

# Findings of Fact | Site Plan Review

## City of Portsmouth Planning Board

Date: November 16, 2023

Property Address: 2454 Lafayette Rd.

Application #: LU-23-160

Decision:  Approve     Deny     Approve with Conditions

### Findings of Fact:

Per RSA 676:3, I: 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  Does Not Meet	<u>Applicable standards:</u> The proposed application is in compliance with City ordinances.
2	Provision for the safe development, change or expansion of use of the site.	Meets  Does Not Meet	The applicant has received Zoning Board Approval for the use and will require a building permit that will be reviewed for life, safety codes.
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  Does Not Meet	No site work is proposed that will cause erosion and sediment or stormwater issues.
4	Adequate protection for the		Not applicable.

	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding (Meets Standard/Criteria)</b>	<b>Supporting Information</b>
	quality of groundwater.	<b>Meets</b> <b>Does Not Meet</b>	
<b>5</b>	Adequate and reliable water supply sources.	<b>Meets</b> <b>Does Not Meet</b>	Not applicable.
<b>6</b>	Adequate and reliable sewage disposal facilities, lines, and connections.	<b>Meets</b> <b>Does Not Meet</b>	The existing building is served with water and sewer connections and will not change with this use.
<b>7</b>	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 prove harmful to persons, structures, or adjacent properties.	<b>Meets</b> <b>Does Not Meet</b>	None of the undesirable elements will be associated with the proposed use.
<b>8</b>	Adequate provision for fire safety, prevention and control.	<b>Meets</b> <b>Does Not Meet</b>	Project reviewed by TAC. Building permits will be reviewed by the fire department for fire safety, prevention and control.
<b>9</b>	Adequate protection of natural features such as, but not limited to, wetlands.	<b>Meets</b> <b>Does Not Meet</b>	No wetlands are on the property.
<b>10</b>	Adequate protection of historical features on the site.	<b>Meets</b> <b>Does Not Meet</b>	No historical features are on the property.
<b>11</b>	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.	<b>Meets</b> <b>Does Not Meet</b>	The site is fully developed and contains proper traffic controls for navigating throughout the site.
<b>12</b>	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	<b>Meets</b> <b>Does Not Meet</b>	The site is fully developed and contains proper traffic controls for navigating throughout the site.
<b>13</b>	Adequate insulation from external noise sources.	<b>Meets</b>	Tenant-fit up will be in an existing structure and will not be impacted by external noise.

	<b>Site Plan Review Regulations Section 2.9 Evaluation Criteria</b>	<b>Finding (Meets Standard/Criteria)</b>	<b>Supporting Information</b>
		<b>Does Not Meet</b>	
<b>14</b>	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.	<b>Meets</b> <b>Does Not Meet</b>	The only new infrastructure associated with this proposal is the installation of 2 EV chargers. No other site work is proposed.
<b>15</b>	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	<b>Meets</b> <b>Does Not Meet</b>	The site contains outdoor spaces and will add additional community space areas for the public. This is associated with a separate project on this parcel.
<b>16</b>	Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.	<b>Meets</b> <b>Does Not Meet</b>	No change to accessways or sidewalks as part of this project.
<b>17</b>	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.	<b>Meets</b> <b>Does Not Meet</b>	The site is currently developed, and the use is in an existing building.
<b>18</b>	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	<b>Meets</b> <b>Does Not Meet</b>	No site work outside of the installation of two EV chargers is proposed. The site is currently developed with existing landscaping.
<b>19</b>	Compliance with applicable City approved design standards.	<b>Meets</b> <b>Does Not Meet</b>	No site work outside of the installation of two EV chargers is proposed. The proposed use will be located in an existing building.
	<b>Other Board Findings:</b>		