



CITY OF PORTSMOUTH

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

PLANNING BOARD

June 27, 2024

Edmund R. St. Pierre
15 Mariette Drive
Portsmouth , New Hampshire 03801

RE: CUP for DADU for property located at 15 Mariette Drive, Portsmouth, New Hampshire (LU-24-57)

Dear Mr. St. Pierre:

The Planning Board, at its regularly scheduled meeting of Thursday, June 20, 2024, considered your application for Conditional Use Permit from Section 10.814 for a Detached Accessory Dwelling Unit. Said property is shown on Assessor Assessor Map 292 Lot 167 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 10.814.62 of the Ordinance and adopt the findings of fact as presented; and 2) to **grant** the Conditional Use Permit with the following **conditions**:

2.1) 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.

2.2) 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.

2.3) 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 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 & Sustainability 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 & Sustainability 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 & Sustainability 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: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor

Findings of Fact | Detached Accessory Dwelling Unit

City of Portsmouth Planning Board

Date: June 20, 2024

Property Address: 15 Mariette Drive

Application #: LU-24-55

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:

	Section 10.814.62	Finding (Meets Requirement/ Criteria)	Supporting Information
1	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.	Meets	The DADU conforms with the requirements for a DADU and no modifications are needed.
2	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.	Meets	The proposed DADU will match the existing dwelling with the same roof pitch, siding, doors and windows.
3	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.	Meets	There is adequate open space on the lot for both the DADU and existing dwelling. A variance was granted for a second driveway to access the DADU and provide the required parking space for the DADU.
4	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.	Meets	The DADU will be compatible with the existing neighborhood and is in line with the existing street. The parking location for the DADU is compatible with parking for adjacent properties in the neighborhood.
5	Other Board Findings:		



CITY OF PORTSMOUTH

Planning & Sustainability
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1 Junkins Avenue
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PLANNING BOARD

June 27, 2024

Francoise and Richard Kinney, Owners

89 Cliff Road
Portsmouth, New Hampshire 03801

RE: After the Fact Wetland CUP request for property located at 89 Cliff Road (LU-24-54)

Dear Mr. Kinney:

The Planning Board, at its regularly scheduled meeting of **Thursday, June 20, 2024**, considered your application for after the fact Wetland Conditional Use Permit from Section 10.1017.50 for violations within the City's 100' wetland buffer. A three-season porch, deck and concrete landing pad were constructed without permits, of which 225 s.f. is within the buffer. Said property is shown on Assessor Map 223, Lot 9 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted 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 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 install permanent wetland boundary markers where applicable. In addition to the wetland boundary markers, an educational sign describing the project shall be installed near the restoration area and fencing should be utilized to keep disturbances such as dogs and geese from the area.

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 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

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: June 20, 2024

Property Address: 89 Cliff Rd.

Application #: LU-24-54

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 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 work has been completed the work without permits. The majority of the additions are outside of the wetland buffer, with just 225 s.f. of permanent impact in the buffer, with plans to control stormwater on site more proactively with adjustments to plantings and drainage in the 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	While the structure has already been built, the majority of the new impervious is located 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 existing conditions appear to infiltrate on site stormwater. Stormwater that does not infiltrate likely pools in the low spot of the yard without impacting abutting properties. The new additions will likely increase roof runoff but the installation of crushed

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
			stone and the proposal for a french drain and plantings should help to increase on site infiltration.
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	While the 225 s.f. of buffer has already been altered, the applicant proposes transforming the existing lawn into micro clover or a similar groundcover, introducing new plantings along the addition, and installing a rain garden within the buffer which will increase vegetation and improve stormwater quality.
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 applicant is proposing to reduce the 225 s.f. of buffer impacts by installing 69 s.f. of shrubs alongside the addition, installing a 134 s.f. rain garden, and converting the entire back lawn to a non-grass groundcover.
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	In this case, the vegetated buffer has not been disturbed, only the area within 75-100' from the wetland.
7	<u>Other Board Findings:</u>		



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PLANNING BOARD

June 27, 2024

Mark H. Wentworth Home
346 Pleasant Street
Portsmouth, New Hampshire 03801

RE: Wetland CUP request for property located at 346 Pleasant Street (LU-24-63)

Dear Ms. Madison Abbott:

The Planning Board, at its regularly scheduled meeting of **Thursday, June 20, 2024**, considered your application for a Wetland Conditional Use Permit from Section 10.1017.50 to replace an existing wooden fence along the back of the property which abuts the South Mill Pond. This replacement project will have approximately 200 s.f. of impact within the buffer, with 10 s.f. of permanent impact below ground with the posts and 500 linear feet of permanent impact from the fence. Said property is shown on Assessor Map 109, Lot 10 and lies within the General Residence B (GRB) 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) 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 install permanent wetland boundary markers where applicable. In addition to the wetland boundary markers, an educational sign describing the project shall be installed near the restoration area and fencing should be utilized to keep disturbances such as dogs and geese from the area.

2.2) Maintenance for the new fencing shall include power washing with water only.

2.3) Fencing along Pleasant Street if replaced, will remain the current material that exists.

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 with large, sweeping loops and a long horizontal tail stroke 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: June 20, 2024

Property Address: 346 Pleasant Street

Application #: LU-24-63

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.

	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 fence already exists and the replacement would be in the same location. The existing fence is in various stages of disrepair and needs replacement for safety and aesthetic reasons.
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	As residents use this backyard for recreation and other benefits, the area must continue to be fenced in. There is no other feasible area on the property that can accommodate an outdoor space for the residents.
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets	The application proposes a complete replacement of the fence by hand, which will reduce impact on soil and buffer disturbance.

	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	No vegetation is proposed to be removed with this construction, only minor pruning if necessary to disentangle vegetation from the existing fence.
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	Leaving the exiting fence to rot further would increase the safety hazard or the applicant could use machinery and/or concrete to install the fence posts which could have a much greater impact to the buffer and pond. The proposal to do this work by hand is the alternative with the least adverse impact to replace the existing fence.
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	While a portion of the fence will be replaced within the 25' vegetated buffer, the applicant has stated that no vegetation shall be removed as part of this project, only pruned if necessary.
7	<u>Other Board Findings:</u>		



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PLANNING BOARD

June 27, 2024

Melanie Merz
Friends of Lafayette House
400 Little Harbor Rd, Box 1104
Portsmouth, New Hampshire 03801

RE: Site Plan Review request for property located at 413 Lafayette Road (LU-23-208)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, June 20, 2024**, considered your application for Site Plan Review Approval to construct an attached caretaker's unit to the existing residential care facility with associated site improvements. Said property is shown on Assessor Map 230 Lot 23A and lies within the Single Residence B (SRB) 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 presented; *and* 2) to find that the requested waivers will not have the effect of nullifying the spirit and intent of the City's Master Plan or the Site Plan Review Regulations, and to waive the regulations as requested. *and* 3) 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:

3.1) *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 & Sustainability 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 & Sustainability Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is stylized and cursive, with the name "Rick" written in a smaller font below the main signature.

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 Bosen, Attorney, Bosen and Associates
Joseph Coronati, Jones & Beach Engineers, INC

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: June 20, 2024

Property Address: 413 Lafayette Road, Friends of Lafayette House, Inc.

Application #: LU-23-208

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.

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> ZBA and TAC approval were obtained for this addition and we submitted waivers for items not necessary for this minor site plan.
2	Provision for the safe development, change or expansion of use of the site.	Meets	Minor addition being added to the existing building with no expansion of use of the property.
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	We requested a waiver from stormwater regulations as this is a small addition to the property with minimal increase in impervious coverage.
4	Adequate protection for the quality of groundwater.	Meets	The small addition does not affect groundwater and we are not altering the limit of pavement, just a building addition.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
5	Adequate and reliable water supply sources.	Meets	Adequate water supply is already on the property.
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets	Adequate sewer service is already on the property. All utility connections to the addition will be internal with no work needed outside of the buildings.
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	This addition will not result in any undesirable elements.
8	Adequate provision for fire safety, prevention and control.	Meets	Sprinkler system will be extended into the addition and the current building has a sprinkler system in place.
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	There are no wetlands on the property.
10	Adequate protection of historical features on the site.	Meets	The existing building will remain and this is for a small addition. The building is not historical and there are no known historical features on the property.
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	This addition does not alter the use of the property or the traffic flow as the addition is only for an expanded caretaker unit and there is no expansion of the number of people being cared for on the premises.
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	This addition does not alter the use of the property or the traffic flow as the addition is only for an expanded caretaker unit and there is no expansion of the number of people being cared for on the premises.
13	Adequate insulation from external noise sources.	Meets	The addition will not generate any external noise after construction and the insulation of the unit will meet the building code requirements as required by the City.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
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	There is no expansion of the use and therefore no change to the solid waste or emergency services.
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	The property has extensive outdoor recreation for the tenants with gardens, lawn areas, outside patio space and connection to adjacent sidewalk infrastructure on Lafayette Road.
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	The property has extensive outdoor recreation for the tenants with gardens, lawn areas, outside patio space and connection to adjacent sidewalk infrastructure on Lafayette Road.
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	We have provided existing conditions survey showing the features of the site and this area is currently lawn, walkways and fences and will not interfere with the existing parking area.
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets	The caretakers of the building are avid landscapers and gardeners and have extensive plantings around the property. There is minimal noise from the property.
19	Compliance with applicable City approved design standards.	Meets	ZBA and TAC approval were obtained for this addition and we submitted waivers for items not necessary for this minor site plan.
	Other Board Findings:		



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PLANNING BOARD

June 27, 2024

RIGZ Enterprises LLC
18 Dixon Lane
Derry, New Hampshire 03038

RE: Amended Site Plan Approval and a second 1-year extension of the previously approved Site Plan for property located at 806 US Route 1 Bypass (LU-22-81)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, June 20, 2024, considered your application for Amended Site Plan Approval and a second 1-Year extension to the Site Plan Approval originally granted on June 23, 2022. Said property is shown on Assessor Map 161 Lot 43 and lies within the Business (B) District. As a result of said consideration, the Board voted to **grant** amended Site Plan Approval and a second one-year extension with the original conditions as approved on June 23, 2022 (now to expire on **June 23, 2025**), with the following **conditions**:

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:

2.1) 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.

2.2) 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.

This approval is granted subject to all conditions of approval by the Planning Board on and to all other requirements stated in the Planning Board letter of decision dated .

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 approved work.

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

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 fluid and cursive, with the first name "Rick" written in a smaller, more legible script than the last name "Chellman", which is written in a larger, more stylized cursive font.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Alex Ross, Ross Engineering

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: 6-20-2024

Property Address: 806 Route 1 Bypass

Application #: LU 22-81

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.

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: Site Plan Review Regulations and Zoning Ordinance</u>
2	Provision for the safe development, change or expansion of use of the site.	Meets	The Site Plan Set provides for safe development involving utility improvements, landscaping, and construction of a walk-in cooler addition.
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 siltsack is proposed on specified catch basins on sheet 6 of the site plan set to handle erosion from the site work. The proposed drain line work is to improve the stormwater management by removing a line that currently travels beneath two existing buildings and redirecting it around the buildings.
4	Adequate protection for the		Site is fully developed. Impervious

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
	quality of groundwater.	Meets	coverage is proposed to be reduced through proposed landscaping.
5	Adequate and reliable water supply sources.	Meets	Water is supplied from a main on Stark St. Contractor to ensure this line is not impacted by the utility improvements.
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets	The existing sewer service to Dennett St shall be capped and a new sewer line is proposed connecting to a lateral in Stark St.
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	A siltsack is proposed on specified catch basins on sheet 6 of the site plan set to handle erosion from the site work. Drainage, Sewer, and Gas to be installed as per Utility Plan so as not to discharge into the environment or adjacent properties.
8	Adequate provision for fire safety, prevention and control.	Meets	The existing building and asphalt parking/driveway area are not proposed to change. Fire safety, prevention, and control shall remain the same as existing.
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	Natural features such as wetlands do not exist in close proximity to the site. The total impervious coverage is decreased and new landscaping is added, benefiting surrounding sites.
10	Adequate protection of historical features on the site.	Meets	No historical features on the site.
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	There is no new use to the building. The addition is for a new walk-in cooler, not additional retail space, so a significant increase in volume on site is not anticipated.
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	New signage proposed that will provide better direction to customers entering and exiting the site. A utility plan is included in the application depicting the signage.
13	Adequate insulation from external noise sources.		The existing use is retail, which does not result in adverse noise to surrounding

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
		Meets	properties. This use shall remain unchanged.
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	Dumpster location is shown on the provided Utility Plan to depict solid waste disposal. No new demands for police, emergency medical, or other municipal services is proposed.
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	New landscape beds are proposed and are depicted on a Landscape Plan provided in this application. No recreational facilities can reasonably be provided on the site.
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	All access ways are existing. Signage and paint markings are proposed which will improve the existing access ways.
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 is fully developed. Building and site work can be constructed without danger to health.
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets	New landscape beds are proposed and are depicted on a Landscape Plan provided in this application.
19	Compliance with applicable City approved design standards.	Meets	Application complies with the Site Plan Review Regulations.
	Other Board Findings:		



CITY OF PORTSMOUTH

Planning & Sustainability
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PLANNING BOARD

June 27, 2024

ADL 325 Little Harbor Road Trust
Stephen H. Roberts Esq., Trustee
127 Parrot Avenue
Portsmouth, NH 03801

RE: Wetland Conditional Use Permit for property located at 325 Little Harbor Road (LU-23-81)

Dear Owners:

The Planning Board, at its meeting of Thursday, June 20, 2024, considered your request for a 1-Year Extension to the Wetland Conditional Use Permit originally granted on July 20, 2023.

As a result of said consideration, the Board voted to **grant** a one-year extension to the Planning Board Approval of the Conditional Use Permit to **July 20, 2025**.

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.

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