



CITY OF PORTSMOUTH

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

PLANNING BOARD

August 24, 2023

Robert Westhelle
Whitney Westhelle
198 Essex Avenue
Portsmouth, New Hampshire 03801

RE: Wetland Conditional Use Permit for property located at 198 Essex Avenue (LU-23-88)

Dear Mr. and Ms. Westhelle:

The Planning Board, at its regularly scheduled meeting of **Thursday, August 17, 2023**, considered your application for a Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for the following: Demolition of the existing garage and breezeway and construction of a new 753 square foot attached garage with a patio and deck. Construction of a new addition located 62 feet from the wetland and completely within the 100-foot buffer resulting in total impervious impacts of 993 square feet. Said property is shown on Assessor Map 232 as Lot 128 and lies within the Single Residence B (SRB). As a result of said consideration, the Board voted 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) Any trees to be removed will be replaced with a similar species type and number trees.

2.2) Any patio or deck area installed shall be pervious.

2.3) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers during project construction along the 25' vegetated buffer. These can be purchased through the City of Portsmouth Planning and Sustainability Department.

2.4) Applicant shall provide a report back to the Planning and Sustainability Department one year after vegetated buffer area has been planted, demonstrating at least an 80% survival rate of new plantings.

2.5) An additional method of infiltration shall be provided for rain barrel overflows.

2.6) Any increase in impervious surface will require a new wetland conditional use permit.

2.7) Applicant shall use only dark sky friendly lighting on the exterior of the home.

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 stylized with a large, sweeping initial "R" and a long, horizontal flourish 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 | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: August 17, 2023

Property Address: 198 Essex Ave

Application #: LU-23-88

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 (Meets Criteria for Approval)	Supporting Information
1	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Meets	Nearly the entire parcel falls within the wetland buffer, with the wetland along the southern edge. None of the proposed additions lie within the wetland or vegetative buffer but do lie within the 100' buffer and require the transformation of some previously pervious areas to impervious.
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 that much of the property is within the buffer, there is no other reasonable location for the additions, with the garage addition existing almost entirely 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 applicant is proposing to use erosion control measures during construction including materials like silt soxx and will be adding native plantings within the buffer. Additionally, the proposal includes removal of invasive species and the installation of rain barrels to slow runoff to the wetland.

	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	This project is not proposing any construction within the 25' vegetative buffer but will be enhancing the buffer with various plantings as well as Northeast Wildflower seed mix. It is recommended that no grass or lawn should be introduced in this area, instead opting for grass alternatives wherever possible throughout the entire buffer.
5	<i>5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>	Meets	While this project will overall increase the amount of impervious surface within the buffer, the applicant proposes enhancing the buffer through conversion of existing lawn areas to natural areas along with new plantings which will help protect the buffer. Additionally, while the rain barrel will help with trapping excess stormwater runoff, additional mitigation techniques are recommended to slow down and infiltrate stormwater. .
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 proposing to convert 2,680 sf of lawn to natural area and continue to remove invasive species within the wetland buffer. As stated above, new buffer plantings are to be added to the vegetative buffer strip and staff recommend that no lawn is planted/seeded.
7	<u>Other Board Findings:</u>		



CITY OF PORTSMOUTH

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

PLANNING BOARD

August 24, 2023

Tanner Family Revocable Trust
Mark and Allison J. Tanner, Trustees
380 Greenleaf Avenue
Portsmouth, New Hampshire 03801

RE: Wetland CUP request for property located at 380 Greenleaf Avenue (LU-23-62)

Dear Mr. and Ms. Tanner:

The Planning Board, at its regularly scheduled meeting of **Thursday, August 17, 2023**, considered your application for Wetland Conditional Use Permit according to Section 10.1017 of the Zoning Ordinance for the construction of a new 20 x 20' one-story garage on a residential property with various additions of native buffer plantings and areas of storm water improvement to mitigate any impervious impacts from the garage. The proposal includes removal of 885 square feet of impervious asphalt, installation of 2' drip edge of crushed stone around the perimeter of the garage and 484 square feet of pervious pavers leading up to the garage where asphalt currently exists. Additional planting beds are proposed in areas of existing asphalt. Said property is shown on Assessor Map 243, Lot 63 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted 1) find that the Conditional Use Permit application meets the criteria set forth in Section 10.1017.60 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 applicant shall provide detailed specifications for the proposed pervious pavers including a cross-section plan and information about how they will be installed within the driveway area.

2.2) The applicant shall provide a maintenance plan for the proposed pervious pavers.

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 stylized with a large, sweeping initial "R" and a long horizontal flourish 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 | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: August 17, 2023

Property Address: 380 Greenleaf Ave

Application #: LU-23-62

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 (Meets Criteria for Approval)	Supporting Information
1	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Meets	The applicant is proposing to build the garage on an area of already disturbed and impervious land within the buffer. The overall project will be reducing the amount of impervious surface on the property and will be infiltrating stormwater and further buffering the wetland through planting beds.
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 entirety of this property is either within the wetland or the wetland buffer. There is no alternative location to build and the applicant is proposing to build in an existing disturbed area to minimize further impact to 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 applicant is proposing an overall reduction in impervious area to the site. This proposal will increase the number of plantings in the buffer while also helping to infiltrate and slow stormwater on the property due to added crushed stone drip edges.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
4	4. <i>Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	Meets	The applicant is proposing no disturbance to the natural vegetative state on the property. The existing asphalt will be removed, and a garage and pervious pavers will be placed. Additional plantings will add to the vegetated buffer.
5	5. <i>The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>	Meets	While the entire parcel is within wetland and buffer boundaries, the applicant is proposing to build in an area that is already impervious and will be significantly reducing existing impervious area while offsetting impacts with additional plantings, stormwater controls and pervious pavers.
6	6. <i>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 to disturb any area within the first 25' of the wetland boundary. Disturbances within the buffer will be offset with the removal of asphalt, the addition of native buffer plantings and stormwater controls.
7	<u>Other Board Findings:</u>		