

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: April 20, 2023

Property Address: 86 New Castle Avenue

Application #: LU-23-20

Decision: Approve Deny Approve with Conditions

Findings of Fact:

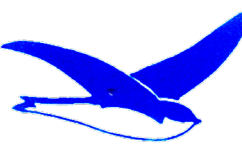
Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific 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 (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	The overall project is an addition to the existing principal structure and new pervious pavers all within the wetland b The small size of the addition and the inclusion of the por pavers appears to be reasonable for the site.
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	The existing project is to expand the footprint of the interi living space where a deck currently exists. Given they are utilizing an existing footprint the location is the best alterr
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	The proposed project represents a small new impact of impervious surface, but the applicant is adding landscapin porous pavers to the site which will reduce any overall im The landscaping will include mulch and plantings – more details are necessary on the types of plantings.

	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	There is no impact to the woodland and the only natural vegetation will be removal of some lawn and landscaped areas which are fairly small and will be replaced by porous pavers and new landscaping.
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	Overall, the applicant has provided an alternative with a small impact to the wetland buffer.
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 proposal includes a plan with native landscaping and porous paver buffer.
7	<u>Other Board Findings:</u>		

WEST ENVIRONMENTAL INC.



48 Stevens Hill Road, Nottingham, NH 03290
603-734-4298 ♦ mark@westenv.net

Peter Britz
Environmental Planning Coordinator
City of Portsmouth Planning Department
1 Junkins Ave
Portsmouth NH 03801

March 29, 2023

RE: Wetland Conditional Use Permit for 86 New Castle Ave Portsmouth, NH
SUBJ: Response to Conservation Commission Review Letter

Dear Peter:

Per our conversation today West Environmental, Inc. (WEI) delivered hard copy documents to address the requested information contained in the six stipulations for approval in the Conservation Commission Review Letter dated March 16, 2023.

These include the following:

- A. *A revised Proposed Conditions Plan prepared by Millennium Engineering, Inc.* with a revision date of 3-27-23 that includes a new infiltration system design to address **Item 1** in the letter. This plan shows the location and details of the infiltration trench to accompany the addition.
- B. The applicant also agrees to wetland boundary markers, the organic lawn care requirements, **Items 2 and 3** in the letter.
- C. The above referenced site plan also shows the two additional new landscape areas totaling 290 square feet **Item 4** in the letter. We have included an aerial photo showing the existing and proposed landscaped areas. We have also included a native plant list of shrubs, herbs and flowers. The 290 SF of new landscaped areas will include a minimum of ten shrubs and eight flowers or herbs from the submitted list.
- D. The new details for the infiltration trench on the site plan includes instructions for maintenance and the owners have received the plans to address **Item 5**.
- E. The owner agrees to maintain the wetland as a wet meadow in its current condition to address **Item 6**.

This completes our report, and we hope that it meets your needs. Please call our office if you have any questions or require additional information.

Sincerely,
West Environmental, Inc.

Mark C. West,
NH Certified Wetland Scientist #10

Cc: Betty Tamposi
Lafe Covill
Preston Brown

Landscaping map



86 New Castle Ave

raised beds

existing landscaping

new plantings

apple trees

wetland boundary



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Landscaping Plant Species for 86 New Castle Road, Portsmouth 3-27-23

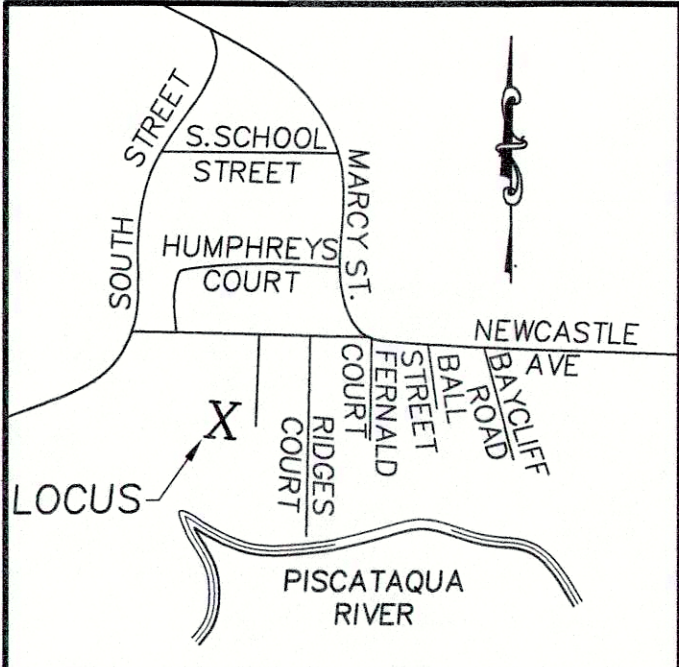
Below is a list of species to be planted in the temporary impact areas within the inland wetland buffer zone. Existing plants and shrubs should be salvaged prior to construction if possible.

Shrubs

Arrowwood Viburnum
Swamp Azalea
Highbush Blueberry
Lowbush Blueberry
Inkberry
Large Cranberry
Northern Bayberry
Sweet Pepperbush
Wild Raisin

Perennials and Annuals

Asters
Goldenrods
Lavender and other herbs
Anemone
Milkweed
Bachelors button
Lupine
Trillium
And many others



WETLANDS DELINEATION BY WEST ENVIRONMENTAL
 48 STEVENS HILLROAD
 NOTTINGHAM, NH 03290

IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, AS REQUIRED BY THE DES WETLANDS BUREAU.

NEW CASTLE AVENUE

RECORD OWNERS

207
70

JACOB SULLIVAN & MARGARET GOODLANDER
 86 NEW CASTLE AVENUE
 PORTSMOUTH, NH 03801
 BK. 5960 PG. 2666

37,536 S.F.
 0.86 ACRES

AREA WITHIN OLD PAPER STREET
 7,000 S.F.
 0.16 ACRES

EXISTING SEALED SURFACE
 4,258 S.F.
 9.5%

LOCUS MAP
 NOT TO SCALE

ZONING DISTRICT
 SRB

MINIMUM REQUIREMENTS

AREA	15,000 S.F.
MIN. LOT AREA/DWELLING UNIT	15,000 S.F.
MIN. OPEN SPACE	40%
MAX. BUILDING COVERAGE	20%
MAX. HEIGHT	35'/30'
FRONTAGE	100'

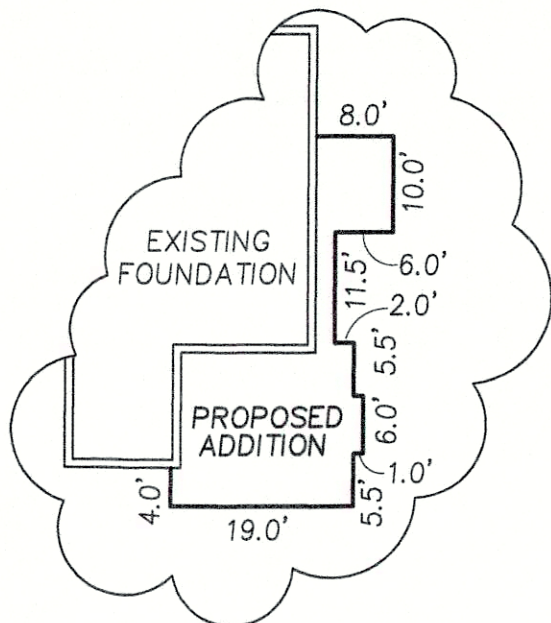
BUILDING SETBACKS

FRONT	30'
SIDE	10'
REAR	30'

*AS PER THE CITY OF PORTSMOUTH THIS LOT (MAP 207, LOT 70) DOES NOT HAVE FRONTAGE ON AN ACCEPTED STREET OR RIGHT OF WAY AND THEREFORE IS SUBJECT TO SIDE YARD SETBACKS ON ALL SIDES.

RIGHT OF WAY NOTE:

AS PER THE CITY OF PORTSMOUTH - "IT DOESN'T APPEAR THAT THE PAPER STREET WAS EVER ACCEPTED. IT WAS SUBDIVIDED 1914 (PLAN D-0188), THEN IN THE D-7855 PLAN, THE LOTS ACROSS THE PAPER STREET CLAIM TO THE MIDDLE OF THE STREET. OWNERSHIP BY REVERSION OF THE UNDEVELOPED STREET"

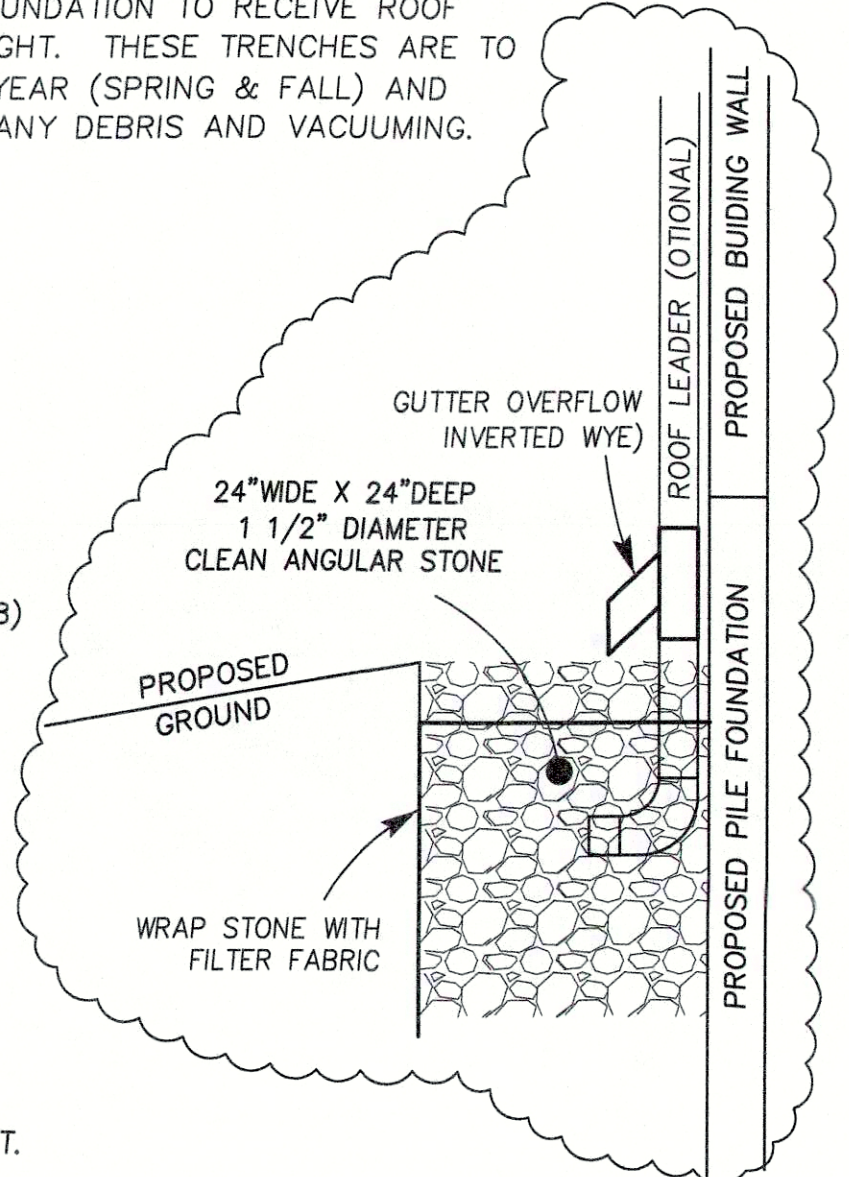


PROPOSED ADDITION DIMENSION DETAIL

EXISTING OPEN SPACE	90.4%
EXISTING BUILDING COVERAGE	5.9%
AVERAGE GRADE ELEV.=	16.4
RIDGE ELEV.=	36.9
EAVE ELEV.=	24.8
MEAN ROOF ELEV.=	30.8
EXISTING MEAN ROOF HEIGHT =	14.4'

**★ PROPOSED DWELLING ★
 INFILTRATION NOTE**

STONE INFILTRATION TRENCHES ARE TO BE PLACED AS SHOWN AT EDGE OF FOUNDATION TO RECEIVE ROOF RUNOFF, SEE DETAIL AT RIGHT. THESE TRENCHES ARE TO BE INSPECTED TWICE PER YEAR (SPRING & FALL) AND MAINTAINED BY REMOVING ANY DEBRIS AND VACUUMING.



"T.B.M." TOP OUTSIDE CORNER CONCRETE PAD ELEV.=16.88 (N.A.V.D. OF 1988)

AREA TO OLD PAPER STREET BELIEVED TO BE OWNED IN FEE (SULLIVAN & GOODLANDER). LEGAL OPINION IS BEING SOUGHT. SEE RIGHT OF WAY NOTE

EXISTING WETLAND AND BUFFER AREAS ON LOT

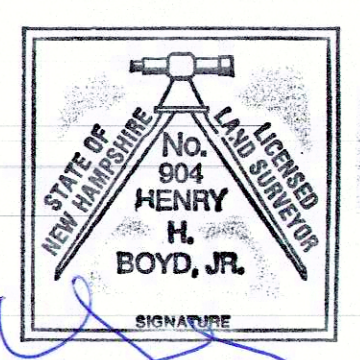
TIDAL WETLAND	687 S.F.
250' SHORELAND BUFFER	11,844 S.F.
INLAND WETLAND	15,044 S.F.
100' INLAND BUFFER	11,844 S.F.

PROPOSED IMPACT AREAS

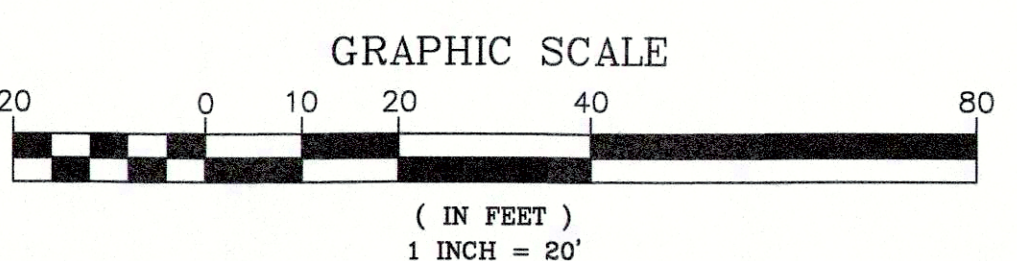
PROPOSED ADDITION	405 S.F.
PERVIOUS PAVERS	+ 630 S.F.
PERMANENT NEW IMPACT	1,035 S.F.
TEMPORARY IMPACT	1,729 S.F.

✿ TEMPORARY IMPACT AREAS ARE TO BE LANDSCAPED WITH MULCH AND PLANTINGS.

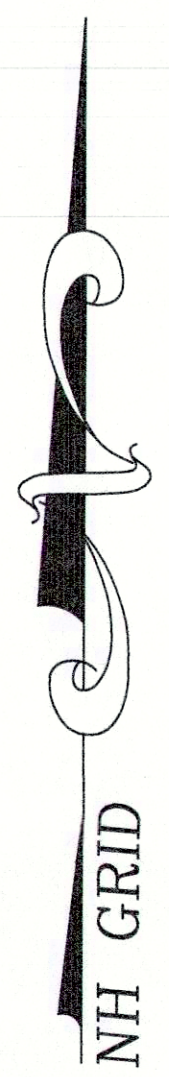
I CERTIFY:
 THAT THIS ACTUAL SURVEY WAS MADE ON THE GROUND BETWEEN JANUARY OF 2019 AND JANUARY OF 2023.
 THAT THIS SURVEY CONFORMS TO THE REQUIREMENTS FOR ACCURACY FOR



LICENSED LAND SURVEYOR DATE 03-27-2023

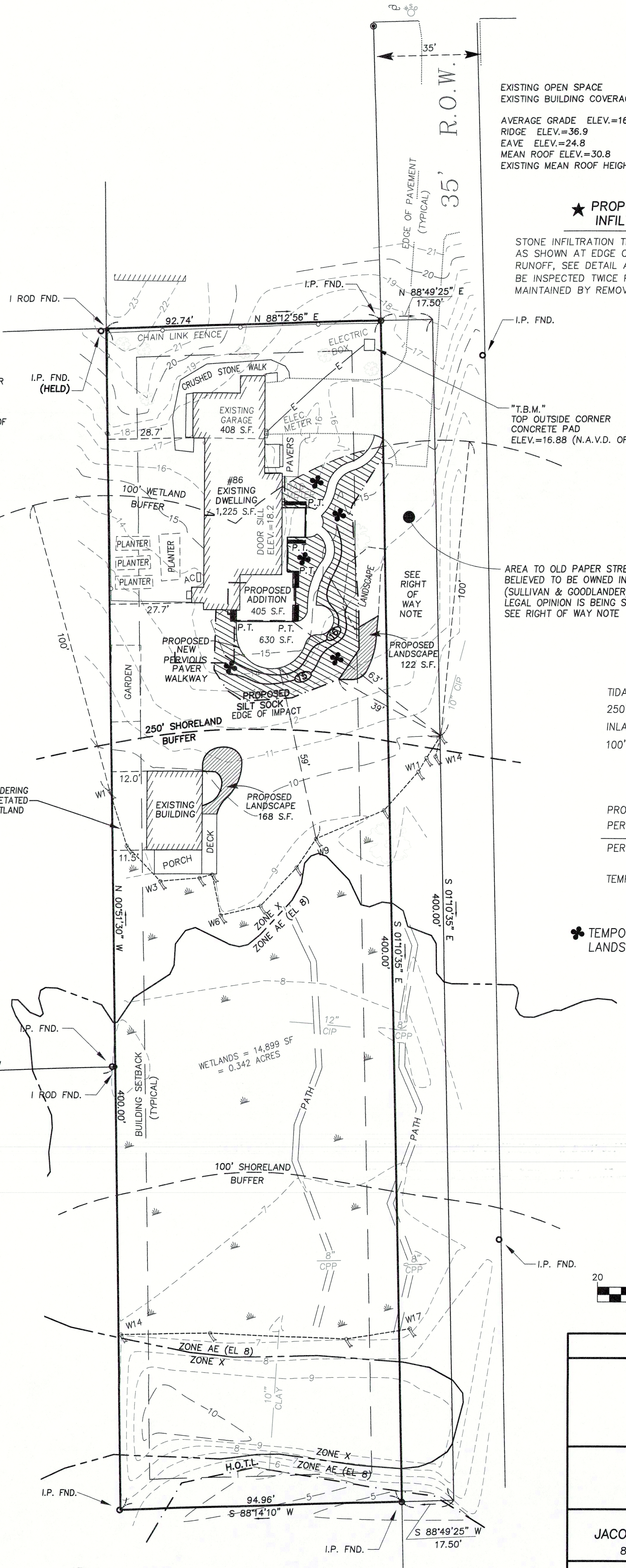


BRACKETT ROAD



LEGEND

- S.B. STONE BOUND
- I.P. IRON PIPE
- I ROD IRON ROD
- FND. FOUND
- ASSESSORS MAP AND PARCEL
- UTILITY POLE
- E— UNDERGROUND ELECTRIC (APPROXIMATE LOCATION)
- CHAIN LINK FENCE
- W1 WETLAND FLAG
- WETLAND
- H.O.T.L. HIGHEST OBSERVABLE TIDE LINE
- TEMPORARY IMPACT AREA
- P.T. PROPOSED INFILTRATION TRENCH



PISCATAQUA RIVER

NO.	DATE	DESCRIPTION	BY	SCALE: 1"=20'	DRWN. BY: P.D.B.	PROJECT: E192257
1	03-27-23	ADD LANDSCAPING & INFILTR.	H.H.B.			
				DATE: JAN. 26, 2023	CHKD. BY: H.H.B.	SHEET: 2 OF 4

PROPOSED CONDITIONS

PLAT OF LAND
 IN
 PORTSMOUTH, NH

SHOWING
 PROPOSED ADDITION
 AT 86 NEW CASTLE AVENUE
 (ASSESSORS MAP 207 LOT 70)

RECORD OWNERS
JACOB SULLIVAN & MARGARET GOODLANDER
 86 NEW CASTLE AVENUE PORTSMOUTH, NH 03801

MILLENNIUM ENGINEERING INC.
 ENGINEERS AND LAND SURVEYORS
 P.O. BOX 745 13 HAMPTON ROAD EXETER, NH 03833
 PHONE:(603)778-0528 FAX:(603)772-0689 WWW.MEI-NH.COM