

TO: Zoning Board of Adjustment  
FROM: Peter Stith, AICP, Planning Department  
DATE: April 13, 2022  
RE: Zoning Board of Adjustment April 19, 2022

## **OLD BUSINESS**

1. 0 Sims Avenue (11 Fletcher) – Request for Extension
2. 686 Maplewood Avenue – Request for Extension
- 3 & 4. Congress Street - Appeal of Administrative Decision/Variance – REQUEST TO POSTPONE

## **NEW BUSINESS**

1. 32 Monteith Street
2. 212 Woodbury Avenue
3. 240 Hillside Drive
4. 138 Gates Street
5. 328 Aldrich Road
6. 635 Sagamore Avenue
7. 629 Broad Street





## OLD BUSINESS

1.

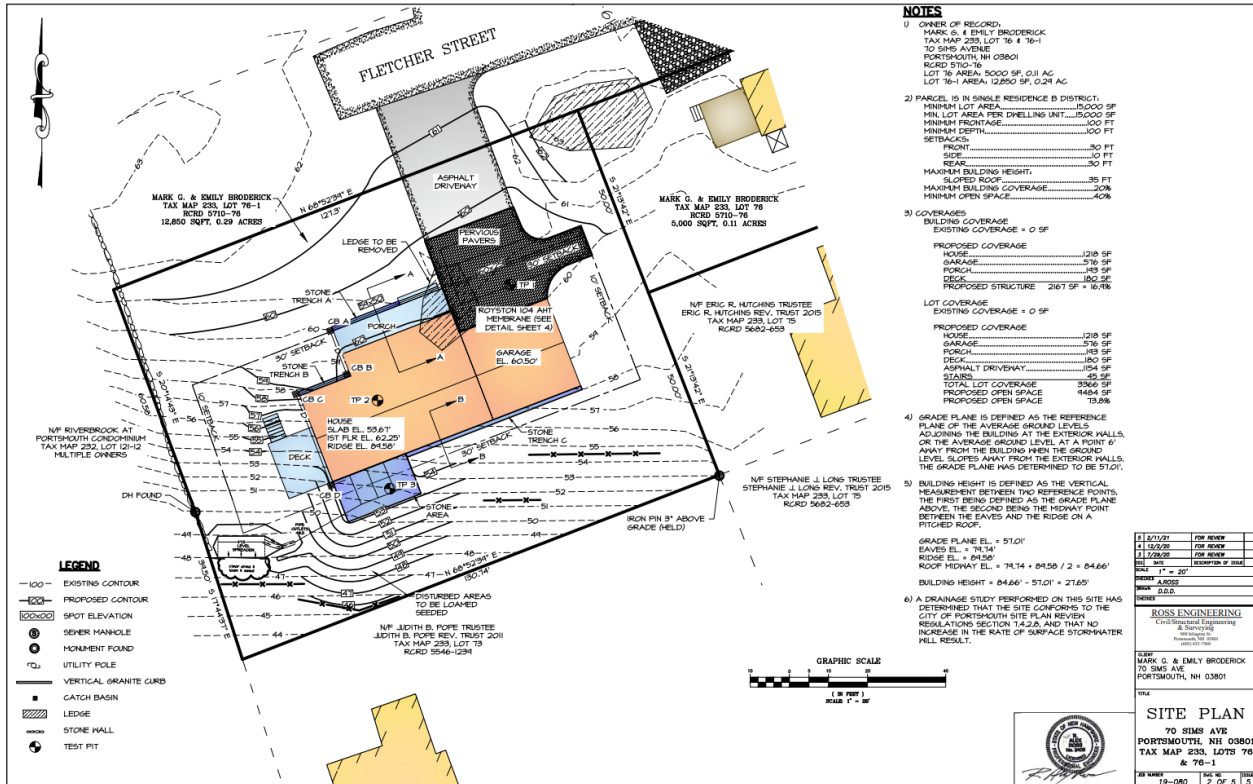
Petition of **Lancen & Sophie LaChance , Owners**, for property located on **Sims Avenue** wherein relief is needed from the Zoning Ordinance to construct a single family dwelling on a nonconforming lot which requires: 1) A Variance from Section 10.521 to allow the following: a) a lot area and lot area per dwelling unit of 12,850 square feet where 15,000 square feet is required for each; and b) 57 feet of continuous street frontage where 100 feet is required. Said property is shown on Assessor Map 233 Lot 76-1 and lies within the Single Residence B (SRB) District.

The above variances were granted on April 21, 2020 with the following stipulation:

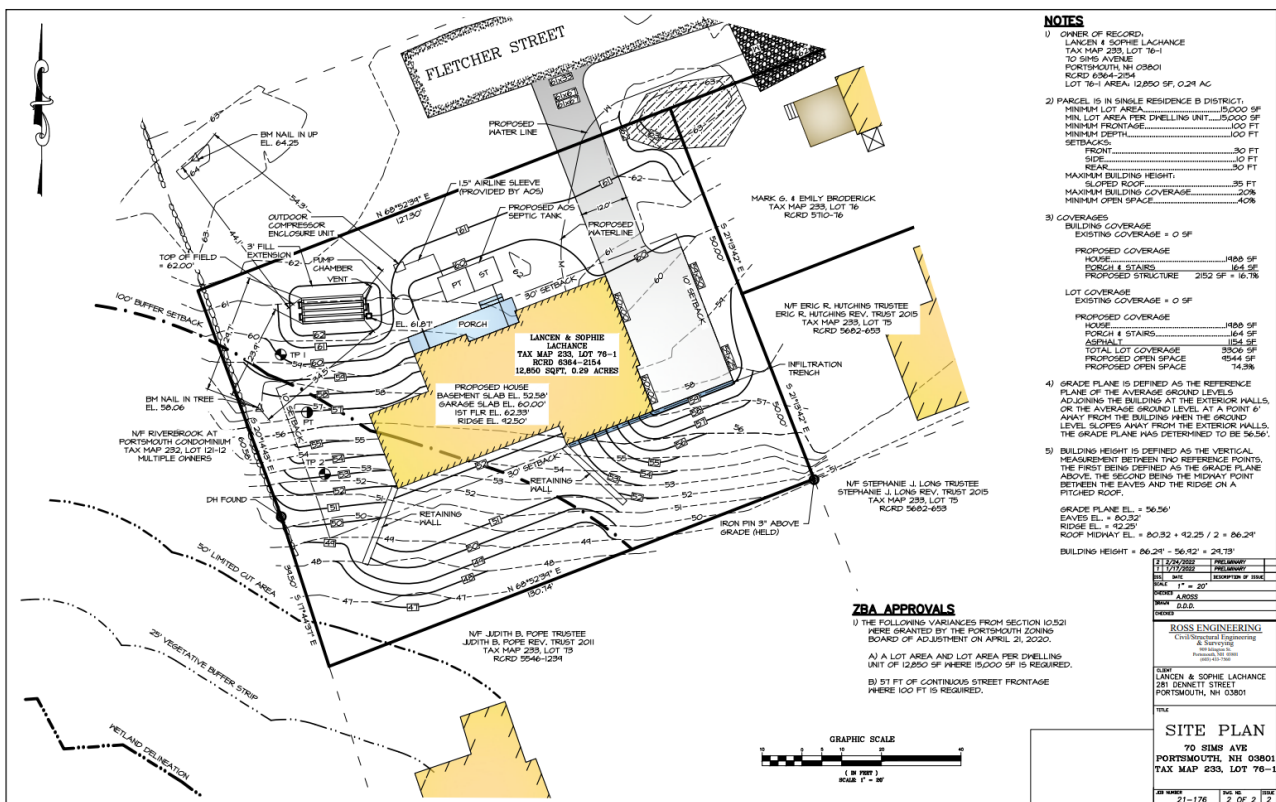
- 1) An engineered drainage and water runoff evaluation must be conducted for any proposed development of the lot and this evaluation must be approved by the Department of Public Works and the Inspection Department before granting a Building Permit.

A drainage plan was provided and approved by DPW based on the original house design. Since then, the lot has changed ownership and the new owners have modified the house design which will require an updated drainage plan. It is the understanding of staff that a revised drainage evaluation is being worked on for the revised design of the house from what was previously before the Board. Below is a comparison of what was originally approved vs what is proposed. If the Board grants the extension, staff would recommend the Board acknowledging the change and affirming the original stipulation requiring the drainage evaluation prior to the issuance of a building permit.

Original:



Proposed:



April 19, 2022 Meeting

2.

Request of the **Islamic Society of the Seacoast Area, Owner**, for property located at **686 Maplewood Avenue** wherein relief is needed from the Zoning Ordinance to construct a 4,000± s.f. building to house a religious place of assembly which includes the following: 1) A Special Exception under Section 10.440, Use #3.11 to allow a religious place of assembly in a district where the use is only allowed by Special Exception; and 2) A Variance from Section 10.521 to allow 47'± of continuous street frontage where 100' is required. Said property is shown on Assessor Map 220 Lot 90 and lies within the Single Residence B (SRB) District.

The above requests were granted on April 21, 2020. Original approval for the same requests were granted in 2017 and a subsequent 1 year extension in 2019 that expired on February 21, 2020. The applicant came back before the Board in April of 2020 and is now seeking a one-year extension, which if granted, would expire on April 21, 2023.







3.

**REQUEST TO POSTPONE**

Request of **Francis X. Bruton, (Attorney for Appellants)**, for Appeal of Administrative decision that the merged lot at **1 Congress** is not subject to the height allowances (2 stories, 4th short, 45 feet in height) pursuant to Map 10.5A21B and as permitted pursuant to Section 10.5A21.22(a) & (c) of the Zoning Ordinance. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District.




The appellants are appealing an administrative decision made by the Planning Director with regard to the proposed development on the recently merged parcels at 1 Congress Street. Below is the email from the Planning Director to the applicant stating that Section 10.5A21.22(c) does apply to this portion of the property and a variance is needed to allow the additional story and height. Additionally, a sketch showing how the height would be applied to this portion, showing the 50 foot setback from both High Street and Haven Court. The original request for the variance is the second item on the agenda and will be heard if the appeal is denied. If the appeal is granted, the applicant should withdraw the variance request, as it will not be needed if the decision of the Planning Director is overturned.

 Reply
  Reply All
  Forward


 Wed 2/23/2022 3:14 PM  
**Beverly M. Zendt**  
**RE: 1 Congress Street**

To FX Bruton; Nicholas J. Cracknell  
 Cc Mark McNabb; Peter M. Stith

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 Message
  RE: Tax Map 117, Lot 15 and Tax Map 117, Lot 14 Case: LU-22-12 (282 KB)
  Exhibit 1 - 1 Congress Street.pdf (532 KB)

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Good afternoon,

In response to your subsequent request for further consideration of our interpretation of Section 10.5A21.22 – Building Height Standards - and the applicability of the Building Height Standards shown under Map 10.5A21B to your client's merged lot at 1 Congress Street, we continue to conclude that your characterization of the current ownership status of Haven Court – being a private way owned in fee by your client with no public interest in property - as well as your interpretation of how the building height standards are applied on a "corner" or "through lots" to be incorrect.

As shown on the "Verra Plan" (11/22/05) that you provided, portions of Haven Court appear to be owned in fee by the city and it is unclear whether the area labelled as a "private way" on the plan is accurate. Map 10.5A21B shows the building height standards for both High Street and the full length of Haven Court. As such, the application of the building height standards are based on the "front lot line(s)", "street" or "water body" that fronts along the property. The Zoning Ordinance defines a "front lot line" follows:

**Lot line, front**

A boundary of lot that separates the lot from a street or public place. In the case of a corner lot or waterfront lot, the front lot line shall be the line bordering the street on which the lot has its address. A corner lot or a through lot shall have two front lot lines.

Given we believe that your client's merged lot fronts on three public streets, we agree that Section 10.5A21.22(C) allows for an increase in building height on the merged lot but importantly, it also restricts the increased height allowance to areas more than 50 feet from a front lot line(s). Thus, as shown in the attached Exhibit, a dimensional variance would be required for any increase in the maximum building height within 50 feet of High Street or Haven Court.

In closing, even if Haven Court was deemed not to qualify as a "street" or "public place", thereby potentially nullifying its building height designation on Map 10.5A21B, the presence of the lower height standard along High Street would still prevent a new building from being taller than 3 stories or 40' within 50 feet of High Street due to the corner lot provisions of the definition of front lot line stated above. Thus, regardless of the ownership status of Haven Court, we continue to support the need for a dimensional variance for your proposed project as currently designed.

Please contact me if I can provide any additional information.

Best Regards,

**Beverly Mesa-Zendt AICP**

Director | Planning Department

City of Portsmouth

1 Junkins Avenue

Portsmouth, NH 03801

.....  
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📍 [Planning Department | City of Portsmouth](#)



**Exhibit A – 1 Congress Street Project – Maximum Building Height (# Stories / Feet)\***

*\*Assumes Haven Court qualifies as a public street or public place*

#### 4. REQUEST TO POSTPONE

Request of **One Market Square LLC (Owner)**, for the property located at **1 Congress Street** whereas relief is needed to construct a 3 story addition with a short 4th story and building height of 44'-11" which requires the following: 1) A Variance from Section 10.5A.43.31 and Map 10.5A21B to allow a 3-story addition with a short 4th and building height of 44'-11" where 2 stories (short 3rd) and 40' is the maximum allowed. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District.

#### Existing & Proposed Conditions

<b>TABLE IS FOR CD4 ZONING</b>	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Mixed use/parking lot	4 story addition	Primarily mixed uses
<u>Primary Front Yard (ft.):</u>	NA	1'6"	15 max.
<u>Right Yard (ft.):</u>	NA	15	NR
<u>Left Yard (ft.):</u>	NA	0	NR
<u>Rear Yard (ft.):</u>	NA	10	Greater of 5' from rear lot line or 10' from CL of alley min.
<u>Height (ft.):</u>	NA	<b>3 stories (short 4<sup>th</sup>), 44'-11"</b>	2-3 stories, 40' max.
<u>Building Coverage (%):</u>	0	67	90 max.
<u>Open Space Coverage (%):</u>		32	10 min.
<u>Parking:</u>	18	19	4 space credit for Residential/ 0 required for commercial use in DOD
<u>Estimated Age of Structure:</u>	1800	<b>Variance request(s) shown in red.</b>	

#### Other Permits/Approvals Required

Planning Board/TAC – Site Review and Conditional Use Permit for Parking  
Historic District Commission

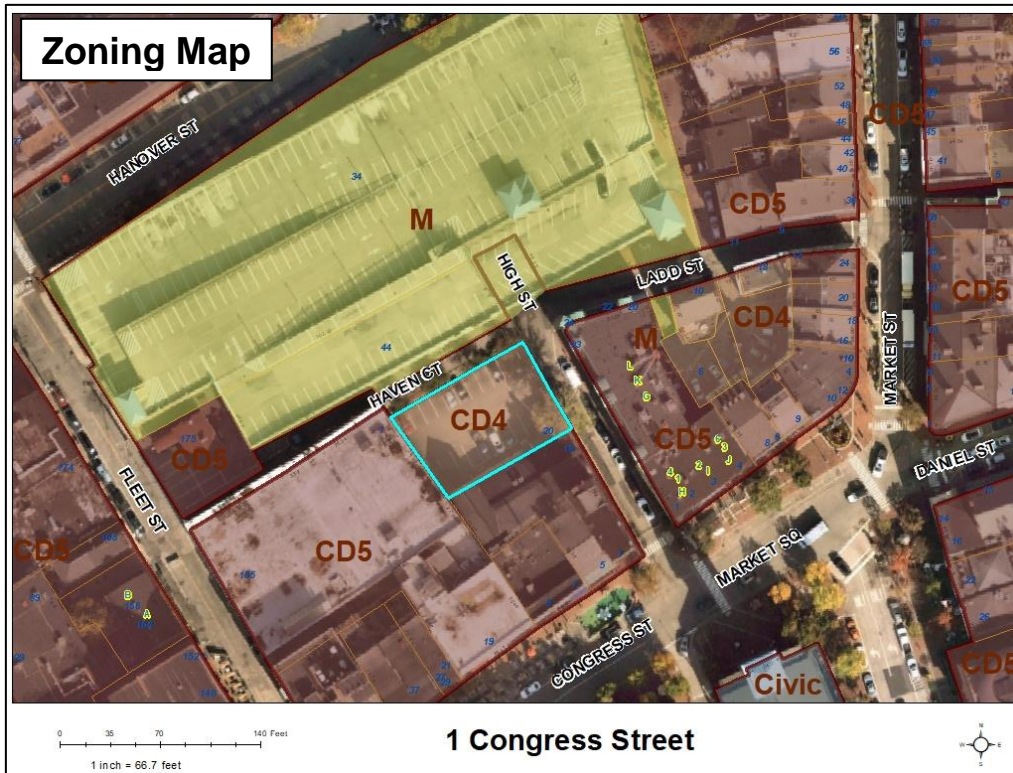


# Neighborhood Context

Aerial Map



Zoning Map



## Previous Board of Adjustment Actions

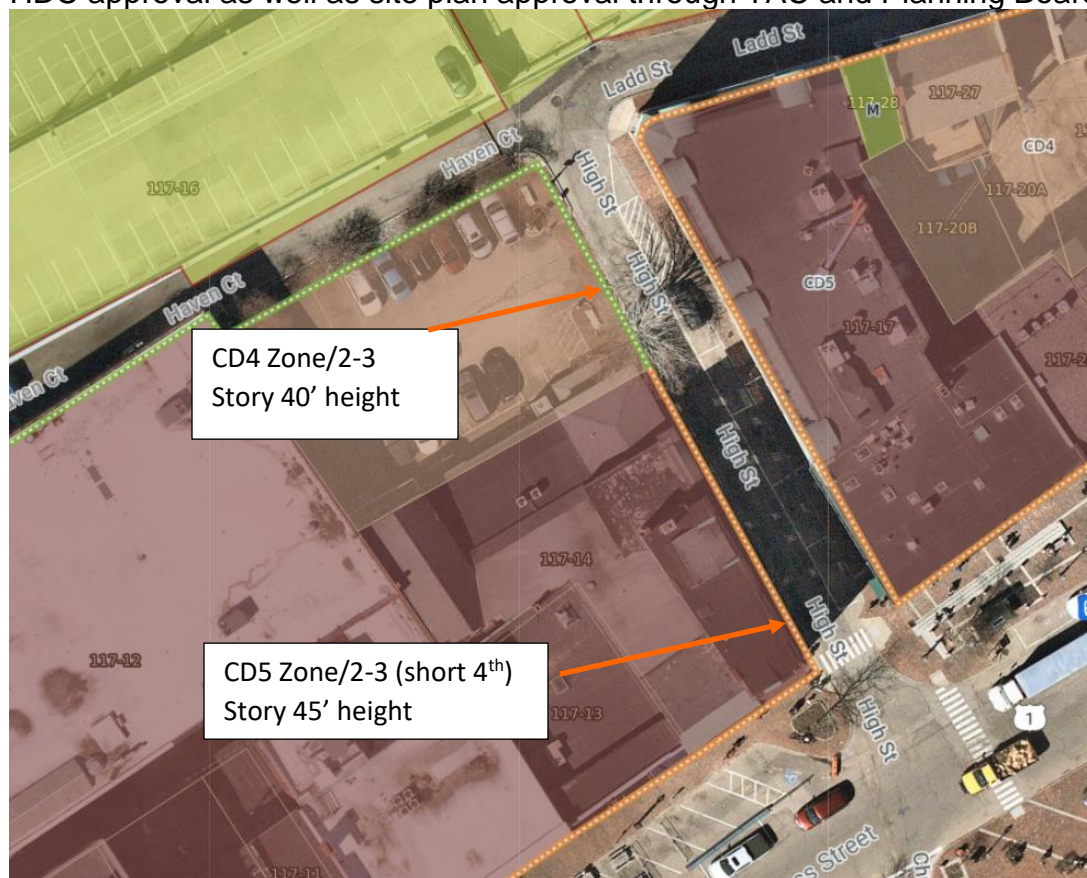
March 29, 2012 – Relief from Zoning Ordinance including:

1. Variance from Section 10.1115.20 and the requirements of 10.1115.30 to allow no off-street parking spaces to be provided where 1 space per 100 s.f. Gross Floor Area is required.
2. Special Exception under Section 10.1113.112 to allow 6 off-street parking spaces to be provided on another lot in the same ownership and within 300' of the property line of the lot in question.

The Board voted to **grant** the Variance as presented. With the granting of the Variance the Board determined the Special Exception would not be required.

## Planning Department Comments

The applicant is seeking to merge the two properties and construct a 3-story addition with a short 4<sup>th</sup>, which requires a variance to do so. The two parcels are zoned differently, one CD4 and one CD5 and both have separate height requirements as shown on the map below. All other dimensional requirements are met with the proposal. The project will need HDC approval as well as site plan approval through TAC and Planning Board.



## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.





## NEW BUSINESS

1.

The request of **Charles Dudas (Owner)**, for property located at **32 Monteith Street** whereas relief is needed for demolition of existing shed and construction of a 2-story attached garage with accessory dwelling unit which requires the following: 1) Variance from Section 10.521 to allow an 8' right side yard where 10' is required. Said property is shown on Assessor Map 143 Lot 22 and lies within the General Residence A (GRA) district.

### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Attached garage w/ ADU	Primarily residential uses
<u>Lot area (sq. ft.):</u>	30,644	30,644	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	30,644	30,644	7,500 min.
<u>Lot depth (ft.):</u>	140	140	70 min.
<u>Street Frontage (ft.):</u>	312	312	100 min.
<u>Primary Front Yard (ft.):</u>	6	13	15 (6 per front yard averaging) min.
<u>Right Yard (ft.):</u>	32	<b>8</b>	10 min.
<u>Left Yard (ft.):</u>	170	170	10 min.
<u>Rear Yard (ft.):</u>		129	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	5	7	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking:</u>	4	4	3
<u>Estimated Age of Structure:</u>	1900	Variance request(s) shown in red.	

### Other Permits/Approvals Required

Planning Board – CUP for Accessory Dwelling Unit

Wetland Conditional Use Permit – Granted June 18, 2020; extension granted June 23, 2021

## Neighborhood Context



*April 19, 2022 Meeting*

## Previous Board of Adjustment Actions

No prior BOA history found.

## Planning Department Comments

The applicant is seeking relief to add a new attached garage with accessory dwelling unit above. The garage will encroach into the right side yard 2', thus the requested variance. The property is over 30,000 square feet in size where only 7,500 is required, however the majority of it is encumbered by the 100 wetland buffer, including most of the house.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.





2.

Request of **Frederick J. Baily III (Owner)**, for the property located at **212 Woodbury Avenue** whereas relief is needed for a lot line adjustment on four lots to create 3 conforming lots with the existing dwelling and demolition of one existing dwelling and construction of 2 duplexes and 4 single family dwellings on one lot which requires the following: 1) Variance from Section 10.513 to allow more than one free-standing principal structure on a lot Said property is shown on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District.

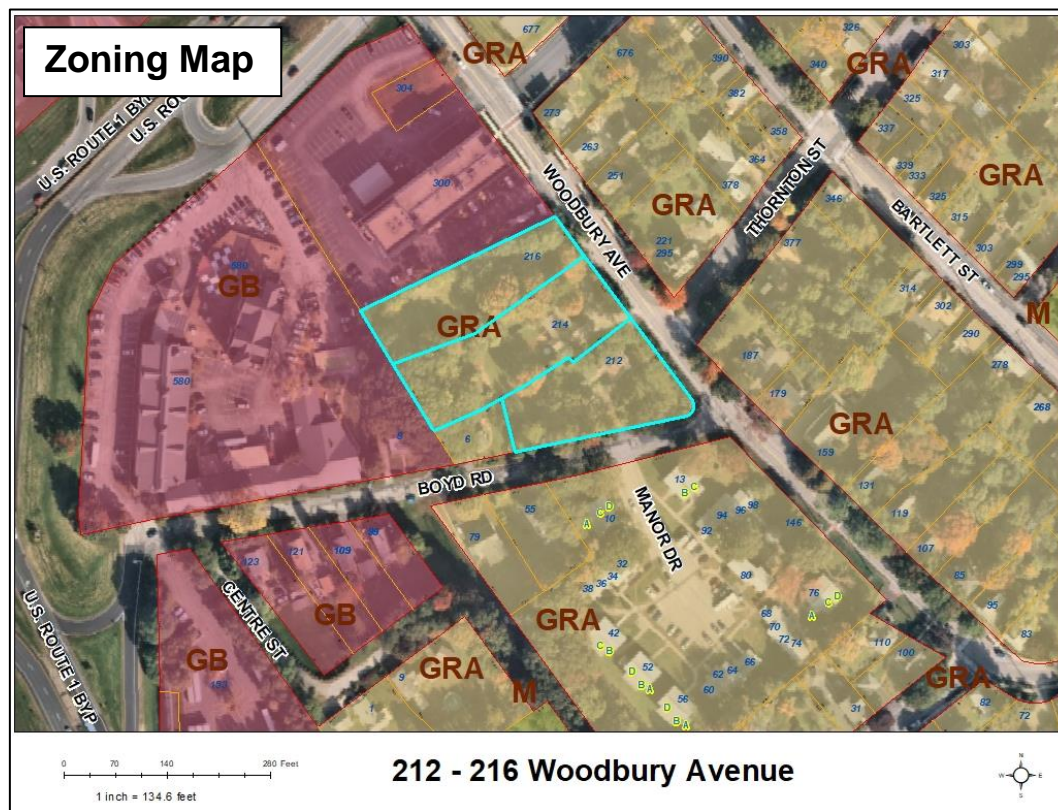
### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use: TABLE IS FOR PROPOSE LOT 1</u>	Single family	<b>Construct 2, two-family/ 4 single family dwellings on one lot</b>	Primarily residential
<u>Lot area (sq. ft.):</u>	26,012	60,025	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	26,012	7,503	7,500 min.
<u>Lot depth (ft.):</u>	>200	>200	70 min.
<u>Street Frontage (ft.):</u>	>400	382	100 min.
<u>Primary Front Yard (ft.):</u>	36	15	15 min.
<u>Secondary Front Yard (ft.):</u>	16	32	15 min.
<u>Side Yard (ft.):</u>	20	10	10
<u>Rear Yard (ft.):</u>	>120	20	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	<25	20.5	25 max.
<u>Open Space Coverage (%):</u>	>30	61	30 min.
<u>Parking:</u>	4	16	13
<u>Estimated Age of Structure:</u>	1870	<b>Variance request(s) shown in red.</b>	

### Other Permits/Approvals Required

TAC/Planning Board – Lot line adjustment/Site Plan Review

## Neighborhood Context



April 19, 2022 Meeting

## Previous Board of Adjustment Actions

May 16, 2000 – The applicant **withdrew** an application for the following are request:

1) a Variance from Article III, Section 10-301(A)(2) to allow an apartment in the existing dwelling to be relocated to the detached garage, and 2) a Variance from Article II, Section 10-206(4) to allow the detached garage to be expanded by adding a second floor and constructing a 12' x 20' deck.

## Planning Department Comments

The applicant is proposing to re-subdivide three lots and create 2 conforming lots on properties located at 214 and 216 Woodbury Ave. The existing lot at 212 Woodbury will be reconfigured to include the rear portions of 214 and 216 to create a 60,025 square foot lot, where the new development will be located. The proposal includes two duplexes and 4 single family dwellings, which will conform to dimensional regulations and lot are per dwelling unit, however only one principal structure is permitted on a lot, therefore the need for a variance to allow the 6 freestanding structures. The project will need to go through TAC and Planning Board for site plan review and re-subdivision.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.



3.

Request of **Amanda Blanchette (Owner)**, for the property located at **240 Hillside Drive** whereas relief is needed to extend the existing deck which requires the following: 1) Variance from Section 10.521 to allow 22% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Map 231 Lot 43 and lies within the Single Residence B (SRB) District.

### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Extend deck	Primarily residential
<u>Lot area (sq. ft.):</u>	2,625	2,625	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	2,625	2,625	15,000 min.
<u>Lot depth (ft.):</u>	120	120	100 min.
<u>Street Frontage (ft.):</u>	257	257	100 min.
<u>Primary Front Yard (ft.):</u>	33	33	30 min.
<u>Secondary Front Yard (ft.):</u>	10	10	30 min.
<u>Left Yard (ft.):</u>	11	11	10
<u>Rear Yard (ft.):</u>	30	30	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>		<b>22</b>	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking:</u>	4	4	2
<u>Estimated Age of Structure:</u>	1972	Variance request(s) shown in red.	

### Other Permits/Approvals Required

None.



## Neighborhood Context



April 19, 2022 Meeting

## Previous Board of Adjustment Actions

June 30, 1987 – The Board **denied** variances to to allow construction of a 24' x45' pool enclosure over existing pool with the following a) 15' rear yard where a 30' rear yard is required and b) building lot coverage of 24.97% where a maximum building lot coverage of 20% is allowed.

## Planning Department Comments

The applicant is seeking to add an extension to an existing deck. The property had an in ground pool which has since been removed and the applicant is looking to extend the deck over part of the area where the pool was previously located. The additional decking will increase the building coverage slightly over the 20% maximum allowed to 22%.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
  2. *Granting the variance would observe the spirit of the Ordinance.*
  3. *Granting the variance would do substantial justice.*
  4. *Granting the variance would not diminish the values of surrounding properties.*
  5. *The “unnecessary hardship” test:*
    - (a) *The property has special conditions that distinguish it from other properties in the area.*
- AND**
- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.





4.

Request of **Sandra L. Smith-Weise (Owner)**, for property located at **138 Gates Street** whereas relief is needed for construction of a one-story rear mudroom and 1/2 bath addition which requires the following: 1) Variance from Section 10.521 to allow 36% building coverage where 30% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on assessor Map 103 Lot 54 and lies within the General Residence B (GRB) and Historic Districts.

### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Rear addition	Primarily residential
<u>Lot area (sq. ft.):</u>	2,439	2,439	5,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	2,439	2,439	5,000 min.
<u>Lot depth (ft.):</u>	63	63	60 min.
<u>Street Frontage (ft.):</u>	38	38	80 min.
<u>Primary Front Yard (ft.):</u>	0.8	0.8	5 min.
<u>Right Yard (ft.):</u>	11	12	10 min.
<u>Left Yard (ft.):</u>	1	1	10
<u>Rear Yard (ft.):</u>	25	25	25 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	30	<b>36</b>	30 max.
<u>Open Space Coverage (%):</u>	>40	>40	25 min.
<u>Parking:</u>	1	1	2
<u>Estimated Age of Structure:</u>	1750	Variance request(s) shown in red.	

### Other Permits/Approvals Required

Historic District Commission

# Neighborhood Context



April 19, 2022 Meeting

## Previous Board of Adjustment Actions

No prior BOA history found.

## Planning Department Comments

The applicant is seeking to add a small mudroom addition on the rear of the existing dwelling. The addition will result in just under 36% building coverage, where 30% is the maximum allowed. The addition does not encroach into any setbacks and there is almost double the amount of open space on the lot than what is required for the district, despite the small lot size.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
  2. *Granting the variance would observe the spirit of the Ordinance.*
  3. *Granting the variance would do substantial justice.*
  4. *Granting the variance would not diminish the values of surrounding properties.*
  5. *The "unnecessary hardship" test:*
    - (a) *The property has special conditions that distinguish it from other properties in the area.*
- AND**
- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.



5.

Request of **Trisha and Kevin Anderson (Owners)**, for property located at **328 Aldrich Road** whereas relief is needed to demolish existing garage and construct new 12' x 16' shed which requires the following: 1) Variance from Section 10.573.20 to allow a 5' left side yard where 10' is required. Said property is shown on Assessor Map 166 Lot 49 and is located within the Single Residence B (SRB) District.

### Existing & Proposed Conditions

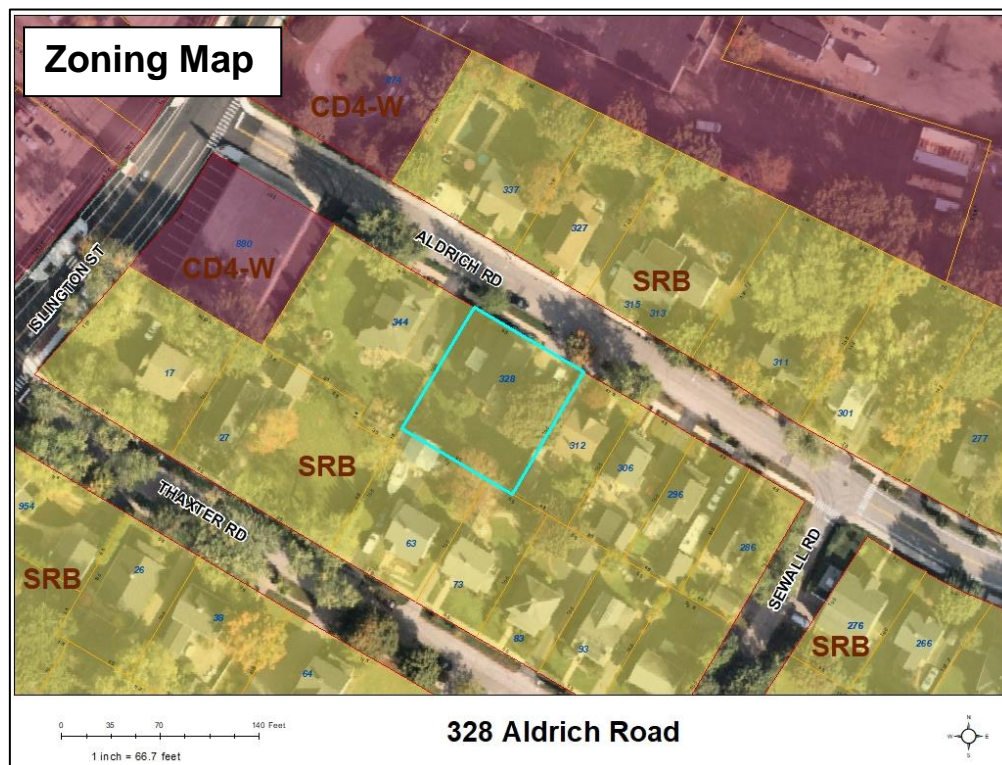
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Demo shed/construct new shed	Primarily residential
<u>Lot area (sq. ft.):</u>	9,147	9,147	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	9,147	9,147	15,000 min.
<u>Lot depth (ft.):</u>	100	100	100 min.
<u>Street Frontage (ft.):</u>	90	90	100 min.
<u>Primary Front Yard (ft.):</u>	3 (house)	3 (house)	30 min.
<u>Right Yard (ft.):</u>	60 (shed)	73 (shed)	10 min.
<u>Left Yard (ft.):</u>	18 (shed)	5 (shed)	10
<u>Rear Yard (ft.):</u>	29 (shed)	29 (shed)	30 min.
<u>Height (ft.):</u>		10	35 max.
<u>Building Coverage (%):</u>	20	20	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking:</u>	2	2	2
<u>Estimated Age of Structure:</u>	1910	Variance request(s) shown in red.	

### Other Permits/Approvals Required

None.



## Neighborhood Context



## Previous Board of Adjustment Actions

No prior BOA history found.

*April 19, 2022 Meeting*

## Planning Department Comments

The applicant is seeking demolish the existing shed that is in poor condition and construct a smaller shed, closer to the left side lot line. The new location will require a variance, as it is proposed to be 5 feet from the side yard where 10 is required.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.





6.

Request of **635 Sagamore Development LLC (Owner)**, for property located at **635 Sagamore Avenue** whereas relief is needed to remove existing commercial structure and construct 5 new single-family dwellings which requires the following: 1) A Variance from Section 10.513 to allow 5 principal structures on a lot where only 1 is permitted. 2) A Variance from Section 10.521 to allow a lot area per dwelling unit of 22,389 square feet where 1 acre per dwelling is required. Said property is shown on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District

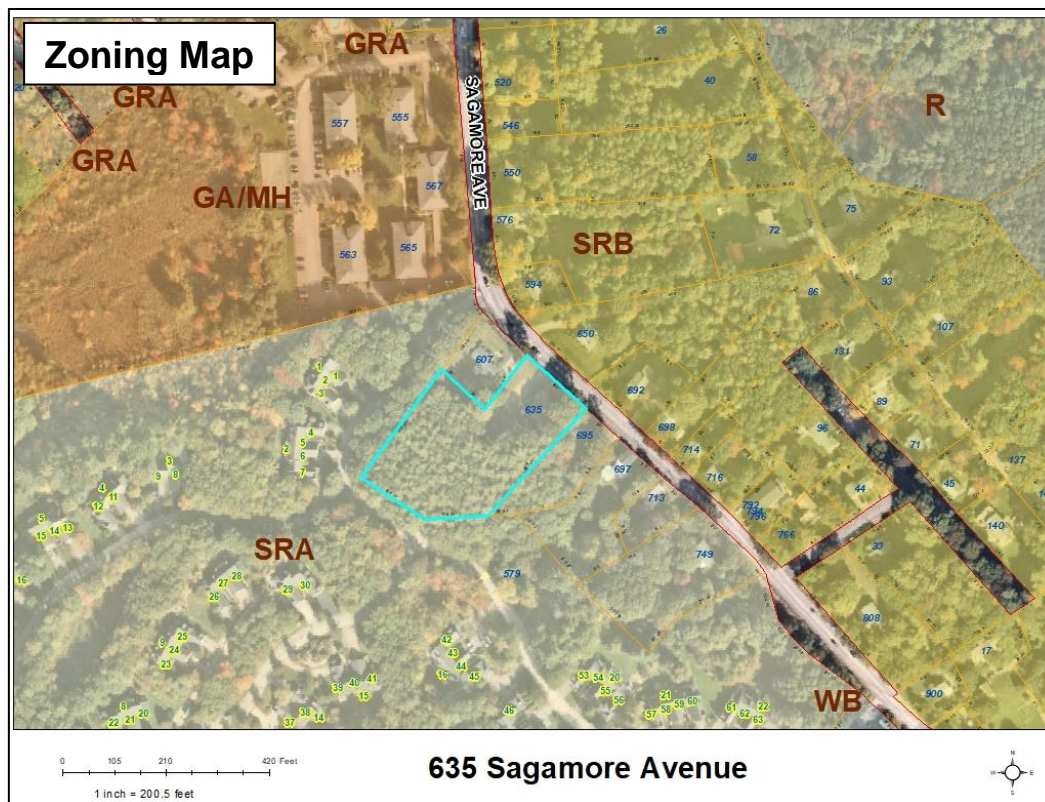
### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Commercial w/ 1 apartment	5 single family dwellings	Primarily residential
<u>Lot area (sq. ft.):</u>	84,795	84,795	43,560 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	84,795	<b>16,959</b>	43,560 min.
<u>Lot depth (ft.):</u>	358	358	200 min.
<u>Street Frontage (ft.):</u>	160	160	150 min.
<u>Primary Front Yard (ft.):</u>	28	>30	30 min.
<u>Right Yard (ft.):</u>	60	>20	20 min.
<u>Left Yard (ft.):</u>	30	21	20
<u>Rear Yard (ft.):</u>	219	>40	40 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%)</u>	4	9.6	10 max.
<u>Open Space Coverage (%)</u>	>50	78	50 min.
<u>Parking:</u>	4+	20	8
<u>Estimated Age of Structure:</u>	1950	<b>Variance request(s) shown in red.</b>	

### Other Permits/Approvals Required

TAC/Planning Board – Site Plan Review

## Neighborhood Context



*April 19, 2022 Meeting*

## Previous Board of Adjustment Actions

No prior BOA history found.

## Planning Department Comments

The applicant is proposing to demolish the existing structures and construct 5 free standing single family dwellings. The SRA zone requires 1 acre per dwelling unit and only allows 1 principal structure on a single lot. With 5 dwellings, the proposed lot area per dwelling will be 16,959, where 43,560 is required. With the exception of the density, all other dimensional requirements are in compliance with the proposed layout. This will require site plan review before TAC and Planning Board if the variances are granted.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.



7.

Request of **Savannah Mary Fodero and Tyler Jacob Forthofer (Owners)**, for property located at **629 Broad Street** whereas relief is needed for upward expansion of existing garage which requires the following: 1) Variance from Section 10.521 to allow a 2' front yard where 15' is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown Assessor Map 221 Lot 13 and lies within the General Residence A (GRA) District.

### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Upward expansion	Primarily single residence
<u>Lot area (sq. ft.):</u>	6,586	6,586	7,500 min.
<u>Lot area per dwelling (sq. ft.):</u>	6,586	6,586	7,500 min.
<u>Lot depth (ft.):</u>	116	116	70 min.
<u>Street Frontage (ft.):</u>	190	190	100 min.
<u>Primary Front Yard (ft.):</u>	12	12	15 min.
<u>Secondary Front Yard (ft.):</u>	2	<b>2</b>	15 min.
<u>Left Yard (ft.):</u>	11	11	10
<u>Rear Yard (ft.):</u>	52	52	20 min.
<u>Height (ft.):</u>	8 (garage)	12 (garage)	35 max.
<u>Building Coverage (%):</u>	24	24	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking:</u>	2	2	2
<u>Estimated Age of Structure:</u>	1958	Variance request(s) shown in red.	

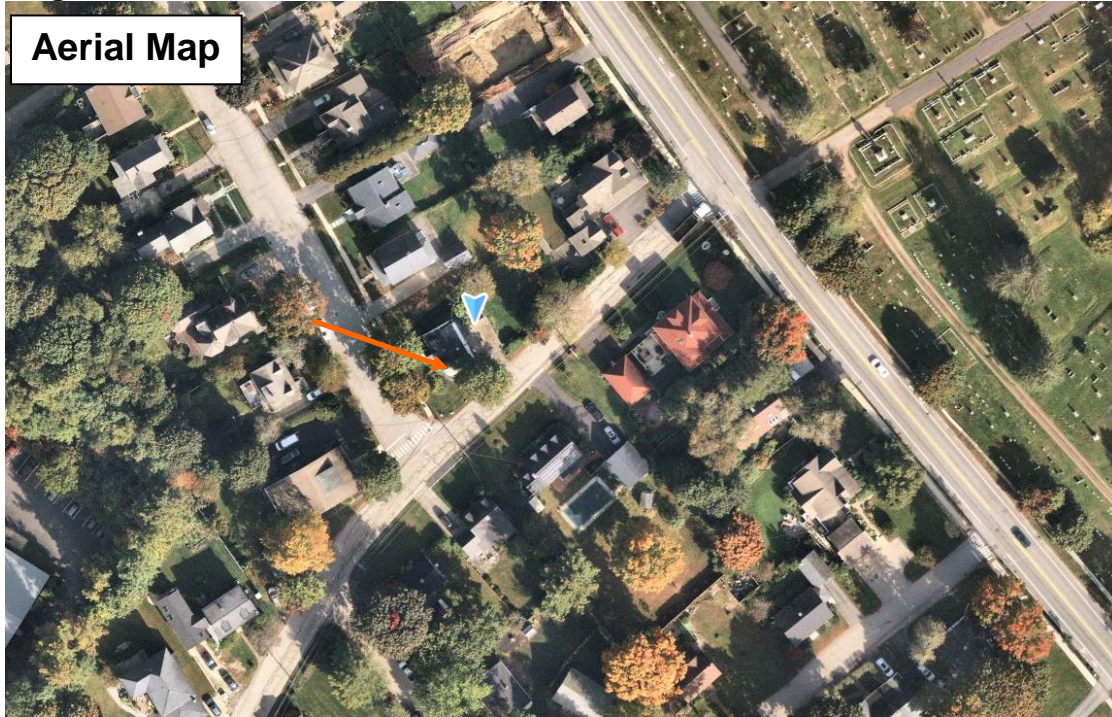
### Other Permits/Approvals Required

None.

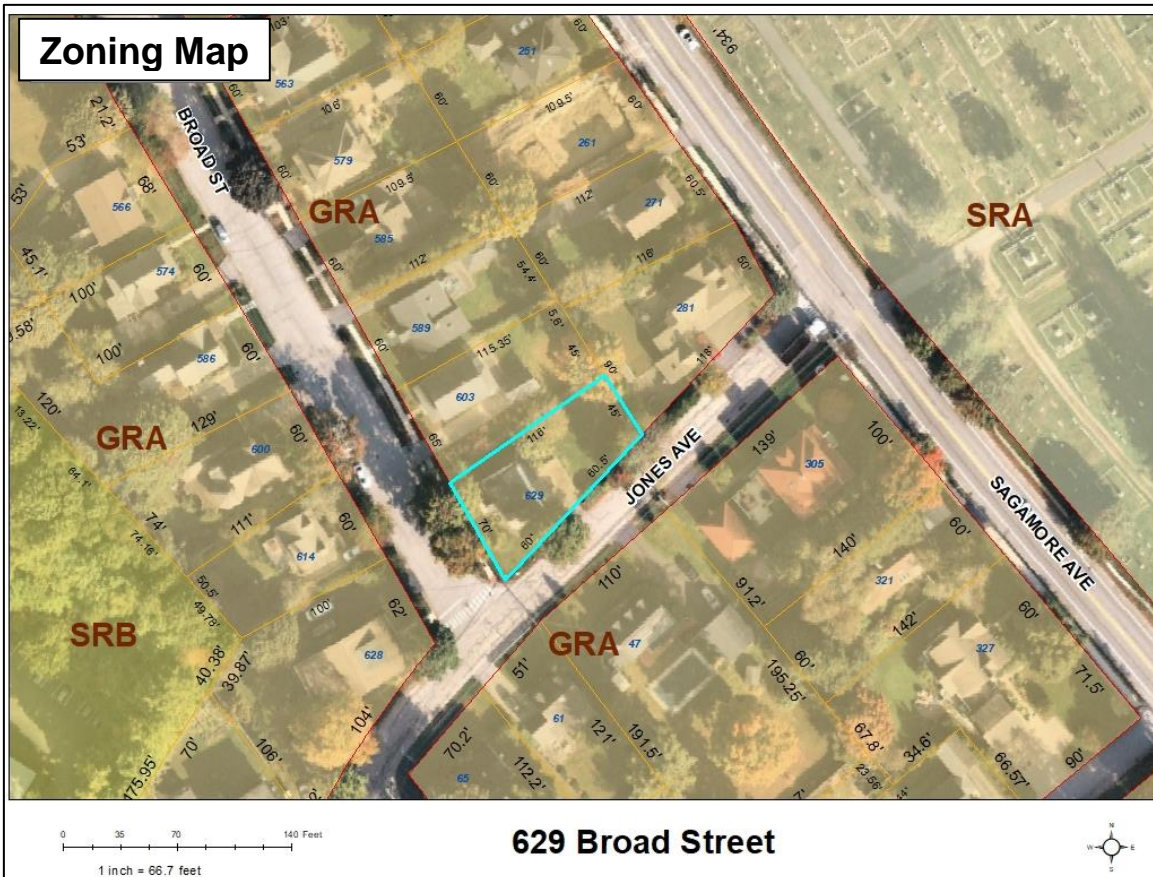


## Neighborhood Context

**Aerial Map**



**Zoning Map**



April 19, 2022 Meeting



## Previous Board of Adjustment Actions

No prior BOA history found.

## Planning Department Comments

The applicant is seeking to increase the height of the existing garage, which currently has a flat roof. The proposal will increase the height from 8' feet to 12'. The lot is a corner lot, having frontage on Broad Street and Jones Avenue and the house is situated at the front of the lot with the existing garage having only a 2' setback on Jones Avenue. The upward expansion increases the nonconformity of the structure, thus the need for the requested variance.

## Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

**REGULAR MEETING\***  
**BOARD OF ADJUSTMENT**  
**EILEEN DONDERO FOLEY COUNCIL CHAMBERS**  
**MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**  
**PORTSMOUTH, NEW HAMPSHIRE**

*Members of the public also have the option to join the meeting over Zoom  
(See below for more details)\**

**7:00 P.M.**

**April 19, 2022**

**AGENDA**

<b><u>PLEASE NOTE:</u> ITEMS H. THROUGH O. WILL BE HEARD AT THE APRIL 26, 2022 BOARD OF ADJUSTMENT MEETING.</b>
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**I. APPROVAL OF MINUTES**

A) Approval of the minutes of the meetings of March 15, 2022.

**II. OLD BUSINESS**

A. **Lancen and Sophie LaChance - 11 Fletcher Street** request a 1-year extension to the variances granted on April 21, 2020. (LU-20-42)

B. **Maple Masjid - 686 Maplewood Avenue** request a 1-year extension to the special exception and variances granted on April 21, 2020. (LU-20-37)

C. **REQUEST TO POSTPONE** The request of **Francis X. Bruton, (Attorney for Appellants)**, for Appeal of Administrative decision that the merged lot at **1 Congress** is not subject to the height allowances (2 stories, 4th short, 45 feet in height) pursuant to Map 10.5A21B and as permitted pursuant to Section 10.5A21.22(a) & (c) of the Zoning Ordinance. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District.  
**REQUEST TO POSTPONE (LU-22-12)**

D. **REQUEST TO POSTPONE** The request of **One Market Square LLC (Owner)**, for the property located at **1 Congress Street** whereas relief is needed to construct a 3 story addition with a short 4th story and building height of 44'-11" which requires the following: 1) A Variance from Section 10.5A.43.31 and Map 10.5A21B to allow a 3-story addition with a short 4th and building height of 44'-11" where 2 stories (short 3rd)

and 40' is the maximum allowed. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District. **REQUEST TO POSTPONE (LU-22-12)**

### III. NEW BUSINESS

- A. The request of **Charles Dudas (Owner)**, for property located at **32 Monteith Street** whereas relief is needed for demolition of existing shed and construction of a 2-story attached garage with accessory dwelling unit which requires the following: 1) Variance from Section 10.521 to allow an 8' right side yard where 10' is required. Said property is shown on Assessor Map 143 Lot 22 and lies within the General Residence A (GRA) district. (LU-22-44)
- B. The request of **Frederick J. Baily III (Owner)**, for the property located at **212 Woodbury Avenue** whereas relief is needed for a lot line adjustment on four lots to create 3 conforming lots with the existing dwelling and demolition of one existing dwelling and construction of 2 duplexes and 4 single family dwellings on one lot which requires the following: 1) Variance from Section 10.513 to allow more than one free-standing principal structure on a lot Said property is shown on Assessor Map 175 Lot 1 and lies within the General Residence A (GRA) District. (LU-22-52)
- C. The request of **Amanda Blanchette (Owner)**, for the property located at **240 Hillside Drive** whereas relief is needed to extend the existing deck which requires the following: 1) Variance from Section 10.521 to allow 22% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Map 231 Lot 43 and lies within the Single Residence B (SRB) District. (LU-22-1)
- D. The request of **Sandra L. Smith-Weise (Owner)**, for property located at **138 Gates Street** whereas relief is needed for construction of a one-story rear mudroom and 1/2 bath addition which requires the following: 1) Variance from Section 10.521 to allow 36% building coverage where 30% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on assessor Map 103 Lot 54 and lies within the General Residence B (GRB) and Historic Districts. (LU-22-55)
- E. The request of **Trisha and Kevin Anderson (Owners)**, for property located at **328 Aldrich Road** whereas relief is needed to demolish existing garage and construct new 12' x 16' shed which requires the following: 1) Variance from Section 10.573.20 to allow a 5' left side yard where 10' is required. Said property is shown on Assessor Map 166 Lot 49 and is located within the Single Residence B (SRB) District. (LU-22-56)
- F. The request of **635 Sagamore Development LLC (Owner)**, for property located at **635 Sagamore Avenue** whereas relief is needed to remove existing commercial structure and

construct 5 new single-family dwellings which requires the following: 1) A Variance from Section 10.513 to allow 5 principal structures on a lot where only 1 is permitted. 2) A Variance from Section 10.521 to allow a lot area per dwelling unit of 22,389 square feet where 1 acre per dwelling is required. Said property is shown on Assessor Map 222 Lot 19 and lies within the Single Residence A (SRA) District. (LU-22-57)

- G.** The request of **Savannah Mary Fodero and Tyler Jacob Forthofer (Owners)**, for property located at **629 Broad Street** whereas relief is needed for upward expansion of existing garage which requires the following: 1) Variance from Section 10.521 to allow a 2' front yard where 15' is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown Assessor Map 221 Lot 13 and lies within the General Residence A (GRA) District. (LU-22-53)

**THE FOLLOWING ITEMS WILL BE HEARD ON TUESDAY, APRIL 26, 2022**

- H.** The request of **Amanda J. Telford Revocable Trust (Owner)**, for property located at **322 Lincoln Avenue** whereas relief is needed to amend previously approved demolition of existing carriage house and construction of new accessory structure which requires the following: 1) Variances from Section 10.521 to allow a) 35% building coverage where 25% is the maximum allowed; b) a 3'6" side yard where 10' is required; and c) a 13' rear yard where 20' is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 130 Lot 26 and lies within the General Residence A (GRA) District. (LU-22-59)
- I.** The request of **William S. and Karen C. Bartlett (Owners)**, for property located at **607 Colonial Drive** whereas relief is needed to construct a 24' x 16' rear addition and 10'x 12' deck which requires the following: 1) A Variance from Section 10.521 to allow 25% building coverage where 20% is the maximum allowed. Said property is shown on Assessor Map 260 Lot 26 and lies within the Single Residence B (SRB) District. (LU-22-60)
- J.** The request of **HCA Health Services of NH, Inc. dba Portsmouth Regional Hospital (Owner)**, for property located at **333 Borthwick Avenue** whereas relief is needed for building addition on the existing hospital which requires the following: 1) A Variance from Section 10.531 to allow a 40' front yard where 50' is required. Said property is shown on Assessor Map 240 Lot 2 and lies within the Office Research (OR) District. (LU-22-35)
- K.** The request of **Mark Griffin (Owner)**, for property located at **728 State Street, Unit 1** whereas relief is needed to demolish existing garage and construct a new garage which requires the following: 1) Variances from Section 10.521 to allow 61.5% building coverage where 35% is the maximum allowed. 2) Variances from Section 10.573.20 to

allow a) a 1.5' side yard where 10' is required; b) a 0' front yard (Chatham St.) where 5' is required; and c) a 0.5' front yard (Winter St.) where 5' is required. 3) A Variance from Section 10.571 to allow an accessory structure in the front yard and closer to the street than the principal structure. 4) A Variance from Section 10.321 to allow a nonconforming structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 137 Lot 10-1 and lies within the General Residence C (GRC) District. (LU-22-63)

- L. WITHDRAWN** The request of **Portsmouth Lumber and Hardware LLC (Owner)**, for property located at **105 Bartlett Street** whereas relief is needed to remove two existing accessory structures and replace with one new shed which requires the following: 1) A Variance from Section 10.516.20 to allow a 6' setback where 15' is required from the railroad right of way. Said property is shown on Assessor Map 157 Lot 2 and lies within the Character District 4-W (CD4-W). **WITHDRAWN** (LU-22-58)
- M.** The request of **Randi and Jeff Collins (Owners)**, for property located at **77 Meredith Way** whereas relief is needed to construct a second free-standing dwelling which requires the following: 1) A Variance from Section 10.513 to allow a second principal structure on a lot. 2) A Variance from Section 10.1114.31 to allow 2 driveways on a lot where only 1 is allowed. Said property is shown on Assessor Map 162 Lot 16 and lies within the General Residence A (GRA) District. (LU-22-61)
- N.** The request of **64 Vaughan Mall LLC (Owner)**, for property located at **64 Vaughan Street** whereas relief is needed for the addition of a rooftop penthouse which requires the following: 1) A Variance from Section 10.5A43.30 and Map 10.5A21B to allow a building height of 51'6" where 42' is the maximum allowed for a penthouse. 2) A Variance from Section 10.1530 to allow a penthouse with a 9.5' setback from the edge of the roof where 15 feet is required. Said property is shown on Assessor Map 126 Lot 1 and lies within the Character District 5 (CD-5) and Downtown Overlay and Historic Districts. (LU-22-65)
- O.** The request of **William H. Schefer Jr. and Donna Schefer (Owners)**, for property located at **994 South Street, Unit 2** whereas relief is needed to install a mini-split system which requires the following: 1) A Variance from Section 10.515.14 to allow a 1.5' setback where 10' is required. Said property is shown on Assessor Map 150 Lot 9-2 and lies within the Single Residence B (SRB) District. (LU-22-54)

#### **IV. OTHER BUSINESS**

#### **V. ADJOURNMENT**



*\*Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

[https://us06web.zoom.us/webinar/register/WN\\_t3M9\\_CSbSuO\\_Yfv3VhBIMg](https://us06web.zoom.us/webinar/register/WN_t3M9_CSbSuO_Yfv3VhBIMg)

**MINUTES OF THE  
BOARD OF ADJUSTMENT MEETING  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

**7:00 P.M.**

**March 15, 2022**

**MEMBERS PRESENT:** Arthur Parrott, Chair; Jim Lee, Vice Chair; David MacDonald, Beth Margeson, Thomas Rossi, Paul Mannle; Alternate Phyllis Eldridge

**MEMBERS EXCUSED:** None.

**ALSO PRESENT:** Peter Stith, Planning Department

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*The appeal of **Duncan McCallum (Attorney for Appellants)**, of the December 16, 2021 decision of the Planning Board for property located at **31 Raynes Avenue, 203 Maplewood Avenue, and 1 Raynes Avenue** **WILL NOT BE HEARD DUE TO THE STAY ORDER FROM THE SUPERIOR COURT***

Chairman Parrott acknowledged the above appeal will not be heard due to the Court Order.

**I. APPROVAL OF MINUTES**

A) Approval of the minutes of the meetings of February 15, 2022 and February 23, 2022.

The February 15 minutes were **approved** by unanimous vote as amended. The February 23 minutes were **approved** by unanimous vote as presented.

**II. OLD BUSINESS**

**A. REQUEST TO POSTPONE** The request of **Francis X. Bruton, (Attorney for Appellants)**, for Appeal of Administrative decision that the merged lot at **1 Congress** is not subject to the height allowances (2 stories, 4th short, 45 feet in height) pursuant to Map 10.5A21B and as permitted pursuant to Section 10.5A21.22(a) & (c) of the Zoning Ordinance. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District  
**REQUEST TO POSTPONE. (LU-22-12)**

**DECISION OF THE BOARD**

*Ms. Margeson moved to **postpone** the petition to a future meeting, seconded by Vice-Chair Lee.*

Ms. Margeson said the applicant asked for a continuance of the administrative appeal of this matter so that further discussions with the Legal department could occur. She said a continuance was merited. Vice-Chair Lee concurred and had nothing to add.

*The motion **passed** by unanimous vote, 7-0.*

- B. REQUEST TO POSTPONE** The request of **One Market Square LLC (Owner)**, for the property located at **1 Congress Street** whereas relief is needed to construct a 3 story addition with a short 4th story and building height of 44'-11" which requires the following: 1) A Variance from Section 10.5A.43.31 and Map 10.5A21B to allow a 3-story addition with a short 4th and building height of 44'-11" where 2 stories (short 3rd) and 40' is the maximum allowed. Said property is shown on Assessor Map 117 Lot 14 and lies within Character District 4 (CD-4), Character District 5 (CD-5) and the Historic District. **REQUEST TO POSTPONE** (LU-22-12)

### DECISION OF THE BOARD

*Vice-Chair Lee moved to **postpone** the petition to the April 6 meeting, and Ms. Eldridge seconded. The motion **passed** by unanimous vote, 7-0.*

### III. NEW BUSINESS

- A.** The request of **Kelly Rose Shea (Owner)**, for property located at **725 Colonial Drive** whereas relief was needed to demolish existing garage and construct new 24' x 28' addition with single car garage which requires the following: 1) Variances from Section 10.521 to allow a) a 5.5' right side yard where 10' is required; b) a 20' rear yard where 30' is required; and c) a 20' front yard where 30' is required; and d) 25% building coverage where 20% is the maximum allowed. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 260 Lot 14 and lies within the Single Residence B (SRB) District. (LU-22-18)

### SPEAKING TO THE PETITION

The applicant and co-owner Nick Geist was present to review the petition. He said the project would raise his family's quality of life and the value of his home. He said the abutters were fine with the project and noted that their garages were much closer to the property line than what he was requesting. He reviewed the criteria and said they would be met.

Mr. Mannle asked what the setbacks for the existing garage were. Mr. Geist said they were greater than 10 feet. Mr. Mannle said a variance wasn't needed for that then. Ms. Margeson said the lot was very small compared to the minimum allowed for the SRB District. She said the right yard setback would go from 18 feet to 5.5 feet, which was a significant reduction, and the building coverage would go from 17 percent to 25 percent, where 20 percent was the maximum allowed. She said it was a significant increase on such a small lot. She asked what accounted for

the increase in building coverage in terms of the breezeway, expanded kitchen, and garage. Mr. Geist said they had considered varying the size of the kitchen or the garage but felt that 24'x28 was a good balance. He said the proposed garage would be bigger than the current one.

Mr. Rossi said the setback on one side of the addition was almost at ten feet and that it was just about 10 feet on the other side. He asked if the problem was that the lot was angled and that was why it went down to 5.5 feet. Mr. Geist agreed.

Chairman Parrott opened the public hearing.

### **SPEAKING IN FAVOR OF THE PETITION OR SPEAKING IN OPPOSITION TO THE PETITION**

No one spoke.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke. Chairman Parrott closed the public hearing.

### **DECISION OF THE BOARD**

*Mr. Rossi moved to **grant** the variances as presented, and Mr. Mannle seconded.*

Mr. Rossi said he didn't think granting the variances would be contrary to the public interest. He said the spirit of the ordinance was observed because the ordinance is designed in this section to encourage single-family housing, and the project makes the property more suitable for single-family use. He said he didn't see any loss of value or anything for the neighborhood, so he believed that substantial justice is served. He said there are some unusual aspects of the property, notably the angled side yard that make the side yard clearance more difficult to manage than it might ordinarily be on a rectangular lot.

Mr. Mannle concurred. He said the requests were small, even for Panaway Manor where practically every house was nonconforming.

*The motion **passed** by a vote of 6-1, with Ms. Margeson voting in opposition.*

- B.** The request of **Christopher S. and Kristin L. Martin (Owners)**, for property located at **27 Sewall Road** whereas relief was needed to construct a rear addition with 2 decks and a 10x10 shed which requires the following: 1) Variances from Section 10.521 to allow a) a 6.5' left side yard where 10' is required; and b) 22% building coverage where 20% is the maximum allowed. Said Property is located on Assessor Map 170 Lot 12 and lies within the Single Residence B (SRB) District. (LU-22-27)

### **SPEAKING TO THE PETITION**

The applicant/owner Christopher Martin was present to speak to the petition. He said he is a local builder did a major renovation to the home in 2018, but now he had a growing family and needed more space. He said the addition would allow a kitchen and dining room and would displace the current deck, so he wanted to add a deck on either side. He said the shed was crucial for space needed for mowers, bikes, and so on. He said the relief sought was for the south side yard setback and that he intended to keep the same plane as the existing house. He reviewed the criteria and also noted that all the abutters were in support of the addition.

The Board had no questions. Chairman Parrott opened the public hearing.

#### **SPEAKING IN FAVOR OF THE PETITION OR SPEAKING IN OPPOSITION TO THE PETITION**

No one spoke.

#### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke. Chairman Parrott closed the public hearing.

#### **DECISION OF THE BOARD**

*Vice-Chair Lee moved to **grant** the variances as presented, seconded by Ms. Margeson.*

Vice-Chair Lee said the request was similar to the previous petition. He said the setbacks were there to insure that there's access to the property from all sides for safety reasons and that decreasing the setback was innocuous. He said the lot area was pretty small and the request for variances was driven by a growing family. He said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said substantial justice would be done because the benefit to the applicant is not outweighed by any benefit to the general public. He said the well thought-out addition would most likely enhance surrounding properties. He said literal enforcement of the ordinance would result in unnecessary hardship because the family would not be able to meet their need for space for their growing family.

Ms. Margeson concurred. She said the setbacks are put in place for access for emergency vehicles and also for the movement of air and light, which has been deemed important. She said setbacks were not always *de minimis* and, unlike the previous application, she found this application more suitable because the setback diminution on the left side is only 1.5 feet from what it currently is now. She said it's a very large lot and that she felt it could accommodate that. She said the building coverage is two percent over what's allowed by the ordinance, but the existing building coverage is under what's allowed, so she didn't think the variances unduly conflicted with the purpose, spirit and intent of the ordinance, and she would support it.

*The motion **passed** by unanimous vote, 7-0.*

Mr. Margeson was recused from the following petition.



- C. The request of **Nerbonne Family Revocable Trust (Owner)**, for property located **189 Gates Street** whereas relief was needed for conversion of the existing garage into a Garden Cottage with a 12' x 16' addition and 6' x 14' deck which requires the following: 1) Variances from Section 10.521 to allow a) 35.5% building coverage where 30% is the maximum allowed; and b) a 1' right side yard where 10' is the minimum. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 103 Lot 6 and lies within the General Residence B (GRB) and Historic Districts. (LU-22-30)

### **SPEAKING TO THE PETITION**

The applicant Kelly Sanders and project architect Anne Whitney were present to speak to the petition. Ms. Sanders said she was the owners' daughter and was residing at the house because her father had Alzheimer's and needed supervision. She explained that her parents wanted to age in their home and build a cottage for a caregiver. She noted that the Board had two letters, one from her father's neurologist highlighting how important it was to provide a secure family home environment, and a letter from the president of the Seacoast Village Project that promotes aging in place. She said her parents also did extensive research and planning regarding this next phase of their life by investigating different options and consulting experts.

Ms. Whitney said a revision was made to the project after receiving feedback from the closest abutter, and she handed out copies of the revision to the Board. She said they were now asking for less nonconformity. She noted that she also had an additional abutter's letter. She said there were concerns about how close the addition would be to the property line and also about its size. She said anything added onto the back of the garage would be nonconforming. She said she shifted the addition away from the drop line and downsized it, so they were ending up with a 10.5'x14.5' addition that would push the side setback to four feet instead of one foot. She said they also downsized the deck. She noted that there weren't a lot of options to add other structures to the property because it abutted the Point of Graves cemetery and the existing driveway and yard areas made it difficult and costly to put a structure in the yard. She said the garage was in good condition and that adding a small addition to it made sense for a living space of 500 square feet. She said they were changing the use, so the existing garage's wall would have to be made into a fire wall. She reviewed the current garage's dimensions and said it would not be a very tall addition. She noted that almost all the houses in the area had additions. She reviewed the criteria and noted that the special condition was the nonconformance of the existing garage. She said they also had to obtain a Conditional Use Permit (CUP).

Mr. Macdonald said there seemed to be a lot of public comment, most of it favorable, and he asked if anyone raised objections to the project. Ms. Whitney said the immediate abutter who was the most affected did, even after some negotiations. Mr. Rossi asked how necessary the deck was to the project. Ms. Whitney said it wasn't completely necessary and that the owners were willing to let it go. Mr. Rossi asked if the project would be in conformance with the building coverage if the deck wasn't there. Mr. Stith said it would be 30.8 percent, so one percent over.

Chairman Parrott asked what the deck's revised dimensions were as proposed. Ms. Whitney said it was 6'x13.6' and came in six inches on either side.

Chairman Parrott opened the public hearing.

### **SPEAKING IN FAVOR OF THE PETITION**

Linda McVay of 42 Hunking Street said the neighborhood had a high number of older families and that the biggest concern facing older families was to be able to age in place. She said she had a similar situation in the past. She said the applicant wanted to modify an existing structure that would add value to the surrounding properties and would allow the owners to age in place.

Carol Morin of 170 Mechanic Street said that approving the petition would allow the owners to stay in their home. She said approval was given to a similar house and that there would likely be more. She said the south end was tight and many houses didn't conform to the ordinance.

Peter Morin of 170 Mechanic Street said he and his wife wanted to age in place also and that it was tough to find accommodations to do so. He said he fully supported the petition.

Emily Heffner of 213 Gates Street said she supported the project and thought it would be a great addition to the neighborhood.

Kathleen Beauchamp of 21 Blossom Street said she went through something similar 18 years ago when her husband had a disability and that she'd like to think the City would do everything possible to help people stay in their homes.

### **SPEAKING IN OPPOSITION TO THE PETITION**

Attorney Eric Maher said he represented Devan Quinn and James Butler of 199 Gates Street who were opposed to the project. He said his clients were sympathetic to the need for the conversion and addition, but they believed that it needed to be properly sited and designed and that there were alternatives that would be less adverse to their property. He said his clients made a substantial investment in their property, including \$30,000 to improve their backyard for their children. He said the drainage issues and the proposed addition and garage expansion undermined that investment and their intended use as well as the property's value. He said the requested variance relief should be denied or that the Board should insist that the applicant agree to a continuance so that a more viable and agreeable solution can be worked out. He said his clients tried to contact the owners and was only able to do so on March 7 when they suggested that the application be continued. He said the revision did not match their concern. He said his clients were concerned that the variance requests were not consistent with the spirit of the ordinance or would be contrary to the public interest. He said the lot's topography dropped as one went to the rear and there was also a shelf that dropped it even further, so the existing height of the garage was actually higher on his clients' property. He said extending that by 10 feet meant that the exposed foundation would be well above six feet at the rear portion of the lot and a 10-ft addition would go eighteen feet high, going into his clients' backyard and no further than

four feet from their property line. He said it would diminish their air and light and cause drainage issues. He said the setbacks exist to ensure adequate light and space. He said the lot coverage restrictions exist to ensure that there's enough impervious coverage and a place for the stormwater runoff to go. He said the garage's drip edges are on or over the property line, so his clients were already getting stormwater on their property and the proposal would add an additional amount of surface area coming off the back of the garage and more at the roof, which was pitched toward his clients' property. He said there was no stormwater management proposal and that the drainage issues would be increased. He said garden cottages are supposed to be built within the confines of existing structures and that the ordinance made it clear that only two expansions are permitted without modification from the Planning Board. He said one is a 50ft entrance or up to a 300-s.f. deck. He said the ordinance doesn't allow for a modification to allow for an expansion of the footprint under other circumstances, which was to add a living room onto to an existing garage. He said the proposal was for a detached ADU masquerading as a garden cottage and that the applicant was trying to get around the various restrictions that exist for attached ADUs, one of which is the requirement for them to have a certain amount of lot size. He said the substantial justice test was whether the benefit to be gained by the public in the denial of the variance is outweighed by the loss suffered by the applicant. He said alternatives exist and can be worked out between the two parties. He said the petition as presented would cause his clients significant loss, but because alternatives exist, the denial of the variance would not jeopardize the applicant from submitting something more palatable. He said the assessing card for the property has 3200 square feet of gross space, and 18 of which is living space. He said they had not heard why the existing dwelling could not be expanded with an addition, or why some of the other additional space in the primary dwelling could not be converted to accommodate an attached ADU. He said his clients believed that there would be a significant diminution of property value. He said one appraiser they consulted said he didn't know where he would start valuing the diminution of value because the proposal was so unique. He said the reason why it was so unique is that there are very few detached garden cottages located in such proximity to an existing abutting dwelling. He said it was establishing a separate dwelling on the property that was effectively an outbuilding and that there wasn't a lot of those in the neighborhood, especially so close to abutting properties, and that it will be within ten feet of his clients' home. He said he didn't believe that there were special circumstances to the property to constitute a hardship because almost all the lots in the neighborhood were sub-sized and had restrictions on them. For all those reasons, he said the petition was contrary to the spirit and intent of the ordinance and that other alternatives were available, so it wasn't a reasonable use.

Devan Quinn and James Butler of 199 Gates Street said they had invested in their backyard. Ms. Quinn said the garage sat at the property line and their home was 11 feet from it. She said it would allow less than four feet for their property line and the foundation would add more height onto the building and block their light and air flow. She said the deck would further encroach on the property line and would sit many feet above their yard and look down into their yard. She said the owner could sell the property to someone who could rent the addition as an ADU every weekend to tourists. She said she and her husband suggested other options to the applicant and had hoped the petition could be continued so that further discussions could take place. Attorney Mayer interjected and said he had context photos, which he gave to the Board.

Vice-Chair Lee asked Ms. Quinn which house in the photo was hers, and Ms. Quinn said it was the yellow one. Mr. Mannle said short-term and weekend tourist rentals were only allowed in the Downtown Overlay District.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

Joanne Wolfe of 213 Gates Street said she hoped something could be worked out that was satisfactory to everyone and that it didn't divide the neighbors.

Ms. Whitney said they could eliminate the deck. Relating to drainage, she said they could stipulate that they would be guttering both of the gabled ends and directing them to a rain garden or a dry well. She said it wasn't a huge amount of roof to divert. In terms of scale, she said the addition lined up with the edge of the abutter's stairway and there was just a small area of their yard that was directly impacted by light and air. She said the addition requested was pretty small.

No one else spoke, and Chairman Parrott closed the public hearing.

### **DISCUSSION OF THE BOARD**

Mr. Mannle said it was an ongoing ADU application, so the applicant would go before the Planning Board and any additions or modifications were all part of the ADU CUP process as well and the Planning Board could add any stipulations they chose. Mr. Stith agreed.

Vice-Chair Lee spoke to the assertion that there would be a diminution of value in surrounding properties. He said as a real estate broker for 40 years, he could not fathom that adding a small addition to the garage would in any way diminish the value of any of the properties there. Referring to Ms. Quinn's yellow house, he said there was a clear sightline from the Point of Graves cemetery to the backyard and that bumping out the garage ten feet would make more building to look at, but as far as diminishing the value of surrounding properties, he said he didn't think that would happen. Mr. Rossi said he was impressed with the applicant's willingness to be flexible and reach reasonable accommodations with the revised plan. Ms. Eldridge said it seemed that the relief being asked for, particularly with the revised plan, was very small. She said the building coverage was less than one percent over the allowed. She said the four feet was quite a bit less than 10 feet but was a lot more than zero, and the applicant was willing to do away with the deck. She said the height wasn't a problem and that the applicant would be allowed to build something of that height. She said the back addition would go no further than the steps, which would leave a backyard of about 30 feet, so that was a backyard with lots of open air and light, and she didn't see that it would diminish the abutter's ability to use the yard, especially without the deck. She said she was inclined to vote in favor but wasn't completely convinced that there was a hardship or that there wasn't another place to put the addition.

Mr. MacDonald was what was presented to the Board was a picture of conflicting interests. He said one party had a young midlife interest, and the other party had an end-of-life interest. He said he believed that the BOA wasn't ever designed, commissioned, or operated to be the King Solomon who decides between competing interests of that kind. He proposed that the Board not

take a position and force a winner/loser situation but instead require that the parties negotiate and reach a conclusion and then return to the Board. Chairman Parrott said there had to be a motion to postpone for a particular reason, which would be for additional information presented to the Board. Mr. MacDonald said the case and the parties had wound up in a zone that wasn't the purview of the Board. Chairman Parrott said the Board couldn't say that they just didn't want to deal with it.

## DECISION OF THE BOARD

*Mr. MacDonald moved to advise the applicant that the petition they presented was not really actionable and that they should withdraw their petition.*

Chairman Parrott said that couldn't be done because the Board had to take a positive action, if it was only to postpone.

*Mr. MacDonald amended his motion and moved to **postpone** a decision until the April 19 meeting so that the parties could bring more information about zoning issues to the Board. Mr. Mannle seconded the motion for discussion.*

Mr. Mannle asked Mr. Stith whether the Board had to have the applicant's permission to postpone the petition. Mr. Stith said the Board could postpone it and request a revised drawing based on the discussions. Chairman Parrott said the Board did it reluctantly but that sometimes it was appropriate. Vice-Chair Lee said he looked at the revised application and thought it met all the criteria, so he would not support the motion to postpone.

*The motion **failed** by a vote of 4-2, with Mr. Mannle, Vice-Chair Lee, Mr. Rossi, and Ms. Eldridge voting against the motion.*

Vice-Chair Lee said when the Board granted a variance or special exception, they were granting it to the property and not to the person. He said he sympathized with the struggles of aging parents, but the Board was granting the relief to the property and it ran in perpetuity. He said the variance would survive long after everyone in the room was gone. He said the revised plan more than met the criteria and that he would move to approve.

*Vice-Chair Lee moved to **grant** the modified addition without the deck, and Ms. Eldridge seconded. (Vice-Chair Lee had no further comments and did not address the criteria).*

*The motion **passed** by a vote of 5-1, with Chairman Parrott voting in opposition.*

- D.** The request of **Christopher H. Garrett Revocable Trust of 2007 (Owner)**, for property located at **1299 Islington Street** whereas relief was needed to Subdivide one lot into two lots which requires the following: 1) Variances from Section 10.521 to allow a) a lot area and lot area per dwelling unit of 12,366 square feet where 15,000 is required for each; and b) 99' of continuous street frontage where 100' is required. Said property is located



on Assessor Map 233 Lot 119 and lies within the Single Residence B (SRB) District. (LU-22-33)

### **SPEAKING TO THE PETITION**

Attorney Monica Kaiser was present on behalf of the applicant, along with project engineer Alex Ross. She gave the Board Exhibit E, a list of abutters in support of the proposal, and a revised Exhibit C, a map of the surrounding lots that were nonconforming to frontage or and/or lot size. She noted that 41 percent of the lots on the tax map were nonconforming as to frontage and lot size, and 50 percent were nonconforming to lot size only. Attorney Kaiser reviewed the petition, noting that the owners' family had owned the property since the 1900s but that it was becoming too much for them. She said the left side of the lot was unused and bordered by residential properties except for the back, where there was a railroad bed. She said the owner wanted to create two lots, one for the existing house and was conforming, and the other one, which needed the relief. She reviewed the criteria and said they would be met. She noted that several of the neighbors supported the proposal.

The Board had no questions. Chairman Parrott opened the public hearing.

### **SPEAKING IN FAVOR OF THE PETITION**

Ralph Dibernardo of 1374 Islington Street said there were 19 houses on their block and more than half of them were on lots that had 50 feet of frontage, were 100 feet deep and 500 square feet, as well as some houses on Islington Street that had houses built on lots 50'x100'. He said the exception was a handful of larger lots, which the applicant's lot was one of.

### **SPEAKING IN OPPOSITION TO THE PETITION OR SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke. Chairman Parrott closed the public hearing.

### **DECISION OF THE BOARD**

*Mr. Rossi moved to **grant** the variance as requested, and Mr. Mannle seconded.*

Mr. Rossi said the core of the motion is that the deviation, in terms of the frontage requirement, is very minor, and in terms of lot area, there is a special condition for the lot. He said there's a little notch taken out of the back of it that borders along the railroad track that really doesn't affect anyone else, but probably takes away just the amount of square footage that will bring this into compliance. On that basis, he said he saw nothing that was contrary to the public interest or to the spirit of the ordinance. He said the proposed use would be in character for the area and for the neighborhood. He said substantial justice would be done because there would be no loss of utility to the public or anyone around the area, and there would be a good gain for the property owner. He said he saw no indication that granting the variance would diminish the value of surrounding properties and probably would enhance them. He said the property's special

condition was its odd shape that made the second lot appear to be somewhat smaller than it otherwise would be.

Mr. Mannle concurred. He said he wasn't an abutter but lived in the neighborhood and thought the variance requests were minimal. He said when the lot was split, the least one will be a conforming lot and the other lot will be slightly under. He said he saw no issue with it.

*The motion **passed** by unanimous vote, 7-0.*

At this point, Chairman Parrott said the Board had a request to switch the order of Petition F, 139 Essex Street and Petition E, 405 South Street.

*Mr. Rossi moved to switch the order of the two petitions, seconded by Ms. Eldridge. The motion **passed** by unanimous vote, 7-0.*

**NOTE:** Petition F, 139 Essex Street, was then heard, and Petition E, 405 South Street, was heard afterwards.

- E.** The request of **Julia R. Tiebout Revocable Trust of 2009 (Owner)**, for the property located at **405 South Street** whereas relief was needed to Subdivide one lot into two lots and construct a single family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) 30' of continuous street frontage where 100' is required for proposed Lot 2: and b) 15.5' rear yard where 20' is the minimum required. Said property is located on Assessor Map 111 Lot 18 and lies within the General Residence A (GRA) district. (LU-22-9)

## **SPEAKING TO THE PETITION**

Attorney Derek Durbin was present on behalf of the applicant, along with the representative from SAI Builders, project engineer John Chagnon, and the owner Julie Robb. Attorney Durbin said the property was unique because it was long and rectangular and had frontage on two streets. He said the home had a garage adjacent to South Street and that most of the property consisted of open land in the back. He said the applicant wanted to subdivide the property into lots of near equal size, with Lot 1 having the existing house and Lot 2 being purchased by SAI Builders to build a single-family home. In order to subdivide the property, he said his client needed a variance due to the lack of street frontage and to construct the proposed home on Lot 2. He said the Board received letters of support from the abutters but would hear opposition related to drainage on the northern portion of the lot and concerns about access. He noted that those issues would go before the Technical Advisory Committee (TAC) and that all the technical issues would be addressed at the Planning Board level. He said his client would improve the drainage conditions on the property, which will benefit surrounding properties including some that drained onto his client's property. He said public access would be improved. He reviewed the criteria in detail and said they would be met. He also noted snow removal issues and said they would be alleviated by moving the garage back a bit. He emphasized that his client could

construct up to three condos on the existing lot if they wanted to and that the value of surrounding property values would increase with the creation of a new single-family home. He gave examples of other nonconforming homes that SAI Builders had renovated in the south end.

Mr. Mannle asked if McNabb Court was a public street all the way to the applicant's property. Attorney Durbin said it was a public street and was recognized as such. He said the plan they were able to get showed McNabb Court extending farther than it does now. Mr. MacDonald asked if there would be an easement for the snow storage. Attorney Durbin said he thought the City would require an easement because there was nowhere else for the snow to go. Mr. MacDonald asked if the City was favorable now. Attorney Durbin said he didn't believe that there were significant concerns expressed at the TAC work session. Mr. Chagnon said TAC was concerned about drainage and protecting the neighborhood, so the team was working on solutions that would not impact the neighborhood. He said TAC made some suggestions and that the team would implement them in the next design phase. He said there was a clear way forward if the drainage issues were dealt with. He said an easement for snow plowing was also discussed. Ms. Margeson said she was familiar with McNabb Court and knew it was very tricky. She said someone could have an oversized driveway and have a provision that they could do a turnaround. Mr. Chagnon agreed. He pointed out a one-car garage and a second parking spot on the plan and said either one would allow turn-arounds and heading out. He noted that there were two spaces that fronted to the street.

Mr. Rossi asked, in regard to the rear yard setback, if the request for a 15.5 setback was necessitated by the garage due to the main body of the house being 20 feet. Attorney Durbin said it was actually 19.4 feet to the back wall of the house in the northern portion of the lot. In response to further questions from Mr. Rossi, Mr. Chagnon said the garage was 22 feet deep and that he was working with the builder to position the house in the best place possible. He said that due to the lot's topography, there was a hill coming off South Street, and the northerly part of the lot acted as the relief point for all the abutting properties, so the properties to the west and north all drained on his client's property. He said they had to consider different options for placing the house due to concerns about snow removal. He said grade changes also required stairways, so having that offset also helped with the layout of the house and the interior stairway. Chairman Parrott noted that one of the architect's drawings showed the garage as 24'x15'. Mr. MacDonald asked if McNabb Court was served by storm drains. Mr. Chagnon said there were currently some located on the portion of McNabb Court before the turn, so the solution would probably be to extend that storm drainage.

Chairman Parrott opened the public hearing.

### **SPEAKING IN FAVOR OF THE PETITION**

Andrew Tiebout was present on behalf of his mother, the owner Julie Robb, and he read a letter that she wrote. Ms. Robb described the property's history and said she was selling the property because she couldn't afford the upkeep or the taxes. She wanted to pass the property on to her son but couldn't do that without selling the other lot. She said she wanted control on what would be built on the lot and was impressed by SAI Builders' architectural styles used on the homes

they built. She said every concern had been addressed by SAI Builders and Ambit Engineering and that the project was tastily designed and situated. She said she would welcome a new family who appreciated the area. She said it was a change but a positive and well-planned one.

### **SPEAKING IN OPPOSITION TO THE PETITION**

Alex and Lauren LePage of 53 McNabb Court said they were direct abutters to 405 South Street. Mr. LePage said the street was barely wide enough two cars. He said they were positive interactions with Ms. Robb but when they asked what her plans were, she said she was redoing the garage and redoing a survey. He said they learned about the proposed house in the fall when holes were being dug and was told to meet with the builder liaison. He said the proposal stated that the applicant took a conscientious approach by engaging surrounding property owners, but it was dishonest because he and his wife were never asked about their concerns and weren't involved in the planning process. He said the proposal was not an addition or tearing down a house but was a new single-family home that was quite larger than the other homes on a dead-end street that was already highly congested. Ms. LePage said a big concern was the request for a 2,500 s.f. home on 30 feet on McNabb Court, where the street was only 21 feet wide, so the applicant was really asking for 24 feet of frontage. She said the logistics of access and egress of another house on McNabb court was a safety concern. She said a four-bedroom house with a garage and driveway would also take away the only two street parking spaces, would cause more people to come and go, would cause concerns for children who walked to school or played in the street, and so on. She said their front door stepped out to where the driveway was planned, so that would be a safety risk. She was also concerned about resale value, how the community interacted with one another, and stormwater runoff. She said the development would affect the water the water they got in their basement, and the driveway's surface area would cause additional water runoff.

Ben Otis of 46 McNabb Court said the street was unique because it was a dead-end, had no sidewalks or curbing, and was very narrow. He said no one could park in front of their house without blocking the street. He said a fifth house on the end of the street would get rid of two parking spaces. He noted that Lincoln and Elwyn Avenues backed up to McNabb court and added to the street's traffic. He said the parking and drainage issues would be big impacts.

Kristen Otis of 46 McNabb Court said the snow was piled against the fence only once, when there was a blizzard, and that it shouldn't be piled there due to the fire hydrant. She said they chose to live on McNabb Court because it was a quiet street that their kids could safely play in. She said adding a home to the end of the street will affect parking and create more traffic.

Ben Lacava of 72 Lincoln Avenue said they owned the property that abutted the north edge of Lot 2 and lived where the water collected. He said the applicant didn't have a strong solution for where the water would go. He said another concern was the neighborhood children's safety because they played in the street. He asked where the construction equipment and trucks would go because a fire truck couldn't even go down the street and that's why there was a fire hydrant.

Alex Greiner of 88 Lincoln Avenue said their driveway was off McNabb Court. He said there was no effort on the applicant's part to reach out to the neighbors about their concerns. He said water runoff was also a concern, as well as safety during the construction phase.

Lucinda Lloyd of 54 McNabb Court said she abutted the applicant's land and worried about the safety of the neighborhood kids, water in the basements, and added traffic. She said the proposed house was bigger than most of the houses on the street and thought there was no way that the applicant would only need a single-car garage.

Ryan Russman of 137 Elwyn Avenue said he had access to his garage on the back side of the applicant's property, which was the actual area being used for the road's egress. He said McNabb Street was plowed using a backhoe and the back end would swing out. He said the way they intended to remove the snow would kill everyone's grass. He said a fire truck wouldn't make the corner. He said the applicant didn't consult the neighbors about the project and there were other alternatives. He said an ingress/egress of 24 feet was an enormous ask and the variances requested were extraordinary.

Nina Herlihy of 60 Lincoln Avenue said she owned the property but lived in Rye. She said she was never contacted about the project and first heard of it when she got the notice about the BOA meeting less than a week before the meeting. She said she also had water problems and that the residents' basements would probably be even more flooded. She said there was no hydrology study and was uncomfortable having a variance passed until there were drainage solutions in place. She said she felt that there had been a lack of transparency with the plan.

Brandon Seppa of 151 Elwyn Avenue said his property abutted McNabb Court on the back and his yard was where the snow was piled. He said he also wasn't consulted and that his primary concern was the neighborhood's kids' safety. He said the neighbors had even discussed placing bollards in the street to slow traffic down. He asked how construction vehicles would turn around when normal delivery trucks could not.

Alex LePage of 53 McNabb Court said he had two letters from abutters who couldn't attend the meeting, one from Patricia Cabrera of 113 Elwyn Avenue and one from Greg and Stephanie Sullivan of 43 McNabb Court. He read each letter, which included concerns about the water table, the proposed house's size and style, additional traffic, less parking, the intensity of land use, and general noncompliance with the ordinance.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

Derek Rolfe of 419 South Street said the owner had reached the point where she had no other choice but to sell. He suggested having a third party validate the situations.

Attorney Durbin said as far as access safety, the perception was that the end of McNabb Court couldn't be used, but he said his client had a fence that could be removed to allow access. He said she could construct any kind of driveway access there. He said the Public Works Division wanted to see how the snow was taken in on the left side, which was the reason he was asking

for the rear yard setback. He said those concerns had been addressed and that technical concerns would be addressed proactively. He said they were not eliminating open space but were well exceeding open space requirements.

Patrick Nysten of SAI Builders said when they first started the project, they proposed a house on the northerly portion of the lot, and when they did soil testing there, several abutters came out and voiced drainage and water concerns and the house's siting. He said he listened to those concerns and redesigned the house to be on the southerly side of the lot. He said the lot was 11,000 square feet, one of the largest in the area, and was more compliant than many of the nearby properties in terms of setbacks and lot coverage. He said it would have on-site parking but that his client had a right to park on the street. He said the snow storage was the recommendation of the City and that he would provide an easement if the City asked for it. He said they got nice feedback about how the architect's other houses were integrated into the neighborhood and that the main body of the house was emblematic of the houses on McNabb Court, with similar massing and scale. He noted that they did not put in a two-car garage.

Mr. Chagnon said they were in the process of going before TAC and the Planning Board, which would be robust. He said they would deal with drainage concerns and that the police, fire, and public works departments would weigh in. He said the project would not cause additional burdens to the existing situation in the neighborhood and that the street would still be a dead-end street. He said change was difficult, and adding one more family to the neighborhood would not change the dynamic of the dead-end street. Ms. Margeson asked what the fire department had said so far about the proposal during the preliminary review before TAC. Mr. Chagnon said the fire department did not raise any concerns and didn't say that there needed to be studies of vehicle movement or traffic, nor did they ask for additional firefighting measures. Ms. Margeson said one of the abutters spoke about the frontage actually being 24 feet and some of it being on another property. Mr. Chagnon said the amount of frontage was 30 feet, and what happened was that the public portion on the south side cut very close to the porches, so the 30 feet was the public right-of-way and the 24 feet was the area of pavement that exists within that public right-of-way. He said the driveway extension will be that 24 feet but it didn't mean that there was less than 30 feet of frontage. Ms. Eldridge said another concern was moving construction vehicles back and forth. Mr. Chagnon said it would be a temporary imposition and that they could work with the neighborhood to minimize the impact of construction. He said it would have to be staged appropriately and perhaps small deliveries would be used.

Nina Herlihy of Rye said the builder spoke to the subject property's owners but not the neighbors.

Mr. Nysten said he spoke with Mr. LePage, Lucinda Lloyd, and the gentleman from 88 Lincoln Avenue. He said they came to the property and talked to him and also the project engineer, the property owner, and the construction manager.

Lucinda Lloyd of 54 McNabb Court said no one mentioned that Lots 1 and 2 originate on South Street. She asked why the property couldn't be accessed by South Street. Mr. Chagnon said the



grade change make it difficult to do that and the applicant would have to take out their garage. He said it would require more paved area, which would mean more runoff.

No one else spoke, and Chairman Parrott closed the public hearing.

### **DISCUSSION OF THE BOARD**

Mr. Rossi asked whether the issues of drainage and mitigation were part of the Board's criteria or were issues that TAC would handle. Chairman Parrott said anyone could present to the Board what they wanted and that the Board had to consider everything they heard.

Ms. Margeson said it was a tough application and thought Attorney Durbin did an outstanding job of presenting. She said there were a lot of areas where one could say that the property has special conditions because it's sort of land-locked and is large enough to build on. She said she would not support the application. She thought 30 feet street frontage was probably workable on a street other than McNabb Court. She said she was very familiar with the street and thought it was much too difficult to make such a diminution. She noted that the street frontages on McNabb Court for the four New Englanders also did not meet zoning, but placing 30 feet street frontage in this particular area at the end of this block was just too difficult. She said there were public health, safety, and welfare issues and also an issue with the character of the neighborhood, which was those four little New Englanders. She said she recognized that it was a very unique situation for this lot in the back of the primary lot on South Street, and if there were access off of South Street and perhaps some sort of surface that would not create as much drainage, it might work, but she thought it was just too difficult off of McNabb Street and she could not support the petition. Vice-Chair Lee agreed with Ms. Margeson and said he was a little conflicted on a lot of those points. He referred to his real estate career when he saw a real unique situation and thought, 'Good grief, what were they thinking when they built this.' He said McNabb Court qualified as one of those situations. He said it was a really constricted little neighborhood and the application did not meet all the criteria, so he could not support it either.

### **DECISION OF THE BOARD**

*Ms. Margeson moved to **deny** the petition, based upon the public interest and the spirit of the ordinance prongs of the criteria. Ms. Eldridge seconded.*

Ms. Margeson said the variance relief violates the public interest and the spirit of the ordinance and alters the essential character of the neighborhood, which is essentially the four little New Englanders. She said there were very small lot sizes and very small houses there, and she thought there is a threat to the public's health, safety, and welfare. She noted that the motion to deny only has to identify that one of the criteria is not met. Ms. Eldridge concurred and had nothing to add.

Mr. Mannle said he appreciated the presentation and all the comments for and against the petition. He said the lot was a unique one in Little Harbor, although he could show you a dozen of the exact same lots on Middle Road. He said he knew the property was unique, but turning a

100-ft street frontage down to 70 feet was just too far for him. He said he would support the motion to deny.

*The motion **passed** by a vote of 7-0.*

- F.** The request of **Peggi L. Morrow (Owner)**, for property located at **139 Essex Avenue** whereas relief was needed to demolish existing dwelling and construct new single-family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) lot area and lot area per dwelling unit of 11,581 square feet where 15,000 is required for each; and b) 75' of continuous street frontage where 100' is required. Said property is located on Assessor Map 233 Lot 60 and lies within the Single Residence B (SRB) District. (LU-22-25)

### **SPEAKING TO THE PETITION**

Attorney Derek Durbin was present on behalf of the applicant, along with the Joe Caldarola, who was under contract to purchase the property. Attorney Durbin reviewed the petition, noting that the existing house encroached on the right yard setback by five feet. He said the house was in poor condition and there was no justification to restore it, so they wanted to demolish it and replace it with a small 3-bedroom house. He reviewed the criteria and said the property would be brought into greater conformance and would observe the density goal of the SRB zoning.

The Board had no questions. Chairman Parrott opened the public hearing.

### **SPEAKING IN FAVOR OF THE PETITION**

No one spoke.

### **SPEAKING IN OPPOSITION TO THE PETITION**

Joanne Wolfe of 213 Gates Street said she was present on behalf of her daughter, who lived at 56 Sheffield Street and abutted the property. She said she questioned the plans that were submitted because there was talk of a 2-story, 3 bedroom, and 2-1/2 bath, but the plans showed a 3-story with a balcony in the back and 3-1/2 baths, including a full bath on the third story. She asked what the building was really planning to do.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

Joe Caldarola of 70 Dennett Street said the floor plan was the same as the existing house. As to the question of whether the attic gets finished or not, he said when they drew the plans for the lot they decided to finish the attic, so it was actually a 3-1/2 shared bath and the 2-1/2 bath was a misstatement. He said the inset balcony didn't project up or out and that it was inset under the roof, so he would call the house a 2-story New Englander with a finished third floor.

No one else spoke, and Chairman Parrott closed the public hearing.

## DECISION OF THE BOARD

*Vice-Chair Lee moved to **grant** the variances as presented, and Mr. Mannle seconded.*

Vice-Chair Lee said it seemed that demolishing and rebuilding existing homes has become a thing in Portsmouth, and he thought it was a good thing overall because there was a code-compliant house with all the life safety features that some of the older houses didn't have, and having a brand new home in the neighborhood would enhance property values. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance because the current house would be demolished and replaced with a new one, with exactly the same floor plan. He noted that it was slightly noncompliant now and will be the same amount of noncompliance when it's completed. He said substantial justice would be done because the benefit to the applicant would not be outweighed by any harm to the general public or other individuals. He said granting the variance would not diminish the values of surrounding properties, and literal enforcement of the ordinance would result in unnecessary hardship to the applicant because he wouldn't be able to complete the purchase and present Portsmouth with a brand new code-compliant house for a nice family to live in. For those reasons, he moved that the application be approved as presented and advertised.

Mr. Mannle concurred and said the structure will be more conforming than it currently is. Ms. Margeson said she echoed what Vice-Chair Lee's comment said about seeing a lot of houses demolished and then reconstructed, which she thought was unfortunate. She said she thought the house was really neat and was sorry to lose it, but it wasn't within the Board's purview, so she would vote for this because she thought the variance request was reasonable and *de minimis*.

*The motion **passed** by unanimous vote, 7-0.*

**NOTE:** The Board then addressed Petition E, 405 South Street.

*At this time, it was moved, seconded, and approved unanimously, 7-0, to **extend** the meeting past 10:00.*

- G.** The request of **Brian A. Fritz (Owner)**, for property located at **169 Martha Terrace** whereas relief was needed to add a second floor on the existing dwelling which requires the following: 1) A Variance from Section 10.521 to allow a) a 37' rear yard where 40' is required; and b) 14% building coverage where 10% is the maximum. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be expanded, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 283 Lot 9 and lies within the Single Residence A (SRA) district. (LU-22-20)

## SPEAKING TO THE PETITION

Applicant Brian Fitz was present to review the petition. He said the house was a very small ranch and that his growing family needed more room. He noted that his house was the only one in the

neighborhood that didn't have an addition or had gone up in height, and he said the proposed style was the same as other houses in the neighborhood. He reviewed the criteria briefly.

The Board had no questions. Chairman Parrott opened the public hearing.

**SPEAKING IN FAVOR OF OR IN OPPOSITION TO THE PETITION OR  
SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke. Chairman Parrott closed the public hearing.

**DECISION OF THE BOARD**

*Mr. Rossi moved to **grant** the variances for the petition as presented, and Mr. Mannle seconded.*

Mr. Rossi said the lot is already noncompliant and the requested variances do not affect that in any way. He said there is no public interest in restricting a second floor, therefore it's not contrary to the public interest to grant the variances. He said granting the variances would observe the spirit of the ordinance because this is a single-family residence area and this project enhances the value of the property for a single-family. He said substantial justice would be done because no one in the area is sacrificing anything for the benefit of the homeowner. He said granting the variances would not diminish the value of surrounding properties, and it would be an unnecessary hardship to require that this lot be brought into conformance in order to add a second floor.

Mr. Mannle concurred and had nothing to add. *The motion **passed** by unanimous vote, 7-0.*

**IV. OTHER BUSINESS**

There was no other business.

**V. ADJOURNMENT**

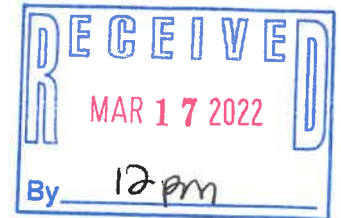
The meeting was adjourned at 11:10 p.m.

Respectfully submitted,

Joann Breault  
BOA Recording Secretary

March 11 2022

From: Lancen LaChance  
281 Dennett St.  
Portsmouth, NH 03801  
[lancenlachance@gmail.com](mailto:lancenlachance@gmail.com)



To: Town of Portsmouth Board of Adjustment

Subject: Variance Extension for 11 Fletcher St. (Map 233 Lot 76-1)

I'm writing to request the extension of previously granted variances (for road frontage and lot size) on 11 Fletcher St. (Map 233 Lot 76-1, previously referred to as 0 Sims Ave / and previously part of 70 Sims Ave) which were granted by the board in April of 2020 and set to expire on April 21 2022.

While we have a pending building permit request, we're requesting for extension of the variances to ensure we have sufficient time to complete the permitting process and requirements with the town of Portsmouth prior to expiration of the variances. The pandemic has slowed some of the processes for the purchase of the lot as well as design of the building plans, which had cascading effects in the planning and submission of plans for building permit. Additionally, there were some administrative changes causing delays, as the lot was newly addressed (previously was part of 70 Sims Ave.), requiring some synchronization in the town of Portsmouth's computer systems before allowing the acceptance of the building permit application under the new address - 11 Fletcher Ave.

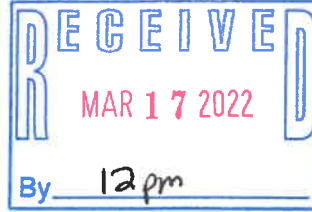
We've submitted our building permits to the town of Portsmouth in January of 2022. We're ready to start the project as soon as the building permit can be issued but I'm requesting the board please extend the variances for 1 year as allowed by Portsmouth's zoning ordinance.

Thank you for your time and consideration,

Lancen LaChance

**BOSEN & ASSOCIATES, P.L.L.C.**  
ATTORNEYS AT LAW

March 15, 2022



**John K. Bosen**  
Admitted in NH & MA

**Christopher P. Mulligan**  
Admitted in NH & ME

**Molly C. Ferrara**  
Admitted in NH & ME

**Austin Mikolaities**  
Admitted in NH

**Bernard W. Pelech**  
1949 - 2021

Arthur Parrott, Chair  
City of Portsmouth  
Zoning Board of Adjustment  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: 686 Maplewood Avenue

Dear Mr. Parrott:

This office represents Portsmouth Maple Masjid, the owner of 686 Maplewood Avenue. On April 24, 2020, we received a special exception and variances to construct a 4,000 s.f. building to house a religious place of assembly.

Covid has impacted many of our client's entities and projects, in particular, the ability to get the Mosque project started. The project is getting closer but an extension is necessary for the applicant to be able to continue its efforts to begin the project

Please place this on the agenda for the April 19, 2022 Zoning Board meeting.

Thank you.

Very truly yours,



John K. Bosen

/dh  
cc: ISSA



**From:** [Kimberli Kienia](#)  
**To:** [Kimberli Kienia](#)  
**Subject:** FW: 1 Congress Street  
**Date:** Monday, April 11, 2022 8:48:29 AM

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**From:** FX Bruton [<mailto:fx@brutonlaw.com>]  
**Sent:** Saturday, April 9, 2022 7:02 AM  
**To:** Peter M. Stith <[pmstith@cityofportsmouth.com](mailto:pmstith@cityofportsmouth.com)>  
**Cc:** Mark McNabb <[house@mcnabbgroup.com](mailto:house@mcnabbgroup.com)>; Nicholas J. Cracknell <[njcracknell@cityofportsmouth.com](mailto:njcracknell@cityofportsmouth.com)>; Beverly M. Zendt <[bmzendt@cityofportsmouth.com](mailto:bmzendt@cityofportsmouth.com)>  
**Subject:** 1 Congress Street

Mr. Stith,

The Applicant for Case LU-22-12, One Market Square, LLC, is schedule for a hearing before the ZBA on April 19<sup>th</sup> on its application for a variance. In addition, the Applicant is scheduled to be heard on its Appeal of Administrative Decision (Case LU-22-12).

Upon inquiry, the City Attorney has indicated that additional time is needed by that office in terms of its review of the status of Haven Court. In addition, the Applicant will need a period of time for review of the City Attorney's findings. The status of Haven Court is relevant to both the variance request and the Appeal of Administrative decision. As such, the Applicant has agreed, and therefore requests, that the hearing for April 19th for both applications be postponed until May 17<sup>th</sup>, which is the next hearing date. We understand that this review by the City Attorney will facilitate the ZBA with regard to its review of both cases.

Please thank the Board for its consideration of the above.

**Francis X. Bruton, III, Esquire**

Bruton & Berube, PLLC  
601 Central Avenue  
Dover, New Hampshire 03820  
p: (603) 749-4529  
F: (603) 343-2986

**PLEASE NOTE OUR NEW OFFICE HOURS ARE MONDAY THROUGH THURSDAY FROM 8:30 AM TO 5:00 PM AND FRIDAY FROM 8:30 AM TO 1:00 PM.**

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FRANCIS X. BRUTON, III  
CATHERINE A. BERUBE  
JOSHUA P. LANZETTA

OF COUNSEL  
JAMES H. SCHULTE

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[www.brutonlaw.com](http://www.brutonlaw.com)

January 26, 2022

**VIA HAND DELIVERY**

David Rheume, Chair  
City of Portsmouth Zoning Board of Adjustment  
1 Junkins Avenue  
Portsmouth, NH 03801

**RE: Application for Variance**

**Owner/Applicant: One Market Square, LLC**

**Property: High Street and 1 Congress Street, Portsmouth, NH**

**Tax Map 117, Lot 15 and Tax Map 117, Lot 14**

**Zoning Districts: CD4 and CD5**

Dear Mr. Rheume:

Enclosed please find the following materials in support of the above-named Applicant's request for Variance:

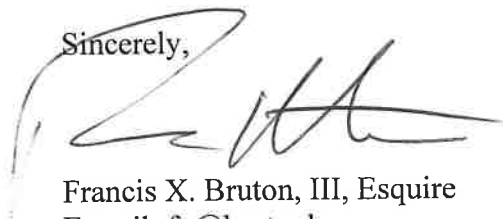
1. Authorization of the Property Owner/Applicant; and
2. Project Narrative with associated materials and Plans (11 copies).

Please note that the project being proposed by the Applicant has previously been submitted to the City under other Planning Department applications and, as such, the Applicant has not submitted a new application for the variances being requested herein, as these requests are associated with the proposed project.

In addition to the above, we understand, by submitting this application today, that this matter will be placed on the board's agenda for its meeting of February 15, 2022.

Should there be any questions regarding this application, please do not hesitate to contact us.

Sincerely,



Francis X. Bruton, III, Esquire  
E-mail: [fx@brutonlaw.com](mailto:fx@brutonlaw.com)

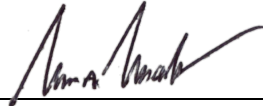
FXB/mas  
Enclosures

cc: One Market Square, LLC  
Ambit Engineering, Inc.  
ARCove, LLC

## **STATEMENT OF AUTHORIZATION**

The undersigned, Mark McNabb, Manager of One Market Square, LLC, a New Hampshire limited liability company (the "Company"), owner of property located on High Street (Tax Map 117, Lot 15) and at 1 Congress Street (Tax Map 117, Lot 14) in Portsmouth, NH, does hereby authorize Francis X. Bruton, III, Esquire, or any other attorney with the law firm of Bruton & Berube, PLLC, to prepare, sign and file any and all applications and supporting materials with the City of Portsmouth land use boards and departments, including, but not limited to, the Zoning Board of Adjustment and/or Planning Board, and does further authorize Francis X. Bruton, III, and any other attorney associated with the firm of Bruton & Berube, PLLC, to represent the Company's interests before the said land use boards with regard to the proposed project by One Market Square, LLC on the property located at on High Street and at 1 Congress Street in Portsmouth, NH.

One Market Square, LLC

By:  \_\_\_\_\_  
Mark McNabb, Manager

**ONE MARKET SQUARE, LLC**  
**APPLICATION FOR VARIANCES**

**I. INTRODUCTION**

The property subject to this application is located at High Street in Portsmouth, New Hampshire and is depicted on the Portsmouth City Tax Maps as Map 117, Lot 15 (hereinafter “Lot 15”). Lot 15 is located in the CD4 District, and is also within the Historic District and Downtown Overlay Districts. Lot 15 is owned by the Applicant and contains an asphalt parking lot.

The Applicant is also the owner of the parcel located at 1 Congress Street, depicted on the Tax Maps as Map 117, Lot 14 (hereinafter “Lot 14”). Lot 14 is located in the CD5 District, and also within the Historic District and Downtown Overlay District. Lot 14 contains an existing building with unique historic features that are to be preserved by the Applicant.

The project will involve the merger of Lot 14 and Lot 15, the renovation of a portion of the existing historic structures located on Lot 14 and the new construction of an addition to the historic structures on Lot 14 and a new connected building in the parking lot of Lot 15. The renovations will involve updating the portions of the building to comply with Americans with Disabilities Act (hereinafter the “ADA”) and International Building Codes requiring two means of egress per floor. The renovated portion of the historic structures of Lot 14 will be comprised of approximately 3,820 sq. ft. of the existing footprint, while the new construction on the merged lot will be comprised of 8,720 sq. ft. of footprint upon Lot 14 and Lot 15. The proposed project is represented and depicted by the attached plans by ARCove, LLC (hereinafter “ARCove Plans”) and Ambit Engineering, Inc. (hereinafter “Ambit Plans”). The project will also provide for one level of subgrade parking. The entire project will be comprised of commercial uses. The new structure will abut Haven Court, also owned by the Applicant, which itself will be upgraded in order to benefit access for the general public and easement rights to an abutting property.

Pursuant to Map 10.5A21B (hereinafter the “Height Map”) within the Portsmouth Zoning Ordinance, Lot 15 is subject to a height restriction of 2-3 stories with a concurrent height limitation of 40’ (this designation represents a “green” designation on the Height Map). However, Lot 14 is subject to a height restriction of 2-3 (4<sup>th</sup> short) stories with a concurrent height limitation of 45’ (this designation represents an “orange” designation on the Height Map). As depicted on the Height Map the parcels directly adjacent to Lot 15, along High Street, are designated as “orange,” and thus subject to a height restriction of 2-3 (4<sup>th</sup> short) with a concurrent height limitation of 45’.

As set forth hereinabove, the Applicant proposes the construction of an addition to the retained portion of the existing historic structures on Lot 14 and a new connected building on Lot 15 in a manner that provides for a uniform height between the buildings in order to construct an elevator and stair towers required to meet Americans with Disabilities Act and International Building Code. As depicted on the ARCove Plans, the proposed structure would be permitted to have 104’ 2” of building length with a short 4<sup>th</sup> story, all located on Lot 14. That portion of the building length that is restricted to 3 stories, all located on Lot 15, is 68’ 7”. Thus, the Applicant requests a variance to the Height Map to provide that Lot 15 be considered “orange,” thus permitting the structure on Lot 15 to contain a “4<sup>th</sup> short” floor, with the concurrent height restriction of 45’.

Lot 15 previously contained a structure that had a 4<sup>th</sup> short story, with a height that was approximately the same as the existing historic buildings located on Lot 14. The structure was known as the Dolphin Hotel built in approximately 1895 (see photos of the hotel in the ARCoVe Plans). The Dolphin Hotel was destroyed by fire in 1969, resulting in the creation of the existing asphalt parking lot. The Applicant thus seeks to recreate a structure that is similar to the historic structure as to number of stories that had existed previously on the same sight for approximately 94 years.

Lot 15 itself is unique as it is located directly adjacent to a lot not subject to the zoning ordinance, containing the City parking garage. Additionally, the Lot is unique given its location down High Street, which generally serves more as a secondary entranceway to the City Garage than an actively used downtown main street. Furthermore, it is strange that Lot 15 is the only lot in that immediate area subject to CD4 District when all abutting properties are in the CD5 District.

## **II. REQUEST OF THE APPLICANT FOR VARIANCES**

For the purposes set forth herein, the Applicant is requesting the following variance:

- 1. Relief from** Map 10.5A21B (the “Height Map”) within the Portsmouth Zoning Ordinance to permit a 3 story (4<sup>th</sup> short) building with a concurrent height restriction of 45’

Rationale for Request: This parcel is adjacent to Lot 14, which is to be merged with Lot 15. The Height Map permits structures on Lot 14 to be 3 stories (4<sup>th</sup> short) and concurrently 45’ in height. Essentially, the variance will permit an additional half story in the form of a 4<sup>th</sup> short story, as 3 stories are permitted already on Lot 15. The Applicant seeks the variance in order to create uniformity as to height with the proposed addition located on Lot 14, particularly in light of the proposed location of the structure adjacent to the City parking garage and to meet Americans With Disabilities access for an elevator and two new stair towers for a means of egress.

## **III. VARIANCE CRITERIA**

New Hampshire RSA 674:33, I (a)(2) and Section 10.233 of the Portsmouth Zoning Ordinance set forth five criteria upon which variances may be granted. The application of these criteria to the Applicant's proposal is discussed hereafter.

### **A. Granting the variances will not be contrary to the public interest.**

To be contrary to the public interest or injurious to public rights, the variances must unduly and in a marked degree conflict with the basic zoning objectives of the ordinance. See *Chester Rod & Gun Club*, 152 N.H. at 581. In making the determination, the Board should determine whether the variance would “alter the essential character of the locality or threaten public health, safety or welfare.”

Section 10.121 of the Portsmouth Zoning Ordinance states that, “[t]he purpose of this Ordinance is to promote the health, safety and general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan.



The request is essential for a short 4<sup>th</sup> story in order for the new constructions to be uniform as to stories and height to that on Lot 14, with is permitted to contain a short 4<sup>th</sup> story. Granting the variance would result in a building that is similar to the height of adjacent structures along Congress Street and High Street while remaining consistent with the massing of adjacent structures, as depicted on the ARCove Plans. In addition, in terms of a historical perspective, the proposed stories and height will be similar as to those of the historic Dolphin Hotel, a structure that existed on the sight for approximately 95 years. In light of the foregoing, it is respectfully submitted that the grant of the variance (a 4<sup>th</sup> short story) will not alter the essential character of the High Street and Congress Street. Given the above, there is no negative aspect of the request that could threaten public health, safety or welfare.

**B. The spirit of the ordinance is observed.**

When considering whether the granting of the variances will observe the spirit of the ordinance, the New Hampshire Supreme Court has indicated this review is substantially related, and similar to the review regarding public interest. See *Harborside Associates, L.P. v. Parade Resident Hotel, LLC*, 162 NH 508, 514 (2011). Thus, the Applicant submits that the rationale set forth above regarding “public interest” is equally applicable to the Board’s review as to whether the spirit of the ordinance is observed with the grant of the variance.

**C. The granting of the requested relief will do substantial justice.**

In *Malachy Glen Associates v. Town of Chester*, 155 N.H. 102, 109 (2002), the New Hampshire Supreme Court held that, “the only guiding rule [in determining whether the requirement for substantial justice is satisfied] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” The Court also noted that it would look at whether a proposed development was consistent with the area's present use. In this instance, the grant of the variance would result in substantial justice as that would allow the proposed addition to be uniform in stories and height. Additionally, there is no negative aspect that the public will suffer. Thus, denial of the variances would result in a loss to the Applicant that is not outweighed by any gain to the general public. As such, granting of the requested relief would result in substantial justice.

**D. Granting the variance will not result in the diminution on value of the surrounding properties.**

It is respectfully submitted that all of the surrounding properties have a value associated with them which is premised upon the existence of the existing buildings and uses located upon the Applicant’s property. In this instance, it is believed, and therefore averred, that the aesthetic and historic additions and upgrades of the property and considering the existing uses of the property, will not result in a diminution of surrounding property values. Currently, on Lot 14, there are structures built, on a piece-by-piece basis, with an inconsistent design. The proposed structure will represent an upgraded and uniform design on Lots 14 and 15, which will require historic review by the Historic District Commission.

**E.      Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**

An unnecessary hardship exists when, owing to special conditions of the property that distinguish it from other property, no fair and substantial relationship exists between the public purposes of the ordinance provisions and the specific application of those provisions to the property and the proposed use is a reasonable one. (Section 10.233.31 of Zoning Ordinance).

As set forth with the Introduction, Lot 15 is distinguished from other properties in the area as it is located directly adjacent to the City parking garage. Additionally, Lot 15 is unique given its location down High Street, which generally serves more as a secondary entranceway to the city garage than an actively used downtown main street. In addition, in terms of a historical perspective, the parcel was the site of the Dolphin Hotel, which contained a 4<sup>th</sup> short story, a structure that existed on the sight for approximately 95 years. The historical photos of the Dolphin Hotel appear to suggest that the hotel had a height that exceeds the request made herein.

The proposed structure will not pose a conflict with the public purpose of the ordinance as the additional structure will be consistent with the historical massing of a previous structure on the parcel and consistent with adjacent structures containing a short 4<sup>th</sup> story along High Street and Congress Street. In addition, the structure will present an updated and uniform design for this location, providing a sense of symmetry and congruent design of the integrated building from Congress Street and up to Haven Court to the general public. The designs reflect a massing that is consistent with the overall goals of the zoning ordinance in the specific area. The Applicant respectfully submits, for all of the reasons set forth herein, the denial of the requested variance would result in an unnecessary hardship to the Applicant.

For the specific reasons set forth above, the Applicant respectfully submits that the uses proposed are reasonable.

**IV.    CONCLUSION**

For all of the reasons set forth above One Market Square, LLC respectfully requests that the relief requested herein be granted.

DRAWING INDEX

- A0.1 CONTEXT MAP
- A0.2 EXISTING BUILDING PHOTOS
- A0.3 CONTEXT PHOTOS
- A0.4 HISTORIC CONTEXT
- A0.5 HISTORIC CONTEXT
- A1.0 SITE PLAN, EXISTING
- A1.1 SITE PLAN, PROPOSED
- A2.1 MASSING STREET SECTIONS
- A2.2 MASSING STREET SECTIONS

1 MARKET SQUARE  
Zoning Summary

Zone	Renovations & Additions CD-5, DOD, HDC	Renovations & Additions CD-4, DOD, HDC
Height	2-3 stories with short 4th = 45'	2 stories with short 3rd = 35'
penthouses	may exceed bldg height by 2'	may exceed bldg height by 2'
Roof appurtenance	may exceed bldg height by 10'	may exceed bldg height by 10'
Façade Types	shop front	shopfront
Building Types	commercial, live-work, mixed use, flex space & community.	commercial, live-work, mixed use, flex space & community.
Setbacks (ft) *	* 10.5A42.12 Yards may be increased above the max permitted for truncated corners or other subtractive massing techniques, alleys, vehicular accessways, increased sidewalk width or community spaces.	* 10.5A42.12 Yards may be increased above the max permitted for truncated corners or other subtractive massing techniques, alleys, vehicular accessways, increased sidewalk width or community spaces.
Front (principle) max	5	10
Front (secondary) max	5	15
Side	NR	NR
Rear, min	>of: 5' from rear line or 10' from cl alley	>of: 5' from rear line or 10' from cl alley
Front lotline buildout	80% min	50% min
Lot area (sf)	NR	NR
LOT area per dwelling	NR	NR
Coverage, maximum	95%	90%
Footprint, max* 10.5a43.40	20,000	15,000
*10.5A43.43 increase for indoor parking if >50% gr.floor parking & 30% lot is community space	50,000 ground (30,000 upper)	30,000 ground (20,000 upper)
ground floor area per use, max	15,000	15,000
Open space, minimum	5%	10%
permitted uses (cd4 & cd5)	commercial, live/work, mixed-use, flex space, community, office, retail, restaurant (<500occ)	multifamily, live/work, office, retail, restaurant (<500occ)
block length, max (ft)	225	200
façade modulation length, max (ft)	100	80
entrance spacing, max (ft)	50	50
floor height above sidewalk, max	36"	36"
ground floor height, min	12'	12'
second floor height, min	10'	10'
glazing, shopfront, min	70%	70%
glazing, other	20%-50%	20%-50%
roof types(pitch)	flat, gable (6:12-12:12), hip(>3:12), gambrel/mansard(6:12-30:12)	flat, gable (6:12-12:12), hip(>3:12), gambrel/mansard(6:12-30:12)
Parking, off-street; DOD	when >20 spaces, max spaces = 120% min required. 10.1112.60 mixed used - some shared spaces allowed.	when >20 spaces, max spaces = 120% min required. 10.1112.60 mixed used - some shared spaces allowed.
residential (dwellings <500sf)	UNIT<500SF=.5 space/unit; 500-750sf=1 space/unit; >750sf=1.3 space/unit. ( + 1 visitor space/5 units)	UNIT<500SF=.5 space/unit; 500-750sf=1 space/unit; >750sf=1.3 space/unit. ( + 1 visitor space/5 units)
professional office	NA in DOD	NA in DOD

PROJECT NARRATIVE

REHABILITATION AND ADAPTIVE REUSE OF FOCAL EXISTING HISTORIC STRUCTURES ON LOT 15, WITH A NEW ADJACENT STRUCTURE ON LOT 14 (CURRENTLY A SURFACE PARKING LOT, AND PRIOR TO 1969 THE LOCATION OF A 3-1/2 STORY C. 1895 HOTEL).

ONE LEVEL OF BELOW GRADE PARKING IS PROPOSED.

HAVEN COURT, A PRIVATE EASEMENT RIGHT OF WAY IS PROPOSED TO BE SIGNIFICANTLY IMPROVED AND REGRADED PROVIDING PUBLIC ACCESS CONNECTING MARKET STREET TO FLEET STREET. THIS WOULD BE AN INTEGRAL LINK BETWEEN THE MCINTYRE'S PUBLIC SPACES, THROUGH COMMERCIAL ALLEY, LADD STREET AND HAVEN COURT TO A SMALL COURTYARD ON FLEET STREET. LANDSCAPING, PAVERS, SITE AMENITIES AND OUTDOOR LIGHTING WOULD BE PROVIDED TO MAKE THIS SPACE A WELCOMING BENEFIT TO THE COMMUNITY.

A LOT MERGER WILL BE PURSUED TO COMBINE LOTS 14 & 15 INTO ONE SINGLE LOT, WITH A VARIANCE FOR UNIFORM APPLICATION OF LOT 14 HEIGHT AND STORIES FOR THE WHOLE MERGED LOT.

EXISTING FOCAL BUILDINGS ON CONGRESS AND HIGH STREETS WILL BE REPAIRED, RESTORED AND BROUGHT UP TO CURRENT BUILDING AND LIFE SAFETY CODES.THE SMALLER WOODEN SHED ADDITIONS TO THE REAR OF THESE BUILDINGS WILL BE REPLACED WITH NEW CONSTRUCTION.



ONE MARKET SQUARE  
RENOVATION & ADDITIONS

1 CONGRESS STREET  
ONE MARKET SQUARE, LLC

HISTORIC DISTRICT COMMISSION  
WORK SESSION 1

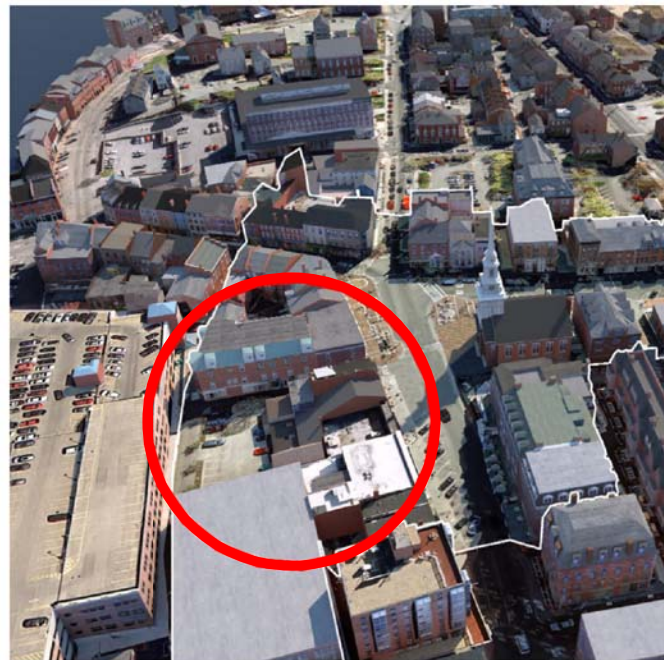
A0.0

COVER

ONE MARKET SQUARE

SCALE:  
01/13/2022





A0.1

## CONTEXT MAP ONE MARKET SQUARE

SCALE: 1" = 200'-0"  
01/13/2022





A0.2 EXISTING BUILDING PHOTOS  
ONE MARKET SQUARE  
SCALE:  
01/13/2022





HIGH STREET

LADD STREET



CONGRESS STREET NORTH



CONGRESS STREET SOUTH

PLEASANT STREET



HAVEN COURT

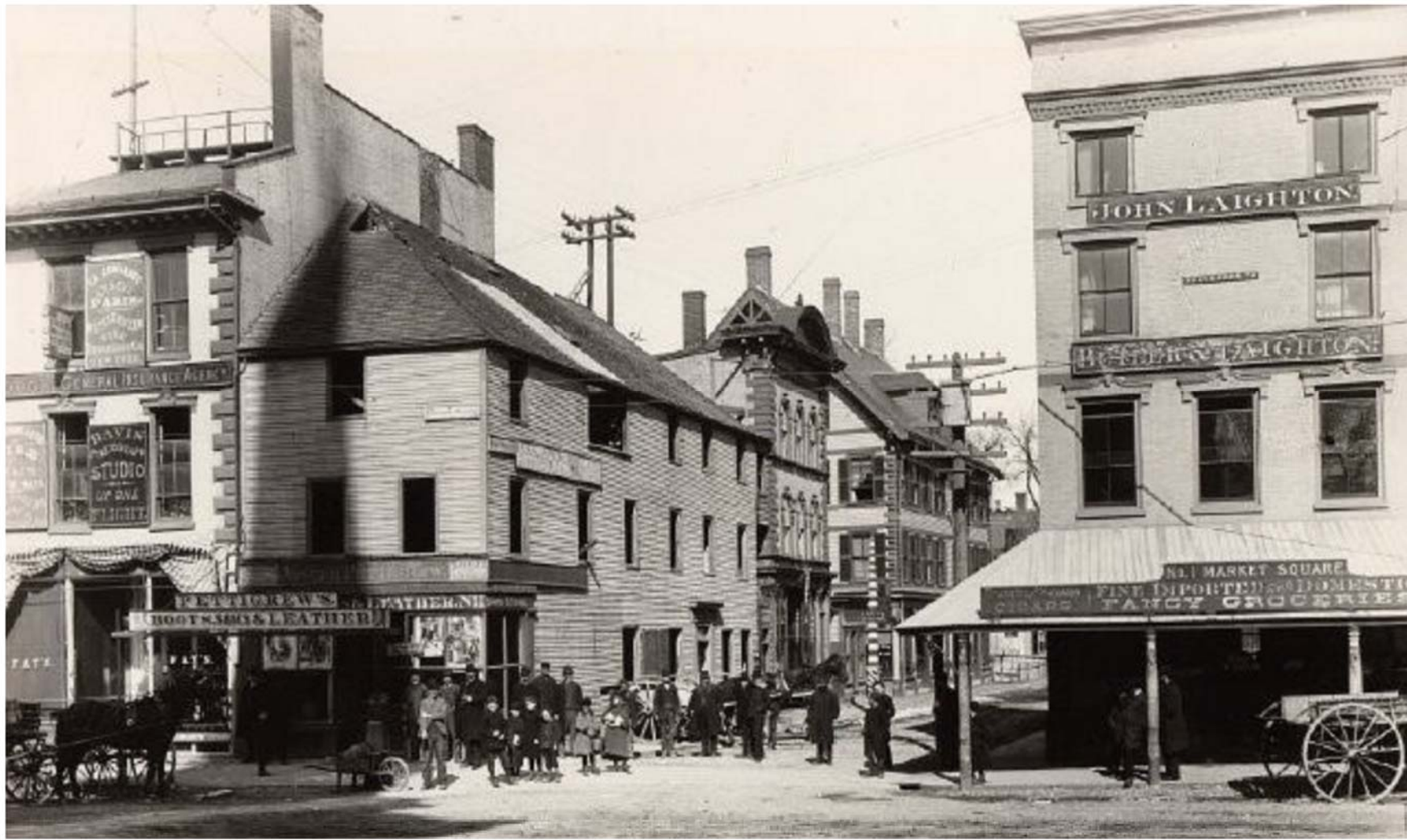
FLEET STREET AT HAVEN COURT

A0.3

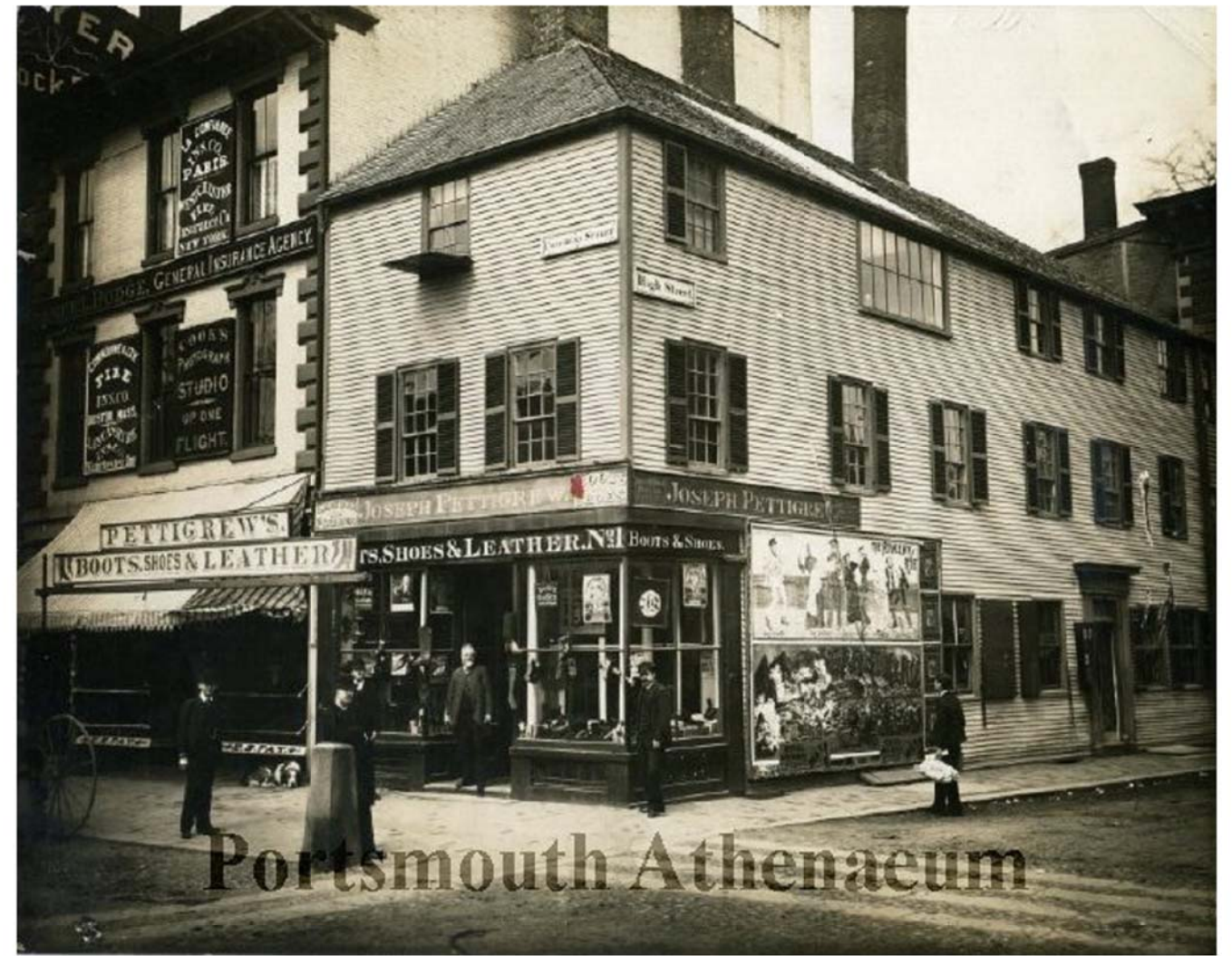
CONTEXT PHOTOS  
ONE MARKET SQUARE

SCALE:  
01/13/2022





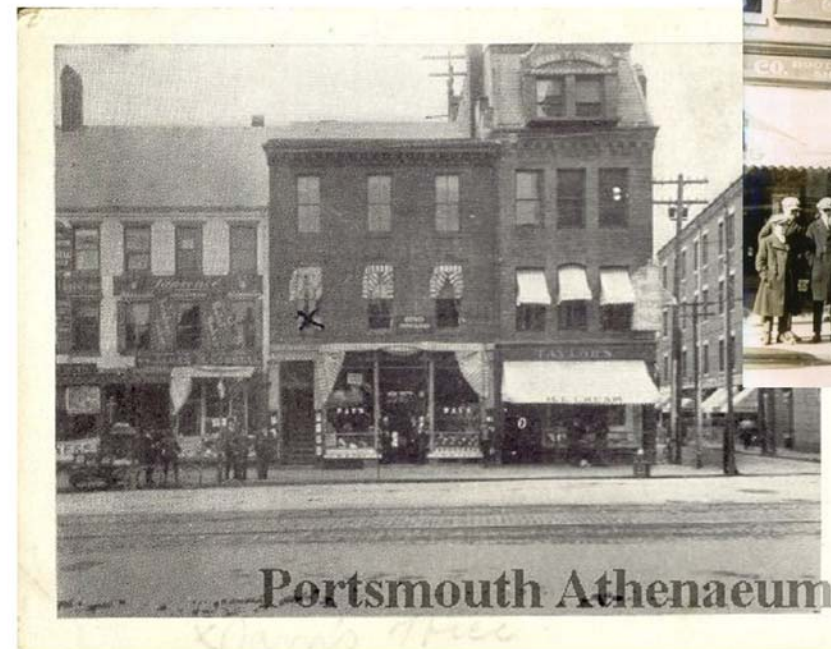
1890



1880



1920



A0.4

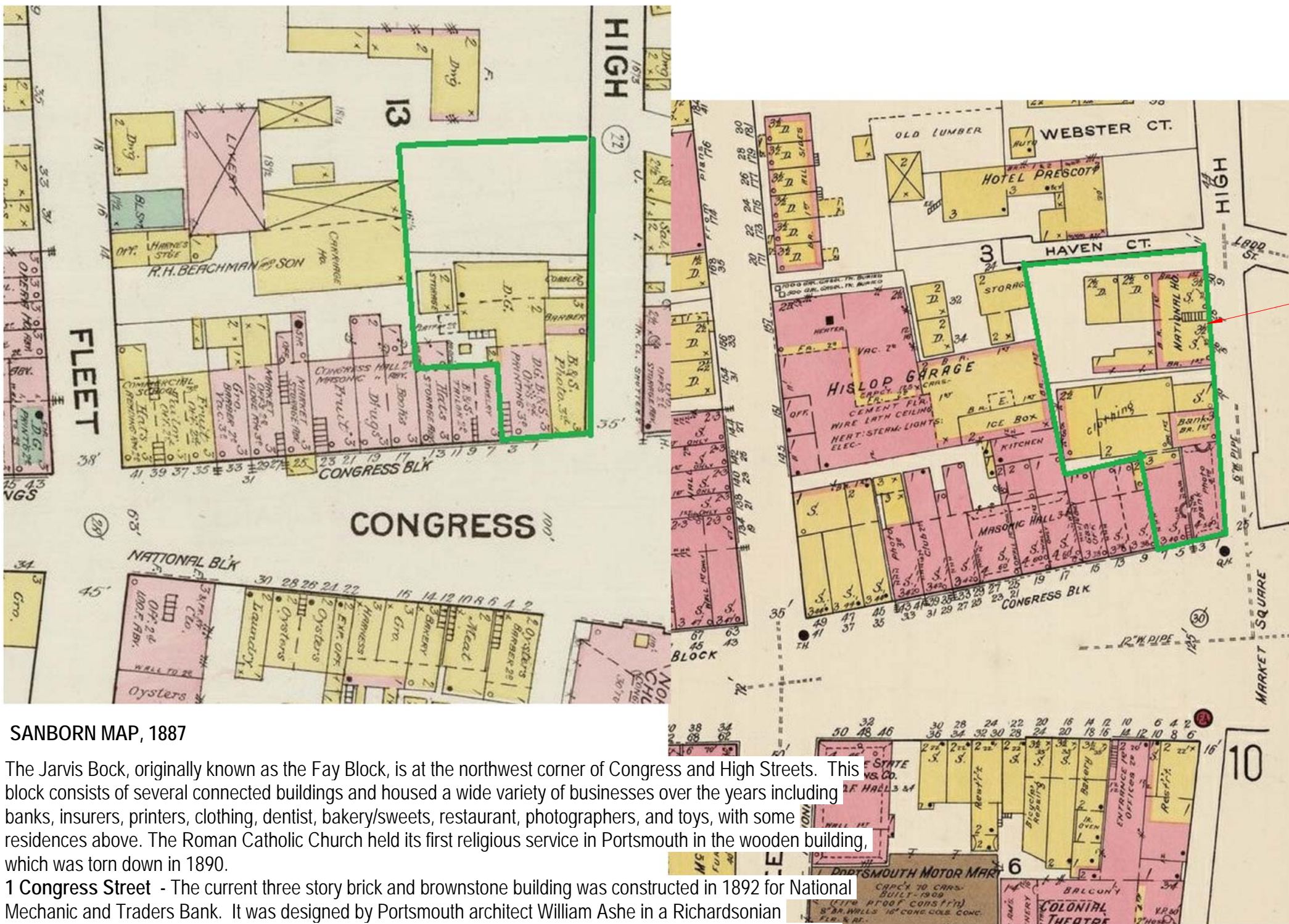
## HISTORIC CONTEXT ONE MARKET SQUARE

SCALE:  
01/13/2022



1918





SANBORN MAP, 1887

The Jarvis Bock, originally known as the Fay Block, is at the northwest corner of Congress and High Streets. This block consists of several connected buildings and housed a wide variety of businesses over the years including banks, insurers, printers, clothing, dentist, bakery/sweets, restaurant, photographers, and toys, with some residences above. The Roman Catholic Church held its first religious service in Portsmouth in the wooden building, which was torn down in 1890.

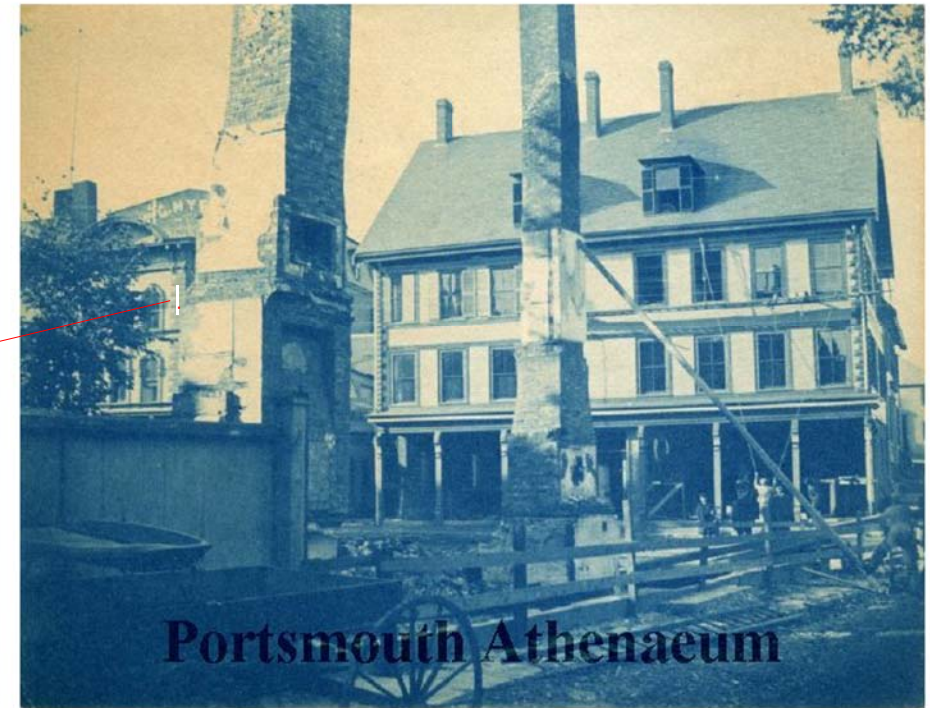
**1 Congress Street** - The current three story brick and brownstone building was constructed in 1892 for National Mechanic and Traders Bank. It was designed by Portsmouth architect William Ashe in a Richardsonian Romanesque style. Unique gabled dormers, and one of the earliest skylights in Portsmouth adorn the mansard roof. Brownstone lintels, cornice & frieze band, and terracotta rosettes, a pressed metal classical roof curb (partially covered with contemporary flashing). The storefront corner was significantly altered in the mid 20<sup>th</sup> century. The current building replaced a late 18<sup>th</sup> century three-story wood hip-roofed structure, along a much taller brick parti wall, suggesting a taller previous structure.

**3-5 Congress Street** - A stucco Italianate structure constructed in 1860, the first and second floor storefront and fenestration has been significantly altered. The upper floor lintels and pronounced bracketed cornice remain intact, with a shallow gable roof beyond. The modified second floor windows were stained glass at mid-20<sup>th</sup> century.

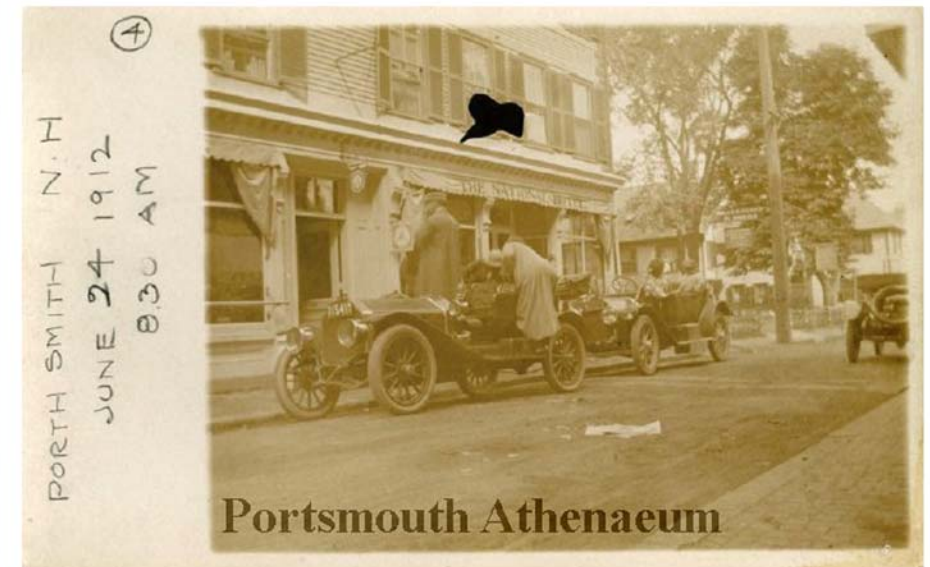
**18 High Street** - New-baroque 3 story wooden structure with unusually elaborate and ornate trim detailing. The façade is topped with a distinctive shallow arched pediment.

**0 High Street** (Lot 14 parking lot) – was previously the National Hotel, later known as the Dolphin Hotel, built in the mid 19<sup>th</sup> century. This 3 and a half story gable structure had a high level of wood detailing, trim, coining and brackets. It was destroyed by fire in 1969.

SANBORN MAP, 1920



DOLPHIN HOTEL / NATIONAL HOTEL, C.1895



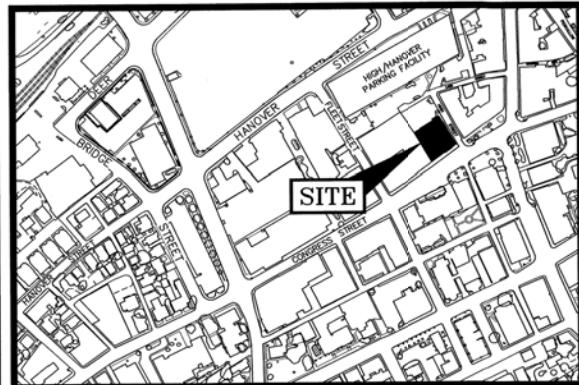
DOLPHIN HOTEL / NATIONAL HOTEL, C.1912

A0.5

## HISTORIC CONTEXT ONE MARKET SQUARE

SCALE:  
01/13/2022





LOCATION MAP

SCALE: 1" = 300'

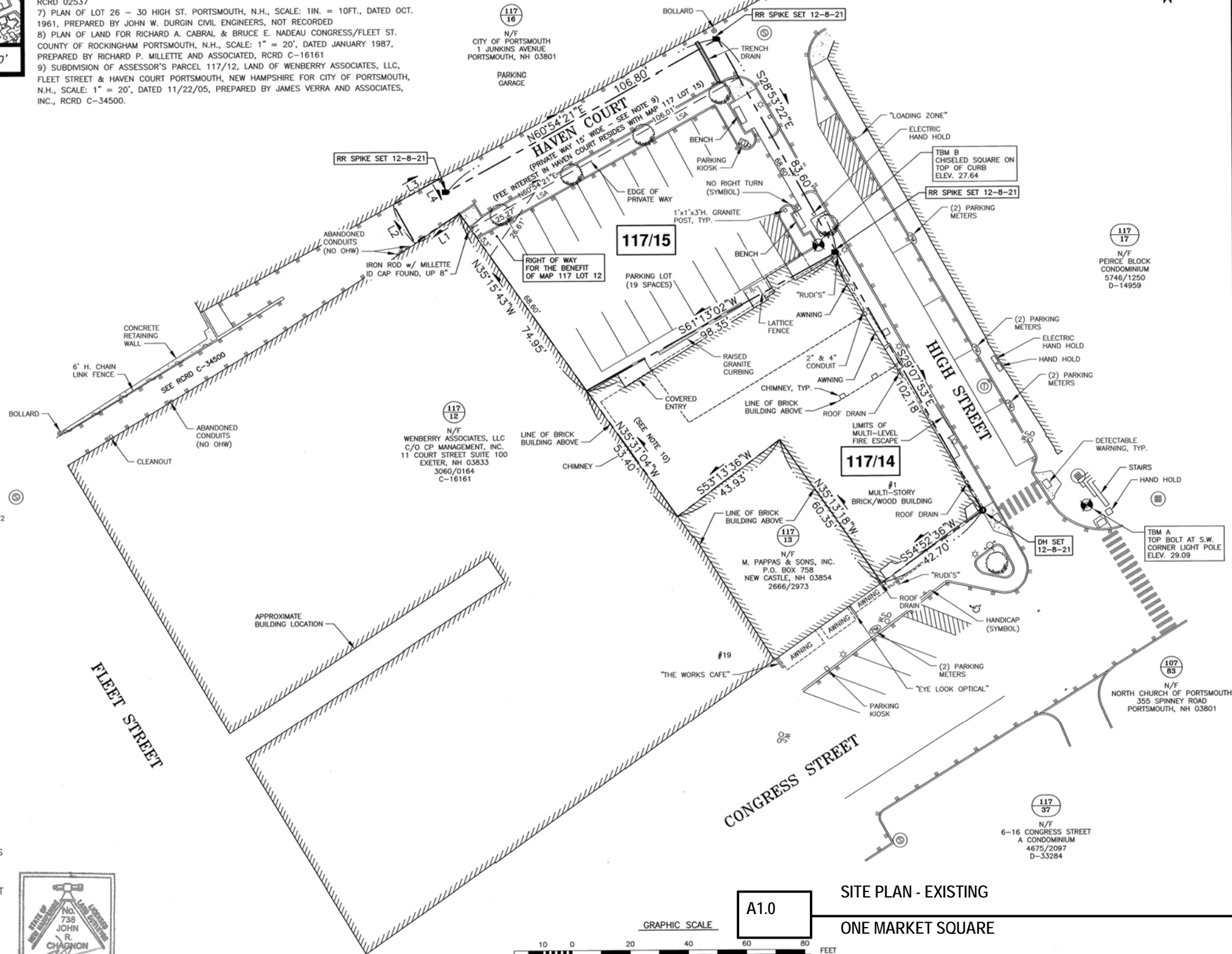
LEGEND:

N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY
	REGISTRY OF DEEDS
RR SPK	RAILROAD SPIKE
11/21	MAP 11/LOT 21
○ IR FND	IRON ROD FOUND
○ IP FND	IRON PIPE FOUND
● IR SET	IRON ROD SET
● DH FND	DRILL HOLE FOUND
● DH SET	DRILL HOLE SET
● NHHB	NHDOT BOUND FOUND
■ TB	TOWN BOUND
■ BND w/DH	BOUND WITH DRILL HOLE
■ ST BND w/DH	STONE BOUND WITH DRILL HOLE

LENGTH TABLE

LINE	BEARING	DISTANCE
L1	S57°27'42"W	18.36'
L2	N28°53'22"W	15.00'
L3	N61°07'46"E	18.19'
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- PLAN REFERENCES:
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  - 7) PLAN OF LOT 26 - 30 HIGH ST. PORTSMOUTH, N.H., SCALE: 1IN. = 10FT., DATED OCT. 1961, PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS, NOT RECORDED.
  - 8) PLAN OF LAND FOR RICHARD A. CABRAL & BRUCE E. NADEAU CONGRESS/FLEET ST. COUNTY OF ROCKINGHAM PORTSMOUTH, N.H., SCALE: 1" = 20', DATED JANUARY 1987, PREPARED BY RICHARD P. MILLETTE AND ASSOCIATED, RCRD C-16161.
  - 9) SUBDIVISION OF ASSESSOR'S PARCEL 117/12, LAND OF WENBERRY ASSOCIATES, LLC, FLEET STREET & HAVEN COURT PORTSMOUTH, NEW HAMPSHIRE FOR CITY OF PORTSMOUTH, N.H., SCALE: 1" = 20', DATED 11/22/05, PREPARED BY JAMES VERRA AND ASSOCIATES, INC., RCRD C-34500.

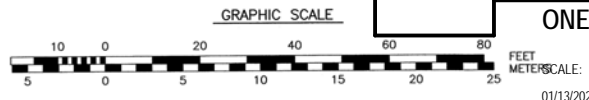
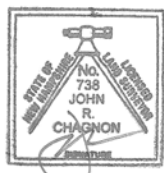


I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

JOHN R. CHAGNON, LLS 738

12-8-21  
DATE



SITE PLAN - EXISTING

ONE MARKET SQUARE

**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
Fax (603) 436-2315

NOTES:

- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 117 AS LOTS 14 AND 15.
- 2) OWNER OF RECORD:  
PETER H. JARVIS & SONS, LLC  
P.O. BOX 27  
NEW CASTLE, NH 03854  
5840/0603
- 3) PARCEL IS LOCATED IN THE CHARACTER DISTRICT 5.
- 4) DIMENSIONAL REQUIREMENTS:  
CHARACTER DISTRICT 5:  
MIN. LOT AREA: NO REQUIREMENT  
FRONTAGE: NO REQUIREMENT  
SETBACKS:  
FRONT (MAX.): 5 FEET (PRIMARY)  
FRONT (MAX.): 5 FEET (SECONDARY)  
SIDE: NO REQUIREMENT  
REAR: GREATER OF 5 FEET FROM REAR LOT LINE OR 10 FEET FROM CENTER OF ALLEY
- 5) LOT AREA: MAP 117 LOT 14 7,266 S.F. 0.1666 ACRES  
MAP 117 LOT 15 8,840 S.F. 0.2029 ACRES
- 6) PARCELS ARE NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F, EFFECTIVE JANUARY 29, 2021
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY SURVEY ON TAX MAP 117, LOTS 14 AND 15 IN PORTSMOUTH, NH.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBS.
- 9) HAVEN COURT IS A PRIVATE WAY 15 FEET WIDE. ALL RIGHTS, TITLE AND INTEREST UNTO SAID HAVEN COURT WERE CONVEYED WITH ASSESSOR'S MAP 117 LOT 15, AS DESCRIBED IN RCRD 983/179, SUBJECT TO RIGHTS OF OTHERS (OTHERS NOT DEFINED ON THIS SURVEY).
- 10) BUILDING ON LOCUS PARCEL IS NOT ALONG PROPERTY LINE. AREA IS NOT ACCESSIBLE TO MEASURE.

NO.	DESCRIPTION	DATE
0	ISSUED FOR RECORDING	12/8/21

STANDARD BOUNDARY SURVEY  
TAX MAP 117  
LOTS 14 & 15

OWNER OF RECORD:  
PETER H. JARVIS & SONS, LLC

PROPERTY LOCATED AT:  
1 CONGRESS STREET &  
CITY OF PORTSMOUTH  
COUNTY OF ROCKINGHAM  
STATE OF NEW HAMPSHIRE

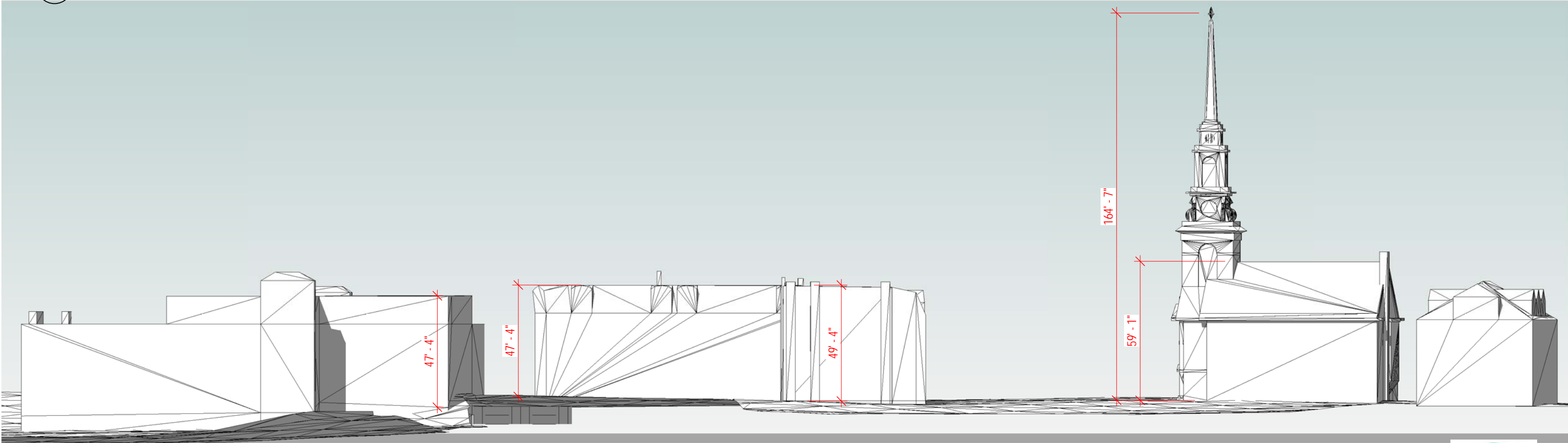
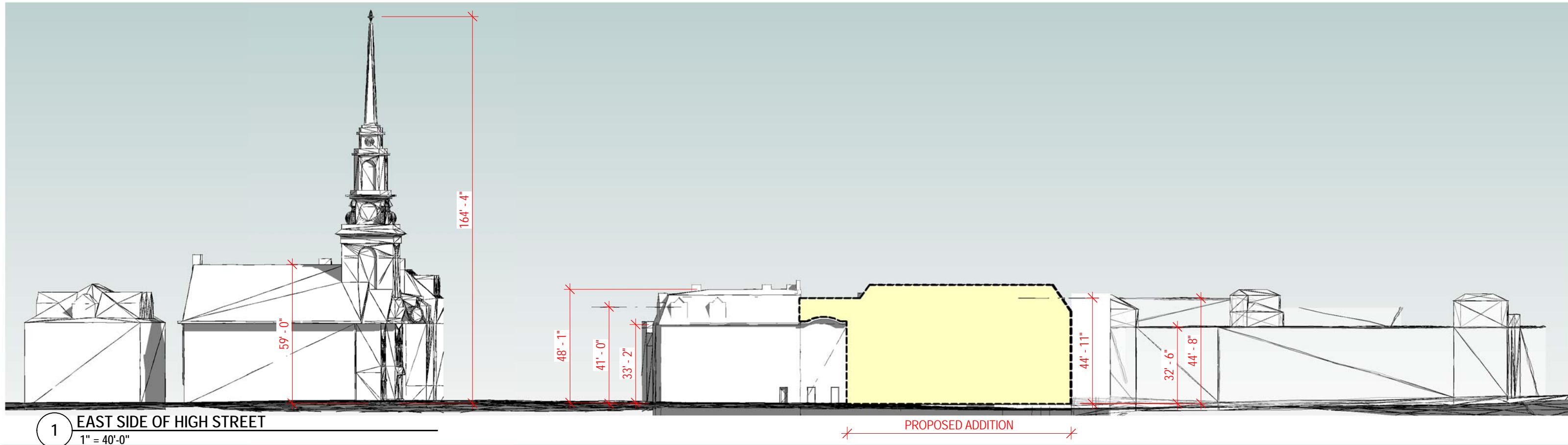
SCALE: 1" = 20'

FB 309 PG 15









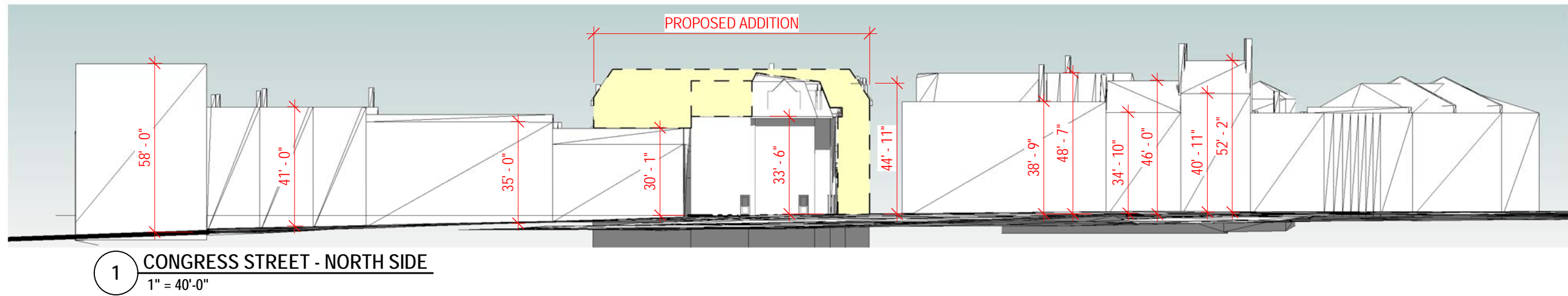
A2.1

# MASSING STREET SECTIONS ONE MARKET SQUARE

SCALE: 1" = 40'-0"  
01/13/2022



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# COMMERCIAL DEVELOPMENT

## ONE MARKET SQUARE 1 CONGRESS STREET PORTSMOUTH, NEW HAMPSHIRE SITE PERMIT PLANS

### OWNER:

ONE MARKET SQUARE LLC  
3 PLEASANT STREET  
SUITE #400  
PORTSMOUTH, NH 03801  
TEL. (603) 427-0725

### LANDSCAPE ARCHITECT:

TERRA FIRMA LANDSCAPE  
ARCHITECTURE  
163A COURT STREET  
PORTSMOUTH, NH 03801  
TEL. (603) 430-8388

### LAND SURVEYOR & CIVIL ENGINEER:

AMBIT ENGINEERING, INC.  
200 GRIFFIN ROAD, UNIT 3  
PORTSMOUTH, N.H. 03801  
Tel. (603) 430-9282  
Fax (603) 436-2315

### GEOTECHNICAL:

GEOTECHNICAL SERVICES INC.  
18 COTE AVENUE, UNIT 11  
GOFFSTOWN, N.H. 03045  
Tel. (603) 624-2722

### ARCHITECT:

ARCOVE LLC  
3 CONGRESS STREET  
SUITE 1  
PORTSMOUTH, NH 03801  
TEL. (603) 731-5187

### LAND USE ATTORNEY:

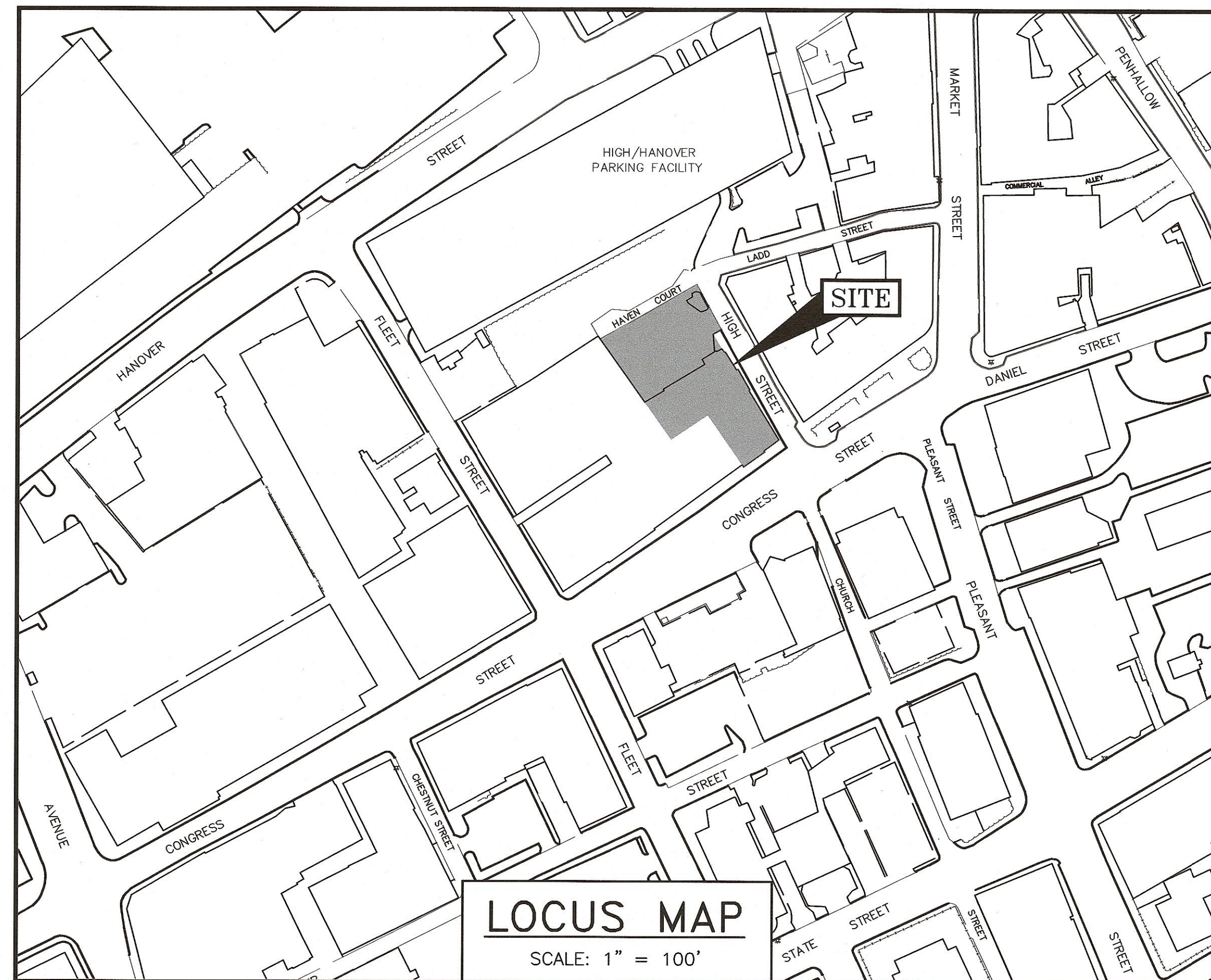
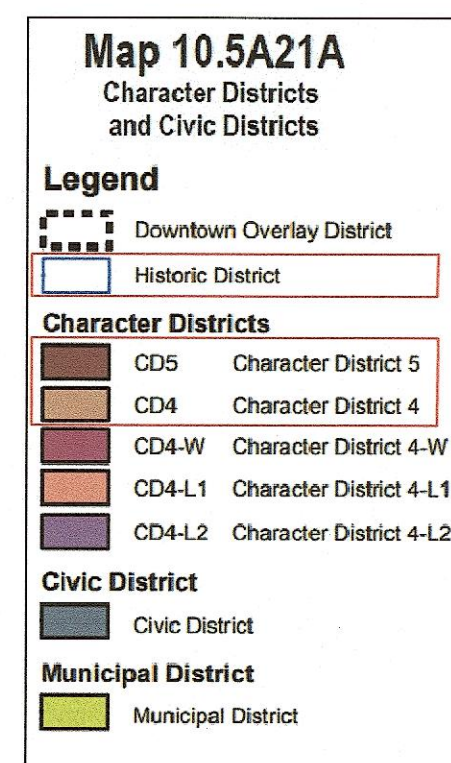
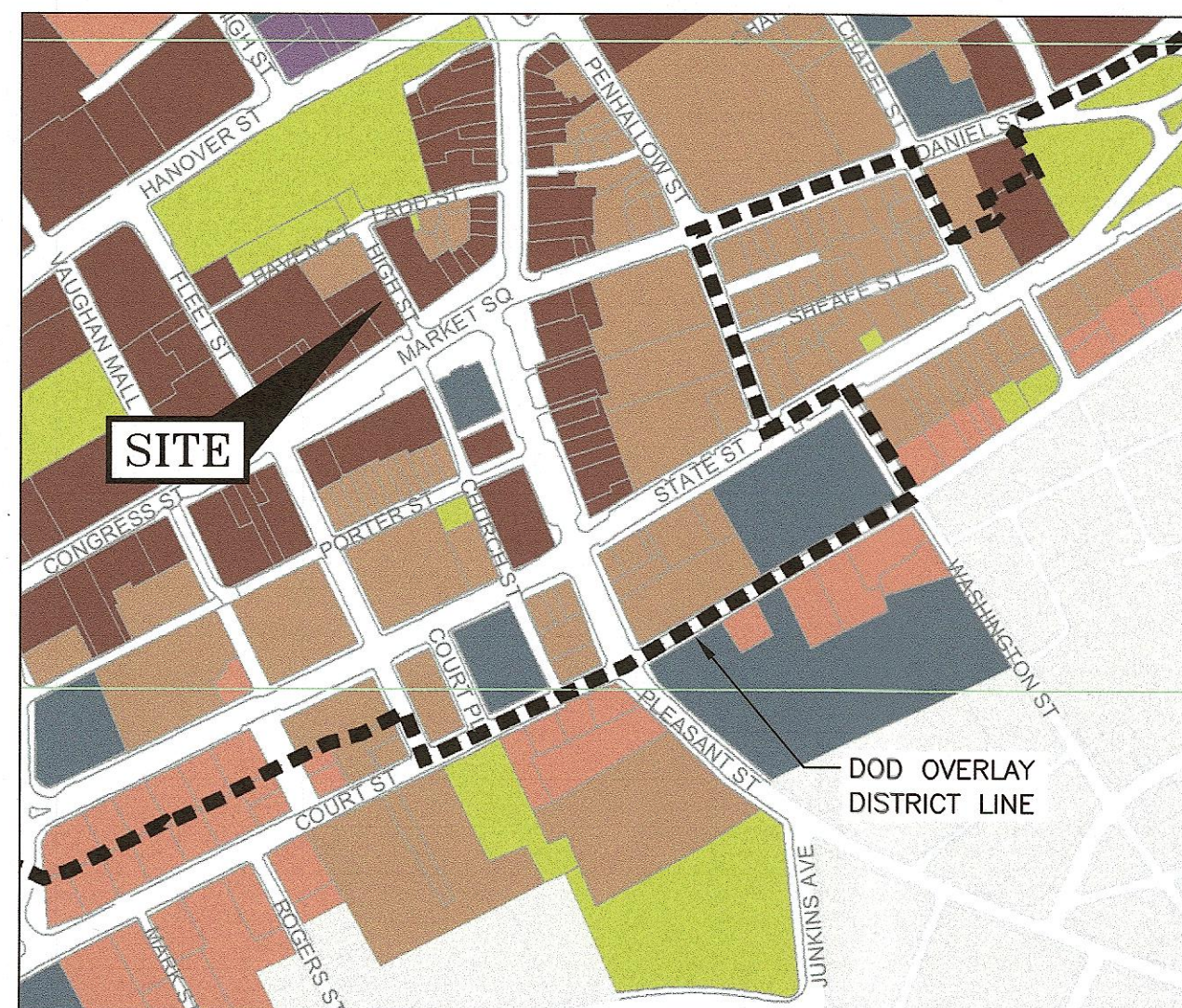
BRUTON & BERUBE, PLLC  
601 CENTRAL AVENUE  
DOVER, N.H. 03820  
Tel. (603) 749-4529

### PERMIT LIST:

NHDES SEWER DISCHARGE PERMIT: TO BE SUBMITTED  
PORTSMOUTH BOA: PENDING  
PORTSMOUTH HDC: TO BE SUBMITTED  
PORTSMOUTH SITE PLAN: TO BE SUBMITTED

### LEGEND:

EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	SETBACK
S	S	SEWER PIPE
SL	SL	SEWER LATERAL
G	G	GAS LINE
D	D	STORM DRAIN
W	W	WATER LINE
WS	WS	WATER SERVICE
UGE	UGE	UNDERGROUND ELECTRIC
OHW	OHW	OVERHEAD ELECTRIC/WIRES
---	UD	FOUNDATION DRAIN
---	---	EDGE OF PAVEMENT (EP)
100	100	CONTOUR
97x3	98x0	SPOT ELEVATION
---	---	UTILITY POLE
---	---	WALL MOUNTED EXTERIOR LIGHTS
---	---	TRANSFORMER ON CONCRETE PAD
---	---	ELECTRIC HANDHOLD
---	---	SHUT OFFS (WATER/GAS)
---	---	GATE VALVE
---	---	HYDRANT
---	---	CATCH BASIN
---	---	SEWER MANHOLE
---	---	DRAIN MANHOLE
---	---	TELEPHONE MANHOLE
---	---	PARKING SPACE COUNT
---	---	PARKING METER
---	---	LANDSCAPED AREA
---	---	TO BE DETERMINED
---	---	CAST IRON PIPE
---	---	COPPER PIPE
---	---	DUCTILE IRON PIPE
---	---	POLYVINYL CHLORIDE PIPE
---	---	REINFORCED CONCRETE PIPE
---	---	ASBESTOS CEMENT PIPE
---	---	VITRIFIED CLAY PIPE
---	---	EDGE OF PAVEMENT
---	---	ELEVATION
---	---	FINISHED FLOOR
---	---	INVERT
S =	S =	SLOPE FT/FT
TBM	TBM	TEMPORARY BENCH MARK
TYP	TYP	TYPICAL



### INDEX OF SHEETS

DWG No.	
-	BOUNDARY PLAN
C1	EXISTING CONDITIONS PLAN
C2	DEMOLITION PLAN
C3	OVERALL SITE PLAN

### UTILITY CONTACTS

**ELECTRIC:**  
EVERSOURCE  
1700 LAFAYETTE ROAD  
PORTSMOUTH, N.H. 03801  
Tel. (603) 436-7708, Ext. 555.5678  
ATTN: MICHAEL BUSBY, P.E. (MANAGER)

**NATURAL GAS:**  
UNITIL  
325 WEST ROAD  
PORTSMOUTH, N.H. 03801  
Tel. (603) 294-5144  
ATTN: DAVE BEAULIEU

**CABLE:**  
COMCAST  
155 COMMERCE WAY  
PORTSMOUTH, N.H. 03801  
Tel. (603) 679-5695 (X1037)  
ATTN: MIKE COLLINS

**SEWER & WATER:**  
PORTSMOUTH DEPARTMENT OF PUBLIC WORKS  
680 PEVERLY HILL ROAD  
PORTSMOUTH, N.H. 03801  
Tel. (603) 427-1530  
ATTN: JIM TOW

**COMMUNICATIONS:**  
FAIRPOINT COMMUNICATIONS  
JOE CONSIDINE  
1575 GREENLAND ROAD  
GREENLAND, N.H. 03840  
Tel. (603) 427-5525

**PORTSMOUTH APPROVAL CONDITIONS NOTE:**  
ALL CONDITIONS ON THIS PLAN SET SHALL REMAIN IN EFFECT IN  
PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE CITY OF  
PORTSMOUTH SITE PLAN REVIEW REGULATIONS.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN

DATE

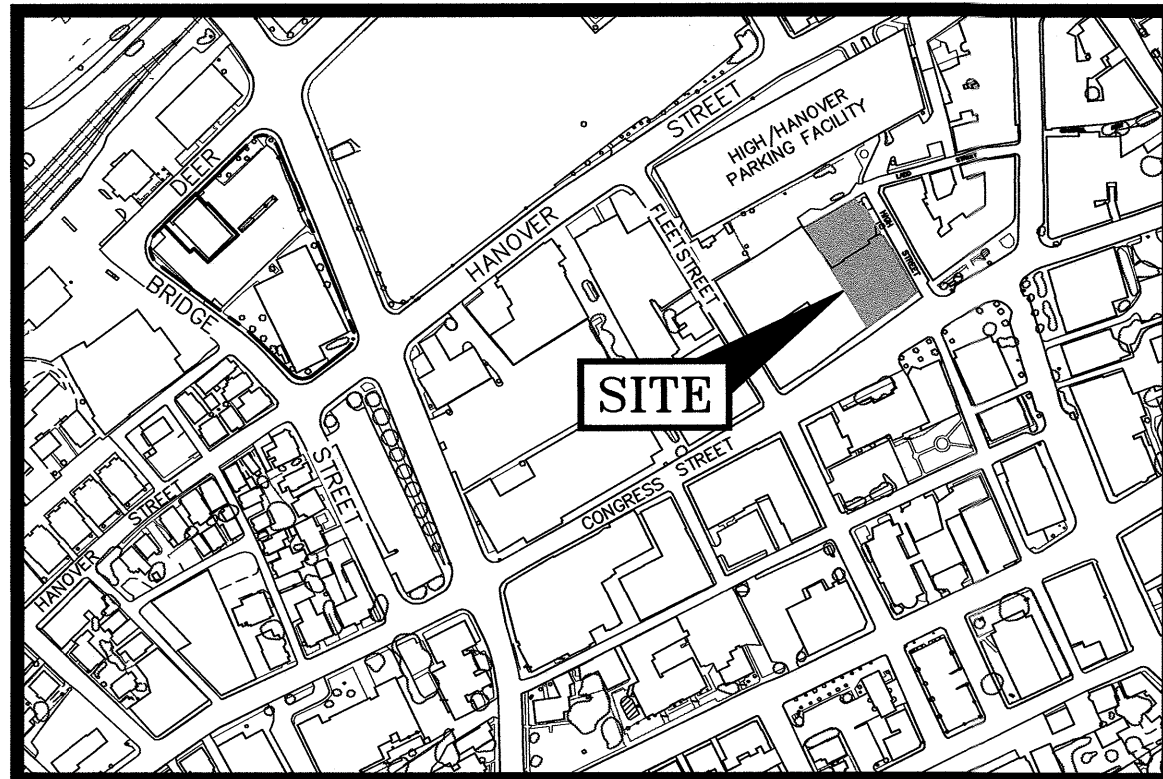
**SITE PERMIT PLANS  
COMMERCIAL DEVELOPMENT  
ONE MARKET SQUARE  
1 CONGRESS STREET  
PORTSMOUTH, N.H.**



**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel. (603) 430-9282  
Fax (603) 436-2315

PLAN SET SUBMITTAL DATE: 26 JANUARY 2022





LOCATION MAP

SCALE: 1" = 300'

LEGEND:

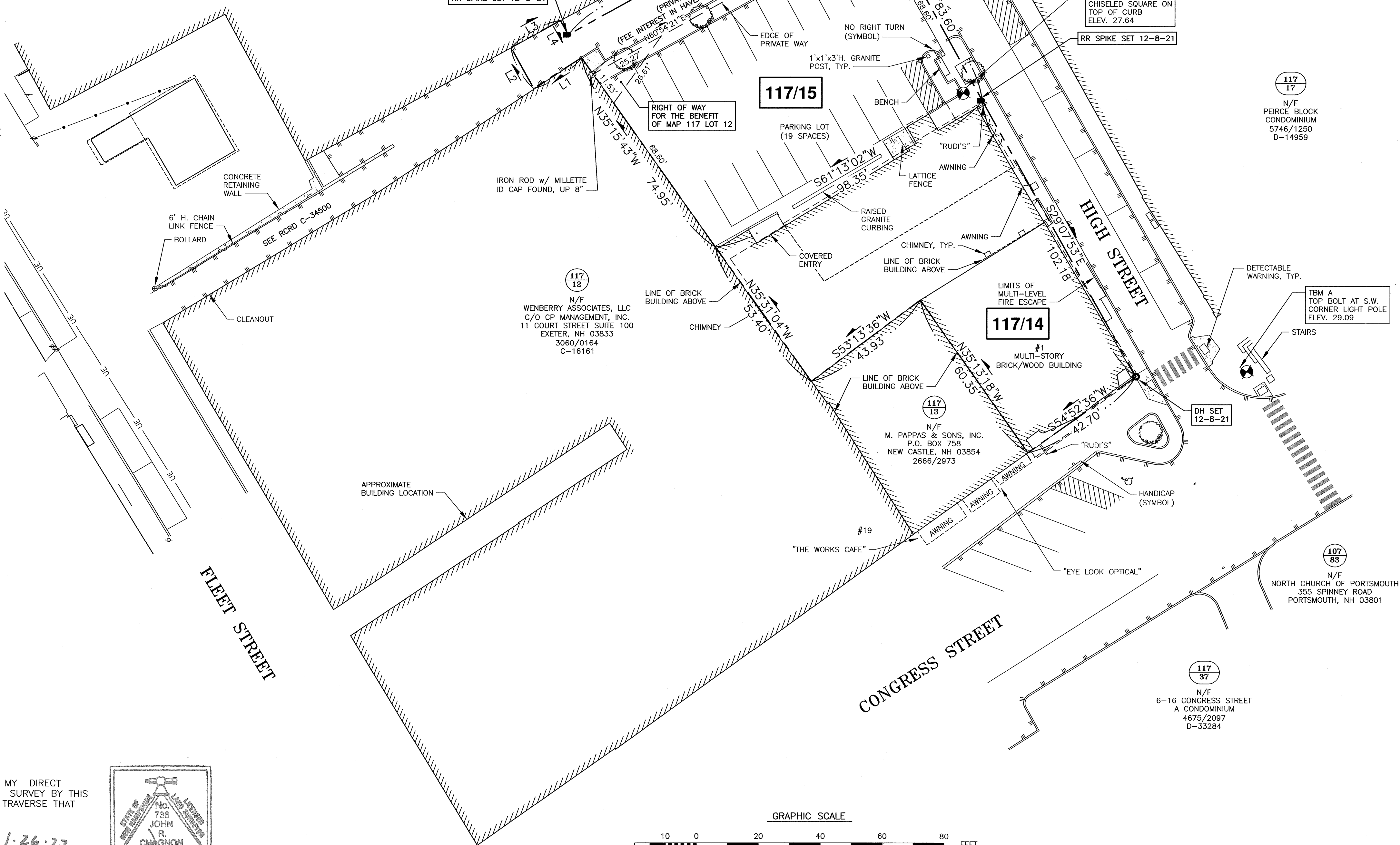
N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY
	REGISTRY OF DEEDS
RR SPK	RAILROAD SPIKE
17/21	MAP 11/LOT 21
○ IR FND	IRON ROD FOUND
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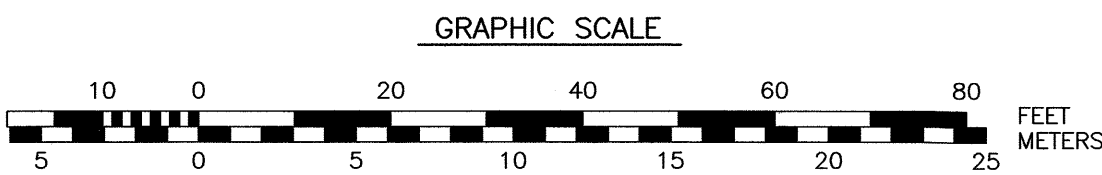
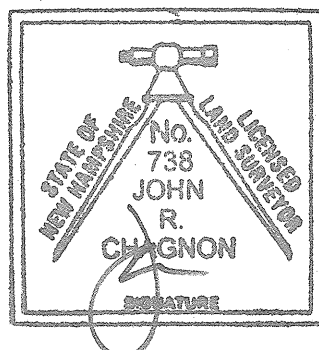
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- 7) PLAN OF LOT 26 - 30 HIGH ST. PORTSMOUTH, N.H., SCALE: 1IN. = 10FT., DATED OCT. 1961, PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS, NOT RECORDED.
- 8) PLAN OF LAND FOR RICHARD A. CABRAL & BRUCE E. NADEAU CONGRESS/FLEET ST. COUNTY OF ROCKINGHAM PORTSMOUTH, N.H., SCALE: 1" = 20', DATED JANUARY 1987, PREPARED BY RICHARD P. MILLETTE AND ASSOCIATED, RCRD C-16161.
- 9) SUBDIVISION OF ASSESSOR'S PARCEL 117/12, LAND OF WENBERRY ASSOCIATES, LLC, FLEET STREET & HAVEN COURT PORTSMOUTH, NEW HAMPSHIRE FOR CITY OF PORTSMOUTH, N.H., SCALE: 1" = 20', DATED 11/22/05, PREPARED BY JAMES VERRA AND ASSOCIATES, INC., RCRD C-34500.



I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000.

JOHN R. CHAGNON, LLS 738

1.26.22  
DATE



**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
Fax (603) 436-2315

NOTES:

- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 117 AS LOTS 14 AND 15.
- 2) OWNER OF RECORD:  
ONE MARKET SQUARE, LLC  
3 PLEASANT STREET, SUITE 400  
PORTSMOUTH, NH 03801  
6363/31 PARCEL 1 & PARCEL 2
- 3) PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4 AND CHARACTER DISTRICT 5.
- 4) DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ORDINANCE FOR REQUIREMENTS.
- 5) LOT AREAS: MAP 117 LOT 14 7,266 S.F. 0.1668 ACRES  
MAP 117 LOT 15 8,840 S.F. 0.2029 ACRES  
COMBINED LOT AREA: 16,106 S.F. 0.3697 ACRES
- 6) PARCELS ARE NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F, EFFECTIVE JANUARY 29, 2021
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY SURVEY ON TAX MAP 117, LOTS 14 AND 15 IN PORTSMOUTH, NH.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBS.
- 9) HAVEN COURT IS A PRIVATE WAY 15 FEET WIDE. ALL RIGHTS, TITLE AND INTEREST UNTO SAID HAVEN COURT WERE CONVEYED WITH ASSESSOR'S MAP 117 LOT 15, AS DESCRIBED IN RCRD 983/179, SUBJECT TO RIGHTS OF OTHERS (OTHERS NOT DEFINED ON THIS SURVEY).

NO.	DESCRIPTION	DATE
1	NEW OWNER	1/26/22
0	ISSUED FOR RECORDING	12/8/21

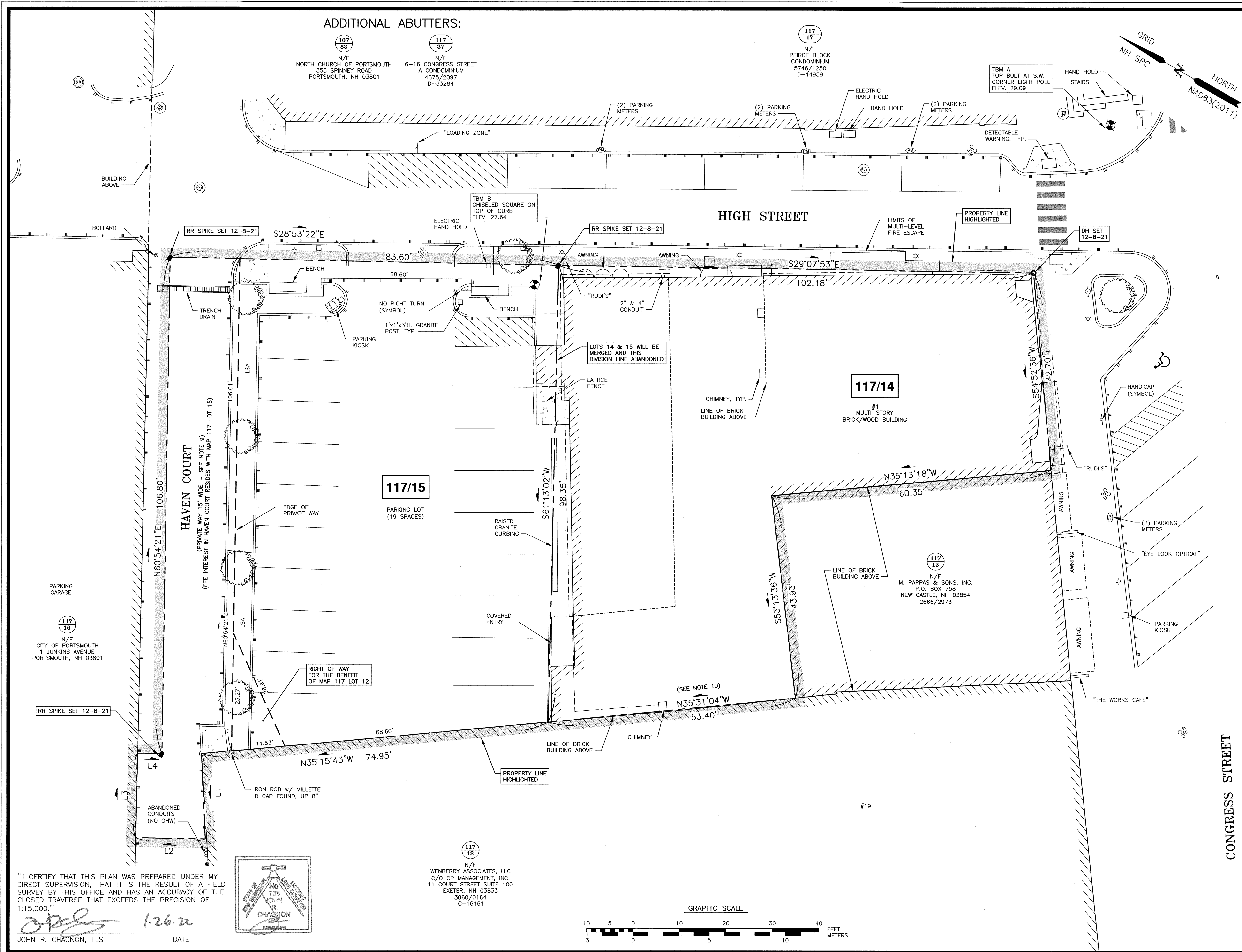
STANDARD BOUNDARY SURVEY  
TAX MAP 117  
LOTS 14 & 15

OWNER OF RECORD:  
**ONE MARKET SQUARE, LLC**

PROPERTY LOCATED AT:  
**1 CONGRESS STREET & HIGH STREET  
CITY OF PORTSMOUTH  
COUNTY OF ROCKINGHAM  
STATE OF NEW HAMPSHIRE**

SCALE: 1" = 20'

NOVEMBER 2021



- NOTES:**
- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 117 AS LOTS 14 AND 15.
  - 2) OWNER OF RECORD:  
ONE MARKET SQUARE, LLC  
3 PLEASANT STREET, SUITE 400  
PORTSMOUTH, NH 03801  
6363/31 PARCEL 1 & PARCEL 2
  - 3) PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4 AND CHARACTER DISTRICT 5.
  - 4) DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ORDINANCE FOR REQUIREMENTS.
  - 5) LOT AREAS: MAP 117 LOT 14 7,266 S.F. 0.1668 ACRES  
MAP 117 LOT 15 8,840 S.F. 0.2029 ACRES  
COMBINED LOT AREA: 16,106 S.F. 0.3697 ACRES
  - 6) PARCELS ARE NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F, EFFECTIVE JANUARY 29, 2021
  - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON TAX MAP 117, LOTS 14 AND 15 IN PORTSMOUTH, NH.
  - 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBS.

**COMMERCIAL DEVELOPMENT  
ONE MARKET SQUARE  
PORTSMOUTH, N.H.**

REVISIONS		
NO.	DESCRIPTION	DATE
0	PROPERTY LINES	1/26/22

SCALE 1" = 10' NOVEMBER 2021

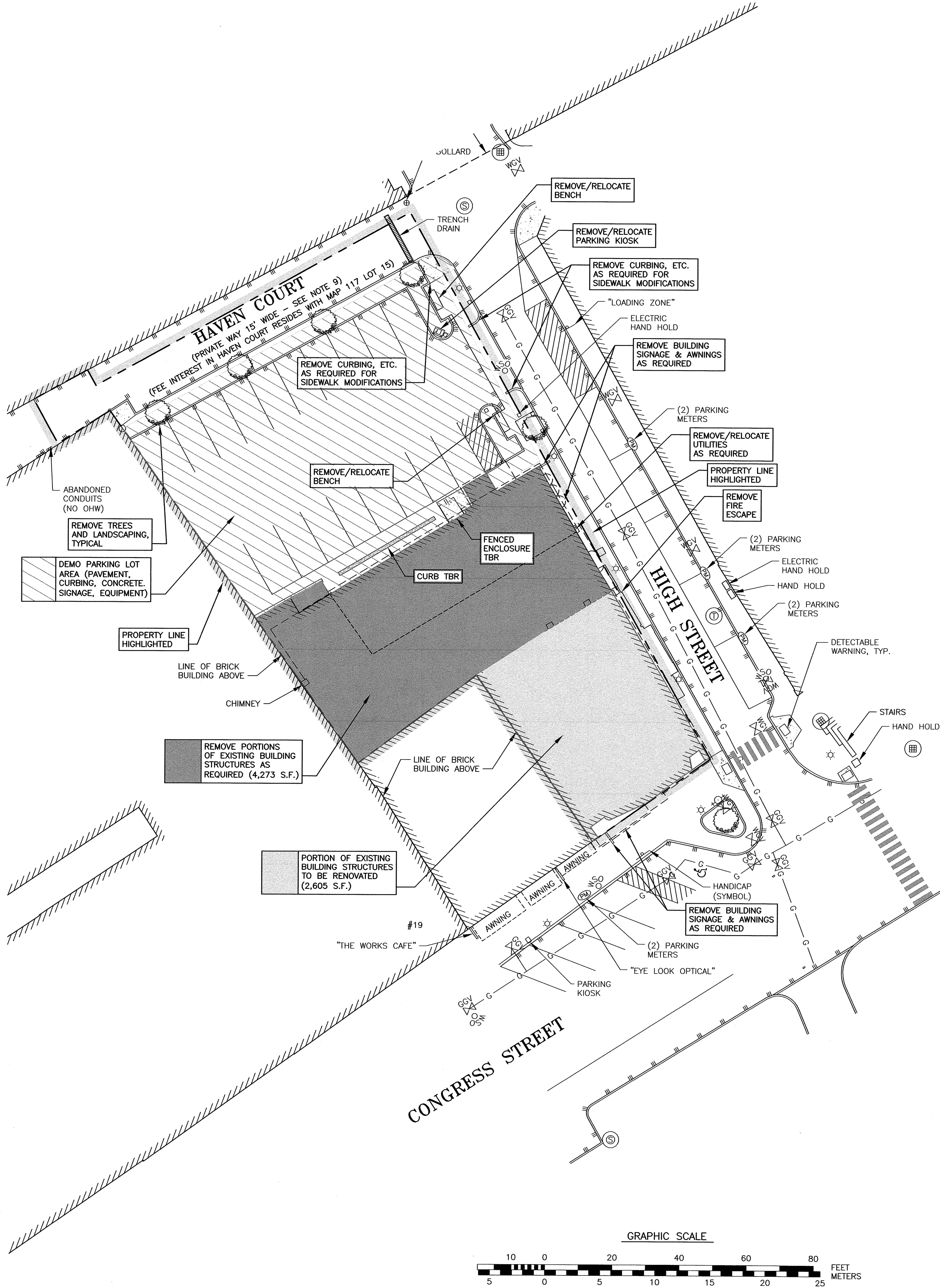
EXISTING CONDITIONS PLAN

**C1**



DEMOLITION NOTES

- A) THE LOCATIONS OF UNDERGROUND UTILITIES ARE APPROXIMATE AND THE LOCATIONS ARE NOT GUARANTEED BY THE OWNER OR THE DESIGNER. IT IS THE CONTRACTORS' RESPONSIBILITY TO LOCATE UTILITIES AND ANTICIPATE CONFLICTS. CONTRACTOR SHALL REPAIR EXISTING UTILITIES DAMAGED BY THEIR WORK AND RELOCATE EXISTING UTILITIES THAT ARE REQUIRED TO BE RELOCATED PRIOR TO COMMENCING ANY WORK IN THE IMPACTED AREA OF THE PROJECT.
- B) ALL MATERIALS SCHEDULED TO BE REMOVED SHALL BECOME THE PROPERTY OF THE CONTRACTORS UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL DISPOSE OF ALL MATERIALS OFF-SITE IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS, ORDINANCES AND CODES. THE CONTRACTOR SHALL COORDINATE REMOVAL, RELOCATION, DISPOSAL, OR SALVAGE OF UTILITIES WITH THE OWNER AND APPROPRIATE UTILITY COMPANY.
- C) ANY EXISTING WORK OR PROPERTY DAMAGED OR DISRUPTED BY CONSTRUCTION/ DEMOLITION ACTIVITIES SHALL BE REPLACED OR REPAIRED TO THE ORIGINAL EXISTING CONDITIONS BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- D) THE CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES AND CALL DIG SAFE AT LEAST 72 HOURS PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION/CONSTRUCTION ACTIVITIES.
- E) SAWCUT AND REMOVE PAVEMENT ONE FOOT OFF PROPOSED EDGE OF PAVEMENT TRENCH IN AREAS WHERE PAVEMENT IS TO BE REMOVED.
- F) IT IS THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE THEMSELVES WITH THE CONDITIONS OF ALL THE PERMIT APPROVALS.
- G) THE CONTRACTOR SHALL OBTAIN AND PAY FOR ADDITIONAL CONSTRUCTION PERMITS, NOTICES AND FEES NECESSARY TO COMPLETE THE WORK AND ARRANGE FOR AND PAY FOR ANY INSPECTIONS AND APPROVALS FROM THE AUTHORITIES HAVING JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL AND OFF-SITE DISPOSAL OF MATERIALS REQUIRED TO COMPLETE THE WORK.
- H) THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL EXISTING STRUCTURES, CONCRETE, UTILITIES, VEGETATION, PAVEMENT, AND CONTAMINATED SOIL WITHIN THE WORK LIMITS SHOWN UNLESS SPECIFICALLY IDENTIFIED TO REMAIN. ANY EXISTING DOMESTIC / IRRIGATION SERVICE WELLS IN THE PROJECT AREA IDENTIFIED DURING THE CONSTRUCTION AND NOT CALLED OUT ON THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER FOR PROPER CAPPING / RE-USE.
- I) ALL WORK WITHIN THE CITY OF PORTSMOUTH RIGHT OF WAY SHALL BE COORDINATED WITH THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS (DPW).
- J) REMOVE TREES AND BRUSH AS REQUIRED FOR COMPLETION OF WORK. CONTRACTOR SHALL GRUB AND REMOVE ALL SLUMPS WITHIN LIMITS OF WORK AND DISPOSE OF OFF-SITE IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.
- K) CONTRACTOR SHALL PROTECT ALL PROPERTY MONUMENTATION THROUGHOUT DEMOLITION AND CONSTRUCTION OPERATIONS. SHOULD ANY MONUMENTATION BE DISTURBED, THE CONTRACTOR SHALL EMPLOY A NH LICENSED LAND SURVEYOR TO REPLACE THEM.
- L) PROVIDE INLET PROTECTION BARRIERS AT ALL CATCH BASINS WITHIN CONSTRUCTION LIMITS AND MAINTAIN FOR THE DURATION OF THE PROJECT. INLET PROTECTION BARRIERS SHALL BE HIGH FLOW SILT SACK BY ACF ENVIRONMENTAL OR APPROVED EQUAL. INSPECT BARRIERS WEEKLY AND AFTER EACH RAIN OF 0.25 INCHES OR GREATER. CONTRACTOR SHALL COMPLETE A MAINTENANCE INSPECTION REPORT AFTER EACH INSPECTION. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT OR MORE OFTEN IF WARRANTED OR FABRIC BECOMES CLOGGED. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF ANY CLEARING OR DEMOLITION ACTIVITIES.
- M) THE CONTRACTOR SHALL PAY ALL COSTS NECESSARY FOR TEMPORARY PARTITIONING, BARRICADING, FENCING, SECURITY AND SAFETY DEVICES REQUIRED FOR THE MAINTENANCE OF A CLEAN AND SAFE CONSTRUCTION SITE.
- N) ANY CONTAMINATED MATERIAL REMOVED DURING THE COURSE OF THE WORK WILL REQUIRE HANDLING IN ACCORDANCE WITH NHDES REGULATIONS. CONTRACTOR SHALL HAVE A HEALTH AND SAFETY PLAN IN PLACE, AND COMPLY WITH ALL APPLICABLE PERMITS, APPROVALS, AUTHORIZATIONS, AND REGULATIONS



GRID  
NH SFC  
NAD83(2011)  
NORTH



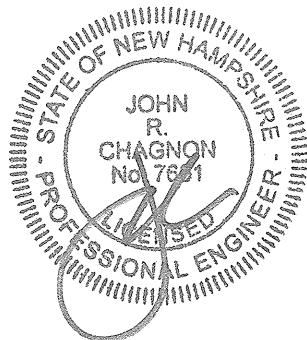
**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-8202  
Fax (603) 436-2315

NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY WITHIN 100 FEET OF UNDERGROUND UTILITIES. THE EXCAVATOR IS RESPONSIBLE TO MAINTAIN MARKS. DIG SAFE TICKETS EXPIRE IN THIRTY DAYS.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).

COMMERCIAL  
DEVELOPMENT  
ONE MARKET SQUARE  
PORTSMOUTH, N.H.

0	ISSUED FOR COMMENT	1/26/22
NO.	DESCRIPTION	DATE
REVISIONS		

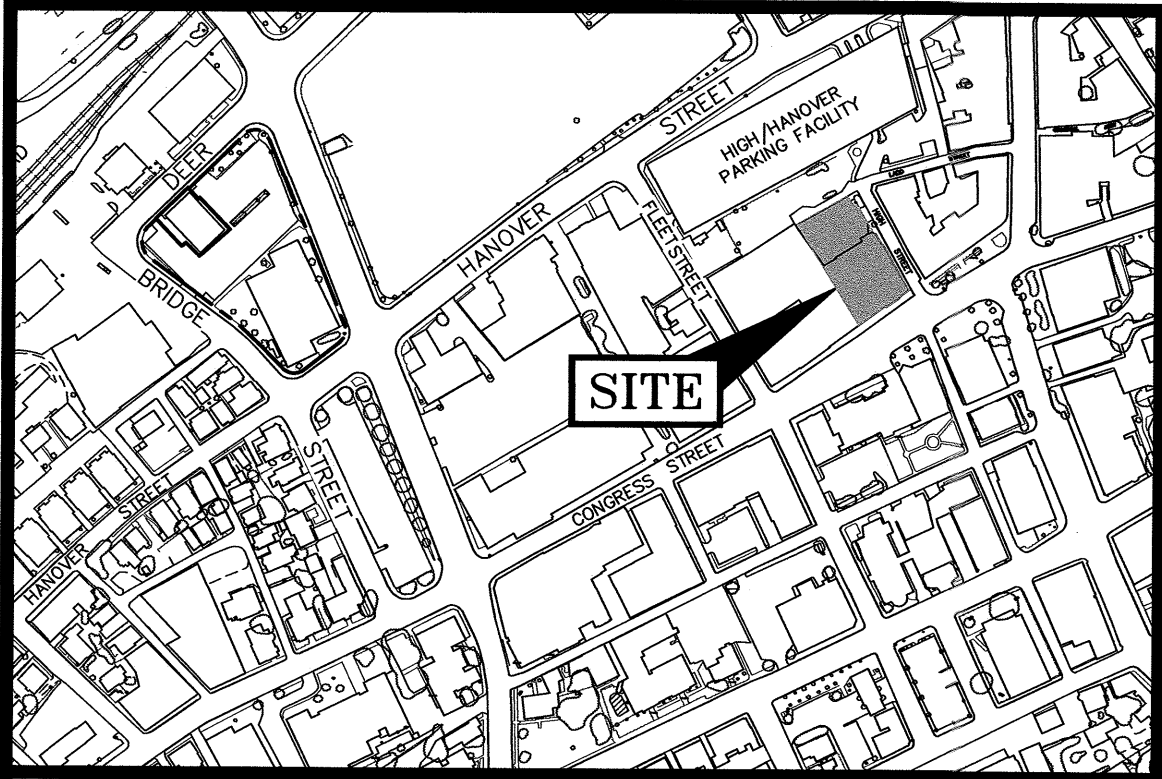


SCALE 1" = 20' NOVEMBER 2021

DEMOLITION  
PLAN

C2





## LOCATION MAP

SCALE: 1" = 300'

## PLAN REFERENCE:

STANDARD BOUNDARY SURVEY, TAX MAP 117, LOTS 14 & 15, FOR PETER H. JARVIS & SONS, LLC. 1 CONGRESS STREET & HIGH STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE. PREPARED BY AMBIT ENGINEERING, INC. DATED NOVEMBER 2021, ISSUED FOR RECORDING 12/8/21. R.C.R.D. PLAN D-43095.

ZONING DEVELOPMENT STANDARD			
CD4 (CD-4, DOD, HDC) CHARACTER DISTRICT 4			
	REQUIRED	EXISTING	PROPOSED
Penthouses	may exceed bldg height by 2'	n/a	n/a
Roof appearance	may exceed bldg height by 10'	n/a	tbd, < 10'-0"
Facade Types	shopfront	n/a	yes
Building Types	commercial, live-work, mixed use, flex space & community. * 10.5A42.12 Yards may be increased above the max permitted for truncated corners or other subtractive massing techniques, alleys, vehicular accessways, increased sidewalk width or community spaces.	n/a	commercial
Setbacks (ft) *			
Front (principle) max	10	n/a	0'-0"
Front (secondary) max	15	n/a	1'-6"
Side	NR	n/a	10'-0"
Rear, min	>of: 5' from rear line or 10' from d alley	n/a	10'-0"
Front lotline buildout	50% min	n/a	n/a
Lot area (sf)	NR	8,840	n/a
LOT area per dwelling	NR	0	n/a
Coverage, maximum	90%	0	67.39%
Footprint, max*	10.5a43.40	0	5,957
*10.5A43.43 increase for indoor parking if >50% gr floor parking & 30% lot is community space	30,000 ground (20,000 upper)		0
Ground floor area per use, max	15,000		5,957
Open space, minimum	10%		32.61%
Permitted uses (cd4 & cd5)	multi-family, live/work, office, retail, restaurant (<5000cc)	surface parking lot	commercial retail
Block length, max (ft)	200	n/a	169'-3"
Facade modulation length, max (ft)	80	n/a	67'-6"
Entrance spacing, max (ft)	50	n/a	41'-9"
Floor height above sidewalk, max	36"	n/a	26"
Ground floor height, min	12'	n/a	13'-0"
Second floor height, min	10'	n/a	11'-0"
Glazing, shopfront, min	70%	n/a	min 70%
Glazing, other	20%-50%	n/a	20%-50%
Roof types(pitch)	flat, gable (6:12-12:12), hip(3:12), gambrel/mansard(6:12-30:12)	n/a	flat, mansard, hip

**BUILDING DATA:**  
PROPOSED BUILDING:  
12,280 S.F. FOOTPRINT

## HEIGHT DATA:

LOT	REQUIRED HEIGHT & STORIES	PROPOSED HEIGHT & STORIES
14	2-3 STORIES WITH SHORT 4TH=45'	44'-11"/ 3 STORY WITH 4TH SHORT
15	2 STORIES WITH SHORT 3RD=35'	44'-11"/ 3 STORY WITH 4TH SHORT

**PORTSMOUTH APPROVAL CONDITIONS NOTE:**  
ALL CONDITIONS ON THIS PLAN SET SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE CITY OF PORTSMOUTH SITE PLAN REVIEW REGULATIONS.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN

DATE

ZONING DEVELOPMENT STANDARD			
CD5 (CD-5, DOD, HDC) CHARACTER DISTRICT 5			
	REQUIRED	EXISTING	PROPOSED
Penthouses	may exceed bldg height by 2'	n/a	n/a
Roof appearance	may exceed bldg height by 10'	tbd, < 10'-0"	tbd, < 10'-0"
Facade Types	shop front	yes	yes
Building Types	commercial, live-work, mixed use, flex space & community. * 10.5A42.12 Yards may be increased above the max permitted for truncated corners or other subtractive massing techniques, alleys, vehicular accessways, increased sidewalk width or community spaces.	commercial, mixed use	commercial
Setbacks (ft) *			
Front (principle) max	5	0'-0"	0'-0"
Front (secondary) max	5	0'-0"	1'-6"
Side	NR	0'-0"	0'-10"
Rear, min	>of: 5' from rear line or 10' from d alley	0'-3'	10'-0"
Front lotline buildout	80% min	100%	n/a
Lot area (sf)	NR	7,265	8,840
LOT area per dwelling	NR	n/a	n/a
Coverage, maximum	95%	87.63%	67.39%
Footprint, max*	10.5a43.40	20,000	6,367
*10.5A43.43 increase for indoor parking if >50% gr floor parking & 30% lot is community space	50,000 ground (30,000 upper)	0	0
Ground floor area per use, max	15,000	6,367	5,957
Open space, minimum	5%	12.37%	32.61%
Permitted uses (cd4 & cd5)	commercial, live/work, mixed-use, flex space, community, office, retail, restaurant (<5000cc)	commercial, mixed use, office, retail & restaurant	commercial retail
Block length, max (ft)	225	102.18	169'-3"
Facade modulation length, max (ft)	100	102.18	67'-6"
Entrance spacing, max (ft)	50	50'-6"	41'-9"
Floor height above sidewalk, max	36"	8"	26"
Ground floor height, min	12'	13'-0"	13'-0"
Second floor height, min	10'	11'-0"	11'-0"
Glazing, shopfront, min	70%		min 70%
Glazing, other	20%-50%		20%-50%
Roof types(pitch)	flat, gable (6:12-12:12), hip(3:12), gambrel/mansard(6:12-30:12)	mansard and gable	flat, mansard, hip

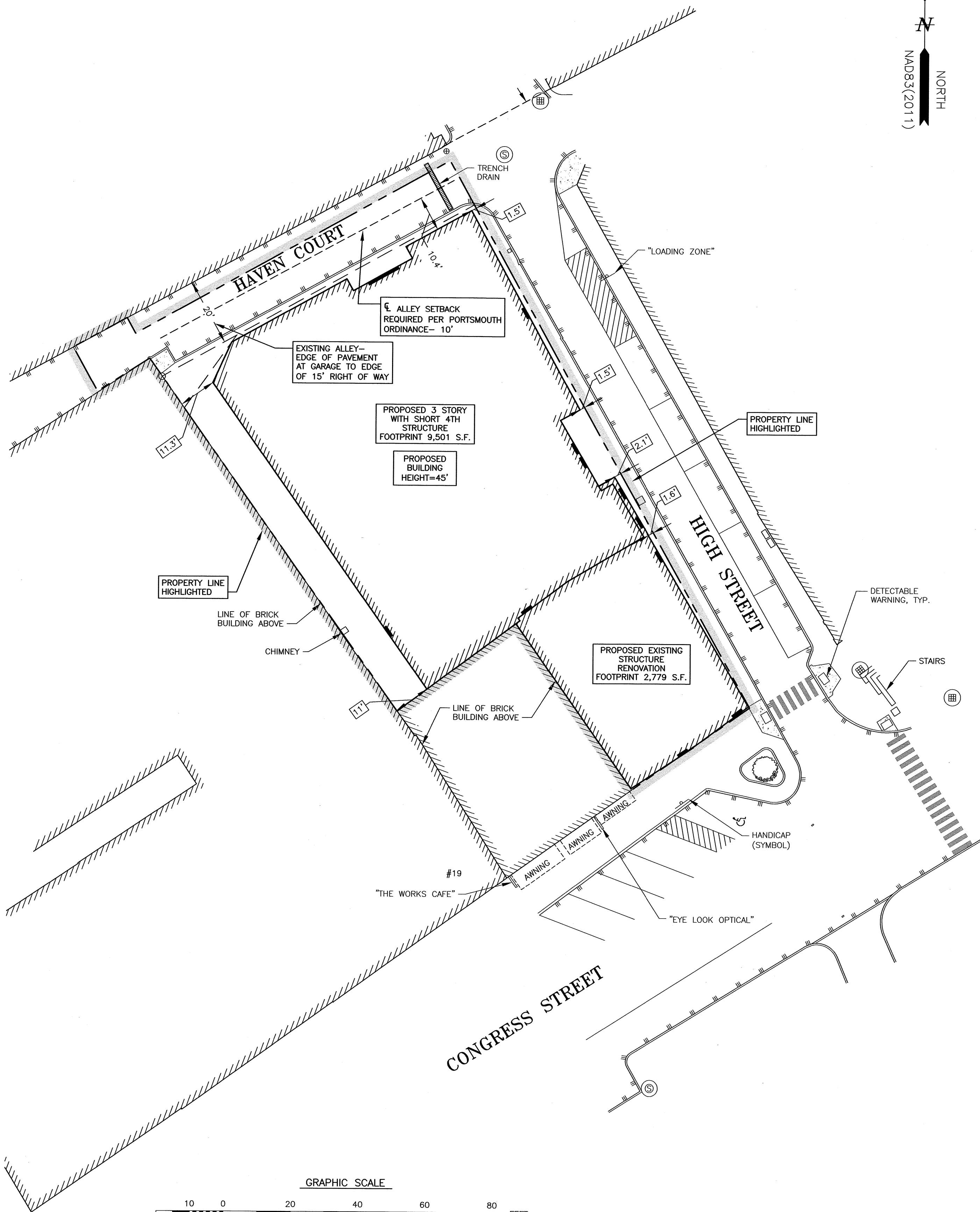
One Market Square

Conceptual Area Summary  
1/25/2022

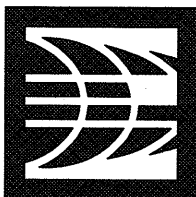
addition	total gsf	cd4 - lot 15	cd5 - lot 14
4th floor	6,697	4,924	1,773
3rd floor	9,609	5,957	3,652
2nd floor	9,608	5,957	3,651
1st floor (footprint)	9,608	5,957	3,651
basement	9,791	6,162	3,629
total new	45,313		

renovation	
4th floor	2,294 residential
3rd floor	2,716 residential
2nd floor	2,716 office
1st floor	1,386 restaurant
1st floor	1,330 retail
basement	2,717 storage/mech
total renovation	13,159

TOTAL FOOTPRINT	12,324
TOTAL GSF	58,472



GRID  
NH SPC  
N  
NAD83(2011)  
NORTH



**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors

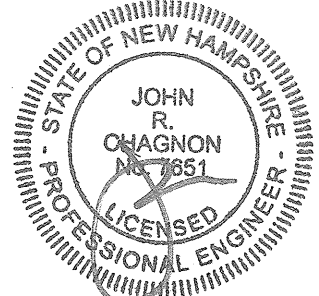
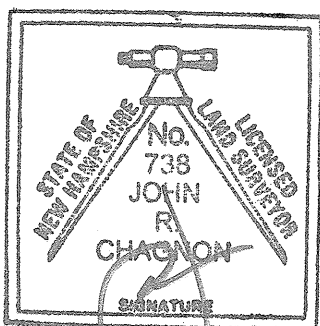
200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
Fax (603) 436-2315

## NOTES:

- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 117 AS LOTS 14 AND 15.
- 2) OWNER OF RECORD:  
ONE MARKET SQUARE, LLC  
3 PLEASANT STREET, SUITE 400  
PORTSMOUTH, NH 03801  
6363/31 PARCEL 1 & PARCEL 2
- 3) PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4 AND CHARACTER DISTRICT 5. SEE TABLES THIS SHEET.
- 4) DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ORDINANCE FOR REQUIREMENTS.
- 5) LOT AREAS: MAP 117 LOT 14 7,266 S.F. 0.1668 ACRES  
MAP 117 LOT 15 8,840 S.F. 0.2029 ACRES  
COMBINED LOT AREA: 16,106 S.F. 0.3697 ACRES
- 6) PARCELS ARE NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F, EFFECTIVE JANUARY 29, 2021
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED DEVELOPMENT ON TAX MAP 117, LOTS 14 AND 15 IN PORTSMOUTH, NH.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBS.
- 9) HAVEN COURT IS A PRIVATE WAY 15 FEET WIDE. ALL RIGHTS, TITLE AND INTEREST UNTO SAID HAVEN COURT WERE CONVEYED WITH ASSESSOR'S MAP 117 LOT 15, AS DESCRIBED IN RCOD 983/179, SUBJECT TO RIGHTS OF OTHERS (OTHERS NOT DEFINED ON THIS PLAN).

## COMMERCIAL DEVELOPMENT ONE MARKET SQUARE PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	1/26/22
REVISIONS		



SCALE 1" = 20'

NOVEMBER 2021

OVERALL SITE  
PLAN

C3



3 Congress St, Ste 1  
PORTSMOUTH, NH 03801  
T 603.731.5187  
arcove.com

**Ambit Engineering Inc**  
Civil Engineering  
200 Griffin Rd Unit 3  
Portsmouth NH 03801  
(603) 430-9282  
ambitengineering.com

**Terra Firma Landscape**  
Landscape Architecture  
163a Court St  
Portsmouth NH 03801  
(603) 531-9109  
terrafirmalandarch.com

ONE MARKET SQUARE

1 CONGRESS STREET & HIGH STREET  
PORTSMOUTH, NH 03801

ONE MARKET SQUARE  
LLC, OWNER

Map U117  
Lot 14 and Lot 15

Note: Locations of  
parking spaces, stair  
towers and elevators  
are approximate and  
subject to change.

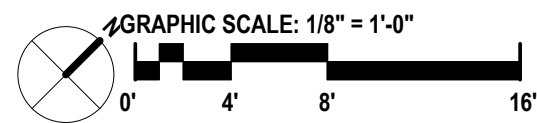
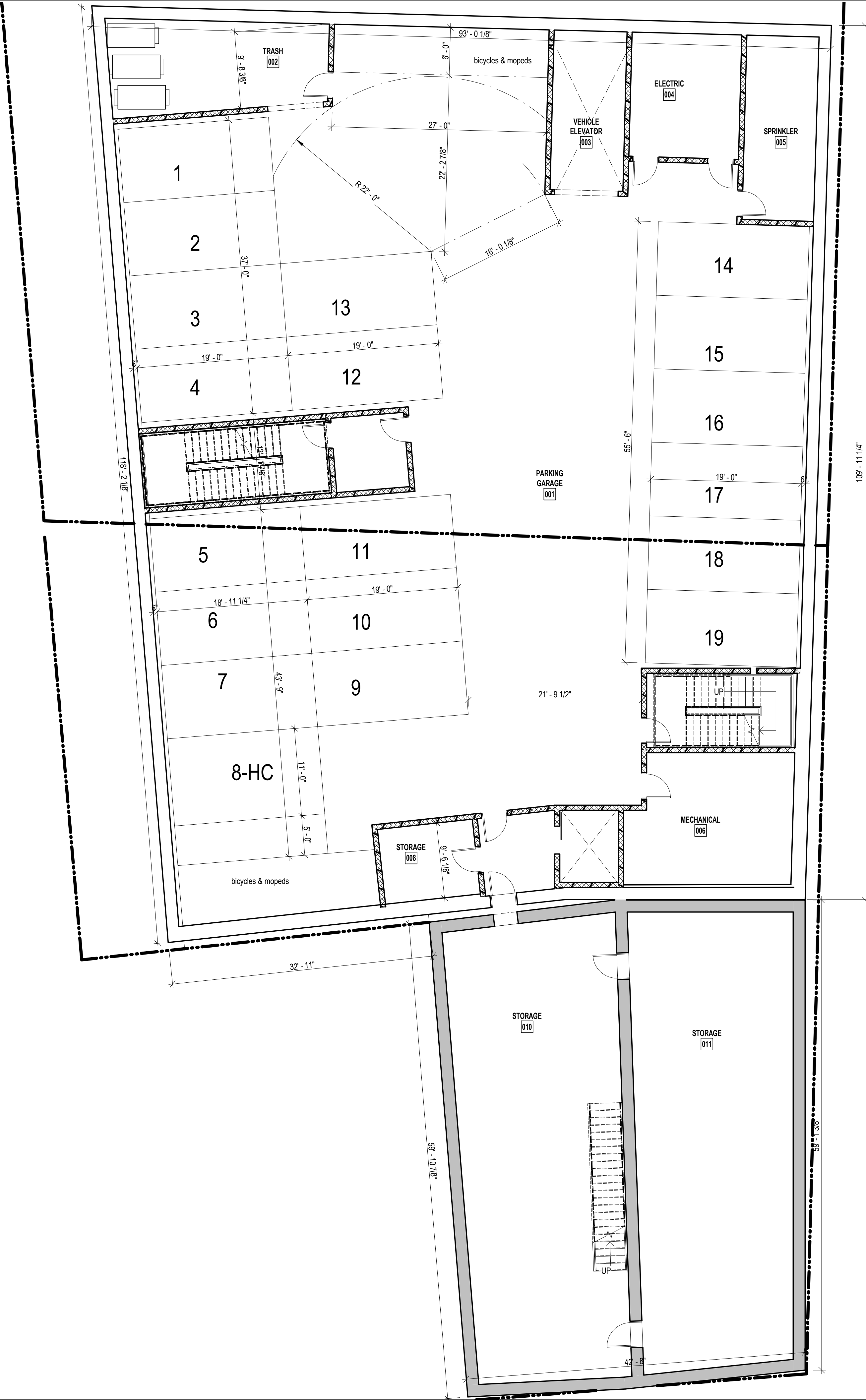
Scale: 1/8" = 1'-0"  
Date: 01/25/2022  
Project Number: 1002

REVISIONS		
NO.	DESCRIPTION	DATE

BOARD OF  
ADJUSTMENT  
BASEMENT  
FLOOR PLAN

A.00

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Landscape Architecture  
163a Court St  
Portsmouth NH 03801  
(603) 531-9109  
terrafirmalandarch.com

1 CONGRESS STREET & HIGH STREET  
PORTSMOUTH, NH 03801

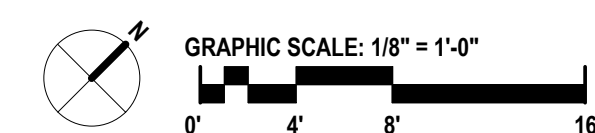
Map U117  
Lot 14 and Lot 15

Scale: 1/8" = 1'-0"  
Date: 01/25/2022  
Project Number: 1002

REVISIONS		
NO.	DESCRIPTION	DATE

## A.01

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**Ambit Engineering Inc**  
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ONE MARKET SQUARE

1 CONGRESS STREET & HIGH STREET  
PORTSMOUTH, NH 03801

ONE MARKET SQUARE  
LLC, OWNER

Map U117  
Lot 14 and Lot 15

Note: Locations of  
parking spaces, stair  
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subject to change.

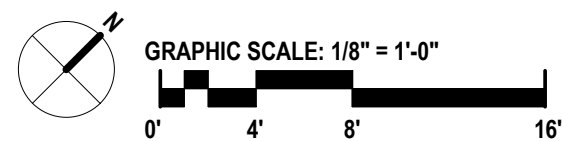
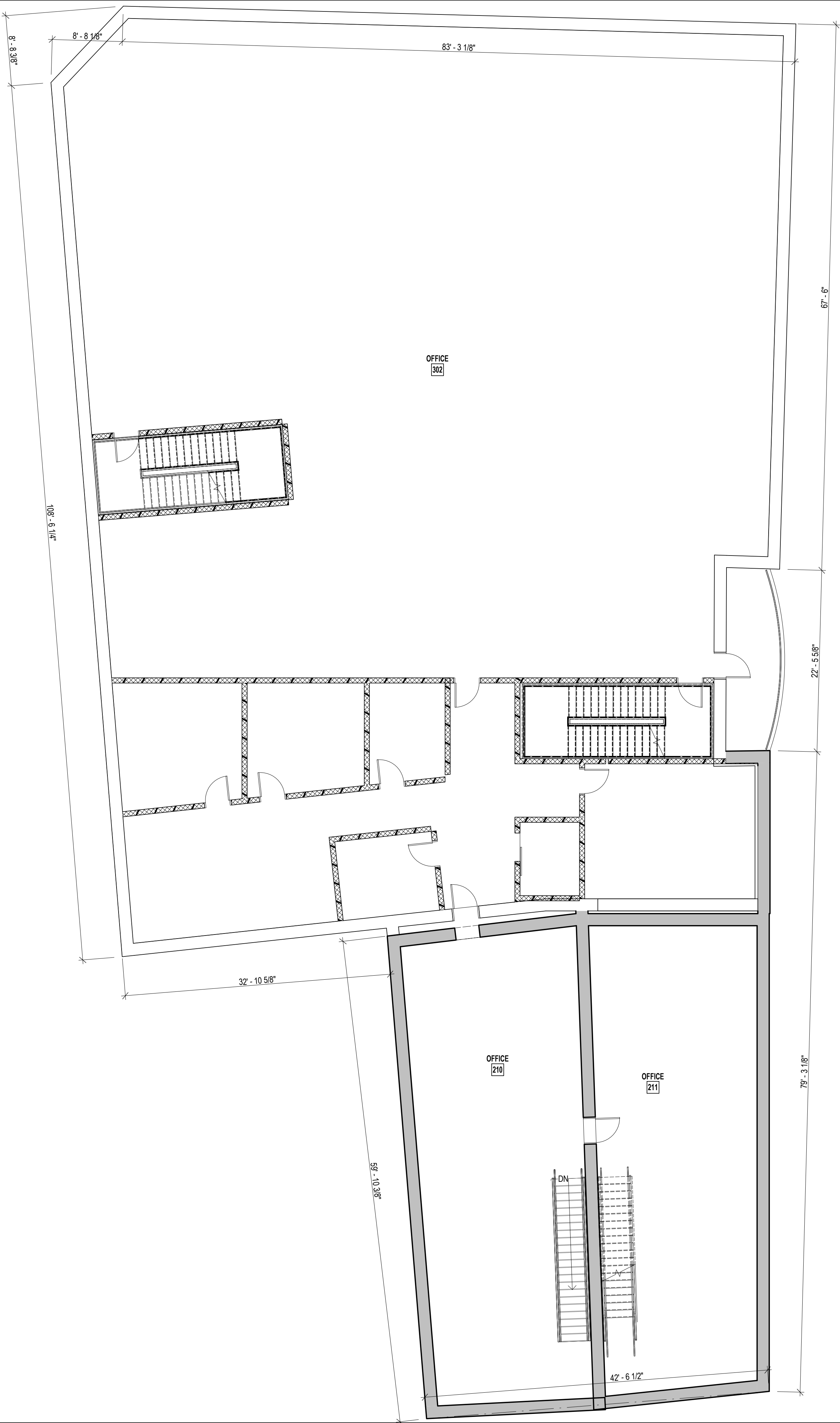
Scale: 1/8" = 1'-0"  
Date: 01/25/2022  
Project Number: 1002

REVISIONS		
NO.	DESCRIPTION	DATE

BOARD OF  
ADJUSTMENT  
SECOND FLOOR  
PLAN

A.02

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T 603.731.5187  
arcove.com

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ONE MARKET SQUARE

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PORTSMOUTH, NH 03801

ONE MARKET SQUARE  
LLC, OWNER

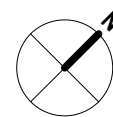
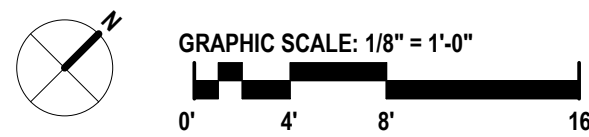
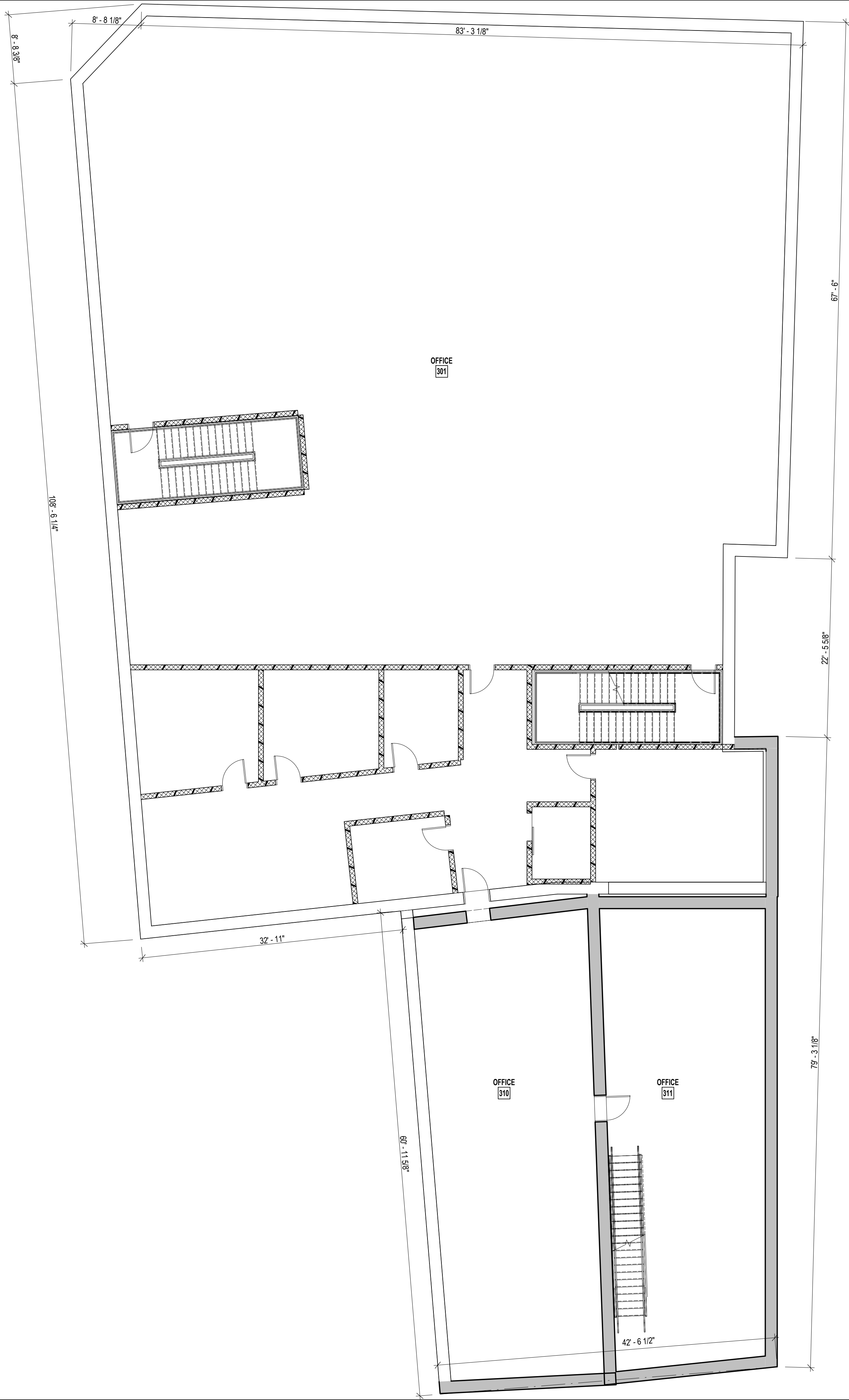
Map U117  
Lot 14 and Lot 15

Note: Locations of  
parking spaces, stair  
towers and elevator  
are approximate and  
subject to change.

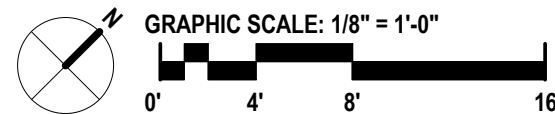
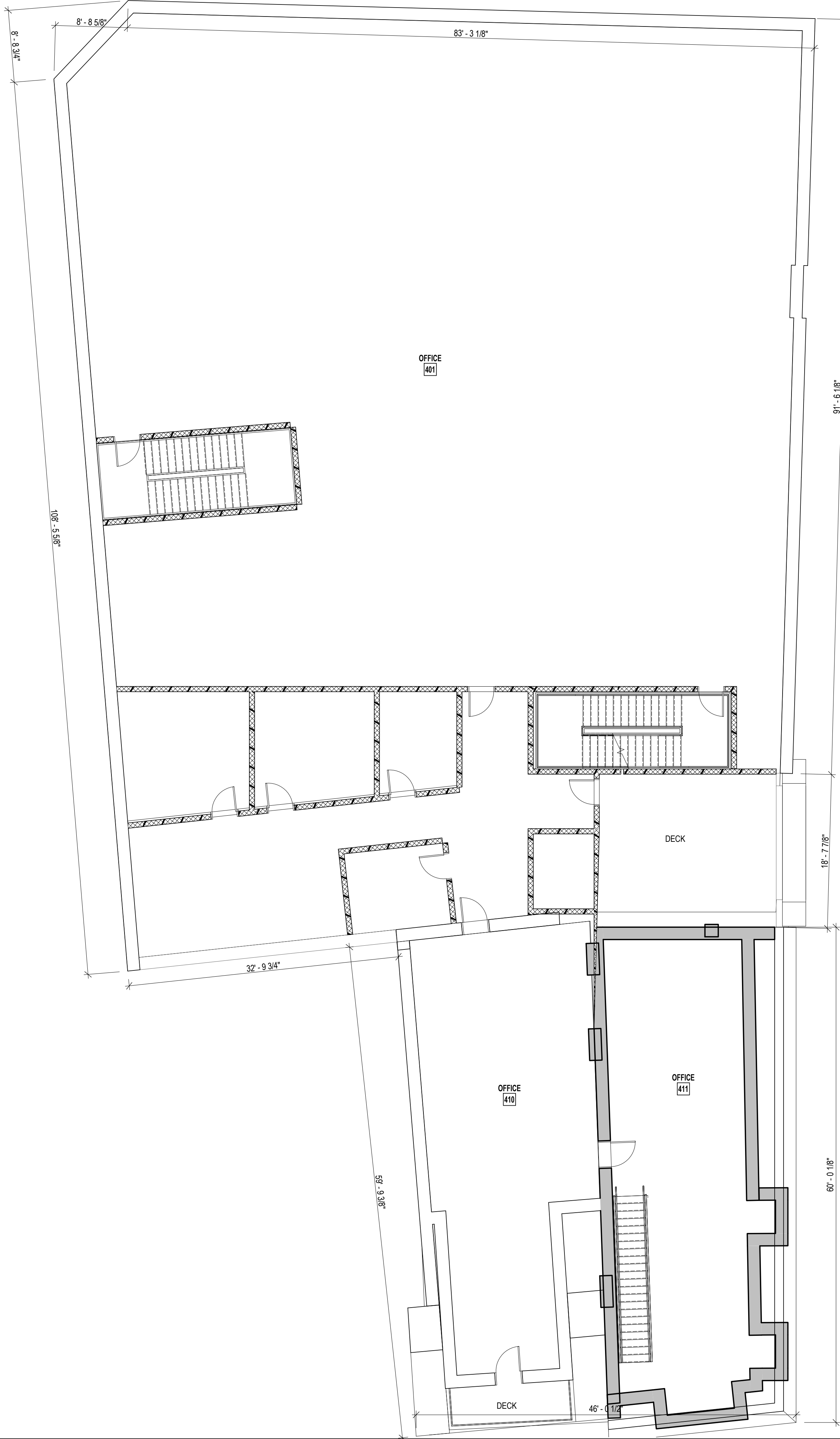
Scale: 1/8" = 1'-0"  
Date: 01/25/2022  
Project Number: 1002

REVISIONS		
NO.	DESCRIPTION	DATE

BOARD OF  
ADJUSTMENT  
THIRD FLOOR  
PLAN



1/28/2022 4:41:58 PM E:\Users\Admin\Documents\1MS central 2022\01-25\_Tracy\kozak.rvt



3 Congress St, Ste 1  
PORTSMOUTH, NH 03801  
T 603.731.5187  
arcove.com

**Ambit Engineering Inc**  
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200 Griffin Rd Unit 3  
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(603) 430-9282  
ambitengineering.com

**Terra Firma Landscape**  
Landscape Architecture  
163a Court St  
Portsmouth NH 03801  
(603) 531-9109  
terrafirmalandarch.com

## ONE MARKET SQUARE

1 CONGRESS STREET & HIGH STREET  
PORTSMOUTH, NH 03801

ONE MARKET SQUARE  
LLC, OWNER

Map U117  
Lot 14 and Lot 15

Note: Locations of  
parking spaces, stair  
towers and elevator  
are approximate and  
subject to change.

Scale: 1/8" = 1'-0"  
Date: 01/25/2022  
Project Number: 1002

REVISIONS		
NO.	DESCRIPTION	DATE

**BOARD OF  
ADJUSTMENT**  
**FOURTH FLOOR  
PLAN**

# A.04

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ONE MARKET SQUARE

1 CONGRESS STREET & HIGH STREET  
PORTSMOUTH, NH 03801

ONE MARKET SQUARE  
LLC, OWNER

Map U117  
Lot 14 and Lot 15

Note: Locations of  
parking spaces, stair  
towers and elevator  
are approximate and  
subject to change.

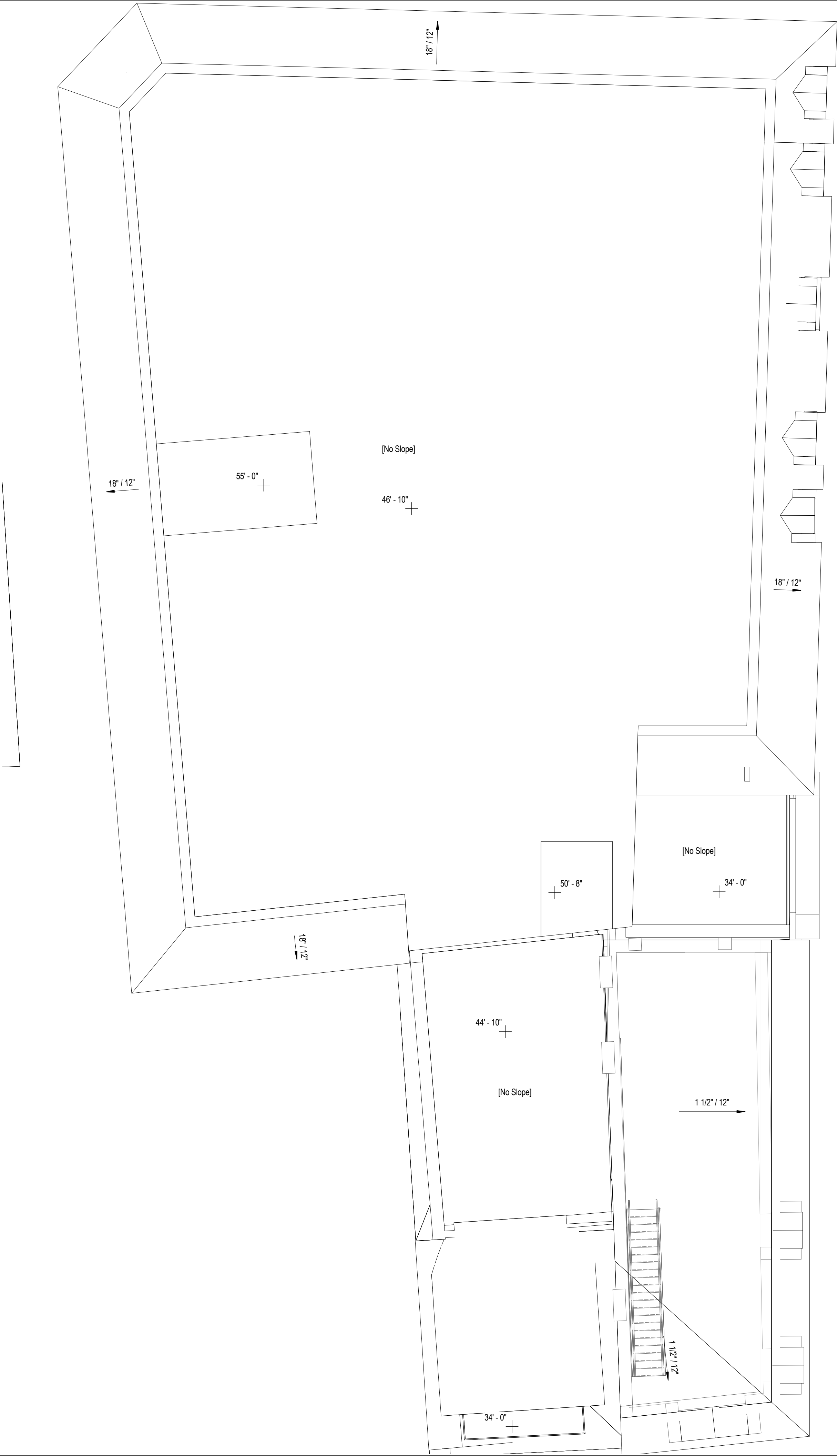
Scale: 1/8" = 1'-0"  
Date: 01/25/2022  
Project Number: 1002

REVISIONS		
NO.	DESCRIPTION	DATE

BOARD OF  
ADJUSTMENT  
ROOF PLAN

A.05

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FRANCIS X. BRUTON, III  
CATHERINE A. BERUBE  
JOSHUA P. LANZETTA

OF COUNSEL  
JAMES H. SCHULTE

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February 23, 2022

**VIA HAND DELIVERY**

Arthur Parrott, Chair  
City of Portsmouth Zoning Board of Adjustment  
1 Junkins Avenue  
Portsmouth, NH 03801

**RE: Appeal of Administrative Decision**  
**Owner/Applicant: One Market Square, LLC**  
**Property: High Street and 1 Congress Street, Portsmouth, NH**  
**Tax Map 117, Lot 15 and Tax Map 117, Lot 14**  
**Zoning Districts: CD4 and CD5**  
**Case Number: LU-22-12**

Dear Mr. Parrott:

Enclosed please find the following materials in support of the above-named Applicant's request for Variance:

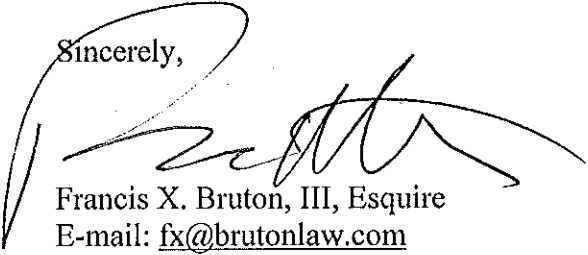
1. Appeal of Administrative Decision. With associated exhibits (11 copies).

Please note that the project being proposed by the Applicant has previously been submitted to the City under other Planning Department applications and, as such, the Applicant has not submitted a new application for the relief from the administrative decision being requested herein, as these requests are associated with the proposed project.

In addition to the above, we understand, by submitting this application today, that this matter will be placed on the board's agenda for its meeting of March 15, 2022.

Should there be any questions regarding this application, please do not hesitate to contact us.

Sincerely,

  
Francis X. Bruton, III, Esquire  
E-mail: [fx@brutonlaw.com](mailto:fx@brutonlaw.com)

FXB/mas  
Enclosures

cc: One Market Square, LLC  
Ambit Engineering, Inc.  
ARCove, LLC

**PORTSMOUTH ZONING BOARD OF ADJUSTMENT**

**APPEAL OF ADMINISTRATIVE DECISION  
OF THE PORTSMOUTH PLANNING DIRECTOR**

**TAX MAP 117, LOTS 14 & 15**

**One Market Square, LLC – Applicant**

**NOW COMES**, One Market Square, LLC (“One Market Square”), Applicant, and respectfully requests that the Portsmouth Zoning Board overturn the Planning Director’s determination that the merged parcel located at 1 Congress Street, depicted on the city of Portsmouth Tax Maps as Map 117, Lots 14 & 15<sup>1</sup> (hereinafter referred to as the “Lot”), is not subject to the benefit of the height allowances (3 stories, 4<sup>th</sup> short, 45 feet in height) pursuant to Map 10.5A21B “Building Height Standards,” as set forth within the Portsmouth Zoning Ordinance (the “PZO”), and as permitted pursuant to Section 10.5A21.22 (a) & (c) of the PZO.

**I. SUPPORTING MATERIALS**

A. Correspondence from Francis X. Bruton, Esq., dated January 31, 2022 to Portsmouth Planning staff, including Ms. Beverly M. Zendt, AICP, Portsmouth Planning Director (copy enclosed); and

B. Correspondence from Beverly M. Zendt, AICP, Portsmouth Planning Director to Francis X. Bruton, Esq., dated February 2, 2022, including correspondence from Nicholas J. Cracknell, AICP, Portsmouth Principal Planner to Ms. Zendt dated February 1, 2022 (copy enclosed); and

C. Correspondence from Francis X. Bruton, Esq., dated February 7, 2022 to Portsmouth Planning to Ms. Beverly M. Zendt, AICP, Portsmouth Planning Director and Nicholas J. Cracknell, AICP, Portsmouth Principal Planner (copy enclosed); and

D. Copy of Notice of Voluntary Merger of Contiguous Lots, RCRD Book 6381, Page 1527

E. Copy of Map 10.5A21B (copy enclosed); and

F. Copy of a recorded plan C-34500 in the Rockingham Registry of Deeds; and

G. Copy of a recorded plan D-43095 in the Rockingham Registry of Deeds; and

---

<sup>1</sup> Pursuant to NH RSA 674:39-a, on or about February 2, 2022, the property located at 1 Congress Street, depicted on the city of Portsmouth Tax Maps as Map 117, Lots 14 & 15 was voluntarily merged as contiguous lots, as approved by the Portsmouth Planning Board. The Notice of Voluntary Merger of Contiguous Lots, signed by the Planning Director on February 7, 2022, is recorded at the Rockingham County Registry of Deeds at Book 6381, Page 1527 (copy enclosed).

- H. City's street records, entitled "Accepted City of Portsmouth Street;" and
- I. City's street records, entitled "Miscellaneous Street Information."

## II. STANDARD OF REVIEW

Pursuant to Section 10.234.30 of the PZO provides that the Portsmouth Zoning Board to hear appeals regarding the decision or a Code Official. Section 10.1530 of the PZO provides that the Planning Director is a Code Official.

Pursuant to RSA 676:5, I, "[a]ppeals to the board of adjustment concerning any matter within the board's powers as set forth in RSA 674:33 may be taken by any person aggrieved...by any decision of the administrative officer." As the owner of the Lot, One Market Square, LLC is an aggrieved party.

In hearing appeals of administrative decisions, a zoning board has "all the powers of the administrative official from whom the appeal is taken." RSA 674:33. Thus, the Board undertakes a *de novo* review of the administrative decision. 15 Loughlin, *New Hampshire Practice, Land Use Planning and Zoning* §22.03, at 356-57 (citing *Oullette v. Town of Kingston*, 157 N.H. 604, 609 (2008)). The Board is not limited to determining the reasonableness of the Planning Board's decision. Rather, a *de novo* review requires that the reviewing body "decides the matter anew, neither restricted by nor deferring to decisions made below." *Town of Hinsdale v. Town of Chesterfield*, 153 NH 70, 73 (2005).

## III. BACKGROUND

The proposed project will be comprised of the renovation of a portion of the existing historic structure located on former Lot 14<sup>2</sup> and the new construction of an addition to the historic structures on former Lot 14 and a new connected building in the parking lot of former Lot

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<sup>2</sup> Reference will be made to "former Lot 14" & "former Lot 15," as the Portsmouth Assessor has not yet assign a lot number to the merged one lot.



15. It is the intent of One Market Square, LLC to create a uniform structure on the merged new lot with a height of less than 45 feet, as calculated by the PZO, and with a 4<sup>th</sup> short story.

Pursuant to Map 10.5A21B (hereinafter the “Height Map”) (relevant portion attached) within the PZO, former Lot 15 is subject to a height restriction of 2-3 stories with a concurrent height limitation of 40’ (this designation represents a “green” designation on the Height Map). However, former Lot 14 is subject to a height restriction of 2-3 (4<sup>th</sup> short) stories with a concurrent height limitation of 45’ (this designation represents an “orange” designation on the Height Map).

Originally, One Market Square considered that the project would require a variance given the aforementioned restrictions set forth in the Height Map, as a portion of the merged new lot is designated “green” along former Lot 15. However, One Market Square, LLC asserts that the provisions of Section 10.5A21.22 (a) & (c) of the PZO, referred to the “Building Height Standards,” set forth in Map 10.5A21B permits the structure on the entire Lot to benefit from the 4<sup>th</sup> short-story, 45-foot height allowance.<sup>3</sup>

One Market Square considered the above, and sought consultation from the Ms. Zendt, in order to confirm its understanding as to the permissible story count and height allowances to which the project was subject.

Throughout its request, One Market Square, LLC made it clear its intentions to voluntarily merge the former Lots 14 & 15. One Market Square, LLC took the preliminary step of merging the two lots, which is similar to those situations where a lot line adjustment for lots or a subdivision

---

<sup>3</sup> Although the Map is referred to as “Building Height Standards,” the Map regulates building height as well as the concurrent restrictions as to the numbers of stories for a structure.



of a lot is obtained before a site or subdivision plan is developed in order for that site or subdivision plan to qualify under the applicable zoning ordinance provisions.

#### **IV. DISCUSSION**

Section 10.5A21.22 provides in full the follows:

**10.5A21.22 When a lot is assigned to more than one building height standard the lot shall be apportioned as follows:**

- (a) A building height standard designated along the front lot line or street shall apply to the portion of the lot that is 50 feet or less from such lot line or street.**
- (b) A building height standard designated along a water body shall apply to the portion of the lot that is 100 feet or less from the mean high water line.**
- (c) More than 50 feet from a front lot line or street and more than 100 feet from a water body, the building height may increase to the highest building height standard designated for the lot.**
- (d) Where a lot has less depth from the front lot line, street or water body than the required minimum distances stated above, the lowest building height standard for the lot shall be applied to the required linear distance from the lot line, street or water body.**

As set forth above, Section 10.5A21.22 (c) specifically provides that a building height, **“...may increase to the highest building height standard designated for the lot.”** As such, One Market Square, LLC asserts that once the two lots were merged, the proposed structure will be permitted a height of 45’ with a 4<sup>th</sup> short story on the entire new lot.

The Planning Director disagreed with the above and indicated, through interpretation made by Mr. Cracknell, that the merged lot would only benefit from a minor “spill over” on the “more restrictive lot” resulting in very little land area of the proposed merged lot having the higher building lot standard under Section 10.5A21.20. Mr. Cracknell provided an illustration of the maximum bidding heights permitted on former Lot 15. Mr. Cracknell treated Haven Court as a public street, or “Street” as defined by the PZO, and limited the amount of spill over onto former

Lot 14. Essentially, Mr. Cracknell, and through adoption Ms. Zendt, have determined that spill over on the merged lot is precluded from that portion of a lot that is 50 feet from a front lot line and 50 feet from a street (in this instance 50' from High Street and Haven Court).

One Market Square, LLC took exception to the interpretation of Ms. Zendt and Mr. Cracknell, noting that, for the reasons set forth below, Haven Court is not a Street, as defined by the PZO, and more importantly, given Section 10.5A.21.22 (c), the spill over can be measure from the front lot line (Congress Street) **or** a street. When using “and” as a coordinating conjunction both requirements are imposed, but when using “or” as an independent coordinating conjunction, you can use the allowance from one or the other allowances. Most often, one lot would not be in two different height zones. In this case the Lot is, so the ordinance provides use of either of the most permissive allowance for the Lot, measured from the front lot line or a street.

First, as to Haven Court, it is a private way, owned by One Market Square, LLC subject to a certain access easement for an abutter. Attached is a copy of a recorded plan C-34500 in the Rockingham Registry of Deeds entitled, “Subdivision of Assessor’s Parcel 117/12 Land of Wenberry Associates, LLC Fleet Street & Haven Court Portsmouth NH for City of Portsmouth, NH.” This plan was prepared by licensed land surveyor from James Verra & Associates on 11/22/05 by the request of the city of Portsmouth. This plan identified Haven Court as a private way. In addition, attached is Plan D-43095, prepared by a licensed land surveyor at Ambit Engineering, also showing Haven Court as a private way.

Additionally, review of the City's street records, entitled “Accepted City of Portsmouth Street” (copy attached) reveals a document that is a comprehensive list of public streets generated and maintained by the City. This document does not identify Haven Court as a public street, although it identifies Haven Road as a public street, which is located elsewhere in the City. In

addition, a reviewed of the document entitled "Miscellaneous Street Information" (copy attached), the City again lists Haven Road as a public street, but not Haven Court.

Haven Court does not appear to be an accepted as a public street or laid out as such. Pursuant to Section 10.1530, a Street is defined as a thoroughfare or roadway that is either formally accepted by the City or shown on a subdivision plan and built to City specification. There is no evidence of either for Haven Court. Additionally, it seems that Haven Court would serve no purpose as a public street as the access only goes to the Newbery Building, which has specific rights of access to High Street, with those rights to be incorporated into the development being proposed.

Second, Section 105A21.22 (a) specifically states that the building height allowance applies to that area within 50 feet from a street, however, subsection (c) provides that the highest height and story allowance for the Lot can be measured from a front lot line or street. In this case the Lot's address is 1 Congress Street, and, as such, that is its front lot line. The permissible height at the Lot's front lot line is a 4<sup>th</sup> story and 45'. As such, the "...building height may be increased to the **highest building height standard designated for the lot,**" as provided for in Section 10.5A.21.22 (c) of the PZO. In this case the building height standard for the Lot is a 4<sup>th</sup> short story and 45 feet in height, as the building height at the front lot line of Congress Street is a 4<sup>th</sup> short story and 45' in height. Therefore, Section 10.5A.21.22 (a) & (c) allows the height for any buildings going down High Street, within 50 feet from the lot line, to have this spill over height of a 4<sup>th</sup> short story and 45 feet, as that height is permitted to be similar to that at the front lot line (Congress Street). This also meets the intent of the Zoning Ordinance which is to allow whatever existing building height is present at the front lot line to continue down a city street. The intent of the Zoning Ordinance is to allow the same building height, no less or no more but the same height.

In summary, Section 10.5A.21.22 (a) of the PZO allows the building height to be a 4<sup>th</sup> short story and 45 feet within 50 feet of the lot line abutting Congress Street and Section 10.5.21.22 (c) of the PZO allows the spill over building height to be a 4<sup>th</sup> short story and 45 feet for that portion of the lot more than 50 feet from Congress Street and down High Street. Haven Court has no limiting impact on the spill over, as asserted by Mr. Cracknell, as Haven Court is not a "Street," as defined by the PZO.

## **V. CONCLUSION**

For all of the reasons stated above, One Market Square, LLC respectfully requests that this ZBA reverse the Planning Director's decision and find that the new Lot is permitted, in its entirety, to contain a building with a 4<sup>th</sup> short story, up to 45 feet in height.

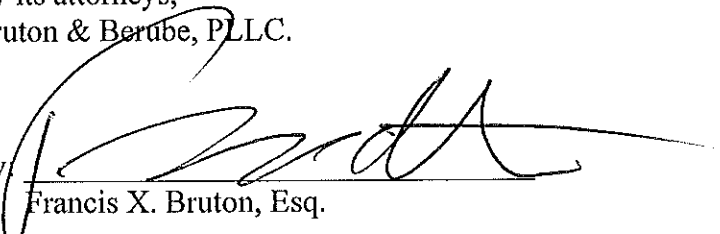
Respectfully submitted,

One Market Square, LLC

By its attorneys,  
Bruton & Berube, PLLC.

Dated: February 23, 2022

By

  
Francis X. Bruton, Esq.

## FX Bruton

---

**From:** FX Bruton  
**Sent:** Monday, January 31, 2022 8:09 AM  
**To:** bmzendt@cityofportsmouth.com; Peter L. Britz (plbritz@cityofportsmouth.com); Nicholas J. Cracknell; Peter M. Stith (pmstith@cityofportsmouth.com)  
**Cc:** Mark A. McNabb; Tracy Kozak; John Chagnon (jrc@ambitengineering.com); 'Meaghan A. Sherrill'  
**Subject:** Tax Map 117, Lot 15 and Tax Map 117, Lot 14 Case: LU-22-12

Dear Ms. Zendt,

This office represents Mark McNabb, principal of One Market Square, LLC. On January 26, 2022, this office submitted an application for a variance related to a proposed project located at 1 Congress Street and High Street. The project involves two (2) parcels, depicted on the Portsmouth Tax Maps as Tax Map 117, Lot 15 and Tax Map 117, Lot 14.

The project involves the merger of Lot 14 and Lot 15, with an application for such merger to be submitted shortly. The project will be comprised of the renovation of a portion of the existing historic structures located on Lot 14 and the new construction of an addition to the historic structures on Lot 14 and a new connected building in the parking lot of Lot 15. It is the intent of Mark McNabb to create a uniform structure on the merged new lot with a height of less than 45 feet and with a 4<sup>th</sup> short story.

Pursuant to Map 10.5A21B (hereinafter the "Height Map") within the Portsmouth Zoning Ordinance, Lot 15 is subject to a height restriction of 2-3 stories with a concurrent height limitation of 40' (this designation represents a "green" designation on the Height Map). However, Lot 14 is subject to a height restriction of 2-3 (4<sup>th</sup> short) stories with a concurrent height limitation of 45' (this designation represents an "orange" designation on the Height Map).

Originally, we considered that the project would require a variance given the aforementioned restrictions set forth in the Height Map, as a portion of the merged new lot is designated "green" along Lot 15. However, we have considered the provisions of Section 10.5A21.22 (a) & (c) of the zoning ordinance. These provisions specifically refer to "Building Height Standards," set forth in Map 10.5A21B. Although the Map is referred to as "Building Height Standards," the Map regulates building height as well as the concurrent restrictions as to the numbers of stories for a structure.

Section 10.5A21.22 (c) specifically provides that a building height, "...may increase to the highest building height standard designated for the lot." As such, it is our understanding that once the two lots are merged, the proposed structure will be permitted a height of 45' with a 4<sup>th</sup> short story on the entire new lot, specifically as the merged lot will comply with the definition of "lot," as set forth in the zoning ordinance.

We believe the preliminary step of merger of the two lots is similar to those situations where a lot line adjustment for lots or a subdivision of a lot is obtained before a site plan is developed in order for that site plan to qualify under the applicable zoning ordinance provisions.

As such, and before further developing the design of the structure for the new merged lot, we thought it prudent to obtain an administrative decision seeking support for the proposition that once the lots are merged, the structure on the new merged lot will be permitted a height of 45' with a 4<sup>th</sup> short story on the entire lot. If so, we see no need for the recently submitted variance request.

Should there be any questions regarding this request, please do not hesitate to contact us.



**Francis X. Bruton, III, Esquire**

Bruton & Berube, PLLC

601 Central Avenue

Dover, New Hampshire 03820

p: (603) 749-4529

F: (603) 343-2986

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## FX Bruton

---

**From:** Beverly M. Zendt <bmzendt@cityofportsmouth.com>  
**Sent:** Wednesday, February 2, 2022 8:24 AM  
**To:** FX Bruton  
**Cc:** Nicholas J. Cracknell  
**Subject:** FW: Tax Map 117, Lot 15 and Tax Map 117, Lot 14 Case: LU-22-12  
**Attachments:** Congress Street 1 - Building Height Standards - revised.pdf

Good morning Mr. Bruton,

Thank you for reaching out for clarification on this standard. Please see the staff response below and illustrated in the attachment.

I believe the applicable section is 10.5A21.22.

10.5A21.22 When a lot is assigned to more than one building height standard the lot shall be apportioned as follows:


- (a) A building height standard designated along the front lot line or street shall apply to the portion of the lot that is 50 feet or less from such lot line or street.*
- (b) A building height standard designated along a water body shall apply to the portion of the lot that is 100 feet or less from the mean high water line.*
- (c) More than 50 feet from a front lot line or street and more than 100 feet from a water body, the building height may increase to the highest building height standard designated for the lot.*
- (d) Where a lot has less depth from the front lot line, street or water body than the required minimum distances stated above, the lowest building height standard for the lot shall be applied to the required linear distance from the lot line, street or water body.*


I hope this provides some clarification regarding the applicable standards.

Please contact me if I can provide any additional information.

Best Regards,

Beverly Mesa-Zendt AICP  
Director | Planning Department  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

 (603) 610-7296

 [Bmz@cityofportsmouth.com](mailto:Bmz@cityofportsmouth.com)

 [Planning Department | City of Portsmouth](#)

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**From:** Nicholas J. Cracknell  
**Sent:** Tuesday, February 1, 2022 4:56 PM  
**To:** Beverly M. Zendt <bmzendt@cityofportsmouth.com>  
**Subject:** FW: Tax Map 117, Lot 15 and Tax Map 117, Lot 14 Case: LU-22-12

Beverly,

The building height requirements are clearly depicted on Map 10.5A21B. As shown on the map, these two lots currently have two distinctly different building height standards. The Congress Street lot is colored orange and allows for a short 4<sup>th</sup> story or 45'; whichever is less. The vacant parking lot along High Street is zoned for a maximum building height of 3 stories or 40 feet; whichever is less. Merging the two lots can and, in this case, does allow the less restrictive building height standard of the two lots (a short 4<sup>th</sup> story or 45') to "spill over" to the more restrictive lot (3 stories or 40 feet). However, the spillover can only occur at a distance of more than 50 feet from the street edge. As shown in the attached map, very little land area of the proposed merged lot would have the benefit of the higher building height standard under Section 10.5A21.20. Importantly, the ordinance is fashioned this way in order to protect the existing character of the street edge and prevent excessively tall buildings where the prevailing character supports a lower building height. Thus, a dimensional variance would be needed to increase the building height on the High Street lot to a short 4<sup>th</sup> or 45 feet (whichever is less).

Let me know if you have any questions.

Thanks,

Nick

---

**From:** FX Bruton [<mailto:fx@brutonlaw.com>]

**Sent:** Monday, January 31, 2022 8:09 AM

**To:** Beverly M. Zendt <[bmzendt@cityofportsmouth.com](mailto:bmzendt@cityofportsmouth.com)>; Peter L. Britz <[plbritz@cityofportsmouth.com](mailto:plbritz@cityofportsmouth.com)>; Nicholas J. Cracknell <[njcracknell@cityofportsmouth.com](mailto:njcracknell@cityofportsmouth.com)>; Peter M. Stith <[pmstith@cityofportsmouth.com](mailto:pmstith@cityofportsmouth.com)>

**Cc:** Mark A. McNabb <[house@mcnabbgroup.com](mailto:house@mcnabbgroup.com)>; Tracy Kozak <[tracyskozak@gmail.com](mailto:tracyskozak@gmail.com)>; John Chagnon <[jrc@ambitengineering.com](mailto:jrc@ambitengineering.com)> <[jrc@ambitengineering.com](mailto:jrc@ambitengineering.com)>; Meaghan Sherrill <[Meaghan@brutonlaw.com](mailto:Meaghan@brutonlaw.com)>

**Subject:** Tax Map 117, Lot 15 and Tax Map 117, Lot 14 Case: LU-22-12

Dear Ms. Zendt,

This office represents Mark McNabb, principal of One Market Square, LLC. On January 26, 2022, this office submitted an application for a variance related to a proposed project located at 1 Congress Street and High Street. The project involves two (2) parcels, depicted on the Portsmouth Tax Maps as Tax Map 117, Lot 15 and Tax Map 117, Lot 14.

The project involves the merger of Lot 14 and Lot 15, with an application for such merger to be submitted shortly. The project will be comprised of the renovation of a portion of the existing historic structures located on Lot 14 and the new construction of an addition to the historic structures on Lot 14 and a new connected building in the parking lot of Lot 15. It is the intent of Mark McNabb to create a uniform structure on the merged new lot with a height of less than 45 feet and with a 4<sup>th</sup> short story.

Pursuant to Map 10.5A21B (hereinafter the "Height Map") within the Portsmouth Zoning Ordinance, Lot 15 is subject to a height restriction of 2-3 stories with a concurrent height limitation of 40' (this designation represents a "green" designation on the Height Map). However, Lot 14 is subject to a height restriction of 2-3 (4<sup>th</sup> short) stories with a concurrent height limitation of 45' (this designation represents an "orange" designation on the Height Map).

Originally, we considered that the project would require a variance given the aforementioned restrictions set forth in the Height Map, as a portion of the merged new lot is designated "green" along Lot 15. However, we have considered the provisions of Section 10.5A21.22 (a) & (c) of the zoning ordinance. These provisions specifically refer to "Building



Height Standards," set forth in Map 10.5A21B. Although the Map is referred to as "Building Height Standards," the Map regulates building height as well as the concurrent restrictions as to the numbers of stories for a structure.

Section 10.5A21.22 (c) specifically provides that a building height, "...may increase to the highest building height standard designated for the lot." As such, it is our understanding that once the two lots are merged, the proposed structure will be permitted a height of 45' with a 4<sup>th</sup> short story on the entire new lot, specifically as the merged lot will comply with the definition of "lot," as set forth in the zoning ordinance.

We believe the preliminary step of merger of the two lots is similar to those situations where a lot line adjustment for lots or a subdivision of a lot is obtained before a site plan is developed in order for that site plan to qualify under the applicable zoning ordinance provisions.

As such, and before further developing the design of the structure for the new merged lot, we thought it prudent to obtain an administrative decision seeking support for the proposition that once the lots are merged, the structure on the new merged lot will be permitted a height of 45' with a 4<sup>th</sup> short story on the entire lot. If so, we seen no need for the recently submitted variance request.

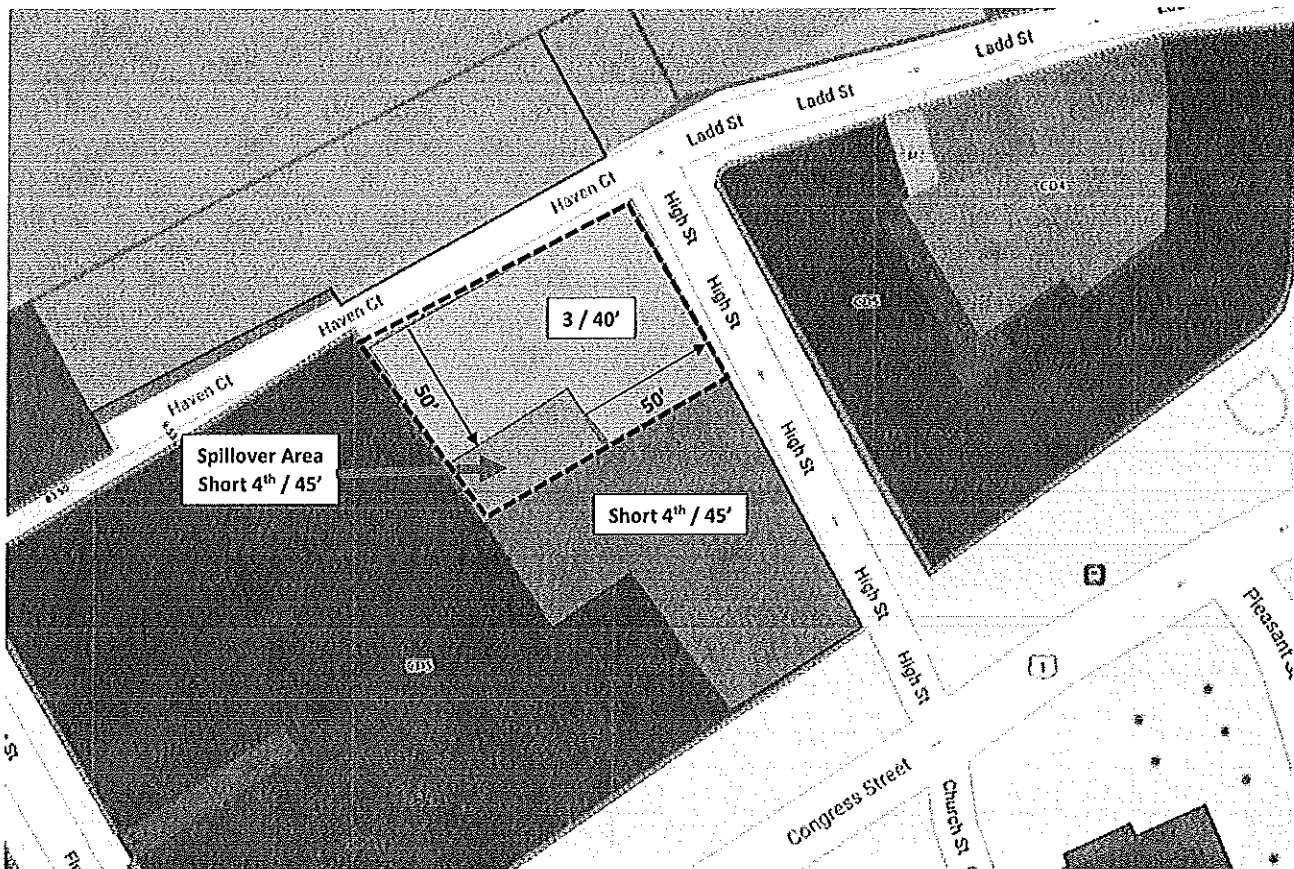
Should there be any questions regarding this request, please do not hesitate to contact us.

**Francis X. Bruton, III, Esquire**

Bruton & Berube, PLLC  
601 Central Avenue  
Dover, New Hampshire 03820  
p: (603) 749-4529  
F: (603) 343-2986

**PLEASE NOTE OUR NEW OFFICE HOURS ARE MONDAY THROUGH THURSDAY FROM 8:30 AM TO 5:00 PM AND FRIDAY FROM 8:30 AM TO 1:00 PM.**

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1 Congress Street Project – Maximum Building Height (# Stories / Feet) per 10.5A21.20

## **FX Bruton**

---

**From:** FX Bruton  
**Sent:** Monday, February 7, 2022 8:59 AM  
**To:** Beverly M. Zendt  
**Cc:** Nicholas J. Cracknell; Mark A. McNabb; 'Meaghan A. Sherrill'  
**Subject:** RE: Tax Map 117, Lot 15 and Tax Map 117, Lot 14 Case: LU-22-12  
**Attachments:** C-34500 Haven Court Survey.pdf

Beverly,

We are in receipt of your email dated February 2 and an email from Nick Cracknell dated February 1. We believe your interpretation of Section 10.5A21.22 (a) and (c) is not correct.

Attached is a copy of a recorded plan C-34500 in the Rockingham Registry of Deeds entitled, "Subdivision of Assessor's Parcel 117/12 Land of Wenberry Associates, LLC Fleet Street & Haven Court Portsmouth NH for City of Portsmouth, NH." This plan was prepared by licensed land surveyor James Verra & Associates on 11/22/05 by the request of the City of Portsmouth. Our licensed land surveyor, Ambit Engineering, agrees with this survey regarding Haven Court being labeled as a private way. Haven Court has never been accepted by the City of Portsmouth as a street nor has it been subject to a subdivision by the Planning Board and the road built to City standards. Haven Court has never appeared as a street in any historic surveys over the centuries and is not listed on the City's list of public streets. Therefore, Haven Court fails the Zoning Ordinance definition of a street. As such, Section 10.5A21.22 (c) regarding the "spill over" of the height standard goes all the way to Haven Court and not 50 feet from Haven Court.

Section 10.5A.21.22 (a) clearly states the governing height for 50 feet from a street is measured at the Front Lot Line (or street). The definition of "Front Lot Line" in the City of Portsmouth Zoning Ordinance is the primary address, which is 1 Congress Street for the subject lot. The building height at the Front Lot Line is 4 story or 45'. Therefore, Section 10.5A.21.22 (a) & (c) allows the height for any buildings going down High Street, within 50 feet from the lot line, to have this spill over height of 4 stories or 45', as that height is permitted from the Front Lot Line (Congress Street). This also meets the intent of the Zoning Ordinance which is to allow whatever existing building height is present at the Front Lot Line to continue down a city street. The intent of the Zoning Ordinance is to allow the same building height, no less or no more but the same height.

In summary, Section 10.5A.21.22 (a) allows the building height to be 4 stories and 45 feet within 50 feet of the lot line abutting Congress Street and Section 10.5.21.22 (c) allows the spill over building height to be 4 stories and 45 feet for the potion of the lot more than 50 feet from Congress Street and down High Street. Haven Court has no limiting impact on the subject parcel because it is not a "Street."

Should you agree with our interpretation regarding Haven Court and Section 10.5A.21.22 (a) and (c) then we would withdraw our variance request. Should you not agree with our interpretation we would respectfully ask you to get a legal opinion from Robert Sullivan or Suzanne Woodland before we go for an administrative appeal.

**Francis X. Bruton, III, Esquire**  
Bruton & Berube, PLLC  
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*Carly Ann Seary*

RECORDING 18.00  
SURCHARGE 2.00



(M)  
McNabb Properties  
3 Pleasant Street, Suite 400  
Portsmouth, NH 03801

**NOTICE OF VOLUNTARY MERGER OF CONTIGUOUS LOTS**

NOW COMES One Market Square, LLC., owner of Map 117 Lot 14 and Map 117 Lot 15 being contiguous parcels of land located at 1 Congress Street and High Street, Portsmouth, County of Rockingham and State of New Hampshire, who wishes to merge said parcels for Municipal regulation and taxation purposes, and does hereby apply to the Planning Board of the City of Portsmouth, or its designee, for approval of said merger and further says that said lots are listed on Assessor's Map 117 as Lot 14 and as Lot 15, and being the same property conveyed to One Market Square, LLC., by deed of Peter H. Jarvis and Sons, LLC., dated December 09, 2022 and recorded at the Rockingham County Registry of Deeds at Book 6363 Page 31.

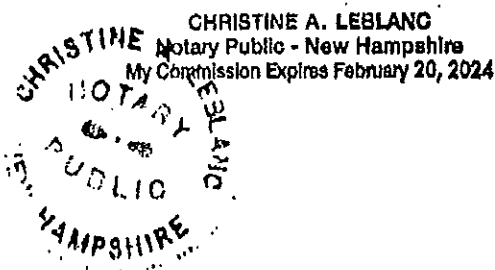
DATED this 31<sup>st</sup> day of January 2022.

*Mark A. McNabb*

Mark A. McNabb, Manager  
One Market Square, LLC

State of New Hampshire  
Rockingham, SS

Acknowledged before me by Mark A. McNabb, duly authorized Manager of One Market Square, LLC, this 31<sup>st</sup> day of January 2022, on behalf of said Limited Liability Company.



*Christine A. LeBlanc*  
Notary Public

**APPROVAL OF MERGER**

NOW COMES THE Portsmouth Planning Board or its designee and pursuant to RSA 674:39-a approved the merger.

Dated: 2-7-2022

Beverly Mosh-Zendt  
Authorized Officer



**CONSENT OF LIEN HOLDER**

Now comes Kennebunk Savings Bank and hereby consents in accordance with NH RSA 674:39-a, II to the voluntary lot merger of lots set forth on the city of Portsmouth Tax Maps as Map 117 Lot 14 & Map 117 Lot 15, said parcels subject to the grant of a mortgage from One Market Square, LLC to Kennebunk Savings Bank, pursuant to a certain Commercial Mortgage, Security Agreement and Assignment of Leases and Rents dated December 9, 2021, and recorded at the Rockingham County Registry of Deeds at Book 6363, Page 31.

Dated: 2/1/2022

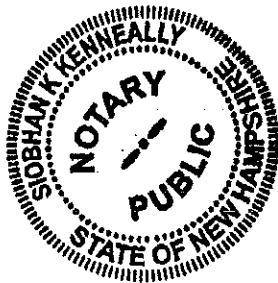
Kennebunk Savings Bank

By: \_\_\_\_\_

Chris Kehl, Executive Vice President

STATE OF NEW HAMPSHIRE  
COUNTY OF ROCKINGHAM

On this, the 31<sup>st</sup> of January 2022, before me, the undersigned Officer, personally appeared Chris Kehl, who acknowledged themselves to be the Executive Vice President of Kennebunk Savings Bank, and that they, as such, being authorized to do so, executed the foregoing instrument for the purposes therein contained, by signing the name of the company by themselves as Executive Vice President.



\_\_\_\_\_  
Notary Public / Justice of the Peace

My commission expires 8/18/2026

SIOBHAN K KENNEALLY  
NOTARY PUBLIC  
State of New Hampshire  
My Commission Expires  
August 18, 2026

HANOVER ST

ADDISON ST

LAVERGNE ST

MARKET SQ

LAUGHLIN WAY

ELLER ST

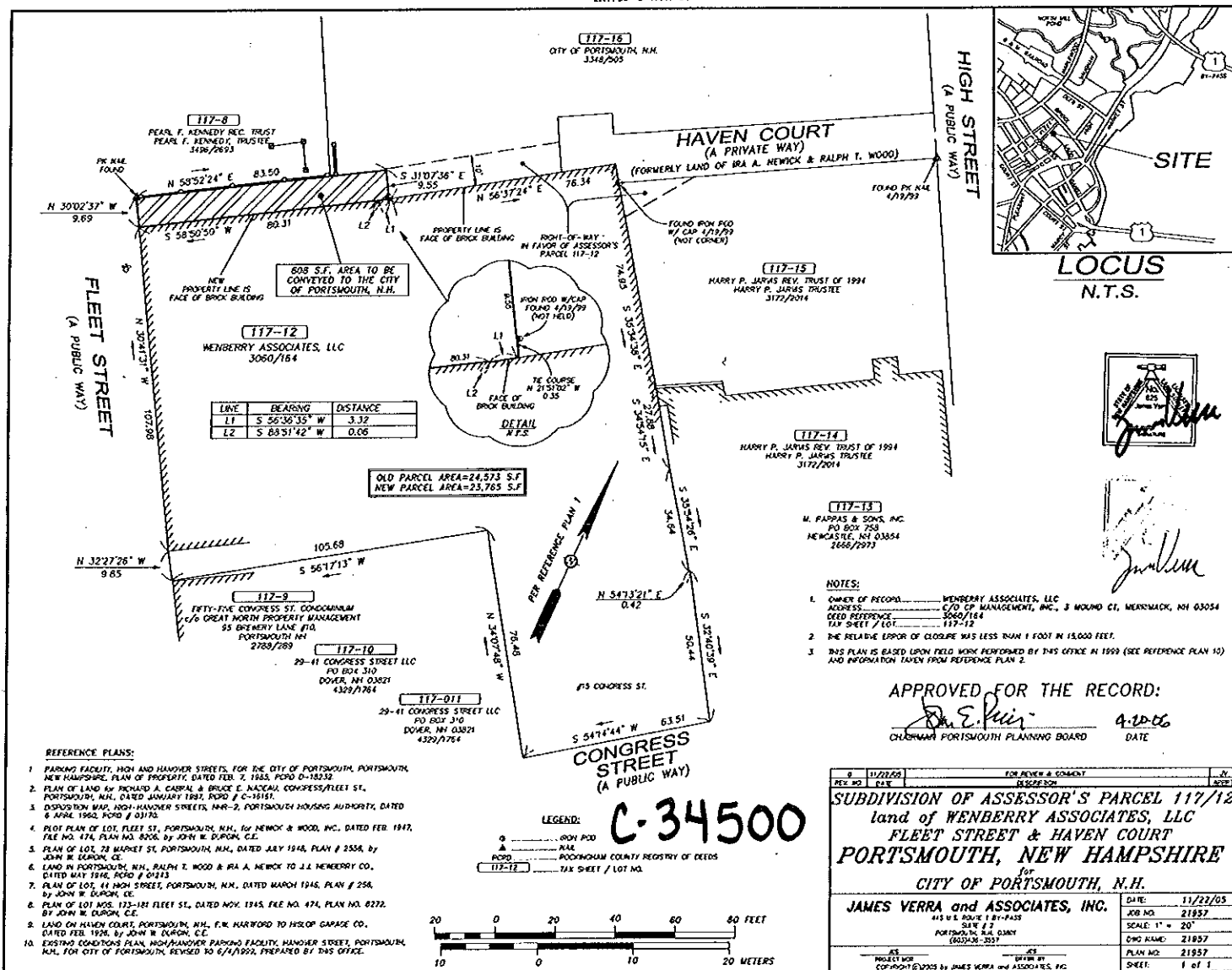
POLK ST

CHURCH ST

COURT PL

COURT ST

006826 2017 FEB -5 AM111-01



REFERENCE PLANS:

1. PARKING FACILITY, HIGH AND HANOVER STREETS, FOR THE CITY OF PORTSMOUTH, PORTSMOUTH, NEW HAMPSHIRE, PLAN OF PROPERTY, DATED FEB. 7, 1963, PORD 0-18232.
2. PLAN OF LAND BY RICHARD A. CASPARI & BRUCE E. NACAL, CONGRESS/FLEET ST., PORTSMOUTH, N.H., DATED JANUARY 1987, PORD # C-18181.
3. DISPOSITION MAP, HIGH-HANOVER STREETS, PAR-2, PORTSMOUTH HOUSING AUTHORITY, DATED 6 APRIL 1960, PORD # 03170.
4. PLOT PLAN OF LOT, FLEET ST., PORTSMOUTH, N.H., BY NEWICK & WOOD, INC., DATED FEB. 1947, FILE NO. 474, PLAN NO. 4006, BY JOHN W. DUDON, C.E.
5. PLAN OF LOT, 78 MARKET ST., PORTSMOUTH, N.H., DATED JULY 1946, PLAN # 2504, BY JOHN W. DUDON, C.E.
6. LAND IN PORTSMOUTH, N.H., RALPH T. WOOD & IRA A. NEWICK TO J.L. NEWBERRY CO., DATED MAY 1946, PORD # 03123.
7. PLAN OF LOT, 44 HIGH STREET, PORTSMOUTH, N.H., DATED MARCH 1946, PLAN # 258, BY JOHN W. DUDON, C.E.
8. PLAN OF LOT NOS. 172-181 FLEET ST., DATED NOV. 1945, FILE NO. 474, PLAN NO. 8272, BY JOHN W. DUDON, C.E.
9. LAND ON HAVEN COURT, PORTSMOUTH, N.H., F.W. HARTFORD TO HIS OP GARAGE CO., DATED FEB. 1936, BY JOHN W. DUDON, C.E.
10. EXISTING CONDITIONS PLAN, HIGH/HANOVER PARKING FACILITY, HANOVER STREET, PORTSMOUTH, N.H., FOR CITY OF PORTSMOUTH, REVISED TO 6/4/1992, PREPARED BY THIS OFFICE.

LEGEND:

- RAILROAD
- △ RAIL
- PORTSMOUTH COUNTY REGISTRY OF DEEDS
- 117-12 TAX SHEET / LOT NO.



APPROVED FOR THE RECORD:

*Don E. Fair* 4-20-06  
CHAIRMAN PORTSMOUTH PLANNING BOARD DATE

11/22/05	FOR REVIEW & COMMENT	BY
PER NO.	DATE	BY
SUBDIVISION OF ASSESSOR'S PARCEL 117/12		
land of WENBERRY ASSOCIATES, LLC		
FLEET STREET & HAVEN COURT		
PORTSMOUTH, NEW HAMPSHIRE		
for		
CITY OF PORTSMOUTH, N.H.		
JAMES VERRA and ASSOCIATES, INC.		
415 1/2 DOVE 1 ST-PASS		
SALE # 1		
PORTSMOUTH, N.H. 03801		
DATE: 11/22/05		
JOB NO. 21857		
SCALE: 1" = 20'		
CNO NAME: 21857		
PLAN NO. 21857		
SHEET: 1 of 1		





*paper streets used  
file # 30-06*      *1977*

ACCEPTED CITY OF PORTSMOUTH STREETS

ALBANY STREET - C.R. VOL. 5  
1868-1873, Page 373.

Street named.

AUBURN STREET - C.R. VOL. 3  
1856-1864, Pages 400-401

Street renamed Richards Avenue.

ALDRICH ROAD - C.R. 1917-20  
Page 434, 436, 556

Page 434: Aldrich Road accepted.  
Page 436: Resolution to accept  
said street vetoed by  
Mayor.

Page 556: Street accepted.

See also Page 381 - West Street,  
Street changed to Aldrich Road.

AUTUMN STREET - C.R. VOL. 8,  
1883, 1888, Page 368

Street running from Hill Street  
to Hanover Street named.

BANFIELD ROAD - C.R. VOL. 1  
~~1849-1849~~ Page 186  
~~1852-1853~~

Part completed accepted.

ALUMNI DRIVE - C.R. 1959, Page 13

Alumni Drive accepted.  
Portion from Lafayette Road to  
Circle renamed Andrew Jarvis Drive.  
Alumni Circle remains.

ANN STREET - T.R. VOL. 6  
1833-1864, Page 427

Street renamed Gardner Street.

ANN STREET - C.R. VOL. 3  
1856-1864, Page 391

Renamed Langdon Street.

ANTHONY STREET - C.R. VOL. 5  
1868-1873, Page 207

Renamed Union Street.

See also Page 192 - Union Street,  
Renamed Anthony Street.

ARK STREET - T.R. VOL. 6  
1833-1844, Page 426

Street renamed Penhallow Street.

ATKINSON STREET - C.R. 1964  
Page 146

Portion - Hearing held on discon-

BARHELDER'S LANE - T.R. VOL. 6  
1833-1844, Page 426

Street renamed Green Street.

BARTLETT STREET - C.R. VOL. 8  
1883-1888, Page 368

Name changed from Creek Street &  
Creek Road to Bartlett Street and  
Woodbury Avenue. See also C.R. Vol. 6 -  
Page 257, Mystic & Cambridge Sts. renamed  
Bartlett Street.

BAYCLIFF ROAD OR CANNEY'S COURT  
C.R. 1940-41, Page 134

Street accepted.

BERSUM LANE - C.R. January to June,  
1951, Page 98

Street running from Broad Street to  
Miller Avenue named.

See also page 85: Street running from  
Broad St. to Miller Avenue named. Referred  
to City Solicitor and City Manager with  
power.

Booth Avenue

Renamed Highliner Av 4/4/83

BORTHWICK AVENUE - C.R. 1973,  
Page 13 2/3/73

Portion of Borthwick Avenue  
has been completed and shown  
on plan prepared by McKenna  
Associates for Liberty Mutual  
Co. - accepted.

BOSS AVENUE - C.R. 1950, Page 85  
(March to Dec.)  
Accepted.

BOYAN DRIVE - C.R. 1968,  
Page 72

Accepted subject to approval  
of City Attorney.

BOYD ROAD - C.R. Vol. 4  
1864-1868, Page 98

Street accepted subject to  
being furnished with plan.

BOYD ROAD - C.R. 1954, Pages 89  
and 97:

Page 89: Closed within perimeter  
of Pease AFB.

Page 97: Discontinued within  
perimeter of Pease AFB.

BRACKET ROAD EXTENSION  
C.R. 1952, Page 201

Accepted.

BREWSTER STREET, T.R. VOL. 6  
1833-1844, Page 53

Street accepted to Mill Road.

BROAD STREET - T.R. VOL. 6  
1833-1844, Page 426

Street accepted.

BROAD STREET - C.R. VOL. 6  
1873-1878, Page 70

Street accepted.

BURKETT STREET - C.R. VOL. 6  
1873-1878, Page 257, 261

Street renamed Pitt Street, Pg. 257  
Street renamed Burkett St., Pg. 261

CALVIN COURT - C.R. 1954  
Page 89 and 97

Page 89: Closed within perimeters  
of Pease AFB.

Page 97: Discontinued within  
perimeters of Pease AFB.

CAMBRIDGE STREET - C.R. VOL. 6  
1873-1878, Page 257

Renamed Bartlett Street.

CHARLES STREET - C.R. 1964,  
Page 146

Hearing held on discontinuance -  
no further action in records.

CHATHAM STREET - C.R. VOL. 3  
1856-1864, Page 458

Street accepted.

CLIFF ROAD - C.R. 1952, Page 246

Accepted subject to utilities  
being constructed and rough  
grading being done.

CLINTON STREET - C.R. VOL. 9,  
1888-1891, Page 108

Accepted.

COACH ROAD Accepted 9/19/88.

COAKLEY ROAD - C.R. 1957,  
Page 236

Coakley Road accepted from the  
Coakley Heirs providing deed is  
given to the City and further  
providing that road be named  
Coakley Road.

COLD LANE - T.R. VOL. 6  
1833-1844, Page 427

Street renamed Richmond Street.

COLONIAL DRIVE - C.R. 1941-42  
Page 100

Accepted.

COLONIAL PINES STREETS - C.R. 1979  
Page

Warranty Deed from Bea-Ric Development Co., Inc. for streets in Colonial Pines (off Lafayette Rd.) Robert Avenue, Ricci Avenue, Joan Avenue and Ann Avenue - voted for acceptance.

COLUMBIA COURT - C.R. VOL. 10  
1892-97, Page 330

Named and accepted.

COLUMBIA STREET - C.R. VOL. 10  
1892-97, Page 119

Street named.

COOLIDGE DRIVE EXTENSION -  
C.R. 1957, Page 182

Extension of Coolidge Drive in front of Lots #72 and #74 accepted. (Elwyn Park).

CORNWALL STREET - C.R. VOL. 4  
1864-1868, Page 434

Street accepted.

COTTAGE STREET - C.R. 1900-03  
Page 457

Accepted.

COURT PLACE - T.R. VOL. 6  
1833-1844, Page 426

Street unnamed - named Court Place.

COURT STREET - T.R. VOL. 6  
1833-1844, Page 426

Street named Pleasant Street.  
See also Jaffrey St. renamed Court S.

CREEK STREET & CREEK ROAD -  
C.R. VOL. 8, 1883-1888,  
Page 368

Renamed Bartlett Street and Woodbury Avenue.

CROP STREET - T.R. VOL. 6  
1833-1844, Page 426

Street renamed Hanover Street.

CUSHING STREET - C.R. 1903-07  
Page 146 and 252

Discontinued.

CUTTS ROAD - C.R. 1897-1900  
Page 195

Discontinued.

CUTTS STREET - C.R. 1900-03  
Page 252

Partial discontinuance.

CHARLES STREET - T.R. VOL. 6  
1833-1844, Page 426

Street named Liberty Square - renamed Charles Street.

CHAPEL STREET - T.R. VOL. 6  
1833-1844, Page 426

Street named Rosemary Street renamed Chapel Street.

COURT STREET - T.R. VOL. 6  
1833-1844, Page 426

Street named Pitt Street renamed Court Street.

CHESTNUT STREET - T.R. VOL. 6  
1833-1844, Page 426

Prison Street renamed Chestnut St.

CHAUNCEY STREET - C.R. 1897-1900  
Page 70

Wibird Place renamed Chauncey  
Street.

CANNEY'S COURT - C.R. 1940-41  
Page 134

Also named Baycliff Rd.  
Street accepted.

CABOT STREET - C.R. VOL. 3  
1856-1864, Page 54

Lime Street renamed Cabot Street.

GRANITE STATE AVENUE - C.R. 1900-03  
Page 257

Renamed Sagamore Avenue

HIGH STREET - C.R. 1961, Page 343

Portion discontinued as described  
in records.

\* FARM LANE - Portion intersecting w/ Spaulding Trpk  
discontinued - 9/9/85  
1/13/86 - Reopened Farm Ln.

F.W. Nafford Dr, Phase III 10/6/86



DANIEL STREET - C.R. 1921-24  
Page 139

Daniel Street changed to  
Daniels Street.

DEARBORN STREET EXTENSION,  
C.R. 1942-1944, Page 126

Street accepted from Dennett  
Street to a point 100 feet beyond  
House #102 on Dearborn St. Extension.

Page 140: Vote to accept street  
rescinded. Street accepted to  
the southern side of the driveway  
at House #102.

DECATUR ROAD - C.R. 1941-42  
Page 100

Accepted.

DENNETT STREET - C.R. VOL. 6  
1873-1878, Page 257

Street named.

DOCK STREET - T.R. VOL. 6  
1833-1844, Page 426

Street renamed Hancock Street.

DODGE AVENUE EXTENSION - C.R. 1957,  
Page 150

Voted to accept provided City is given  
deed for fifty feet or roadway.

Page 176: Extension accepted subject  
to City receiving deed of fifty foot  
strip of land.

DORIS AVENUE - C.R. 1940-41  
Page 151

Street accepted for a distance of  
330 feet.

DOVER STREET - C.R. VOL. 4  
1864-1868, Page 58

Street accepted.

DOWNING STREET - C.R. VOL. 1  
1849-1853, Page 249

Street named.

DUPRAY COURT - C.R. 1973,  
Page 50

Abandoned.

DUTTON AVENUE - C.R. 1921-24  
Page 110

Street leading from State Street  
to Memorial Bridge named.

FRANKLIN STREET - C.R. VOL. 1  
1849-1853, Page 502

Street accepted.

HUMPHREY'S COURT - C.R. 1903-1907  
Page 6

Street accepted.

HUMPHREY'S COURT - C.R. 1908-13  
Page 299

Changed to Humphrey's Street  
and accepted.

EAST PARK STREET - C.R. VOL. 6  
1873-1878, page 82

Street accepted.

ECHO AVENUE - C.R. 1954,  
page 89

Closed within perimeter of  
Pease AFB.

Page 97: Discontinued  
within perimeter of Pease  
AFB.

C.R. 1957, Pg. 120-West of Spur Rd.  
so-called - discon.

ELM COURT - C.R. VOL. 9  
1888-91, page 172

Accepted.

ELM STREET - C.R. VOL. 8  
1883-88, page 368

Renamed Maplewood Avenue.

ELM STREET - C.R. 1952,  
page 245

Accepted subject to rough  
grading and having sewer and  
water pipes installed.

ELWYN PARK - C.R. 1957,  
page 134

Certain unnamed streets -  
acceptance referred to  
City Manager with power.

Page 250: List of  
streets accepted or  
constructed.

CR 1947, Pg. 28 - unnamed Streets Elwyn  
Pk - accepted subject to mtng specific.  
FAIRVIEW AVENUE - C.R. 1952  
page 389

Accepted.

FELLS ROAD - C.R. 1956,  
page 95

Accepted.

FERRY WAYS - C.R. VOL. 5  
1868-73, page 35

Street discontinued.

FETTER LANE - T.R. VOL. 6  
1833-44, page 426

Street renamed Warren Street.

FORE STREET - T.R. VOL. 6  
1833-44, page 426

Street renamed Market Street.

FRENCHMAN'S LANE - C.R. 1914-16  
page 234

Street discontinued.

FRIEND STREET - C.R. VOL. 10  
1892-97, page 468

Named and accepted.

~~ROAD~~ *T.J.* GAMESTER DRIVE - 3/5/85  
GARRETT COURT - C.R. 1973,  
page 50

Abandoned.

*Gardner Street*  
GEORGE'S TERRACE - C.R. 1941-42,  
page 100

Accepted.

GOSLING ROAD - C.R. 1954,  
Pages ~~69~~ and 97

Page ~~69~~ *96* Closed within perimeter  
of Pease AFB.

Page 97: Voted to rescind decision  
condemning said street due to joint  
ownership with Newington.

GRANT AVENUE - C.R. 1973,  
Pages 74 and C.R. 1953, Pg. 140

Page 74: Grant Avenue accepted  
subject to City Engineer's approval  
of Avenue.

Page 140: Accepted 90 feet along  
its length.

GREEN STREET - C.R. 1973,  
Page 50

Between Boston & Maine  
right-of-way - abandoned.

GREENSIDE AVENUE - C.R. 1940-41  
Page 151

Street accepted for a distance  
of 300 feet.

GREENLEAF WOODS DRIVE  
*Accepted CR 3/28/82*

HALL COURT - C.R. 1941-42  
Page 100

Accepted.

HANCOCK PLACE - C.R. 1964,  
Page 146

Hearing held on discontinuance -  
no further action in records.

HANCOCK STREET - C.R. 1964,  
Page 146

Hearing held on discontinuance -  
no further action in records.

W. HARTFORD DRIVE - *3/5/85*

HAVEN ROAD - C.R. 1940-41,  
Page 21

Street accepted.

HIGHLAND STREET - C.R. VOL. 7  
C.R. 1878-1883, Page 165

Street accepted.

Page 166: Vote to accept  
street rescinded.

HILL STREET - C.R. VOL. 4,  
1864-1868, Page 381

Street accepted.

HILLCREST DRIVE - C.R. 1956,  
Page 86

Accepted for distance of 977 feet  
subject to completion of work.

HILLSIDE DRIVE - C.R. 1940-41,  
Page 149-150

Street accepted.

HOLLY LANE - C.R. 1954, Page  
206 and 223

Page 206: Accepted subject to  
receiving deed.

Page 223: Deed accepted.

HOOVER DRIVE - C.R. 1979,  
Page

Deed from Bea-Ric Development  
Co., Inc. accepted for Hoover  
Drive (Elwyn Park):

HORSE LANE - T.R. VOL. 6  
1833-1844, Page 427

Street renamed Liberty Alley.

HOWARD STREET - C.R. VOL. 1  
1849-53, Page 539

Street accepted.

JACKSON STREET - T.R. VOL. 7  
1844-1849, Page 230

Street accepted.

JACKSON STREET - C.R. 1970,  
Page 98

Street discontinued.

JAFFREY STREET - T.R. VOL. 6  
1833-1844, Page 426

Street renamed Court Street.

Andrew Jarvis Drive *5/6/91*

JEFFERSON STREET - C.R. 1964,  
Page 146

Hearing held on discontinuance -  
no further action in records.

JOSHUA STREET - T.R. VOL. 6  
1833-44, Page 426

Street renamed Auburn Street.

JUNKINS AVENUE - C.R. VOL. 10  
1892-1897, Page 328

Named.

LANGDON STREET - C.R. VOL. 6  
1873-1878, Page 78

Renamed Burkett Street.

LIBERTY STREET - C.R. 1964,  
Page 146

Hearing held on discontinuance -  
no further action in records.

LIBERTY SQUARE - T.R. VOL. 6  
1833-1844, Page 426

Street renamed Charles Street.

LIME STREET - C.R. VOL. 3  
1856-1864, Pages 50 and 54

Page 50: Street accepted from  
Islington to McDonough Street.

Page 54: Street accepted for  
whole length; Street renamed  
Cabot Street.

LITTLE HARBOR ROAD - C.R. VOL. 1  
1849-1853, Page 184

Street named.

MADISON STREET - C.R. VOL. 6  
1873-1878, Page 40

Street accepted from Austin Street  
to Middle Street.

MANNING PLACE - C.R. 1964, Page 146

Portion - Hearing held on discontinuance - no further action in records.

MANNING STREET - C.R. 1964,  
Page 146

Portion - Hearing held on discontinuance - no further action in records.

MAPLE HAVEN - UNNAMED STREET  
ADJACENT TO WINCHESTER ST. -  
C.R. 1960, Page 212

Unnamed street discontinued.

MARGINAL ROAD - C.R. 1903-07  
Page 25

Changed to Parrott Avenue.

MARJORIE STREET - C.R. January  
to June, 1951, Page 2

Street accepted.

MARIETTE DRIVE - C.R. 1958,  
Page 469

Mariette Drive or a portion thereof  
accepted.

*Mariette's Village Street discontinued*  
MARKET STREET - C.R. 1921-24 <sup>3/2/87</sup>  
Page 250

Discontinuance of part of for  
Boston & Maine Railroad.

*2/19/82 Approved extension to Woodbury Av  
2/89 Deleted 'Ext' from Marlboro St*

MARLBORO STREET - C.R. VOL. 9  
1888-1891, Pages 303 and 336

Page 303: Changed to Hanover St.

Page 336: Changed to Hanover St.

MARSTON AVENUE - C.R. 1913,  
Page 49

Marston Avenue accepted.

MARSTON STREET - C.R. 1925-27  
Page 191

Street accepted.



MASON AVENUE - C.R. 1941-42  
Page 100

Accepted.

MASSEY-ACKERMAN STREET -  
T.R. VOL. 6, 1833-1844  
Page 426

Street renamed Howard Street.

MAST STREET - C.R. 1964,  
Page 146

Hearing held on discontinuance -  
no further action in records.

McDONOUGH STREET - C.R. VOL. 5  
1868-1873, Page 74

Street accepted.

C.R. 1941-42, Page 153:

Accepted.

McGee Drive *formerly portion of Circuit Rd  
between Market St and Maplewood  
highway renamed 11/18/85*

McNABB COURT - C.R. 1952  
Page 245

Accepted.

McKINLEY ROAD - C.R. 1955  
Page 130; Accepted.

McKINLEY ROAD EXTENSION - C.R. 1955  
Page 184; Accepted.

MELCHER STREET - C.R. VOL. 1  
1849-1853, Page 539

Street accepted subject to  
having plan filed.

Meredith Way - *Renamed a portion of  
Pine St. CC adopted 8/5/91.*

MILL STREET - T.R. VOL. 6  
1833-1844, Page 426

Street renamed Vaughan Street.

MILL STREET - C.R. VOL. 1  
1849-53, Pages 140, 141

Street renamed Elwyn Street.

MILLER'S AVENUE - C.R. VOL. 5  
1868-1873, Pages 192 and  
353, 366:

Page 192: Street named.

Page 353: Street renamed  
Summer Street.

Page 366: Renamed Miller's Ave.

MOEBUS TERRACE - C.R. 1960,  
Page 265

Street accepted.

MONROE STREET - C.R. 1936-38  
Page 99

Street accepted.

MORNING STREET - C.R. VOL. 5  
1868-73, Page 35

Street accepted.

MT. VERNON STREET - C.R. VOL. 5  
1868-1873, Page 219

Street accepted.

MYRTLE STREET - C.R. VOL. 10  
1892-97, Page 383

Renamed Myrtle Avenue.

MYSTIC STREET - C.R. VOL. 6  
1873-78, Page 257

Renamed Bartlett Street.

NEWCASTLE AVENUE (REAR)  
C.R. 1954, Page 27

Changed to Pleasant Point Road  
if no legal objections.

NEWTON AVENUE - C.R. 1964,  
Page 146

Hearing held on discontinuance -  
no further action in records.

NORTH SCHOOL STREET - C.R. VOL. 1  
1849-1853, Page 97

Street renamed Prospect Street.

NORTH AVENUE - C.R. VOL. 8  
1883-1888, Page 368

Renamed Maplewood Avenue.

NORTH STREET - C.R. VOL. 8  
1883-1888, Page 368

Renamed Maplewood Avenue.

Omne Road Renamed Arthur K. Brady Jr., Dr.  
3/5/90  
NORTHWEST STREET - C.R. VOL. 6  
1873-1878, Page 550

Street named.

Oakwood Dr (11-17-86)  
OXFORD ROAD - C.R. 1957,  
Page 115

Accepted.

O'Leary Place : cul-de-sac off  
Fairview Ave 8/15/89  
PARADE STREET - T.R. VOL. 6  
1833-1844, Page 426

Street renamed Market Square.

PARKER STREET - C.R. VOL. 3  
1856-1864, Page 430

Street acceptance referred to  
committee on streets with  
power.

PARKER'S STREET - T.R. VOL. 7  
1844-1849, Page 104 & 286

Partial discontinuance.

PARTRIDGE STREET - T.R. VOL. 6  
1833-1844, Page 426

Street renamed Water Street.

PEARL STREET - T.R. VOL. 6  
1833-1844, Page 427

Street accepted.

PEARL STREET - T.R. VOL. 7  
1844-1849, Page 104

Part discontinued.

PEARSON STREET - C.R. 1928-32  
Page 183

Street accepted.

PEIRUS LANE - T.R. VOL. 6  
1833-1844, Page 427

Street renamed Manning Street.

Penhallow street  
PENN STREET - C.R. VOL. 5  
1868-1873, Page 219

Street accepted. Street  
renamed Rockingham Street.

PINE STREET - C.R. VOL. 8  
1883-1888, Page 226-227

Accepted.

Portion deeded to Mayo + Cohen  
6/4/90.  
PINEHURST STREET - C.R. 1933-35  
Page 105

Street and deed accepted.

PLEASANT POINT - C.R. 1955  
Page 184

Acceptance of Parcel C.

PLEASANT POINT DRIVE - C.R. 1955  
Pages 131-132

Acceptance upon completion of  
works parcels A and B.

PITT STREET - C.R. VOL. 6  
1873-1878, Page 261

Renamed Burkett Street.

PITT STREET - T.R. VOL. 6  
1833-1844, Pg. 426 - Street renamed Court Street.

POND STREET - T.R. VOL. 6  
1833-1844, Page 426

Street renamed Warren Street.

PRISON STREET - T.R. VOL. 6  
1833-1844, Page 426

Street renamed Chestnut Street.

RAITTS COURT - C.R. 1973,  
Page 50

Abandoned.

~~Richards Street~~  
~~Richmond St.~~

ROCK STREET - T.R. VOL. 7  
1844-1849, Pages 104 and 286

Pg. 104: Part discontinued.  
Pg. 286: Partial discontinuance.

ROCKINGHAM AVENUE - C.R. VOL. 10  
1892-97, Page 383

Changed to Myrtle Avenue.

C.R. 1954, Page 97:

Discontinued within perimeter of  
Pease AFB.

ROCKINGHAM STREET - C.R. 1921-24  
Page 173

Portion of Rockingham Street lying  
between McDonough St. and land of  
Boston & Maine Railroad is discontinued.

RIDGES COURT - C.R. 1921-24,  
Page 170

Street accepted subject to City  
Solicitor's getting proper plans.

ROCKLAND STREET - C.R. VOL. 10,  
1892-97, Page 200

Accepted.

ROSEMARY STREET - T.R. VOL. 6  
1833-1844, Page 426

Street renamed Chapel Street.

RUSSELL STREET - C.R. 1973,  
Page 50

Abandoned.

SAGAMORE GROVE - C.R. 1958,  
Page 496

Right-of-way on Sagamore Avenue  
accepted.

SAGAMORE ROAD - C.R. VOL. 1  
1849-1853, Pages 168, 184, 186

Pg. 168: Part completed accepted.  
Pg. 184: Street named.  
Pg. 186: Part completed accepted.

SAGAMORE ROAD - C.R. 1900-03  
Page 43 and 257  
Pg. 43: Renamed Granite State Ave.  
Renamed Sagamore Avenue. (Pg. 257)

SALEM STREET - C.R. VOL. 4  
1864-1868, Page 427

Street accepted.

SCOTT STREET - C.R. 1921-24  
Page 110

Street leading from Daniel Street  
to Memorial Bridge is named.

SCHOOL STREET - C.R. 1973.  
Page 50

Abandoned.

SHEFFIELD ROAD - C.R. 1957,  
Page 137

Portion meeting requirements  
accepted.

SHERBURNE ROAD - C.R. 1942-44,  
Page 82

Discontinuance of part for expan-  
sion of Portsmouth Airport.

C.R. 1954, Pg. 97: Discontinued  
within perimeter of Pease AFB.

SHORT STREET - T.R. VOL. 6  
1833-1844, Page 426

Street renamed Vaughan Street.

C.R. VOL. 1, 1849-1853,  
Page 140, 141:

Renamed Elwyn Street.

SHURMAN AVENUE - C.R. 1941-42  
Page 100

Accepted.

SOUTH MILL STREET - C.R. VOL. 9  
1888-1891, Page 419

Accepted.

SOUTH ROAD - C.R. VOL. 10,  
1892-97, Page 475

Renamed South Street. *No width*

SOUTH SUMMER STREET - C.R. VOL. 5  
1868-1873, Page 192

Street accepted.

SPARHAWK STREET - C.R. VOL. 6  
1873-78, Page 68

Street accepted.

SPRING STREET - T.R. VOL. 6  
1833-1844, Page 427

Street renamed Parker Street.

SPRING STREET - C.R. VOL. 8,  
1883-1888 - Page 378

Street running from Miller Ave.  
to Broad Street accepted.

*Springbrook Circle 7/7/86 accepted.*

STONE CHURCH STREET - C.R. VOL. 1  
1849-1853, Page 242

Partial discontinuance.

*Succi, Michael Drive*

*Road from Market St. leading to  
national Gypsum plant. 2/1/81*

SUDBURY STREET - T.R. VOL. 1  
1844-1849, Page 104

Street discontinued.

SULLIVAN STREET - C.R. VOL. 6  
1873-1878, Page 257

Street named.

SUMMER STREET - C.R. VOL. 5  
1868-1873, Page 366

Street renamed Miller's Avenue.

SUMMIT AVENUE - C.R. 1938-39  
Page 169

Street accepted for distance  
of 301 feet.

SUNSET ROAD - C.R. 1953,  
Page 216

Accepted.

CR March to December, 1950, Page 85

Accepted.

SUTTON STREET - C.R. 1940-41,  
Page 149

Street accepted for a distance  
of 330 feet.

TAFT ROAD EXTENSION - C.R. 1979,  
Page

Deed from Bea-Ric Development Co.,  
Inc. accepted for Taft Rd. Ext.  
(Elwyn Park)

THAXTER ROAD - C.R. 1928-32  
Page 133

Street accepted for 60 feet  
beyond hydrant.

C.R. 1953, Page 216: Accepted.



THORNTON STREET - C.R. VOL. 6  
1873-78, Page 257

Street named.

THORNTON STREET EXTENSION -  
C.R. 1955, Page 103

Abandoned.

UNION STREET - C.R. VOL. 4  
1864-1868, Page 381

Street accepted.

UNION STREET - C.R. VOL. 5  
1868-1873, Page 192

Renamed Anthony Street.

UNION STREET - C.R. VOL. 6  
1873-1878, Page 70, 470, 481, 461

Pg. 70: Accepted between Lincoln Avenue and Hawthorne Street.

Pg. 470: Work on street finished - street accepted.

Pg. 481: Vote to accept street rescinded until proper deed available.

Pg. 461: Street accepted subject to being finished.

VAUGHAN STREET - C.R. VOL. 1  
1849-1853, Page 140

Street renamed Elwyn Street.

C.R. VOL. 9, 1888-1891, Page 482:

Section running from corner near storehouse to Maplewood Avenue renamed Raynes Avenue.

Portion between Deer + Old Russell abandoned  
7-1-85

VENUS STREET - C.R. 1963, Page 254

Accepted.

Renamed Omne Road 10/13/84

VERSAILLES AVENUE - C.R. 1961,  
Page 313.

Versailles Avenue from Jones Avenue 237.7 feet southeasterly, accepted.

VICTORY ROAD - C.R. 1941-42,  
Page 100

Accepted.

VINE STREET - C.R. 1953, Page 134

Accepted.

WALL STREET - C.R. 1973, Page 50

Abandoned.

WALLACE STREET - C.R. 1903-07,  
Page 15

Changed to Newton Avenue.

WARREN STREET - C.R. 1897-1900  
Page 422

Changed to Porter Street.

WATER STREET - C.R. VOL. 10  
1892-97, Page 221

Changed to Marcy Street.

WATER STREET - C.R. 1925-27  
Page 83

Street changed to Marcy Street from State Street to Newcastle Avenue.

WENDELL STREET - C.R. 1970,  
Page 98

Discontinued.

WENTWORTH ACRES, Streets, Water  
Lines, Sewer Lines, etc. - C.R. 1957  
Page 177, (Pg. 250 - List of street  
constructed or accepted  
Page 177: Report concerning accept  
ance of all streets water, sewer

WENTWORTH STREET - C.R. VOL. 1  
1849-53, Page 535

Accepted.  
West Road - in the Lafayette Rd. Subdivision  
Accepted 8/5/85

WEST STREET - C.R. VOL. 8  
1883-1888, Page 287

Street running from #74 Middle  
Street named.

WEST STREET - C.R. 1917-20  
Page 381

Street changed to Aldrich Road:

West Road - 8/5/85

WHIDDEN PLACE - C.R. 1964,  
Page 146

Hearing held on discontinuance-  
no further action in records.

White Cedar Boulevard 6/6/88

WHIPPLE COURT - C.R. 1941-42,  
Page 100

Accepted.

WHIPPLE STREET - C.R. VOL. 6  
1873-78, Page 257

Street named.

WIBIRD PLACE - C.R. 1897-1900  
Page 70

Renamed Chauncey Street.

WINCHESTER STREET - C.R. 1958,  
Page 434

Winchester Street accepted  
subject to approval of  
City Attorney as to form of  
deed. (Maple Haven)

WINTER STREET - C.R. VOL. 1  
1849-53, Page 411

Street accepted subject to  
being graded.

C.R. VOL. 4, 1865-68 Page 434:  
Street accepted.

WOODBURY AVENUE PORTION -  
CR. 1958, Pages 479 & 488

Pg. 479: Portion of Woodbury  
Avenue previously discontinued  
by State of NH discontinued by  
City and abandoned portion quit-  
claimed in return for easement  
across property of Rockford  
Realty, Inc.; this road may have  
been partly reconsidered.

Pg. 488: Description of area  
discontinued.

Abandoned old section 4/29/91  
(West of Durgin Ln.)

WOODBURY STREET - C.R. VOL. 8  
1883-1888, Page 368

Renamed Thornton Avenue

WOODLAWN CIRCLE - C.R. 1956,  
Page 86

Accepted for 977 feet subject  
to completion of work.

WORTHEN ROAD - C.R. 1941-42,  
Page 100

Accepted.

WRIGHT AVENUE - C.R. 1921-24  
Page 110

Street leading from Daniel Street  
to State Street named.

MISCELLANEOUS STREET INFORMATION:

UNNAMED STREET CONNECTING MYRTLE AVENUE  
WITH MAPLEWOOD AVENUE - C.R. 1957,  
Page 115

Accepted subject to approval of form  
of deed.

UNNAMED STREET CONNECTING MYRTLE AVENUE  
AND MAPLEWOOD AVENUE, C.R. 1957,  
Page 138

City Attorney finds part of deed  
objectionable; thinks he can resolve.

LIST OF STREETS EITHER ACCEPTED OR  
CONSTRUCTED - C.R. 1957, Page 250

Meadowbrook Park, Wentworth Acres,  
Elwyn Park, Woodlawn Circle, Ocean  
Road, Winchester or Maple Lane,  
Moulton Development, Pleasant Point  
Drive, Sheffield Road, Fells Road,  
Sims Avenue. These streets are  
contained in Manager's report  
and are not formal votes.

NEW STREETS UNNAMED - C.R. 1897-1900  
Page 306

Street running from Middle Street to  
Middle Road - accepted.

ROAD ACROSS SOUTH MILL POND -  
C.R. VOL. 10, 1892-97, Page 128

Discontinued.

STREET UNNAMED - C.R. 1917-20,  
Page 564

Changed to Ward Place or Ward  
Street. Street leading from  
Middle Road to Lafayette School.

STREET UNNAMED - C.R. 1903-07  
Page 15

Changed to Scrutin Street.

STREET UNNAMED - C.R. VOL. 9  
1888-1891, Page 397

Street running from South Mill  
Street to Mechanic Street -  
referred to the Committee on  
Streets with power.

STREET UNNAMED - C.R. VOL. 8  
1883-1888, Page 144

Street leading from Middle Street.  
Where it leads to is not mentioned.  
Accepted.

PUBLIC WALKWAY - C.R. 1973,  
Page 50

Between Hill & Hanover Streets  
and between Deer & Raynes Avenue -  
abandoned.

NEW ROAD UNNAMED - C.R. 1941-42  
Page 162

Road running from Sherburne Road  
to the boundary line between the  
City of Portsmouth and the Town  
of Newington - discontinued for  
purpose of Portsmouth Public  
Airport.

UNNAMED STREET RUNNING BETWEEN  
PROPOSED WOODLAWN CIRCLE AND HILLCREST  
DRIVE (PART OF WOODBURY PARK)  
C.R. 1955, Page 165

Discharged.

STREET UNNAMED - C.R. 1950  
March to December, Page 142

Street running between Miller Avenue  
and Broad Street accepted.

SERVICE ROAD (ALONGSIDE SPUR ROAD)  
C.R. 1953, Pages 284-85

Accepted subject to receiving  
deed.

NEW HIGHWAY UNNAMED - C.R. VOL. 4  
1864-1868, Page 414

Street discontinued.

HIGHWAY UNNAMED - C.R. VOL. 4  
1864-68, Page 423

Street discontinued.

BACKROAD - C.R. 1908-13,  
Page 373

Changed to Peverly Hill Road.



*Paper Streets Deeds*  
*File # 20-06*

1/17/1977

STREETS IN PORTSMOUTH

A Adams Ave. \*  
Albany Street \*  
Aldrich Court  
Aldrich Road - v17 p 556 deed \*  
Artwill Avenue - 4/9/43 p 217  
Ash Street \* 6/29/72 xx (not accepted per P.B. person)  
Ashland Street  
Atkinson Street  
Austin Street - deed 1834 \*  
Autumn Street  
Alumni Drive 7/1/57 - 1956  
\* Anne Avenue 2/5/79

1833- 856  
Town  
Records

B Ball Street  
Banfield Road p 186 (city) \*  
Barberry Lane  
Bartlett Street  
Bay Cliff Road\* v25 -p184  
Beechwood St.  
Benson Street \* (need deed)  
Bersum Lane \*  
Birch Street  
Blossom St.  
Boss Avenue \*9/7/1950  
Bow Street  
Boyd Road \*v-4 p98  
Brackett Road \*6/2/55  
Brackett Lane \* 6/2/55  
Brewster Street  
Bridge Street  
Broad Street \*  
Burkitt Street \*  
Booth Avenue \* -> changed to High Liner  
Borthwick Avenue \* 2/5/73 portion

all off  
Pembroke

\* Colonial Pine Streets-2/5/79  
Colonial Pines Rd.\*- part of 12/6/76  
Colonial Drive \* v26 -P100 & 110  
Colonial Street  
Columbia Street -  
Columbia Court  
Commercial Place  
Concord Way  
Congress St. x 10/7/57  
Coolidge Dr xx  
Coolidge Dr. Ext \*  
Cornwall Street lot 72-74  
Cottage Street \* v12 -p457  
Court Street -  
Court Place \* deed L. Pickering 9/15/1843  
Cut off Myrtle & Maplewood Aves. 7/1/57

D

Daniel Street \*  
Davis Road \* 11/8/74  
Dearborn Street  
Dearborn St. Ext. \* v27 p44 275 ft.  
Dearborn Place  
Decatur Road \* v26 P 100 & 110  
Deer Street  
Dennett Street -  
Depot Avenue  
Dodge Ave \* 10/7/57 ext 9/4/52  
Doris Avenue \* v-25 - p157  
Dover Street \* v2 p451  
Durgin Lane  
Dutton Avenue  
Diamond 4-134  
Denise Street \*  
Dwight Avenue \*

7/1/57

C

Cabot Street  
Caldwell Avenue  
Calvin Court 11/28/50  
Cass Street  
Cate Street \* portion of Cate St.- 12/6/76  
Cedar Street  
Central Avenue xx Mun services  
Ceres Street discontinued  
Chapel Street  
Chapel Court  
Charles Street  
Chatham Street \* v3 p 458  
Chauncey Street  
Chestnut Street  
Church Street  
Circuit Road \*  
Cliff Road xx Mun services  
Clinton Street \* p 108 part of  
Coffin's Court xx  
Cleveland Drive \*  
Clover Lane xx  
Coakley Road x (deed needed) 11/25/57

E

Echo Ave west of Spur Rd. abandoned  
Edward Street  
Elm Court \* v9 p172  
Elywn Avenue  
Elwyn Road  
Essex Avenue \*  
Exchange Avenue  
Elm Street  
Edmond Avenue \*  
Atlantic Heights:  
All Streets \*

C & A streets in Industrial Park  
accepted 1/3/77

High Liner Ave.

Remained in place since 11/10/85  
CASH RD - accepted 9-19-88

\*ACCEPTED STREET

named 11/10/85 o some deeds  
1982  
Constitution Ave. accepted 5/11/88 8/15/85

\* FARM LANE - portion discontinued (intersection w/ Spruiling Trpk) 9/9/85

F. W. Hartford  
Dr. placed 3  
10/6/86

STREETS IN PORTSMOUTH (2)

F Fairview Avenue \* 11/6/52  
Fairview Drive 11/23/42 p 189  
Falkland Way (H)  
Farm Lane \* 2/2/50  
Fernald Court  
Fields Road xx 1/6/58  
Fells Road 7/23/56 *FLEET ST.*  
Fletcher Street  
Foch Avenue \* (deed)  
Forest Street  
Foss Road  
Frame Point  
Franklin Street v1 p502 (1853)  
Freeman's Point v17 p433  
Frenchman's Lane  
Friend Street  
Filmore Road \*

G Garden Street  
Gardner Street *T.J. G-AMSTER DR. 3/5/85*  
Garrett's Court  
Gates Street \*  
Georges Terrace \* v2b p 100 & 110  
Gosling Road  
Granite Street \*  
Green Street  
Greenland Road \*  
Greenleaf Avenue *GREENLEAF WOODS DR. accepted CR 3/28/81*  
Greenside Avenue \* 300 ft-v25-p151  
Grant Avenue \* 8/6/73 file 4-7  
Garfield Road

H Haig Street \* *F.W. HARTFORD DR. 3/5/85*  
Hall Court\* v26 p100 & 110  
Hancock Street  
Hanover Street see Cross St also  
Harvard Street  
Haven Road \* v25 p2  
Hawthorne St.  
High Street -  
Highland St. \* v7 p165  
Hill Street \* v4 p291 xHillcrest Dr 972'  
Hillside Drive xx-v25 \* not wide enough  
Holly Street  
Holly Lane 10/7/54-deed need correcting  
Holmes Court  
Howard Street  
Humphrey's Court \* v14-p299  
Hunking Street  
Harding Road \*  
Hillicrest Dr. \*  
Hayes Place

I Islington Street \*

\* Joan Avenue 2/5/79  
J Jackson Hill  
Jackson Street \* abandoned 1970  
*abandoned 1970 1849 v7-p230*

Jefferson Street  
Jenkins Avenue  
Jewell's Court  
Joffre Terrace  
Johnson Court

- Jones Avenue - xx  
Joseph Street  
Junkins Avenue \*  
K Kearsarge Street \*  
Kearsarge Way \*  
Kensington Road  
Kent Street

L Ladd Street  
Lafayette Road -  
Lang Road \*  
Langdon Street  
Lawrence Street \*  
Leavitt Avenue  
Lens Avenue \* (deed) 3/27/25 pg. 23  
Liberty Street *bk 794*  
Lincoln Avenue \* v5 p 279  
Linden Street  
Little Harbor Rd.  
Livermore Street  
Locust Street \* *See 1/19/78*  
Longmeadow Lane xx 100ft front *woodlawn*  
Lois Street  
Lookout Lane  
Lovell Street \*v10 p339  
Leslie Drive 11/1/58

M Madison Street  
Magnolia Street  
Mangrove Street \*  
Manning Place  
Manning Street  
Maple Street \* 2/2/50  
Maplewood Avenue *See 1/19/78*  
Mariette Dr *Bentley & W. and Lane*  
Marjorie Street \* 1/4/51  
Mark Street *MARTIN TERR*  
Market Street -  
Market Square  
Marne Avenue \* deed - 3/27/25  
Marston Avenue v15 p49 - v19 p19  
Mason Avenue \* v26 p 100 & 110  
Mast Street  
McClintock Avenue  
McDonough Street \*  
McKinley Road \* 10/24/55 (deed)  
McNabb Court \* 7/14/52

"H" all streets at heights accepted by City

Deed #  
1540

Heritage Ave  
Deed Vol 227  
Pg 1056

2/25/77  
Assessor's Office  
Two copies  
of deed

## STREETS IN PORTSMOUTH (3)

Meadow Road \* 2.2.50  
 Mechanic Street \*  
 Meeting House Hill  
 Melbourne Street v11 p443 deed  
 Melcher Street \* v1 p539 (1853)  
~~Martha Terrace \*~~  
 Mendum Avenue \* 10/18/13 v15 p69 (deed)  
 Merrimac Street  
 Middle Road  
 Miller Avenue \* v5 -p11  
 Mirona Road Ext \* 1/5/76  
 Mirona Road \* accepted 2/22/71 - 11/23/70  
 Moffatt Street  
 Monroe St. \* 4/29/27 v23 p99  
 Monteth Street - 00058 PARK  
 Morning St. \*v5 p35  
 Mount Vernon St. \* v5 p 219  
 Myrtle Avenue -  
 Mulberry Street \*

-MIDDLE ST-

N Newcastle Avenue \*  
 Newton Avenue \* v12 p453  
 Noble's Island  
 North School Street  
 Northwest Street \*  
O ~~OAKWOOD DR~~ (accepted 11-17-86)  
 Oak Street  
 Ocean Road -  
 Orange Street  
 Orchard Court Orchard Street v10 -p422-426

ORCHARD COURT

Oxford Avenue \* 7/1/51  
 Oxford Road 7.1.51  
P Park Street \* v15 - p 58 - deed 10/13/18  
 Pamela Street 11/4/57  
 Parket Street  
 Parker Place  
 Parrott Avenue  
 Partridge Street  
 Pearl Street \* v6 p714  
 Pearson Street \* v20 p183  
 Pierce Island  
 Penhallow Street deed 1807 8/20  
 Pegerly Hill Road \*  
 Pickering Avenue  
 Pickering Street  
 Pine Street \* v8 p226  
 Pinehurst Rd. \*v21 p105 10/4/56  
 deed 12/20 33-1/12/61  
 Plains Avenue  
 Pleasant St. -  
 Pleasant Pt. "parcel C"  
 Porpoise Way \* 10/24/55 - 245' long  
 Porter St  
 Pray Street \* v6 p608  
 Preble Way

Princeton Street  
 Profile Avenue \*  
 Prospect Street  
 Pleasant Pt. Dr. 12/1/55 - 12/28/60  
 Ricci Avenue 2/5/79  
 Robert Avenue 2/5/79  
 Raitt's Court  
 Raleigh Way \* (H)  
 Rands Court  
 Regina Road 9/4/64  
 Ranger Way (H)  
 Raynes Avenue  
 Richards Avenue \*  
 Richmond Street  
 Ridges Court \* 3/31/1924  
 Rock Street  
 Rockaway Street  
 Rockhill Avenue \*  
 Rockingham Avenue \*  
 Rockingham Street \* v5 p219  
 Rockland Street \* v10 p200  
 Rogers Street  
 Russell Court (Alley)  
 Russell Street -  
 Rutland Street \* v11 p443 deed  
 Ruby File 4-134  
 Ruth \* file 4-151 3.1.71  
S Sagamore Avenue \* part vi p168  
 Sagamore Grove  
 Salem Street \* v4 p429  
 Salter Street  
 Saratoga Way \* (H)  
 School Street  
 Schurman Avenue \* v26 -p100 & 110  
 Scott Avenue  
 Scruton Avenue 6/24/1903  
 Sewall Road 1/6/58 xx  
 Shapleigh Island  
 Sheafe Street \*  
 Sheffield Road \* 10/4/56  
 Sherburne Avenue  
 Sherburne Road 6/23/52-leased to Govt-AMB  
 Sheridan Avenue  
 Sims Avenue \* deed  
 Snugharbor Avenue  
 South Street  
 South Mill Street \* v9 p419  
 South School Street  
 Sparhawk Street  
 Spinney Road  
 Spring Street \* v8 p404  
 Spruce Street

\*Accepted Streets  
 - part of

Last Rd  
 Deed  
 Vol 2276  
 Pg 1056  
 2/25/77  
 Deed.  
 in Assessor's  
 office

# STREETS IN PORTSMOUTH (4)

Stark Street  
 -State Street -  
 Sudbury Street \*  
 Summer Street \*  
 Summit Avenue \* 301 ft. v 24 p165  
 Sunset Road \* 4/20/53 deed  
 Sutton Avenue 390 ft v25 p72  
 Sheffield Road \* 10/11/56  
~~XXXXXX ROAD XXXX~~  
 Sapphire Street 1968 deed 4/134  
 Suzanne Drive \*

T Tanner Court  
 Tanner Street 12/13/1927  
 Thaxter Road \* 7/14/52 deed v20 - p183  
 Taylor Lane \*  
 Taft Road \*  
 Taccetta Estate Streets \* 1/3/77  
 Tyler Place -  
 Thornton Street  
 Thornton St. Ext. 5/23/55 portion abandoned  
 Truman Place \*

U Union Street \* v6 p470 from Hawthorne  
 to South St.

V Van Buren Ave 5/17/60  
 Vaughan Street -  
 Venus Street 8/29/63-recorded 9/4/63  
 Verdun Street \*deed 12/26/23--pg 235-bk 794  
 Versailles Avenue \*deed 12/26/23-pg 235-bk 794  
 Victory Road \* v26 p 100-110  
 Vine Street \* 5/23/53 50 ' wide  
 not wide enough

W Walden Street  
 Walker Bungalow Rd - 4/7/55 xx  
 Walker Street  
 Wall Street  
 Walnut Street  
 Walton Avenue  
 Ward Park  
 Washington Street  
 Westfield Rd. 7/6/58  
 Wendell Street abandoned 1970  
 Wentworth Street \* v1 p535 1853  
 Whidden Place \* West Road - 8/5/85  
 Whidden Street  
 Whipple Court \* v26 P100-110  
 Whipple Street  
 Wibird Street \*  
 Willard Avenue \*  
 Willow Lane  
 Wilson Road 8/17/49

WBBX ROAD (per memo 9/8/80 from Dan Ayer)

Winter Street  
 Witmer Avenue  
 Woodbury Avenue *FORMERLY NEWINGTON RD*  
 Woodlawn Circle \* 12/19/51  
 Woodworth Avenue  
 Worthen Road \* v26 P100-110  
 Wright Avenue \*deeded 5/26/52  
 Weald Road \*  
 Wedgewood Road \*  
 Winsor Road \*  
 \* Woodworth & Sweatt 9/17/46 *part str. comm.*  
 Wilson Road \*  
 Winchester St. \*

6/23/52

State St. reconstructed

State Dept: \$63,000

City Share: 12,000

Deeds: Home for Aged Women  
 Rockingham County Jail Bldg.  
 Snow Plowing etc. \$37,571.43  
 Library Annex (Cohen Estate)  
 Sand pet-Bach of Sherburne  
 School 6/23/52

*SHERBURN RD  
 6/23/52  
 to South St.*

*WESTFIELD RD  
 7/6/58*



(KERO)

(KERO)

*City of Portsmouth  
Court  
named by 70/10/79  
city still controlled*

STREETS IN PORTSMOUTH

\* Anne Avenue 2/5/79

\* Adams Ave

A

\* Albany Street

Aldrich Court

Aldrich Road\* 1/1/79 536 dead

Artwill Avenue Bl. SP. Dm. 1/1/79 1,217

\* Ash Street

Ashland Street

Atkinson Street

\* Austin Street - del - 1974

Autumn Street

Alumni Drive 7/1/57 1956

B

Bell Street

\* Banfield Road\* (Rd. - VI 1986 (cut))

Banberry Lane

Bartlett Street

Baycliffe Road\* V. 25 1934

Beechwood Street

\* Benson Street (road closed)

\* Bersum Lane

Birch Street

Blossom Street

Boss Avenue 9.7.1950

Bow Street

Boyd Road\* V. 4 1978

6/2/55 - Brackett Road & Lane\* 6/2/55

dead

Brewster Street

Bridge Street

Broad Street

\* Burkitt

Bursum Lane

\* Booth & Northwick Aves

C

Capot Street

Caldwell Avenue

Calvin Court\* 1/1/28/50

Cass Street

Cato Street - portion of Cato St

Cedar Street

xx Central Avenue near. Services

Cores Street - discontinued

Chapel Street

Chapel Court

Charles Street

Chatham Street\* V. 3 1948

Chauncy Street

Chestnut Street

Church Street

\* Circuit Road

xx Cliff Road - Municipal Services

\* Clinton Street\* V. 9 1908 part of

xx Coffin's Court

xx Clover Lane \*Clareland Dr.

\* Coakley Rd. (road closed) 1/1/57/57

\* Accepted Streets

\* Municipal Services

- City of Colonial Pine Rd. accepted 10/16/76

C

\* Colonial Pines St. 2/5/79

Colonial Drive\* V. 26 1970

Colonial Street

- Columbia Street

Columbia Court

Commercial Place

Concord Way

\* Congress Street 10.25.79 1971

xx Coolidge Drive \*Coolidge Rd. 6.7.79

Cornwall Street 2.2.79

Cottage Street\* V. 2 1954

Court Street

Court Place - dead - 1975

Cutts Street

7/1/57 Cutts St. 1975 1973

dead

\* Daniel Street

Donahorn Street

Donahorn St. Ext. 2.7.79

Donahorn Place

Decatur Road\* V. 26 1970

Deer Street

Demott Street

Depot Avenue

9/4/52 Dodge Avenue\* 10/7/57

380/6 1957

Doris Avenue\* - Dodge Ave. Ept

Dover Street\* - V. 2 1951

Durbin Lane

Dutton Avenue

\* Dwyer Ave. Diamond 4-136

E

Echo Avenue - West

Edward Street

Elm Court\* V. 9 1972

Elwyn Avenue

Elwyn Road

Essex Avenue - Rd. 1

Exchange Avenue

ELM ST.

\* Elmwood Ave.

Atlantic Heights

All Streets\*

CYA Streets in Industrial Park  
accepted 1/3/77

Const.

Const. Highway Ave 8/1/50

named 11/10/50

see immediately 1/1/57-75

Portion of Farm Lane discontinued at intersection of Spaulding Tapk  
9/1/83

Streets in Portsmouth (2)

- Fairview Avenue \* 11/6/52
- Fairview Drive \* 1st St. 11/2/44
- Falkland Way (H)
- Farm Lane \* - 1/1/58
- Fields Road \* 1/6/58
- Fleet Street \* 1/23/56
- Fletcher Street
- Foch Avenue (dead)
- Forest Street
- Foss Road
- Fra me Point
- Franklin Street \* 1/1/58
- Frogman's Point 1/1/43
- Frenchman's Lane
- Exland Street
- \* Fillmore Rd.
- Garden Street T.J.G. Amester Drive 3/5/85
- Gardner Street
- Garrett's Court
- \* Gates Street
- Georges Terrace \* 1/26 P. 100/110
- Gealling Road
- \* Granite Street
- Green Street
- \* Greenland Road
- Greenleaf Avenue
- Greenside Avenue \* 300 ft - Vas - P157
- \* Grant Avenue 90' front of 383 accepted
- \* Hall Court \* 1/6 - P100/110
- Hancock Street
- Hanover Street
- Harvard Street
- Havon Road \* 1/25 - P11
- Hawthorn Street F.W. HARTFORD 1/4/57
- High Street
- Highland Street \* 1/4 P115
- Hill Street \* 1/11/55
- Hillside Drive \* 1/11/55
- Holly Street
- Holmes Court
- Howard Street
- Humphrey's Court \*
- \* Hunting Street
- \* Huntington Street
- Jackson Hill
- Jackson Street \* 1844 1/4 P130
- Jefferson Street
- Jenkins Avenue
- Jewell's Court

- \* Joan Avenue 2/5/79
- Joffro Terrace
- Johnson Court
- \* Jones Avenue \* 1/2
- Joseph Street
- Junkins Avenue \*
- \* Kearsarge St
- \* Kearsarge Way
- Kensington Road
- Kent Street
- Ladd Street
- \* Lafayette Road
- \* Lang Road
- Langdon Street
- \* Lawrence Street
- Leavitt Avenue
- \* Lens Avenue (dead) 1/1/35 - 1/1/79
- Liberty Street
- Lincoln Avenue \* 1/5 - P111
- Lindon Street
- Little Harbor Rd.
- Livermore Street
- Locust Street
- Loda Street
- Lockout Lane
- \* Lovell Street
- LESLIE DRIVE 1/1/58
- Madison Street
- Magnolia Street
- \* Mangrove Street
- Manning Place
- Manning Street
- Maple Street \* 1/1/58
- Maplewood Avenue
- Marcy Street
- \* Marjorie Street
- Mox Street
- \* Market Street
- Market Square
- \* Marino Avenue (dead) 1/1/79 - 1/1/235
- Marston Avenue \* 1/15 P149
- Mason Avenue \* 1/6 P100/110
- Maat Street
- McClintock Avenue
- McDonough Street \*
- \* McKinley Road \* 1/12/55 - dead
- Mellish Court \* 1/1/52
- Meadow Road \* 1/2/50
- \* Mechanics Street
- Mocking House Hill
- Melbourne Street - 1/1 P143
- \* Melcher Street \* 1/1 P131

\*Accepted Streets

"H" All streets at night accepted by City

\*MARIETTE DR.  
\*MARTHA TERR.

# Streets in Portsmouth

(3) \*Ricci Avenue 2/5/79  
\*Robert Avenue 2/5/79

M \*Mendum Avenue \*10/18/13 V15 P19 (died)  
Morrinac Street \*Morrinac Rd. 11/5/76  
Middle Road \*Morrinac Rd. Accepted 12/22/71  
-Middle Street  
Miller Avenue \* (So. Sumner St) V5 P11  
Moffatt Street  
\*Monroe Street \* 4/29/37 V23 P99  
Monteith Street - Dalgie Park  
Morning Street \* V5 P35  
Mount Vernon St. \* 12/15 P219  
-Myrtle Avenue  
\*MULBERRY ST.  
N New Castle Avenue \*  
Newton Avenue \* V12 P453  
Noble's Island  
North School Street  
Northwest Street \*

O Oak Street  
-Ocean Road  
Orange Street  
Orchard Court  
Orchard Street V10 P422-426  
\*Oxford Avenue

P \*Park Street \* 7/15/57  
Parker Street - Pamela St. 11/4/57  
Parker Place  
Parrott Avenue  
Partridge Street  
Pearl Street \* V6 P714  
Pearson Street \* V20 P183  
Pierce Island  
Penhallow Street died 1/507 9/20  
\*Peverly Hill Road  
Pickering Avenue  
Pickering Street  
Pine Street \* V8 P226  
\*Pinohurst Road \* V21 P105 10/4/56  
Plains Avenue  
-Plonant Street \* Pleasant St. "Poreal" C.  
\*Porpoise Way ATLANTIC 11/9/24/55-245 P1 long  
Porter Street  
Pray Street \* V6-P608  
Proble Way  
Princeton Street  
\*Profile Avenue Acres  
Prospect Street  
Pleasant Pt. Dr. (12-1-55)  
(12-25-60)

R Ralith's Court  
Raleigh Way (P) \*  
Rands Court

Reginald Rd. 9-4-64  
Ranger Way (P)  
Raynes Avenue \*  
Richards Avenue \*  
Richmond Street  
Ridges Court \* 3-31-1921  
Rock Street  
Rockaway Street  
\*Rockhill Avenue Acres  
Rockingham Avenue \*  
Rockingham Street \* V5 P219  
Rockland Street \* V10 P204  
Rogers Street  
Russell Court (Alley)  
-Russell Street  
Rutland Street \* V11 P443 died  
Rutland Street \* 7-24-134  
Sagamore Avenue \* Part VI P165  
Sagamore Grove  
Salem Street \* V4 P449  
Salter Street  
Saratoga Way (P) \*  
School Street  
Schurman Avenue \* V22 P107110  
Scott Avenue  
Seruton Avenue 6-24-1963  
Sevill Road 11/6/55 xx  
Shapleigh Island  
Shenando Street \* 11/11/55  
Shorburne Avenue  
Shorburne Road - 6/23/52  
Shoridan Avenue 10-11-55  
Sims Avenue died 10-11-55  
Snug Harbor Avenue  
South Street  
South Hill Street \* V9 P449  
South School Street  
Sparhawk Street  
Spinney Road  
Spring Street \* V8 P404  
Spruce Street  
Stark Street  
State Street  
Sudbury Street \*  
Summer Street \*  
Summit Ave. \*  
Sutton Ave. \*  
Swoett Avenue  
Sylvester St.  
Sunset Road \*  
Tanner Court  
Tanner Street (12-15-1927)  
Thaxter Road \* 11/11/52  
\*Taylor Lane V20 P133  
\*Sheffield Rd.  
\*Tart Rd.  
\*S. Zanne  
S. Zanne 1968 1-134

ROTH  
31-71 B  
Accepted  
File 4-151

3016  
V24-1915  
33016  
V25-1912

2

\*Accepted Streets

TACCHINI & SONS  
STREETS  
Accepted  
11/3/77

Post Rd  
Lead in  
Assessor  
Office

Lead 12-20-33  
1-12-61





Chuck and Allison Dudas  
32 Monteith Street  
Portsmouth, NH 03801

March 16th, 2022

City of Portsmouth  
c/o Peter Stith  
Zoning Board of Adjustment  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Variance Application  
Tax Map 143 Lot 22  
32 Monteith St  
Portsmouth, NH 03801

Dear Peter,

We are pleased to submit this memo and the attached documents in support of Zoning Relief for the construction of a garage with an accessory dwelling unit above within the side setback to be considered by the ZBA at the April 19, 2022 meeting.

Exhibits:

- Site Plan
- Plan Set- issued by Amy Dutton Home
- Site Photographs
- Tax Map 143

Property/Project

32 Monteith is a 30,644 sq ft lot with a single family home. The property is located in the Single Residence A District and borders North Mill Pond with street frontage along Monteith St and Thornton St. We are proposing to demolish the existing shed that is 2' from the side property line and require relief to construct an attached garage with accessory dwelling unit above that would be 8' from the side property line.

The project received a Wetlands Conditional Use Permit in June 2020 which showed the proposed garage at 10' from the side property line. A 1-year extension was granted to the Wetlands Conditional Use Permit in June 2021.

This variance application is a modification of the plans approved for the Wetlands Conditional Use Permit in that the proposed garage footprint is enlarged by 2' in

width and would be within the 10' side yard setback. No changes have been made to the plans within the 100' wetlands buffer.

The project is seeking the variance to enlarge the garage by 2' in width due to the location of the existing gas meter along the house. The existing gas meter will require bollards to be placed in front of it which will impact the placement of the garage doors and vehicle entry/exit of the garage. Without the additional 2' in width, the bollards could result in only allowing a single vehicle to utilize the two-car garage.

The project is pursuing a conditional use permit for the attached dwelling unit located above the garage at the April 21, 2022 Planning Board meeting.

#### Relief Required

Variance Section/Requirement	Existing	Proposed
<u>Portsmouth Zoning Ordinance</u> <u>10.521: Dimensional Standards</u> 10' Minimum Side Yard Dimension	2'	8'

#### Variance Criteria

*The variances will not be contrary to the public interest and the spirit of the ordinance is observed.*

The existing property is currently non-conforming with the shed located 2' from the side property line. The demolition of the shed and construction of a garage/ADU located 8' from the side property line would bring the property more in line with Zoning Ordinance which is a benefit to abutters and the greater public.

*Denial of the variances results in an unnecessary hardship.*

As noted above, due to the existing location of the gas meter and requirement for bollards in front of the gas meter, denial of the variance may impact whether the proposed 2-car garage can be utilized for its intended purpose.

*Substantial justice will be done by granting the variance.*

There would be no harm done to the public by granting this variance.

*Granting the variance will not diminish surrounding property values.*

The values of the surrounding properties will not be diminished by granting the variance. The project is in keeping with the character of the neighborhood and of the existing house.

For the reasons described above, we respectfully request the Board grant this variance.

Respectfully,

Two handwritten signatures in blue ink. The first signature is 'Chuck Dudas' and the second is 'Allison Dudas'.

Chuck & Allison Dudas

May 01, 2020 - 10:46am  
\\TFM-BEDFORD\Projects\Civil\Survey\MSG Projects\47375-00 - Dudas - 32 Monteith St - Portsmouth Survey\Drawings\47375-00\Survey.dwg

I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY THOSE UNDER MY DIRECT SUPERVISION AND ARE THE RESULT OF A FIELD SURVEY CONDUCTED SEPTEMBER 23, 2019 & IN JANUARY 2020. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. I FURTHER CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE, AND THE FIELD TRAVERSE SURVEY EXCEEDS A PRECISION OF 1:15,000.



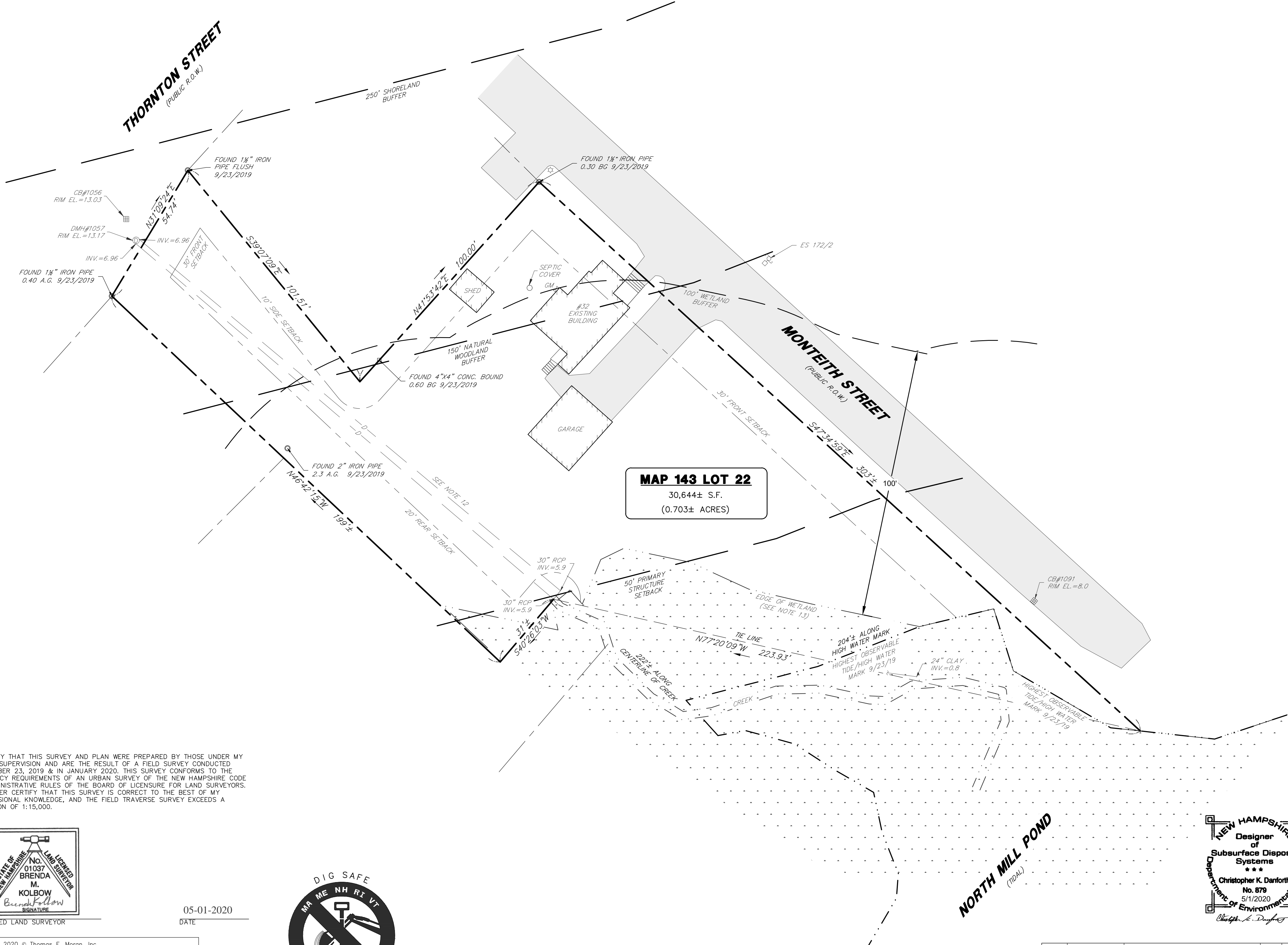
LICENSED LAND SURVEYOR

05-01-2020  
DATE

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48 Constitution Drive, Bedford, N.H. 03110

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This plan is not effective unless signed by a duly authorized officer of Thomas F. Moran, Inc.



#### NOTES:

1. THE PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) ZONING DISTRICT.
2. THE PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH OF ASSESSOR'S MAP 143 AS LOT 22.
3. THE PARCEL IS PARTIALLY LOCATED IN ZONES X & AE AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM (NFIP), FLOOD INSURANCE RATE MAP (FIRM) ROCKINGHAM COUNTY, NEW HAMPSHIRE, PANEL 259 OF 681, MAP NUMBER 33015C0259E, WITH AN EFFECTIVE DATE OF MAY 17, 2005.
4. OWNER OF RECORD:  
MAP 143 LOT 22  
CHARLES & ALLISON DUDAS  
32 MONTEITH STREET  
PORTSMOUTH, NH 03801  
RCRD BK.5876 PG.#1963
5. PARCEL AREA:  
MAP 143 LOT 22:  
30,644± S.F.  
(0.703± ACRES)
6. THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE THE EXTENT OF OWNERSHIP OR DEFINE THE LIMITS OF TITLE.
7. THE PURPOSE OF THIS PLAN IS TO SHOW THE BOUNDARY LINES AND CURRENT SITE CONDITIONS OF MAP 143 LOT 22.
8. FIELD SURVEY COMPLETED BY TCE ON SEPTEMBER 23, 2019 & JANUARY 2020 USING A TOPCON DS103 AND A TOPCON FC-5000 DATA COLLECTOR.
9. HORIZONTAL DATUM IS NAD83 (2011) PER STATIC GPS OBSERVATIONS. VERTICAL DATUM IS NAVD 88 PER STATIC GPS OBSERVATIONS.
10. EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.
11. THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. TFMORAN, INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UNDERGROUND UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE.
12. A PORTION OF THIS PARCEL MAY BE SUBJECT TO "THE RIGHT OF THE CITY OF PORTSMOUTH TO MAINTAIN IN AND OVER IT A PUBLIC SEWER AS NOW BUILT AND LOCATED THEREON." AS RECORDED IN RCRD BK.#786 PG.#69 AND BK.#1896 PG.# 406.
13. JURISDICTIONAL WETLANDS SHOWN ON THIS PLAN WERE DELINEATED ON SEPTEMBER 23, 2019 BY CHRISTOPHER K. DANFORTH CWS #077 OF TFMORAN, INC. THE WETLANDS WERE DELINEATED ACCORDING TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL (1987) AND THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2, JANUARY 2012. DOMINANT HYDRIC SOILS WITHIN THE WETLAND(S) WERE IDENTIFIED USING EITHER FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, (VERSION 3), NEW ENGLAND INTERSTATE WATER POLLUTION CONTROL COMMISSION (NEWPCC), APRIL 2004 OR FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, VERSION 7.0, USDA, NRCS, IN COOPERATION WITH THE NATIONAL TECHNICAL COMMITTEE FOR HYDRIC SOILS, 2010. DOMINANCE OF HYDROPHYTIC VEGETATION WAS DETERMINED USING THE NORTHCENTRAL AND NORTHEAST 2013 REGIONAL WETLAND PLANT LIST, US ARMY CORPS OF ENGINEERS, 2013, (VER. 3.1).

TAX MAP 143 LOT 22

**SKETCH PLAN**  
**DUDAS RESIDENCE**  
**32 MONTEITH STREET**  
**PORTSMOUTH, NEW HAMPSHIRE**  
**COUNTY OF ROCKINGHAM**  
OWNER  
**CHARLES & ALLISON DUDAS**

SCALE: 1" = 20' (22x34)  
1" = 40' (11x17)

JANUARY 28, 2020



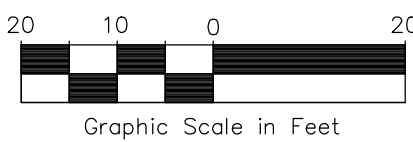
Civil Engineers  
Structural Engineers  
Traffic Engineers  
Land Surveyors  
Landscape Architects  
Scientists

170 Commerce Way, Suite 102  
Portsmouth, NH 03801  
Phone (603) 431-2222  
Fax (603) 431-0910  
www.tfmoran.com

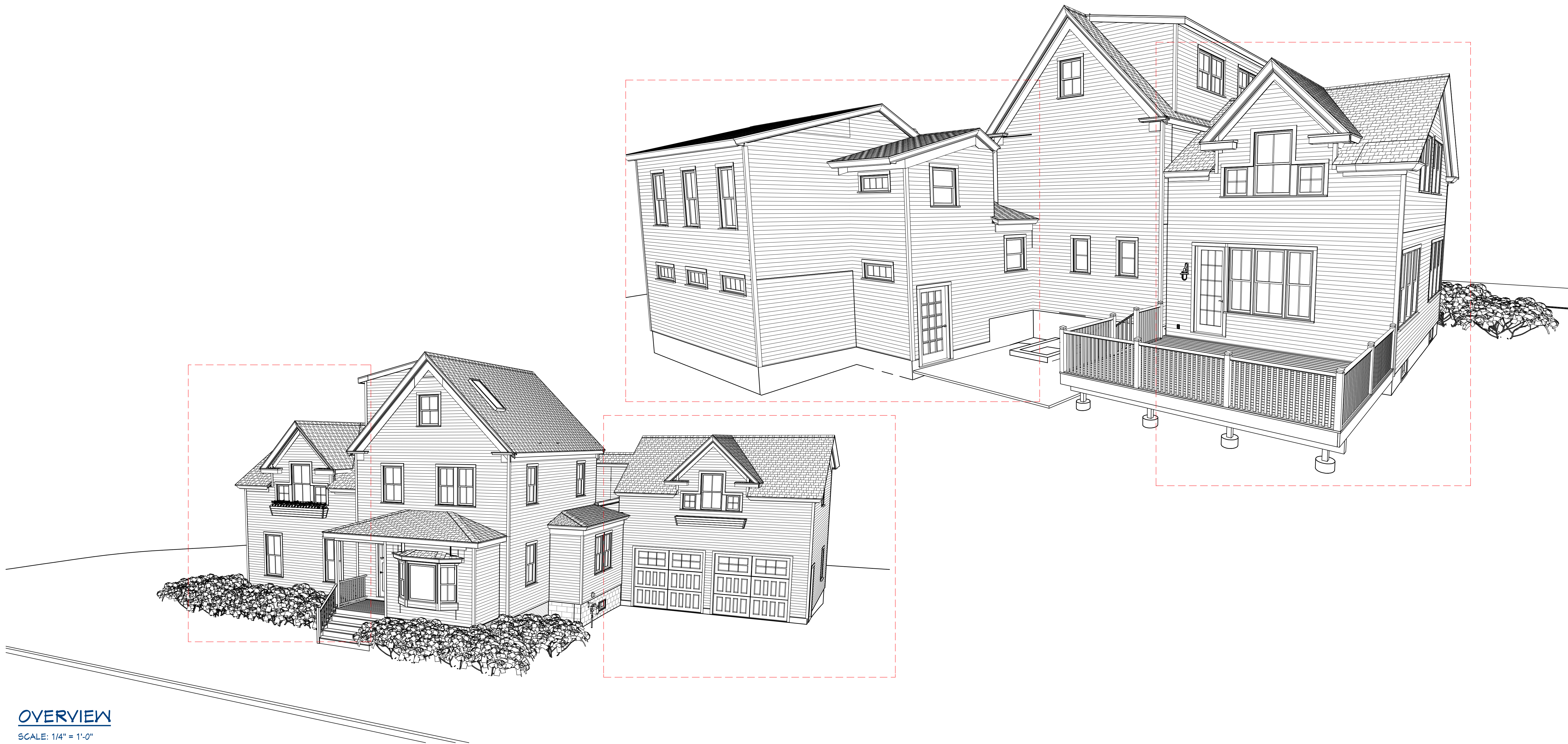
A division of TFMoran, Inc.

FILE	47375-00	DR	CK	FB	CADFILE
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REV.	DATE	DESCRIPTION	DR	CK







## OVERVIEW

SCALE: 1/4" = 1'-0"

### SPECIFICATIONS + NOTES

\*ROOFING MATERIAL: TO MATCH EXISTING  
\*ALL TRIM PACKAGE: TO MATCH EXISTING  
\*SIDING: TO MATCH EXISTING  
\*BRACKETS: TO MATCH EXISTING  
\*STAIR SYSTEM:  
\_EXTERIOR:  
\*BROSCO: Liberty Extruded Rail System  
\*RISER: AZEC- WHITE  
\*TREAD: SELECTWOOD, ZURI "Weathered Grey"

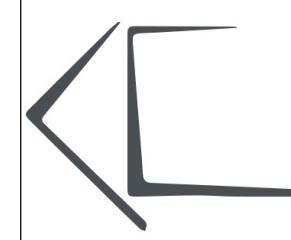
\_INTERIOR:  
\*NEWEL  
\*HANDRAIL  
\*BALUSTERS  
\*RISER FINISH  
\*TREAD

\*WINDOWS:  
\_MANUFACTURER:  
\_EXT. FINISH:  
\_INT. FINISH:  
\*DOORS:  
\_MANUFACTURER:  
\_EXT. FINISH:  
\_INT. FINISH:

\*FLOORING:  
\_1ST FLOOR: WOOD  
\_2ND FLOOR: WOOD  
\_REFINISH AREAS:  
\*KITCHEN:  
\_CABINETRY NOTES: SPECS TO BE PREPARED  
\*MANTLE:  
\_BUILT-IN IN GREATROOM AND AROUND FIREPLACE  
\*FIREPLACE:  
\_GAS  
\_WOOD: INT. FIREBOX: RED BRICK VS. YELLOW BRICK  
\_HEARTH: RAISED VS. FLUSH  
\*MATERIAL:

NOTES:  
\*CEILING HEIGHTS: 1ST FLOOR: 8'-6" | 2ND FLOOR: 7'-8"  
\*CORNER BOARDS: TO MATCH EXISTING  
\*WATER TABLE: TO MATCH EXISTING  
\*RAKE BOARD: TO MATCH EXISTING  
\*SOFFIT - TO MATCH EXISTING  
\*ROOF VENT - TO MATCH EXISTING  
\*WINDOW TRIM: TO MATCH EXISTING

GENERAL NOTES:  
1. DO NOT SCALE DRAWINGS  
2. ALL TRASH GENERATED BY THE CONTRACTOR WILL BE PLACED IN A TRASH CONTAINER PROVIDED BY THE CONTRACTOR ON SITE AT THE END OF EACH DAY.  
3. VERIFY ALL DIMENSIONS, CONDITIONS, AND UTILITY LOCATIONS ON THE JOB SITE PRIOR TO BEGINNING ANY WORK OR ORDERING ANY MATERIAL. NOTIFY DESIGNER OF ANY CONFLICTS OR DISCREPANCIES IN THE DOCUMENTS IMMEDIATELY.  
4. ALL ELECTRICAL AND MECHANICAL WORK SHALL BE PERFORMED BY SUB-CONTRACTOR AND COORDINATED BY THE GENERAL CONTRACTOR AND INTERIOR DESIGNER WITH RESPECT TO LIGHTING AND CEILING DETAILS.  
5. COORDINATE ALL ELECTRICAL AND MECHANICAL FIXTURES TO FIT WITHIN CEILING, FLOOR, AND WALL SPACES. VERIFY LOCATIONS WITH DESIGNER.  
6. IT IS THE INTENT AND MEANING OF THESE DOCUMENTS THAT THE CONTRACTOR AND EACH SUBCONTRACTOR PROVIDE ALL LABOR, TRANSPORTATION, SUPPLIES, EQUIPMENT, ETC. TO COMPLETE THE WORK WITHIN THE RECOGNIZED STANDARDS OF THE CONSTRUCTION INDUSTRY.



## OVERVIEW

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1	OVERVIEW
2	SITE PLAN
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7	ROOFS
8	ELEVATIONS
9	ELEVATIONS
10	SECTIONS
11	FRAMING
12	FRAMING
13	FRAMING
14	ELECTRICAL

### CLIENT:

Charles and Allison Dudas  
32 Monteth Street  
Portsmouth, NH

### CONTACT:

AMY DUTTON HOME  
9 WALKER STREET | KITTERY, ME  
amy@amyduttonhome.com  
207.703.0696

### DATE:

1/26/22

### SCALE:

SCALED FOR:  
24" X 36"

DRAWING SCALE  
N.T.S

### SHEET:

A1



CALCULATIONS

ZONING MAXIMUMS:

front setback: 15'  
rear setback: 20'  
side setbacks: 10'  
lot coverage: 25%

EXISTING CONDITIONS:

LOT SIZE: 0.70 ACRES  
GROSS SF: 2,544  
LIVABLE SF: 1,534  
FIRST FLOOR: 694 SF  
UPPER STORY: 560 SF  
HALF STORY: 280 SF

EXISTING SETBACKS:

FRONT: 6 FT, SECONDARY FRONT: 90 FT  
REAR: 129 FT (TO GARAGE)  
LEFT: 35 FT TO WETLAND  
RIGHT: 2 FT (TO SHED)

EXISTING LOT COVERAGE: 809 + 496 + 130 = 1435 / 30644 = 4.7%  
EXISTING PARCEL AREA: 0.033 ACRES

PROPOSED CONDITIONS:

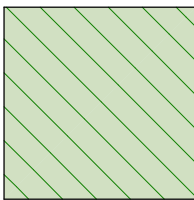
LIVABLE SF: 2,655  
FIRST FLOOR: 1321 SF  
UPPER STORY: 1054 SF  
HALF STORY: 280 SF

PROPOSED SETBACKS:

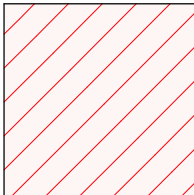
FRONT: 6 FT  
REAR: 20 FT  
LEFT: 47 FT TO WETLAND  
RIGHT: 8 FT

PROPOSED LOT COVERAGE: 762 + 497 + 285 + 710 + 130 = 2384 / 30644 = 7.7%  
PROPOSED PARCEL AREA: 0.055 ACRES

SITE PLAN LEGEND



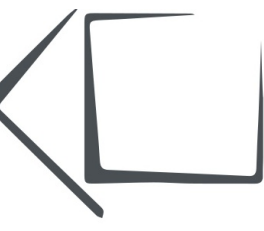
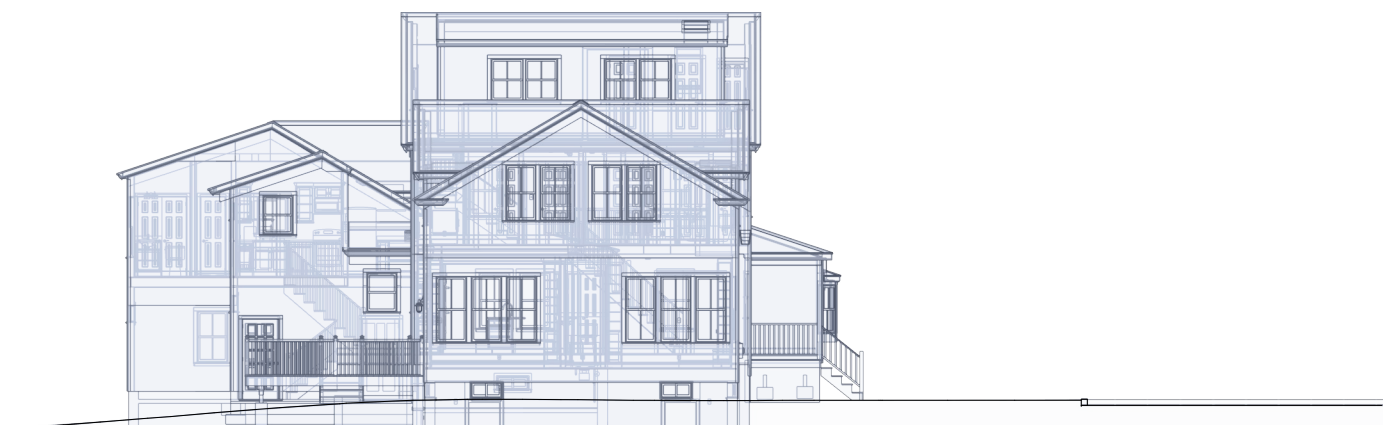
= ADDITION & DECK ~ 778 SF  
= GARAGE / MUDROOM ~ 710 SF



= GARAGE AND SHED TO BE REMOVED ~ 630 SF

SITE PLAN

SCALE: 1" = 20'-0"



SITE PLAN

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207.703.0696

DATE:

1/26/22

SCALE:

SCALED FOR:  
24" X 36"

DRAWING SCALE

SHEET:

A2



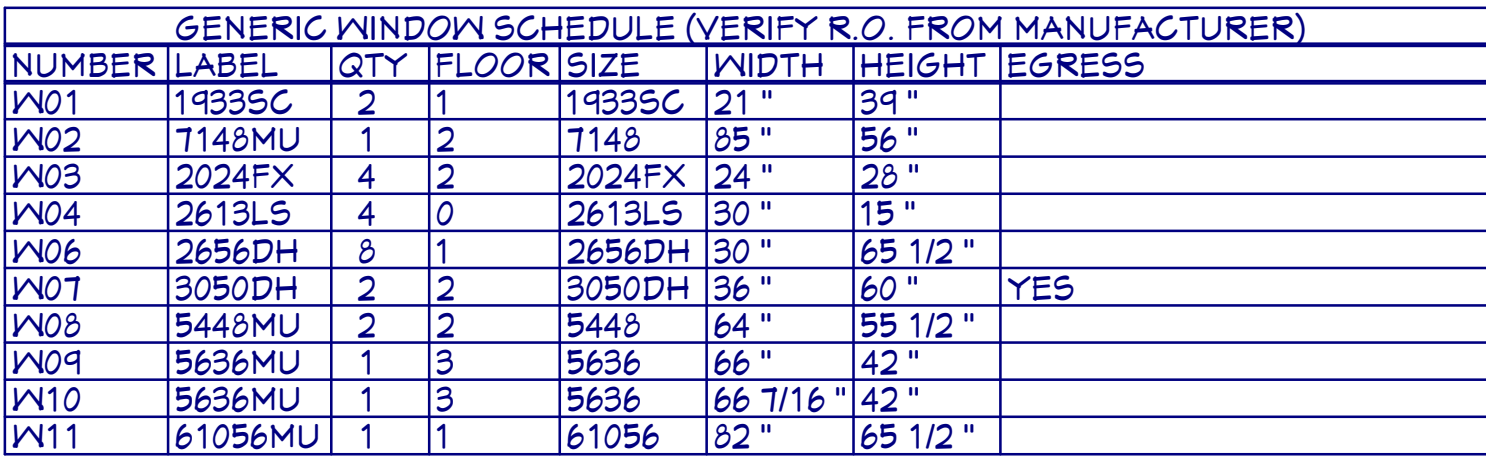


WINDOW NOTES:

- 1 WOOD INTERIOR WITH GLAD EXTERIOR  
2 FULL SCREENS ON ALL WINDOWS  
3 INTERIOR WINDOW COLOR: TBD  
4 EXTERIOR WINDOW COLOR: TBD  
5 HARDWARE MATERIAL: TBD  
6 MANUFACTURER: MARVIN ELEVATE (WOOD, GLAD) ESSENTIAL (GLAD,  
GLAD), SIGNATURE COLLECTION  
7 WINDOW ROOF OPENING: 1/2" FOR TOP/BOTTOM & 1/2" FOR SIDES  
8 BEDROOM WINDOWS SHALL FINISHED MUST BE WITHIN 44" OF THE FLOOR  
AND PROVIDE MINIMUM CLEAR OPENINGS OF 5.7 SQFT WITH HEIGHT  
DIMENSION NOT LESS THAN 24" AND WIDTH DIMENSION NOT LESS THAN  
20" AS TO MEET EGRESS

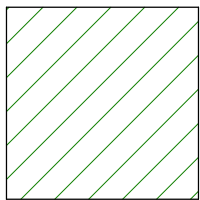
DOOR NOTES:

1. DOORS SHALL BE 46"
2. ALL DOORS SHALL BE SOLID CORE 1-3/4" THICK
3. INTERIOR DOORS SHALL BE FTD. OR STAINED, VERIFY FTD DESIGNER
4. DOORS BETWEEN GARAGE AND LIVING AREA SHOULD BE 1-3/4" TIGHT
5. FITTING SHALL BE 1/2" MIN.
6. EXTERIOR EXIT DOORS SHALL BE 36" MIN.
7. NET CLEAR DOORWAY SHALL BE 32" MIN.
8. DOOR SHALL BE OPENABLE FROM INSIDE
9. GARAGE DOORS TO BE SECTIONAL, INSULATED, OVERHEAD DOORS.  
GLASS PANELS TO BE INSULATED
10. ALL GLAZING WITHIN 18IN. OF THE FLOOR AND WITHIN 24 IN. OF ANY  
DOOR ARE TO HAVE SAFETY GLAZING
11. ALL GLAZED AND SHOWER ENCLOSURES ARE TO BE GLAZED WITH SAFETY  
GLASS
12. BARN DOORS, MEASURE TO FIT OPENING. ALL HARDWARE TO BE  
STAINLESS



GENERIC DOOR SCHEDULE (VERIFY R.O. FROM MANUFACTURER)						
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT
D01	2268	1	2	2268 L IN	26 "	80 "
D02	2468	1	2	2468 R IN	28 "	80 "
D03	2868	2	2	2868 L IN	32 "	80 "
D04	2878	1	1	2878 L EX	32 "	92 "
D05	2268	1	2	2268 R	26 "	80 "
D06	2468	1	2	2468 L	28 "	80 "
D07	2668	2	2	2668 L IN	30 "	80 "
D08	1968	1	2	1968 R IN	21 "	80 "
D09	2068	1	2	2068 R IN	24 "	80 "
D10	1768	1	1	1768 R IN	19 "	80 "
D11	3668	1	1	3668 L/R IN	42 "	80 "
D12	2068	1	1	2068 L	24 "	80 "
D13	3068	1	2	3068 L EX	36 "	80 "
D14	4068	1	2	4068 L/R IN	48 "	80 "
D15	2668	1	2	2668 R IN	30 "	80 "
D17	9080	2	1	9080	108 "	96 "

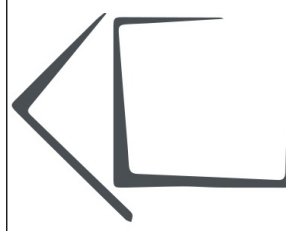
## LEGEND



= ADDITION

### PROPOSED FOUNDATION PLAN

SCALE: 1/4" = 1'-0"



FOUNDATION

## DRAWING INDEX

- |    |              |
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| 11 | FRAMING      |
| 12 | FRAMING      |
| 13 | FRAMING      |
| 14 | ELECTRICAL   |

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207.703.0696

DATE:

1/26/22

SCALE:

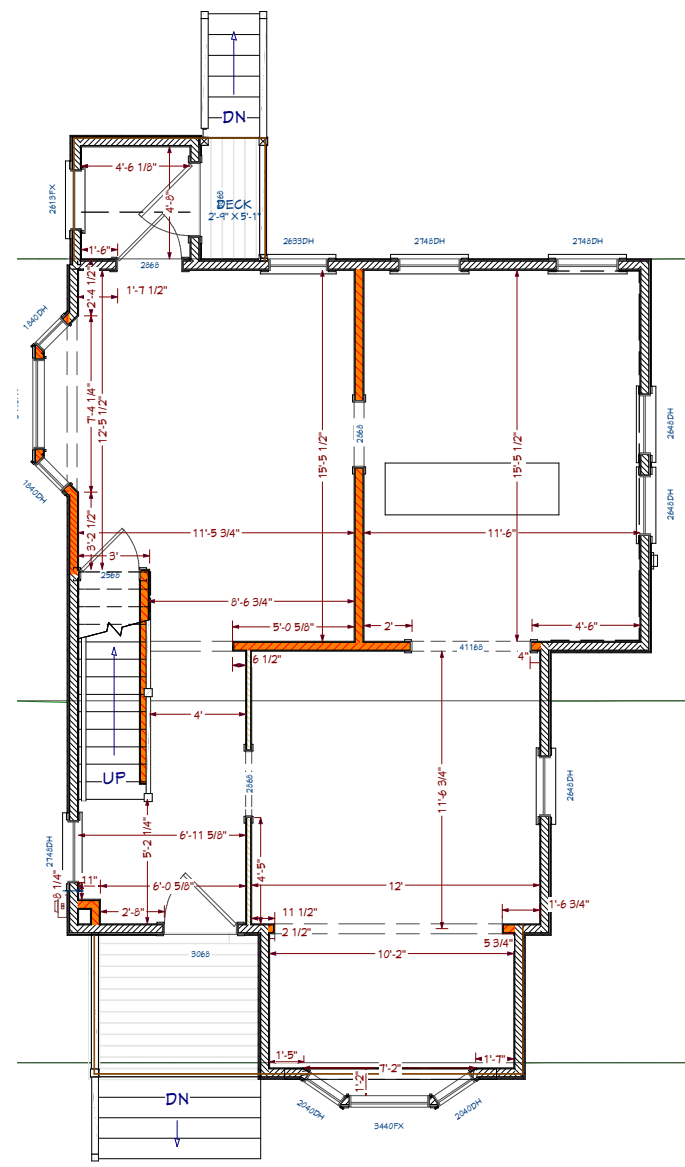
SCALED FOR:  
24" X 36"

DRAWING SCALE

SHEET:

A4



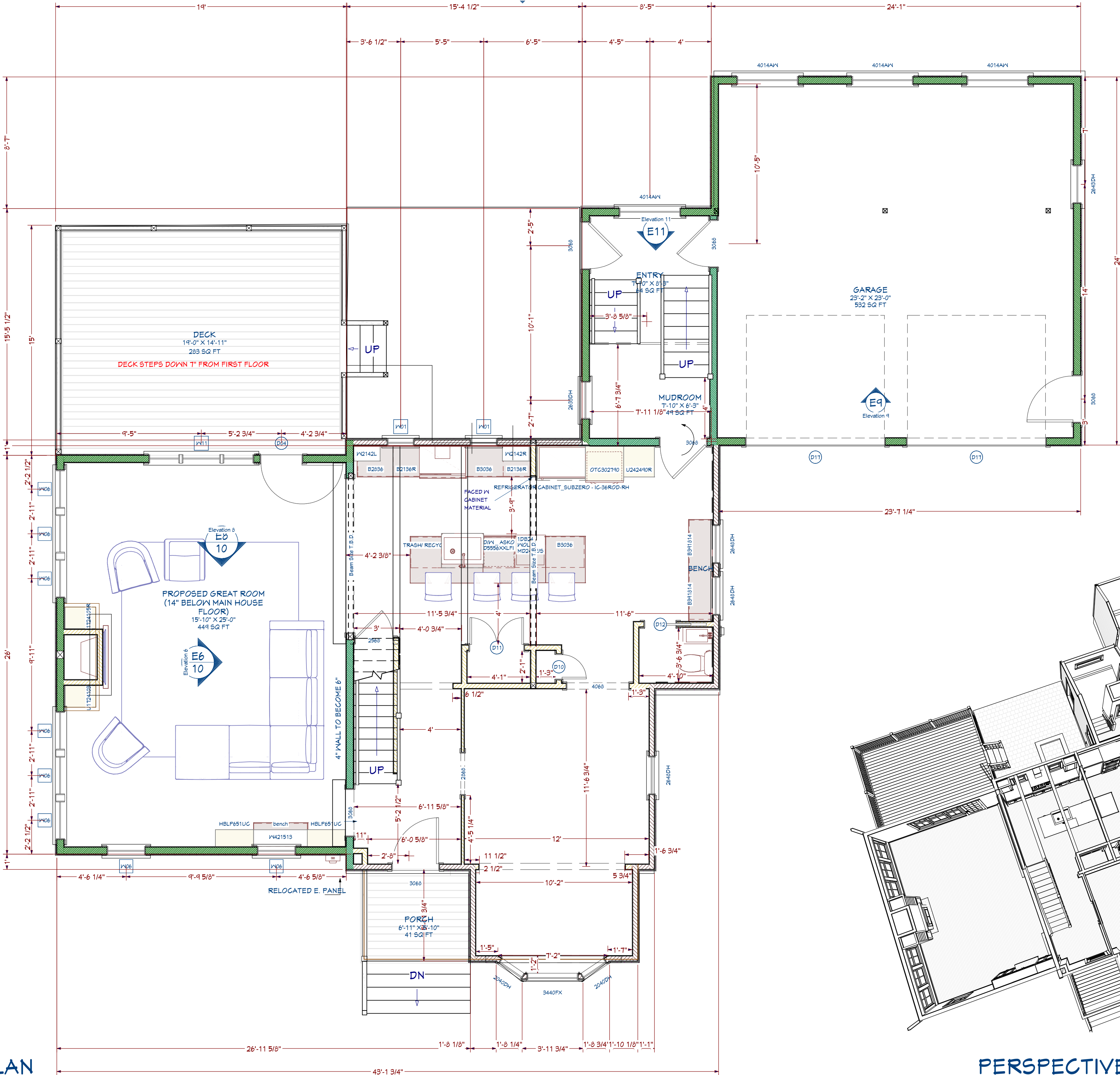


EXISTING FIRST FLOOR PLAN

SCALE: 1/8" = 1'-0"

- WINDOW NOTES:
- 1 WINDOW INTERIOR WITH GLAD EXTERIOR
  - 2 FULL SCREENS ON ALL WINDOWS
  - 3 INTERIOR WINDOW COLOR: TBD
  - 4 EXTERIOR WINDOW COLOR: TBD
  - 5 HARDWARE MATERIAL: TBD
  - 6 MANUFACTURER: MARVIN ELEVATE (WOOD, GLAD) ESSENTIAL (GLAD, CLAD), SIGNATURE COLLECTION
  - 7 WINDOW ROUGH OPENING: 1/2" FOR TOP/BOTTOM & 1/2" FOR SIDES
  - 8 BEDROOM WINDOWS SILL FINISHED MUST BE WITHIN 44" OF THE FLOOR AND PROVIDE MINIMUM CLEAR OPENINGS OF 5'1" SOFT WITH HEIGHT DIMENSION NOT LESS THAN 24" AND WIDTH DIMENSION NOT LESS THAN 20" AS TO MEET EGRESS

- DOOR NOTES:
- 1 DOORS SHALL BE 46"
  - 2 ALL DOORS SHALL BE SOLID CORE 1-3/4" THICK
  - 3 INTERIOR DOORS SHALL BE PTD. OR STAINED, VERIFY WITH DESIGNER
  - 4 DOORS BETWEEN GARAGE AND LIVING AREA SHOULD BE 1-3/4" TIGHT FITTING SOLID CORE DOORS
  - 5 EXTERIOR EXIT DOORS SHALL BE 36" MIN. NET CLEAR DOORWAY SHALL BE 32" MIN. DOOR SHALL BE OPENABLE FROM INSIDE
  - 6 GARAGE DOORS TO BE SECTIONAL INSULATED, OVERHEAD DOORS. GLASS PANELS TO BE INSULATED
  - 7 ALL GLAZING WITHIN 10" OF THE FLOOR AND/OR WITHIN 24 IN. OF ANY DOOR ARE TO HAVE SAFETY GLAZING
  - 8 ALL TUB AND SHOWER ENCLOSURES ARE TO BE GLAZED WITH SAFETY GLASS
  - 9 BARN DOORS, MEASURE TO FIT OPENING, ALL HARDWARE TO BE STAINLESS

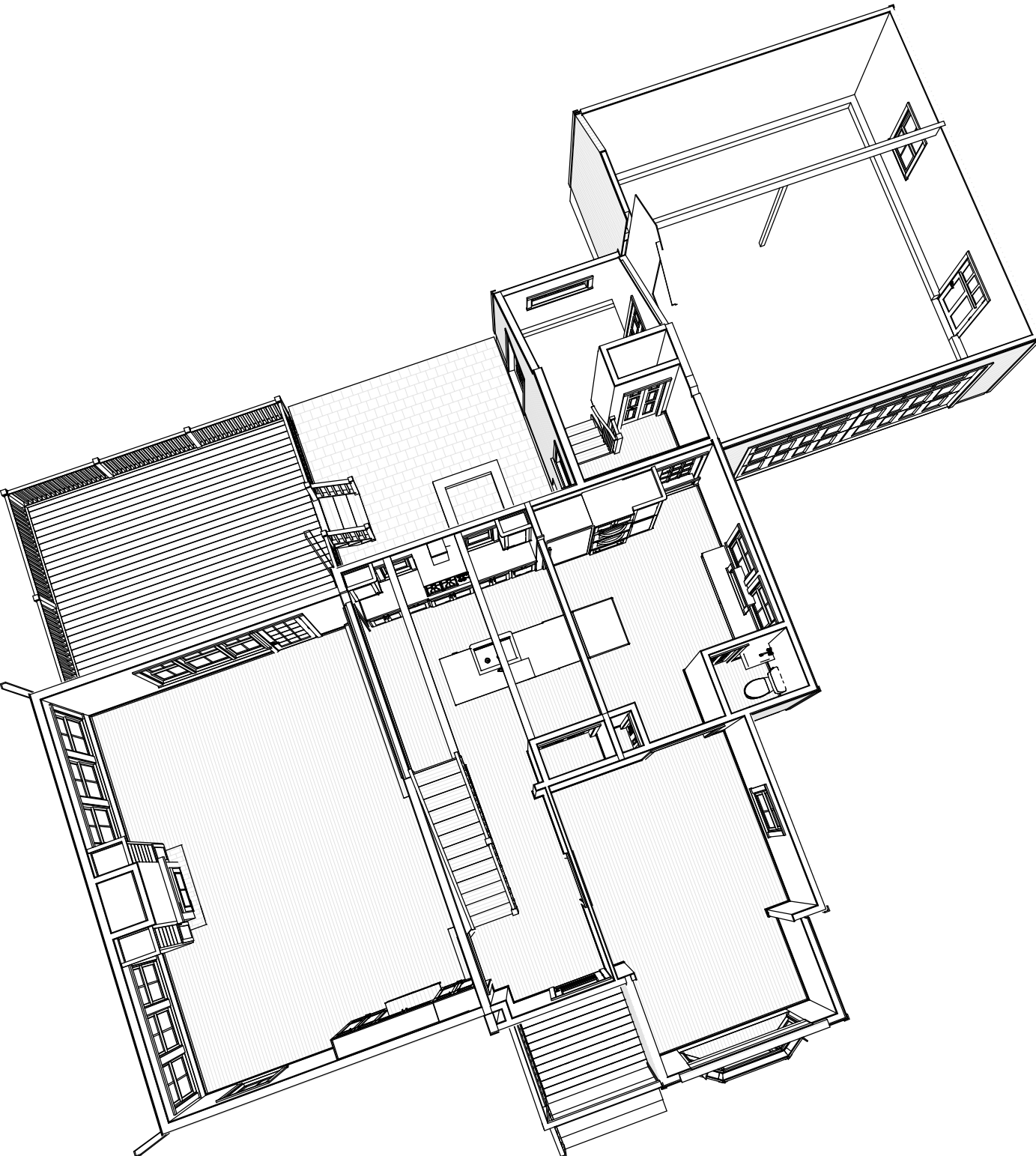


PROPOSED FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

GENERIC WINDOW SCHEDULE (VERIFY R.O. FROM MANUFACTURER)							
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	EGRESS
W01	1933SC	2	1	1933SC	21"	34"	
W02	7148MU	1	2	7148	85"	56"	
W03	2024FX	4	2	2024FX	24"	28"	
W04	2613LS	4	0	2613LS	30"	15"	
W06	2656DH	8	1	2656DH	30"	65 1/2"	
W07	3050DH	2	2	3050DH	36"	60"	YES
W08	5448MU	2	2	5448	64"	55 1/2"	
W09	5636MU	1	3	5636	66"	42"	
W10	5636MU	1	3	5636	66 7/16"	42"	
W11	61056MU	1	1	61056	82"	65 1/2"	

GENERIC DOOR SCHEDULE (VERIFY R.O. FROM MANUFACTURER)							
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT	
D01	2268	1	2	2268 L IN	26"	80"	
D02	2468	1	2	2468 R IN	28"	80"	
D03	2868	2	2	2868 L IN	32"	80"	
D04	2878	1	1	2878 L EX	32"	42"	
D05	2268	1	2	2268 R	26"	80"	
D06	2468	1	2	2468 L	28"	80"	
D07	2668	2	2	2668 L IN	30"	80"	
D08	1968	1	2	1968 R IN	21"	80"	
D09	2068	1	2	2068 R IN	24"	80"	
D10	1768	1	1	1768 R IN	19"	80"	
D11	3668	1	1	3668 L/R IN	42"	80"	
D12	2068	1	1	2068 L	24"	80"	
D13	3068	1	2	3068 L EX	36"	80"	
D14	4068	1	2	4068 L/R IN	48"	80"	
D15	2668	1	2	2668 R IN	30"	80"	
D17	9080	2	1	9080	108"	46"	



PERSPECTIVE VIEW

SCALE: NTS

WALL LEGEND

- [Pattern] = EXISTING EXTERIOR WALL
- [Pattern] = NEW EXTERIOR WALL
- [Pattern] = INTERIOR 6
- [Pattern] = EXISTING INTERIOR 4
- [Pattern] = NEW INTERIOR 4
- [Pattern] = GLASS TOP TILE BOTTOM PONY WALL
- [Pattern] = GLASS SHOWER WALL

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12	FRAMING
13	FRAMING
14	ELECTRICAL

CLIENT:  
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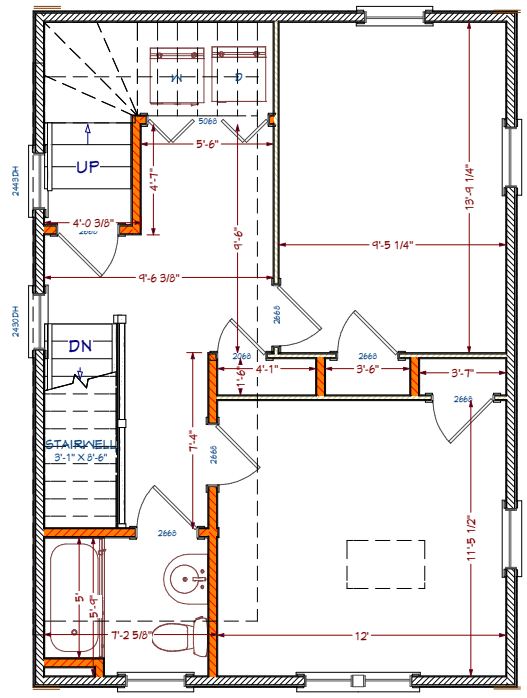
DATE:  
1/26/22

SCALE:  
SCALED FOR:  
24" X 36"

DRAWING SCALE  
1/4" = 1'-0"

SHEET:  
A5



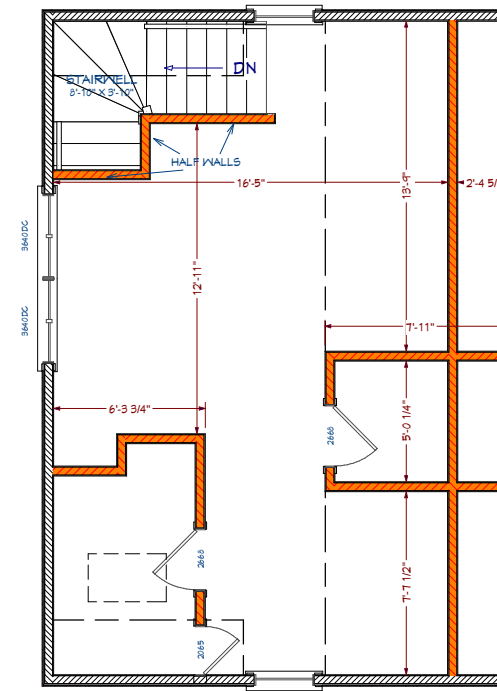


### EXISTING SECOND FLOOR PLAN

SCALE: 1/8" = 1'-0"

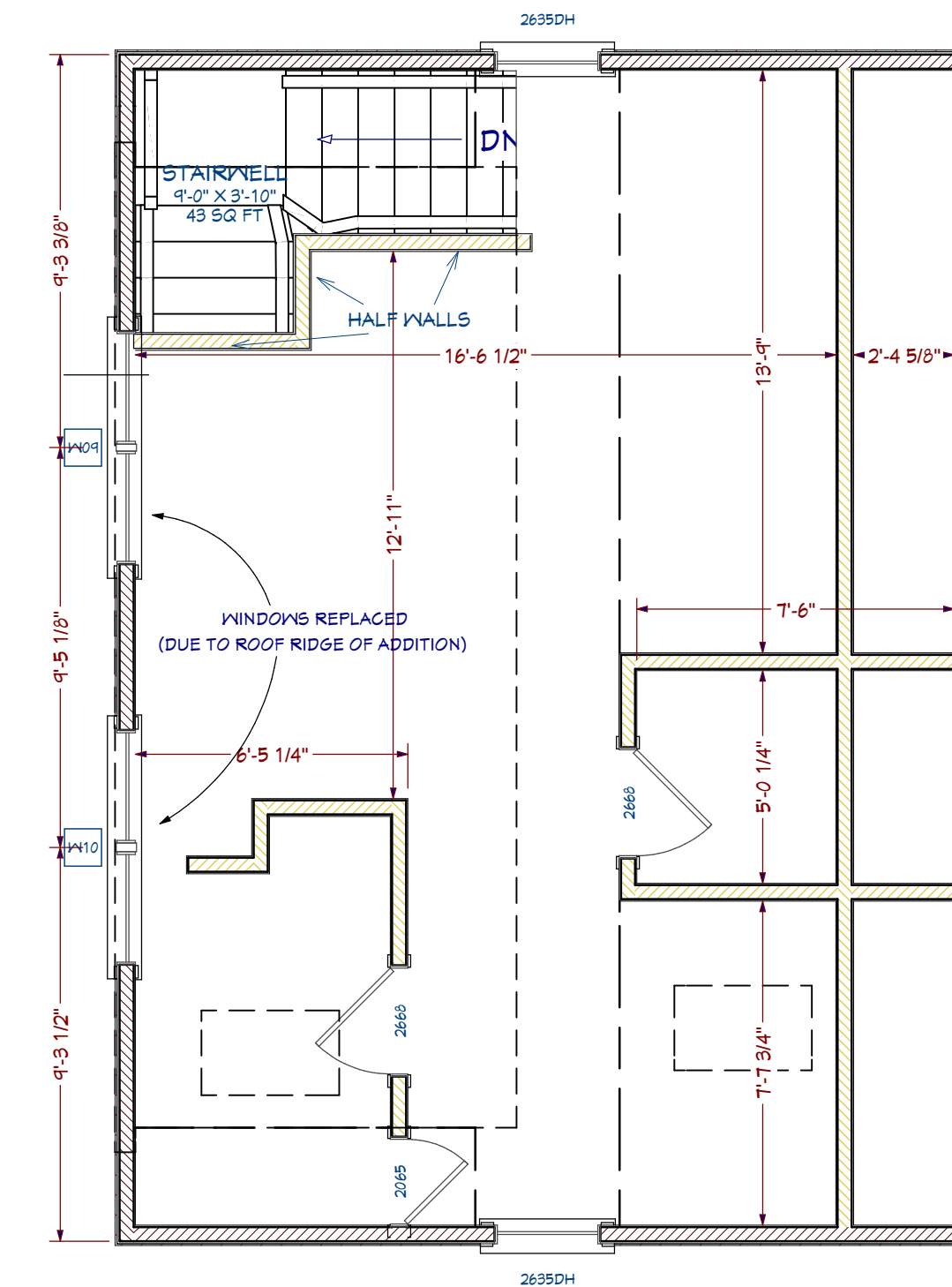
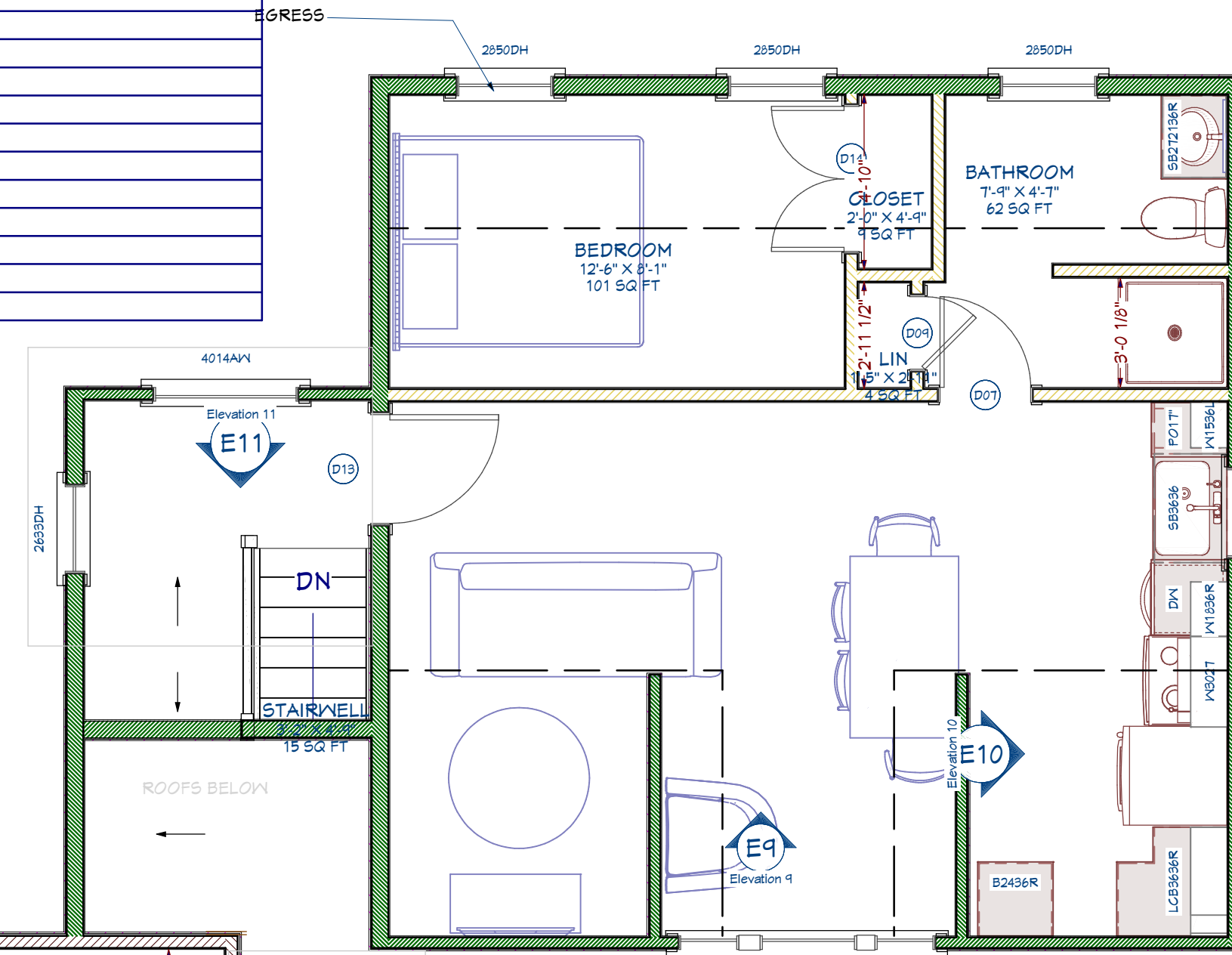
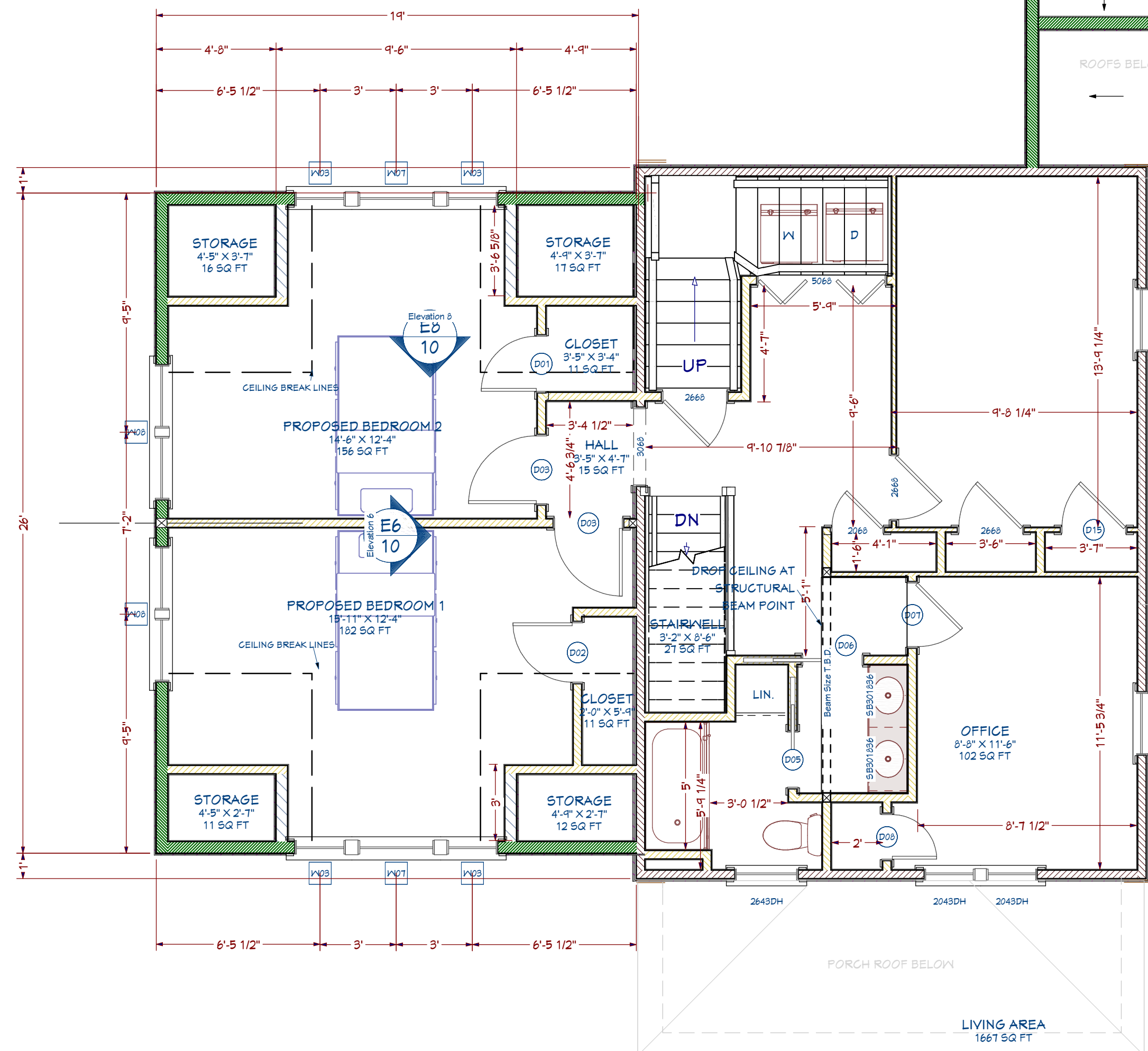
GENERIC WINDOW SCHEDULE (VERIFY R.O. FROM MANUFACTURER)						
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT
W01	1933SC	2	1	1933SC	21"	39"
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W06	2656DH	8	1	2656DH	30"	65 1/2"
W07	3050DH	2	2	3050DH	36"	60"
W08	5448MU	2	2	5448	64"	55 1/2"
W09	5636MU	1	3	5636	66"	42"
W10	5636MU	1	3	5636	66 7/16"	42"
W11	61056MU	1	1	61056	82"	65 1/2"

GENERIC DOOR SCHEDULE (VERIFY R.O. FROM MANUFACTURER)						
NUMBER	LABEL	QTY	FLOOR	SIZE	WIDTH	HEIGHT
D01	2268	1	2	2268 L IN	26"	80"
D02	2468	1	2	2468 R IN	28"	80"
D03	2868	2	2	2868 L IN	32"	80"
D04	2878	1	1	2878 L EX	32"	92"
D05	2268	1	2	2268 R	26"	80"
D06	2468	1	2	2468 L	28"	80"
D07	2668	2	2	2668 L IN	30"	80"
D08	1968	1	2	1968 R IN	21"	80"
D09	2068	1	2	2068 R IN	24"	80"
D10	1768	1	1	1768 R IN	19"	80"
D11	3668	1	1	3668 L/R IN	42"	80"
D12	2068	1	1	2068 L	24"	80"
D13	3068	1	2	3068 L EX	36"	80"
D14	4068	1	2	4068 L/R IN	48"	80"
D15	2668	1	2	2668 R IN	30"	80"
D17	9080	2	1	9080	108"	96"



### EXISTING THIRD FLOOR PLAN

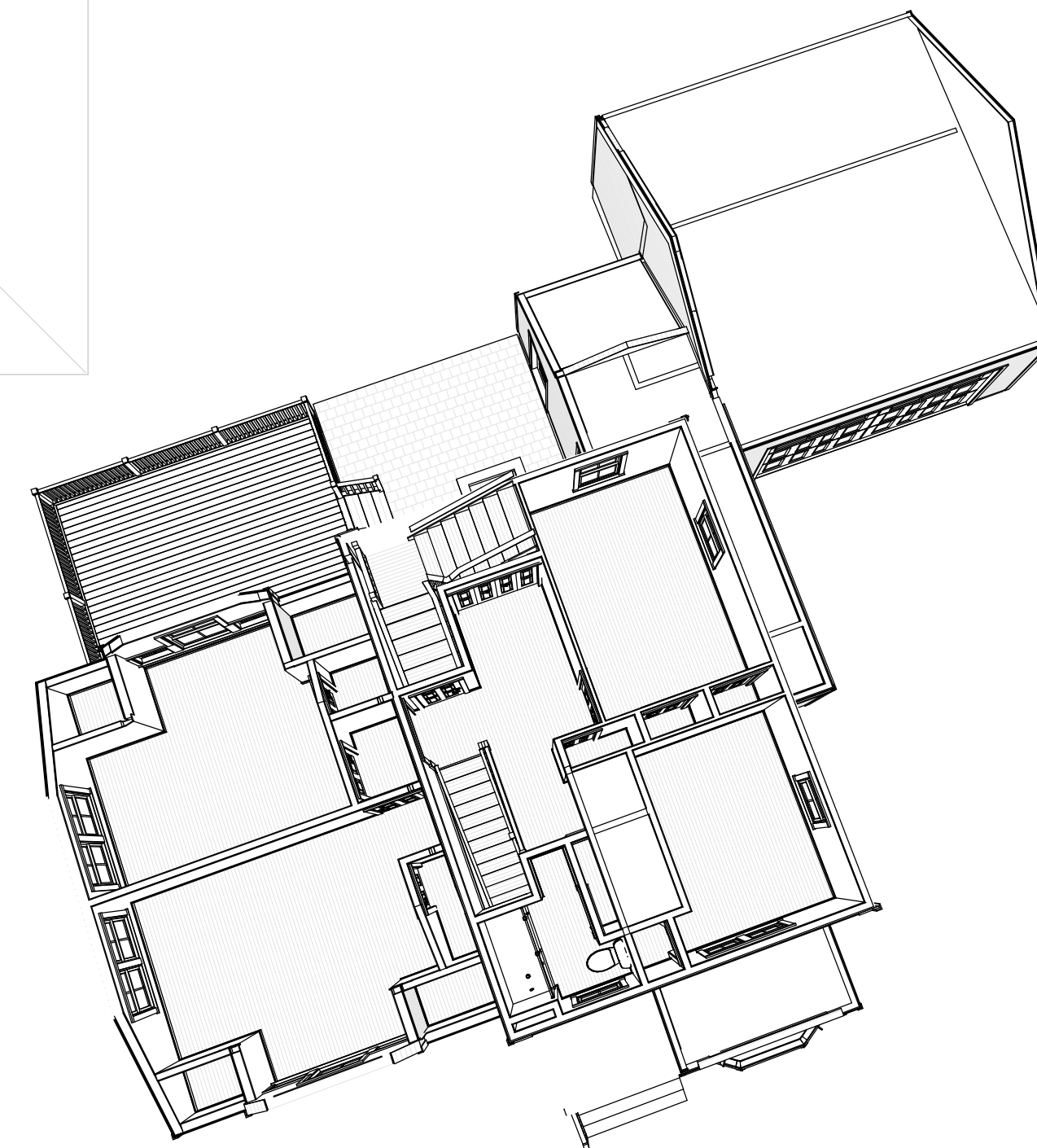
SCALE: 1/8" = 1'-0"



### PROPOSED THIRD FLOOR PLAN

WINDOWS CHANGED ONLY

SCALE: 1/4" = 1'-0"



### PERSPECTIVE VIEW

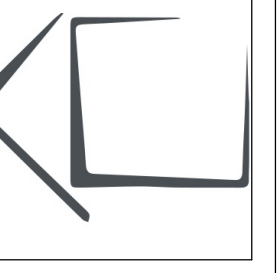
SCALE: NTS

### PROPOSED SECOND FLOOR & THIRD FLOOR PLAN

SCALE: 1/4" = 1'-0"

### WALL LEGEND

- = EXISTING EXTERIOR WALL
- = NEW EXTERIOR WALL
- = INTERIOR 6
- = EXISTING INTERIOR 4
- = NEW INTERIOR 4
- = GLASS TOP TILE BOTTOM PONY WALL
- = GLASS SHOWER WALL



### SECOND FLOOR

#### DRAWING INDEX

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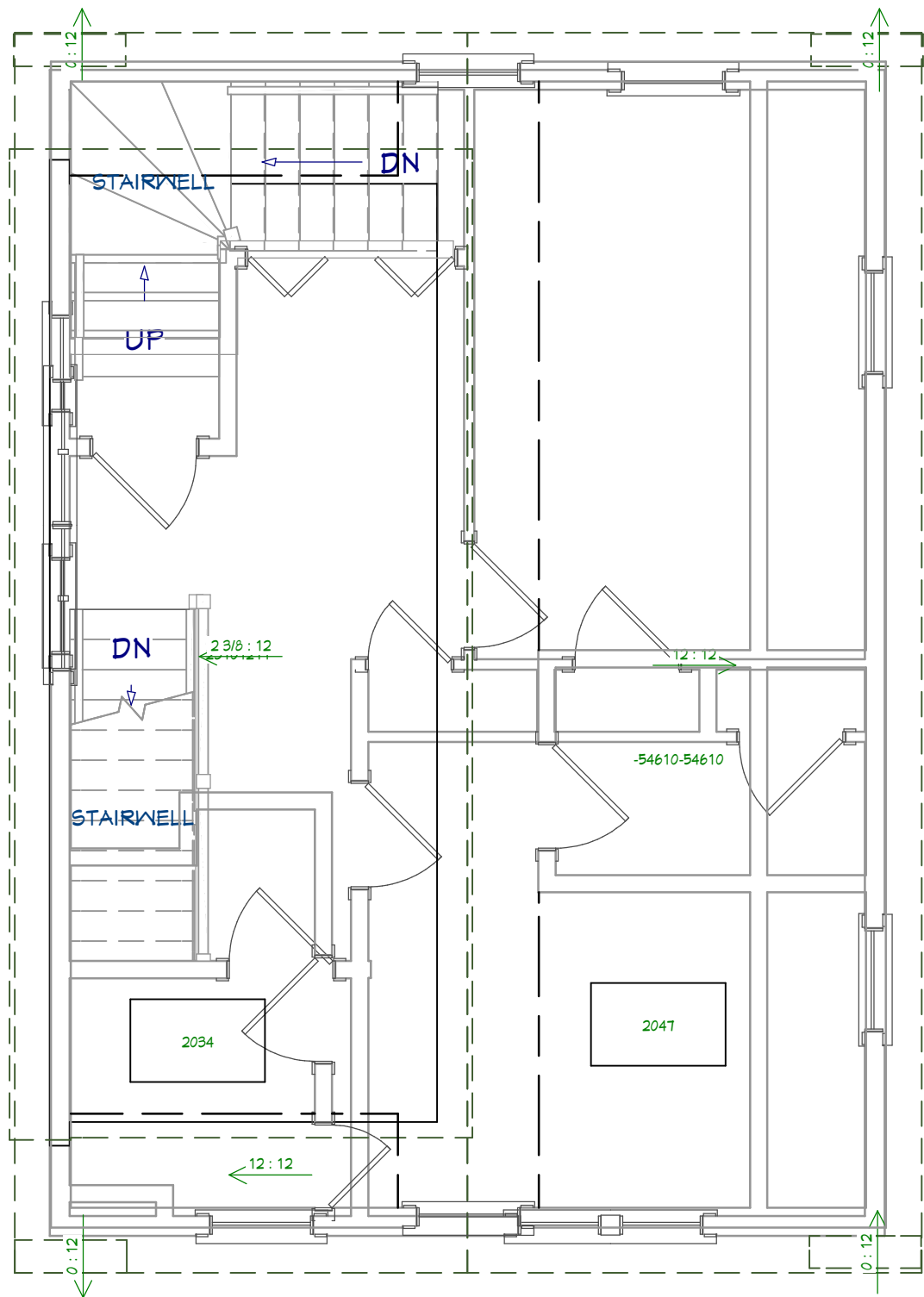
**DATE:**  
1/26/22

**SCALE:**  
SCALED FOR:  
24" X 36"  
**DRAWING SCALE**  
1/4" = 1'-0"

**SHEET:**  
A6

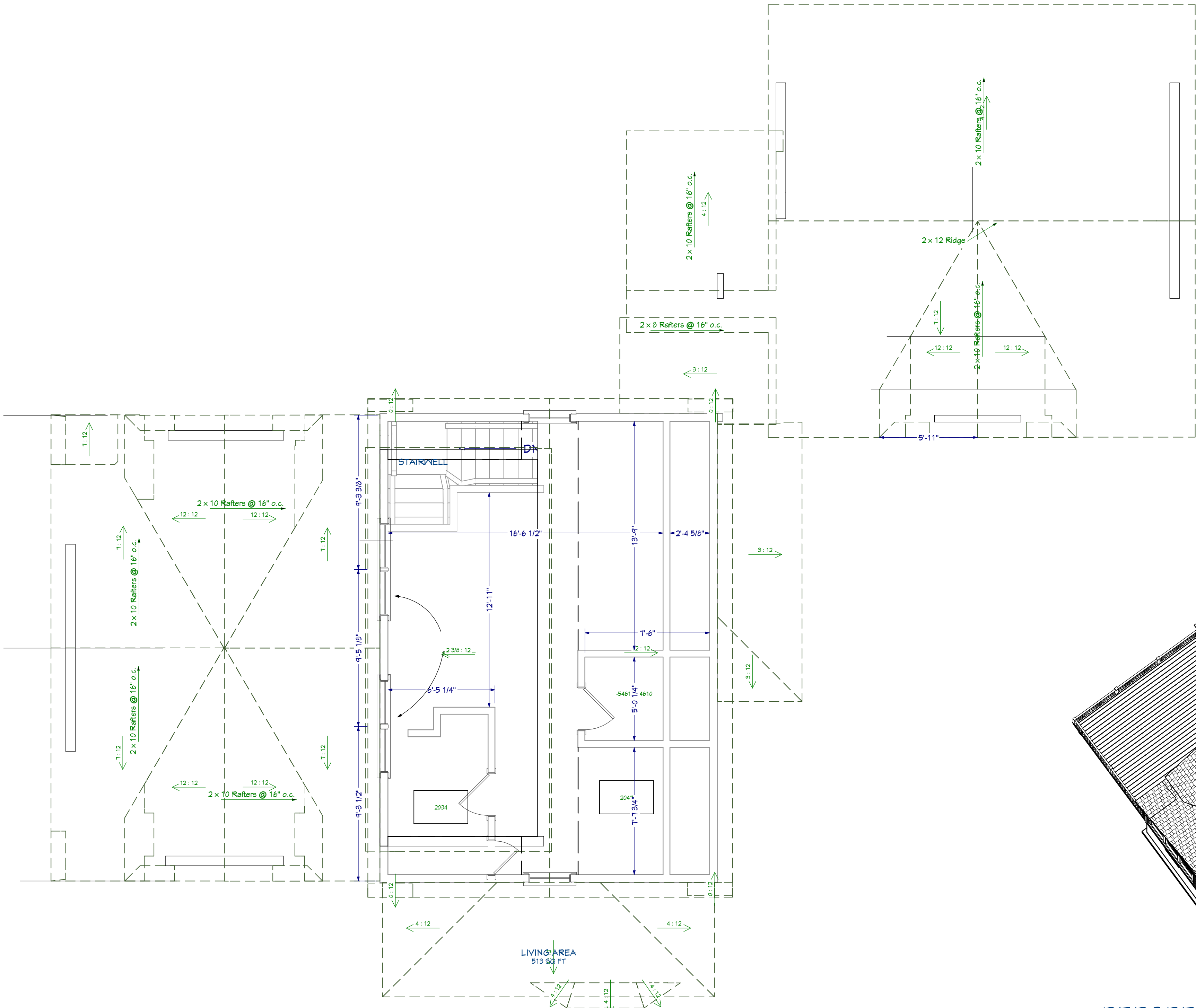


- NOTES:
1. PROVE 2 X 10 FLOOR JOISTS AT 16" o.c. TYPICAL
  2. INTERIOR NON-BEARING STUD WALLS ARE 2 X 4 AT 16" o.c.
  3. INTERIOR BEARING WALLS ARE 2 X 6 AT 16" o.c. #5-2 OR BETTER
  4. HEADERS FOR DOORS AND WINDOWS UP TO 6 FEET ARE (2) 2 X 10's
  5. ENGINEERED FLOOR BEAM TO BE DESIGNED AND SUBMITTED PRIOR TO CONSTRUCTION BY STRUCTURAL ENGINEER.
  6. CEILING JOISTS FOR THE SECOND FLOOR ARE 2X6.
  7. EXISTING 3RD FLOOR WALLS ARE GREY
  8. ROOF PLANES ARE GREEN



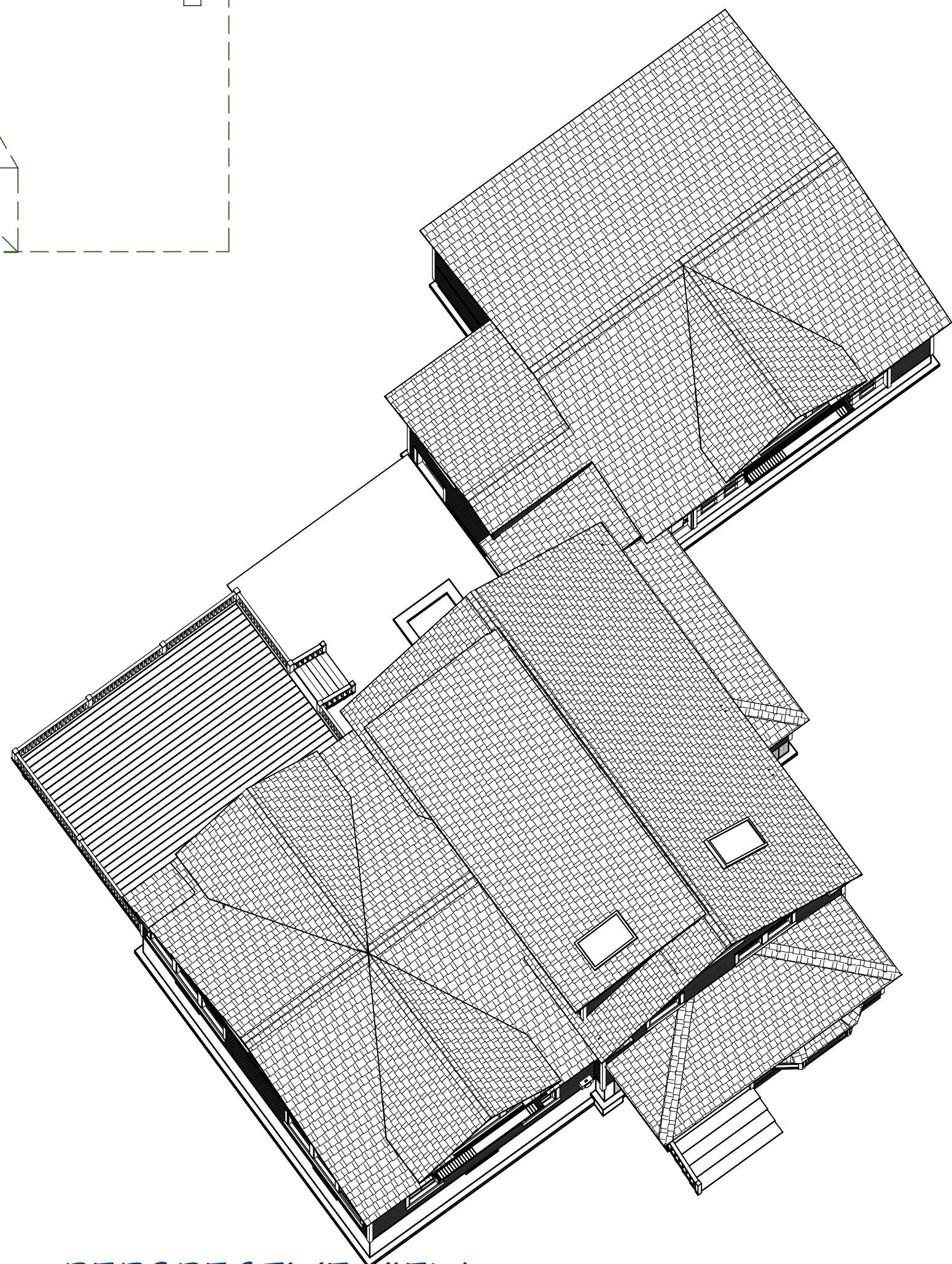
### EXISTING ROOF

SCALE: 1/8" = 1'-0"



### PROPOSED ROOF PLAN

SCALE: 1/4" = 1'-0"



### PERSPECTIVE VIEW

SCALE: NTS

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DATE:

1/26/22

SCALE:

SCALED FOR:  
24" X 36"

DRAWING SCALE  
1/2" = 1'-0"

SHEET:

A7





## NORTH ELEVATION | FRONT VIEW

SCALE: 1/4" = 1'-0"

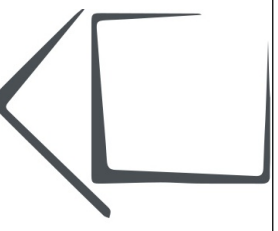
### TYPICAL NOTES:

ASPHALT SHINGLES, TO MATCH EXISTING.  
RIDGE VENT, TO MATCH EXISTING.  
PVC RAKE AND BHADOWN TRIM BOARDS, TO MATCH EXISTING.  
PVC TRIM BOARDS, TO MATCH EXISTING  
ALUMINUM OR PVS RAILING SYSTEMS, TO MATCH EXISTING.  
SHINGLE OR CLAPBOARD SIDING ON SHEATHING  
DECORATIVE PVC TRIM  
NEW WINDOWS PER SCHEDULE  
FOUNDATION MATERIAL (IE. STONE VENEER) TO MATCH EXISTING  
NEW FOUNDATION WALLS



## SOUTH ELEVATION | REAR VIEW

SCALE: 1/4" = 1'-0"



## ELEVATIONS

### DRAWING INDEX

- 1 OVERVIEW
- 2 SITE PLAN
- 3 DEMO
- 4 FOUNDATION
- 5 FIRST FLOOR
- 6 SECOND FLOOR
- 7 ROOFS
- 8 ELEVATIONS
- 9 ELEVATIONS
- 10 SECTIONS
- 11 FRAMING
- 12 FRAMING
- 13 FRAMING
- 14 ELECTRICAL

### CLIENT:

Charles and Allison Dudas  
32 Monteth Street  
Pottsmouth, NH

### CONTACT:

AMY DUTTON HOME  
9 WALKER STREET | KITTERY, ME  
amy@amyduttonhome.com  
207.703.0696

### DATE:

1/26/22

### SCALE:

SCALED FOR:  
24" X 36"

DRAWING SCALE  
1/4" = 1'-0"

### SHEET:

A8  
ELEVATIONS



EAST ELEVATION | SIDEVIEW

SCALE: 1/4" = 1'-0"



WEST ELEVATION | SIDEVIEW

SCALE: 1/4" = 1'-0"

DRAWING INDEX	
1	OVERVIEW
2	SITE PLAN
3	DEMO
4	FOUNDATION
5	FIRST FLOOR
6	SECOND FLOOR
7	ROOFS
8	ELEVATIONS
9	ELEVATIONS
10	SECTIONS
11	FRAMING
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CLIENT:  
Charles and Allison Dudas  
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CONTACT:  
AMY DUTTON HOME  
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207.703.0696

DATE:  
1/26/22

SCALE:  
SCALED FOR:  
24" X 36"  
DRAWING SCALE  
1/4" = 1'-0"

SHEET:  
A9  
ELEVATIONS





Front View (from Monteith St)



Rear View (towards Monteith St)



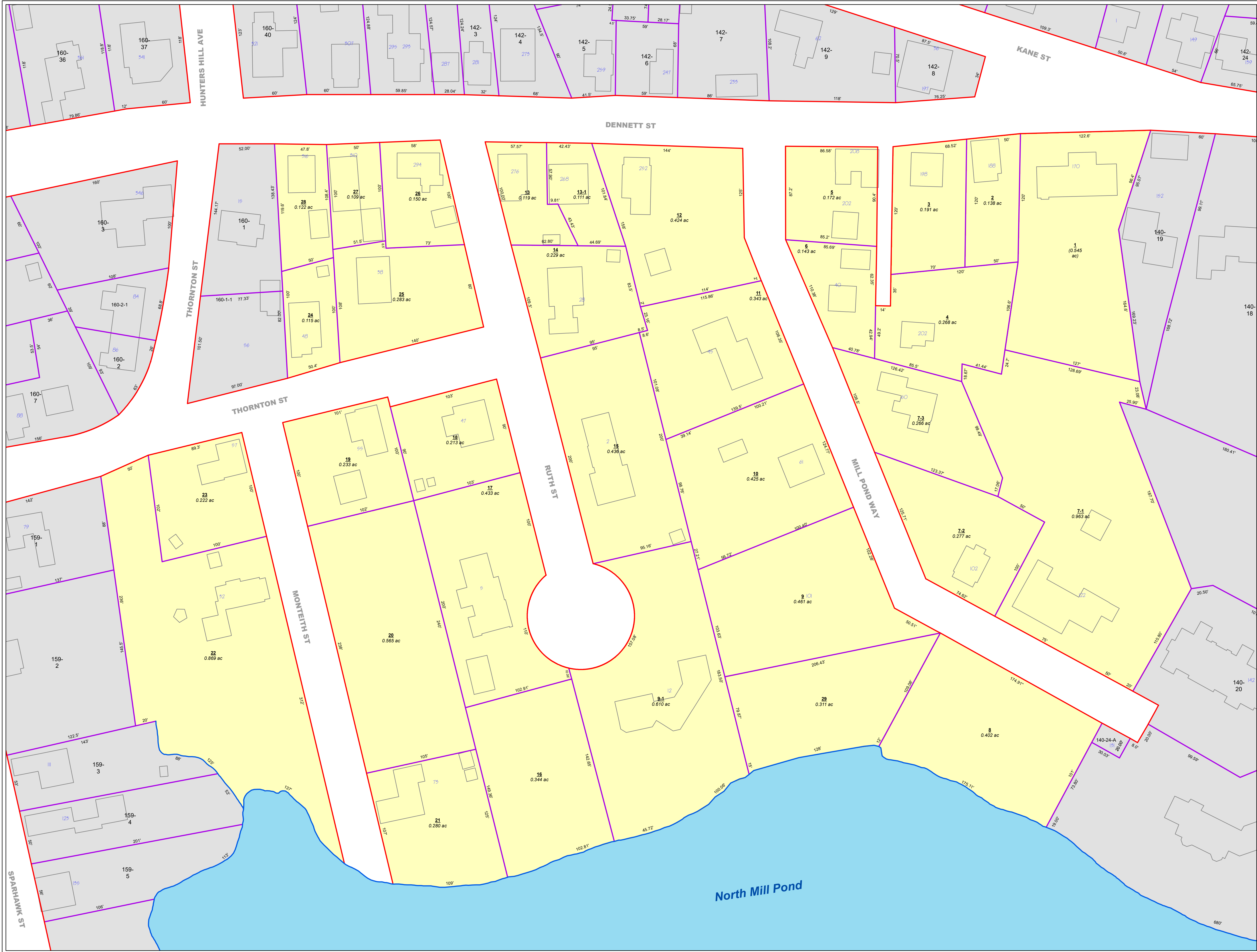


Side View of House & Shed (facing east)



Right Side Neighbors View (facing west)





**Partial Legend**  
See the cover sheet for the complete legend.

**7-5A**  
2.56 ac  
23  
233-137  
68'

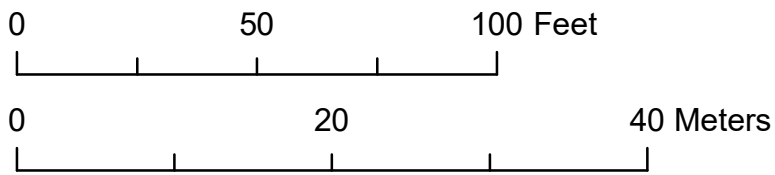
Lot or lot-unit number  
Parcel area in acres (ac) or square feet (sf)  
Address number  
Parcel number from a neighboring map  
Parcel line dimension

**SIMS AVE**

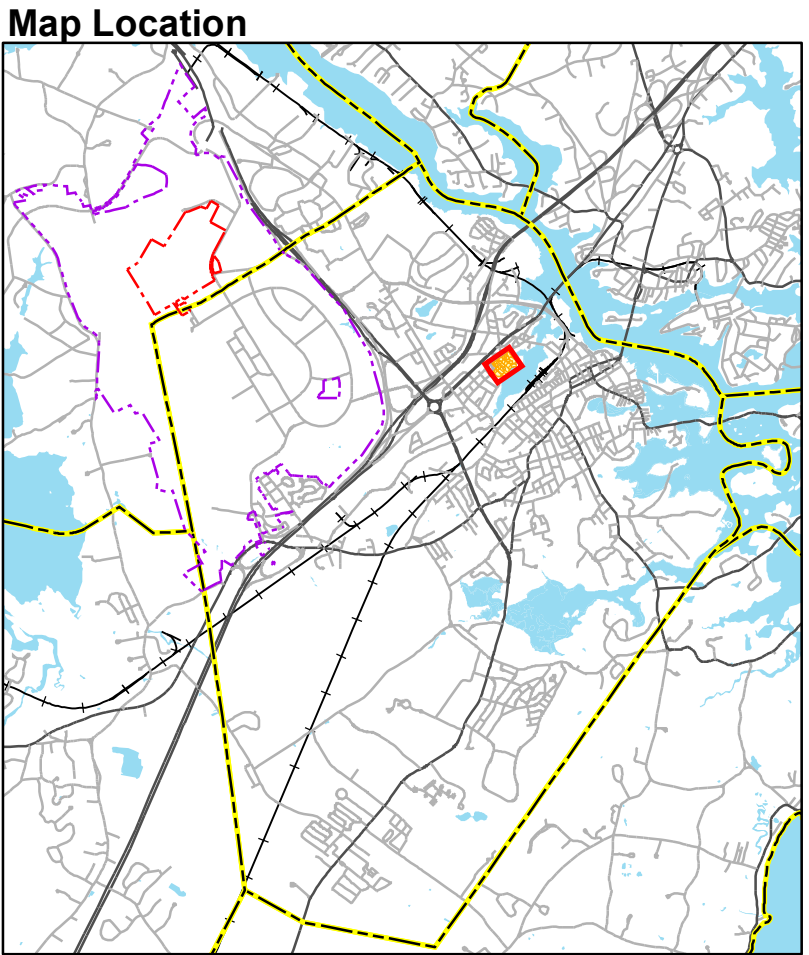
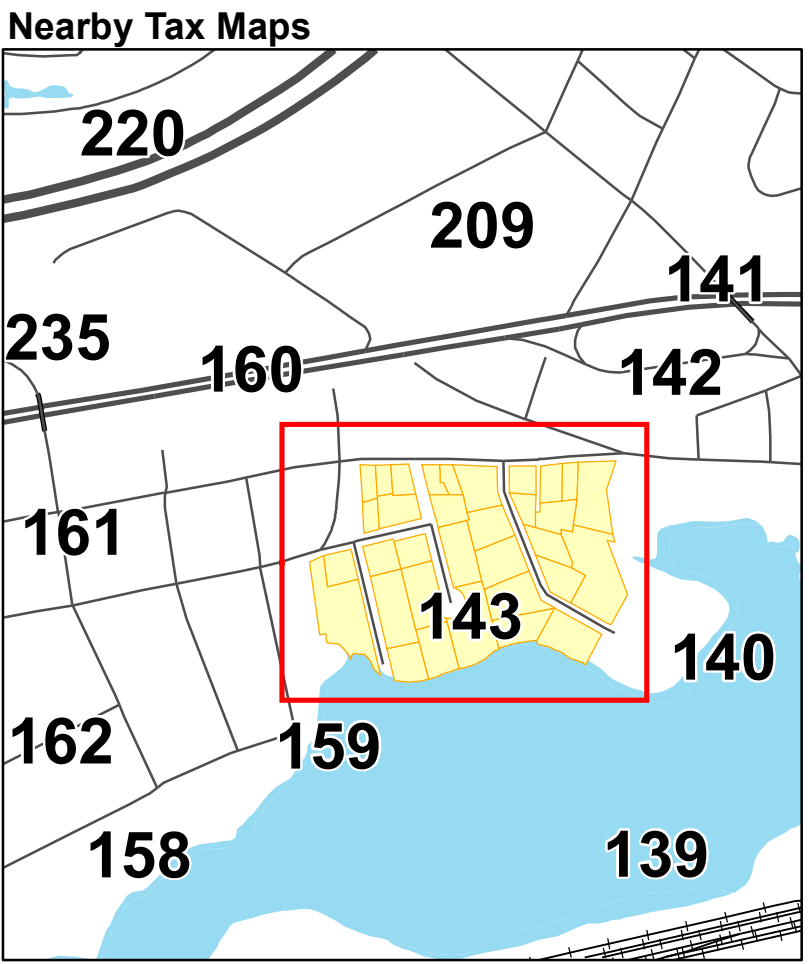
Street name

Parcel/Parcel boundary  
Parcel/ROW boundary  
Water boundary  
Structure (1994 data)

Parcel covered by this map  
Parcel from a neighboring map  
(see other map for current status)



*This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.*



Portsmouth, New Hampshire  
2020

# Tax Map 143



# HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

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ATTORNEYS AT LAW

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127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480  
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

March 25, 2022

**VIA EMAIL & HAND DELIVERED**

Peter Stith, Principal Planner  
Portsmouth Zoning Board of Adjustment  
1 Junkins Avenue  
Portsmouth, NH 03801

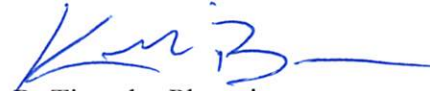
Re: Tuck Realty Corporation-Applicant  
Project Location: Woodbury Avenue/Boyd Road  
Tax Map 175 Lots 1, 2, 3 & 13  
General Residence A (GRA Zone)

Dear Mr. Stith and Zoning Board Members:

On behalf of Tuck Realty Corporation, applicant, enclosed please find the following documents in support of a request for zoning relief:

- Portsmouth Land Use Application uploaded to Viewpoint today.
- Owner Authorization.
- 3/25/22 Memorandum and exhibits in support of zoning relief.

Very truly yours,



R. Timothy Phoenix  
Kevin Baum

RTP:msw  
Enclosures

cc Tuck Realty Corporation  
Jones and Beach Engineer's  
Artform Architecture

---

DANIEL C. HOEFLE	R. PETER TAYLOR	MONICA F. KIESER	STEPHANIE J. JOHNSON
R. TIMOTHY PHOENIX	KIMBERLY J.H. MEMMESHEIMER	SAMUEL HARKINSON	OF COUNSEL:
LAWRENCE B. GORMLEY	KEVIN M. BAUM	JACOB J.B. MARVELLEY	SAMUEL R. REID
STEPHEN H. ROBERTS	GREGORY D. ROBBINS	DUNCAN A. EDGAR	JOHN AHLGREN




**Letter of Authorization**

We, Frederick Bailey & Joyce Nelson, owners of property located at 212, 214 & 216 Woodbury Avenue & 6 Boyd in Portsmouth, NH, known as Tax Map 175, Lots 1, 2, 3 & 13 do hereby authorize Jones & Beach Engineers, Inc. ("JBE"), Garrepy Planning Consultants, LLC ("GPC"), and Hoefle, Phoenix, Gormley & Roberts, PLLC ("HPGR") to act on its behalf concerning the previously mentioned property.


I hereby appoint JBE, GPC and HPGR as agents to act on our behalf in the Planning Board and Zoning Board application process, to include any required signatures.

Frederick Bailey

  
As Partners and, Individually

1/5/22  
Date

Joyce Nelson

  
As Partners and, Individually

1/05/22  
Date

## MEMORANDUM

To: Portsmouth Zoning Board of Adjustment (“ZBA”)  
From: R. Timothy Phoenix Esq.  
Kevin Baum, Esq.  
Date: March 25, 2022  
Re: Tuck Realty Corporation, Applicant  
Project location: Woodbury Avenue/Boyd Road  
Tax Map 175, Lots 1, 2, 3 & 13  
General Residence A (GRA) Zone

Dear Chairman Parrott and Zoning Board Members:

On behalf of Tuck Realty Corporation (“Tuck” or “Applicant”) we are pleased to submit this memorandum and the attached exhibits in support of zoning relief to be considered by the ZBA at its April 19, 2022 meeting.

### I. Exhibits

1. Plan set-by Jones and Beach Engineers
  - C1-Existing Conditions
  - C2 -Site Plan
2. Architectural Elevations and Floor Plans-by ArtForm Architecture, Inc.
  - Maypop Expanded Duplex (Units 1-4)
  - Ben Gabriel (Units 5-8)
3. Site photographs
4. Tax Assessors cards
5. City GIS Map-identifying zoning districts and surrounding area
6. Tax Map 175

### II. Property/Project

The subject property (“Property”), located at the corner of Woodbury Avenue and Boyd Road, is comprised of four separate lots (Tax Map 175, Lots 1, 2, 3, 13 **Exhibit 1 p.C1**) with existing single-family homes on each.

The Project calls for readjusting the lot lines, leaving the existing homes on newly configured, zoning compliant lots 2, 3 & 13. Each home and grounds is intended be renovated. The poor-condition home on Lot 1 will be removed along with the existing curb-cut/driveway on Woodbury Avenue. Tuck proposes eight condominium units comprised of four single-family and four duplex units on a 60,025 s.f. lot accessed from the lesser traveled Boyd Road. (**Exhibit 1 p. C2**). Preliminary building designs are provided as **Exhibit 2**; however, final designs are subject

to modification based upon Planning Board review and site and construction conditions. Each condominium unit will have garage space for at least one vehicle, together with space in front of the garage for additional parking. Four visitor parking spaces are provided.

The eight (8) units will be accessed from the proposed Grapevine Run directly across Boyd Road from the Manor Drive multi-building, multi-unit apartment complex. The proposed development is abutted to the north by the Holiday Inn Hotel and to the west by Best Western Hotel/Roundabout Diner.

### **III. Relief Required**

The proposed project meets unit density (7500 s.f. per dwelling unit required, 7503 s.f. proposed, PZO§10.521, Table of Dimensional Standards), setback, lot coverage and open space requirements. (**Exhibit 1 p.C2**). However, limited relief is required to allow the proposed structures on a single lot.

Required relief is as follows:

-PZO§10.513 permitting one freestanding dwelling per lot, where four freestanding single-family units and two duplex freestanding buildings are proposed.

### **IV. Variance Requirements**

- 1. The variance will not be contrary to the public interest**
- 2. The spirit of the ordinances observed**

The first step in the ZBA's analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc v. Town of Chichester, 155 NH 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." *Id.* "Mere conflict with the ordinance is not enough." *Id.*

The Portsmouth zoning ordinance was enacted for the general purpose (PZO§10.121) of promoting the health, safety and welfare in accordance with the Master plan by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes- While the zoning ordinance limits residential to one building per lot, in addition to providing much-needed relatively affordable housing in Portsmouth, the proposed 8 units on 60,025 sf (1.38 acres) meets the general purposes of the GRA District to provide areas for single family, two-family and multifamily dwellings, with

appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre) together with appropriate accessory uses and limited services.(PZO§10.419). The proposal “fits” well in the area given the proximity of the abutting multi-building multi-unit Manor Drive development, the 2 large hotels and diner, along with single-family and duplex dwellings across Woodbury Avenue.

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space- The proposal complies with lot size, building coverage, height, yards and open space requirements. Eight units on 1.38 acres meets the GRA general purposes 5-12 dwelling units per acre. At 7503 s.f. per dwelling unit, 8 units meet the 7500 s.f. per dwelling unit density requirement. Eight units will not be fully visible from the existing streets and is consistent with the area given the abutting Manor Drive development and the abutting hotels and diner.
3. The design of facilities for vehicular access, circulation, parking and loading- The Project will be served by a private street and driveways from the lesser traveled Boyd Road. The Project will eliminate a curb cut/driveway on the busy Woodbury Avenue. Each unit will have a garage with additional area on-site for visitor parking. Entry, exit, maneuvering and turnaround are all reasonable as proposed.
4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding- the proposed development is bounded by Woodbury Avenue and Boyd Road. Single-family homes/duplexes and their uses will be quiet and unassuming. The Project also rehabilitates 3 existing homes and grounds (lots 2, 3, 13), a benefit to the surrounding neighborhood.
5. The preservation and enhancement of the visual environment- The 8 tastefully designed units will preserve/enhance the visual environment as will the rehabilitation of the 3 existing homes/grounds.
6. The preservation of historic districts buildings and structures of historic or architectural interest-The property is not in the historic district. The existing home to be removed is old but of no known historic or architectural interest. The other 3 existing homes will be rehabilitated.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality- The Project will have no negative effect on these purposes. It will be fully vetted by the planning board.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinances basic zoning objectives. "Malachy Glen, supra, the New Hampshire Supreme Court also held:



One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality. . . Another approach to[determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (Emphasis Added)

The project location is along heavily traveled Woodbury Avenue. While there are single-family homes in the area the three closest are part of this overall project. Nearby are the traffic circle, bypass, automobile dealerships, hotels and the multi-building multi-unit Manor or Drive apartment complex. The 8 units, 2 of which are at the intersection of Woodbury and Boyd, with the others along the lessor-traveled Boyd Road are tucked at the northwest corner nearest the hotels. The Proposal fits in well with the eclectic area. Thus, granting 8 condominium units on 1.38 acres where the GRA zone intends 5-12 units per acre does not alter the essential character of the locality. Likewise, 8 new code compliant homes together with rehabilitating the 3 remaining existing homes and grounds will not threaten the public health, safety or welfare. To the contrary, the project will provide comparatively modestly priced housing in the city of Portsmouth.

### **3. Granting the variances will not diminish surrounding property values**

The closest abutters to the 8 units are the 3 remaining single-family units to be purchased by Tuck and renovated. The units closest to the corner of Woodbury and Boyd are directly across Boyd Road from the Manor Drive development containing multiple duplexes. The existing uninhabited home at the corner of Woodbury and Boyd is a somewhat of an eyesore and will be removed along with the Woodbury Avenue curb cut. The 3 existing homes to remain are intended be rehabilitated and their adjoining yards cleaned up. The area is relatively heavily vegetated. The 8 condominium units will thus be screened from the neighborhood. The construction of 8 condominium units together with improving the 3 remaining single-family homes will improve the area significantly, thus will not diminish the value of surrounding properties.

**4. Denial of the variances results in an unnecessary hardship**

**a. Special conditions distinguish the property/project from others in the area-**

The 60025 s.f. lot holding the proposed 8 condominium units is large for the area. Density limits of the GRA zone are met. It is abutted by a much more significant multi-building, multi-unit apartment complex across Boyd Road on Manor Drive. The 1.38 acre lot with 8 units meets the GRA stated purposes of relatively dense development with 5-12 units per acre. Nearby is the bypass and traffic circle. Other than Manor Drive, there are a few homes across Woodbury Avenue; however, the primary abutters are the Manor Drive apartments, Best Western Hotel/Roundabout Diner and Holiday Inn Hotel. The parcel size and the property's location near hotels and a significant duplex project across the street combine to create special conditions.

**b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.**

The purpose of one free standing dwelling per lot is to prohibit overcrowding, allow for air, light, and separation between neighbors, and to permit stormwater treatment. The proposal meets the density requirements of 7,500 feet per dwelling unit, so overcrowding is nonexistent. Adequate area for air, light, separation between neighbors and stormwater treatment area is provided given its proximity to 3 other single-family homes which are part of the overall development project, the proximity of the Manor Drive apartments, two hotels and a diner, granting the variances will violate none of the underlying purposes of the "one freestanding dwelling unit per lot" zoning limitation. This is especially true where, given its location and surroundings, granting this particular variance will provide 8 relatively reasonably priced homes in the city of Portsmouth to include vegetated screening and significant improvements to the 3 existing homes/lots. The entire area will be upgraded, thus it follows that there simply is no reason to apply the strict requirements of the ordinance. This transitional location is well suited for an 8unit condominium comprised of single-family and duplexes units.

c. The proposed use is reasonable

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 NH 747 (2005). The proposal is a residential use in a residential zone thus is reasonable.

5. Substantial justice will be done by granting the variance.

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra at 109.

Tuck is constitutionally entitled to the use of the lot as it sees fit subject only to the effect of the development with respect to zoning. “The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). “Property” in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (Emphasis added).


Because the Project meets all setback, lot coverage and open space requirements; abuts a large apartment complex, two hotels and a diner; is in close proximity to the bypass/traffic circle; eliminates one dilapidated home together with its driveway onto Woodbury Avenue; renovates the other three (3) homes and lots; provides relatively more affordable housing in Portsmouth given its location; will provide screening from abutters thus will be largely unnoticed, there will be no gain to the public from denying the variances and no harm to the public by granting the variances. Conversely, denial of the variance causes great harm to Tuck and the property owners intending to sell via loss of value and the opportunity to provide additional forms of homeownership in Portsmouth New Hampshire, as the Project as proposed will not occur. Thus substantial justice dictates that the variances be granted.

**V. Conclusion**

For all of the reasons herein stated, Tuck respectfully requests that the Portsmouth Zoning of Adjustment grant the requested variances.

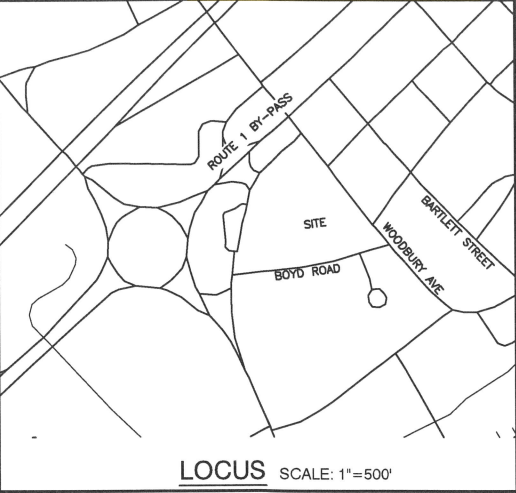
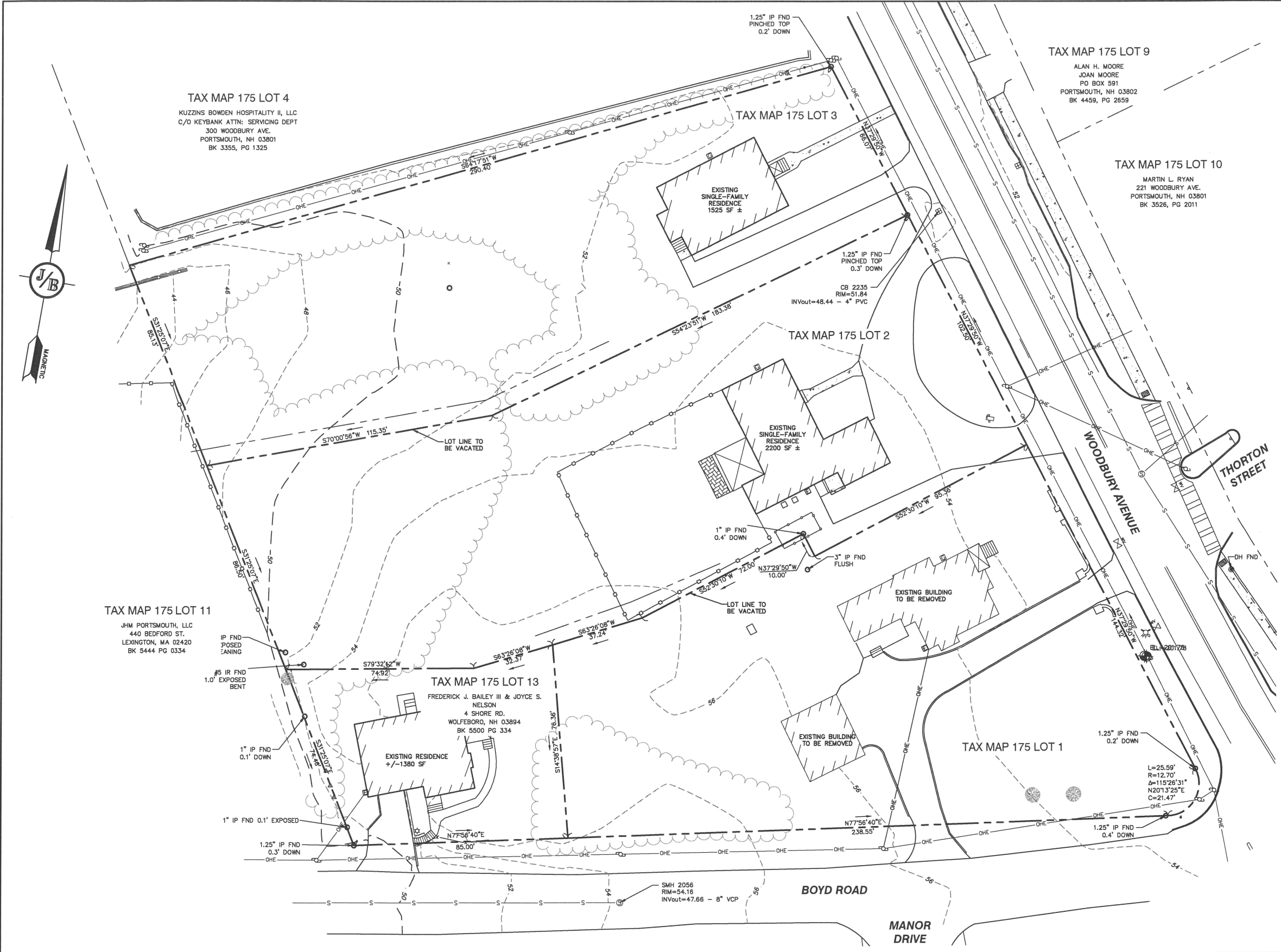
Respectfully submitted,  
Tuck Realty Corporation

By:

A handwritten signature in blue ink, appearing to be 'Kevin Baum', is written over a horizontal line.

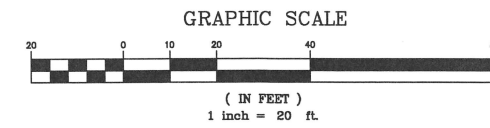
R. Timothy Phoenix, Esq.  
Kevin Baum, Esq.





- EXISTING CONDITIONS NOTES:**
1. THE INTENT OF THIS PLAN IS TO SHOW THE APPROXIMATE EXISTING FEATURES LOCATED ON CITY OF PORTSMOUTH TAX MAP 175, LOTS 1, 2 & 3.
  2. UNDERGROUND FACILITIES, UTILITIES AND STRUCTURES HAVE BEEN PLOTTED FROM FIELD OBSERVATION AND THEIR LOCATION MUST BE CONSIDERED APPROXIMATE ONLY. NEITHER JONES & BEACH ENGINEERS, INC., NOR ANY OF THEIR EMPLOYEES TAKE RESPONSIBILITY FOR THE LOCATION OF ANY UNDERGROUND STRUCTURES OR UTILITIES NOT SHOWN THAT MAY EXIST. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL UNDERGROUND STRUCTURES AND/OR UTILITIES LOCATED PRIOR TO EXCAVATION WORK BY CALLING 1-888-DIG-SAFE (1-888-344-7233).
  3. NO WETLANDS WERE OBSERVED WITHIN 100' OF THE PROPERTY BOUNDARY. SEE LETTER FROM GOVE ENVIRONMENTAL SERVICES, INC.
  4. SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 33015C0270F, DATED JANUARY 29, 2021.


**ADDITIONAL ABUTTER:**  
**TAX MAP 162 LOT 56**  
COLBY T. GAMESTER  
AMANDA D. GAMESTER  
187 WOODBURY AVE.  
PORTSMOUTH, NH 03801  
BK 6050 PG 180



<b>PROJECT PARCEL</b> CITY OF PORTSMOUTH TAX MAP 175, LOTS 1,2,&3
<b>APPLICANT</b> TUCK REALTY CORP. ATTN: TURNER PORTER P.O. BOX 190 EXETER, NH 03833
<b>TOTAL LOT AREA</b> 87,661 SQ. FT. 2.01 ACRES

Design: JAC	Draft: AJB	Date: 01/05/22
Checked: JAC	Scale: 1"=20'	Project No.: 21254
Drawing Name: 21254-PLAN.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

REV.	DATE	REVISION	BY
1	3/21/22	REVISED PER CLIENT	DJM
0	1/5/22	ISSUED FOR REVIEW	AJB

**Jones & Beach Engineers, Inc.**

Designed and Produced in NH

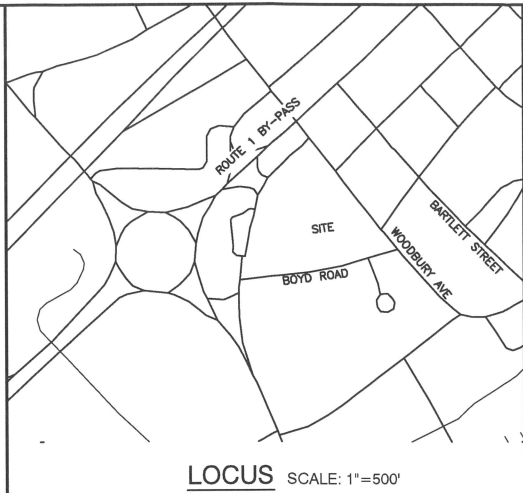
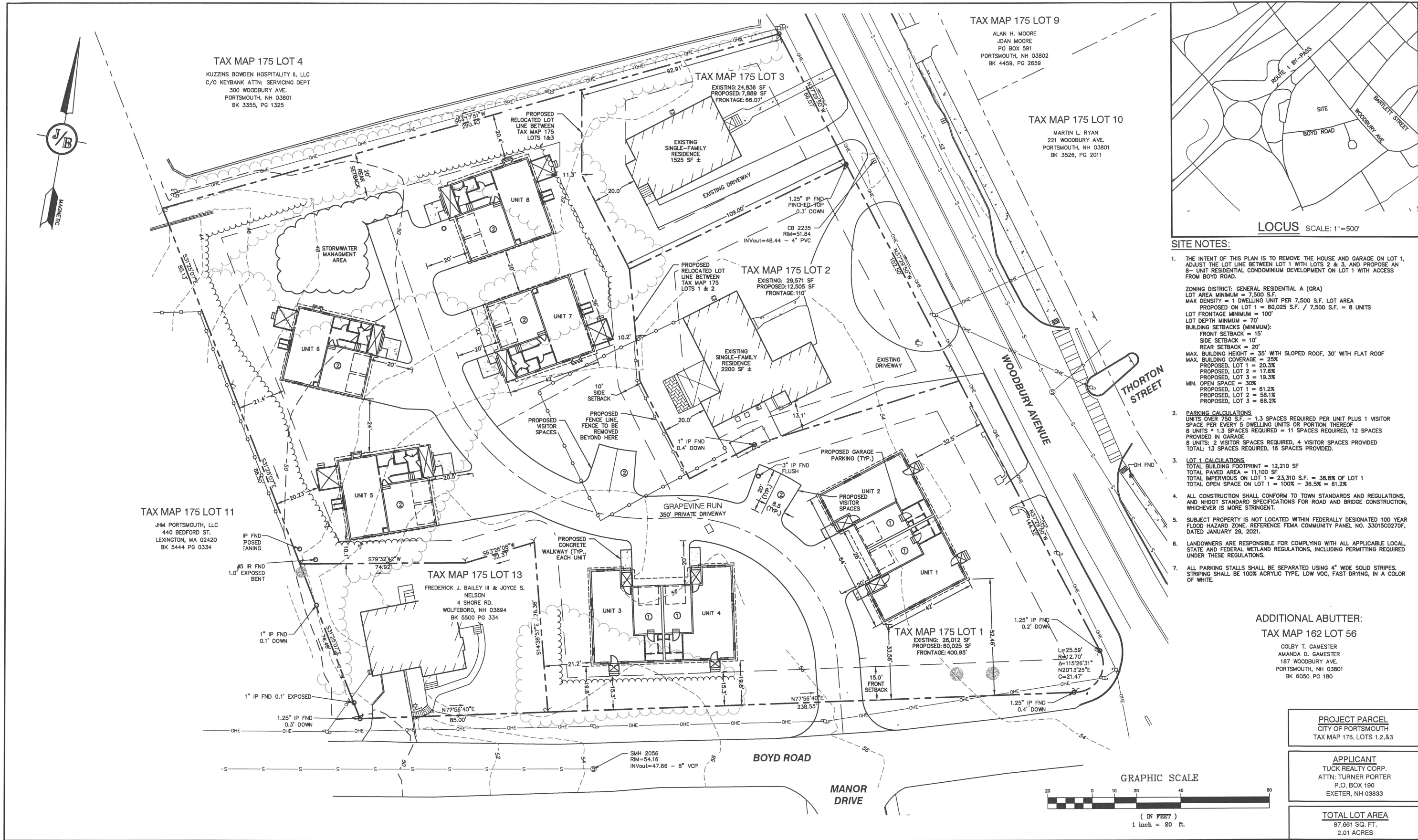
Civil Engineering Services

85 Portsmouth Ave.  
PO Box 219  
Stratham, NH 03885

603-772-4746  
FAX: 603-772-0227  
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	<b>EXISTING CONDITIONS PLAN</b>
Project:	<b>"GRAPEVINE RUN" PORTSMOUTH, NH 03801</b>
Owner of Record:	LOT 1&2: FREDERICK J. BAILEY III & JOYCE NELSON 22 KIRRIEMUIR RD., STRATHAM, NH 03885 LOT 1: BK 4708 PG 979, LOT 2: BK 4582 PG 888 LOT 3: FREDERICK J. BAILEY III & JOYCE S. NELSON BAILEY: 22 KIRRIEMUIR RD., STRATHAM, NH 03885 NELSON: 19 BUCKINGHAM DR., BOW, NH BK 3919 PG 1345

DRAWING No.
<b>C1</b>
SHEET 1 OF 2 JBE PROJECT NO. 21254



- SITE NOTES:**
- THE INTENT OF THIS PLAN IS TO REMOVE THE HOUSE AND GARAGE ON LOT 1, ADJUST THE LOT LINE BETWEEN LOT 1 WITH LOTS 2 & 3, AND PROPOSE AN 8-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT ON LOT 1 WITH ACCESS FROM BOYD ROAD.
  - ZONING DISTRICT:** GENERAL RESIDENTIAL A (GRA)  
**LOT AREA:** MINIMUM = 7,500 S.F.  
**MAX DENSITY:** = 1 DWELLING UNIT PER 7,500 S.F. LOT AREA  
**PROPOSED ON LOT 1:** = 60,025 S.F. / 7,500 S.F. = 8 UNITS  
**LOT FRONTAGE:** MINIMUM = 100'  
**LOT DEPTH:** MINIMUM = 70'  
**BUILDING SETBACKS (MINIMUM):**  
FRONT SETBACK = 15'  
SIDE SETBACK = 10'  
REAR SETBACK = 20'  
**MAX. BUILDING HEIGHT:** = 35' WITH SLOPED ROOF, 30' WITH FLAT ROOF  
**MAX. BUILDING COVERAGE:** = 25%  
PROPOSED, LOT 1 = 20.3%  
PROPOSED, LOT 2 = 17.6%  
PROPOSED, LOT 3 = 19.3%  
**MIN. OPEN SPACE:** = 30%  
PROPOSED, LOT 1 = 61.2%  
PROPOSED, LOT 2 = 58.1%  
PROPOSED, LOT 3 = 68.2%
  - PARKING CALCULATIONS:**  
UNITS OVER 750 S.F. = 1.3 SPACES REQUIRED PER UNIT PLUS 1 VISITOR SPACE PER EVERY 5 DWELLING UNITS OR PORTION THEREOF  
8 UNITS \* 1.3 SPACES REQUIRED = 11 SPACES REQUIRED, 12 SPACES PROVIDED IN GARAGE  
8 UNITS: 2 VISITOR SPACES REQUIRED, 4 VISITOR SPACES PROVIDED  
TOTAL: 13 SPACES REQUIRED, 16 SPACES PROVIDED.
  - LOT 1 CALCULATIONS:**  
TOTAL BUILDING FOOTPRINT = 12,210 SF  
TOTAL PAVED AREA = 11,100 SF  
TOTAL IMPERVIOUS ON LOT 1 = 23,310 S.F. = 38.8% OF LOT 1  
TOTAL OPEN SPACE ON LOT 1 = 100% - 38.8% = 61.2%
  - ALL CONSTRUCTION SHALL CONFORM TO TOWN STANDARDS AND REGULATIONS, AND NHDOT STANDARD SPECIFICATIONS FOR ROAD AND BRIDGE CONSTRUCTION, WHICHEVER IS MORE STRINGENT.
  - SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE, REFERENCE FEMA COMMUNITY PANEL NO. 33015C0270F, DATED JANUARY 29, 2021.
  - LANDOWNERS ARE RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE LOCAL, STATE AND FEDERAL WETLAND REGULATIONS, INCLUDING PERMITTING REQUIRED UNDER THESE REGULATIONS.
  - ALL PARKING STALLS SHALL BE SEPARATED USING 4" WIDE SOLID STRIPES. STRIPING SHALL BE 100% ACRYLIC TYPE, LOW VOC, FAST DRYING, IN A COLOR OF WHITE.

**ADDITIONAL ABUTTER:**  
**TAX MAP 162 LOT 56**  
COLBY T. GAMESTER  
AMANDA D. GAMESTER  
187 WOODBURY AVE.  
PORTSMOUTH, NH 03801  
BK 6050 PG 180

<b>PROJECT PARCEL</b> CITY OF PORTSMOUTH TAX MAP 175, LOTS 1,2,&3
<b>APPLICANT</b> TUCK REALTY CORP. ATTN: TURNER PORTER P.O. BOX 190 EXETER, NH 03833
<b>TOTAL LOT AREA</b> 87,661 SQ. FT. 2.01 ACRES

Design: JAC	Draft: AJB	Date: 01/05/22
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Drawing Name: 21254-PLAN.dwg	THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.	

REV.	DATE	REVISION	BY
1	3/21/22	REVISED PER CLIENT	DJM
0	1/5/22	ISSUED FOR REVIEW	AJB

**J/B Jones & Beach Engineers, Inc.**  
Civil Engineering Services  
85 Portsmouth Ave.  
PO Box 219  
Stratham, NH 03885  
603-772-4746  
FAX: 603-772-0227  
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	<b>ZBA SITE PLAN</b>
Project:	<b>"GRAPEVINE RUN"</b> <b>PORTSMOUTH, NH 03801</b>
Owners of Record:	LOT 1&2: FREDERICK J. BAILEY III & JOYCE NELSON 22 KIRRIEMUIR RD., STRATHAM, NH 03885 LOT 1: BK 4708 PG 979, LOT 2: BK 4582 PG 888 LOT 3: FREDERICK J. BAILEY III & JOYCE S. NELSON BAILEY: 22 KIRRIEMUIR RD., STRATHAM, NH 03885 NELSON: 19 BUCKINGHAM DR., BOW, NH BK 3919 PG 1345

DRAWING No.  
**C2**  
SHEET 2 OF 2  
JBE PROJECT NO. 21254



3/3/2022

# Maypop Expanded Duplex

471.224.v3

(3/3/2022)

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## Artform Home Plans

603-431-9559



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Maypop Expanded Duplex 471.224.v3

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- Increasing ceiling heights usually requires adjustments to window sizes and other exterior elements.

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- Structural changes always require the express written consent of Artform
- If you wish to move or remove walls or structural elements (such as removal of posts, increases in house size, ceiling height changes, addition of dormers, etc), please do not assume it can be done without other additional changes (even if the builder or lumber yard says you can).

3/3/2022

# Maypop Expanded Duplex

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(3/3/2022)

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## Artform Home Plans

603-431-9559





3/3/2022

# Maypop Expanded Duplex

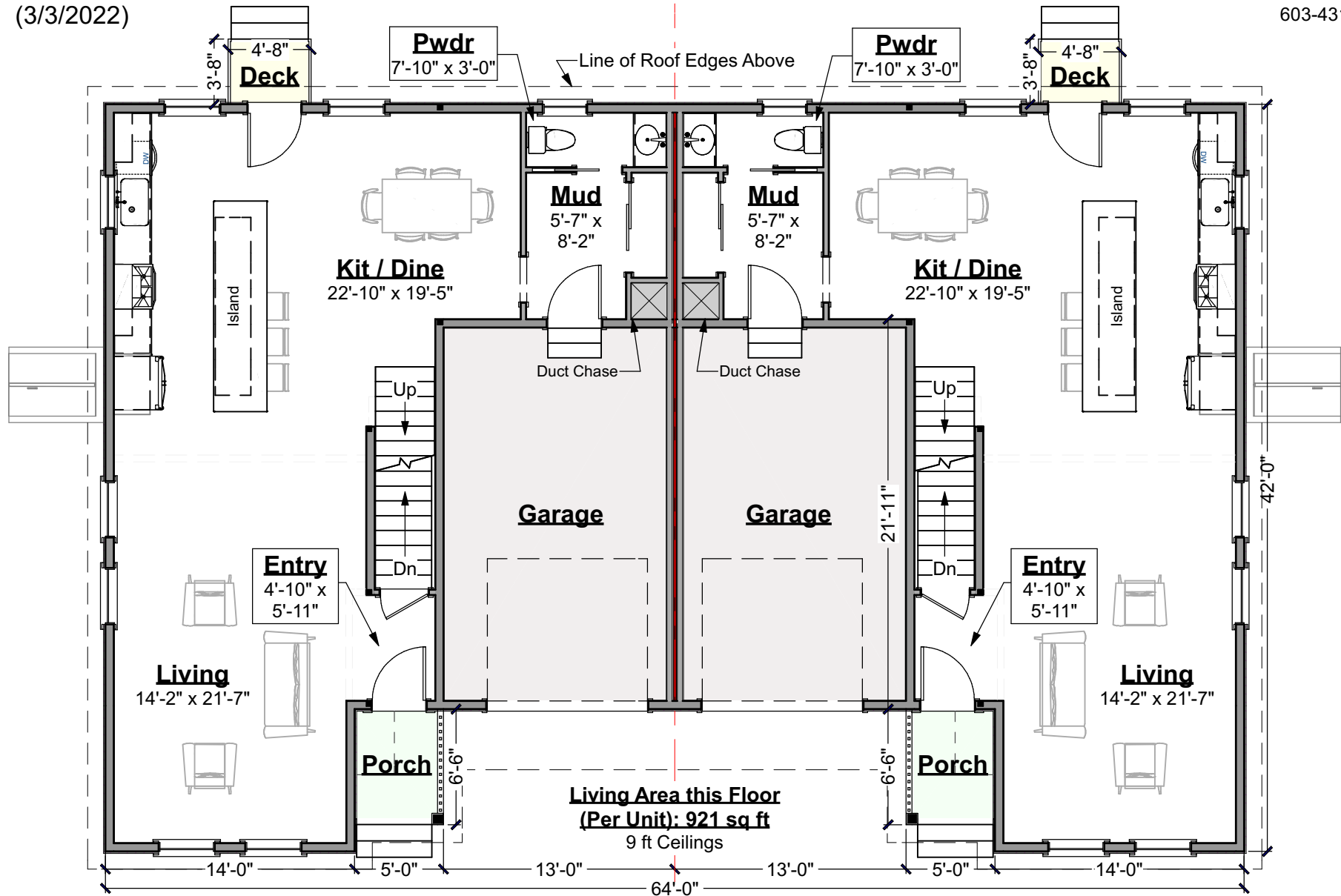
471.224.v3

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**Artform Home Plans**

603-431-9559



**First Floor Plan**

Scale: 1/8" = 1'-0"

3/3/2022

# Maypop Expanded Duplex

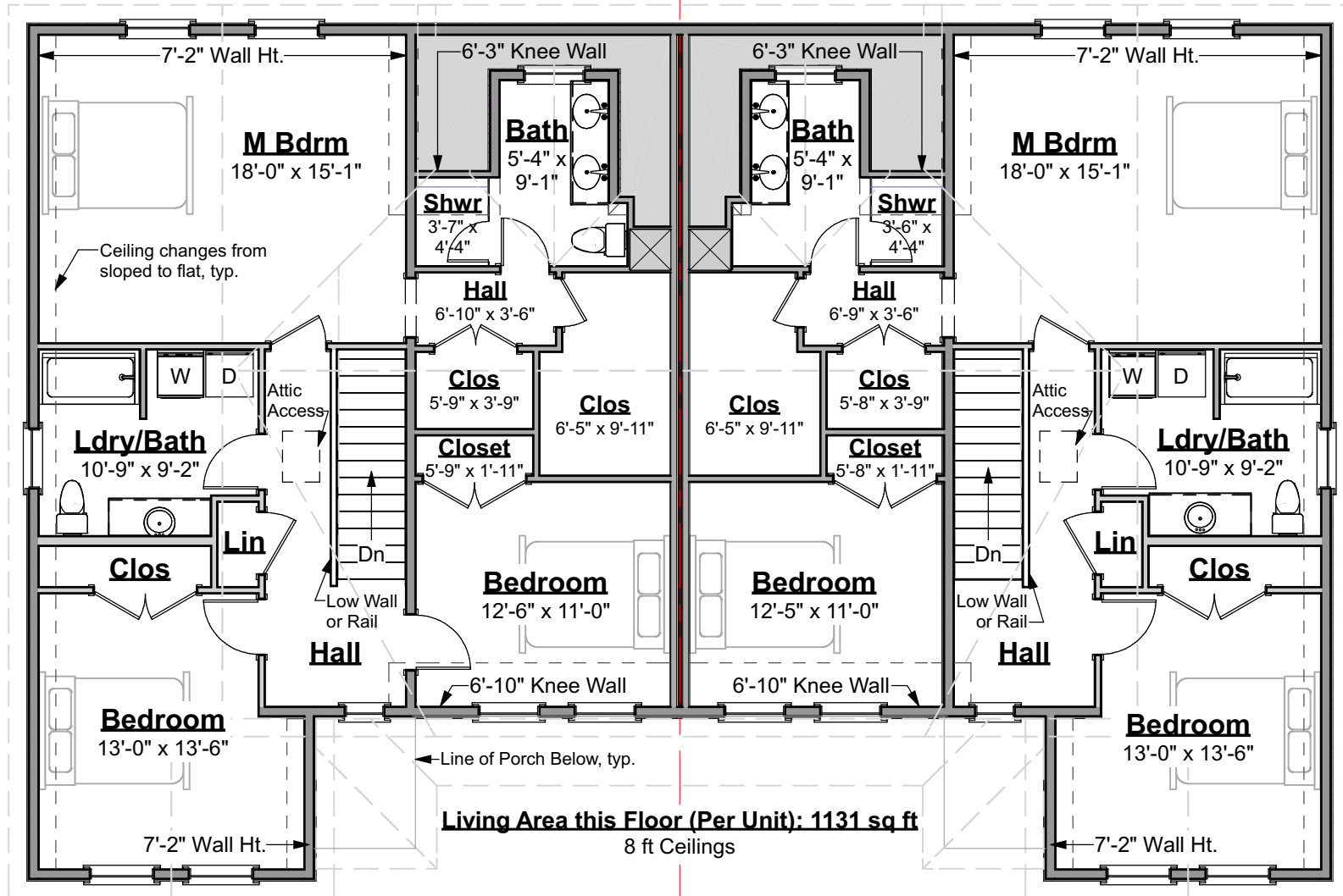
471.224.v3

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603-431-9559



## Second Floor Plan

Scale: 1/8" = 1'-0"

3/3/2022

# Maypop Expanded Duplex

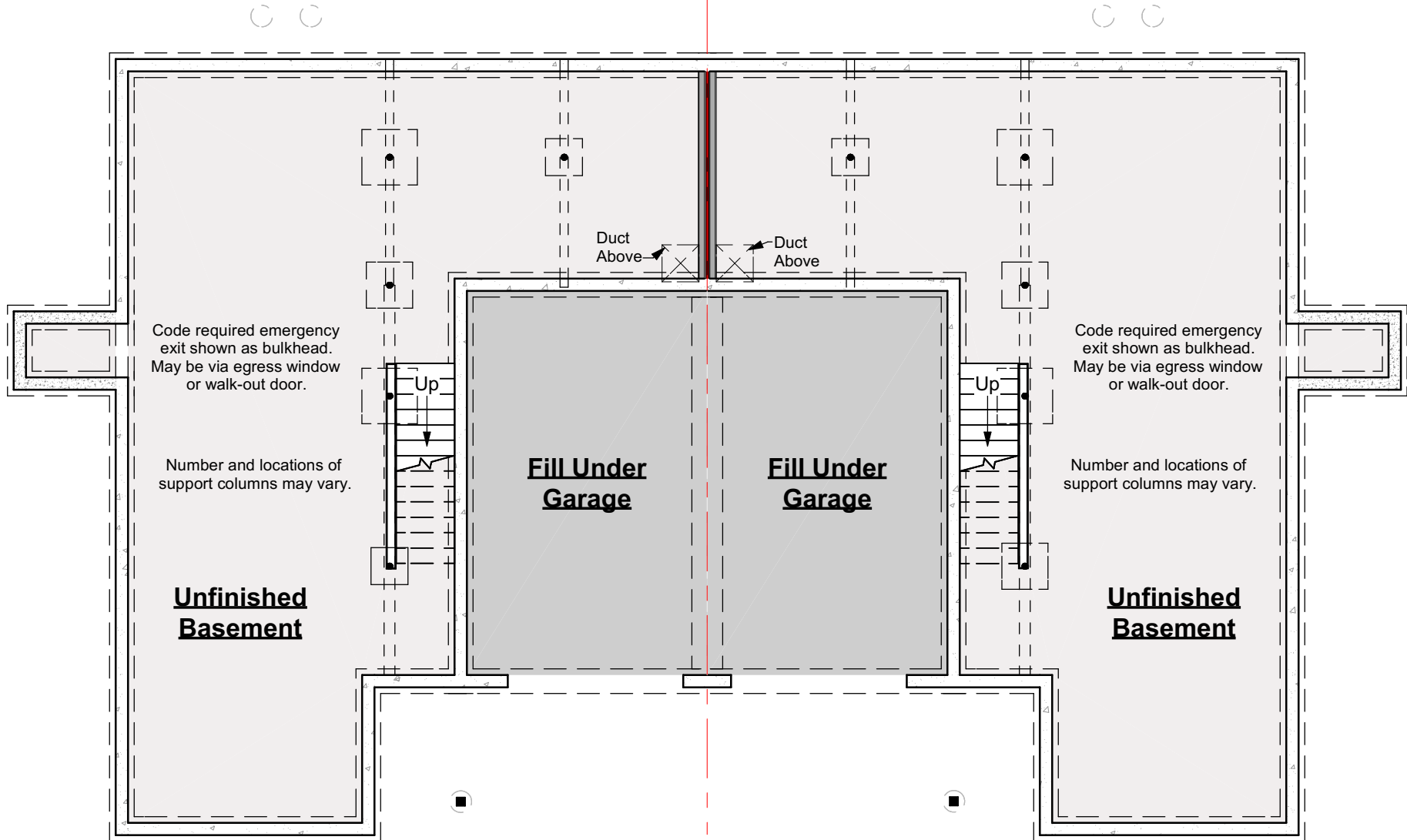
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**Artform Home Plans**

603-431-9559



**Foundation Plan**

Scale: 1/8" = 1'-0"

3/3/2022

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**Artform Home Plans**

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**Artform Home Plans**

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3/3/2022

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**Artform Home Plans**

603-431-9559



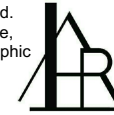
3/3/2022

# Maypop Expanded Duplex

471.224.v3

(3/3/2022)

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**Artform Home Plans**

603-431-9559



# Ben Gabriel

1096.124 GR (3/23/2022)

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603-431-9559



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### Facade Changes:

- To maintain design integrity, we pay particular attention to features on the front facade, including but not limited to door surrounds, window casings, finished porch column sizes, and roof friezes. While we may allow builders to add their own flare to aesthetic elements, we don't allow our designs to be stripped of critical details. Any such alterations require the express written consent of Artform.
- Increasing ceiling heights usually requires adjustments to window sizes and other exterior elements.

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3/23/2022

# Ben Gabriel

1096.124 GR (3/23/2022)

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## Artform Home Plans

603-431-9559



3/23/2022

**Ben Gabriel**

1096.124 GR (3/23/2022)

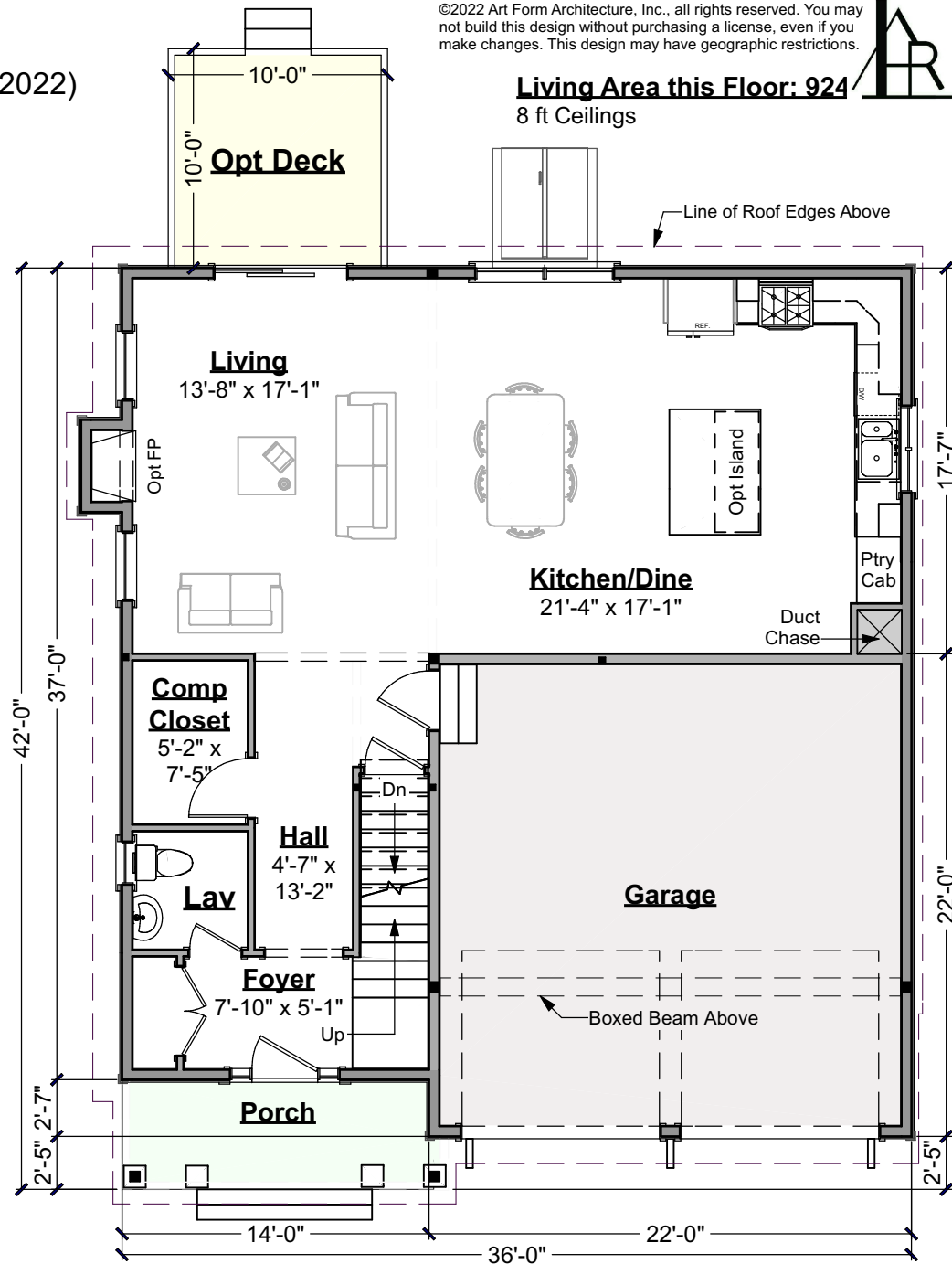
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**Living Area this Floor: 924**

8 ft Ceilings

**Artform Home Plans**

603-431-9559



**First Floor Plan**  
Scale: 1/8" = 1'-0"

3/23/2022

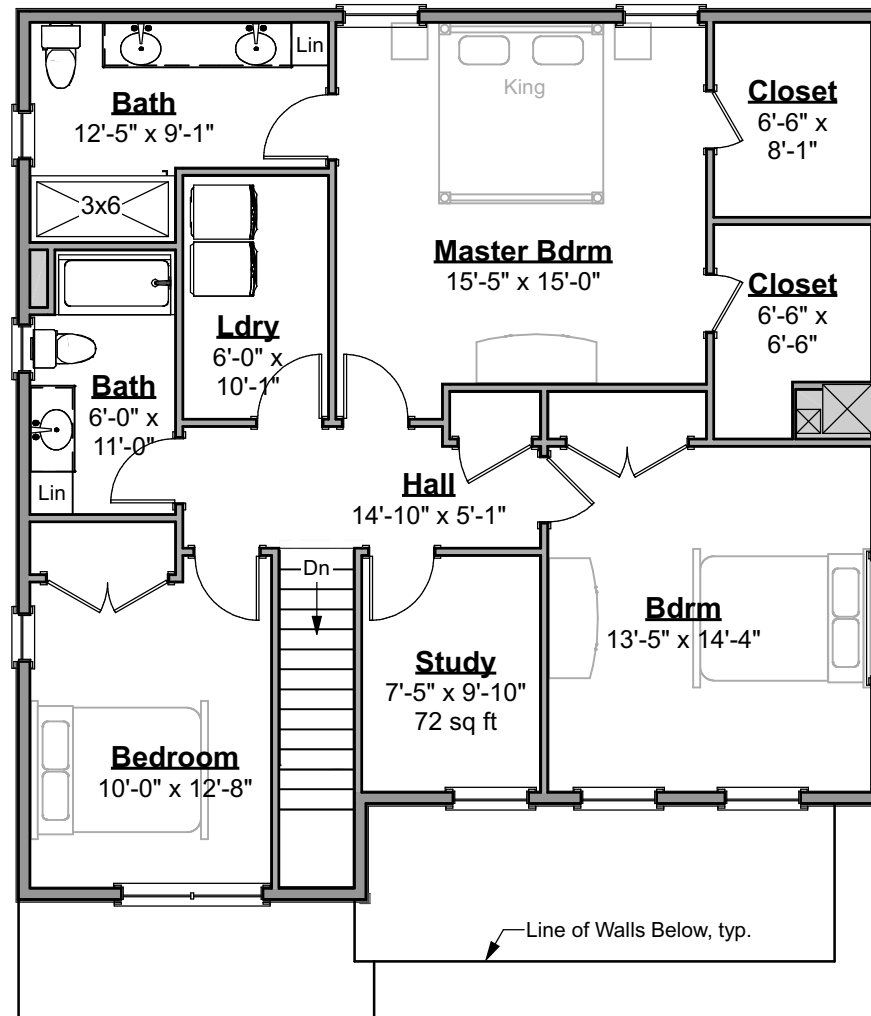
**Ben Gabriel**

1096.124 GR (3/23/2022)

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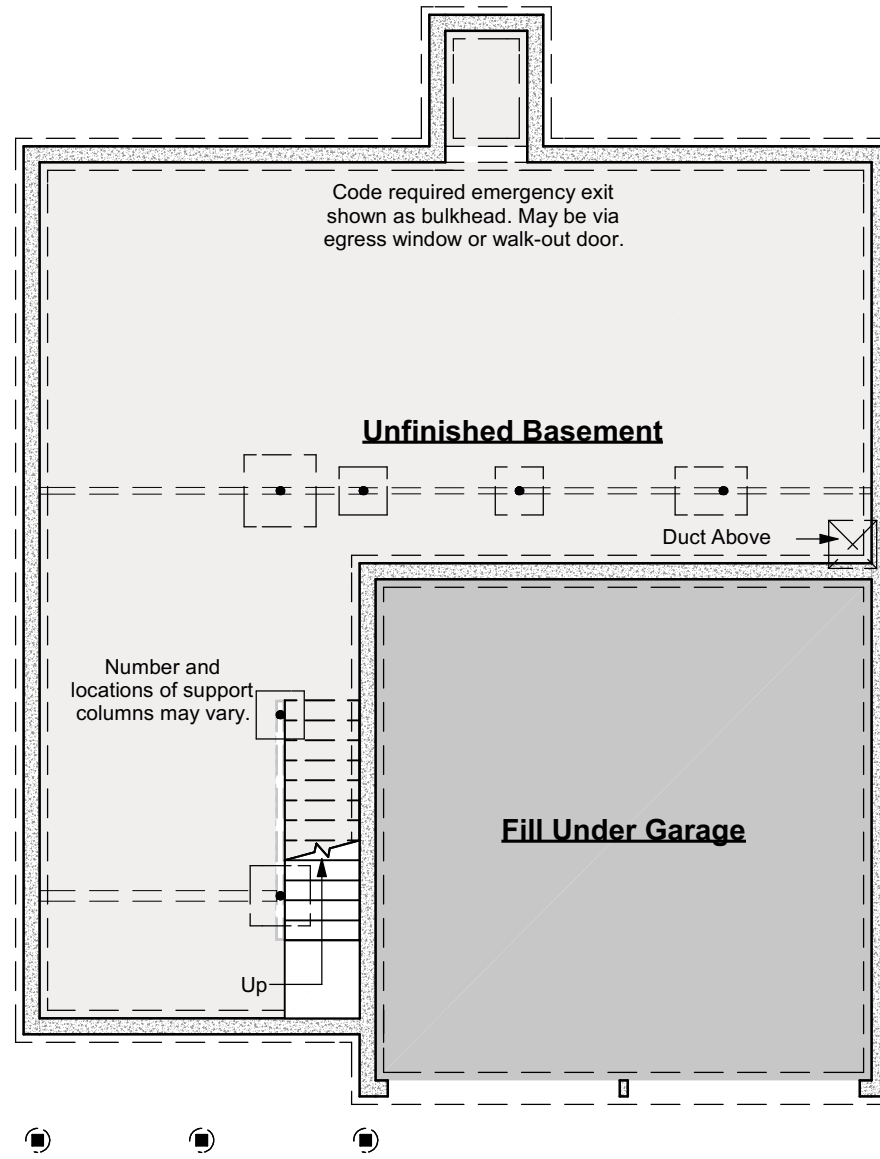
**Artform Home Plans**

603-431-9559



**Living Area this Floor: 1246 sq ft**  
8 ft Ceilings

**Second Floor Plan**  
Scale: 1/8" = 1'-0"



**Foundation Plan**  
 Scale: 1/8" = 1'-0"



3/23/2022

**Ben Gabriel**

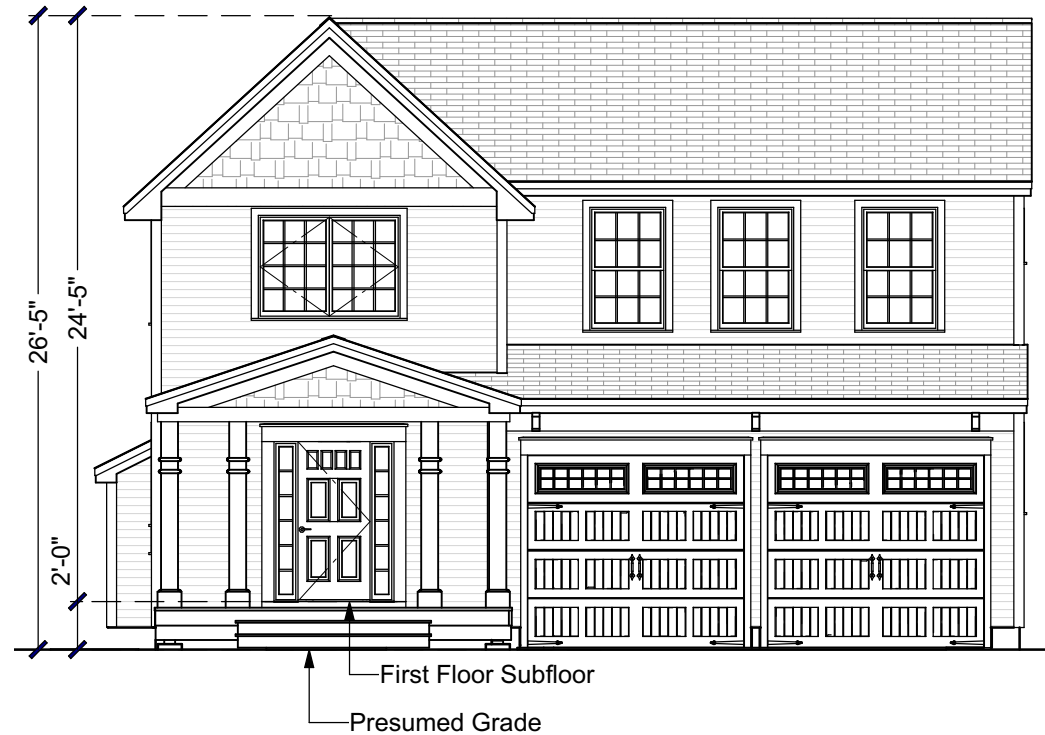
1096.124 GR (3/23/2022)

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**Artform Home Plans**

603-431-9559



**Front Elevation**

Scale: 1/8" = 1'-0"

3/23/2022

**Ben Gabriel**

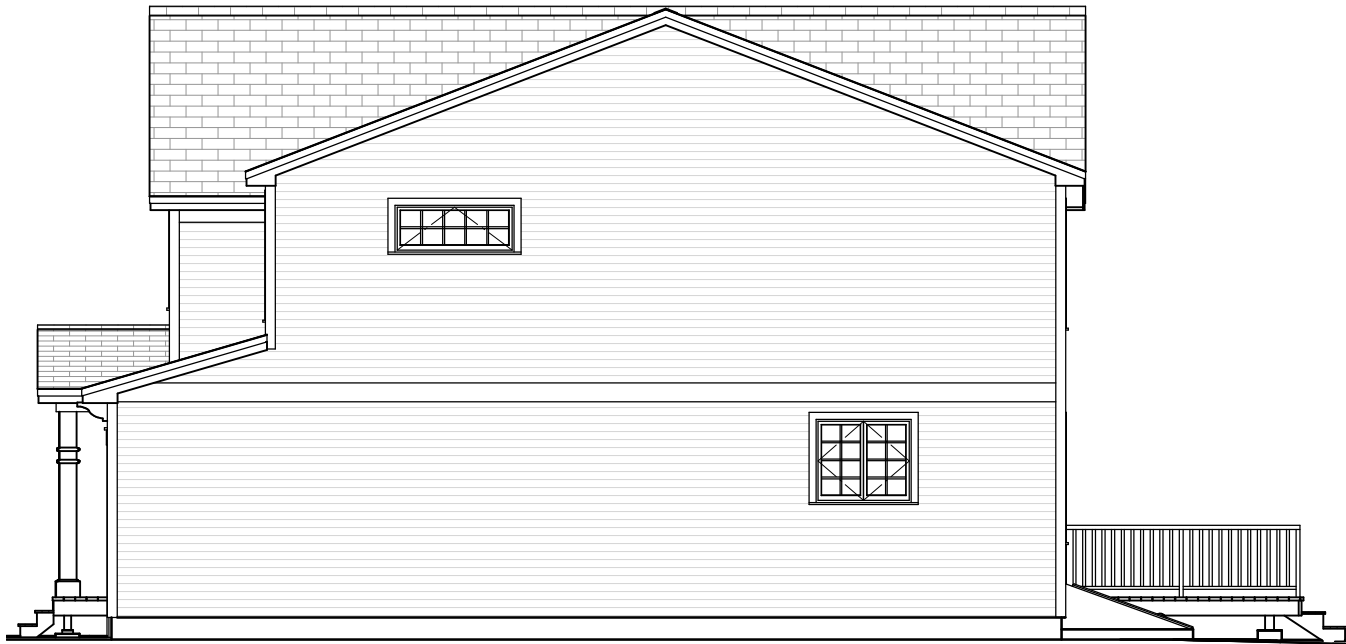
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**Artform Home Plans**

603-431-9559



**Right Elevation**

Scale: 1/8" = 1'-0"

3/23/2022

**Ben Gabriel**

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**Artform Home Plans**

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**Rear Elevation**

Scale: 1/8" = 1'-0"

3/23/2022

**Ben Gabriel**

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**Artform Home Plans**

603-431-9559



**Left Elevation**  
Scale: 1/8" = 1'-0"

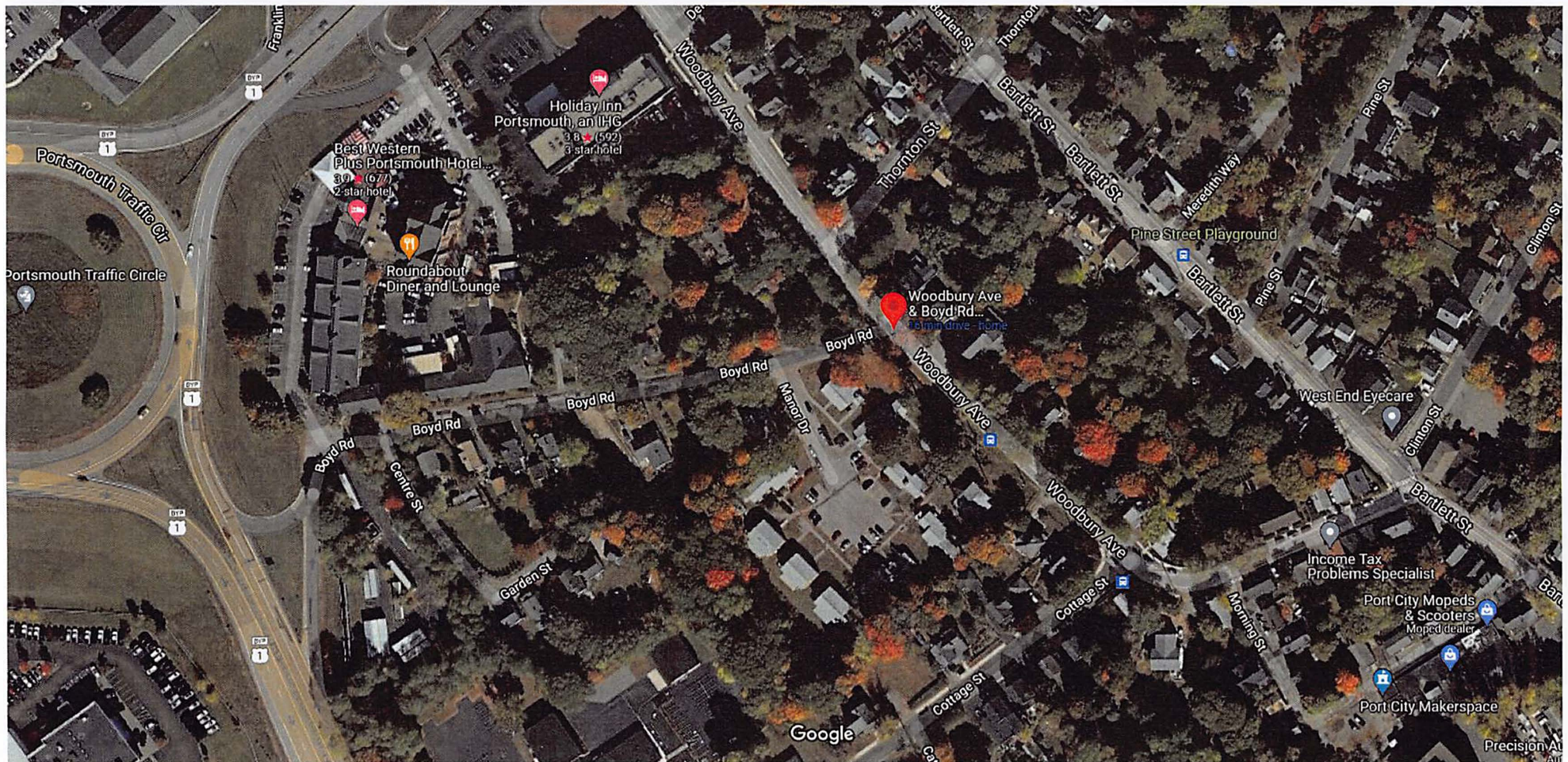


2/21/22, 10:01 AM

Woodbury Ave & Boyd Rd - Google Maps

## EXHIBIT 3

Google Maps Woodbury Ave & Boyd Rd



Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA Farm Service Agency, Map data ©2022 100 ft



2/21/22, 10:01 AM

Woodbury Ave & Boyd Rd - Google Maps

Google Maps Woodbury Ave & Boyd Rd



Imagery ©2022 Maine GeoLibrary, U.S. Geological Survey, Map data ©2022 20 ft



2/21/22, 10:02 AM

2 Manor Dr - Google Maps

Google Maps 2 Manor Dr

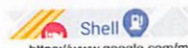


Image capture: Sep 2011 © 2022 Google

Portsmouth, New Hampshire

Google

Street View - Sep 2011



[https://www.google.com/maps/@43.0726422,-70.7769293,3a,75y,127.32h,83.3t/data=!3m7!1e1!3m5!1szrX41MSnwhTwEBSi4hwuHA!2e0!6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fpanoid%3DzrX41MSnwhTwEBSi4hwuHA%26cb\\_client%3Dmaps\\_sv.tactile.gps%26w%3D203%26h%3D...](https://www.google.com/maps/@43.0726422,-70.7769293,3a,75y,127.32h,83.3t/data=!3m7!1e1!3m5!1szrX41MSnwhTwEBSi4hwuHA!2e0!6shhttps:%2F%2Fstreetviewpixels-pa.googleapis.com%2Fv1%2Fthumbnail%3Fpanoid%3DzrX41MSnwhTwEBSi4hwuHA%26cb_client%3Dmaps_sv.tactile.gps%26w%3D203%26h%3D...) 1/1



























212 WOODBURY AVE

Location 212 WOODBURY AVE

Mblu 0175/ 0001/ 0000/ /

Acct# 35282

Owner BAILEY FREDERICK J III

PBN

Assessment \$383,800

Appraisal \$383,800

PID 35282

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$90,400	\$293,400	\$383,800

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$90,400	\$293,400	\$383,800

Owner of Record

Owner BAILEY FREDERICK J III  
Co-Owner NELSON JOYCE  
Address 4 SHORE RD  
WOLFEBORO, NH 03894

Sale Price \$475,000  
Certificate  
Book & Page 4708/0979  
Sale Date 09/15/2006  
Instrument 24

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BAILEY FREDERICK J III	\$475,000		4708/0979	24	09/15/2006

Building Information

Building 1 : Section 1

Year Built: 1870  
Living Area: 2,432  
Replacement Cost: \$337,263  
Building Percent Good: 26

Less Depreciation:	\$87,700
--------------------	----------

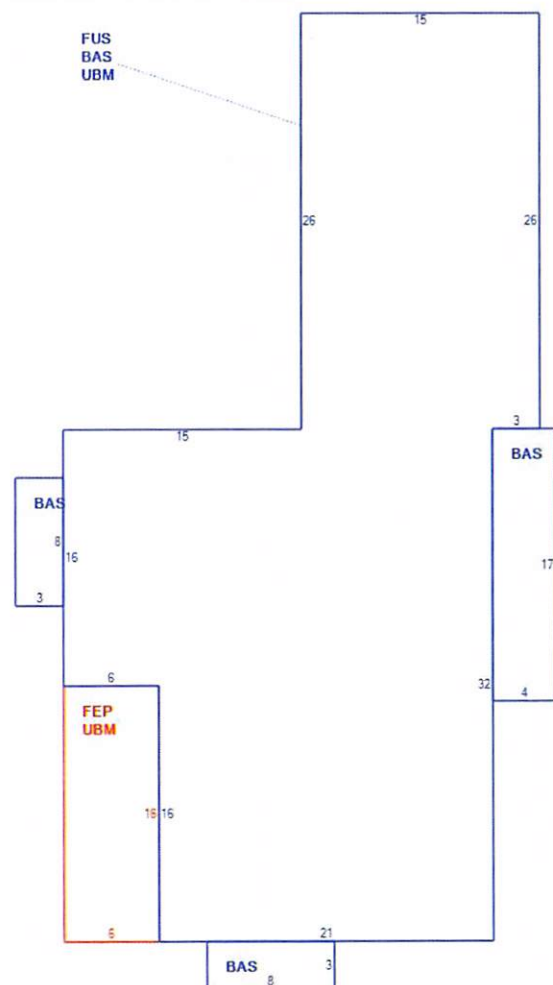
	Building Attributes	
	Field	Description
Style:		Conventional
Occupancy		1
Exterior Wall 2		
Interior Wall 2		
Interior Flr 2		Carpet
Model		Residential
Grade:		C+
Stories:		2
Exterior Wall 1		Clapboard
Roof Structure:		Mansard
WB Fireplaces		0
Extra Openings		0
Roof Cover		Asph/F GlS/Cmp
Metal Fireplaces		0
Extra Openings 2		0
Bsmt Garage		
Interior Wall 1		Plastered
Interior Flr 1		Hardwood
Heat Fuel		Gas
Heat Type:		Steam
AC Type:		None
Total Bedrooms:		3 Bedrooms
Total Bthrms:		1
Total Half Baths:		0
Total Xtra Fixtrs:		1
Total Rooms:		7
Bath Style:		Avg Quality
Kitchen Style:		Avg Quality
Kitchen Gr		

### Building Photo



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos/\A00\02\09\71.jpg>)

## Building Layout



(ParcelSketch.ashx?pid=35282&bid=35282)

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
BAS	First Floor	1,274	1,274
FUS	Upper Story, Finished	1,158	1,158
FEP	Porch, Enclosed	96	0

UBM	Basement, Unfinished	1,254	0
		3,782	2,432

## Extra Features

Extra Features				<u>Legend</u>
Code	Description	Size	Value	Bldg #
KIT	EXTRA KITCHEN	1.00 UNITS	\$1,000	1

## Land

### Land Use

**Use Code** 1010  
**Description** SINGLE FAM MDL-01  
**Zone** GRA  
**Neighborhood** 131  
**Alt Land Appr** No  
**Category**

### Land Line Valuation

**Size (Acres)** 0.59  
**Frontage**  
**Depth**  
**Assessed Value** \$293,400  
**Appraised Value** \$293,400

## Outbuildings

Outbuildings						<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR1	GARAGE-AVE	02	DETACHED	624.00 S.F.	\$1,700	1

## Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$90,400	\$293,400	\$383,800
2019	\$90,400	\$293,400	\$383,800
2018	\$80,500	\$266,700	\$347,200

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$90,400	\$293,400	\$383,800
2019	\$90,400	\$293,400	\$383,800
2018	\$80,500	\$266,700	\$347,200



## 214 WOODBURY AVE

**Location** 214 WOODBURY AVE

**Mblu** 0175/ 0002/ 0000/ /

**Acct#** 35283

**Owner** BAILEY FREDERICK J III

**PBN**

**Assessment** \$521,600

**Appraisal** \$521,600

**PID** 35283

**Building Count** 1

### Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$223,700	\$297,900	\$521,600
Assessment			
Valuation Year	Improvements	Land	Total
2020	\$223,700	\$297,900	\$521,600

### Owner of Record

**Owner** BAILEY FREDERICK J III  
**Co-Owner** NELSON JOYCE S  
**Address** 4 SHORE RD  
WOLFEBORO, NH 03894

**Sale Price** \$450,000  
**Certificate**  
**Book & Page** 4582/0888  
**Sale Date** 11/16/2005  
**Instrument** 0

### Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BAILEY FREDERICK J III	\$450,000		4582/0888	0	11/16/2005

### Building Information

#### Building 1 : Section 1

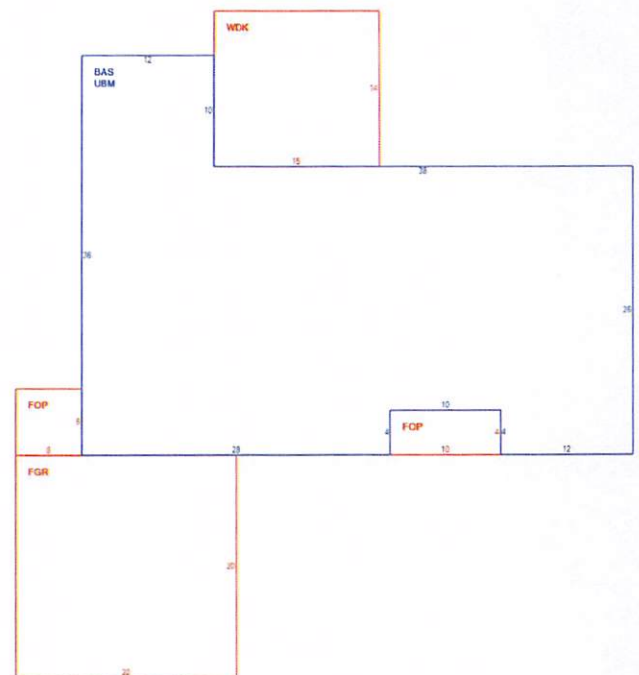
**Year Built:** 1960  
**Living Area:** 1,380  
**Replacement Cost:** \$251,251  
**Building Percent Good:** 84

Less Depreciation:	\$211,100
--------------------	-----------

### Building Photo



## Building Layout



Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
BAS	First Floor	1,380	1,380
FGR	Garage, Attached	400	0
FOP	Porch, Open	76	0
UBM	Basement, Unfinished	1,380	0
WDK	Deck, Wood	210	0
		3,446	1,380

### Extra Features

### Legend

Code	Description	Size	Value	Bldg #
REC	REC ROOM	600.00 S.F.	\$12,600	1

Land

Land Use

Use Code

1010

Description

SINGLE FAM MDL-01

Zone

GRA

Neighborhood

131

Alt Land Appr

No

Category

Land Line Valuation

Size (Acres)

0.71

Frontage

Depth

Assessed Value

\$297,900

Appraised Value

\$297,900

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$223,700	\$297,900	\$521,600
2019	\$221,600	\$297,900	\$519,500
2018	\$199,200	\$270,800	\$470,000

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$223,700	\$297,900	\$521,600
2019	\$221,600	\$297,900	\$519,500
2018	\$199,200	\$270,800	\$470,000

## 216 WOODBURY AVE

**Location** 216 WOODBURY AVE

**Mblu** 0175/ 0003/ 0000/ /

**Acct#** 35284

**Owner** BAILEY FREDERICK J III

**PBN**

**Assessment** \$453,900

**Appraisal** \$453,900

**PID** 35284

**Building Count** 1

### Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$161,300	\$292,600	\$453,900

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$161,300	\$292,600	\$453,900

### Owner of Record

**Owner** BAILEY FREDERICK J III  
**Co-Owner** NELSON JOYCE  
**Address** 4 SHORE RD  
WOLFEBORO, NH 03894

**Sale Price** \$0  
**Certificate**  
**Book & Page** 3919/1345  
**Sale Date** 12/27/2002

### Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
BAILEY FREDERICK J III	\$0		3919/1345	12/27/2002

### Building Information

#### Building 1 : Section 1

**Year Built:** 1935  
**Living Area:** 1,572  
**Replacement Cost:** \$252,007  
**Building Percent Good:** 64



Replacement Cost  
Less Depreciation: \$161,300

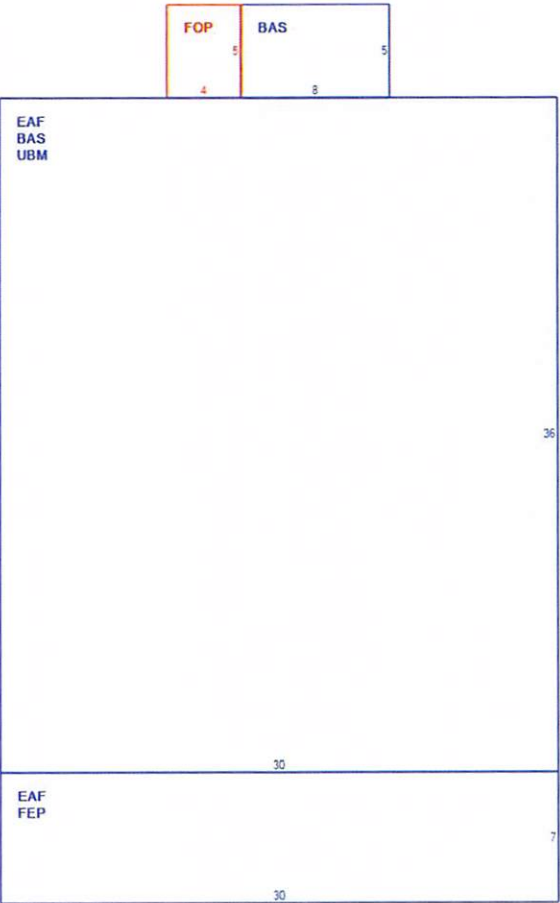
Building Attributes	
Field	Description
Style:	Bungalow
Occupancy	1
Exterior Wall 2	
Interior Wall 2	
Interior Flr 2	Carpet
Model	Residential
Grade:	C
Stories:	1
Exterior Wall 1	Wood Shingle
Roof Structure:	Gable/Hip
WB Fireplaces	0
Extra Openings	0
Roof Cover	Asph/F Gls/Cmp
Metal Fireplaces	0
Extra Openings 2	0
Bsmt Garage	
Interior Wall 1	Plastered
Interior Flr 1	Hardwood
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	0
Total Rooms:	5
Bath Style:	Avg Quality
Kitchen Style:	Avg Quality
Kitchen Gr	

Building Photo



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos/10010104128.JPG>)

Building Layout



(ParcelSketch.ashx?pid=35284&bid=35284)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,120	1,120
EAF	Attic Expansion	1,290	452
FEP	Porch, Enclosed	210	0
FOP	Porch, Open	20	0
UBM	Basement, Unfinished	1,080	0

		3,720	1,572
--	--	-------	-------

### Extra Features

Extra Features	Legend
No Data for Extra Features	

### Land

Land Use	Land Line Valuation
Use Code 1010	Size (Acres) 0.57
Description SINGLE FAM MDL-01	Frontage
Zone GRA	Depth
Neighborhood 131	Assessed Value \$292,600
Alt Land Appr No	Appraised Value \$292,600
Category	

### Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

### Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$161,300	\$292,600	\$453,900
2019	\$161,300	\$292,600	\$453,900
2018	\$143,300	\$266,000	\$409,300

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$161,300	\$292,600	\$453,900
2019	\$161,300	\$292,600	\$453,900
2018	\$143,300	\$266,000	\$409,300

6 BOYD RD

Location	6 BOYD RD	Mblu	0175/ 0013/ 0000/ /
Acct#	35292	Owner	BAILEY FREDERICK J III
PBN		Assessment	\$335,500
Appraisal	\$335,500	PID	35292
Building Count	1		

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$150,900	\$184,600	\$335,500
Assessment			
Valuation Year	Improvements	Land	Total
2020	\$150,900	\$184,600	\$335,500

Owner of Record

Owner	BAILEY FREDERICK J III	Sale Price	\$238,000
Co-Owner	NELSON JOYCE S	Certificate	
Address	4 SHORE RD	Book & Page	5500/0334
	WOLFEBORO, NH 03894	Sale Date	12/06/2013
		Instrument	24

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BAILEY FREDERICK J III	\$238,000		5500/0334	24	12/06/2013
COLLINS GLORIA C LIVING REVOC TR 1999	\$0		4708/0976		09/15/2006

Building Information

Building 1 : Section 1

Year Built:	1951
Living Area:	1,318
Replacement Cost:	\$215,624



Building Percent Good: 70  
Replacement Cost  
Less Depreciation: \$150,900

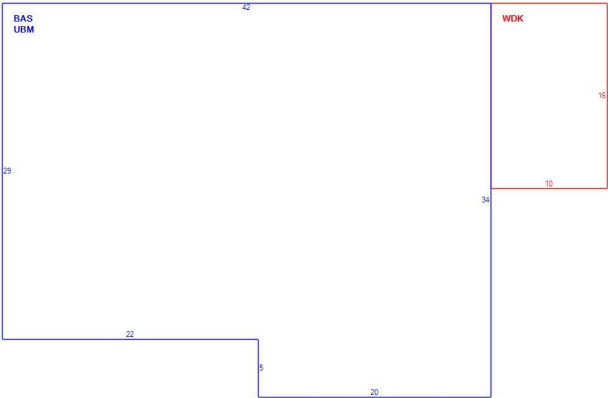
Building Attributes	
Field	Description
Style:	Ranch
Occupancy	1
Exterior Wall 2	
Interior Wall 2	
Interior Flr 2	Carpet
Model	Residential
Grade:	C
Stories:	1
Exterior Wall 1	Clapboard
Roof Structure:	Gable/Hip
WB Fireplaces	1
Extra Openings	0
Roof Cover	Asph/F GlS/Cmp
Metal Fireplaces	0
Extra Openings 2	0
Bsmt Garage	1
Interior Wall 1	Drywall/Sheet
Interior Flr 1	Hardwood
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	3 Bedrooms
Total Bthrms:	1
Total Half Baths:	1
Total Xtra Fixtrs:	1
Total Rooms:	6
Bath Style:	Avg Quality
Kitchen Style:	Below Avg Qual
Kitchen Gr	

Building Photo



(<http://images.vgsi.com/photos2/PortsmouthNHPhotos/\00\02\02\67.jpg>)

Building Layout



(ParcelSketch.ashx?pid=35292&bid=35292)

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
BAS	First Floor	1,318	1,318
UBM	Basement, Unfinished	1,318	0
WDK	Deck, Wood	160	0
		2,796	1,318

Extra Features

Extra Features	<u>Legend</u>
No Data for Extra Features	

Land

Land Use

Use Code 1010  
Description SINGLE FAM MDL-01  
Zone GRA  
Neighborhood 129  
Alt Land Appr No  
Category

Land Line Valuation

Size (Acres) 0.15  
Frontage  
Depth  
Assessed Value \$184,600  
Appraised Value \$184,600

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$150,900	\$184,600	\$335,500
2019	\$150,900	\$184,600	\$335,500
2018	\$139,200	\$174,500	\$313,700

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$150,900	\$184,600	\$335,500
2019	\$150,900	\$184,600	\$335,500
2018	\$139,200	\$174,500	\$313,700

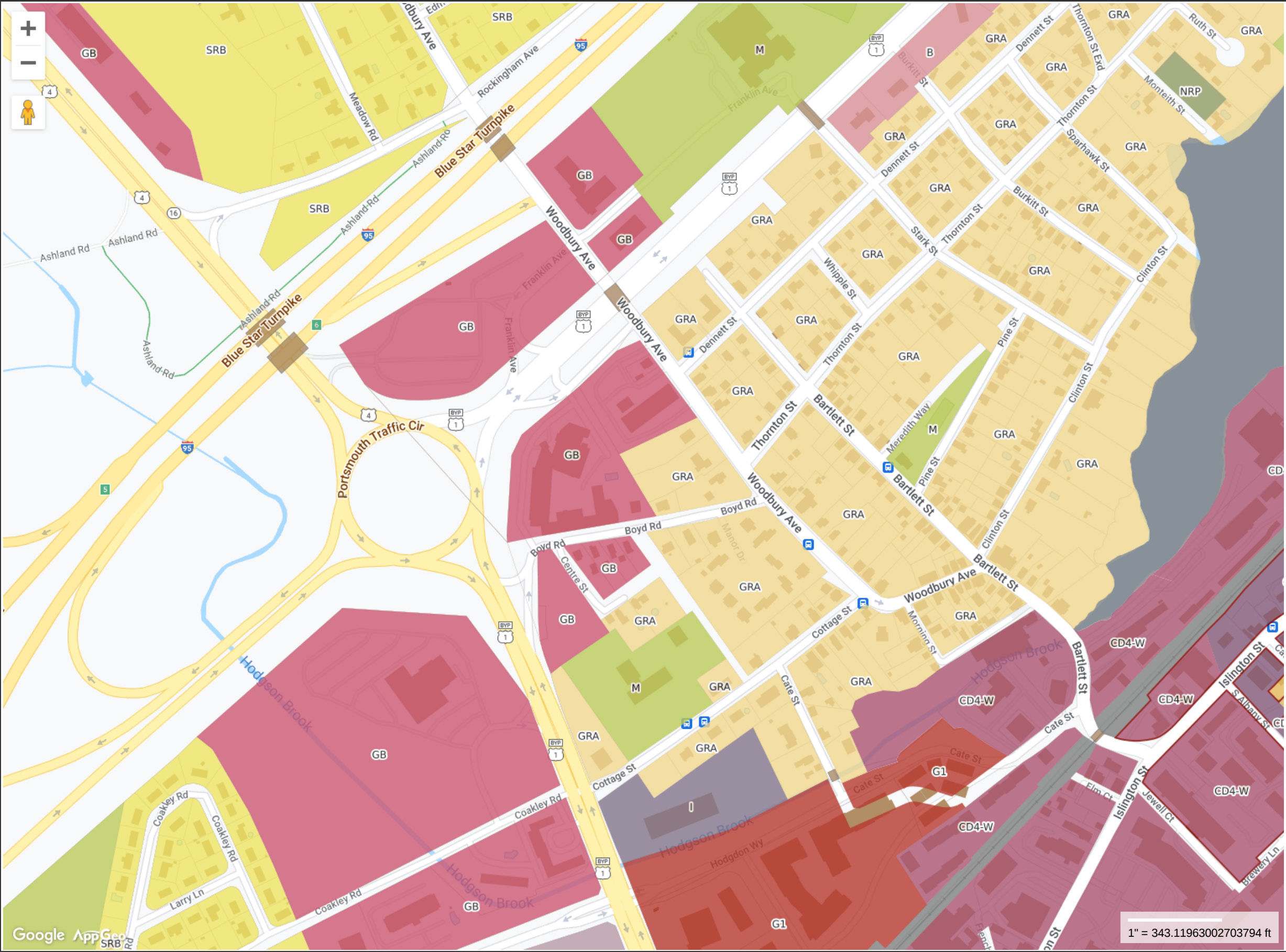


EXHIBIT 5



MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 3/9/2022  
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.



Map Theme Legends

Zoning

Residential Districts

R

Rural

SRA

Single Residence A

SRB

Single Residence B

GRA

General Residence A

GRB

General Residence B

GRC

General Residence C

GA/MH

Garden Apartment/Mobile Home Park

Mixed Residential Districts

MRO

Mixed Residential Office

MRB

Mixed Residential Business

G1

Gateway Corridor

G2

Gateway Center

Business Districts

GB

General Business

B

Business

WB

Waterfront Business

Industrial Districts

OR

Office Research

I

Industrial

WI

Waterfront Industrial

Airport Districts

AIR

Airport

AI

Airport Industrial

PI

Pease Industrial

ABC

Airport Business Commercial

Conservation Districts

M

Municipal

NRP

Natural Resource Protection

Character Districts

CD5

Character District 5

CD4

Character District 4

CD4W

Character District 4-B

CD4-L1

Character District 4-L1

CD4-L2

Character District 4-L2

Civic District

Civic District

Municipal District

Municipal District

Overlay Districts

OLOD

Osprey Landing Overlay District

Downtown Overlay District

Historic District

City of Portsmouth

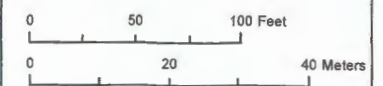


**Partial Legend**  
See the cover sheet for the complete legend.

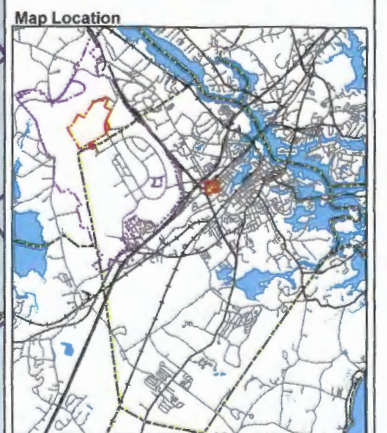
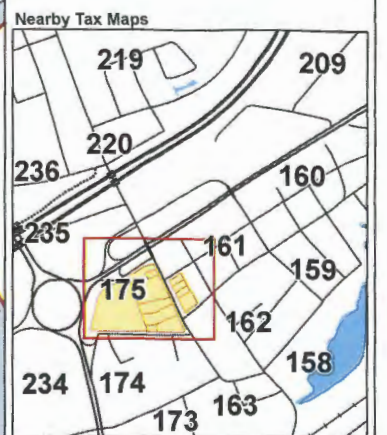
**7-5A** Lot or lot-unit number  
**2.56 ac** Parcel area in acres (ac) or square feet (sf)  
**25** Address number  
**233-137** Parcel number from a neighboring map  
**or** Parcel line dimension  
**SIMS AVE** Street name

Parcel/Parcel boundary  
Parcel/ROW boundary  
Water boundary  
Structure (1994 data)

Parcel covered by this map  
Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



Zoning Board of Adjustments  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

Proposed Improvement:

I am seeking to build a 22' x25' deck in the back yard replacing where an in ground pool used to reside. The deck would provide not only a private space to enjoy but would also alleviate the safety concerns resulting from the inability to completely remove the pool surround. The rest of my house is currently conformed within zoning board guidelines and this is the only relief I plan to require for additional structures. The deck will be tastefully designed and several neighbors within the cul-de-sac have existing deck structures on their property as well which maintains the feel of the neighborhood. I have lived in Portsmouth my entire life, bought my current house from my grandparents, and hope to maintain this property to keep in the family for generations to come.

Variance Relief:

Building Coverage: to allow a 21.8% where a 20% is required. (Current building coverage is 19.6%)

My current total land coverage is 2625sqft which is roughly 19.6% of the 20% allotted coverage as determined by land use codes. I'm requesting to add an additional 297' square feet to my property coverage in the form of this deck which would put my total land coverage to 2992sqft and exceed the allotted coverage by 1.8% (total of 21.8% once the deck is added).

Justification in response to the Zoning Board Criteria is as follows:

10.233.21 The variance will not be contrary to the public interest; and 10.233.22 The spirit of the Ordinance will be observed: There are many houses in this neighborhood that do not comply with the setback or coverage requirement. This neighborhood has recently undergone massive renovation and several houses have grown additions and been granted into nonconforming lots. The proposed improvement will remain consistent with the character of the neighborhood and will not or threaten the health, safety and welfare of the public. This improvement will observe the spirit of the Ordinance and not be contrary to public interest. The residential characteristics of the neighborhood would not be altered by this improvement.

10.233.23 Substantial justice will be done; The requested building coverage relief is reasonable. The proposed deck is within the existing conforming footprint and will not increase the conforming setbacks at all. A deck will allow for safely covering the area of the former in ground pool which is unable to be filled in via standard measures as well as increasing aesthetic appeal to the overall property appearance and it is reasonable for the Board to conclude that substantial justice will be done by granting this variance.

10.233.24 The values of surrounding properties will not be diminished; My home was refurbished recently and contributes to the property values in the area.. The proposed deck will increase the value of the house and may help maintain, or raise the values of the surrounding properties. It is reasonable for the Board to conclude that the values of the surrounding properties will not be diminished.

10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship. Due to the cement footings of the overhanging second floor the former pool was unable to be fully filled in and the existing cement surround exceeds the 18" allowance for non-conforming

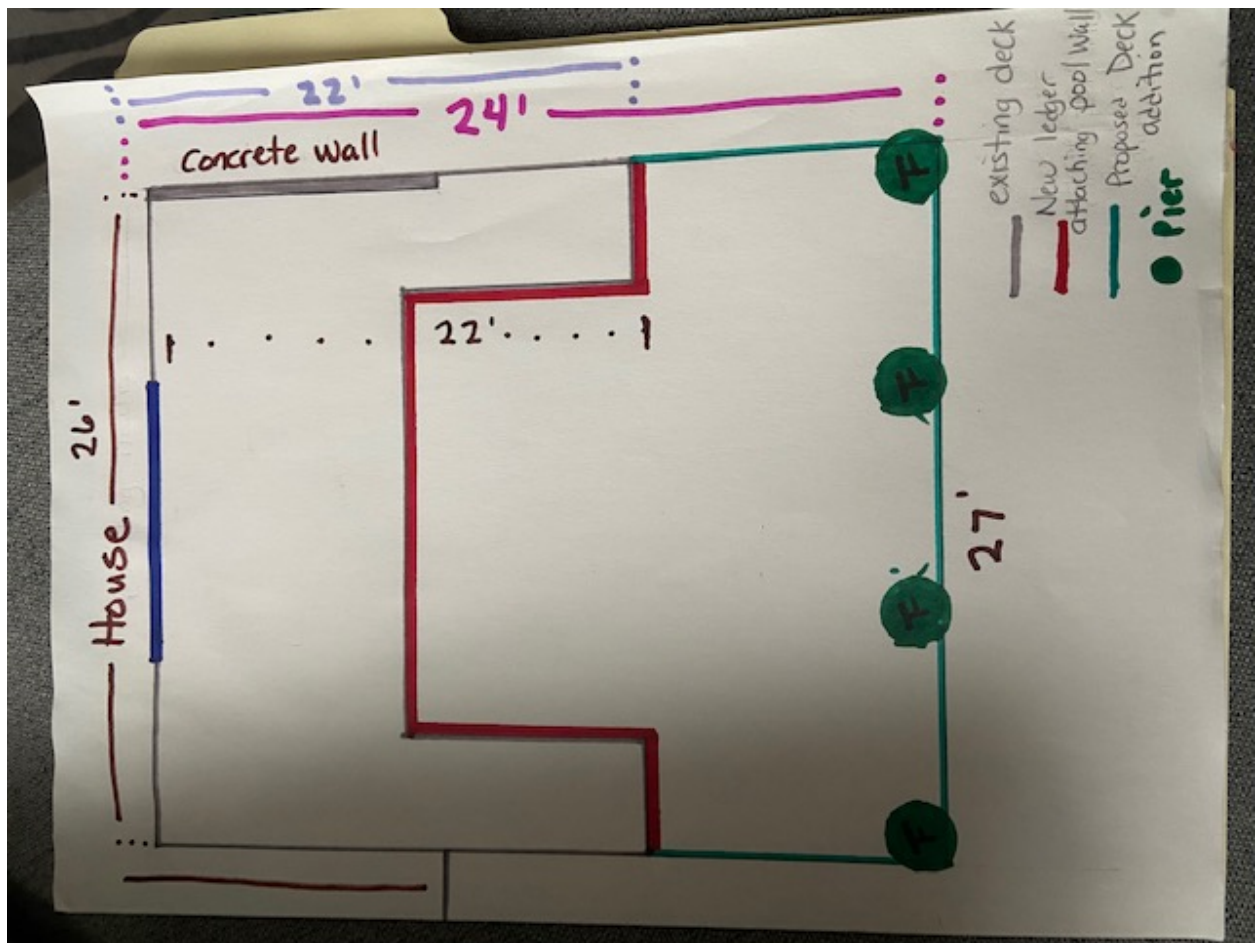


structures, therefore to ensure safety some sort of covering must be added which would exceed the 20% building coverage allowance. Literal enforcement of the provisions of the Ordinance will result in an unnecessary hardship as well as decrease aesthetic appeal to the property and increase risk of harm.

My family has been gathering at this house for decades while it was previously owned by my grandparents and with this deck I hope to be able to continue these gatherings for decades more to come. Your consideration for approval of this project is appreciated.

Thank you,  
Amanda Blanchette  
240 Hillside Drive









**138 Gates Street  
Map 103 Lot 54**

**1-Story Addition at Rear of Residence**

**To permit the following:**

1. Building Coverage of 35.8% where 30% is allowed.
2. Expansion of a non-conforming structure

**The undersigned agrees that the following circumstances exist.....**

1. The Existing Building Coverage is 30.8% and the Addition & Landing over 18" adds 136sf.
2. The Existing Residence is non-conforming on the Front & Left Side Setbacks and is over the 30% allowed Building Coverage.

**Criteria for the Variance:**

1. The Variances are not contrary to the public interest in that many properties in this neighborhood are non-conforming to Building Area & Setbacks. The Addition is tucked into the corner created by the rear of the Existing House and a 2-Story Ell that extends into the rear yard. The Addition is just partially visible from Gates Street and is within the required yard setbacks.
2. The Variances are consistent with the spirit of the ordinance in that it will allow this small Addition to add needed living space without adversely affecting the abutters & neighborhood.
3. Substantial justice will be done, as this will allow a small addition on this undersized property. The Addition will be built over an existing patio and the landscaped rear yard will not be affected.
4. These Variances will not diminish the value of surrounding properties.
5. The special condition of this property is the non-conformity of the Existing Residence and Lot. The Lot at 2439sf is less than half of the required 5000sf in this Zone.

March 24, 2022

To: Planning Department  
City of Portsmouth

Re: 138 Gates Street

To Whom It May Concern:

We Fredrick & Sandra Wiese, authorize Anne Whitney to act as our agent in matters relating to planning, permitting and other requirements related to Addition & Renovations Plans for our home at 138 Gates Street.

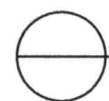
Regards,



Fredrick Wiese



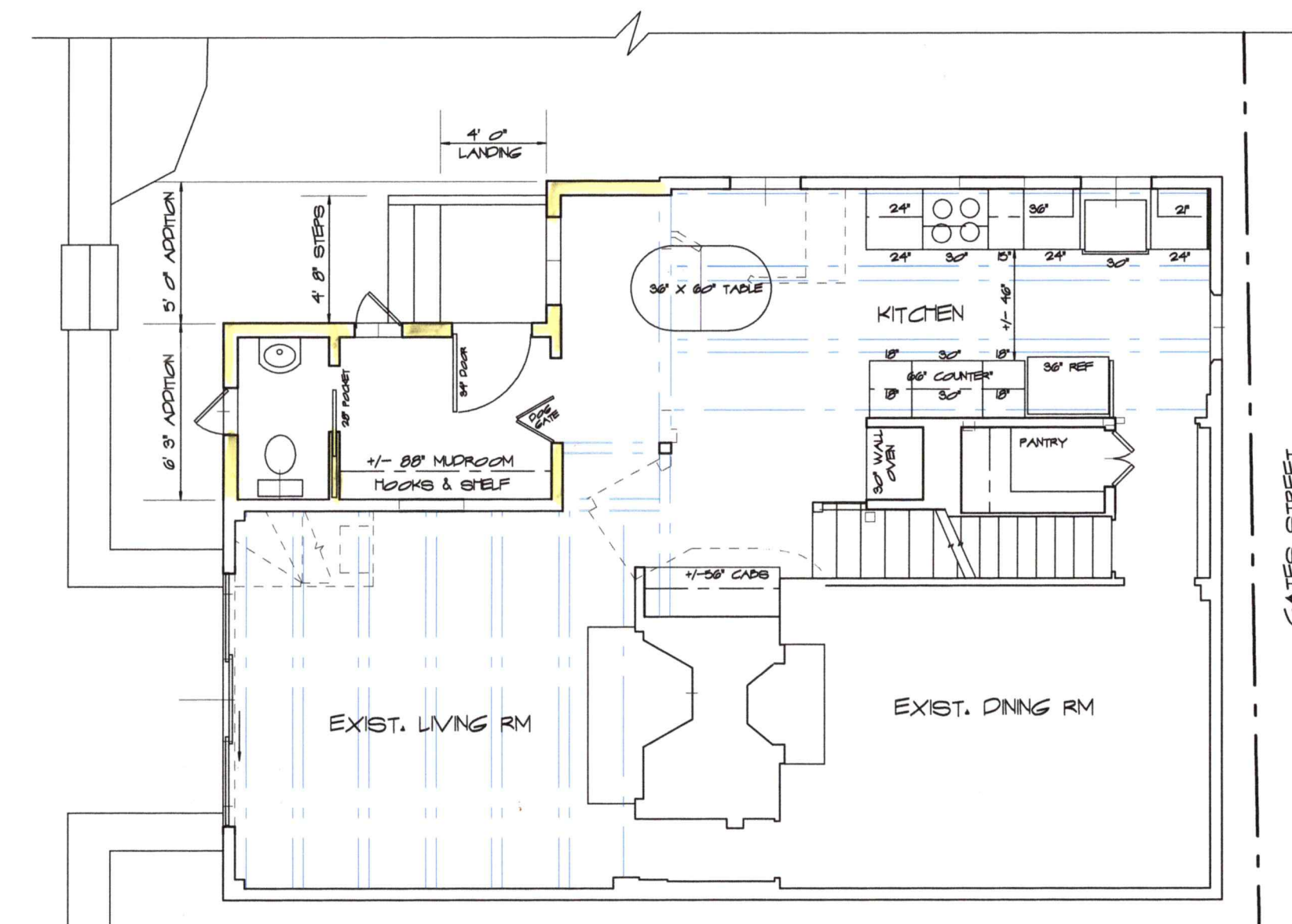
Sandra Wiese



SCALE : 1/8" = 10'-0"

1 OF 3





1ST FLOOR PLAN  
SCALE : 3/16" = 1'-0"

SCALE :  $3/16" = 1'-0"$

## SCHEMATIC DESIGN

ADDITIONS & RENOVATIONS, WIESE RESIDENCE

138 GATES STREET

9 Sheafe Street  
Portsmouth  
NH 03801  
603-427-2832

LANNE WHITNEY ARCHITECT

PORTSMOUTH, NH

Project: 2109

Revisions:

Date: 3 / 28 / 22

2 OF 3





VIEW OF ADDITION LOCATION

<p>SCHEMATIC DESIGN</p> <p>ADDITIONS &amp; RENOVATIONS, WIESE RESIDENCE</p> <p>138 GATES STREET</p>	<p>9 Sheafe Street Portsmouth NH 03801 603-427-2832</p> <p>ANNE WHITNEY ARCHITECT</p>	Project: * 2109	Date: 3 / 28 / 22
		Revisions:	3 OF 3

Trisha and Kevin Anderson  
328 Aldrich Rd  
Portsmouth NH 03801  
[Tlr803@mail.harvard.edu](mailto:Tlr803@mail.harvard.edu); [kranders@gmail.com](mailto:kranders@gmail.com)  
617-997-3993; 978-430-2487

*Board of Adjustment Variance Request  
Submitted March 29, 2022*

Dear Board of Adjustment:

We are writing to request a variance for work we'd like to do at our home, which we share with our three young children (ages 8, 6, and 3).

**Brief Description of work:**

We have an old garage/shed (10.5' X 21.25') on our property (328 Aldrich Rd) that is rotten and in disrepair and cannot be salvaged. The garage/shed sits in the middle of our yard. We would like to remove this structure as it is dangerous and needs to be replaced. We would like to plant grass where the garage/shed currently sits to open up our backyard space. We will also rip up part of our oversized driveway and plant grass to allow for additional backyard/grass/green space. We would like to build a new, custom-made, smaller shed (12'X16') on the side of our property closest to 312 Aldrich with a 5-foot set back from our neighbors at 312 Aldrich. The owners of 312 Aldrich, Debora and John Mayer, know about this plan and are supportive (see attached plans and statement from the Mayer family).

**How the request complies with the requirements of the Zoning Ordinance as provided in Article 2:**

This work will involve replacing a dangerous, rotting, unsightly structure that sits in the middle of our yard with a safe, attractive shed. The new shed will better match the character of our home and neighborhood (color, materials, etc.). The placement of the new shed will allow for uninterrupted, additional greenspace in our yard and for a smaller driveway, which is more in line with the other single-family homes in our neighborhood. We believe these changes will enhance the look of our property and the value of surrounding properties and thus, be very welcomed. If we were required to repair the existing shed/garage and/or were unable to move it from its current space, we would have a larger-than-necessary, unsightly structure in the middle of our yard, reduced green space for our children to play, and would continue to have an unnecessarily large driveway for a single-family home.

As described above, we believe these changes will be not be contrary to the public interest (10.233.21), the spirit of the ordinance will be observed (10.233.22), and substantial justice will be done (10.233.23). The values of surrounding properties will not be diminished (10.233.24)



and literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship (10.233.25).

Thank you for your consideration and for your time in reading our application.

Sincerely,

Trisha and Kevin Anderson

A handwritten signature in dark ink, appearing to read "Trisha Anderson", with a long horizontal flourish extending to the right.A handwritten signature in dark ink, appearing to read "Kevin Anderson", with a long horizontal flourish extending to the right.

Included:

- Letter of Support from Mayer Family (312 Aldrich)
- Pictures of current garage/shed in disrepair
- Plans showing current position of garage/shed and proposed location and dimensions of new shed (to scale)



John and Debora Mayer  
68 Cabot Street  
Portsmouth, NH 03801

March 28, 2022

Kevin and Trisha Anderson  
328 Aldrich Road  
Portsmouth, NH 03801

Re: Letter of support for your new shed

Dear Kevin and Trisha,

Thank you for reaching out and sharing your plans to remove the dilapidated garage and replace it with a new shed. We understand you would like to move the new shed to within 5' of the driveway / property line – and we are comfortable with and support his plan.


As you know, we own the house at 312 Aldrich Rd. as a residence for our son, Charley, who has special needs. We have appreciated your grace and support for his program – and are very glad to reciprocate and add to the good will and neighborly feelings we all share.

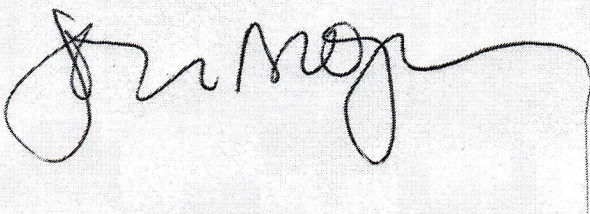
The position of your new shed will not have an impact on our house or Charley's program. Your yard is of a size that there will be no functional change to the site.

We are pleased to hear you have a commitment to building a new structure that fits into the neighborhood and we wish you great success with your application.

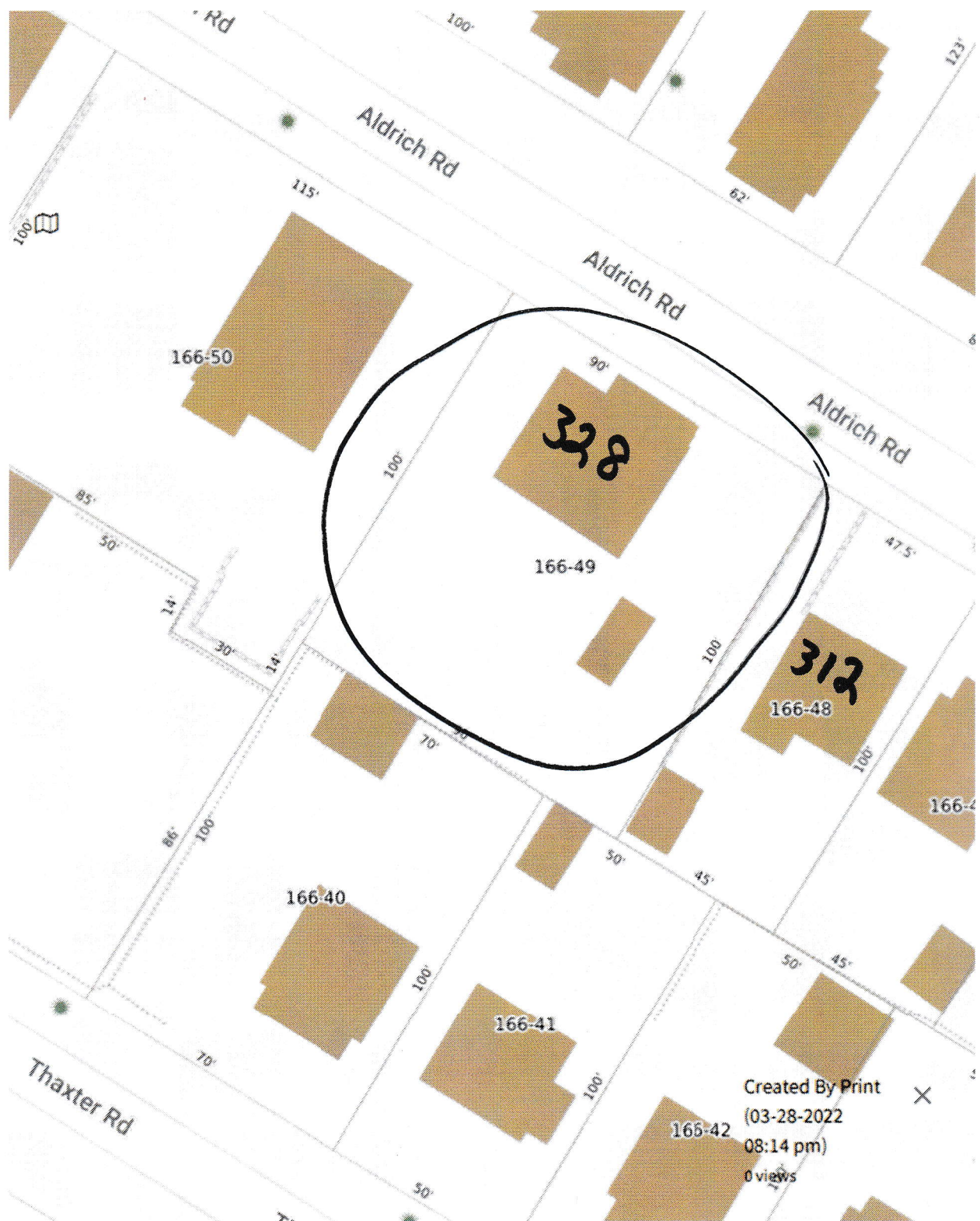
Thank you again for reaching out and sharing your plans. We are pleased to provide our support for your application.

Sincerely Yours,

  
John and Debora Mayer







Created By Print  
(03-28-2022  
08:14 pm)  
0 views





















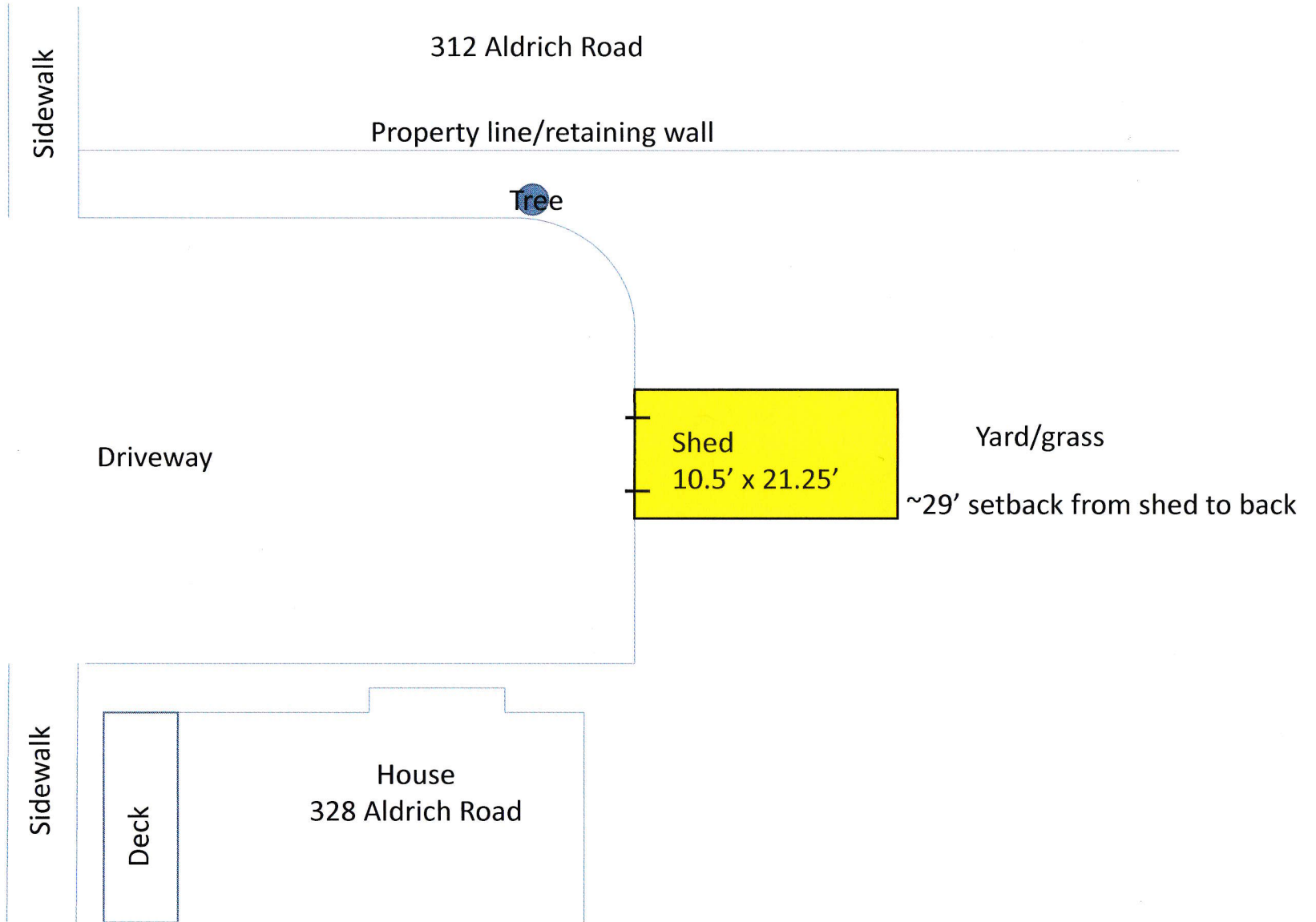






Current Layout

Aldrich Road



Proposed Layout

Aldrich Road

Sidewalk

Sidewalk

Driveway

Deck

House  
328 Aldrich Road

312 Aldrich Road

Property line/retaining wall

Tree

Extend yard ~10'

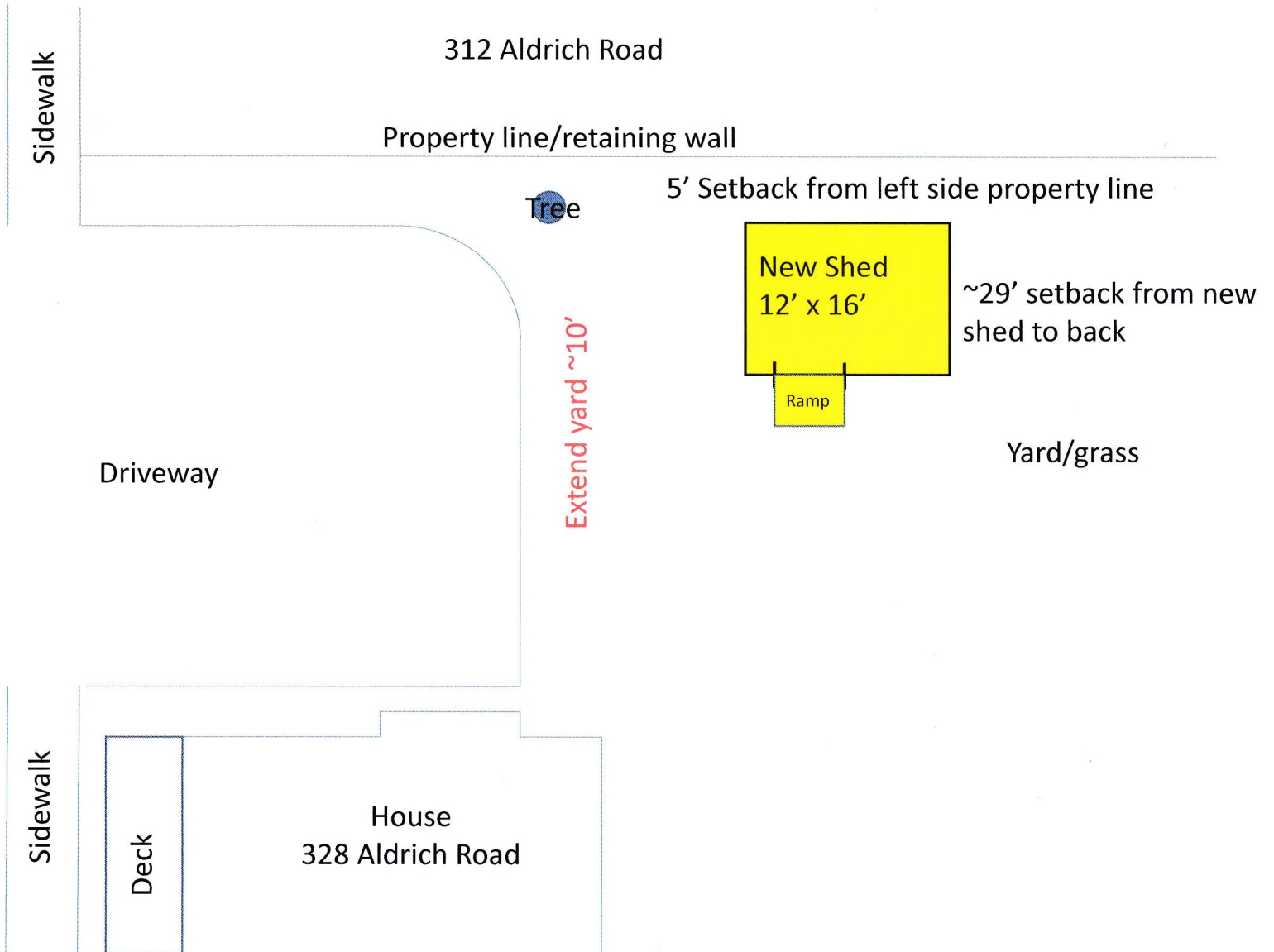
5' Setback from left side property line

New Shed  
12' x 16'

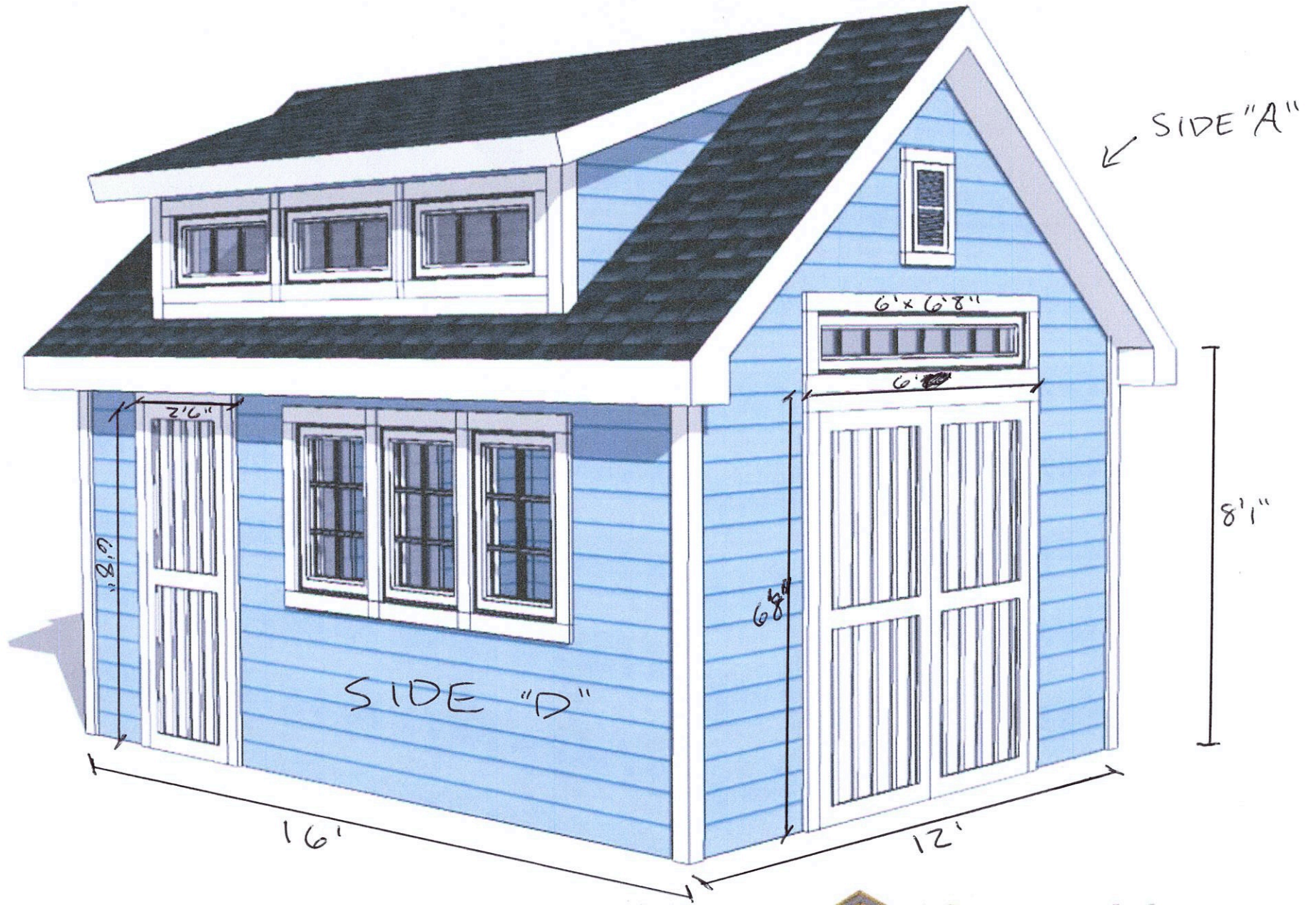
Ramp

~29' setback from new  
shed to back

Yard/grass



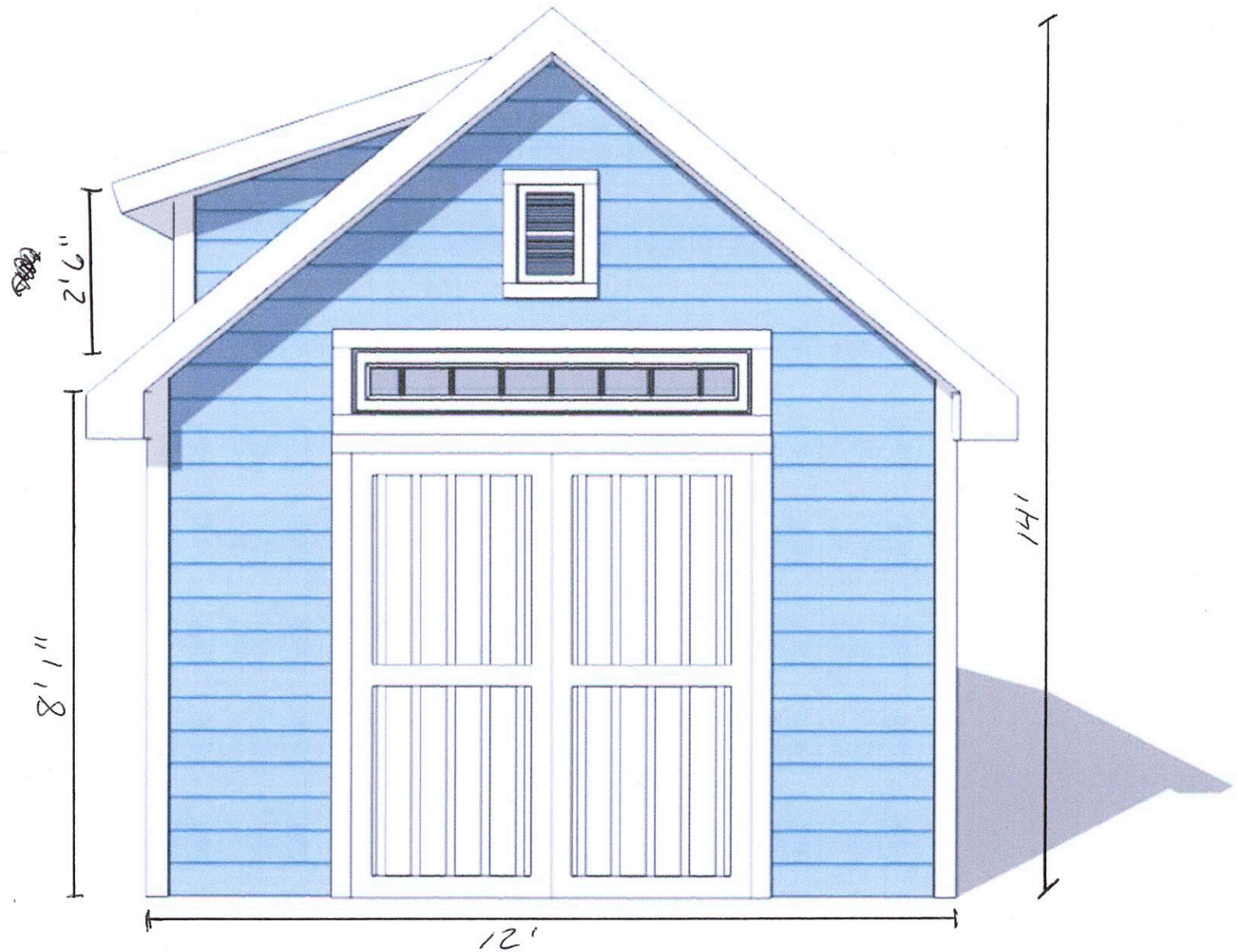
FRONT/SIDE ELEVATION





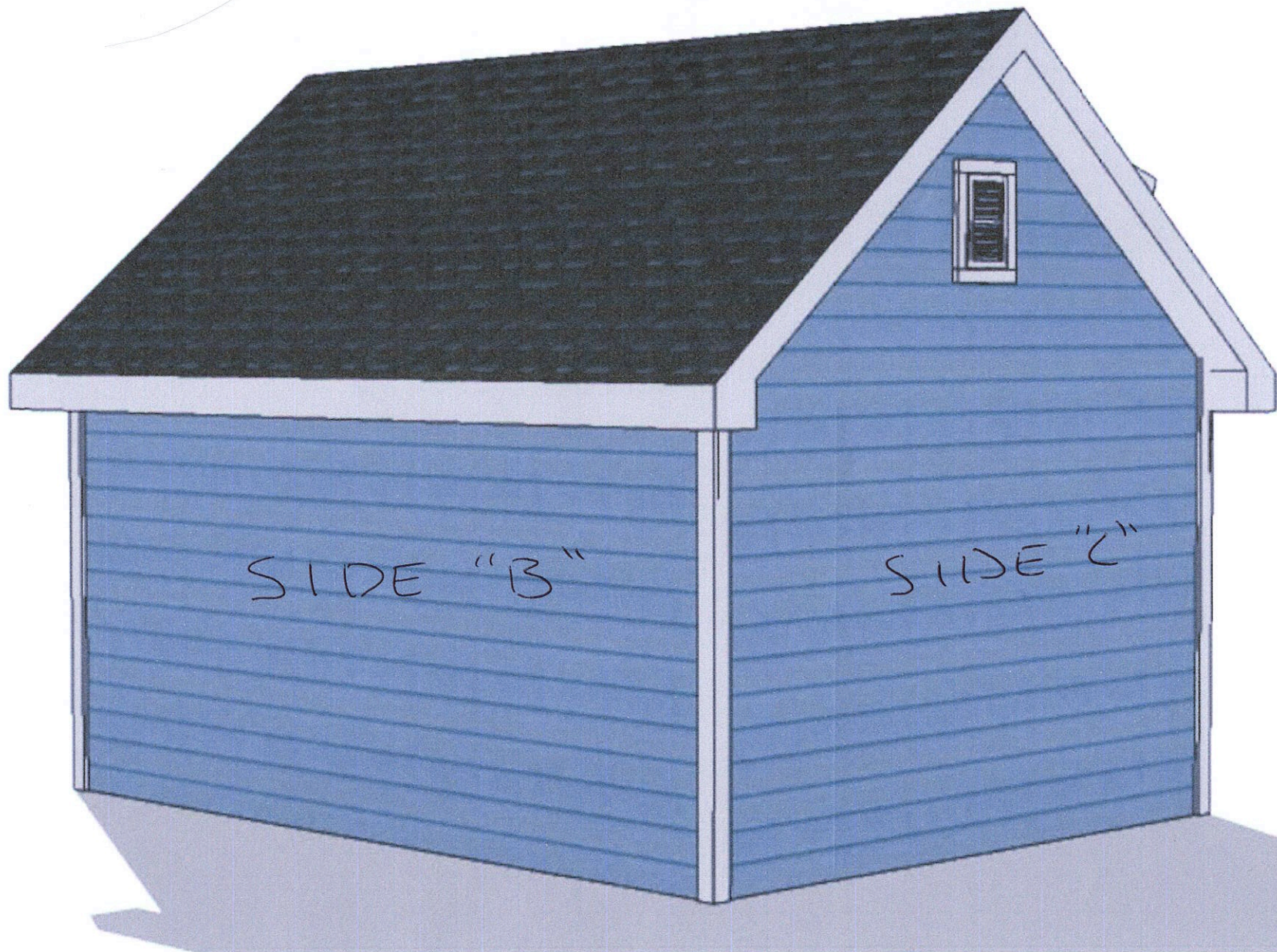
SIDE ELEVATION

SIDE "A"

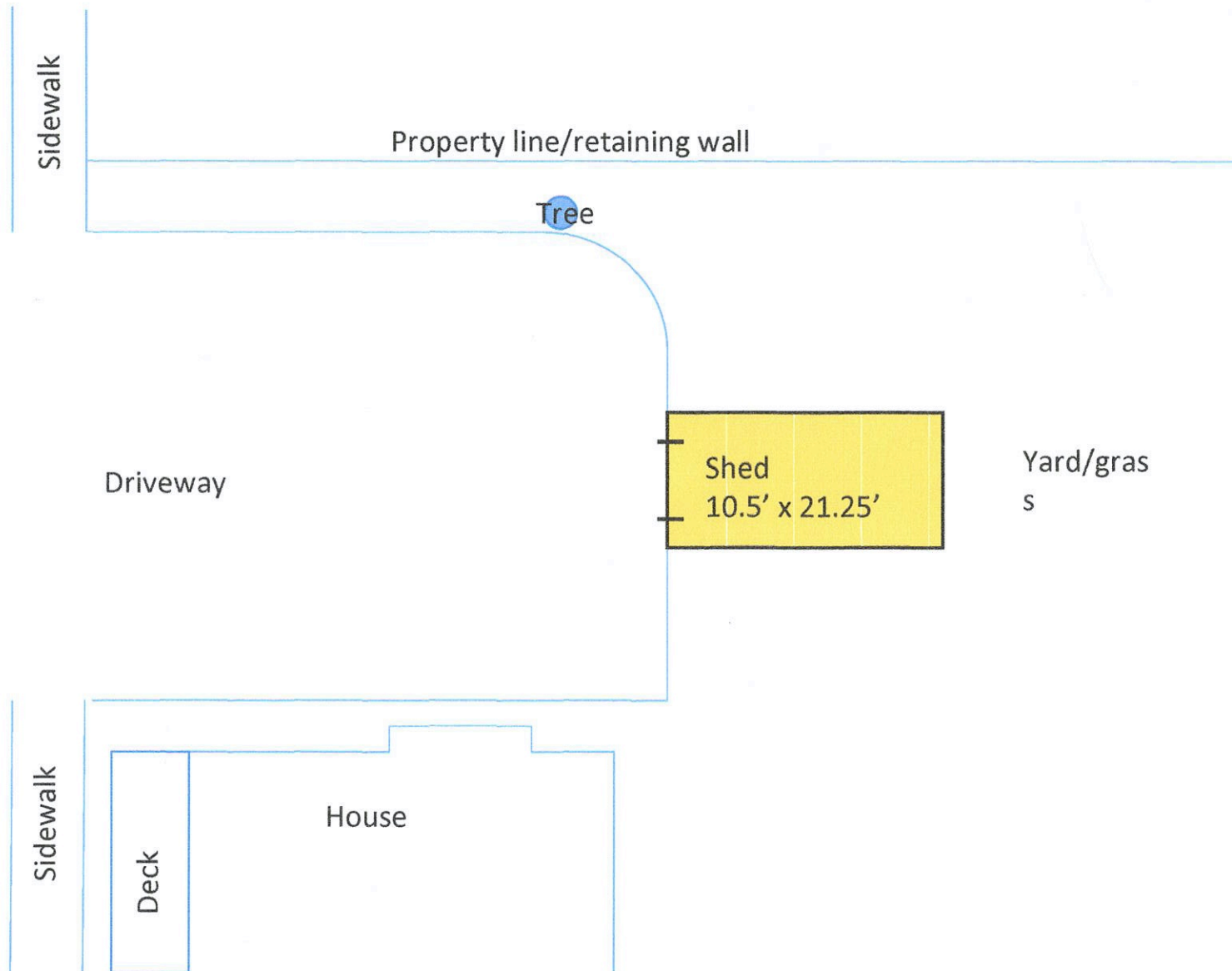




BACK / SIDE ELEVATION

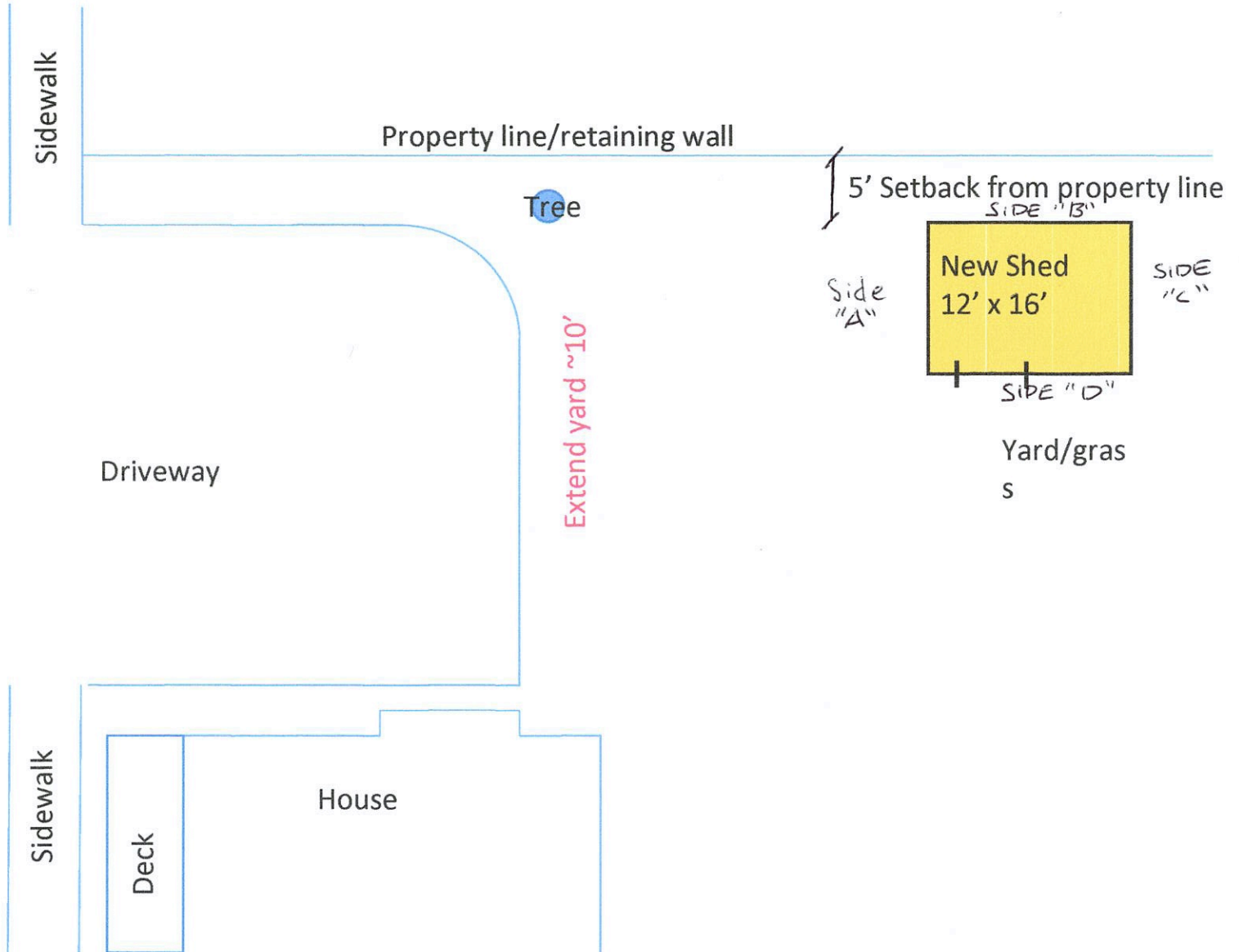


# EXISTING SITE MAP





# PROPOSED SITE MAP



# HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

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ATTORNEYS AT LAW

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127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480  
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

March 29, 2022

**HAND DELIVERED**

Peter Stith, Principal Planner  
Portsmouth Zoning Board of Adjustment  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: 635 Sagamore Development, LLC, Owner/Applicant  
Project Location: 635 Sagamore Avenue  
Tax Map 222, Lot 19  
General Residence A (GRA Zone)

Dear Mr. Stith and Zoning Board Members:

On behalf of 635 Sagamore Development, LLC, applicant, enclosed please find the following documents in support of a request for zoning relief:

- Portsmouth Land Use Application uploaded to Viewpoint today.
- Owner Authorization.
- 3/29/22 Memorandum and exhibits in support of zoning relief.

Very truly yours,



R. Timothy Phoenix  
Kevin Baum

KMB:pcb  
Enclosures

cc 635 Sagamore Development, LLC  
Jones & Beach Engineers, Inc.  
Artform Architecture, Inc.

---

DANIEL C. HOEFLE	R. PETER TAYLOR	MONICA F. KIESER	AMANDA M. FREDERICK
R. TIMOTHY PHOENIX	KIMBERLY J.H. MEMMESHEIMER	SAMUEL HARKINSON	OF COUNSEL:
LAWRENCE B. GORMLEY	KEVIN M. BAUM	JACOB J.B. MARVELLEY	SAMUEL R. REID
STEPHEN H. ROBERTS	GREGORY D. ROBBINS	DUNCAN A. EDGAR	JOHN AHLGREN

## MEMORANDUM

To: Portsmouth Zoning Board of Adjustment (“ZBA”)  
From: Kevin Baum, Esq.  
R. Timothy Phoenix Esq.  
Date: March 29, 2022  
Re: 635 Sagamore Development, LLC, Owner/Applicant  
Project location: 635 Sagamore Avenue  
Tax Map 222, Lot 19  
General Residence A (GRA) Zone

Dear Chairman Parrott and Zoning Board Members:

On behalf of 635 Sagamore Development, LLC (“Sagamore” or “Applicant”) we are pleased to submit this memorandum and the attached exhibits in support of zoning relief to be considered by the ZBA at its April 19, 2022 meeting.

### I. Exhibits

1. Plan Set – by Jones and Beach Engineers
  - a. C1 – Existing Conditions Plan
  - b. C2 – ZBA Site Plan
  - c. C3 – Topographic Site Plan
2. Architectural Elevations and Floor Plans by ArtForm Architecture, Inc.
  - a. Sea Watch (Buildings 1-2)
  - b. Sweet Peekaboo (Buildings 3-5)
3. Site photographs
4. Tax Assessors Card
5. City GIS Map – identifying nearby zoning districts and surrounding area

### II. Property/Project

The subject property is located at 635 Sagamore Avenue (the “Property”) in the GRA Zoning District. It is currently developed as the Luster King auto detailing shop, with an existing two story building towards the front of the lot and a service garage to the rear. **Exhibit 1.a.** The frontmost building also contains a residential apartment on the second floor, currently utilized by the former owner and operator of the Luster King business. The existing commercial buildings are non-conforming as to use, and with respect to primary commercial building, also non-conforming as to the front setback. Id. The buildings are generally in disrepair and incongruous with the surrounding residential area. **Exhibit 3.**



The Applicant proposes to remove the existing commercial building and garage and redevelop the Property with five new single-family homes with access via a private driveway from Sagamore Avenue. **Exhibit 1.b; Exhibit 2.** The proposal removes the long non-conforming commercial use and will create five new residences, consistent with the surrounding neighborhood. **Exhibit 3 (aerial photo); Exhibit 5.** Nearby properties include the 144 unit Sagamore Court Condominium to the north and the 122 unit Tidewatch Condominium, which directly abuts the Property to the west. Id. Other nearby abutters are largely developed with single family residences with similar density as the proposed project. The Property is currently served by septic, it is the Applicant's intention to tie into the municipal sewer system upon completion of the Sagamore Avenue Sewer Extension Project, as has been previously discussed with the Public Works Department.

The proposal meets all use and dimensional requirements of the Portsmouth Zoning Ordinance ("PZO") with the exception of Section 10.513 allowing no more than one free-standing dwelling per lot and Section 10.521 requiring a one acre lot area per dwelling unit. The proposal includes five dwelling units on a  $\pm 1.947$  acre lot, or 2.57 units/acre (1 unit per 16,959 square feet). As noted, this density is consistent with surrounding lots, including the more densely developed Sagamore Court Condominium (144 units/15.01 acre = 9.59 units per acre) to the north and similarly dense Tidewatch Condominium (122 units/53.59 acre = 2.27 units per acre) directly to the west. Notably, the SRB Zone, located across Sagamore Avenue, permits a lot area of 15,000 square feet per dwelling unit or approximately 2.9 units per acre. The proposal at 16,959 square feet per unit is slightly less dense. Thus, in addition to cleaning up a long distressed and non-conforming site, the proposal creates a natural transition between the GRB Zone and existing multi-building condominium developments to the north and west (rear) of the Property. The Applicant has spoken with several abutters who are in favor of the proposed five unit development.

### **III. Relief Required**

The proposed project meets setback, lot coverage and open space requirements. **Exhibit 1.b.** However, limited relief is required to allow the proposed structures on a single lot and for lot area per dwelling unit. Required relief is as follows:

- PZO§10.513 permitting one freestanding dwelling per lot, where five freestanding single-family units are proposed.
- PZO§10.521 (Table of Dimensional Standards) permitting one dwelling unit per acre, five dwelling units on ±1.947 acres or 2.57 dwelling units per acre is proposed.

#### IV. Variance Requirements

1. **The variance will not be contrary to the public interest**
2. **The spirit of the ordinances observed**

The first step in the ZBA's analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc v. Town of Chichester, 155 NH 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinances basic zoning objectives." Id. "Mere conflict with the ordinance is not enough." Id.

The Portsmouth Zoning Ordinance was enacted for the general purpose (PZO§10.121) of promoting the health, safety and welfare in accordance with the Master plan by regulating:

1. **The use of land, buildings and structures for business, industrial, residential and other purposes-** The Property currently houses a non-conforming commercial auto detailing business and service garage. **Exhibit 3.** The proposal would replace those buildings with brand new, to code, residences consistent with surrounding uses.
2. **The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space-** The proposal complies with building coverage, height, yards and open space requirements. The proposed five new dwellings on a single lot, at 2.57 dwelling units per acre is consistent with surrounding properties and less than the density permitted by right across Sagamore Avenue.
3. **The design of facilities for vehicular access, circulation, parking and loading-** The Project will be served by a private driveway from Sagamore Avenue. **Exhibit 1.b.** There is currently no defined curb cut on the property so the redevelopment will improve driveway distances, site lines and overall traffic safety from the Property. **Exhibit 3.** The driveway will undergo further review as part of the Planning Board and NHDOT review processes.
4. **The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding-** The Property is currently used as a commercial auto detailing facility in the middle of a residential area. *Id.* The proposal will convert the Property to residential use with lighting, noise and other conditions more appropriate for the neighborhood. Stormwater runoff will be improved over the current development which is significantly

paved and will discontinue the use of cleaning and other commercial chemicals on the site.

5. The preservation and enhancement of the visual environment- The removal of the distressed commercial structures and addition of five new tastefully designed homes will preserve/enhance the visual environment.
6. The preservation of historic districts buildings and structures of historic or architectural interest-The property is not in the historic district. The existing structures to be removed are of no known historic or architectural interest.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality- The Project will have no negative effect on these purposes. It will remove a commercial use, including associated cleaning solutions and other chemicals used onsite. The Project will be further vetted by the Planning Board.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinances basic zoning objectives." Malachy Glen, supra, the New Hampshire Supreme Court also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality. Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (Emphasis Added)

The Property is located in a densely developed residential area. While there are some other nearby commercial properties, they are located closer to Sagamore Creek in the Waterfront Business Zone, are largely less impactful and are more buffered from nearby residences than the current business operations on the Property. The proposal would convert a long non-conforming commercial use that is grossly incongruent with the character of the locality and impacts the health, safety and welfare to residential use. The proposed new homes are consistent with the residential character of the neighborhood and the construction of five brand new, to code, residences will greatly improve the public health, safety and welfare over Luster King's existing commercial use. Sagamore Avenue can easily support the additional five dwelling units. The density is consistent with nearby properties, which include two large condominium developments and creates a natural transition between these developments and the adjoining GRB zone. Thus, permitting five code compliant, single-family buildings on ±1.947 acres does



not alter the essential character of the locality nor will it threaten the public health, safety or welfare.

**3. Granting the variances will not diminish surrounding property values**

The commercial buildings currently located on the Property are distressed, incongruent with the surrounding residential neighborhood and frankly an eyesore. The proposal would clean up the site by removing the commercial buildings/uses and replacing them with brand new tastefully designed residences. The proposal will improve the area significantly, thus greatly improving the overall value of surrounding properties.

**4. Denial of the variances results in an unnecessary hardship**

**a. Special conditions distinguish the property/project from others in the area-**

The Property at ±1.947 acre is larger than most lots in the area. **Exhibit 5.** Two notable exceptions are the Tidewatch and Sagamore Creek Condominiums, which are more or similarly dense with 122 and 144 units, respectively. *Id.*; see also Walker v. City of Manchester, 107 N.H. 382, 386 (1966) (hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect on the neighborhood). Additionally, the Property is non-conforming with respect to both its commercial use and front setback. The parcel size, location near other densely developed residential parcels and longstanding non-conformity of the current use combine to create special conditions.

**b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.**

The purpose of the requirements for one free standing dwelling per lot and lot area per dwelling unit is to prohibit overcrowding, allow for air, light, and separation between neighbors, and to permit stormwater treatment. The proposal meets all lot area, building and open space coverage, height and external setback requirements. Additionally, the proposal provides for voluntary setbacks between each of the five new buildings of at least 20 feet, consistent with the side setback requirement for the district. Thus, adequate area for air, light, separation between neighbors and stormwater treatment is provided. The proposed density is also consistent with the surrounding area, which includes many smaller sized lots with homes located in relatively

close proximity. **Exhibit 5.** Moreover, granting the requested variances will significantly improve the Property and surrounding area by removing two blighted, non-conforming commercial structures and replacing them with five brand new, needed homes. The entire area will be upgraded, thus it follows that there is no reason to apply the strict requirements of the ordinance. This transitional location, located near and adjoining two densely development condominiums and across Sagamore Avenue from the GRB Zone is well suited for the proposed five building single-family development.

c. The proposed use is reasonable

If the use is permitted, it is deemed reasonable. Vigant v. Hudson, 151 NH 747 (2005). The proposal is a residential use in a residential zone and thus is reasonable.

**5. Substantial justice will be done by granting the variance.**

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra at 109.

“The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). “Property” in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981) (emphasis added). Sagamore is constitutionally entitled to the use of the lot as it sees fit subject only to the effect of the development with respect to zoning. In this instance, granting approval not only protects the rights of the Owner/Applicant but renders the Property more conforming, to the benefit of the surrounding property owners as well.

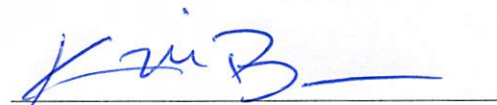
Granting approval removes blighted buildings and non-conforming commercial use while adding needed residential housing within Portsmouth. Thus, there will be no gain to the public from denying the variances and no harm to the public by granting the variances. Conversely, denial of the variances cause great harm to Sagamore and its abutters by continuing the commercial use of the property. Accordingly, substantial justice dictates that the requested variances be granted.

#### **V. Conclusion**

For all of the reasons herein stated, Sagamore respectfully requests that the Portsmouth Zoning of Adjustment grant the requested variances.

Respectfully submitted,  
635 Sagamore Development, LLC

By:

A handwritten signature in blue ink, appearing to read 'Kevin Baum', is written over a horizontal line.

Kevin Baum, Esq.  
R. Timothy Phoenix, Esq.

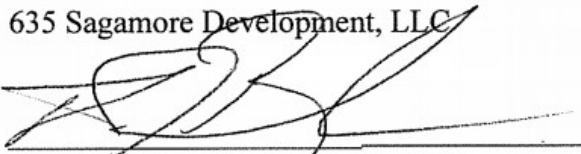


### **Letter of Authorization**

635 Sagamore Development, LLC, owner of property located at 635 Sagamore Avenue in Portsmouth, NH, known as Tax Map 222, Lot 19, do hereby authorize Jones & Beach Engineers, Inc. ("JBE"), Garrepy Planning Consultants, LLC ("GPC"), and Hoefle, Phoenix, Gormley & Roberts, PLLC ("HPGR") to act on its behalf concerning the previously mentioned property.

I hereby appoint JBE, GPC and HPGR as agents to act on behalf of 635 Sagamore Development, LLC in the Planning Board and Zoning Board application process, to include any required signatures.

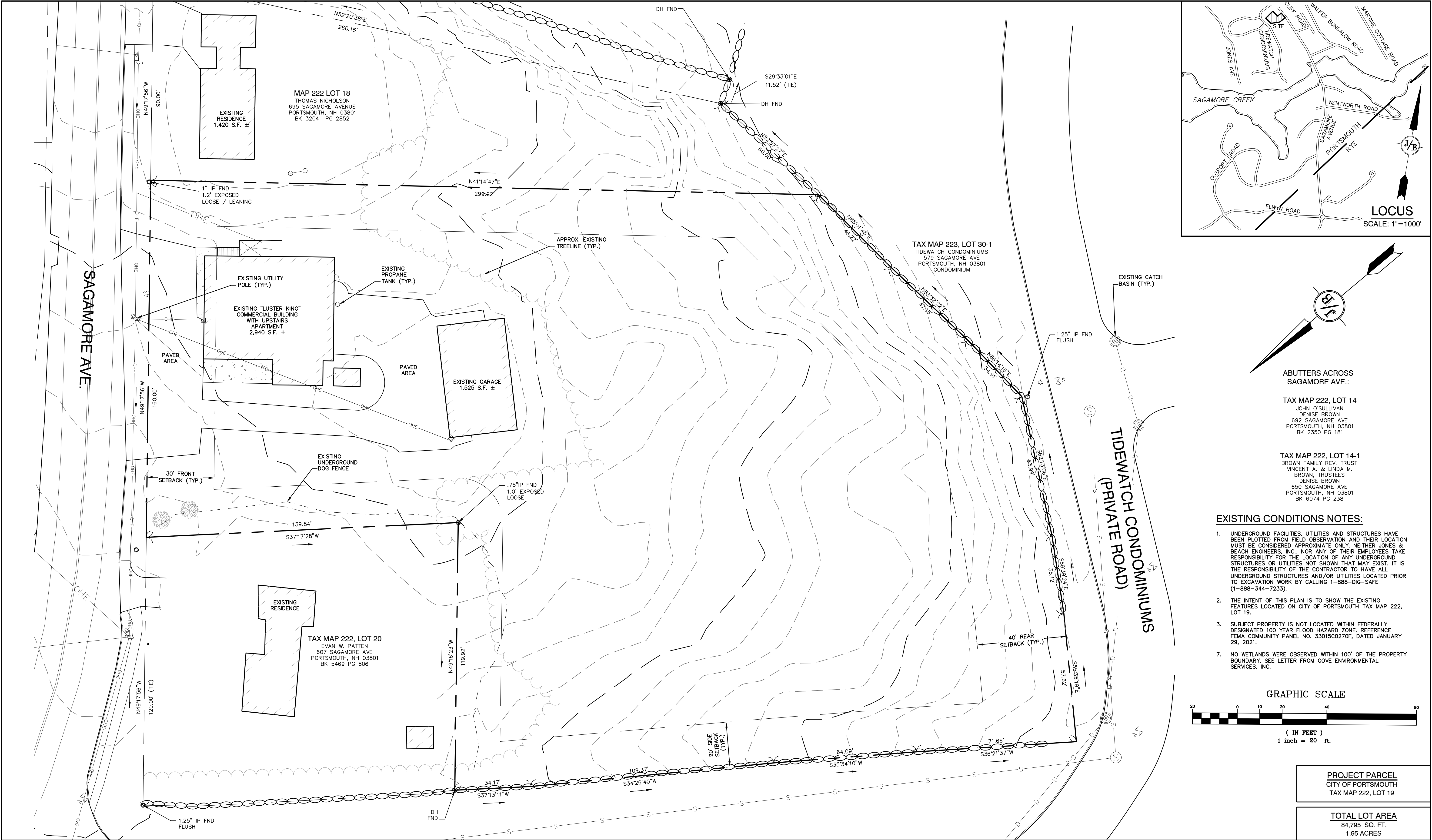
635 Sagamore Development, LLC

  
\_\_\_\_\_  
Timothy J. Black, Duly Authorized

January 5, 2022

Date

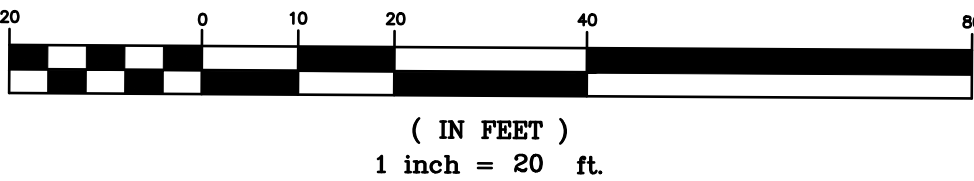
EXHIBIT 1



EXISTING CONDITIONS NOTES:

- UNDERGROUND FACILITIES, UTILITIES AND STRUCTURES HAVE BEEN PLOTTED FROM FIELD OBSERVATION AND THEIR LOCATION MUST BE CONSIDERED APPROXIMATE ONLY. NEITHER JONES & BEACH ENGINEERS, INC., NOR ANY OF THEIR EMPLOYEES TAKE RESPONSIBILITY FOR THE LOCATION OF ANY UNDERGROUND STRUCTURES OR UTILITIES NOT SHOWN THAT MAY EXIST. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO HAVE ALL UNDERGROUND STRUCTURES AND/OR UTILITIES LOCATED PRIOR TO EXCAVATION WORK BY CALLING 1-888-DIG-SAFE (1-888-344-7233).
- THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING FEATURES LOCATED ON CITY OF PORTSMOUTH TAX MAP 222, LOT 19.
- SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 33015C0270F, DATED JANUARY 29, 2021.
- NO WETLANDS WERE OBSERVED WITHIN 100' OF THE PROPERTY BOUNDARY. SEE LETTER FROM GOVE ENVIRONMENTAL SERVICES, INC.

GRAPHIC SCALE



PROJECT PARCEL  
CITY OF PORTSMOUTH  
TAX MAP 222, LOT 19

TOTAL LOT AREA  
84,795 SQ. FT.  
1.95 ACRES

Design: JAC	Draft: DJM	Date: 12/07/2021
Checked: JAC	Scale: AS NOTED	Project No.: 18134.1
Drawing Name: 18134-CONCEPT-8.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

REV.	DATE	REVISION	BY
3	3/21/22	REVISED CONCEPTUAL LAYOUT	DJM
2	2/10/22	REVISED CONCEPTUAL LAYOUT	DJM
1	2/4/22	REVISED CONCEPTUAL LAYOUT	DJM
0	1/6/22	ISSUED FOR REVIEW	DJM

J/B

Jones & Beach Engineers, Inc.

Designed and Produced in NH

85 Portsmouth Ave.  
PO Box 219  
Stratham, NH 03885

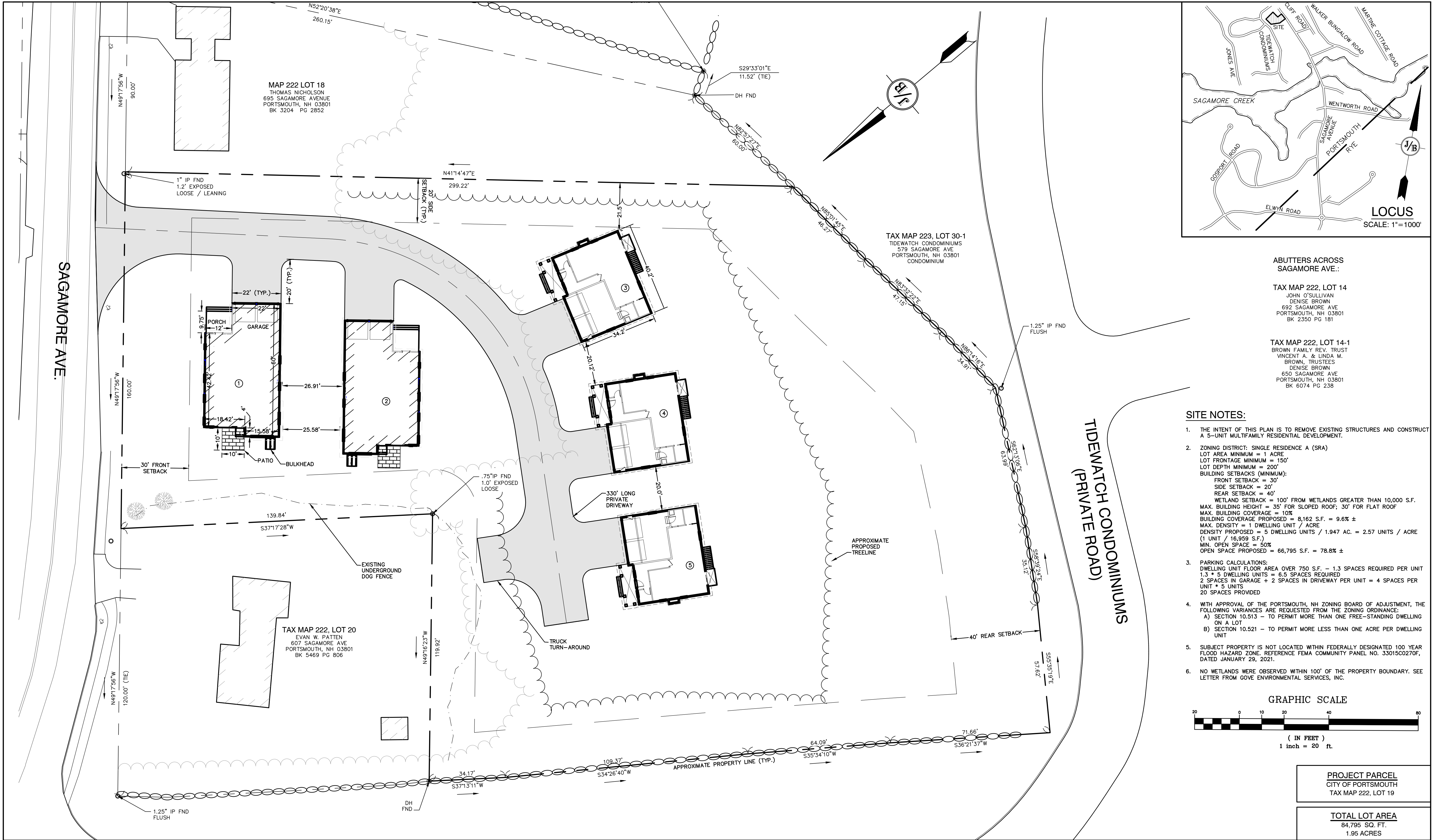
Civil Engineering Services

603-772-4746  
FAX: 603-772-0227  
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	EXISTING CONDITIONS PLAN
Project:	5-UNIT RESIDENTIAL SITE 635 SAGAMORE AVE., PORTSMOUTH, NH
Owner of Record:	635 SAGAMORE DEVELOPMENT, LLC 3612 LAFAYETTE RD., DEPT 4, PORTSMOUTH, NH 03801 BK 6332 PG 1158

DRAWING No.	C1
SHEET 1 OF 3	JBE PROJECT NO. 18134.1





Design: JAC	Draft: DJM	Date: 12/07/2021
Checked: JAC	Scale: AS NOTED	Project No.: 18134.1
Drawing Name: 18134-CONCEPT-8.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

3	3/21/22	REVISED CONCEPTUAL LAYOUT	DJM
2	2/10/22	REVISED CONCEPTUAL LAYOUT	DJM
1	2/4/22	REVISED CONCEPTUAL LAYOUT	DJM
0	1/6/22	ISSUED FOR REVIEW	DJM
REV.	DATE	REVISION	BY

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**

85 Portsmouth Ave. PO Box 219 Stratham, NH 03885

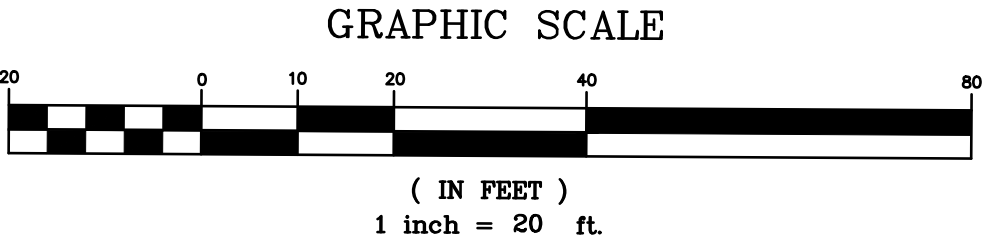
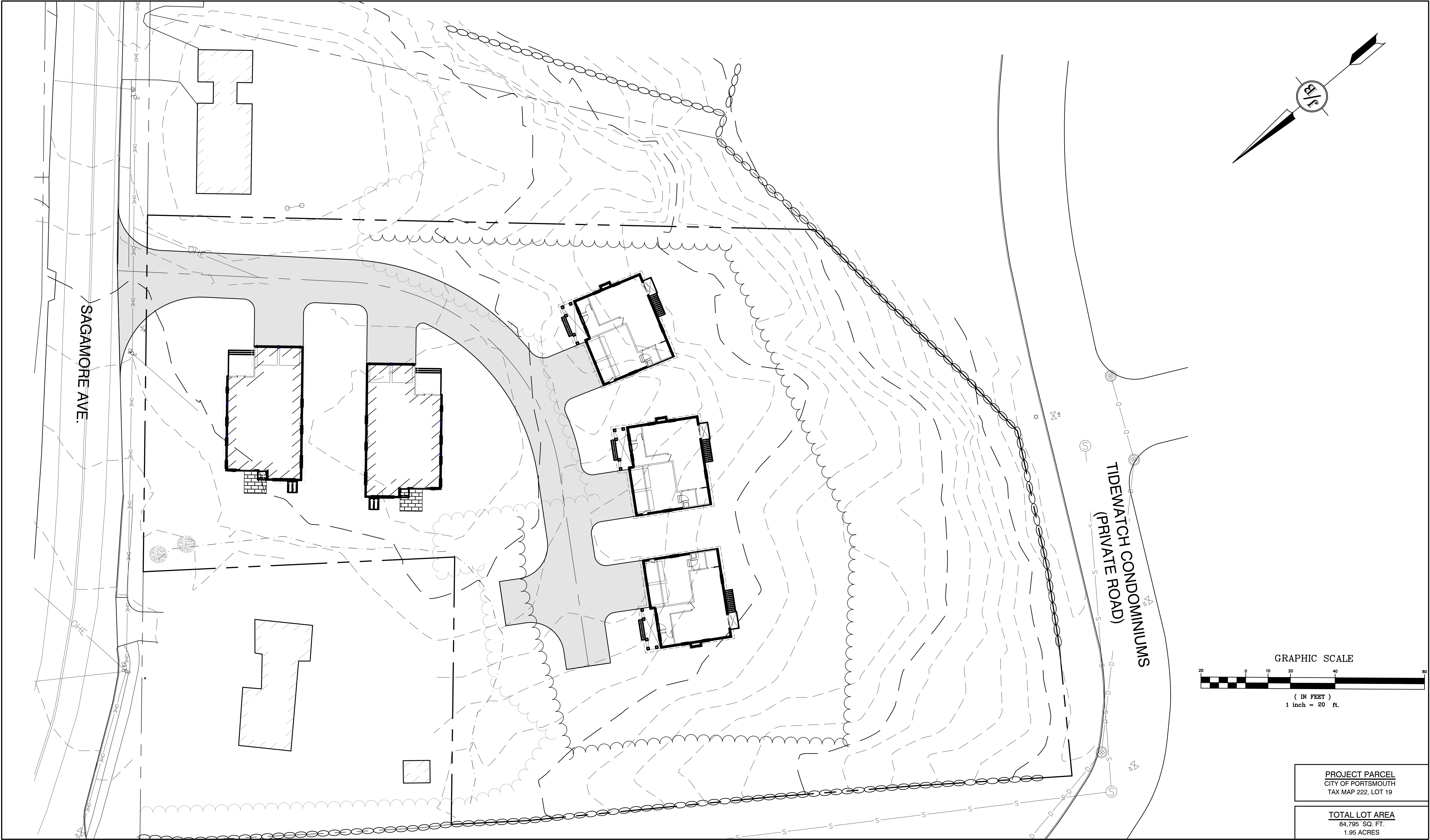
*Civil Engineering Services*

603-772-4746 FAX: 603-772-0227 E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	<b>ZBA SITE PLAN</b>
Project:	<b>5-UNIT RESIDENTIAL SITE 635 SAGAMORE AVE., PORTSMOUTH, NH</b>
Owner of Record:	635 SAGAMORE DEVELOPMENT, LLC 3612 LAFAYETTE RD., DEPT 4, PORTSMOUTH, NH 03801 BK 6332 PG 1158

DRAWING No.
<b>C2</b>
SHEET 2 OF 3 JBE PROJECT NO. 18134.1





PROJECT PARCEL  
CITY OF PORTSMOUTH  
TAX MAP 222, LOT 19

TOTAL LOT AREA  
84,795 SQ. FT.  
1.95 ACRES

Design: JAC	Draft: DJM	Date: 12/07/2021
Checked: JAC	Scale: AS NOTED	Project No.: 18134.1
Drawing Name: 18134-CONCEPT-8.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

REV.	DATE	REVISION	BY
3	3/21/22	REVISED CONCEPTUAL LAYOUT	DJM
2	2/10/22	REVISED CONCEPTUAL LAYOUT	DJM
1	2/4/22	REVISED CONCEPTUAL LAYOUT	DJM
0	1/6/22	ISSUED FOR REVIEW	DJM

J/B

Jones & Beach Engineers, Inc.

Designed and Produced in NH

85 Portsmouth Ave.  
PO Box 219  
Stratham, NH 03885

Civil Engineering Services

603-772-4746  
FAX: 603-772-0227  
E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	ZBA TOPOGRAPHIC SITE PLAN
Project:	5-UNIT RESIDENTIAL SITE 635 SAGAMORE AVE., PORTSMOUTH, NH
Owner of Record:	635 SAGAMORE DEVELOPMENT, LLC 3612 LAFAYETTE RD., DEPT 4, PORTSMOUTH, NH 03801 BK 6332 PG 1158

DRAWING No.

C3

SHEET 3 OF 3  
JBE PROJECT NO. 18134.1



1/27/2022

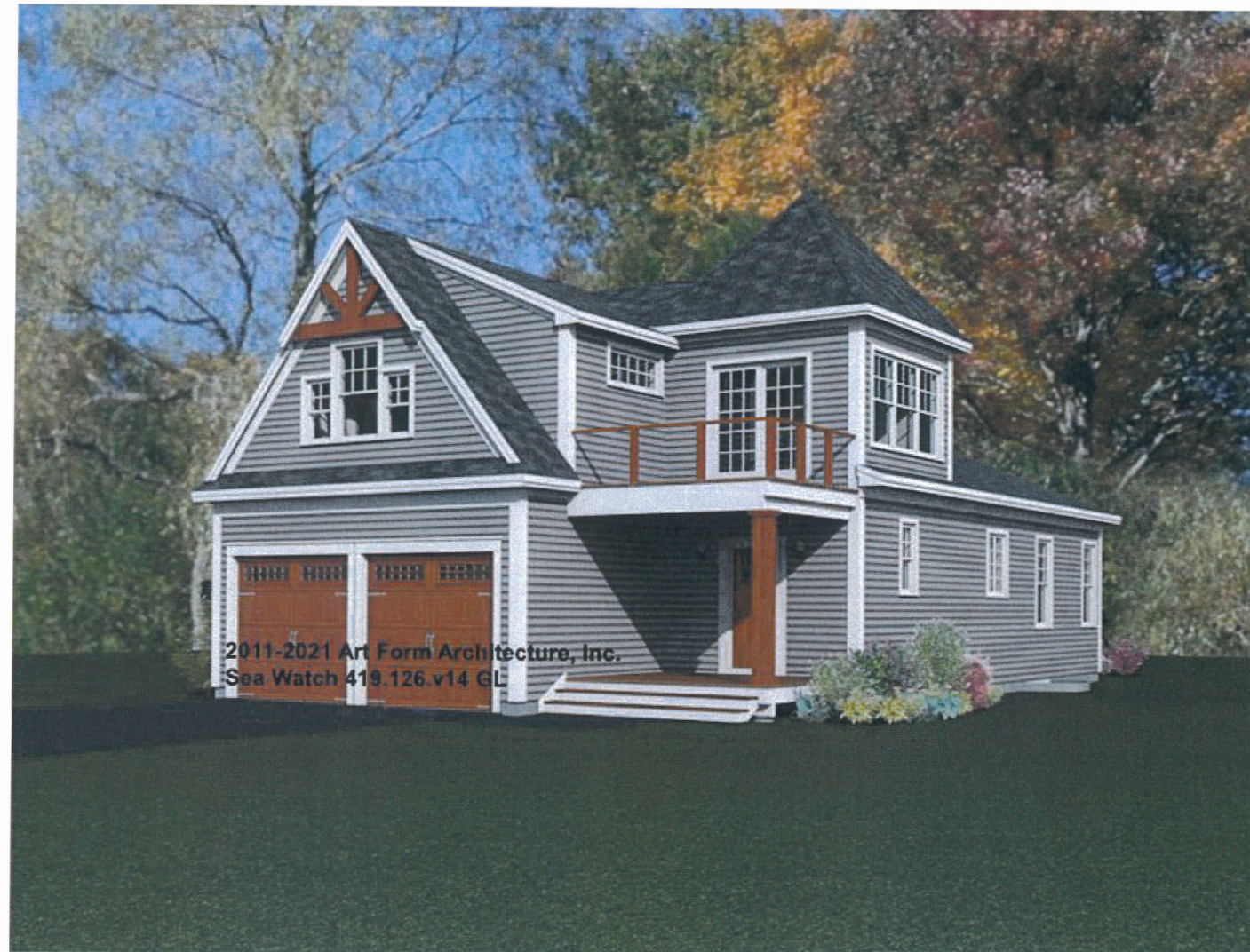
## Sea Watch

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Artform Home Plans ("Artform") requires that our Drawings be built substantially as designed. Artform will not be obligated by or liable for use of this design with markups as part of any builder agreement. While we attempt to accommodate where possible and reasonable, and where the changes do not denigrate our design, any and all changes to Drawings must be approved in writing by Artform. It is recommended that you have your Drawing updated by Artform prior to attaching any Drawing to any builder agreement. Artform shall not be responsible for the misuse of or unauthorized alterations to any of its Drawings.

#### Facade Changes:

- To maintain design integrity, we pay particular attention to features on the front facade, including but not limited to door surrounds, window casings, finished porch column sizes, and roof friezes. While we may allow builders to add their own flare to aesthetic elements, we don't allow our designs to be stripped of critical details. Any such alterations require the express written consent of Artform.
- Increasing ceiling heights usually requires adjustments to window sizes and other exterior elements.

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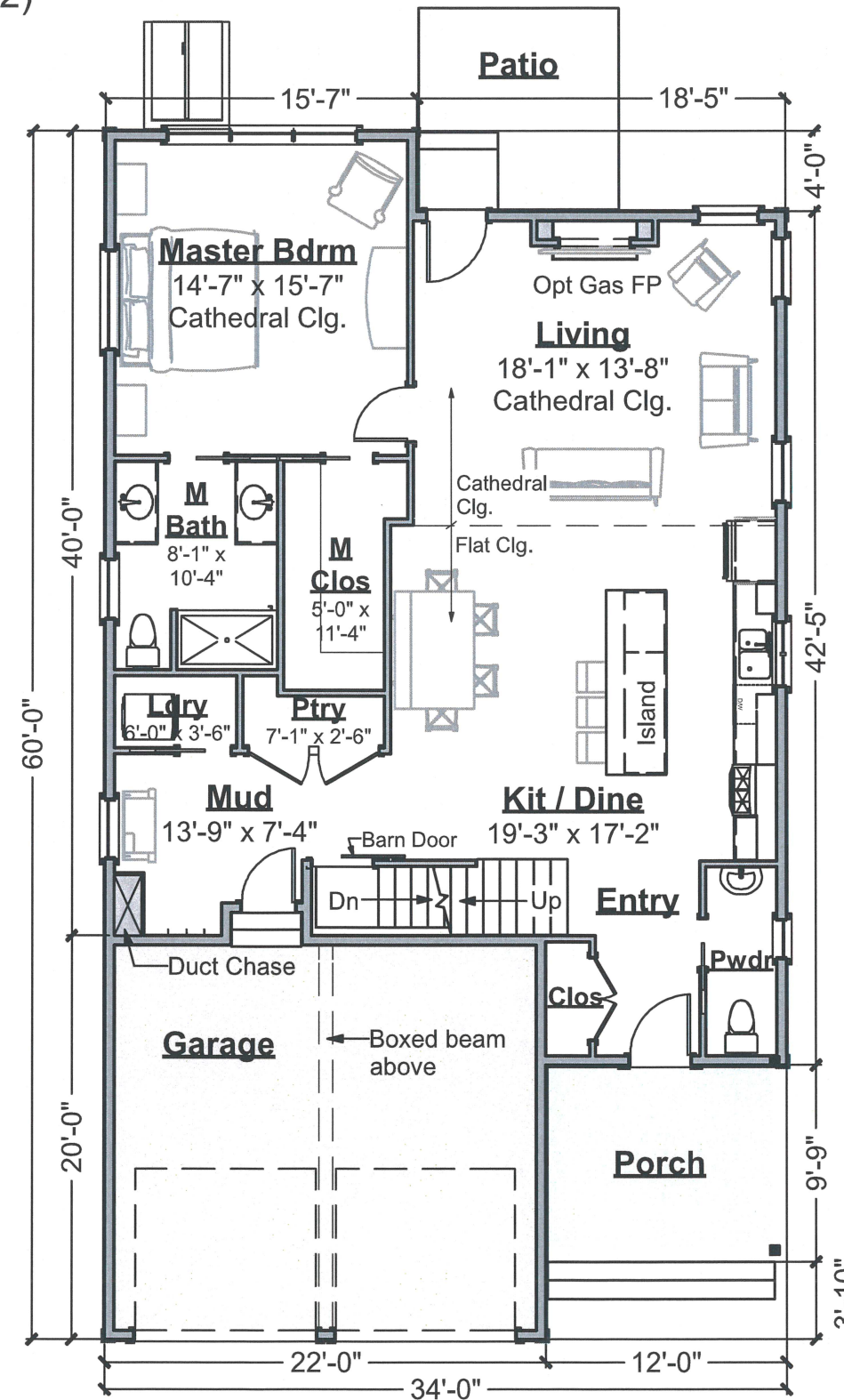
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**Living Area This Floor: 1370 sq ft**

9 ft Ceilings, unless noted otherwise

## First Floor Plan

Scale: 3/32" = 1'-0"

1/27/2022

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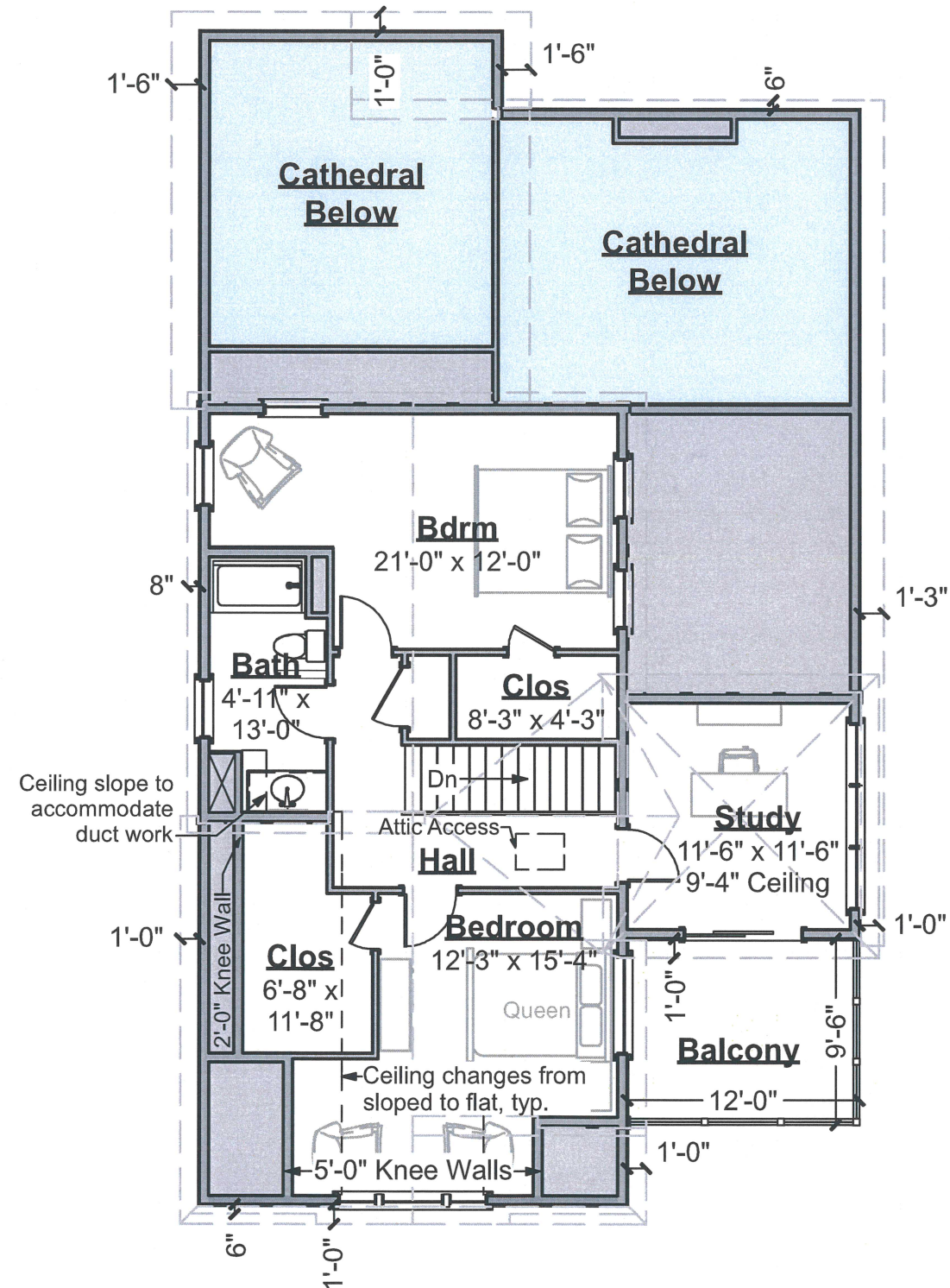
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**Living Area This Floor: 979 sq ft**

8 ft Ceilings, unless noted otherwise



## Second Floor Plan

Scale: 3/32" = 1'-0"



1/27/2022

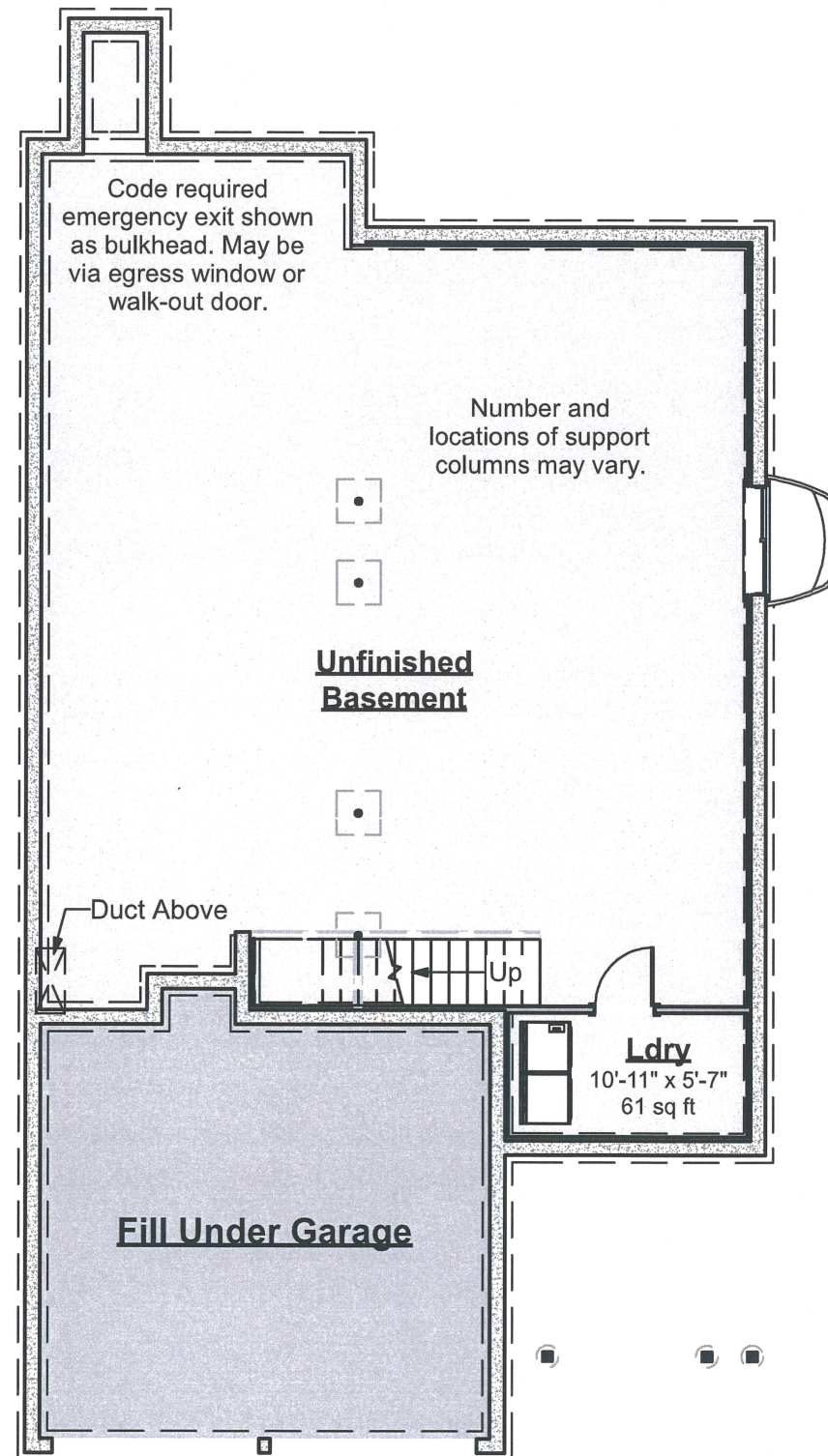
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## Foundation Plan

Scale: 3/32" = 1'-0"



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**Front Elevation**

Scale: 1/8" = 1'-0"

1/27/2022

# Sea Watch

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**Right Elevation**

Scale: 1/8" = 1'-0"

419.126.v14 GL Sea Watch

1/27/2022

# Sea Watch

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**Rear Elevation**

Scale: 1/8" = 1'-0"

603-431-9559 419.126.v14 GL Sea Watch



1/27/2022

# Sea Watch

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**Left Elevation**  
Scale: 1/8" = 1'-0"

CP3-419.126.v14-GL-Sea Watch



1/27/2022  
**Sea Watch**  
419.126.v14 GL (1/27/2022)

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**Artform Home Plans**

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**Interior Views**



3/4/2022

# Sweet Peekaboo

## 418.124.v13 GL (3/4/2022)

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3/4/2022  
**Sweet Peekaboo**  
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Sweet Peekaboo 418.124.v13 GL



3/4/2022

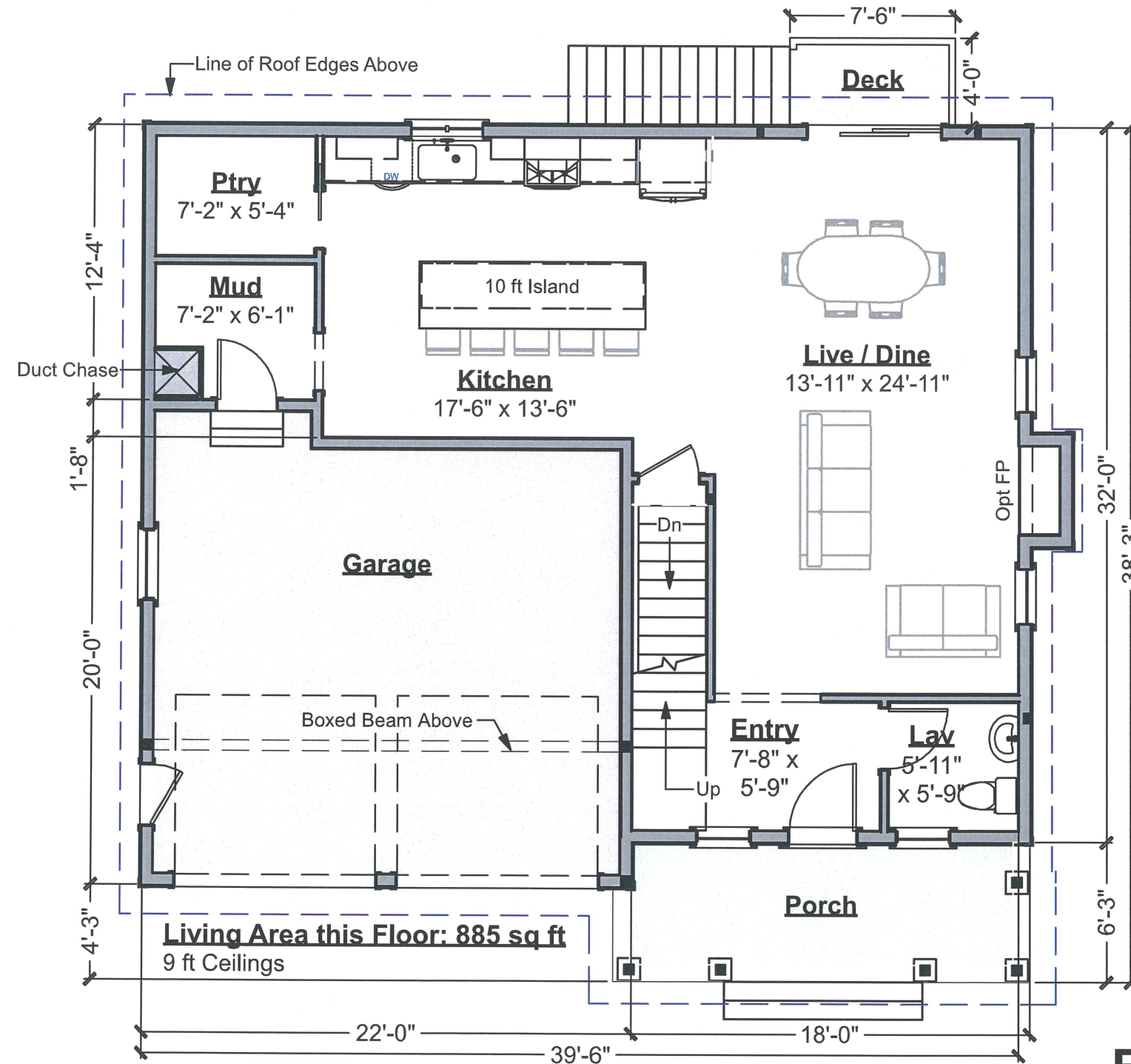
# Sweet Peekaboo

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**First Floor Plan**  
Scale: 1/8" = 1'-0"

3/4/2022

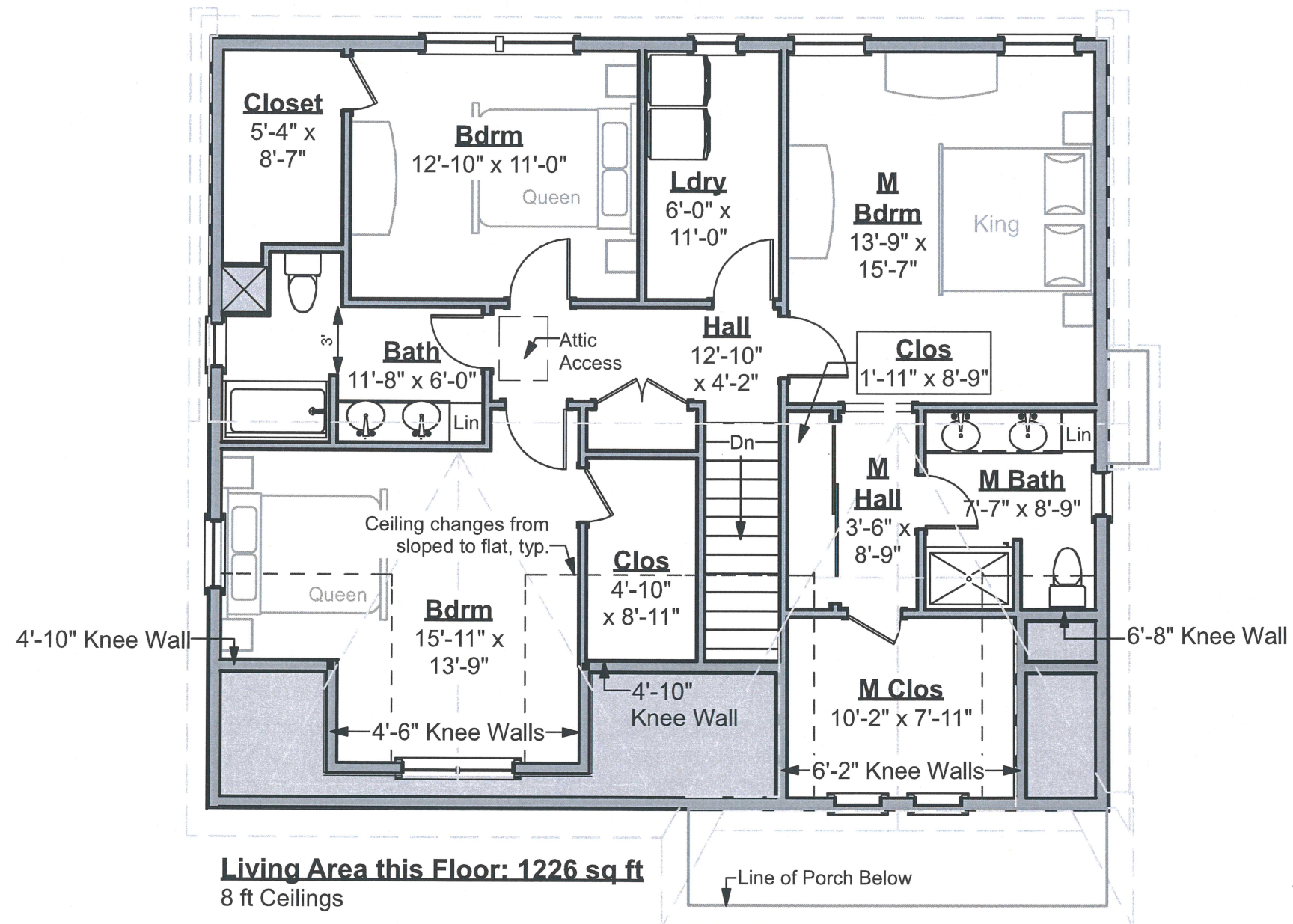
# Sweet Peekaboo

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**Second Floor Plan**  
Scale: 1/8" = 1'-0"



3/4/2022

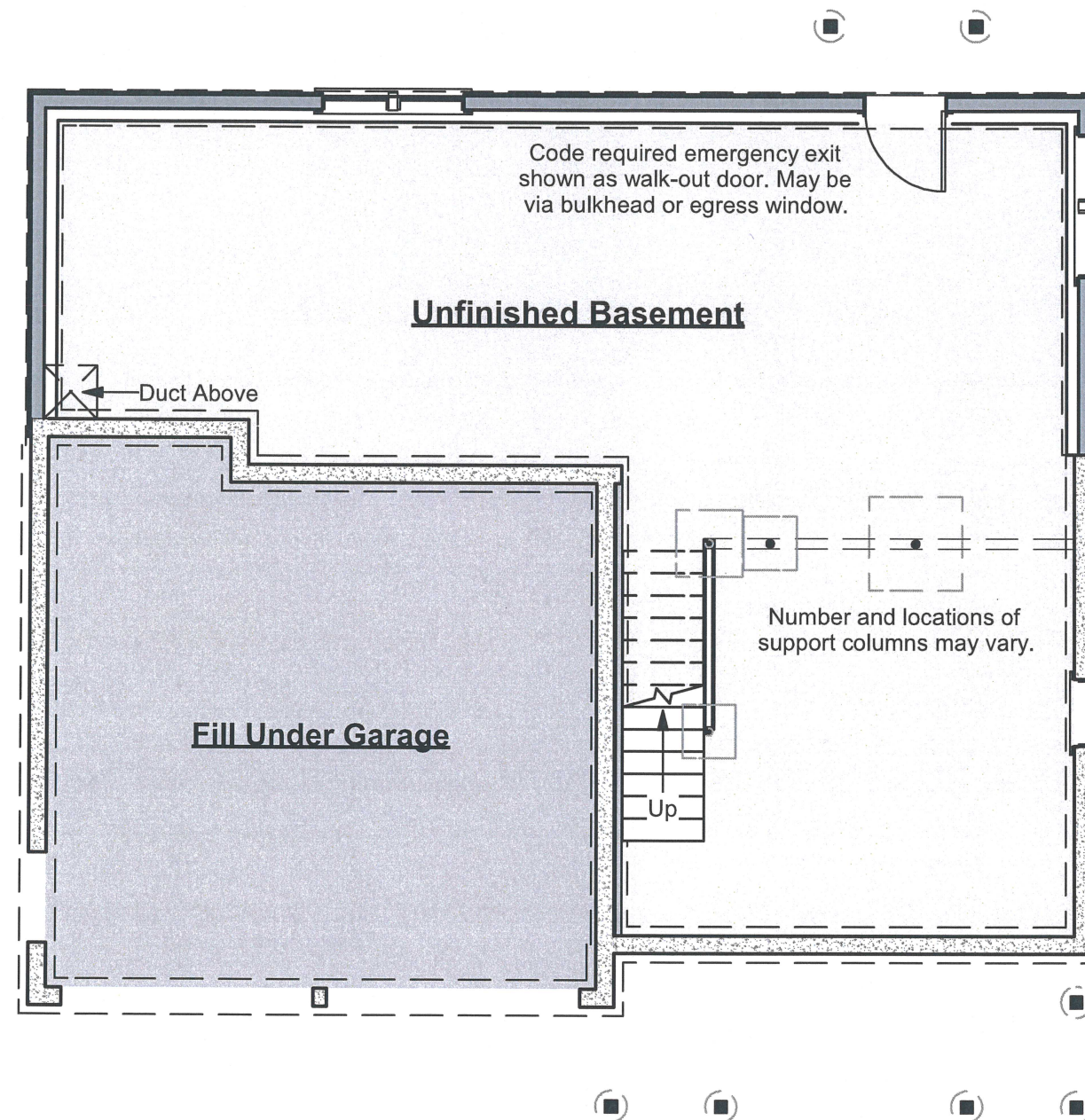
# Sweet Peekaboo

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**Foundation Plan**  
Scale: 1/8" = 1'-0"

3/4/2022

# Sweet Peekaboo

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603-431-9559



**Front Elevation**  
Scale: 1/8" = 1'-0"



3/4/2022

# Sweet Peekaboo

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603-431-9559



**Right Elevation**  
Scale: 1/8" = 1'-0"



3/4/2022

# Sweet Peekaboo

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603-431-9559



**Rear Elevation**  
Scale: 1/8" = 1'-0"

3/4/2022

# Sweet Peekaboo

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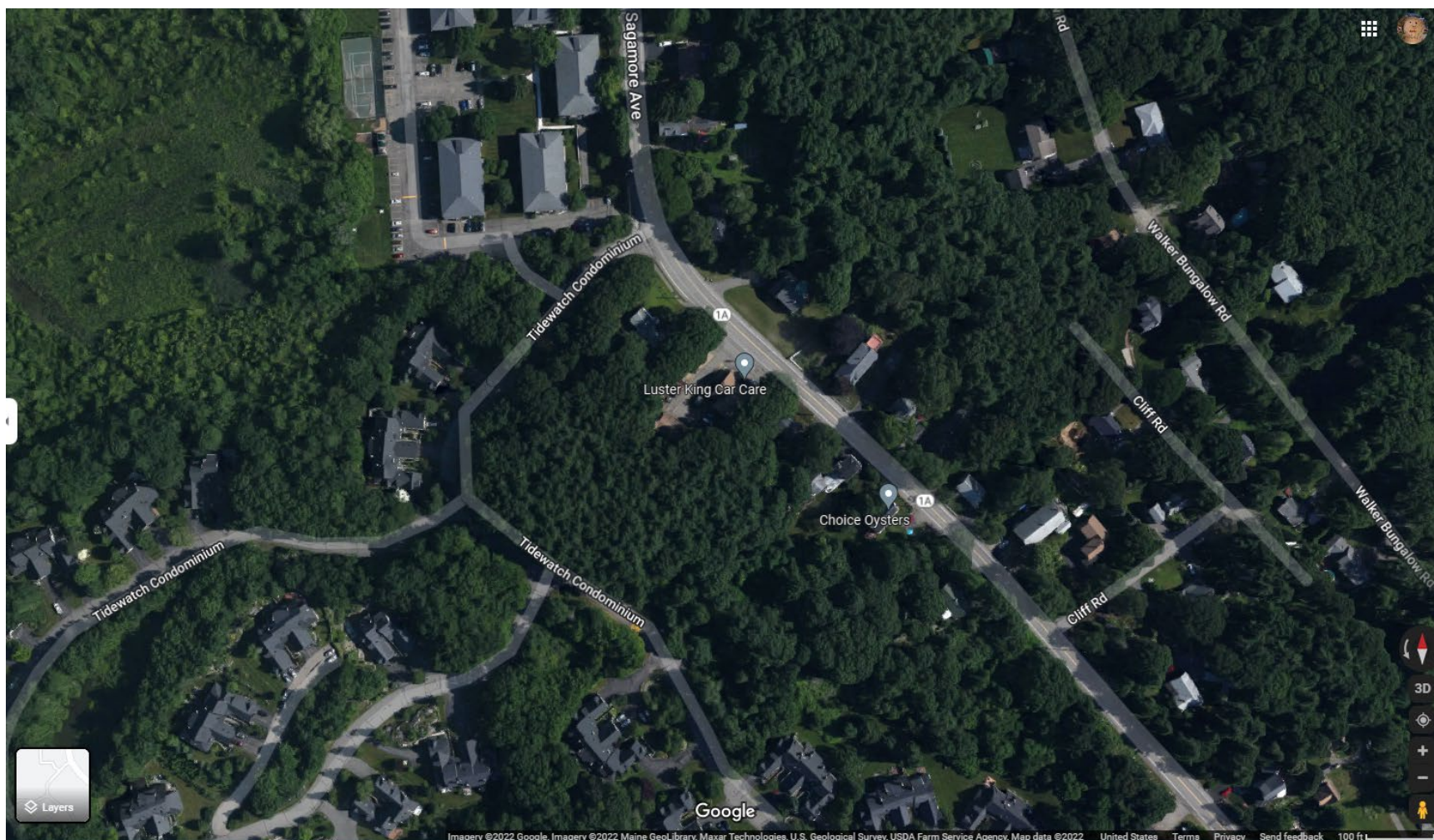


603-431-9559



**Left Elevation**  
Scale: 1/8" = 1'-0"





Aerial view of Property





Front View of Property (Sagamore Ave)





Front View of Property





Front View of Property





Side View of Property





View of Service Garage and Shed





Rear View of Property

# Exhibit 4

## 635 SAGAMORE AVE

**Location** 635 SAGAMORE AVE

**Mblu** 0222/ 0019/ 0000/ /

**Acct#** 35416

**Owner** 635 SAGAMORE  
DEVELOPMENT LLC

**PBN**

**Assessment** \$682,800

**Appraisal** \$682,800

**PID** 35416

**Building Count** 2

### Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$407,600	\$275,200	\$682,800
Assessment			
Valuation Year	Improvements	Land	Total
2020	\$407,600	\$275,200	\$682,800

### Owner of Record

**Owner** 635 SAGAMORE DEVELOPMENT LLC  
**Co-Owner**  
**Address** 3612 LAFAYETTE RD DEPT 4  
PORTSMOUTH, NH 03801

**Sale Price** \$387,133  
**Certificate**  
**Book & Page** 6332/1158  
**Sale Date** 09/24/2021

### Ownership History

Ownership History				
Owner	Sale Price	Certificate	Book & Page	Sale Date
635 SAGAMORE DEVELOPMENT LLC	\$387,133		6332/1158	09/24/2021
HINES FAMILY REVO TRUST	\$0		4885/1538	02/11/2008

### Building Information

#### Building 1 : Section 1

**Year Built:** 1950  
**Living Area:** 4,477





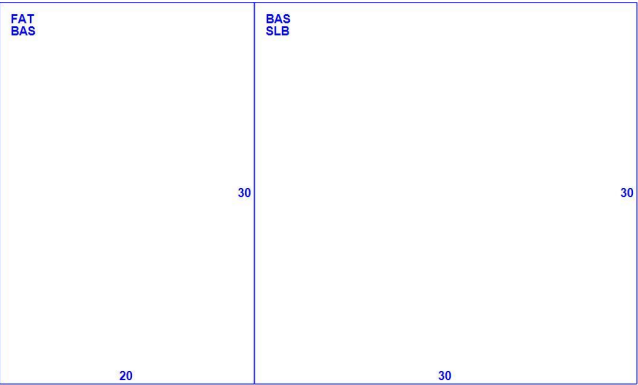
Building Percent Good: 84  
Replacement Cost  
Less Depreciation: \$128,900

Building Attributes : Bldg 2 of 2	
Field	Description
Style:	Service Shop
Model	Commercial
Grade	C
Stories:	1
Occupancy	1.00
Residential Units	
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Concr-Finished
Interior Floor 2	Carpet
Heating Fuel	Oil
Heating Type	Hot Water
AC Type	None
Bldg Use	AUTO S S&S
Total Rooms	
Total Bedrms	
Total Baths	
Kitchen Grd	
Heat/AC	NONE
Frame Type	WOOD FRAME
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & WALLS
Rooms/Prtns	AVERAGE
Wall Height	12.00
% Comn Wall	
1st Floor Use:	
Class	

Building Photo

 Building Photo  
(http://images.vgsi.com/photos2/PortsmouthNHPhotos///0033/DSC01731\_;

Building Layout



(ParcelSketch.ashx?pid=35416&bid=40140)

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
BAS	First Floor	1,500	1,500
FAT	Attic	600	150
SLB	Slab	900	0
		3,000	1,650

Extra Features

Extra Features	<u>Legend</u>
----------------	---------------



Land

Land Use

Use Code 0310  
Description PRI COMM  
Zone SRA  
Neighborhood 306  
Alt Land Appr No  
Category

Land Line Valuation

Size (Acres) 1.93  
Frontage  
Depth  
Assessed Value \$275,200  
Appraised Value \$275,200

Outbuildings

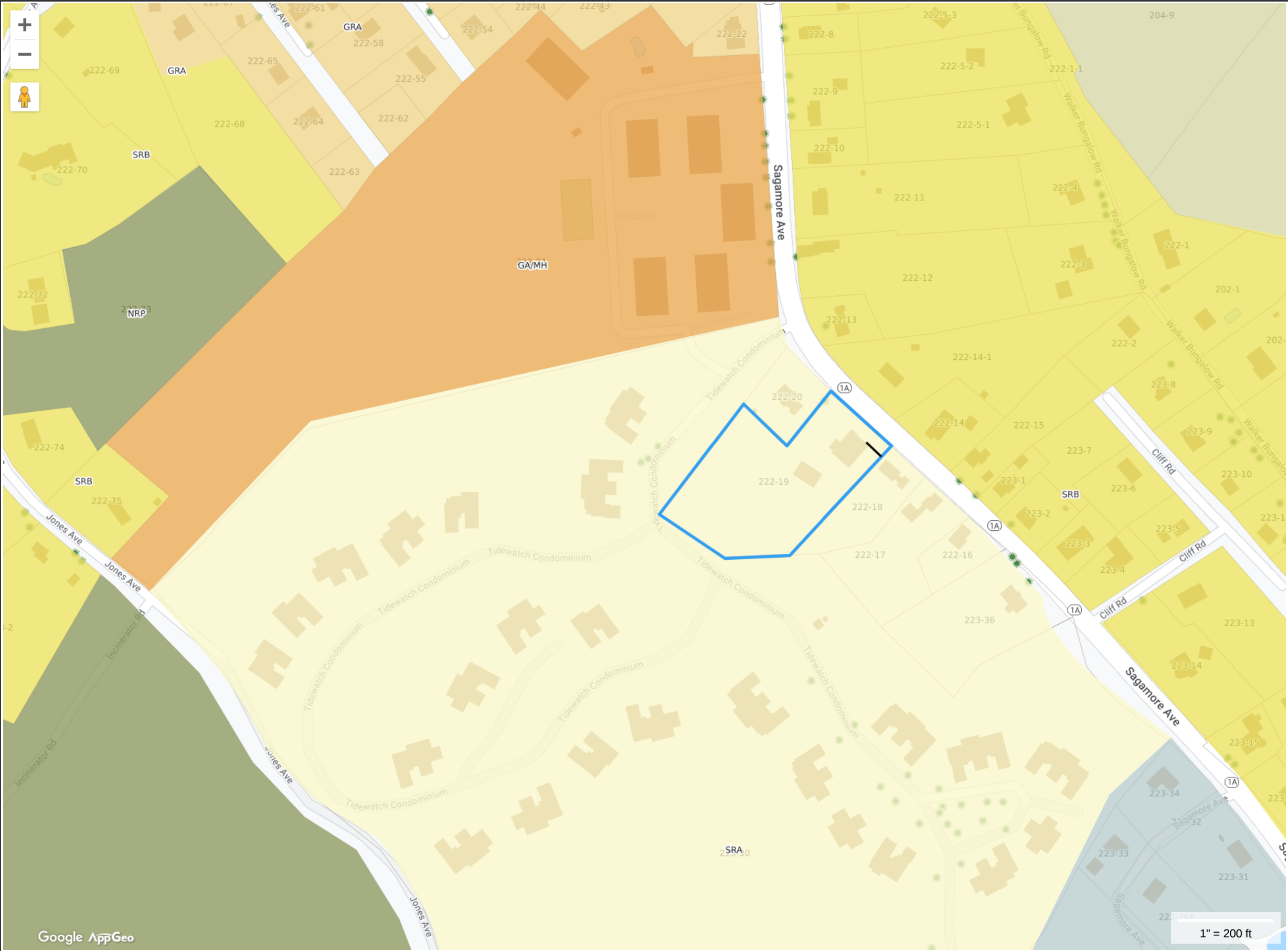
Outbuildings						<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAV1	PAVING-ASPHALT			1344.00 S.F.	\$1,200	1
SHD1	SHED FRAME			96.00 S.F.	\$100	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$418,400	\$275,200	\$693,600
2019	\$418,400	\$275,200	\$693,600
2018	\$391,100	\$254,800	\$645,900

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$418,400	\$275,200	\$693,600
2019	\$418,400	\$275,200	\$693,600
2018	\$391,100	\$254,800	\$645,900

635 Sagamore Avenue



Property Information	
Property ID	0222-0019-0000
Location	635 SAGAMORE AVE
Owner	635 SAGAMORE DEVELOPMENT LLC



MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 3/9/2022  
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

Exhibit 5



Map Theme Legends

Zoning

Residential Districts

R

Rural

SRA

Single Residence A

SRB

Single Residence B

GRA

General Residence A

GRB

General Residence B

GRC

General Residence C

GA/MH

Garden Apartment/Mobile Home Park

Mixed Residential Districts

MRO

Mixed Residential Office

MRB

Mixed Residential Business

G1

Gateway Corridor

G2

Gateway Center

Business Districts

GB

General Business

B

Business

WB

Waterfront Business

Industrial Districts

OR

Office Research

I

Industrial

WI

Waterfront Industrial

Airport Districts

AIR

Airport

AI

Airport Industrial

PI

Pease Industrial

ABC

Airport Business Commercial

Conservation Districts

M

Municipal

NRP

Natural Resource Protection

Character Districts

CD5

Character District 5

CD4

Character District 4

CD4W

Character District 4-B

CD4-L1

Character District 4-L1

CD4-L2

Character District 4-L2

Civic District

Civic District

Municipal District

Municipal District

Overlay Districts

OLOD

Osprey Landing Overlay District

Downtown Overlay District

Historic District

City of Portsmouth

**Variance Application Summary**  
**Tyler Forthofer & Savannah Fodero**  
**629 Broad Street, Portsmouth, NH 03801**  
(860) 918-4439 | [tyler.forthofer@gmail.com](mailto:tyler.forthofer@gmail.com)  
(603) 812-5496 | [fodero1014@gmail.com](mailto:fodero1014@gmail.com)

---

**To permit the following:**

1. Modification of existing flat gravel roof over the current garage. The modification will replace the flat gravel roof with a pitched roof and will change the overall height of the garage from 8 feet to 12 feet. The garage is an existing non-conforming structure within the setback. This modification will not expand/modify the floor space or footprint of the existing garage and is only related to roofing work.

**Background:**

The house located at 629 Broad Street and is situated on the corner of Jones Avenue and Broad Street. The garage and driveway outlet on to Jones Avenue. The current roof on the garage is a flat gravel roof which leaks with any precipitation. The leaking allows for standing water inside the garage preventing any type of storage inside the garage. The leaking has continued for a significant time and has started to cause damage to the framing of the garage itself. The proposed roof is a pitched, asphalt roof that will create water runoff in three directions and will control the runoff with gutter systems. Solving the leaking problem will allow for further improvements inside the garage such as adding fireproofing, improving lighting, and creating a safer egress route into the garage. Lastly, this will improve the overall look, appearance and value of the home by making the garage look and feel like the other homes in the neighborhood.

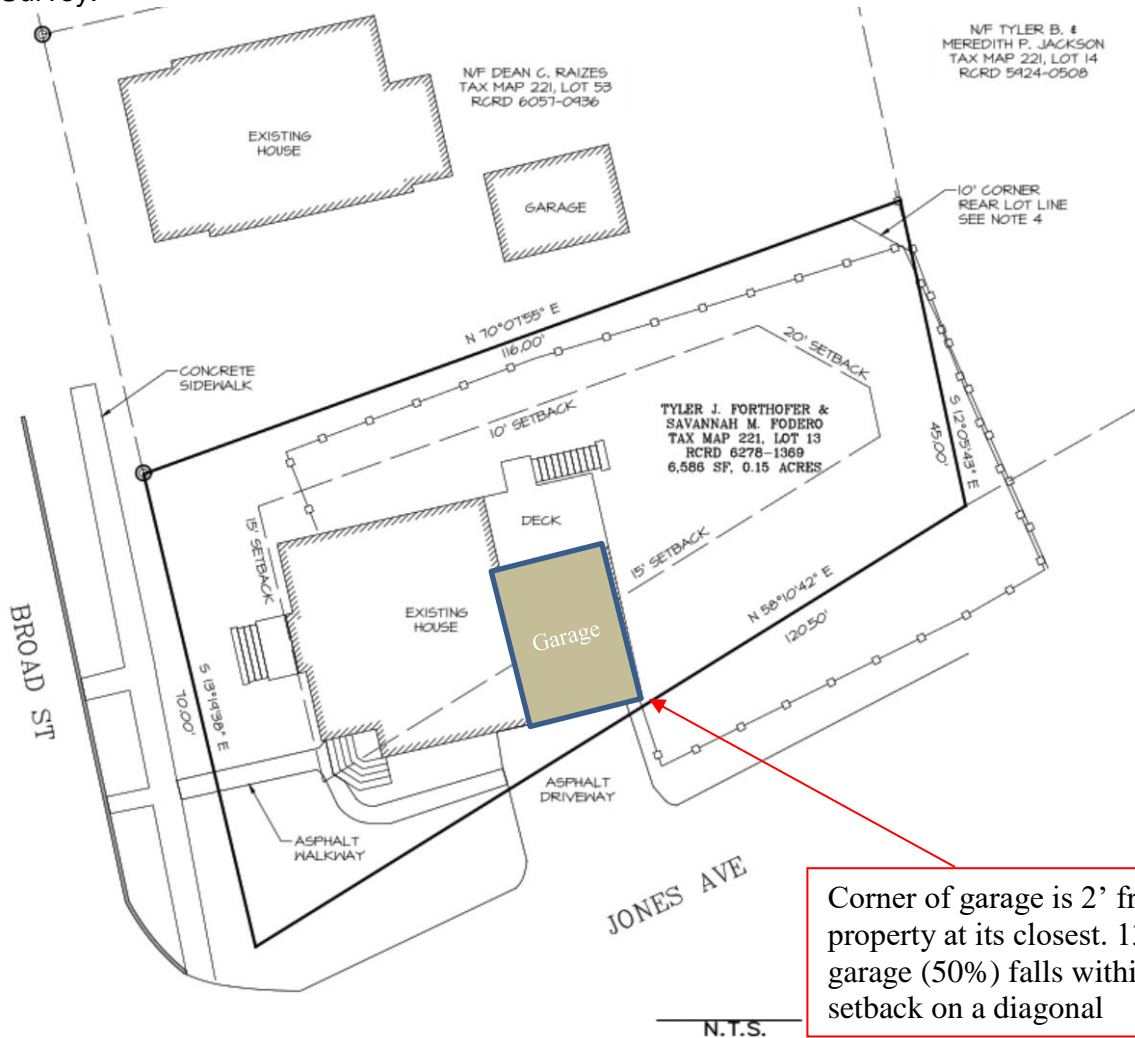
**Criteria for the Variance:**

1. The variance is not contrary to the public interest in that many properties in this neighborhood are non-conforming to Building Area and Setbacks. This is also a modification to an existing non-conforming structure in order to improve the structural integrity.
2. The Variance is consistent with the spirit of the ordinance in that it will allow this modification, which will allow for further improvements in areas related fireproofing, egress and appearance of the home.
3. Substantial justice will be done as this work will allow the owner to improve the property without affecting adjacent properties.
4. This variance will not diminish the value of surrounding properties.
5. Literal enforcement of the provisions of this ordinance would result in unnecessary hardship in that the current roof leaks with any precipitation which prevents further improvements to electrical work inside the garage, fireproofing improvements, and causes water seepage into the basement of the home.



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Survey:



Corner of garage is 2' from edge of property at its closest. 13' of the garage (50%) falls within the setback on a diagonal

**REFERENCE PLANS**

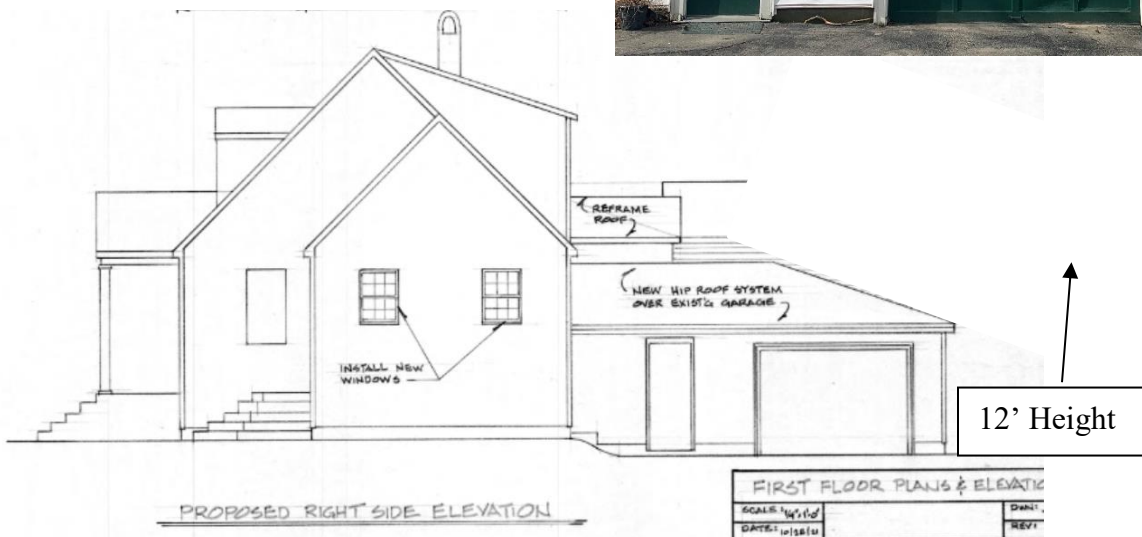
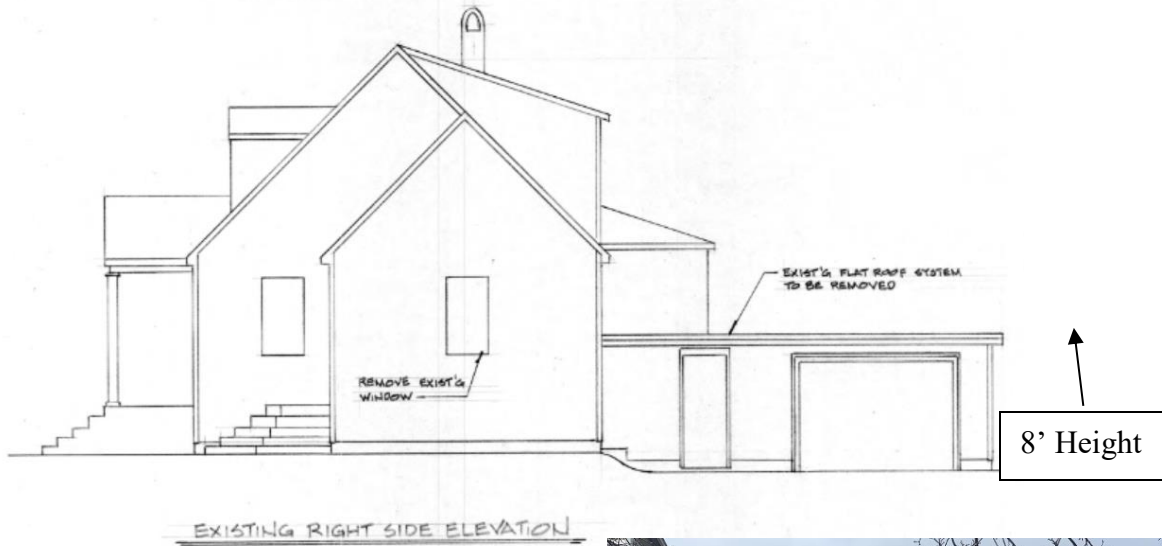
- 1) "PLAN OF LAND FOR HENRY F. DEWITT ET AL BROAD STREET & JONES AVENUE COUNTY OF ROCKINGHAM PORTSMOUTH, NEW HAMPSHIRE" BY AMBIT SURVEY, DATED SEPTEMBER 18, 1991, RCRD B-21258
- 2) "PLAN OF LOT 603 BROAD STREET PORTSMOUTH, N.H." BY JOHN W. DURGIN, DATED MAY 1958.
- 3) "SANBORN FIRE INSURANCE MAP FROM PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE" BY SANBORN MAP COMPANY, DATED 1920, REPUBLISHED 1956.
- 4) "PLOT PLAN OF LOT NO. 62 ON BROAD ST PORTSMOUTH, N.H." BY JOHN W. DURGIN, DATED APRIL 1951.
- 5) "LAND OF J. RICHARD MCCORMACK CORN. JONES & MARIE AVES. PORTSMOUTH, N.H." BY JOHN W. DURGIN, DATED JUNE 1940.
- 6) "PLAN OF LAND NO 305 SAGAMORE AVE PORTSMOUTH, N.H." BY JOHN W. DURGIN, DATED APRIL 1940.
- 7) "PLAN OF LOTS OF LAND EXTENDING FROM SOUTH ROAD TO JONES AVENUE PORTSMOUTH, N.H." BY A.C. HOYT SURVEYOR, DATED AUGUST 1, 1843, RCRD 00287

**NOTES**

- 1) OWNER OF RECORD:  
TYLER J. FORTHOFFER & SAVANNAH M. FODERO  
TAX MAP 221, LOT 13  
629 BROAD ST  
PORTSMOUTH, NH 03801  
RCRD: 6278-1369  
AREA: 6,586 SF, 0.15 ACRES
- 2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.
- 3) PARCEL IS IN GENERAL RESIDENCE A (GRA) ZONE:  
MINIMUM LOT AREA.....1500 SF  
MIN. LOT AREA PER DWELLING UNIT.....1500 SF  
MINIMUM FRONTAGE.....100 FT  
MINIMUM DEPTH.....10 FT  
SETBACKS:  
FRONT.....15 FT  
SIDE.....10 FT  
REAR.....20 FT  
MAXIMUM BUILDING HEIGHT:  
SLOPED ROOF.....35 FT  
FLAT ROOF.....30 FT  
MAXIMUM BUILDING COVERAGE.....25%  
MINIMUM OPEN SPACE.....30%
- 4) AS PER PORTSMOUTH ZONING ORDINANCE, IF A REAR LOT LINE IS LESS THAN 10 FT IN LENGTH OR IF THE LOT FORMS A POINT AT THE REAR, THE REAR LOT LINE SHALL BE DEEMED TO BE A LINE 10 FT IN LENGTH WITHIN THE LOT. THE REAR SETBACK IS CALCULATED FROM THIS 10 FT LOT LINE.
- 5) THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0210F, PANEL 210 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.

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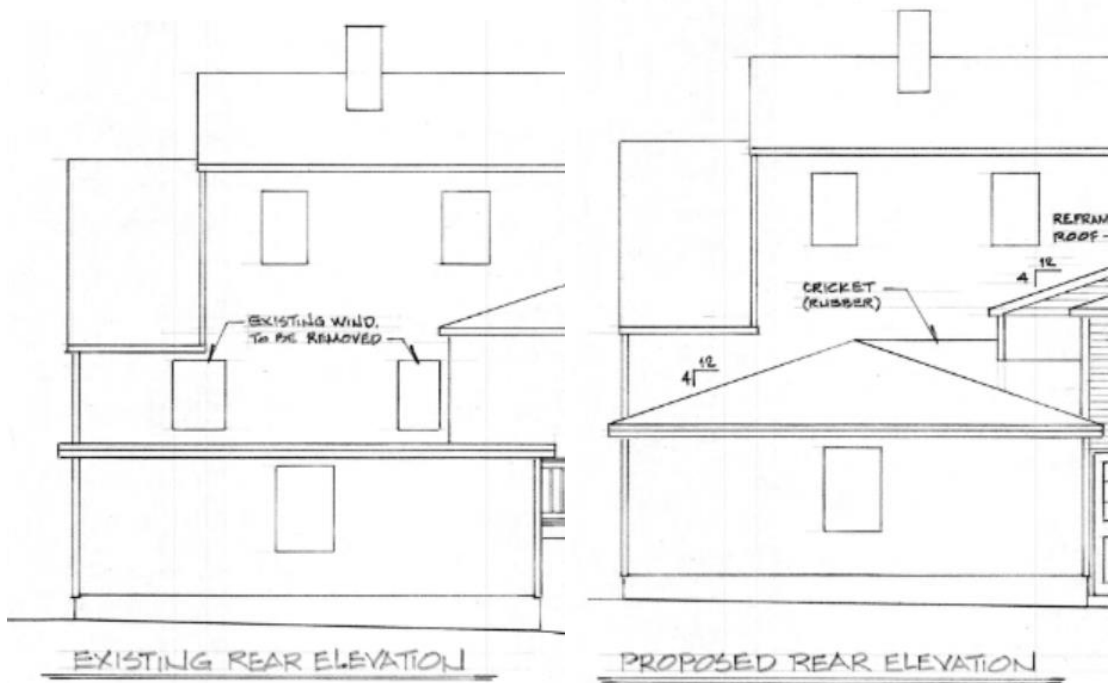
Existing vs. Proposed (Looking from Jones Ave):



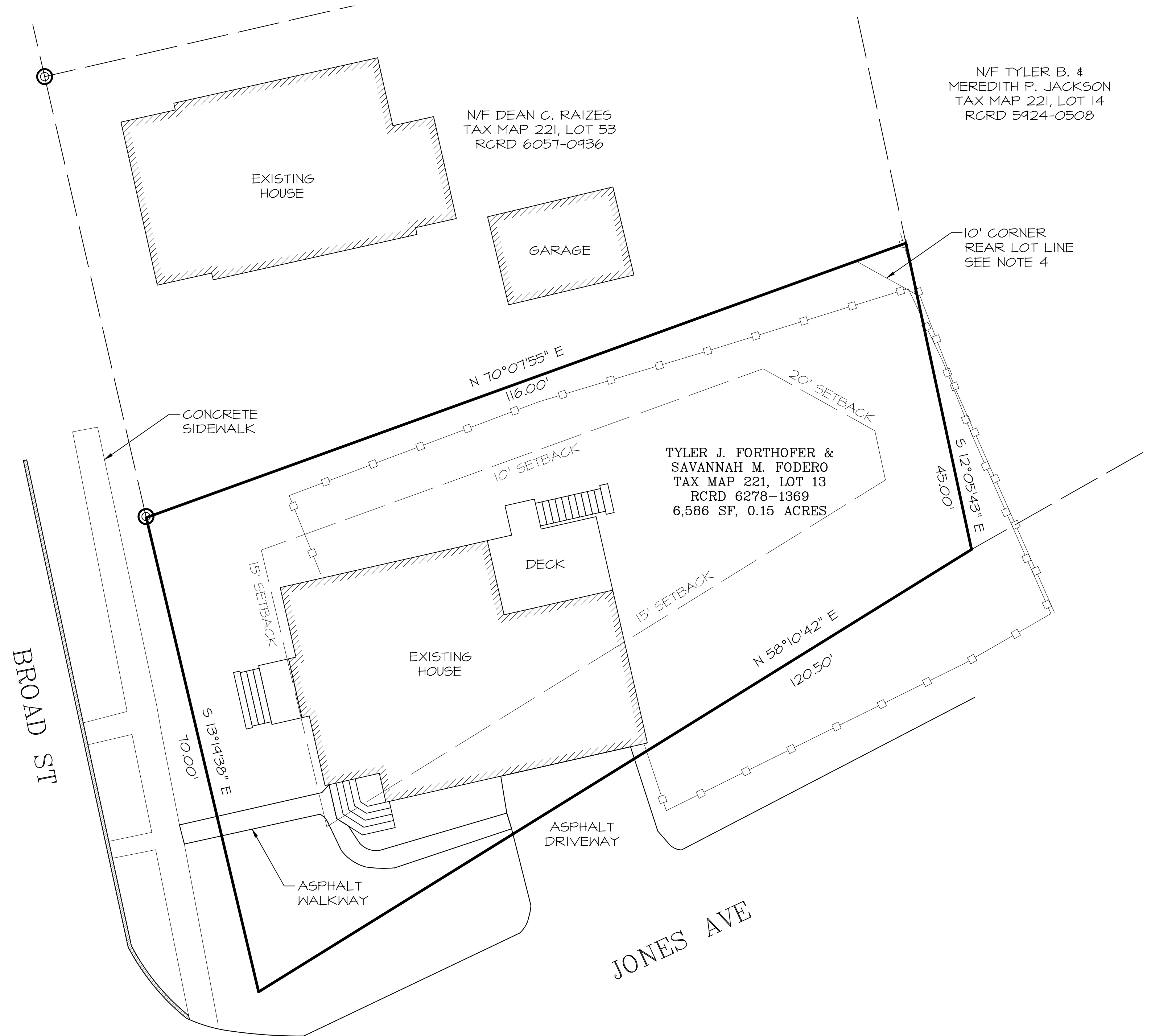


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Existing vs. Proposed (From backyard):



SEE NOTE 2



- LEGEND**
- MONUMENT TO BE SET
  - MONUMENT FOUND
  - UTILITY POLE
  - 6' STOCKADE FENCE
  - VERTICAL GRANITE CURB



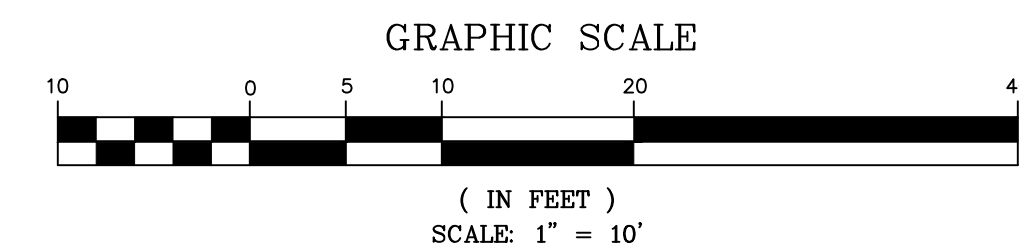
**LOCUS PLAN  
N.T.S.**

**REFERENCE PLANS**

- "PLAN OF LAND FOR HENRY F. DEWITT ET AL BROAD STREET & JONES AVENUE COUNTY OF ROCKINGHAM PORTSMOUTH, NEW HAMPSHIRE" BY AMBIT SURVEY. DATED SEPTEMBER 18, 1991. RCRD B-21258
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MIN. LOT AREA PER DWELLING UNIT.....1,500 SF  
MINIMUM FRONTAGE.....100 FT  
MINIMUM DEPTH.....70 FT  
SETBACKS:  
FRONT.....15 FT  
SIDE.....10 FT  
REAR.....20 FT  
MAXIMUM BUILDING HEIGHT:  
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- THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0270F, PANEL 270 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.

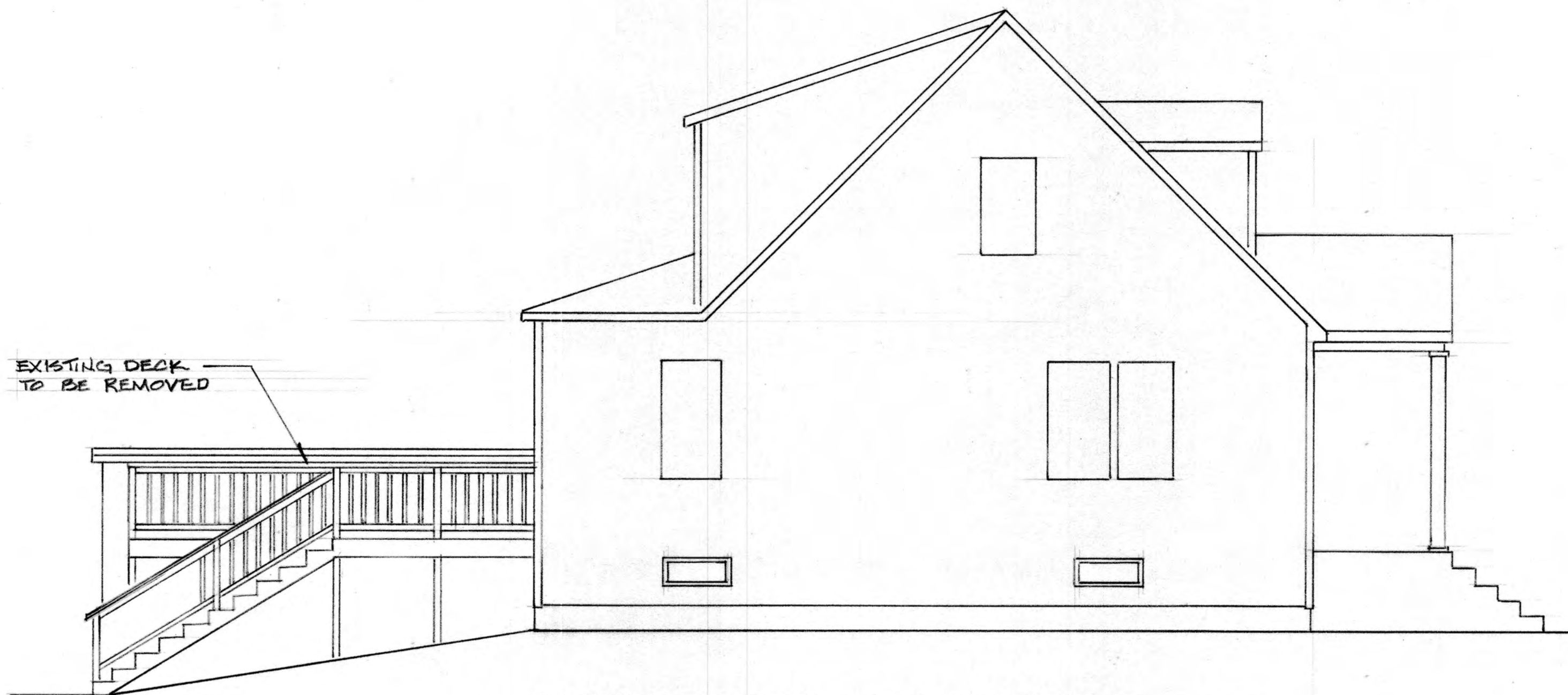


1	2/18/2022	FOR REVIEW	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 10'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
CHECKED			
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 909 Islington St. Portsmouth, NH 03801 (603) 433-7560			
CLIENT TYLER FORTHOFER 629 BROAD ST PORTSMOUTH, NH 03801			
TITLE  BOUNDARY SURVEY & EXISTING CONDITIONS PLAN  629 BROAD ST PORTSMOUTH, NH 03801 TAX MAP 221, LOT 13			
JOB NUMBER	DWG. NO.	ISSUE	
21-163	1 OF 1	1	





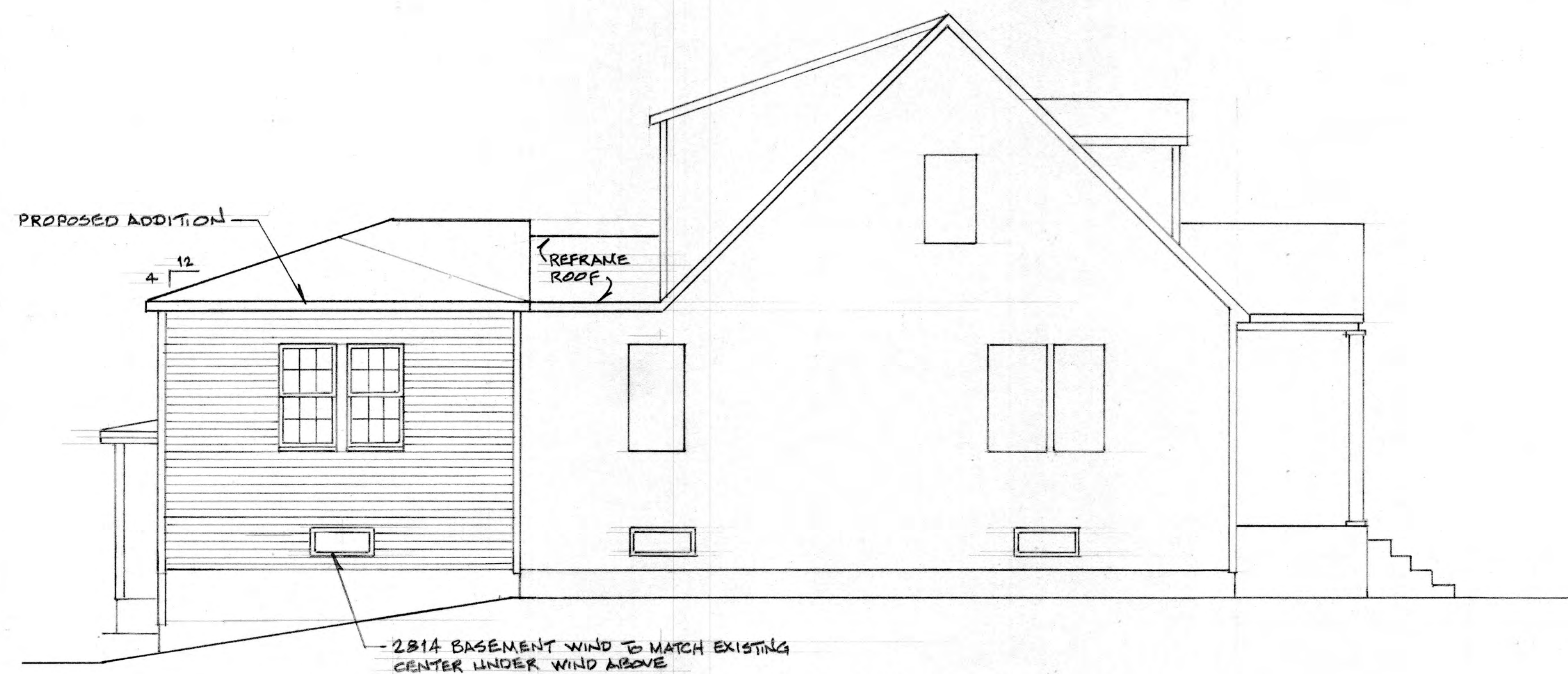




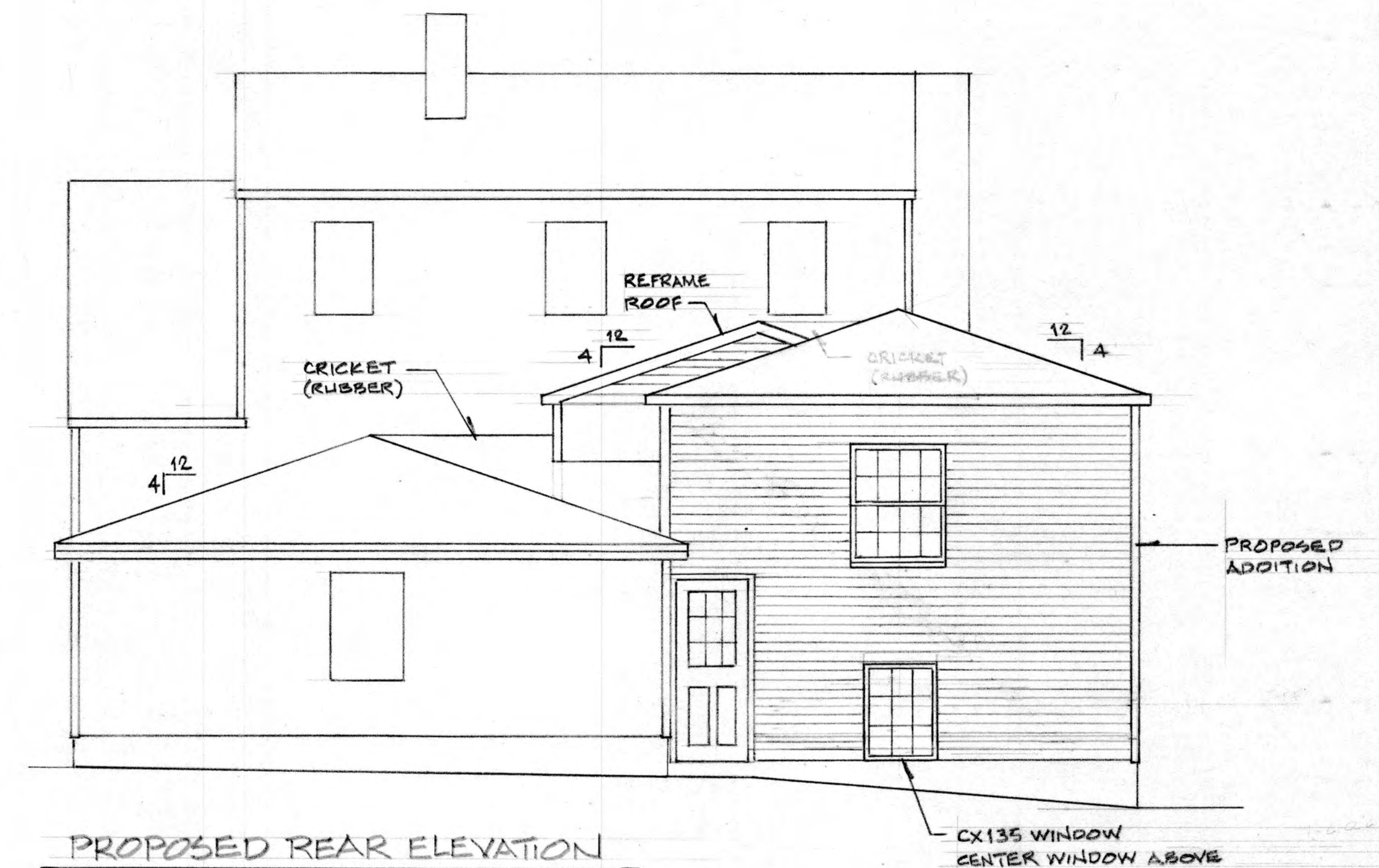
EXISTING LEFT SIDE ELEVATION



EXISTING REAR ELEVATION



PROPOSED LEFT SIDE ELEVATION

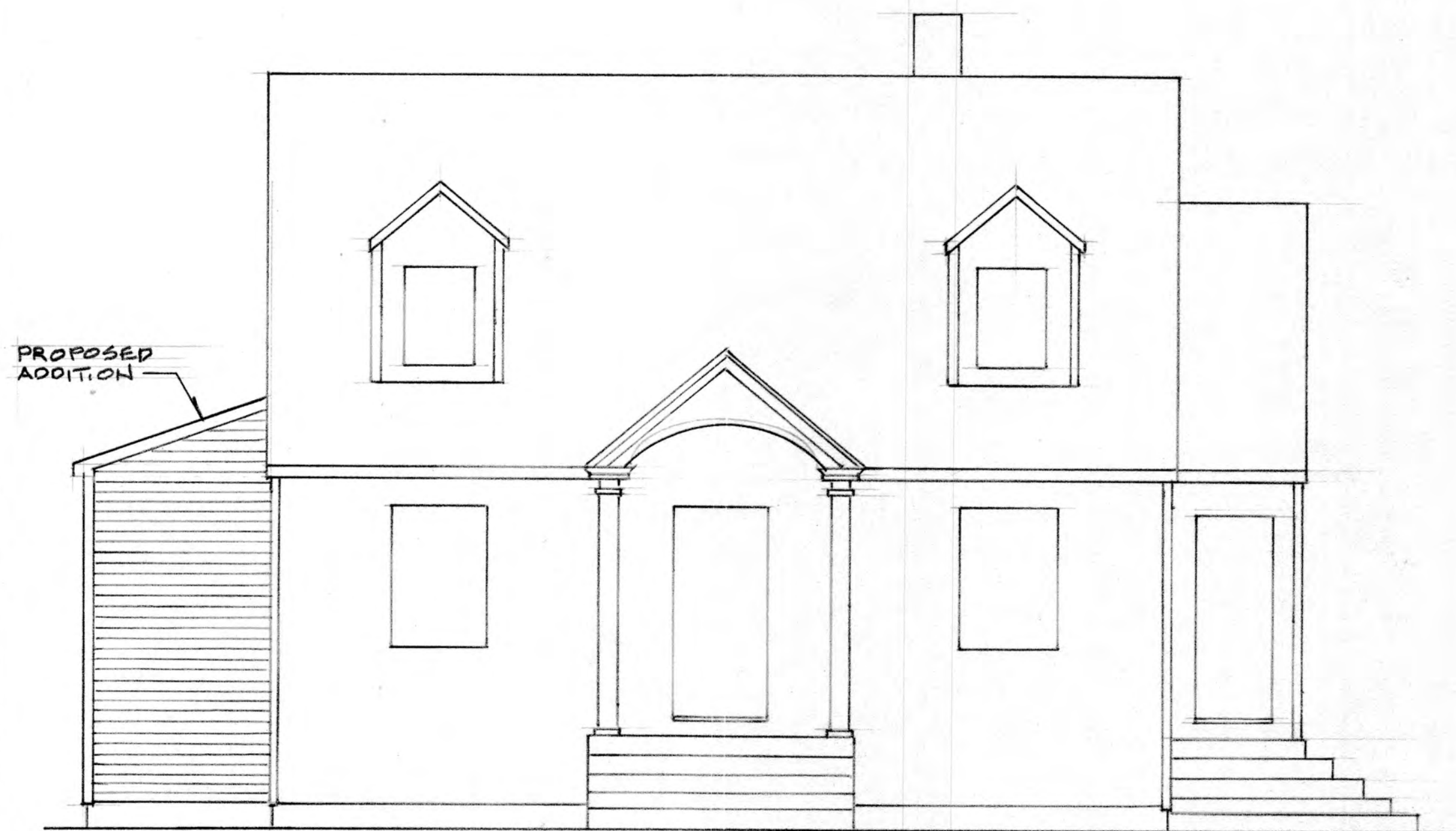


PROPOSED REAR ELEVATION

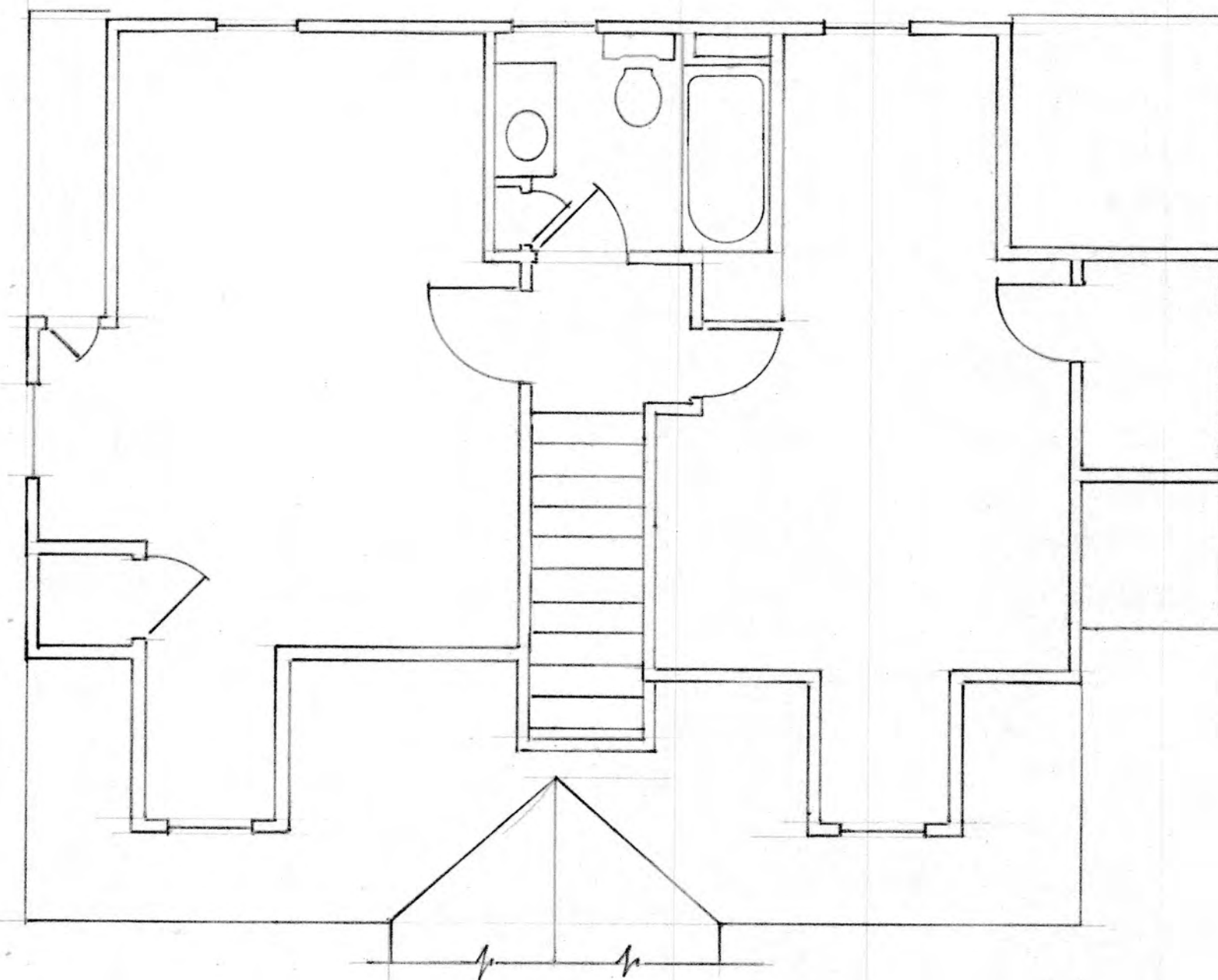
# ELEVATIONS

SCALE: 1/4"=1'-0"	DWN: TPM
DATE: 10/28/21	REV.
FOR: TYLER FORTHOFFER & SAVANNAH FODERO 629 BROAD ST. PORTSMOUTH, NH.	
BY: TOM MCCARTHY DESIGN BUILD, INC. 76 ATLANTIC AVE N. HAMPTON, NH 03862 TEL. 603-964-1351	

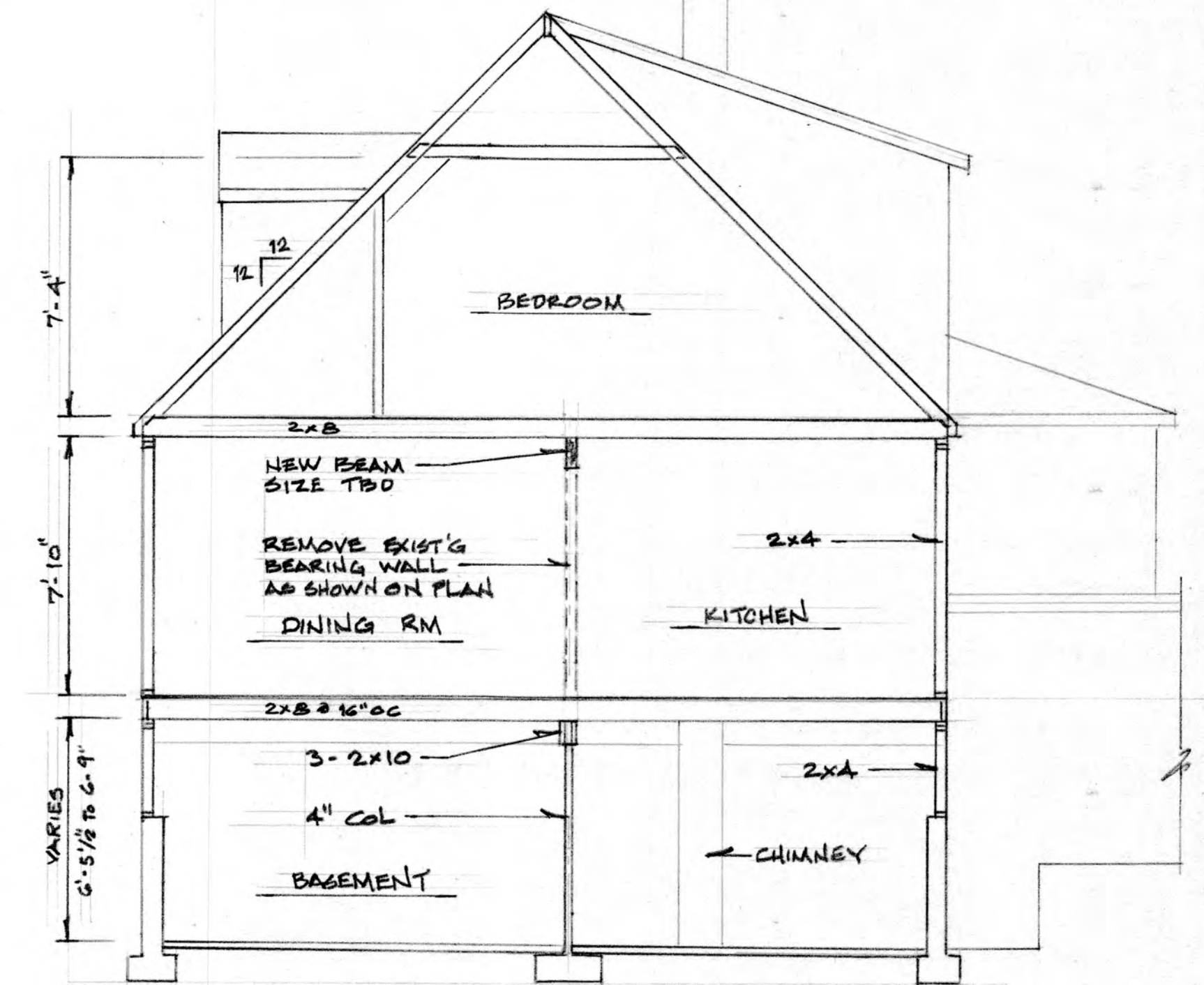




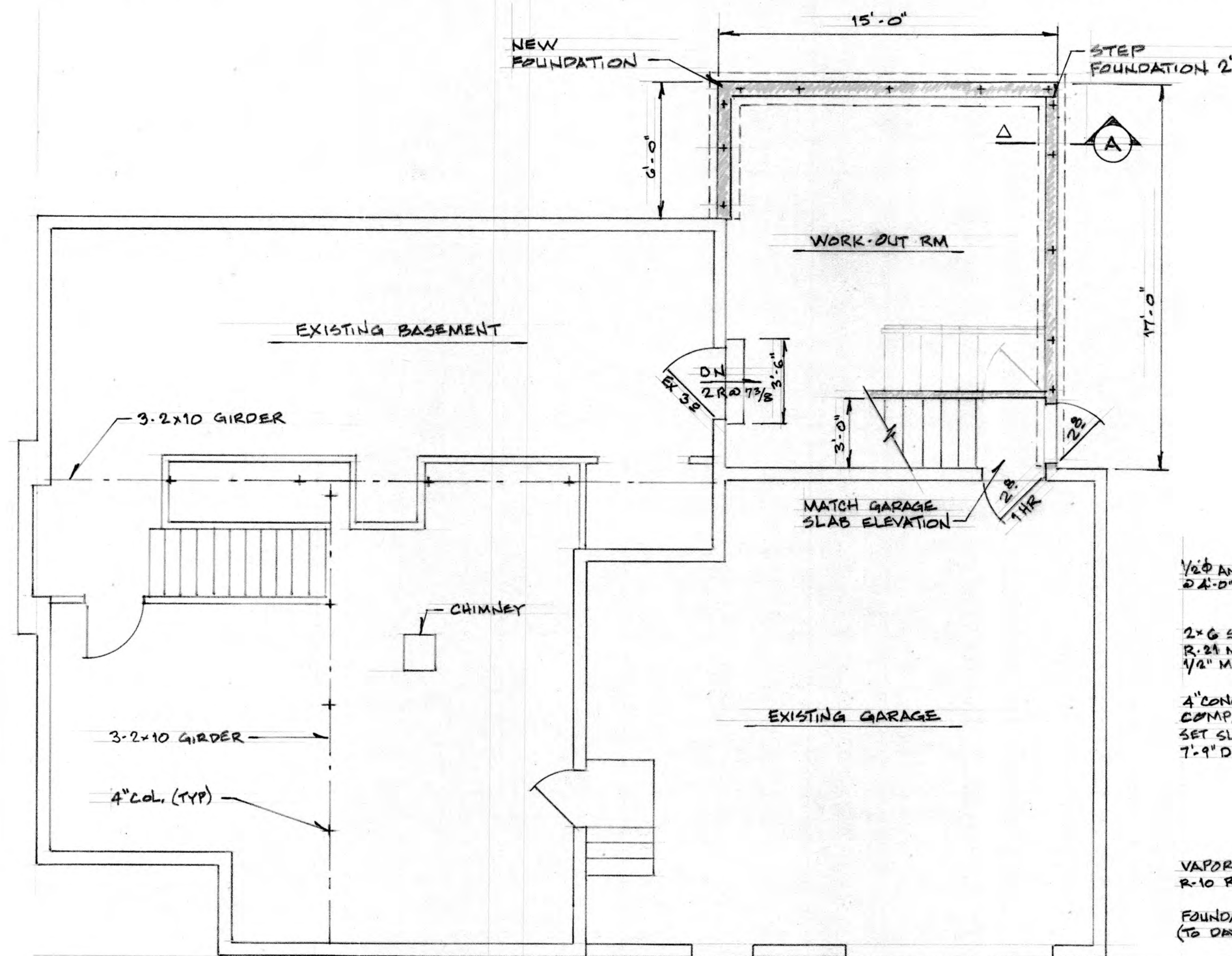
FRONT ELEVATION  
SCALE: 1/4" = 1'-0"



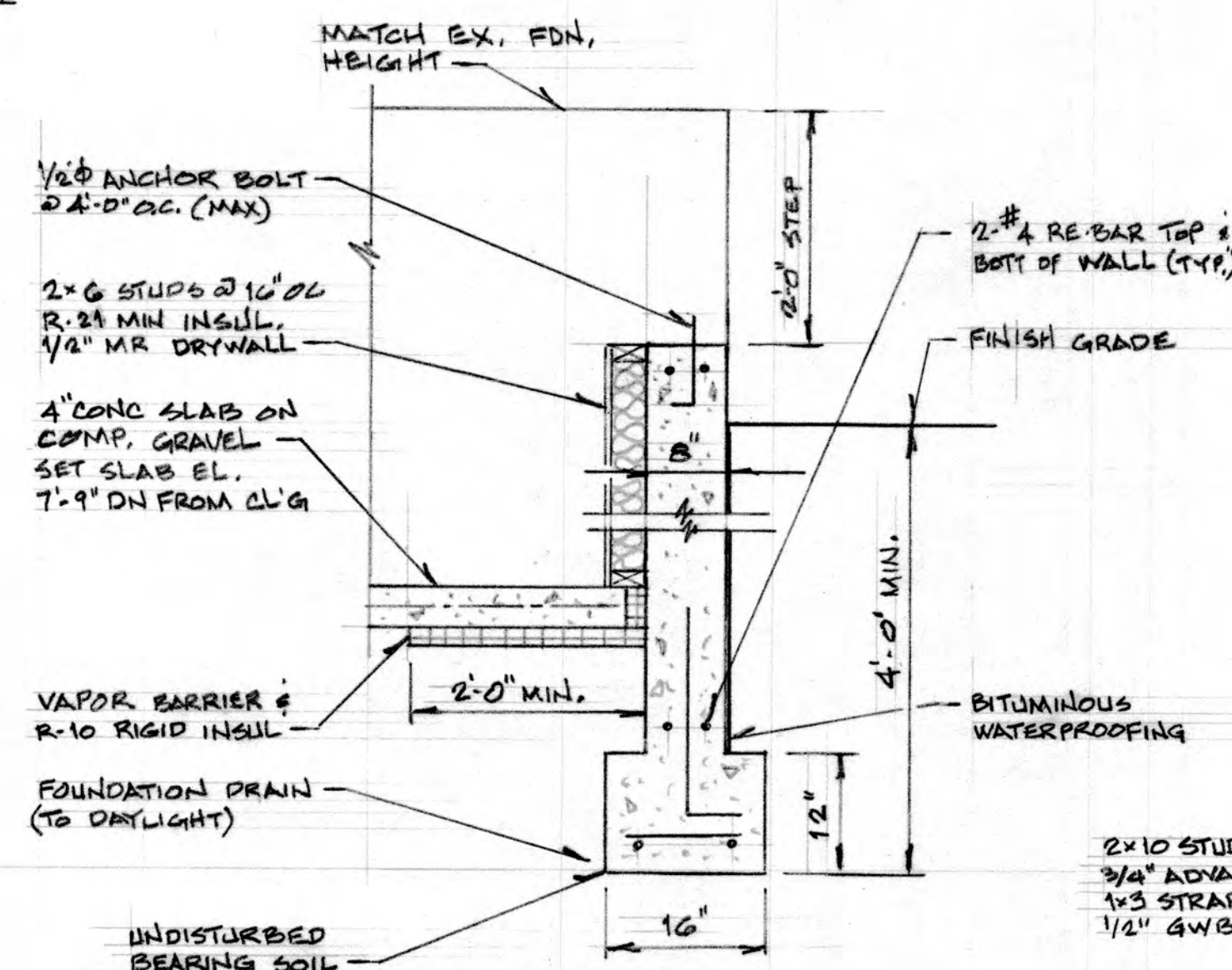
EXIST'G SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0" NO CHANGES



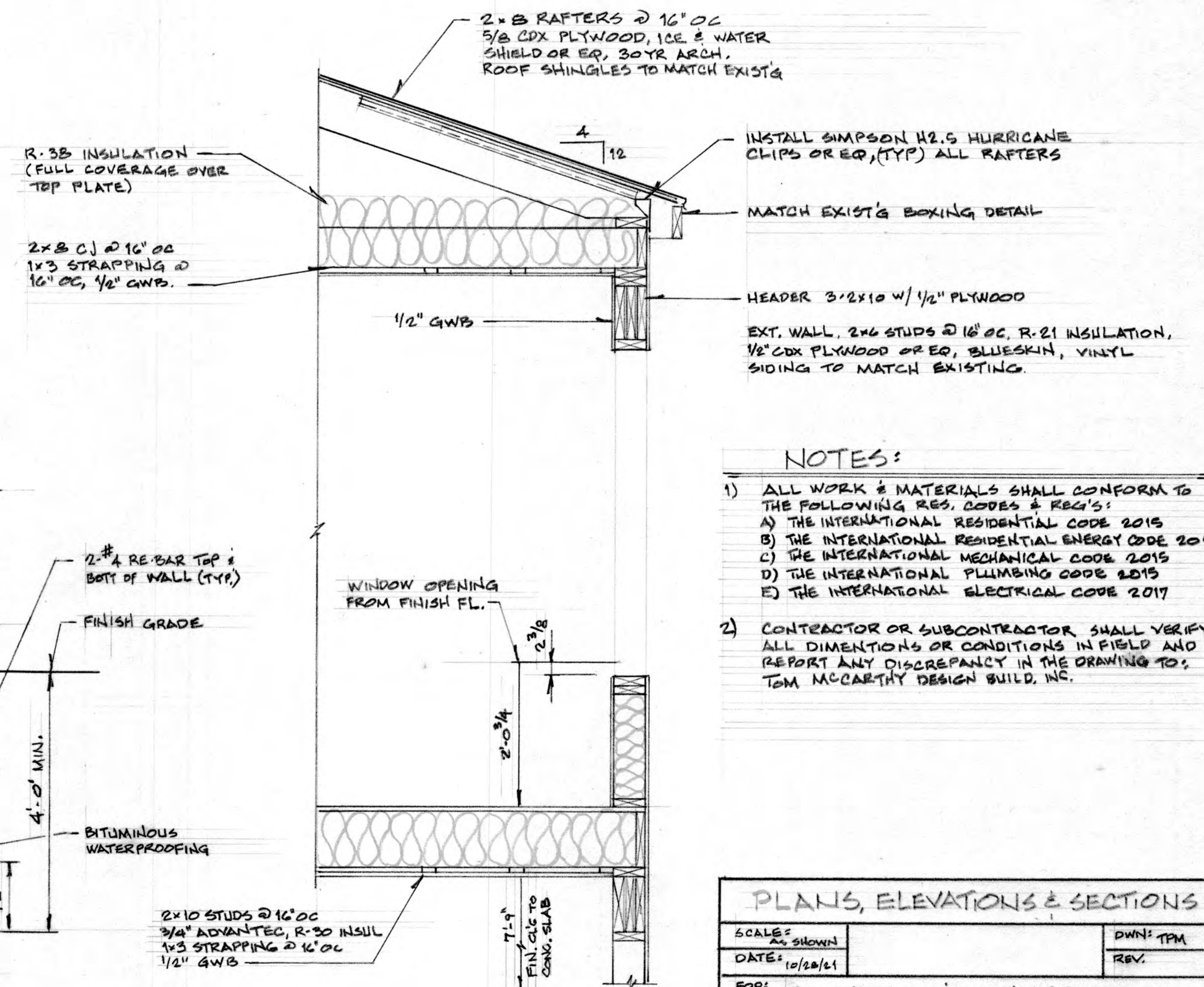
SECTION C-C  
SCALE: 1/4" = 1'-0"



FOUNDATION PLAN  
SCALE: 1/4" = 1'-0"



SECTION A-A  
SCALE: 3/4" = 1'-0"



SECTION B-B  
SCALE: 3/4" = 1'-0"

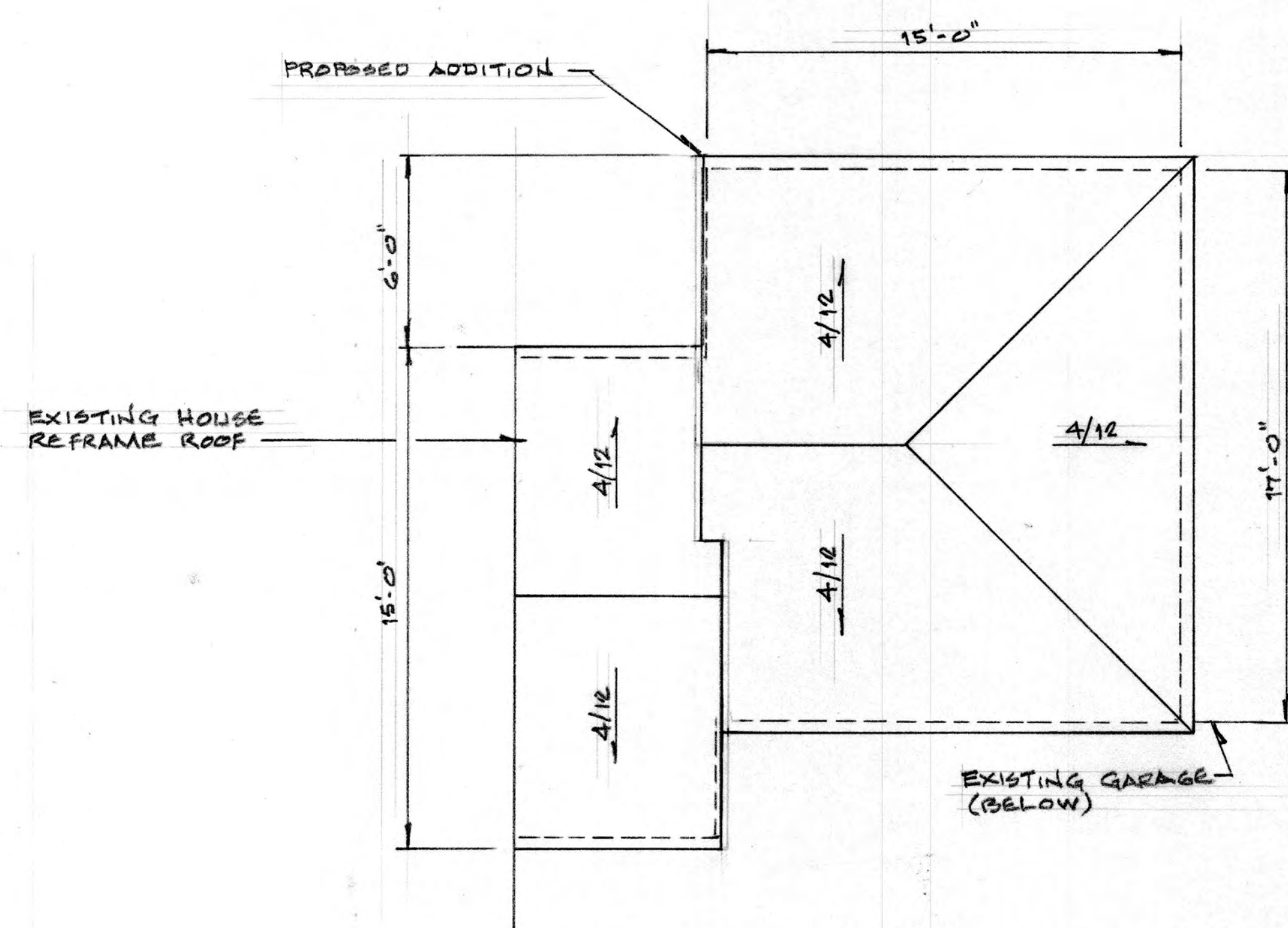
NOTES:

- ALL WORK & MATERIALS SHALL CONFORM TO THE FOLLOWING RES. CODES & REG'S:  
A) THE INTERNATIONAL RESIDENTIAL CODE 2015  
B) THE INTERNATIONAL RESIDENTIAL ENERGY CODE 2015  
C) THE INTERNATIONAL MECHANICAL CODE 2015  
D) THE INTERNATIONAL PLUMBING CODE 2015  
E) THE INTERNATIONAL ELECTRICAL CODE 2017
- CONTRACTOR OR SUBCONTRACTOR SHALL VERIFY ALL DIMENSIONS OR CONDITIONS IN FIELD AND REPORT ANY DISCREPANCY IN THE DRAWING TO:  
TOM MCCARTHY DESIGN BUILD, INC.

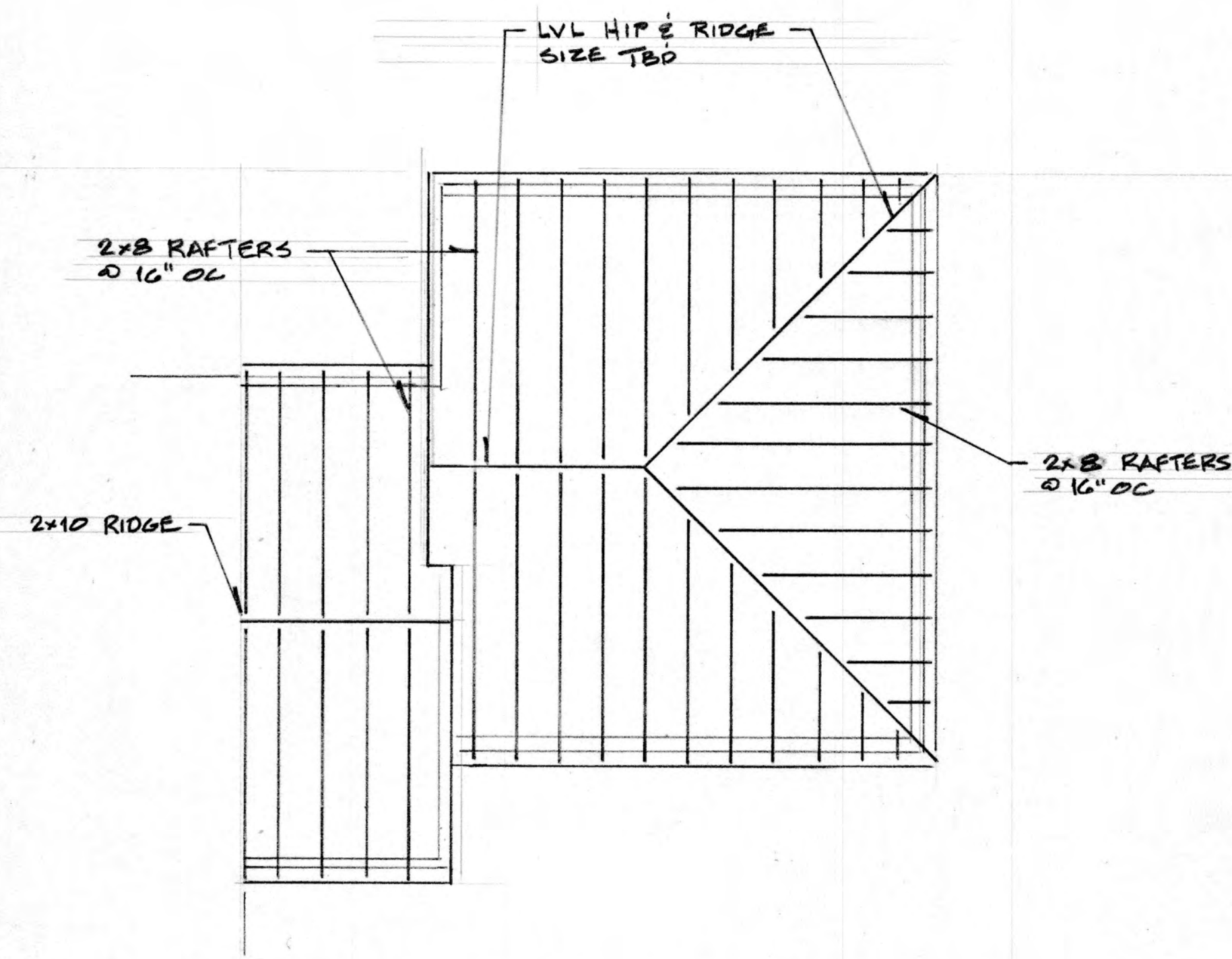
PLANS, ELEVATIONS & SECTIONS

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DATE: 10/28/21	REV:
FOR: TYLER FORTHOFFER & SAVANNAH FORSEKO 629 BROAD ST. PORTSMOUTH, NH.	
BY: TOM MCCARTHY DESIGN BUILD, INC. 76 ATLANTIC AVE N. HAMPTON, NH. 03862 TEL: 603-964-1351	
A-3	

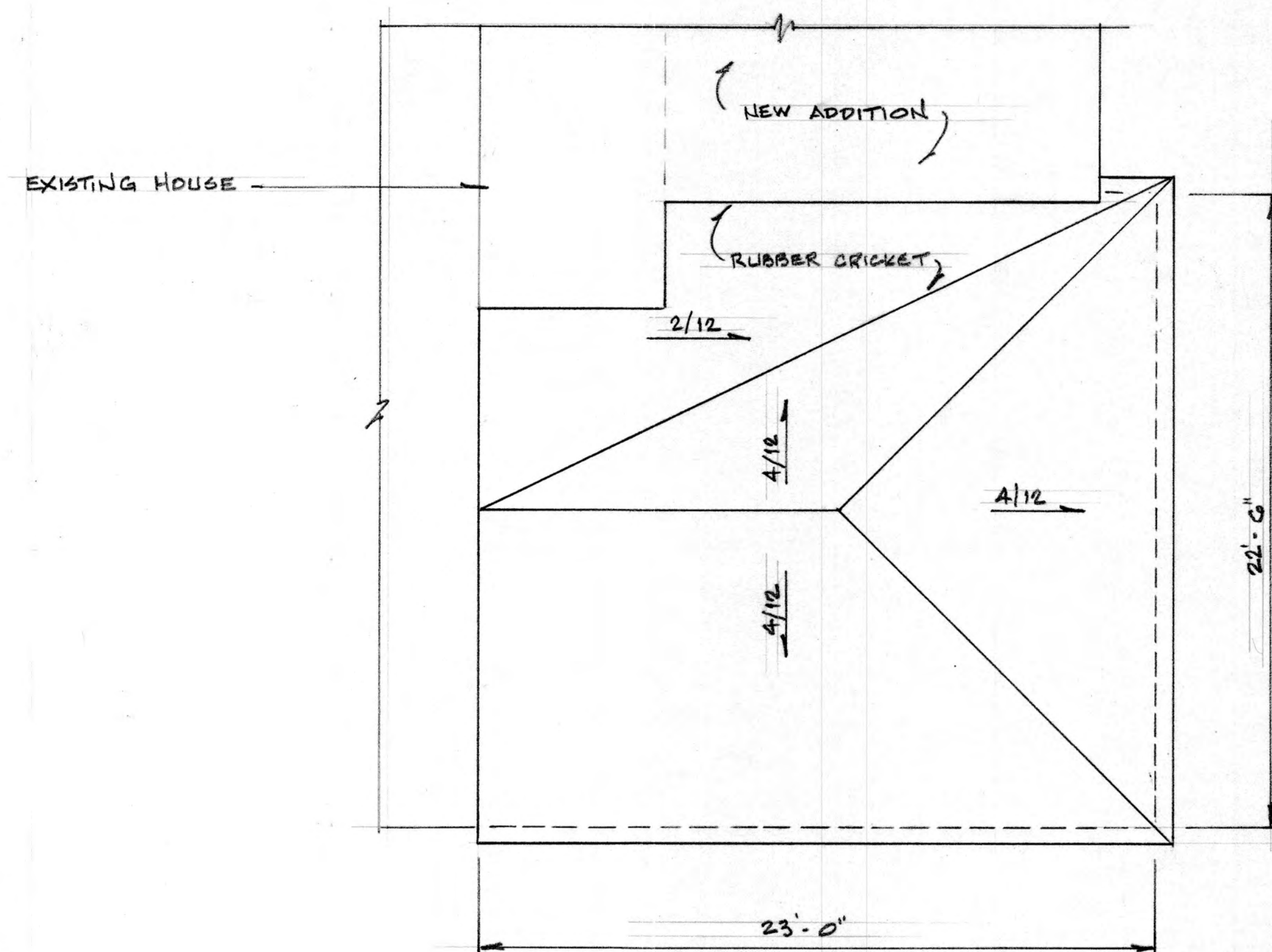




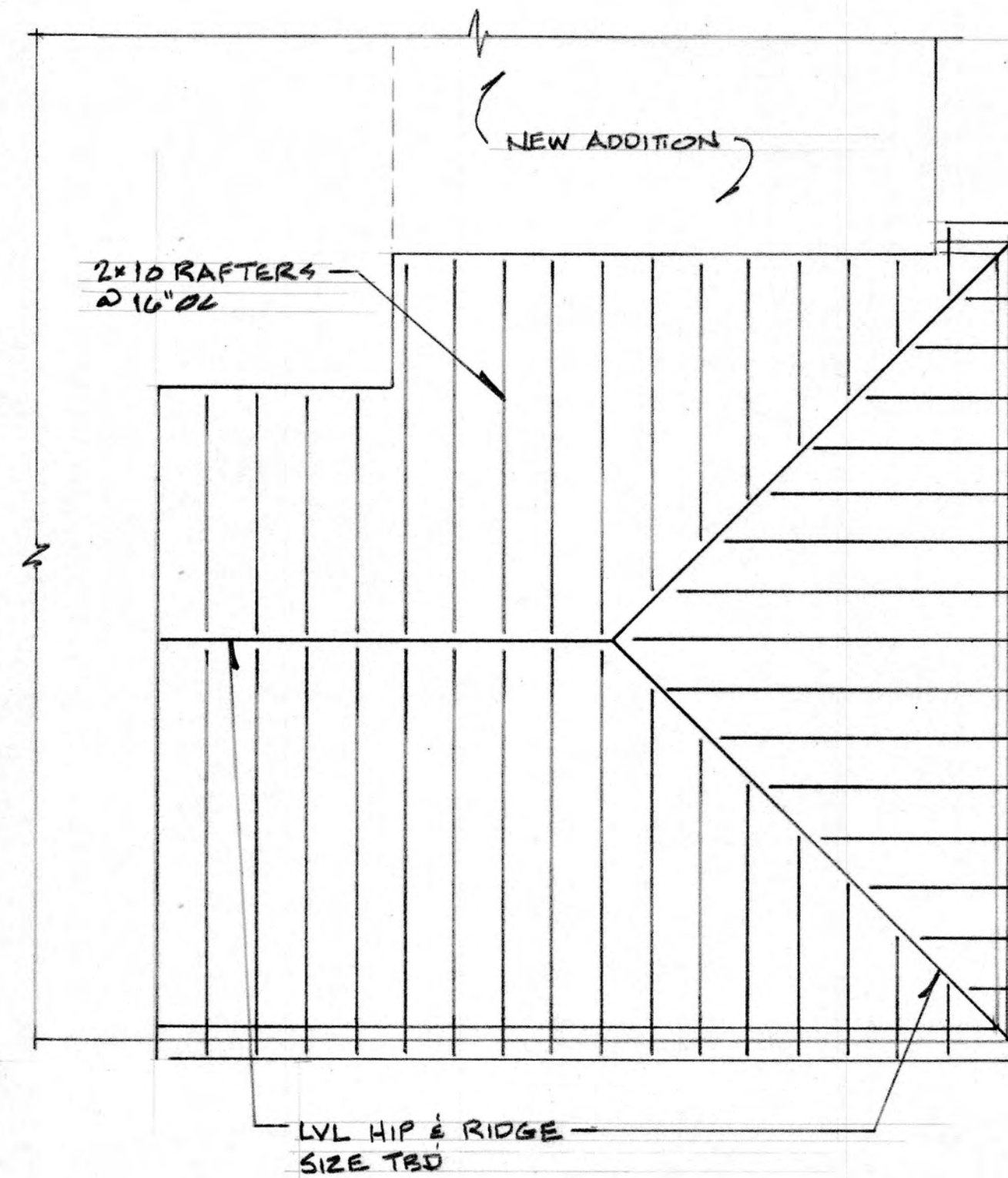
ADDITION ROOF PLAN



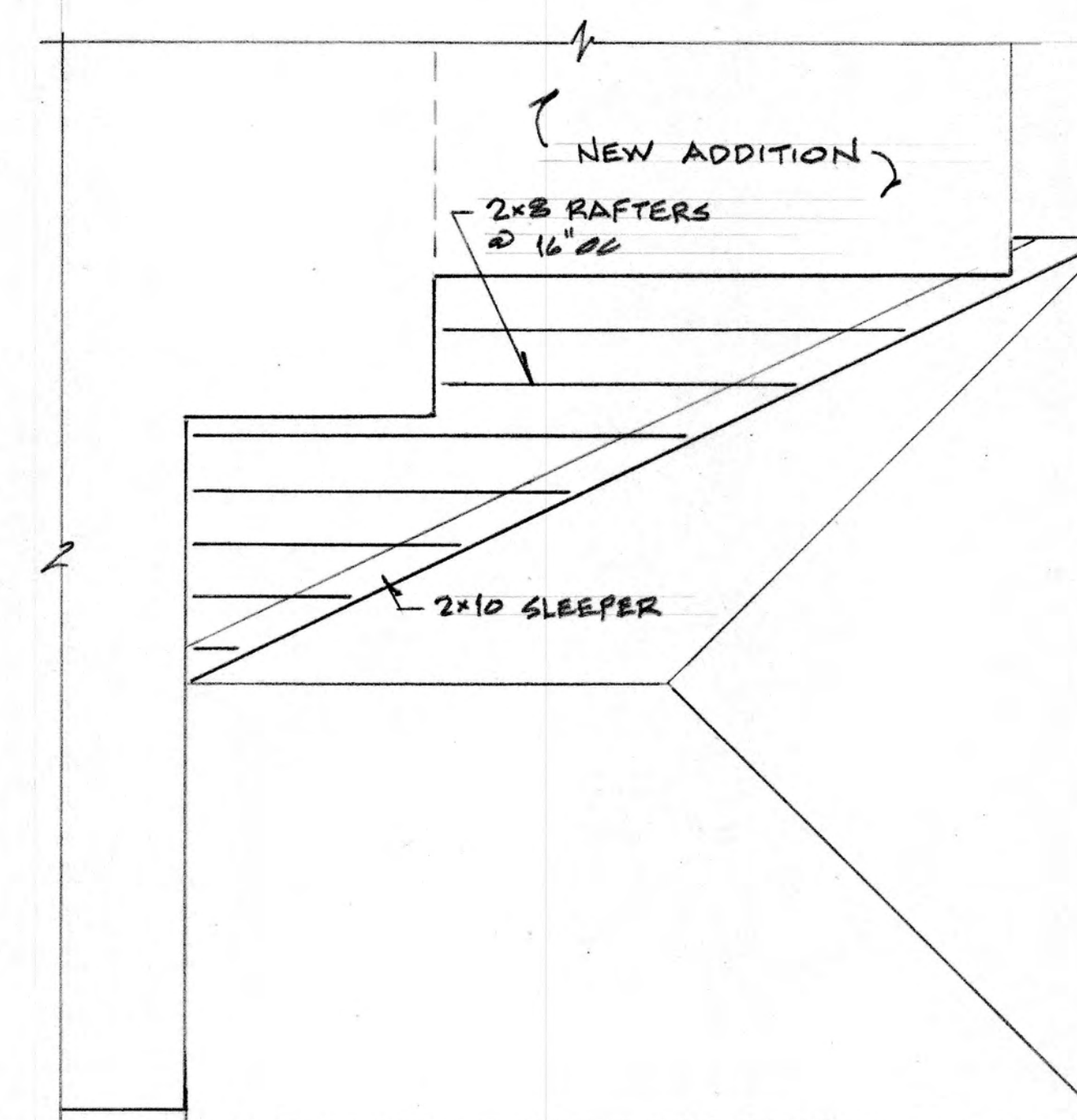
ADDITION ROOF FRAMING PLAN



GARAGE ROOF PLAN



GARAGE ROOF FRAMING PLAN



CRICKET FRAMING PLAN

ROOF PLANS			
SCALE: 1/4"=1'-0"		OWN: TPM	
DATE: 10/25/21		REV: 1	
FOR: TYLER FORTHOFFER & SAVANNAH FODERO 689 BROAD ST. PORTSMOUTH, NH			
BY: JAM MCCARTHY DESIGN BUILD, INC 76 ATLANTIC AVE. N. HAMPTON, NH 03862 TEL 603-964-1351			A-4