

# City of Portsmouth Land Use Application

## 253 Odiorne Point Road, Portsmouth, N.H.

### PROJECT NARRATIVE:

**Introduction:** The residential property and single-family structure located at 253 Odiorne Point Road in Portsmouth, New Hampshire was constructed in the year 2000 and most recently purchased in November of 2022. Per the City of Portsmouth's MapGeo mapping program view (see Exhibit #1 below), approximately ninety-five percent (95%) of the existing structure, the entire existing patio, the entire existing deck, and the entire existing deck stairway are within the one hundred (100) foot wetland buffer, which is the area located between the light green lines in Exhibit #1 below. Unfortunately, the unique location and positioning of the structure, the lack of effective drainage infrastructure, and the improper grading around the structure subjected the property to significant natural environmental stress in the form of excessive rainwater collection, which resulted in damage to the existing flagstone patio on grade, damage to the adjacent existing siding of the home, and damage to the piers of the existing deck and the existing deck stairway.

### Exhibit #1, City of Portsmouth MapGeo Satellite View of 253 Odiorne Point Road



**Objective & Requested Approvals:** With the general objective of protecting the existing structure and property from additional rainwater damage; the property owner respectfully requests the following two (2) approvals prior to initiating alterations in the form of repairs and improvements to the hardscape, the landscape, and the structure.

1. A Wetland Conditional Use Permit from the Planning Board to satisfy the City of Portsmouth Zoning Ordinance Section 10.241.22, which requires conditional use approval to complete alterations in a wetland or wetland buffer (Article 10, Section 10.1010 – Wetlands Protection).
2. A setback variance from the Zoning Board of Adjustment to allow for the following:
  1. The ninety (90) degree movement of the existing deck stairway that is currently located approximately thirty (30) feet from the property line and within the forty (40) foot setback, but which terminates in the patio area that is prone to rain water collection and situated adjacent to the wetland. The proposed deck stairway will be removed from the patio area and re-directed toward a side yard and away from wetland where it will terminate approximately thirty (30) feet from the property line.
  2. An approximate eighty-eight (88) square foot extension of the existing deck to support the ninety (90) degree movement of the existing deck stairway. The deck extension will be directed away from the wetland and it will terminate approximately thirty-five (35) feet from the property line, but within the forty (40) foot setback.

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### Exhibit #2

### Photographs of Rainwater Collection



**Rainwater Collection Areas**

**Rainwater Damaged Siding at Grade**

**Rainwater Damaged Patio/Deck/Stairway**



**Photographs of Same Area From Opposite Direction**

**Snow Melt Water Collection**  
**After 03/14/2023 Snow Storm**

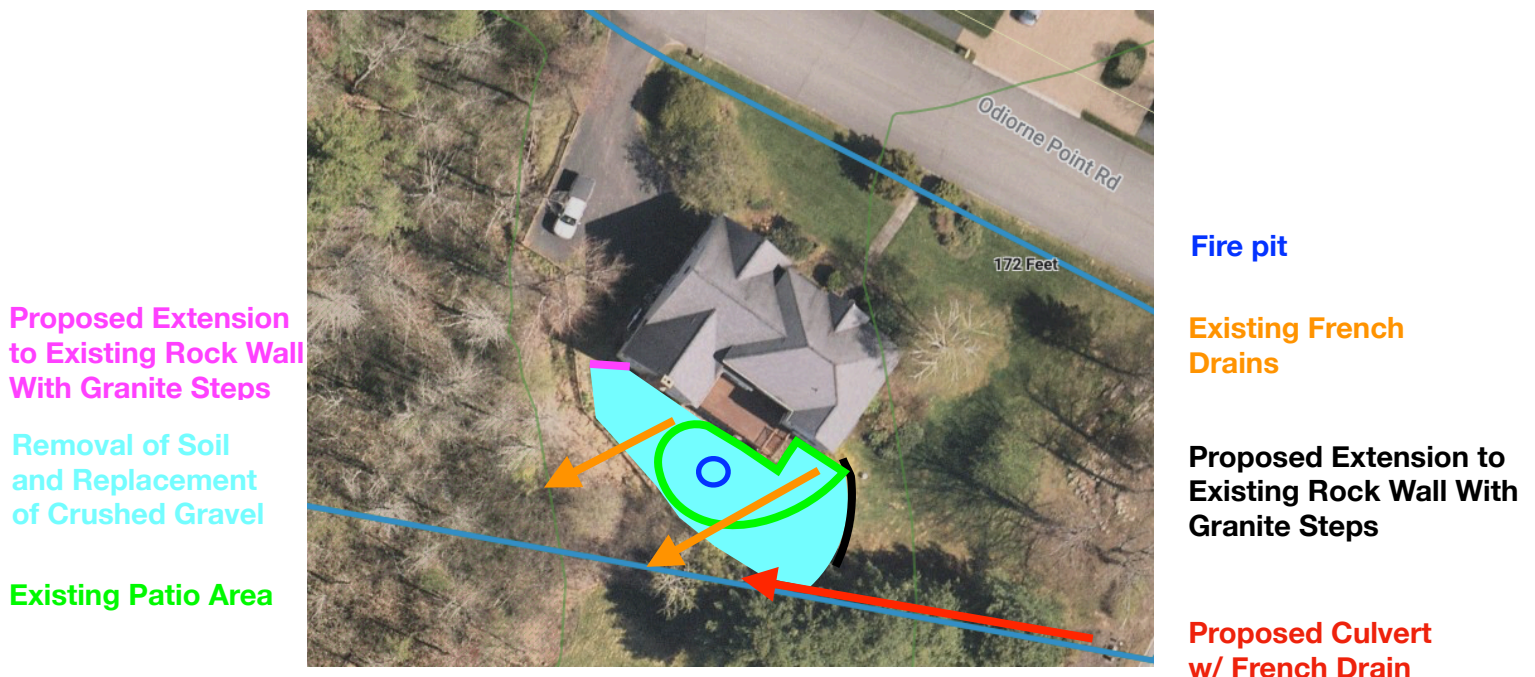
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### Proposed Hardscape Alterations:

1. Extend an existing ten (10) foot long and four (4) foot high rock wall, which starts on the southeast corner of the residence to approximate twenty-five (25) feet in length and sloping downward to grade with the objective of diverting rainwater away from the residence and toward the wetland to avoid additional water damage to the structure and the hardscape. Construct granite steps in the extended rock wall to allow for pedestrian access between the lawn and patio areas. See the black line in Exhibit #3 below for the location of the proposed extended rock wall with integrated granite steps.
2. Extend an existing four (4) foot long rock wall on the southwest corner of the residence to approximately ten (10) feet in length with the objective of diverting the rainwater away from the residence and toward the wetland to avoid additional damage to the structure and to the hardscape. Construct granite steps in the rock wall to allow for pedestrian access between the driveway and the patio areas. See the pink line in Exhibit #3 below for the location of the proposed extended rock wall with integrated granite steps.
3. Remove the water damaged flagstone patio (see the green line in Exhibit #3) and twelve (12) to eighteen (18) inches of clay infused soil from the area under and surrounding the patio (see the light blue shaded area in Exhibit #3) and place the clay infused soil to the southeast side of the property and behind the extended twenty-five (25) foot long rock wall described above and identified below in Exhibit #3 as a black line. To ensure the existing French drains (identified by the orange lines below) are operable, the clay infused soil in the light blue shaded area will be replaced with a permeable crushed gravel base and permeable interlocking concrete patio pavers will be installed within the confines of the existing patio area, which is identified in green in Exhibit #3 below. A gas fire pit will be constructed and centered within the existing existing patio area. The fire pit will be approximately five (5) feet in diameter and will be constructed of blocks that match the pavers. A concrete slab will be poured under the deck to support a freestanding spa/hot tub. The concrete slab will not be noticeable, it will be surrounded by pavers, and it will measure approximately ten (10) feet by ten (10) feet.
4. Install a French drain gravel lined culvert along the southeast edge of the property where a natural culvert currently exists, but which does not effectively manage rainwater runoff. The objective of installing the French drain gravel lined culvert will be to effectively collect rainwater and divert that rainwater away from the residence and toward the wetland on the southwest portion of the property. An additional photograph of the location of natural culvert is included in the proposed landscape alterations section as Exhibit #6.

### Exhibit #3, Proposed Hardscape Alterations



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### Proposed Structure Alterations:

1. **Replace the existing deck support piers:** The existing deck support piers were undersized and damaged by rainwater. It's proposed the deck support piers be correctly sized and replaced.
2. **Move the existing deck stairway ninety (90) degrees:** The existing deck stairway currently terminates in the patio area that is adjacent to the wetland and prone to rainwater collection, which resulted in damage to the existing deck stairway. Additionally, the existing deck stairway terminates approximately thirty (30) feet from the property line and within the forty (40) foot setback. It's proposed the existing deck stairway be moved ninety (90) degrees away from the patio area and adjacent wetland and be positioned to terminate in the side yard approximately thirty (30) feet from the property line, but within the forty (40) foot setback. Please refer to Exhibit #4 for the locations of the existing and proposed deck stairway.
3. **Extend the existing deck to accommodate the movement of the existing deck stairway:** To accommodate the ninety (90) degree movement of the existing stairway and to prevent the obstruction of the walkout basement doorway (see Exhibit #5), it's proposed the the existing deck be extended along the southeast side of the structure by approximately eighty-eight (88) feet. The deck extension will be directed away from the wetland and it will terminate approximately thirty-five (35) feet from the property line, but within the forty (40) foot setback. Please refer to Exhibit #4 for the locations of the existing deck and proposed deck extension.

**Exhibit #4, Proposed Structure Alterations**



**Exhibit #5, Walkout Basement Doorway**



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### Proposed Landscaping Alterations

1. Install permeable landscape fabric over the permeable crushed gravel base (described in item #3 of the proposed proposed hardscape alterations) within the light blue shaded area of Exhibit #3. Install topsoil over the landscape fabric, and then install sod to match the surrounding areas of grass.
2. Spread and sculpt the relocated clay infused soil (identified below in Exhibit #6 with the blue lines and described in item #3 of the proposed proposed hardscape alterations) away from the residence and toward the proposed French drain gravel lined culvert identified below in Exhibit #6 with a red line and as described in item #4 of the proposed proposed hardscape alterations.

**Exhibit #6**



3. Remove the invasive species of phragmites reeds identified by the yellow ovals in Exhibits #7 and #8 and located on the southwest side of the the residence by hand as suggested by the City of Portsmouth Planning Department. Replace the invasive species of phragmites reeds with winterberry, a species of red colored holly native to eastern North America and suggested by the City of Portsmouth Planning Department.

**Exhibit #7**



**Exhibit #8**



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### Evaluation of Five (5) "Analysis Criteria"

1. 10.233.21: Approval of a wetland conditional use permit and a setback variance will not be contrary to the public interest
  - Justification: The property owner believes an approved wetland conditional use permit and setback variance would allow the property owner to complete alterations in the form of improvements to the hardscape, the landscape, and the structure with the general objective of protecting the existing structure and property from additional rainwater collection and damage. The proposed alterations will not be contrary to the public interest because the location of the proposed improvements are in the backyard of the residence, which is not easily visible from publicly accessible locations or the surrounding properties due to the topography of the property and the location of the structure. Furthermore, the proposed alterations will occur in the wetland buffer (not the wetland) and those proposed alterations will actually improve rainwater management as the rainwater travels from the side yards, through wetland buffer zone, and to the wetland without being diverted to public land, the surrounding properties, or collecting in the patio area of the residence and causing unsightly damage to the structure. Additionally, the property owner proposes removing an invasive species of phragmites reeds and replacing those phragmites reeds with winterberry, a species of red colored holly native to eastern North America, which will be inline with the public interest.
2. 10.233.22: The spirit of the Ordinance will be observed
  - Justification: An approved conditional use permit and setback variance would satisfy a reasonable social and moral consensus the property owner is respecting the both the importance of setbacks and the protection of wetland because the property owner is not proposing a decrease in the setback that currently exists, the property owner is simply proposing moving structures away from the wetland, and the property owner is not changing how the space in the wetland buffer will be utilized.
3. 10.233.23: Substantial justice will be done
  - Justification: An approved conditional use permit and setback variance would will allow the property owner to protect the existing structure and property from additional rainwater damage, while protecting the wetland and enjoying full use of the property thereby satisfying a standard of fairness and allowing for a substantial justice to be done.
4. 10.233.24: The values of surrounding properties will not be diminished
  - Justification: An approved conditional use permit and setback variance will not diminish the values of the surrounding properties because the proposed alterations will allow the property owner to repair the damaged exterior desk and stairway, replace a damaged patio area, improve rainwater management, and remove an invasive species of phragmites reeds and replace those phragmites reeds with winterberry, a species of red colored holly native to eastern North America. The property owner believes the proposed alterations will improve the values of surrounding properties.
5. 10.233.25: Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.
  - Justification: If the provisions of the Zoning Ordinance were literally enforced, the property owner would be unable repair, improve, and protect the existing structure and property from additional rainwater damage. Consequently, the property owner would be unable to enjoy full use of the property and structure, and the property owner would be routinely burdened with expensive rainwater damage repairs which would result in unnecessary physical and financial hardship.

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## 253 Odiorne Point Road, Portsmouth, N.H.

### Specific Information Requested for Conditional Use Permit

1. Description of site and proposed construction:
  - Description of Site: The residential property and single-family structure located at 253 Odiorne Point Road in Portsmouth, New Hampshire was constructed in the year 2000 and most recently purchased in November of 2022. Per the City of Portsmouth's MapGeo mapping program view (see Exhibit #1), approximately ninety-five percent (95%) of the existing structure, the entire existing patio, the entire existing deck, and the entire existing deck stairway are within the one hundred (100) foot wetland buffer, which is the area located between the light green lines in Exhibit #1. Unfortunately, the unique location and positioning of the structure, the lack of effective drainage infrastructure, and the improper grading around the structure subjected the property to natural environmental stress that caused significant rainwater collection and which resulted in damage to the existing flagstone patio on grade, damage to the adjacent existing siding of the home, and damage to the piers of the existing deck and the existing deck stairway.
  - Proposed Construction: With the general objective of protecting the existing structure and property from additional rainwater damage; the property owner respectfully requests approval to improve the hardscape by extending two (2) existing rock walls, replacing the current damaged patio, and improving a stormwater drainage culvert. Additionally, the property owner proposes structural repairs and an extension to an existing exterior deck and a re-direction of the deck stairway. Lastly, the property owner proposes landscape improvements to improve rainwater drainage management and to remove an invasive species of phragmites reeds located in the wetland buffer and replacing those phragmites reeds with winterberry, a species of red colored holly native to eastern North America.
2. Total area of inland wetland or vernal pool (both on and off the parcel):
  - On Parcel Inland Wetland Area: Approximately one (1) acre
  - Off Parcel Inland Wetland Area: Unknown
3. Impacted Jurisdictional Area:
  - Inland Wetland Buffer
4. Distance of proposed structure or activity to the edge of wetland:
  - Minimum Distance: Approximately 20 feet
  - Maximum Distance: Approximately 155 feet
5. Total wetland area and/or wetland buffer area on the lot:
  - Wetland Area: Approximately one (1) acre
  - Wetland Buffer: Approximately 31,556 square feet
6. Total wetland area and/or wetland buffer area to be disturbed on the lot:
  - Wetland Area: No wetland areas will be disturbed
  - Wetland Buffer: Approximately 2,500 square feet will be disturbed
7. Project Representative: Ryan T. Mullen, (619) 865-3660 - rtmullen75@gmail.com

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## 253 Odiorne Point Road, Portsmouth, N.H.

### Structure - Visual Aid and Measurements Attachment

#### Proposed Structure Details

1. **Move the existing deck stairway ninety (90) degrees:** The existing deck stairway currently terminates in the patio area that is adjacent to the wetland and prone to rainwater collection, which resulted in damage to the existing deck stairway. Additionally, the existing deck stairway terminates approximately thirty (30) feet from the property line and within the forty (40) foot setback. It's proposed the existing deck stairway be moved ninety (90) degrees away from the patio area and adjacent wetland and be positioned to terminate in the side yard approximately thirty (30) from the property line, but within the forty (40) foot setback.
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