

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: 9-17-26

Property Address: 224 Cate St.

Application #: LU-26-106

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 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 Does Not Meet	This wetland buffer has previously been disturbed and just recently has had an area of the buffer planted for restoration. The applicant has noted how some areas of soil on the property are unhealthy, along with some existing plants, which makes further restoration and careful landscape planning critical to maintaining a healthy 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 Does Not Meet	A majority of this property is within the wetland buffer of Hodgson Brook and much of the landscaped area falls within the City's 'no-cut' vegetated buffer which is 40' from the edge of the wetland in this case. This landscaping work should add additional vegetation to this vegetated buffer and further help to stabilize the bank and protect the brook.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets Does Not Meet	This proposal hopes to increase the functional values of the site through increasing the health of the wetland buffer and soils through replanting and soil remediation work.
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 Does Not Meet	Alteration of the natural vegetative state will occur through removal of trees, regrading, stormwater upgrades and soil remediation. The applicant is proposing to offset these alterations by introducing new plantings and improving soil health.
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 Does Not Meet	This proposal does include areas of temporary impact from soil disruption and tree removal, but the applicant is proposing to offset those impacts through replanting and improving soil health.
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets Does Not Meet	Applicant is proposing new plantings and spot repairs of existing soil within the 40' vegetated buffer strip. This should enhance the natural state of this buffer.
7	<u>Other Board Findings:</u>		

Integrated planting plan for 224 cate st

Owners: Mark Esposito PhD

Rezma Shrestha PhD

2026.08.26 updated proposal per Conservation Commission Feedback

Attn: Rick Chellman, Planning Board Chair

Proposal Summary:

This proposed plan seeks to improve the vegetation conditions at 224 Cate st and continue to improve on the prior planting plan implemented under the previous owner. The plan consists of regrading ~250 square feet of lawn that is >80 feet from the wetland on the northeastern side of the house that requires a WCUP.

As a supplemental piece of information for information purposes only, we are showing our plans for aerating and improving the soil quality throughout the property to promote deep root formation, and a planting plan that improves the aesthetic and environmental conditions of the property.

Background:

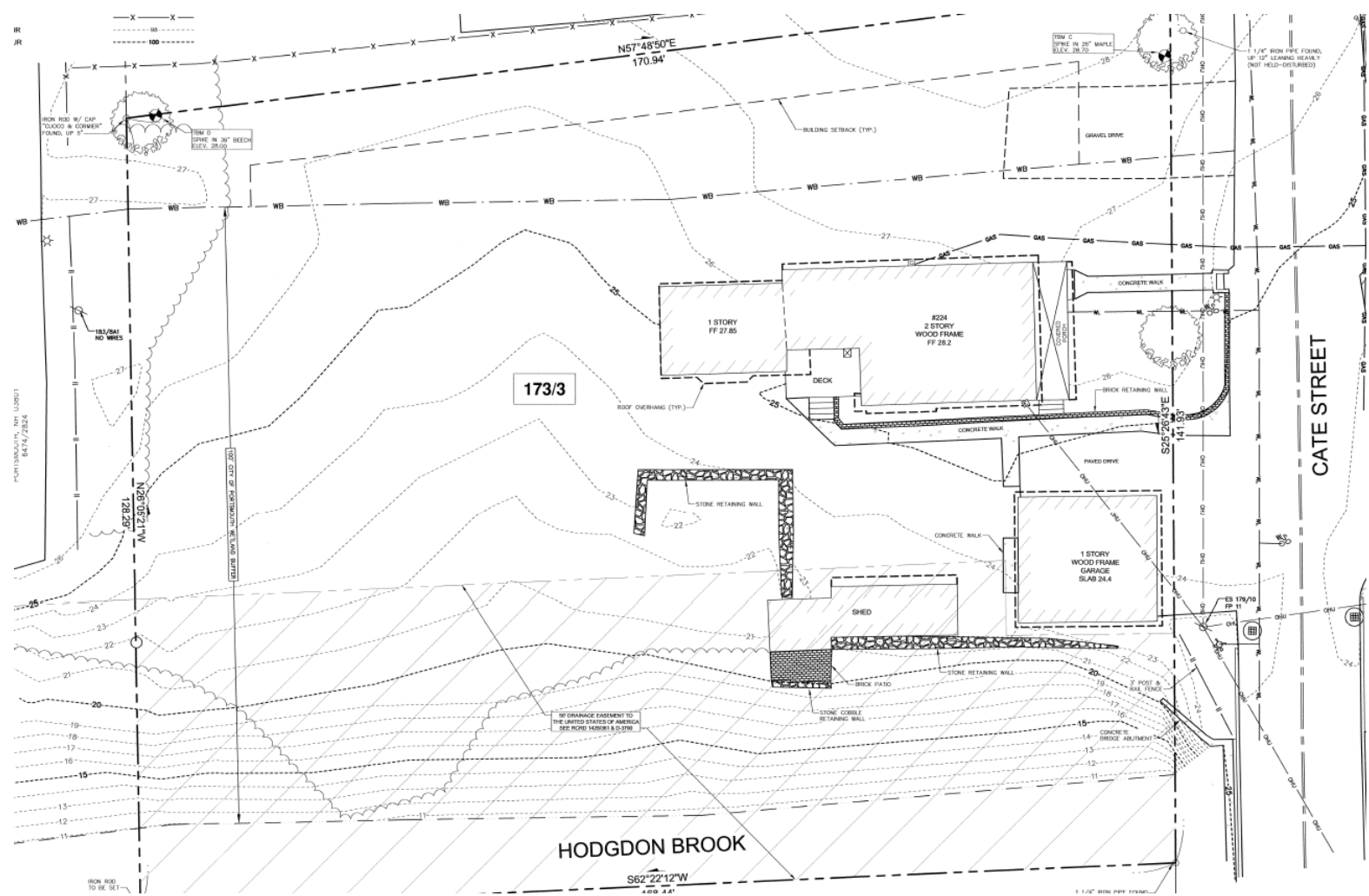
The prior owners used heavy construction to rough in a development area for a proposed new build that would be situated in the rear of the property. In doing so, they:

1. Heavily compacted the soil and left deep tires ruts
2. Deposited several areas of hard construction fill in the vegetated buffer strip
3. Left a grade that slopes upward on the northeastern side of the property causing water to run into the foundation.
4. Planted a row of arborvitaes that were not properly watered and died before we bought the property.
5. The row of trees on the western edge of the property was not properly maintained and the subsequent maple saplings have grown in too densely for what the soil can support, hence are in poor health and require thinning/pruning.

Proposed plan:

The following pages propose a plan to correct each of these issues and improve the environmental and wetland boundary conditions at 224 Cate St. This plan draws on the owner's long experience in landscaping and wetland biology and provides updates responsive to the Conservation Committee Feedback.

Survey, 224 Cate St



Previously approved wetland conditional use permit – 2025.05.14



Integrated planting plan proposal



Initial photos on closing



Area to be regraded into a 3% down-grade away from foundation

Supplemental restoration work (ongoing)

Highbush blueberry plantings with erosion barrier



Highbush blueberry plantings and fruit trees



Mid-summer, southwest boundary



Proposed southwest boundary vision

