

Findings of Fact | Outdoor Dining Conditional Use Permit

City of Portsmouth Planning Board

Date: July 18, 2024

Property Address: 125 Brewery Lane

Application #: LU-24-108

Decision: Approve 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.

Outdoor Dining Conditional Use Permit

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

	Outdoor Dining Conditional Use Permit 10.243 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
1	10.243.21 The design of proposed structures, their height and scale in relation to the site's surroundings, the nature and intensity of the proposed use or activity, and the layout and design of the site will be compatible with adjacent and nearby properties, buildings and uses, will complement or enhance the character of surrounding development, and will encourage the appropriate and orderly development and use of land and buildings in the surrounding area.	Meets Does Not Meet	The proposed patio, located behind the building at 125 Brewery Lane, will consist of an approximately 470 square foot gravel patio. Seating will consist of picnic tables and bistro tables and seating. One table will be adjacent to the concrete space to allow for handicap access. Seating will consist of approximately 1-2 picnic tables and 1-3 bistro tables and chairs and/or an assortment of lawn chairs.
2	10.243.22 All necessary public and private utility infrastructure and services will be available and adequate to serve the	Meets Does Not Meet	No alteration to public and/or private utility infrastructure is required as part of the proposed use.

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

Conditional Use Permit Narrative

For
TREELINE OUTFITTERS
125 Brewery Lane

* 10.243.21 The design of proposed structures, their height and scale in relation to the site's surroundings, the nature and intensity of the proposed use or activity, and the layout and design of the site will be compatible with adjacent and nearby properties, buildings and uses, will complement or enhance the character of surrounding development, and will encourage the appropriate and orderly development and use of land and buildings in the surrounding area.

The proposed patio, located behind the building at 125 Brewery Lane, will consist of an approximately 470 square foot gravel patio. Seating will consist of picnic tables and bistro tables and seating. One table will be adjacent to the concrete space to allow for handicap access. Seating will consist of approximately 1-2 picnic tables and 1-3 bistro tables and chairs and/or an assortment of lawn chairs.

* 10.243.22 All necessary public and private utility infrastructure and services will be available and adequate to serve the proposed use.

No alteration to public and/or private utility infrastructure is required as part of the proposed use.

* 10.243.23 The site and surrounding streets will have adequate vehicular and pedestrian infrastructure to serve the proposed use consistent with the City's Master Plan.

There will be no impact to vehicular or pedestrian infrastructure as part of the proposed use of the space.

* 10.243.24 The proposed structures, uses, or activities will not have significant adverse impacts on abutting and surrounding properties on account of traffic, noise, odors, vibrations, dust, fumes, hours of operation, and exterior lighting and glare.

Sufficient parking is available at the business address. Additional parking is located in nearby lots during business hours. No outdoor speakers or live music will be offered on the patio. Hours of operation are between 10am - 8pm.

* 10.243.25 The proposed structures and uses will not have significant adverse impacts on natural or scenic resources surrounding the site, including wetlands, floodplains, and significant wildlife habitat.

No wetlands, floodplains, wildlife habitats, or other natural or scenic resources are present at the site of the proposed patio.

* 10.243.26 The proposed use will not cause or contribute to a significant decline in property values of adjacent properties.

The proposed patio will not cause or contribute to a significant decline in property value of the adjacent properties.

Photo Log



Photo 1: Existing gravel patio with concrete walkway and landscaped areas.



Photo 2: Existing gravel patio and landscaped area. The proposed plan includes a) removing the arborvitae (center of the photo) and overgrown weeds; b) laying gravel over the area with grass and overgrown weeds; and c) leaving the mulched area, lilies, and maple tree.



Photo 3: Rear of the building at 125 Brewery Lane with existing gravel patio, landscaped area, and overgrown weeds. The proposed plan includes removing the arborvitae (left) and overgrown weeds (right) and laying gravel over the area with grass and overgrown weeds. The granite curb demarcating the current grass and gravel patio will be removed.