



CITY OF PORTSMOUTH

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

PLANNING BOARD

February 22, 2024

The Islamic Society of the Seacoast Area ISSA
355 Spinney Road
Portsmouth, New Hampshire 03801

RE: Site Plan Review and CUP approval requests for property located at 686 Maplewood Avenue (LU-23-57)

Dear Property Owner :

The Planning Board, at its regularly scheduled meeting of **Thursday, February 15, 2024**, considered your application for Site Plan Review approval for the construction of six (6) single family unit residential condominium with the associated paving, stormwater management, lighting, utilities and landscaping and a Conditional Use Permit in accordance with Section 10.674 Highway Noise Overlay District. Said property is shown on Assessor Map 220 Lot 90 and lies within the Single Residence B (SRB) District and the Highway Noise Overlay District. As a result of said consideration, the Board voted 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**:

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.

2.2) The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.

2.3) 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.

2.4) 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>

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a certificate of occupancy and release of the surety:

2.5) 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;

2.6) A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.

Conditional Use Permit:

3) The Board voted to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.674 of the Ordinance and to adopt the findings of fact as presented; and 4) 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.

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 & Sustainability 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>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability 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

Peter H. Rice, Director of Public Works

Justin Pasay, Donahue, Tucker & Ciandella, PLLC

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: 6 February 2024

Property Address: 686 Maplewood Avenue

Application #: **LU-23-57**

Decision: 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 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	Variances Required were obtained, otherwise the Project complies with all Ordinance requirements including parking, setbacks, open space, building coverage, and height.
2	Provision for the safe development, change or expansion of use of the site.	Meets	TAC reviewed the site layout, and recommended approval. Plans show all utility connections and drainage infrastructure needed.
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	R- Tank System to minimize storm water peak discharge (Sheet C3). PRETX Catch Basin provides stormwater treatment. Erosion controls during construction as necessary (D1). Long Term Maintenance Plan provided.
4	Adequate protection for the		No groundwater withdrawal (water supply

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
	quality of groundwater.	Meets	is city). No nearby production wells. Catch Basin provides treatment.
5	Adequate and reliable water supply sources.	Meets	Water supply is Public -City. Supply confirmed by TAC review. Plumbing fixtures will be low / water conserving.
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets	Sewer connection is Public - City. New sewer design reviewed by DPW.
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 prove harmful to persons, structures, or adjacent properties.	Meets	Proposed residential use; not a pollution generator.
8	Adequate provision for fire safety, prevention and control.	Meets	Full wet sprinkler system construction. Adequate FD access. TAC Approved.
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	Urban site, no wetlands or buffers.
10	Adequate protection of historical features on the site.	Meets	No Historical features present. Site used recently for construction staging.
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	The residential use is a low volume trip generator. Had approval for a more intense traffic use.
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	Access to a recently re-constructed city street.
13	Adequate insulation from external noise sources.	Meets	Noise study submitted – CUP required. Design conforms.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
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	Trash collection will be private pick-up. TAC Review included Fire and Police Departments. All concerns addressed in design.
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	Light and air remains as the site conforms to setbacks and open space requirements. Recreational open space provided.
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	Proposed sidewalk connects site to surrounding environs.
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	Land is suitable for the intended purpose, Existing Lot. Formerly used as an urban construction staging site. Plans follow guidelines; see TAC approval.
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets	Professionally prepared landscape design provided. Open space provided in noise reduced areas.
19	Compliance with applicable City approved design standards.	Meets	Approved by the Technical Advisory Committee.
	Other Board Findings:		

Findings of Fact | Highway Noise Overlay Conditional Use Permit

City of Portsmouth Planning Board

Date: February 15, 2024

Property Address: 686 Maplewood Ave

Application #: **LU-23-57**

Decision: Approve with Conditions

Findings of Fact:

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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">Reuter Associates report dated January 18, 2024
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: (a) Site design to ensure that noise sensitive land uses are placed	Meets	<ul style="list-style-type: none">Exterior noise mitigation results from placement of residential structures and provides adequate outdoor use areas associated with each residence below the 65-dBA limit.Building envelope upgrades will result in interior levels below the 45-dBA limit.

	Highway Noise Overlay Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
	<p>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> <p>(5) If the noise analysis shows that projected noise levels will</p>	Meets	<ul style="list-style-type: none"> • Reuter Associates study prepared by Eric Reuter, Board Certified by the Institute of Noise Control Engineering – equivalent to PE in noise control. (No PE exists for noise control engineering.) • Modeling was conducted using the FHWA TNM module in SoundPLAN. • Requirements 1-5 are addressed in and satisfied by the Reuter Associates report dated January 18, 2024.

	Highway Noise Overlay Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
	<p>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 super insulated 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>		