

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: September 6, 2024

Property Address: 105 Bartlett Street

Application #: LU-24-132

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.

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 Does Not Meet	<u>Applicable standards:</u> The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.
2	Provision for the safe development, change or expansion of use of the site.	Meets Does Not Meet	The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
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 Does Not Meet	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> TAC reviewed the erosion control and stormwater management practices and other mitigative measures for conformance with City design requirements. <p>The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.</p>
4	Adequate protection for the quality of groundwater.	Meets Does Not Meet	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> TAC reviewed the erosion control and stormwater management practices and other mitigative measures for conformance with City design requirements. <p>The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.</p>
5	Adequate and reliable water supply sources.	Meets Does Not Meet	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> The site is served by city water. No proposed changes to water connections or demand are part of this application. <p>The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.</p>
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets Does Not Meet	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> The site is served by municipal sewer. No proposed changes to sewer connections or demand are part of this application.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
			The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.
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 Does Not Meet	<p>Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> TAC reviewed the erosion control and stormwater management practices and other mitigative measures for conformance with City design requirements. <p>The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.</p>
8	Adequate provision for fire safety, prevention and control.	Meets Does Not Meet	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <p>The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.</p>
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets Does Not Meet	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <p>The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.</p>
10	Adequate protection of historical features on the site.	Meets Does Not Meet	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> There are no on-site historical features that will be removed/disturbed. <p>The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.</p>
11	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect	Meets Does Not Meet	The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
	public safety and prevent traffic congestion.		<ul style="list-style-type: none"> The proposed project will not make any changes to the volume and/or flow of traffic. <p>The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.</p>
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	<p>Meets</p> <p>Does Not Meet</p>	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> The proposed project will not make any changes to the volume and/or flow of traffic. <p>The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.</p>
13	Adequate insulation from external noise sources.	<p>Meets</p> <p>Does Not Meet</p>	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <p>The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.</p>
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.	<p>Meets</p> <p>Does Not Meet</p>	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> TAC reviewed that police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project. <p>The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.</p>
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	<p>Meets</p> <p>Does Not Meet</p>	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <p>The application was recommended for approval on August 6, 2024, at the</p>

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
			Technical Advisory Committee Meeting.
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 Does Not Meet	The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.
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 Does Not Meet	The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets Does Not Meet	The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.
19	Compliance with applicable City approved design standards.	Meets Does Not Meet	The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. The application was recommended for approval on August 6, 2024, at the Technical Advisory Committee Meeting.
	Other Board Findings:		