



City of Portsmouth  
Planning Department  
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Portsmouth, NH  
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**Memorandum**

To: Planning Board  
From: Beverly Mesa-Zendt, Incoming Planning Director  
Peter Britz, Environmental Planner/Sustainability Coordinator/Interim Planning Director Stefanie L. Casella, Planner  
Date: March 11, 2022 – Revised March 17, 2022  
Re: Recommendations for the March 17, 2022 Planning Board Meeting

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**I. APPROVAL OF MINUTES**

**Planning Department Recommendation**

*Board members should determine if the draft minutes include all relevant details for the decision making process that occurred at the February 17, 2022 meeting, and vote to approve meeting minutes with edits if needed.*

**II. DETERMINATIONS OF COMPLETENESS**

**SUBDIVISION REVIEW**

**A.** The request of **Cate Street Development (Owner)**, for property located at **428 US Route 1 Bypass, 406 US Route 1 Bypass, and 55 Cate St** requesting Subdivision Review approval for a lot line adjustment.

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**Planning Department Recommendation**

*Vote to determine that this applications is complete according to the Subdivision Regulations, (contingent on the granting of any required waivers under Section III and IV of the agenda) and to accept the applications for consideration.*

**SITE PLAN REVIEW**

**A.** The request of **238 Deer Street, LLC, (Owner)**, for property located at **238 Deer Street**, requesting Site Plan Review approval.

- B.** The request of **Cate Street Development (Owner)**, for property located at **406 US Route 1 Bypass**, requesting Site Plan Review approval.

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**Planning Department Recommendation**

*Vote to determine that this applications is complete according to the Site Plan Review Regulations, (contingent on the granting of any required waivers under Section III and IV of the agenda) and to accept the applications for consideration.*

### III. PUBLIC HEARINGS -- OLD BUSINESS

*The Board's action in these matters has been deemed to be quasi-judicial in nature.*

*If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

*It is recommended that Item IIIA and IIIB be discussed together and voted on separately.*

*A motion is required to consider these items together.*

- A. The request of **Cate Street Development (Owner)**, for property located at **406 US Route 1 Bypass**, requesting amended Site Plan Review approval to reconfigure and expand parking on Tax Map 172 Lot 2, Tax Map 172 Lot 1, and Tax Map 165 Lot 2 to contain 73 new spaces (52 covered); to renovate the existing structure on Tax Map 172 Lot 2; and to add a bioretention stormwater facilities, stormwater collection and treatment facilities on Tax Map 172 Lot 1 and Map 165 Lot 2. Said properties are shown on Assessor Map172 Lot 1, Map 172 Lot 2, and Map 165 Lot 2 and lie within the Gateway Corridor (G1) District. (LU-22-7)
  
- B. The request of **Cate Street Development LLC (Owner)**, and **Boston and Maine Corp (Owner)**, for properties located at **428 US Route 1 Bypass**, **406 US Route 1 Bypass**, and **55 Cate St** requesting Preliminary and Final Subdivision approval (Lot Line Revision) to convey 31,187 square feet from Map 165 Lot 14 to Map 172 Lot 2, Map 172 Lot 1 and Map 165 Lot 2 which will result in a total of 52,820 square feet lot area for Map 172 Lot 2, 126,500 square feet lot area for Map 172 Lot 1, and 260,789 square feet lot area for Map 165 Lot 2. Said properties are shown on Assessor Map172 Lot 1, Map 172 Lot 2, Map 165 Lot 2, and Map 165 Lot 14 and lie within the Transportation Corridor (TC) and the Gateway Corridor (G1) District. (LU-22-7)

#### **Project Review and Approvals:**

This application has been before the Technical Advisory Committee, ~~the Conservation Commission, and the Zoning Board of Adjustment~~. Please see below for more information on the review from each.

#### **Technical Advisory Committee Review of Site Plan**

At the February 1, 2022 meeting, the TAC voted to recommend approval with the following conditions:

1. The 10' temporary easement should be in favor of the developer.

2. The easement in favor of Millport does not actually touch the boundary where the water enters the property. Please revise. Also, on the planting plan the easement is still listed as to benefit the City of Portsmouth.
3. Ensure that the two handicapped spots for Building D are the closest to the entrance and that there is an accessible route into the structure.
4. The grease trap reserve area should be closer to the structure.
5. Ensure the existing granite culvert is tied into the drainage swale with proper headwall.
6. Show on plans location of retaining wall 4" underdrain shown on CD-552.
7. Proposed Parking Layout: The proposed parking expansion and layout appears to significantly increase the required off-street parking required under the Zoning Ordinance. Moreover, it also conflicts with the assumptions of the previous projected parking demands of this development. Consisting of a wide variety of land uses and services, the West End is assumed to be a walkable neighborhood. Thus, the proposed parking expansion appears to conflict with the stated objectives of the community vision for this property. Additionally, the area proposed for expansion is currently considered open space (including a dog park) and also acts as an important vegetated buffer to the active railroad corridor.
8. Alternative Parking Layout: If the evidence does not support the proposed parking expansion the open space areas should not be reduced or impacted. However, if the evidence does support the proposed parking expansion in order to complete the final phase of the overall redevelopment the applicant should consider the visual buffer and screening aspects of the existing wooded area along the railroad land (which is being proposed to be **converted to surface parking**). In order to mitigate the visual and environmental impacts on the project, the 76 spaces proposed for this area should be covered with an open shed-like structure and solar arrays should be considered for the roof given the likely solar gain at this location. The image below is an example of such a system. Additional consideration should be given to reduce encroachment on the dog park.

The applicant has worked with staff to address the concerns listed above. The remaining outstanding items have been carried forward as recommended stipulations of approval.

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**Planning Department Recommendation**

- 1) *Vote to grant Preliminary and Final Subdivision Approval with the following stipulations:*
  - a. *Lot numbers as determined by the Assessor shall be added to the final plat.*

- b. Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- c. GIS data shall be provided to the Department of Public Works in the form as required by the City.*
- d. The final plat and all easement deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

*2) Vote to grant Site Plan Approval with the following stipulations:*

*Conditions Precedent*

- a. Applicant shall provide an updated site plan, utility plan, and lighting plan showing the two proposed parking structures (to cover 50 parking spaces and constructed to be substantially consistent with the detail provided in the submission package dated March 10, 2022) located along the southern boundary line along the rail road right of way; and a statement to planning staff confirming that section 10.1140 (Outdoor Lighting) has been is met.*
- b. The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- c. 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.*
- d. The temporary construction easement along the railroad right-of-way should be shown on a recordable plan.*
- e. A drainage easement directly adjacent to the rail road right of way line (as there are actually two pipes coming through the bank) should be shown on a recordable plan.*

#### IV. PUBLIC HEARINGS – NEW BUSINESS

*The Board's action in these matters has been deemed to be quasi-judicial in nature.*

*If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

- A. The request of **238 Deer Street, LLC, (Owner)**, for property located at **238 Deer Street**, requesting Site Plan Review approval for demolition of the existing structure and the construction of a new 3-4 story mixed-use building with 21 residential units with a footprint of 5,263 +/- s.f. and 19,190 s.f. gross floor area with associated site improvements. Said property is shown on Assessor Map 125 as Lot 3 and lies within the Character District 4 (CD4), Downtown Overlay, and Historic Districts. (LU-20-238)

#### **Project Review, Decisions, and Recommendations:**

This application has been before the Technical Advisory Committee, the Zoning Board of Adjustment, and the Historic District Commission. Please see below for more information on the review from each.

On February 18, 2021 the Planning Board granted Conditional Use Permit approval to allow no onsite parking where 12 spaces were required. On February 17, 2022 this approval was granted a 1-year extension.

#### **Technical Advisory Committee Review of the Site Plan**

At the December 7, 2021 Technical Advisory Committee meeting, the committee voted to recommend approval to the Planning Board with the following stipulations:

1. Show existing utilities on existing features plan and note any utility disruptions or removals on the demolition plan.
2. Easements shall be provided for all proposed work (grading, access, etc.) that is to occur on land other than the applicant's.
3. Proposed staging areas shall be identified during the CMMP development stage.
4. Applicant shall coordinate with abutting property owners to relocate the first 4 bike racks adjacent the commercial storefront windows.
5. Easements shall be provided to the City for the pedestrian alleyway access to the abutting public walkways.
6. Consider a decorative metal screen should be added along the proposed curb line in the abutting parking lot in order to provide better protection to the building.

The applicant has worked with staff to address the concerns listed above. The remaining outstanding items have been carried forward as recommended stipulations of approval.

**Zoning Board of Adjustment Review and Decision**

At the September 28, 2021 Zoning Board of Adjustment meeting the Board considered the following variance requests:

1. Variances from Section 10.5A41.10C to allow a) 2.5% open space where 10% is required; and b) a 3.5' rear yard where 5' is required.
2. A Variance from Article 15 to allow a structure to be designated as a penthouse with an 8' setback from the edge where 15' is required and 60% floor area of the story below where 50% is the maximum allowed as outlined in the definition of a penthouse.

**Decision**

As a result of this consideration the Board voted to grant the variance requests with the following stipulation:

1. Penthouse-level units shall not exceed 500 square feet.

**Historic District Commission Review**

At the November 3, 2021 Historic District Commission meeting the Commission voted to grant the Certificate of Approval with the following stipulations:

1. The bricks shall be finalized with a mockup prior to installation.
2. The applicant shall return with a final design for the parapet.
3. Photographic record of existing building shall be presented to the Planning Department and the Athenaeum prior to construction.

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**Planning Department Recommendations**

*1) Vote to grant Site Plan Approval with the following conditions:*

**Conditions Precedent**

- a. Temporary easements will be needed for construction. Temporary easement language and area (to be identified on the plan) are to be obtained along eastern and western boundary lines in order to begin construction of the foundation.*

- b. A Construction Management and Mitigation Plan will be required to address, at minimum, access and use of the municipal ROW to construct the building, and proposed staging areas.*
- c. The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- d. 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 prior to acceptance by City Council.*
- e. 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.*
- f. Engineer of record shall be established prior to issuance of building permit for the purpose of satisfying condition 1.h.*
- g. Correct existing conditions plans to show 2" water service from water main to the valve and 1" water service from the valve to the building.*

*Conditions Subsequent*

- h. The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance;*
- i. A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted to the City's Planning and Public Works Departments.*



**IV. PUBLIC HEARINGS – NEW BUSINESS**

*The Board’s action in these matters has been deemed to be quasi-judicial in nature.*

*If any person believes any member of the Board has a conflict of interest, that issue should be raised at this point or it will be deemed waived.*

**B. REQUEST TO POSTPONE** The request of **Donald Lowell Stickney III (Owner)**, for property located at **213 Jones Avenue** requesting Conditional Use Permit under section 10.814 of the Zoning Ordinance and modification of the standards set forth in Sections 10.814.40 or 10.814.52 through 10.814.56, to construct a new single family residence and convert the existing residence into a Detached Accessory Dwelling Unit totaling 886 square feet of living area. Said property is shown on Assessor Map 222 Lot 69 and lies within the Single Residence B (SRB) district. (LU-22-34) **REQUEST TO POSTPONE**

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**Planning Department Recommendations**

*Vote to postpone consideration to the April Planning Board meeting.*

**IV. PUBLIC HEARINGS – NEW BUSINESS**

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

- C. REQUEST TO POSTPONE** The request of **Nerbonne Family Revocable Trust (Owner)**, for property located at **189 Gates Street** requesting a Conditional Use Permit under section 10.815 of the Zoning Ordinance and modification of the standards set forth in Section 10.815.30 for the conversion of an existing accessory structure (garage) into a garden cottage with 546 gross square footage of living space. Said property is shown on Assessor Map 103 Lot 6 and lies within the General Residence B (GRB) and Historic Districts. (LU-22-30) **REQUEST TO POSTPONE**

**Project Review, Decisions, and Recommendations**

This application has been reviewed by staff and will be before the Zoning Board of Adjustments on March 15, 2022. Please see below for more information on the review from each.

**Staff Review | Garden Cottage Standards 10.815.30**

Different from an Accessory Dwelling Unit, a Garden Cottage that complies with the standards of Section 10.815 is otherwise exempt from the residential density standards of the Zoning Ordinance (e.g. minimum lot area per dwelling unit).

The Ordinance requires that a Garden Cottage comply with the following standards (Section 10.815.30).

**Staff Review and Analysis**

<b>Required Standard</b>	<b>Meets Standard</b>	<b>Does Not Meet Standard</b>	<b>Comments</b>
10.815.31. The existing accessory building shall not be expanded either vertically or horizontally, other than through the addition of a front entry not to exceed 50 sq. ft., or a side or rear deck not to exceed 300 sq. ft.		✓	Modification Requested (see below)
10.815.32 The garden cottage shall not be larger than 600 sq. ft. gross floor area.	✓		Total 546 SF
10.815.33 A garden cottage that is within the required yard for the zoning district shall not have any windows or doors higher than eight feet above grade facing the adjacent property.	✓		

T10.815.34. The principal dwelling unit and the garden cottage shall not be separated in ownership (including by condominium ownership); and either the principal dwelling unit or the garden cottage shall be occupied by the owner of the property.	✓		Required condition per zoning ordinance.
<b>Required Standard</b>	<b>Meets Standard</b>	<b>Does Not Meet Standard</b>	<b>Comments</b>
Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.	✓		Property is on municipal water service

Request for Modifications:

The applicant requests following modification to 10.815.31 pursuant to Section 10.815.50 of the Zoning Ordinance as follows:

The applicant is proposing an expansion that includes a 192 SF addition and an 84 SF rear deck addition. The total expansion will be 276 SF.

Staff Analysis

Staff recommends approval of the modification for the following reasons:

1. The total 192 SF expansion seems reasonable to create a livable space for a new dwelling unit and meets the total limitation of 600 SF established in the ordinance.
2. The total expansion does not exceed the 350 SF expansion footprint contemplated in the ordinance.
3. Adequate space for off-street parking is still available on site.

Zoning Board of Adjustment (BOA)

At its March 15<sup>th</sup> BOA meeting, the Board will consider the following variance requests:

1. Variances from Section 10.521 to allow a) 35.5% building coverage where 30% is the maximum allowed; and
2. 1' right side yard where 10' is the minimum.

At the time of this publication, the BOA had not considered this request. Staff will provide an update on the BOA decision at the March 17, 2022 meeting of the Planning Board.

**Planning Board Review Criteria**

In order to grant a conditional use permit for a Garden Cottage, the Planning Board must first make the following findings (Sec. 10.815.40):

<b>Required Findings</b>	<b>Applicant Analysis</b>
1. Exterior design of the Garden Cottage is consistent with the existing single-family dwelling on the lot.	<i>Exterior siding, trim, windows and details are consistent with the existing dwelling. The garage was renovated in 1998 to complement the newly renovated house. The elevation drawings and photos on dwg. 3 of 3 clearly show this.</i>
2. The site plan provides adequate open space, landscaping and off-street parking for both the Garden Cottage and the primary dwelling.	<i>The garden cottage with the addition and deck is located to have minimal impact on the existing +/- 1 B00sf landscaped rear yard. This is shown on dwg. 1 of 3. The existing driveway will not change &amp; can easily accommodate 3 vehicles.</i>
3. The Garden Cottage will maintain a compatible relationship to adjacent properties in terms of location and design, and will not significantly reduce the privacy of adjacent properties.	<i>The garden cottage will have no windows on the right side and the deck will have just 6' of exposure to that right side. At the rear, the adjacent property is the Point of Graves Cemetery and the proposed addition to the garden cottage will break up the existing blank wall at the rear of the garage. At the left side the garden cottage is more than 30ft away from the adjacent property. All of the attached drawings &amp; photos help to illustrate this.</i>
4. The Garden Cottage will not result in excessive noise, traffic or parking congestion.	<i>There is adequate parking for the garden cottage (dwg. 1 of 3) and the family oriented residential use will not result in excessive noise.</i>

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**Planning Department Recommendations**

- 1) *Vote to grant a modification to the requirements set forth in section 10.815.31 to allow for an expansion that includes a 192 SF addition and an 84 SF rear deck addition.*

- 2) *Vote to find that the application meets the requirements set forth in Section 10.815.40 of the Zoning Ordinance and to grant the Conditional Use Permit.*

#### IV. PUBLIC HEARINGS – NEW BUSINESS

- D. The request of **Treadwell House Inc. (Owner)**, for property located at **70 Court Street** requesting a Conditional Use Permit under section 10.112.14 of the Zoning Ordinance to provide five (5) parking spaces where 11 are required. Said property is shown on Assessor Map 116 Lot 49 and lies within the Character District 4-L1 (CD4-L1) and Historic District. (LU-22-10)

##### Project Review, Decisions, and Recommendations

This application has been before the Technical Advisory Committee and the Zoning Board of Adjustment.

##### Technical Advisory Committee (TAC) Work Session

The Planning Director has determined this project meets the criteria set forth in Section 1.2.2 of Site Plan Regulations for an exemption from site plan review. In accordance with Section 10.1112.14, which sets forth criteria for considering a Conditional Use Permit to allow less than the required parking, the Technical TAC reviewed the project and the parking demand analysis submitted by the applicant.

The TAC provided the following comments to the applicant:

1. Provide three additional parking spaces at 159 Middle St.
2. Signage shall be posted restricting three spaces for hotel use only.

The Planning Board may also consider that a Parking Covenant (enforceable by the city) be placed on 159 Middle St. to ensure that the three parking spots remain should the property be conveyed to another party.

##### Zoning Board of Adjustment (BOA)

The Zoning Board of Adjustment, at its regularly scheduled meeting of Tuesday, February 15, 2022, considered the application for the conversion of the building into an 8 room inn with caretaker residence which requires the following:

1. A Variance from Section 10.440 Use #10.30 to allow an Inn where the use is not permitted.
2. A Variance from Section 10.114.21 to allow a 13' maneuvering aisle where 24' is required. Said property is shown on Assessor Map 116 Lot 49 and lies within the Character District 4-L1 (CD4-L1).

Decision: As a result of said consideration, the Board voted to grant the request as presented and advertised.

Conditional Use Permit (off-street parking) Review

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

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

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

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

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

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

*10.1112.142 An application for a conditional use permit under this section shall identify permanent evidence-based measures to reduce parking demand, including but not*

*limited to provision of rideshare/microtransit services or bikeshare station(s) servicing the property, proximity to public transit, car/van-pool incentives, alternative transit subsidies, provisions for teleworking, and shared parking on a separate lot subject to the requirements of 10.1112.62.*

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**Planning Department Recommendations**

*1) Vote to grant a conditional use permit to allow a building or use to provide less than the minimum number of off-street parking spaces required by Section 10.1112.32 (five parking spaces on site) with the following stipulations.*

- a) Provide three additional parking spaces at 159 Middle St.*
- b) Signage shall be posted restricting three spaces for hotel use only.*



## V. PRELIMINARY CONCEPTUAL CONSULTATION

- A. The request of **One Market Square LLC (Owner)**, for the property located at **1 Congress Street** for Preliminary Conceptual Consultation to partially demolish existing buildings and construct a new 3 story structure with a short 4<sup>th</sup> story. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District. (LUPD-22-6)

### Description

The applicant has provided a set of preliminary plans for discussion with the Board.

As authorized by NH [RSA 676:4,II](#), the Site Plan Regulations require preliminary conceptual consultation for certain proposals, including (1) the construction of 30,000 sq. ft. or more gross floor area, (2) the creation of 20 or more dwelling units, or (3) the construction of more than one principal structure on a lot. Preliminary conceptual consultation precedes review by the Technical Advisory Committee.

Preliminary conceptual consultation is described in the state statute as follows:

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

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

**Planning Department Recommendations**

*Board members should review section 3.A.2 Preliminary Conceptual Consultation Phase of the [Site Plan Regulations](#).*

*Board members should review sections of the [Zoning Ordinance](#) that may apply to this application. Possible sections may include but are not limited to:*

- *Section 10.521 Table of Dimensional Standards*

## VI. DESIGN REVIEW – APPLICATION ACCEPTANCE

- A. The request of **One Market Square LLC (Owner)**, for the property located at **1 Congress Street** requesting Design Review approval to partially demolish existing buildings and construct a new 3 story structure with a short 4<sup>th</sup> story. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District. (LUPD-22-6)

### Description

This item is a request for Design Review under the Site Plan Review Regulations. Under the State statute ([RSA 676:4,II](#)), the Design Review phase is an opportunity for the Planning Board to discuss the approach to a project before it is fully designed and before a formal application for Site Plan Review is submitted. The Design Review phase is not mandatory and is nonbinding on both the applicant and the Planning Board.

Although the State statute calls this pre-application phase “design review,” it does not encompass review of architectural design elements such as façade treatments, rooflines and window proportions. Rather, it refers to site planning and design issues such as the size and location of buildings, parking areas and open spaces on the lot; the interrelationships and functionality of these components, and the impact of the development on adjoining streets and surrounding properties.

The process as outlined in Section 2.4.3 of the Site Review regulations is that the Board first has to determine that the request for design review includes sufficient information to allow the Board to understand the project and identify potential issues and concerns, and, if so, vote to accept the request and schedule a public hearing. *Completion of the design review process also has the effect of vesting the project to the current zoning for 1 year.*

Design review discussions must take place in a public hearing. At the conclusion of the public hearing process, the Board makes a determination that the design review process for the application has ended.

In accordance with Section 2.4.3 (1-4) of the Site Review regulations, on the January 27, 2022 meeting of the Planning Board, the Planning Board voted to accept the request for design review and to schedule a public hearing, finding that the proposal included sufficient information to allow the Board to understand the project and identify potential issues and concerns. Once the application has been accepted by the Planning Board, the following sections are applicable.

*Site Plan Review Regulations – Article 2, Section 2.4.3: Design Review Phase*

1. *The applicant may request to meet with the Board for nonbinding discussions of a potential application that involve more specific design and engineering details than in the preliminary conceptual consultation phase.*
2. *A request for design review accompanied by all plans and exhibits shall be submitted to the Planning Department at least 14 days prior to the date of a scheduled meeting of the Board via the City's online permitting system as well as in hard copy. The total number of hard copies required shall be determined by the Planning Director.*
3. *The request for design review shall include enough of the information listed in Section 2.5.3(1) and plans displaying enough of the information listed in Section 2.5.4(3) so that the Board is able to review the project. Detailed engineering of infrastructure and utilities are not required at the design review phase, but the information listed in Section 2.5.4(3) should be displayed in sufficient detail to enable the Board to understand the proposed project and identify potential issues and concerns.*
4. *At a regular meeting of the Planning Board, the Board shall determine if the request for design review includes sufficient information to allow the Board Site Plan Review Regulations 6 November 2020 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.*
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.*

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#### **Planning Department Recommendations**

*Board members should identify if the submitted materials are adequate for Design Review Consideration*

*If submitted materials are sufficient, vote to find that Design Review application is complete and to schedule the public hearing to take place at the April 21, 2022 Planning Board meeting.*

**VII. OTHER BUSINESS**

- A. Request from **Michael J. O'Connor, Owner**, for property located at **163 Sparhawk Street** for a 1-year extension of the Wetland Conditional Use Permit granted on 2/18/2022. (LU-20-256)

Description

This application received Planning Board approval on February 23, 2021. The approval expires one-year from the date granted. The Planning Board may, for good cause shown, extend such period by as much as 1-year if requested and acted upon prior to the expiration date. The original letter of decision and approved site plan are included in the packet for reference.

Please see Section 2.14 of the [Site Plan Review Regulations](#) to reference application approval, expiration and extension steps.

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Planning Department Recommendations

*Vote to grant a 1-year extension of the Conditional Use Permit.*

## **VII. OTHER BUSINESS**

- B. Review and discuss dates and topics for proposed training offered through the New Hampshire Municipal Association.

*Stephen C. Buckley, Legal Services Counsel for the NH Municipal Association, has been contacted to provide training to Portsmouth Planning Board members. As a member city of the NH Municipal Association, a session of training is available to the city without charge. The first session of training would be for two hours - with the first hour dedicated to the topic of Planning Board Roles and Responsibilities. Staff would like to set a special meeting date for March 30, 2022 at 6:00 p.m.*

*Planning staff would like to discuss additional topics of interest and possible dates for a second April training session when the Planning Board will have a joint meeting with the Conservation Commission to receive training from the New Hampshire Municipal Association on Wetland Conditional Use Permits.*

- C. Discuss upcoming staff presentation on housing data, trends, and needs.

*In response to requests for information and additional data related to housing development and housing needs in the city, staff is preparing a report for the April Planning Board meeting that will cover the following topics:*

- *Housing development in Portsmouth- data and trends for the past five years;*
- *Portsmouth–American Community Survey- five year average housing data released annually; and*
- *Assessor’s data on current housing stock and housing types in Portsmouth.*

*This report will be used to inform regulatory amendments that will be developed and recommended for adoption by Land Use Committee and the Planning Board consistent with the City Council adopted goals of diversifying and enhancing the supply of housing choices in Portsmouth.*

## **X. ADJOURNMENT**

