

Ellen D. Goethel
23 Ridgeview Ter
Hampton, NH 03842

Zoning Board of Adjustment
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

February 14, 2022

Dear Sirs,

I am writing this letter on behalf of the applicants for a rehearing of the 55 Green Street project which abuts the North Mill Pond.

Although I am not a citizen of Portsmouth as a little bit of background, I am a local marine biologist and have been working with permitting both local and State of NH wetlands properties since 1980. I wrote the wetlands ordinance for the Town of Hampton and have served on Boards and Committees local, State of NH and Federal pertaining to marine ecosystems.

There are a few things about this project that I hope you will consider before making a final decision. To begin with, any development along the North Mill Pond will have a direct affect on the pond itself and potentially change the ecosystem which will have a direct impact on any property that abuts North Mill Pond.

First and foremost, the State RSA's require that the most restrictive regulations be upheld. The State of NH has more restrictive regulations then the City of Portsmouth.

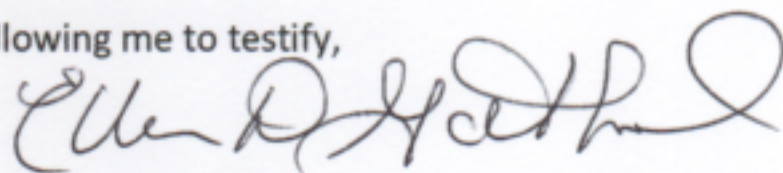
Here are a few questions I would pose to you:

- Did the applicant measure the 50-foot wetlands buffer from the mean high tide or the highest observable tide? The State regulations require they use the highest observable tide. They also require the delineation of the 100-foot buffer.
- When the applicant calculated the sealed surface now and after construction did they give you the amount in the 100 foot buffer? When they made this calculation did they include the sealed surface added by the pedestrian pathways?
- Are they going to return the first 50 feet to its natural vegetative state?
- Is there going to be any use of insecticide or fertilizer on the lawn? This is not allowed in the state buffer.
- Finally, I would hope that the board would realize that any runoff from this property will affect the ecosystem in the N. Mill Pond and downstream and anyone who lives or uses the coastal environment will be negatively impacted.

Finally, the applicant did not mention the need for two separate State of NH permits. I spoke with the State Wetlands Inspector this week. He told me that there was not an open application nor a finalized application for this project. The first permit necessary would be a State Wetlands permit which considers the first 100 feet above the highest observable tide line to be the same as the wetland most of which should be kept in its natural vegetative state. The second permit is needed to impact the next 150 feet and that would be a Shoreland Protection permit. Therefore, at the very least I would suggest that you postpone this project decision until they meet the State regulations and have their State permits in order.

Thank you for allowing me to testify,

Ellen Goethel



From: [Kimberli Kienia](#)
To: [Kimberli Kienia](#)
Subject: FW: Green Street over development
Date: Tuesday, February 15, 2022 11:17:40 AM

-----Original Message-----

From: John Howard [<mailto:JEHOWARD7@comcast.net>]
Sent: Monday, February 14, 2022 9:44 PM
To: Peter M. Stith <pmstith@cityofportsmouth.com>
Subject: Green Street over development

Mr. Arthur Parrot
Chairman
Portsmouth Zoning Board of Adjustment

Dear Chairman Parrot,

I ask you to please become a leader in questioning the ongoing over development of Portsmouth's 'North End'. The developments are uniformly too tall, too dense and will be a colossal source of light pollution to the neighborhoods which surround the area. The Green Street property has an architecturally unique office building of a pleasing size for its location on the North Mill Pond which will be razed to construct a too large building with a portion too close to the pond. Another ignored point of importance is how much sewerage can the Portsmouth Waste Water Plant (with its biological based filtering) handle from the flood of development?

Respectfully,

John & Nancy Howard

179 Burkitt Street

Debra M. Menendez

Subject: FW: Green Street Project

-----Original Message-----

From: April Weeks [mailto:aprilweeks412@gmail.com]
Sent: Monday, February 14, 2022 6:20 PM
To: Peter M. Stith <pmstith@cityofportsmouth.com>
Subject: Green Street Project

Dear Arthur,

Oops, sorry, wrong project!

Thanks again,
April

Sent from my iPhone

-----Original Message-----

From: April Weeks [mailto:aprilweeks412@gmail.com]
Sent: Monday, February 14, 2022 6:17 PM
To: Peter M. Stith <pmstith@cityofportsmouth.com>
Subject: Wetland buffers

Dear Arthur Parrott,

Kindly uphold and defend the necessary marine wetland buffers in the ZBA's consideration of the 105 Bartlett Street project. Please pay attention to Ellen Goethals, an expert who is thoughtful and well informed, and as concerned as many here in Portsmouth are about preserving an ecological balance in our beloved hometown.

Thank you,
April Weeks
804 South Street
Portsmouth NH

Sent from my iPhone

Ellen S. Cohn

124 Broad Street
Portsmouth, NH 03801
January 17, 2022

Board of Adjustment
City of Portsmouth
Portsmouth City Hall
Portsmouth, NH 03801

Dear Board of Adjustment,

I am writing to you to request that you deny the petition of Evan C. Maloney and Jill Maloney and Duncan McCallum for a waiver for approval of a tree house. I am an abutter of the Maloney's house and can see the structure from my deck on the back of my house and from my garden behind my garage. I have lived in my home for over 37 years. Our neighborhood on Lincoln, Broad (where my house is), and Highland is a close, congenial neighborhood. Any time someone wants to do something, they make sure the neighbors have no problems. I wanted to put up a temporary bamboo fence on two sides of my garden. Before doing so, I checked with the neighbors on both sides to make sure they had no objections.

I would like to address the "tree house" that the Maloneys refer to in their petition. I have several objections. First, I question whether it is a "tree house", because I think of a tree house as a temporary structure that can be easily removed. When my daughter was younger, we had a sandbox, a pool and a slide but they were temporary structures that could be easily removed and were when my daughter grew up. This structure is a permanent structure that cannot easily be removed. It is larger than the typical treehouse with a ramp that is in concrete feet so it cannot be removed. The Maloneys are misrepresenting the structure as a "tree house" because of the size, concrete supports, and look of the "tree house".

My second objection is that the "tree house" is right on the boundary with the neighbors in the back of their property. That means that the neighbors have to look directly at the tree house every time they are in their yard. Other neighbors have gotten variances when there is less than 10 feet from their property and the neighbor's fence, but none have gotten variances when their construction is right at the other neighbor's property line. These neighbors have all gotten building permits first before applying for variances.

Finally I object to the term "previously constructed". The Maloneys constructed the structure referred to as a "tree house" immediately last fall without checking to see if the city required a building permit. Because they were in violation of the building permit, they should be asked to remove the structure.

In conclusion, I would like to see the Maloneys be denied their variance on a permanent structure that was built on an abutting neighbor's property line against their objections. The structure with concrete footings is not a tree house – it is a much more substantive structure. It is not feet away from the property line; it is on the property line. The Maloneys failed to get a permit before they started the work.

Ellen S. Cohn

Sincerely yours,

A handwritten signature in blue ink that reads "Ellen S. Cohn". The signature is written in a cursive style with a large, stylized 'E' and a long, sweeping tail.

Ellen S. Cohn
124 Broad Street, Portsmouth

Katinka de Ruiter
420 Lincoln Avenue
Portsmouth, NH 03801

January 18, 2022

Re: 389 Lincoln Avenue

To Whom it May Concern,

I received a letter as an abutter regarding a structure built at 389 Lincoln Avenue. While I believe that play structures, including treehouses, should be allowed, I have a problem with the 0 foot setback. We live in a dense neighborhood—having a structure butt up against a property line affects the privacy and sightlines of neighbors. I am concerned that bypassing necessary permits upfront and then requesting (and possibly receiving) a 0 foot setback after the fact would set an unwelcome precedent that others may take advantage of in the future.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katinka de Ruiter', with a large, stylized initial 'K' and a long, sweeping underline.

Katinka de Ruiter

SUSAN V. DENENBERG
44 Wibird St.
Portsmouth, NH 03801

January 14, 2022

planning@cityofportsmouth.com

Re: 389 Lincoln Accessory Structure review

Dear Sir or Ms,

I am writing in support of the City's decision to require the property owner to adhere to the zoning ordinance and specifically the set back requirements from the property line. As I understand it, the tree house, as currently constructed, sits on the property line. Any such structure needs to be at least 8 feet from the back and 5 feet from the side yard property line. It does not meet either requirement. Allowing the structure to stand diminishes the abutter's property and privacy rights. Furthermore, an equitable waiver or variance is not applicable under these circumstances. There are no special conditions of the property that would justify allowing a tree house to violate the set back standards. The variance is contrary to the public interest, in that there are rational reasons to prohibit building on a property line, particularly diminishing a neighbors view, light and air as well as encroaching on their privacy. The spirit of the ordinance would be violated by allowing the tree house to remain on the edge of the property line. There is no hardship involved in removing the tree house. The major use of the property as a single family residence would remain intact without the tree house.

Should the Board allow the tree house to remain on the property line in violation of the ordinance, this would set a precedent for other home owners to erect a variety of different structures on their property lines. For these reasons, I respectfully suggest that no variance is warranted and therefore the tree house should be removed.

Sincerely,

Susan V. Denenberg

From: [Jackie Ellis](#)
To: [Planning Info](#)
Subject: Feb. 15 ZBA meeting re 389 Lincoln Ave appeal
Date: Thursday, February 10, 2022 1:54:53 PM

To the Board,

Several months ago Tess Feltes and Mark Moses called on me to help them with a landscaping dilemma they were having - as a landscape designer I had advised them about other areas of their yard many years ago. I was surprised to see such a large and imposing structure looming over the privacy fence at the rear of their property. It was the "tree house" erected by the Maloney family on their rear property line, without any regard for setback requirements. My former clients were concerned that their use of their yard would be impacted by the large and unattractive deck and wall that were impossible to ignore. Could some plantings help, they wondered.

I suggested perhaps some needled or broadleaf evergreens could be planted along the fence on their side, but that it would be many years before they would have the massing and height that would successfully camouflage this structure. Additionally, it would be difficult to get such plantings established because of the shade and the many roots in the soil from the trees on the Maloney's property along with some on the Moses/Feltes property.

In short, a planting solution to this visual incursion into the Moses/Feltes property would be very expensive and it would take a number of years to hide the offending structure. It seems patently unfair that they should bear the cost and inconvenience of redesigning their yard's plantings for the sake of a play structure which will be, according to the Maloney's lawyer's account, of but short term interest to their child.

I hope the Board will reject the appeal and require the Maloney's to move or remove the tree house.

Sincerely yours,

Jackie Ellis
579 Sagamore Ave, Unit 82
Portsmouth

January 15, 2022

To Members of the Board of Adjustment:

As residents of Portsmouth for nearly 50 years, we have come to treasure the special properties of Portsmouth that make it so unique. We count on the enforcement of zoning laws and regulations to ensure that these characteristics remain intact, and to maintain the value of our properties.

Our understanding is that the erection of the play structure at 389 Lincoln Ave., immediately adjacent to the Moses property, without regard to set back rules violates both the letter and the intent of Portsmouth's zoning rules. We support removal of this structure.

Sincerely,

John and Margaret Evans

1 Lookout Lane

January 18, 2022

Board of Adjustment
City of Portsmouth
1 Junkins Ave
Portsmouth NH 03801

Dear Members,

I am writing in opposition to the variance request/adjustment by Evan C. and Jill Maloney of 389 Lincoln Avenue.

I have seen the structure from the abutters' yard and home and to say it's intrusive is an understatement. In Portsmouth we live in close quarters, and in general I feel that most residents are mindful of respecting each others' space. This deck goes past the boundaries of what should be allowable as it allows no privacy for the abutters to enjoy their backyard or sit in their kitchen without being observed from the deck or subjected to amplified noise.

The other concern would be that with the increased turnover and renovation of homes in Portsmouth, more structures could be built as "play structures" that exceed building codes and disregard lot lines. As a city, it's important to enforce the codes and encourage neighbors to work together to respect each others' property. If a resident decides to forgo cooperating with neighbors and building in a self-serving manner, they should not be surprised when codes are enforced.

Thank you.

Meganne Fabrega
539 Lincoln Ave
Portsmouth NH
603.661.3079

180 Lincoln Avenue
Portsmouth, NH 03801
January 12, 2022

To the members of the Zoning Board of Adjustment:

This is a statement in support of neighbors and abutters to 389 Lincoln Avenue where a substantial accessory play-structure was constructed without a variance.

While I'm not an abutter, I support friends and neighbors who weren't offered the opportunity for public comment, as is required, before the structure was built.

I'm asking you to please consider and apply the zoning laws that protect all of us -- the laws on setbacks; on building: land ratio; on permits and abutter notices. Residents or contractors who ignore these zoning laws should do so at their own risk, not assume they are above them.

Neighbors or developers or businesses that act independently, outside of the established rules and procedures that guide the growth of this city, should be held accountable. If the process can be ignored, why would anyone ask for permission?

Thank you for your dedication to Portsmouth and its residents.

Sincerely,
Maxene Feintuch

From: [Ted Gilchrist](#)
To: [Planning Info](#)
Subject: Play structure of Evan and Jill Maloney, 389 Lincoln Avenue
Date: Monday, January 17, 2022 6:49:54 PM

To the Board of Adjustment: Regarding 389 Lincoln Avenue

As a neighbor and abutter to this property I would like to voice my objection to the application for a variance by Evan and Jill Maloney for the play structure located at 389 Lincoln Avenue. I feel that the structure violates the Portsmouth zoning ordinances in a material way, and allowing it to stand will set a negative precedent, with repercussions for privacy, and property values, that could spread up and down Lincoln Avenue and out to surrounding streets and neighborhoods.

Having read the statement by the Maloney attorney, I see some assertions of fact that I find troublesome.

1.

He asserts that the structure is 8 feet high. In actual fact, when you consider the railings, it appears to me that the structure has a net height of close to 14 feet.

a.

And indeed we should consider the railings, since the railings contribute to the overhaul impression of a behemoth looming over the neighbors' property lines.

b.

So taking 14 feet as the true height, my reading of the ordinance suggests that the property setback on the Wright's side - about 5 feet - is not even close to what it should be. The violation is even more egregious along the back property line (Moses household), since there is zero setback there.

2.

The attorney also asserts that the structure is 168 square feet in area. I doubt that this figure takes into account the ramp, which is itself very long and wide. If the ramp were just a narrow footpath, perhaps that would justifiably be left out of the calculations, but, as is, it is wide enough to support a parade of children, 3 or 4 abreast. Therefore, I feel that the ramp is better described as an inclined platform that spans much of the backyard and should be entered into all calculations.

In view of these objections, my hope is that the structure be removed, and that the owners go back to square one, this time taking into serious consideration our local ordinances, and reflecting more on why those ordinances have been, and continue to be, in place.

Thank you for your consideration.

Julia Buck

Edgar Gilchrist
398 Lincoln Avenue
Portsmouth, NH 03801

February 15, 2022

Dear Planning Board Members,

I am a neighbor of 178 Highland and received the first notice about 389 Lincoln Ave. and planned to attend the hearing to support Mark Moses and Tess Feltes in their request that the “play structure” be removed. I am traveling out of town for this postponed hearing, so am writing to ask you to please strongly support the enforcement of our zoning laws and regulations. It is clear to me that the structure does not have the required setbacks, is not what it was represented to be, is intrusive to the Moses’ privacy, is more of an ADU than a “structure”, will lessen the value of their property-and shows a blatant disregard to maintaining the integrity of our neighborhood zoning rules.

I’ve been a resident of Portsmouth since 1977 and I love Portsmouth. This neighborhood has relatively small backyards and we need to be respectful of each others’ privacy and property. Based on other play structures in the neighborhood, the structure at 389 is far more imposing and permanent than the typical child’s playhouse. This “addition”, immediately adjacent to the Moses property, without regard to set back rules, violates both the letter and the intent of Portsmouth’s zoning rules.

I support removal of this structure, and thank you for your consideration.

Mary Lin (ML) Hannay
415 Union Street
Portsmouth, NH 03801



Planning Department
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801
February 8, 2022

To the Board of Adjustment,

As an abutter to the property of Evan C. Maloney and Jill Maloney located at 389 Lincoln Avenue, I object to their request for an equitable waiver or variance for the tree house that they have already built in the yard. They built a structure that is imposing to a number of neighbors' yards, with no permit and 0-foot rear yard variance where 8-foot setback is required. This structure dominates the views from our homes and intrudes on the right of abutters to privacy and detracts from the enjoyment of our own yards. The property at 389 Lincoln Avenue has a larger lot, which is not typical for the neighborhood and the structure could be moved to a different location on their property that is in compliance with current zoning ordinances. This intruding structure does not conform to our neighborhood. I strongly oppose to any waiver or variance to be granted by the Board of Adjustment.

Sincerely,

A handwritten signature in black ink that reads "Christine Hegarty". The signature is written in a cursive style.

Christine Hegarty
202 Highland Street
Portsmouth, NH 03801

January 13, 2022

Planning Department City Hall
1 Junkins Ave
Portsmouth, NH 0301
planning@cityofportsmouth.com

Re: Board of Adjustment Hearing (1/18/22) Request of Evan C. Mahoney & Jill Mahoney
389 Lincoln Ave, Portsmouth

We Joanne Holman and Lance Hellman (228 Highland St) are writing to support our neighbors Mark Moses & Tess Feltes (178 Highland St) in their opposition of the requested 'equitable waiver or variance...' by Evan C Mahoney & Jill Mahoney (389 Lincoln Ave).

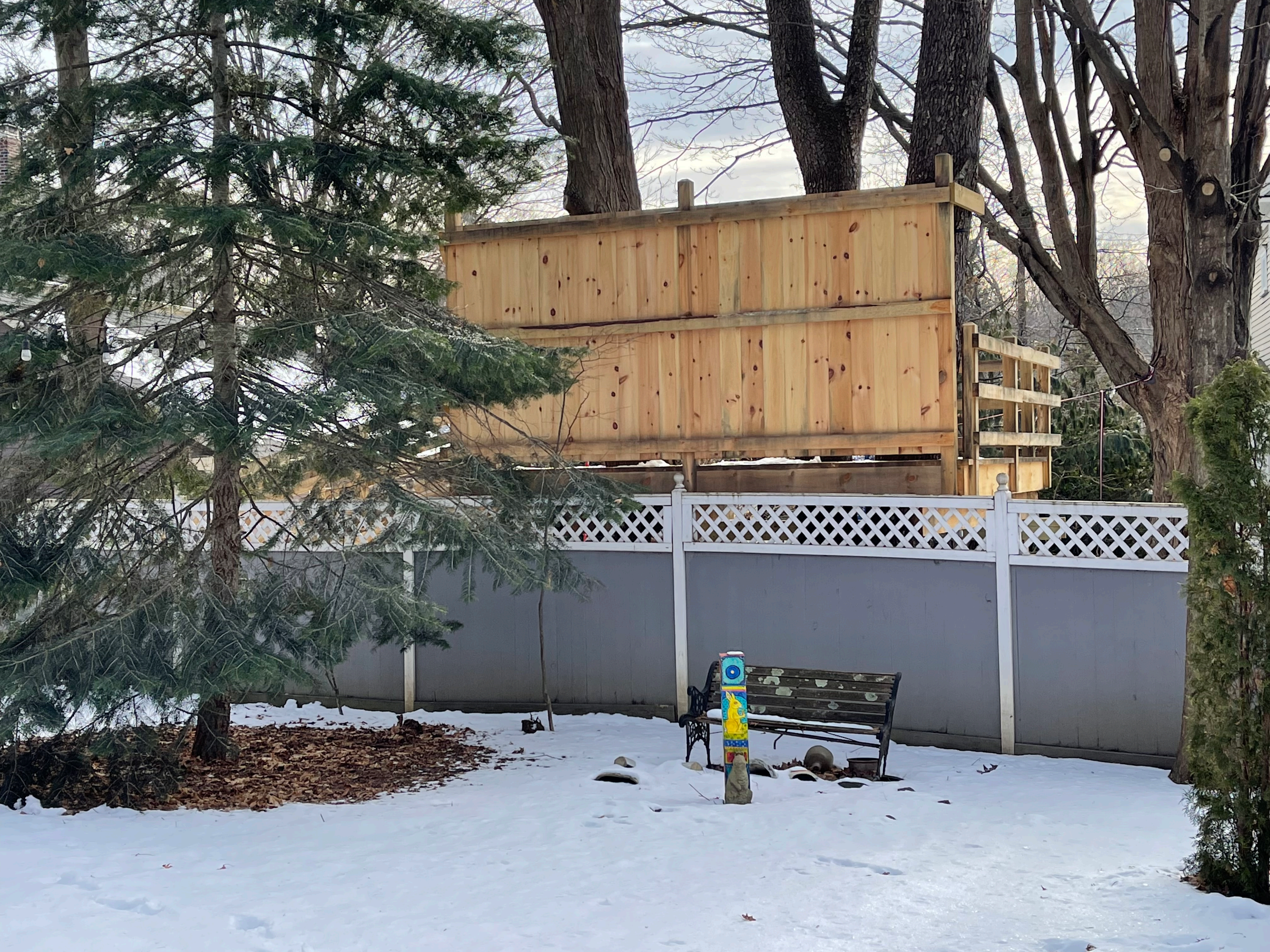
Mark and Tess's home is located directly behind the Mahoney's. As you can see from photos of the elevated platform with obtrusive fence (attached), this structure violates the setback laws of our neighborhood, it imposes on Mark & Tess's privacy, and it is prominent and unsightly!

We feel the "tree house" description is highly inaccurate...or interpreted very generously...a euphemism. Tree house implies a child's whimsical construction, or a DIY construction dependent upon its elevation by the tree. This industrial sized platform is built around a tree, but is not in any way dependent upon the tree it surrounds for its structural elevation. This highly non-conforming platform looks to be constructed professionally with an (approximately) 15 foot long solidly constructed "ramp" leading up to the platform floor...very un-tree house looking. Also, clearly seen is a substantial structure (wall?) built above and behind the platform. This structure towers above the platform and its top is approximately (12) feet above ground level. Please note the height of this wall compared to the standard 6 foot tall fence in front of this "tree house". This looming wall was apparently built as a "privacy" screen for the platform occupants.

We hope that you will acknowledge the reasonableness of this request.

Joanne Holman
Lance Hellman
228 Highland St
Portsmouth, NH 03801
603-812-3451





From: [Nancy Hotchkiss](#)
To: [Planning Info](#)
Cc: [Tess and Mark \(Moses\) Feltes](#)
Subject: Board of Adjustment 1/18/22 hearing
Date: Sunday, January 16, 2022 12:09:03 PM

Planning Department City Hall
1 Junkins Ave
Portsmouth, NH 03801
planning@cityofportsmouth.com

RE: Board of Adjustment Hearing (1/18/22) Request of Evan and Jill Mahoney 389 Lincoln Ave, Portsmouth

I, Nancy Hotchkiss, 37 Sherburne Ave, am writing in support of fellow neighbors Mark Moses and Tess Feltes (178 Highland St) in their opposition to the requested “waiver or variance” by Evan and Jill Mahoney (389 Lincoln Ave).

Our neighborhood consists of many closely situated residential homes just outside of downtown Portsmouth. As homeowners, we are dependent on the planning board to maintain the integrity of the neighborhood in regards to property setbacks and accessory structures. The zoning laws protect us all. They maintain a level of privacy for the homeowner and prevent the intrusion of unsightly and over proportioned structures near or next to one’s property.

My friend's (Mark Moses and Tess Feltes) and neighbor’s home sits directly behind the Mahoney’s home. The “tree house” the Mahoney’s have constructed sits directly on the property line they share with Tess and Mark and towers over the existing fence that marks the property line. It is, in actuality, hardly a tree house, but instead, an unsightly massive building abutting the fence, with a total height of approximately 12 feet and a platform that appears to exceed the 100 square foot limit of the zoning regulations . It also clearly does not meet the setback requirements of AT LEAST 5 feet and exceeds the 10 foot limit on height per zoning requirements.

Dense and congested neighborhoods depend on the goodwill of each neighbor AND the enforcement of existing zoning requirements so that each property owner can enjoy the harmony, privacy, and freedom from intrusive, unsightly eyesores when using their property. This is the minimal expectation homeowners have when looking to the enforcement of the zoning rules and regulations by the planning board.

I hope you will consider these factors and reject the Mahoney’s request for an “equitable waiver or variance” from the City of Portsmouth Zoning Ordinance.

Sincerely,
Nancy E Hotchkiss
37 Sherburne Ave
Portsmouth, NH 03801
603-436-3240
dewset@comcast.net

From: [Susan Kanor](#)
To: [Kimberli Kienia](#)
Subject: Letter for the Planning Board
Date: Wednesday, January 26, 2022 7:50:35 PM

>> To the Board of Adjustment,

>> I strongly object to the structure built at 389 Lincoln Avenue. It was initially built without a permit. The structure is an eyesore. It impinges on the property of the Moses and the Wright Family that abuts the Maloney's. It is clearly out of code.

>> The zoning regulations in Portsmouth are in place to protect the citizens. The neighborhood where this structure was built has houses that are close together. Large, permanent structures that impinge on property and privacy must be prohibited.

>> I am concerned about the future of my property. If a waiver and variance are granted, others may conclude that they can disregard the codes and assume that either no one will notice or that they, too, could get a variance and waiver. The code must be upheld. That is the job of the people we elected to represent us.

>> Thank you for your attention to this.

>> Sincerely,

>> Susan Kanor,

>> 77 Elwyn Avenue

>> Portsmouth, NH 03801

From: [Stephen Lichtenstein](#)
To: [Planning Info](#)
Subject: I support....
Date: Tuesday, February 15, 2022 3:55:27 PM

To the Attention of the Planning Dept. (Board of Adjustment),

This email is with regard to the play structure on Lincoln Ave that will be discussed this evening at the Board of Adjustment.

I fully support the arguments stated by Mark Moses or Kelly Wright.

Thank you,
Stephen Lichtenstein
Karen Jacoby
35 Wibird Street
Portsmouth, NH 03801

603/828-3944

From: janet.polasky@gmail.com
To: [Planning Info](#)
Subject: 389 Lincoln Avenue appeal
Date: Monday, January 17, 2022 1:21:47 PM

To: the Portsmouth Planning Committee
From: Janet Polasky and William Lyons
Re: 389 Lincoln Treehouse

We are writing in opposition to the appeal of Evan Mahoney to let stand an accessory unit on his property line. Clearly the unit was built in violation of the Zoning Ordinances. It is not a question of only a few inches over, a minor violation, but the structure is right on the property line. The unsightly wall extends at considerable height along that property line. There can be no question of “an appropriate distance” as specified in the code.

This substantial structure bears little resemblance to what we used to build and call “treehouses” when we were children. But then, we built those ourselves as children and they were intended to be temporary, lasting, if we were lucky, one summer.

It is unfortunate when residents violate the spirit of neighborliness and mutual accommodation that prevails through most of Portsmouth. As residents of the Lincoln Avenue neighborhood, at 62 Mendum, we hope that you will enforce the existing code.

Thanks,
Janet Polasky and William Lyons

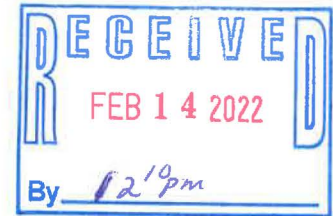
62 Mendum Avenue
Portsmouth
603 431-6816

Janet Polasky
Janet.Polasky@gmail.com

February 14, 2022

To the members of this board,

You are being used.



You are being used by spiteful neighbors who've decided that they don't like newcomers, and have employed a variety of means to harass my family since we moved next door in October 2020.

A lot of the letters you've received make the assertion that we moved in and rudely erected a treehouse without any regard for our neighbors or the neighborhood's character. Nothing could be further from the truth. Not only did we consult with neighbors, we deliberately hired local professionals who we counted on to follow all applicable guidelines. We selected more costly materials to ensure that we weren't building something unsightly. And we consulted with our neighbors every step of the way.

Prior to and during the construction of the treehouse, we met with both sets of adjacent neighbors multiple times. We incorporated suggestions made by each neighbor — at significant cost to us — to satisfy their concerns. To satisfy one neighbor, we erected a privacy wall. To satisfy the other neighbor, we removed an already-constructed portion of the treehouse to address concerns about size. Both neighbors told us that they were fine with the design once those changes were made, and our treehouse builder not only witnessed these conversations, he was an active participant.

For some reason, even though they can't see it from their property, Kelly Weinstein and her husband have initiated this campaign against our son's treehouse, first by filing a complaint with the city, then with their letters. If you look more closely at the various complaints against our treehouse, you'll notice a lot of commonalities in the phrasing. It's almost as if these letters were written from a template at someone's behest. Kelly's husband did admit to us that they were actively involved in stirring up the campaign against our treehouse.

Kelly Weinstein's letter opposing our treehouse referenced her filing a police order against my family. This is true, although it is missing so much context that it amounts to character assassination. Given that she entered this into the public record, I feel as though I have no choice but to ensure the events leading up to it enter the public record as well.

It's ironic that Kelly claims we have issues with boundaries. When we first moved in, Kelly's husband had a morning routine where he would walk his dogs over to our house to have them

urinate on our foundation. Why he needed to do this baffles me; the Weinstein's have an ample yard of their own. After each snowfall, Kelly's husband made it a point to use his snowblower to cover the side of our house with snow whenever he cleared his driveway.

My first occasion to meet Kelly Weinstein was the day she ran out of her house screaming at me and an exterminator who we had hired to get rid of the bugs that had taken up residence while our house sat on the market for several months. She accused me and the exterminator of causing childhood cancer, and she said that it would poison her dogs. She proceeded to berate the exterminator, who is now reticent to visit our house due to "Crazy Kelly".

For these and other reasons, we decided to have a fence installed to separate our property lines. It turns out the Weinstains weren't happy about the fence. (Prior to filing a complaint about our treehouse, the Weinstains also filed a city complaint about our new fence.)

On multiple occasions, Kelly and her husband forcefully expressed their displeasure about the fence. Shortly after it was installed, we started getting repeatedly harassed at our home. Several times a week, and usually quite late at night, we would be awoken to a violent banging on our front door. After we started locking our screen door, we could hear someone manipulating the door handle, and the loud banging moved to the side of the house. The harassment became so frequent and persistent that it required multiple late-night police investigations at our house.

At the time, it was causing us great alarm. We didn't know who was involved or what they were trying to do. We didn't know if these were potential home invaders or possible burglars probing to see if anyone was home. To say that it caused many sleepless nights and great emotional distress to my family is a gross understatement.

The harassment persisted for several months. At the recommendation of a Portsmouth police officer, we purchased security cameras and upgraded our outdoor lighting in hopes of deterring or catching the perpetrators.

It did not work. Over the course of several weeks, we eventually recorded 9 separate incidents of harassment. One of these incidents included a group parading in front of our house, making obscene gestures, and shouting profanities at us. The video evidence showed that our harassers had been hanging out in the Weinstein's driveway and front yard. We had been harassed for months by the Weinstein's children and their friends. Causing us distress was now a routine part of their play.

I printed out stills from the videos and went over to the Weinstein's house to present them with the evidence that their children were involved in the harassment and to ask that they stop. Instead of being responsible parents and taking ownership of the children's atrocious behavior, the Weinstains responded by throwing us off their property and filing the aforementioned police order against us.

I guess they felt their kids should be free to visit our property to harass us whenever they like, but going over to their property to ask them to stop was somehow a violation of their boundaries. I can only imagine what they told their kids about us to lead them to behave that way towards us. It was at this time that I realized the Weinstains not only condoned the ongoing harassment campaign against us, they were active participants in it.

I should add that we've since turned over the video recordings to the police — anyone interested in seeing the video evidence should feel free to contact me — and after the middle school got involved, that form of harassment stopped. Now we're on to the latest form of harassment. Instead of using children to harass us, the Weinstains are now trying to use the City of Portsmouth, in the form of this board, to continue their harassment campaign against us.

Kelly and her husband have made their views on newcomers quite clear to us. Kelly once told my wife, "Why don't you go back where you came from? Nobody likes you here." Her husband once said to me, "Don't you get it? Everybody here hates you. Nobody is on your side." I wish I knew what it was that led to all this. Did we offend the Weinstains in some way beyond hiring an exterminator and building a fence? We're still struggling to understand. The level of hate directed at us just didn't seem proportionate to whatever our apparent transgressions against them could've been.

Relocating our family in the middle of COVID has not been easy. In normal times, I would imagine Portsmouth residents welcome new neighbors. The pandemic has robbed us of the opportunity to really get to know many of our neighbors, and it truly saddens us that people we've never met have followed the Weinstains and written letters of complaint against us, never having taken the time to get to know us, or even extend a simple "Welcome to the neighborhood." Is Portsmouth really so insular that new arrivals are treated this way? Is this an example of the tolerance and acceptance that Portsmouth is so well-known for?

The Weinstains have done everything possible to make our "Welcome to Portsmouth" be a living hell. We're stuck with them as neighbors. But you don't have to stick it to us by doing their bidding and forcing us to take down our son's treehouse.

We were first notified of the fence and treehouse complaints by way of a call to my wife from Portsmouth's Code Enforcement Officer, Jason Page. When my wife asked about the nature of the complaint, Mr. Page told her, "I've seen this plenty of times before, where neighbors have used us as a weapon. I don't appreciate being used as a weapon." I hope you can see what Mr. Page recognized: that the only reason we're even here discussing our treehouse is that the Weinsteins are trying to use you as weapons in their petty hate campaign against us.

Don't let yourselves get used. Don't let yourselves be part of an attempt to weaponize the Portsmouth city government. There are zero-setback treehouses all over our neighborhood, and a lot of them are pretty run-down looking. Frankly, our treehouse is a big improvement. You'll see the photos we'll present at the meeting. The precedent has already been set. The only question is, does Portsmouth apply a different set of rules to newcomers than to everyone else?

Please, let our son's treehouse stay, and show us that there are better people in Portsmouth than the Weinsteins.

Respectfully,



E. Maloney
389 Lincoln Ave.
Portsmouth

From: [Susan Manfull](#)
To: [Planning Info](#)
Subject: Please DO NOT SUPPORT the request by Maloneys at 389 Lincoln Avenue
Date: Monday, February 14, 2022 10:57:07 AM

Dear Members of Portsmouth Board of Adjustment,

My husband William Manfull and I are writing with regard to the request by Evan C. Maloney and Jill Maloney, owners of the property at 389 Lincoln Avenue. Having just reviewed the request for a variance put forth by our neighbors at 28 South Street -- and written an email in support of that request -- and having just gone through this process for our own home at 12 South Street, we read with particular concern the request for an "equitable waiver or variance" for a "previously constructed tree house" put forth by Maloney and Maloney.

My husband and I are unequivocally against this request. It seems the Maloneys chose to build this offending structure without going through the proper BOA channels that the rest of us must follow and are now seeking an after-the-fact approval. This is patently wrong. Neighbors of the Maloneys, we have learned, were not afforded the opportunity to review the Maloney's plans and are completely against the final product. Particularly offensive is the close proximity to the rear neighbor; as the Abutter Notice states, an 8-foot distance is required and the Maloneys are now requesting *a 0-foot rear yard for a structure they already built*.

As we understand it, the City of Portsmouth has established certain standards to follow in new construction. If we have reason to build something -- including houses in trees -- and that structure does not comply with these regulations, we are required to seek a variance. This application for a variance is made public so that others can provide input. This well-known process is important for the benefit of our city at large and especially for the applicants' neighbors. As I wrote above, we just went through this process ourselves and our neighbors are currently going through this process. Yes, it can be time consuming but it is for the benefit of all of us who choose to live in Portsmouth. The Maloneys opted not to abide by these regulations.

Thank you for providing the platform for input from Portsmouth residents, especially neighbors, to be heard. If there are reasonable objections to this structure at 389 Lincoln Avenue, a variance should not be granted retrospectively (!) and the structure should be dismantled. *Otherwise, why do we have a Board of Adjustment committee?*

We stand strongly against granting an "equitable waiver" or a variance for this structure at 389 Lincoln Avenue. Thank you for your consideration.

Sincerely,

Susan and William Manfull
12 South Street

--

Susan Newman Manfull, PhD

H | 603 430-8694
M | 603 828-1766

*Mark D. Moses
Mary T. Feltes
178 Highland Street
Portsmouth, NH 03801
Tax Map U-34, Lot 22*

January 18, 2022

Board of Adjustment
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

RE: 389 Lincoln Avenue

We, Mark D. Moses and Mary T. Feltes, own and reside at 178 Highland Street. The rear lot line of our property abuts that of 389 Lincoln Avenue. The owners of 389 Lincoln Avenue have a pending appeal/application scheduled for hearing on January 18, 2022, regarding a structure erected at the boundary lines between our lot. This structure is the subject of a memorandum from Peter Britz, Interim Planning Director, dated November 10, 2021. February 15,
CIAC
MT

The purpose of this letter is to express our opposition to the pending appeal/application of the owners of 389 Lincoln Avenue.

By way of brief background, the structure presently erected at 389 Lincoln Avenue includes, among other things, a platform that is higher than our fence, is more than 150 square feet, and is directly against our fence, *i.e.* 0 ft setback. The primary supports for this structure are two trees at the boundary line between our lot and the applicants' lot. We have included herewith photographs depicting the structure at 389 Lincoln Avenue.

Although the applicants approached us before erecting this "tree house," they did not disclose the nature and extent of their intended plans for this structure. While we did not object at the time of this preliminary conversation, we would have voiced our opposition if the specific details had been disclosed.

The structure as presently erected and installed at 389 Lincoln Avenue is troubling for us as abutters. To that end, we felt compelled to express our objections to the appeal/application submitted by the applicants and respectfully request that the Board deny same.

The basis for our objection includes, but is not limited to, the following:

- The structure's location above and directly against our backyard fence infringes on our sense of privacy. As a corollary, we are concerned it impairs the value of our property because: it is basically a balcony over our backyard; its considerable size and prominence makes it impossible to overlook or ignore; and, unlike the trees it now obscures, it is unsightly. In other words, the sense of privacy we have enjoyed for approximately 40 years has been diminished by an unsightly structure that is now the dominating feature in the field of vision for our backyard. Accordingly, our property has been rendered less attractive and, therefore, its value has been harmed as a result of the applicants' structure.
- The presence of a structure/platform that is greater than 150 square feet and elevated above our fence raises concerns about stormwater runoff. That is, this structure changes the natural runoff that existed when this area was occupied two trees and nothing more. The runoff displaced by the existence of this structure has the potential to damage to the fence between our lots, as well as cause erosion to areas of our property since runoff will be dropping from an elevated position at the property line.
- The structure also adversely impacts the amount of sunlight we get on our property since its height exceeds that of the fence between the properties.
- Erecting this structure also required a significant amount of materials. These materials appear to be pressure treated wood. The presence of same increases potential hazards in that it creates an increased fire hazard that is not readily accessible by emergency responders. Moreover, we are concerned about its structural integrity when there is inclement weather since it was erected without the oversight of the building department. Based on the foregoing and the violations of sensible setback requirements, the structure creates safety issues that did not previously exist.
- Review of the appeal/application reveals that the applicants did not identify and "unnecessary hardship" to support their requests for a variance. The applicants do not offer an explanation as to why violating setback requirements, as well as infringing on the rights of neighbors was necessary for them to erect a "playhouse." As such, the applicants have failed to show that a variance is warranted.

In closing, we want to make clear for the record that, for approximately 40 years, we have gone out of our way to be cordial and friendly with our neighbors. It is with great regret that we find ourselves in the position to have to submit this letter. As mentioned above, however, we felt compelled to do so given the nature of this structure

and its impact on our property, and we intend to appear at the hearing on ~~January 18,~~ February 15, 2022, to further state our opposition in person.

MTF
MTF

Thank you for your time and consideration of the foregoing.

Sincerely,



Mark D. Moses

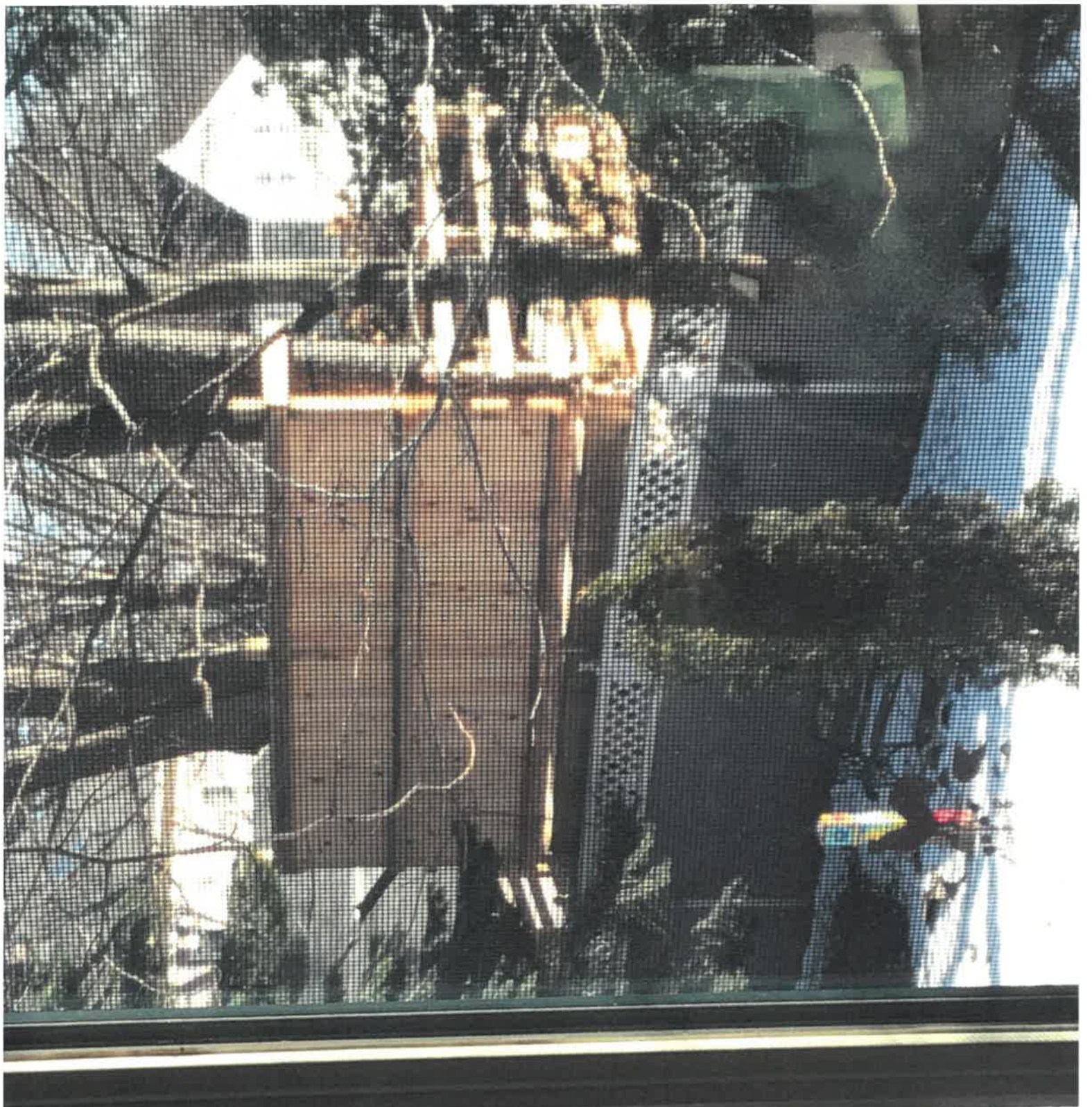


Mary T. Feltes

EXHIBIT 1

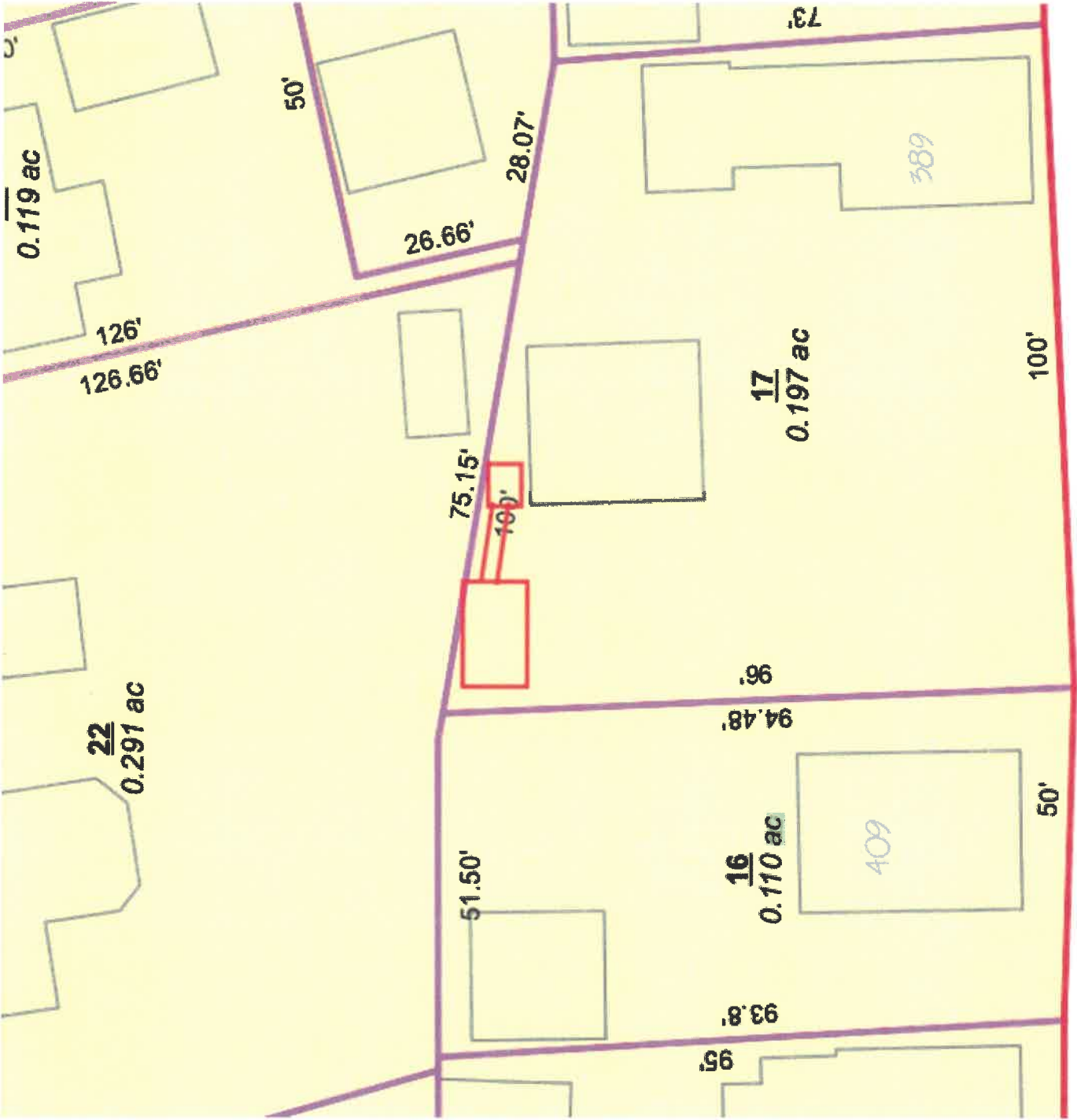
See 4 photos plus site plot below











*Mark D. Moses
Mary T. Feltes
178 Highland Street
Portsmouth, NH 03801
Tax Map U-34, Lot 22*

January 18, 2022

Board of Adjustment
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

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In closing, we want to make clear for the record that, for approximately 40 years, we have gone out of our way to be cordial and friendly with our neighbors. It is with great regret that we find ourselves in the position to have to submit this letter. As mentioned above, however, we felt compelled to do so given the nature of this structure

and its impact on our property, and we intend to appear at the hearing on January 18, 2022, to further state our opposition in person.

Thank you for your time and consideration of the foregoing.

Sincerely,

A handwritten signature in blue ink that reads "Mark D. Moses". The signature is written in a cursive style with a horizontal line underneath it.

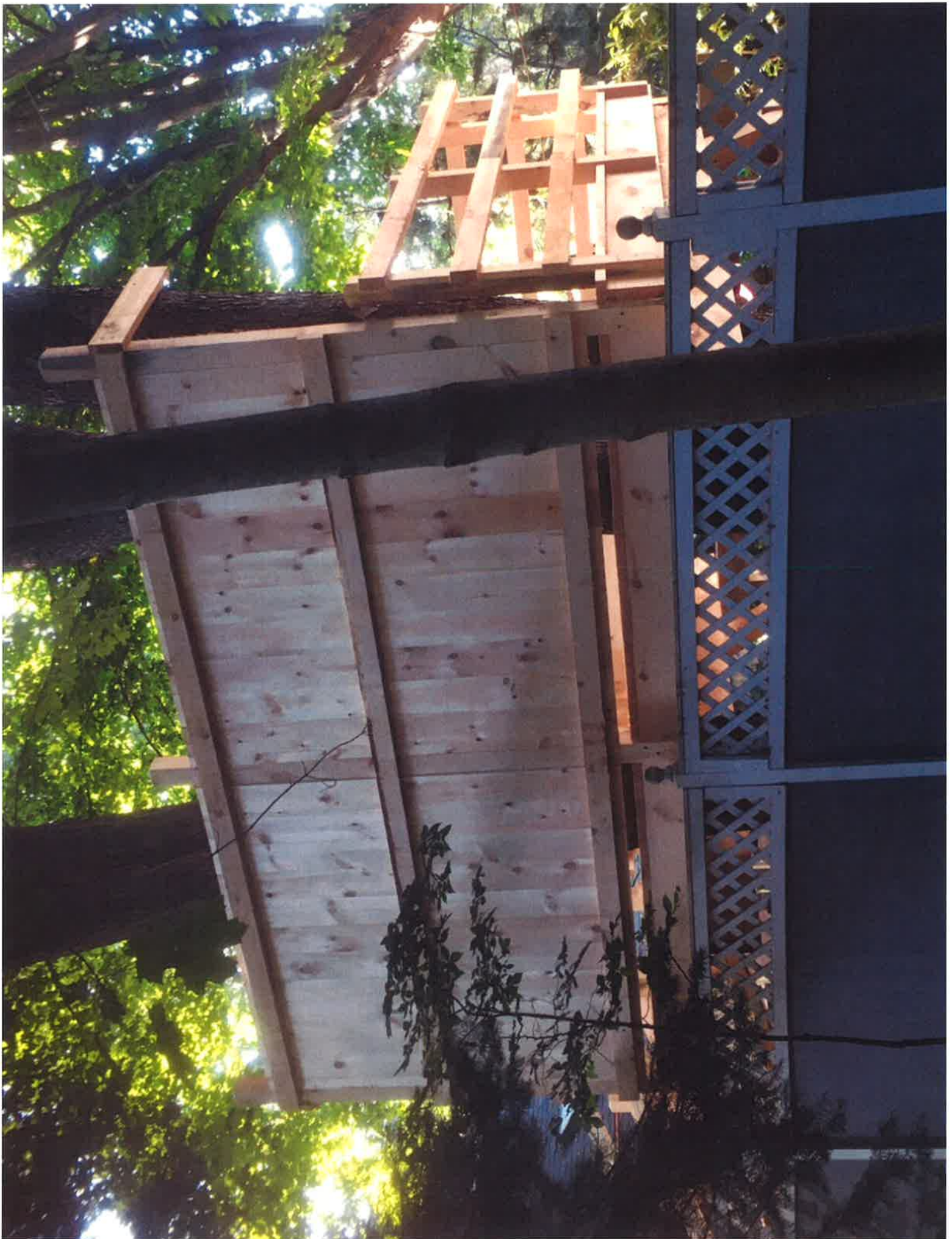
Mark D. Moses

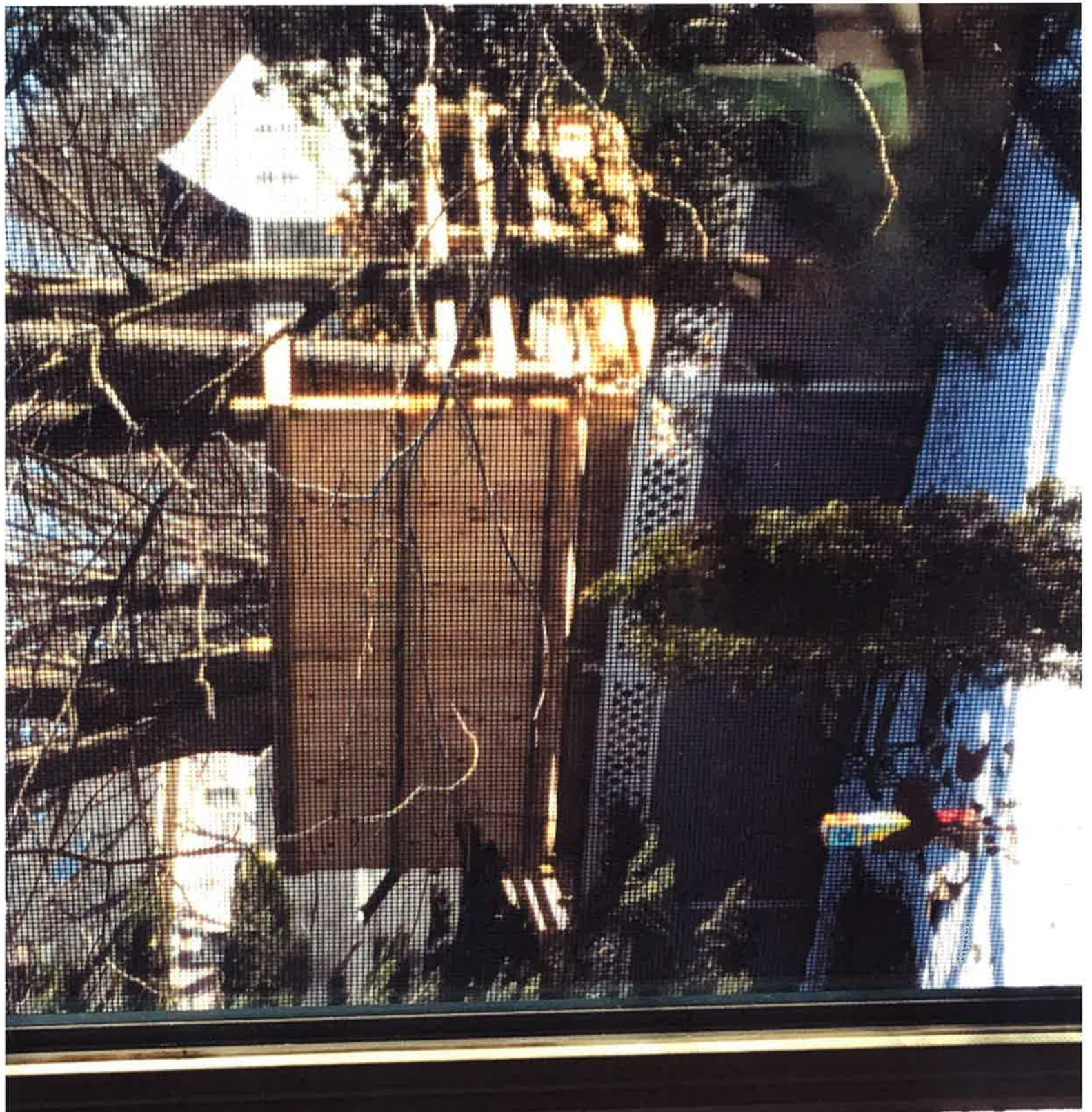
A handwritten signature in blue ink that reads "Mary T. Feltes". The signature is written in a cursive style with a horizontal line underneath it.

Mary T. Feltes

EXHIBIT 1

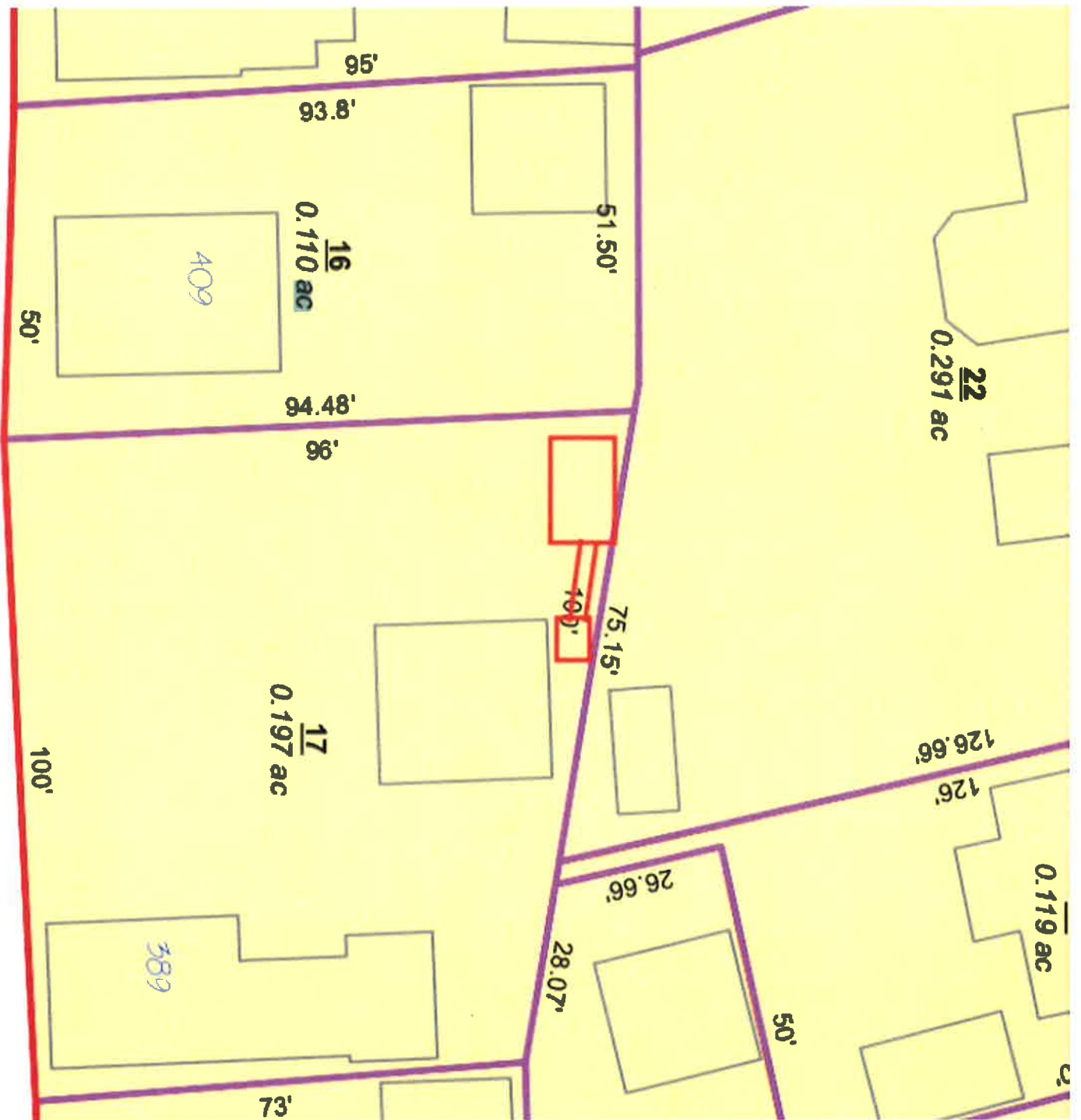
See 4 photos plus site plot below

















From: [Ellen Patton](#)
To: [Planning Info](#)
Subject: Play Structure at 389 Lincoln Avenue
Date: Tuesday, January 18, 2022 7:36:18 AM

To whom it may concern:

In response to the abutter's notice we received, this letter is in support of the Feltes/Moses request that the equitable waiver or variance submitted by Evan and Jill Maloney for the play structure on 389 Lincoln Avenue be denied. As the city previously determined it is in violation of the City of Portsmouth Zoning Ordinance regarding its setback from property lines. In addition, it imposes on the privacy of their neighbor on Highland Avenue. In a neighborhood where yards are closely tied together, it is important that every effort be made to ensure that boundaries are respected as per the city's own regulations.

Thank you in advance for your consideration in this matter.

Ellen & Walt Patton
407 Union Street

Planning Department
City Hall
1 Junkins Ave
Portsmouth, NH 03801

Reference: Request of Evan C. Maloney and Jill Maloney (Owners), and Duncan McCallum (Applicant), for the property located at 389 Lincoln Avenue requesting an equitable waiver or variance for approval.

Dear Sir or Madam:

I am writing as an identified abutter to the referenced property to express my view regarding the request for a variance from Section 10.52 noted in the letter we received from the Board of Adjustment. My neighborhood in Portsmouth is known for its well-kept older homes, small lots, and peacefulness. My block where 389 Lincoln is located is serene and neighbors respect the little privacy we have between properties. Allowing this structure to remain would diminish these intrinsic neighborhood characteristics.

I believe paragraph 10.573.20 states that an accessory building or structure more than 10 feet in height or more than 100 square feet in area shall be set back from any lot line at least the height of the building or the applicable yard requirement, whichever is less. The "Tree House", as presented by the Maloneys, seems to fit in as an accessory building to 389 Lincoln and therefore, in violation of this zoning rule.

Additionally, as the owner of 208 Highland Street I object to the application for waiver the said owners have requested. My reason for objecting is that allowing the structure to remain would be a bad precedent to set for the surrounding properties. If property owners are allowed to build a structure on the property without getting a permit, plead ignorance, and then asks for forgiveness, they basically have violated the City of Portsmouth's building protocols. Furthermore, I believe zoning regulation paragraph 10.233.20 states that to authorize a variance, the Board of Adjustment must find that the variance meets all of the following criteria:

- 10.233.21 The variance will not be contrary to the public interest;
- 10.233.22 The spirit of the Ordinance will be observed;
- 10.233.23 Substantial justice will be done;
- 10.233.24 The values of surrounding properties will not be diminished; and
- 10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

In my judgement subparagraph 10.233.21 is not met and the probability that surrounding property values are diminished is greater than zero, therefore, subparagraph 10.233.24 is not satisfied.

Sincerely,

Jane Nilles

208 Highland Street

Portsmouth, NH 03801

From: [Jacob Weinstein](#)
To: [Planning Info](#)
Subject: Comment for public hearing January 18, 2022
Date: Tuesday, January 18, 2022 10:27:48 AM

Please see my note below with reference to the Board of Adjustment Meeting on January 18, 2022 with respect to the property located at 389 Lincoln Ave.

I am writing to reflect my disapproval of the request for an equitable waiver or variance for the approval of a previously constructed tree house structure on 389 Lincoln Ave. I am a direct abutter to the said property. While I do not see the structure from my home, I believe the approval of a waiver or variance to allow a 0' rear yard where 8 feet is required and a 5' left side yard where 8 feet is required will set a standard at which the city will be required to follow. That erosion of standards is costly to the entire community of Portsmouth.

Thank you,
Jacob Weinstein
373 Lincoln Ave, Portsmouth, NH 03801

January 13, 2022

To Whom it May Concern:

My name is Kelly Weinstein and I live at 373 Lincoln Ave and am a direct abutter of the Maloneys at 389 Lincoln Ave. I served on the Citywide Neighborhood Council for several years and greatly appreciate all of your civil service, especially with cases like these. Thank you for your time.

I do not see the treehouse structure from my property, nor am I directly impacted by this structure. However, Mark Moses and Tess Feltes have lived in our neighborhood for almost 40 years. From the day my family moved in, Mark and Tess have been welcoming and kind. They've invited us to Holiday parties, and Tess has graciously offered her art studio for my children to play in. We often talk when we see each other walking our dogs and we love to catch up when visiting Tess's art studio when its open during our city's annual Art Walk. I formerly worked at UNH where Mark has been a Professor for years, and we have what I would describe as a positive and healthy neighborly relationship. They are two of the kindest people I've met in our community and I couldn't be more grateful for neighbors like them. To hear about the obstruction to their property and the stress it has caused them in this appeal is unnerving, and for the aforementioned reasons including the fact that a 0' setback where 8' is required by code and where a 5' setback where 8' is required by code are the reasons why I fully support Mr. Fischer's arguments regarding this case.

Kelly and Misa Wright have lived in our neighborhood for many years as well. We have the same type of positive neighborly relationship. We chat when we see each other, and Kelly has organized several fun bike tours in our community that my husband has attended. Again, I'd describe them as the type of neighbors anyone would want to have. I'm here to support their perspective and as stated before, while this structure does not impact my property directly it does impact the neighbors in our community greatly; the neighbors that have been welcoming and kind, and I support Mr. Fischer's arguments about the 0' setback appeal where 8' is required and where a 5' setback where 8' is required by code is being appealed.

To say my relationship as a direct abutter to the Maloneys has been strained since they moved here in an understatement. Due to a history of both boundary and privacy issues I've experienced myself, I had no choice but to issue a no-trespass order. Unfortunately, because of this history of boundary and privacy issues I have a contentious relationship with the Maloneys; this is something I've never experienced with a neighbor in my life, and it saddens me because it counteracts everything that defines the city I live in and love. Despite any of the personal issues I have with them, I

am here to support all of the neighbors in our community who are directly impacted by this structure that clearly violates our city's code.

Thank you for your consideration and for your time. Should you have further questions please feel free to contact me- 603-809-0102.

Kindly,
Kelly Weinstein

Kelly Wright
409 Lincoln Ave
Portsmouth NH
03801

January 17, 2022

Peter Britz, Interim Planning Director
City of Portsmouth
1 Junkins Avenue
Portsmouth NH
03801

RE: 389 Lincoln Avenue

Dear Mr. Britz:

As a direct abutter I am writing to voice my opposition to the issuing of a variance for the structure erected by my neighbors at 389 Lincoln Avenue. I have several objections and concerns as follow:

- I disagree with the stated size of the structure at 168 sq. feet. The structure itself comprises 3 elements: a large main platform of 168 sq. feet, a ramp approximately 45 sq feet and a lower platform of 25 sq. feet. These are conjoined structures, of identical construction and in my opinion should be considered in the overall footprint of approximately 240 sq. feet. For perspective this coincides with the average sq. foot requirement of a 1 car garage (12' x 20')
- There are an abundance of play structures available commercially. Home Depot's largest non-commercial backyard structure has a core platform that is under 60 sq. and an average deck height of 5.5 ft. The current structure has a footprint that is significantly larger and substantially different to other ordinary and expected play structures.
- My loss of privacy is a major concern. The structure is located at the farthest point available from the home at 389 Lincoln. It is not readily visible from most rooms in the home, from the deck, patio and many parts of the property. I however have a nearly unobstructed view from my deck, yard, garage, driveway and all rear facing windows at all times.

The main reason for this is the height of the structure with a stated 8 foot high deck (which I also dispute) and an unstated overall height of 15-16 feet, all of which sits above an existing 7 foot privacy fence—negating the entire purpose of a 'privacy' fence altogether! The presence and use of the structure in its current state and location has caused a serious diminishment in the privacy and enjoyment of my property.

- The potential financial impact due to the loss of privacy of my property is deeply concerning. I feel that this will adversely affect any future resale potential. The size, type and cost of the building materials (6" x 6" PT posts, 4" x 10" and 2" x 12" rough sawn beams, cement footings) suggest a permanence that exceeds the temporary enjoyment of a play structure. As a permanent structure it has the potential to enhance the value of 389 Lincoln, while at the same time diminishing the value of 409 Lincoln.

In closing, beside the clear setback issues, I believe that the threshold for Special Exceptions 10.232.23 of the Zoning Ordinance has not been met.

("No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures...")

I am in agreement with the position of the Zoning Board that the structure must either be changed to conform to ordinance requirements or be removed.

I thank you for your time and attention to this matter.

Sincerely,

Kelly Wright

<https://www.homedepot.com/p/Gorilla-Playsets-Empire-Wooden-Swing-Set-with-Monkey-Bars-and-3-Slides-01-0089-AP/306523592>



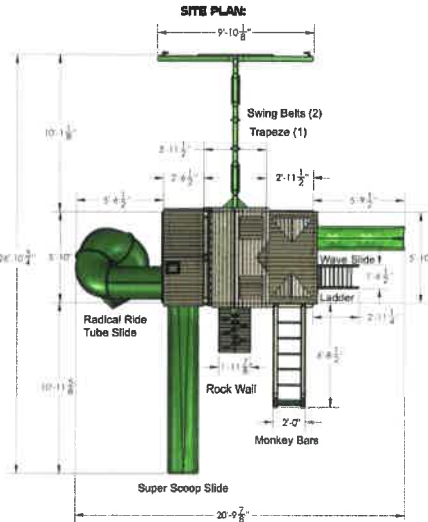
Timber Shield Post Option
BOXES: X3, 120

Model: 1500LW

(BOXES: 1501, 1504, 1506,
1514, 1528, 1529, 1535, 1535F,
1537, Rad Ride 7 Box, 14'
Scoop Slide (bagged) & Slide
Box)

REV. 4-17-2017

Please familiarize yourself with the manual, parts/components and general construction process of your new playset before getting started.



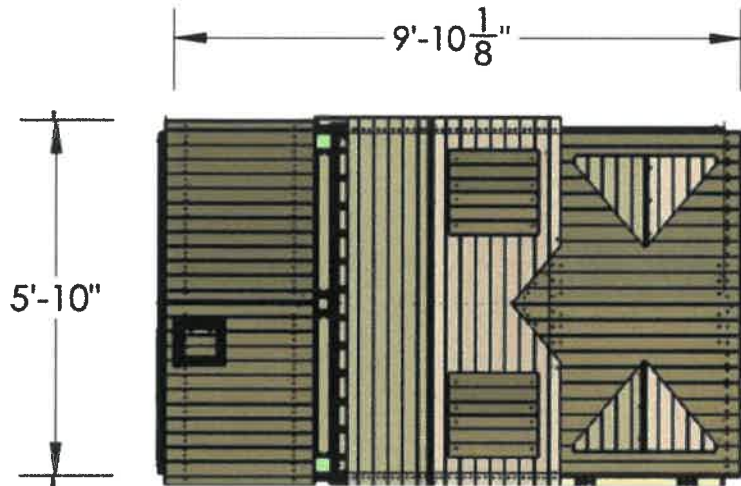
Playset height: 13 feet - 1-5/8 inches
Deck heights: 4 feet, 5 feet and 7 feet
Swing Beam height: 7 feet - 7-1/2 inches

Approximate assembly time: 20 to 22 hours

(8) foot unobstructed safety perimeter around playset recommended

Please familiarize yourself with the manual, parts/components and general construction process of your new playset before getting started.

SITE PLAN:



(6) foot unobstructed safety perimeter around playset recommended





From: [Cyril Chen](#)
To: [Planning Info](#)
Subject: Comments for Treadwell House Inc at 70 Court Street
Date: Sunday, February 13, 2022 10:52:46 AM

Hi,

We're the owners of 46 Mark St. Our house abuts the proposed project at 70 Court Street. 70 Court Street is on the corner of Court and Mark St. Mark St is a single lane, dead-end road that can only let one car through at a time. There are currently 5 residential buildings on Mark St. As it currently stands, any traffic on Mark St obstructs traffic in both directions and prevents ingress and egress for the residents of Mark St. If this project moves forward, we are concerned that this will further cause problems for the residents on Mark St.

Thank you,
Cyril Chen and Brienne Cressey

Ralph R. Woodman, Jr.
82 Court Street
Portsmouth NH 03801

January 28, 2022

Zoning Board of Adjustment
Portsmouth City Hall
1 Junkins Avenue
Portsmouth NH 03801

Re: Application of The Davenport Inn, LLC
70 Court Street Variance for Inn

Dear Members of the Board of Adjustment:

When I was in 4th grade at Whipple Elementary School (now residential condominiums) I remember the day that a house was picked up and moved down State Street, past the Rockingham Hotel, past Dr. Shattuck's office around Haymarket Square to a new location at 70 Court Street.

I watched part of the move with my friend Jimmy Vinciguerra, who became famous when he got a picture of himself and his new bicycle which appeared in the Herald. The moving of the house on the roads was "big news" in Portsmouth at the time.

This occurred in May, 1956.

Although I did not know it at that time

- The house that was moved was known as the Nathaniel Treadwell House/The Davenport Inn
- It was scheduled to be demolished so the new First National Bank of Portsmouth could be built on State Street.
- Jerry Waldron and Wyman Boynton (who I came to work for in 1973) "saved" the house by having it moved to a new location, instead of sitting by and watch it (like so many other historical and architectural treasures in Portsmouth) be destroyed in the name of "progress."

The Davenport Inn

Per the Portsmouth Athenaeum (see 3 pages attached) this house was built by Mary Treadwell in 1758 for her son Nathaniel. Interestingly, although Mary grew up in the New Castle and “her family was so poor that ... Mary had to wear boy’s clothing,” she married Charles Treadwell and became financially successful selling goods from her home in Portsmouth.

Of the three (3) houses she built for her children in Portsmouth, the house built for her son Nathaniel at 70 Court Street is the only one that still exists.

That house was later purchased in the 1790’s by John Davenport, who operated it until his death as

“the Davenport Inn.”

This is per the records at the Athenaeum.

Although I did not know the history of the Davenport Inn while I was at Whipple School, I know it now. I also did not then know that I would now be a minority owner in both the Real Estate owned by Treadwell House, Inc. and 82 Court Street, LLC (a direct abutter of 70 Court Street).

I believe that this opportunity to restore the historic and colonial Davenport Inn (with no exterior modifications to the structure) is very much in the public interest, for the public good, reasonable and also very much a positive for downtown Portsmouth.

Very truly yours,

Ralph Woodman

Ralph R. Woodman, Jr.

RRW/ndt
Enclosure

[Skip to content](#)

PORTSMOUTH ATHENAEUM

Name	Treadwell, Nathaniel House (Court Street)
Details	Erected in 1758 on the corner of State and Fleet Streets by Mrs. Charles Treadwell for her son Nathaniel. Later occupied by the Davenport Inn. Moved to Court Street c. 1957.
Number of Photo records	7

[P0007 24 01 - Arthur I. Harriman Photograph](#)



Treadwell-Davenport House (also known as Treadwell-Cutter) on its original location, 321 State Street on the NE corner of Fleet, Portsmouth, NH. The glebe land lease for this property originally belonged to Charles Storey. When he failed to build a house in the allotted time, the lease was assumed by Charles Treadwell, a hairdresser from Ipswich, England, who arrived in Portsmouth in 1724. His wife Mary was the driving force behind the Treadwell fortunes, and she was the one who had the house built on State Street in 1758 for her son Nathaniel. Prior to the War of 1812, John Davenport owned the house and kept it as a boarding house. During the war, the house was known as the Ark Tavern



[P0067 019 - Howard T. Oedel Dissertation](#)

Facade of the Treadwell-Davenport House, formerly on the corner of Fleet and State streets, moved to its present location of 70 Court Street, Portsmouth, NH. Building was converted to an office building. Image comes from "Portsmouth, New Hampshire: The Role of the Provincial Capital in the Development" dissertation by Howard T. Oedel. See also Rare Book 37612, Volumes 1 to 5.

[P26 023 01 - Margaret Morrissey Slide Collection](#)



Nathaniel Treadwell House, Court Street, Portsmouth, NH. House was moved from 321 State Street during the mid-twentieth century for a bank.



PS0475a - Small Photograph Collection

NATHANIEL TREADWELL HOUSE, 1758 Shown at original location on State Street, c1900. To make way for then-First National Bank, the building was moved to 70 Court Street in 1969.



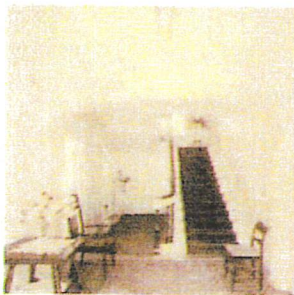
PS0475b - Small Photograph Collection

INTERIOR OF NATHANIEL TREADWELL HOUSE, 1758 Shown at original location on State Street, c1900. To make way for then-First National Bank, the building was moved to 70 Court Street in 1969.



PS0823 02 - Small Photograph Collection

Dr. Luce house also known as the William Jones House, Court Street, Portsmouth, NH. Today, the lot to right is occupied by the Nathaniel Treadwell House and the side porch has been removed.



PS1448 - Small Photograph Collection

Front hall of the Treadwell-Cutter House when it was the YWCA on Court Street, formerly 321 State Street, Portsmouth, NH.



East Street Athenaeum

100 Market Street - Portland, ME
603-421-2333
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HOURS

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and by special arrangement
Randall Room Exhibition Gallery:
Tuesday - Saturday, from 1-4pm

www.eaststreetathenaeum.org

From: [Kimberli Kienia](mailto:Kimberli.Kienia)
To: [Kimberli Kienia](mailto:Kimberli.Kienia)
Subject: FW: 1 Congress Street variance request
Date: Wednesday, February 9, 2022 10:38:14 AM

From: Peter Egelston [<mailto:peter@portsmouthbrewery.com>]
Sent: Wednesday, February 9, 2022 10:27 AM
To: Planning Info <Planning@cityofportsmouth.com>; Peter M. Stith <pmstith@cityofportsmouth.com>
Cc: Joanne Francis <joanne@portsmouthbrewery.com>; Karen Conard <kconard@cityofportsmouth.com>
Subject: 1 Congress Street variance request

Good morning,

I am in receipt of an abutters' notice pertaining to the February 15, 2022, Board of Adjustment meeting. The project of which I have been notified is the request by One Market Square LLC for zoning relief to enable the construction at 1 Congress Street of a three story addition with a short 4th story and building height of 44'-11".

I would like to put on record my strong opposition to this request. I can't imagine any hardship that would justify the granting of the requested zoning variances. The building's tax card indicates that it is over two hundred years old. No doubt it has been modified numerous times over its lifetime. However, zoning ordinances exist today to guide such modifications, to protect neighbors, and to help maintain a city's character. The fact that the proposed modification requires zoning relief puts up a huge red flag with respect to its likely impact on the property's neighborhood - Market Square, the very heart of downtown Portsmouth. The proposed modification is elective - it does not have to be done to maintain the viability of the property. There is no reason for the Board of Adjustment to grant the requested variances.

Granting this relief would also set a terrible precedent for the City's historic downtown, as it would encourage developers to propose nonconforming modifications to historic buildings wherever they see a potential for profit.

Lastly, a major construction project in the center of town, one that is likely to take place at precisely the same time the City garage is undergoing renovation, coming hard on the heels of several other major downtown construction projects (not to mention a worldwide pandemic), is certainly going to adversely impact the economy of the immediate neighborhood. I understand that this does not pertain to the matter of zoning relief, but it should be mentioned nonetheless.

Thank you for your attention in this matter.

Regards,

Peter Egelston
Owner of 48-56 Market Street

Peter Egelston, President

[Portsmouth Brewery](#)

56 Market Street, Portsmouth NH 03801

(603) 431-1115 x241

"Everyone is entitled to his own opinion, but not his own facts."

Daniel Patrick Moynihan

From: [Susan Manfull](#)
To: [Planning Info](#)
Subject: Support of BOA request by Ted Stiles at 28 South Street
Date: Monday, February 14, 2022 9:55:03 AM

Dear Members of the Portsmouth City Planning Department:

We are writing in support of the proposed additions to the property owned by Theodore M. Stiles at 28 South Street. We live next door at 12 South Street and, therefore, have a vested interest in the proposed additions and required variances.

We have reviewed the schematic design sketches put forth by architect Anne Whitney and wholeheartedly support these plans. We cannot foresee any drawbacks to the property or the neighborhood. In fact, moving the side door to the rear will provide greater privacy for each of us which, as much as we like our neighbors Ted Stiles and Joan Boyd, is a welcome feature.

Please approve their request to add two rear additions to their home.

Thank you.

Sincerely,

Susan and William Manfull

12 South Street

--

Susan Newman Manfull, PhD

H | 603 430-8694

M | 603 828-1766