

Findings of Fact | Outdoor Dining Conditional Use Permit

City of Portsmouth Planning Board

Date: May 15, 2025

Property Address: 218 Islington Street

Application: LU-25-64

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 the all conditions necessary to obtain final approval.

Outdoor Dining Conditional Use Permit

10.242.10 The Planning Board may grant a conditional use permit if the application is found to be in compliance with the general criteria in Section 10.243 or, if applicable, the specific standards or criteria set forth in this Ordinance for the particular use or activity.

	Outdoor Dining Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
1	10.243.21 The design of proposed structures, their height and scale in relation to the site's surroundings, the nature and intensity of the proposed use or activity, and the layout and design of the site will be compatible with adjacent and nearby properties, buildings and uses, will complement or enhance the character of surrounding development, and will encourage the appropriate and orderly development and use of land and buildings in the surrounding area.	Meets Does Not Meet	The proposed outdoor seating area fits into the existing site, will complement the surrounding area and will enhance the curb appeal of the site.
2	10.243.22 All necessary public and private utility infrastructure and services will be available and adequate to serve the	Meets Does Not Meet	<ul style="list-style-type: none">The proposal adds four picnic tables on an existing paved area and will not impede access to utility infrastructure.

	Outdoor Dining Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
	proposed use.		
3	10.243.23 The site and surrounding streets will have adequate vehicular and pedestrian infrastructure to serve the proposed use consistent with the City's Master Plan.	Meets Does Not Meet	Access to the outdoor dining area will be next to the current entrance of the restaurant. The outdoor dining area is consistent with the Master Plan and will improve the urban core and corridors of Portsmouth and will further activate Islington Street.
4	10.243.24 The proposed structures, uses, or activities will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.	Meets Does Not Meet	The hours of operation will stay within the current hours of operation and there will be no excess noise or traffic to the surrounding properties. Lighting will be installed for the outdoor seating area that will be turned off each night. There will be no excessive odors, vibrations, dust, or fumes.
5	10.243.25 The proposed structures and uses will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat.	Meets Does Not Meet	The property is not in a wetland or wetland buffer zone. The outdoor dining area will fit within the already improved area of the lot which will not have any significant impact on wildlife or the natural area.
6	10.243.26 The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.	Meets Does Not Meet	There will be no significant decline in the property values of adjacent properties since we will be operating within our set hours of operation, 11:30 AM-8:00 PM. The curb appeal of the area will be improved upon our permit be granted.
6	<u>Other Board Findings:</u>		
7	<u>Additional Conditions of Approval:</u>		

City of Portsmouth, New Hampshire

Zoning Ordinance

Adopted by Portsmouth City Council: December 21, 2009

Effective Date: January 1, 2010

As Amended Through: March 17, 2025

Section 10.240 Conditional Use Permits

10.243. Approval Criteria

10.243.10 A conditional use permit shall be granted only if the Planning Board or other such Board or person as may have jurisdiction determines that the proposal conforms to all applicable conditional use permit criteria, as set forth below or in other sections of this Ordinance.

10.243.20 Conditional uses designated in Section 10.440 – Table of Uses, as well as other conditional uses for which no specific criteria are set forth in the Ordinance, shall comply with all of the following criteria

10.243.21 The design of proposed structures, their height and scale in relation to the site's surroundings, the nature and intensity of the proposed use or activity, and the layout and design of the site will be compatible with adjacent and nearby properties, buildings and uses, will complement or enhance the character of surrounding development, and will encourage the appropriate and orderly development and use of land and buildings in the surrounding area. The proposed outdoor seating area fits into the existing site and will complement the surrounding area and will enhance the curb appeal of the area.

10.243.22 All necessary public and private utility infrastructure and services will be available and adequate to serve the proposed use.

True. The proposed outdoor seating will be set into the building and will allow public and private utility services to be available.

10.243.23 The site and surrounding streets will have adequate vehicular and pedestrian infrastructure to serve the proposed use consistent with the City's Master Plan.

True. Access will be next to the current entrance of the restaurant. The outdoor dining area will certainly match with the City's Master Plan and will improve the urban core and corridors of Portsmouth and bring more of the local community to Islington Street.

10.243.24 The proposed structures, uses, or activities will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.

True. The hours of operation will stay within our current hours of operation and there will be no excess noise or traffic to the surrounding properties. There will be lighting in the outdoor seating area that will be turned off each night and will have no adverse effects to the neighborhood. There will be no excessive odors, vibrations, dust, or fumes.

10.243.25 The proposed structures and uses will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat.

True. We are not in a wetlands zone. The outdoor dining area will fit within the already built structure of the building which will not have any significant impacts on wildlife or the natural area.

10.243.26 The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.

True. There will be no significant decline in the property values of adjacent properties since we will be operating within our set hours of operation, 11:30 AM-8:00 PM. The curb appeal of the area will be improved upon our permit be granted.

10.243.30 Where specific standards or criteria are set forth in this Ordinance for the particular use permitted by conditional use permit, those standards and criteria shall apply in lieu of the general standards in Section 10.243.20.

LEXIE'S JOINT FLOOR PLAN + OUTDOOR ADDITION

