

# Findings of Fact | Wetland Conditional Use Permit

## City of Portsmouth Planning Board

Date: April 17, 2025

Property Address: 200 FW Hartford Dr.

Application #: LU-25-23

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.

|          | <b>Zoning Ordinance Sector 10.1017.50 Criteria for Approval</b>   | <b>Finding</b><br>(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><br><b>Does Not Meet</b>            | The six trees proposed to be removed are within the 100' wetland buffer which is a forested wetland.  |
| <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><br><b>Does Not Meet</b>            | The six trees are all located within the wetland buffer and while they serve as a vital function within the wetland buffer, the applicant is proposing a replacement of plantings in lieu of the trees to be removed.   |
| <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><br><b>Does Not Meet</b>            | The removal of these large trees will have an adverse impact on the wetland functional values as they serve as great habitat and carbon capture for this ecosystem. The installation of new plantings will help to boost this ecosystem, but it may not be sufficient to compete with the trees to be removed. The applicant should consider planting a greater ratio of trees to shrubs. |

|   | <b>Zoning Ordinance Sector 10.1017.50 Criteria for Approval</b>   | <b>Finding</b><br>(Meets Criteria for Approval) | <b>Supporting Information</b>  |
|---|---|---|--|
| 4 | 4. <i>Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i> | Meets<br><br>Does Not Meet                      | This project calls for the removal of six trees, all within the wetland buffer and most within the 25' no-cut buffer. A certified arborist has stated that only one of the proposed trees to be removed is diseased and unless the other five are a significant risk, the removal of the healthier trees does not seem necessary at this time.                                     |
| 5 | 5. <i>The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>       | Meets<br><br>Does Not Meet                      | This proposal appears to have some adverse impact at the removal of five healthy trees that are serving multiple functions within the wetland buffer. The proposed plantings will help to offset the impacts felt from removing those trees but it may be necessary to substitute more trees instead of or in addition to the winterberries to equate the loss of those six trees. |
| 6 | 6. <i>Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>                                | Meets<br><br>Does Not Meet                      | It appears that most of the trees to be removed are located in the vegetated buffer strip and proposed plantings will be in this general vicinity.   |
| 7 | <b><u>Other Board Findings:</u></b>   |   |  |

Project Plan: Tree Removal, 200 F W Hartford Dr, Portsmouth, NH 03801

Tracey Foster

To: Portsmouth Planning Board

Subject: Backyard tree removal

Removal of six trees in the back yard, two maple and four pine trees. Stumps will remain in place.

2024 Winter we lost limbs from these trees towards the house. Growth of mold and moss on the house due to location of these trees and lack of sun.

Maple tree closest to the house is "at risk" per Chris Kemp, Plant Healthcare Manager, ISA Certified Arborist, due to disease, see attached photos.

See map of trees to be removed. Trees are located in the wetlands buffer.

With the stumps staying in place, we will plant two new trees and four new bushes. The new trees will be red maple. The bushes will be native Winterberry, *Ilex verticillata*.

The new bushes and trees will be planted in the same general area of the removed trees. The impact to the wetland buffer will be minimal, if any, due to the stumps remaining in place and new plants added.

Figure 1: Red "X" indicates tree to be removed. Red "X" with circle is tree that is "At Risk." Green dots is where the new bushes and trees will be planted.

Figure 2: Identifies that most of the house and all of the back yard are in the buffer zone, which remains untouched since built in 1983.

Approval stipulations from the March 12, 2025 Conservation Commission meeting are as follows:

1. It is recommended that the applicant consider a greater number of trees to be planted compared to shrubs. If the applicant increases the proportion of trees to be planted, they should plant within the 100' wetland buffer, where appropriate.
2. Applicant shall provide a report back to the Planning and Sustainability Department one year after the proposed landscaping area has been planted, demonstrating at least an 80% survival rate of new plantings within the wetland buffer.
3. In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall

permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer.

Thank you for your consideration in this matter.

Sincerely,

Tracey Foster

200 F W Hartford Dr

703-731-9241

Figure 1: Trees removed and new tree/bush locations.

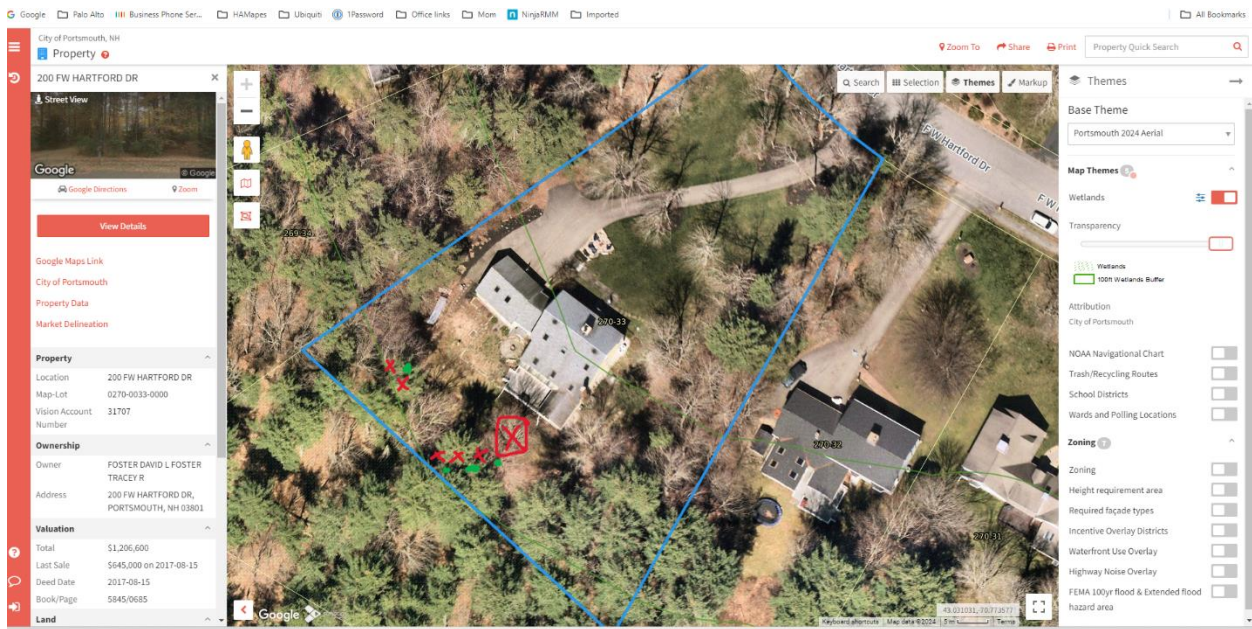


Figure 2: Wetlands map.

