



# CITY OF PORTSMOUTH

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

## **PLANNING BOARD**

May 23, 2024

Atlas Commons, LLC  
3 Pleasant Street, Suite 400  
Portsmouth, New Hampshire 03801

RE: Site Plan Review & CUP Approval for property located at 581 Lafayette Road (LU-23-189)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, May 16, 2024**, considered your application for Site Plan review approval for two 4-story additions to the existing building that will total 72 residential units with associated site improvements including lighting, utilities, landscaping, and stormwater treatment/management and a Conditional Use Permit from Section 10.5B72 for increased density, building height and footprint. Said property is shown on Assessor Map 229 Lot 8B and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted 1) to find that the Conditional Use Permit application meets the criteria set forth in Section 10.5B11 and 10.5B73 and to adopt the findings of fact as presented; *and* 2) to grant modifications of standards from Section 10.5B22.40 Special Setback Requirements on Lafayette Road, Section 10.5B73.20 to allow the public realm improvements to be located in a different zoning district, Section 10.5B34.80 to allow a building with 72 units, Section 10.5B41.80 to allow 7.6% community space where 10% is required, and to allow a building footprint of 42,434 square feet where 24,000 is allowed; *and* 3) to **grant** the Conditional Use Permit with the following **condition**:

*3.1) Prior to the issuance of a Certificate of Occupancy, the applicant will revise the design of the public realm improvements to a form satisfactory to the Superintendent and City Manager.*

### **Site Plan Approval**

1) The Board voted to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented; *and* 2) to **grant** Site Plan approval with the following **conditions**:

**Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:**

*2.1) 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.*

2.2) *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*

2.3) *Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit: <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>*

2.4) *A recordable landscape license revocable by the City. The Applicant with provide and maintain adequate evidence of insurance for the maintenance of City property, including the City as additional insured. The amount and form of such insurance shall be set by the Public Works Director and the City Attorney.*

2.5) *Final site plan set shall be updated to show revised parking layout.*

2.6) *The public realm improvements shall include appropriate lighting if approved by the Superintendent and City Manager.*

**Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a certificate of occupancy and release of the surety:**

2.7) *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.*

2.8) *A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*

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

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

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

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

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

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

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

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

Very truly yours,

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

Rick Chellman, Chairman of the Planning Board

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

Peter H. Rice, Director of Public Works  
Francis X. Bruton, Esq; Bruton & Berube, PLLC  
John Chagnon; Ambit Engineering, INC.

# Findings of Fact | Site Plan Review

## City of Portsmouth Planning Board

Date: May 16, 2024

Property Address: 581 Lafayette Road

Application #: LU – 23 - 189

Decision: 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.

Site Plan Regulations 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.

	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding (Meets Standard/Criteria)</b>	<b>Supporting Information</b>
<b>1</b>	Compliance with all City Ordinances and Codes and these regulations. <u>Applicable standards</u>	<b>Meets</b>	The project did not need Variances, just reasonable Planning Board Waivers to be compliant.
<b>2</b>	Provision for the safe development, change or expansion of use of the site.	<b>Meets</b>	The project received TAC Approval indicating that the city departments agree that the proposed design is safe.
<b>3</b>	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.	<b>Meets</b>	The site plans contain the required Erosion Control measurements to ensure that there are no downstream impacts.
<b>4</b>	Adequate protection for the quality of groundwater.	<b>Meets</b>	There are no infiltrations to groundwater from the project.
<b>5</b>	Adequate and reliable water supply sources.	<b>Meets</b>	City water is available for the development.

	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding (Meets Standard/Criteria)</b>	<b>Supporting Information</b>
<b>6</b>	Adequate and reliable sewage disposal facilities, lines, and connections.	<b>Meets</b>	City sewer is available for the development.
<b>7</b>	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.	<b>Meets</b>	The project received TAC Approval indicating that the city departments agree that the proposed design is not harmful to the environment or adjacent properties.
<b>8</b>	Adequate provision for fire safety, prevention and control.	<b>Meets</b>	The Fire Department requested the addition of a fire hydrant to meet this concern.
<b>9</b>	Adequate protection of natural features such as, but not limited to, wetlands.	<b>Meets</b>	There are no wetlands on the subject property.
<b>10</b>	Adequate protection of historical features on the site.	<b>Meets</b>	There are no historical features on the subject property.
<b>11</b>	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.	<b>Meets</b>	The project received TAC Approval indicating that the city departments agree that the proposed plan provides adequate on-site traffic flow.
<b>12</b>	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	<b>Meets</b>	The project received TAC Approval indicating that the city departments agree that the proposed use does not require off-site traffic improvements.
<b>13</b>	Adequate insulation from external noise sources.	<b>Meets</b>	There are no known sources of exterior noise.
<b>14</b>	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.	<b>Meets</b>	The project received TAC Approval indicating that the city departments agree that the proposed development does not create unreasonable demand on public infrastructure.
<b>15</b>	Provision of usable and functional open spaces of	<b>Meets</b>	The site provides Community Space and off-site Public Realm Space to address the

	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding (Meets Standard/Criteria)</b>	<b>Supporting Information</b>
	adequate proportions, including needed recreational facilities that can reasonably be provided on the site		recreational needs of the residents.
<b>16</b>	Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.	<b>Meets</b>	The proposed Public Realm sidewalk provides a link to the High School.
<b>17</b>	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.	<b>Meets</b>	The project received TAC Approval indicating that the city departments agree that the site is suited to the proposed use and improvements.
<b>18</b>	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	<b>Meets</b>	The site has a professionally prepared landscaping plan.
<b>19</b>	Compliance with applicable City approved design standards.	<b>Meets</b>	The project received TAC Approval indicating that the city departments agree that the proposal is in compliance with city design standards.
	<b>Other Board Findings:</b>		

# Findings of Fact | Density Bonus Incentives Conditional Use Permit

## City of Portsmouth Planning Board

Date: May 16, 2024

Property Address: 581 Lafayette Road

Application #: LU – 23 - 189

Decision: 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.

### Density Bonus Incentives Conditional Use Permit

10.5B72 A conditional use permit may be granted by the Planning Board for increased housing density or for increased building height and footprint.

	Density Bonus Incentive Findings	Finding (Meets Criteria/Requirement)	Supporting Information
1	The proposed project (and any conditions of approval) satisfies the requirements in Section 10.5B73 for providing workforce housing and Public Realm improvements (if seeking more than 1 incentive).	Meets	<p><u>Public Realm</u>: Section 10.5B73.20 1) Off road trail equal in length to the public street frontage of the site as provided in 10.5B73.20 (4) to be located on a different lot than the development lot, with a waiver to criteria (b) as the Public Realm Improvement is on a lot that is in a different Zoning District.</p> <p><u>Workforce Housing</u>: The development was designed in compliance with Section 10.5B73.10 Workforce Housing by providing 20% of the proposed dwelling units (15) as workforce housing units for rent. The Workforce Housing Covenant Document outlines the intended compliance with the workforce Housing Requirement. The Architectural details identify the units within the project that will be workforce housing, with locations and square foot areas.</p>
2	The proposed project is consistent with the purpose	Meets	The project meets the purpose (and intent) of Section 10.5B11 and the project supports

	<b>Density Bonus Incentive Findings</b>	<b>Finding (Meets Criteria/Requirement)</b>	<b>Supporting Information</b>
	and intent set forth in Section 10.5B11		the Master Plan goals in a significant way by providing affordable housing and a mixed-use development.
<b>3</b>	10.5B11.10 Purpose of Article 5B is to implement and support the goals of the City's Master Plan and Housing Policy to encourage walkable mixed-use development and continued economic vitality in the City's primary gateway areas, ensure that new development complements and enhances its surroundings, provide housing stock that is suited for changing demographics, and accommodate the housing needs of the City's current and future workforce.	<b>Meets</b>	The project meets the purpose of Section 10.5B11.10 by providing affordable housing and creating a mixed-use development.
<b>4</b>	10.5B11.20 a) Promote development that is consistent with the goals of the Master Plan to create vibrant, authentic, diverse, connected and resilient neighborhoods;	<b>Meets</b>	This project bookends another recently approved residential development in an area where dense housing in close proximity to retail and other services serves to create a vibrant neighborhood.
	b) Encourage high quality housing for a variety of household types and income ranges;	<b>Meets</b>	The project Architecture is high quality, and at the same time integrates affordable housing at the desired scale and percentage of units.
	c) Guide the physical character of development by providing a menu of building and site development types that are based on established community design principles; and	<b>Meets</b>	The character of the building provides a unique quality and a varied building type with quality as a key component.
	d) Create quality places by allowing for whole site development with meaningful public spaces and neighborhood centers.	<b>Meets</b>	The inclusion of Community Space provides the public spaces needed for the enjoyment of the residents. The public space at the other end of the neighborhood (adjacent to the marsh and Sagamore Creek) provide and enhance the area and create a defined



	<b>Density Bonus Incentive Findings</b>	<b>Finding</b> (Meets Criteria/Requirement)	<b>Supporting Information</b>
			neighborhood.
5	<b><u>Other Board Findings:</u></b>		



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Planning & Sustainability  
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Hampshire 03801  
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## PLANNING BOARD

May 23, 2024

Peter Rice  
City of Portsmouth  
680 Peaverly Hill Road  
Portsmouth, NH 03801

RE: Wetland Conditional Use Permit for property located at 0 Maplewood Avenue (LU-24-43)

Dear Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, May 16, 2024**, considered your application for Wetland Conditional Use Permit to complete upgrades to the existing drainage outfall behind the cemeteries (adjacent to Deer Street) by adding an additional 48" pipe in parallel to the existing 48" pipe. This work is being proposed in preparation for increased capacity needs to accommodate sewer separation on Fleet Street and surrounding areas. Compensatory mitigation is proposed to offset proposed wetlands impacts. The proposed mitigation will also serve as embankment revetement to aid in stabilizing the slope behind the cemetery that is currently being undermined. Area of disturbance includes approximately 590 SF impacts from outfall improvements, 3,870 SF proposed for mitigation/Marsh restoration. A portion of the outfall work is located on the abutting property of #90 Maplewood Avenue. City DPW has been corresponding with the owner of this property and draft easement documents have been provided to the property owner. Said property is shown on Assessor Map 124, Lot 2, Map 125 Lot 19, Map 157 Lot 2-1 and Map 164 Lot 4 and lies within the Office Research (OR) and Municipal (M). As a result of said consideration, the Board voted 1) to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.650 of the Ordinance and adopt the findings of fact as presented; and 2) to **grant** the Conditional Use Permit with the following **conditions**:

*2.1) All necessary approvals from involved property owners will be acquired prior to the issuance of a City building permit and prior to any associated approvals from the New Hampshire Department of Environmental Services.*

*2.2) The applicant shall remove all debris/trash from the wetland and 25' vegetative buffer, including the wood decking/pallet structure.*

*2.3) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers where applicable. In addition to the wetland boundary markers, an educational sign describing the project shall be installed near the restoration area and fencing should be utilized to keep disturbances such as dogs and geese from the area.*

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the

applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

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

This approval shall expire one year after the date of approval by the Planning Board unless a building permit is issued prior to that date. The Planning Board may grant a one-year extension of a conditional use permit if the applicant submits a written request to the Planning Board prior to the expiration date.

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

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

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

Very truly yours,

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

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector  
Rosann Maurice-Lentz, City Assessor  
Daniel Rochette, Senior Project Engineer, Underwood Engineers  
Dave Desfosses, Construction Project Manager, City of Portsmouth

# Findings of Fact | Wetland Conditional Use Permit

## City of Portsmouth Planning Board

Date: May 16, 2024

Property Address: 0 Maplewood Ave.

Application #: LU-24-43

Decision: Approve with Conditions

### Findings of Fact:

The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and makes 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 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	1. The proposed project is in the public interest.	Meets	This is part of an overall project to separate the existing combined sewer overflow systems in downtown Portsmouth and provide additional capacity for stormwater in the downtown. This separation is in the public interest as it will be separating stormwater principally originating from the Fleet, Congress and Vaughn Areas from entering the sewer lines, which will reduce the likelihood of sewer overflow into tidal waters during heavy precipitation and storm events. The term combined sewer system overflow means that when there is a large enough storm, the stormwater flow is too much for the combined system and the system overflows combined sewer and stormwater flow into the river and into the South Mill Pond. With separated systems, the likelihood of this combined overflow flowing into the tidal waters would now be much lower during heavy storm events. In addition, the additional capacity will provide protection from future heavy rainfall flooding events.

	<b>Zoning Ordinance Sector 10.1017.60 Criteria for Approval</b>	<b>Finding</b> (Meets Criteria for Approval)	<b>Supporting Information</b>
2	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.	Meets	The use of erosion control measures where excavation is proposed along with the use of silt booms within the pond will help to mitigate any sediment and debris entering the pond. The restoration of the bank through a living shoreline project including expanded saltmarsh areas will help restore the nearby marsh population while working to protect that shoreline. The long-term success of this restoration area is crucial to the safety of that bank and the historic graveyard just beyond it.
3	3.No alternative feasible route exists which does not cross or alter a wetland or have a less detrimental impact on a wetland.	Meets	This overflow system has been in place since the 1970's and is directly connected to an existing system of properties and drain manholes that exist all over the downtown. The best placement for the addition 2 of an upgraded line is parallel to the existing line. The applicants are proposing to offset the permanent impacts to the wetland (outfall headwall and stone riprap) with the planting of salt marsh species to strengthen the bank.
4	4.Alterations of natural vegetation or managed woodland will occur only to the extent necessary to achieve construction goals.	Meets	To construct the new line, existing pavement, lawn, dirt and marsh areas will be disturbed to dig the trench and construct the infrastructure. Maintenance and replacement of the line in the future will likely require that no trees or large vegetation be planted directly over the piping. If possible, all areas disturbed within the buffer that is not marsh should be replanted with a wetland buffer seed mix.
5	<b><u>Other Board Findings:</u></b>		



# CITY OF PORTSMOUTH

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

## PLANNING BOARD

May 23, 2024

15 Middle Street Real Estate Holding Co., LLC  
1 Middle Street, Suite 1  
Portsmouth, New Hampshire 03801

RE: Site Plan Review Request for property located at 15 Middle Street (LU-24-35)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, May 16, 2024**, considered your application for Site Plan approval for the addition of 3 residential units in an existing commercial building Said property is shown on Assessor Map 126 Lot 12 and lies within the Character District 4 (CD4), Downtown Overlay, and Historic Districts. As a result of said consideration, the Board voted 1) to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented, *and* 2) to find that the requested waivers will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the regulations as requested; *and* 3) to grant Site Plan **approval** with the following **condition**:

*3.1) 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.*

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

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

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

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

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

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

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Very truly yours,

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Rick Chellman, Chairman of the Planning Board

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

Peter H. Rice, Director of Public Works  
Derek Durbin, Durbin Law Offices PLLC  
Alex Ross, Ross Engineering, LLC

# Findings of Fact | Site Plan Review

## City of Portsmouth Planning Board

Date: May 16, 2024

Property Address: 15 Middle St

Application #: LU-24-35

Decision: 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.

Site Plan Regulations 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.

	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding (Meets Standard/Criteria)</b>	<b>Supporting Information</b>
<b>1</b>	Compliance with all City Ordinances and Codes and these regulations. <u>Applicable standards:</u>	<b>Meets</b>	<u>Applicable standards:</u> Site Plan Review Regulations.
<b>2</b>	Provision for the safe development, change or expansion of use of the site.	<b>Meets</b>	The site is fully developed, and all improvements to the subject mixed-use building have been completed except for the finishing of three (3) apartment units on the 3 <sup>rd</sup> floor. The 3 <sup>rd</sup> Floor of the subject building is partially complete according to an agreement entered into with the City prior to construction. Site plan review is required for the completion of the three (3) apartment units. Site plan review is not required for the rest of the site.



	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding (Meets Standard/Criteria)</b>	<b>Supporting Information</b>
<b>3</b>	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.	<b>Meets</b>	N/A. No site work is proposed.
<b>4</b>	Adequate protection for the quality of groundwater.	<b>Meets</b>	N/A. No site work is proposed.
<b>5</b>	Adequate and reliable water supply sources.	<b>Meets</b>	No site work is proposed. The site is serviced by public water.
<b>6</b>	Adequate and reliable sewage disposal facilities, lines, and connections.	<b>Meets</b>	No site work is proposed. The site is serviced by public sewer.
<b>7</b>	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.	<b>Meets</b>	N/A. No site work is proposed. The site was previously developed and all construction in the building is complete, except for the finishing of the 3 <sup>rd</sup> floor apartment units.
<b>8</b>	Adequate provision for fire safety, prevention and control.	<b>Meets</b>	No site work is proposed. A sprinkler line exists connecting the City water line and the building.
<b>9</b>	Adequate protection of natural features such as, but not limited to, wetlands.	<b>Meets</b>	No site work is proposed. There are no sensitive natural resources in the vicinity of the site.
<b>10</b>	Adequate protection of historical features on the site.	<b>Meets</b>	The only work to be performed is the finishing of three (3) separate apartment units on the 3 <sup>rd</sup> floor of the subject building.

	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding (Meets Standard/Criteria)</b>	<b>Supporting Information</b>
<b>11</b>	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.	<b>Meets</b>	No site work is proposed.
<b>12</b>	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	<b>Meets</b>	No site work is proposed.
<b>13</b>	Adequate insulation from external noise sources.	<b>Meets</b>	No site work is proposed.
<b>14</b>	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.	<b>Meets</b>	No site work is proposed.
<b>15</b>	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	<b>Meets</b>	No site work is proposed. The site is a densely developed lot with no usable "open space" or opportunity for recreational facilities.
<b>16</b>	Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.	<b>Meets</b>	N/A. No site work is proposed.
<b>17</b>	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.	<b>Meets</b>	N/A. No site work is proposed.

	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding (Meets Standard/Criteria)</b>	<b>Supporting Information</b>
<b>18</b>	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	<b>Meets</b>	No site work is proposed. The site is densely developed and has no usable open space.
<b>19</b>	Compliance with applicable City approved design standards.	<b>Meets</b>	The site has been designed in compliance with City design standards. Site plan review is only required as a formality, as all site improvements are complete and have been inspected except for the finish work pertaining to the three (3) 3 <sup>rd</sup> floor apartment units.
	<b>Other Board Findings:</b>		



# CITY OF PORTSMOUTH

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

## **PLANNING BOARD**

May 23, 2024

RIGZ Enterprises LLC  
18 Dixon Lane  
Derry, New Hampshire 03038

RE: Site Plan Review request for property located at 822 US Route 1 Bypass (LU-23-209)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, May 16, 2024**, considered your application for Site Plan review approval to demolish the existing building and construct a new commercial building as well as associated paving, stormwater management, lighting, utilities and landscaping Said property is shown on Assessor Map 160 Lot 29 and lies within the Business (B) District. As a result of said consideration, the Board voted 1) to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented; *and* 2) to find that the requested waivers will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the regulations as requested; *and* 3) to **grant** Site Plan approval with the following **conditions**:

**Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:**

3.1) *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.*

3.2) *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*

3.3) *The applicant shall add a note on the plan requiring advanced notification to DPW of the construction of improvements within the public rights-of-way and on site.*

3.4) *Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit: <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>*

**Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a certificate of occupancy and release of the surety:**

3.5) *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;*

*3.6) A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*

*3.7) The applicant shall install a solid 6-foot fence in place of the proposed chain link fence in order to block light and inhibit sound.*

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

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

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

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

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

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

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

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

Very truly yours,

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

Rick Chellman, Chairman of the Planning Board

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

Peter H. Rice, Director of Public Works  
Monica Kieser, Attorney, Hoefle, Phoenix, Gormley & Roberts, PLLC  
Alex Ross, Engineer, Ross Engineering, LLC

# Findings of Fact | Site Plan Review

## City of Portsmouth Planning Board

Date: May 16, 2024

Property Address: 822 US Route 1 Bypass

Application #: LU-23-209

Decision: 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.

Site Plan Regulations 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.

	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding (Meets Standard/Criteria)</b>	<b>Supporting Information</b>
<b>1</b>	Compliance with all City Ordinances and Codes and these regulations. <u>Applicable standards:</u>	<b>Meets</b>	<u>Applicable standards:</u> Site Plan Review Regulations and Zoning Ordinance  Zoning Ordinance Variances granted for parking.
<b>2</b>	Provision for the safe development, change or expansion of use of the site.	<b>Meets</b>	The site is a vacant gas station (tanks removed) which attracts illicit activity. Cessation of gas station use and a new active retail use improves safety. The Site Plan Set provides for safe development.
<b>3</b>	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.	<b>Meets</b>	The site is a previously developed lot off the Route 1 Bypass. The redevelopment includes a grading and drainage plan as well as an Erosion Control Plan. Both plans incorporate maintenance requirements to ensure the systems function as designed. The proposed redevelopment will also decrease impervious coverage and incorporate landscaping.
<b>4</b>	Adequate protection for the		Site is fully developed. Impervious

	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding (Meets Standard/Criteria)</b>	<b>Supporting Information</b>
	quality of groundwater.	<b>Meets</b>	coverage is proposed to be reduced. Redevelopment includes an Erosion Control Plan and a Stormwater Management Plan. Proposed Jellyfish filter will provide treatment that does not exist currently.
<b>5</b>	Adequate and reliable water supply sources.	<b>Meets</b>	Water supplied from existing water line in Dennett St. Applicant to coordinate with Portsmouth DPW to ensure proper connections. A Utility Plan is included in the application.
<b>6</b>	Adequate and reliable sewage disposal facilities, lines, and connections.	<b>Meets</b>	A sewer line is proposed to connect to an existing sewer manhole. Applicant to coordinate with Portsmouth DPW to ensure proper connections. A Utility Plan is included in the application.
<b>7</b>	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.	<b>Meets</b>	Erosion Control provided and shown in erosion control plan. Drainage, Sewer, Water, Gas, and Electrical to be installed as per Utility Plan so as not to discharge into the environment or adjacent properties.
<b>8</b>	Adequate provision for fire safety, prevention and control.	<b>Meets</b>	A sprinkler line is proposed to connect to the existing water line in Dennett St. Applicant to coordinate with Portsmouth DPW to ensure proper connections. A Utility Plan is included in the application.
<b>9</b>	Adequate protection of natural features such as, but not limited to, wetlands.	<b>Meets</b>	Natural features such as wetlands do not exist in close proximity to site. Total impervious coverage is decreased, treatment is provided, and new landscaping is added, benefiting surrounding sites.
<b>10</b>	Adequate protection of historical features on the site.	<b>Meets</b>	No historical features on the site.
<b>11</b>	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect	<b>Meets</b>	Site was previously a gas station for many years. The new use does not cause a significant change in traffic flow from the site. A waiver has been requested for

	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding (Meets Standard/Criteria)</b>	<b>Supporting Information</b>
	public safety and prevent traffic congestion.		Section 3.2.1-2 "Traffic Impact Analysis".
<b>12</b>	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	<b>Meets</b>	New signage proposed that will provide better direction to customers entering and exiting the site. A Utility plan is included in the application depicting the signage.
<b>13</b>	Adequate insulation from external noise sources.	<b>Meets</b>	Proposed use is retail. This use does not result in adverse noise to surrounding properties.
<b>14</b>	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.	<b>Meets</b>	Dumpster location is shown on the provided Utility Plan to depict solid waste disposal. No new demands for police, emergency medical, or other municipal services is proposed.
<b>15</b>	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	<b>Meets</b>	New landscape beds are proposed and are depicted on a Landscape Plan provided in this application. No recreational facilities can reasonably be provided on the site.
<b>16</b>	Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.	<b>Meets</b>	All access ways are existing. Curbing, paving, signage, and paint markings are proposed which will improve the existing access ways.
<b>17</b>	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.	<b>Meets</b>	Site is fully developed. Building can be constructed without danger to health.
<b>18</b>	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	<b>Meets</b>	New landscape beds are proposed and are depicted on a Landscape Plan provided in this application.
<b>19</b>	Compliance with applicable City approved design standards.	<b>Meets</b>	Application complies with the Site Plan Review Regulations. Waivers are requested for sections of the site plan review regulations not deemed necessary.



	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding</b> (Meets Standard/Criteria)	<b>Supporting Information</b>
	<b>Other Board Findings:</b>		



## CITY OF PORTSMOUTH

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

### PLANNING BOARD

May 22, 2024

361 Hanover Steam Factory, LLC  
41 Industrial Drive, Unit 20  
Exeter, NH 03833

RE: Request for Design Review for Property Located at **361 Hanover Street** in Portsmouth, New Hampshire (LUPD-24-3)

Dear Property Owner:

The Planning Board, at its meeting on **Thursday, May 16, 2024** considered your application requesting Design Review for the construction of a new building along Hanover Street with a 20-foot tunnel entrance from Hanover Street to a central courtyard between the new building and the existing 361 Hanover Street (Portsmouth Steam Factory) building. The courtyard will provide access to the indoor parking areas at both the existing and the new building. The upper floors of the new Hanover Street building will contain 12 residential dwelling units and the Portsmouth Steam Factory Building would contain 24 dwelling units; for a total of 36 dwelling units. There would be 72 off-street parking spaces in the aggregate. Said property is located on Assessor Map 138 Lot 63 and lies within the Character District 5 (CD5) Downtown Overlay and North End Overlay Districts. As a result of said consideration, the Board voted to find the design review process complete and to schedule a site walk and public hearing.

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

Very truly yours,

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

Peter H. Rice, Director of Public Works

John Chagnon, Ambit Engineering

John Bosen, Bosen and Associates