

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: August 21, 2025

Property Address: 137 Walker Bungalow

Application #: LU-25-81

Decision: ☐ Approve ☐ Deny ☐ Approve with Conditions

Findings of Fact:

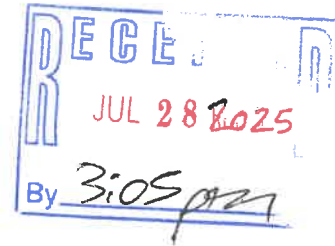
Per RSA 676:3, I: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. 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 Does Not Meet	The property previously had the same size deck in place. The impact from the new deck will be from the soil disturbance created to rebuild the deck and pour new footings.
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 egress already existed within this location of the home and stairs or a deck were needed to access the doorway. This location is reasonable as there was a deck here and the new deck will be the same size.
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 applicant is proposing to help offset impacts from the new build with crushed stone placed below the deck and plantings within the yard to increase the vegetation within the 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 Does Not Meet	This project was rebuilt in an already disturbed area and the applicant is proposing the installation of new plantings to bolster the vegetative state of the buffer.
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 Does Not Meet	This rebuild appears to be almost entirely within the existing impacted area where the previous deck was located. Impacts to the wetland resource were offset with the removal of the existing sump pump drainage and removal of the septic system as noted by the applicant. In addition, the introduction of new plantings will help to offset impacts and the crushed stone placement should slow stormwater that is entering 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 Does Not Meet	This project proposes no impact to the 50' vegetated buffer strip. Applicant proposes new plantings within this area.
7	<u>Other Board Findings:</u>		

June 18th 2025



Planning Department
Conservation Commission
1 Junkins Ave
Portsmouth NH 03801

Richard Chellman,

We are proposing a replacement deck at the location of 137 Walker Bungalow Road, Portsmouth NH. The new deck will be the same size (12' X 6') as the deck we plan to replace. The proposed deck is approximately 90 feet from two different vernal pools. The work will be completed by the homeowner. The deck is roughly four feet off the ground and is needed to exit the back of the house through a sliding glass door. The deck was structurally compromised and needed to be replaced. 4" of crushed stone will be placed under the deck.

We will plant 5 Highland blueberry bushes in order to re-naturalize the corner of the yard, and any area between the plants and the wetland will be within the 'no mow' area as we agreed upon in the meeting and is reflected in the plans. We'll also place two signs between the bushes to signal the beginning of the no mow, protected area as signified in the plan as well.

We feel we have substantially improved the health and ecosystem of the connected vernal pools by eliminating a failed septic system and connecting to the new sewer system. We also stopped the washing machine from pumping into the sump pump and discharging to the back yard.

Eric Leibundgut
137 Walker Bungalow Road
Portsmouth NH 03801

The Deck will have 4" of crushed stone (.75"-1") allowing rainwater to perforate into the soil underneath

Building Layout

