Findings of Fact | Detached Accessory Dwelling Unit City of Portsmouth Planning Board

Date: <u>June 20, 2024</u>

Property Address: 15 Mariette Drive

Application #: LU-24-55

Decision: ☐ Approve ☐ Deny ☐ 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 Does Not Meet	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	Meets	The proposed DADU will match the existing dwelling with the same roof
	in appearance to the existing principal dwelling on a lot.	Does Not Meet	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 Does Not Meet	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	Meets	The DADU will be compatible with the existing neighborhood and is in line
	character of adjacent and neighborhood properties in terms of location, design, and	Does Not Meet	with the existing street. The parking location for the DADU is compatible
	off-street parking layout, and will not significantly reduce the privacy of adjacent properties.		with parking for adjacent properties in the neighborhood.
5	Other Board Findings:		

Planning Department

1 Junkins Ave.

Portsmouth, NH 03801



Re: Proposed DADU 15 Mariette Dr

Good Day,

I have recently moved to Portsmouth from Hampton NH. In Hampton, I was able to serve my community as a member of the Zoning Board for over 12 years. I now live in a vibrant neighborhood (Maple Haven) and enjoy the atmosphere.

I am in the process of planning my retirement from Verizon Communications. In the process, I have determined that I would like to "downsize" from my current 3 Bedroom house. I have conferred with the City on what I can do with my current property. The site contains a separate parcel (denoted as A) with a 2-stall garage. Note that this was involuntarily merged with the house lot upon transfer. For the purpose of this application, I present all associated parcels as one lot. I intend to file a "voluntary lot merger" upon successful acceptance of this proposal. The parcel was previously earmarked for the "Mariette Drive Extension" which never was needed. This parcel was declared surplus and conveyed to my predecessor in title as an accessory use for lot #80 (see Exhibit "C").

After conferring with the Building and Planning Departments, we determined that this parcel was suitable for a "Detached Accessory Dwelling Unit". I currently have a building permit which allows me to expand the current foundation by 5 feet (20' x 25', currently 20' x 20'). I have proposed a workshop that will replace the right-side stall. I am allowed a ½ bath. This project will establish electric, sewer, and water line extension from the current house. (see Exhibit "E")

I now would like to seek a "Current Use" Permit to add a second level to contain (1) bedroom, (1) living room and (1) full bath along with proper closet space, 12' x 12' deck and stair access. I would like to defer the left garage/workshop entrance on floor 1 to make a kitchen, and stair access to floor 2. I have designed a smaller scale unit which incorporates the current master bedroom, bath, and living room scale of the current house. Further, I put a "suit and tie" on the proposed DADU site by adding an "eyebrow" roofline over level one to match the house (4/12), replacement siding to match the house, shake detail to the eaves, and metal roof which matches the house. I have also matched the windows facing front with the same dimensions as the house (first and second floor).

I look forward to working with the Planning Board on this proposal. I would like to build a "textbook" example of a Detached ADU using your standards and guidelines. Further, I welcome inputs and changes that will result in a better project. At this time, I ask for your consideration of this proposal.

Edmund R. St. Pierre

Edmin R St. Pi

15 Mariette Dr.

Accessory Dwelling Unit Application



Architectural Standards - Consistency

Massing – Proposed addition to existing garage, similar to right side of house but stacked.

Architectural Style – Use of same windows, doors as house on front facing structure. Use of same siding and shake detail. Addition of 4/12 roof over first level to match house.

Roof Forms – Reuse of current truss system for garage (NO change to roof). Use of same metal roof material as house.

Siding Material – Use of same color siding as house, addition of shake detail to eaves of house and front of garage.

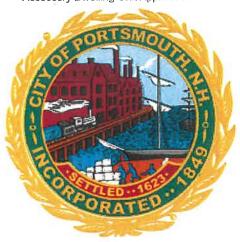
Windows – Use of same small window (3'/3') as front of house. Level 2 uses same picture window as house. Egress windows (3'/5') will be used on sides and rear.

Doors - Proposed doors to match house front.

Trim- White trim detail to match house.

Foundation – No change to current garage foundation. Frost protection to be added for heated space.

Accessory Dwelling Unit Application



Detached ADU - Subordination

- Proposed site is 16 feet setback from the current house at 15 Mariette Dr.
- Proposed building height not to exceed 22 feet.
- Closest lot line is 20 feet to the right, over 50 feet from the rear, 87 feet from left lot line and 35 feet from the front lot line. Distance between structures exceeds "fire separation" requirements.
- Proposed footprint is 500 SF. Existing house is 1000 SF. Proposed living space uses first floor for kitchen and staircase. The proposed second floor would consist of 500 SF (stairs, living room, bedroom, bath). The project as proposed is less than 750 SF.
- Total building is 1000 SF as proposed on 2 levels (includes 9.5' x 25' garage).

THE PROPERTY OF THE STANKING		MACHECHUM PEAM
REGISTERED LAND SURVEYORS 75 HAMMOND STREET - FLOOR 2	NAME EDMUND R. ST. PI	ERRE
WORCESTER, MA 01610-1723 PHONE: 508-752-8885	LOCATION 15 MARIETTE	DRIVE
FAX: 508-752-8895 RMT@HSTGROUP.NET	PORTSMOUTH,	NH
A Division of H. S. & T. Group, Inc.	SCALE $1" = 30'$ D	ATE 09/20/21
REGISTRY ROCKINGHAM	W A W	DEED BOOK/PAGE 2950/109
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BASED UPON DOCUMENTATION PROVIDED, REQUIRED MEASURE—MENTS WERE MADE OF THE FRONTAGE AND BUILDING(8) SHOWN ON THIS MORTCAGE MISPECIAIN PLAIL IN QUIR JUDGEMENT ALL VISIBLE EASEMENTS ARE SHOWN AND THETE ARE IN VOLATIONS OF ZOHING REQUIREMENTS RECARDING STRUCTURES TO PROPERTY LINES (UNLESS DIMERMISE HITTED HIS DRIWNING URLUM). NOTE NOT DEFINED ARE ABONCOROUND POOLS ORNEWAYS, OR SHEDS WITH HO FOUNDATIONS, THIS IS / MONTGAGE HASPECTION PLAIL HOT AN INSTRUMENT SURVEY, DO NOT USE TO EXECUT FLHEES, OTHER BOUNDARY STRUCTURES, OR TO PLANT SHRUBS, LOCATION OF THE STRUCTURE(S) SHOWN HEREON IS ENHER HIS COMPLIANCE WITH LOCAL ZOHING FOR PROPERTY LINE OFFSET REGUREMENTS, OR IS EXEMPT FROM MURATION CHIPDROCEMENT HOS OTHERWISE NOTED. THIS CERTIFICATION IS 1001—TRANSFETMBLE. THE ABOVE CERTIFICATION ARE MADE WITH THE PROVISION INAT THE WHORMATION PROVIDED IS ALCURATED WITH THE PROVISION INAT THE WHORMATION PROVIDED IS ALCURATED BY RELATION TO THE PROPERTY LINES.		FLOOD INJARD ZONE INS BEEN DETERMINED BY SCALE AND IS NOT NECESSARILY ACCURATE. UNTIL DETHINDE PLANS ARE ISSUED BY FEMA AND/OR A VERTICAL COMPROS SURVEY IS PERFORMED, PRECISE ELEVATIONS CANNOT BE INTERMINED.
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NOTE:		Flood Plain Certification
PARCEL #2 DRAWN ACCORDING TO ASSESSORS MAPS.	MAD.	CERTIFY TO: ALIGN CREDIT UNION
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WARRANTY DEED

I, HILDA G. BUSH, being unmarried, of Portsmouth, Rockingham County, New Hampshire,

for consideration paid,

grant to EDMUND R. ST. PIERRE,

WITH WARRANTY COVENANTS.

A tract of land, with the buildings thereon, situate in Portsmouth, Rockingham County, State of New Hampshire, bounded and described as follows:

Beginning at the southerly corner of the premises and on the northwesterly line of land now or formerly of Harvey Moulton and on land now or formerly of John Gerasis; thence North 39° 28' West by land now or formerly of Gerasis ninety-four and seven hundredths (94.07) feet to an access street leading to land now or formerly of said Gerasis; thence North 57° 31' East by said access street one hundred and two and thirty-two hundredths (102.32) feet; thence easterly by said street by a curve to the right having a radius of twenty-five (25) feet, a distance of thirty-three and thirty-five hundredths (33.35) feet; thence South 46° 3' 24" East by an access street leading to land now or formerly of said Moulton, now known as Mariette Drive, thirty-one and seventy-one hundredths (31.71) feet; thence continuing southeasterly by said Drive by a curve to the right having a radius of one hundred and eighty-five (185) feet, a distance of forty-three and eighty-three hundredths (43.83) feet; thence South 57° 31' West by land now or formerly of said Moulton one hundred, twenty-seven and eight tenths (127.8) feet to the point of beginning.

Said premises are known as Lot No. 80, as shown on Plan "C", Maple Haven, Lots 67 to 78 and 80 to 90, made by Albert Moulton, C. E., dated February 17, 1959, said premises being subject to the restrictions on said plan.

Exhibit "B"

Two certain lots or parcels of land situated in Maple Haven, in the City of Portsmouth, County of Rockingham and State of New Hampshire, being a portion of that parcel of land shown as "Mariette Drive Extension", on a plan entitled "Plan of Lots, Maple Haven, Rev. "A", Lots 75 to 78 and Lots 80 to 83", prepared by Moulton Engineering Company and more fully described as follows:

Parcel A:

Beginning at a point in the westerly corner of Lot 80 as shown on said plan, thence N 39° 28" W by land now or formerly of the heirs of John Gerasis, fifty and thirty-seven hundredths (50.37) feet to a point at the Southerly corner of Lot 81 on said plan; thence N 57° 31" E by the sideline of said Lot 81 one hundred eighteen (118) feet to a point in the sideline of Mariette Drive, thence S 45° 43' 20" E, fifty-one and seventy-two hundredths (51.72) feet to a point in the sideline of Lot 80, thence S 57° 31' W by the sideline of Lot 80, one hundred twenty-five (125) feet to the point of beginning.

Parcel B:

Beginning at a point in the Westerly sideline of Lot 80, which point is 102.32 feet, a direction of N 57° 31' E from the Southwesterly corner of Lot 80, thence by a curve to the right whose radius is 25 feet, an arc length of 33.35 feet to a point on the Westerly sideline of Mariette Drive, thence N 45° 43' 20" W a distance of 20 feet more or less, thence S 57° 31' W to the point of beginning, meaning and intending to describe a triangular parcel of land on the Northwesterly corner of Lot 80.

Parcel A and Parcel B are sold subject to the restriction that no structure shall be built or located on the premises other than a structure accessory to an existing building on Lot 80 as shown on said Plan.

I hereby terminate and release any and all Homestead Rights in said property and further certify under the pains and penalties of perjury that there are no other persons entitled to claim Homestead Rights in said property.

Being the same premises conveyed to the grantor herein by deed recorded with the Rockingham County Registry of Deeds in Book 2549, Page 2886, Deed recorded with the Rockingham County Registry of Deeds in Book 2947, Page 0478 and Corrected Deed recorded with said Registry dated October 22, 1992, Book 2950, Page 0109.

[Signatures on next page]

QUITCIAIM DEED

KNUW ALL MEN BY THESE PRESENTS. That the City of Portsmouth, a municipal corporation having its usual place of business in Portsmouth, County of Rockingham and State of New Hampshire, for consideration paid, grants to Martin L. Bush and Hilda G. Bush, of said Portsmouth, as joint tenants with rights of survivorsing, a certain lot or parcel of land with quicklaim covenants situated in Maple Have in the City of Portsmouth, County of Rockingham and State of New Hampshire, being a portion of that parcel of land shown as "Mariette Drive Extension", on a plan entitled "Plan of Lots, Maple Haven, Rev. "A", Lots 75 to 78 and Lots 80 to 83", prepared by Moulton Engineering Company and more fully described as follows:

Beginning at a point is the westerly corner of Lot 80 as shown on said plan, thence N 39° 28" W by land now or formerly of the Heirs of John Gerasis, fifty and thirty seven hundredths (50.37) feet to a point at the Southerly corner of Lot 81 on said plan; thence N 57° 31" E by the sideline of said Lot 81 one hundred eighteen (118) feet to a point in the sideline of Mariette Drive, thence S 45° 43° 20" E, fifty-one and seventy-two hundredths (51.72) feet to a point in the sideline of Lot 80, thence S 57° 31" W by the sideline of Lot 80, one hundred twenty-five (125) feet to the point of beginning.

The within premises are sold subject to the restriction that no structure shall be built or located on the premises other than a structure accessory to an existing building on Lot 80 as shown on said Plan.

This deed is executed on behalf of the City of/Portsmouth by Calvin A. Canney, City Manager, on the 35 day of

, 19 St.

WITNESS:

CITY OF PORTSMOUTH

Calvin A.

STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS

The foregoing instrument was acknowledged before me this. 25 day of 19 50, by Calvin A. Canney, City Manager of the City of Portsmouth, New Hampshire, a municipal corporation, on behalf of the corporation.

Cuelyn & Hancom



QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, That the City of Portsmouth, a municipal corporation having its usual place of the iness in Portsmouth, County of Rockingham and State of New Hampshire, for consideration paid, grants to Martin L. Bush and Hilda G. Bush, of said Portsmouth, as joint tenants with rights of survivorship, a certain lot or parcel of land with quitclaim covenants situated in Maple Haven in the City of Portsmouth, County of Rockingham and State of New Hampshire, being a portion of that parcel of land shown as "Mariette Drive Extension", on a plan entitled "Plan of Lots, Maple Haven, Rev. "A", Lots 75 to 78 and Lots 80 to 83", prepared by Moulton Engineering Company and more fully described as follows:

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This deed is executed on behalf of the City of Portsmouth by Calvin A. Canney, City Manager, on the 20th day of Vicensker

1979.

WITNESS:

CITY OF PORTSMOUTH

Church W Elduck

Salvin A. Canney Gity Manager

STATE OF NEW HAMPSHIRE ROCKINGHAM, SS

The foregoing instrument was acknowledged before me this 20 day of City of Portsmouth, New Hampshire, a municipal corporation, on behalf of the corporation.

Justice of the Peace



.WARRANTY DEED >

2198-0722

Raymond J. Bailey, Jr. and Kathleen E. Bailey, Grantor:

Portsmouth, Rockingham

County, New Hampshire

for consideration paid, grant to

Grantee: Martin Luther Bush and Hilda G. Bush, husband and wife,

19 Lilac Lane, Portsmouth, Rockingham of as JOINT TENANTS, with rights of survivorship, County, New Hampshire

with WARRANTY COVENANTS,

5 POCK-HIGHAM COUNTY CISTRY OF DEEDS 圭 S 9

Portsmouth MH (80) A tract of land, with the buildings thereon, situate in Portsmouth, Rockingham County, New Hampshire, bounded and described as follows:

Beginning at the southerly corner of the premises and on the northwesterly line of land now or formerly of Harvey Moulton and on land of John Gerasis; thence N. 39° 28' W. by land of Gerasis 94.07 feet to an access street leading to land of said Gerasis; thence N. 57° 31' E. by said access street 102.32 feet; thence easterly by said street by a curve to the right having a radius of 25 feet, a distance of 33.35 feet; thence S. 46° 3' 24" E. by an access street leading to land of said Moulton, now known as Mariette Drive, 31.71 feet; thence continuing southeasterly by said Drive by a curve to the right having a radius of 185 feet, a distance of 43.83 feet; thence S. 57° 31' W. by land of said Moulton 127.8 feet to the point of beginning. Said premises are known as Lot No. 80, as shown on Plan "C", Maple Haven, Lots 67 to 78 and 80 to 90, made by Albert Moulton, C. E., dated February 17, 1959, said premises

Being the same premises conveyed to Raymond J. Bailey, Jr. and Kathleen E. Bailey by Cornelius J. Collins, Jr. and Elizabeth A. Collins by deed dated April 10, 1968.

being subject to the restrictions as shown on said plan.

The grantor(s) are husband and wife, and

minimum, release to said grantee all rights of curtesy, dower and homestead and other interests therein.

WITNESS our hand and seal this 23rd day of February, 1973.

Signed, sealed and delivered in the presence of: Rechard C Jane William (4) Jeil	Haymond Buly for Saily		
U. S. NAVAL STATION, ROOSEVELT ROADS, PUERTO RESERVED AND AND RESERVED RESERVED BY A PROPERTY OF THE PROPERTY	Date: 2 Paren 1913		
and acknowledged the foregoing instrument to be their			
STATE OF NEW HAMPSHIRE TAX ON TRANSFER COMMISSION TO OF REAL PROPERTY \$\infty\$ 3.7. 5.0 \(\frac{5}{2}\)	Notery Parish. S. D. PETERSON, LT., JACC, USAR Notorial Powers per New Hampshire Rev. Stats. Annotated, Ch. 456 12(1968)		

4/2/24, 8:26 AM

Exhibit "E"

about:blank

Detached Accessory Structure (Shed/Garage)



City of Portsmouth **Building Permit**

Inspection Department 1 Junkins Avenue Portsmouth, NH 03801 603-610-7243

Use Group:

Constr. Type: Type V-B

Permit Number: BLDG-23-856 Date of Issue: November 6, 2023 Expires: November 5, 2024 Const. Cost: \$ 12,000

ST PIERRE EDMUND R

Applicant: Edmund St Pierre

Contractor: Ed St Pierre, ESP Construction Phone #: 978 766 7748

15 MARIETTE DR Location:

Description of Work: Residential detached garage renovation. This stage of the job does not include adding a second floor. Extend the front garage foundation by 5', the roof overhang to extend an additional 2'. Proposed changes are 33' from front lot line, 21' from right side setback, 88' from left setback, and 58' from rear setback. The existing footprint is 20' x 20' w 2' apron. Proposed footprint is 20' x 25'. Convert right side stall to workshop with with 1/2 bath. 36"x82" Fiberglass door and 36"x 36" window to match house. Siding details will match house. Install 2" rigid Styrofoam around the perimeter to frost protect the slab foundation.

0292-0167-0000-Map/Lot:

Occupancy Classification: Residential Other- (See R-3) Accessory

Design Occupancy Load: Total # of Dwelling Units:

IRC Edition: 2018 Bldg. Code: to Residential

Remarks: * Per City Ord. Sec. 11.502 (F) Street/Unit Number must be affixed to Main Structure as to be plainly visible from the street. Construction sites must post the address clearly on the property. No site activity allowed before 7:00AM or after 6:00PM. No weekend construction allowed.

-*-*-*Please call 603-610-7243 to schedule inspections

* Separate electrical, plumbing and mechanical permits required.

* Per Section R109.4 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. Do not cover or conceal until authorized by the building official.

The PERMIT HOLDER has read this permit, the permit application, and the Building Official's marked-up plans and agrees to perform the work authorized including any conditions or requirements indicated thereon; and any stipulations imposed by a Land Use Board in conjunction with the project. The CONTRACTOR shall be responsible for notifying the Inspection Department 48 hours in advance, for FOUNDATION, FRAMING, and FINAL inspections. A Certificate of Occupancy is required for all Building Permits. Buildings shall not be occupied until ALL inspections (BUILDING, ELECTRICAL, PLUMBING, MECHANICAL, and FIRE) are complete and Occupancy has been issued. By signing this permit, the owner or his/her representative (Permit Holder), authorizes property access by city officials to conduct interior and exterior inspections and property tax assessments during and/or after the

The Permit Card Shall Be Posted and Visible From the Street During Construction.

* Per City Ord, Sec. 11.502 (F) Street/Unit Number must be affixed to Main Structure as to be plainly visible from the street, Construction sites must post the address clearly on the property. No site activity allowed before 7:00AM or after 6:00PM. No weekend construction allowed.

Code Official:

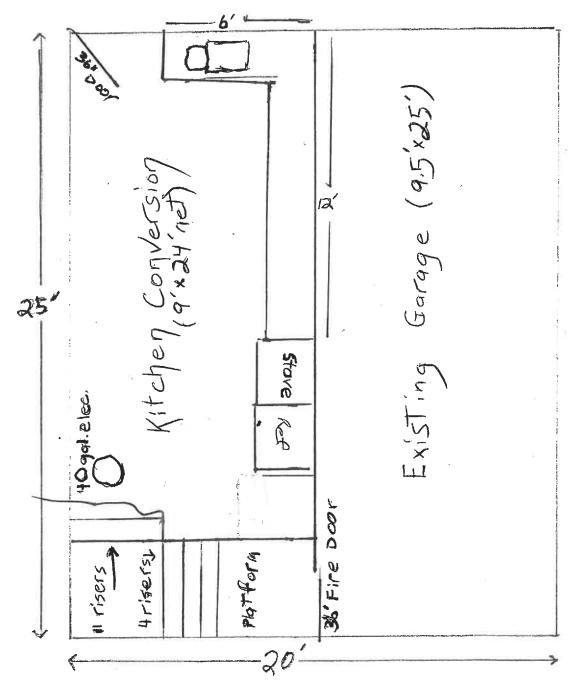
This is an e-permit. To learn more, scan this barcode or

visit portsmouthnh.viewpointcloud.com/#/records/77044

Proposed Level 1 15 Mariette Drive

Scale:

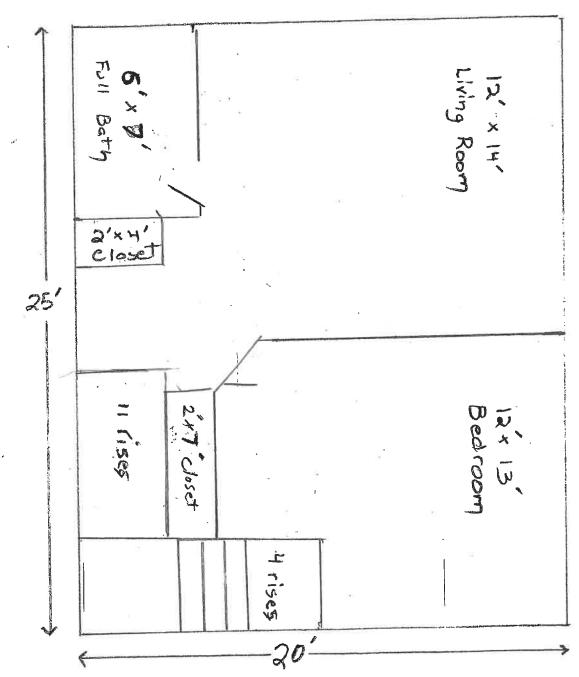
Plan "B"



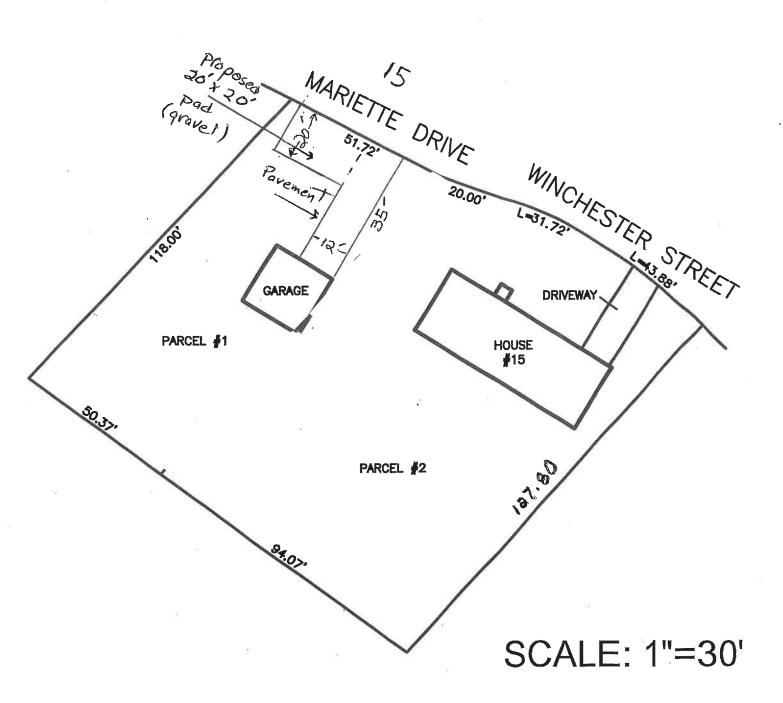
Proposed Levela 15 Mariette Drive

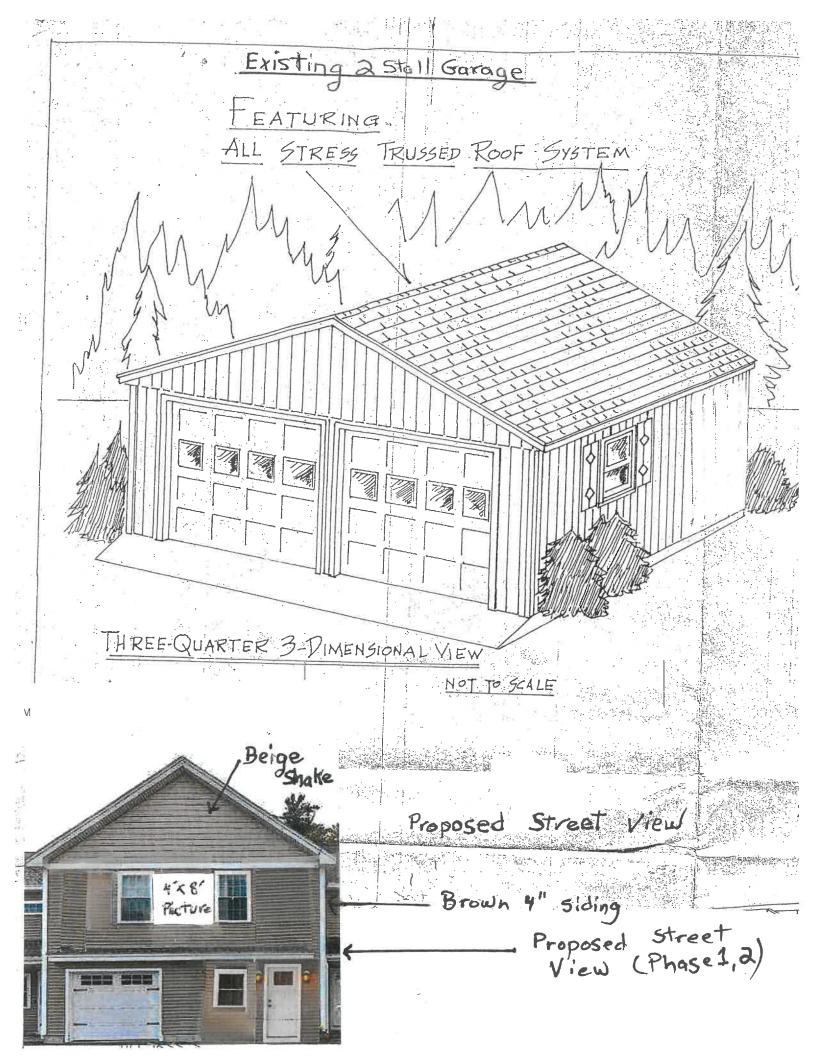
Scale: 1/4 = 1

Front



Proposed Parking Plan -2 stacked + garage -2 overflow (20'x 20'pad)





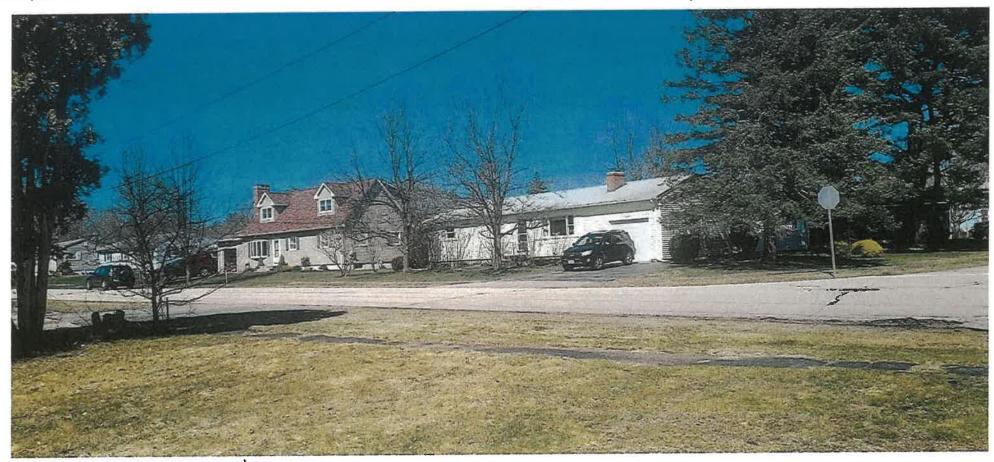
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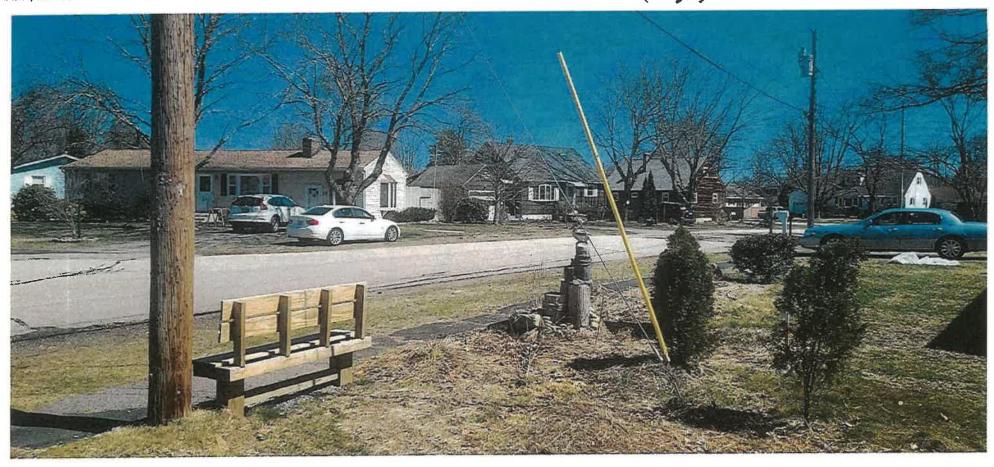
15 Mariette Dr Existing Conditions



15 Mariette (West)



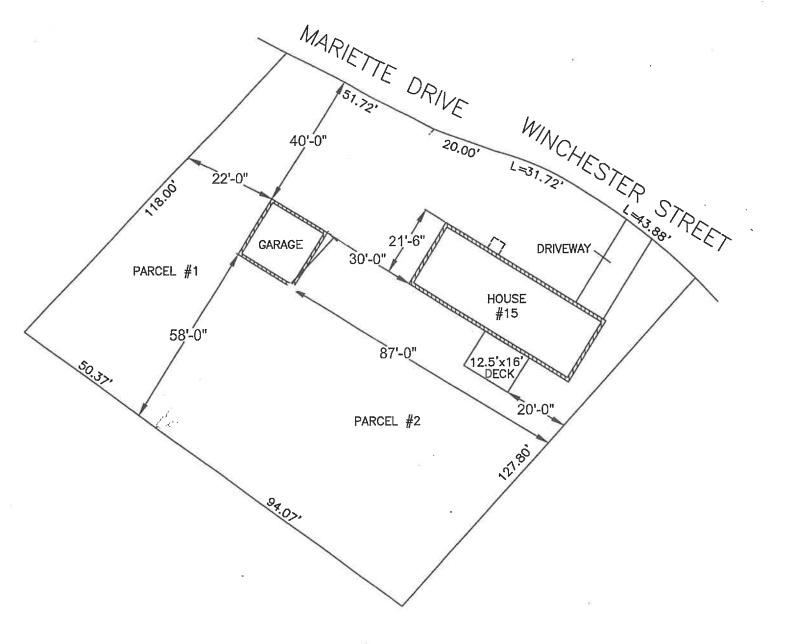
Northwest of site



13 Mariette Dr. (across)

SRB Setbacks:

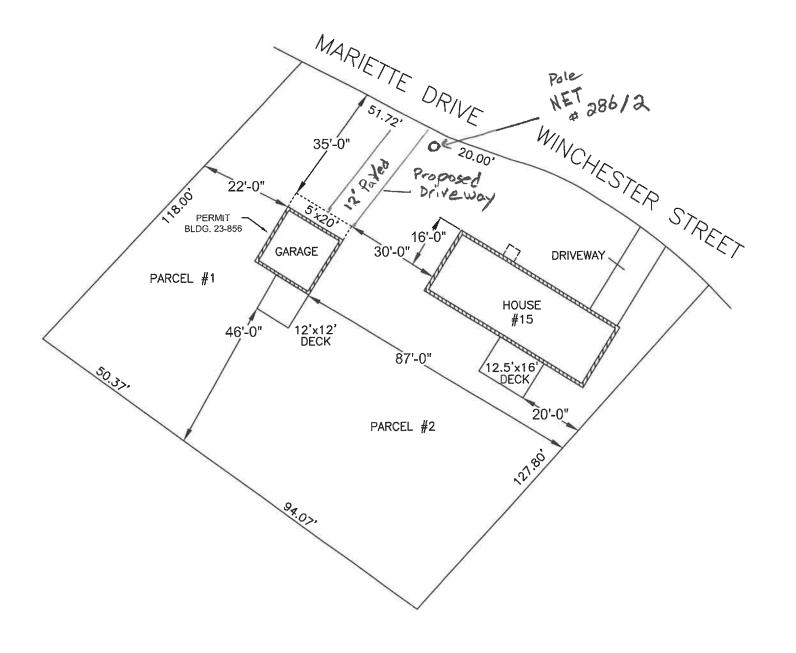
Front 30' Side 10' Rear 30'





NO.	DATE	APPR.	REVISIONS	. LEGEND	DESIGNED BY: ERS		15 MARIETTE DRIVE CITY OF PORTSMOUTH, NH	SCALE HORZ, 1" = 30'
#1 #2		Changed per owner co Final Revisions	nments		DRAWN BY: KSP CHECKED BY: ERS APPROVED BY: ERS	0' 15' 30' 60'	Exisiting Conditions	PAGE 1 of 3

Note:



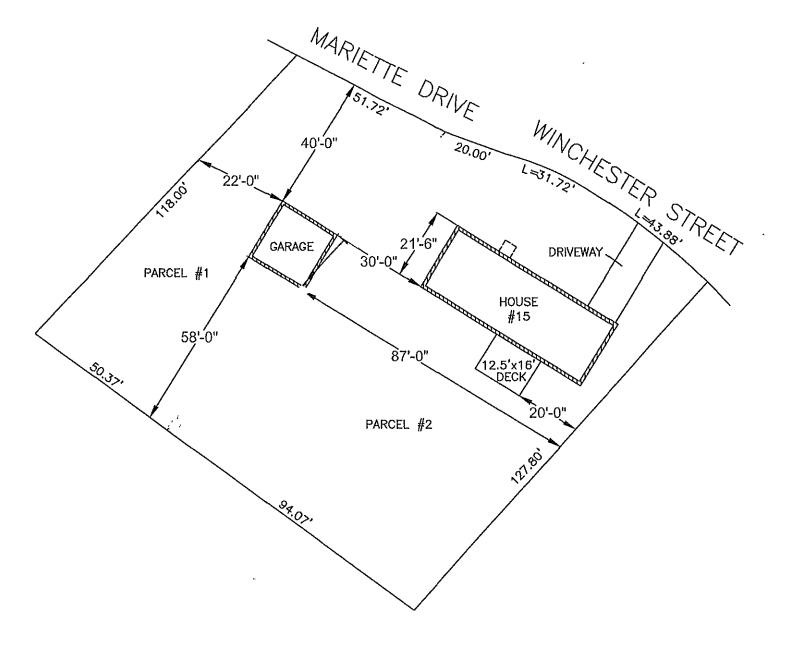


NO.	DATE	APPR. REVISIONS	LEGEND	DESIGNED BY: ERS		15 MARIETTE DRIVE CITY OF PORTSMOUTH, NH	SCALE HORZ. 1" = 30'
#1		Changed per owner comments Final Revisions		DRAWN BY: KSP		Offi of Tolkiowicom, ini	HUR2. 1 = 30:
				CHECKED BY: ERS	0' 15' 30' 60'	Proposed Conditions	PC1
				APPROVED BY: ERS			PAGE 2 of 3

SRB Setbacks:

Front 30' Side 10'

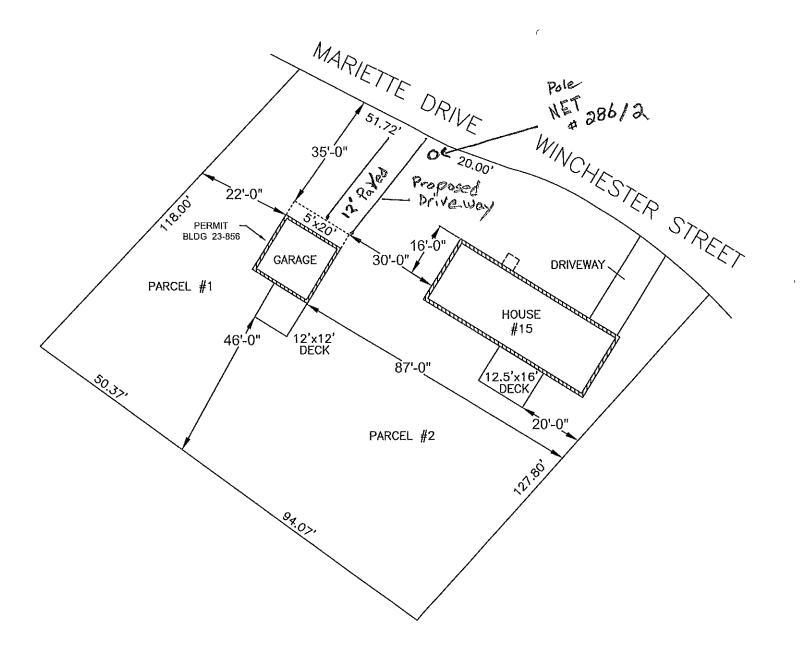
Rear 30'





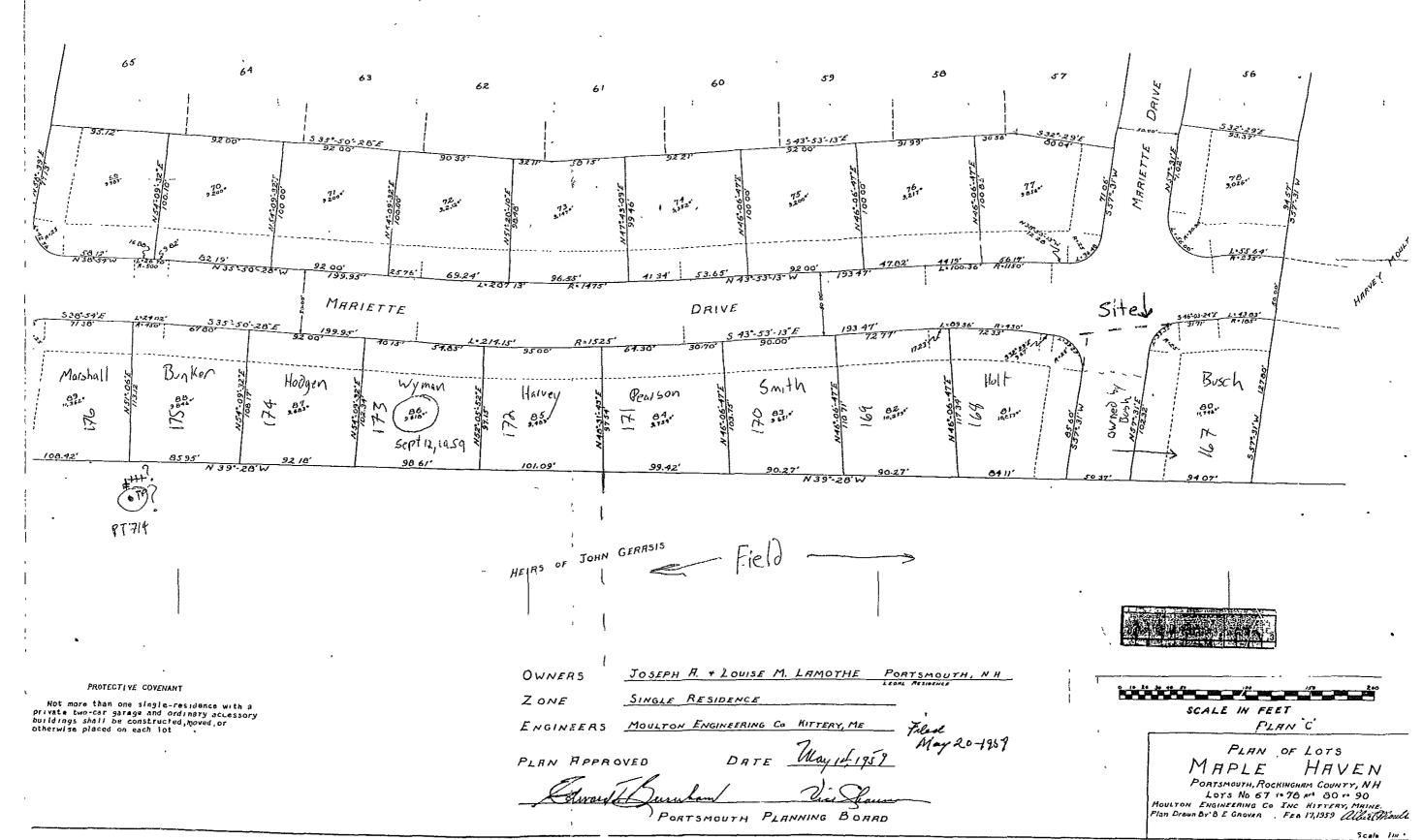
<i>NO.</i>	<i>DATE</i> 4-12-2024	APPR. REVISIONS Changed per owner comments	LEGEND	DESIGNED BY: ERS		15 MARIETTE DRIVE CITY OF PORTSMOUTH, NH	SCALE HORZ, 1" = 30'
#2	4-13-2024	Final Revisions		DRAWN BY: KSP			
				CHECKED BY: ERS	0' 15' 30' 60'	Exisiting Conditions	: \EC1
				APPROVED BY: ERS			PAGE 1 of 3

Note:





NO	DATE	APPR, REVISIONS	LEGEND	DESIGNED BY ERS		15 MARIETTE DRIVE	SCALE
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				CHECKED BY: ERS	0' 15' 30' 60'	Proposed Conditions	PC1
				APPROVED BY: ERS		. Topodoa domanada	PAGE 2 of 3



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