

# Findings of Fact | Wetland Conditional Use Permit

## City of Portsmouth Planning Board

Date: July 20, 2023

Property Address: 380 Greenleaf Ave

Application #: LU-23-62

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>	The applicant is proposing to build the garage on an area of already disturbed and impervious land within the buffer. The overall project will be reducing the amount of impervious surface on the property and will be infiltrating stormwater and further buffering the wetland through planting beds.
<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>	The entirety of this property is either within the wetland or the wetland buffer. There is no alternative location to build and the applicant is proposing to build in an existing disturbed area to minimize further impact to 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 an overall reduction in impervious area to the site. This proposal will increase the number of plantings in the buffer while also helping to infiltrate and slow stormwater on the property due to added crushed stone drip edges.

	<b>Zoning Ordinance Sector 10.1017.50 Criteria for Approval</b>	<b>Finding</b> (Meets Criteria for Approval)	<b>Supporting Information</b>
4	4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.	Meets  Does Not Meet	The applicant is proposing no disturbance to the natural vegetative state on the property. The existing asphalt will be removed, and a garage and pervious pavers will be placed. Additional plantings will add to the vegetated buffer.
5	5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.	Meets  Does Not Meet	While the entire parcel is within wetland and buffer boundaries, the applicant is proposing to build in an area that is already impervious and will be significantly reducing existing impervious area while offsetting impacts with additional plantings, stormwater controls and pervious pavers.
6	6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.	Meets  Does Not Meet	The applicant is not proposing to disturb any area within the first 25' of the wetland boundary. Disturbances within the buffer will be offset with the removal of asphalt, the addition of native buffer plantings and stormwater controls.
7	<b><u>Other Board Findings:</u></b>		

**Conditional Use Permit Information**  
**Detached, single-story, 2-car garage**

**Location:**

380 Greenleaf Avenue  
Portsmouth, NH 03801  
603-431-4147  
inventivetechnologies@comcast.net

**Applicant/Owner:**

Tanner Family Revocable trust  
Allison and Mark Tanner trustees  
603-431-4147  
inventivetechnologies@comcast.net

**Narrative:**

This home was constructed in 1979, 15 years before wetland buffer restrictions existed. This home is occupied by the original owners. The total size of this lot is approximately 1.14 acres or 49,658.4 square feet. It is comprised of a wetland area of approximately 20,683 square feet and a buffer area of approximately 29,388 square feet. The entire buffer area on this lot has been cultivated with perennials, trees and shrubs. There is a very large oak tree under which the buffer area is mostly moss with some grass. There are a limited number of glossy buckthorn invasive species that border a perennial stream running through the property. The total size of the jurisdictional wetland of the lot and surrounding areas is approx. 815,130.7 square feet or 18.71 acres.

We would like to construct a detached, single story, 20 x 20 foot, 2 car garage on a paved area of the driveway. The total impervious area of the paved driveway is currently 1285 square feet, and extends as close as 25 feet from the wetland. The distance of the proposed garage to the closest edge of the wetland is 45 feet, 20 feet further from the wetland. The entire paved area has no slope (it's flat) and is proposed to be removed, leaving only the 400 square foot garage footprint that would be impervious. This reduces the impervious area by 885 square feet. Drainage from the garage roof will be infiltrated through a 2 foot drip edge of crushed stone around the perimeter of the garage. A 484 square foot area at the entrance to the garage will be pervious pavers.

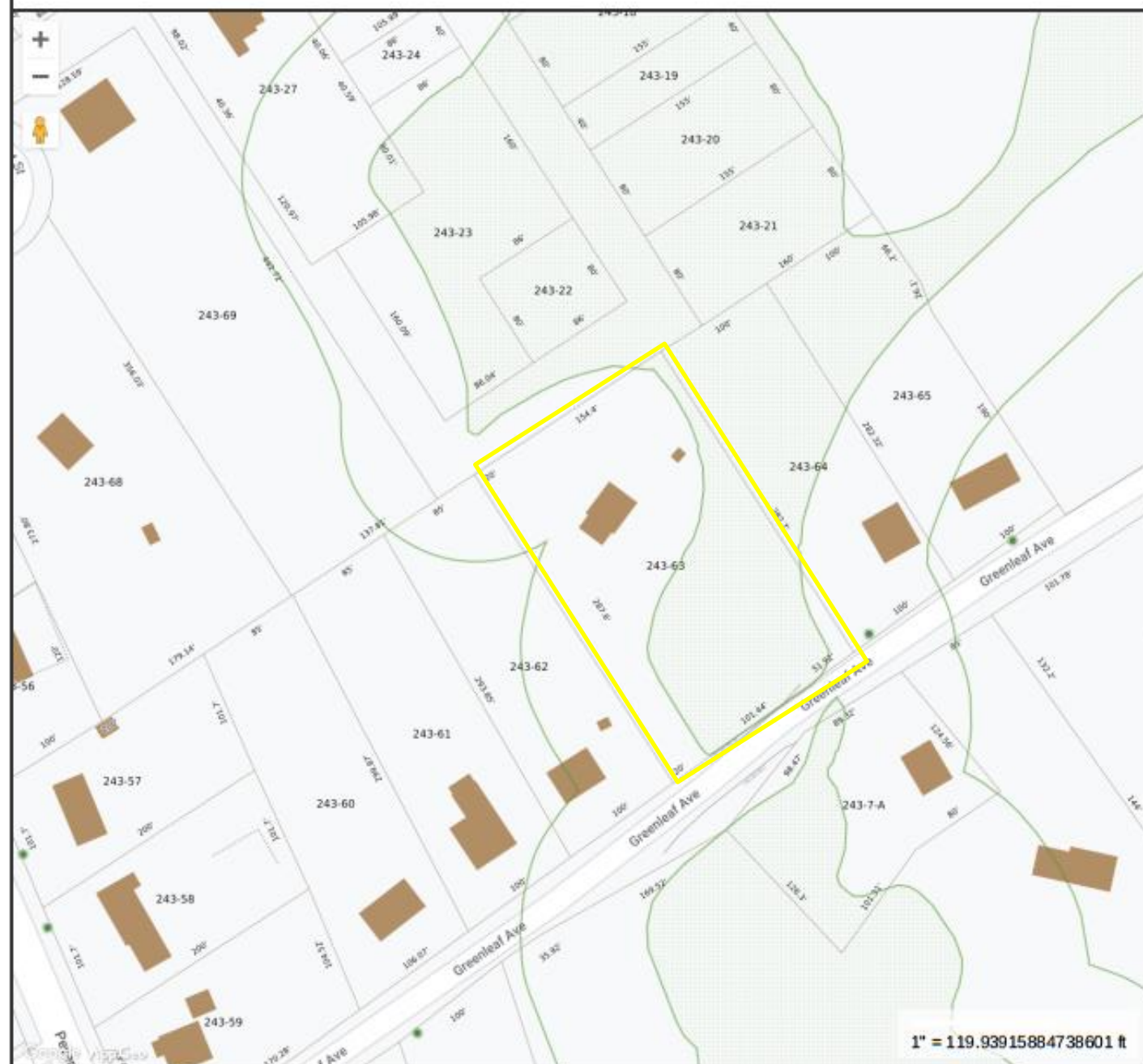
Erosion control (silt sock or fence) will be in place during construction. No trees or shrubs will be disturbed for this garage. Some grass will be removed for the drip edge. After removal of the pavement to the north of the garage, the planting bed will be extended to the drip edge. Only organic low nitrogen/phosphate fertilizer is ever used on this property, and no pesticides/herbicides are applied. Wetland boundary markers have been installed.



Approximate size of the wetland and buffer

Size calculations courtesy of Kate Homet

### 380 Greenleaf Avenue



1" = 119.93915884738601 ft

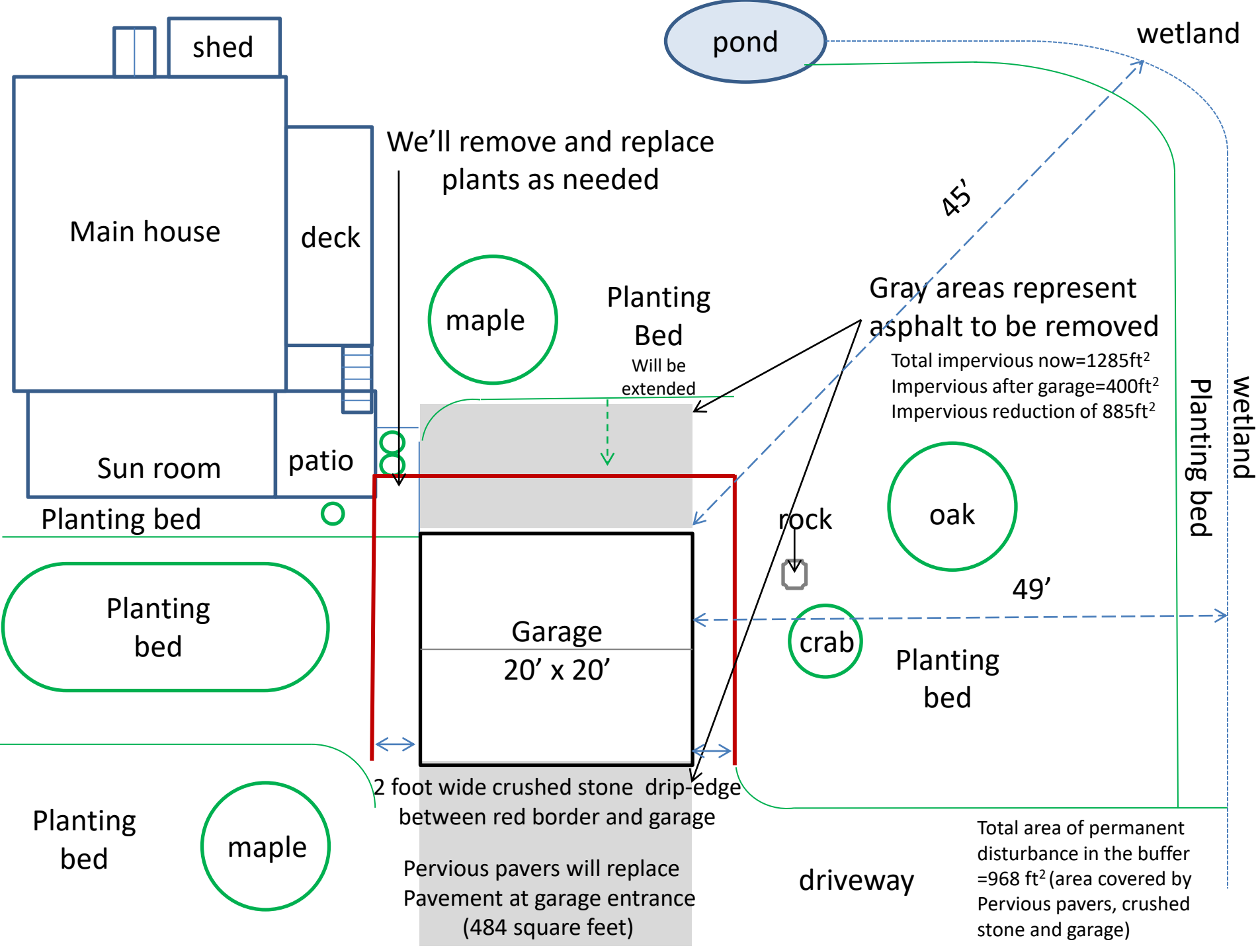


**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 09/21/2022  
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

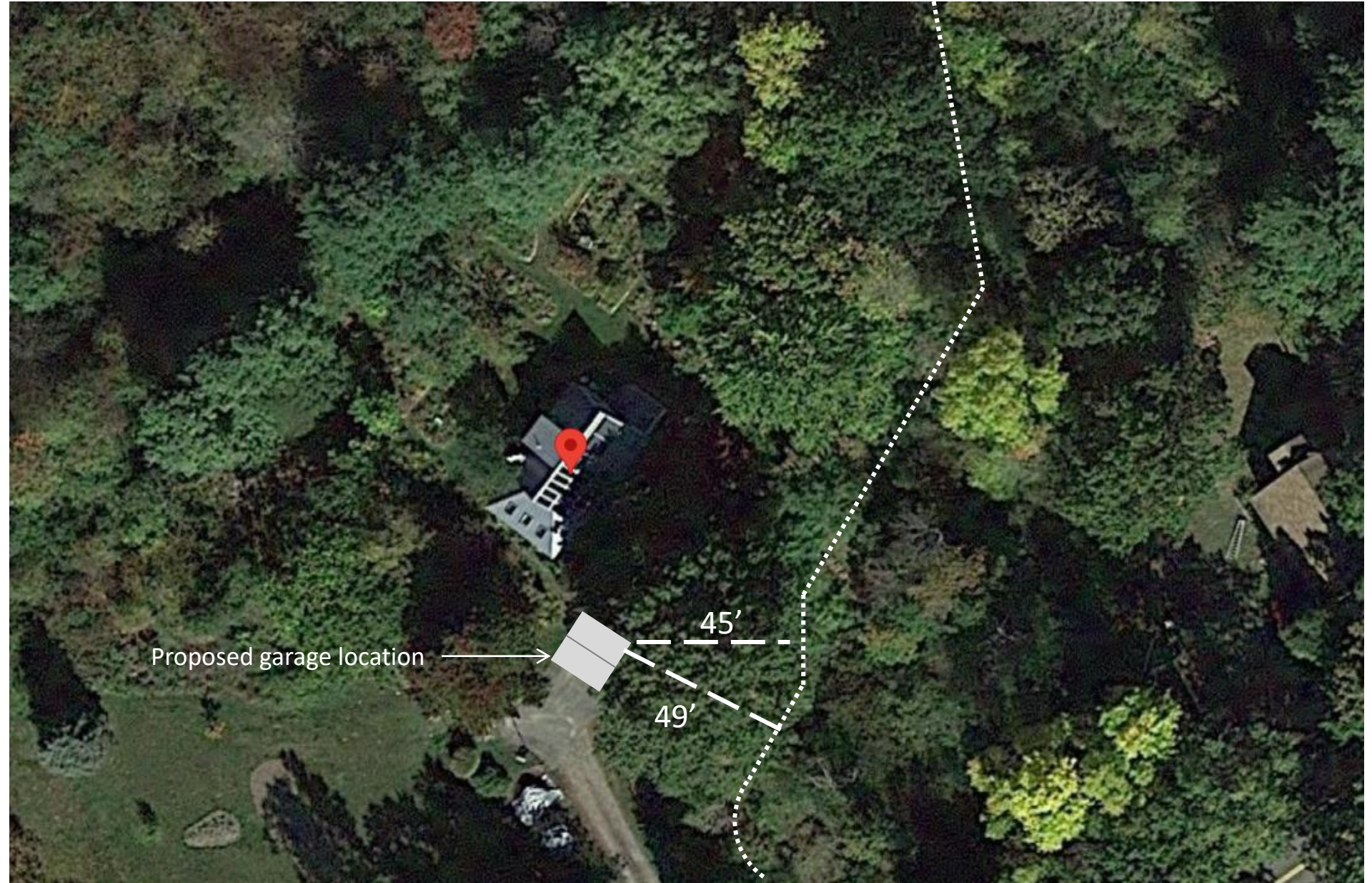


Proposed garage location



45'

49'





Front View (click to enlarge)

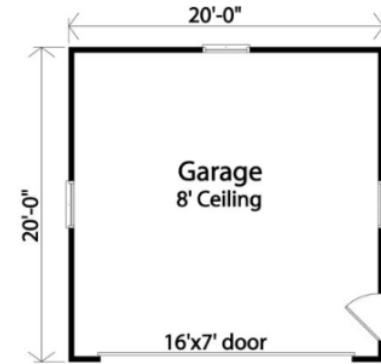


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### Plan 2413

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### Plan Features

- Front-entry
- Two car

### Plan Details

Square Footage	Total: 0
Levels:	1
Width:	20-0
Depth:	20-0
Approx. Height:	14-0
Exterior Wall:	2x4
Foundation:	Footing and Foundation Wall
Roof Framing:	Truss
Roof Pitch:	5-12 Main
Ceiling Height:	1st Floor: 8-0

Order This Plan

### Common Garage Plan Questions

#### Can I modify a garage plan?

Some of the designers are willing to make changes to their plans for an additional charge. For those designers that do not make changes to their plans, we have a third party designer that will.

[Learn more about plan modification](#)

#### Do these plans include everything I need to obtain a building permit?

These plans include almost everything you need to obtain a building permit. Your general contractor will be able to assist you with the additional material that needs to be gathered and submitted for permits. If you are serving as your own general contractor we suggest you contact the Building Department in the city or county in which you wish to build. They will be able to provide you with a list of what they require in addition to the architectural drawings (blueprints).

See All FAQs

This garage plan is proposed to be ordered if conditional use permit is received.



# Permeability Simplified <https://www.techo-bloc.com/permeable-pavement>

## 1. Permeable Paver

Designed with larger joint space to allow storm water to percolate through.

## 2. Small Aggregate (2.5-10 mm)

Filters out contaminants and debris from the rainwater.

## 3. Medium Aggregate (5-28 mm)

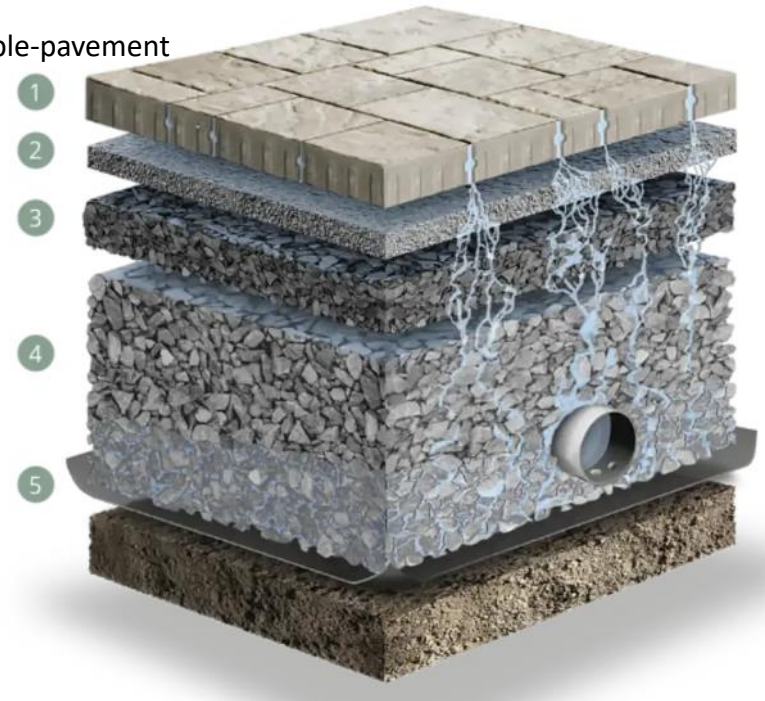
Transition layer that further filters out pollutants.

## 4. Large Aggregate (40-80 mm)

Reservoir layer for rainwater harvesting and the evacuation of excess water through a drain pipe.

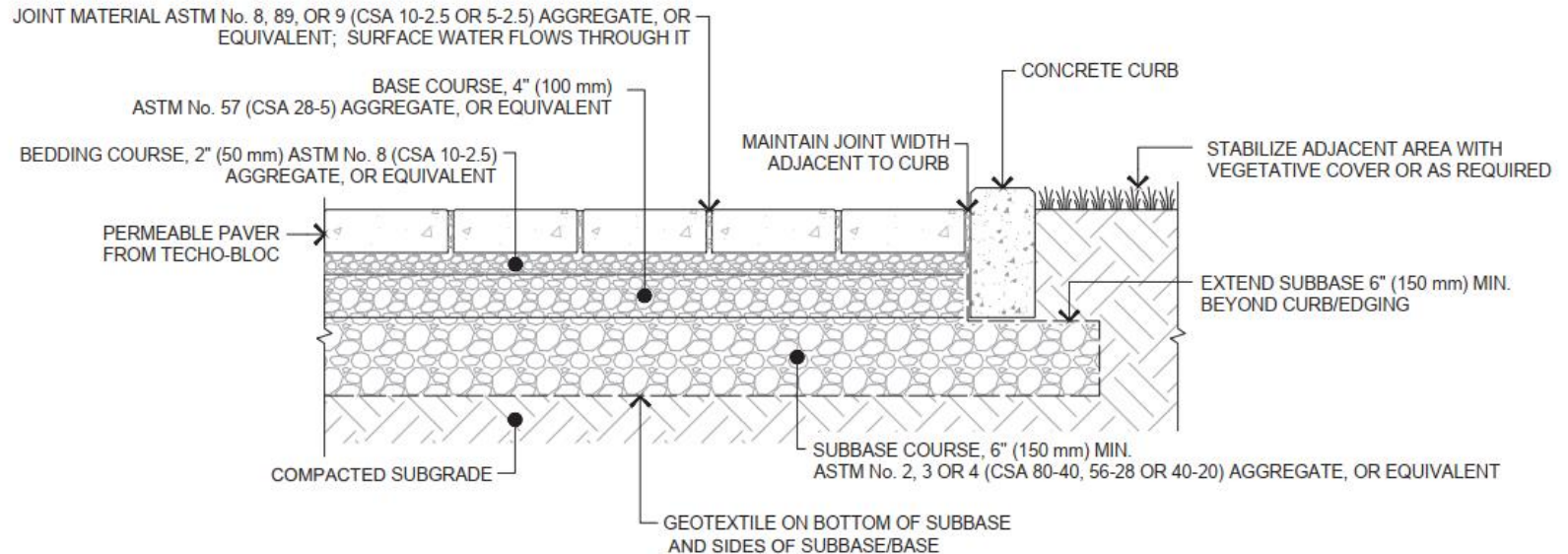
## 5. Geotextile

Filter fabric that separates large aggregate from the soil underneath.



# INSTALLATION GUIDE

## PERMEABLE PAVER - FULL INFILTRATION TO SOIL SUBGRADE



## Permeable Paver Maintenance Plan

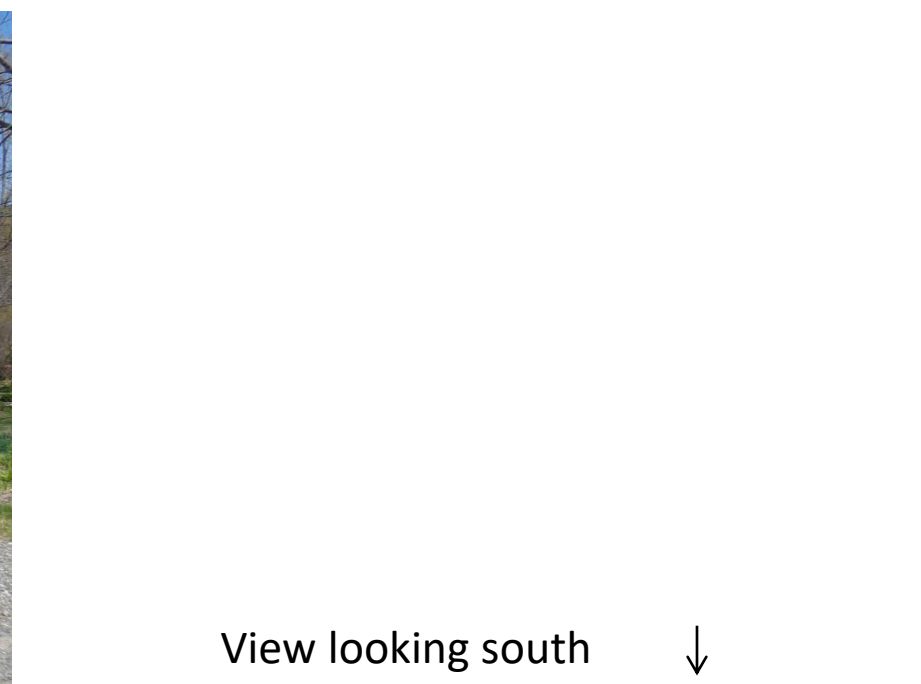
Permeable Pavement will be inspected following storms for the following:

- Surface Clogging
- Depression
- Rutting
- Faulting
- Damaged pavers
- Edge restraint damage
- Excessive joint width
- Joint filler loss
- Horizontal creep
- Additional minor distresses

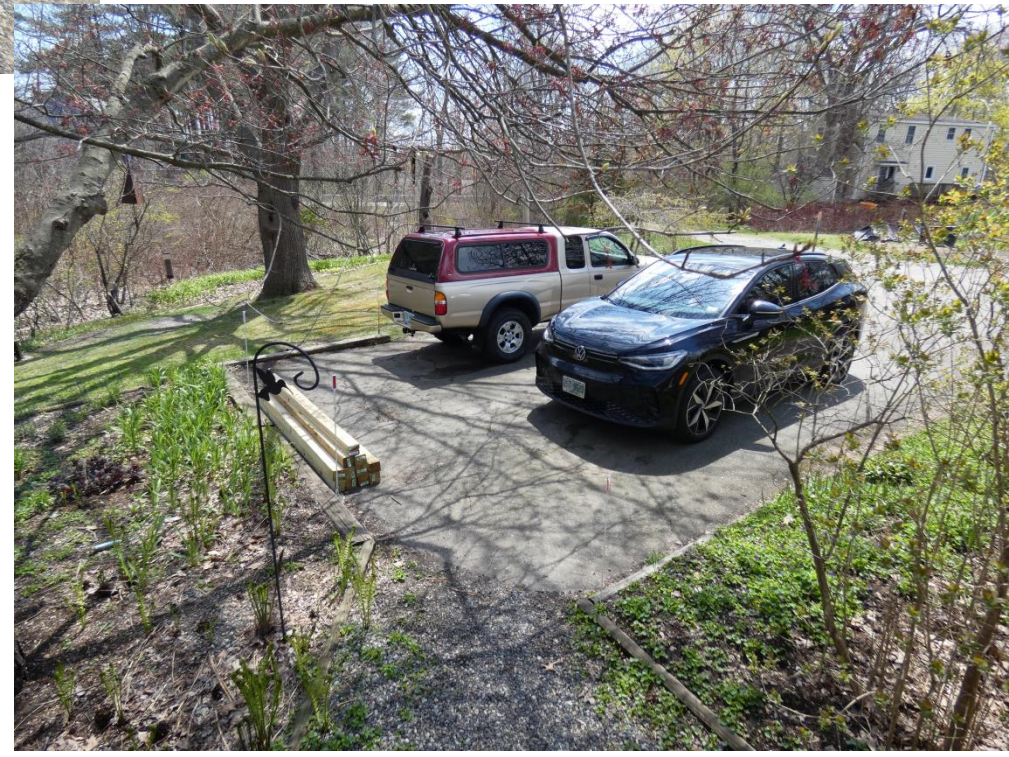
Routine maintenance will include quarterly sweeping or vacuuming to maintain drainage capability and replacement of small aggregate between pavers as needed. Professional installers will be called in if any greater damage occurs.



View looking north ↑



View looking south ↓



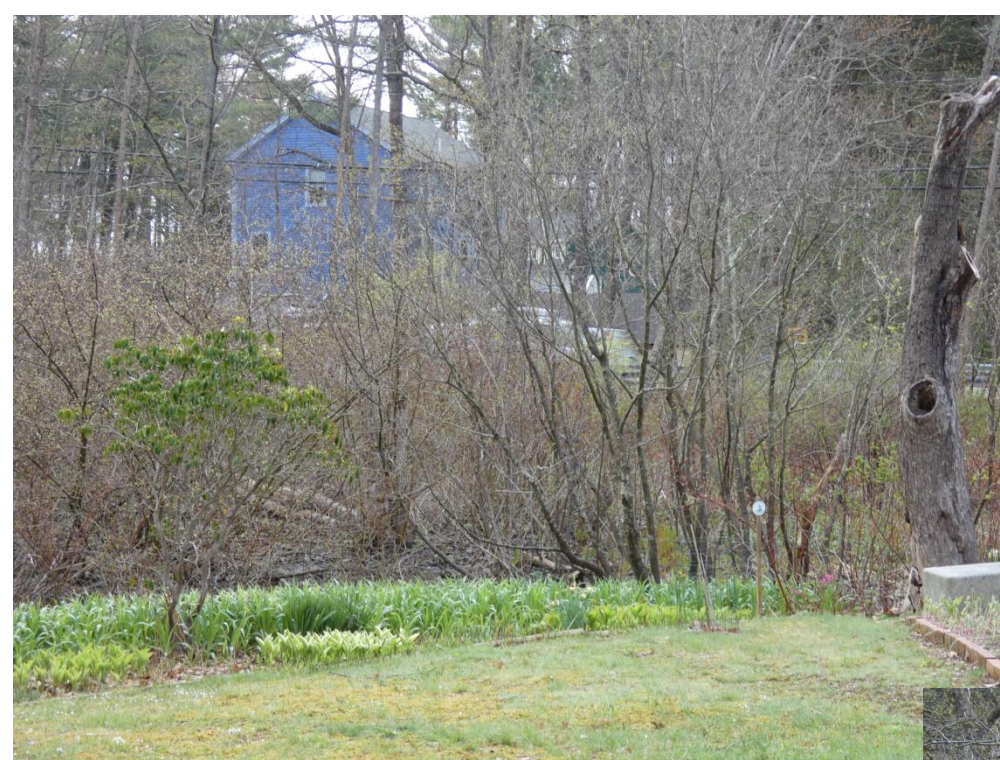


View looking west & over paved area for garage placement



View looking east toward wetland & garage placement on current pavement





View northeast toward wetland, native plants ↓

View east toward wetland, planting bed ↑  
& native plants

