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November 14, 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 to supplement my Client’s October 21, 2024, Application for Reapproval of the above referenced Conditional Use Permits (“CUPs”).

My Client obtained HDC Approval of the 2 Russell Street Project on August 29, 2022. My Client obtained Planning Board Approval, including Approval of the CUPs, on December 15, 2022. When the Project was initially approved (See Section 10.5A43.43 of the Zoning Ordinance) my Client was required to assign and improve 30% of the Property as Community Space. In fact, consistent with the attached **Community Space Exhibit**, my Client provided 40.4% Community Space. At that time, there was no Workforce Housing requirement, and none was provided for.

As I set out in the original Application for Reapproval, my Client has timely met all the requirements of the Subdivision Approval prior to the June 15, 2024 deadline. However, this is a complex Project and on October 24, 2024, the Planning Board granted my Client a second one-year extension as to Site Plan Approval. This extension will allow my Client to undertake additional time in planning and design related to the realignment of Russell and Deer Streets; address issues related to the proximity to the railroad; address issues related to the relocation of utility easements; and deal with issues related to ledge removal. We are also working through the complex CMMP, and the issues related thereto involving multiple parties and a tight site in an urban environment.

I would also note that the abnormal shape of the site added time to my Client’s design efforts. Specifically, the shape of Building 2 made parking layouts challenging. As a result, we applied for a Parking Variance which was granted by the Zoning Board of Adjustment on October 25, 2024. The result of the Parking Variance actually improves the parking as six (6) spaces have been added while reducing the number of less-desirable tandem spaces.

Unfortunately, there is no mechanism for us to request an additional one-year extension as to the CUPs and therefore, the only applicable process is to request the Planning Board to reapprove the CUPs. As a result, Section 10.5A43.43 of the Zoning Ordinance, as amended, now applies which requires 10% Community Space and 10% Workforce Housing.

We are respectfully requesting the Planning Board, within its authority, not require 10% Workforce Housing as part of the Reapproval of the existing CUPs, given the status of this Project and that it was originally approved by the Planning Board in December of 2022. In support of this request, I would note that under the current requirement, my Client only needs to provide 5,797 square feet of Community Space, when my Client is, in fact, providing 23,420 square feet of Community Space. I know that there is at least one Project that has been approved by the Planning Board, that in the inverse, waived the Community Space requirement based on the Workforce Housing that was being provided. We are simply asking that given the significant Community Space that is being provided, and when the Project was initially approved, that the Workforce Housing requirement not be imposed as to the Reapproval of the CUPs.

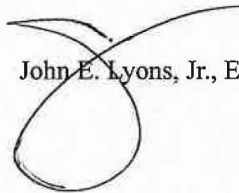
I would also reiterate the significant benefits this Project is providing to the City. Based on the three (3) Quitclaim Deeds that my Client conveyed to the City, the Deer and Russell Streets intersection will be realigned. The City will also have the ability to construct a roundabout at Russell and Market Streets in the future.

Finally, I would note that this Project consists of 3 separate buildings. Building 2 will be constructed on Map 118, Lot 28. The footprint of that building grew in order to accommodate a specific HDC request. The HDC wanted my Client to create a connection from Portwalk Place through the North End. To do that, my Client had to shift the space between the buildings toward Maplewood Avenue. This caused the footprint of Building 2 to grow and necessitated the CUP related to the maximum building footprint, which we are now asking to be reapproved.

My Client respectfully requests that the Planning Board, within your authority, grant the Reapproval of the existing CUPs, without the need to meet the Workforce Housing requirement. This request is based on all the above, and specifically that this Project will bring many benefits to the City of Portsmouth; that the Project was originally approved prior to the amendment to Section 10.5A43.43; that all other extensions have been granted; and that significant Community Space is being provided.

Thank you for your kind consideration.

Very truly yours,



John E. Lyons, Jr., Esq.

JEL/dhb

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NORTH END MIXED USE DEVELOPMENT RUSSELL STREET & DEER STREET PORTSMOUTH, NEW HAMPSHIRE

COMMUNITY SPACE EXHIBIT

PROPOSED COMMUNITY SPACE:

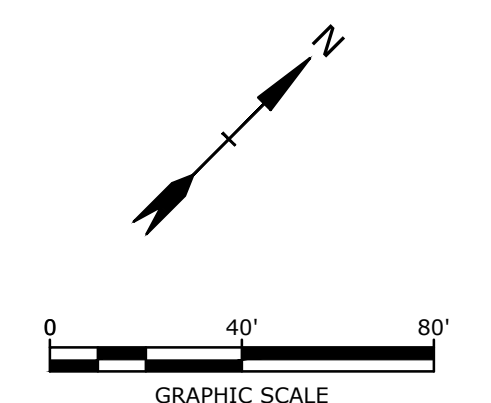
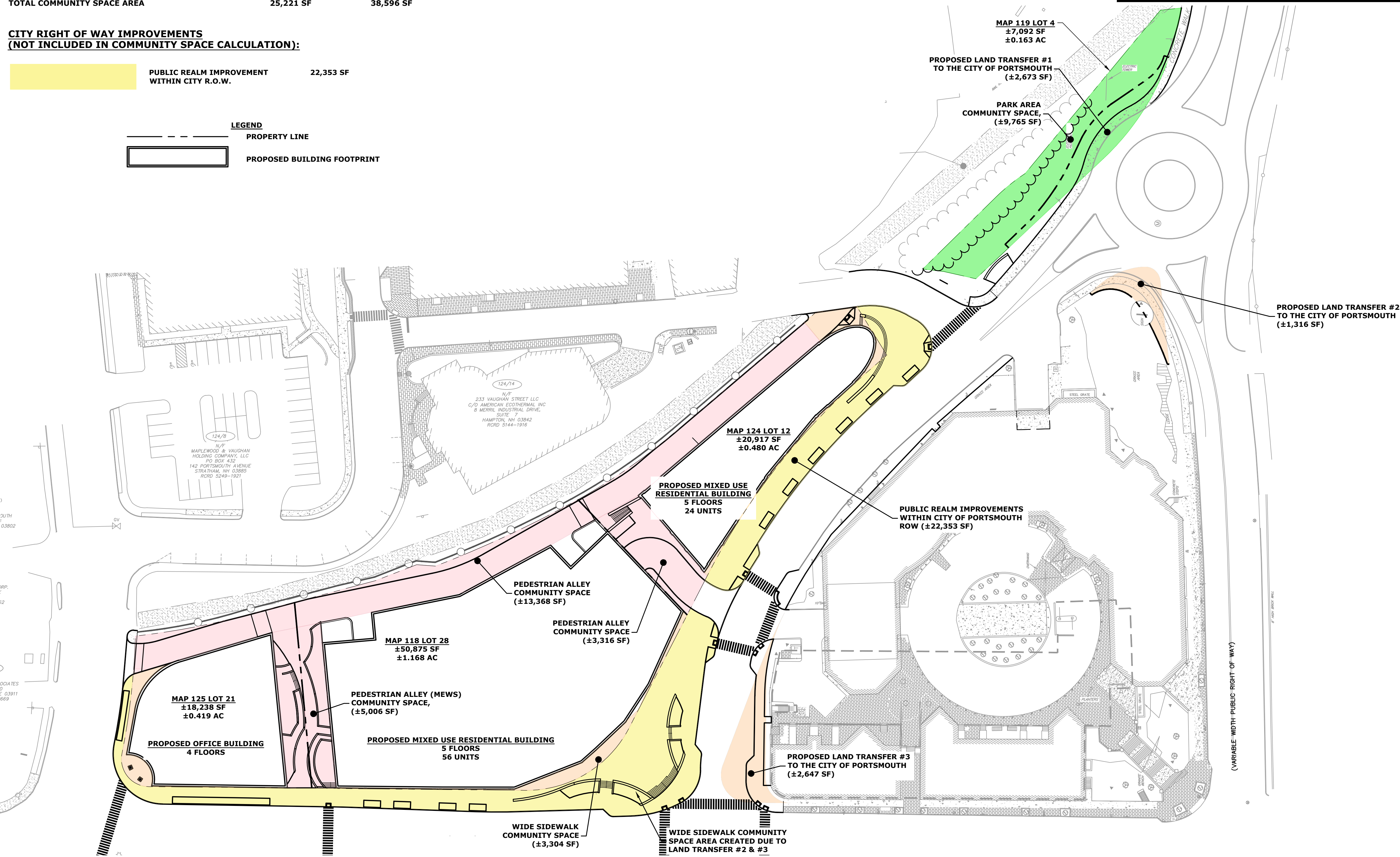
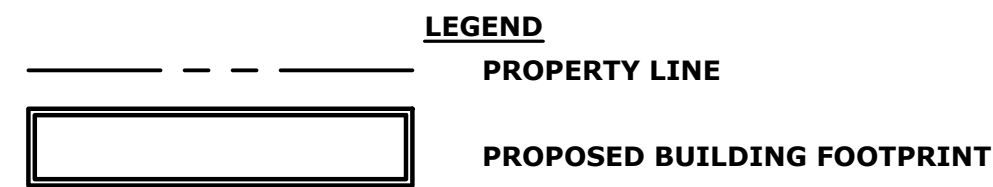
	REQUIRED	PROVIDED
WIDE SIDEWALK COMMUNITY SPACE		7,140 SF
PEDESTRIAN ALLEY COMMUNITY SPACE		21,691 SF
PARK AREA COMMUNITY SPACE		9,765 SF
TOTAL COMMUNITY SPACE AREA	25,221 SF	38,596 SF

COMMUNITY SPACE:

	REQUIRED	PROPOSED
MAP 125 LOT 21 DEVELOPMENT LOT AREA: 18,237 SF	3,647 SF, 20%	6,273 SF, 34.4%
MAP 118 LOT 28 DEVELOPMENT LOT AREA: 50,875 SF OFFSITE COMMUNITY SPACE AREA (MAP 119 LOT 4): 7,092 SF	15,263 SF, 30%	2,128 SF, 30%
MAP 118 LOT 28 TOTAL	17,391 SF, 30%	23,420 SF, 40.4%
MAP 124 LOT 12 DEVELOPMENT LOT AREA: 20,917 SF	4,183 SF, 20%	9,002 SF, 43.0%
TOTALS	25,221 SF	38,695 SF, 39.8%

**CITY RIGHT OF WAY IMPROVEMENTS
(NOT INCLUDED IN COMMUNITY SPACE CALCULATION):**

PUBLIC REALM IMPROVEMENT WITHIN CITY R.O.W.	22,353 SF
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Tighe & Bond

Last Save Date: November 21, 2022, 4:08 PM By: CKRZCUIK
 Plot Date: Tuesday, November 22, 2022 Plotted By: Colter Krzcuk
 T5037-002-C-DSGN.dwg
 Street Development Drawings - Figures/AutoCAD/T5037-002-C-DSGN.dwg Layout Tab: COMM