



City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

Supplemental Memorandum

To: Planning Board

From: Peter Stith, AICP
Planning Manager

Date: November 20, 2024

Re: Supplemental Information on 2 Russell, 913 Sagamore & 27 Hancock

2 Russell

Prior to the applicant receiving site plan approval on December 15, 2022, they completed the Design Review process in February 2022 which vests the project and locks the zoning in place. Because of this, the CUPs before the Planning Board should be considered and approved under the zoning that was in place in 2022. The relevant section is below that was in place at the time:

10.5A43.43 For a **building** that contains **ground floor parking**, a **parking garage** or **underground parking levels**, and is not subject to Section 10.5A43.42, the Planning Board may grant a conditional use permit to allow a **building footprint** of up to 30,000 sq. ft. in the CD4 or CD4-W districts, and up to 40,000 sq. ft. in the CD5 district, if all of the following criteria are met:

- (a) No **story** above the **ground floor parking** shall be greater than 20,000 sq. ft. in the CD4 or CD4-W districts or 30,000 sq. ft. in the CD5 district.
- (b) All **ground floor parking** areas shall be separated from any public or private **street** by a **liner building**.
- (c) At least 50% of **the gross floor area** of the **ground floor** shall be dedicated to parking.
- (d) At least 30% of the property shall be assigned and improved as **community space**. Such **community space** shall count toward the required **open space** listed under Figures 10.5A41.10A-D (Development Standards) and **community space** required under Section 10.5A46.20. The size, location and type of the **community space** shall be determined by the Planning Board based on the size and location of the **development**, and the proposed and **adjacent uses**.
- (e) The **development** shall comply with all applicable standards of the ordinance and the City's land use regulations.

The recorded lot line revision is below for reference and an updated Findings of Fact sheet is attached and is what should be used when voting on this application.

NOTES:

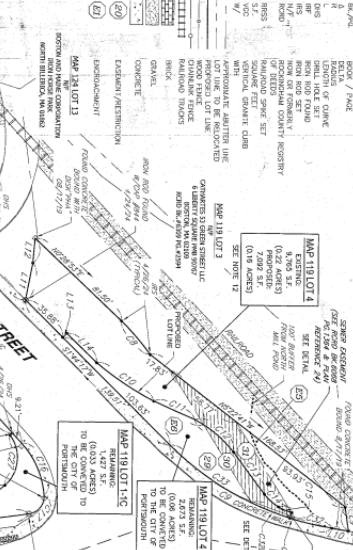
1. THE ZONING MAP IS LOCATED IN THE CHARACTER DISTRICT'S CODES & REGULATORY DISTRICTS.
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ZONING TABLE

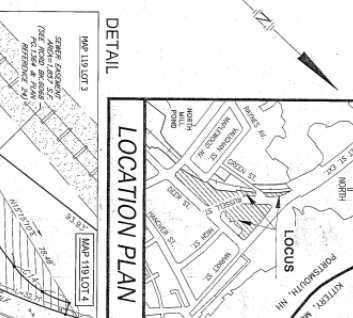
CHARACTER DISTRICT: COMMERCIAL, REQUIREMENTS:

REQUIREMENT	DESCRIPTION
1	MINIMUM LOT AREA: 5,000 SQ. FT.
2	MINIMUM FRONT YARD SETBACK: 10 FT.
3	MINIMUM SIDE YARD SETBACK: 5 FT.
4	MINIMUM REAR YARD SETBACK: 5 FT.
5	MINIMUM FRONT SETBACK: 10 FT.
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LEGEND



LOCATION PLAN

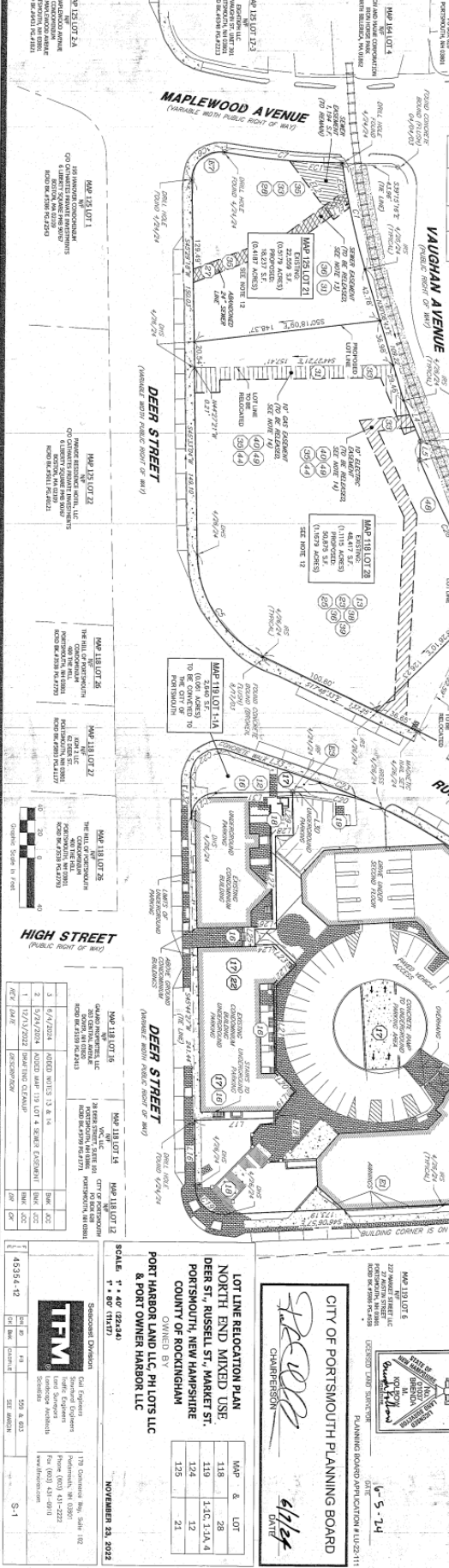


EXISTING AREA TABLE

MAP	LOT	ST. ACRES	MAP	LOT	ST. ACRES
118	28	0.0581	118	28	0.0581
119	1-1C	0.0000	119	1-1C	0.0000
119	1-1D	0.0000	119	1-1D	0.0000
119	1-1E	0.0000	119	1-1E	0.0000
119	1-1F	0.0000	119	1-1F	0.0000
119	1-1G	0.0000	119	1-1G	0.0000
119	1-1H	0.0000	119	1-1H	0.0000
119	1-1I	0.0000	119	1-1I	0.0000
119	1-1J	0.0000	119	1-1J	0.0000
119	1-1K	0.0000	119	1-1K	0.0000
119	1-1L	0.0000	119	1-1L	0.0000
119	1-1M	0.0000	119	1-1M	0.0000
119	1-1N	0.0000	119	1-1N	0.0000
119	1-1O	0.0000	119	1-1O	0.0000
119	1-1P	0.0000	119	1-1P	0.0000
119	1-1Q	0.0000	119	1-1Q	0.0000
119	1-1R	0.0000	119	1-1R	0.0000
119	1-1S	0.0000	119	1-1S	0.0000
119	1-1T	0.0000	119	1-1T	0.0000
119	1-1U	0.0000	119	1-1U	0.0000
119	1-1V	0.0000	119	1-1V	0.0000
119	1-1W	0.0000	119	1-1W	0.0000
119	1-1X	0.0000	119	1-1X	0.0000
119	1-1Y	0.0000	119	1-1Y	0.0000
119	1-1Z	0.0000	119	1-1Z	0.0000

PROPOSED AREA TABLE

MAP	LOT	ST. ACRES	MAP	LOT	ST. ACRES
118	28	0.0581	118	28	0.0581
119	1-1C	0.0000	119	1-1C	0.0000
119	1-1D	0.0000	119	1-1D	0.0000
119	1-1E	0.0000	119	1-1E	0.0000
119	1-1F	0.0000	119	1-1F	0.0000
119	1-1G	0.0000	119	1-1G	0.0000
119	1-1H	0.0000	119	1-1H	0.0000
119	1-1I	0.0000	119	1-1I	0.0000
119	1-1J	0.0000	119	1-1J	0.0000
119	1-1K	0.0000	119	1-1K	0.0000
119	1-1L	0.0000	119	1-1L	0.0000
119	1-1M	0.0000	119	1-1M	0.0000
119	1-1N	0.0000	119	1-1N	0.0000
119	1-1O	0.0000	119	1-1O	0.0000
119	1-1P	0.0000	119	1-1P	0.0000
119	1-1Q	0.0000	119	1-1Q	0.0000
119	1-1R	0.0000	119	1-1R	0.0000
119	1-1S	0.0000	119	1-1S	0.0000
119	1-1T	0.0000	119	1-1T	0.0000
119	1-1U	0.0000	119	1-1U	0.0000
119	1-1V	0.0000	119	1-1V	0.0000
119	1-1W	0.0000	119	1-1W	0.0000
119	1-1X	0.0000	119	1-1X	0.0000
119	1-1Y	0.0000	119	1-1Y	0.0000
119	1-1Z	0.0000	119	1-1Z	0.0000



LOT LINE RELOCATION PLAN
 NORTH END MIXED USE
 DEER ST., RUSSELL ST., MARKET ST.
 PORTSMOUTH, NEW HAMPSHIRE
 COUNTY OF ROCKINGHAM
 OWNED BY
PORT HARBOR LAND LLC PILOTS LLC
 & PORT OWNER HARBOR LLC

NOVEMBER 20, 2022

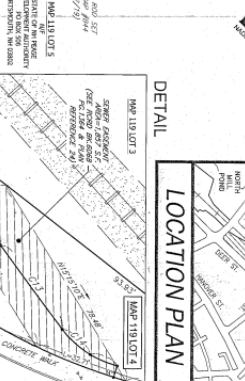
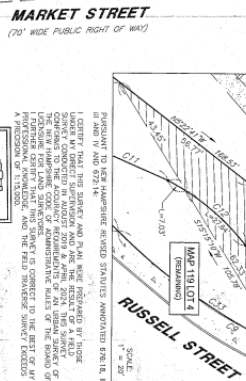
SCALE: 1" = 40' (25:24)
 1" = 80' (11:23)

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 www.tfmnh.com

45354-12

CITY OF PORTSMOUTH PLANNING BOARD
 CHAIRPERSON
 DATE

MAP & LOT
 118 28
 119 1-1C, 1-1A, 4
 119 1-1E
 119 1-1F, 1-1G, 1-1H, 1-1I, 1-1J, 1-1K, 1-1L, 1-1M, 1-1N, 1-1O, 1-1P, 1-1Q, 1-1R, 1-1S, 1-1T, 1-1U, 1-1V, 1-1W, 1-1X, 1-1Y, 1-1Z



Planning Department Recommendation

Conditional Use Permit – 10.1112.62 Shared Parking

1) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.62 and to adopt the findings of fact as presented.

(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.62 and to adopt the findings of fact as amended and read into the record.

2) Vote to find that the number of off-street parking spaces provided will be adequate and appropriate for the proposed use of the property and to grant the conditional use permit as presented with the following condition:

- 2.1) The shared parking arrangement shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.

Conditional Use Permit – 10.5A43.43 Maximum Building Footprint

1) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.5A43.43 and to adopt the findings of fact as presented.

(Alt.) Vote to find that the Conditional Use Permit application meets the criteria set forth in Section 10.5A43.43 and to adopt the findings of fact as amended and read into the record.

2) Vote to grant the conditional use permit.

913 Sagamore

This application was before the Zoning Board of Adjustment at their regularly scheduled meeting of Tuesday, November 19, 2024 and the Board considered the variances below:

- 1) Variance from Section 10.531 to allow 0 feet of frontage where 100 feet are required;*
- 2) Variance from Section 10.334 to allow a nonconforming residential use to be extended into another part of the remainder of the lot;*
- 3) Variance from Section 10.331 to allow a lawful nonconforming use to be extended or enlarged; and*
- 4) Variance from Section 10.440 to allow a single family dwelling where it is not permitted.*

The Board voted 4-3 to **grant** the variances with the following condition:

Property/owner will continue to operate a waterfront business on the property and no other residences are allowed.

27 Hancock

In addition to the recommendation to accept the easement, the Planning Board should vote to waive the referral and report requirement pursuant to Ordinance Section 11.602 below:

<p>Section 11.602: REFERRAL AND REPORT</p> <ul style="list-style-type: none">A. The following matters shall be referred to the Planning Board in writing at least thirty (30) days before final action is taken:<ul style="list-style-type: none">(1) Any acquisition or disposition of municipal real property, including fee transfers, easements and licenses;(2) Any plan for the construction, alteration, relocation, acceptance or discontinuance of a public way. B. No final action on a matter listed herein shall be taken until either the Planning Board has reported to the City Council thereon in writing or sixty (60) days have elapsed since the referral without such report. C. The failure to refer a matter listed herein to the Planning Board shall not affect the legal validity or force of any action related thereto if the Planning Board waives such referral.
