



CITY OF PORTSMOUTH

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

PLANNING BOARD

January 24, 2023

Vieira Family Trust
Edward and Kathleen Vieira Trustees
12 Regina Road
Portsmouth, NH 03801

RE: Wetland Conditional Use Permit for Property Located at 12 Regina Road (LU-22-221)

Dear Mr. and Ms. Vieira:

The Planning Board, at its regularly scheduled meeting of January 19, 2023, considered your application for Wetland Conditional Use Permit under section 10.1017. This project proposes a disturbance of 144 s.f. within the 100' wetland buffer zone. This application proposes constructing a 10 x 10' shed on top of a crushed stone in an area that is 12 x 12' within the wetland buffer. Said property is shown on Assessor Map 225 Lot 29 and lies within the Single Residence A (SRA) District. As a result of said consideration, the Board voted to **grant** the request with the following condition:

2.1) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers during project construction. These can be purchased through the City of Portsmouth Planning and Sustainability 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.

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.

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 date. No other extensions may be requested.

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 loop at the beginning and a long, sweeping underline.

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: 1-19-2023

Property Address: 12 Regina Road

Application #: LU-22-221

Decision: **Approve**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

In order to grant Wetland Conditional Use permit approval the Planning Board shall find the application satisfies criteria set forth in the Section 10.1017.50 (Criteria for Approval) of the Zoning Ordinance.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
1	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Meets	Applicant is proposing to construct a new shed in an area of lawn just beyond the driveway. The shed itself will be 10 x 10' and will be placed on a crushed stone base that will be 12x12'. The size of the stone area will allow for infiltration of stormwater from the shed below the footprint area of the shed. The majority of this parcel is located within a 100' wetland buffer.
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	The majority of this lot is within the 100' wetland buffer, leaving no real alternative location outside of the buffer.
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 144 square feet.

	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	The applicants noted that prior to applying for a conditional use permit, they did not realize they would need permission for placing crushed stone and have already gone ahead with the fill of the stone base. They have noted that if necessary, they are prepared to remove the fill that has been placed. The shed is proposed to be located over an existing lawn area that has minimal grass and weeds. This work will amount to 144 square feet of new crushed stone in an area of lawn. The applicant is proposing to increase plantings in this area of the property by placing four or five blueberry bushes surrounding the shed to mitigate wetland buffer impacts.
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, significant impacts are not expected. The placement of blueberry bushes, along with some additional buffer plantings would help to mitigate any impacts.
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 is not proposing any disturbance or changes to the 25' vegetated buffer strip.
7	<u>Other Board Findings:</u>		



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PLANNING BOARD

January 24, 2023

Torrington Brown and Single Venture LLC
60 K Street, Suite 302
Boston, Massachusetts 02127

RE: Conditional Use permit for property located at 132 & 134 Middle Street (LU-22-232)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, January 19, 2023, considered your application for Conditional Use Permit Approval to provide 7 parking spaces where 17 spaces are required as permitted under Section 10.1112.62 of the Zoning Ordinance. Said property is shown on Assessor Map 127 Lots 11, 12 and lies within the Character District 4-L1 (CD4-L1) and Historic Districts. As a result of said consideration, the Board voted **grant** the request with the following conditions:

2.1) Per the requirements of the Zoning Ordinance, the six proposed tandem spaces shall be assigned to the same dwelling units and shall not be used to provide guest parking.

2.2) Owner shall submit data including area of unit, number of bedrooms, number of occupants, and number of cars for the current usage. Owner shall also collect data on where the cars are currently parked. This data is for informational purposes only.

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.

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 date. No other extensions may be requested.

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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Very truly yours,

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Rick Chellman, Chairman of the Planning Board

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

Gregg M. Mikolaities
John Chagnon, PE, Ambit Engineering Inc.

Findings of Fact | Parking Conditional Use Permit

City of Portsmouth Planning Board

Date: January 19, 2023

Property Address: 132 – 134 Middle Street

Application #: LU 22-232

Decision: **Approve**

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 10.1112.14 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information (provided by applicant)
1	10.1112.141 An application for a conditional use permit under this section shall include a parking demand analysis, which shall be reviewed by the City's Technical Advisory Committee prior to submission to the Planning Board, demonstrating that the proposed number of off-street parking spaces is sufficient for the proposed use.	Meets	The application was reviewed at the Technical Advisory Committee meeting on December 6, 2022. The Committee voted to recommend approval of the CUP subject to one condition: <i>1. Applicant will update plans to reflect the addition of an extra bike rack</i>
2	10.1112.142 An application for a conditional use permit under this section shall identify permanent evidence-based measures to reduce parking demand, including but not limited to provision of rideshare/micro transit services or bikeshare station(s) servicing	Meets	The location of the proposed dwelling unit, in close proximity to public transportation and urban core amenities, with current work at home available infrastructure, complies with this section. Bike racks (expanded) are being

	Parking Conditional Use Permit 10.1112.14 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information (provided by applicant)
	the property, proximity to public transit, car/van-pool incentives, alternative transit subsidies, provisions for teleworking, and shared parking on a separate lot subject to the requirements of 10.1112.62.		provided. The trend for at home work is increasing still as reflected in the rise from 5.4% (2010 Census) to 11.2% (2020 Census). Coast Bus stops are in close proximity.
3	10.1112.143 The Planning Board may grant a conditional use permit only if it finds that the number of off-street parking spaces required or allowed by the permit will be adequate and appropriate for the proposed use of the property. In making this determination, the Board may accept, modify or reject the findings of the applicant's parking demand analysis.	Meets	Since the existing parking supply is currently sufficient for the existing residential use, and the conversion of the commercial unit to residential use only adds one unit, the available parking is appropriate and adequate.
4	10.1112.144 At its discretion, the Planning Board may require more off-street parking spaces than the minimum number requested by the applicant, or may allow fewer spaces than the maximum number requested by the applicant.	Meets	The application seeks to add one unit to the housing supply. This is a minimal increase and is supported by the supplied parking.
5	<u>Other Board Findings:</u>		
6	<u>Additional Conditions of Approval:</u> Owner shall submit data including area of unit, number of bedrooms, number of occupants, and number of cars for the current usage. Owner shall also collect data on where the cars are currently parked. This data is for informational purposes only.		