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**Molly C. Ferrara**  
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**Austin Mikolaities**  
Admitted in NH

**Bernard W. Pelech**  
1949 - 2021

October 25, 2023

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

**RE: 2454 Lafayette Road, Map 273, Lot 3**  
**REQUEST FOR AMENDED SITE PLAN APPROVAL**  
**LU-23-160**

Dear Mr. Chellman:

On behalf of 2422 Lafayette Road Association, LLC, we are seeking amended site plan approval and an amended Conditional Use Permit for parking for the above-referenced location.

On October 17, 2023, the applicant obtained a special exception from the Board of Adjustment to locate an approximately 3,200 square foot automobile dealership in existing retail space. A copy of the Board of Adjustment application and Notice of Decision is submitted herewith. The Board conditioned the special exception on approval of an amended site plan, a copy of which is also submitted herewith. We are also enclosing for your easy reference copies of the most recent amended site plan and Planning Board Notice of Decision dated May 22, 2022.

The proposal will affect the site by dedicating two parking spaces in the main lot to this use and equipping them with standard Tesla EV charging stations and employing a portable ramp to facilitate getting the vehicles into and out of the retail space. As a result, the previously granted Conditional Use Permit to provide less than required parking in accordance with Section 10.1112.14 must also be amended to reflect that the site is providing 793 spaces where the parking demand analysis indicates 654 are required.

We look forward to reviewing this project with you at the November 16, 2023 Planning Board meeting. Thank you for your attention.

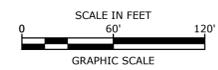
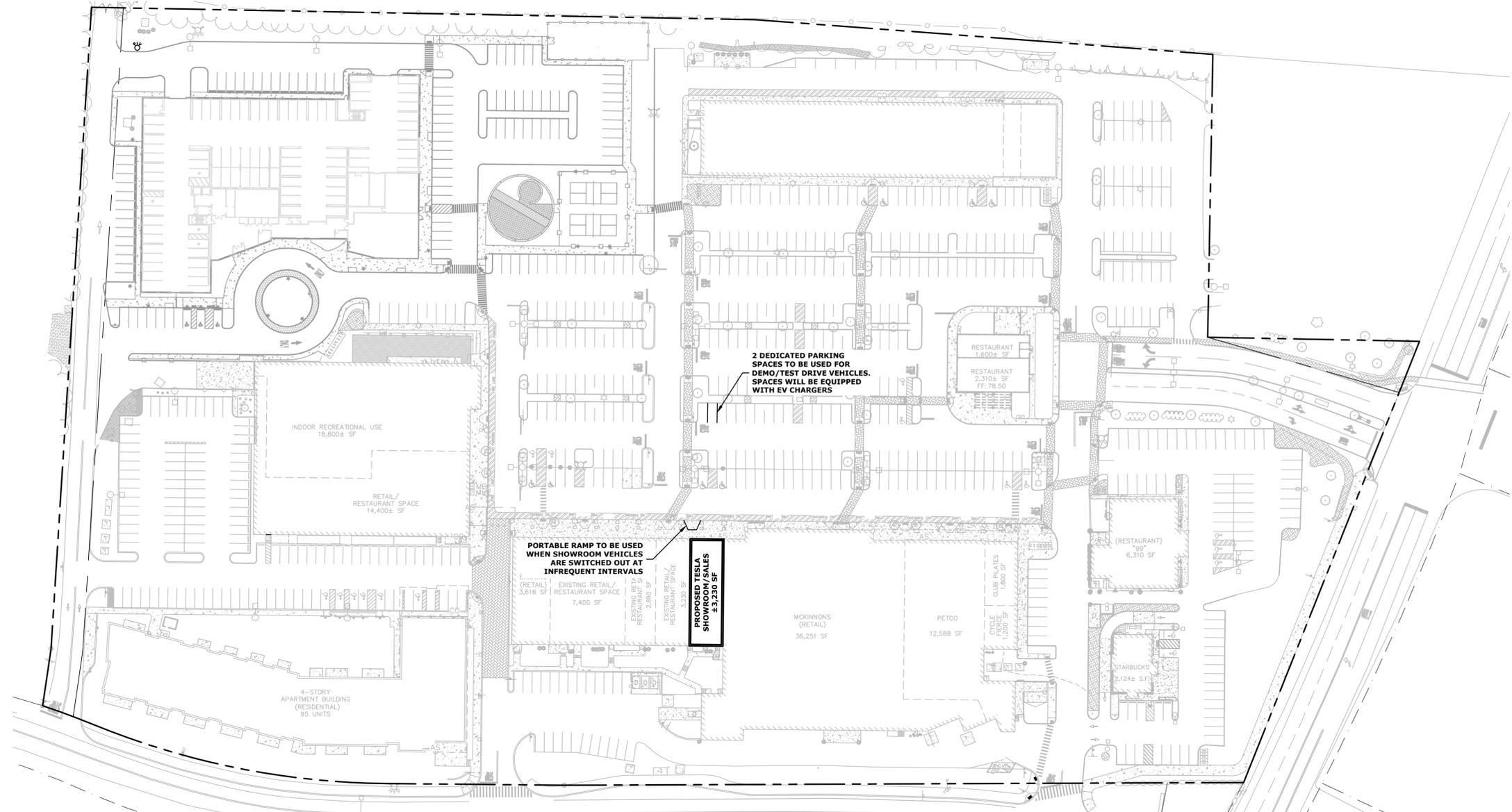
Sincerely,

*John K. Bosen*

John K. Bosen

JKB/

Enclosures



**OVERALL PLAZA SITE DATA:**

LOCATION: TAX MAP 273, LOT 3 OWNER: 2422 LAFAYETTE ROAD ASSOCIATES, LLC  
 C/O WATERSTONE RETAIL DEVELOPMENT  
 250 FIRST AVENUE, SUITE 202  
 NEEDHAM, MASSACHUSETTS 02494

ZONING DISTRICT: GATEWAY CORRIDOR (G1)  
 PROPOSED USE: SHOPPING CENTER/RESIDENTIAL  
 PROPOSED LOT SIZE: ±18.71 ACRES (±814,896 SF)

**OVERALL PLAZA PARKING REQUIREMENTS**

**PARKING CALCULATIONS:**  
 RETAIL: 1 SPACE PER 300 GFA  
 RESTAURANT: 1 SPACE PER 100 GFA  
 INDOOR RECREATION: 1 SPACE PER 4 PERSONS  
 RESIDENTIAL: 0.5 SPACES PER UNIT <500 SF  
 1 SPACE PER UNIT 500 SF - 750 SF  
 1.3 SPACES PER UNIT >750 SF

**LOADING CALCULATIONS:**  
 RETAIL: 0 SPACES FOR 0 - 10,000 SF  
 1 SPACE FOR 10,001 - 25,000 SF  
 2 SPACES FOR 25,001 - 60,000 SF  
 0 SPACES FOR 0 - 10,000 SF  
 1 SPACE FOR 10,001 SF - 40,000 SF

**OVERALL PLAZA BUILDING PLACEMENT & LOT STANDARDS**

BUILDING STANDARDS:	REQUIRED	PROVIDED
MINIMUM LOT DEPTH:	NR	NR
MINIMUM STREET FRONTAGE:	50 FT	±450 FT
FRONT BUILDING SETBACK:	10 FT MIN, 30 FT MAX	± 419 FT <sup>(1)</sup>
MINIMUM SIDE BUILDING SETBACK:	15 FT	± 57 FT
MINIMUM REAR BUILDING SETBACK:	20 FT	± 52 FT
MINIMUM OPEN SPACE COVERAGE:	20%	±21.6%
FRONT LOT LINE BUILDOUT:	75%	0% <sup>(4)</sup>
<b>BUILDING DESIGN STANDARDS:</b>		
MAXIMUM BUILDING HEIGHT:	4 STORIES	5 STORIES <sup>(2)</sup>
MINIMUM STREET FACING FACADE HEIGHT:	50 FT	<60 FT <sup>(2)</sup>
MAXIMUM FINISHED FLOOR SURFACE OF GROUND FLOOR ABOVE SIDEWALK GRADE:	24 FT	>24 FT
MAXIMUM BUILDING FOOTPRINT:	36 IN	<36 IN
MAXIMUM FACADE MODULATION LENGTH:	NR	<50 FT
MINIMUM STREET FACING FACADE GLAZING:	50 FT	>20%
<b>DEVELOPMENT SITE STANDARDS:<sup>(3)</sup></b>		
MINIMUM DEVELOPMENT SITE AREA:	20,000 SF	±814,896 SF
MINIMUM SITE WIDTH:	100 FT	±721 FT
MINIMUM SITE DEPTH:	100 FT	±1,137 FT
MINIMUM PERIMETER BUFFER FROM RESIDENTIAL, MIXED RESIDENTIAL, OR CD4-L1 DISTRICTS:	75 FT	N/A
MAXIMUM DEVELOPMENT BLOCK DIMENSIONS:		
BLOCK LENGTH:	800 FT	±1,137 FT <sup>(4)</sup>
BLOCK PERIMETER:	2,200 FT	±3,780 FT <sup>(4)</sup>
MAXIMUM BUILDING COVERAGE:	70%	25.6%
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FRONT LOT LINE BUILDOUT:	75%	0% <sup>(4)</sup>
<b>DENSITY THRESHOLDS AND BONUSES:</b>		
DWELLING UNITS PER ACRE:	16 UNITS	10.2 UNITS
DWELLING UNITS PER BUILDING:	36 UNITS	95 UNITS <sup>(1)(3)</sup>
PLUS 1-STORY, MAX 10 FT	5 STORIES	5 STORIES <sup>(3)</sup>
	60 FT	<60 FT <sup>(2)</sup>

SHOPPING CENTER:	AREA (SF):	MINIMUM	PROVIDED	LOADING SPACES:
RETAIL:				MINIMUM
PETCO	±12,588		1	PROVIDED
CYCLE FIERCE	±1,200		0	
EXISTING RETAIL/RESTAURANT	±20,075		0	
PROPOSED RETAIL AREA	±3,650		0	
EXISTING RETAIL/RESTAURANT (MUSE)	±3,616		0	
EXISTING RETAIL/RESTAURANT (SHIO JAPANESE)	±7,400		0	
PROPOSED RESTAURANT (OLD BIG LOTS)	±14,400		1	
INDOOR RECREATIONAL (PINZ)	±18,800		1	
SUBWAY	±1,800		0	
THE 99	±6,310		0	
MCKINNON'S	±36,251		2	
RETAIL	±9,134		0	
PROPOSED RESTAURANT	±1,600		1	
PROPOSED RESTAURANT	±2,310		0	
STARBUCKS	±2,124		0	
TOTAL SHOPPING CENTER	±141,258	406 SPACES <sup>(1)</sup>	8	15
RESIDENTIAL:				
PREVIOUSLY APPROVED DWELLING UNITS				95 UNITS
EXISTING DWELLING UNITS				95 UNITS
VISITOR PARKING				
TOTAL:		654 SPACES <sup>(1)</sup>	795 SPACES	9 15

(1) - PER PARKING DEMAND ANALYSIS PERFORMED BY TIGHE & BOND DATED OCTOBER 18, 2021, BASED ON A TOTAL SHOPPING CENTER AREA OF ±139,441 SF.

	REQUIRED	PROVIDED
ACCESSIBLE SPACES (2% OF TOTAL):	15	32
VAN ACCESSIBLE SPACES		
(1 PER 6 ACCESSIBLE SPACES):	2	24
PARKING STALL SIZE:	8.5 FT X 19 FT	8.5 FT X 19 FT
DRIVE AISLE:	24 FT	24 FT, 26 FT
<b>BIKE SPACES REQUIRED:</b>		
	REQUIRED	PROVIDED
SHOPPING CENTER:		
1 BIKE SPACE / 10 PARKING SPACES	30 SPACES	42 SPACES
MAXIMUM OF 30 SPACES		
RESIDENTIAL:		
EXISTING 95 DWELLING UNITS	19 SPACES	30 SPACES
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**LEGEND**

	PROPERTY LINE
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	BUILDING TYPICAL
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	SGC
	PROPOSED VERTICAL GRANITE CURB
	PROPOSED SLOPED GRANITE CURB

- (1) - MODIFICATION OF STANDARDS ALLOWED AS PART OF CONDITIONAL USE PERMIT PER 10.5B74.30, APPROVED JANUARY 19, 2022.
- (2) - ALLOWED BY CONDITIONAL USE PERMIT PER 10.5B72 FOR PROVIDING 20% WORK FORCE HOUSING AND PUBLIC REALM IMPROVEMENTS, APPROVED JANUARY 19, 2022.
- (3) - USE OF DEVELOPMENT SITE STANDARDS ALLOWED BY CONDITIONAL USE PERMIT PER 10.5B40, APPROVED JANUARY 19, 2022.
- (4) - EXISTING NON-CONFORMING CONDITION, MODIFICATION OF STANDARDS ALLOWED AS PART OF CONDITIONAL USE PERMIT PER 10.5B74.30, APPROVED JANUARY 19, 2022.

**Proposed Tesla Sales & Showroom**

Waterstone Properties Group, Inc.

Portsmouth, New Hampshire

MARK	DATE	DESCRIPTION
A	10/23/2023	TAC Submission

PROJECT NO: W5008-008A  
 DATE: 10/23/2023  
 FILE: W5008-008A\_C-DSGN-TESLA.DWG  
 DRAWN BY: CML  
 CHECKED: NAH  
 APPROVED: PMC

**OVERALL PROPOSED PLAZA PLAN**

SCALE: AS SHOWN

Last Save Date: October 20, 2023 2:53 PM By: MAHANSEN  
 Plot Date: Monday, October 23, 2023 Plotted By: Neil A. Hansen  
 P&E File Location: J:\W5008-Waterstone Retail\008A - Portsmouth Green - Building 2 Expansion\Drawings - Figures\AutoCAD Sheet\W5008-008A\_C-DSGN-TESLA.dwg Layout Tab: 0-Site

**APPLICATION OF 2422 LAFAYETTE ROAD ASSOCIATION, LLC**  
**2454 LAFAYETTE ROAD**  
**Map 273, Lot 10**

**APPLICANT'S NARRATIVE**

**A. The Project.**

The Applicant, 2422 Lafayette Road Association, LLC, is seeking to lease 3230 square feet of retail space at the mall property located at 2454 Lafayette Road for a Tesla Sales Gallery. The space is currently vacant, having last housed the Empire Beauty School, and is located next to the McKinnon's supermarket. The property is in the G-1 zoning district.

The location would be a Tesla Sales Gallery offering test drives for potential customers to learn more about the vehicles, educate them on the vehicles' features, and ultimately purchase a vehicle from this location. Inside the space will be 2-3 demo models for potential customers to touch and feel. There will also be information about charging and Tesla's other products such as solar panels. There will be an 8' wide storefront entrance door that will allow intermittent access to the space for the vehicles but the vehicles inside the space will be moved infrequently.

In addition, two parking spaces within the shopping center will be equipped with EV chargers so that up to two Tesla demo vehicles can be charged for test drives. These will NOT be the same vehicles as the demo models that will be in the showroom.

Motor vehicle sales are permitted in the G-1 zone by special exception. §10.440.11.10.

**The Special Exception.**

The Applicant believes the proposal easily meets the criteria for the necessary special exception. Those criteria are set forth in the ordinance at §10.232.20.

First, the use proposed here, "motor vehicle sales," is permitted within this district by special exception, see §10.440 Table of Uses, no. 11.10. §10.232.10.

Second, the proposed use will pose no hazard to the public or adjacent properties on account of potential fire, explosion or release of toxic materials. §10.232.22. No explosives, toxic materials or unusual accelerants will be stored on site. No servicing or repairs of motor vehicles will occur at this location, and no motor vehicle fluids are anticipated to escape the vehicles. In the unlikely event that this does occur, any fluids will be disposed of properly by the Applicant privately in accordance with accepted practices.

Third, there will be no detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures,

parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials. §10.232.23. The location is in an existing, fully developed shopping center. There will be, at most, three vehicles stored outdoors in the existing parking lot. There is no other outdoor storage of product or equipment on site. The proposed use does not produce odor, smoke, gas, dust, noise, glare, heat, or vibration.

Although there will be some work on the storefront, the building already exists and no new construction or site disturbance is contemplated except for minor work to create a temporary ramp in front of the 8' wide entrance. There will be no detriment to property values or change in the essential characteristics of the vicinity.

Fourth, there will be no creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. §10.232.23. The proposal is for a retail use in a retail shopping center that has more than adequate parking and site circulation.

Fifth, there will be no excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools. §10.232.24. None of these services will be implicated by this proposal.

Finally, the project will result in no significant increase of stormwater runoff onto adjacent property or streets. §10.232.25. There will be no change to the existing building footprint or impervious surfaces.

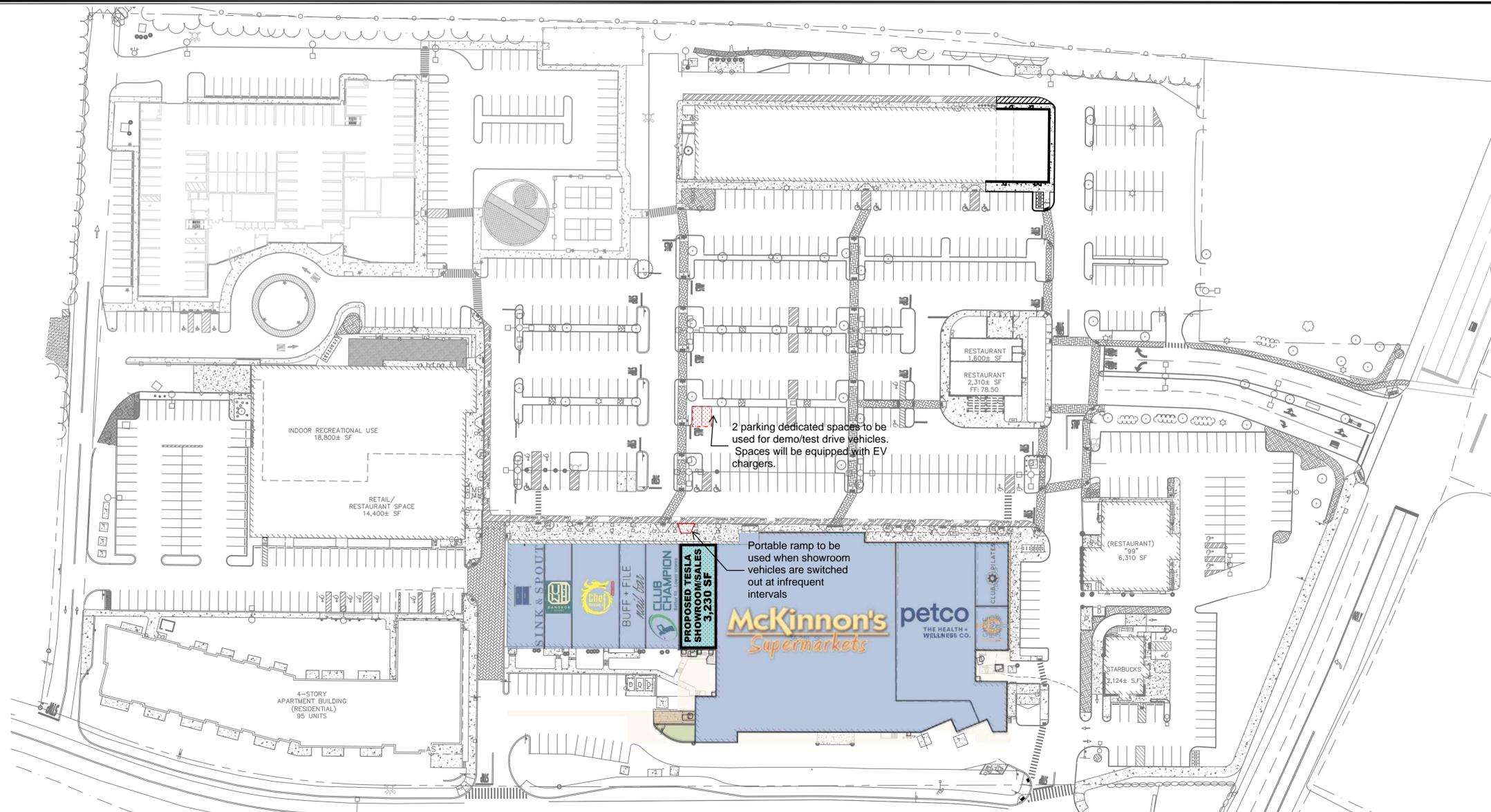
### **Conclusion.**

For the foregoing reasons, the applicant respectfully requests the Board grant the special exception as requested and advertised.

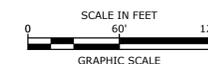
Respectfully submitted,

Dated: 10-6-23

By: *John K. Bosen*  
John K. Bosen, Esquire



**PROPOSED TESLA SALES AND SHOWROOM**



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MAXIMUM OF 30 SPACES		

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Last Save Date: April 14, 2023 11:50 AM BY: MAHANSEN  
 Plot Date: Thursday, August 24, 2023 Plotted By: Neil A. Hansen  
 P&E File Location: J:\W\W5008 Waterstone Retail\008A - Portsmouth Green - Building 2 Expansion\Drawings - Figures\AutoCAD Sheet\W5008-008A - C-105-GN.dwg Layout Tab: C-10 Site

**LEGEND**

- PROPERTY LINE
- - - PROPOSED PROPERTY LINE
- ==== PROPOSED EDGE OF PAVEMENT
- ==== PROPOSED CURB
- ▭ PROPOSED BUILDING
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- BUILDING
- TYPICAL
- COORD
- 30'R
- VGC
- SGC
- PROPOSED VERTICAL GRANITE CURB
- PROPOSED SLOPED GRANITE CURB

Waterstone Properties Group, Inc.

Portsmouth, New Hampshire

MARK	DATE	DESCRIPTION
B	4/27/2022	PB Submission
A	3/22/2022	Amended Site Plan Review Submission

PROJECT NO:	W5008-008A
DATE:	3/22/2022
FILE:	W5008-008A_C-DSGN.DWG
DRAWN BY:	CML
CHECKED:	NAH
APPROVED:	PMC

**OVERALL PROPOSED PLAZA PLAN**

SCALE: AS SHOWN

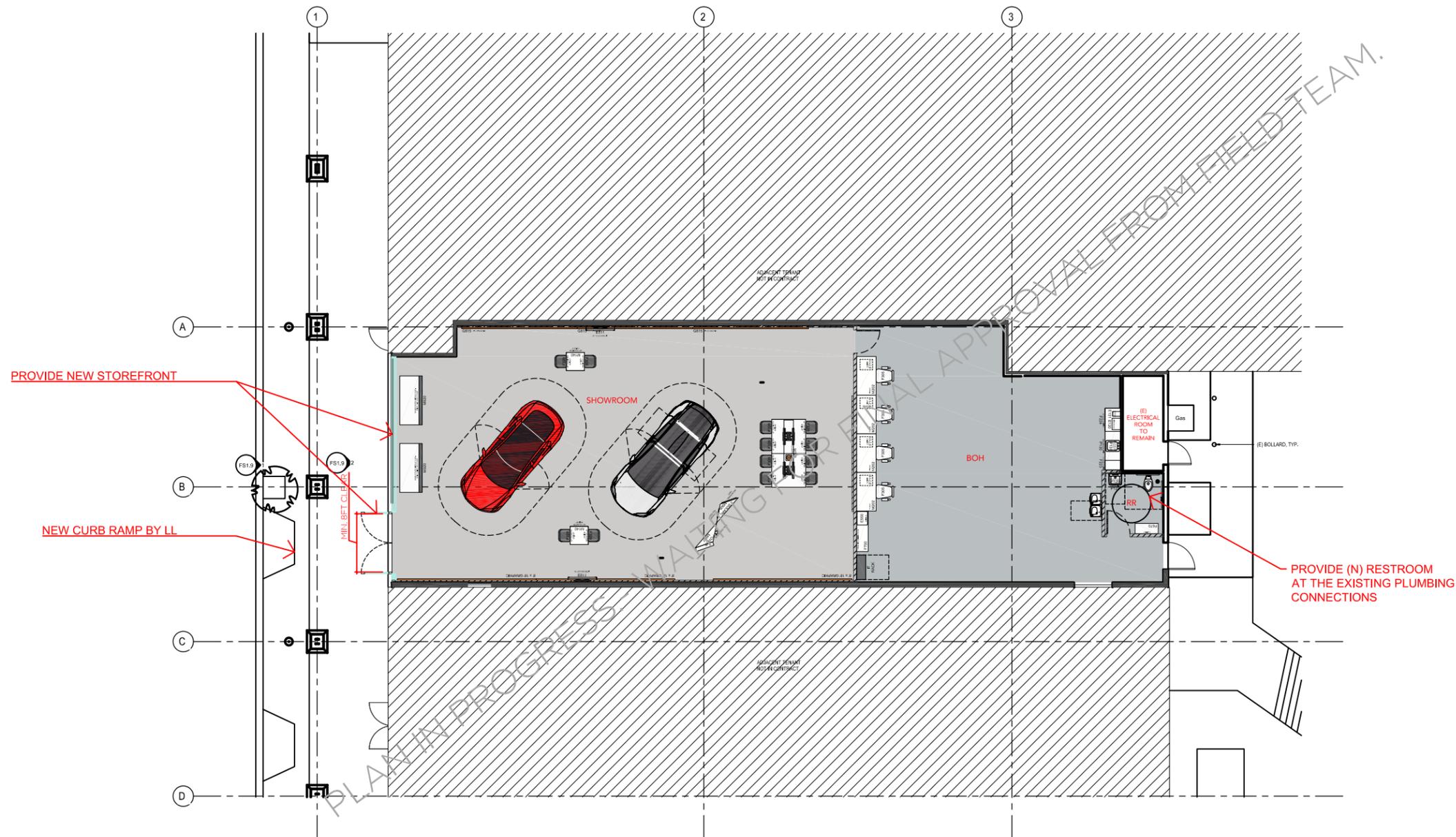
# PORTSMOUTH - RETAIL - COLD CLIMATE

CONCEPT FLOOR PLAN

TRT ID - 58562

PARKING SPACES: TEST DRIVE SPOTS TBC

- SPECIAL CONDITIONS:**
- NEW STOREFRONT
  - NEW RESTROOM AND BREAK AREA



**AREA BREAKDOWN (SF):**

Category	SF	%
GROSS TOTAL:	3,098	-
FIRST FLOOR:	3,098	-
SECOND FLOOR:	0	-
NET TOTAL:	3,098	100
SERVICE SHOP:	0	0
PARTS AND STORAGE:	0	0
LOUNGE:	0	0
BOH:	1,127	36
SHOWROOM:	1,971	64
DELIVERY:	0	0
UNBUILT/OTHER:	0	0



SCALE: 1/16" = 1'-0"

**TESLA** August 11, 2023

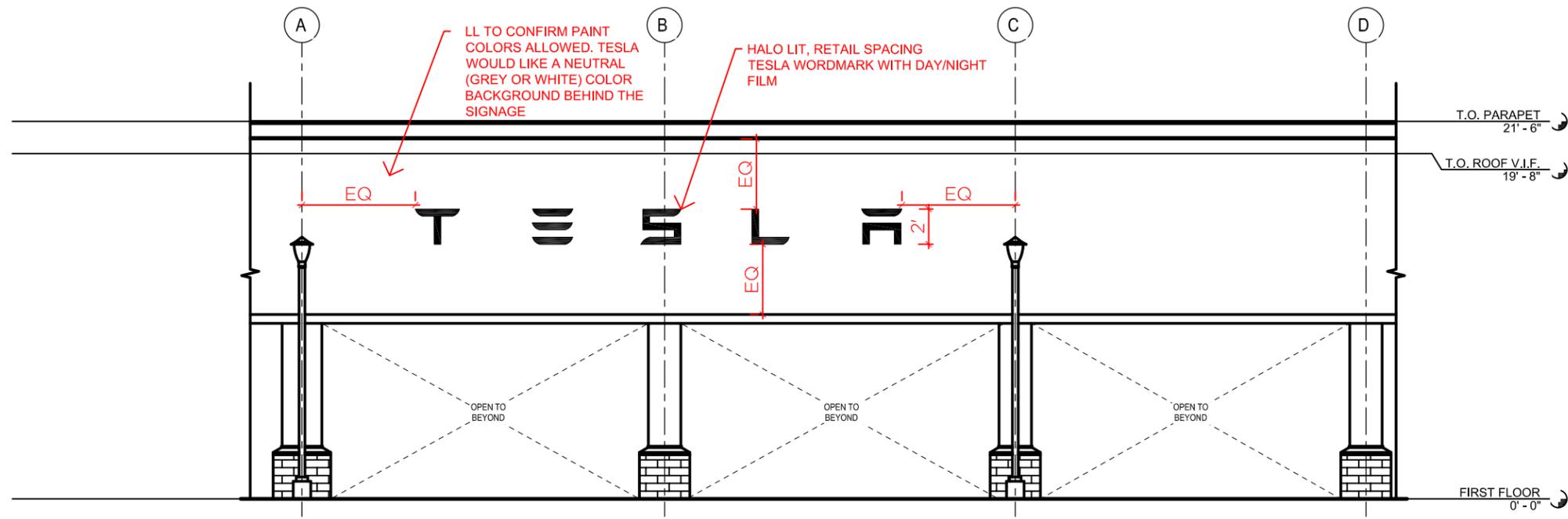
- EXISTING WALL
- NEW WALL
- SERVICE CIRCULATION
- DELIVERY CIRCULATION
- COLLISION REPAIR CIRCULATION

NA | 2454 Lafayette Rd, Unit 8B Portsmouth, NH 03801 | USA

\*PLEASE NOTE: ANY SUBSEQUENT REVISION TO AN APPROVED CONCEPT WILL CAUSE DELAY AND IMPACT COST

# PORTSMOUTH - RETAIL - COLD CLIMATE

ELEVATION  
TRT ID - 58562



SCALE: 1/8" = 1'-0"

**TESLA** August 11, 2023

NA | 2454 Lafayette Rd, Unit 8B Portsmouth, NH 03801 | USA

\*PLEASE NOTE: ANY SUBSEQUENT REVISION TO AN APPROVED CONCEPT WILL CAUSE DELAY AND IMPACT COST



# CITY OF PORTSMOUTH

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

## **ZONING BOARD OF ADJUSTMENT**

October 24, 2023

2422 Lafayette Road Assoc LLC  
c/o Waterstone Retail  
322 Reservoir Street  
Needham, Massachusetts 02494

**RE: Board of Adjustment request for property located at 2454 Lafayette Road  
(LU-23-160)**

Dear Property Owners:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, October 17, 2023**, considered your application for constructing a motor vehicle sales storefront which requires the following: 1) A Special Exception from Section 10.440 Use # 11.10 to allow motor vehicle sales which is permitted by Special Exception. Said property is shown on Assessor Map 273 Lot 3 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted to **approve** the request with the following **conditions**:

- 1. The showroom shall be no greater than 3,500 square feet.*
- 2. The site plan amendment shall be routed through both TAC and the Planning Board.*
- 3. There shall be only EV vehicles.*

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

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

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

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

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

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

Very truly yours,



Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

John K. Bosen; Bosen & Associates P.L.L.C.





# CITY OF PORTSMOUTH

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

## PLANNING BOARD

May 26, 2022

2422 Lafayette Road Associates, LLC  
c/o Waterstone Properties Group Inc.  
322 Reservoir Street  
Needham, Massachusetts 02494

RE: Amended Site Plan Review Approval for property located at 2454 Lafayette Road (LU-22-46)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, June 19, 2022, considered your application for Amended Site Plan Review Approval for the alteration of the commercial pad and sidewalk, rerouting the existing sewer line, relocation of bicycle racks, and the expansion of Unit 9 from an existing footprint of 1,833 s.f. to 3,650 s.f +/- and to then divide the space into two units equaling 1,155 s.f. +/- and 2,400 s.f. +/- . Said property is shown on Assessor Map 273 Lot 3 and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted the Board voted to **grant** the request with the following stipulations:

### **Conditions Precedent - to be completed prior to the issuance of a building permit:**

- 1.1) The site plan, any new off-site easements to benefit the development, and any other new public or private easements, shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 1.2) 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.

### **Conditions Subsequent:**

- 1.3) The Engineer of Record shall submit a written narrative (with photographs and engineer stamp) certifying that the stormwater infrastructure was not altered from previously approved plans and specifications that meets the design performance;
- 1.4) A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted to the City's Planning and Public Works Departments.

This approval is granted subject to all stipulations of approval by the Planning Board on April 21, 2016 and to all other requirements stated in the Planning Board letter of decision dated April 27, 2016.

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

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

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

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

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is stylized with large, sweeping loops and a long horizontal tail.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector

Neil Hansen, Tighe & Bond