



CITY OF PORTSMOUTH

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

PLANNING BOARD

November 26, 2024

Port Harbor Land, LLC
1000 Market Street, Building One
Portsmouth, New Hampshire 03801

RE: CUP approval requests for Building Footprint & Parking for property located at 2 Russell Street, Portsmouth, NH (LU-22-111)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, November 21, 2024, considered your application for a Conditional Use Permit Approval to allow a 40,000 square foot building footprint within the CD5 zone as permitted under Section 10.5A43.43 and a Conditional Use Permit to provide 340 parking spaces on separate lots where 334 are required under Section 10.1112.62 of the Zoning Ordinance. Said property is shown on Assessor Map 124 Lot 12 and lies within the Character District 5 (CD5) Historic and Downtown Overlay Districts. As a result of said consideration, the Board voted to 1) find that the Conditional Use Permit application meets the criteria set forth in Section 10.1112.62 and to adopt the findings of fact as presented; *and* 2) to find that the number of off-street parking spaces provided will be adequate and appropriate for the proposed use of the property and to **grant** the conditional use permit as presented with the following **condition**:

2.1) *The shared parking arrangement shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.*

2.2) *The number of spaces may be decreased by 1 space, as determined by staff, without impacting the approval.*

Conditional Use Permit – 10.5A43.43 Maximum Building Footprint

The Board voted to 1) find that the Conditional Use Permit application meets the criteria set forth in Section 10.5A43.43 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:

<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.

Rick Chellman, Chairman of the Planning Board

cc: Shanti Wolph, Chief Building Inspector
Rosann Maurice-Lentz, City Assessor
Patrick Crimmins, Tighe & Bond
Ryan Plummer, Two International Group
John Lyons, Lyons Law Offices

Findings of Fact | Maximum Building Footprint Conditional Use Permit

City of Portsmouth Planning Board

Date: November 21, 2024

Property Address: 2 Russell Street

Application #: LU-22-111

Decision: **Approve with Conditions**

Findings of Fact:

As amended RSA 676:3, I now reads as follows: 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.

Maximum Building Footprint Conditional Use Permit

10.5A43.43 For a building that contains ground floor parking, a parking garage or underground parking levels, and is not subject to Section 10.5A43.42, the Planning Board may grant a conditional use permit to allow a building footprint of up to 30,000 sq. ft. in the CD4 or CD4-W districts, and up to 40,000 sq. ft. in the CD5 district, if all of the following criteria are met:

| | Parking Conditional Use Permit 10.5A43.43 Requirements | Finding (Meets Criteria/Requirement) | Supporting Information (provided by the applicant) |
|----------|---|---|--|
| 1 | No story above the ground floor parking shall be greater than 20,000 sq. ft. in the CD4 or CD4-W districts or 30,000 sq. ft. in the CD5 district. | Meets | The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. <ul style="list-style-type: none">• The site is located within the CD5 district.• The footprint of the building stories above the ground floor are 29,810 SF. The application was recommended as complete at the October 8, 2024 Technical Advisory Committee meeting |
| 2 | All ground floor parking areas shall be separated from any public or private street by a liner building. | Meets | The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations. <ul style="list-style-type: none">• The ground floor parking areas are |

| | Parking Conditional Use Permit 10.5A43.43 Requirements | Finding (Meets Criteria/Requirement) | Supporting Information (provided by the applicant) |
|----------|---|---|---|
| | | | <p>separated from the public street by a liner building.</p> <p>The application was recommended as complete at the October 8, 2024 Technical Advisory Committee meeting</p> |
| 3 | (c) At least 50% of the gross floor area of the ground floor shall be dedicated to parking. | Meets | <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 total gross floor area of the ground floor dedicated to parking is 64.2%. <p>The application was recommended as complete at the October 8, 2024 Technical Advisory Committee meeting</p> |
| 4 | (d) At least 30% of the property shall be assigned and improved as community space. Such community space shall count toward the required open space listed under Figures 10.5A41.10A-D (Development Standards) and community space required under Section 10.5A46.20. The size, location and type of the community space shall be determined by the Planning Board based on the size and location of the development, and the proposed and adjacent uses. | Meets | <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 lot area for Map 118, Lot 28 and Map 119 Lot 4 is 57,967 SF which requires 17,391 SF of community space to meet the 30% requirement. Proposed community space areas on Map 118, Lot 28 and Map 119 Lot 4 totals 23,446 SF or 40.4%. See Community Space Exhibit. <p>The application was recommended as complete at the October 8, 2024 Technical Advisory Committee meeting</p> |
| 5 | (e) The development shall comply with all applicable standards of the ordinance and the City's land use regulations. | Meets | <p>The development has been reviewed by the Technical Advisory Committee for conformance with applicable standards of the ordinance and the City's land use regulations and has been recommended for approval.</p> |
| 5 | Other Board Findings: | | |

Findings of Fact | Parking Conditional Use Permit

City of Portsmouth Planning Board

Date: November 21, 2024

Property Address: 2 Russell Street

Application #: LU-22-111

Decision: Approve with Conditions

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, I now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

Parking Conditional Use Permit

10.1112.14 The Planning Board may grant a conditional use permit to allow a building or use to provide less than the minimum number of off-street parking spaces required by Section 10.1112.30, Section 10.1112.61, or Section 10.1115.20, as applicable, or to exceed the maximum number of off-street parking spaces allowed by Section 10.1112.51.

| | Parking Conditional Use Permit 10.1112.62 Requirements | Finding (Meets Criteria/Requirement) | Supporting Information (provided by applicant) |
|----------|---|---|---|
| 1 | 10.1112.61 Developments that contain a mix of uses on the same parcel shall reduce the number of off-street parking spaces in accordance with the methodology in Section 10.1112.61 (1-3) | Meets | <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 project meets the city's parking requirements by sharing parking between the three (3) proposed redevelopment parcels and the existing Sheraton Hotel and Deer Street condos The project is providing a total of 340 proposed parking spaces where 334 spaces are required. <p>The application was reviewed at the October 8, 2024 Technical Advisory Committee meeting</p> |
| 2 | Shared parking arrangement | Meets | The application has been reviewed by |

| | Parking Conditional Use Permit 10.1112.62 Requirements | Finding (Meets Criteria/Requirement) | Supporting Information (provided by applicant) |
|--|---|---|---|
| | shall be secured by a covenant acceptable to the City and recorded in the Rockingham County Registry of Deeds | | <p>the Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> • The shared parking arrangement shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds. The applicant understands that should the Planning Board grant the shared parking CUP, as a condition of approval the applicant will be required to record the agreement. |
| | | | |



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PLANNING BOARD

November 26, 2024

Hogswave LLC.
912 Sagamore Avenue
Portsmouth, New Hampshire 03801

RE: WCUP request for property located at 913 Sagamore Avenue, Portsmouth, NH (LU-24-141)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, November 21, 2024**, considered your application for a Wetland Conditional Use Permit from Section 10.1017.50 for 9,574 square feet of disturbance within the wetland buffer area for re-development including demolition of the existing dwelling, construction of a new dwelling, re-configuration of the gravel driveway, pervious paver patio, and deck, grading, utility connections and landscaping. Said property is shown on Assessor Assessor Map 223 Lot 27 and lies within the Waterfront Business (WB) 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 to adopt the findings of fact as presented; *and* 2.) to **grant** the Conditional Use Permit with the following **condition**:

2.1) Wetland boundary markers shall be permanently installed prior to the start of construction in locations noted on plan set.

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,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is fluid 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
John Chagnon, Project Manager, Haley Ward

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: November 21, 2024

Property Address: 913 Sagamore Avenue

Application #: LU-24-141

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 | Given that the existing lot currently contains a residential structure and provides residential use, and the proposed structure is not located in the Special Flood Hazard Area, the land is reasonably suited to the use, activity, or alteration. |
| 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 | Due to the configuration of the lot, the location of nearby wetlands and buffers, and the presence of exposed or shallow depth to bedrock, there does not exist an area to propose the building location and achieve reasonable use while avoiding the 100' City of Portsmouth Wetland Buffer. |
| 3 | <i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i> | Meets | We believe the proposal will not significantly impact the existing wetland resource located adjacent to the site, and the resource functions and values. The proposed project removes impervious surfaces within the wetland buffer, provides pervious technology for the proposed patio, proposes stone drip aprons which will serve to improve stormwater quality, treatment, and infiltration on the subject parcel. |

| | 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 proposed project does not include alteration of any naturally vegetated area to accommodate the construction of the new home. |
| 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 project represents the alternative with the least adverse impacts to areas and environments while allowing reasonable use of the property. The proposal avoids the wetland buffer to the greatest extent practicable, and avoids bedrock removal to accommodate construction while providing a reasonable use for the property owner. |
| 6 | <i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i> | Meets | There are no areas within the 25-foot vegetated buffer strip that will be impacted or altered by this project, other than areas being planted. |
| 7 | <u>Other Board Findings:</u> | | |



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PLANNING BOARD

November 26, 2024

Zeng Kevin Shitan Revocable Trust of 2017
377 Maplewood Avenue
Portsmouth, New Hampshire 03801

RE: CUP for DADU request for property located at 377 Maplewood Avenue, Portsmouth, NH
(LU-24-133)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, November 21, 2024, considered your application for a Conditional Use Permit from Section 10.814 for a Detached Accessory Dwelling Unit. Said property is shown on Assessor Map 141 Lot 22 and lies within the General Residence A (GRA) and Historic Districts. 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 to adopt the findings of fact as presented; *and* 2) to grant the following **modification**:

2.1) Modification from Section 10.814.434 to allow a building footprint of 1,104 square feet.

And;

3) The Board voted to **grant** the Conditional Use Permit with the following **conditions**:

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

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

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

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the

applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Unless otherwise indicated 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
Derek Durbin, Durbin Law Offices, PLLC

Findings of Fact | Detached Accessory Dwelling Unit

City of Portsmouth Planning Board

Date: November 21, 2024

Property Address: 377 Maplewood Avenue

Application #: LU-24-133

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 design plans and written narrative/statement submitted by the Applicant demonstrate that the ADU complies with the standards set forth in 10.814 with the proposed modification to Section 10.814.434 to allow the building footprint to exceed 750 sq. ft. |
| 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 ADU is designed to have the appearance of a utilitarian out-building with simple exterior trim elements to make it appear subservient to the principal structure. It has a gabled roof, materials, trim and windows that are reflective of the principal residence. |
| 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 proposed improvements to the property will result in a 4% increase in open space and 7.8% less building coverage. The property is mostly developed in its existing condition. The existing landscaping will be retained with the site improvements. The site plan allows for compliant off-street parking and improved, safer vehicular access to the Property. |
| 4 | 10.814.624 The ADU will maintain a | | |

| | Section 10.814.62 | Finding (Meets Requirement/ Criteria) | Supporting Information |
|----------|---|--|---|
| | 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 proposed ADU is consistent in design and appearance to the principal residence on the Property and other similar structures in the surrounding area. The ADU will replace a dilapidated building that constitutes an eyesore for adjacent properties and the neighborhood. The ADU site plan calls for greater open space, less building coverage, and greater overall setback compliance than what exists. In addition, the existing landscaping on the Property will be retained. The privacy that adjacent properties currently enjoy will not be diminished from what exists. |
| 5 | <p><u>Other Board Findings:</u></p> <p>The proposed modification from Section 10.814.434 of the Ordinance is justified to allow the building footprint to exceed 750 sq. ft. The footprint and size of the proposed building is smaller than what exists today. The garage associated with the DADU will occupy space on the Property that would otherwise be occupied by a vehicle if the modification is not granted. The proposed garage will be situated in the northeast corner of the Property where there is a hill and trees that will buffer it from the closest abutting structure. This lessens the impact that the proposed garage would otherwise have and further speaks to the unique circumstances that apply to the Property.</p> | | |



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(603) 610-7216

PLANNING BOARD

November 26, 2024

Lawrence P. Bornheimer Revocable Trust
119 Diamond Drive
Portsmouth, New Hampshire 03801

RE: Preliminary and Final Subdivision approval for Lot Line Revision for property located at 119 Diamond Drive and 827 Woodbury Avenue, Portsmouth, NH (LU-24-199)

Dear Property Owners:

The Planning Board, at its regularly scheduled meeting of Thursday, November 21, 2024, considered your application for Preliminary and Final Subdivision approval for a Lot Line Revision between Map 220 Lot 31 and Map 219 Lot 39 to relocate the common boundary line to encompass existing encroachments including a fence, retaining wall and drainage features. Said property is shown on Assessor Map 220 Lot 31 and Map 219 Lot 39 and lies within the Single Residence B (SRB) District. As a result of said consideration, the Board voted to 1) **grant** the requested waivers to the Subdivision Standards from Section IV.9/V.8 requirements for Preliminary Plat and requirements for Final Plat.

a. Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.

Subdivision:

1) The Board voted to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented; *and* 2) to grant Preliminary and Final Subdivision Approval with the following **conditions**:

2.1) The subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.

2.2) Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.

2.3) GIS data shall be provided to the Department of Public Works in the form as required by the City.

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.

All conditions of subdivision approval, including recording of the plat as required by the Planning & Sustainability Department, shall be completed within six (6) months of the date of approval, unless an extension is granted by the Planning Director or the Planning Board in accordance with Section III.E of the Subdivision Rules and Regulations. If all conditions have not been completed within the required time period, the Planning Board's approval shall be deemed null and void.

This subdivision approval is not final until the Planning & Sustainability Director has certified that the applicant has complied with the conditions of approval imposed by the Planning Board.

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,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is stylized with a large, sweeping initial "R" and "C".

Rick Chellman, Chairman of the Planning Board

cc: Rosann Maurice-Lentz, City Assessor

Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: November 21, 2024

Property Address: 119 Diamond Drive

Application #: LU-24-199

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.

| | Subdivision Review Criteria | Finding (Meets Standards/ Requirements) | Supporting Information |
|---|---|--|---|
| 1 | Subdivision Rules and Regulations III. D. 1 The Board shall act to deny any application which is not in compliance with Section IV or V as appropriate. SECTION IV - REQUIREMENTS FOR PRELIMINARY PLAT | Meets | All applicable requirements are shown on sheet S-1 with the exception of Section IV.9/V.8 requiring wetlands be shown, see waiver request. |
| 2 | SECTION V - REQUIREMENTS FOR FINAL PLAT | Meets | All applicable requirements are shown on sheet S-1 with the exception of Section V.8 requiring wetlands be shown, see waiver request. |
| 3 | SECTION VI - GENERAL REQUIREMENTS | Meets | The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements. <ul style="list-style-type: none"> N/A per Section III.B.1 |
| 4 | SECTION VII - DESIGN STANDARDS | Meets | The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with these minimum requirements. |

| | Subdivision Review Criteria | Finding (Meets Standards/ Requirements) | Supporting Information |
|---|---|--|---|
| | | | <ul style="list-style-type: none"> • N/A per Section III.B.1 |
| 5 | <p><u>Other Board Findings:</u></p> <p>There is no proposed construction or site improvements as a part of this application. This lot line adjustment will make Map 220 Lot 31 conform to the minimum lot area requirement of 15,000 sf for the Single Residence B (SRB) zoning district.</p> | | |



CITY OF PORTSMOUTH

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PLANNING BOARD

November 26, 2024

Attn: Accounting Department
Northeast Credit Union
PO Box 1240
Portsmouth, New Hampshire 03801

RE: Lot Line Adjustment request for property located at 100 Borthwick Avenue & 0 Borthwick Avenue, Portsmouth, NH (LU-24-151)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, November 21, 2024, considered your application for Preliminary and Final Subdivision approval to adjust the boundary between Map 240 Lot 3 and Map 259 Lot 15 by adding approximately 4.88 acres to Map 240 Lot 3. Said property is shown on Assessor Map 259 Lot 15 and Map 240 Lot 3 and lies within the Office Research (OR) District. As a result of said consideration, the Board voted 1) to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented; *and* 2) to **grant** Preliminary and Final Subdivision Approval with the following **conditions**:

- 2.1) *The subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.2) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat.*
- 2.3) *GIS data shall be provided to the Department of Public Works in the form as required by the City.*

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.

All conditions of subdivision approval, including recording of the plat as required by the Planning & Sustainability Department, shall be completed within six (6) months of the date of approval, unless an extension is granted by the Planning Director or the Planning Board in accordance with Section III.E of the Subdivision Rules and Regulations. If all conditions have not been completed within the required time period, the Planning Board's approval shall be deemed null and void.

This subdivision approval is not final until the Planning & Sustainability Director has certified that the applicant has complied with the conditions of approval imposed by the Planning Board.

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 long horizontal line extending from the end.

Rick Chellman, Chairman of the Planning Board

cc: Rosann Maurice-Lentz, City Assessor
Raquelle Kemnitz, Apex Design & Build

Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: 11/21/2024

Property Address: 100 Borthwick Ave, Portsmouth, NH 03801

Application #: LU-24-151

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.

| | Subdivision Review Criteria | Finding (Meets Standards/ Requirements) | Supporting Information |
|---|--|--|---|
| 1 | Subdivision Rules and Regulations III. D. 1 The Board shall act to deny any application which is not in compliance with Section IV or V as appropriate. SECTION IV - REQUIREMENTS FOR PRELIMINARY PLAT | Meets | |
| 2 | SECTION V - REQUIREMENTS FOR FINAL PLAT | Meets | |
| 3 | SECTION VI - GENERAL REQUIREMENTS | Meets | The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with the General Requirements. • |

| | | | |
|---|---------------------------------------|--------------|---|
| | | | The application was recommended for approval on November 21, 2024 at the Technical Advisory Committee Meeting. |
| 4 | SECTION VII - DESIGN STANDARDS | Meets | <p>The application has been reviewed by the Technical Advisory Committee (TAC) for conformance with these minimum requirements.</p> <ul style="list-style-type: none"> • <p>The application was recommended for approval on November 21, 2024 at the Technical Advisory Committee Meeting.</p> |
| 5 | <u>Other Board Findings:</u> | | |