

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: November 20, 2025

Property Address: 6 Regina Road

Application #: LU-25-130

Decision: 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	This project is located in close proximity to the wetland on site. While the removal of the pool may create some temporary disturbance and sedimentation, this will be mitigated by the silt fencing.
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	There is no alternative location as this is the removal of a pool from within the wetland buffer. Overall, the removal of the pool and associated chemicals required for its upkeep could have a positive impact on the buffer and wetland health.
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets	The removal of the pool may create some temporary disturbances, but the proposed erosion controls should combat this. Overall, the removal of the pool and associated chemicals required for its upkeep could have a positive impact the functions and values of the wetland and buffer.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
4	<i>4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	Meets	No alteration to the existing vegetation is proposed. The area to be filled should receive a wetland buffer appropriate seed mix or native wetland plantings to enhance the buffer vegetation.
5	<i>5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>	Meets	This proposal is removing what could be viewed as an adverse impact, an inground pool. If chlorinated, this could have an impact to the soils and vegetation of the buffer around it. The removal of this pool is creating a positive impact for the wetland buffer.
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	The pool to be removed is outside of the 25' vegetated buffer strip.
7	<u>Other Board Findings:</u>		

September 30, 2025

Wetland Buffer- 6 Regina Rd

Dear Ms. Homet,

Thank you for your review and feedback on the updated narrative and map. As requested, please find below a description of the **Buffer Conditions/ Existing Vegetation** and **Existing Buffer Development** on the property:

Buffer Conditions/ Existing Vegetation (based on homeowner observations):

- Maintained Area: The immediate backyard consists of a mowed lawn extending from the residence toward the pool area and close to the edge of the delineated wetland.
- Area east of Pool: Along the eastern edge of the pool (long side), the vegetation is moderately dense, unmaintained, and includes naturalized plants such as groundcovers, grasses, low shrubs and perennials.
- Wetland Area: At the delineated wetland edge, the vegetation transitions to dense woody trees and shrubs, with saturated soils that include natural looking ferns and perennials.
- Invasive Species: No known invasive species have been observed at this time.

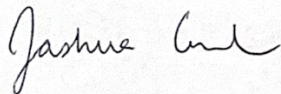
Existing Buffer Development (based on MapGeo aerial):

- 100' wetland buffer that exists on the property: approx. 25,170 s.f.
- Structure and impervious surfaces: approx. 5,000 s.f.
- Percent of developed buffer: 19.9% (5,000/25,170)

A hard copy letter will be delivered for your records.

Please let me know if any further clarification or additional detail is needed.

Sincerely,



Josh Carlson

6 Regina Rd

Portsmouth, NH 03801

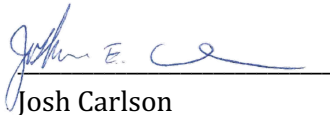
Date: September 11, 2025

To Whom It May Concern,

I, Joshua Carlson, owner of the property located at 6 Regina Road, Portsmouth, NH 03801, hereby grant permission to Creative Edge Pools & Spa and D. Brabant Excavations, located at 12 Bay Street, Suite #208, Wilmington, MA 01887, to apply for and obtain all necessary town permits on my behalf for the removal of the in-ground pool at the above address.

This authorization is effective as of the date written above and remains valid until the completion of the permitted work, or 30 days from date signed, whichever comes first.

Sincerely,


Josh Carlson

September 11, 2025

Date

6 Regina Rd

Portsmouth, NH 03801

joshuaecarlson1@gmail.com

603-860-8773

CREATIVE EDGE POOLS

September 12, 2025

To whom it may concern,

Summary of work to be completed:

Once permit is approved we will schedule demolition of the existing pool. Once we remove the existing swimming pool we will then have inspections completed if needed. After inspections we will fill in the pool with clean fill materials as well as a layer of stone for drainage and grade the area.

This will show the area of the pool clean and grades and ready for any landscaping/grass that the homeowner will do outside of our work.

If you have any questions, please feel free to call the office at 978-203-0406 or email at heather@creativeedgepools.com

Thank you,
Heather Baril



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: Creative Edge Pools Inc. Date Submitted: 9/12/2025

Application # (in City's online permitting): LU - 25-130

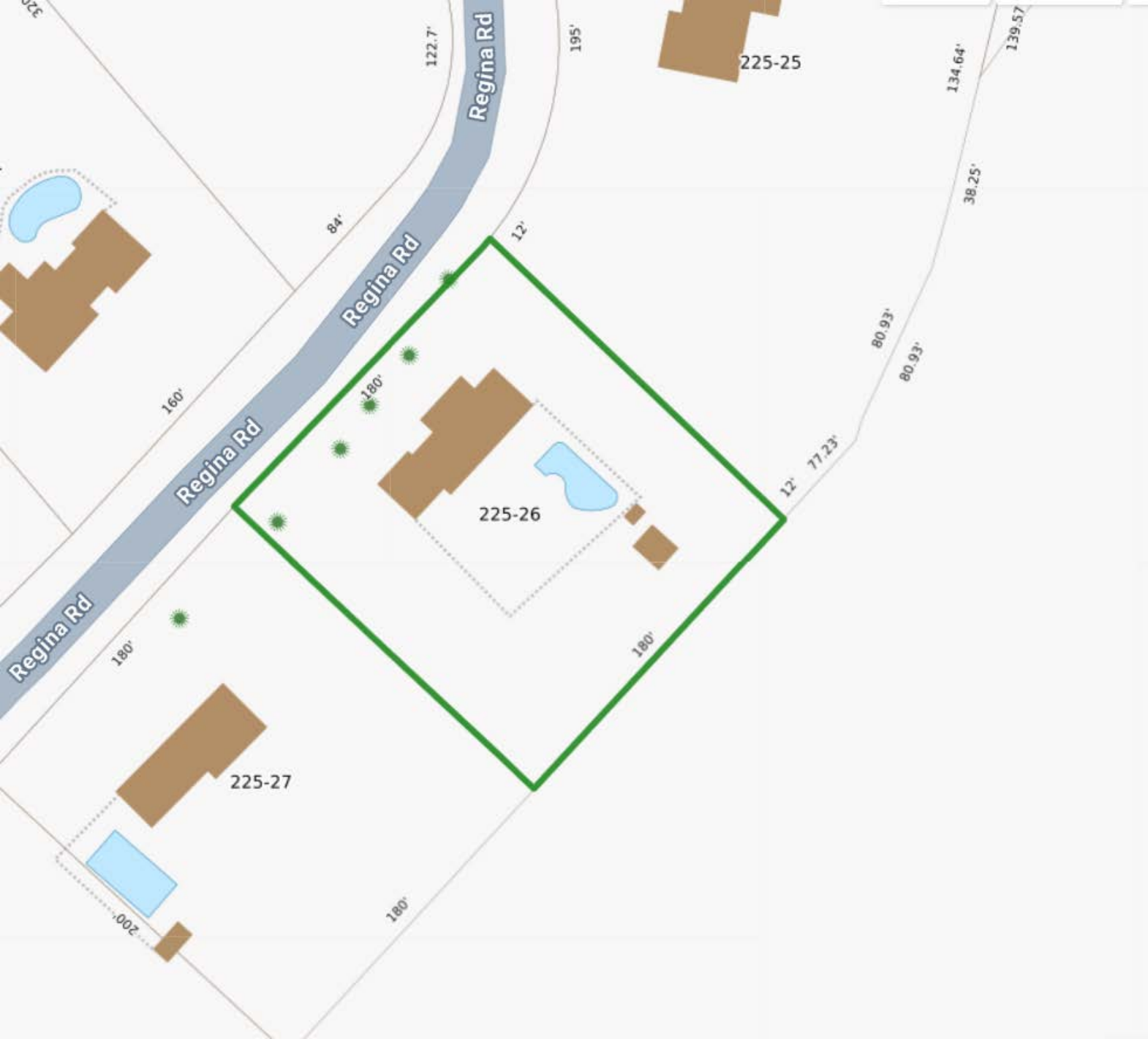
Site Address: 6 Regina Rd. Portsmouth NH Map: _____ Lot: _____

☒	Required Items for Submittal	Item Location (e.g. Page or Plan Sheet/Note #)
☐	Complete application form submitted via the City's web-based permitting program	
☐	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.	

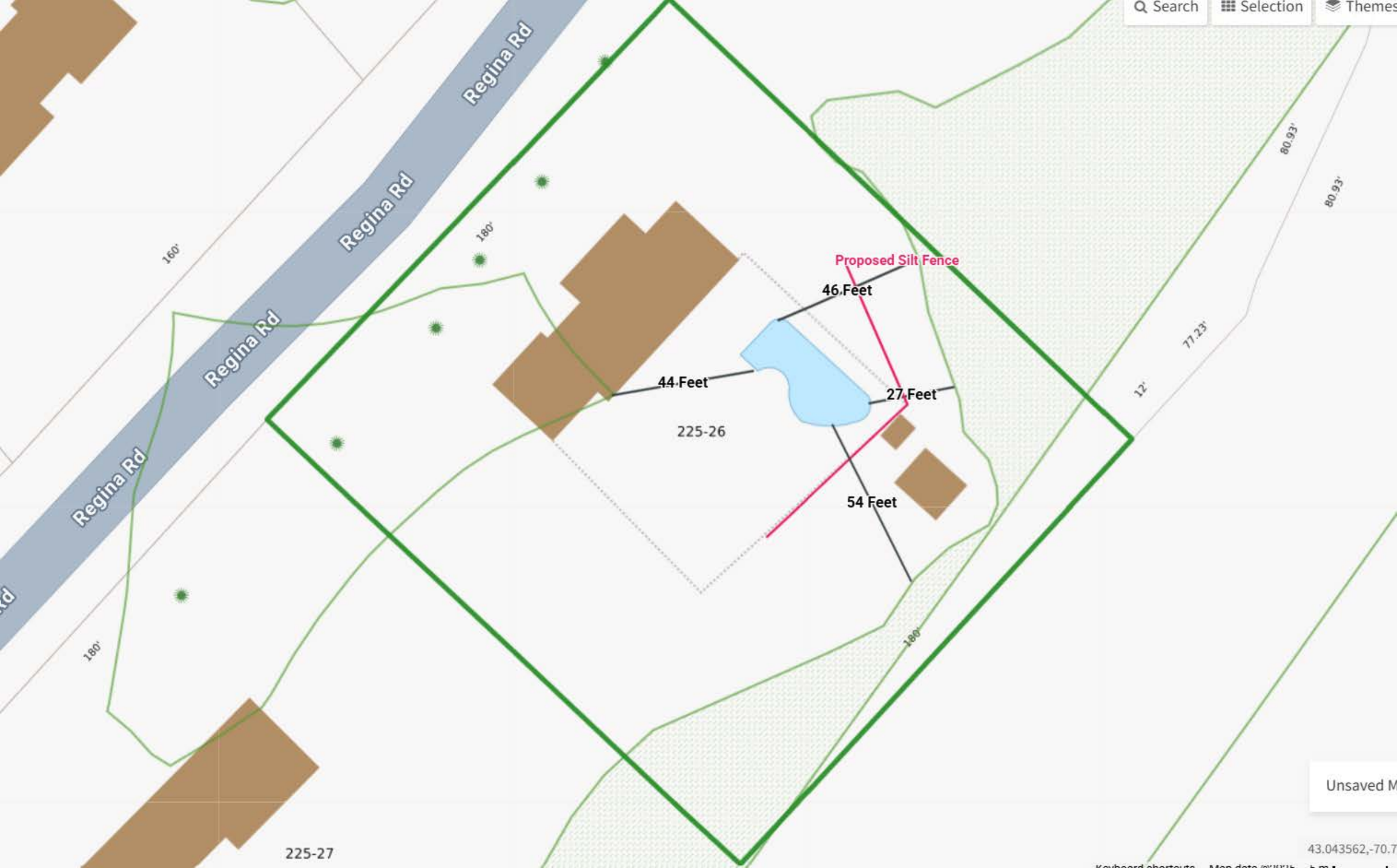
☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
☐	Basic property and wetland resource information. (10.1017.21)	
☐	Additional information required for projects proposing greater than 250 square feet of permanent or temporary impacts. (10.1017.22)	
☐	Demonstrate impacts 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)	
☐	Balance impervious surface impacts with removal and/or wetland buffer enhancement plan. (10.1017.24)	

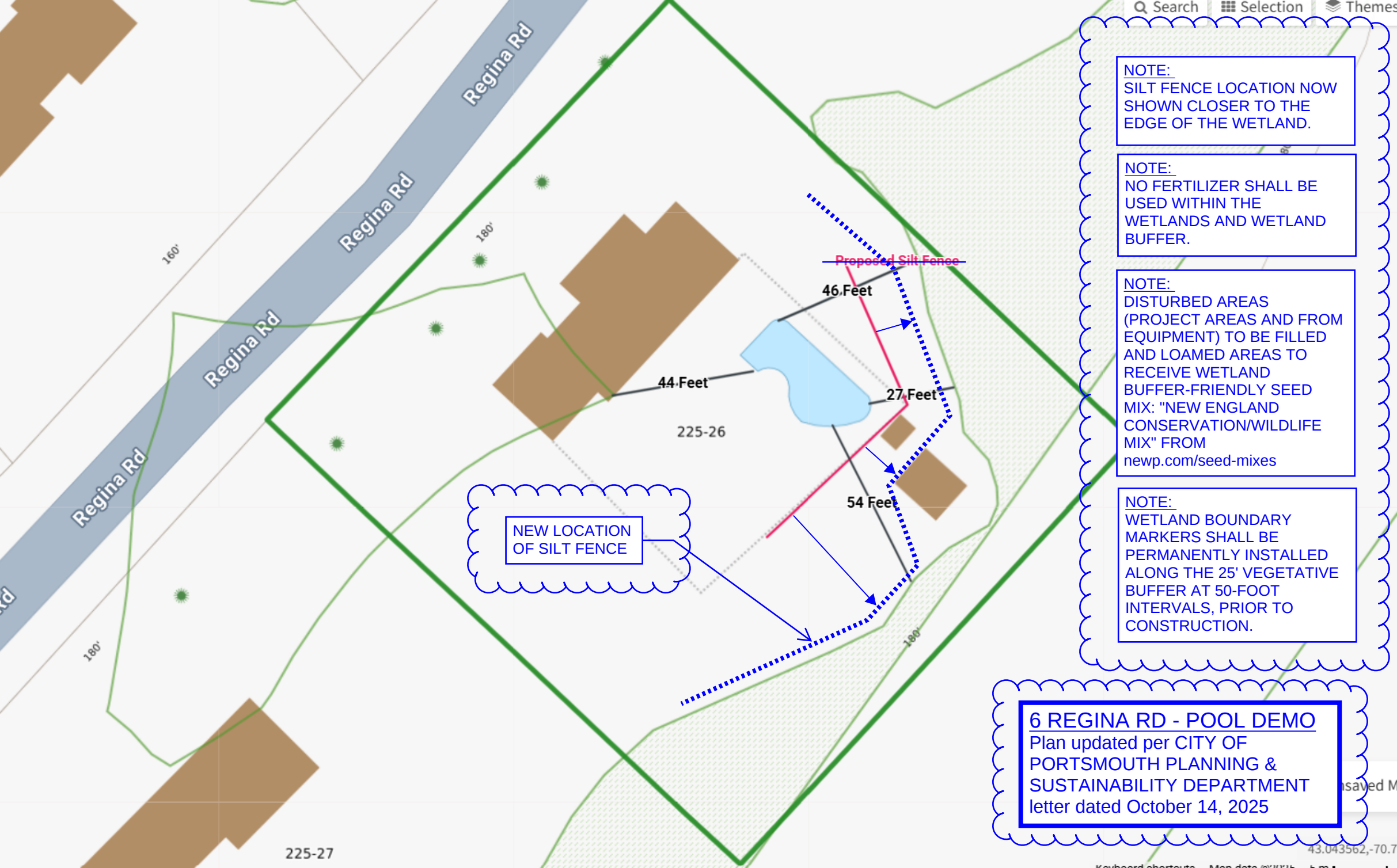
☒	Required Items for Submittal	Item Location (e.g. Page/line or Plan Sheet/Note #)
☐	Wetland buffer enhancement plan. (10.1017.25)	
☐	Living shoreline strategy provided for tidal wetland and/or tidal buffer impacts. (10.1017.26)	
☐	Stormwater management must be in accordance with Best Management Practices including but not limited to: 1. <i>New Hampshire Stormwater Manual, NHDES, current version.</i> 2. <i>Best Management Practices to Control Non-point Source Pollution: A Guide for Citizens and City Officials, NHDES, January 2004.</i> (10.1018.10)	
☐	Vegetated Buffer Strip slope of greater than or equal to 10%. (10.1018.22)	
☐	Removal or cutting of vegetation, use of fertilizers, pesticides and herbicides. (10.1018.23/10.1018.24/10.1018.25)	
☐	All new pavement within a wetland buffer shall be porous pavement. (10.1018.31)	
☐	An application that proposes porous pavement in a wetland buffer shall include a pavement maintenance plan. (10.1018.32)	
☐	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)	
☒	Requested Items for Submittal	Item Location (e.g. Page or Plan Sheet/Note #)
☐	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.	
☐	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: _____









NOTE:
SILT FENCE LOCATION NOW SHOWN CLOSER TO THE EDGE OF THE WETLAND.

NOTE:
NO FERTILIZER SHALL BE USED WITHIN THE WETLANDS AND WETLAND BUFFER.

NOTE:
DISTURBED AREAS (PROJECT AREAS AND FROM EQUIPMENT) TO BE FILLED AND LOAMED AREAS TO RECEIVE WETLAND BUFFER-FRIENDLY SEED MIX: "NEW ENGLAND CONSERVATION/WILDLIFE MIX" FROM newp.com/seed-mixes

NOTE:
WETLAND BOUNDARY MARKERS SHALL BE PERMANENTLY INSTALLED ALONG THE 25' VEGETATIVE BUFFER AT 50-FOOT INTERVALS, PRIOR TO CONSTRUCTION.

NEW LOCATION OF SILT FENCE

6 REGINA RD - POOL DEMO
Plan updated per CITY OF PORTSMOUTH PLANNING & SUSTAINABILITY DEPARTMENT letter dated October 14, 2025







