



# CITY OF PORTSMOUTH

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

## **PLANNING BOARD**

May 2, 2024

ZJBV Properties, LLC  
300 Gay Street  
Manchester, New Hampshire 03103

RE: Conditional Use Permit for property located at 180 Islington Street (LU-24-27)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, April 25, 2024, considered your application for Conditional Use Permit in accordance with Section 10.1112.14 of the Zoning Ordinance to provide 0 parking spaces where 9 are required. Said property is shown on Assessor Map 137 Lot 19 and lies within the Character District 4-L2 (CD4-L2) and Historic District. As a result of said consideration, the Board voted 1) The Board voted to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1112.14 of the Ordinance and adopt the findings of fact as presented; and 2.) to **grant** the Conditional Use Permit with the following **condition**:

*2.1) Parking in front of the building shall be designated for moped/motorcycle parking with appropriate signage.*

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 & Sustainability 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 & Sustainability Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is stylized with large, flowing loops and 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  
Eric Weinrieb, Altus Engineering  
Chris Mulligan, Esq., Bosen & Associates, PLLC

# Findings of Fact | Parking Conditional Use Permit

## City of Portsmouth Planning Board

Date: April 25, 2024

Property Address: 180 Islington Street

Application #: LU-24-27

Decision: Approve with Conditions

### Findings of Fact:

Per RSA 676:3, I: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of 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
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 project was reviewed at the April 2, 2024 Technical Advisory Meeting. The number of off-street parking spaces supplied at this site is sufficient for this use. Pursuant to the submitted parking demand analysis, there is ample nearby public parking for this use.
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/microtransit services	Meets	The applicant is providing parking for two-wheeled vehicles and a bicycle rack for bikes. A COAST bus stop is located within 100 feet of the property.

	<b>Parking Conditional Use Permit 10.1112.14 Requirements</b>	<b>Finding</b> (Meets Criteria/Requirement)	<b>Supporting Information</b>
	or bikeshare station(s) servicing 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.		
<b>3</b>	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.	<b>Meets</b>	The number of off-street parking spaces supplied at this site is sufficient for this use. Pursuant to the submitted parking demand analysis, there is ample nearby public parking for this use.
<b>4</b>	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.		
<b>5</b>	<b><u>Other Board Findings:</u></b>		
<b>6</b>	<b><u>Additional Conditions of Approval:</u></b>		



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## PLANNING BOARD

May 2, 2024

Atlas Commons, LLC  
3 Pleasant Street, Suite 400  
Portsmouth, New Hampshire 03801

RE: Site Plan Review & CUP Approval for property located at 581 Lafayette Road (LU-23-189)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, April 25, 2024**, considered your request to postpone your application for Site Plan review approval for two 4-story additions to the existing building that will total 72 residential units with associated site improvements including lighting, utilities, landscaping, and stormwater treatment/management and a Conditional Use Permit from Section 10.5B72 for increased density, building height and footprint. Said property is shown on Assessor Map 229 Lot 8B and lies within the Gateway Corridor (G1) District. As a result of said consideration, the Board voted grant the request to **postpone** to the May 16, 2024 meeting.

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, May 16, 2024**. One (1) hard copy of any revised plans and/or exhibits as well as an updated electronic file (in a PDF format) must be filed in the Planning & Sustainability Department and uploaded to the online permit system no later than Friday, April 26, 2024.

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

Very truly yours,

Rick Chellman, Chairman of the Planning Board

cc:

Francis X. Bruton, Esq; Bruton & Berube, PLLC  
John Chagnon; Ambit Engineering, INC.



# CITY OF PORTSMOUTH

Planning & Sustainability  
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1 Junkins Avenue  
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## **PLANNING BOARD**

May 1, 2024

Edward R. Raynolds  
110 Aldrich Road  
Portsmouth, New Hampshire 03801

RE: Wetland CUP & CUP request for DADU for property located at 110 Aldrich Road (LU-23-174)

Dear Mr. Raynolds:

The Planning Board, at its regularly scheduled meeting of **Thursday, April 24, 2024**, considered your application for Wetland Conditional Use Permit in accordance with Section 10.1017 for the construction of a 768 s.f. detached, two car garage with an accessory dwelling unit on the second floor. Approximately 522 s.f. will be impacting the 100 ft wetland buffer as a permanent impervious impact, with the edge of the proposed garage located approximately 76 ft from the wetland resource and a Conditional Use permit to construct a Detached Accessory Dwelling unit in accordance with Section 10.814.62. Said property is shown on Assessor Map 153, Lot 3 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 requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact as presented; and 2) The Board voted to **grant** the Conditional Use Permit with the following **conditions**:

*2.1) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. Markers are to be placed along the 25' vegetative buffer at 50-foot intervals and must be installed prior to the start of any construction.*

*2.2) Applicant shall remove all debris/trash from the wetland and 25' vegetative buffer, including the wood decking/pallet structure.*

### **Conditional Use Permit for DADU**

1) The Board voted to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.814.62 of the Ordinance and adopt the findings of fact as presented; and 2) to **grant** the following **modifications**:

*2.1) Modification from Section 10.814.53 to allow a 16' wide garage door.*

*2.2) Modification from Section 10.814.436 to allow a roof dormer to occupy 57% of the roof plan where 33% is the maximum.*

And, 3) to **grant** the Conditional Use Permit with the following **conditions**:

3.1) Documentation of the conditional use permit approval shall be recorded at the Rockingham County Registry of Deeds, together with an affidavit that either the principal dwelling unit or the accessory dwelling unit will be occupied by the owner of the dwelling as the owner's principal place of residence, as required by Section 10.814.22.

3.2) A certificate of use issued by the Planning Department is required to verify compliance with the standards of this Section, including the owner occupancy and principal residency requirements. Said certificate shall be issued by the Planning Department upon issuance of a certificate of occupancy by the Inspection Department. A certificate of use shall not be issued prior to recording of documentation as required by this Ordinance.

3.3) The certificate of use shall be renewed annually upon submission of such documentation as the Planning Department may require to verify continued compliance with the standards of this Section. Failure to comply with this requirement shall be deemed a violation of the ordinance and may be enforced as provided in Article 2.

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 & Sustainability 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 & Sustainability Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is stylized and fluid, 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: April 25, 2024

Property Address: 110 Aldrich Rd.

Application #: LU-23-174

Decision: Approve with Conditions

### Findings of Fact:

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

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

	<b>Zoning Ordinance Sector 10.1017.50 Criteria for Approval</b>	<b>Finding (Meets Criteria for Approval)</b>	<b>Supporting Information</b>
<b>1</b>	<i>1. The land is reasonably suited to the use activity or alteration.</i>	Meets	The majority of the proposed construction will take place within the 100' buffer, mostly within the last 25' of the wetland buffer.
<b>2</b>	<i>2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.</i>	Meets	There is some room to locate the garage closer to the front, but there is no alternative that would remove it completely from the 100-foot buffer. The DADU must be 10 feet back from the front wall of the principal dwelling.
<b>3</b>	<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 introduce approximately 768 s.f. of new impervious within the buffer, they are planning to offset that with the removal of the 734 s.f. impervious driveway, of which 144 s.f. are within the buffer.



	<b>Zoning Ordinance Sector 10.1017.50 Criteria for Approval</b>	<b>Finding</b> (Meets Criteria for Approval)	<b>Supporting Information</b>
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 existing site consists of a lawn. Buffer plantings are proposed along the edge of the wetland area.
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	The proposal aims to mitigate impervious impacts with the installation of pervious pavers. The design and maintenance have been provided to ensure their permeability over time.
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	Proposed plantings within the vegetated buffer strip (first 25' of buffer) have been added to the plan to further protect and enhance the quality of the wetland resource.
7	<b><u>Other Board Findings:</u></b>		

# Findings of Fact | Detached Accessory Dwelling Unit

## City of Portsmouth Planning Board

Date: April 25, 2024

Property Address: 110 Aldrich Rd.

Application #: LU-23-174

Decision: Approve with Conditions

### Findings of Fact:

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

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

	<b>Section 10.814.62</b>	<b>Finding (Meets Requirement/ Criteria)</b>	<b>Supporting Information</b>
<b>1</b>	10.814.621 The ADU complies with all applicable standards of this Section 10.814 or as may be modified by the conditional use permit.	<b>Meets</b>	The applicant is seeking 2 modifications, for garage door width and dormer coverage on a roof plane, otherwise the proposed ADU complies with 10.814.
<b>2</b>	10.814.622 The exterior design of the ADU is architecturally consistent with or similar in appearance to the existing principal dwelling on a lot.	<b>Meets</b>	The design of the ADU matches the existing dwelling. The proposed dormer matches the dormer on the house, which is the reason for the size of the proposed dormer.
<b>3</b>	10.814.623 The site plan provides adequate and appropriate open space and landscaping for both the ADU and the principal dwelling unit and complies with the off-street parking requirements of 10.814.26.	<b>Meets</b>	The parking exceeds the required number of spaces and the site complies with open space and building coverage.
<b>4</b>	10.814.624 The ADU will maintain a compatible relationship with the character of adjacent and neighborhood properties in terms of location, design, and off-street parking layout, and will not significantly reduce the privacy of adjacent properties.	<b>Meets</b>	The proposed ADU will be architecturally consistent with the existing dwelling and the location and site layout is compatible with the character of the neighborhood.
<b>5</b>	<b>Other Board Findings:</b>		