

# Findings of Fact | Wetland Conditional Use Permit

## City of Portsmouth Planning Board

Date: August 17, 2023

Property Address: 198 Essex Ave

Application #: LU-23-88

Decision:  Approve       Deny       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.

	<b>Zoning Ordinance Sector 10.1017.50 Criteria for Approval</b>	<b>Finding</b> (Meets Criteria for Approval)	<b>Supporting Information</b>
<b>1</b>	<i>1. The land is reasonably suited to the use activity or alteration.</i>	<b>Meets</b> <b>Does Not Meet</b>	Nearly the entire parcel falls within the wetland buffer, with the wetland along the southern edge. None of the proposed additions lie within the wetland or vegetative buffer but do lie within the 100' buffer and require the transformation of some previously pervious areas to impervious.
<b>2</b>	<i>2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.</i>	<b>Meets</b> <b>Does Not Meet</b>	Given that much of the property is within the buffer, there is no other reasonable location for the additions, with the garage addition existing almost entirely outside of the buffer.
<b>3</b>	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	<b>Meets</b> <b>Does Not Meet</b>	The applicant is proposing to use erosion control measures during construction including materials like silt soxx and will be adding native plantings within the buffer. Additionally, the proposal includes removal of invasive species and the installation of rain barrels to

	<b>Zoning Ordinance Sector 10.1017.50 Criteria for Approval</b>	<b>Finding</b> (Meets Criteria for Approval)	<b>Supporting Information</b>
			slow runoff to the wetland.
<b>4</b>	<i>4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	<b>Meets</b> <b>Does Not Meet</b>	This project is not proposing any construction within the 25' vegetative buffer but will be enhancing the buffer with various plantings as well as Northeast Wildflower seed mix. It is recommended that no grass or lawn should be introduced in this area, instead opting for grass alternatives wherever possible throughout the entire buffer.
<b>5</b>	<i>5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>	<b>Meets</b> <b>Does Not Meet</b>	While this project will overall increase the amount of impervious surface within the buffer, the applicant proposes enhancing the buffer through conversion of existing lawn areas to natural areas along with new plantings which will help protect the buffer. Additionally, while the rain barrel will help with trapping excess stormwater runoff, additional mitigation techniques are recommended to slow down and infiltrate stormwater.
<b>6</b>	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	<b>Meets</b> <b>Does Not Meet</b>	The applicant is proposing to convert 2,680 sf of lawn to natural area and continue to remove invasive species within the wetland buffer. As stated above, new buffer plantings are to be added to the vegetative buffer strip and staff recommend that no lawn is planted/seeded.
<b>7</b>	<b><u>Other Board Findings:</u></b>		

August 10 2023

Whitney & Robert Westhelle

198 Essex Ave, Portsmouth, NH

Tax Map 232 – Lot 128

Single Residence B (SRB) Zoning District

Planning Board Chair and Appointed Board Members,

In this letter and attached plans are the descriptions of the existing conditions and proposed design renovations we seeking approval of by the City Of Portsmouth's Planning Board Conditional Use Permit (Wetlands) Approval and Land Use Conditions Approval. Attached are Conservations Commissions recommendations.

Existing Home and Lot Descriptions:

Existing property is located at 198 Essex Ave in Portsmouth NH. (Tax Map 232 – Lot 128) The lot is zoned as a Single Residence B (SRB). The main portion of the home (two story Bungalow) was constructed in 1940. This included the existing (one story) Breezeway to the North and a (one story) single stall Garage. The single stall garage was removed and the existing two story Garage was built sometime in the early 1950's. It is constructed of reused lumber from the original Garage and was assembled with a mix-match of lumber. Some of the visible (from below) floor boards have Portsmouth Naval Shipyard stamped on them, leading to the conclusion that some of the lumber is reused from shipping crates and/or staging salvaged after the War. The first floor Bathroom (off the breezeway) was added in the late 1980's along with a three-season porch on the West side of the home. The majority of the property is covered by well-established lawn cover and mature oak and maple trees

The existing Garage structure encroaches on the side yard setback of 10'-0" by 7"+ (9.4' from the side yard property line) on the North East (Front) Corner and 4" + (9.6' from the side yard property line) on the North West (Back) Corner. Length of existing foundation (Front to Back) is 22'-0". Due to the encroachment into the side yard setback the existing structure is Non-Conforming.

There is a large existing Pond/Wetland along the south property line (approximately 7+ acres). A portion of the Wetland exists on the 198 Essex Ave Property along the south property line. Approximately 86% of the lot area is within the 100' Wetland Buffer for the designated Wetland Area. Of the remaining lot area outside the Wetland Buffer (14%) only 6% of the total area conforms to the existing area outside the set zoning setback for building use.

Given the existing home location on the lot, existing home configuration, lack of opportunities to expand the existing floor plan while maintaining core elements of the existing plan, the extent of the property inside the Wetland Buffer, and being mindful of the need to limit disturbance inside the Wetland Buffer, any changes to the existing foot print will have an impact on the Wetlands Buffer.

Wetland Boundary Requirements, Impacts, and Proposed Betterments:

Zoning Article 10 Environmental Protections Standers, Section 10.1010 Wetlands Protection;

*10.1016 Permitted Users:*

*10.1016.10 The following uses, activities and alterations are permitted in wetlands and wetland buffers:*

*(4) The construction of an addition or extension to a one-family or two-family dwelling that lawfully existed prior to the effective date of this Ordinance or was constructed subject to a validly issued conditional use permit, provided that:*

*(a) The footprint area of the addition or extension, together with the area of all prior such additions and extensions, shall not exceed 25 percent of the area of the footprint of the principal heated structure existing prior to the effective date of this Ordinance or constructed pursuant to a validly issued conditional use permit (this 25 percent limit shall not be based on pre-existing attached or detached garages, sheds, decks, porches, breezeways, or similar buildings or structures);*

*(b) The addition or extension shall be no closer to a wetland or water body than the existing principal structure; and*

*(c) The addition or extension shall conform to all other provisions of the Zoning Ordinance and with all other applicable ordinances and regulations of the City of Portsmouth*

The foot print area of the existing heated structure is 1,439 SF. Section 10.1016.10 (4) a: allows for 25% increase in SF of the Heated Structure Footprint (363 SF = 25% of 1,439 SF.) The existing principal structure is set back from the Wetland 74'.

North Addition (Phase I) –The proposed North Addition and existing structure would equal 1,617 SF total. This would be an additional 178 SF, 12.4% of the existing heated structure footprint SF. The proposed North Addition will not extend closer to the wetland than the existing principal structure. The proposed North Addition will be in compliance with applicable ordinances and regulations of the City of Portsmouth. The North Addition on its own would not require a conditional use permit.

South Addition (Phase II) + North Addition (Phase I) – The total proposed footprint new and existing structure would equal 1,932 SF Total. That would be an additional 481 SF, 33.4% of the existing heated footprint. The South Addition would be closer to the existing wetland by 12' (62' to the Wetland.) The proposed additions will be compliant to applicable ordinances and regulations of the City of Portsmouth. A conditional use permit will be required for this and any other impervious surface added under the additions.

There are no direct wetland impacts associated with this project. The total calculated existing impervious surface inside the Wetland Buffer is 1,436 SF. Impacts to the 100-foot inland Wetland Buffer include the following: proposed total impervious surface within the Wetland Buffer under both Phase's I and II would be 1,948 SF. An increase of 512 SF of impervious surface ("Area of Disturbance").

Proposed betterment to offset the addition of impervious surface in the wetland buffer are the following:

1. During construction the use of Straw/Woodchip Natural Wattle (erosion logs or socks) to prevent disturbed soil runoff from entering the Vegetated Buffer Strip and Wetland will be used. If excavated soil is needed to be stockpiled for any extended period of time it will be looped with a second line of Straw/Woodchip Natural Wattle (erosion logs or socks). Disturbed ground

surface areas will be seeded (lawn grass mix) and covered with straw to help prevent soil erosion prior to final grading and hydro seeding at the conclusion of the exterior construction work.

2. Noninvasive Trees removed within the 100' Wetland Buffer will be replaced with a similar type and number of trees.
3. Deck SOW: Raised deck would extend from the existing Dwelling and addition to the West (504 GSF foot print). Deck would be inside the existing Wetland Buffer. Deck meets side, front, and back yard setback requirements. Deck frame will be constructed of PT lumber with composite decking. Proposed deck would have ¼" spacing between the deck boards allowing for water infiltration. Below the deck, existing impervious stone, concrete, and brick patio (180 GSF) would be removed, replaced by ground fabric and 8" of ¾" crushed stone sloped two degrees away from the existing and proposed foundation walls and in the direction of the yards natural grade. Footings to be sono-tube or helical deck footings. Perimeter drip edge of crushed stone will be provided 12" out from the perimeter of the deck. No additional impervious deck or patio will be proposed inside the Wetland Buffer 100' set back.
4. Establish/Enhance Vegetated Buffer - Reducing Maintained Lawn area inside the 25' Vegetated Buffer Strip Setback, South edge of property, by approximately 2,680 SF. Owner will take an Enhanced Buffer approach, a combination of natural and landscaped (allow designated lawn area to grow in and to add plants to areas inside the Buffer Strip.) Adding plantings and seeding inside the Vegetated Buffer Strip with plantings such as Highbush Blueberry, tall grasses in the dryer area such as Pixie Fountain Tuffed Hair Grass and Little Bluestem, and native Northeast Wildflower Seed Mix for wetland buffer areas, shaded / partial shaded. These areas are shaded / partly shaded by the existing tree canopy.
  - a. Proposed Establishment and Maintenance Plan:
    - i. Mark the perimeter of the buffer area with stakes and recommended boundary marker placard signage.
    - ii. Identify no-mow areas
    - iii. Plant supporting plants identified above
    - iv. Spread two to three inches of mulch over the root zone of plants
    - v. Newly planted vegetation will require regular watering for the first two growing seasons.
    - vi. Inspect plants frequently for stress – wilting, discolored leaves, etc. Replace as necessary.
    - vii. Weed as needed and aware of invasive plants.
5. Proposed roof area (Existing to remain and new proposed roof (Phase I and II)) runoff during a 1" rain event will be increased by approximately 300 gal's more than today's roof condition. To reduce and delay the storm water runoff, rain barrels will be provide to collect 300 gal's + (Six Rain Barrels) at planned down spot locations. Rain Barrel overflow would be directed to a

vegetated areas (planting beds) around the home. Existing roof does not have a gutter/down spout system for collecting or diverting rain water.

6. Exterior lighting will be Dark Sky friendly lighting.

Project Scope of Work:

1. NORTH ADDITON (Phase 1) SOW: Remove existing (two story) Garage and (one story) Breezeway on the North side of dwelling (587 GSF foot-print), replace with new (two story) Garage, Breezeway, and Primary Bedroom and Bath above (780 GSF foot print). Proposed garage north wall will be inset 8" from the location of the existing garage north wall. The new garage will conform to the current zoning requirements of 10'-0" between the north wall and the side lot property line. Breezeway and existing Dwelling are within the 100' Wetland Buffer. Addition meets side, front and back yard setback requirements.
2. SOUTH ADDITION (Phase 2) Family Room SOW: Extend to the South and West with single story addition approximately 8'-8" in each direction (315 GSF foot print). Addition would be inside the existing Wetland Buffer. Addition meets side, front and back yard setback requirements.
3. Work on Existing Dwelling SOW: Replace siding and windows. Make repairs to siding, front entry porch and trim. Repairs to existing Front Room. Utility improvements in existing home to adapt to other proposed work in the other phases. Existing Dwelling is inside the existing Wetland Buffer. Existing Dwelling meets side, front and back yard setback requirements.
4. Deck SOW: Raised deck would extend from the existing Dwelling and addition to the West. If deck is delayed due to schedule or nonerasable at the time of Phase 1 or Phase 2 temp stairs will be provided to provide egress from the home until approved solution would be executed.

Thank you for your time and review!

Robert Westhelle

198 Essex Ave, Portsmouth NH 03801

ROBERT & WHITNEY WESTHELLE 198 ESSEX AVE, PROTSMOUTH, NH.							
<b>STRUCTURE EXISTING</b>							
SITE	32,641.00	sf	32,641.00	sf	28,183.00	sf	32,641.00 sf
EXIST DRIVEWAY	919.00	sf	0.00	sf	0.00	sf	0 sf
EXIST- ENTRY WALKWAY	202.00	sf	0.00	sf	5.00	sf	0 sf
EXIST REAR PATIO/PAVEMENT	190.00	sf	0.00	sf	190.00	sf	0 sf
EXIST 3 SEASON PORCH	125.00	sf	125.00	sf	125.00	sf	0 sf
EXIST BULK HEAD	52.00	sf	52.00	sf	52.00	sf	0 sf
EXIST MAIN HOUSE	864.00	sf	864.00	sf	852.00	sf	864 sf
EXIST GARAGE & BR-WAY	587.00	sf	587.00	sf	72.00	sf	587 sf
EXIST SHED	140.00	sf	140.00	sf	140.00	sf	0 sf
<b>TOTAL EXISTING</b>	<b>3,079.00</b>	<b>sf</b>	<b>1,768.00</b>	<b>sf</b>	<b>1,436.00</b>	<b>sf</b>	<b>1,451.00</b> sf
<b>% COVERAGE</b>	<b>9.43</b>	<b>%</b>	<b>5.42</b>	<b>%</b>	<b>5.10</b>	<b>%</b>	<b>4.45</b> %
<b>REMAINING SITE AREA</b>	<b>29,562.00</b>	<b>sf</b>	<b>30,873.00</b>	<b>sf</b>	<b>26,747.00</b>	<b>sf</b>	<b>31,190.00</b> sf
<b>PHASE I</b>							
<b>STRUCTURE PROPOSED</b>							
SITE	32,641.00	sf	32,641.00	sf	28,183.00	sf	32,641.00 sf
EXIST DRIVEWAY	919.00	sf	0.00	sf	0.00	sf	0.00 sf
ENTRY WALKWAY	359.00	sf	0.00	sf	5.00	sf	0.00 sf
DECK OR PATIO	504.00	sf	504.00	sf	481.00	sf	0.00 sf
NORTH ADDITION (GARAGE)	753.00	sf	753.00	sf	155.00	sf	753.00 sf
EXIST 3 SEASON PORCH	125.00	sf	125.00	sf	125.00	sf	0.00 sf
EXIST MAIN HOUSE	864.00	sf	864.00	sf	852.00	sf	864.00 sf
EXIST SHED	140.00	sf	140.00	sf	140.00	sf	0.00 sf
<b>TOTAL PHASE I</b>	<b>3,664.00</b>	<b>sf</b>	<b>2,386.00</b>	<b>sf</b>	<b>1,758.00</b>	<b>sf</b>	<b>1,617.00</b> sf
<b>% COVERAGE</b>	<b>11.23</b>	<b>%</b>	<b>7.31</b>	<b>%</b>	<b>6.24</b>	<b>%</b>	<b>4.95</b> %
<b>REMAINING SITE AREA</b>	<b>28,977.00</b>	<b>sf</b>	<b>30,255.00</b>	<b>sf</b>	<b>26,425.00</b>	<b>sf</b>	<b>31,024.00</b> sf
<b>PHASE I '+ PHASE II</b>							
<b>STRUCTURE PROPOSED</b>							
SITE	32,641.00	sf	32,641.00	sf	28,183.00	sf	32,641.00 sf
EXIST DRIVEWAY	919.00	sf	0.00	sf	0.00	sf	0.00 sf
ENTRY WALKWAY	359.00	sf	0.00	sf	5.00	sf	0.00 sf
DECK OR PATIO	504.00	sf	504.00	sf	481.00	sf	0.00 sf
NORTH ADDITION (GARAGE)	753.00	sf	753.00	sf	155.00	sf	753.00 sf
SOUTH ADDITION (GREAT RM)	315.00	sf	315.00	sf	315.00	sf	315.00 sf
EXIST MAIN HOUSE	864.00	sf	864.00	sf	852.00	sf	864.00 sf
EXIST SHED	140.00	sf	140.00	sf	140.00	sf	0.00 sf
<b>TOTAL '+ PHASE II</b>	<b>3,854.00</b>	<b>sf</b>	<b>2,576.00</b>	<b>sf</b>	<b>1,948.00</b>	<b>sf</b>	<b>1,932.00</b> sf
<b>% COVERAGE</b>	<b>11.81</b>	<b>%</b>	<b>7.89</b>	<b>%</b>	<b>6.91</b>	<b>%</b>	<b>5.92</b> %
<b>REMAINING SITE AREA</b>	<b>28,787.00</b>	<b>sf</b>	<b>30,065.00</b>	<b>sf</b>	<b>26,235.00</b>	<b>sf</b>	<b>30,709.00</b> sf

ROBERT & WHITNEY WESTHELLE 198 ESSEX AVE, PROTSMOUTH, NH.

EXIST GROSS FLOOR AREA	AREA EXIST		DEMO	
1st EXIST GARAGE & BR-WAY	587.00	sf	587.00	sf
2nd EXIST GARAGE	351.00	sf	351.00	sf
1st EXIST MAIN HOUSE	785.00	sf	0.00	sf
2nd EXIST MAIN HOUSE	662.00	sf	0.00	sf
1st EXIST 3 SEASON PORCH (D)	125.00	sf	125.00	sf
TOTAL GROSS	2,510.00	sf	1,063.00	sf
PROPOSED GROSS FLOOR AREA	PHASE I		+ PHASE II	
1st NORTH ADDITION	716.00	sf	716.00	sf
2nd NORTH ADDITION	652.00	sf	652.00	sf
1st EXIST MAIN HOUSE	785.00	sf	785.00	sf
2nd EXIST MAIN HOUSE	672.00	sf	672.00	sf
1st EXIST 3 SEASON PORCH	125.00	sf	0.00	sf
1st SOUTH ADDITION	0.00	sf	315.00	sf
TOTAL GROSS	2,950.00	sf	3,140.00	sf

EXIST ROOF RUNOFF	AREA		GAL RUN OFF PER 1"	
EXIST MAIN HOUSE EAST	597.00	sf	370.64	g
EXIST MAIN HOUSEWEST	361.00	sf	224.12	g
EXIST GARAGE NORTH	264.00	sf	163.90	g
EXIST GARAGE EAST	128.00	sf	79.47	g
EXIST GARAGE WEST	252.00	sf	156.45	g
EXIST 3 SEASON PORCH	127.00	sf	78.85	g
TOTAL	1,729.00	sf	1,073.43	g

PROPOSED ROOF RUNOFF	AREA		GAL RUN OFF PER 1"	
EXIST MAIN HOUSE EAST	597.00	sf	370.64	g
EXIST MAIN HOUSEWEST	361.00	sf	224.12	g
NORTH ADDITION NORTH	400.00	sf	248.34	g
NORTH ADDITION EAST	205.00	sf	127.27	g
NORTH ADDITION WEST	260.00	sf	161.42	g
SOUTH ADDITION	398.00	sf	247.09	g
TOTAL	2,221.00	sf	1,378.89	g



Whitney & Robert Westhelle

198 Essex Ave Portsmouth NH

Vegetation Buffer Plants:

The existing Vegetation Buffer is composed of multiple plant types. This buffer runs along the south edge of the property. Below is a list of plants found in this area of the property

- Black Gum Tupelo
- Sourwood
- Willow Tree
- Northern Red Oak
- Norway Maple
- Sugar Maple
- Grey Birch
- Quaking Aspen
- Alder Buckthorn
- False Solomons Seal
- Burning Bush
- Smooth Hydrangea
- Multiflora Rose
- Jewelweed
- Black Cherry Prunus
- Common Buckthorn
- Weeping Forsythia
- Lady Fern
- Border Forsythia
- Oriental Bittersweet
- Japanese Knotweed

Whitney & Robert Westhelle  
198 Essex Ave Portsmouth NH

Shed Time Line:

**Site Approval:**

Planning Board Portsmouth New Hampshire

October 18 2018

A. The application of Robert and Whitney Westhelle, Owners, for property located at 198 Essex Avenue, requesting Conditional Use Permit approval under Section 10.1017 of the Zoning Ordinance for work within the inland wetland buffer to construct a wood 12' X 18' garden shed, on cement blocks, with 216 + s.f. of impact to the wetland buffer. Said property is shown on Assessor Map 232 as Lot 128 and lies within the Single Residence B (SRB) District. (This application was postponed at the September 20, 2018 Planning Board Meeting.)

Chairman Legg read the notice into the record.

SPEAKING TO THE APPLICATION

Mr. Clark recused himself from the application.

Robert Westhelle spoke to the application. They are seeking a CUP for a garden shed in the backyard. The majority of the property is in the 100-foot setback. This is the ideal placement for the garden shed.

PUBLIC HEARING

Chairman Legg asked if anyone was present from the public wishing to speak to, for, or against the application. Seeing no one rise; the Chair closed the public hearing.

Vice Chairman Moreau moved to grant Conditional Use Permit approval as presented, seconded by City Council Representative Perkins. The motion passed unanimously.

**Building Permit:**

**Record ID:** BLDG-20-441 **Date Created:**6/27/2020

**Record Type:** Building Permit Application

**Address:** 198 ESSEX AVE, Portsmouth, NH 03801

**Applicant:** Whitney Westhelle

**Detailed Description of Work:** Prefab for assembly on site 10'x14' wood garden shed on concrete block piers.

**Cost:** 4129

RECEIVED  
MAY 29 2018  
By



HOUSE

WETLAND 100'  
BUFFER BOUNDRY

PROPOSED  
12'x18' GARDEN SHED

WETLAND

EXISTING LAWN, LOW  
UNDERGROWTH EDGE

WESTHELLE  
198 ESSEX AVE  
PORTSMOUTH NH

0 15 30 60 Feet

198 ESSEX AVE

Existing Garage at North Property Line.

(Right) View from Essex Ave looking West

(Below) View from North West looking East out to  
Essex Ave

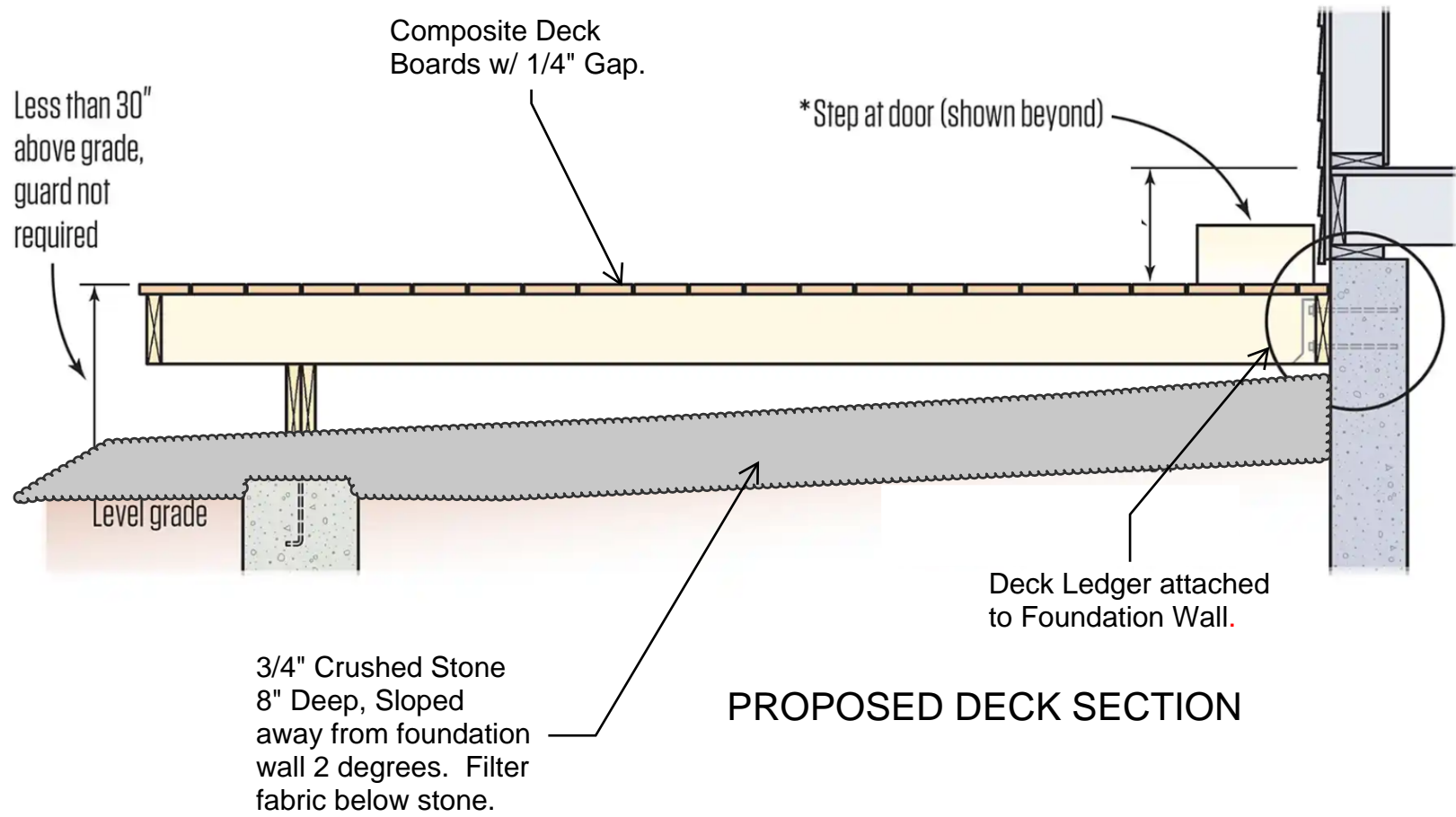




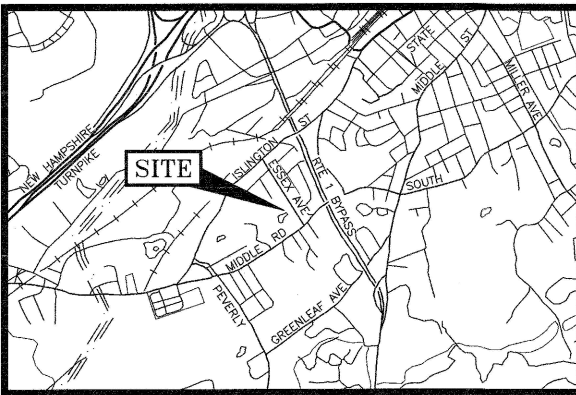
(TOP) View from Essex Ave looking West  
(Below) View from North West looking South to Wetlands and East out to Essex Ave



View from  
South  
Property line  
looking North.



### PROPOSED DECK SECTION



**REFERENCE PLANS:**

- 1) DANIELS PARK PORTSMOUTH, N.H., BELMONT REALTY CO. PROVIDENCE, R.I., SCALE: 60' = 1", DATED JUNE 1918, PREPARED BY C.A. THAYER ENGR., RCRD PLAN# 0241
- 2) PLAN OF LOT PORTSMOUTH, N.H. FOR GEO. B. & MARIE R. UNDERWOOD, SCALE: 1 IN. = 40 FT., DATED OCT. 1972, PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS, RCRD PLAN B-3290
- 3) EXISTING CONDITIONS SITE PLAN FOR PROPERTY AT 88 SIMS AVENUE PORTSMOUTH, COUNTY OF ROCKINGHAM, NEW HAMPSHIRE OWNED BY CHANCE B. ALLEN & EDWARD R. ALLEN, SCALE: 1" = 10', DATED 5/22/17, PREPARED BY NORTH EASTERLY SURVEYING, INC., NOT RECORDED

LOCATION MAP SCALE: 1" = 2000'

**LEGEND:**

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY
- REGISTRY OF DEEDS
- MAP 11 / LOT 21
- BOUNDARY LINE
- BUILDING SETBACK LINE
- RAILROAD SPIKE FOUND
- IRON ROD/PIPE FOUND
- DRILL HOLE FOUND
- STONE/CONCRETE BOUND FOUND
- IRON ROD SET
- SEWER LINE
- OVERHEAD ELECTRIC/WIRES
- EDGE OF PAVEMENT (EP)
- WETLAND BUFFER LINE
- EDGE OF WETLAND
- WOODS / TREE LINE
- UTILITY POLE (w/ GUY)
- GAS SHUT OFF
- HYDRANT
- METER (GAS, WATER, ELECTRIC)
- CATCH BASIN
- SEWER MANHOLE
- DRAIN MANHOLE
- TYP. TYPICAL

SIMS AVENUE

ESSEX AVENUE (60' WIDE)

232/128

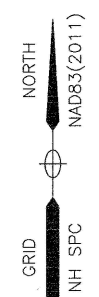
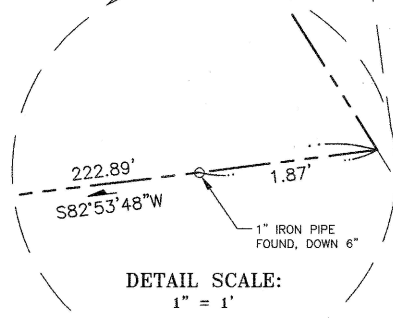
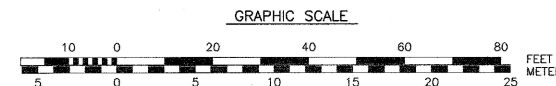
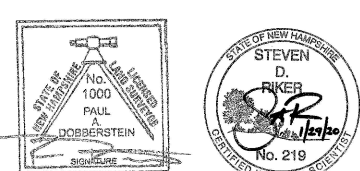
I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

PAUL A. DOBBERSTEIN, LLS #1000

1/29/2020

DATE



**WETLAND NOTES:**

- 1) WETLAND DELINEATED BY STEVEN D. RIKER, CWS ON 1/10/20 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
  - A) U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
  - B) FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.2, USDA-NRCS, 2018 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWPCC WETLANDS WORK GROUP (2019).
  - C) NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1). USFWS (MAY 1988).
  - D) CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFW MANUAL FWS/OBS-79/31 (1997).
  - E) "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
- 2) WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.

**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-8282  
Fax (603) 436-2315

**NOTES:**

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 232 AS LOT 128.
- 2) OWNERS OF RECORD:  
ROBERT WESTHELLE &  
WHITNEY WESTHELLE  
198 ESSEX AVENUE  
PORTSMOUTH, NH 03801  
5069/2070  
RCRD PLAN# 0241
- 3) PARCEL IS NOT IN A FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0270E. EFFECTIVE DATE 17 MAY 2005.
- 4) EXISTING LOT AREA:  
32,641 S.F.  
0.7493 ACRES
- 5) PARCEL IS LOCATED IN SINGLE RESIDENCE B (SRB) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
 

MIN. LOT AREA:	15,000 S.F.
FRONTAGE:	100 FEET
DEPTH:	100 FEET
SETBACKS:	
FRONT	30 FEET
SIDE	10 FEET
REAR	30 FEET
MAXIMUM STRUCTURE HEIGHT:	35 FEET
MAXIMUM BUILDING COVERAGE:	20%
MINIMUM OPEN SPACE:	40%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY SURVEY OF ASSESSOR'S MAP 232 LOT 128.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	1/27/20

**STANDARD BOUNDARY SURVEY**  
**TAX MAP 232 - LOT 128**

OWNERS:  
**ROBERT WESTHELLE &  
WHITNEY WESTHELLE**  
198 ESSEX AVENUE  
CITY OF PORTSMOUTH  
COUNTY OF ROCKINGHAM  
STATE OF NEW HAMPSHIRE

EXIST SITE PLAN ZONING INFO Robert & Whitney Westhelle :: 198 Essex Avenue :: Portsmouth, NH 03801 :: FEB 01, 2023



# SITE PLAN A

1" = 20'-0" scale

ROBERT & WHITNEY WESTHELLE  
198 ESSEX AVENUE  
PORTSMOUTH, NEW HAMPSHIRE 03801

LOT-UNIT NUMBER: 128  
PARCEL AREA: 0.865 AC = 37,679.4 SF  
TAX MAP: 232

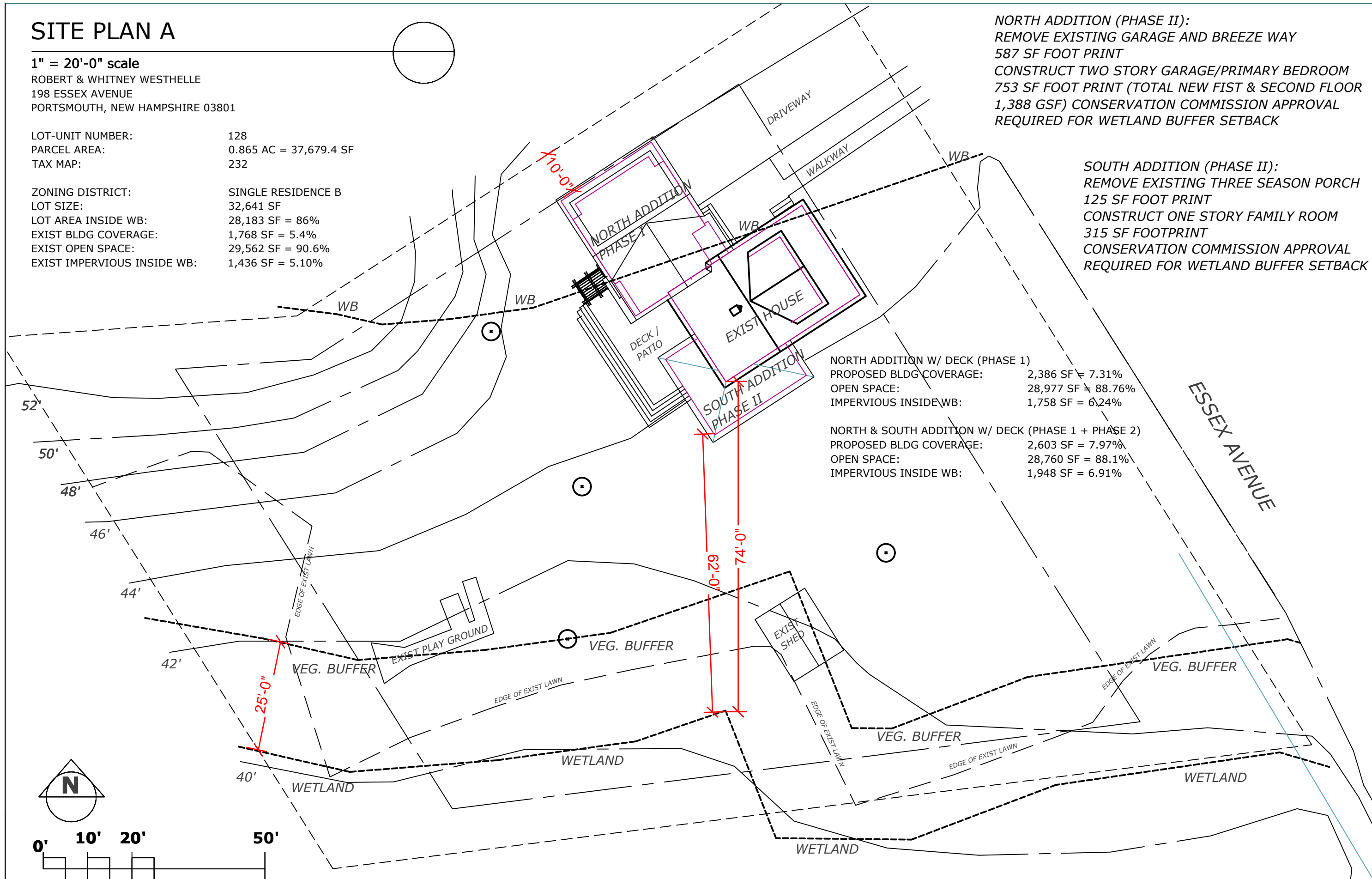
ZONING DISTRICT: SINGLE RESIDENCE B  
LOT SIZE: 32,641 SF  
LOT AREA INSIDE WB: 28,183 SF = 86%  
EXIST BLDG COVERAGE: 1,768 SF = 5.4%  
EXIST OPEN SPACE: 29,562 SF = 90.6%  
EXIST IMPERVIOUS INSIDE WB: 1,436 SF = 5.10%

**NORTH ADDITION (PHASE II):**  
REMOVE EXISTING GARAGE AND BREEZE WAY  
587 SF FOOT PRINT  
CONSTRUCT TWO STORY GARAGE/PRIMARY BEDROOM  
753 SF FOOT PRINT (TOTAL NEW FIRST & SECOND FLOOR  
1,388 GSF) CONSERVATION COMMISSION APPROVAL  
REQUIRED FOR WETLAND BUFFER SETBACK

**SOUTH ADDITION (PHASE II):**  
REMOVE EXISTING THREE SEASON PORCH  
125 SF FOOT PRINT  
CONSTRUCT ONE STORY FAMILY ROOM  
315 SF FOOTPRINT  
CONSERVATION COMMISSION APPROVAL  
REQUIRED FOR WETLAND BUFFER SETBACK

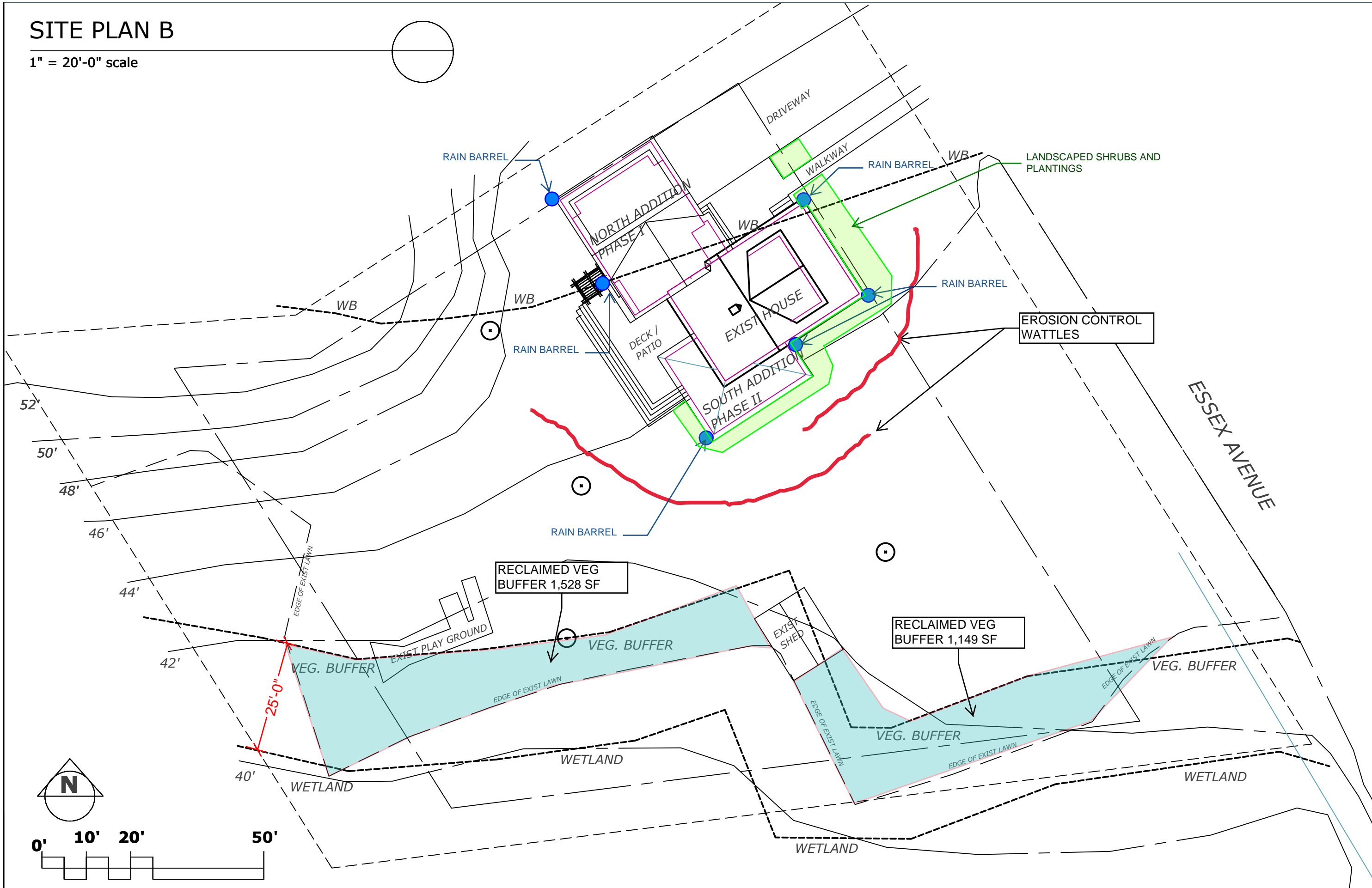
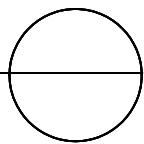
**NORTH ADDITION W/ DECK (PHASE 1)**  
PROPOSED BLDG COVERAGE: 2,386 SF = 7.31%  
OPEN SPACE: 28,977 SF = 88.76%  
IMPERVIOUS INSIDE WB: 1,758 SF = 6.24%

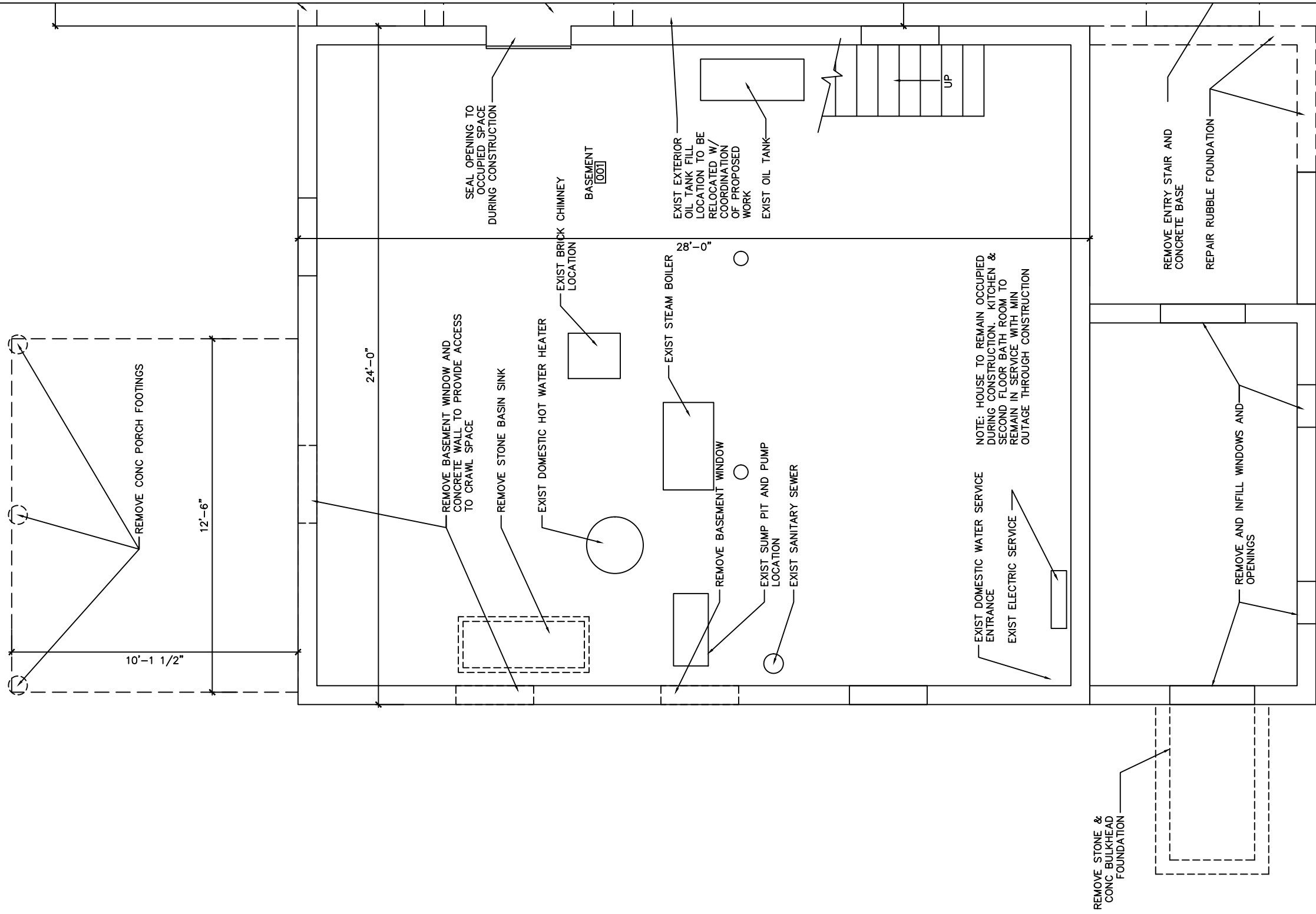
**NORTH & SOUTH ADDITION W/ DECK (PHASE 1 + PHASE 2)**  
PROPOSED BLDG COVERAGE: 2,603 SF = 7.97%  
OPEN SPACE: 28,760 SF = 88.1%  
IMPERVIOUS INSIDE WB: 1,948 SF = 6.91%



# SITE PLAN B

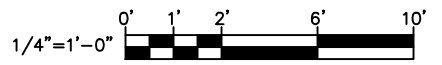
1" = 20'-0" scale





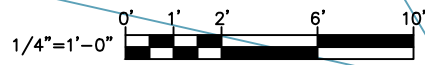
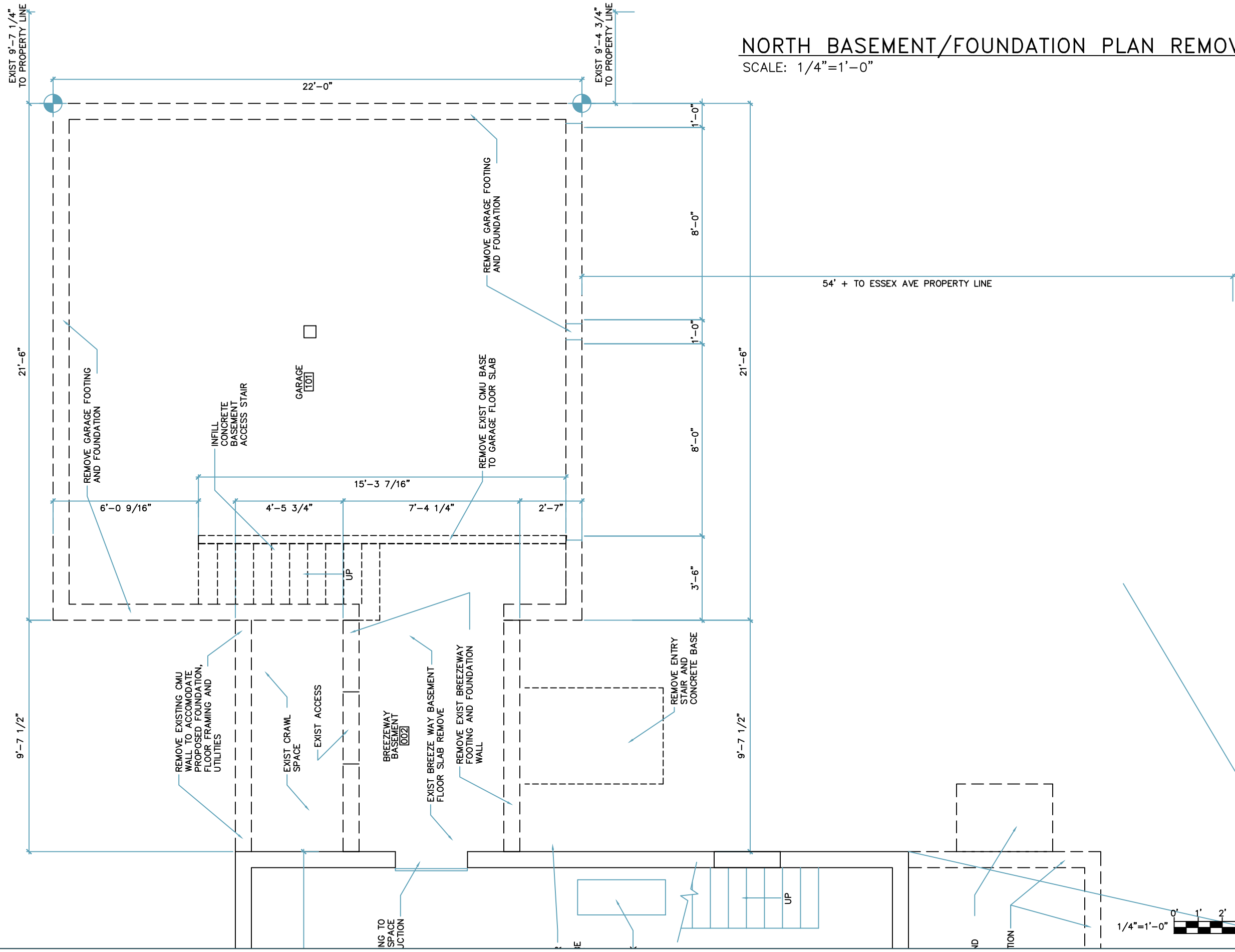
**SOUTH BASEMENT/FOUNDATION PLAN REMOVALS**

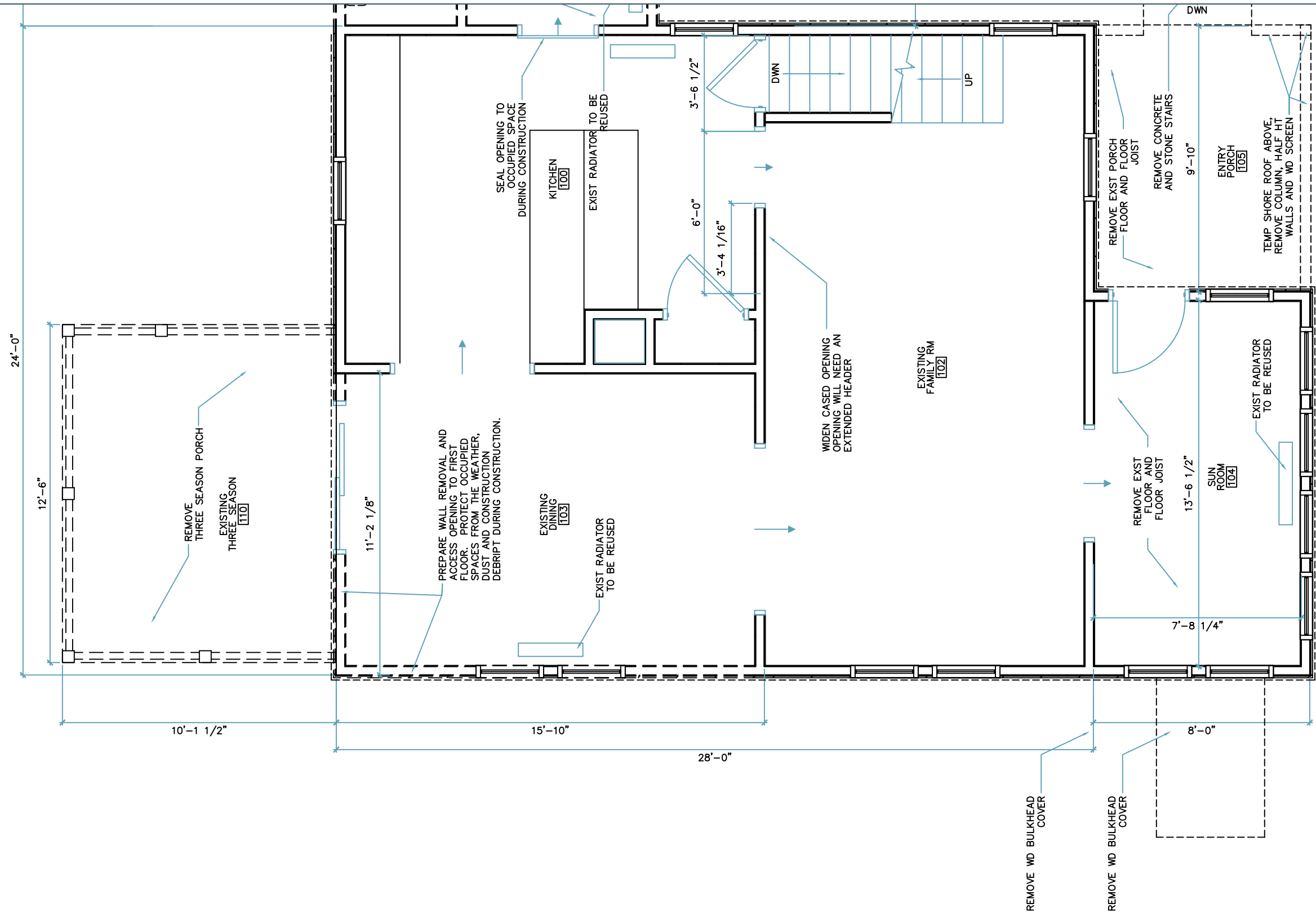
SCALE: 1/4"=1'-0"



# NORTH BASEMENT/FOUNDATION PLAN REMOVALS

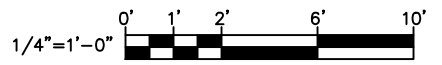
SCALE: 1/4"=1'-0"



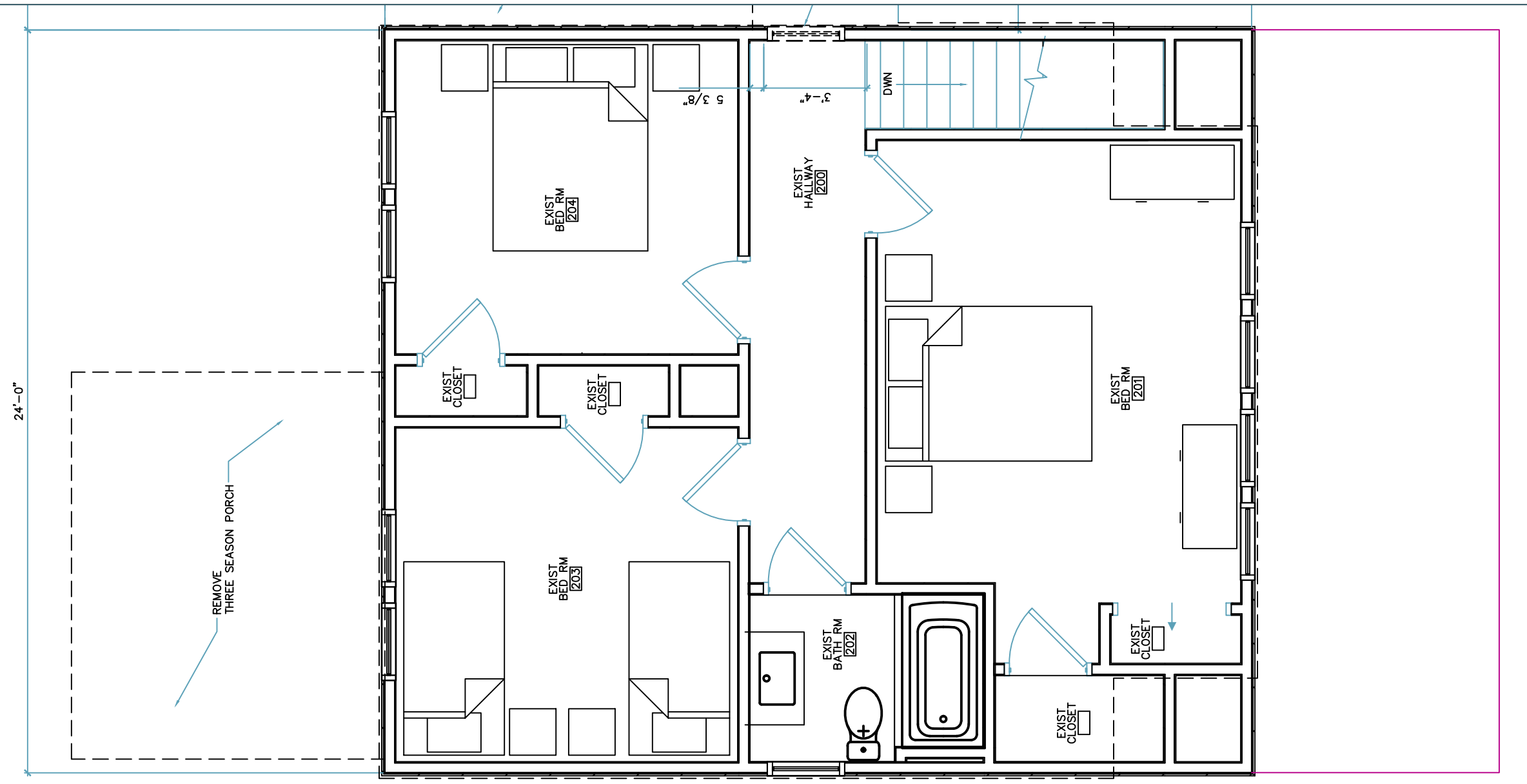


**SOUTH FIRST FLOOR PLAN REMOVALS**

SCALE: 1/4"=1'-0"







24'-0"

REMOVE  
THREE SEASON PORCH

EXIST  
BED RM  
[204]

EXIST  
HALLWAY  
[200]

DWN

EXIST  
BED RM  
[201]

EXIST  
BED RM  
[203]

EXIST  
BATH RM  
[202]

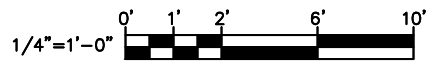
EXIST  
CLOSET

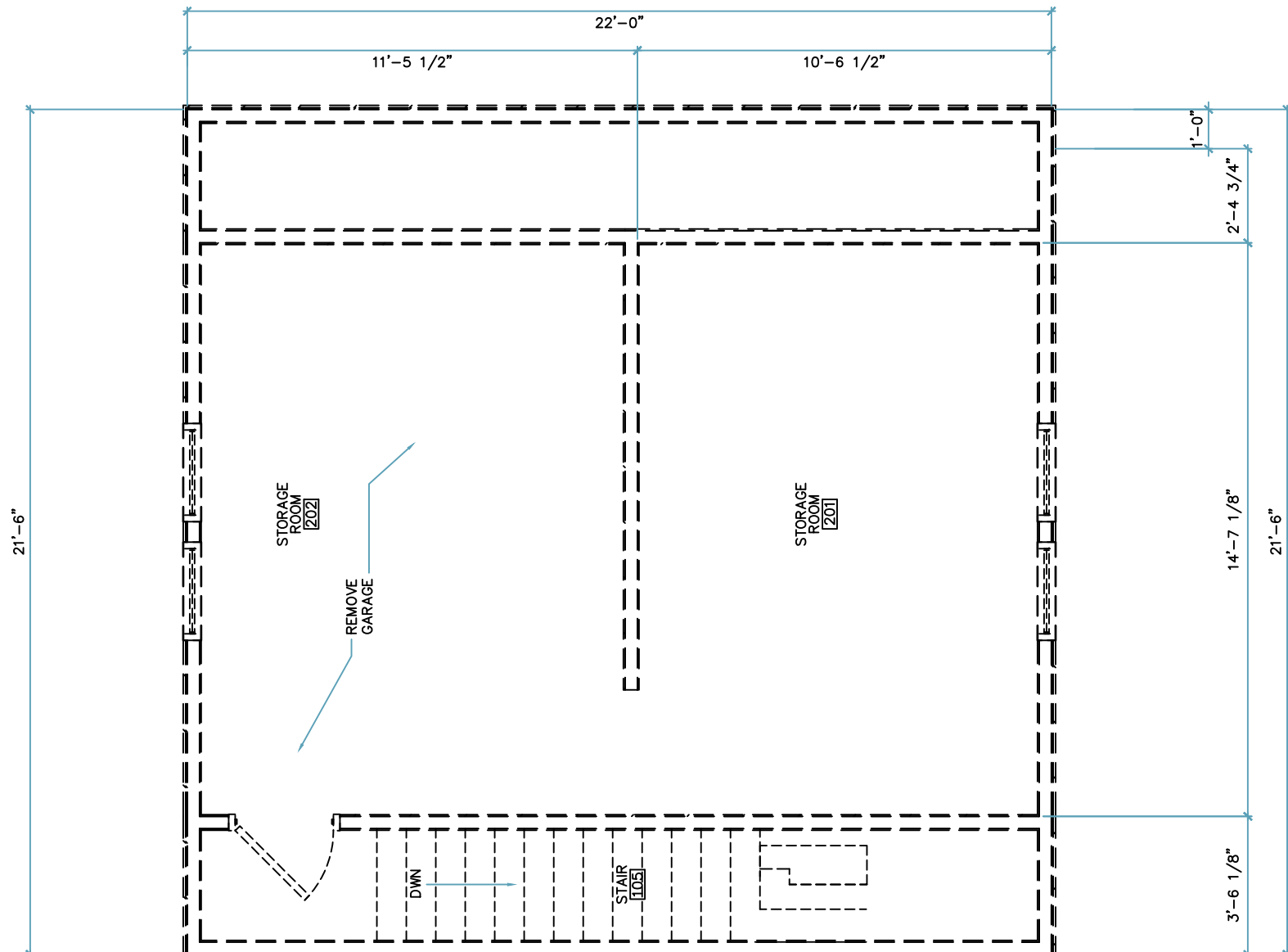
EXIST  
CLOSET

EXIST  
CLOSET

**SOUTH SECOND FLOOR PLAN REMOVALS**

SCALE: 1/4"=1'-0"



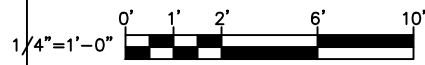


PREPARE WALL REMOVAL AND ACCESS OPENING TO SECOND FLOOR. PROTECT OCCUPIED SPACES FROM THE WEATHER, DUST AND CONSTRUCTION DEBRIS DURING CONSTRUCTION.

REMOVE BREEZEWAY BELOW

**NORTH SECOND FLOOR PLAN REMOVALS**

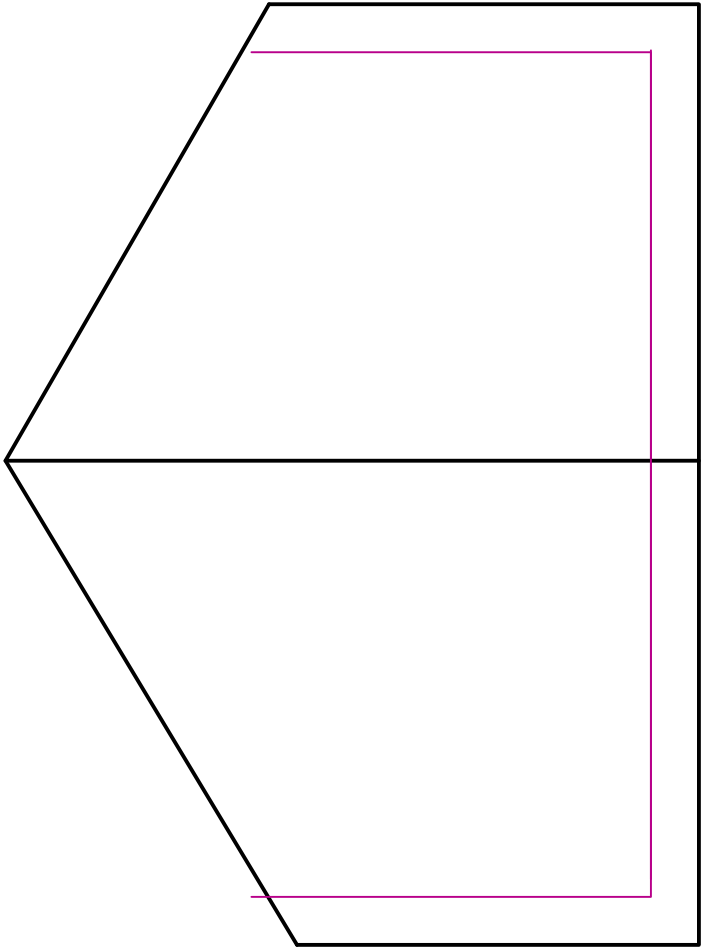
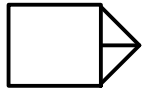
SCALE: 1/4"=1'-0"





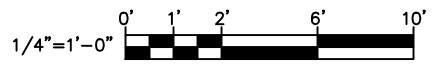
SOUTH ADDITION - REMOVE  
THREE SEASON PORCH

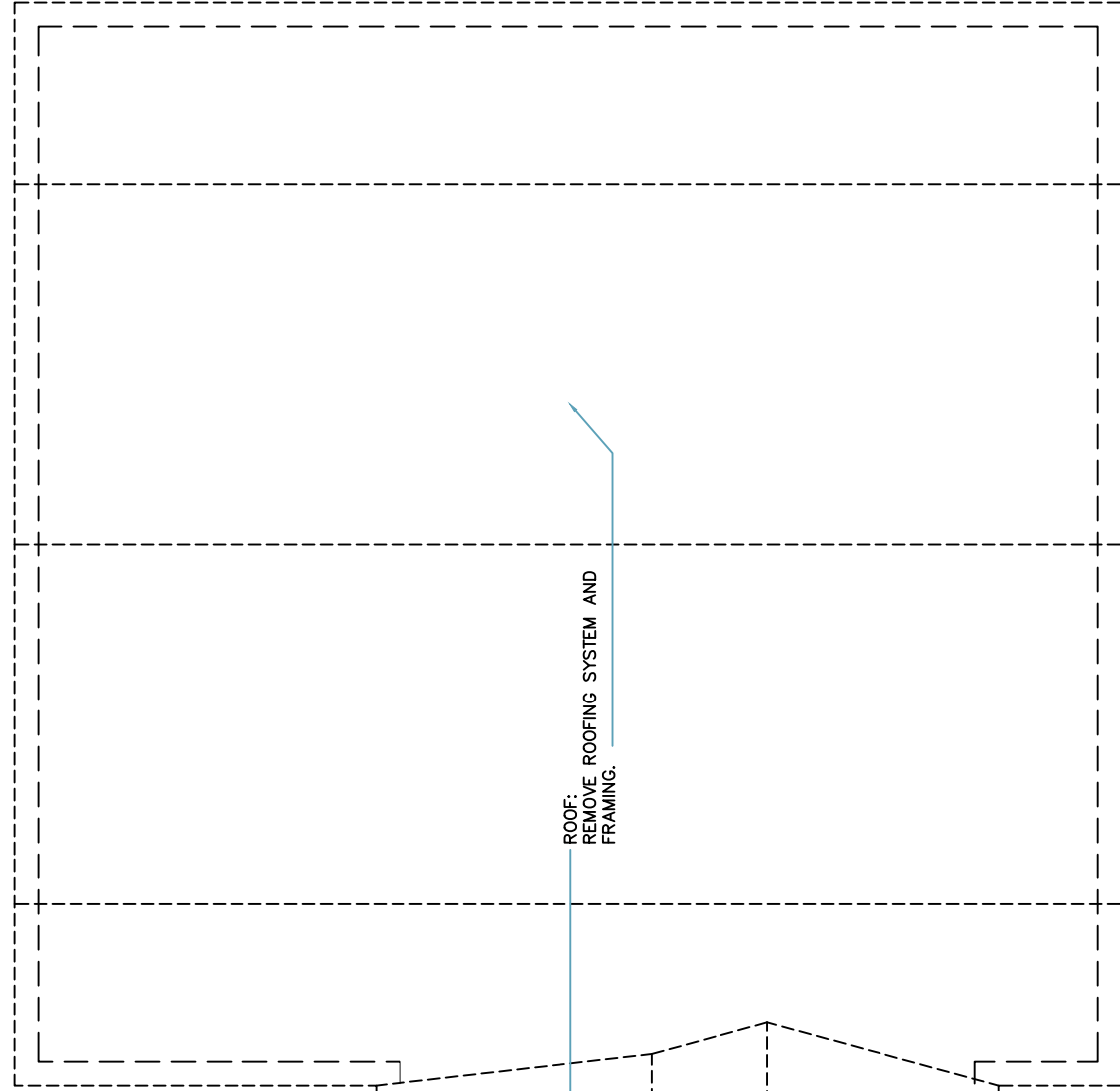
EXISTING ROOF TO REMAIN.  
OPTIONS TO REMOVE  
ASPHALT SHINGLES AND  
REPLACE WITH EXTERIOR  
INSULATION AND NEW  
STANDING SEAM MTL ROOF.



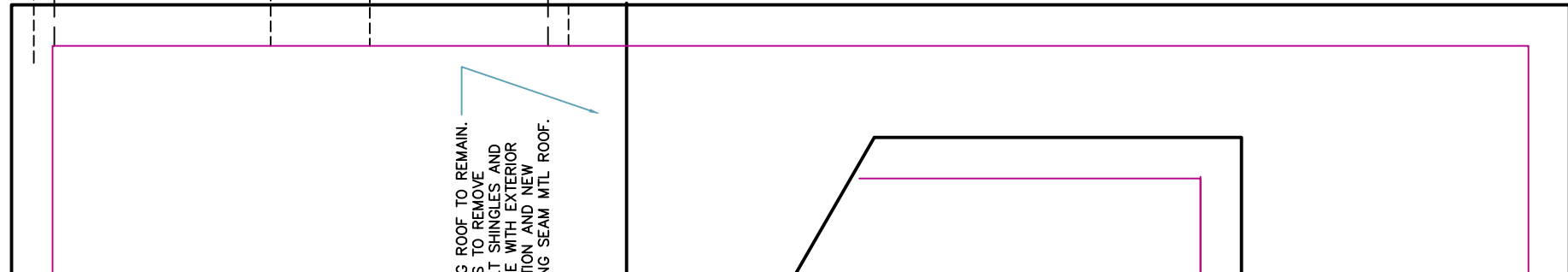
### SOUTH ROOF PLAN REMOVALS

SCALE: 1/4"=1'-0"





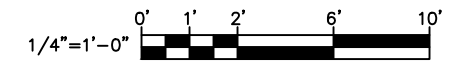
ROOF: REMOVE ROOFING SYSTEM AND FRAMING.



G ROOF TO REMAIN. S TO REMOVE IT SHINGLES AND LE WITH EXTERIOR TION AND NEW NG SEAM MTL ROOF.

**NORTH ROOF PLAN REMOVALS** 

SCALE: 1/4"=1'-0"



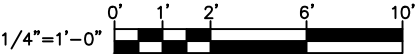


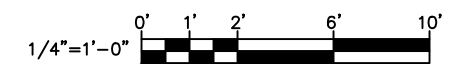
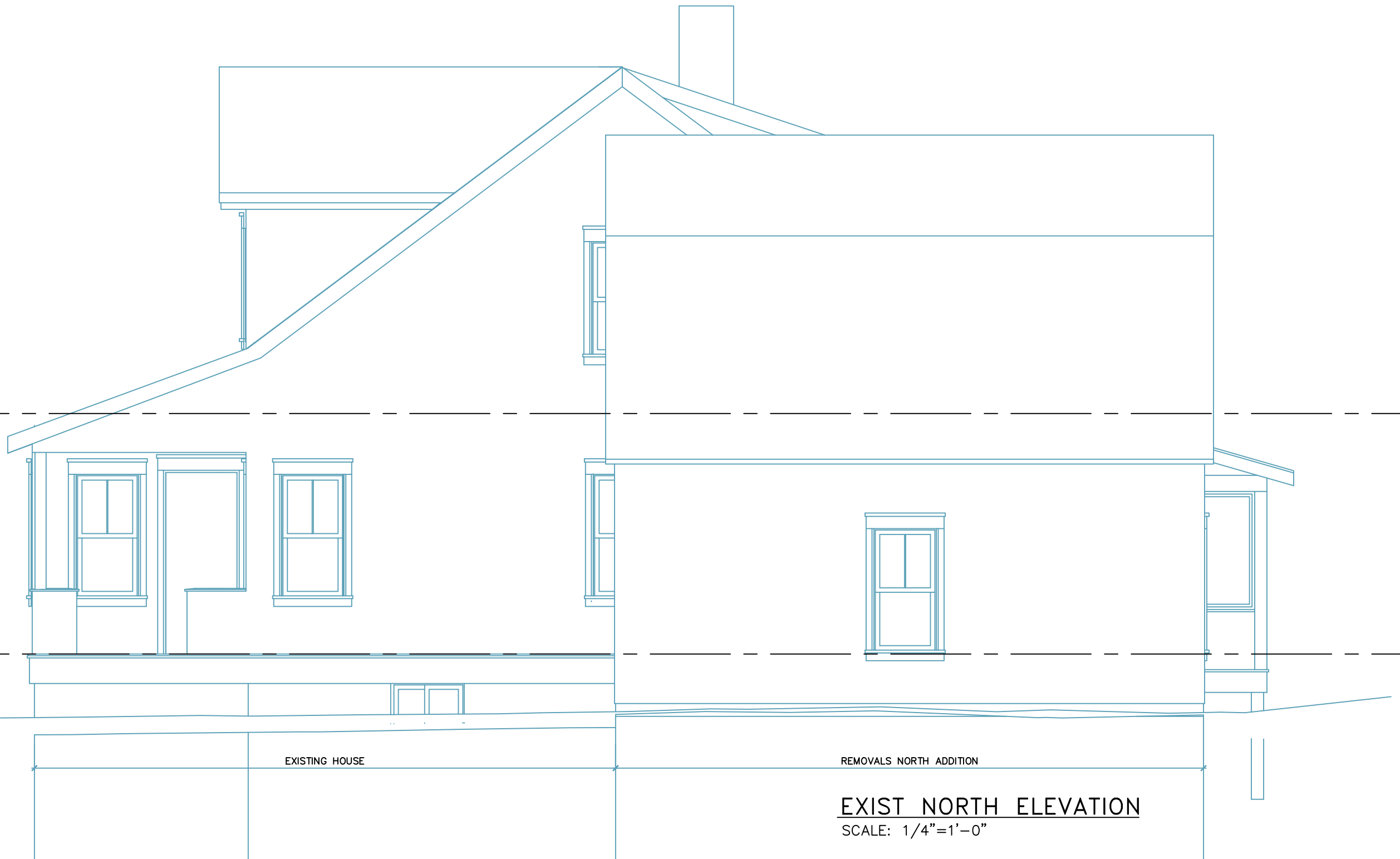
EXISTING HOUSE

REMOVALS NORTH ADDITION

**EXIST EAST ELEVATION**

SCALE: 1/4"=1'-0"

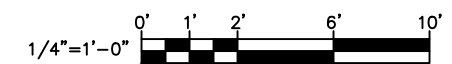


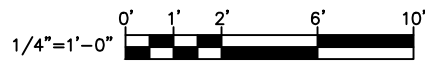
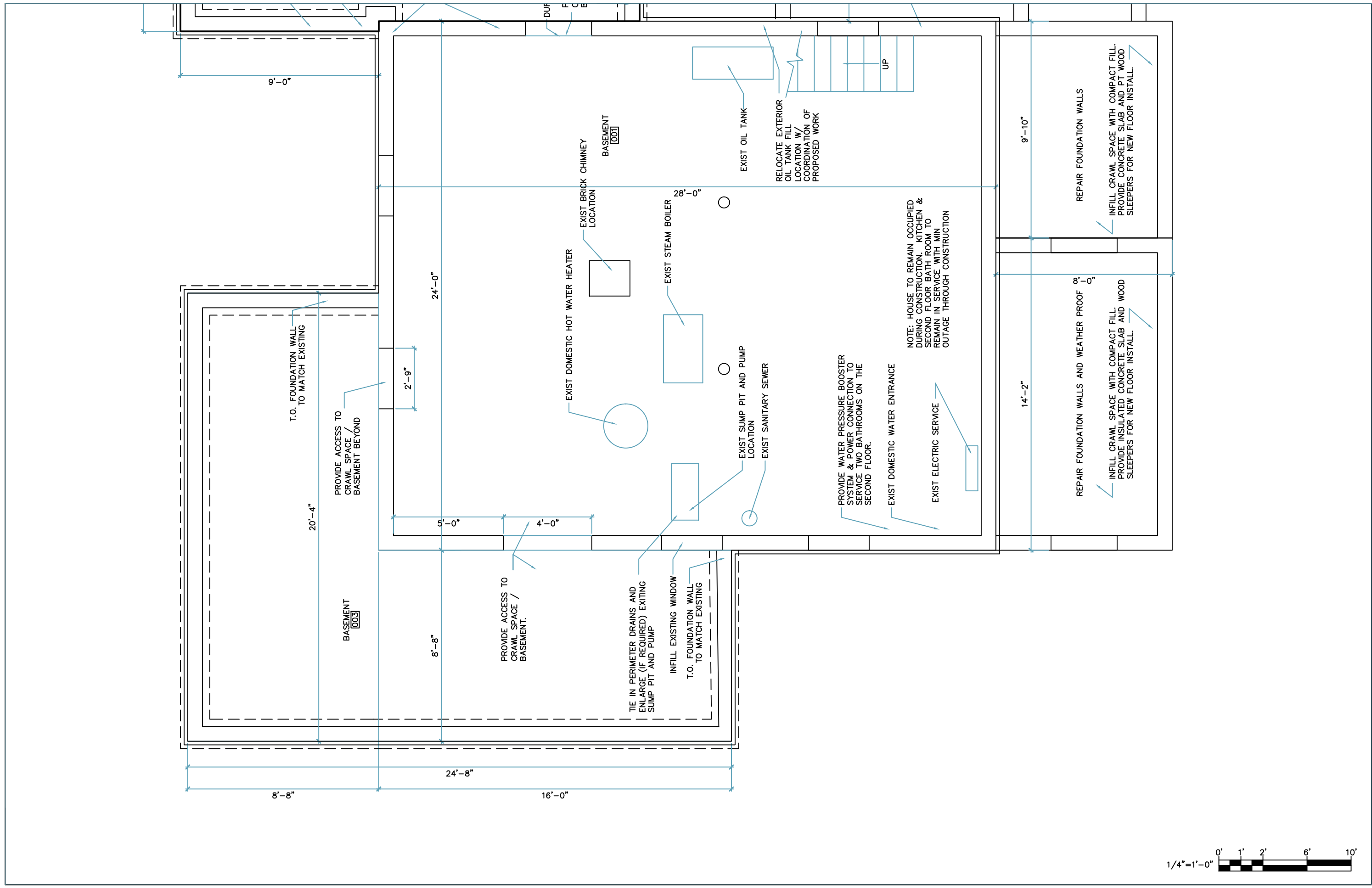




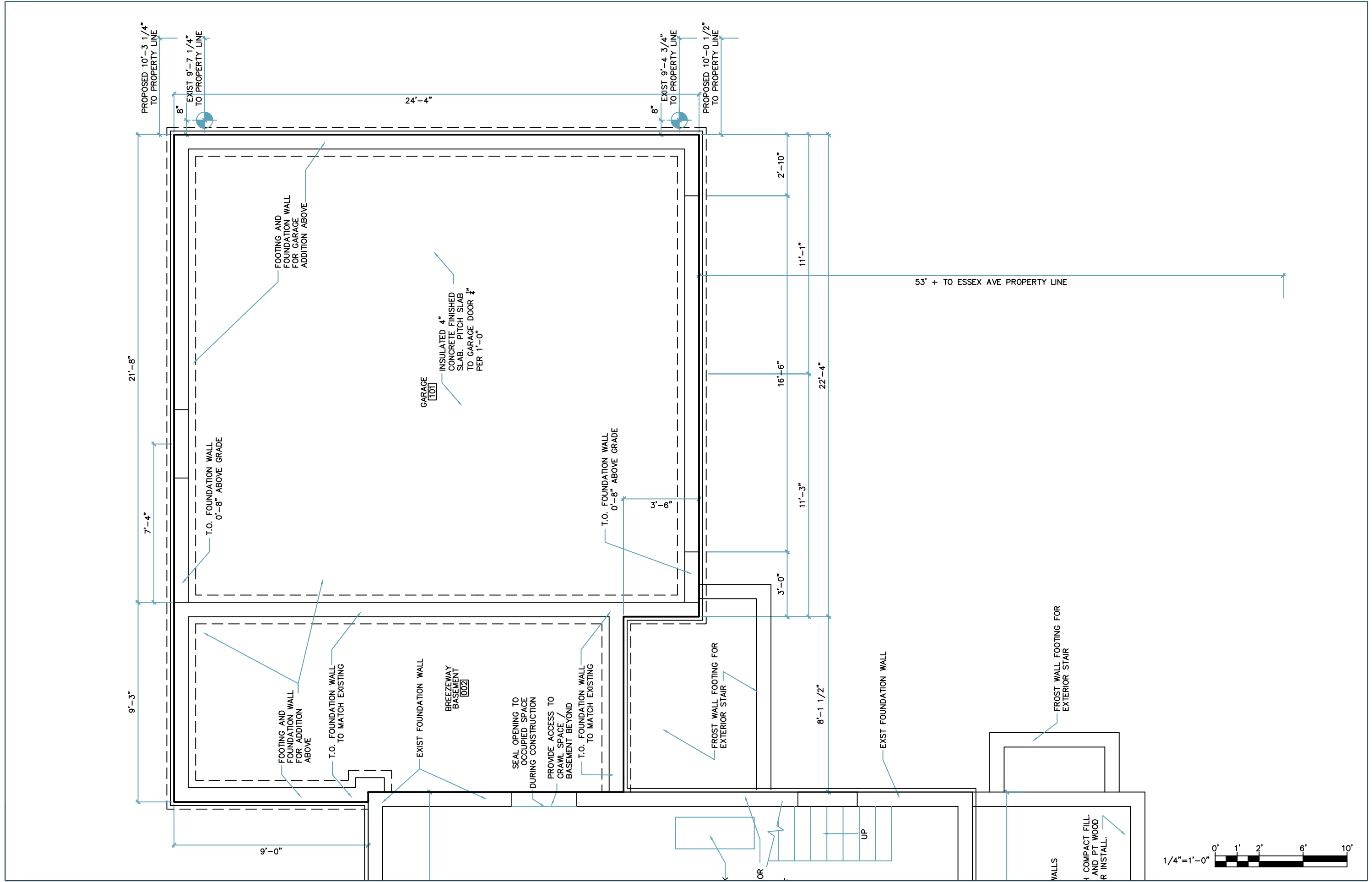
**EXIST SOUTH ELEVATION**

SCALE: 1/4"=1'-0"



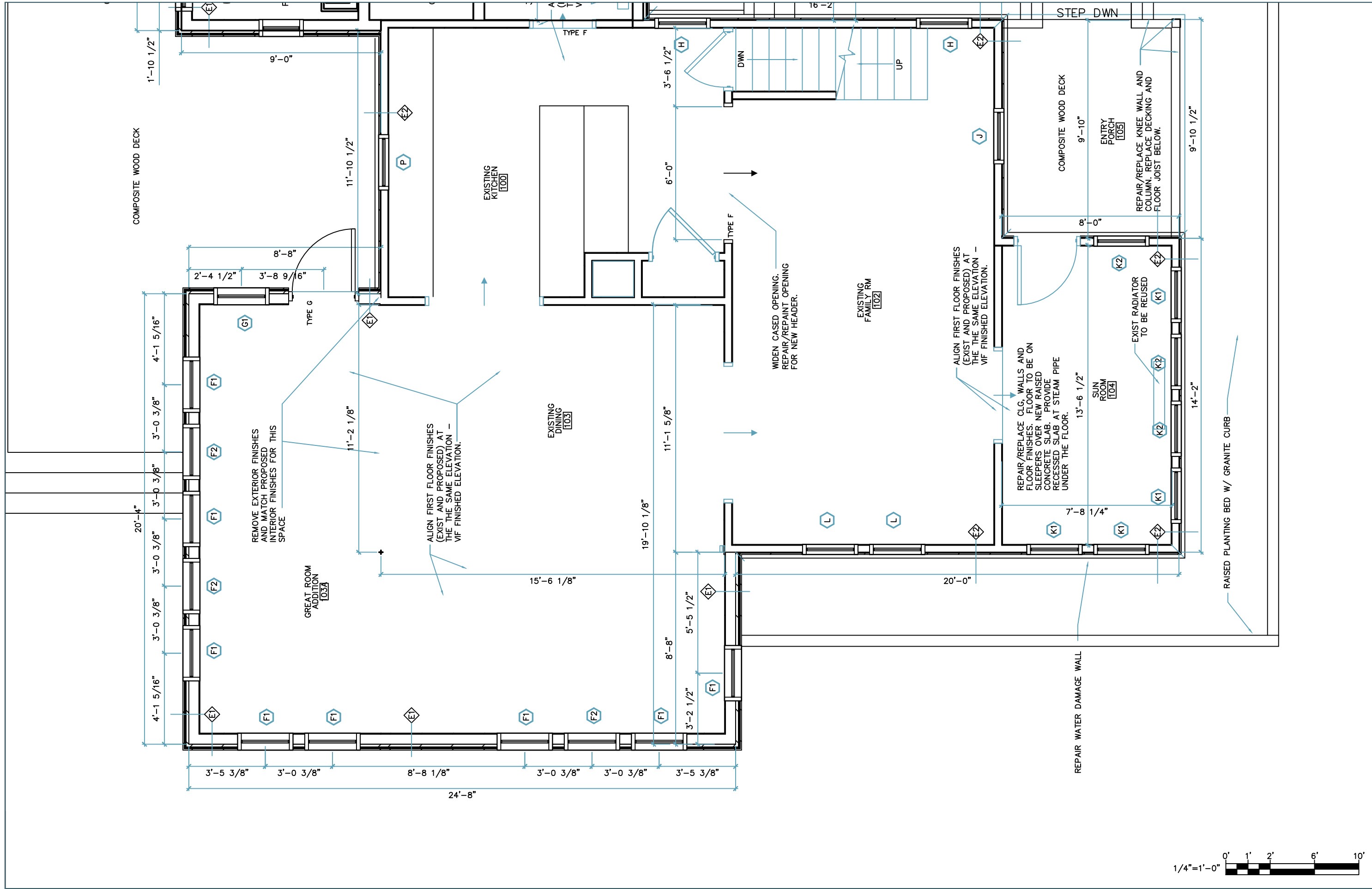


**SOUTH BASEMENT / FOUNDATION PLAN**



**NORTH BASEMENT / FOUNDATION PLAN**

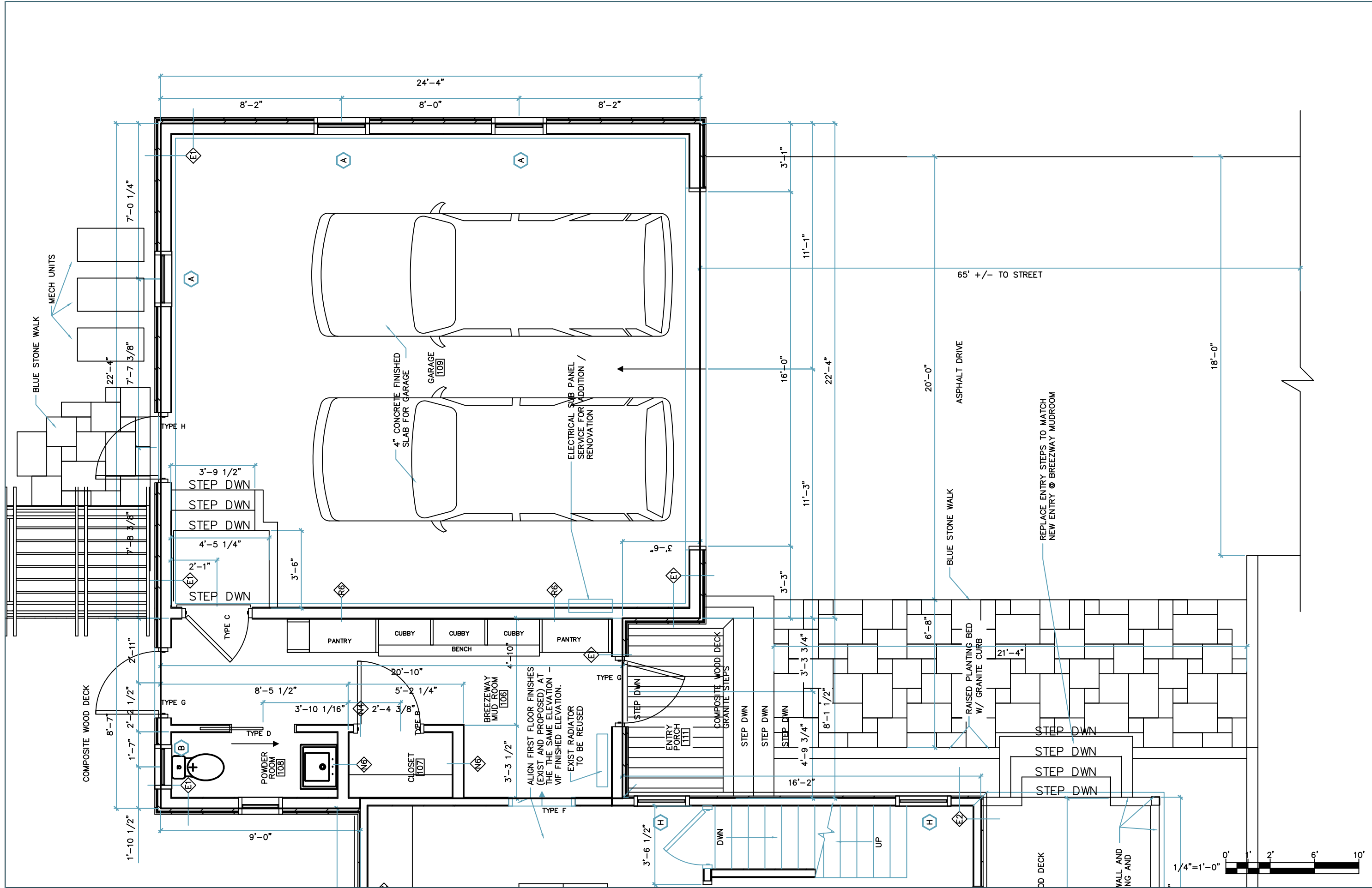
Robert & Whitney Westhelle :: 198 Essex Avenue :: Portsmouth, NH 03801:: FEB 01, 2023



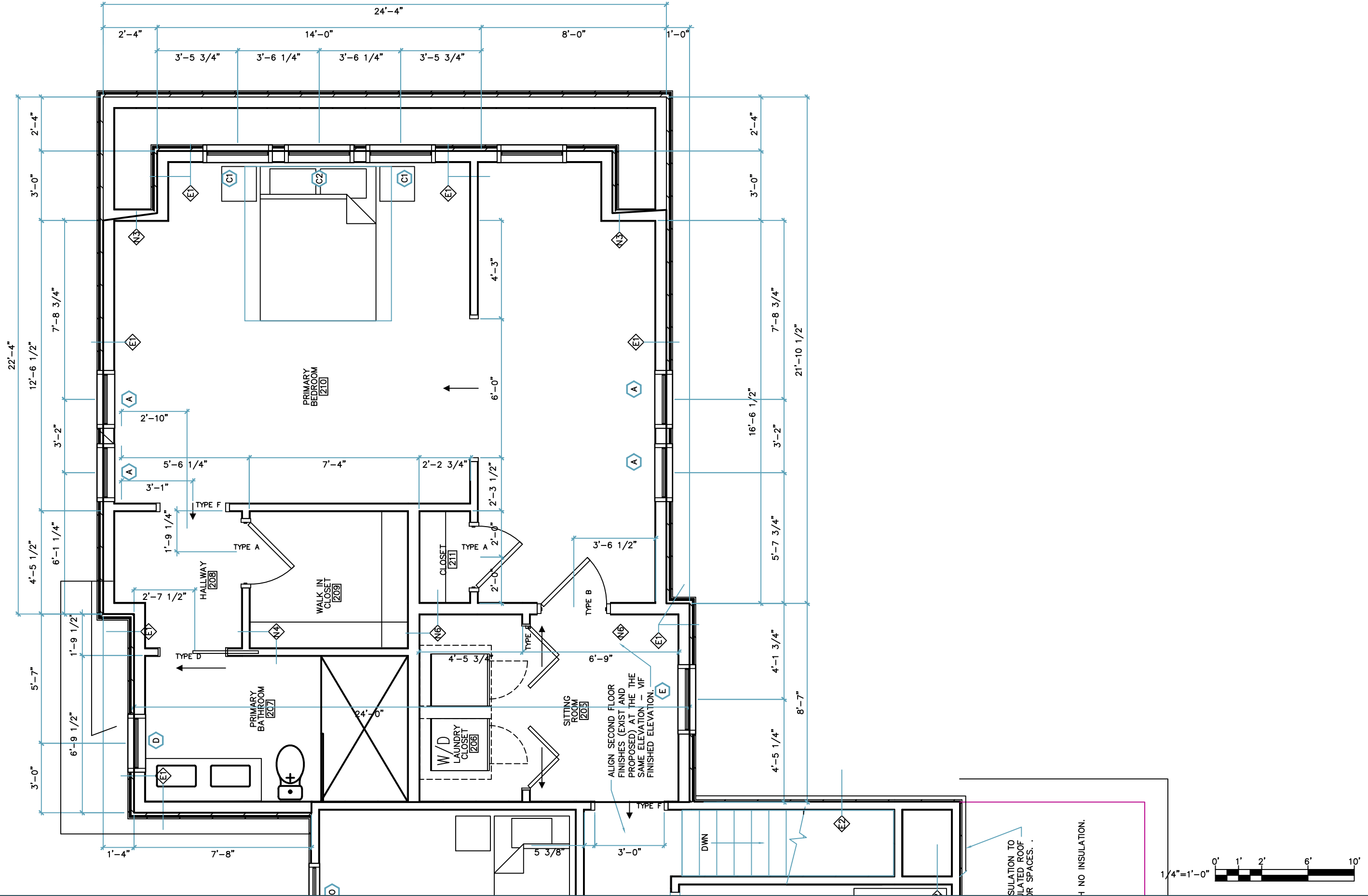
**SOUTH FIRST FLOOR PLAN**

Robert & Whitney Westhelle :: 198 Essex Avenue :: Portsmouth, NH 03801 :: FEB 01, 2023



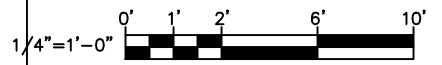


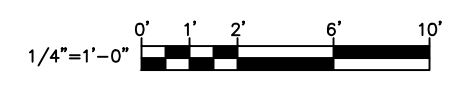
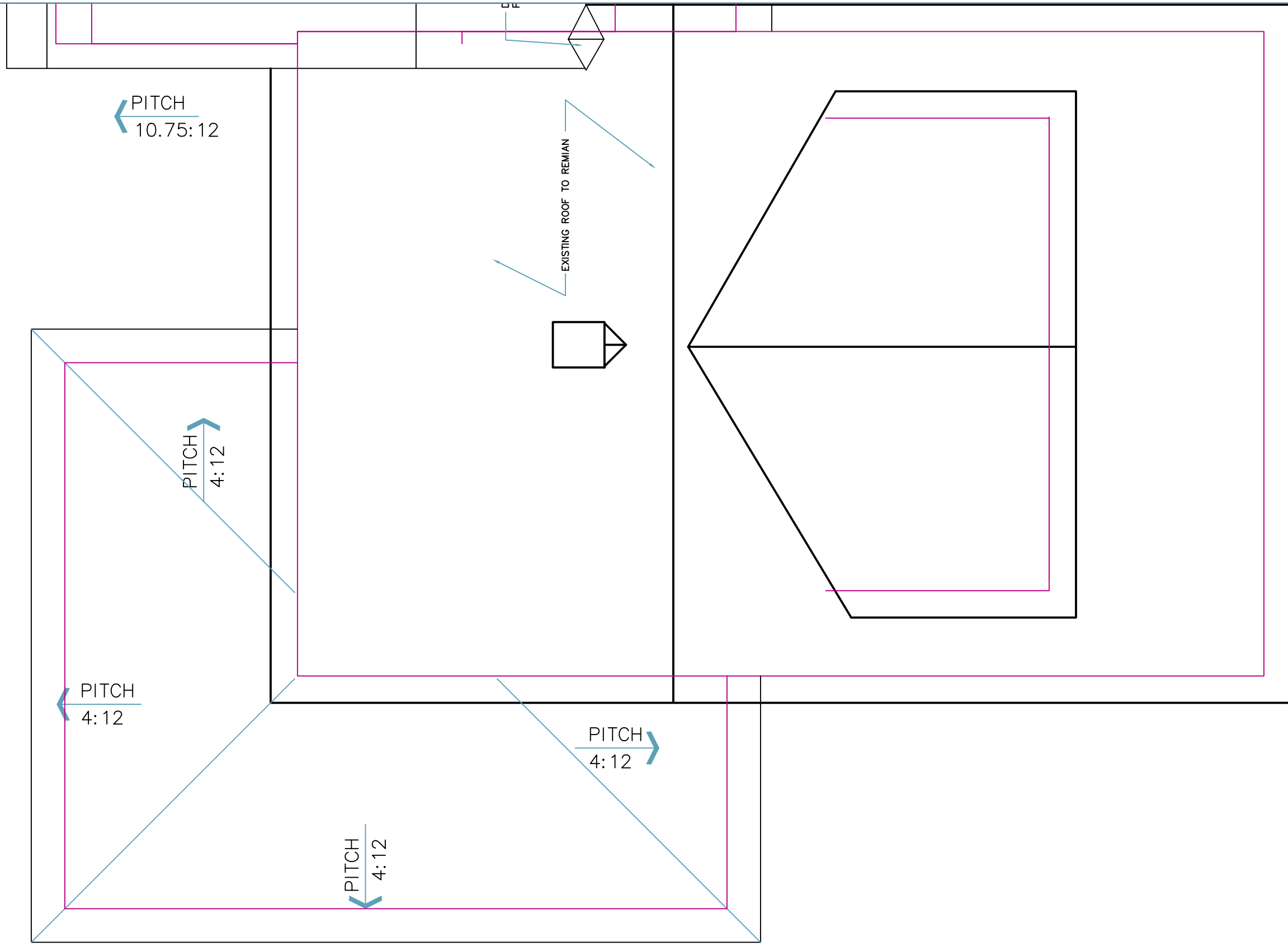
**NORTH FIRST FLOOR PLAN**

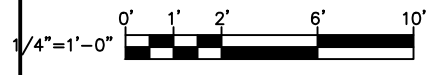
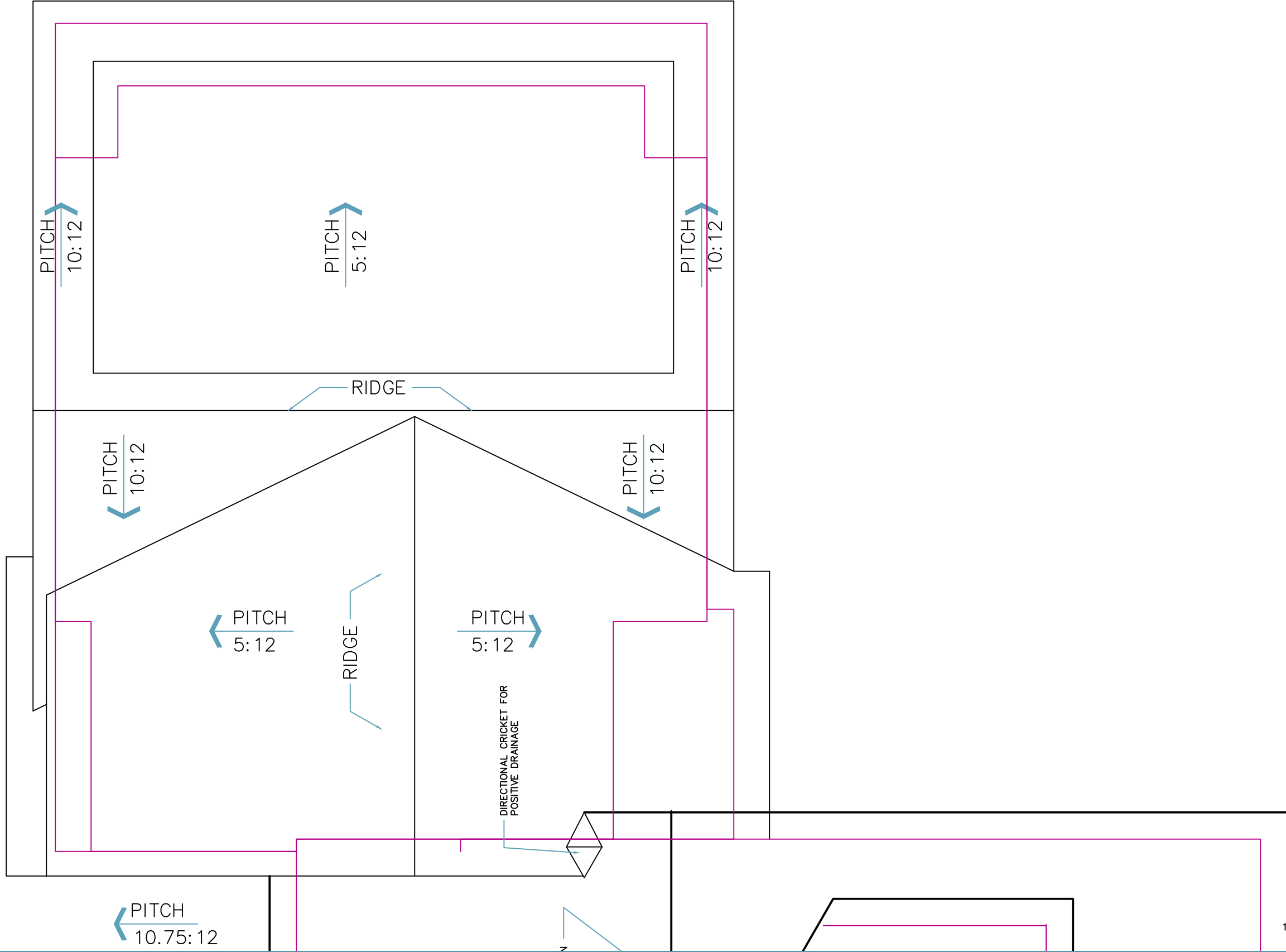


**NORTH SECOND FLOOR PLAN**

SULATION TO  
ILATED ROOF  
OR SPACES. .  
+ NO INSULATION.







**NORTH ROOF PLAN NORTH**



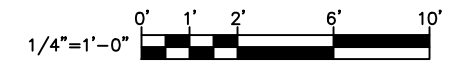


EXISTING HOUSE

NORTH ADDITION

**NORTH ELEVATION**

SCALE: 1/4"=1'-0"



1  
AE15

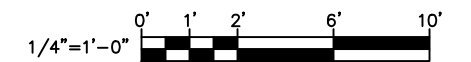


EXISTING HOUSE

SOUTH ADDITION

**WEST ELEVATION SOUTH**

SCALE: 1/4"=1'-0"



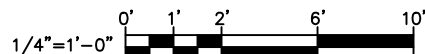


**WEST ELEVATION NORTH**  
SCALE: 1/4"=1'-0"

**WEST ELEVATION**  
SCALE: 1/4"=1'-0"

NORTH ADDITION

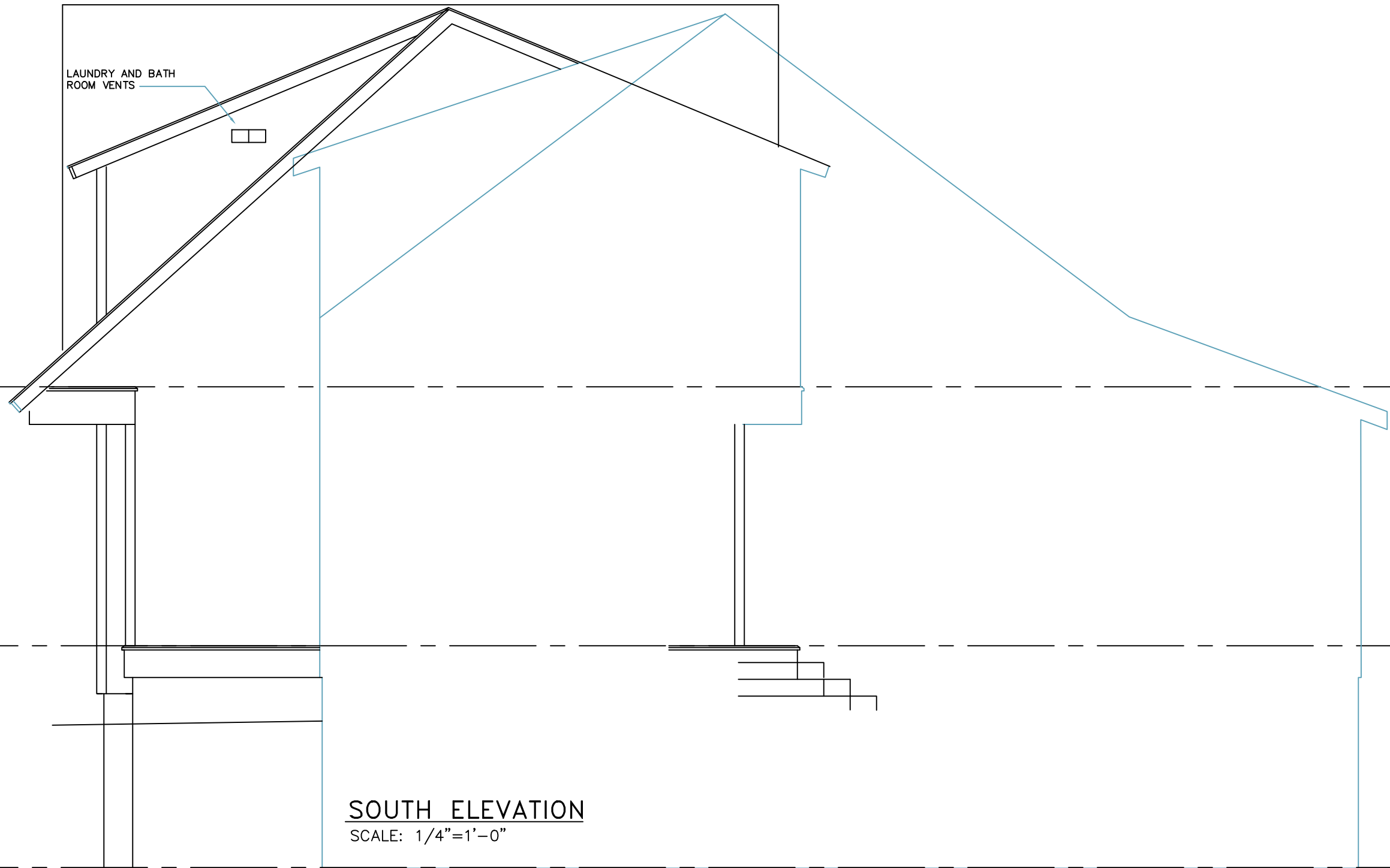
EXISTING HOUSE



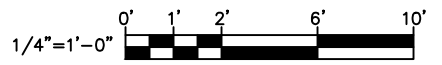


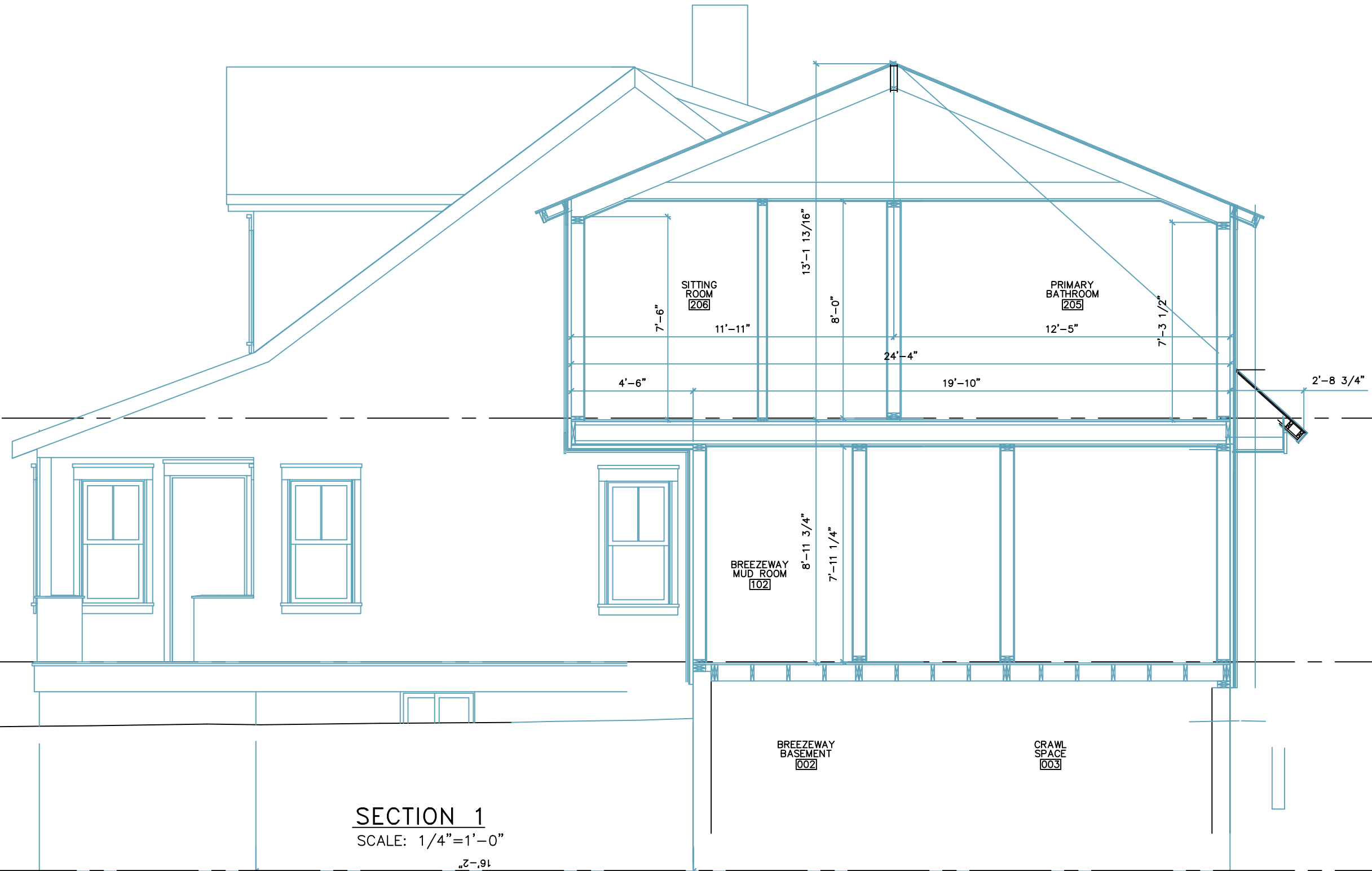


LAUNDRY AND BATH  
ROOM VENTS

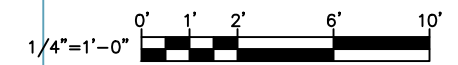


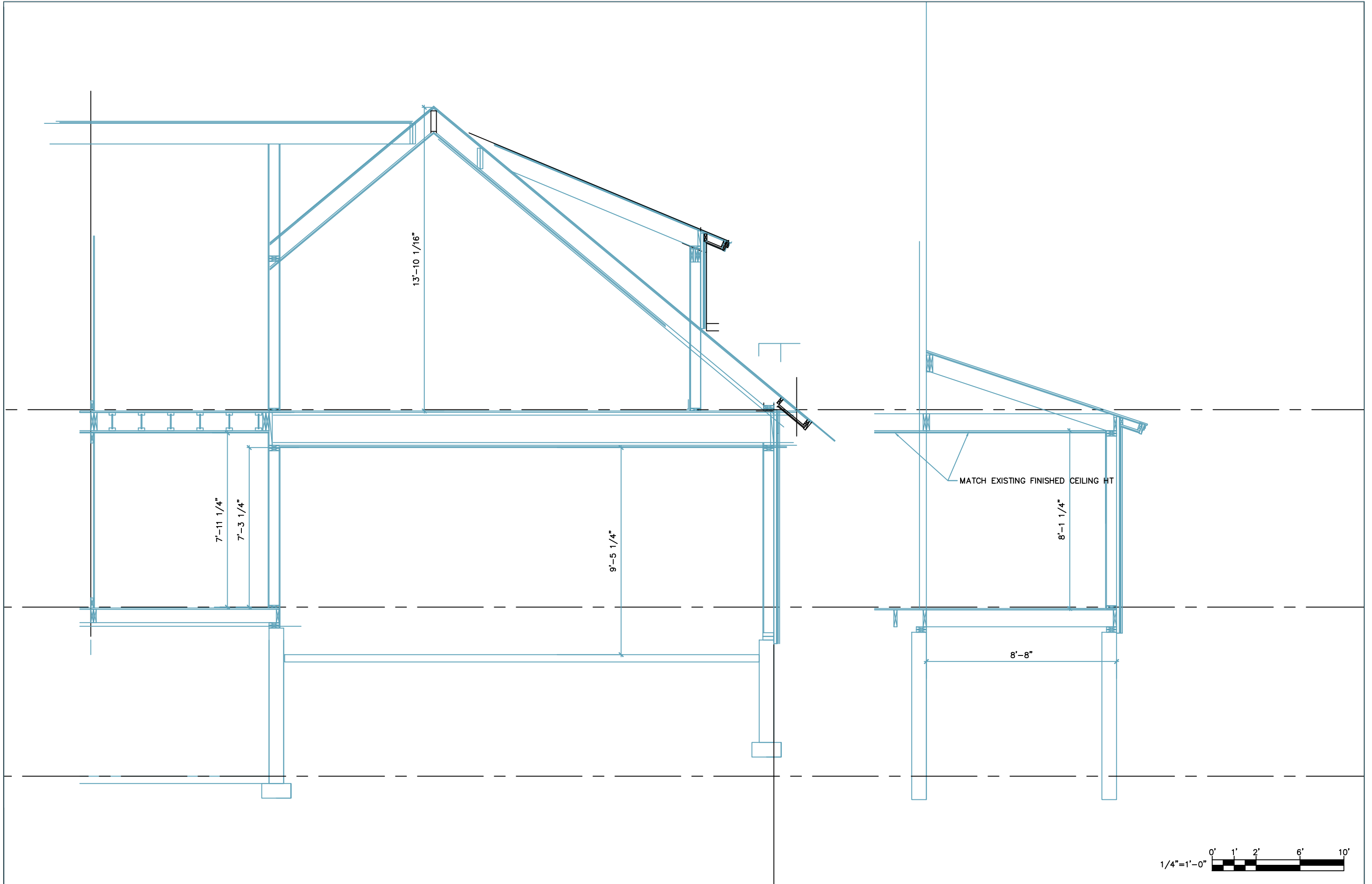
**SOUTH ELEVATION**  
SCALE: 1/4"=1'-0"

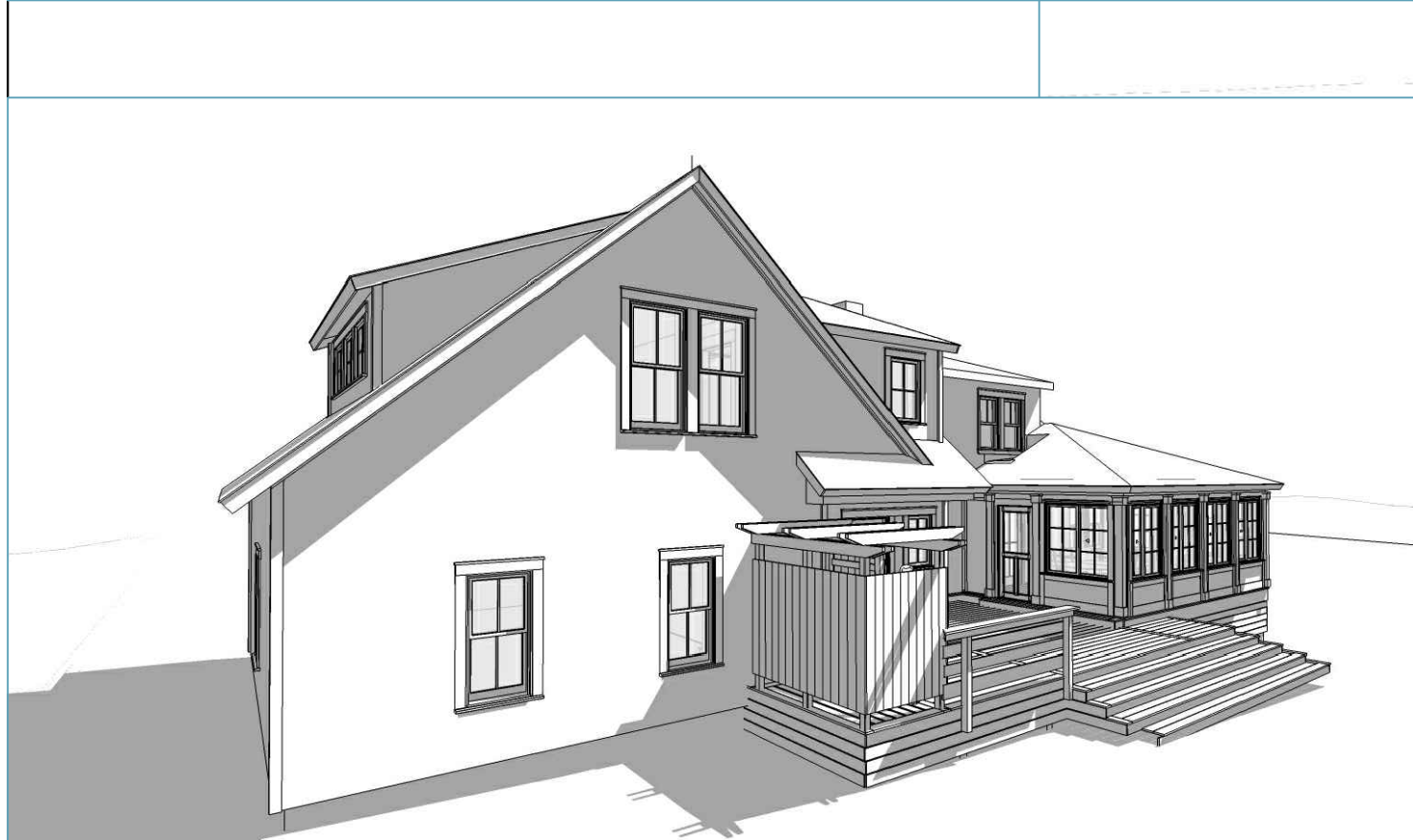
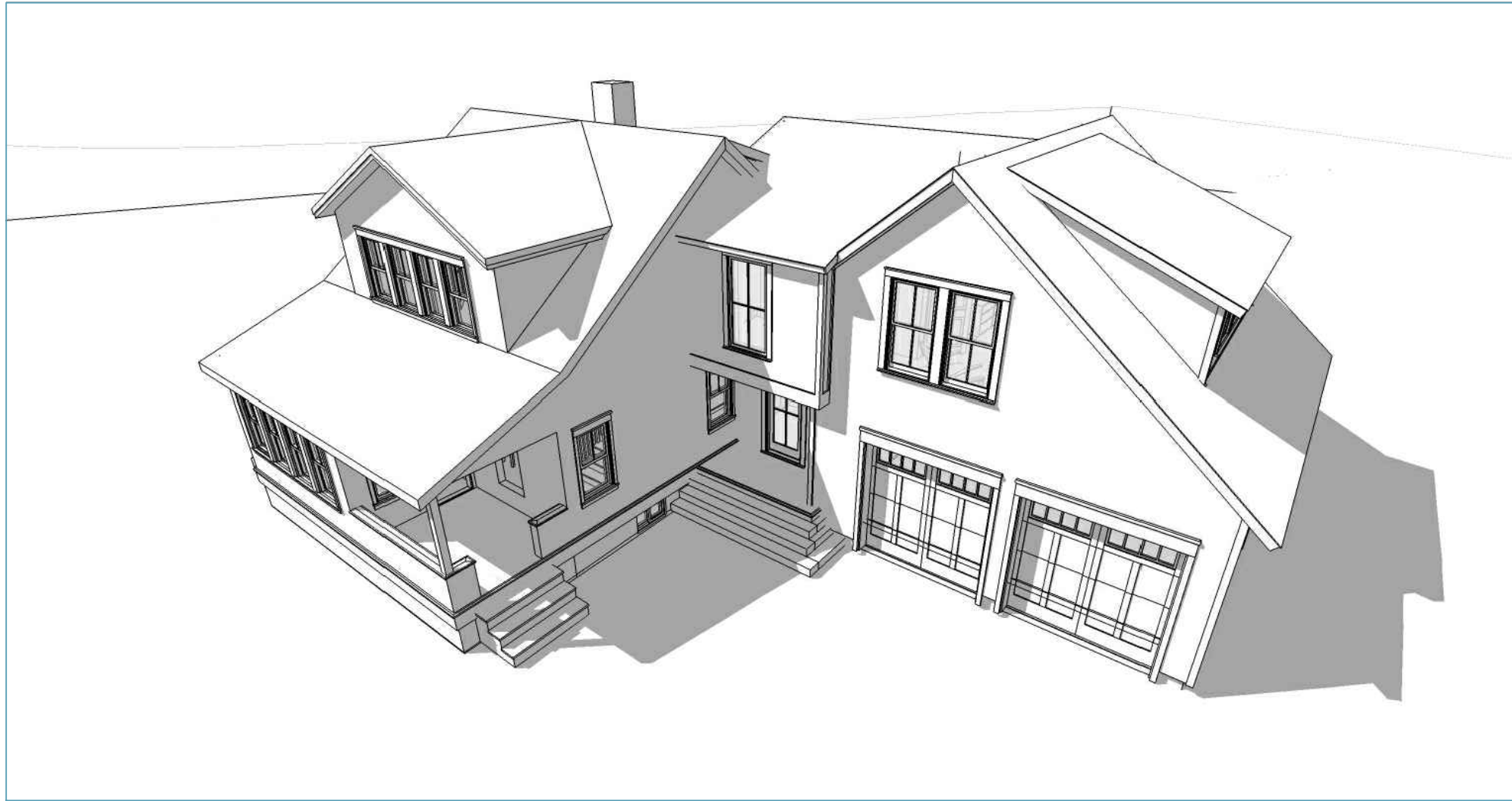


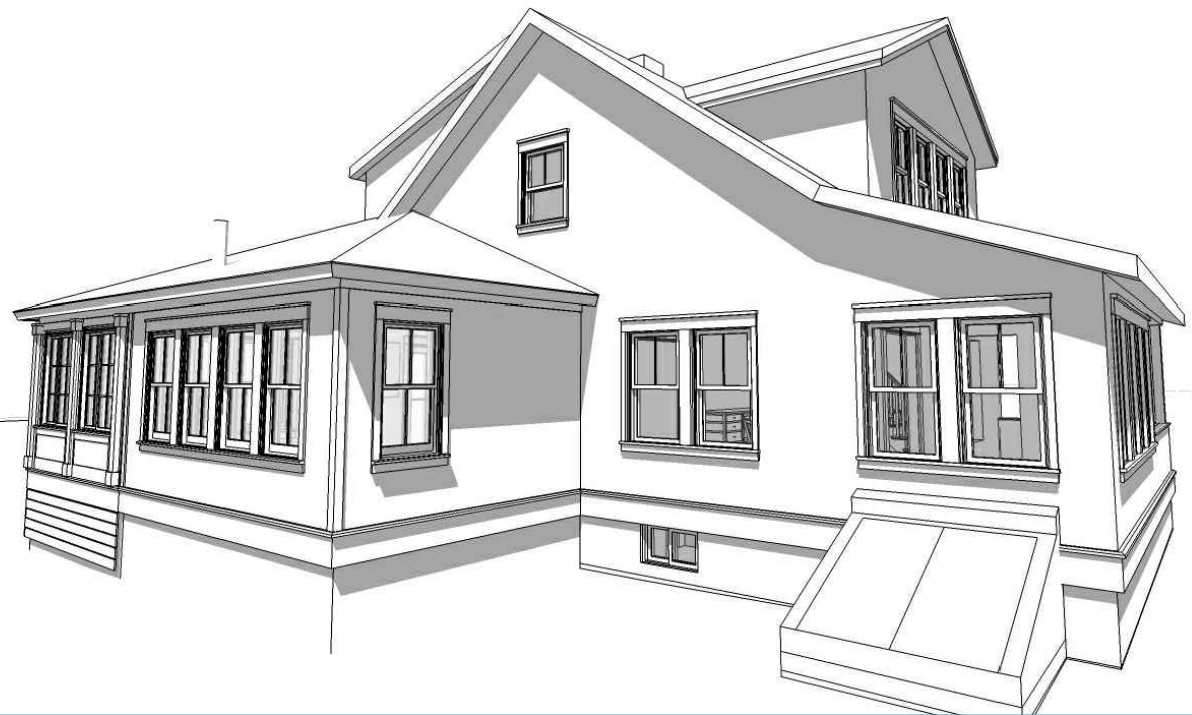
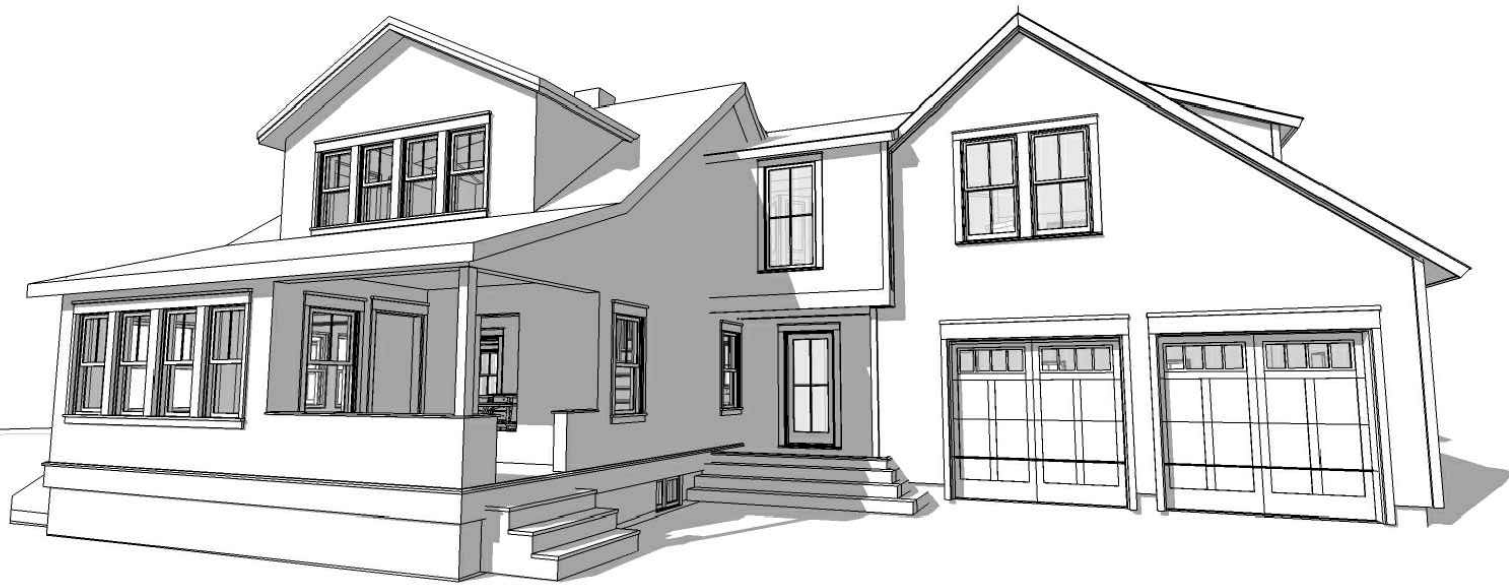


**SECTION 1**  
SCALE: 1/4"=1'-0"











# CITY OF PORTSMOUTH

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

## CONSERVATION COMMISSION

July 25, 2023

Robert Westhelle  
Whitney Westhelle  
198 Essex Avenue  
Portsmouth, NH 03801

RE: Wetland Conditional Use Permit for property located at 198 Essex Avenue (LU-23-88)

Dear Mr. and Ms. Westhelle:

The Conservation Commission, at its regularly scheduled meeting of **Wednesday, July 12, 2023**, considered your application for In accordance with Section 10.1010 of the zoning ordinance this application proposes to create two new additions to a residential home. One of these additions is mainly outside of the 100' wetland buffer and calls for the removal of an existing garage and breezeway proposed to be replaced with a new two-story garage and breezeway. Proposed additional impervious areas would not extend closer to the wetland than the existing structure. Additionally, a patio and deck space are proposed to be constructed as part of this addition. The second building addition (South) is an attached new family room. This addition would be located approximately 62 feet from the wetland and would be completely within the wetland buffer. Total proposed impervious impacts to the buffer (including both the north and south additions) will be 512 s.f. of added impact. The deck addition adds an additional 481 square feet of impact in the wetland buffer. Said property is shown on Assessor Map 232 as Lot 128 and lies within the Single Residence B (SRB). As a result of said consideration, the Commission voted to recommend **approval** of the Wetland Conditional Use Permit to the Planning Board with the following stipulations.

1. Any trees to be removed will be replaced with a similar species type and number trees.
2. Any patio or deck area installed shall be pervious.
3. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers during project construction along the 25' vegetated buffer. These can be purchased through the City of Portsmouth Planning and Sustainability Department.
4. Applicant shall provide a report back to the Planning and Sustainability Department one year after vegetated buffer area has been planted, demonstrating at least an 80%



survival rate of new plantings.

5. An additional method of infiltration shall be provided for rain barrel overflows.
6. Any increase in impervious surface will require a new wetland conditional use permit.
7. Applicant shall use only dark sky friendly lighting on the exterior of the home.
8. Applicant shall update site plans to indicate exact locations of proposed rain barrels and include a detail sheet showing a cross-section of the proposed deck/patio including details of how infiltration from the design will occur. These updates shall be approved by the Planning & Sustainability Department prior to submission to the Planning Board.

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, August 17, 2023**. One (1) hard copy of any revised plans and/or exhibits as well as an updated electronic file (in a PDF format) must be filed in the Planning Department and uploaded to the online permit system no later than Wednesday, July 26, 2023.

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

Very truly yours,



Samantha Collins, Chair  
Conservation Commission

cc:



# The Vermont Shoreland Protection Act – Pervious Surfaces

## What is a pervious surface?

The Shoreland Protection Act (Chapter 49A of Title 10 §1441 *et seq.*) regulates new impervious surface and new cleared area within 250 feet of the mean water level (the protected shoreland area) of lakes and ponds 10 acres or larger. Surfaces such as decks and patios are presumed to be impervious surfaces, in which precipitation runs off rather than infiltrates. However, decks and patios can be constructed so that precipitation infiltrates through the structure and into the subsurface soil layer, rather than generating stormwater runoff, potentially making them a pervious surface.

## What do I need to do if I'd like to construct a pervious deck or patio within the protected shoreland area?

Before beginning construction, a landowner must submit a [Shoreland Jurisdictional Determination form](#) describing how the project will be built and maintained in accordance with the five criteria below in order to demonstrate how the project will be a pervious surface. If additional aspects of a project involve the creation of cleared area or impervious surface, the landowner will need to submit a [Shoreland Permit Application](#) instead. Construction of a project prior to issuance of a final decision will be presumed to be the unauthorized creation of impervious surface.

## What are the design criteria for a pervious deck or patio?

### Pervious Surface Criteria:

1. Gaps
2. Open design
3. Foundation
4. Perimeter
5. Design & Maintenance



**Open design:** The pervious deck or patio must be an open design (e.g., a roof is not placed over the pervious surface).

**Perimeter:** The perimeter dripline of the pervious deck or patio must be vegetation, grass, or loose drainage stone, to manage for water infiltration.

**Gaps:** Gaps between decking boards or patio surface (e.g., ¼ inch gaps) must allow passage of stormwater to the underlying substrate.

**Foundation:** The ground underneath the pervious deck or patio allows for infiltration of stormwater (e.g., bed of loose stone or vegetation/grass lawn). The foundation must not be an impervious surface such as concrete, asphalt, or compacted dirt.

**Design & Maintenance:** Heavily trafficked surfaces, or surfaces on steep slopes (greater than 20%) may prevent the infiltration of stormwater runoff. A pervious surface requires regular maintenance to ensure adequate infiltration. A landowner wishing to convert a pervious surface to an impervious one (e.g., open deck to porch with roof) will require a Shoreland Permit.