

# Findings of Fact | Subdivision Rules and Regulations

## City of Portsmouth Planning Board

Date: July 20, 2023

Property Address: 15 Lafayette Rd

Application #: LU-23-26

Decision:  Approve     Deny     Approve with Conditions

### Findings of Fact:

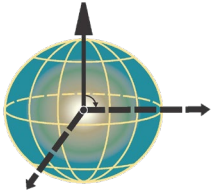
Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific 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.

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information
1	Subdivision Rules and Regulations III. D. 1 The Board shall act to deny any application which is not in compliance with Section IV or V as appropriate. <b>SECTION IV - REQUIREMENTS FOR PRELIMINARY PLAT</b>	Meets  Does Not Meet	The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements.  The application was recommended for approval on June 6, 2023 at the Technical Advisory Committee Meeting.
2	<b>SECTION V - REQUIREMENTS FOR FINAL PLAT</b>	Meets  Does Not Meet	The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements.  The application was recommended for approval on June 6, 2023 at the Technical Advisory Committee Meeting. With the correction of Note #15.  Note #15 has been updated per the TAC request.
3	<b>SECTION VI - GENERAL REQUIREMENTS</b>		The application has been

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information
		<p><b>Meets</b></p> <p><b>Does Not Meet</b></p>	<p>reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements.</p> <p>The application was recommended for approval on June 6, 2023 at the Technical Advisory Committee Meeting.</p>
4	SECTION VII - DESIGN STANDARDS	<p><b>Meets</b></p> <p><b>Does Not Meet</b></p>	<p>The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with these minimum requirements.</p> <p>Add notes for the following items:</p> <ul style="list-style-type: none"> <li>• Prior to the issuance of a building permit on the proposed lot the applicant shall apply to DPW for a driveway permit. Note #14.</li> <li>• The new lot to be responsible for fees to connect to public utilities. See notes #15 &amp; 16.</li> <li>• Prior to the issuance of a building permit on the proposed lot the applicant shall submit a drainage/stormwater management plan and pay for any additional cost to connect to the municipal system. Note #17.</li> <li>• Prior to the issuance of a building permit on the new lot the applicant shall submit an erosion and sedimentation control plan.</li> </ul> <p>The application was recommended for approval on June 6, 2023 at the Technical Advisory Committee Meeting.</p>
5	<u>Other Board Findings:</u>		

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information

DRAFT



**JAMES VERRA  
AND ASSOCIATES, INC.**

LU-23-26  
June 6, 2023  
Revised July 11, 2023

City of Portsmouth Planning Board  
1 Jenkins Avenue  
Portsmouth, NH 03801

Re: Proposed Subdivision Application  
15 Lafayette Road

Dear Chairman Chellman, members of the Board, and Planning Staff:

On behalf of The Murdock Living Trust (owner), and trustee Jeff Murdock, we are respectfully submitting an application for subdivision approval for the above reference project.

The proposed project is located at 15 Lafayette Road (US Route 1), shown as Tax Map 152 Lot 2 on the City of Portsmouth Tax Maps. The project site is currently a 17,301 S.F.+/- lot, with a single-family house fronting on Lafayette Road, with frontage on Orchard Street. The subject lot is situated in the General Residence A (GRA) District. The proposed project is to create 1 new lot of record, subdividing off the existing structure on Lafayette Road, and creating a new frontage lot on Orchard Street.

The existing house has always been accessed by Lafayette Road, where the lot has 73.80' of frontage where 100' is required and does not meet the frontage requirement for this zone. The proposed lot however has 102.30' of frontage where 100' is required. A Zoning Variance was granted by the City's Zoning Board on April 18, 2023 to allow the existing house to have "73.8 feet of continuous frontage."

The proposed lot is to be connected to public water and sewer on Orchard Street, however at this time we are not planning any development on the proposed lot. The current owner does not currently have any interest in development of this proposed lot personally.

At the June 6, 2023, the Technical Advisory Committee meeting the Committee voted to recommend approval for the proposed subdivision following the following condition: 1). "Note #15 should be corrected on the plan." We believed we have corrected the note per the committee's request to better reflect the intent of note #15.

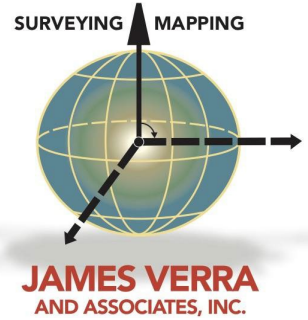
If you have any questions, or need any additional information please contact me at our office at 603-436-3557 or by email at [ryan@jvasurveyors.com](mailto:ryan@jvasurveyors.com).

Sincerely,

*Ryan Fowler*

Ryan Fowler, LLS

Survey Manager



To whom it may concern;

We are requesting the following waivers due to the size and scope of the project.

#### Driveways VI.5

Our client will be selling the lot and unsure of where the new owner would build the new dwelling or the design of the new structure. We request prior to the issuance of a building permit the new owner would need to obtain the driveway permit.

#### Drainage Improvements VI.6

Due to the small impact of the 1 lot subdivision, and the lack of a proposed development we are requesting a waiver.

#### Municipal Water Service VI.7

Due to the lack of proposed development, we are not proposing a house at this time. When the new owner decides to build a structure on the lot, prior to the issuance of a building permit they can apply for approval through the water department at that time.

#### Municipal Sewer Service VI.8

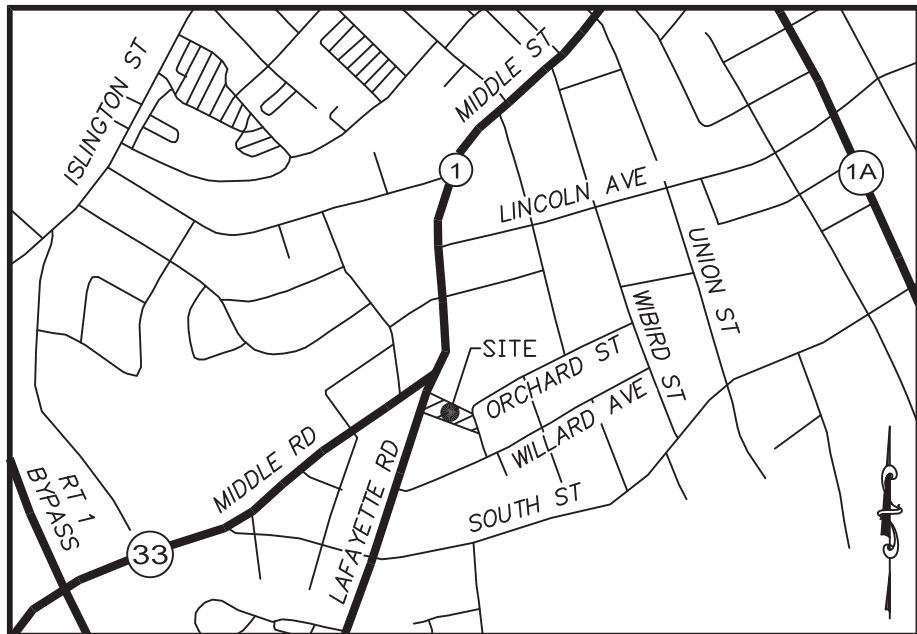
Due to the lack of proposed development, we are not proposing a house at this time. When the new owner decides to build a structure on the lot, prior to the issuance of a building permit they can apply for approval through the sewer department at that time.

#### Installation of Utilities VI.9

Due to the lack of proposed development, we are not proposing a house at this time. When the new owner decides to build a structure on the lot, prior to the issuance of a building permit they can apply for approval through the sewer & water departments at that time.

#### Erosion and Sedimentation Control VI.14

Due to the lack of proposed development, we are not proposing a house at this time. When the new owner decides to build a structure on the lot, prior to the issuance of a building permit they can work with the department to control erosion and sedimentation.



**LOCUS**  
1" = 1,000'

**152-48**  
LOUIS F. CLARIZIO  
2020 IRREVOCABLE TRUST  
195 NEW HAMPSHIRE AVE STE 255  
PORTSMOUTH, NH 03801  
BK: 6198 PG: 1575

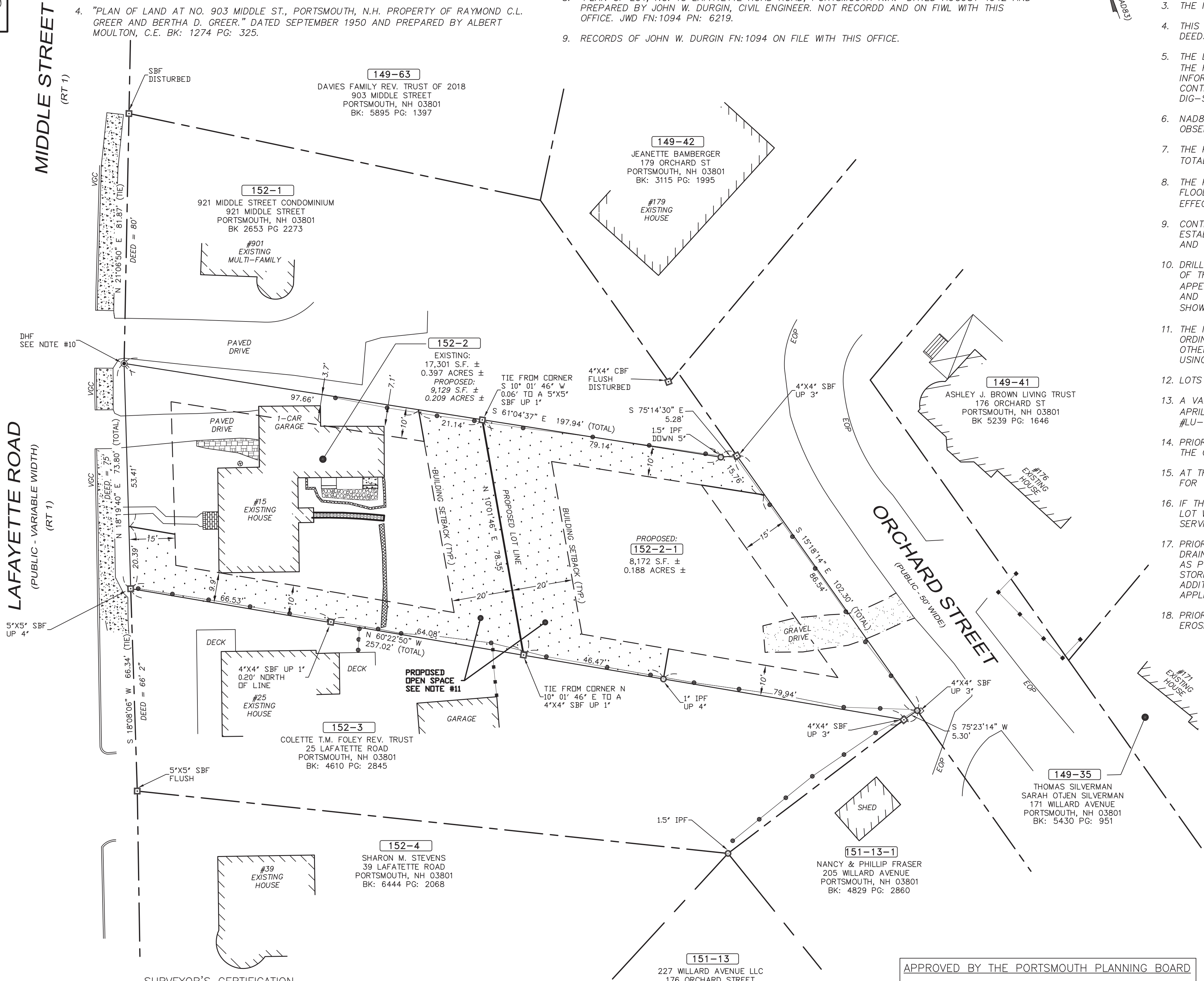
**152-47**  
ERIC WEINRIEB &  
RACHEL HOPKINS  
9 MIDDLE ROAD  
PORTSMOUTH, NH 03801  
BK: 4590 PG: 1190

**152-6**  
MIDDLE STREET HOLDING LLC  
685 ISLINGTON STREET  
PORTSMOUTH, NH 03801  
BK: 6072 PG: 17

- LEGEND:**
- ☐ ..... BOUND as DESCRIBED
  - ..... DRILL HOLE
  - ..... IRON ROD (AS NOTED)
  - ⊕ ..... WATER GATE VALVE
  - ..... CHAIN LINK FENCE
  - ..... UTILITY POLE WITH ARM & LIGHT
  - ..... WOOD FENCE
  - ☐ ..... CEMENT CONCRETE PAD
  - RCD ..... ROCKINGHAM COUNTY REGISTRY OF DEEDS
  - 116-51 ..... TAX SHEET / LOT NO.
  - EOP ..... EDGE OF PAVEMENT
  - VGC ..... VERTICAL FACED GRANITE CURB
  - ETW ..... EDGE OF TRAVEL WAY

**REFERENCE PLANS:**

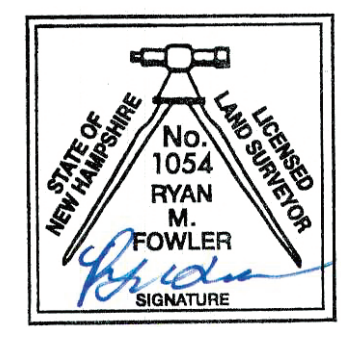
1. "PLAN OF LAND OF BURTON K. MURDOCK & FRANCES E. MURDOCK IN PORTSMOUTH NEW HAMPSHIRE." DATED JANUARY 8, 1974 AND PREPARED BY MOULTON ENGINEERING CO. R.C.R.D. PLAN #D-4256.
2. "PLAN OF LAND AT 25 LAFAYETTE ROAD PORTSMOUTH, N.H. AS PREPARED FOR/OWNER OF RECORD: DONALD F. AND BONNEY STEARNS 25 LAFAYETTE ROAD, PORTSMOUTH, N.H. 03801. R.C.R.D. PLAN #D-15412.
3. "CONDOMINIUM SITE PLAN OF 921 MIDDLE STREET CONDOMINIUMS FOR WALTER HOFFMAN, 921 MIDDLE ST. COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H." DATED MARCH 1986 AND PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES. R.C.R.D. PLAN #D-15490.
4. "PLAN OF LAND AT NO. 903 MIDDLE ST., PORTSMOUTH, N.H. PROPERTY OF RAYMOND C.L. GREER AND BERTHA D. GREER." DATED SEPTEMBER 1950 AND PREPARED BY ALBERT MOULTON, C.E. BK: 1274 PG: 325.
5. "SUBDIVISION PLAN OF LAND, 227 WILLARD AVENUE, PORTSMOUTH, NEW HAMPSHIRE FOR JANICE W. YOCOM." DATED JUNE 29, 1999 AND PREPARED BY THIS OFFICE. R.C.R.D. PLAN #D-27518.
6. "EXISTING CONDITIONS PLAN, WILLARD AVENUE IMPROVEMENT PROJECT, WILLARD AVENUE, ORCHARD & ASH STREETS & ORCHARD COURT, PORTSMOUTH, NEW HAMPSHIRE, CMA ENGINEERS, INC." LAST REVISED DECEMBER 2, 2021. PREPARED BY AND ON FILE WITH THIS OFFICE. NOT RECORDED. JVA JOB #23944.
7. "PLAN OF LOT, NO. 921 MIDDLE STREET, PORTSMOUTH, N.H." DATED AUGUST 1942. PREPARED BY JOHN W. DURGIN, CIVIL ENGINEER. NOT RECORDED AND ON FILE WITH THIS OFFICE. JWD FN:1094 PN: 1-231.
8. "PLAN OF LOT, NO. 15 LAFAYETTE ROAD ROAD, PORTSMOUTH N.H." DATED AUGUST 4942 AND PREPARED BY JOHN W. DURGIN, CIVIL ENGINEER. NOT RECORDED AND ON FILE WITH THIS OFFICE. JWD FN:1094 PN: 6219.
9. RECORDS OF JOHN W. DURGIN FN:1094 ON FILE WITH THIS OFFICE.



**SURVEYOR'S CERTIFICATION**

"I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS AN ERROR OF CLOSURE OF GREATER ACCURACY THAN ONE PART IN FIFTEEN THOUSAND (1:15,000)."

*[Signature]*  
 LICENSED LAND SURVEYOR  
 DATE: 6/26/2023



APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

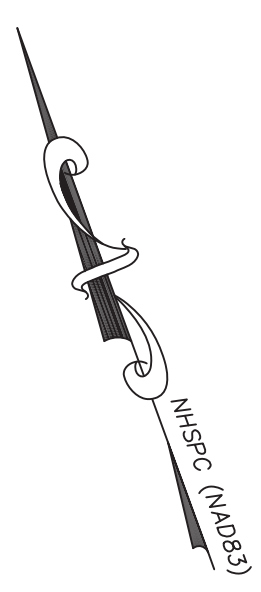
**NOTES:**

1. OWNER OF RECORD.....MURDOCK LIVING TRUST  
 ADDRESS.....JEFF MURDOCK, TRUSTEE  
 DEED REFERENCE.....36 GARLAND RD NOTTINGHAM, NH 03290  
 TAX SHEET / LOT.....2966/0959  
 TAX SHEET / LOT.....152-2
2. ZONED: .....GENERAL RESIDENCE A (GRA)  
 OVERLAY .....HISTORIC FRONT YARD SETBACK .....15'  
 MINIMUM LOT AREA ..7,500 S.F. SIDE YARD SETBACK .....10'  
 FRONTAGE .....100' REAR YARD SETBACK .....20'  
 MINIMUM DEPTH.....70' MINIMUM OPEN SPACE .....30%
3. THE INTENT OF THIS PLAN IS TO SUBDIVIDE THE EXISTING PARCEL INTO TWO PARCELS.
4. THIS IS A TWO PAGE SHEET SET, SHEET 1 IS TO BE RECORDED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS. ALL OTHER SHEETS TO BE ON FILE WITH THE CITY OF PORTSMOUTH.
5. THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
6. NAD83, VERTICAL DATUM: NAVD88. ESTABLISHED BY SURVEY HORIZONTAL DATUM: GRADE GPS OBSERVATIONS AND REFERENCE PLAN #6.
7. THE PLAN IS BASED UPON A FIELD SURVEY COMPLETED IN NOVEMBER OF 2022 WITH TRIMBLE S5 ROBOTIC TOTAL STATION, CARLSON BRX7 RTK GPS UNITS, PANASONIC FZ-M1/TRIMBLE TSC7 DATA COLLECTORS.
8. THE PARCEL SHOWN HEREON LIES WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015C0259F, EFFECTIVE DATE 1/29/2021 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
9. CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC.
10. DRILL HOLE FOUND AND SHOWN ON REFERENCE PLANS #1 & #3. PLANS #7 & #8 SHOW TIE DISTANCES OFF OF THE HOUSES TO THE LOT CORNER THAT DO NOT AGREE WITH THE LOCATION OF THE DRILL HOLE AND APPEAR TO SHORTEN THE FRONTAGE OF THE SUBJECT PARCEL (TAX MAP 152 LOT 4) ON LAFAYETTE ROAD, AND LENGTHEN THE DEEDED FRONTAGE OF TAX MAP 152 LOT 1. HOWEVER THE DURGIN PLANS DO NOT SHOW ANY MONUMENTS FOUND ALONG LAFAYETTE ROAD/MIDDLE STREET.
11. THE INTENT OF THE OPEN SPACE AREA IS TO MEET THE REQUIREMENTS SET FORTH IN THE CITY'S ZONING ORDINANCE TO MAINTAIN A 30% OPEN SPACE FREE FROM STRUCTURES, PARKING AREAS, DRIVEWAYS AND OTHER USES WHICH PRECLUDE LANDSCAPING IN SUCH AREAS. THE INTENT OF THE AREA IS COMPUTED BY USING THE AREA OF THE SETBACK LINES, EITHER PERPENDICULAR OR PARALLEL TO THE PROPERTY LINES.
12. LOTS ARE TO BE SERVICED BY MUNICIPAL WATER AND SEWER.
13. A VARIANCE WAS GRANTED FROM SECTION 10.521 BY THE PORTSMOUTH ZONING BOARD OF ADJUSTMENT ON APRIL 18, 2023 TO ALLOW THE REMAINDER LOT FRONTAGE TO BE 73.8' WHERE 100' IS REQUIRED. SEE CASE #LU-23-23.
14. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT FOR THE PROPOSED LOT THE APPLICANT SHALL APPLY TO THE CITY OF PORTSMOUTH PUBLIC WORKS DEPARTMENT FOR A DRIVEWAY PERMIT.
15. AT THE TIME OF THE ISSUANCE OF A BUILDING PERMIT FOR THE PROPOSED LOT, A FEE WILL BE IMPOSED FOR THE CONNECTION TO THE MUNICIPAL WATER, SEWER AND DRAINAGE/STORMWATER SYSTEMS.
16. IF THE PROPOSED LOT IS DEVELOPED PRIOR TO THE RECONSTRUCTION OF ORCHARD STREET, THE PROPOSED LOT WILL BE RESPONSIBLE FOR ALL FEES, CONSTRUCTION AND PERMITS TO RUN PRIVATE UTILITIES TO SERVICE THE PARCEL.
17. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT ON THE PROPOSED LOT, THE APPLICANT SHALL SUBMIT A DRAINAGE/STORM WATER MANAGEMENT PLAN. THE PROPOSED LOT SHALL INFILTRATE AS MUCH STORMWATER AS POSSIBLE AND TIE INTO THE NEW STORMWATER SYSTEM WHEN CONSTRUCTED. THE PROPOSED STORMWATER SYSTEM IS NOT PLANNED TO BE EXTENDED TO THE PROPOSED LOT BY THE CITY. ANY ADDITIONAL COST TO EXTEND THE STORMWATER SYSTEM TO THE PROPOSED LOT SHALL BE IMPOSED ON THE APPLICANT.
18. PRIOR TO THE ISSUANCE OF A BUILDING PERMIT ON THE PROPOSED LOT, THE APPLICANT SHALL SUBMIT AN EROSION AND SEDIMENTATION CONTROL PLAN.

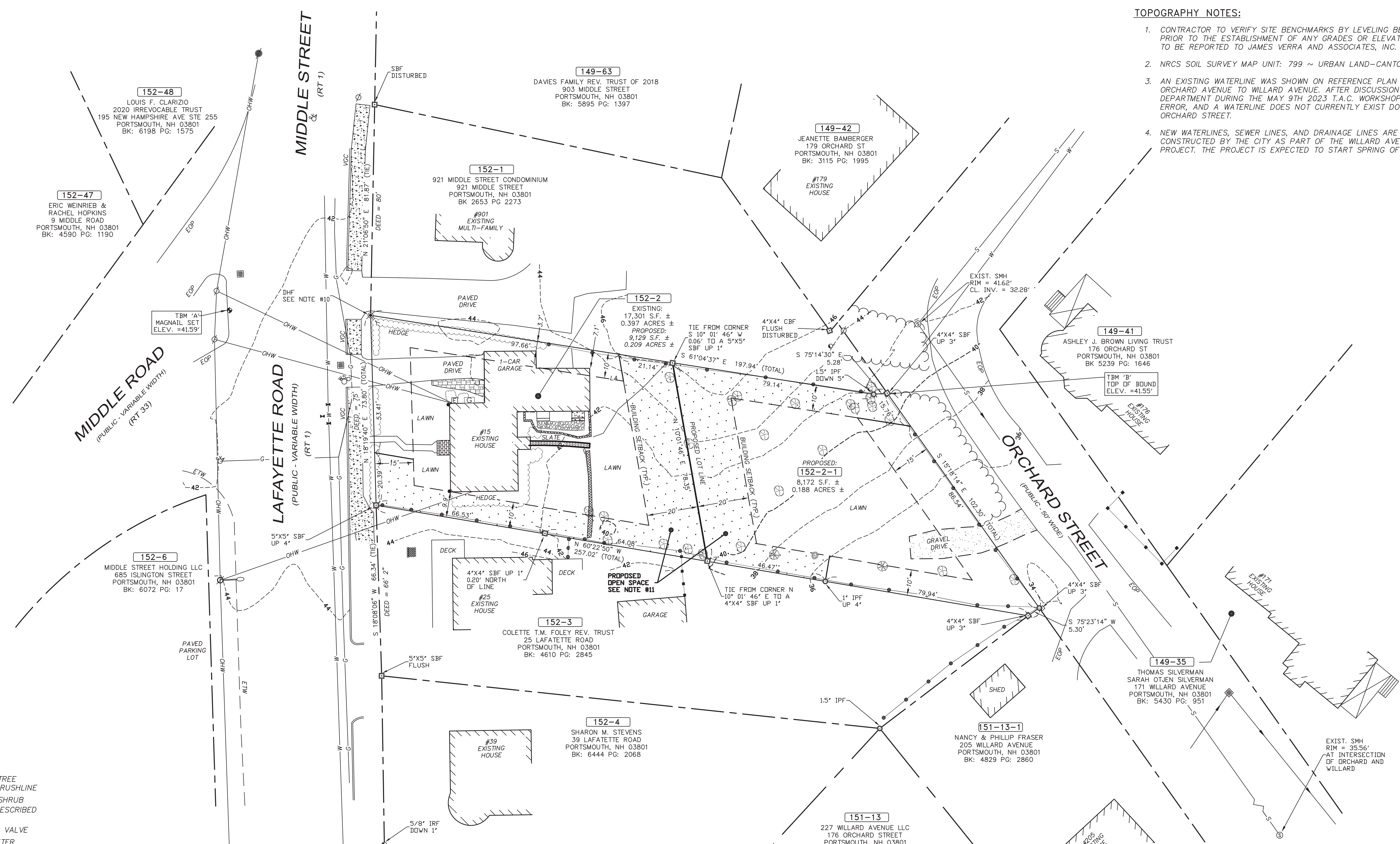
**LOT CALCULATIONS**

PROPOSED LOT #	PROPOSED AREA	REQUIRED OPEN SPACE	OPEN SPACE PROVIDED	FRONTAGE PROVIDED	CALCULATED LOT DEPTH
LOT 152-2	9,129 S.F. ±	2,739 S.F. ±	2,803 S.F. ±	73.80'	124.70'
LOT 152-2-1	8,172 S.F. ±	2,452 S.F. ±	2,519 S.F. ±	102.30'	108.06'

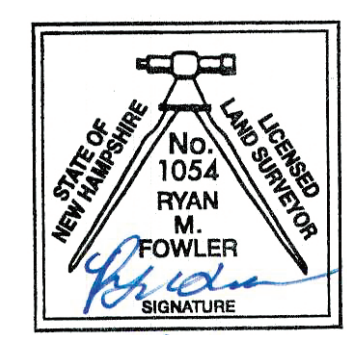
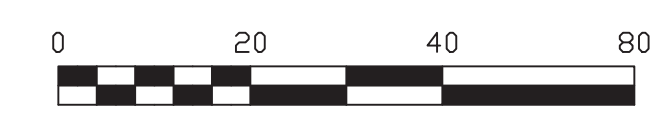
#1	6/22/23	AMEND NOTE #15 PER TAC RECOMMENDATIONS	RMF
REV. NO.	DATE	DESCRIPTION	APPR'D
<b>PROPOSED SUBDIVISION PLAN</b> <b>15 LAFAYETTE ROAD</b> <b>PORTSMOUTH, NEW HAMPSHIRE</b> <b>TAX MAP 152 LOT 2</b> <b>PREPARED FOR &amp; LAND OF: MURDOCK LIVING TRUST</b> <b>JEFF MURDOCK, TRUSTEE</b>			
<b>JAMES VERRA and ASSOCIATES, INC.</b> 101 SHATTUCK WAY SUITE 8 NEWINGTON, N.H., 03801-7876 603-436-3557			DATE: 5/22/2023 JOB NO: 24032 SCALE: 1" = 20' DWG NAME: 24032_SUB PLAN NO: 24032-1 SHEET: V1
RMF	PROJECT MGR	RMF	DRAWN BY
COPYRIGHT © 2023 by JAMES VERRA and ASSOCIATES, INC.			



- TOPOGRAPHY NOTES:**
1. CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC.
  2. NRCS SOIL SURVEY MAP UNIT: 799 ~ URBAN LAND-CANTON COMPLEX 3-15% SLOPES.
  3. AN EXISTING WATERLINE WAS SHOWN ON REFERENCE PLAN #6 CONTINUING DOWN ORCHARD AVENUE TO WILLARD AVENUE. AFTER DISCUSSION WITH THE PUBLIC WORKS DEPARTMENT DURING THE MAY 9TH 2023 T.A.C. WORKSHOP WE BELIEVE THIS WAS IN ERROR, AND A WATERLINE DOES NOT CURRENTLY EXIST DOWN THIS PORTION OF ORCHARD STREET.
  4. NEW WATERLINES, SEWER LINES, AND DRAINAGE LINES ARE PROPOSED TO BE CONSTRUCTED BY THE CITY AS PART OF THE WILLARD AVENUE RECONSTRUCTION PROJECT. THE PROJECT IS EXPECTED TO START SPRING OF 2024.



- LEGEND:**
- DECIDUOUS TREE
  - TREE LINE/BRUSHLINE
  - DECIDUOUS SHRUB
  - BOUND as DESCRIBED
  - DRILL HOLE
  - WATER GATE VALVE
  - ELECTRIC METER
  - WATER SHUT OFF VALVE
  - CHAIN LINK FENCE
  - GAS METER
  - GAS VALVE
  - UTILITY POLE WITH ARM & LIGHT
  - IRON ROD (AS NOTED)
  - WOOD FENCE
  - CEMENT CONCRETE PAD
  - UTILITY POLE
  - GUY
  - OVERHEAD WIRES
  - OVERHEAD ELECTRIC
  - OVERHEAD COMMUNICATION WIRES
  - ROCKINGHAM COUNTY REGISTRY OF DEEDS
  - TAX SHEET / LOT NO.
  - EDGE OF PAVEMENT
  - LANDSCAPED AREA
  - LANDSCAPE BLOCK RETAINING WALL
  - VERTICAL FACED GRANITE CURB
  - CATCH BASIN



**SURVEYOR'S CERTIFICATION**

"I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS AN ERROR OF CLOSURE OF GREATER ACCURACY THAN ONE PART IN FIFTEEN THOUSAND (1:15,000)."

\_\_\_\_\_  
 LICENSED LAND SURVEYOR

6/26/23  
 DATE

APPROVED BY THE PORTSMOUTH PLANNING BOARD

\_\_\_\_\_  
 CHAIRMAN

\_\_\_\_\_  
 DATE

#1	6/22/23	AMEND NOTE #15 PER TAC RECOMMENDATIONS	RMF
REV. NO.	DATE		APPR'D
<b>TOPOGRAPHIC PLAN</b> <b>15 LAFAYETTE ROAD</b> <b>PORTSMOUTH, NEW HAMPSHIRE</b> <b>TAX MAP 152 LOT 2</b> <b>PREPARED FOR &amp; LAND OF: MURDOCK LIVING TRUST</b> <b>JEFF MURDOCK, TRUSTEE</b>			
<b>JAMES VERRA and ASSOCIATES, INC.</b> 101 SHATTUCK WAY SUITE 8 NEWINGTON, N.H., 03801-7876 603-436-3557			DATE: 5/22/2023 JOB NO: 24032 SCALE: 1" = 20' DWG NAME: 24032_SUB PLAN NO: 24032-1 SHEET: V2
RMF	PROJECT MGR	RMF	DRAWN BY
COPYRIGHT © 2023 by JAMES VERRA and ASSOCIATES, INC.			