

# Findings of Fact | Wetland Conditional Use Permit

## City of Portsmouth Planning Board

Date: 1-19-2023

Property Address: 12 Regina Road

Application #: LU-22-221

Decision: ☐ Approve ☐ Deny ☐ Approve with Conditions

### Findings of Fact:

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

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.

	<b>Zoning Ordinance Sector 10.1017.50 Criteria for Approval</b>	<b>Finding (Meets Criteria for Approval)</b>	<b>Supporting Information</b>
<b>1</b>	<i>1. The land is reasonably suited to the use activity or alteration.</i>	<b>Meets  Does Not Meet</b>	Applicant is proposing to construct a new shed in an area of lawn just beyond the driveway. The shed itself will be 10 x 10' and will be placed on a crushed stone base that will be 12x12'. The size of the stone area will allow for infiltration of stormwater from the shed below the footprint area of the shed. The majority of this parcel is located within a 100' wetland buffer.
<b>2</b>	<i>2. There is no alternative location outside the wetland buffer that is feasible and reasonable for the proposed use, activity or alteration.</i>	<b>Meets  Does Not Meet</b>	The majority of this lot is within the 100' wetland buffer, leaving no real alternative location outside of the buffer.

	<b>Zoning Ordinance Sector 10.1017.50 Criteria for Approval</b>	<b>Finding (Meets Criteria for Approval)</b>	<b>Supporting Information</b>
<b>3</b>	<i>3. There will be no adverse impact on the wetland functional values of the site or surrounding properties.</i>	<b>Meets</b>  <b>Does Not Meet</b>	The small size of the shed, distance from the wetland and the infiltration proposed with the crushed stone will reduce any impacts due to the new impervious surface area of 144 square feet.
<b>4</b>	<i>4. Alteration of the natural vegetative state or managed woodland will occur only to the extent necessary to achieve construction goals.</i>	<b>Meets</b>  <b>Does Not Meet</b>	The applicants noted that prior to applying for a conditional use permit, they did not realize they would need permission for placing crushed stone and have already gone ahead with the fill of the stone base. They have noted that if necessary, they are prepared to remove the fill that has been placed. The shed is proposed to be located over an existing lawn area that has minimal grass and weeds. This work will amount to 144 square feet of new crushed stone in an area of lawn. The applicant is proposing to increase plantings in this area of the property by placing four or five blueberry bushes surrounding the shed to mitigate wetland buffer impacts.
<b>5</b>	<i>5. The proposal is the alternative with the least adverse impact to areas and environments under the jurisdiction of this section.</i>	<b>Meets</b>  <b>Does Not Meet</b>	Given the small size of the project, significant impacts are not expected. The placement of blueberry bushes, along with some additional buffer plantings would help to mitigate any impacts.
<b>6</b>	<i>6. Any area within the vegetated buffer strip will be returned to a natural state to the extent feasible.</i>	<b>Meets</b>  <b>Does Not Meet</b>	The applicant is not proposing any disturbance or changes to the 25' vegetated buffer strip.

	Zoning Ordinance Sector 10.1017.50 Criteria for Approval	Finding (Meets Criteria for Approval)	Supporting Information
7	<u>Other Board Findings:</u>		

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