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November 19, 2024

**SUBMITTED ONLINE VIA CITY OF PORTSMOUTH – OPENGOV PORTAL**

Rick Chellman  
Chairman, Planning Board  
1 Junkins Avenue  
Portsmouth, NH 03801

**RE: 2 Russell Street (LU-24-191) – Reapproval of Conditional Use Permit Applications  
Proposed Mixed Use Development, Russell Street & Deer Street, Portsmouth, NH**

Dear Chair Chellman,

I am providing you with this letter as an additional supplement to my Client’s October 21, 2024, Application for Reapproval of the above referenced Conditional Use Permits (“CUPs”). This matter is scheduled for Hearing before the Planning Board on November 21, 2024.

I apologize for reaching out to you again. However, in my first supplemental letter dated November 14, 2024, I addressed the issues related to the amendment to Section 10.5A43.43 of the Zoning Ordinance, which now requires 10% Community Space and 10% Workforce Housing. In that letter, I requested that the Planning Board within its authority, not require the 10% Workforce Housing requirement, based on the significant Community Space that was being provided by this Project and other related benefits to the City.

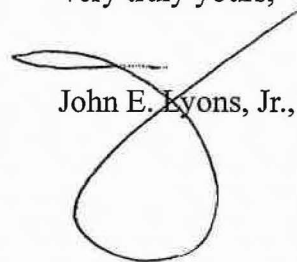
In follow up with the City Planning Department staff, the amendment to Section 10.5A43.43 of the Zoning Ordinance does not in fact apply to my Client’s request for Reapproval of the CUPs. Because my Client went through complete Design Review in 2022, this Project is vested from future Zoning Ordinance changes and amendments. Please see the attached Planning Board letter dated February 23, 2022.

It is my understanding that the City Planning Department staff agree that this Project is vested, and the referenced amendment does not apply. I also understand that you will receive a supplemental memo from Peter Stith on behalf of the City staff, indicating that the CUPs should be reapproved under the prior Zoning Ordinance.

Accordingly, my Client is respectfully requesting the Planning Board reapprove the CUPs. This request is consistent with the Planning Board's approval of the second one-year extension of this Project, which was granted at its Meeting held on October 17, 2024, and confirmed by letter dated October 24, 2024.

Thank you for your kind consideration.

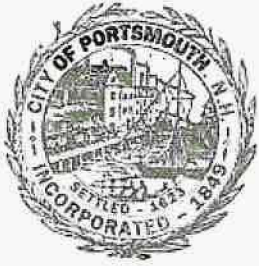
Very truly yours,

A handwritten signature in black ink, consisting of a large loop at the bottom and a horizontal line at the top that extends to the right.

John E. Lyons, Jr., Esq.

JEL/dhb

cc: Peter Britz – [plbritz@cityofportsmouth.com](mailto:plbritz@cityofportsmouth.com)  
Peter Stith – [pmstith@cityofportsmouth.com](mailto:pmstith@cityofportsmouth.com)  
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Ryan D. Plummer – [ryan@twointernationalgroup.com](mailto:ryan@twointernationalgroup.com)



## CITY OF PORTSMOUTH

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

### PLANNING BOARD

February 23, 2022

Ryan Plummer  
Two International Group  
1 New Hampshire Ave, Suite 123  
Portsmouth, NH 03801

RE: Request for Design Review for Properties Located at **2 Russell and Along Russell Street and Deer Street** (LUPD-22-1)

Dear Mr. Plummer:

The Planning Board, at its meeting on Thursday, February 17, 2022, considered your application for Design Review for Properties Located at **2 Russell and Along Russell Street and Deer Street**. At this meeting, the Board voted to determine the design review process complete.

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

Patrick Crimmins, PE, Tighe & Bond