any request under this Section shall be supported by information demonstrating that parking demand will be adequately accommodated.
4. In evaluating a request for a parking modification, consideration may be given to:
 1. The characteristics of the proposed use;
 2. Existing parking supply;
 3. Availability of public parking facilities;
 4. Availability of on-street parking;
 5. Proximity to public transportation facilities;
 6. Walkability and accessibility of the site;
 7. Shared parking opportunities;
 8. Existing or historic parking utilization;
 9. Parking demand studies or other supporting information; and
 10. Any other site-specific factors affecting parking demand.

Section 4.3.1 Administrative Parking Modifications

1. The Planning & Sustainability Director may approve a parking modification associated with a change of use, change in occupancy, or intensification of use where no exterior site modifications are proposed.
2. In considering a request under this Section, the Planning & Sustainability Director may consider the factors identified above and any additional information submitted by the applicant regarding anticipated parking demand.
3. The Planning & Sustainability Director may approve, approve with conditions, or deny a parking modification upon a finding that:
 - a. The proposed parking supply will adequately accommodate anticipated parking demand; and
 - b. The proposed use will not create unreasonable parking impacts on adjacent properties or the public right-of-way.

4. The Planning & Sustainability Director may refer any application to the Planning Board where, in the Planning & Sustainability Director's judgment, the nature, scale, or anticipated parking impacts of the proposed use warrant Planning Board review.

4.3.2 Planning Board Approval

1. Parking modifications associated with applications requiring Site Plan Review shall be reviewed and approved by the Planning Board.

Section 4.4 Shared and Off-Site Parking

1. Shared parking may be approved where the applicant demonstrates that peak parking demand for the uses served will occur at different times or that the combined parking demand of multiple uses will be less than the sum of the individual parking requirements.
2. The Planning & Sustainability Director or Planning Board may require a parking demand analysis or other supporting documentation demonstrating that adequate parking will be available to serve the proposed uses.
3. Any off-site parking or shared parking arrangement involving separate properties shall be secured through a recorded agreement acceptable to the City.

Section 4.5 Reserve Parking

The Planning Board may permit construction of fewer parking spaces than otherwise required where sufficient land is reserved for future parking expansion.

The reserve parking area shall:

- a. Be shown on an approved site plan;
- b. Remain available for future parking use; and
- c. Not contain buildings or permanent site improvements that would prevent future parking construction.

Section 4.6 Location of Vehicular Use Facilities

4.6.1 General Standards

1. Required off-street parking spaces shall generally be located on the same lot as the principal use they are intended to serve.
2. The Planning Board may authorize required parking on a separate lot in accordance with Section 4.3.
3. In no case shall parking be permitted within a Residential or Mixed Residential District other than that which is accessory to a permitted principal use within the district.

4.6.2 Relationship to Buildings and Streets

1. Off-street parking areas, accessways, maneuvering areas, and traffic aisles shall be located and configured to:
 - a. Promote safe and efficient vehicular circulation;
 - b. Minimize conflicts between vehicles, pedestrians, and bicyclists;
 - c. Minimize visual impacts from public streets and adjacent properties;
 - d. Preserve opportunities for landscaping, stormwater management, and open space; and
 - e. Support the character and design objectives of the surrounding area.
2. Required off-street parking spaces shall not be located between a principal building and a public street, including on corner lots.
3. Parking areas shall be designed to maintain safe and convenient pedestrian connections between public sidewalks, parking areas, and building entrances.

4.6.3 Screening

1. Parking areas, accessways, maneuvering areas, and traffic aisles adjacent to residential properties shall be screened in accordance with Article 6.
2. Required landscaped setbacks and landscaped buffer areas shall not be used to satisfy required parking.

4.6.4 Modifications

The Planning & Sustainability Director or Planning Board may require modifications to the location, configuration, or design of parking areas, accessways, maneuvering areas, and traffic aisles where necessary to improve safety, circulation, pedestrian access, site design, or compatibility with surrounding development.

Section 4.7 Design of Off-Street Parking Facilities

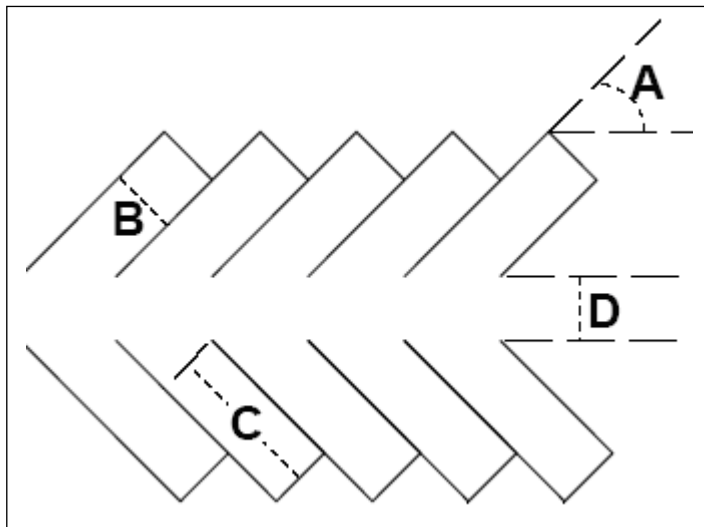
1. The provisions of this Section shall apply to all off-street parking facilities, whether in parking structures or surface lots, and whether or not the parking spaces are required or in excess of the requirements for a use, except as specifically exempted herein.
2. Parking spaces and maneuvering aisles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



3. 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).
4. Parking spaces located within four feet of an abutting structure, sidewalk, or public street shall be designed with suitable bumper stops.
5. 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 are assigned to the same dwelling unit;
 - b. Tandem parking is not used for visitor parking; and
 - c. Tandem spaces have minimum dimensions of 9 feet by 38 feet.
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 4.8 Off-Street Parking Provisions in the Downtown Overlay District

1. The provisions of this Section recognize the availability of municipal parking facilities, on-street parking, and walkable development patterns within the Downtown Overlay District.
2. Residential uses shall comply with Section 4.2.
3. Hotels, inns, and motels shall provide:
 - a. 0.75 parking spaces per guest room; and
 - b. 1 parking space per 25 square feet of conference or banquet facilities.
4. No minimum parking requirement shall apply to other nonresidential uses within the Downtown Overlay District.
5. For uses within the Downtown Overlay District that are subject to a minimum parking requirement under this Section, the number of required off-street parking spaces shall be reduced by four (4) spaces.

Section 4.29 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 4.310 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

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	1 bicycle space for each 10 automobile parking spaces required under these regulations or fraction thereof

2. When the Planning Board approves the construction of fewer off-street parking spaces than would normally be required, the required number of bicycle parking spaces shall be based on the number of such spaces that would be required.
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:
 - a. One-family and two-family dwellings;
 - b. Accessory dwelling units;
 - c. Assisted living facilities and residential care facilities;
 - d. Agricultural uses;
 - e. Warehousing, distribution, and similar industrial uses where bicycle parking demand is expected to be minimal; and
 - f. Other uses determined by the Planning Director to have minimal bicycle parking demand due to the nature of the use, anticipated occupancy, or operational characteristics.

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 & Sustainability 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.

COLBY T. GAMESTER

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July 29, 2026

HAND DELIVERED & VIA EMAIL

Portsmouth City Council
Attn: Deaglan McEachern, Mayor
c/o Portsmouth City Clerk
1 Junkins Avenue
Portsmouth, NH 03801
cityclerk@portsmouthnh.gov

Re: 0 Elm Street (Tax Map 210, Lot 15)
Request pursuant to RSA 674:41, I(d)
Access via private drive

Dear Mayor McEachern and Members of the City Council:

I represent Stephanie Crepeau ("Client") who is currently under contract to purchase real property located at 0 Elm Street, also known as Lot 15 on City of Portsmouth Tax Map 210 (the "Property"). Enclosed herewith is a Landowner Letter of Authorization executed by the current owner of the Property, Andrew Wolcott.

Please accept this letter to the City Council requesting that it authorize the issuance of a building permit for the construction of a single-family home at and on the Property pursuant to RSA 674:41, I(d). We respectfully request that this letter and matter be placed on the City Council's agenda for its regularly scheduled meeting on August 3, 2026.

The Property is located at the corner of two (2) paper streets: Elm Street and Forrest Street. Elm Street has never been constructed. A portion of Forrest Street has been improved (initially as a gravel driveway and now paved), but upon information and reasonable belief this improvement was not performed by the City; rather, it was constructed, and has been maintained, by the owner(s) and predecessors-in-interest of the improved lot situated at 1 Forrest Street, the corner of Forrest Street and Cutts Avenue. Enclosed herewith as Exhibit A is an aerial tax map image showing where the Property is located, as well as depicting the existing private drive within the right-of-way of Forrest Street.

This neighborhood and subdivision of land was first created in 1902 with the recording of the Buckminster Plan at the Rockingham County Registry of Deeds as Plan 270. In 1919, the Buckminster Plan was revised and recorded at the Registry as Plan 245. In both plans, the Property is identified as the "subject lot." See Exhibits B and C enclosed herewith.

It is clear that the paper streets shown on those plans were dedicated to the City and the public at large as rights-of-way; however, only a portion of this subdivision was built out prior to the construction of the interstate highway system that severed the neighborhood.

For further reference regarding Forrest Street, also enclosed is a 1988 subdivision plan prepared for David Hodgdon (Plan D-18913) which depicts the extent of the then-existing gravel driveway within the Forrest Street right-of-way; as noted above that driveway is now paved. Enclosed herewith as Exhibit D is the Hodgdon Plan.

The Property is a preexisting nonconforming lot of record. Other surrounding property owners of single-family homes on Cutts Avenue own the majority land abutting the Property on the paper streets. The City itself owns two nearby lots, as well. The City Legal Department and this office have been investigating the current legal status of Elm Street and Forrest Street, which is often not straightforward in light of the various events over the years, as well as the applicable case law and the statutory framework that vary at times since 1902 which govern paper streets, their dedication, and any express or implied acceptance by the City thereof.

My Client desires to construct a single-family home on the Property. In order to do so, she will require variance relief from the Zoning Board of Adjustment, as well as conditional use permits from the Planning Board for development within the Highway Noise Overlay District and for potential wetland buffer impacts.

My Client has not yet authorized her surveyor and engineer to proceed with extensive field work and research because the associated cost is not insignificant, and the status of the paper streets has been our primary focus to date. Rather than pursuing a final determination of whether the City retains, or has released, rights in these paper streets, we believe the most efficient path forward (so that this proposal may proceed to the City's land use boards) is through the process set forth in RSA 674:41, I(d), which is enclosed herewith in its entirety as Exhibit E.

RSA 674:41, I(d) provides that a building permit may be issued for a lot accessed by a private road where:

- (1) the local governing body, after review and comment by the planning board, or after establishing that the private road identifies and complies with policy adopted by the governing body of the municipality, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof;
- (2) the municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and
- (3) prior to the issuance of a building permit, the applicant produces evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot.

Preliminary discussions with the Department of Public Works indicate that the DPW is amenable to treating access as a shared private driveway (rather than a full City street) until such time as future surrounding development *may* warrant formalization of a public way. The City would not maintain or plow the driveway, and trash collection would occur on Cutts Avenue. Municipal sewer service would be available via a private sewer line pump discharging to the existing sewer main on Cutts Avenue. The Fire Department's requirements for emergency vehicle access can be met through standard asphalt driveway construction and while also ensuring appropriate ingress and egress.¹

Pursuant to RSA 674:41, I(d), the City Council must first refer this request to the Planning Board for review and comment before it may authorize the issuance of a building permit. We respectfully request that the City Council refer this matter to the Planning Board to be addressed at its next regularly scheduled meeting on August 20, 2026.

Should the City Council ultimately authorize the issuance of a building permit under RSA 674:41, I(d), such authorization would of course be conditioned upon the Property obtaining any and all necessary land-use approvals from the Zoning Board of Adjustment and the Planning Board.

I am available to discuss this matter with the Council, the Planning Board, or City staff at any time. If my presence is requested or needed at the Council's August 3rd meeting, then I will have to appear via zoom as I will be out of town the week of August 3rd.

Thank you for your time and consideration of this request.

Kindest Regards,



Colby T. Gamester, Esq.

Enclosures

Cc: file
Karen Conard, City Manager
Trevor McCourt, Esq., Legal Department
Peter Rice, Department of Public Works
Chief McQuillen, Fire Department
Peter Britz, Planning Department
Stephanie Crepeau
(all via email)

¹ My Client and I have done a fair amount of research and consultation with various City Departments regarding the Property and surrounding area. We understand that with more formal plans and proposals, these Departments would, if necessary, have the opportunity to provide further comment, conditions, and limitations, if necessary and applicable.

LANDOWNER LETTER OF AUTHORIZATION

I, the Undersigned, Andrew Wolcott, the record owner of real property located at off Elm Street, Portsmouth, New Hampshire 03801, identified on Portsmouth Tax Map 210 as Lot 15 (the "Property"), hereby authorize Gamester Law Office, and its attorneys and representatives, to file any document with the City of Portsmouth (the "City"), communicate and correspond with City staff and officials, and submit applications with and appear before the City Council and the City's land use boards all regarding the Property. This Letter of Authorization shall be valid until expressly revoked in writing.


Andrew Wolcott

7/28/26
Date

**Property Information**

Property ID 0210-0015-0000
Location ELM ST
Owner WOLCOTT ANDREW

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

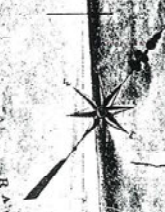
Geometry updated 03/06/2026

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

2 of 2
00270 00270

PLAN OF
BUCKMINSTER
PORTSMOUTH, N.H.
1902

Scale 1" = 100'



WHITE MOUNTAIN PAPER CO.

SUBJECT LOT



EXHIBIT C

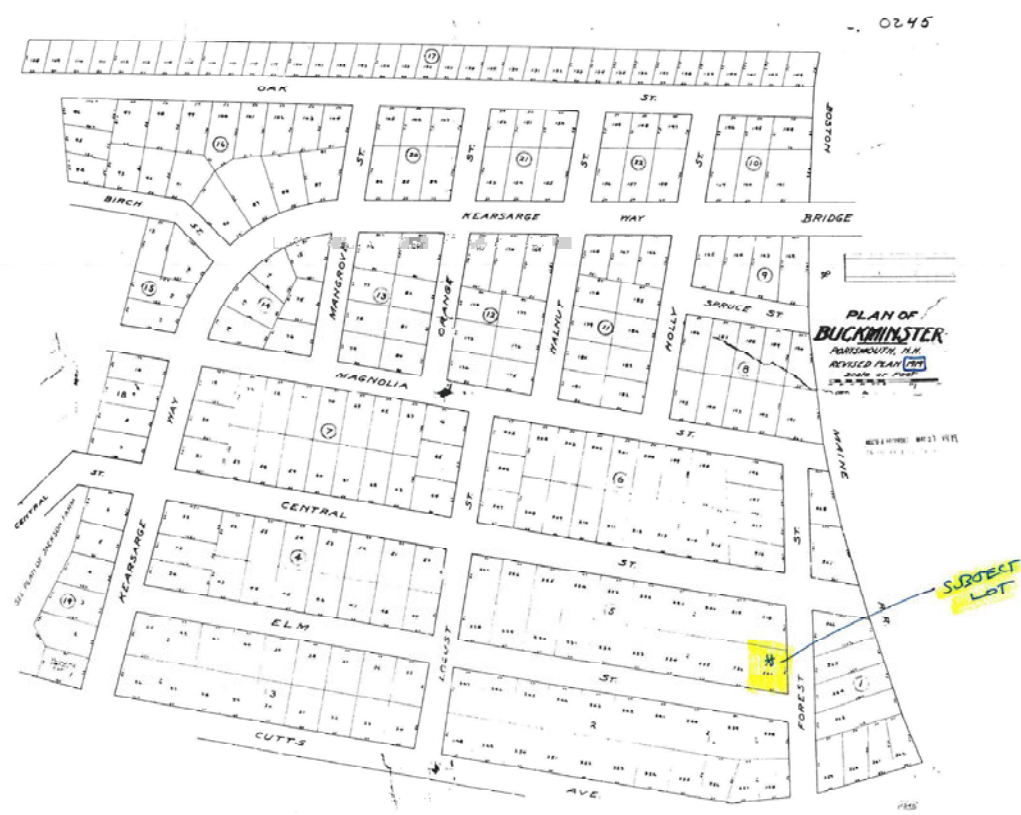
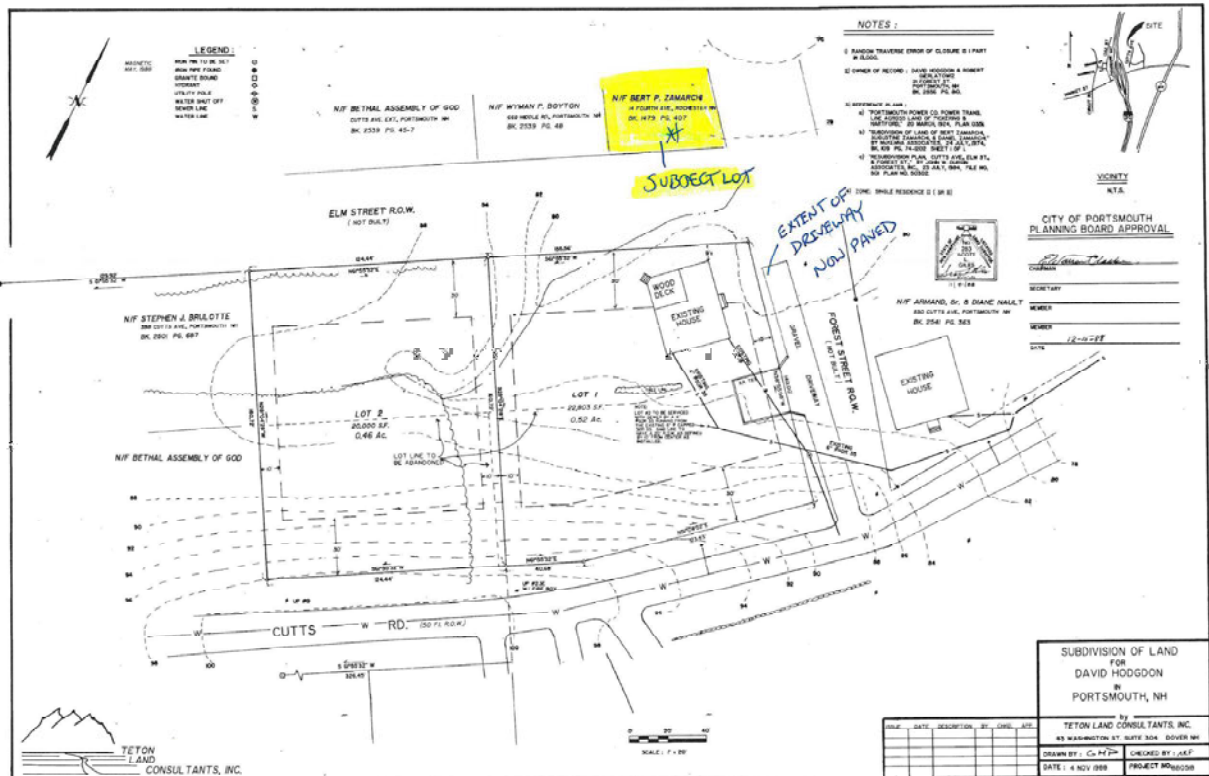


EXHIBIT D

Dec 27 10:57 AM '88

Dec 27 5:11:10 PM 422215



D-18913

TITLE LXIV PLANNING AND ZONING

CHAPTER 674 LOCAL LAND USE PLANNING AND REGULATORY POWERS

Regulation of Subdivision of Land

Section 674:41

674:41 Erection of Buildings on Streets; Appeals. –

I. From and after the time when a planning board shall expressly have been granted the authority to approve or disapprove plats by a municipality, as described in RSA 674:35, no building shall be erected on any lot within any part of the municipality nor shall a building permit be issued for the erection of a building unless the street giving access to the lot upon which such building is proposed to be placed:

- (a) Shall have been accepted or opened as, or shall otherwise have received the legal status of, a class V or better highway prior to that time; or
- (b) Corresponds in its location and lines with:
 - (1) A street shown on the official map; or
 - (2) A street on a subdivision plat approved by the planning board; or
 - (3) A street on a street plat made by and adopted by the planning board; or
 - (4) A street located and accepted by the local legislative body of the municipality, after submission to the planning board, and, in case of the planning board's disapproval, by the favorable vote required in RSA 674:40; or

[Paragraph I(c) effective until July 1, 2026; see also paragraph I(c) set out below.]

(c) Is a class VI highway, provided that:

- (1) The local governing body after review and comment by the planning board has voted to authorize the issuance of building permits for the erection of buildings on said class VI highway or a portion thereof; and
- (2) The municipality neither assumes responsibility for maintenance of said class VI highway nor liability for any damages resulting from the use thereof; and
- (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds; or

[Paragraph I(c) effective July 1, 2026; see also paragraph I(c) set out above.]

(c) Is a class VI highway, provided that the applicant:

- (1) Signs a liability waiver acknowledging that the:
 - (A) Municipality shall not maintain the highway nor provide any services to any lot accessible by the highway;
 - (B) Municipality shall not accept any responsibility for losses or damages caused by a lack of services; and
 - (C) Responsibility for such services falls solely on the applicant; and
- (2) Prior to the issuance of a building permit, produces evidence that this waiver has been recorded in the county register of deeds; and
- (3) Prior to the issuance of a building permit, proves the lot and any buildings thereon are insurable; or
- (d) Is a private road, provided that:
 - (1) The local governing body, after review and comment by the planning board, or after establishing that the private road identifies and complies with policy adopted by the governing body of the municipality, has voted to authorize the issuance of building permits for the erection of buildings on said private road or portion thereof; and
 - (2) The municipality neither assumes responsibility for maintenance of said private roads nor liability for any damages resulting from the use thereof; and
 - (3) Prior to the issuance of a building permit, the applicant shall produce evidence that notice of the limits of municipal responsibility and liability has been recorded in the county registry of deeds for the lot for which the building permit is sought; or
- (e) Is an existing street constructed prior to the effective date of this subparagraph and is shown on a subdivision plat that was approved by the local governing body or zoning board of adjustment before the municipality authorized the planning board to approve or disapprove subdivision plats in accordance with RSA 674:35, if one or more buildings have been erected on other lots on the same street.

II. Whenever the enforcement of the provisions of this section would entail practical difficulty or unnecessary hardship, and when the circumstances of the case do not require the building, structure or part thereof to be related to existing or proposed streets, the applicant for such permit may appeal from the decision of the administrative officer having charge of the issuance of permits to the zoning board of adjustment in any municipality which has adopted zoning regulations in accordance with RSA 674, or, in municipalities in which no board of adjustment exists, to the local legislative body, or to a board of appeals, whichever is appropriate, in accordance with RSA 674:14 and 674:15, including the requirement for a public hearing. In a municipality which does not require building permits, direct application may be made to the zoning board of adjustment, or the local legislative body, or the board of appeals for permission to erect the building. In passing on such appeal or application, the board of adjustment, local legislative body, or board of appeals may make any reasonable exception and

shall have the power to authorize or issue a permit, subject to such conditions as it may impose, if the issuance of the permit or erection of the building would not tend to distort the official map or increase the difficulty of carrying out the master plan upon which it is based, and if erection of the building or issuance of the permit will not cause hardship to future purchasers or undue financial impact on the municipality. Any such decision made in this connection by a board of adjustment, local legislative body, or by a board of appeals pursuant to this section and RSA 674:14 and 674:15 shall be in writing, together with the reasons for the decision, and shall be subject to review in the manner described in RSA 677.

II-a. Municipalities may except any lot, including island lots for islands served exclusively by boats, from the requirements of paragraphs I and II by an affirmative vote of the local legislative body pursuant to RSA 675, first submitted to the planning board for its approval and:

(a) If approved by the board, approved by a majority of those present and voting at a regular or special meeting of the local legislative body; or

(b) If disapproved by the planning board, approved by not less than 2/3 of those present and voting at a regular or special meeting of the local legislative body.

III. This section shall supersede any less stringent local ordinance, code or regulation, and no existing lot or tract of land shall be exempted from the provisions of this section except in accordance with the procedures expressly set forth in this section. For purposes of paragraph I, "the street giving access to the lot" means a street or way abutting the lot and upon which the lot has frontage. It does not include a street from which the sole access to the lot is via a private easement or right-of-way, unless such easement or right-of-way also meets the criteria set forth in subparagraphs I(a), (b), (c), (d), or (e).

IV. In addition to the requirements for the erection of buildings in paragraph I and notwithstanding the exceptions provided in paragraph II, the planning board for a county in which there are located unincorporated towns or unorganized places shall require every building which is erected on leased land located within an unincorporated town or unorganized place to have a building permit. A building permit shall be required under this paragraph regardless of the proximity of the building to any street or highway. The county shall, by resolution, authorize the planning board to issue building permits under this paragraph.

Source. 1983, 447:1. 1988, 131:2, 3. 1989, 266:20. 1995, 291:10. 1998, 344:6. 2002, 270:1, 5. 2004, 154:1, 2. 2005, 226:1, 2, eff. Sept. 3, 2005. 2025, 175:1, eff. Sept. 13, 2025; 256:1, eff. July 1, 2026.



Trevor P. McCourt
Deputy City Attorney

CITY OF PORTSMOUTH

Legal Department
Municipal Complex
1 Junkins Avenue
Portsmouth, New Hampshire 03801
tmccourt@portsmouthnh.gov
(603) 610-7234

Date: September 11, 2026

To: Peter Stith, Planning Manager

From: Trevor P. McCourt, Deputy City Attorney

Re: RSA 674:41, I(d) review and comment – 0 Elm Street (Tax Map 210, Lot 15);
Crepeau/Wolcott Request (Attorney Gamester letter dated July 29, 2026)

I. Introduction.

Attorney Colby Gamester, on behalf of Stephanie Crepeau (who is under contract to purchase the property) and its record owner, Andrew Wolcott, has asked the City Council to authorize the issuance of a building permit for a single-family home on Lot 15 (0 Elm Street, Tax Map 210) under RSA 674:41, I(d), on the theory that the lot is or would be served by a private road over the Forrest Street paper right-of-way. Because RSA 674:41, I(d)(1) requires the Council to obtain the Planning Board's review and comment before it may authorize building permits on a private road, the Council has referred the request to the Board. This memorandum is provided to assist the Board in that review: it explains what RSA 674:41 requires, applies it to the facts now before the City, identifies the limits of the Council's authority under the statute, and sets out the options I would recommend the Board transmit to the Council.

II. Statutory Framework

RSA 674:41, I bars issuance of a building permit on any parcel unless the parcel is on a street. This statute provides for issuance of building permits on streets that are not maintained by the municipality, such as Class VI roads and private roads. The basic purpose of this statute is “to ensure that a dwelling can be reached by the fire department, police department, and other agencies charged with the responsibilities of protecting the public peace, safety, and welfare. That purpose is defeated if the purported access route is not suitable for travel.” Loughlin, P., New Hampshire Practice, Land Use Planning and Zoning, Ch. 29.19, see Sanderson v. Town of Candia, 146 N.N. 598 (2001).

III. Factual Background

0 Elm Street is at the corner of two purported paper streets, Elm Street and Forrest Street. Forrest Street and Elm Street are paper streets shown on 1902 and 1919 subdivision plans entitled the Buckminster plans. The City's records confirm that Forrest Street was never accepted or used as a public way, and therefore the underlying fee likely resides with the abutters. No road has been constructed to connect 0 Elm Street to a public right of way. The improved (now paved) portion of Forrest Street serves as a driveway for 1 Forrest Street and does not reach the subject lot; what the applicant proposes is to build a new driveway. There is thus no constructed access to 0 Elm Street today. DPW reports a steep grade at the proposed access location, which may or may not be appropriate for a public road. The Fire Department advises that a drive exceeding 200 feet requires a 12-foot minimum width (16 feet recommended). Neither Department has issued a final recommendation without a plan depicting the proposed driveway. 0 Elm Street is also undersized and may require at least one variance and a conditional use permit due to its location within the Highway Noise Overlay District. Approximately nine other parcels in the Buckminster subdivision are similarly situated, without constructed access, and the City owns two nearby lots.

IV. Options for the Planning Board

There are two basic options for the Planning Board at this stage. The first would be to recommend denial, and the second would be to recommend approval with an exception from the statutory rule. The first could lead to an appeal to the Zoning Board of Adjustment, which can approve applications with conditions, and the second would require a public hearing at the City Council.

A. Paragraph II — ZBA exception (applicant-initiated; conditions allowed).

If the building inspector — the “administrative officer having charge of the issuance of permits,” not the Council — denies a permit for lack of qualifying access, the applicant may appeal to the Zoning Board of Adjustment. The ZBA may grant a “reasonable exception” for “practical difficulty or unnecessary hardship” and may issue the permit subject to such conditions as it imposes, if doing so would not distort the official map, increase the difficulty of the master plan, cause hardship to future purchasers, or impose undue financial impact on the City.

B. Paragraph II-a — legislative exception (Council vote; Board gatekeeps; no conditions).

The Council may except the lot from the requirements of paragraphs I and II by an affirmative vote, first submitted to the Planning Board for its approval: if the Board approves, a majority of the Council suffices; if the Board disapproves, a two-thirds vote is required. The vote is taken with a noticed public hearing so it is handled with the formality of a legislative enactment, not an ordinary permit vote.

V. Recommended Options.

Because there is no existing road servicing 0 Elm Street the Board's review and comment realistically takes one of two forms:

A. Recommend denial under paragraph I.

B. Recommend the City Council approve with an exception under paragraph II-a.



CELEBRATING 40 YEARS OF SERVICE TO OUR CLIENTS

PLEASE REPLY TO
111 MAPLEWOOD AVE, STE. D
PORTSMOUTH NH 03801

June 1, 2026

The Honorable Deaglan McEachern
Mayor of Portsmouth
City Hall
1 Junkins Avenue
Portsmouth, NH 03801

RE: 361 Hanover Street

Dear Mayor McEachern,

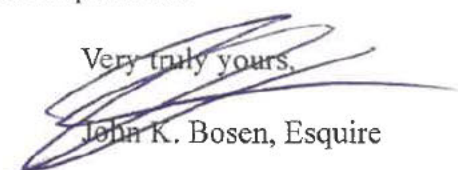
This office represents 361 Hanover Street Steam Factory, LLC ("Applicant") that has received Planning Board approval for a residential development at 361 Hanover Street.

As you may know, the site is bordered on two (2) sides by a strip of City owned land shown on the attached Proposed License Area Plan in "Blue". The Applicant is requesting permission from the City of Portsmouth to maintain the area marked in "Blue" in order to provide esthetic beauty to the site. The area will have a site drainage connection and communications utilities across a portion of the license area which may be outside what would be considered the Rock Street Right-of Way. Also, the Applicant is working with Eversource (Energy) to provide some updated primary electrical service loops in the Rock Street vicinity on a portion of the license area. We understand that licenses for those improvements would be requested by Eversource and provide herein our intention to support those improvements in the license area. We propose a Landscape and Pole License Agreement to document this request. Should the City Council approve the request, I will work with the Deputy City Attorney to draft the appropriate documentation.

I would like to ask to be placed on the June 8th City Council Meeting to discuss this matter with you and the Portsmouth City Council.

Thank you for your courtesy and cooperation.

Very truly yours,

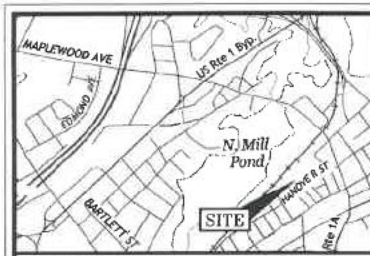

John K. Bosen, Esquire

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301

LIZABETH M. MACDONALD
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
HEIDI J. BARRETT-KITCHEN
ERIC A. MAHER
CHRISTOPHER D. HAWKINS
JOHN K. BOSEN
ELAINA H. SMITH
WILLIAM K. WARREN
COURTNEY P. VAUGHAN
KATIE A. MOSHER

OF COUNSEL
MOLLY C. FERRARA
SCOTT S. ANDERS

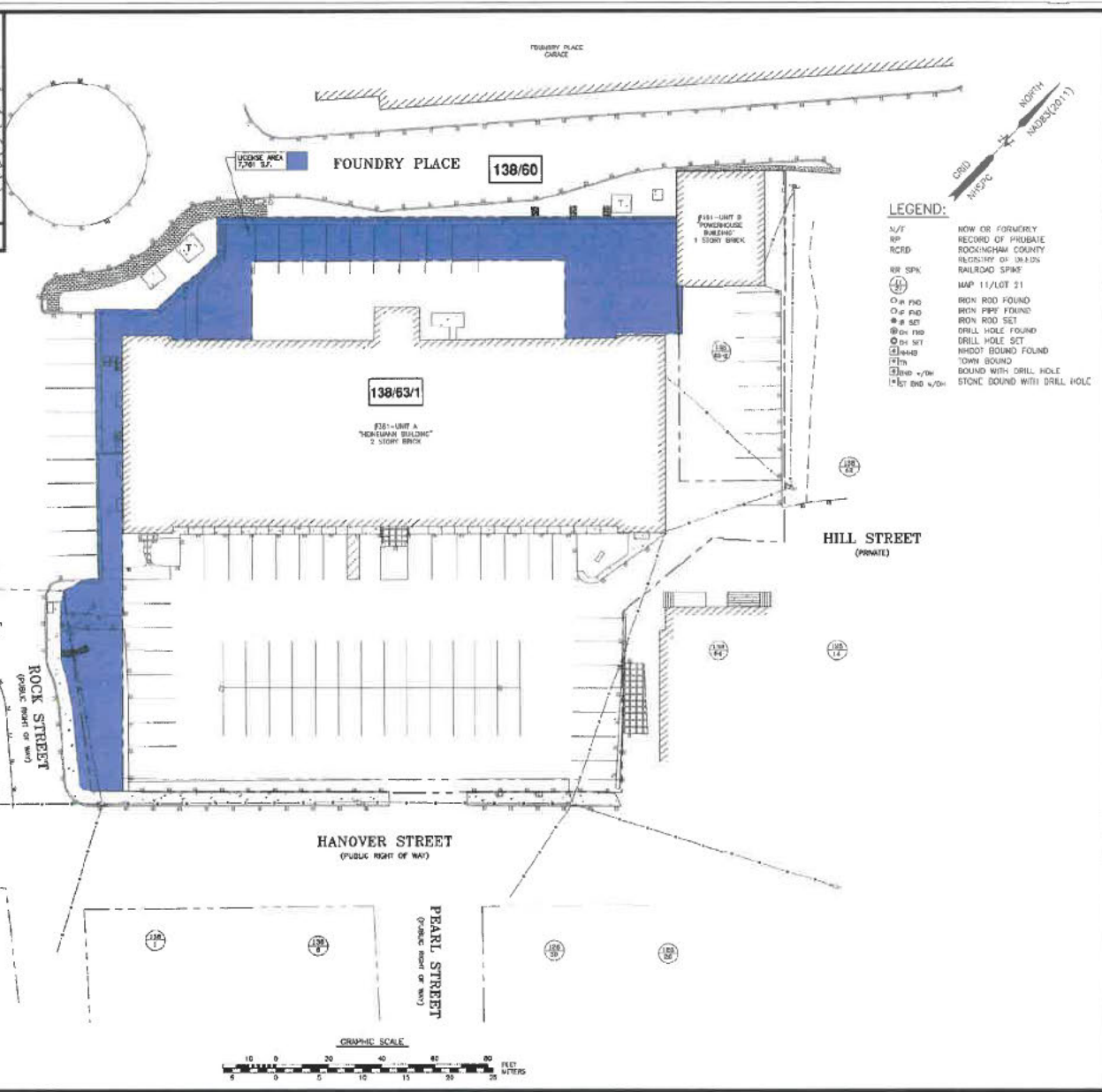
RETIRED
MICHAEL J. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
JOHN J. RATIGAN
DENISE A. POULOS
SHARON CUDDY SOMERS
NICHOLAS R. AESCHLIMAN



LOCATION MAP SCALE: 1" = 1000'

PLAN REFERENCES:

- 1) "PLAN OF LAND IN PORTSMOUTH, N.H. PORTSMOUTH MAP & POWER CO. TO STRIKE BROOKS" BY JOHN W. DUFON, DATED FEBRUARY 1910. RECORD PLAN 076.
- 2) "SUBDIVISION OF LAND OF PORTSMOUTH MAP & POWER CO. PORTSMOUTH, N.H." BY JOHN W. DUFON, DATED NOVEMBER 1925. RECORD PLAN 0368.
- 3) "LAND IN PORTSMOUTH, N.H. PORTS. MAP & POWER CO. TO HAROLD S. WOODS" BY JOHN W. DUFON, DATED NOVEMBER 1925. RECORD PLAN 0368.
- 4) "CONDOMINIUM SITE PLAN FOR HANOVER PLACE CONDOMINIUM 349 HANOVER STREET COUNTY OF ROCKINGHAM PORTSMOUTH, NH" BY HALEY, SPRIGGS & COUNELL, INC. DATED SEPTEMBER 28, 2004. LAST REVISED DECEMBER 10, 2005. RECORD PLAN 13-32129.
- 5) "TOWN OF HANOVER PLAN FOR MAP 138, LOT 63 & 74 MAP 138, LOT 63. DEED STREET ASSOCIATES BRIDGE, DEER & HILL STREETS CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE" BY AMBIT ENGINEERING, INC. DATED JULY 2013. RECORD PLAN 13-30996.
- 6) "NEARSHAW WILDS CONDOMINIUM PLANS" BY KIMBALL CHASE COMPANY, INC. DATED APRIL 13, 1988. RECORD PLAN 13-14020.
- 7) "BOUNDARY LINE AGREEMENT PLAN NEARSHAW WILDS CONDOMINIUMS PORTSMOUTH, NH" BY JONES & BEACH ENGINEERS, INC. DATED APRIL 10, 1997. LAST REVISED APRIL 21, 1997. RECORD PLAN 13-23421.
- 8) "HANOVER SITE PLAN, NEARSHAW WILDS CONDOMINIUMS, 1 HANOVER STREET PORTSMOUTH, NH" BY KIMBALL CHASE CONSULTING ENGINEERS DATED 04-14-88 AND LAST REVISED 02-18-87. RECORD PLAN 13-34714.



AMBIT ENGINEERING, INC.
A DIVISION OF HALEY WARD, INC.

270 CARRIAGE LANE
PORTSMOUTH, NH 03801
603.436.2212

WWW.HALEYWARD.COM

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 138 AS LOT 60.
- 2) OWNERS OF RECORD:
LOT 60
CITY OF PORTSMOUTH
JUNKING AVENUE
PORTSMOUTH, NH 03801
- LOT 63/1
361 HANOVER STEAM FACTORY, LLC
41 INDUSTRIAL DRIVE UNIT 20
EXETER, N.H. 03833
603.279.9659
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 3301500259F, EFFECTIVE JANUARY 29, 2001
- 4) LOT AREA: 38,528 S.F.
- 5) PARCEL IS LOCATED IN CHARACTER DISTRICT 5 (CDS) AND DOWNTOWN OVERLAY DISTRICT.
- 6) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED LICENSE AREA ON TAX MAP 138, LOT 60 TO BENEFIT TAX MAP 138, LOT 63-1 IN PORTSMOUTH, NH.

NO.	DESCRIPTION	DATE
1	LICENSING AREA	4/9/28
0	ISSUED FOR COMMENT	3/21/24

PROPOSED LICENSE AREA PLAN
TAX MAP 138 - LOT 63
CITY OF PORTSMOUTH
TO
361 HANOVER STEAM
FACTORY, LLC
FOUNDRY PLACE & ROCK STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

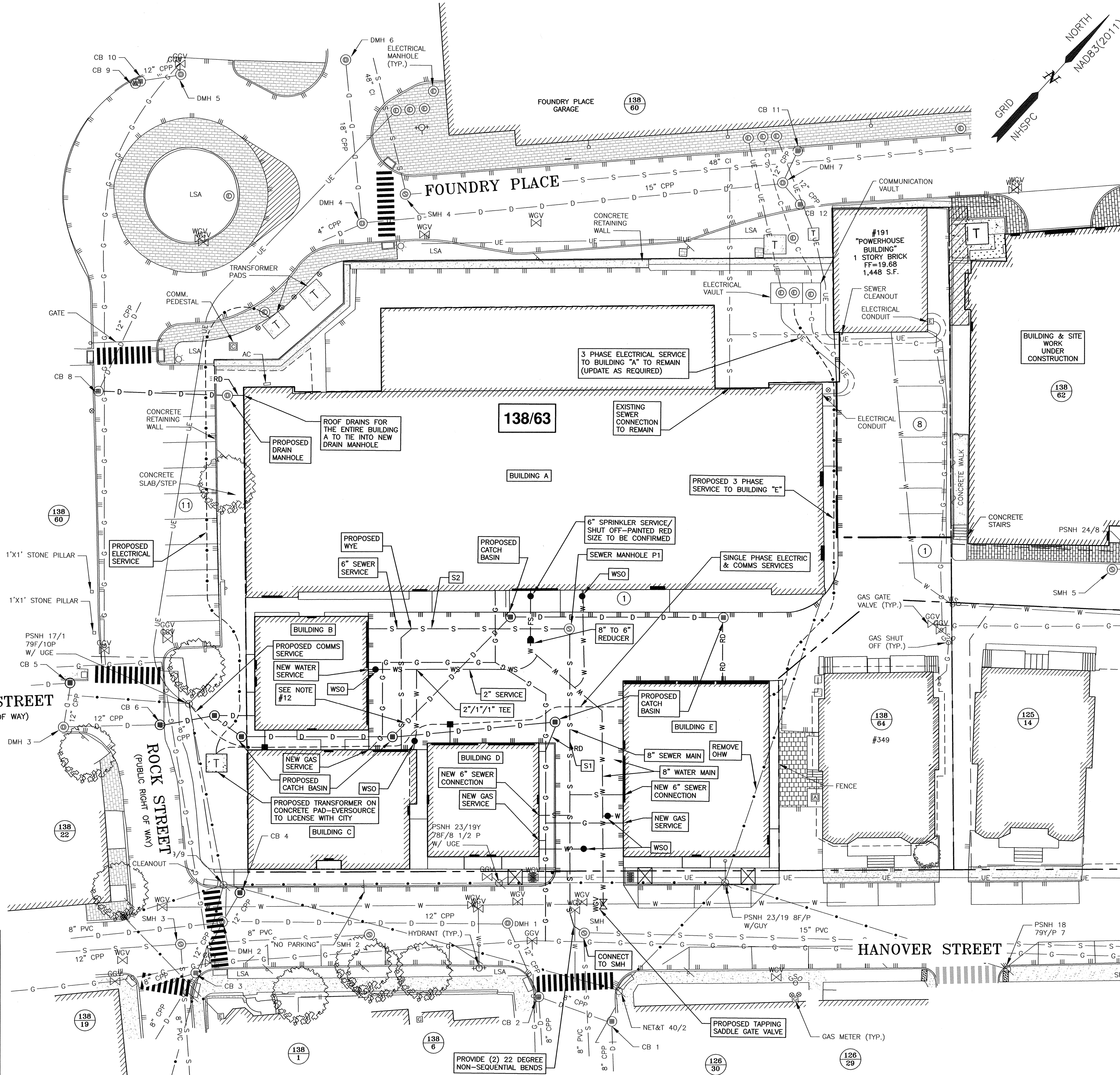
SCALE: 1" = 20'
DECEMBER 2022
FB 444 PG 1
5010135.2277.01

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JOHN R. CHAGIN, L.S. 4-6-26 DATE

UTILITY NOTES:

- 1) SEE EXISTING CONDITIONS PLAN FOR BENCHMARK INFORMATION.
- 2) COORDINATE ALL UTILITY WORK WITH APPROPRIATE UTILITY.
- 3) CONTRACTOR SHALL COORDINATE ALL ELECTRIC WORK INCLUDING BUT NOT LIMITED TO: CONDUIT CONSTRUCTION, MANHOLE CONSTRUCTION, UTILITY POLE CONSTRUCTION, OVERHEAD WIRE RELOCATION, AND TRANSFORMER CONSTRUCTION WITH POWER COMPANY.
- 4) ALL WATER MAIN INSTALLATIONS SHALL BE CLASS 52, POLYWRAPPED, CEMENT LINED DUCTILE IRON PIPE.
- 5) ALL WATERMAIN INSTALLATIONS SHALL BE PRESSURE TESTED AND CHLORINATED AFTER CONSTRUCTION AND BEFORE ACTIVATING THE SYSTEM. CONTRACTOR SHALL COORDINATE WITH THE CITY OF PORTSMOUTH.
- 6) ALL SEWER PIPE SHALL BE PVC SDR 35 UNLESS OTHERWISE STATED.
- 7) ALL WORK WITHIN CITY R.O.W. SHALL BE COORDINATED WITH CITY OF PORTSMOUTH
- 8) CONTRACTOR SHALL MAINTAIN UTILITY SERVICES TO ABUTTING PROPERTIES THROUGHOUT CONSTRUCTION.
- 9) ANY CONNECTION TO EXISTING WATERMAIN SHALL BE CONSTRUCTED BY THE CITY OF PORTSMOUTH.
- 10) EXISTING UTILITIES TO BE REMOVED SHALL BE CAPPED AT THE MAIN AND MEET THE DEPARTMENT OF PUBLIC WORKS STANDARDS FOR CAPPING OF WATER AND SEWER SERVICES.
- 11) ALL ELECTRICAL MATERIAL WORKMANSHIP SHALL CONFORM TO THE NATIONAL ELECTRIC CODE, LATEST EDITION, AND ALL APPLICABLE STATE AND LOCAL CODES.
- 12) THE EXACT LOCATION OF NEW UTILITY SERVICES AND CONNECTIONS SHALL BE COORDINATED WITH BUILDING DRAWINGS AND UTILITY COMPANIES.
- 13) ADJUST ALL MANHOLES, CATCH BASINS, CURB BOXES, ETC. WITHIN LIMITS OF WORK TO FINISH GRADE.
- 14) ALL UNDERGROUND CONDUITS SHALL HAVE NYLON PULL ROPES TO FACILITATE PULLING CABLES.
- 15) THE CONTRACTOR SHALL OBTAIN, PAY FOR, AND COMPLY WITH ALL REQUIRED PERMITS, ARRANGE FOR ALL INSPECTIONS, AND SUBMIT COPIES OF ACCEPTANCE CERTIFICATES TO THE OWNER PRIOR TO THE COMPLETION OF PROJECT.
- 16) THE CONTRACTOR SHALL PROVIDE AND INSTALL ALL MANHOLES, BOXES, FITTINGS, CONNECTORS, COVER PLATES AND OTHER MISCELLANEOUS ITEMS NOT NECESSARILY DETAILED IN THESE DRAWINGS TO RENDER INSTALLATION OF UTILITIES COMPLETE AND OPERATIONAL.
- 17) CONTRACTOR SHALL PROVIDE EXCAVATION, BEDDING, BACKFILL AND COMPACTION FOR NATURAL GAS SERVICES.
- 18) A 10-FOOT MINIMUM EDGE TO EDGE HORIZONTAL SEPARATION SHALL BE PROVIDED BETWEEN ALL WATER AND SANITARY SEWER LINES. AN 18-INCH MINIMUM OUTSIDE TO OUTSIDE VERTICAL SEPARATION SHALL BE PROVIDED AT ALL WATER/SANITARY SEWER CROSSINGS WATER ABOVE SEWER.
- 19) SAWCUT AND REMOVE PAVEMENT AND CONSTRUCT PAVEMENT TRENCH PATCH FOR ALL PROPOSED UTILITIES LOCATED IN EXISTING PAVEMENT AREAS TO REMAIN.
- 20) GATE VALVES, FITTINGS, ETC. SHALL MEET THE REQUIREMENTS OF THE CITY OF PORTSMOUTH.
- 21) COORDINATE TESTING OF SEWER CONSTRUCTION WITH THE CITY OF PORTSMOUTH.
- 22) ALL SEWER PIPES WITH LESS THAN 6" COVER SHALL BE INSULATED.



HALEY WARD

ENGINEERING | ENVIRONMENTAL | SURVEYING

200 Griffin Rd. Unit 14
Portsmouth, New Hampshire 03801
603.430.9282

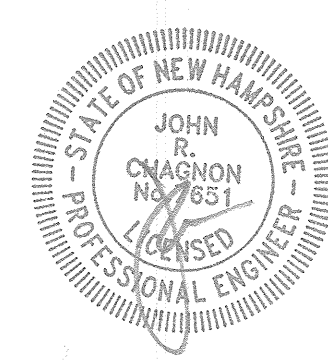
- ### NOTES:
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
 - 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION." (NHDES DECEMBER 2008).
 - 4) INSTALL CATCH BASIN INLET PROTECTION ON ALL EXISTING AND PROPOSED CATCH BASINS (IN THE PROJECT VICINITY) UNTIL CONSTRUCTION IS COMPLETED AND THE SITE IS STABILIZED.
 - 5) ALL WATER MAIN AND SANITARY SEWER WORK SHALL MEET THE STANDARDS OF THE NEW HAMPSHIRE STATE PLUMBING CODE AND CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS.
 - 6) UTILITY AS-BUILTS SHALL BE SUBMITTED TO THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS UPON COMPLETION OF THE PROJECT.
 - 7) EVERSOURCE WORK ORDER #21498685.
 - 8) PROPOSED SEWER FLOW:
40 UNITS X 170 GPD/UNITS = 6,800 GPD
TOTAL FLOW: 6,800 GPD
 - 9) THE APPLICANT SHALL HAVE A COMMUNICATIONS SITE SURVEY CONDUCTED BY A MOTOROLA COMMUNICATIONS CARRIER APPROVED BY THE PORTSMOUTH'S COMMUNICATIONS DIVISION. THE RADIO COMMUNICATIONS CARRIER MUST BE FAMILIAR AND CONVERSANT WITH THE PORTSMOUTH POLICE AND FIRE RADIO SYSTEMS CONFIGURATION. 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. THE PROPERTY OWNER WILL BE REQUIRED TO MAINTAIN ANY INSTALLED EQUIPMENT. THE PROPERTY OWNER SHALL BE RESPONSIBLE TO PAY FOR THE SITE SURVEY WHETHER OR NOT THE SURVEY INDICATES THAT EQUIPMENT IS NECESSARY. THE OWNER SHALL COORDINATE WITH THE SUPERVISOR OF RADIO COMMUNICATIONS FOR PORTSMOUTH. THE SURVEY SHALL BE COMPLETED AND ANY REQUIRED EQUIPMENT INSTALLED, TESTED, AND ACCEPTED PRIOR TO THE ISSUANCE OF A CERTIFICATE OF OCCUPANCY.
 - 10) FINAL CONDUIT LOCATION SUBJECT TO CONFIRMATION FROM UTILITY PROVIDERS.
 - 11) EXISTING UTILITIES TO BE ABANDONED SHALL BE REMOVED TO THE UTILITY MAIN AND CAPPED PER THE UTILITY COMPANY REQUIREMENT.
 - 12) ROOF DRAINS FOR BUILDING C & E WILL CONNECT TO THE DRAIN LINE. SEE SHEET C6 FOR GUTTER (SLOPE ROOF) CONNECTIONS.
 - 13) SEWER SERVICES SHALL BE 6". WATER SERVICES SHALL BE 1", EXCEPT BUILDING A SHALL BE 2". SUBJECT TO FINAL DESIGN VERIFICATION.

SEWER PIPE SCHEDULE			
PIPE	PROP/EX	PIPE SIZE/LENGTH	SLOPE
S1	PROP	8" X 108'	0.004
S2	PROP	6" X 69'	0.01

SEWER STRUCTURE TABLE						
STRUCTURE	PROP/EX	RIM	PIPE SIZE/TYPE	INVERT IN	INVERT OUT	DIRECTION
SMH 1	EX	20.06	15" PVC		14.36	NE
			8" PVC	14.41		SE
SMH 1	PROP	20.06	8" PVC		15.02	NW
SMH 2	EX	19.31	8" PVC		12.91	SW
SMH 3	EX	19.15	8" PVC		11.45	SW
			8" PVC	11.60		NE
			8" PVC	13.90		SE
SMH 4	EX	12.23	48" CI	-0.77		NW
			48" CI		-0.77	NE
SMH P1	PROP		8" PVC		15.45	SE
SMH P1	PROP		6" PVC	15.62		SW

SITE REDEVELOPMENT 361 HANOVER STREET PORTSMOUTH, N.H.

3	ELECTRIC UTILITY RUNS	03/12/26
2	BUILDING DIMENSIONS	07/30/25
1	WATER, FIRE, & SEWER SERVICES	06/30/25
0	ISSUED FOR COMMENT	06/13/25
NO.	DESCRIPTION	DATE
REVISIONS		



SCALE: 1"=20' JANUARY 2024

UTILITY PLAN

C4

HOUSING ACTION PLAN

July 2026

DRAFT

The Housing Committee presented its recommendations to the City Council on July 13, 2026. The Council referred the matter to the Planning Board for further review. It is anticipated that the Planning Board will discuss the recommendations at its [August 20, 2026](#) meeting.



Ruth Lewin Griffin Place Below Market Rate Housing Complex

Purpose

Identify practical steps to increase housing options and improve affordability.

Approach

Coordinate zoning, redevelopment strategies, housing programs, and the Master Plan.

Outcome

Provide a clear roadmap with actions, responsible parties, and timeframes.

In This Plan

Over the past decade, the City of Portsmouth has taken a consistent and proactive approach to understanding and addressing local housing needs.

This effort has included a combination of planning studies, public engagement, zoning ordinance and map updates, and policy initiatives aimed at increasing housing opportunities, improving affordability, and supporting long-term community stability.

City Council direction

- Increase housing supply
- Reduce costs and simplify development
- Expand below market-rate housing options
- Coordinate with the Master Plan update

1

Update the Rules

2

Encourage Redevelopment

3

Broaden Housing Choices

4

Track Progress

A strong foundation for this work was established through a series of housing-related studies and reports. Beginning with the Housing Committee Final Report and City Council Housing Policy in 2016, the City has continued to build on its understanding of local housing conditions through ongoing research and analysis. This includes the "Places to Live" study circle dialogue in 2024, an Inclusionary Zoning Analysis completed the same year, and earlier efforts such as the Portsmouth Market Study (2022) and Housing Development Trends analysis (2020).



An image of Market Square in Portsmouth with the North Church and Congress Street

Housing has been the top priority of both the current City Council and the prior Council. The 2026–2027 City Council set a clear goal of increasing housing supply for all income levels, reducing costs, simplifying the development process, and expanding below market-rate housing options. This Council also directed the creation of this Housing Action Plan and a comprehensive update of the zoning ordinance.

This direction builds on the goals of the 2024–2025 City Council, which emphasized expanding housing choices, increasing below market-rate housing, and advancing zoning changes to support housing development. That Council also supported initiatives such as the Housing Navigator program, the Housing Blue Ribbon Committee, and the establishment of a Below Market Rate Housing Trust Fund.

Over the past two years, residents and community advocates devoted substantial time and expertise to housing in Portsmouth, offering comment and producing research, analytical tools, and a proposed framework of actions brought to the Council and the Housing Committee. That work informed the Council's February 2026 direction to create this Housing Action Plan, and much of it is reflected in the actions that follow. The City welcomes this kind of engagement — addressing Portsmouth's housing challenges will continue to require the knowledge, energy, and participation of community members.

Zoning Changes

Key point: The City has made a number of updates to its zoning ordinance to better accommodate housing development. Portsmouth maintains a zoning framework that is regularly reviewed and amended, with updates adopted as recently as 2025 and 2026. Recent amendments have directly addressed housing-related barriers, including updates to accessory dwelling unit (ADU) regulations to comply with state law, modifications to off-street parking requirements, and the introduction of new housing types such as co-living.

Earlier zoning initiatives during this period also helped establish the framework for more flexible land use. The adoption and expansion of the Gateway zoning districts and creation of the Gateway Neighborhood Overlay District have supported redevelopment and encouraged a broader range of housing types in appropriate locations. These efforts have established important groundwork for the current Housing Action Plan.

Housing Production Incentives

Key point: In addition to regulatory updates, the City has explored and advanced a range of policy approaches to support housing production. City Council and Housing Committee discussions have focused on strategies such as allowing conversion of single-family homes into multiple units, expanding mixed-use zoning, and reducing parking-related barriers. The City has also explored financial tools, including the continued use of the Housing Trust Fund and other funding or incentive programs to support housing development.

As a result of these combined efforts, Portsmouth has built a strong foundation for continued progress. The City has not only studied housing issues extensively, but has also taken concrete steps to update regulations, test new approaches, and support development in practice. This body of work directly informs the Housing Action Plan and the recommendations that follow, providing a more coordinated framework for moving forward together with the ongoing Master Plan update.

Master Plan Integration

Key point: This Housing Action Plan is intended to support and help implement the broader goals of the Master Plan. Many of the recommended actions, particularly those related to zoning and land use, will be advanced through the Master Plan update and subsequent changes to the City's zoning regulations. By linking these efforts, the City can ensure that its housing policies are coordinated, consistent, and grounded in a long-term vision for the community.

At its core, the plan makes it easier to create housing, with a specific focus on expanding below market-rate options. Key strategies include allowing more multi-family

housing, reducing requirements such as lot size and setbacks, and making it easier to convert large single-family homes into multiple units — supporting new housing in areas that are already developed, rather than relying solely on new growth areas.

The plan also emphasizes better use of underutilized properties, including redevelopment of older commercial and office buildings into housing, and a wider range of housing types, such as smaller homes, clustered housing, workforce housing, and live/work units, to serve residents at different stages of life and income levels. Financial tools and programs round out the plan, including the Housing Trust Fund, in-lieu payment options, and homebuyer assistance programs, along with a continued commitment to preserving existing below market-rate housing, expanding senior housing options, and complying with workforce housing requirements. Each action in the plan includes clear steps, a responsible party, and a timeframe, providing a roadmap the City can track over time.

Priority	Action	Description	Key Implementation Steps	Lead	Timeframe	Metrics	Milestone
1	Expand the use and geographic applicability of RSA 79-E tax relief incentives to encourage redevelopment and housing production in underutilized areas.	Expand tax relief incentives to support redevelopment and housing construction in underutilized areas.	City Council adoption of Housing Opportunity Zones Citywide	Planning/Assessor/City Council	0-9 mo	Projects	Program used
2	Conduct a comprehensive zoning review to identify barriers to housing development and prioritize necessary regulatory reforms.	Identify regulatory barriers and prioritize zoning reforms in line with the Master Plan. Create a more user-friendly document.	Review Zoning Ordinance; recommend changes	City Staff/Consultant/Planning Board/City Council	1-2 yr	Zoning amendments to remove barriers	Amended Zoning Ordinance
3	Amend zoning regulations to allow the conversion of commercial and office buildings into residential units.	Allow office/commercial to residential conversion to increase housing supply without new land consumption.	Review Zoning Ordinance; recommend changes, Zoning Ordinance amended	Planning Staff/Planning Board/City Council	0-6 mo	Amendments to allow conversions	Amended Zoning Ordinance
4	Expand zoning provisions to allow and encourage cottage housing and clustered small-lot residential development.	Identify zoning districts and neighborhoods suitable for small clustered housing options.	Review existing Zoning Districts and revisions to Zoning Ordinance	Planning/Planning Board/City Council	6-12 mo	Zoning district changes to permit small clustered housing	Amended Zoning Ordinance and Zoning Map
5	Establish an in-lieu fee program allowing developers to contribute financially toward affordable housing in place of on-site unit provision.	Allow a payment in-lieu of fee to the Housing Trust Fund.	Recommend changes to Zoning Ordinance, Zoning Ordinance amended	Planning/Planning Board/City Council	0-6 mo	Identify amendments to Zoning Ordinance and Fee Schedule	Payments received
6	Continue to waive fees for below market rate housing projects for nonprofit entities	Waive fees as requested for nonprofits for below market rate housing projects	Continue past practice of waiving fees	City Council	Ongoing	Below market rate housing projects by nonprofit entities	Requested Fees Waived
7	Rezone Office Research (OR) and General Business (GB) districts to allow mixed-use and residential development.	Identify parcels zoned GB or OR and propose new zoning district designations.	Identify parcels; Amend Zoning Map	Planning/Planning Board/City Council	0-6 mo	Revise zoning map	Projects proposed and constructed after map amendments
	Expand multi-family zoning.	Expand areas allowing multi-family housing to increase supply. Change single-family districts to allow multi-family housing.	Review Zoning Ordinance; recommend changes	City Staff/Consultant/Planning Board/City Council	1-2 yr	Zoning Ordinance and Zoning Map amendments	Amended Zoning Ordinance and Zoning Map
	Review dimensional zoning standards.	Reduce minimum lot sizes, frontage requirements, yards (setbacks), etc. to provide more housing opportunities	Review Zoning Ordinance; recommend changes	Planning/Consultant/Planning Board/City Council	1-2 yr	Conforming lots	Amended Zoning Ordinance
	Allow conversion of existing single-family homes into multiple dwelling units.	Allow large homes to be converted into multiple units.	Review Zoning Ordinance; recommend changes, amend Zoning Ordinance	Planning/Planning Board/City Council	1-2 yr	Units	Amended Zoning Ordinance
	Deploy and expand the City’s Housing Trust Fund to support affordable and workforce housing development.	Fund housing development through local resources.	Allocate funds; track	Planning/Finance/Housing Trustees	Ongoing	Units funded	Projects completed
	Develop and implement programs to assist homebuyers in accessing homeownership opportunities.	Support homebuyers to expand ownership access.	Launch program; partner lenders	City Council/Community Development/Housing Committee	1-3 yr	Programs created	Programs active
	Plan and designate outlying areas for new residential neighborhood development to accommodate long-term housing demand.	Plan new residential growth areas for future housing demand based on Master Plan.	Identify areas from Master Plan; recommend Zoning Map changes	Planning/Consultant/Planning Board/City Council	1-2 yr	Zoning Map amendments	Amended Zoning Map
	Simplify and update Form-Based Code provisions to improve usability and encourage more below market rate housing.	Simplify Form-Based Code.	Review and revise code; Recommend Zoning Ordinance changes	Planning/Consultant/Planning Board/City Council	1-2 yr	Zoning Ordinance amendments	More below market rate housing
	Adjust Building height requirements.	Increase height limits to add density where appropriate.	Amend zoning	Planning/City Council	1-2 yr	Units	Projects built
	Allow live/work units.	Allow flexible housing with workspace integration.	Review Zoning Ordinance; Recommend Zoning Ordinance changes	Planning/Planning Board/City Council	1-2 yr	Units	Increase in live/work units
	Preserve existing below market rate housing	Protect existing affordable housing from loss.	Inventory; Provide funding/opportunities to extend terms of existing below market rate housing	Planning/Housing Trust Fund/Trustees	Ongoing	Units	No loss
	Create more senior housing.	Expand housing for older residents. Comprehensive strategy for senior housing: independent living, assisted living, memory care, aging-in-place support.	Review Programs	Community Development/City Council	2-5 yr	Available Programs and Services	Increase in Senior housing and assistance
	Create/strengthen a workforce housing ordinance (RSA 674:58-61).	Adopt or strengthen local workforce housing ordinance consistent with NH RSA 674:58-61.	Review RSA against Zoning Ordinance	Planning/Legal/Planning Board/City Council	1 yr	Adopted amendments to be consistent with RSA	Amended Zoning Ordinance to be consistent with State law

2025 New Hampshire Revised Statutes -Title LXIV - Planning and Zoning
Chapter 674 - Local Land Use Planning and Regulatory Powers
Section 674:44-a - Heritage Commission & Section 674:44-b - Powers.

673:4-a- Heritage Commissions

I. The heritage commission shall consist of not less than 3 members and no more than 7 members who shall be appointed in a manner as prescribed by the local legislative body.

II. Each heritage commission member shall be a resident of the city or town which establishes the commission. One commission member shall be a member of the local governing body. One commission member may be a member of the planning board. Not more than 5 alternate members may be appointed. When an alternate sits in absence or disqualification of a regular member, the alternate shall have full voting powers. If there is a historic district commission, one member of this commission shall be an ex officio member of the heritage commission. In determining each member's qualifications, the appointing authority shall take into consideration the appointee's demonstrated interest and ability to understand, appreciate and promote the purpose of the heritage commission.

III. Members of a heritage commission also may serve on other municipal boards and commissions, including but not limited to a conservation commission established under RSA 36-A, and a historic district commission established under RSA 673:4.

Source. 1992, 64:6. 1995, 138:4, eff. July 23, 1995.

674:44-b - Powers

I. Generally. Heritage commissions shall have advisory and review authority, specifically, as follows:

(a) Survey and inventory all cultural resources.

(b) Conduct research and publish findings, including reports to establish the legal basis for a district and preparation of historic district ordinances within the municipality prior to its adoption or amendment as provided in RSA 675:6.

(c) Assist the planning board, as requested, in the development and review of those sections of the master plan which address cultural and historic resources.

(d) Advise, upon request, local agencies and other local boards in their review of requests on matters affecting or potentially affecting cultural and historic resources.

(e) Coordinate activities with appropriate service organizations and nonprofit groups.

(f) Publicize its activities.

(g) Hire consultants and contractors as needed.

(h) Receive gifts of money and property, both real and personal, in the name of the city or town, subject to the approval of the city council in a city or the board of selectmen in a town, such gifts to be managed and controlled by the commission for its proper purposes.

(i) Hold meetings and hearings necessary to carry out its duties.

II. Property. The commission may acquire, in the name of the town or city, subject to the approval of the local governing body, by gift, purchase, grant, bequest, devise, lease, or otherwise, a fee or lesser interest, development rights, covenant, or other contractual right, including conveyances with conditions, limitations, or reversions, as may be necessary to acquire, maintain, improve, protect, limit the future use of, or otherwise conserve and properly use the cultural resources of the city or town, and shall manage and control the same; provided, however, that the city, town, or commission shall not have the right to condemn property for these purposes.

III. Historic District Commission. Heritage commissions also may assume, if authorized by the local legislative body, the composition and duties of historic district commissions.

Source. 1992, 64:2. 1993, 32:1. 1995, 138:5, eff. July 23, 1995.

19 August 2026

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

**RE: Request for Co-Living Development at 1 Congress Street and 15 Congress Street,
Conditional Use Permit Application (LU-22-12)**

Dear Mr. Chellman and Planning Board Members:

On behalf of One Market Square LLC, we hereby request a one-year extension of the **Conditional Use Permit (CUP) Coliving Approval** (LU-232-12) for **Coliving** for the above-mentioned project and request that we be placed on the agenda for your **September 17, 2026** Planning Board Meeting. The property is shown on the City of Portsmouth Assessors Map 117 as (formerly) Lots 12 and 14. The lots have been merged into one parcel as Assessors Map 117 Lot 14. The project will be located at 1 Newberry Way, 10 High Street and 25 Congress Street (formerly known as 1-15 Congress Street). The property has frontage on Congress Street, High Street and Fleet Street, and is within the City of Portsmouth Character District 4 (CD4) and Character District 5 (CD5) Zoning Districts. The site is currently mostly developed with existing buildings and a surface parking lot. The Coliving CUP was approved by the Planning Board on September 18, 2025.

The applicant needs more time to complete the building design and building permit process.

We look forward to the Planning Board granting the one-year extension.

Sincerely,



John R. Chagnon, PE

P:\NH\5010156-McNabb_Properties\3406-Congress St., Portsmouth-JRC\2025 Site Plan\03-WIP_Files\Application\Portsmouth CUP Co-Living\1 Congress Planning Board CUP Approval Extension Letter 2026.08.19.doc



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) 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.
- ~~(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.~~

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'	50'-100'
	from wetland	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

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.

Article 10 Environmental Protection Standards

Section 10.1010 Wetlands Protection

Section 10.1020 Earth Products Removal and Placement

Section 10.1010 Wetlands Protection

Article 10.1010 was first established on December 18, 1995 and last updated on XXXX.

For definitions, please refer to Article 15.

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.
- (9) To assist in protecting and improving the future of Portsmouth's resiliency with regard to climate change impacts and maintaining carbon neutrality.

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 **Wetlands** shall be identified by use of the **Federal Manual** and/or **Field Indicators**, 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.
- 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.

10.1014.14 An existing connection between an **inland wetland** and a bordering **tidal wetland** shall constitute one resource for the purposes of assessing jurisdictional wetland sizes.

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** for a jurisdictional **wetland** or water body shall be defined as all land within 100 feet of the jurisdictional area.

10.1014.23 **Wetland buffers**, including **no cut/vegetated buffer strips** and limited cut areas (See Table 10.1018.21), 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 and Sustainability Director

Notice shall be provided to the Planning and Sustainability Director prior to any construction, **demolition**, tree cutting, vegetation removal, **ground disturbance** 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 **with the exception of maintenance dredging within a previously permitted drainage swale**, 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 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 **no cut/vegetated buffer strip**, provided that the total **coverage** by equipment and any mounting pad shall not exceed ~~10~~**12** 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 **no cut/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.
- (9) Removal of trees within the **no cut/vegetated buffer strip** that are considered high risk and pose imminent danger to a structure on the property. This risk must be determined by an ISA Tree Risk Assessment Qualified Certified Arborist, or state equivalent, and approved by the Planning and Sustainability Director for each individual high-risk tree.

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. **Any work completed without a permit is subject to fines and other penalties as deemed appropriate by the Planning and Sustainability Director. If a permit is sought after work has been completed within the jurisdictional areas, no other permits may be issued until the corresponding land use application has been closed out.**

10.1016.30 When the Planning **and Sustainability** 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 and Sustainability 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 activities and **uses**;
- (2) Location and area of all jurisdictional areas (**vernal pool, inland wetland, tidal wetland**, river or stream) on the **lot** and within 250 feet of the **lot**;
- (3) Location and area of **wetland buffers** on the **lot**;
- (4) Description of 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) Any other information necessary to describe the proposed construction or **alteration**.
- (10) Provide a planting plan detailing species and proposed locations. Where possible, the square footage removed of natural vegetation or managed woodland shall be replanted with similar or more diverse groundcover (maintained lawn is not an acceptable groundcover), shrub, and/or trees as was existing.
- (11) Provide location and description of proposed low impact development measures and best management practices for reducing overall impact to the jurisdictional areas.

10.1017.22 Where the proposed project will involve the temporary or permanent alteration of more than 250 sq. ft. of **wetland** and/or **wetland buffer**, the application shall provide information about the affected **wetland** and **wetland buffer** as follows:

- (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) 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.
- (3) 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.

- 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 **impervious surfaces** at least equal in area to the area of **impervious surface** 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 it is not feasible to remove **impervious surfaces** from the wetland buffer 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.
- 10.1017.25 **If required according to Section 10.1017.24, 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.**
- (1) The **wetland buffer** enhancement plan shall include a combination of new plantings, invasive species removal, habitat creation areas, **low impact development measures**, improved site hydrology, or protective easements provided offsite.
 - (2) Where the **no cut/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.
- 10.1017.26 Where the proposed project involves a use, activity or alteration in a **tidal wetland** or **tidal wetland buffer**, the application shall **demonstrate how the proposed project is adapting to sea level rise and** includes 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.
- 10.1017.27 **Where feasible, the application shall include: wildlife corridors and habitat protection measures including but not limited to: curb cuts, slant edge curbing, amphibian tunnels and space under fences to permit wildlife passage and the use of “bird friendly” windows.**
- 10.1017.28 **Where feasible, light and noise pollution should be reduced.**

10.1017.29 Where feasible, the application shall include measures to reduce impacts from stormwater and erosion.

10.1017.30 Application Review Procedure

10.1017.31 The application for a conditional use permit shall be submitted to the Planning and Sustainability Director.

10.1017.32 The Planning and Sustainability Director shall refer the application to the Conservation Commission for review and comment.

10.1017.33 The Planning Board or the Planning and Sustainability 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. 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.

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.

10.1017.46 Property constraints such as setbacks, view corridors and economic considerations are not justification for needing to site a project (or portion of a project) within the wetland buffer.

10.1017.50 Criteria for Approval

Any proposed **development**, other than 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.
- (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 **no cut/vegetated buffer strip** will be returned to a natural state to the extent feasible.
- (7) Wetland boundary markers will be permanently placed on-site to mark the wetland and wetland buffer as appropriate and assist in educating the community on sensitive wetlands. Wetland boundary markers are available for purchase through the City of Portsmouth Planning & Sustainability Department and shall be installed prior to the commencement of site work.

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.

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. **If a conditional use permit does not require a building permit, such as a restoration plan or after-the-fact permit, then the**

conditional use permit shall expire one year after the date of approval by the Planning Board unless site work has commenced on the project.

- 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

- 10.1017.811 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 (50-100 feet) and **no cut/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 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 and Sustainability Director may approve a permit site plan that is consistent with an approved Wetland Protection Plan.
- (3) If the Planning and Sustainability 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 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 blasting is required**, (12) no new **impervious surface** shall be within **2550** feet of the **wetland** boundary, and (23) 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~~ and 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 **2550** 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 net impervious surface area	
	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.

10.1018 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.

10.1018.20 Vegetation Management

- 10.1018.21 The required **wetland buffer** includes two smaller areas where additional standards and criteria apply: a **no cut/vegetated buffer strip** and a limited cut area. The width of these areas shall be based on the type of jurisdictional area, as follows:

Jurisdictional Area	No Cut/Vegetated Buffer Strip	Limited Cut Area
Vernal pool	0' - 25'	50' - 75 100'
Inland wetland , other than vernal pool	0' - 25'	25 50' - 50 100'
Non-tidal perennial stream or river	0' - 25'	25 50' - 75 100'
Inter-tidal area or tidal wetland as specified in section 10.1013.40	0' - 25'	25 50' - 50 100'

- 10.1018.22 If the **no cut/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 **no cut/vegetated buffer strip** shall be increased to ~~55~~100 feet from the edge of a **vernal pool** and to ~~40~~100 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 **no cut/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 **any trees in the wetland and buffer is discouraged, and removal of trees greater than 6” diameter at breast height (dbh) more than 50% of trees greater than 6” diameter at breast height (dbh) is prohibited in the 100’ wetland buffer area limited cut area.**

10.1018.24 Fertilizers:

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

Section 10.1018.30 Porous Pavement in Wetland Buffer

10.1018.31 All new pavement installed in a **wetland buffer** shall be porous pavement. The Planning Board may allow exceptions to this requirement where it can be demonstrated that the height of ground water, condition of soil, or other factors as described in the application are not appropriate for porous pavement.

10.1018.32 An application that proposes porous pavement in a **wetland buffer** shall include a pavement maintenance plan addressing erosion control, periodic removal of sediment and debris from the porous surfaces, snow management, and repairs.

10.1018.40 Wetland Boundary Markers

Permanent wetland boundary markers shall be shown on the plan submitted with an application for a conditional use permit and shall be installed **during prior to project construction.**

10.1018.50 Snow Removal and Management in Private Parking Lots and Roadways.

An application with parking lots and/or roadways on site must designate and mark with signage in the field and on plans snow storage areas and covered salt storage outside of the 50’ wetland buffer. If snow storage areas outside of the 50’ buffer are not possible, the snow must be transported off site. A winter maintenance plan must be submitted and work must be performed by Green SnowPro certified companies.

Section 10.1020 Earth Products Removal and Placement

10.1021 Applicability and Permit Requirements

- 10.1021.10 The removal or placement of more than 100 cubic yards of sod, loam, sand, gravel or quarried stone at any premises in any 1 year shall require a permit from the Planning Board except when incidental to and in connection with the construction of a **building**, **street** or other activity authorized by this Ordinance.
- 10.1021.20 Any removal or placement of earth products shall comply with State law regardless of whether a permit from the Planning Board is required.

10.1022 Application Requirements

- 10.1022.10 An application for a permit for earth products removal or placement shall be submitted to the Planning Board in a form specified by the Board.
- 10.1022.20 The application shall be accompanied by a plan of land, prepared and stamped by a registered land surveyor or civil engineer, showing the following information for the property where the proposed removal or placement of materials is to take place and for all land located within 100 feet of the property:
 - (a) property lines;
 - (b) vegetative cover;
 - (c) all man-made features;
 - (d) existing topography by 4-foot contour intervals;
 - (e) proposed temporary and permanent drainage;
 - (f) proposed topography at 2-foot contours upon completion of the excavation project.
- 10.1022.30 The estimated quantity of material to be removed or placed and topsoil to be stripped, stockpiled and replaced shall be determined by average end area methods or as approved by the Department of Public Works.

10.1023 Criteria for Approval

The Planning Board shall grant a permit for earth products removal or placement only if a majority of the Board finds that the application complies with all of the following criteria:

- 10.1023.10 The application is complete and provides sufficient information upon which to base an action; and
- 10.1023.20 The proposed earth products removal or placement activity will not result in any hazard to the public or to **adjacent** properties; and
- 10.1023.30 The proposed earth products removal or placement activity will not create a safety hazard due to traffic or other cause; and
- 10.1023.40 The proposed earth products removal or placement activity will not result in a reduction in property values or a change in the character of a residential neighborhood.

10.1024 Conditions of Approval

- 10.1024.10 A permit for earth products removal or placement shall specify conditions pertaining to:
- (a) Control of drainage so as to prevent any adverse impact on adjoining parcels during and after work;
 - (b) Disposition of boulders, vegetation, stumps and other debris including unused material and any **structures** used in connection with the operations;
 - (c) The construction of necessary fencing to protect against hazards;
 - (d) Vegetation to remain as a visual barrier;
 - (e) Hours of operation;
 - (f) Routes for transportation of materials and method of transportation so as to minimize impact on surrounding parcels;
 - (g) **Setbacks** of the proposed removal from public rights of way and property lines shall be specified;
 - (h) The finished level and grading; and
 - (i) The placing of topsoil for purposes of seeding and planting to prevent erosion or dust.
- 10.1024.20 A permit for earth products removal, except in a stone quarry, shall specify the following additional conditions for restoring the site upon completion of excavation:
- (a) The finished slope shall not exceed a grade of 1 foot vertical distance for each 2 feet of horizontal distance unless stabilized in a manner approved by the Planning Board, which may include the use of rip-rap or retaining walls.
 - (b) Topsoil shall be placed on finished slopes to a depth of at least 6 inches and shall be seeded and planted with materials approved by the Planning Board and the Conservation Commission.
- 10.1024.30 A permit for earth products removal or placement shall require the provision of a security in a form and amount approved by the Planning Board, sufficient to guarantee completion of the work in accordance with the conditions in 10.1024.10 and 10.1024.20.

10.1025 Performance Standards

- 10.1025.10 Earth products removal and placement activities shall respect the existing elevations at all **lot lines** with abutting properties, and shall not raise or lower the finished grades at a side or **rear lot line** in such a way as to create any condition that may be detrimental or depreciating to abutting **lots** or **uses**.
- 10.1025.20 Any raising or lowering of finished grades or construction of drainage facilities, swales or retaining walls at a property line shall be subject to review and approval by the **Code Official**.

- 10.1025.30 Earth products removal and placement activities shall be designed and carried out so that stormwater either will be infiltrated on site or will flow to a public surface drainage system or existing natural drainage course, both during the activity and upon completion and final grading. Such activities shall utilize stormwater **Best Management Practices** as set forth in the Planning Board's Site Plan Review Regulations.
- 10.1025.40 No material used in the filling or raising of land within residential **lots** shall include any garbage, ash or organic material, or any material detrimental to the stability of the **structure**, as determined by the **Code Official**.

10.1026 Expansion of Pre-Existing Earth Products Removal Activities

Where an earth products removal operation legally existed on a **lot** prior to December 18, 1995, the extension of such activity beyond the required **yards** of the **lot**, or onto an **adjacent lot** in the same ownership, shall require a permit under this section and shall not be considered an extension of a **nonconforming use**.