



CITY OF PORTSMOUTH

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

PLANNING BOARD

December 26, 2024

Eric Brassard
233 Dennett Street
Portsmouth , New Hampshire 03801

RE: Request for CUP approval for a DADU for property located at 233 Dennett St,
Portsmouth, NH (LU-24-213)

Dear Mr. Brassard:

The Planning Board, at its regularly scheduled meeting of Thursday, December 19, 2024, considered your application for Conditional Use Permit from Section 10.814 for a Detached Accessory Dwelling Unit (DADU). Said property is shown on Assessor Map 142 Lot 7 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted that Conditional Use Permit Application meets the requirements set forth in Section 10.814.62 of the Ordinance and adopted the findings of fact as presented; *and* 2) to **grant** the following **modification**:

2.1) *Modification from Section 10.814.431 to allow the DADU to be setback 5 feet from the plane of the principal building;*

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:

<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 a large, sweeping initial "R" and "C".

Rick Chellman, Chairman of the Planning Board

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

Findings of Fact | Detached Accessory Dwelling Unit

City of Portsmouth Planning Board

Date: December 19, 2024

Property Address: 233 Dennett Street

Application #: LU-24-213

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 10.814.621 with the exception of 10.814.431 of which a modification has been requested.
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 DADU design is consistent with the existing principal structure.
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 lot contains adequate open space and the new DADU will add 2 additional parking spaces.
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 design and layout of the proposed DADU is consistent with the character of the neighborhood and will not reduce the privacy of the adjacent properties. The requested modification aims to preserve sunlight on the adjacent property.
5	Other Board Findings:		



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PLANNING BOARD

December 26, 2024

Shaines & McEachern Company
282 Corporate Drive
Portsmouth, New Hampshire 03801

RE: Pease Amended Site Plan Review approval for property located at 282 Corporate Drive, Portsmouth, NH (LU-24-169)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, December 19, 2024, considered your application for Site Plan Review Approval and a Wetland Conditional Use Permit in accordance with Article 304 - A.08 of the Pease Development Authority Ordinance for the renovation of the existing space with associated site improvements including paving, striping curbing, stormwater management and utilities. Said property is shown on Assessor Map 315 Lot 2 and lies within the Airport Business Commercial (ABC) District. As a result of said consideration, the Board voted **recommend Amended Site Plan approval** to the PDA Board.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Rick Chellman, Chairman of the Planning Board

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

Peter H. Rice, Director of Public Works



CITY OF PORTSMOUTH

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(603) 610-7216

PLANNING BOARD

December 26, 2024

Shaines & McEachern Company
282 Corporate Drive
Portsmouth, New Hampshire 03801

RE: Wetland Conditional Use Permit application for property located at 282 Corporate Drive, Portsmouth, NH (LU-24-169)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, December 19, 2024**, considered your application for Site Plan Review Approval and a Wetland Conditional Use Permit in accordance with Article 304 - A.08 of the Pease Development Authority Ordinance for the renovation of the existing space with associated site improvements including paving, striping curbing, stormwater management and utilities. Said property is shown on Assessor Map 315 Lot 2 and lies within the Airport Business Commercial (ABC) District. As a result of said consideration, the Board voted recommend **approval** of the Wetland Conditional Use Permit to the PDA Board with the following **conditions**:

- 1.1) Owner should ensure that all snow salt and snowmelt applications on site are performed by someone who is certified by the NHDES Green SnowPro program.
- 1.2) A schedule for the parking lot sweeping should be included within the maintenance manual. This should occur at least twice annually, particularly in the spring.
- 1.3) A schedule for invasive species management should be included within the maintenance manual with species-specific removal guidance for bittersweet, as well as references via a note on the plans.
- 1.4) The proposed tree areas to remain and be removed should be clearly demarcated on plan set.
- 1.5) The areas of proposed invasive species removal shall be denoted on plan set.
- 1.6) Wetland boundary markers should be placed along the 25' wetland buffer line.
- 1.7) A note should be added to the plan set stating that the area between the wetland boundary and 25' buffer line will be a 'no-mow' zone.
- 1.8) Applicant should add note to plan set stating that the area where pavement is to be removed (but not where the rain garden is proposed), conservation seed mix will be used for planting and mowing shall not occur.

1.9) Applicant should include a note on the plan set stating that snow storage shall only occur on the south side of the parking lot to ensure that melt is not being directed into the new rain garden.

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:

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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



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PLANNING BOARD

December 26, 2024

Jeffrey S. Nawrocki Revocable Trust (Owner)
Jeffrey S. Nawrocki, Trustee
24 Badgers Island West
Kittery , Maine 03904

RE: Parking CUP request for property located at 299 Hanover Street, Portsmouth, NH (LU-24-204)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of Thursday, December 19, 2024, considered your application for Parking Conditional Use Permit from Section 10.1112.14 to allow three parking spaces where 10 are required. Said property is shown on Assessor Map 125 Lot 10 and lies within the Character District 4L-1 (CD4-L1) . As a result of said consideration, the Board voted 1) that the Conditional Use Permit Application meets the requirements set forth in Section 10.1112.14 of the Ordinance and 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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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



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PLANNING BOARD

December 26, 2024

635 Sagamore Development, LLC
3612 Lafayette Rd Dept 4
Portsmouth, New Hampshire 03801

RE: Site Plan Approval request for property located at 635 Sagamore Avenue, Portsmouth, NH (LU-22-209)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, December 19, 2024**, considered your application for Site Plan Review Approval for the demolition of the existing structures and construction of 4 single family dwellings with associated site improvements. Said property is shown on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District. As a result of said consideration, the Board voted **continue** the application to January 16, 2025 and schedule a site walk.

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, January 16, 2025**.

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:

Joseph Coronati, Jones & Beach
R. Timothy Phoenix, Hoefle, Phoenix, Gormley & Roberts, PLLC



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PLANNING BOARD

December 26, 2024

Go-Lo Inc. & James A. Labrie Revocable Trust of 1991
PO Box 300
Rye, New Hampshire 03870-0300

RE: Site Review approval request for property located at 2059 Lafayette Road, Portsmouth, NH (LU-23-191)

Dear Property Owners:

The Planning Board, at its regularly scheduled meeting of **Thursday, December 19, 2024**, considered your application for Site Plan Review approval to demolish the existing mixed-use building and construct a new 8-unit residential building. Said property is shown on Assessor Map 268 Lot 13 and lies within the Mixed Residential Business (MRB) District. As a result of said consideration, the Board voted 1) that the Site Plan application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and to adopt the findings of fact as presented; *and* 2) to **grant** Site Plan approval with the following **conditions**:

Conditions to be satisfied subsequent to final approval of Site Plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

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

2.2) The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.

2.3) Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit: <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>

2.4) Owner shall provide an access easement to the City for water valve and meter access and for leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.

2.5) Offsite plans for Hoover Drive shall be reviewed and approved by DPW

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a certificate of occupancy and release of the surety:

2.6) The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance;

2.7) A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan review agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

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

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

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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

Peter H. Rice, Director of Public Works
Derek Durbin, Attorney, Durbin Law Offices PLLC

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: December 19, 2024

• Property Address: 2059 Lafayette Road

Application #: LU-23-191

Decision: Approve with Conditions

Findings of Fact:

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

Site Plan Regulations Section 2.9 Evaluation Criteria - in order to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
1	Compliance with all City Ordinances and Codes and these regulations. <u>Applicable standards:</u>	Meets	<u>Applicable standards:</u> The project meets all the applicable Ordinances, Codes, and Regulations.
2	Provision for the safe development, change or expansion of use of the site.	Meets	The project has been vetted by the TAC which found no unsafe elements on the design proposal.
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	The project includes provisions for adequate temporary and permanent erosion control measures for use during and post construction. The stormwater management design improves the off-site runoff by diverting runoff away from residential properties and providing improved treatment.
4	Adequate protection for the		The project does not propose any uses

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
	quality of groundwater.	Meets	with high pollutant loads that could impact the groundwater supply
5	Adequate and reliable water supply sources.	Meets	The project will be served with municipal water.
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets	The project will be connected to the municipal sanitary sewage collection system.
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	The residential development will not create any 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.
8	Adequate provision for fire safety, prevention and control.	Meets	As part of the TAC review, the Portsmouth Fire Department supported the project.
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	There are no wetlands on the site. A portion of the mature grove will be preserved as part of the project. Most of the site is fully developed.
10	Adequate protection of historical features on the site.	Meets	The project will not impact any known historical resources.
11	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.	Meets	The project will generate a minimal amount of new traffic. Traffic will be diverted from Route 1 where vehicles back into the right-of-way to Hoover Drive where vehicles can safely access and exit the site.
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	Traffic safety will be improved with a controlled, narrow driveway eliminating vehicles backing into the street. TAC supports the design. Adequate vehicular sight lines for exiting the site are provided.
13	Adequate insulation from external noise sources.	Meets	The proposed residential development will meet all applicable codes relating to noise during and post construction.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
14	Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project.	Meets	The project has been reviewed and approved by TAC which found that the project will not create an unreasonable demand on City infrastructure or services.
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	The project includes a small open space area at the rear of the lot to allow the residents to enjoy outdoor activities.
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	A multi-use path is proposed along Lafayette Road. The sidewalk along Hoover Drive from Lafayette Road to Coolidge will be reconstructed.
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	No wetlands will be impacted. There are no wetland buffers. The development will improve stormwater quality and will not be a detriment to health.
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets	The proposed landscape design exceeds the minimum standards in the regulations. Adequate open space will be provided. No commercial noise or air pollution will be generated.
19	Compliance with applicable City approved design standards.	Meets	The project meets or exceeds all applicable City design standards.
	Other Board Findings:		



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PLANNING BOARD

December 26, 2024

Alex & Cameron Mouflouze
Francis E. Mouflouze Revocable Trust of 2015
110 Fields Road
Portsmouth, New Hampshire 03801

RE: Request for Subdivision & Site Plan Review approval for property located at 550
Sagamore Avenue, Portsmouth, NH (LU-24-166)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, December 19, 2024**, considered your application for Subdivision and Site Plan Review Approval to demolish the existing single-family residence and subdivide the lot into four new parcels with associated site improvements, including three single-family homes, a private roadway lot, stormwater management, utilities, and landscaping Said property is shown on Assessor Map 222 Lot 11 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 as outlined in the applicant's memo:

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;*

and

2) The Board voted 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* 3) the Board voted to **grant** Preliminary and Final Subdivision Approval with the following **conditions**:

3.1) *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.*

3.2) *Property monuments shall be set as required by the Department of Public Works prior to the filing of the plat;*

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

Site Plan

1) The Board voted that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented; *and* 2) to **grant** Site Plan approval with the following **conditions**:

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

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

2.2) *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*

2.3) *Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>*

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a certificate of occupancy and release of the surety:

2.4) *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance;*

2.5) *A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan review agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

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

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

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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

Peter H. Rice, Director of Public Works
Eric Weinrieb, Altus Engineering
Michael Green, Green & Company

Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: December 19, 2024

Property Address: 550 Sagamore Avenue

Application #: LU-24-166

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	The project meets all the standards and requirements of Section IV, requirements for a preliminary plat.
2	SECTION V - REQUIREMENTS FOR FINAL PLAT	Meets	The project meets all the standards and requirements of Section V, requirements for a final plat.
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 5, 2024 at the Technical Advisory Committee Meeting.

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information
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 5, 2024 at the Technical Advisory Committee Meeting.</p>
5	<u>Other Board Findings:</u>		

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: December 19, 2024

Property Address: 550 Sagamore Avenue

Application #: LU-24-166

Decision: Approve with Conditions

Findings of Fact:

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

Site Plan Regulations Section 2.9 Evaluation Criteria - in order to grant site plan review approval, the TAC and the Planning Board shall find that the application satisfies evaluation criteria pursuant to NH State Law and listed herein. In making a finding, the TAC and the Planning Board shall consider all standards provided in Articles 3 through 11 of these regulations.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
1	Compliance with all City Ordinances and Codes and these regulations. <u>Applicable standards:</u>	Meets	<u>Applicable standards:</u> The project meets all the applicable Ordinances, Codes, and Regulations with the exception of requesting 3 waivers from the subdivision regulations.
2	Provision for the safe development, change or expansion of use of the site.	Meets	The project has been vetted by the TAC which found no unsafe elements on the design proposal.
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	The project includes provisions for adequate temporary and permanent erosion control measures for use during and post construction. The stormwater management areas are design to mimic pre-development conditions and to prevent adverse impacts to abutting properties by way of stormwater.
4	Adequate protection for the		The project does not propose any uses

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
	quality of groundwater.	Meets	with high pollutant loads that could impact the groundwater supply
5	Adequate and reliable water supply sources.	Meets	The project will be served with municipal water.
6	Adequate and reliable sewage disposal facilities, lines, and connections.	Meets	The project will be connected to the municipal sanitary sewage collection system. An application will be submitted to NHDES.
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	The residential development will not create any 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.
8	Adequate provision for fire safety, prevention and control.	Meets	As part of the TAC review, the Portsmouth Fire Department supported the project including the request to reduce the roadway width.
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	There is a small wetland pocket partially on the property. The wetland will be protected and planting will be installed to improve the perimeter.
10	Adequate protection of historical features on the site.	Meets	The project will not impact any known historical resources.
11	Adequate management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion.	Meets	The project will generate a minimal amount of new traffic from the addition of 2 new homes. The traffic from the existing home backs into the city street. The condition will be eliminated. All traffic will safely access the site.
12	Adequate traffic controls and traffic management measures to prevent an unacceptable increase in safety hazards and traffic congestion off-site.	Meets	The traffic from the existing home backs into the city street. The condition will be eliminated. All traffic will safely access the site.
13	Adequate insulation from external noise sources.		The proposed residential development will meet all applicable codes relating to noise

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
		Meets	during and post construction.
14	Existing municipal solid waste disposal, police, emergency medical, and other municipal services and facilities adequate to handle any new demands on infrastructure or services created by the project.	Meets	The project has been reviewed and approved by TAC which found that the project will not create an unreasonable demand on City infrastructure or services.
15	Provision of usable and functional open spaces of adequate proportions, including needed recreational facilities that can reasonably be provided on the site	Meets	No community open space will be provided for the 3 lot subdivision. Vegetated buffers and setbacks meeting the zoning ordinances will be provided.
16	Adequate layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.	Meets	The project is of such a diminutive scale that it does not require a sidewalk connection to the street.
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	Each lot created meets all of the zoning requirements. No wetlands will be impacted. There are no wetland buffers. The development will improve stormwater quality and will not be a determinant to health.
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	Meets	The proposed landscape design exceeds the minimum standards in the regulations. Adequate open space will be provided. No commercial noise or air pollution will be generated.
19	Compliance with applicable City approved design standards.	Meets	The project meets or exceeds all applicable City design standards.
	Other Board Findings:		



CITY OF PORTSMOUTH

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

PLANNING BOARD

December 26, 2024

Oak Street Invest GRD Net
Oak Street Real Estate Capital
30 N. La Salle Street, Suite 4140
Chicago, Illinois 60602

RE: Subdivision approval for a Lot Line Adjustment, Wetland CUP, CUP (HNOD), CUP (Development Site) and Site Plan Review approval for property located at 100 Durgin Lane, Portsmouth NH (LU-24-62)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, December 19, 2024**, considered your application for Subdivision approval for a Lot Line Adjustment of the three existing parcels, a Wetland conditional use permit in accordance with Section 10.1017.50, a conditional use permit from the Highway Noise Overlay District (HNOD) in accordance with Section 10.613.60, a conditional use permit for a Development Site in accordance with Section 10.5B41.10, and Site Plan Review Approval for the demolition of the existing buildings and the construction of 360 rental housing units in a mix of 3-story and 4-story buildings with associated site improvements including parking, pedestrian access, community spaces, utilities, stormwater management, lighting, and landscaping Said property is shown on Assessor Map 239 Lots 13-2, 16 & 18 and lies within the Gateway Corridor (G1) and Highway Noise Overlay Districts. As a result of said consideration, the Board voted to 1) determine 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.

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.

Wetland Conditional Use Permit

1) The Board voted 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 clarify the mowing plan for the passive areas within the buffer, which should not be mowed more than 1 to 2 times per year.

2.2) Applicant shall have a conversation with the Department of Public Works to determine the curbing to be used within the roundabout area and use broken and/or slanted curbing.

2.3) An educational sign shall be installed in the passive recreation area that provides content on wetlands, wetland buffers and the sensitivity of the buffers.

2.4) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall install permanent wetland boundary markers. We suggest that these markers are placed along the 25' vegetative buffer at intervals of every 50 feet. These must be installed prior to the start of any construction. These can be purchased through the City of Portsmouth Planning and Sustainability Department. Please mark on final plan set where the markers are to be placed.

2.5) One year after landscaping is complete, if at least an 80% success rate has not been reached, applicants will replant and report back to the Planning & Sustainability Department one year after planting is complete and each subsequent year until an 80% success rate has been achieved.

Conditional Use Permit (Highway Noise)

1) The Board voted that the Conditional Use Permit Application meets the requirements set forth in Section 10.674 of the Ordinance and adopt the findings of fact as presented; and 2) to grant the Conditional Use Permit as presented.

Conditional Use Permit (Site Development)

1) The Board voted that the Conditional Use Permit application meets the criteria set forth in Section 10.5B11 and 10.5B73 and to adopt the findings of fact as presented; and 2.) to **grant** the Conditional Use Permit for the development site.

Conditional Use approvals 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(s) if the applicant submits a written request to the Planning Board prior to the expiration date.

Site Plan

1) The Board voted to that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented; and 2) to **grant** Site Plan approval with the following **conditions**:

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a building permit or the commencement of any site work or construction activity:

- 2.1) *The site plan and any easement plans and deeds shall be recorded at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*
- 2.2) *The applicant shall agree to pay for the services of an oversight engineer, to be selected by the City, to monitor the construction of improvements within the public rights-of-way and on site.*
- 2.3) *Any site development (new or redevelopment) resulting in 15,000 square feet or greater ground disturbance will require the submittal of a Land Use Development Tracking Form through the Pollutant Tracking and Accounting Program (PTAP) online portal. For more information visit <https://www.cityofportsmouth.com/publicworks/stormwater/ptap>*
- 2.4) *A CMMP will be required for construction. Portions of that plan will be a proposed utility and access sequencing plan for the two nearby lots that are dependent on this parcel for their utility and access needs as currently present and not diminished. The Department of PW will need to sign off on the proposed plan prior to the CMMP being authorized.*
- 2.5) *Owner shall provide an access easement to the City for water valve and meter access and for leak detection. The easement shall be reviewed and approved by the Planning and Legal Departments prior to acceptance by the City Council.*

Conditions to be satisfied subsequent to final approval of site plan but prior to the issuance of a certificate of occupancy and release of the surety:

- 2.6) *The Engineer of Record shall submit a written report (with photographs and engineer stamp) certifying that the stormwater infrastructure was constructed to the approved plans and specifications and will meet the design performance;*
- 2.7) *A stormwater inspection and maintenance report shall be completed annually and copies shall be submitted for review to the City's Stormwater Division/ Public Works Department.*
- 2.8) *Applicant must replace the 6" water main in Woodbury Avenue from Gosling Road to the 16" main on Woodbury Avenue with a new 12" DI pipe installed to City standards.*
- 2.9) *A 10' multi-use path on Durgin Lane must be constructed by the developer all the way to Woodbury Avenue. Multi-use path tip downs are to be concrete with tactile panels as appropriate. Developer will provide a final layout, drainage and striping plan for final review.*
- 2.10) *Continue narrowing Durgin Lane to 28' to provide a grass strip along the road in the area adjacent to the Durgin Plaza parking lot.*

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning Department for more details about the appeals process.

This site plan approval shall not be effective until a site plan review agreement has been signed satisfying the requirements of Section 2.12 of the City's Site Review Approval Regulations.

Unless otherwise indicated above, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

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

This site plan approval shall expire unless a building permit is issued within a period of one (1) year from the date granted by the Planning Board unless an extension is granted by the Planning Board in accordance with Section 2.14 of the Site Review Regulations.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Planning Board Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/planning-board/planning-board-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rick Chellman". The signature is 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

Peter H. Rice, Director of Public Works
John Bosen, Bosen & Associates
Neil Hanson, Tighe & Bond
Benjamin Curcio, Tighe & Bond

Findings of Fact | Subdivision Rules and Regulations

City of Portsmouth Planning Board

Date: December 19, 2024

Property Address: 100 Durgin Lane

Application #: LU-24-62

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	The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Subdivision Rules and Regulations. The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.
2	SECTION V - REQUIREMENTS FOR FINAL PLAT	Meets	The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Subdivision Rules and Regulations, Section V. The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.
3	SECTION VI - GENERAL REQUIREMENTS	Meets	The application has been reviewed by the Technical Advisory Committee for

	Subdivision Review Criteria	Finding (Meets Standards/ Requirements)	Supporting Information
			<p>conformance with the minimum requirements of the Subdivision Rules and Regulations General Requirements, Section VI.</p> <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>
4	SECTION VII - DESIGN STANDARDS	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum requirements of the Subdivision Rules and Regulations, Section VII.</p> <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>
5	<u>Other Board Findings:</u>		

Findings of Fact | Wetland Conditional Use Permit

City of Portsmouth Planning Board

Date: December 19, 2024

Property Address: 100 Durgin Lane

Application #: LU-24-62

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	<p>The application has been reviewed by the Conservation Commission (CC) for conformance with the Section 10.1017.50 Criteria.</p> <ul style="list-style-type: none"> The land is a currently previously disturbed site with impacts to the buffers. The proposed use, allowed within the Gateway Neighborhood Mixed use District, proposes a net reduction of impervious surfaces within the buffer, as well as buffer enhancement. <p>The application was recommended for approval by the Conservation Commission Meeting at the September 11, 2024 meeting.</p>
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	<p>The application has been reviewed by the Conservation Commission (CC) for conformance with the Section 10.1017.50 Criteria.</p> <ul style="list-style-type: none"> The proposed project design reduces the impervious surface within the 25-, 50-, and 100' buffers and proposes to replace existing impacted areas with native plants including trees, shrubs, and grasses. <p>The application was recommended for approval</p>

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
			by the Conservation Commission Meeting at the September 11, 2024 meeting.
3	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	Meets	<p>The application has been reviewed by the Conservation Commission (CC) for conformance with the Section 10.1017.50 Criteria.</p> <ul style="list-style-type: none"> The proposed project intends to reduce impervious surfaces from the wetland buffer area. The buffer will be enhanced by the removal of invasive species and enhance the existing vegetation with native vegetation. The proposed site and landscape designs site enhance the previously disturbed wetland buffer area from its existing condition and provide added value by creating public open space for recreation on the site and along the buffer. <p>The application was recommended for approval by the Conservation Commission Meeting at the September 11, 2024 meeting.</p>
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	<p>The application has been reviewed by the Conservation Commission (CC) for conformance with the Section 10.1017.50 Criteria.</p> <ul style="list-style-type: none"> The proposed project design proposes minimal alteration to the natural woodland to the greatest extent practical. The areas impacted consist primarily of impervious surfaces and previously disturbed areas. Any temporary disturbances of the wetland buffer will be restored following construction. <p>The application was recommended for approval by the Conservation Commission Meeting at the September 11, 2024 meeting.</p>

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
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	<p>The application has been reviewed by the Conservation Commission (CC) for conformance with the Section 10.1017.50 Criteria.</p> <ul style="list-style-type: none"> The proposed project design is not an adverse impact to the site as it would enhance the buffer by reducing overall impervious surface on the site (as well as within wetland buffers), improve water quality through stormwater treatment and provide public access to the site. The alternative to maintain the existing retail use presents greater impacts to the areas and environments under the jurisdiction of this Section. <p>The application was recommended for approval by the Conservation Commission Meeting at the September 11, 2024 meeting.</p>
6	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	Meets	<p>The application has been reviewed by the Conservation Commission (CC) for conformance with the Section 10.1017.50 Criteria.</p> <ul style="list-style-type: none"> The proposed work within the vegetated buffer strip is limited to the removal of impervious areas, repaving of the existing access road to the north, and reconstruction of drainage outlets. Areas temporarily disturbed for the removal of paved areas within the vegetated buffer strip will be restored following construction. The landscape plans propose replacing the existing disturbed areas within the 25-foot wetland buffer with a native grass mix, mown as required to avoid incursions of invasive species, and the addition of several native trees and shrubs within the previously disturbed buffer area. <p>The application was recommended for approval by the Conservation Commission Meeting at the September 11, 2024 meeting.</p>
7	<u>Other Board Findings:</u>		

Findings of Fact | Highway Noise Overlay Conditional Use Permit

City of Portsmouth Planning Board

Date: December 19, 2024
 Property Address: 100 Durgin Lane
 Application #: LU-24-62
 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.

Highway Noise Overlay District Conditional Use Permit

10.674.10 Within the HNOD, noise sensitive land uses shall require a conditional use permit from the Planning Board.

	Highway Nose Overlay Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
1	Section 10.674.20 A noise analysis prepared in compliance with Section 10.675 must be submitted with any application for a conditional use permit under this section.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Highway Noise Overlay District CUP.</p> <ul style="list-style-type: none"> A noise analysis was included with the submission that was prepared in compliance with Section 10.675 and demonstrates how the sound-level standards of Section 10.673 will be met. <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>
2	Section 10.674.30 An application for a conditional use permit for a noise sensitive land use in the Highway	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Highway Noise Overlay District</p>

	Highway Noise Overlay Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
	<p>Noise Overlay District may be approved only if a noise analysis prepared in compliance with Section 10.675 demonstrates that any applicable exterior and interior sound level standards established in Section 10.673 will be met through one or more of the following measures:</p> <p>(a) Site design to ensure that noise sensitive land uses are placed outside of the applicable noise contour;</p> <p>(b) Site design that achieves noise mitigation through placement of accessory structures between the noise source and the noise receiver;</p> <p>(c) Installation of a noise barrier; or</p> <p>(d) Superinsulated building design and construction.</p>		<p>CUP.</p> <ul style="list-style-type: none"> A noise analysis was included with the submission that was prepared in compliance with Section 10.675 and demonstrates how the sound-level standards of Section 10.673 will be met. <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>
3	<p>Section 10.675 A noise analysis must be prepared by a registered engineer or qualified professional transportation noise analyst who has been trained in the use of the Federal Highway Administration (FHWA) Transportation Noise Model or a replacement model that has been approved by the FHWA. A noise analysis must include the following:</p> <p>(1) A description of the proposed development.</p> <p>(2) A narrative description of the proposed site configuration and any proposed noise mitigation measures.</p> <p>(3) A diagram showing the proposed site configuration including the location of noise sensitive land uses and any proposed noise mitigation measures.</p> <p>(4) Unadjusted 60, 65 and 70 dBA</p>	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Highway Noise Overlay District CUP.</p> <ul style="list-style-type: none"> A noise analysis was included with the submission that was prepared in compliance with Section 10.675 and demonstrates how the sound-level standards of Section 10.673 will be met. <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>

	Highway Noise Overlay Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
	<p>noise contours for the loudest traffic hour sound levels shown as an overlay on the site diagram. Noise contours must be developed using the FHWA Transportation Noise Model (or a replacement model that has been approved by the FHWA).</p> <p>(5) If the noise analysis shows that projected noise levels will exceed the sound level standard for the applicable activity at the location specified, the noise analysis must include:</p> <p>(a) Any adjusted noise contours and site-specific analyses used to adjust the noise contours based on improved topography;</p> <p>(b) Calculations to support the noise level reduction of any proposed noise mitigation measure;</p> <p>(c) A description of the width, depth, height, length, and materials used in any proposed noise barrier; and</p> <p>(d) A description of construction methods and materials used in any proposed superinsulated building design. The sound transmission class must be provided for materials used.</p>		
6	<u>Other Board Findings:</u>		

	Highway Nose Overlay Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
7	<u>Additional Conditions of Approval:</u>		

Findings of Fact | Development Site Conditional Use Permit

City of Portsmouth Planning Board

Date: December 19, 2024

Property Address: 100 Durgin Lane

Application #: LU-24-62

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.

Development Site Conditional Use Permit

10.5B43.10 For a development that contains multiple buildings in the Gateway District, the Planning Board may grant a conditional use permit, if all of the following criteria are met:

	Development Site Conditional Use Permit 10.5B43.10 Findings	Finding (Meets Criteria/Requirement)	Supporting Information
1	The development project is consistent with the Portsmouth Master Plan.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Development Site CUP.</p> <ul style="list-style-type: none"> TAC reviews the proposed development's consistency with Goals 1.2, 2.1, 2.3, & 5.3 of the City of Portsmouth Master Plan. <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>
2	The development project has been designed to allow uses that are appropriate for its context and consistent with City's planning goals and objectives for the area.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Development Site CUP.</p> <ul style="list-style-type: none"> TAC reviews the proposed development's use relative to the City's planning goals and objectives for the area. <p>The application was recommended for approval on November 5, 2024 at the</p>

	Development Site Conditional Use Permit 10.5B43.10 Findings	Finding (Meets Criteria/Requirement)	Supporting Information
3	The project includes measures to mitigate or eliminate anticipated impacts on traffic safety and circulation, demand on municipal services, stormwater runoff, natural resources, and adjacent neighborhood character.	Meets	<p>Technical Advisory Committee Meeting.</p> <p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Development Site CUP.</p> <ul style="list-style-type: none"> • TAC reviewed the proposed project's anticipated impacts on traffic safety and circulation, demand on municipal services, stormwater runoff, natural resources, and adjacent neighborhood character. • The Project represents a reduction in net vehicle trips compared to the prior retail use when it was under operation. • The development site has been designed to mitigate stormwater runoff with the use of detention and filtration stormwater treatment practices. The proposed project provides additional stormwater treatment on site in accordance with contemporary standards and best practice in comparison to the existing condition. • The Project as designed will be complementary to the abutting commercial uses. <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>
4	The project is consistent with the purpose and intent set forth in Section 10.5B11.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum criteria of the Development Site CUP.</p> <ul style="list-style-type: none"> • TAC reviews the proposed development's consistency with the purpose and intent set forth in Section 10.5B11. <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>

	Development Site Conditional Use Permit 10.5B43.10 Findings	Finding (Meets Criteria/Requirement)	Supporting Information
5	<u>Other Board Findings:</u>		

Findings of Fact | Site Plan Review

City of Portsmouth Planning Board

Date: **December** 19, 2024

Property Address: 100 Durgin Lane

Application #: LU-24-62

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	<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 November 5, 2024 at the Technical Advisory Committee Meeting.
2	Provision for the safe development, change or expansion of use of the site.	Meets	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 November 5, 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	<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. • A full drainage analysis report was submitted that included analysis of the predevelopment and post development drainage conditions. <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>
4	Adequate protection for the quality of groundwater.	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"> • TAC reviewed the erosion control and stormwater management practices and other mitigative measures for conformance with City design requirements. • A full drainage analysis report was submitted that included analysis of the predevelopment and post development drainage conditions. <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>
5	Adequate and reliable water supply sources.	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"> • TAC reviewed the water service design for conformance with City design requirements. • The site will be served by city water. <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>
6	Adequate and reliable	Meets	The application has been reviewed by the

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
	sewage disposal facilities, lines, and connections.		<p>Technical Advisory Committee for conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> TAC reviewed sewage disposal facilities, lines, and connections for conformance with City design requirements. The site will be served by municipal sewer. <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>
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	<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 November 5, 2024 at the Technical Advisory Committee Meeting.</p>
8	Adequate provision for fire safety, prevention and control.	Meets	<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 November 5, 2024 at the Technical Advisory Committee Meeting.</p>
9	Adequate protection of natural features such as, but not limited to, wetlands.	Meets	<p>The application has been reviewed by the Technical Advisory Committee and the Conservation Commission for conformance with the minimum requirements of the Site Plan Regulations.</p> <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee and September 11, 2024 at the Conservation Commission Meetings.</p>
10	Adequate protection of historical features on the site.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for</p>

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
			<p>conformance with the minimum requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> There are no known on-site historical features. <p>The application was recommended for approval on November 5, 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 public safety and prevent traffic congestion.	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"> TAC reviewed the management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion for conformance with City design requirements. A full traffic impact study was submitted that included analysis of the no-build and build conditions. <p>The application was recommended for approval on November 5, 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.	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"> TAC reviewed the management of the volume and flow of traffic on the site and adequate traffic controls to protect public safety and prevent traffic congestion. for conformance with City design requirements. A full traffic impact study was submitted that included analysis of the no-build and build conditions. <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>
13	Adequate insulation from external noise sources.	Meets	<p>The application has been reviewed by the Technical Advisory Committee for conformance with the minimum</p>

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
			<p>requirements of the Site Plan Regulations.</p> <ul style="list-style-type: none"> A noise analysis was submitted which included provisions for additional sound barriers and building construction requirements as necessary for compliance within the Highway Noise Overlay District <p>The application was recommended for approval on November 5, 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.	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"> 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. Project will not utilize municipal solid waste disposal. <p>The application was recommended for approval on November 5, 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	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"> TAC reviewed the community space areas proposed as part of the design plan. <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>
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	<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 layout and coordination of on-site accessways and sidewalks in relationship to off-site existing or planned streets, accessways, bicycle paths, and sidewalks.

	Site Plan Review Regulations Section 2.9 Evaluation Criteria	Finding (Meets Standard/Criteria)	Supporting Information
			The application was recommended for approval on November 5, 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	<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 November 5, 2024 at the Technical Advisory Committee Meeting.</p>
18	Adequate quantities, type or arrangement of landscaping and open space for the provision of visual, noise and air pollution buffers.	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"> • TAC reviewed the quantities, type or arrangement of landscaping and open space. <p>The application was recommended for approval on November 5, 2024 at the Technical Advisory Committee Meeting.</p>
19	Compliance with applicable City approved design standards.	Meets	<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 November 5, 2024 at the Technical Advisory Committee Meeting.</p>
	Other Board Findings:		



CITY OF PORTSMOUTH

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

PLANNING BOARD

December 26, 2024

Durgin Square LLC
PO Box 170306
Boston, Massachusetts 02117

RE: Amended Site Plan Review Approval request for property located at 1600 Woodbury Avenue, Portsmouth, NH 03801 (LU-24-182)

Dear Property Owner:

The Planning Board, at its regularly scheduled meeting of **Thursday, December 19, 2024**, considered your request to postpone your application for amended Site Plan approval for the addition of EV charging stations in existing parking lot with associated equipment and transformer. Said property is shown on Assessor Map 238 Lot 16 and lies within the Gateway Corridor (G1). As a result of said consideration, the Board voted **grant** the applicants request to **postpone** to the January 16, 2025 meeting.

This matter will be placed on the agenda for the Planning Board meeting scheduled for **Thursday, January 16, 2025**. One (1) hard copy of any revised plans and/or exhibits as well as an updated electronic file (in a PDF format) must be filed in the Planning & Sustainability Department and uploaded to the online permit system no later than 1:00 PM Friday, December 27, 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:

Emily Roseberry, Selective Site Consultants, Inc