



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

**Conditional Use Permit Memorandum
561 Bay Road
Date: January 24, 2024**

The Planning Board shall approve a Conditional Use Permit for a use in the WCOD only if it finds that all four of the following criteria have been met in addition to the general criteria for conditional uses and any performance standards for the particular use:

1. There is no alternative design and location on the parcel for the proposed project that would:
 - a) have less adverse impact on the WCOD and overall ecological values;
 - b) be workable; and
 - c) be reasonable to expect the applicant to utilize.

Altus: a) The building footprint was relocated out of the front and side setbacks to be code compliant. The work requiring relief, retaining walls and steps, are proposed to protect the existing slope from erosion and provide direct and safe access for the residents to access the rear yard. No alternative location would have a lesser impact on the WCOD.

b) The 1.51-acre parcel has a relatively small building envelope which limits alternative house location.

c) The area within the WCOD is a previously disturbed area with a retaining wall and a manicured lawn up to the rear property line. The proposed terracing at the house will reduce overall impact within the WCOD; provide flatter slopes for lawn/landscape, thereby detaining runoff from the site and minimize erosion slope erosion; and provide a safer landscape for owner to utilize their backyard.

2. The design, construction, maintenance and operation of the proposed structures and activities within the wetland and buffer will minimize soil disturbance and adverse impacts to water quality to the extent workable.

Altus: The project proposes minimal tree cutting to the extent necessary to achieve construction goals and results in a redevelopment that meets the dimensional requirement of the RC district. The proposed house configuration and septic system are located outside of the WCOD, maintaining the existing lawned buffer. Terracing will reduce overall impact area versus grading slope at 3:1. In addition, native plantings will replace the lawn in areas above the proposed retaining walls. The project will impact 4,900 square feet of existing lawn within the WCOD.

3. Mitigation and restoration activities of the area being disturbed will allow for the site to perform the functions of the wetland and buffer to the extent workable. Planting of native or naturalized vegetation shall be included as appropriate (See Section 175-60 A. 1. for reference).

Altus: The owner shall refrain from using fertilizers, pesticides, or herbicides within the WCOD. All disturbed or exposed areas will be loamed, seeded and planted following construction. All plantings in the WCOD will be native. The terraced landscape will provide better stormwater treatment and minimize slope erosion.

4. The proposed project will not have substantial adverse impacts to known rare species, rare habitats, water quality, aquatic connectivity, or wildlife corridors. Applicants are not required to provide supporting documentation for this criterion unless the Planning Board has good reason to believe this criterion applies.

Altus: The limit of work area will be within the front one-third of the lot and should not have an adverse impact on rare species, rare habitats, water quality, aquatic connectivity, or wildlife corridors.

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