

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: March 26, 2026

Property Address: 500 Jones Ave.

Application #: LU-26-4

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.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
1	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Meets Does Not Meet	All work is proposed in areas of existing disturbance. All replacement work will be done in-kind with new impacts due to safety need for new structural footings.
2	<i>2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.</i>	Meets Does Not Meet	All work is proposed in areas of existing disturbance and new impacts must occur (footings) to maintain safety and ADA requirements.
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets Does Not Meet	Installation of erosion controls will minimize soil erosion and bank disturbance during construction, therefore little to no impacts should occur to the existing function of the wetland buffer.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
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	It appears that this project does not propose any alteration of vegetation on site. If removal of existing vegetation is proposed, plans for additional landscaping on site should be provided to compensate for any loss of vegetation during construction.
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	This proposal has very minimal impact to the wetland buffer and constitutes construction in an already disturbed area of the wetland buffer. The addition of erosion controls should help mitigate any adverse impacts from construction.
6	6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.	Meets Does Not Meet	It does not appear that the vegetated buffer strip is proposed to be disturbed as part of this project.
7	<u>Other Board Findings:</u>		



Wetland Conditional Use Permit (WCUP)
Master Submission Packet

Replacement of Existing Deck, ADA Ramp, and Breezeway
Portsmouth Elks Lodge
500 Jones Avenue, Portsmouth, NH 03801

Prepared for submission to the City of Portsmouth Planning Board and Conservation Commission.



Conceptual Rendering of Proposed Deck, ADA Ramp, and Breezeway (Illustrative Only)

Rendering depicts the proposed replacement of the existing deck, ADA-accessible ramp, and breezeway within the current footprint. Image is provided for general visual reference only and is not intended as a construction drawing. Final construction will match approved plans and permit conditions.



Planning Board Narrative

To:
Chair, Planning Board
City of Portsmouth, New Hampshire
c/o Planning & Sustainability Department
1 Junkins Avenue
Portsmouth, NH 03801

Re:
Wetland Conditional Use Permit Application (WCUP)
Replacement of Existing Deck, ADA Ramp, and Breezeway
Portsmouth Elks Lodge
500 Jones Avenue, Portsmouth, NH 03801

Dear Chair and Members of the Planning Board,

On behalf of the Portsmouth Elks Lodge, the applicant respectfully submits this Wetland Conditional Use Permit application for the replacement of an existing exterior deck, ADA-accessible ramp, and breezeway located at 500 Jones Avenue in Portsmouth, New Hampshire.

The proposed project consists of a like-for-like replacement of existing structures within their current footprint to address documented structural deficiencies, improve public safety, and bring the facility into full compliance with current accessibility and building code requirements. No expansion toward the shoreline, no increase in impervious surface, and no change in site use is proposed as part of this application.

Existing Lawn, Landscaping, and Ground Conditions

The project is limited to the existing developed footprint beneath and immediately adjacent to the deck, ramp, and breezeway structures. No existing lawn or landscaped areas outside of the current structural footprint will be disturbed as part of the proposed work.

Within the work area beneath the deck, appropriate erosion and sediment control measures will be installed prior to construction and maintained for the duration of the project. All disturbed areas will be stabilized immediately upon completion of construction activities, using reseeding, soil stabilization, or equivalent methods as appropriate to site conditions. The project has been designed to minimize environmental impact while maintaining safe, code-compliant public access.

Sub-Deck Conditions and Materials

At this time, there are no plans to modify or replace the existing material beneath the deck, including the addition of crushed stone, gravel, or other fill materials. The area beneath the deck will remain as-is, with stabilization measures implemented only as necessary following construction to address minor disturbance caused by footing installation. No grading or expansion of the work area is proposed.

Structural Footings & Foundations

The proposed deck, ramp, and breezeway reconstruction will be supported by twenty-six (26) new concrete structural footings designed to meet public-assembly load requirements and provide long-term stability in sandy coastal soils.

Each footing will consist of a 12-inch diameter cast-in-place concrete pier installed atop a 24-inch diameter concrete spread base, extending approximately four (4) feet in height to achieve frost protection and required bearing capacity. Where ledge is encountered, footings will be mechanically anchored to ledge as required.



Where site access and subsurface conditions permit, precast concrete footing systems may be utilized as an alternative to minimize excavation, soil disturbance, and construction duration. All work will occur strictly within the footprint of the existing structure, with no expansion toward the shoreline and no increase in impervious surface area.

Deck Framing, Materials, and Stormwater Considerations

The reconstructed deck will be framed with pressure-treated structural lumber meeting or exceeding all applicable local and state building codes. Floor joists will be installed at 12 inches on center to provide enhanced rigidity, reduced deflection, and long-term performance suitable for public assembly use. Structural framing will include reinforced triple-beam construction secured with structural-rated fasteners and blocking where required.

The walking surface will consist of AZEK® Harvest Collection PVC decking, installed with approximately 1/8-inch to 1/4-inch spacing between boards. This spacing allows for effective drainage of stormwater through the deck surface, maintaining permeability consistent with the existing condition and avoiding concentrated runoff toward adjacent wetland areas.

Wetland Boundary Markers

The applicant acknowledges the City's requirement for permanent wetland boundary markers for projects approved under a Wetland Conditional Use Permit. The applicant will discuss this requirement with the Portsmouth Elks Lodge prior to the February 11 meeting to confirm the property owner's consent to installation of the standard 4-inch diameter wetland boundary placards, typically placed at approximately 50-foot intervals along the 25-foot wetland buffer. The applicant anticipates cooperation with this requirement and will coordinate placement locations with City staff and the Conservation Commission as needed.

Conclusion

The proposed improvements represent a necessary reinvestment in an existing civic facility, addressing safety, accessibility, and structural integrity while maintaining full compliance with the City's wetland protection standards. The project avoids new wetland impacts, does not expand development toward the shoreline, and preserves existing site conditions to the maximum extent practicable.

Respectfully submitted,

AJT Properties LLC
d/b/a Allan Trant's Exterior Finish Work

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City of Portsmouth, New Hampshire

Wetland Conditional Use Permit Application Checklist

This wetland conditional use permit application checklist is a tool designed to assist the applicant in the planning process and for preparing the application for Conservation Commission and Planning Board review. The checklist is required to be uploaded as part of your wetland conditional use permit application to ensure a full and complete application is submitted to the Planning and Sustainability Department and to the online portal. A pre-application conference with a member of the Planning and Sustainability Department is encouraged as additional project information may be required depending on the size and scope of the project. The applicant is cautioned that this checklist is only a guide and is not intended to be a complete list of all wetland conditional use permit requirements. Please refer to Article 10 of the City of Portsmouth Zoning Ordinance for full details.

Applicant Responsibilities: Applicable fees are due upon application submittal to the Planning Board (no fees are required for Conservation Commission submission). The application will be reviewed by Planning and Sustainability Department staff to determine completeness. Incomplete applications which do not provide required information for the evaluation of the proposed site development shall not be provided review by the Conservation Commission or Planning Board.

Name of Applicant: _____ Date Submitted: _____

Application # (in City's online permitting): _____

Site Address: _____ Map: _____ Lot: _____

<input checked="" type="checkbox"/>	Required Items for Submittal	Item Location (e.g. Page or Plan Sheet/Note #)
<input type="checkbox"/>	Complete application form submitted via the City's web-based permitting program	
<input type="checkbox"/>	All application documents, plans, supporting documentation, this checklist and other materials uploaded to the application form in OpenGov in digital Portable Document Format (PDF) . One hard copy of all plans and materials shall be submitted to the Planning and Sustainability Department by the published deadline.	

<input checked="" type="checkbox"/>	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
<input type="checkbox"/>	Basic property and wetland resource information. (10.1017.21)	
<input type="checkbox"/>	Additional information required for projects proposing greater than 250 square feet of permanent or temporary impacts. (10.1017.22)	
<input type="checkbox"/>	Demonstrate impacts as they relate to the criteria for approval set forth in Section 10.1017.50 (or Section 10.1017.60 in the case of utility installation in a right-of-way). (10.1017.23)	
<input type="checkbox"/>	Balance impervious surface impacts with removal and/or wetland buffer enhancement plan. (10.1017.24)	

<input checked="" type="checkbox"/>	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
<input type="checkbox"/>	Wetland buffer enhancement plan. (10.1017.25)	
<input type="checkbox"/>	Living shoreline strategy provided for tidal wetland and/or tidal buffer impacts. (10.1017.26)	
<input type="checkbox"/>	Stormwater management must be in accordance with Best Management Practices including but not limited to: <i>1. New Hampshire Stormwater Manual, NHDES, current version.</i> <i>2. Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials, NHDES, January 2004.</i> (10.1018.10)	
<input type="checkbox"/>	Vegetated Buffer Strip slope of greater than or equal to 10%. (10.1018.22)	
<input type="checkbox"/>	Removal or cutting of vegetation, use of fertilizers, pesticides and herbicides. (10.1018.23/10.1018.24/10.1018.25)	
<input type="checkbox"/>	All new pavement within a wetland buffer shall be porous pavement. (10.1018.31)	
<input type="checkbox"/>	An application that proposes porous pavement in a wetland buffer shall include a pavement maintenance plan. (10.1018.32)	
<input type="checkbox"/>	Permanent wetland boundary markers shall be shown on the plan submitted with an application for a conditional use permit and shall be installed during project construction. (10.1018.40)	
<input checked="" type="checkbox"/>	Requested Items for Submittal	Item Location (e.g. Page or Plan Sheet/Note #)
<input type="checkbox"/>	A narrative/letter addressed to the Conservation Commission Chair (if recommended to Planning Board then an additional narrative addressed to the Planning Board Chair at that time) describing the project and any proposed wetland and/or wetland buffer impacts. Please visit the WCUP instruction page for further application instructions.	
<input type="checkbox"/>	If New Hampshire Department of Environmental Services (NHDES) Standard Dredge and Fill Permit is required for this work, please provide this permit application at the same time as your submission for a Wetland Conditional Use Permit.	

Applicant's Signature: _____ **Date:** _____

EXHIBIT C – Site Location & Existing Conditions Plan

This aerial image illustrates the property located at 500 Jones Avenue, Portsmouth, New Hampshire, including existing building footprint, parking areas, shoreline edge, and wetland buffer limits. All proposed work is limited to reconstruction within the existing developed footprint with no encroachment toward tidal waters or wetland areas.




ALLAN TRANT'S
EXTERIOR FINISH WORK
EXHIBITS

EXHIBIT A – Existing Conditions Photographs



Photo A-1: Overall view of existing deck surface and guardrail system adjacent to the tidal waterway.



Photo A-2: Underside view of existing deck framing showing aging joists, beams, and limited structural clearance.

ALLAN TRANT'S
EXTERIOR FINISH WORK



Photo A-3: Existing enclosed breezeway connection within the shoreline buffer area.

ALLAN TRANT'S
EXTERIOR FINISH WORK



Photo A-4: Full elevation view of the existing deck structure as constructed along the rear of the building.

ALLAN TRANT'S
EXTERIOR FINISH WORK



Photo A-5: Existing deck area used for public assembly, illustrating size, configuration, and proximity to shoreline.



Photo A-6: Underside storage area beneath deck showing exposed framing and support conditions.



Photo A-7: Close-up of existing pier and bearing conditions illustrating inadequate foundation sizing for current use.