



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

December 21, 2022

Jason & Kristen Britt
29 Versailles Avenue
Portsmouth, New Hampshire 03801

RE: Conditional Use Permit and Garden Cottage (ADU) for property located at 29 Versailles Avenue (LU-22-200)

Dear Property Owners:

The Planning Board, at its regularly scheduled meeting of December 15, 2022, considered your application for Conditional Use Permit approval as permitted under Section 10.815 of the Zoning Ordinance to create a Garden Cottage (Accessory Dwelling Unit). Said property is shown on Assessor Map 222 Lot 61 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted 1) to find that the Conditional Use Permit application meets the criteria set forth in Section 10.815.40 and to adopt the findings of fact as presented; and 1) to **grant** the conditional use permit with the following **condition**:

In accordance with [Sec. 10.814.70] of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of [Sec. 10.814], including the owner-occupancy requirement, and shall renew the certificate of use annually. The carport may not be enclosed without providing new direct egress for the unit.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work. All stipulations of approval must be completed prior to issuance of a building permit unless otherwise indicated above. **Prior to issuance of a building permit, this letter of decision shall be recorded at the Rockingham Registry of Deeds.**

A certificate of use issued by the Planning Department is required to verify compliance with the standards of the approval, including the owner-occupancy and principal residence requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department and is required to be renewed annually.

This approval shall expire unless a building permit is obtained within a period of one year from the date granted, unless otherwise stated in the conditions of approval. The Planning Board may, for good cause shown, extend such period by as much as one year if such extension is requested and acted upon prior to the expiration.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is stylized and cursive, with a long horizontal line extending to the right.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

Findings of Fact | Accessory Dwelling Unit

City of Portsmouth Planning Board

Date: 12-15-2022

Property Address: 29 Versailles

Application #: LU-22-200

Decision: **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.

Zoning Ordinance 10.815.40 Before granting a conditional use permit for a garden cottage, the Planning Board shall make the following findings:

	Section 10.815.40	Finding (Meets Requirement/ Criteria)	Supporting Information
1	10.815.41 Exterior design of the garden cottage is consistent with the existing single-family dwelling on the lot.	Meets	The current garage/proposed Garden Cottage is constructed with the same (or similar) clapboard siding. Trim details correspond to the primary structure. The roof pitch is similar to the primary structure.
2	10.815.42 The site plan provides adequate and appropriate open space, landscaping, and off-street parking for both the garden cottage and the primary dwelling.	Meets	General Residence A requires a minimum of 30% open space. Development on the site provides a lot coverage of about 2,374 SF (excluding the driveway. The total lot is 14,810 SF resulting in 16% development and significant remaining open space. The lot is landscaped with a combination of maintained shrubs and trees.
3	10.815.43 The garden cottage will maintain a compatible relationship to adjacent properties in terms of location and design, and will not significantly reduce the privacy of adjacent properties.	Meets	The proposed Garden Cottage is approximately 41 feet from the nearest neighbor to the east and is located within the rear setback. Approximately 58 feet from the nearest neighbor to the south and approximately 129 feet from the nearest neighbor to the north. The property is separated from the neighbor to the west by Versailles

	Section 10.815.40	Finding (Meets Requirement/ Criteria)	Supporting Information
			Avenue. There is a 75 foot driveway that can accommodate three cars off-site. Vehicles, however, would have to stack.
4	10.815.44 The garden cottage will not result in excessive noise, traffic or parking congestion.	Meets	The applicant is proposing one new accessory dwelling unit for a resident currently residing on site.
5	Other Board Findings:		



CITY OF PORTSMOUTH

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Hampshire 03801
(603) 610-7216

PLANNING BOARD

December 21, 2022

Port Harbor Land, LLC
1000 Market Street, Building One
Portsmouth, New Hampshire 03801

RE: Lot Line Revision for property Located at 2 Russell Street (LU-22-111)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, December 15, 2022, considered your application for Lot Line Revision Approval to adjust the boundary lines on three lots to create one lot with 18,237 square feet (0.418 acres) of lot area, one lot with 52,651 square feet (1.209 acres) of lot area, and one lot with 19,141 square feet (0.429 acres) of lot area. Said property is shown on Assessor Map 118 Lot 28, Map 124 Lot 12, and Map 125 Lot 21 and lies within the Character District 5 (CD5), North End Incentive Overlay District, Historic District, and the Downtown Overlay District. As a result of said consideration, the Board voted 1) to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented; and 2) to **grant** subdivision approval with the following **conditions**:

- 2.1) *The subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.2) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- 2.3) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

All conditions of subdivision approval, including recording of the plat as required by the Planning Department, shall be completed within six (6) months of the date of approval, unless an extension is granted by the Planning Director or the Planning Board in accordance with Section III.E of the Subdivision Rules and Regulations. If all conditions have not been completed within the required time period, the Planning Board's approval shall be deemed null and void.

This subdivision approval is not final until the Planning Director has certified that the applicant has complied with the conditions of approval imposed by the Planning Board.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rick Chellman, Chairman of the Planning Board

cc: Rosann Maurice-Lentz, City Assessor

Patrick Crimmins, Tighe & Bond
Ryan Plummer, Two International Group

Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: 12-15-2022

Property Address: 2 Russell

Application #: LU-22-111

Decision: **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.

	Subdivision Review Criteria	Finding (Meets/Does Not Meet Criteria)	Supporting Information
1	Subdivision Rules and Regulations III. D. 1 The Board shall act to deny any application which is not in compliance with Section IV or V as appropriate. SECTION IV - REQUIREMENTS FOR PRELIMINARY PLAT	Meets	The application has been reviewed by the Technical Advisory Committee for conformance with these minimum requirements. The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting.
2	SECTION V - REQUIREMENTS FOR FINAL PLAT	Meets	The application has been reviewed by the Technical Advisory Committee for conformance with these minimum requirements. The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting.
3	SECTION VI - GENERAL REQUIREMENTS	Meets	The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements. <ul style="list-style-type: none"> The TAC reviewed the street, drainage, and utility layout for conformance with city requirements. A Traffic Impact Study and Drainage Analysis have been prepared by a

	Subdivision Review Criteria	Finding (Meets/Does Not Meet Criteria)	Supporting Information
			<p>professional engineer and reviewed by a third party professionals. Comments have been addressed.</p> <ul style="list-style-type: none"> The site will be served by city water and sewer. The applicant has proposed utility, drainage, and access easements to ensure that all lots are adequately served <p>The application was recommended for approval on November 1, 2022 at the Technical Advisory Committee Meeting.</p>
4	SECTION VII - DESIGN STANDARDS	Meets	<p>The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with these minimum requirements.</p> <ul style="list-style-type: none"> The TAC reviewed the street, drainage, and utility details for conformance with city design requirements. The TAC reviewed and provided comments to ensure compliance with the Manual on Uniform Traffic Control Devices, ITE (speed humps) and NHDOT standards (street lights). <p>The application was recommended for approval on November 1, 2022 at the Technical Advisory Committee Meeting.</p>
5	Other Board Findings		



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PLANNING BOARD

December 21, 2022

Port Harbor Land, LLC
1000 Market Street, Building One
Portsmouth, New Hampshire 03801

RE: Site Plan, Parking CUP and Maximum Building Footprint CUP for property Located at 2 Russell Street (LU-22-111)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, December 15, 2022**, considered your application for Site Plan Approval for the construction of 80 residential units, commercial space, and parking in three buildings with associated community space, paving, utilizes, landscaping, and other site improvements including three proposed land transfers to allow for the realignment of the Russell Street & Deer Street intersection and for the City's future construction of a roundabout at Russell Street and Market Street (Land transfer area 1 is proposed from Map 119 Lot 4 to the City of Portsmouth. Land transfer areas 2 and 3 are from Map 119 Lot 1-1C to the City of Portsmouth); Conditional Use Permit Approval to provide 334 parking spaces on separate lots where 334 spaces are required as permitted under Section 10.1112.62 of the Zoning Ordinance; and Conditional Use Permit Approval to allow a 40,000 square foot building footprint within the CD5 as permitted under 10.5A43.43 of the Zoning Ordinance Said property is shown on Assessor Map 118 Lot 28, Map 124 Lot 12, Map 125 Lot 21, Map 119 Lot 4, and Map 119 Lot 1-1C and lies within the Character District 5 (CD5), North End Incentive Overlay District, Historic District, and the Downtown Overlay District. As a result of said consideration, the Board voted 1) to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as amended; and 2.) to **grant** Site Plan Approval with the following **conditions**:

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

- 2.1) *Proposed tree grates, planting details, and planting species will be require approval from the Trees and Greenery Committee.*
- 2.2) *Proposed changes to on-street parking will require approval from Parking and Traffic Safety Committee and the City Council.*
- 2.3) *Applicant will copy the City of Portsmouth DPW on all related correspondence because this infrastructure lies within the City's right-of-way and can affect traffic operations at the adjacent municipal intersections.*
- 2.4) *The location of the proposed sign cluster at the northerly end of the rear access aisle will need to be coordinated with the ultimate location of the Green Street sidewalk / railroad crossing treatment.*
- 2.5) *Fair share contribution for the roundabout at Market Street and Russell Street.*
- 2.6) *"No public parking" sign at garage entrance from backside (show on plans).*

- 2.7) *An easement will be needed across map 119, map 4 for the construction of the intersection improvements.*
- 2.8) *The site plan, and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.9) *The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.*
- 2.10) *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*
- 2.11) *Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>*
- 2.12) *Develop a delivery and loading plan to and from the development for Parking, Traffic and Safety review and approval.*

Prior to the issuance of a Certificate of Occupancy or release of the bond:

- 2.13) *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.*
- 2.14) *A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*

RE: Conditional Use Permit – 10.1112.62 Shared Parking

1) The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.62 and to adopt the findings of fact as presented; and 2) to find that the number of off-street parking spaces provided will be adequate and appropriate for the proposed use of the property and to **grant** the conditional use permit as presented with the following **condition**:

2.1) *The shared parking arrangement shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.*

RE: Conditional Use Permit – 10.5A43.43 Maximum Building Footprint

1) The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.5A43.43 and to adopt the findings of fact as presented; and 2) to **grant** the conditional use permit to allow a building footprint up to 40,000 SF within the CD5 as permitted under 10.5A43.43.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan review agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

The Planning Director must certify that all outstanding conditions of approval have been completed prior to issuance of a building permit unless otherwise indicated above.

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

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Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

Peter H. Rice, Director of Public Works

Patrick Crimmins, Tighe & Bond
Ryan Plummer, Two International Group

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: 12-15-2022

Property Address: 2 Russell

Application #: LU-22-111

Decision: **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.

Site Plan Regulations Section 2.9 Evaluation Criteria - in order to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
1	Compliance with all City Ordinances and Codes and these regulations. <u>Applicable standards:</u>	Meets	<u>Applicable standards:</u> The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting.
2	Provision for the safe development, change or expansion of use of the site.	Meets	The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
3	Adequate erosion control and stormwater management practices and other mitigative measures, if needed, to prevent adverse effects on downstream water quality and flooding of the property or that of another.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> • TAC reviewed the erosion control and stormwater management practices and other mitigative measures for conformance with City design requirements. • A full drainage analysis report was submitted that included analysis of the predevelopment and post development drainage conditions. • Erosion control and stormwater management practices were reviewed by a third party engineer for conformance with City design requirements. <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting.</p>
4	Adequate protection for the quality of groundwater.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> • TAC reviewed stormwater management practices for conformance with City design requirements for the protection of the quality of groundwater. • A full drainage analysis report was submitted that included analysis of the predevelopment and post development drainage conditions. • Stormwater management practices were reviewed by a third party engineer for conformance with City design requirements. <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>
5	Adequate and reliable water supply sources.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> • TAC reviewed the water service design for conformance with City

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
			<p>design requirements.</p> <ul style="list-style-type: none"> The site will be served by city water. <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> TAC reviewed sewage disposal facilities, lines, and connections for conformance with City design requirements. The site will be served by municipal sewer. <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>
7	Absence of undesirable and preventable elements of pollution such as smoke, soot, particulates, odor, wastewater, stormwater, sedimentation or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>
8	Adequate provision for fire safety, prevention and control.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations for fire safety, prevention and control.</p> <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> There are no on-site wetlands, and no part of the development area is within a wetland buffer.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
			The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting
10	Adequate protection of historical features on the site.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> • There are no on-site historical features. <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>
11	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> • TAC reviewed the management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion. for conformance with City design requirements. • A full traffic impact study was submitted that included analysis of the no-build and build conditions. • The traffic impact study was reviewed by a third party engineer for conformance with City design requirements. <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting.</p>
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> • TAC reviewed the management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion. for conformance with City design requirements. • A full traffic impact study was submitted that included analysis of

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
			<p>the no-build and build conditions.</p> <ul style="list-style-type: none"> The traffic impact study was reviewed by a third party engineer for conformance with City design requirements. <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting.</p>
13	Adequate insulation from external noise sources.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>
14	Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> TAC reviewed that police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project. Project will not utilize municipal solid waste disposal. <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> TAC reviewed the realignment of roadway intersection has created usable and functional open space. Multiple community space areas are part of design plan <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>
16	Adequate layout and coordination of on-site	Meets	<p>The application has been reviewed by the Technical Advisory Committee for</p>

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
	accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.		conformance with the minimum requirements of the Site Plan Regulations. <ul style="list-style-type: none"> TAC reviewed the layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks. The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting
17	Demonstration that the land indicated on plans submitted with the application shall be of such character that it can be used for building purposes without danger to health.	Meets	The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets	The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. <ul style="list-style-type: none"> TAC reviewed the quantities, type or arrangement of landscaping and open space. The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting
19	Compliance with applicable City approved design standards.	Meets	The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting
Other Board Findings:			

Findings of Fact | Parking Conditional Use Permit

City of Portsmouth Planning Board

Date: November 15, 2022

Property Address: 2 Russell Street

Application #: LU-22-111

Decision: **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.

Parking Conditional Use Permit

10.1112.14 The Planning Board may grant a conditional use permit to allow a building or use to provide less than the minimum number of off-street parking spaces required by Section 10.1112.30, Section 10.1112.61, or Section 10.1115.20, as applicable, or to exceed the maximum number of off-street parking spaces allowed by Section 10.1112.51.

	Parking Conditional Use Permit 10.1112.62 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information (provided by applicant)
1	10.1112.61 Developments that contain a mix of uses on the same parcel shall reduce the number of off-street parking spaces in accordance with the methodology in Section 10.1112.61 (1-3)	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> The project meets the city's parking requirements by sharing parking between the three (3) proposed redevelopment parcels and the existing Sheraton Hotel and Deer Street condos The project is providing a total of 334 proposed parking spaces where 334 spaces are required. <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>
2	Shared parking arrangement shall be secured by a	Meets	The application has been reviewed by the Technical Advisory Committee for

	Parking Conditional Use Permit 10.1112.62 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information (provided by applicant)
	covenant acceptable to the City and recorded in the Rockingham County Registry of Deeds		<p>conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> The shared parking arrangement shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds. The applicant understands that should the Planning Board grant the shared parking CUP, as a condition of approval the applicant will be required to record the agreement. <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>

Findings of Fact | Maximum Building Footprint Conditional Use Permit

City of Portsmouth Planning Board

Date: December 15, 2022

Property Address: 2 Russell Street

Application #: LU-22-111

Decision: **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.

Maximum Building Footprint Conditional Use Permit

10.5A43.43 For a building that contains ground floor parking, a parking garage or underground parking levels, and is not subject to Section 10.5A43.42, the Planning Board may grant a conditional use permit to allow a building footprint of up to 30,000 sq. ft. in the CD4 or CD4-W districts, and up to 40,000 sq. ft. in the CD5 district, if all of the following criteria are met:

	Parking Conditional Use Permit 10.5A43.43 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information (provided by the applicant)
1	No story above the ground floor parking shall be greater than 20,000 sq. ft. in the CD4 or CD4-W districts or 30,000 sq. ft. in the CD5 district.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> The site is located within the CD5 district. The footprint of the building stories above the ground floor are 29,810 SF. <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>
2	All ground floor parking areas shall be separated from any public or private street by a liner building.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> The ground floor parking areas are

	Parking Conditional Use Permit 10.5A43.43 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information (provided by the applicant)
			<p>separated from the public street by a liner building.</p> <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>
3	(c) At least 50% of the gross floor area of the ground floor shall be dedicated to parking.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> The total gross floor area of the ground floor dedicated to parking is 64.2%. <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>
4	(d) At least 30% of the property shall be assigned and improved as community space. Such community space shall count toward the required open space listed under Figures 10.5A41.10A-D (Development Standards) and community space required under Section 10.5A46.20. The size, location and type of the community space shall be determined by the Planning Board based on the size and location of the development, and the proposed and adjacent uses.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> The proposed lot area for Map 118, Lot 28 and Map 119 Lot 4 is 57,967 SF which requires 17,391 SF of community space to meet the 30% requirement. Proposed community space areas on Map 118, Lot 28 and Map 119 Lot 4 totals 23,446 SF or 40.4%. See Community Space Exhibit. <p>The application was recommended as complete at the November 1, 2022 Technical Advisory Committee meeting</p>
5	(e) The development shall comply with all applicable standards of the ordinance and the City's land use regulations.	Meets	<p>The development has been reviewed by the Technical Advisory Committee for conformance with applicable standards of the ordinance and the City's land use regulations and has been recommended for approval.</p>
5	Other Board Findings:		



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

December 21, 2022

Tom Balon
EIGHTKPH LLC
233 Vaughan Street
Portsmouth, New Hampshire 03801

RE: Site Plan Approval for property located at 161 Deer Street (LU-22-173)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, December 15, 2022**, considered your application for Site Plan Review approval for the construction of a four (4) story building to include a penthouse, commercial space, 19 dwelling units, and associated site improvements. Said property is shown on Assessor Map 125 Lot 17-3 and lies within the Character District 5 (CD5), Downtown Overlay, North End Incentive, and Historic Districts.

As a result of said consideration, the Board voted 1) to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as amended; to **grant** Site Plan Approval with the following **conditions**:

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

- 2.1) Applicant will update street lighting circuit to originate from a streetlight or street light pull box for Department of Public Works review and approval.
- 2.2) Applicant will make a \$50,000 contribution to the Maplewood Avenue corridor video detection signal system.
- 2.3) Proposed easement to Eversource must be expanded to include area over conduit crossing map 125, lot 17-2
- 2.4) Provide detail sheet on pedestrian/vehicle warning sign/device at garage entrance.
- 2.5) The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.
- 2.6) The applicant shall prepare a Construction Management and Mitigation Plan (CMMP) for review and approval by the City's Legal and Planning Departments.
- 2.7) The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.
- 2.8) Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>
- 2.9) Dark sky compliant lighting shall be installed along the entrance side of the building.
- 2.10) Applicant shall maximize the size of the delivery space.

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a certificate of occupancy and release of the surety:

- 2.11) Install new pull box on each side of conduit crossing Deer Street for street lights.
2.12) The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance.
2.13) A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan review agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

The Planning Director must certify that all outstanding conditions of approval have been completed prior to issuance of a building permit unless otherwise indicated above.

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,



Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

Peter H. Rice, Director of Public Works

John Chagnon, Ambit Engineering
Carla Goodknight, AIA, CJ Architects

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: 12-15-2022

Property Address: 70 Maplewood (161 Deer Street)

Application #: LU-22-173

Decision: **Approve with Conditions**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now read 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 all conditions necessary to obtain final approval.

Site Plan Regulations Section 2.9 Evaluation Criteria - in order to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information (Provided by applicant)
1	Compliance with all City Ordinances and Codes and these regulations. <u>Applicable standards:</u>	Meets	<u>Applicable standards:</u> No Variances Required. Project complies with all Ordinance requirements including parking; see Sheet C3 Table. Community space allows resulting height of Penthouse.
2	Provision for the safe development, change or expansion of use of the site.	Meets	Developer also owns the adjacent parcel (Lot 4) which will facilitate construction crane and truck deliveries to minimize the traffic burden. TAC reviewed traffic and safety. Plans show all utility and drainage connections.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information (Provided by applicant)
3	Adequate erosion control and stormwater management practices and other mitigative measures, if needed, to prevent adverse effects on downstream water quality and flooding of the property or that of another.	Meets	A complete drainage analysis has been prepared by a professional engineer and reviewed by staff. R-tank storage to minimize storm water peak discharge (Sheet C6 / D4) and – Stormwater Roof Drain treatment (Sheet D5). Erosion controls during construction as necessary (D1). Building has been designed to minimize excavation depth. Footing pilings to bedrock to minimize effects of future City excavation in the Sewer right of way.
4	Adequate protection for the quality of groundwater.	Meets	Roof drains are filtered. Other runoff is captured in city collection system. No groundwater withdrawal (water supply is city). No nearby production wells.
5	Adequate and reliable water supply sources.	Meets	Water supply is Public -City. Supply confirmed by TAC review. All plumbing fixtures will be low /water conserving.
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets	Sewer connection is Public - City. Connection(s) reviewed by TAC.
7	Absence of undesirable and preventable elements of pollution such as smoke, soot, particulates, odor, wastewater, stormwater, sedimentation or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties.	Meets	Property will not have any fuel consuming devises. No Natural Gas, No Home Heating Oil. Provisions for electric vehicle charging for all Units, Commercial and Residential. All appliances are Electric (induction cooktops). Hot water is Hybrid Electric. All air exchange via energy recovery ventilators. Filtered dryer vents are the only other exhaust points.
8	Adequate provision for fire safety, prevention and control.	Meets	Full wet sprinkler system, Type IIb construction. Battery backup for regenerative traction elevator and parking ventilation with Solar on roof.
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	Urban site, no wetlands or buffers. All excavation materials will be environmentally tested prior to removal from site.
10	Adequate protection of historical features on the site.	Meets	No Historical features present. Existing building is non-contributing.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information (Provided by applicant)
11	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.	Meets	Underground parking entrance has been placed between lots 4 and 5 giving both stacking and staging capacity off street and minimize traffic congestion on Deer Street. Adequate parking provided for the use.
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	See traffic report and supplemental examination of reduced impact for this smaller 19-unit building.
13	Adequate insulation from external noise sources.	Meets	Steel and concrete building with Brick façade, Commercial Grade Kolby Ultra high STC windows. Sound attenuating, fireproof, rock wool insulation. Additional "Acoustiblock.com" internal rubber wall material on the railroad facing facade.
14	Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project.	Meets	Trash collection will be privately contracted. TAC Review included Fire and Police Departments. All concerns addressed in design.
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	Dedicated Open Space including 12' wide sidewalks to facilitate trees, sidewalk use, and street activation. Pocket-park community space recreational area.
16	Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.	Meets	Pocket-park community space connected to both Deer and Maplewood sidewalks. ADA accessibility on both ends. Exterior and interior bike racks. Wide sidewalks.
17	Demonstration that the land indicated on plans submitted with the application shall be of such character that it can be used for building purposes without danger to health.	Meets	Land is suitable for the intended purpose, Approved Subdivision Lot. Currently used as an urban building site. Plans follow ordinance and guidelines; see TAC approval.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information (Provided by applicant)
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets	Multiple street trees, with expanded root volumes for tree health; vertical visual and noise buffer. Building distance from Rail conforms to code. Wide sidewalks. Conformance to code heights.
19	Compliance with applicable City approved design standards.	Meets	See HDC approval. Building apparent height reduced by design of 4-story building w/ Penthouse set back in lieu of a 5-story building allowed. Historic inspiration drawn from the railroad. Providing the parking required by the Ordinance.
	Other Board Findings:		



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

December 21, 2022

Seaport Realty LLC
76 Exeter Road
Newmarket, New Hampshire 03857

RE: Site Plan Approval for property located at 85 Daniel Street (LU-22-75)

Dear Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, December 15, 2022**, considered your application for Site Plan Approval to add a two-story rear addition and convert the existing structure into a four unit building consisting of 4 apartments with associated stormwater, utility and site improvements Said property is shown on Assessor Map 107, Lot 8 and lies within the Character District 4 (CD4) and Historic Districts. As a result of said consideration, the Board voted 1) to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented; and 2.) to **grant** Site Plan Approval with the following **conditions**:

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

2.1) *The site plan, and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan review agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

The Planning Director must certify that all outstanding conditions of approval have been completed prior to issuance of a building permit unless otherwise indicated above.

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the

Planning Board in accordance with Section 2.14 of the Site Review Regulations.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

Peter H. Rice, Director of Public Works

Richard Desjardins, AIA, McHenry Architecture
Alex Ross, Ross Engineering
Christopher Mulligan, Bosen & Associates, PLLC

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: 12/15/2022

Property Address: 85 Daniel Street

Application #: LU-22-75

Decision: **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.

Site Plan Regulations Section 2.9 Evaluation Criteria - in order to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information (provided by the applicant)
1	Compliance with all City Ordinances and Codes and these regulations. <u>Applicable standards:</u>	Meets	<u>Applicable standards:</u> <ul style="list-style-type: none"> - Project complies with the City of Portsmouth Zoning Ordinance, - Project will abide by all requirements from the IBC and NFPA per discussions with the City Building Inspector and Fire Chief through TAC
2	Provision for the safe development, change or expansion of use of the site.	Meets	TAC reviewed traffic and safety; no issues. Plans show all utility and drainage connections.
3	Adequate erosion control and stormwater management practices and other mitigative measures, if needed, to prevent adverse effects on downstream water quality and flooding of the property or that of another.	Meets	Site Plan (Sheet 2) and Notes (Sheet 3), project site is currently 73.0% impervious and have been decreased to 69% impervious, pervious pavers are located at two surface parking spaces
4	Adequate protection for the quality of groundwater.	Meets	Site Plan (Sheet 2) and Notes (Sheet 3), pervious pavers are located at the two

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Crit eria)	Supporting Information (provided by the applicant)
			surface parking spaces
5	Adequate and reliable water supply sources.	Meets	Site Plan (Sheet 2) and Notes (Sheet 3), Connecting to existing City water, reviewed by TAC
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets	Site Plan (Sheet 2) and Notes (Sheet 3), Connecting to existing City sewer, reviewed by TAC
7	Absence of undesirable and preventable elements of pollution such as smoke, soot, particulates, odor, wastewater, stormwater, sedimentation or any other discharge into the environment which might prove harmful to persons, structures, or adjacent properties.	Meets	Site Plan (Sheet 2) and Notes (Sheet 3), means of heating has not been decided will be properly exhausted per code, mini-split condensers will provide cooling with potential heating, two natural gas fire places will be properly exhausted per code vertically at the two chimneys
8	Adequate provision for fire safety, prevention and control.	Meets	Project will abide by all requirements from the IBC and NFPA per discussions with the City Building Inspector and Fire Chief through TAC, sprinkler system will be installed
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	N/A – urban site, all excavation materials will be environmentally tested prior to removal from site.
10	Adequate protection of historical features on the site.	Meets	Project has received a Historic District Commission Approval where these features have been addressed
11	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.	Meets	Proposed residential use is less intense than existing mixed-use, parking is accessed from rear dead-end street, parking meets zoning requirements for 4 units
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	Proposed residential use is less intense than existing mixed-use, parking is accessed from rear dead-end street, parking meets zoning requirements for 4 units
13	Adequate insulation from external noise sources.	Meets	Project will be provided with exterior wall insulation to meet code standards, windows are being replaced to have higher acoustic qualities (approved by HDC)

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information (provided by the applicant)
14	Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project.	Meets	Site Plan (Sheet 2) and Notes (Sheet 3), Project has been through TAC where all TAC Board Members concerns have been addressed.
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	See Plans (A-1 – A-3), two 3' side yard setbacks remain where 0' is the minimum, top floor units are provided with deck space
16	Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.	Meets	Site Plan (Sheet 2), there are no changes to the existing sidewalk/Daniel Street side
17	Demonstration that the land indicated on plans submitted with the application shall be of such character that it can be used for building purposes without danger to health.	Meets	Site Plan (Sheet 2), Currently used as an urban building site. Plans follow ordinance and guidelines; see TAC approval.
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets	No landscaping, planters will be on deck spaces, refer to sheets A-2 – A-7
19	Compliance with applicable City approved design standards.	Meets	Project has received a Historic District Commission Approval, abides by Character District standards as an existing building
	Other Board Findings:		



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

December 21, 2022

Jonathan W. Sobel, Trustee
Jonathan Watson Sobel Revocable Trust
49 Sheafe Street
Portsmouth, New Hampshire 03801

RE: Preliminary and Final Subdivision Approval for property located at 49 Sheafe Street (LU-22-179)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, December 15, 2022, considered your application for preliminary and final subdivision approval to subdivide one (1) lot with an area of 5,402 s.f. and 50.55 ft. of continuous street frontage on Sheafe Street and 22.93 feet of frontage on Custom House Court into two (2) lots as follows: Proposed lot 1 with an area of 1,855 s.f. and 22.93 ft. of continuous street frontage on Custom House Court; and Proposed Lot 2 with an area of 3,548 s.f. and 50.55 ft of continuous street frontage on Sheafe Street. Said property is shown on Assessor Map 107 Lot 21 and lies within the CD4 and Historic Districts. As a result of said consideration, the Board voted 1) to find that the Subdivision application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented; and 2) to **grant** preliminary and final subdivision approval with the following **conditions**:

2.1) Water service line shall be installed and functioning or bonded prior to recordation of subdivision plat.

2.2) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.

2.3) GIS data shall be provided to the Department of Public Works in the form as required by the City.

2.4) The subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

All conditions of subdivision approval, including recording of the plat as required by the Planning Department, shall be completed within six (6) months of the date of approval, unless an extension is granted by the Planning Director or the Planning Board in accordance with Section III.E of the Subdivision Rules and Regulations. If all conditions have not been

completed within the required time period, the Planning Board's approval shall be deemed null and void.

This subdivision approval is not final until the Planning Director has certified that the applicant has complied with the conditions of approval imposed by the Planning Board.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is stylized and cursive, with a large initial "R" and "C".

Rick Chellman, Chairman of the Planning Board

cc: Rosann Maurice-Lentz, City Assessor

John Chagnon, PE, Ambit Engineering Inc.

Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: December 15, 2022

Property Address: 49 Sheafe Street

Application #: LU-22-179

Decision: **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.

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information
1	Subdivision Rules and Regulations III. D. 1 The Board shall act to deny any application which is not in compliance with Section IV or V as appropriate. SECTION IV - REQUIREMENTS FOR PRELIMINARY PLAT	Meets	The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements. The application was recommended for approval on December 6, 2022 at the Technical Advisory Committee Meeting.
2	SECTION V - REQUIREMENTS FOR FINAL PLAT	Meets	The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements. The application was recommended for approval on December 6, 2022 at the Technical Advisory Committee Meeting.
3	SECTION VI - GENERAL REQUIREMENTS	Meets	The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information
			<p>Requirements.</p> <ul style="list-style-type: none"> No improvements proposed with except new water line for Lot 1. <p>The application was recommended for approval on December 6, 2022 at the Technical Advisory Committee Meeting.</p>
4	SECTION VII - DESIGN STANDARDS	Meets	<p>The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with these minimum requirements.</p> <ul style="list-style-type: none"> New water line service will be installed for Lot 1. Easements provided for utilities, access and maintenance for a no build area between Lot 1 and Lot 2. <p>The application was recommended for approval on December 6, 2022 at the Technical Advisory Committee Meeting.</p>
6	<u>Additional Conditions of Approval:</u>		



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

December 21, 2022

Darren Kenney
Jessica Kenney
800 McGee Drive
Portsmouth, NH 03801

RE: Wetland Conditional Use Permit for Property Located at 800 McGee Drive (LU-22-208)

Dear Mr. and Ms. Kenney:

The Planning Board, at its regularly scheduled meeting of **Thursday, December 15, 2022**, considered your application for Wetland Conditional Use Permit under section 10.1017. This project proposes a disturbance of 168 s.f. within the 100' wetland buffer zone. This application proposes constructing a 10 x 12' shed on top of 2" of crushed stone in an area that is 12 x 14' within the wetland buffer. The applicant is proposing an area that is farthest from the wetland edge and has already done invasive species removal on site and within the 25' vegetated buffer strip. Said property is shown on Assessor Map 219, Lot 45-6 and lies within the Single Residence B (SRB) district. As a result of said consideration, the Board voted 1) to find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.50 and to adopt the findings of fact as presented; and 2) to **grant** the Wetland Conditional Use permit with the following **conditions**:

2.1) The Conservation Commission recommends the property owner follow NOFA land care standards on the site.

http://www.organiclandcare.net/sites/default/files/nofa_organic_land_care_standards_6thedition_2017_opt.pdf

2.2) The Conservation Commission recommends the property owner consider native plantings where bittersweet currently is being removed.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Unless otherwise indicated, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work. All conditions of approval must be completed prior to issuance of a building permit unless otherwise indicated.

This approval shall expire one year after the date of approval by the Planning Board unless a building permit is issued prior to that date. The Planning Board may grant a one-year extension of a conditional use permit if the applicant submits a written request to the Planning Board prior to the expiration date.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is fluid and cursive, with a large initial "R" and "C".

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

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 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	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	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	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets	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	<i>4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	Meets	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	<i>5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>	Meets	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	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	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>		



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

December 21, 2022

Luke Brindimour
Jaws LJ Jaws Brindamour Revocable Trust and SC Brindamour Revocable Trust
653 Greenland Road
Portsmouth, New Hampshire 03801

RE: Conditional Use Permit and ADU for property located at 653 Greenland Road (LU-22-228)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, December 15, 2022, considered your application for Conditional Use Permit approval as permitted under Section 10.814.50 of the Zoning Ordinance to create a Detached Accessory Dwelling Unit in an existing Garage. Said property is shown on Assessor Map 259 Lot 31 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted 1) to find that the Conditional Use Permit application meets the criteria set forth in Section 10.814.60 and to adopt the findings of fact as presented; and 2) to **grant** the conditional use permit with the following modification and **conditions**:

Modification to 10.814.54 to allow the DADU shall be separated from the single-family dwelling by less than 20 feet.

Modification to 10.814.55 to allow the front wall of the DADU to be closer to the front lot line than the existing front wall of the single-family dwelling.

2.1) In accordance with [Sec. 10.814.70] of the Zoning Ordinance, the owner is required to obtain a certificate of use from the Planning Department verifying compliance with all standards of [Sec. 10.814], including the owner-occupancy requirement, and shall renew the certificate of use annually.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work. All stipulations of approval must be completed prior to issuance of a building permit unless otherwise indicated above. **Prior to issuance of a building permit, this letter of decision shall be recorded at the Rockingham Registry of Deeds.**

A certificate of use issued by the Planning Department is required to verify compliance with the standards of the approval, including the owner-occupancy and principal residence requirements. Said certificate shall be issued by the Planning Department upon issuance of

a certificate of occupancy by the Inspection Department and is required to be renewed annually.

This approval shall expire unless a building permit is obtained within a period of one year from the date granted, unless otherwise stated in the conditions of approval. The Planning Board may, for good cause shown, extend such period by as much as one year if such extension is requested and acted upon prior to the expiration.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

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Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is fluid and cursive, with a large initial "R" and "C".

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

Findings of Fact | Accessory Dwelling Unit

City of Portsmouth Planning Board

Date: December 15, 2022

Property Address: 653 Greenland Road

Application #: LU-22-228

Decision: **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.

Zoning Ordinance -10.814.60: Before granting a conditional use permit for an attached or detached ADU, the Planning Board shall make the following findings:

	Section 10.814.60	Finding (Meets Requirement/ Criteria)	Supporting Information
1	10.814.61 Exterior design of the ADU is consistent with the existing principal dwelling on the lot.	Meets	The current garage/proposed DADU is constructed with the same (or similar) siding material and color. Trim details correspond to the primary structure. The roof pitch, presence of dormers, and roof material are similar to the primary structure.
2	10.814.62 The site plan provides adequate and appropriate open space, landscaping and off-street parking for both the ADU and the primary dwelling.	Meets	SRB requires 40% open space. The lot is 22,215.6 with 2,805 SF of development on site providing 12.6% of lot coverage – not counting the driveway. The lot has mature trees and vegetation that will not be removed as a result of the proposed conversion of the existing structure. Adequate off-street parking

	Section 10.814.60	Finding (Meets Requirement/ Criteria)	Supporting Information
			exists on site for the primary residence and the DADU.
3	10.814.63 The ADU will maintain a compatible relationship to adjacent properties in terms of location, design, and off-street parking layout, and will not significantly reduce the privacy of adjacent properties.	Meets	<ul style="list-style-type: none"> • A variety of residential forms and site layouts are evidenced in the surrounding properties. • The proposed DADU is separated from the nearest neighbor to the north (garage) by a distance of approximately 57 feet. • The proposed DADU is separated by a road from the nearest neighbor to the west across Harvard by a distance of 74 feet. • Greenland Road is the south. • The nearest neighbor to the east is 173 feet from the proposed DADU with significant vegetative buffer between the lots.
4	10.814.64 The ADU will not result in excessive noise, traffic or parking congestion.	Meets	The applicant is proposing one new accessory dwelling unit for a resident currently residing on site.
5	<u>Other Board Findings:</u>		



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

December 21, 2022

Gregory & Amanda Morneault
137 Northwest Street
Portsmouth, NH 03801

RE: One-year extension of the Wetland Conditional Use Permit for property located at 137 Northwest Street (LU-20-222)

Dear Mr. & Mrs. Morneault:

The Planning Board, at its meeting of Thursday, December 15, 2022, considered your request for 1-Year Extension to the Planning Board approval for a Wetland Conditional Use Permit granted on January 27, 2022.

As a result of said consideration, the Board voted **grant** a one-year extension of the Wetland Conditional Use Permit as requested.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

Darrell Moreau
John Chagnon, Ambit Engineering
R. Timothy Phoenix, Esq., Hoefle, Phoenix, Gormley & Roberts, PLLC



CITY OF PORTSMOUTH

Planning Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

December 21, 2022

2422 Lafayette Road Associates, LLC
C/O Waterstone Retail
322 Reservoir Street
Needham, Massachusetts 02494

RE: One-year Extension for Site Plan and CUP permits for the property located at 2454 Lafayette Road (LU-21-192)

Dear Property Owner:

The Planning Board, at its meeting of Tuesday, December 15, 2022, considered your request for One-year Extension to the Planning Board approval for Site Plan and CUP permits granted on December 30, 2021

As a result of said consideration, the Board voted **grant** the one-year extension as requested.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

The minutes and audio recording of this meeting are available by contacting the Planning Department.

Very truly yours,

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

John K. Bosen, Esq., Bosen & Associates
Neil Hansen, Tighe & Bond