



CITY OF PORTSMOUTH

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

PLANNING BOARD

July 23, 2024

Perkins Kwoka Joint Revocable Trust
Rebecca P & Katelyn E. Kowka Trustees
224 Broad Street, Unit #3
Portsmouth, NH 03801

RE: Wetland Conditional Use Permit for property located at 224 Broad Street, Unit #3 (LU-23-179)

Dear Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, July 18, 2024, considered your application for a Wetland Conditional Use Permit from Section 10.1017.50 for the replacement and expansion of an existing 192 s.f. sunroom and the demolition of a 286 s.f. rear deck, with new construction proposed for an addition of 384 s.f. to the existing sunroom, a new 367.5 s.f. rear deck and regrading of a portion of the site for the installation of a retaining wall and underdrain for stormwater control. The applicant is proposing to remove 491 s.f. of existing pavers and asphalt to be replaced with 401 s.f. of new pavers. This proposal includes the removal of the existing lawn to be replaced with a micro-clover seed mix, a planting plan, and a stone drip edge.. Said property is shown on Assessor Map 131, Lot 13 and lies within the General Residence A (GRA). As a result of said consideration, the Board voted **postpone** the request to the August meeting

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, August 15, 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:



CITY OF PORTSMOUTH

Planning & Sustainability
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Portsmouth, New
Hampshire 03801
(603) 610-7216

PLANNING BOARD

July 25, 2024

Dave Morgan
Lonza Biologics
230 Corporate Drive
Portsmouth, New Hampshire 03801

RE: Amended Site Plan approval request for property located at 5 Technology Way,(Formerly 70 Corporate Drive) Portsmouth, NH (LU-23-108)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Tuesday, July 18, 2024, considered your application for Amended Site Plan approval for the addition of Phase Photovoltaic Cell (PV) Solar canopies over the previously approved temporary surface parking lot with associated utility infrastructure improvements. Said property is shown on Assessor Map 305 Lot 6 and lies within the Airport Business Commercial (ABC) District. As a result of said consideration, the Board voted to recommend Amended Site Plan Approval to the **to the Pease Development Authority** with the following **condition**:

1.1) The 2018 Rockingham Planning Commission report on regional impact will be provided to the Planning Department.

This approval is granted subject to all conditions of approval by the Planning Board on January 17, 2019 and to all other requirements stated in the Planning Board letter of decision dated January 18, 2019.

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 stylized with large, flowing loops and a long horizontal tail stroke.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Neil Hansen, Tighe & Bond



CITY OF PORTSMOUTH

Planning & Sustainability
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1 Junkins Avenue
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PLANNING BOARD

July 25, 2024

City of Portsmouth and Portsmouth School Department
Attn: Ken Linchey
1 Junkins Avenue
Portsmouth, New Hampshire 03801

RE: WCUP request for property located at 50 Andrew Jarvis Drive, Portsmouth, NH (LU-24-50)

Dear Director of Buildings & Grounds/Maintenance:

The Planning Board, at its regularly scheduled meeting of **Thursday, July 18, 2024**, considered your application for a Wetland Conditional Use Permit from Section 10.1017.50 of the Ordinance for the conversion of an existing practice field into a baseball and softball practice field which includes adding an 800 s.f. batting cage, a 40' wide backstop with posts driven into the ground, and the removal of approximately 800 s.f. of existing grass for replacement with an infield mix of clay, sand and silt. All of this work will occur within the 100' wetland buffer. Said property is shown on Assessor Map 229, Lot 3 and Map 221, Lot 2A and lies within the Municipal District (M). 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.

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>

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Very truly yours,

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Rick Chellman, Chairman of the Planning Board

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

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: July 18, 2024

Property Address: 50 Andrew Jarvis Dr.

Application #: LU-24-50

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	This area is already heavily used as a recreation area for high school students and other recreation leagues. The addition of baseball/softball equipment will allow for more teams to utilize the space.
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 there is an alternative location in this area that would create minimal disturbance and be outside the buffer, it would create a safety hazard due to its proximity to buildings and parking areas. The chosen location within the buffer is already used as a recreational field and it does not receive any harmful maintenance such as fertilizer or chemical use, only occasional mowing. The conversion to a baseball/softball field will not change how the buffer has been used historically.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets	The infield mix proposed for the new field will be a permeable mix that should not have a noticeable impact on infiltration within this buffer area. The adjacent wetland is well forested and should not see an impact from this field conversion.
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 only vegetation proposed to be removed is a portion of existing grass lawn. This will be replaced with a permeable sand/silt/clay infield mix.
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 minimizes impacts to the buffer by proposing a permeable infield mix and minimal permanent equipment. On-site alternatives would require greater disturbance to areas that are not already used as recreational fields.
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	No work is proposed within the 25' vegetated buffer.
7	<u>Other Board Findings:</u>		



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1 Junkins Avenue
Portsmouth, New
Hampshire 03801
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PLANNING BOARD

July 25, 2024

City of Portsmouth

PO BOX 628
Portsmouth, New Hampshire 03802

RE: After the Fact Wetland Conditional Use Permit for property located at 0 Maplewood Avenue, Portsmouth, NH (LU-24-102)

Dear Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, July 18, 2024**, considered your application for an after the fact Wetland Conditional Use Permit from Section 10.1017.50 of the Ordinance due to the emergency authorization issued by NHDES on May 16, 2024 for repair of the stone wall alongside the North Cemetery. This application is for the restoration and repair of the wall in-kind which includes installation of new stone, installing non-woven geotextile along the eroded bank, importing structural backfill, and loam and seeding the disturbed areas once finished. Said property is shown on Assessor Map 124, Lot 2 and lies within the Municipal (M). 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) Applicant shall monitor the success of reseeded areas to ensure stabilization. If stabilization is not successful within 30 days of seeding, the area will need to be reseeded.

2.2) A planting plan of the temporary accessway area shall be submitted to the Planning & Sustainability Department for review and approval.

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,

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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: July 18, 2024

Property Address: 0 Maplewood Ave.

Application #: LU-24-102

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	This work is an in-kind repair job. The damaged wall is structurally integral to keeping the cemetery border and fill contained.
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	There is no alternative location to rebuild this wall in. The safety of the tomb and burials behind the wall is reliant on the structure of this wall and it must be fortified in order to prevent further erosion, or worse, collapse.
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets	The applicant used professional services to access the area and wall from the adjacent property, so as not to disturb the hallowed ground. This may have impacts on the pathway of any necessary construction vehicles. The applicant shall restore any disturbed soils with native wetland buffer conservation seed mix and monitor for establishment.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
4	<i>4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	Meets	The natural vegetated state was disturbed in order to get construction equipment onto the site. This area should be stabilized with erosion controls, along with the wall, and should be reseeded at the end of construction with a native wetland buffer conservation seed mix.
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 alternatives to not repairing this wall would be allowing it, and the fill, and historic infrastructure to erode and/or slide into the North Mill Pond. The repair of this wall was an emergency repair.
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	All areas disturbed within the 25' vegetated buffer shall be reseeded at the end of construction with a native wetland buffer conservation seed mix.
7	<u>Other Board Findings:</u>		



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Portsmouth, New
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(603) 610-7216

PLANNING BOARD

July 25, 2024

Rosania RR & KL Revocable Trust
32 Boss Avenue
Portsmouth, New Hampshire 03801

RE: Conditional Use Permit for property located at 32 Boss Avenue, Portsmouth, NH (LU-24-117)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, July 18, 2024, considered your application for a Conditional Use Permit in accordance with Section 10.440, Use 19.22 for a Home Occupation 2. Said property is shown on Assessor Map 153 Lot 5 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 criteria set forth in Section 10.243.20 and to adopt the findings of fact as presented; *and* 2) to **approve** the conditional use permit with the following **condition**:

2.1) The home occupation may have up to 2 additional classes per weekday between the hours of 6 – 9 pm and one day on the weekend between the hours of 8 am – 5 pm.

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>

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Very truly yours,

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Rick Chellman, Chairman of the Planning Board

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

Findings of Fact | Home Occupation 2 Conditional Use Permit

City of Portsmouth Planning Board

Date: July 18, 2024

Property Address: 32 Boss Ave.

Application #: LU-24-117

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.

Home Occupation 2 Conditional Use Permit

10.242.10 The Planning Board may grant a conditional use permit if the application is found to be in compliance with the general criteria in Section 10.243 or, if applicable, the specific standards or criteria set forth in this Ordinance for the particular use or activity.

	Home Occupation 2 Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
1	10.243.21 The design of proposed structures, their height and scale in relation to the site's surroundings, the nature and intensity of the proposed use or activity, and the layout and design of the site will be compatible with adjacent and nearby properties, buildings and uses, will complement or enhance the character of surrounding development, and will encourage the appropriate and orderly development and use of land and buildings in the surrounding area.	Meets	The home occupation will be in an existing studio which is contained within the existing dwelling.
2	10.243.22 All necessary public and private utility infrastructure and services will be available and adequate to serve the proposed use.	Meets	The art classes will require minimal water and electricity usage from the existing services that serve the dwelling.

	Home Occupation 2 Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
3	10.243.23 The site and surrounding streets will have adequate vehicular and pedestrian infrastructure to serve the proposed use consistent with the City's Master Plan.	Meets	There are three different routes to access the location in addition to lighted sidewalks. The property has 155 feet of street frontage. The Master Plan supports expanding opportunities for home-based businesses.
4	10.243.24 The proposed structures, uses, or activities will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.	Meets	The classes will be a few hours in length and will not have any significant adverse impact on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation and exterior lighting glare.
5	10.243.25 The proposed structures and uses will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat.	Meets	The art studio is fully contained within the home and will not impact the wetlands, floodplains or wildlife habitats.
6	10.243.26 The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.	Meets	Granting a conditional use permit to allow small art classes will be an asset to the neighborhood and will not cause a decline in property values.
6	<u>Other Board Findings:</u>		
7	<u>Additional Conditions of Approval:</u>		



CITY OF PORTSMOUTH

Planning & Sustainability
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PLANNING BOARD

July 25, 2024

Mark and Janet Greenwood
480 Dennett Street
Portsmouth, New Hampshire 03801

RE: Conditional Use Permit for DADU for property located at 480 Dennett Street,
Portsmouth, NH (LU-24-120)

Dear Property Owners:

The Planning Board, at its regularly scheduled meeting of Thursday, July 18, 2024, considered your application for Conditional Use Permit from Section 10.814 for a Detached Accessory Dwelling Unit (DADU) for the demolition of the existing garage and construction of a new DADU. Said property is shown on Assessor Map 160 Lot 26 and lies within the General Residence A (GRA) 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.

2.4) Applicant shall ensure all increase in stormwater runoff is maintained on the property.

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:

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Very truly yours,

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Rick Chellman, Chairman of the Planning Board

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

Findings of Fact | Detached Accessory Dwelling Unit

City of Portsmouth Planning Board

Date: July 18, 2024

Property Address: 480 Dennett Street

Application #: LU-24-120

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 complies with the standards in Section 10.814 with no requested modifications.
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 design of the DADU is compatible with the existing principal dwelling.
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	The site plan provides adequate open space and the parking on the lot will exceed the requirement 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 new conforming location of the DADU will be compatible with the existing neighborhood and will not reduce the privacy of adjacent properties. The DADU will be located within the existing fenced yard in a conforming location.
5	Other Board Findings:		



CITY OF PORTSMOUTH

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1 Junkins Avenue
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PLANNING BOARD

July 25, 2024

Portsmouth West End Development LLC
3 Penstock Way
Newmarket , New Hampshire 03857

RE: Conditional Use Permit request for property located at 125 Brewery Lane, Portsmouth, NH (LU-24-108)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, July 18, 2024, considered your application for a Conditional Use Permit in accordance with Section 10.440, Use 19.50 for an outdoor dining and drinking area as an accessory use . Said property is shown on Assessor Map 154 Lot 2 and lies within the Character District 4-W (CD-4W) District. As a result of said consideration, the Board voted 1) to find that the Conditional Use Permit application meets the criteria set forth in Section 10.243.20 and to adopt the findings of fact as presented; *and* 2) to **grant** the conditional use permit as presented.

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:

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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.

Rick Chellman, Chairman of the Planning Board

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

Findings of Fact | Outdoor Dining Conditional Use Permit

City of Portsmouth Planning Board

Date: July 18, 2024

Property Address: 125 Brewery Lane

Application #: LU-24-108

Decision: **Approve**

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.

Outdoor Dining Conditional Use Permit

10.242.10 The Planning Board may grant a conditional use permit if the application is found to be in compliance with the general criteria in Section 10.243 or, if applicable, the specific standards or criteria set forth in this Ordinance for the particular use or activity.

	Outdoor Dining Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
1	10.243.21 The design of proposed structures, their height and scale in relation to the site's surroundings, the nature and intensity of the proposed use or activity, and the layout and design of the site will be compatible with adjacent and nearby properties, buildings and uses, will complement or enhance the character of surrounding development, and will encourage the appropriate and orderly development and use of land and buildings in the surrounding area.	Meets	The proposed patio, located behind the building at 125 Brewery Lane, will consist of an approximately 470 square foot gravel patio. Seating will consist of picnic tables and bistro tables and seating. One table will be adjacent to the concrete space to allow for handicap access. Seating will consist of approximately 1-2 picnic tables and 1-3 bistro tables and chairs and/or an assortment of lawn chairs.
2	10.243.22 All necessary public and private utility infrastructure and services will be available and adequate to serve the proposed use.	Meets	No alteration to public and/or private utility infrastructure is required as part of the proposed use.

	Outdoor Dining Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
3	10.243.23 The site and surrounding streets will have adequate vehicular and pedestrian infrastructure to serve the proposed use consistent with the City's Master Plan.	Meets	There will be no impact to vehicular or pedestrian infrastructure as part of the proposed use of the space.
4	10.243.24 The proposed structures, uses, or activities will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.	Meets	Sufficient parking is available at the business address. Additional parking is located in nearby lots during business hours. No outdoor speakers or live music will be offered on the patio. Hours of operation are between 10am - 8pm.
5	10.243.25 The proposed structures and uses will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat.	Meets	No wetlands, floodplains, wildlife habitats, or other natural or scenic resources are present at the site of the proposed patio.
6	10.243.26 The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.	Meets	The proposed patio will not cause or contribute to a significant decline in property value of the adjacent properties.
6	<u>Other Board Findings:</u>		
7	<u>Additional Conditions of Approval:</u>		