

Findings of Fact | Accessory Dwelling Unit

City of Portsmouth Planning Board

Date: December 15, 2022

Property Address: 653 Greenland Road

Application #: LU-22-228

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.

Zoning Ordinance -10.814.60: Before granting a conditional use permit for an attached or detached ADU, the Planning Board shall make the following findings:

	Section 10.814.60	Finding (Meets Requirement / Criteria)	Supporting Information
1	10.814.61 Exterior design of the ADU is consistent with the existing principal dwelling on the lot.	Meets Does Not Meet	The current garage/proposed DADU is constructed with the same (or similar) siding material and color. Trim details correspond to the primary structure. The roof pitch, presence of dormers, and roof material are similar to the primary structure.
2	10.814.62 The site plan provides adequate and appropriate open space, landscaping and off-street	Meets	SRB requires 40% open space. The lot is 22,215.6 with 2,805 SF of development on site providing 12.6% of lot coverage – not counting the driveway. The lot has mature trees and vegetation that will not be

	Section 10.814.60	Finding (Meets Requirement / Criteria)	Supporting Information
	parking for both the ADU and the primary dwelling.	Does Not Meet	removed as a result of the proposed conversion of the existing structure. Adequate off-street parking exists on site for the primary residence and the DADU.
3	10.814.63 The ADU will maintain a compatible relationship to adjacent properties in terms of location, design, and off-street parking layout, and will not significantly reduce the privacy of adjacent properties.	Meets Does Not Meet	<ul style="list-style-type: none"> • A variety of residential forms and site layouts are evidenced in the surrounding properties. • The proposed DADU is separated from the nearest neighbor to the north (garage) by a distance of approximately 57 feet. • The proposed DADU is separated by a road from the nearest neighbor to the west across Harvard by a distance of 74 feet. • Greenland Road is the south. • The nearest neighbor to the east is 173 feet from the proposed DADU with significant vegetative buffer between the lots.
4	10.814.64 The ADU will not result in excessive noise, traffic or parking congestion.	Meets Does Not Meet	The applicant is proposing one new accessory dwelling unit for a resident currently residing on site.
5	<u>Other Board Findings:</u>		

Conditional Use Permit Materials to Supplement Online Land Use Application Form

**Luke J. Brindamour, MD
653 Greenland Rd
Portsmouth, NH, 03801**

Table Of Contents:

1. Pg 2: Cover Letter
2. Pgs 3-6 Zoning Ordinance responses

Attachements:

1. Survey: Provided by Ross Engineering
2. 2 pages of exterior detail of existing DADU
3. 2 pages:
 - a. Existing Interior DADU
 - b. Conditional Future Plan for occupied DADU if appropriate permits approved
4. 4 pages exterior and interior detail of primary residence at 653 Greenland Road
5. 1 page of labeled exterior photos (5)

Conditional Use Cover Letter

To those of the Planning Board:

This letter is intended to describe the needs related to the request for a conditional use permit for the existing detached garage and recreation space as well as specifically address items from Zoning Ordinance 10.814.

My wife, Sara, and I have recently moved to 653 Greenland Road in Portsmouth as of 8/3/2022. Sara's family has lived in this area for over 40 years. As we look to start our family, we moved to co-locate and took jobs as a practicing internal medicine physician and a pharmacist at Exeter Hospital. We chose this particular property because of the existing detached space. It is our hope that my parents who currently live in Florida in the winter and southeastern Connecticut in the summer could have a place to stay and help with our future children during the summer months. Eventually, my parents who are in their mid 70s will need to stop traveling to Florida and potentially permanently co-locate with us in New Hampshire related to their eventual health care needs. It is their desire to not live in assisted living, rather get assistance at home with family. We wish to oblige this request after all they gave done for us. This existing space would serve their needs perfectly.

As it relates to any new projects, at this time we would make no changes to the existing space as it stands. It is an open space with closed permits for plumbing, heat and electricity. This was confirmed this past September. In the future, there may be the desire to change interior structures only such as enlarging the potential bedroom space by shifting the wall two to three feet and making the shower ADA complaint for my mother's myriad orthopedic issues.

Lastly on a personal note, to be able to eventually use this space to be close to my parents as they approach their 80s is incredibly important to me. They gave up so much for me for me to go to college, then helped during my transition period between college and medical school and beyond. The sacrifices that come with pursuing a career in medicine are significant. The biggest toll it takes is on your personal relationships. Between college, the transition period between then and med school, residency and our first jobs prior to moving to New Hampshire it feels I have not spent any significant time with them since 2008. Fourteen years. I am hoping to truly reconnect with them and raise our children with their help so they may influence them in the same positive ways that I know they influenced me. They continue to do so to this day.

Please see below for specific questions as they relate to Section 10.814 of Zoning Ordinance Analysis.

Gratefully,

Luke J. Brindamour

As it relates to Section 10.814 of Zoning Ordinance Analysis please see responses in bold:

10.814.30 All accessory dwelling units shall comply with the following standards:

10.814.31 The principal dwelling unit and the accessory dwelling unit shall not be separated in ownership (including by condominium ownership).

--It is not separated in ownership. Owned by the Trusts of Luke and Sara Brindamour

10.814.32 Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner of the dwelling as his or her principal place of residence. The owner shall provide documentation demonstrating to the satisfaction of the City that one of the units is his or her principal place of residence.

10.814.321 When the property is owned by one or more trusts, one of the dwelling units shall be the principal place of residence of the beneficiary(ies) of the trust(s).

-My wife, Sara and I, will continue to reside in the Principle Dwelling Unit and serves as our Principle Residence at 653 Greenland Rd.

10.814.33 Neither the principal dwelling unit nor the accessory dwelling unit shall be used for any business, except that the property owner may have a home occupation use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.

-This is understood. The intention is solely for the purpose of future application for Certificate of Occupancy for the parents of Luke J. Brindamour, Paul and Sandra Brindamour, to occupy the Accessory Dwelling Unit while Luke and Sara Brindamour raise their family in the Principle Dwelling Unit.

10.814.34 Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.

-There will be no changes to the existing, permitting, plumbing that would necessitate changes to septic. There is one shower, toilet and sink in the existing bathroom in the recreational space and a modular sink in the open "kitchen" space.

Continued below

10.814.50 A detached accessory dwelling unit (DADU) shall comply with the following additional standards:

10.814.51 In a General Residence district, the combination of the principal dwelling and the DADU shall comply with the minimum lot area per dwelling unit specified for the district. (For example, the required lot area for a single family dwelling with a DADU in the GRA district is 7,500 sq. ft. per dwelling unit multiplied by 2 dwelling units, or 15,000 sq. ft.) In a Single Residence or Rural district, a lot with a DADU shall comply with the minimum lot area for the district, but need not comply with the minimum lot area per dwelling unit.

Lot Area of Existing DADU: 750sq ft

Lot Area for Property: 0.50 acres = 21763 sq ff

10.814.52 The DADU shall not have more than two bedrooms and shall not be larger than 750 sq. ft. gross floor area; except that the maximum gross floor area shall be 1,000 sq. ft. if the lot area is 2 acres or more.

1 Bedroom Space

Gross floor area est. 660 sq ft

10.814.53 The DADU shall be clearly subordinate to the principal single-family dwelling in scale, height and appearance.

10.814.531 The façade area of the DADU that faces a street on which the lot has frontage shall be no more than 40 percent of the combined visible façade areas of the principal singlefamily dwelling and the DADU facing the same street.

Compliant with this requirement

10.814.532 The building height of the DADU shall be less than the building height of the principal single-family dwelling.

Compliant with this requirement

10.814.533 The DADU shall be architecturally consistent with the principal dwelling through the use of similar materials, detailing, and other building design elements.

Compliant with this requirement

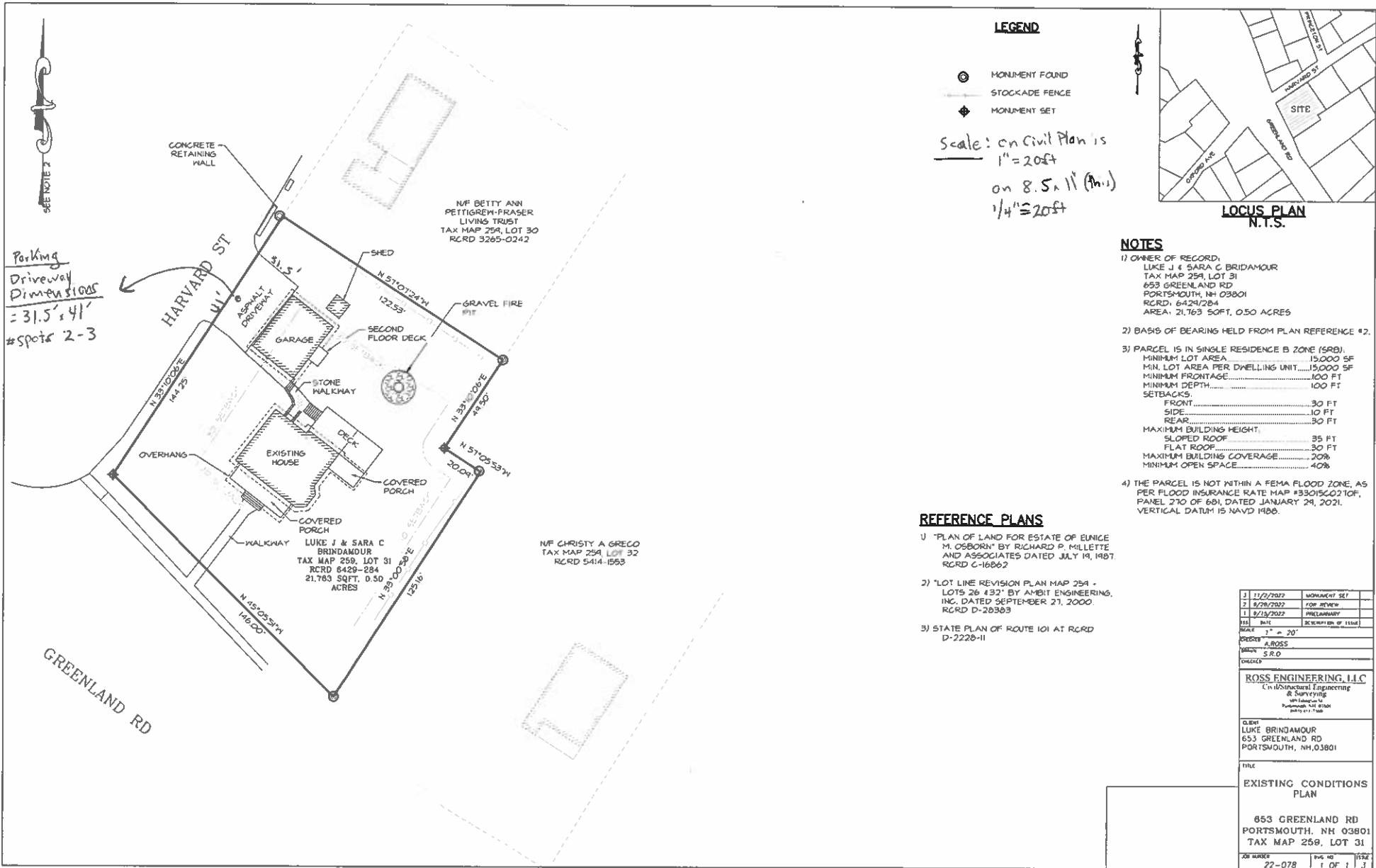
It is the obligation of the applicant to submit adequate plans and exhibits to demonstrate compliance with Sections 10.814 & 10.815 of the Zoning Ordinance. At a minimum, the following information shall be provided:

- Scaled Site Plan(s) showing **existing and proposed** conditions including:
 - Scale legend, title, address of project, date, source of displayed data [x]
 - Front, side and rear setback / yard dimensions (this is the distance from a building to the lot line) and distance between buildings [x] **survey attached**
 - Lot dimensions [x] **survey**
 - Abutting street(s) and street names [x] **survey**
 - Location and description of open space and landscaping [x] **survey**
 - Dimensions (size and height) of buildings
 - [x] DADU/Garage Dimensions **Attached**
 - [x] Primary residence sq footage – **2994sq ft, perimeter** dimensions of main home attached, survey with scale of sun room and deck attached.
 - [x] **height of primary residence – 35ft in front 40 feet in rear; see inspector email for reference**
 - Location and dimensions of driveways / access ways [x] **see survey annotation; 31.5' x 41' driveway.**
 - Dimensions, number, and location of parking spaces both existing and proposed [x] **No new, see annotated survey. Existing space for 2-3 cars.**
- Labeled photo(s) of existing structures/buildings on property. [x] **survey plus photos**
- Labeled photo(s) of adjacent properties. [x] **photos attached**
- Scaled interior floor plans of the proposed dwelling unit including total gross floor area and total number of bedrooms. [x]
- Scaled building plans and elevations of any proposed new construction or renovations of existing buildings including any proposed exterior lighting.
 - [x] included, no intention to execute this plan *presently*, but prepared to do so if occupancy permit granted in future. *No exterior or vertical work planned. ONLY interior redesign.*

- A detailed statement explaining how the proposed project will support the following findings:
 - The principal and accessory dwelling units will remain under common ownership (including by condominium ownership). [x] see cover letter
 - The principal or accessory dwelling shall be occupied by the owner of the dwelling as his/her principal place of residence. The owner shall provide documentation demonstrating to the satisfaction of the City that one of the units is his/her principal place of residence. [x] see cover letter
 - Neither the principal nor accessory dwelling shall be used for any business, except that the owner may have a home occupation use in the unit that he or she occupies. [x] see cover letter
- Where municipal sewer service is not provided, the septic system shall meet NH Water Supply & Pollution Control Division requirements for the demand for total occupancy of the premises.
- The accessory dwelling will not result in excessive noise, traffic, or parking congestion. [x]
 - It will not. Single use intention during summer months for Luke Brindamour's parents consistent with cover letter
- If applicable, a detailed explanation for any requests to the Planning Board to modify a specific dimension and/or parking standard [N/A]

The Applicant is encouraged to consider the following when completing the application:

- Provide neat and clearly legible plans and copies
- Use of color or highlights is encouraged in order to identify pertinent areas on plans
- Applicants are encouraged to review the application with a member of the Planning Department staff prior to submittal
- All applicants are encouraged to discuss the project with impacted neighbors



Parking
Driveway
Dimensions
= 31.5' x 41'
#spots 2-3

LEGEND

- ⊙ MONUMENT FOUND
- STOCKADE FENCE
- ◆ MONUMENT SET

Scale: on Civil Plan is
1" = 20ft
on 8.5 x 11 (A11)
1/4" = 20ft



LOCUS PLAN
N.T.S.

NOTES

- 1) OWNER OF RECORD:
LUKE J & SARA C BRINDAMOUR
TAX MAP 258, LOT 31
653 GREENLAND RD
PORTSMOUTH, NH 03801
RCRD: 6429/284
AREA: 21,763 SQFT, 0.50 ACRES
- 2) BASIS OF BEARING HELD FROM PLAN REFERENCE #2.
- 3) PARCEL IS IN SINGLE RESIDENCE B ZONE (SRB).
MINIMUM LOT AREA..... 15,000 SF
MIN. LOT AREA PER DWELLING UNIT..... 15,000 SF
MINIMUM FRONTAGE..... 100 FT
MINIMUM DEPTH..... 100 FT
SETBACKS:
FRONT..... 30 FT
SIDE..... 10 FT
REAR..... 30 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF..... 35 FT
FLAT ROOF..... 30 FT
MAXIMUM BUILDING COVERAGE..... 20%
MINIMUM OPEN SPACE..... 40%
- 4) THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0210F, PANEL 230 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.

REFERENCE PLANS

- 1) PLAN OF LAND FOR ESTATE OF EUNICE M. OSBORN BY RICHARD P. MILLETTE AND ASSOCIATES DATED JULY 19, 1987. RCRD C-16862
- 2) LOT LINE REVISION PLAN MAP 254 - LOTS 26 & 32 BY AMBIT ENGINEERING, INC. DATED SEPTEMBER 21, 2000. RCRD D-20303
- 3) STATE PLAN OF ROUTE 101 AT RCRD D-2228-II

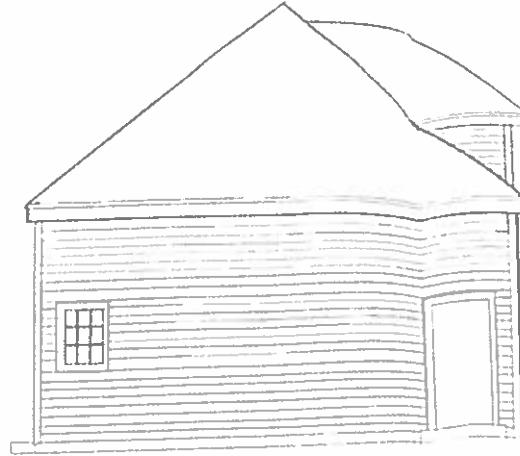
NF BETTY ANN PETTIGREH-FRASER LIVING TRUST
TAX MAP 258, LOT 30
RCRD 3265-0242

NF CHRISTY A GRECO
TAX MAP 258, LOT 31
RCRD 6429-284
21,763 SQFT, 0.50 ACRES

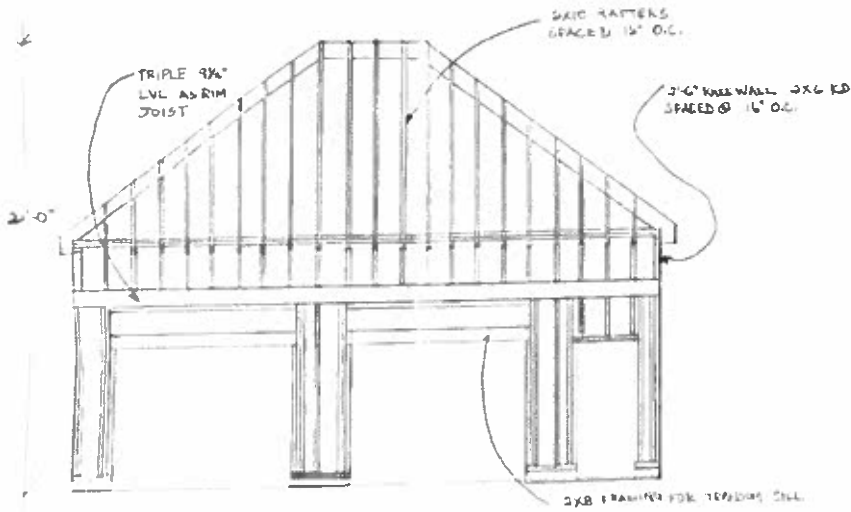
J	11/07/2022	MONUMENT SET
L	8/29/2022	TOP REVIEW
L	8/13/2022	FINAL DRAWING
REV	DATE	DESCRIPTION OF ISSUE
SCALE 1" = 20'		
DESIGNER A. ROSS		
CHECKER S.R.O.		
DRAWN BY		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 501 Lakeside Dr Portsmouth, NH 03801 603-871-7700		
CLIENT LUKE BRINDAMOUR 653 GREENLAND RD PORTSMOUTH, NH 03801		
TITLE EXISTING CONDITIONS PLAN		
853 GREENLAND RD PORTSMOUTH, NH 03801 TAX MAP 258, LOT 31		
JOB NUMBER	PAGE NO	TITLE
22-078	1 OF 1	J



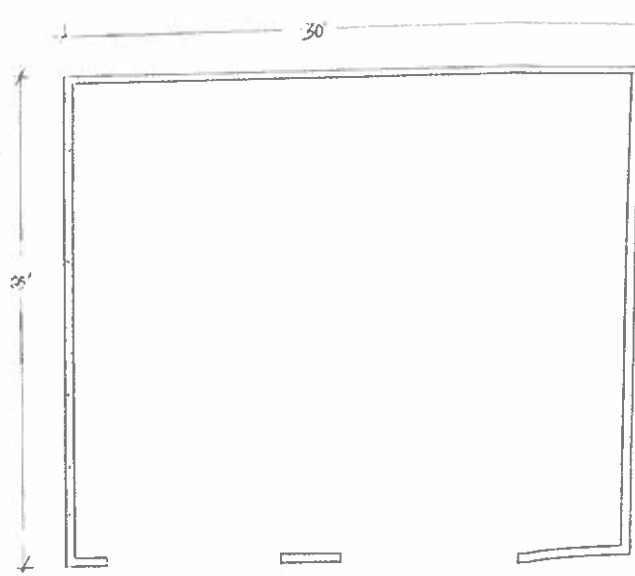
(A) REAR (EAST) ELEVATION



(B) SIDE (SOUTH) ELEVATION



(C) FRAMING @ FRONT (WEST) OF BUILDING



(D) FOUNDATION PLAN

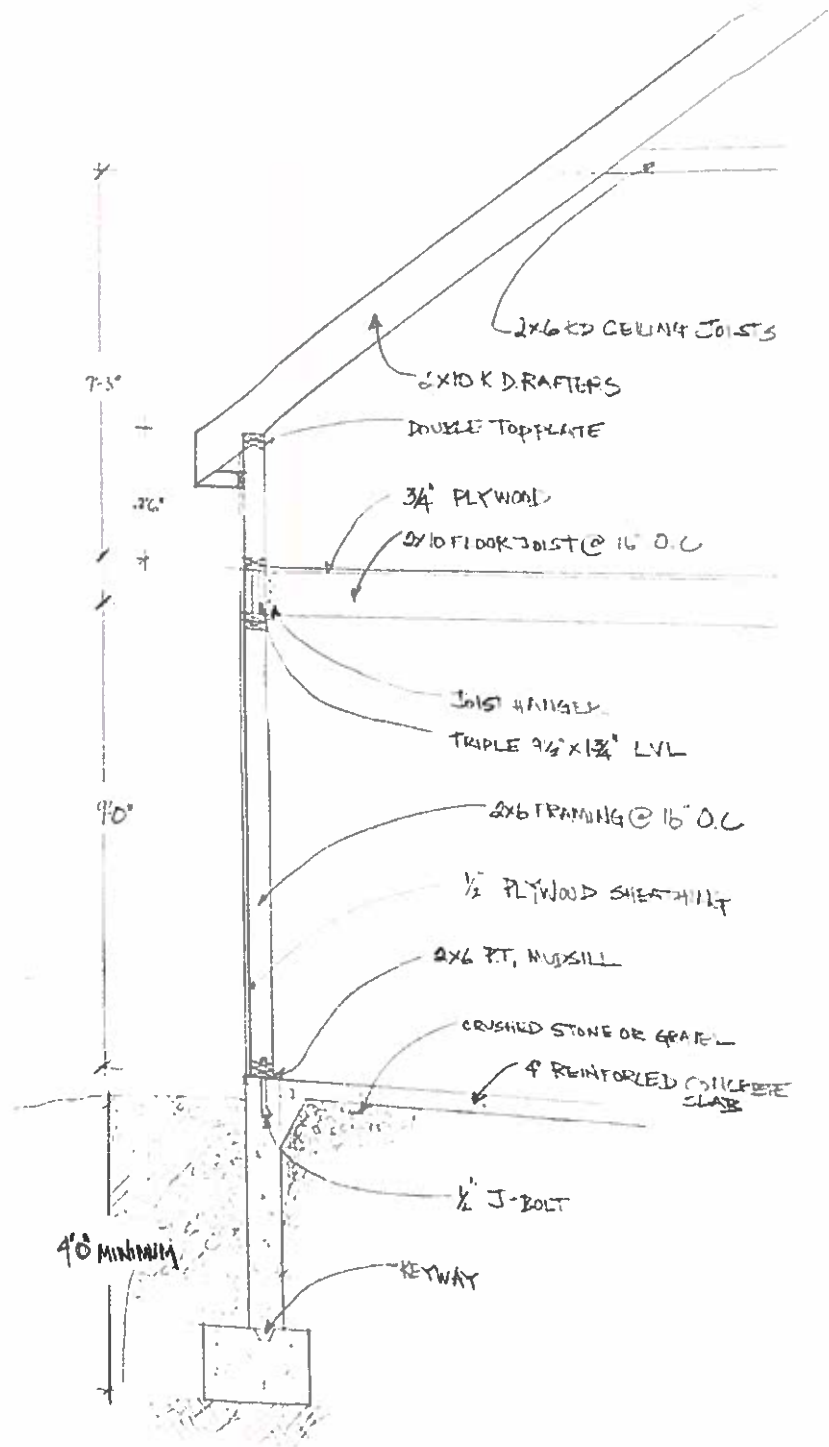
LHH JJ
6/29/09
1/4\"/>

GARAGE 653 GREENLAND RD

LHDB

ALUMI GARAGE

LAHLE



RECEIVED
JUL 16 2009

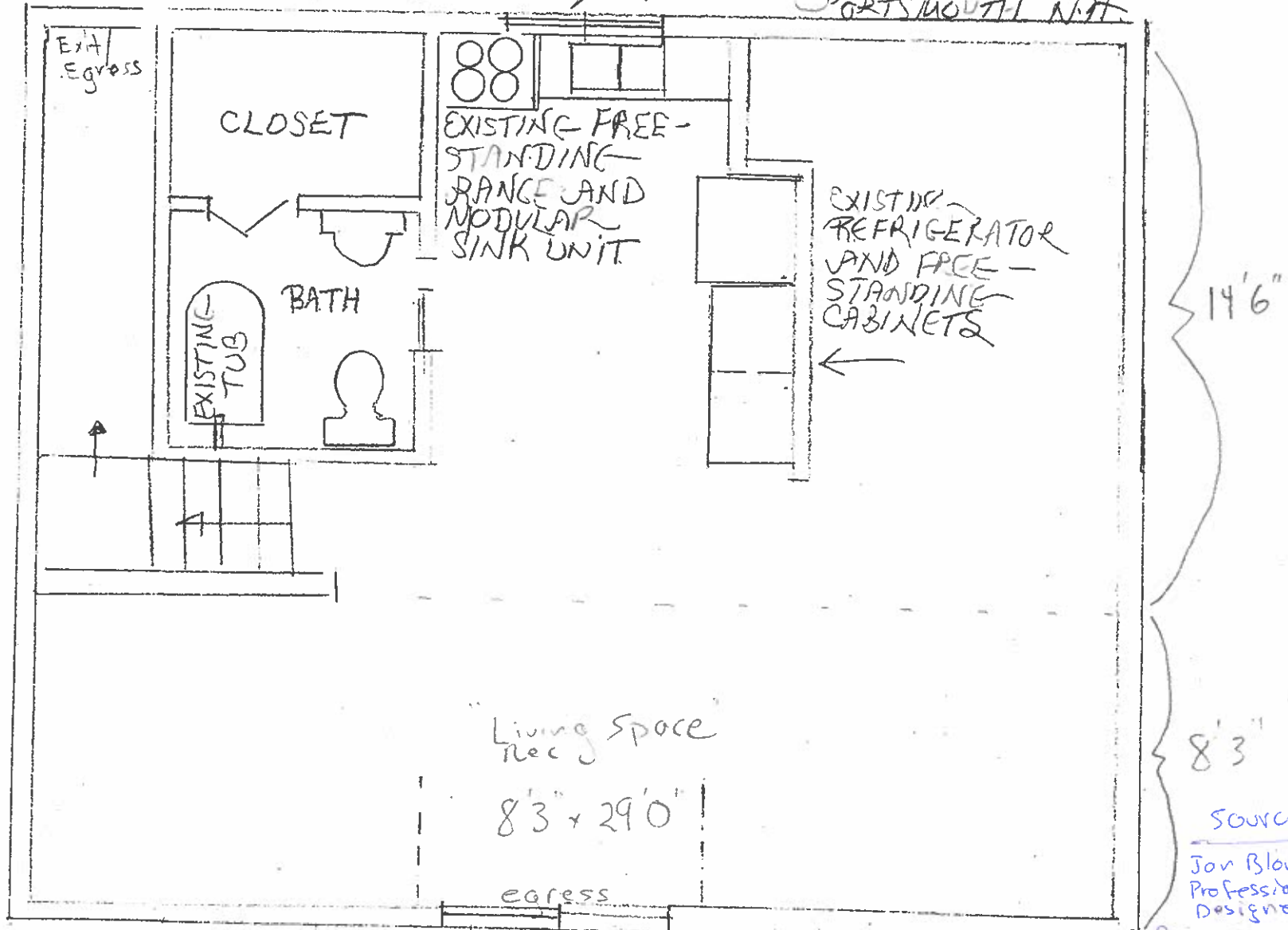
TIME

TYPICAL WALL SECTION CLEAR

2" = 10'

Existing Rec Space ADU - 653 Greenland Rd
Portsmouth, NH
03801

1/4" = 1'0"
BRINDAMOUR ADU BEFORE ~~RENOVATION~~ 653 GREENLAND RD.
PORTSMOUTH NH



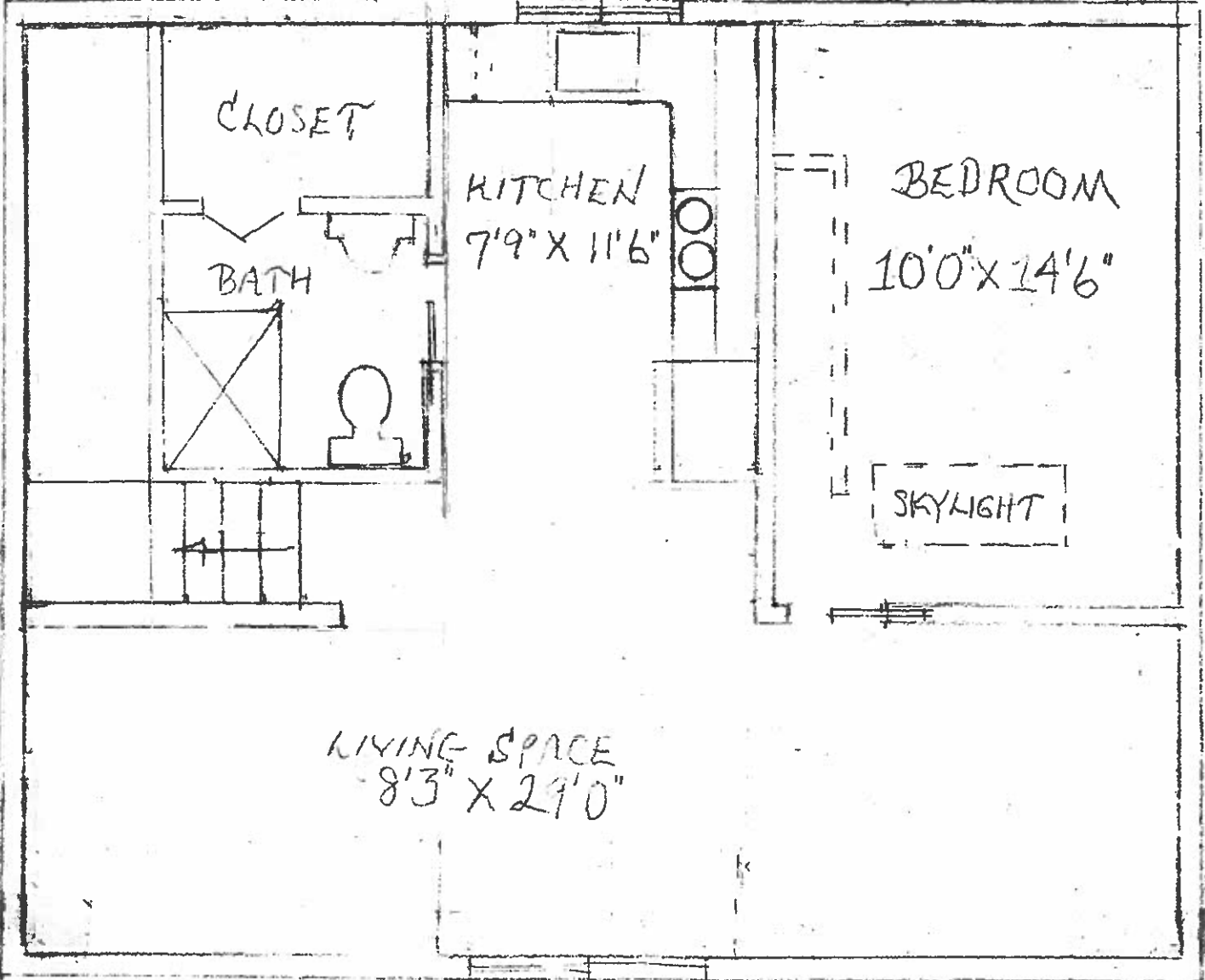
Source:
Jon Blouder
Professional Interior
Designer

Proposed
Int redesign - only hypothetical

1/4" = 1'0"

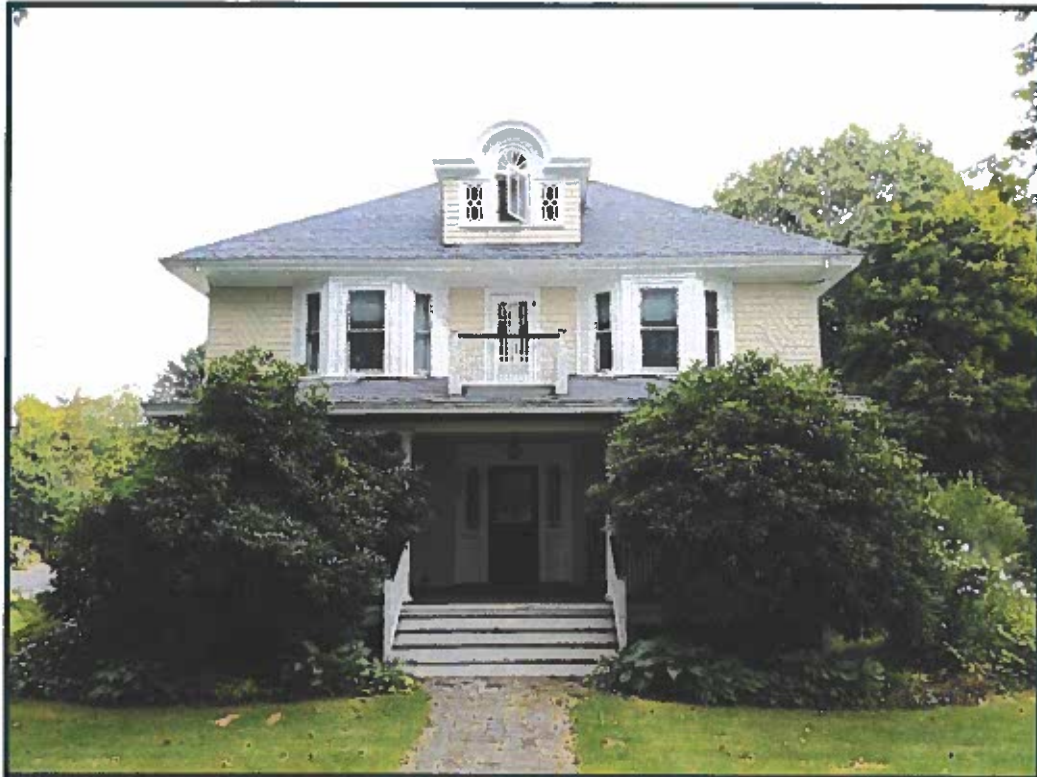
BRINDAMORE RD 652 GREENLAND RD PORTSMOUTH N.H.

Jon Blander
- Design Essence
- same contact



Alpha Home & Commercial Building Inspections

Property Inspection Report



653 Greenland Rd, Portsmouth, NH 03801
Inspection prepared for: Luke and Sara Brindamour
Real Estate Agent: -

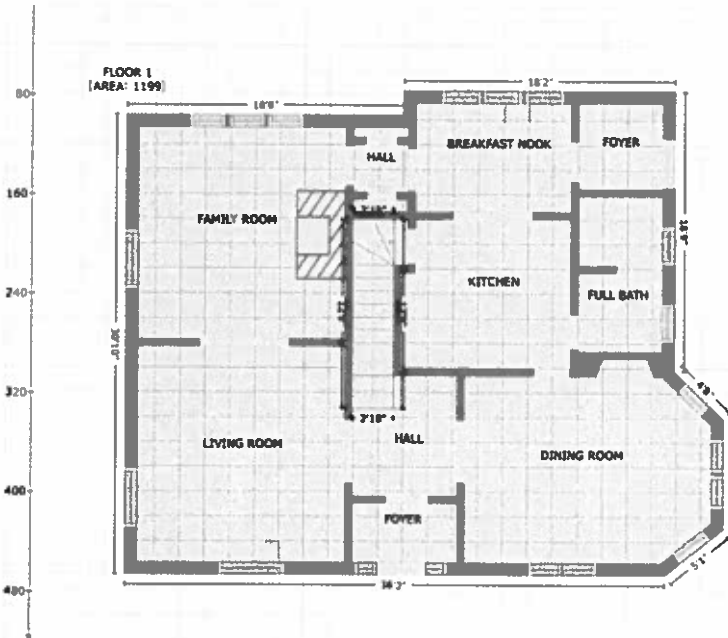
Date of Inspection: 9/19/2022 Time: 1:00 PM
Age of Home: 1900 Size: 2994 Sq ft
Order ID: 14906

Inspector: Luke Harrington

Email: Luke@alphabuildinginspections.com

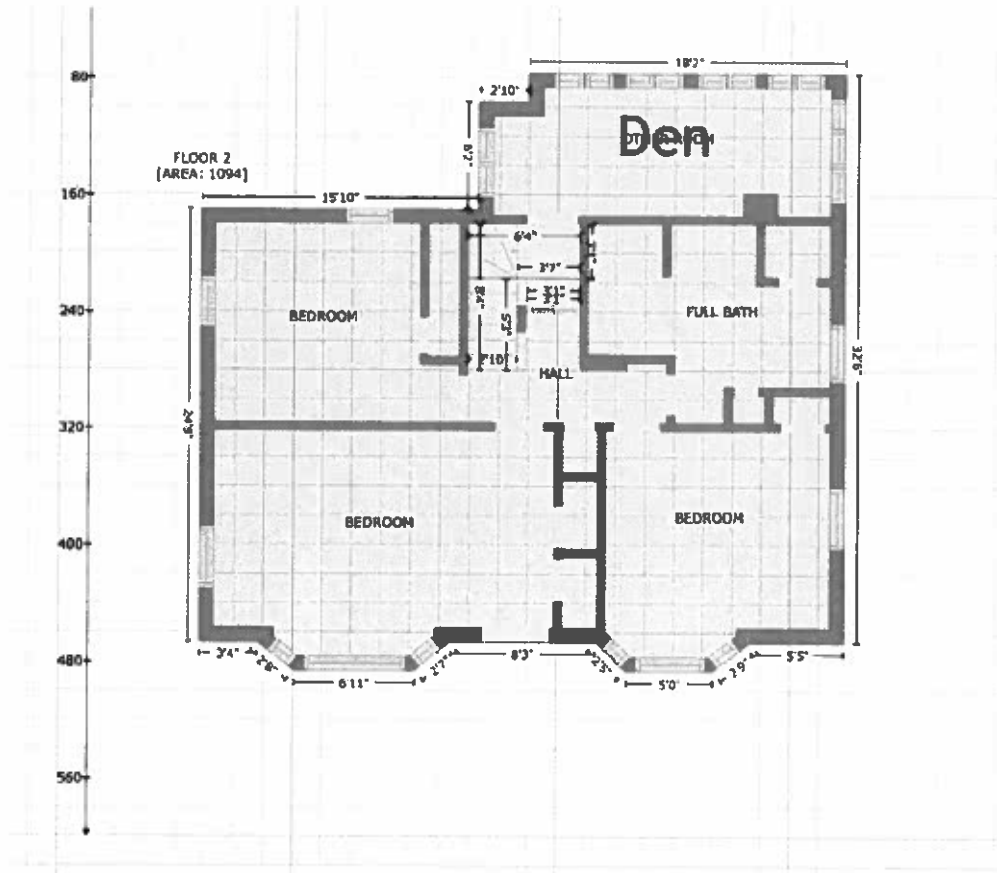


Sketch Floor 1



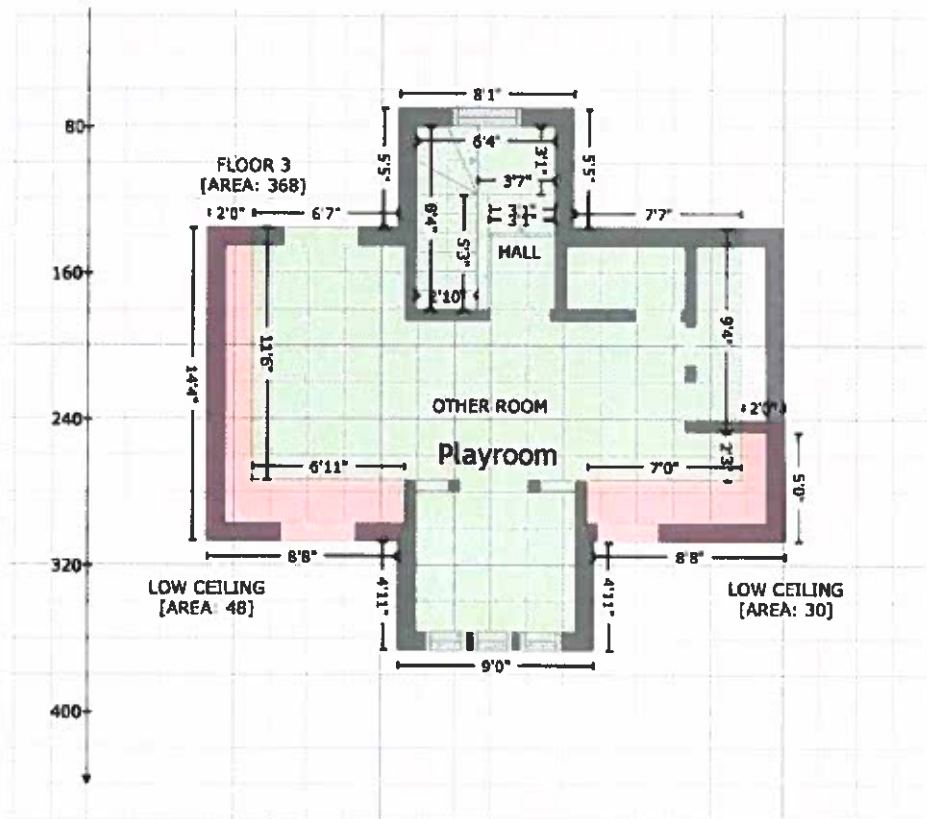
Space	Area (sq. ft)	Calculation
FLOOR 1 (Living area)	1199	coordinate Polygon Area Algorithm using inches $-\{ (517.6 + 517.6) * (76.7 - 302) + (517.6 + 557.6) * (302 - 340.8) + (557.6 + 557.6) * (340.8 - 428.8) + (557.6 + 510) * (428.8 - 466.5) + (510 + 75.9) * (466.5 - 466.5) + (75.9 + 75.9) * (466.5 - 96.4) + (75.9 + 299.4) * (96.4 - 96.4) + (299.4 + 299.4) * (96.4 - 76.7) + (299.4 + 517.6) * (76.7 - 76.7) \} * 0.5 * 0.00694$

Sketch Floor 2



Space	Area (sq. ft)	Calculation
FLOOR 2 (Living area)	1094	Coordinate Polygon Area Algorithm using inches $\begin{aligned} & \{ (517.6 + 517.6) * (76.7 - 466.5) + (517.6 + 453) * (466.5 - 466.5) + (459 + 426.9) * (466.5 - 486.5) + (426.9 + 367.2) * (486.5 - 486.5) + (367.2 + 346.5) * (486.5 - 466.5) + (346.5 + 247.3) * (466.5 - 466.5) + (247.3 + 223.5) * (466.5 - 486.5) + (223.5 + 140.8) * (486.5 - 486.5) + (140.8 + 115.8) * (486.5 - 466.5) + (115.8 + 75.9) * (466.5 - 466.5) + (75.9 + 75.9) * (466.5 - 170) + (75.9 + 265.7) * (170 - 170) + (265.7 + 265.7) * (170 - 96.4) + (265.7 + 299.4) * (96.4 - 96.4) + (299.4 + 299.4) * (96.4 - 76.7) + (299.4 + 517.6) * (76.7 - 76.7) \} * 0.5 = 0.00694 \end{aligned}$

Sketch Floor 3



Space	Area (sq. ft)	Calculation <small>Coordinate Polygon Area Algorithm using inches</small>
FLOOR 3 (Living area)	368	$ \begin{aligned} & -\{(265.4 + 265.4) * (70 - 135.4) + (265.4 + 356.6) * (135.4 - 135.4) + (356.6 + 356.6) * (135.4 - \\ & 247) + (356.6 + 356.7) * (247 - 247) + (356.7 + 356.7) * (247 - 273.7) + (356.7 + 272.5) * (273.7 - \\ & 273.7) + (272.5 + 272.5) * (273.7 - 297.2) + (272.5 + 276.6) * (297.2 - 307.2) + (276.6 + 276.6) * \\ & (307.2 - 366.5) + (276.6 + 168.9) * (366.5 - 366.5) + (168.9 + 168.9) * (366.5 - 307.2) + (168.9 + \\ & 179) * (307.2 - 297.2) + (179 + 179) * (297.2 - 273.7) + (179 + 89.6) * (273.7 - 273.7) + (89.6 + \\ & 89.6) * (273.7 - 135.4) + (89.6 + 168.9) * (135.4 - 135.4) + (168.9 + 168.9) * (135.4 - 70) + (168.9 \\ & + 265.4) * (70 - 70)\} * 0.5 * 0.00694 \end{aligned} $

