

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: 12-15-22

Property Address: 800 Mcgee Drive

Application #: LU-22-208

Decision: Approve Deny Approve with Conditions

Findings of Fact:

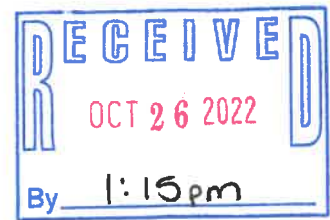
Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific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

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding	Supporting Information
1	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Meets Does Not Meet	Applicant is proposing to construct a new shed in an area of lawn just beyond the driveway. The shed itself will be 10x12 in size and will be placed on a crushed stone area 12x14 in size. The size of the stone area will allow for infiltration of stormwater from the shed below the footprint area of the shed. Given that this will be located approximately 75 feet from the edge of the wetland, the proposal is within the 100' wetland buffer where grass currently exists.
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	Given the side yard setback, the shed is being placed 10 feet from the property line and cannot be placed in front of the principal structure. The entire backyard of the property is within the 100' wetland buffer therefore the location is as far from the resource as practicable.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding	Supporting Information
3	3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.	Meets Does Not Meet	The small size of the shed, distance from the wetland and the infiltration proposed with the crushed stone will reduce any impacts due to the new impervious surface area of 120square feet.
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 shed is proposed to be located over an existing lawn area. Given the lawn area will be replaced with crushed stone and the shed there is some lawn area being removed. This work will amount to 168 square feet of new crushed stone in an area of lawn. The applicant has been removing invasive species from the wetland buffer. A planting plan for the buffer would be appropriate in order to establish a more effective buffer along the shoreline of the pond.
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	Given the small size of the project there significant impacts are not expected. A plan for replanting the 25' vegetated buffer would easily offset any impacts from the proposed shed.
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 has been removing a well established area of Asian bittersweet. The shoreline would benefit from the planting of native plants in this location.
7	<u>Other Board Findings:</u>		

October 26, 2022



Dear Ms. McMillan,

My name is Darren Kenney. My wife Jessica, and I are the owners of the property located at 800 McGee Drive, here in Portsmouth. I am writing you today to ask for your approval of our wetland conditional use permit. The purpose of the permit is to allow us to place a shed in our back yard. As you will notice from the attached map, much of our property lies within the wetland barrier. The location we would like to place the shed is 10' from the adjacent property, ~75' from the water's edge and entirely within the barrier space. Currently this space is part of our yard and contains no wild vegetation. The shed would be 10'x12" (120 sq ft) and would be place on a crushed rock base that is 12'x14' (168 sq ft).

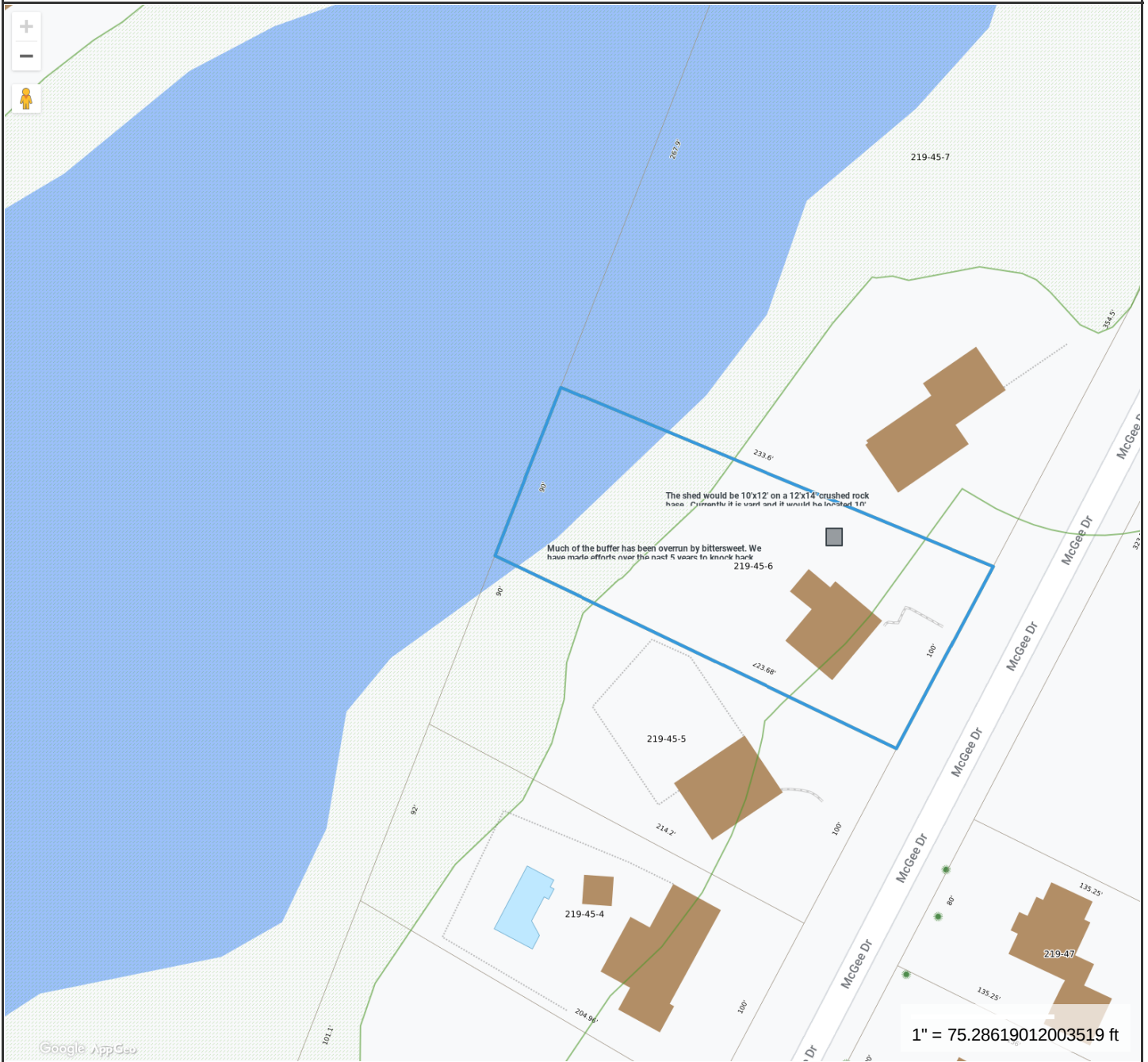
We feel as though this location would have the least impact on the pond and surrounding area. Over the past 5 years of owning this home, we have taken great pleasure in having the pond in our back yard and have made efforts to reduce the impact of the invasive species, bittersweet, that has been plaguing its shorelines. Our intent is to continue to support a healthy, thriving environment for all the amazing wildlife that makes "our" pond its home. Based on this information, we respectfully ask that you approve this conditional use permit and allow us to move forward with this project.

Thank you for your consideration.

Best,

Darren Kenney

800 McGee Dr Shed Location (approx.)



Property Information

Property ID 0219-0045-0006
Location 800 MCGEE DR
Owner KENNEY DARREN



**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.

Map Theme Legends

Wetlands

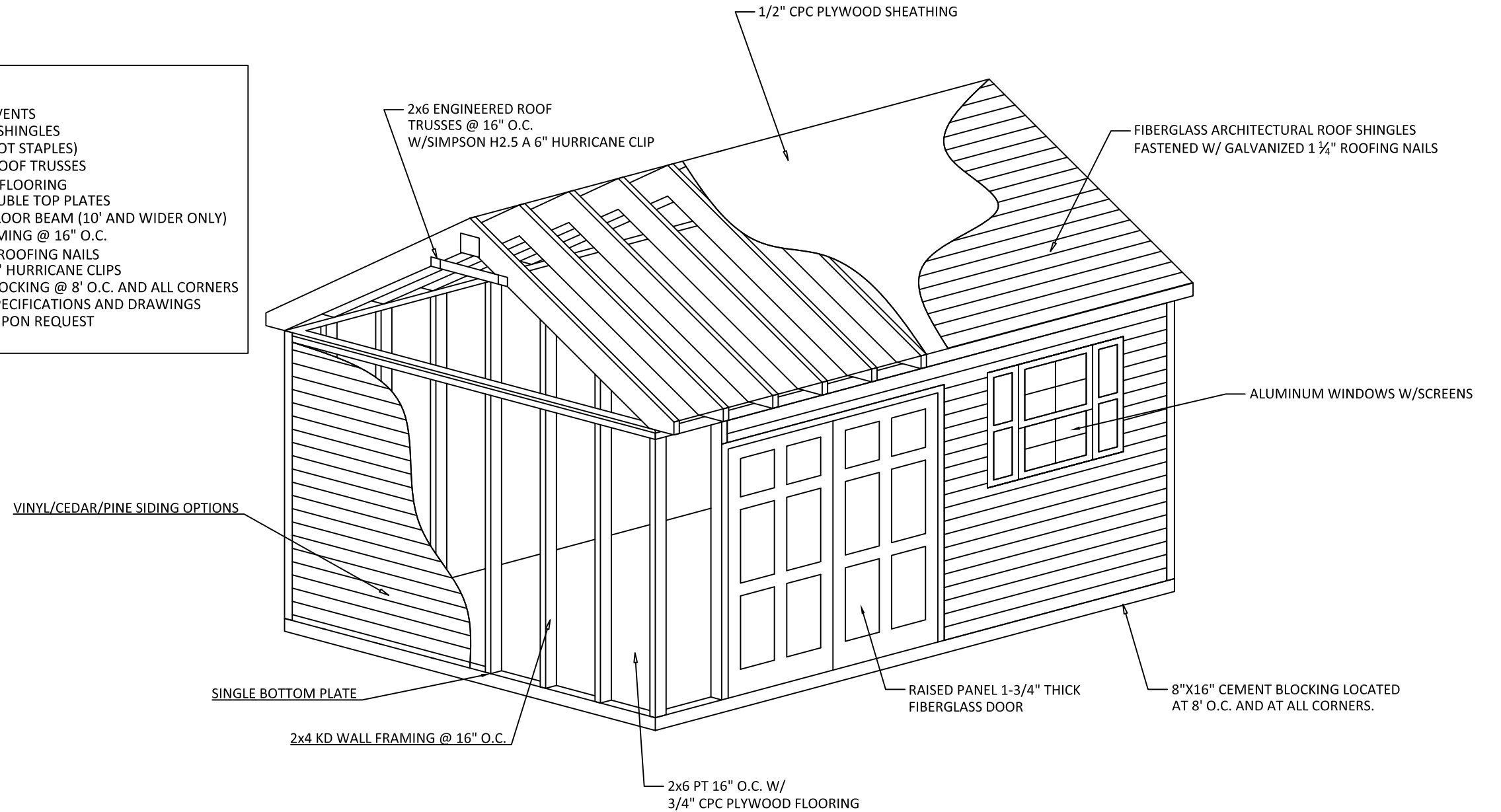
-  Wetlands
-  100ft Wetlands Buffer

City of Portsmouth

STANDARD FEATURES

VINYL/CEDAR/PINE SIDING OPTIONS
 ALUMINUM WINDOWS W/SCREENS
 ALUMINUM DRIP EDGE ON ALL SIDES
 LOCKING DOOR HANDLE
 FULL 1-3/4" THICK FIBERGLASS DOORS
 DOUBLE 2x DOOR HEADERS W/ JACK STUDS
 ALL PVC TRIM (VINYL SIDED ONLY)
 6' 4 1/2" STANDARD WALL HEIGHT
 ALL FLOORS 10' IN WIDTH (10'x12', 10'x14')
 HAVE RIM JOIST AT 6' 1/4' SEAM
 ALL FLOORS 12' IN WIDTH WITH A DOUBLE
 JOIST AT THE 6' SEAM
 ALL FLOORS WIDER WILL BE SEAMED AT 8'

SCREENED GABLE VENTS
 FIBERGLASS ROOF SHINGLES
 ROOFING NAILS (NOT STAPLES)
 2x6 LOAD RATED ROOF TRUSSES
 3/4" CPC PLYWOOD FLOORING
 INTERLOCKING DOUBLE TOP PLATES
 DOUBLE CENTER FLOOR BEAM (10' AND WIDER ONLY)
 2x6 PT FLOOR FRAMING @ 16" O.C.
 GALVANIZED 1 1/4" ROOFING NAILS
 SIMPSON H2.5 A 6" HURRICANE CLIPS
 8"x16" CEMENT BLOCKING @ 8' O.C. AND ALL CORNERS
 TRUSS LOADING SPECIFICATIONS AND DRAWINGS
 AVAILABLE UPON REQUEST



GREGSAK ENGINEERING, INC.

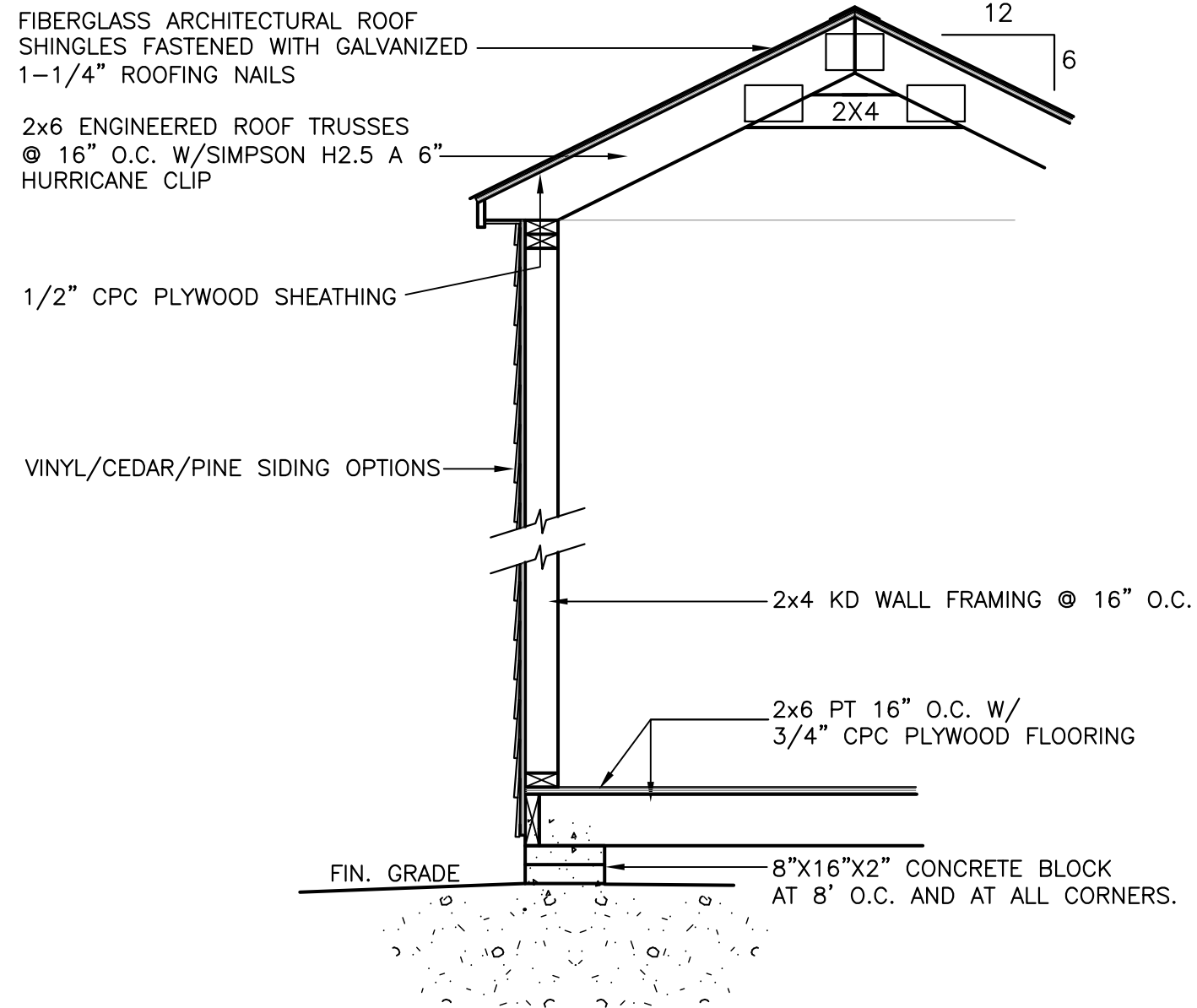


CIVIL AND STRUCTURAL
 ENGINEERS
 P.O. BOX 271
 CHESTER, NEW HAMPSHIRE 03036
 PH: (603) 887-6979
 FAX: (603) 887-6636
 www.gregsak.com

ISOMETRIC VIEW
 POST WOODWORKING TYPICAL SHED DESIGN
 163 KINGSTON ROAD
 DANVILLE NH

PREPARED FOR:
 POST WOODWORKING, INC.
 163 KINGSTON ROAD
 DANVILLE, NH 03819
 (866) 794-7433

Scale: NTS
 APRIL 18, 2016



GREGSAK ENGINEERING, INC.



CIVIL AND STRUCTURAL ENGINEERS
P.O. BOX 271
CHESTER, NEW HAMPSHIRE 03036
PH: (603) 887-6979
FAX: (603) 887-6636
www.gregsak.com

WALL SECTION
POST WOODWORKING TYPICAL SHED DESIGN
163 KINGSTON ROAD
DANVILLE NH

PREPARED FOR:
POST WOODWORKING, INC.
163 KINGSTON ROAD
DANVILLE, NH 03819
(866) 794-7433

Scale: 3/4"=1'-0"



APRIL 18, 2016