



CITY OF PORTSMOUTH

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

PLANNING BOARD

April 26, 2023

Frederick J Bailey III & Joyce Nelson
4 Shore Road
Wolfeboro, New Hampshire 03894

RE: Preliminary & Final Subdivision approval for Lot Line Relocation; and Site Plan Approval for properties located at 212, 214 & 216 Woodbury Avenue (LU-22-129)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, April 20, 2023, considered your application for Preliminary and Final Subdivision Approval for a Lot Line Relocation to create the following lots: Proposed Lot 1 to be 60,025 square feet of lot area where 26,012 square feet are existing, Proposed Lot 2 to be 12,477 square feet of lot area where 29,571 square feet are existing, and Proposed Lot 3 to be 7,917 square feet of lot area where 24,836 square feet are existing. No changes in street frontage are proposed.

Said property is shown on Assessor Map 175 Lots 1, 2, & 3 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted 1) to find that the Subdivision (Lot Line Revision) 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) *The subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.2) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- 2.3) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*
- 2.4) *Verify the height of the deck on Lot 2 to determine if it is less than 18". If it exceeds 18" in height, that portion of the deck within the setback shall be removed.*

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:

<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 stylized with a large, sweeping initial "R" and "C".

Rick Chellman, Chairman of the Planning Board

cc: Rosann Maurice-Lentz, City Assessor

Tuck Realty Corp.
Joseph Coronati, Jones & Beach Engineers

Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: April 20, 2023

Property Address: 212, 214, & 216 Woodbury Avenue

Application #: LU-22-129

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	Meets	We have reviewed Section IV and it appears that the plans address all requirements.
2	SECTION V - REQUIREMENTS FOR FINAL PLAT	Meets	We have reviewed Section V and it appears that the plans address all requirements.
3	SECTION VI - GENERAL REQUIREMENTS	Meets	The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements. • The application was recommended for approval on February 7, 2023 at the Technical Advisory Committee Meeting.

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information
4	SECTION VII - DESIGN STANDARDS	Meets	<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"> • <p>The application was recommended for approval on February 7, 2023 at the Technical Advisory Committee Meeting.</p>
5	<u>Other Board Findings:</u>		



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PLANNING BOARD

April 26, 2023

Frederick J Bailey III & Joyce Nelson
4 Shore Road
Wolfeboro, New Hampshire 03894

RE: Site Plan Approval for properties located at 212, 214 & 216 Woodbury Avenue (LU-22-129)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, April 20, 2023**, considered your application for Site Plan Approval for the construction of an eight-unit condominium development consisting of four (4) single living-unit structures, two (2) two-unit structures, 18 parking spaces where are 13 required, and associated stormwater, utility and site improvements with access to the development from Boyd Street.

Said property is shown on Assessor Map 175 Lots 1, 2, & 3 and lies within the General Residence A (GRA) 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 **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.

2.1) 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.

2.2) 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>

2.3) DPW will review and approve the locations of domestic and fire service lines entering all buildings.

Prior to the issuance of a Certificate of Occupancy or release of the bond:

2.4) *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.*

2.5) *Stormwater Operation and Maintenance manual shall be incorporated in the condo documents.*

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 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>

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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

Tuck Realty Corp.
Joseph Coronati, Jones & Beach Engineers

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: April 20, 2023

Property Address: 212, 214, & 216 Woodbury Avenue

Application #: LU-22-129

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.

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.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
1	Compliance with all City Ordinances and Codes and these regulations. <u>Applicable standards:</u>	Meets	<u>Applicable standards:</u> We received the required zoning relief on April 19, 2022, and have been through the TAC process as well as third party review to make sure that the proposed development complies with the Zoning Ordinance and the Site Plan Review Regulations.
2	Provision for the safe development, change or expansion of use of the site.	Meets	We have designed the shared private driveway to safely accommodate Portsmouth's largest fire truck. See Sheet T1. Additionally, we are providing visitor parking to prevent on-street parking. A stormwater management system has been designed to reduce the rate and volume of runoff from this development to below the existing condition. The units will be sprinklered. We have gone through TAC to ensure the development is safe.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
3	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.	Meets	<p>We are proposing two bioretention systems with adequate pre-treatment as well as four permeable driveways and four subsurface infiltration basins for stormwater management. Rates and volumes of runoff from the subject parcel will be less in the proposed condition compared with the existing condition, as required. The stormwater management system also meets the treatment requirements of the City of Portsmouth and has been reviewed extensively by TAC and Altus Engineering to make sure that it complies with Section 7.6 of the Site Plan Review Regulations.</p> <p>In addition to the proposed stormwater management system, rip rap, erosion control blankets, silt fence, and a stabilized construction entrance are proposed for erosion control during construction.</p>
4	Adequate protection for the quality of groundwater.	Meets	<p>All runoff from impervious paved areas will be directed toward bioretention systems for treatment before being infiltrated to groundwater. Treatment will meet the standards of the City of Portsmouth.</p> <p>Additionally, four of the proposed driveways will be constructed from porous pavers. These systems will be built with a filter course to treat stormwater before it recharges groundwater.</p>
5	Adequate and reliable water supply sources.	Meets	Each unit will have a domestic water and fire suppression service line through the City of Portsmouth Water Department.
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets	Each unit will have a separate sewer service.
7	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	Meets	As explained above, the proposed stormwater management system meets and exceeds the requirements of Section 7.6 of the Site Plan Review Regulations. Peak rates and volumes of runoff are being reduced compared with the existing condition, and all runoff from paved areas will be treated using Low-Impact

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
	prove harmful to persons, structures, or adjacent properties.		<p>Development (LID) features. As for wastewater, each unit will have a separate sewer service that will be connected to the municipal sewer system, leading to the wastewater treatment plant. Appropriate steps taken for erosion and sediment control include silt fence, rip rap, a stabilized construction entrance, and erosion control blankets.</p> <p>Stormwater, wastewater, and sedimentation will be managed. As this is a simple multi-family residential development, we do not anticipate smoke, soot, particulates, or odor resultant to this development.</p>
8	Adequate provision for fire safety, prevention and control.	Meets	Each unit will have a fire service supply and will be sprinkled. Additionally, the proposed private driveway has been designed to accommodate the turning radii of Portsmouth's largest fire truck.
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	There are no wetlands or other outstanding natural features on the subject parcel. We are keeping as many existing trees as possible while still being able to construct the proposed development. We will be landscaping in areas where existing vegetation must be cut and where buildings, pavement, utilities, or stormwater features are not proposed.
10	Adequate protection of historical features on the site.	Meets	There are no known historical features on the site. We coordinated with the New Hampshire Division of Historical Resources as required for the SWPPP and they are in agreement that no known historical properties are affected by the proposed development.
11	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.	Meets	Significant traffic is not anticipated. However, in order to improve traffic safety, the cluster mailbox unit is proposed approximately 95' from the site entrance. This way, vehicle drivers will have adequate time to react to vehicles utilizing the mailbox. Additionally, visitor parking spaces as well as a stop sign and stop bar are proposed.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	A significant increase in off-site traffic is not anticipated for an 8-unit development, but a stop sign and stop bar are proposed at the intersection with Boyd Road. Certainly, there will not regularly be cueing behind the stop bar due to the relatively small size of the development. The curb cut for the proposed development is strategically and intentionally located directly across Boyd Road from the existing curb cut for Manor Drive.
13	Adequate insulation from external noise sources.	Meets	Landscape trees and existing vegetation to remain will provide insulation from noise from nearby highways. From our observations on site, it is not noisy on the subject parcel.
14	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.	Meets	See Note #21 on Sheet C2: "The owner of each unit shall store trash in their garage. Trash will be picked up by a private hauler." The proposed private driveway is designed for the turning radii of Portsmouth's largest fire truck. We went through the TAC process and third party review to ensure that the proposed infrastructure is adequate for the proposed development.
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	Open space is provided between and behind units, between Unit 4 and the proposed private driveway, between Unit 2 and the property line with 214 Woodbury Ave., and in any other location on site that is not encumbered by buildings, pavement, or in-ground stormwater management features. In total, approximately 58.7% of the subject parcel will be open space post-construction. Some of this land is encumbered by the proposed bioretention systems, however much of it is available for recreation.

16	Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.	Meets	The proposed curb cut for the proposed private driveway is strategically and intentionally placed directly across from the existing one for Manor Drive. Additionally, a sidewalk is proposed along Woodbury Ave. & Boyd Road as an extension of the existing one that currently
			ends at the driveway for the Holiday Inn to the north. This was a request of TAC.
17	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.	Meets	Stormwater runoff from impervious surfaces will be treated before leaving the site or recharging the groundwater table. The peak flow rate and volume of runoff will be reduced post-construction. The stormwater management BMPs that were implemented exceed the pollutant removal requirements of the City of Portsmouth as well. Wastewater will enter the municipal sewer system toward the wastewater treatment plant.
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets	We are revegetating all areas on site that we can with a wide variety of tree and shrub species, and even providing alternative groundcovers (bearberry) in some areas of the site. The landscaping plan we have provided is adequate for the proposed development, given the constraints of the site. This was a large topic of discussion throughout the TAC process and we amended the landscaping plan to satisfy their requests in order to provide visual, noise, and air pollution buffers.
19	Compliance with applicable City approved design standards.	Meets	We have obtained the necessary zoning relief to have more than one free-standing dwelling on a lot, and otherwise meet all requirements of the Zoning Ordinance and the Site Plan Review Regulations.
	Other Board Findings:		



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PLANNING BOARD

April 26, 2023

Frederick J Bailey III & Joyce Nelson
4 Shore Road
Wolfeboro, New Hampshire 03894

RE: Conditional Use Permit for property located at 212 Woodbury Avenue (LU-22-129)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, April 20, 2023, considered your application for Conditional Use Permit in accordance with Section 10.674 Highway Noise Overlay District (HNOD) for a residential development within the HNOD.

Said property is shown on Assessor Map 175 Lots 1, 2, & 3 and lies within the General Residence A (GRA) District. 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 10.674 of the Ordinance and adopt the findings of fact as presented; and 2) 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:

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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

Tuck Realty Corp.
Joseph Coronati, Jones & Beach Engineers

Findings of Fact | Highway Noise Overlay Conditional Use Permit

City of Portsmouth Planning Board

Date: April 20, 2023

Property Address: 212, 214, & 216 Woodbury Ave.

Application #: LU-22-129

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.

Highway Noise Overlay District Conditional Use Permit

10.674.10 Within the HNOD, noise sensitive land uses shall require a conditional use permit from the Planning Board.

	Highway Nose Overlay Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
1	Section 10.674.20 A noise analysis prepared in compliance with Section 10.675 must be submitted with any application for a conditional use permit under this section.	Meets	<ul style="list-style-type: none"> A noise analysis demonstrating compliance with Section 10.675 was prepared by Reuter Associates, LLC, and has been submitted to the Planning Department.
2	Section 10.674.30 An application for a conditional use permit for a noise sensitive land use in the Highway Noise Overlay District may be approved only if a noise analysis prepared in compliance with Section 10.675 demonstrates that any applicable exterior and interior sound level standards established in Section 10.673 will be met through one or more of the following measures:	Meets	<ul style="list-style-type: none"> The key finding of the noise analysis prepared in compliance with Section 10.675 was that the project as proposed complies with the standards of 10.673 without any mitigation. The entire property is located outside of the 65 dB(A) noise contour.

	Highway Noise Overlay Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
	<p>(a) Site design to ensure that noise sensitive land uses are placed outside of the applicable noise contour;</p> <p>(b) Site design that achieves noise mitigation through placement of accessory structures between the noise source and the noise receiver;</p> <p>(c) Installation of a noise barrier; or</p> <p>(d) Superinsulated building design and construction.</p>		
3	<p>Section 10.675 A noise analysis must be prepared by a registered engineer or qualified professional transportation noise analyst who has been trained in the use of the Federal Highway Administration (FHWA) Transportation Noise Model or a replacement model that has been approved by the FHWA. A noise analysis must include the following:</p> <p>(1) A description of the proposed development.</p> <p>(2) A narrative description of the proposed site configuration and any proposed noise mitigation measures.</p> <p>(3) A diagram showing the proposed site configuration including the location of noise sensitive land uses and any proposed noise mitigation measures.</p> <p>(4) Unadjusted 60, 65 and 70 dBA noise contours for the loudest traffic hour sound levels shown as an overlay on the site diagram. Noise contours must be developed using the FHWA Transportation Noise Model (or a replacement model that has been approved by the FHWA).</p>	Meets	<ul style="list-style-type: none"> The noise analysis was prepared by Eric L. Reuter, FASA, INCE Bd. Cert. (Certified by the Acoustical Society of America and the Institute of Noise Control Engineering). His noise analysis, which we submitted to the Planning Department, incorporates sections 1-4. Section 5 is not applicable because it was found that the proposed project meets the requirements of the Highway Noise Overlay District without needing mitigation.

	Highway Noise Overlay Requirements	Finding (Meets)	Supporting Information
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		Criteria/Requirement)	
	<p>(5) If the noise analysis shows that projected noise levels will exceed the sound level standard for the applicable activity at the location specified, the noise analysis must include:</p> <p>(a) Any adjusted noise contours and site-specific analyses used to adjust the noise contours based on improved topography;</p> <p>(b) Calculations to support the noise level reduction of any proposed noise mitigation measure;</p> <p>(c) A description of the width, depth, height, length, and materials used in any proposed noise barrier; and</p> <p>(d) A description of construction methods and materials used in any proposed superinsulated building design. The sound transmission class must be provided for materials used.</p>		
6	<u>Other Board Findings:</u>		
7	<u>Additional Conditions of Approval:</u>		



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1 Junkins Avenue
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(603) 610-7216

PLANNING BOARD

April 26, 2023

Jacob Sullivan
Margaret Goodlander
86 New Castle Avenue
Portsmouth, NH 03801

RE: Wetland Conditional Use Permit for Property Located at 86 New Castle Avenue (LU-23-20)

Dear Mr. Sullivan and Ms. Goodlander:

The Planning Board, at its regularly scheduled meeting of Thursday, April 20, 2023, considered your application for Wetland Conditional Use Permit under section 10.1017. The proposal includes the removal of an existing deck and landscaping and replacing with a 405 s.f. two-story addition, 630 s.f. of pervious pavers and patio space, as well as replacement of existing landscaping with native plantings for a disturbance of approximately 2,764 s.f. within the inland wetland buffer and no impact in the tidal wetland buffer. Said property is shown on Assessor Map 207, Lot 70 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 10.1017.50 and to adopt the findings of fact as presented; and 2) to **grant** the Wetland Conditional Use permit with the following **conditions**:

2.1) The applicant shall post wetland boundary marker signs along or near the buffer.

2.1) The applicant shall follow NOFA standards. http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf

2.2) The existing area of meadow shall remain undisturbed and will continue to be a meadow.

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

Mark West, CWS, West Environmental, Inc.

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: April 20, 2023

Property Address: 86 New Castle Avenue

Application #: LU-23-20

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 (Meets Criteria for Approval)	Supporting Information
1	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Meets	The overall project is an addition to the existing principal structure and new pervious pavers all within the wetland buffer. The small size of the addition and the inclusion of the porous pavers appears to be reasonable for the site.
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>	Meets	The existing project is to expand the footprint of the interior living space where a deck currently exists. Given they are utilizing an existing footprint the location is the best alternative.
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets	The proposed project represents a small new impact of impervious surface, but the applicant is adding landscaping porous pavers to the site which will reduce any overall impact. The landscaping will include mulch and plantings – more details are necessary on the types of plantings.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
4	<i>4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	Meets	There is no impact to the woodland and the only natural vegetation will be removal of some lawn and landscaped areas which are fairly small and will be replaced by porous pavers and new landscaping.
5	<i>5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>	Meets	Overall, the applicant has provided an alternative with a small impact to the wetland buffer.
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	The proposal includes a plan with native landscaping and porous paver buffer.
7	<u>Other Board Findings:</u>		



CITY OF PORTSMOUTH

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

PLANNING BOARD

April 26, 2023

Aaron D. Nersesian
Crystal A. Nersesian
96 Buckminster Way
Portsmouth, NH 03801

RE: Wetland Conditional Use Permit for Property Located at 96 Buckminster Way (LU-23-19)

Dear Mr. and Ms. Nersesian:

The Planning Board, at its regularly scheduled meeting of **Thursday, April 20, 2023**, considered your application for Wetland Conditional Use Permit under section 10.1017. This project proposes a disturbance of approximately 200 s.f. of the inland wetland buffer. This application proposes the construction of a 12x16" shed, associated crushed stone fill for a base, and addition of native wetland buffer plantings to help filter stormwater and offset impervious impacts.

Said property is shown on Assessor Map 282, Lot 6-7 and lies within the Single Residence A (SRA) 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 10.1017.50 and to adopt the findings of fact as presented; and 2) to **grant** the Wetland Conditional Use permit with the following **conditions**:

2.1) Native plantings shall be planted to help with storm-water flow - this will consist of at least five shrubs that are four feet on center.

2.2) The foundation of the shed will be crushed stone base and concrete blocks - not a poured foundation. The applicant shall remove the section of application that misrepresents the foundation.

2.3) NOFA standards shall be used in landscaping and lawn care.

http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf

2.4) Wetland boundary markers shall be placed along or near the buffer.

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:

<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 stylized with a large, sweeping initial "R" and "C".

Rick Chellman, Chairman of the Planning Board

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

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: April 20, 2023

Property Address: 96 Buckminster Way

Application #: LU-23-19

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 (Meets Criteria for Approval)	Supporting Information
1	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Meets	Applicant is proposing to construct a new 12' x 16' shed that will be placed on a crushed stone base off the ground sitting on concrete blocks. This will allow for infiltration of stormwater from the shed below the footprint area of the shed. Most of this parcel is located within a 100' wetland buffer.
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>	Meets	The majority of the parcel that is located at or behind the principal structure is within the 100' wetland buffer, leaving no real alternative location outside of the buffer. The large size of the shed does not allow for a safer alternative location on the property.
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets	The shed placement on concrete blocks above a crushed stone base will help to reduce impervious impacts from the shed roof by allowing for greater infiltration of stormwater.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding <i>(Meets Criteria for Approval)</i>	Supporting Information
4	<i>4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	Meets	The proposal does not indicate any removal of trees or vegetation, only placement of crushed stone as fill.
5	<i>5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>	Meets	Given the nature of the project, significant impacts are not expected. Applicant should consider including native buffer plantings on the property to help offset the impacts from the 192 s.f. impact of the shed.
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	Applicant is not proposing any disturbance or changes to the 25' vegetated buffer strip.
7	<u>Other Board Findings:</u>		