



CITY OF PORTSMOUTH

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

PLANNING BOARD

October 27, 2022

Coventry Realty, LLC
3 Pleasant St. 4th Floor
Portsmouth, NH 03801

RE: Conditional Use Permit Approval for property located at 111 State Street (LU-22-125)

Dear Owners:

The Planning Board, at its regularly scheduled meeting of Thursday, October 20, 2022, considered your application for Conditional Use Permit approval in accordance with section 10.1112.14 of the Zoning Ordinance to allow zero (0) parking spaces where 35 are required. Said property is shown on Assessor Map 107 Lot 50 and lies within the Character District 4 (CD4) and Historic Districts. 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 10.1112.1 and to adopt the findings of fact as presented, and 2) 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.

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.

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. All stipulations of approval must be completed prior to issuance of a building permit unless otherwise indicated above.

This approval shall expire unless a building permit is obtained within a period of one year from the date granted, unless otherwise stated in the conditions of approval. The Planning Board may, for good cause shown, extend such period by as much as one year if such extension is requested and acted upon prior to the expiration date. No other extensions may be requested.

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 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

John Chagnon, Ambit Engineering

Findings of Fact | Parking Conditional Use Permit

City of Portsmouth Planning Board

Date: October 20, 2022

Property Address: 111 State Street

Application #: LU-22-125

Decision: Approve

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: 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.

Parking Conditional Use Permit

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.

	Parking Conditional Use Permit 10.1112.14 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
1	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.	Yes	<p>The Technical Advisory Committee did not require a parking demand analysis and recommended this item be approved for the following reasons.</p> <ul style="list-style-type: none"> • The proposed change of use results in an overall reduction in parking needs for the site and introduces no increased parking impacts to the site or area. • The new proposed uses bring the required parking of the site into greater conformance with the parking requirements. • While the four dwelling units represent an expanded use of residential on the site (requiring 5 spaces) the restaurant space is being reduced. • Subsequent to TAC, the applicant provided a parking demand

	Parking Conditional Use Permit 10.1112.14 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
			analysis that has been reviewed by the City Engineer – Parking, Transportation, and Planning.
2	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.	Yes	<ul style="list-style-type: none"> • The property is one block from the Memorial Bridge public parking lot and there is on street parking in the vicinity. • There are additional private surface lots within walking distance that provide additional parking, if necessary. • The property is very close to the Downtown Overlay District; where 4 residential spaces would be automatically waived. • The property has easy pedestrian and bicycle access to a variety of services and attractions in the Downtown. • Long term storage of vehicles in off-site locations, for the residential use, is a possible alternative.
3	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.	Yes	<ul style="list-style-type: none"> • The proposed change of use results in an overall reduction in parking needs for the site and introduces no increased parking impacts to the site or area. • While the four dwelling units represent an expanded use of residential on the site (requiring 5 new spaces) the restaurant space is being reduced lowering overall parking demand. • The parking demand analysis indicates a peak period demand reduction of 6 parking spaces.
4	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.	Yes	<ul style="list-style-type: none"> • The site has always operated without benefit of full on-site parking and has no location on site to provide the required parking. In this case, a reasonable application of the non-conforming requirements might apply with the redevelopment of the site where an opportunity for below grade (or surface) parking could be

	Parking Conditional Use Permit 10.1112.14 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
			<p>integrated into the site.</p> <ul style="list-style-type: none"> Residential parking demand is highest at night when the most parking spaces are available versus restaurant parking demand that peaks during times of least parking availability.
5	Other Board Findings		
6	Additional Conditions of Approval		



CITY OF PORTSMOUTH

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PLANNING BOARD

October 27, 2022

Neal L. Ouellett Revocable Trust
Darlene L. Furbush- Ouellett Revocable Trust
124 Kensington Road
Portsmouth, NH 03801

RE: Wetland Conditional Use Permit for property located at 124 Kensington Road (LU-22-138)

Dear Owners:

The Planning Board, at its regularly scheduled meeting of **Thursday, October 20, 2022**, considered your application for Wetland Conditional Use Permit approval in accordance with section 10.1017 of the Zoning Ordinance for the demolition of a detached garage and the construction of a new attached garage with 59 square foot increase of impervious area totaling 4,320 square feet of wetland buffer impacts on the property. Said property is shown on Assessor Map 152, lot 20 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to 1) find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented; and 2) **grant** the Wetland Conditional Use permit with the following **condition**:

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

2.1) Signage will be placed within the buffer or wetland itself stating that it is an environmentally sensitive wetland area. Applicant is to contact Peter Britz in the Planning Department to coordinate placement and obtain signage.

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.

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:

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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

Eric Weinrieb, Altus Engineering, Inc.

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: October 20, 2022

Property Address: 124 Kensington Rd.

Application #: **LU-22-138**

Decision: Approve with Conditions

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: 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.

In order to grant Wetland Conditional Use permit approval the Planning Board shall find the application satisfies criteria set forth in the Section 10.1017.50 (Criteria for Approval) of the Zoning Ordinance.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Circle One)	Supporting Information
1	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Yes	Applicant is proposing to construct new garage further from the wetland boundary than the existing structure. Applicant is also proposing to remove existing impervious driveway in and around the 100' buffer and will replace with a pervious material.
2	<i>2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.</i>	Yes	Applicant is unable to move garage location outside of buffer area as it would be within the front yard setback. They are proposing to move garage further away from wetland and still keep it outside of this setback. They intend to remove part of the existing impervious coverage of the buffer and replace with pervious coverage and native buffer plantings.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Circle One)	Supporting Information
3	3. <i>There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Yes	Applicant is proposing no impact to the wetland and intends to improve the wetland buffer within the property and the stormwater that drains into the wetland on-site. The buffer plantings include multiple shrubs and herbaceous plants to be planted within the buffer between the proposed new structure and the wetland and existing retaining wall. The stormwater improvements include a stone drip edge along the perimeter of the proposed building and the permeable driveway and walkway which will both treat and infiltrate stormwater into the ground. These proposed improvements should help treat runoff as it reaches the buffer and wetland.
4	4. <i>Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	Yes	Currently no natural vegetative state on the site plan is proposed to be altered or disturbed. Part of the buffer will receive additional plantings.
5	5. <i>The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>	Yes	This proposal shows an addition of buffer plantings and the applicant is proposing to treat runoff entering into the wetland where there was no treatment previously which should result in reducing the impacts of pollutants into the wetland.
6	6. <i>Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Yes	The applicant is proposing to restore over 760 s.f. of previously disturbed buffer area with an assortment of buffer plantings.
7	Other Board Findings		
8	Additional Conditions of Approval		



CITY OF PORTSMOUTH

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PLANNING BOARD

October 27, 2022

Peter V. Ward
15 Central Avenue
Portsmouth, New Hampshire 03801

RE: Conditional Use Permit and ADU approval for property located at 15 Central Avenue (LU-22-123)

Dear Mr. Ward:

The Planning Board, at its regularly scheduled meeting of Thursday, October 20, 2022, considered your application for Conditional Use Permit Approval as permitted under Section 10814.40 of the Zoning Ordinance to construct an attached Accessory Dwelling Unit. Said property is shown on Assessor Map 209 Lot 4 and lies within the Single Residence B (SRB) 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 10.814.60 and to adopt the findings of fact as presented; and 2) to **grant** the conditional use permit with a modification to the requirement set forth in section 10.814.41 to not require an interior door between the principal dwelling unit and the accessory dwelling, and to approve the Conditional Use Permit with the following **condition**:

2.1) In accordance with [Sec. 10.814.70] of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of [Sec. 10.814], including the owner-occupancy requirement, and shall renew the certificate of use annually.

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.

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. All stipulations of approval must be completed prior to issuance of a building permit unless otherwise indicated above. **Prior to issuance of a building permit, this letter of decision shall be recorded at the Rockingham Registry of Deeds.**

A certificate of use issued by the Planning Department is required to verify compliance with the standards of the approval, including the owner-occupancy and principal residence requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department and is required to be renewed annually.

This approval shall expire unless a building permit is obtained within a period of one year from the date granted, unless otherwise stated in the conditions of approval. The Planning Board may, for good cause shown, extend such period by as much as one year if such extension is requested and acted upon prior to the expiration.

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

Derek Durbin, Durbin Law Offices

Findings of Fact | Accessory Dwelling Unit

City of Portsmouth Planning Board

Date: October 20, 2022

Property Address: 15 Central Avenue

Application #: **LU-22-123**

Decision: Approve with Conditions

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: 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.

Zoning Ordinance -10.814.60: Before granting a conditional use permit for an attached or detached ADU, the Planning Board shall make the following findings:

	Section 10.814.60	Finding (Meets Requirement/ Criteria)	Supporting Information
1	10.814.61 Exterior design of the ADU is consistent with the existing principal dwelling on the lot.	Yes	The AADU will be constructed above the existing garage where there is currently an attic. Dormers will be added to the attic raising the roof height to accommodate the new dwelling unit. The cladding and trim of the renovated garage structure (proposed AADU) will match closely the style of the existing single family residence. (See elevations)
2	10.814.62 The site plan provides adequate and appropriate open space, landscaping and off-street parking for both the ADU and the primary dwelling.	Yes	Much of the property consists of open space, landscaped lawns and garden beds. Nothing additional is proposed for the application. The total lot coverage proposed will be 10.66% where the maximum for the district is 20%.
3	10.814.63 The ADU will maintain a compatible relationship to adjacent properties in terms of location, design, and off-street parking layout, and will not significantly reduce the privacy of adjacent properties.	Yes	There are four parking spaces on site. There are a variety of single family structures in the neighborhood with varying architectural designs not incompatible with the proposed changes. There is no direct abutter to the north or west of the site. The abutter to the east is separated by a

	Section 10.814.60	Finding (Meets Requirement/ Criteria)	Supporting Information
			street. There is an abutter to the south however the AADU is proposed for the north side of the building.
4	10.814.64 The ADU will not result in excessive noise, traffic or parking congestion.	Yes	The size and bedroom limitation suggest that the unit will be limited to one or two residences. The applicant will live on site per city regulations. No greater impact is proposed than that which would be anticipated with a single family dwelling. Adequate parking is available on site.
5	Other Board Findings		
6	Additional Conditions of Approval		



CITY OF PORTSMOUTH

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Hampshire 03801
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PLANNING BOARD

October 27, 2022

Randi Collins and Jeff Collins
77 Meredith Way
Portsmouth, New Hampshire 03801

RE: Preliminary and Final Subdivision for property located at 77 Meredith Way (LU-22-61)

Dear Property Owners:

The Planning Board, at its regularly scheduled meeting of Thursday, October 20, 2022, considered your application for Preliminary and Final Subdivision Approval to subdivide one (1) existing lot with 22,463 square feet of lot area and 31.7 feet of street frontage into two (2) lots with associated 73.3 foot road extension as follows: Proposed Lot 1 with 11,198 square feet of lot area with 73.79 feet of street frontage, and Proposed Lot 2 with 11,265 square feet of lot area and 31.61 feet of street frontage. Said property is shown on Assessor Map 162 Lot 16 and lies within the General Residence A (GRA). As a result of said consideration, the Board voted 1) to find that the Subdivision application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented; and 2) to **grant** preliminary and final subdivision approval with the following **conditions**:

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

- 2.1) *A note will be added to the plan that says a stone drip edge will be provided around both homes that is at least 6" wider than any roof line constructed. The drip edge is to be constructed with an underdrain (french drain) that carries roof runoff to the rain gardens to be infiltrated. The Engineer of record is to inspect these conveyance systems and the construction of the raingardens themselves during their construction to confirm that the soils under the rain gardens are suitable for infiltration and that all construction above that point meets the intent of the design. Engineer to provide the City with pictures and stamped final report guaranteeing that all is built properly and will function in accordance with the design.*
- 2.2) *Lot numbers as determined by the Assessor shall be added to the final plat prior to recordation.*
- 2.3) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- 2.4) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*
- 2.5) *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 and accepted by City Council prior to recordation.*
- 2.6) *The final plat and all easement plans and deeds shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

2.7) *Final house plans shall conform the requirements of the zoning ordinance.*
2.8) *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>*

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.

All conditions of subdivision approval, including recording of the plat as required by the Planning Department, shall be completed within six (6) months of the date of approval, unless an extension is granted by the Planning Director or the Planning Board in accordance with Section III.E of the Subdivision Rules and Regulations. If all conditions have not been completed within the required time period, the Planning Board's approval shall be deemed null and void.

This subdivision approval is not final until the Planning Director has certified that the applicant has complied with the conditions of approval imposed by the Planning Board.

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: Rosann Maurice-Lentz, City Assessor

Chris Mulligan, Bosen and Associates
Brenda Kolbow, TF Moran, INC

Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: October 20, 2022

Property Address: 77 Meredith Way

Application #: LU-22-61

Decision: Approve with Conditions

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: 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.

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information
1	Subdivision Rules and Regulations III. D. 1 The Board shall act to deny any application which is not in compliance with Section IV or V as appropriate. SECTION IV - REQUIREMENTS FOR PRELIMINARY PLAT	Yes	The application has been reviewed by the Technical Advisory Committee for conformance with these minimum requirements. The application was deemed complete at the October 4, 2022 Technical Advisory Committee meeting.
2	SECTION V - REQUIREMENTS FOR FINAL PLAT	Yes	The application has been reviewed by the Technical Advisory Committee for conformance with these minimum requirements. The application was deemed complete on October 4, 2022 at the Technical Advisory Committee Meeting.
3	SECTION VI - GENERAL REQUIREMENTS	Yes	The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements. <ul style="list-style-type: none"> The TAC reviewed the street and utility layout for

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information
			<p>conformance with city design requirements.</p> <ul style="list-style-type: none"> The site will be served by city water. The site will be served by city sewer by means of a city sewer easement. <p>The application was recommended for approval on October 4, 2022 at the Technical Advisory Committee Meeting.</p>
4	SECTION VII - DESIGN STANDARDS	Yes	<p>The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with these minimum requirements.</p> <ul style="list-style-type: none"> The TAC reviewed the street and utility layout for conformance with city design requirements. A full drainage analysis report was submitted that included analysis of the pre-development and post development drainage conditions. The applicant will have to address the final stipulations provided as part of TAC review. <p>The application was recommended for approval on October 4, 2022 at the Technical Advisory Committee Meeting.</p>
5	Other Board Findings		
6	Additional Conditions of Approval		



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PLANNING BOARD

October 27, 2022

Richard Fusegni
201 Kearsarge Way
Portsmouth, New Hampshire 03801

RE: Request for Preliminary and Final Subdivision approval property located at 201 Kearsarge Way (LU-22-150)

Dear Mr. Fusegni:

The Planning Board, at its regularly scheduled meeting of Thursday, October 20, 2022, considered your application for Preliminary and Final Subdivision approval to subdivide a lot with an area of 52,253 s.f. and 205' of continuous street frontage into three (3) lots as follows: proposed Lot 1 with an area of 17,125 s.f. and 100' of continuous street frontage; proposed Lot 2 with an area of 17,406 s.f. and 100.2' of continuous street frontage; and Proposed Lot 3 with an area of 17,723 s.f. and 82.84' of continuous street frontage. Said property is shown on Assessor Map 218 Lot 5 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted 1) to find that the Subdivision application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented, and 2) to **grant** preliminary and final subdivision approval with the following **conditions**:

- 2.1) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat; the corners will need to be in place and evident prior to the issuance of a CO.*
- 2.2) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*
- 2.3) *The final plat, easements and restrictive covenants shall be recorded concurrently at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.4) *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>*
- 2.5) *Conditions as listed in the February 27, 2020 letter of decision.*
 - 2.5.1) *The drainage for lots 2 and 3 shall be incorporated into the back yard areas where they can be maintained without impacting the portion of the property designated to be a conservation area along with the following **conditions**:*
 - 2.5.1-a) *Maintenance responsibilities for the storm-tech systems by the homeowners shall be addressed through a maintenance document that outlines the requirements to keep the system functional at all times. That document shall be recorded as part of the conservation easement deed;*
 - 2.5.1-b) *Plans shall be updated to note stabilized construction entrances shall be installed for all 3 lots; and*
 - 2.5.1-c) *System installation shall be witnessed by the City DPW during installation. The City*

will review the subsoils under the system to guarantee any ledge is removed to a point 24" under the system and will review all the functional parts of the system as a whole to verify the systems will work as designed.

2.5.2) All materials used in the reconstruction of the road shall meet city standards.

2.5.3) The plans shall note that during construction, access will be provided to all existing properties located on Birch Street.

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.

All conditions of subdivision approval, including recording of the plat as required by the Planning Department, shall be completed within six (6) months of the date of approval, unless an extension is granted by the Planning Director or the Planning Board in accordance with Section III.E of the Subdivision Rules and Regulations. If all conditions have not been completed within the required time period, the Planning Board's approval shall be deemed null and void.

This subdivision approval is not final until the Planning Director has certified that the applicant has complied with the conditions of approval imposed by the Planning Board.

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

Very truly yours,

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

Rick Chellman, Chairman of the Planning Board

cc: Rosann Maurice-Lentz, City Assessor

Christopher Mulligan, Bosen & Associates, PLLC
John Chagnon, Ambit Engineering

Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: October 20, 2022

Property Address: 201 Kearsarge Way

Application #: LU-22-150

Decision: Approve with Conditions

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: 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.

	Subdivision Review Criteria	Finding (Meets Requirements/Standards)	Supporting Information
1	Subdivision Rules and Regulations III. D. 1 The Board shall act to deny any application which is not in compliance with Section IV or V as appropriate. SECTION IV - REQUIREMENTS FOR PRELIMINARY PLAT	Yes	Applicant had submitted all materials as articulated in Section IV of the Subdivision Regulations both digitally and in hard copy. Application was deemed complete at the October 4, 2022 Technical Advisory Committee meeting
2	SECTION V - REQUIREMENTS FOR FINAL PLAT	Yes	The application has been reviewed by the Technical Advisory Committee for conformance with these minimum requirements. The application was deemed complete on October 4, 2022 at the Technical Advisory Committee Meeting.
3	SECTION VI - GENERAL REQUIREMENTS	Yes	Application obtained needed variances from the BOA to create conforming lots. The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements. <ul style="list-style-type: none"> Existing access utility easement to

	Subdivision Review Criteria	Finding (Meets Requirements/Standards)	Supporting Information
			stay in effect <ul style="list-style-type: none"> • New access easement to the City will allow for turnaround at the end of Birch Street.
4	SECTION VII - DESIGN STANDARDS	Yes	The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the Design Standards. <ul style="list-style-type: none"> • New utility connections and conduit layouts have been reviewed and will not affect existing infrastructure.
5	Other Board Findings		
6	Additional Conditions of Approval		