

From: [Jackie Ellis](#)
To: [Planning Info](#)
Subject: 168 Lincoln Ave variance
Date: Monday, March 27, 2023 3:10:32 PM

To the Board of Adjustment,

As a resident of Portsmouth, though not an immediate neighbor of the house in question, I object to this request by the Franklin family for a variance. The lot is small, and the over 2300 square foot addition they are seeking is too large for the small lot at 168 Lincoln. I have lived in Portsmouth for over 40 years, and have seen the creep of ever larger homes in this neighborhood, to the detriment of the overall feel of the neighborhood.

In this instance, this 3 story addition will block significant amounts of light from its immediate abutter, and negatively impact their yard and garden, due to lack of privacy, air circulation and, of course, sunshine.

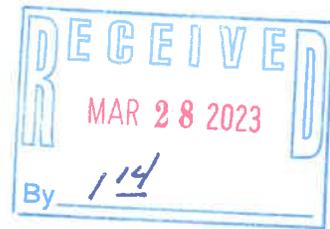
Please uphold the existing ordinance, Section 10.321, and deny this request for an addition that will double the size of the existing home and negatively impact its abutters.

Thanks for your consideration,

Jacqueline Ellis
579 Sagamore Ave, Unit 82
Portsmouth NH

March 27, 2023

City of Portsmouth
Board of Adjustment



Dear Board Members,

I am a long-time resident of Portsmouth and even lived with my children for a time across the street from 168 Lincoln Avenue. The new owners of 168 Lincoln are requesting a Variance to the Zoning Ordinance for a very large addition to their house.

I politely request that you deny that Variance. The Zoning Law that allows up to 25% lot coverage by buildings is in place for a reason. This application requests 50% MORE than that, at 38%. The 30-foot addition to an already substantial, old 4-square house is out of proportion with the lot.

All residents should be able to enjoy light and air and a feeling of openness, as allowed by the law, which this request compromises. Increasing building size decreases greenspace.

The request to extend the house at 168 Lincoln by adding 30'x26' (the size of a New Englander) should be denied for the sake of neighbors, the street, and Portsmouth.

Thank you! *Please deny that variance!*
Nancy Brown

Sincerely,

Nancy Brown
333 *Eastlath Street*
Portsmouth, N.H.

From: [Patrick Clary](#)
To: [Planning Info](#)
Subject: Board of Adjustment meeting 3/29/2023
Date: Saturday, March 25, 2023 3:30:59 PM

Dear Board of Adjustment Members—

I'm writing to object as a neighbor to the variance being proposed for 168 Lincoln Avenue, in Portsmouth, to be considered at your meeting Wednesday March 29th, 2023. This design would nearly double the size of the current house and cut off light and views which should be preserved as intended.

I've been a resident and voter in Portsmouth for more than 20 years living all of that time at 550 Lincoln Avenue. About ten years ago the lot next door to my house at 180 Wibird Street was developed as a single family home about 70 feet long and three stories tall. While I love the owners, our neighbors Stewart and Julie Whitney, their house cuts off our small yard from the sun, curtails our views and is problematic for any sense of privacy. I am not writing in opposition to the Whitneys' design, obviously; what's done is done. But it seems to me we should learn from that experience. The proposal for 168 Lincoln Avenue, actually looks worse, appears to violate setbacks and will shade their neighbors' gardens. This proposal does not seem likely to yield any increase in density or improve housing affordability in our city: if anything, the opposite.

It's likely that a more modest expansion of the footprint that does not violate setbacks or privacy would be acceptable to those of us who hope to remain friendly neighbors.

Sincerely,

PATRICK L. CLARY, MD
Medical Director, Riverside Rest Home &
Hyder Family Hospice House
Board Certified in Family Practice &
Hospice and Palliative Medicine
550 Lincoln Avenue
Portsmouth NH 03801
Twitter: [@patricklclary](#)
Website: <https://lostborderspress.org/books/p/dyingforbeginners>
Landline 603-433-7514

Cellphone 603-969-0815

124 Broad Street
Portsmouth, NH 03801
March 26, 2022

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

Dear Portsmouth Zoning Board of Adjustment:

I am writing this letter to **object** to the Variance requested by the owners of 168 Lincoln Avenue. I request that the Board of Adjustment **deny** the request for a variance. The owners have a family of 4 people. It is not a hardship to live in 2388 square feet of space. Families have been living in the home since 1903. The previous owners lived in the house with their family of 4. They made a major renovation of the home 5 years ago within the footprint of the house.

I have lived in my house in Portsmouth since October 1984. I have a 1709 square foot house with neighbors on either side of my house who have Victorians the size of the house at 168 Lincoln Avenue. They each moved into their houses in the last 7 years and made renovations within the footprint of the houses. I recommend that the owners of 168 Lincoln Avenue do the same.

The proposed addition is too large for the lot which violates the spirit of the zoning ordinance. The addition is the size of a typical townhouse or a 3 story New Englander. The proposed addition leaves 20 feet of greenspace behind the house which is too little.

Maxene Feintuch, the neighbor at 180 Lincoln Avenue would be negatively affected because southeast sunlight would be blocked. All she will see is a wall. This addition will negatively affect the value of her house.

Please do not grant the variance to the family at 168 Lincoln Avenue. The property can be renovated without requiring a variance and causing hardship to the next-door neighbor at 180 Lincoln Avenue. The house is over 2,388 square feet with a detached 2 car garage.

Sincerely yours,

A handwritten signature in blue ink that reads "Ellen S. Cohn". The signature is written in a cursive style.

Ellen S. Cohn

March 26, 2023

Reference: variance request for 168 Lincoln Avenue, meeting Wednesday, March 29, 2023

Dear Board Members,

I am requesting you reject the application for a variance for 168 Lincoln Avenue.

Someday I will inherit the house next door, 180 Lincoln Avenue, where my mother lives. I'd like to inherit something that hasn't been harmed by the addition of a structure so tall and wide that it blocks sunlight and air, that is an eyesore in its mass.

Cities have laws designed to stop over-building on properties.

Cities have laws to protect the value and enjoyment of existing properties.

These laws protect homeowners, current and future, who appreciate the human scale of the houses, businesses, and public spaces in Portsmouth.

This Board is the keeper of the trust that Portsmouth will retain its character by keeping building to scale and will protect residents by looking out for everyone's best interest.

The variance for 168 Lincoln should be denied.

Thank you.

Sincerely,

Sophie Feintuch

180 Lincoln Ave
Portsmouth, NH 03801

From: [Tess Feltes](#)
To: [Planning Info](#)
Subject: 168 Lincoln Avenue
Date: Sunday, March 26, 2023 1:06:15 PM

To the Portsmouth NH City Board of Adjustments March 26, 2023

I am writing to **request that the variance for 168 Lincoln Avenue be denied** as it does not conform to the Portsmouth Zoning Ordinances.

As a long time Portsmouth resident, it is my belief the proposed addition is simply too imposing.

Its height, length and width are disproportionately large for the size of the lot and would impact the adjacent neighbors by blocking sunlight, impacting the existing plantings and compromise the neighbors' privacy.

By allowing this addition to be constructed, the area would be intensified and the feeling of the established neighborhood greatly altered.

I strongly advocate that we work together to protect the ascetic appeal of our beautiful and historic city.

Thank you for your consideration.

Sincerely
Mary Therese Feltes
178 Highland Street
Portsmouth, NH

From: [Eliza Hobson](#)
To: [Planning Info](#)
Subject: Request for Variance at 168 Lincoln Ave. March 28, 2023
Date: Tuesday, March 28, 2023 3:55:19 PM

To the Zoning Board of Adjustment:

The request for a variance to 168 Lincoln Avenue in Portsmouth does not conform to the city's zoning ordinances, and the proposed expansion of this residential property will definitely have adverse impacts on abutting homes and the overall character of this liveable, neighborly block of Lincoln Ave. where neighbors prize the human dimensions of their well-kept, attractive surroundings.

The proposed addition is ridiculously large for the modest lot the current house now stands on. When expanded, the building will be 67 feet long, longer than any house in the neighborhood. It will substantially reduce an already modest green space between it and the house beside it, blocking sunlight and views from the abutter's home.

Too many of Portsmouth's fine old homes in formerly picturesque neighborhoods have been subject to unreasonable expansions, to the detriment of the green space that keeps our air healthy and allows families to thrive. These massive new buildings are blights on well-established neighborhoods that were known to be family-friendly and encouraging of good relations between neighbors.

The existing house on 168 Lincoln Ave. is more than 2,388 square feet with a detached two-car garage. The property as is can certainly provide adequate space for a family with children and visitors, in strict conformance with the ordinances, without causing unnecessary hardship.

In the interest of preserving Portsmouth's historic character one lot at a time, please deny the request for this unnecessary and disruptive variance.

Thank you for your attention,

Eliza Hobson
Homeowner
5 McClintock St.
Portsmouth, NH 03801

From: [carol.nancy.hollis](#)
To: [Planning Info](#)
Subject: 168 Lincoln Ave application
Date: Saturday, March 25, 2023 4:30:39 PM

March 25, 2023

Dear Board of Adjustment,

I am writing in reference to the application for 168 Lincoln Avenue. This proposed large addition violates the lot coverage requirement and the setbacks required in the neighborhoods' zoning ordinance.

This Board has the obligation to uphold the zoning ordinance as it was intended to protect public health and safety unless there is a hardship. By definition, as you well know, the hardship does not include what someone may want for their pleasure.

The proposed addition is way out of scale. Granting it would present a hardship to the neighbor by cutting off light and air to their yard.

The leniency of a Board to grant a variance that is in violation of current zoning laws calls into question the Board's purpose to uphold zoning laws.

I implore the Board to pay attention to the intent of our zoning ordinance and deny this variance.

This application does not take into consideration the size of the lot that this family just purchased. Their lack of consideration is not a reason to grant a variance.

Sincerely,

Carol Hollis
557 Union St
Portsmouth NH 03801

From: [SUSAN HOPKINS](#)
To: [Planning Info](#)
Subject: 168 Lincoln app for variances
Date: Tuesday, March 28, 2023 1:22:22 PM

To Zoning Board of Adjustment:

Please consider denying the request for variances for the property at 168 Lincoln Avenue. At the very least, the neighbor at 180 Lincoln would be negatively affected. The size of the proposed addition is equivalent to a 3-story New Englander. In fact, the addition alone is almost double the size of my 3-story New Englander on Park Street. The proposed location of the addition on the property is particularly bothersome to 168 Lincoln. Southeast sunlight would be blocked. Privacy would be affected.

There are no special conditions of the property that distinguish it from other properties in the neighborhood. The proposed increase in lot coverage seems almost negligible but does not reflect the perception of the property use being intensified. A 3-story addition in the proposed location is overwhelming to the property. Perhaps modification to the location and/or scope would make the project more tolerable to the neighbors.

I am always concerned about the impact on the neighborhood of the actual construction. I lived for several years with seemingly unending construction projects all around me. Each worker brings his own pick-up truck and they are parked wherever the driver can find a spot with no regard for anyone other than themselves. I have seen both plows and garbage trucks unable to drive through the tangle of parked pick-up trucks. I have been unable to park anywhere near my house on multiple occasions. Absentee homeowners have no idea how their vanity projects inconvenience the neighborhood.

I certainly understand that we all are interested in optimizing the use and enjoyment of our property. However, good neighbors know that their interest in "improving" their property IS NOT more important than others' ability to continue enjoying their own property as they have for years.

Thank you.

Susan Hopkins
204 Park Street
Portsmouth

From: mimic315@aol.com
To: [Planning Info](#)
Subject: objection to request for variance 168 Lincoln Ave.
Date: Sunday, March 26, 2023 3:45:09 PM

March 26, 2023

To the Zoning Board of Adjustment:

I am writing to state my objection to granting a variance of zoning regulation 10.321 to allow for an addition to the house at 168 Lincoln Avenue.

My reasons are that the addition as proposed would:

- impact the neighbor's property (180 Lincoln Ave.) with the 30 ft. in length, 33 ft. in height addition seriously blocking east and southeast light from the home and yard. Movement of air would also be affected by so large a structure.

- create a walled-in appearance to the property next door, thus affecting its resale value.

Variances to zoning ordinances are granted to allow owners to correct difficulties in using a particular property. It is hard to understand what difficulties are present in the current house at 168 Lincoln Ave. that require nearly doubling the size of the house, thereby creating difficulties for the property owner next door.

Sincerely,

Mary McIver
315 Richards Ave., Portsmouth, NH
603-431-6823
mimic315@aol.com

From: [Mark Moses](#)
To: [Planning Info](#)
Subject: 168 Lincoln Avenue zoning variance/ BOA
Date: Monday, March 27, 2023 6:50:54 AM

To the Portsmouth, NH Planning board of Adjustment
March 27, 2023

I am writing to request that the **variance request for 168 Lincoln Avenue be denied** as it does not conform to crucial Portsmouth Zoning Ordinances.

I am a forty-year resident of Portsmouth, residing in the general neighborhood of the 168 Lincoln St Property. After reviewing the Portsmouth City Zoning ordinances, there seem to be a few major areas that this proposed project would be in non-compliance:

1) size and scope, 2) effect on the character of this established neighborhood, and 3) no apparent reason or compelling hardship by the applicant... but negative consequences, especially to abutting neighbors, if the variance for the addition is approved.

Because the massive nature of the proposed addition, it would impose on the green space of the 168 Lincoln Avenue lot, block sunlight to abutting properties, as well as greatly compromise the abutters privacy.

The established 100+ year neighborhood of Lincoln Avenue has a great character of architecture with similar smaller yards. It is one of the few preserved Portsmouth neighborhoods of its kind. I support the zoning regulations that are in place to protect the integrity of our city, its neighborhoods and the rights of property owners. For these reasons, **I strongly support the denial of the variance for 168 Lincoln Avenue.**

Thank you for your attention and to your important work...

Respectfully,

Dr. Mark Moses

178 Highland St.

Portsmouth, NH 03801

Sent from my iPad



Sunday, March 26, 2023

City of Portsmouth

1 Junkins Avenue

Portsmouth NH 03801

Attention: City of Portsmouth Planning Board

RE: Variance Submission for an Addition to 168 Lincoln Avenue Portsmouth NH 03801

To Members of Planning Board

In having reviewed the plans submitted for the proposed addition to the Franklin residence located at 168 Lincoln Avenue in Portsmouth, it is my professional opinion as a real estate Broker, that the massing of the current project as put forward is out of character with neighboring homes and that the size and dimensions of the proposed addition will have a significant negative impact on the value and marketability of the abutting property located at 180 Lincoln Avenue.

Respectfully,

Jeff Mountjoy

Aland Realty

175 Market Street Unit 1

Portsmouth NH 03801

From: [Anne Poubeau](#)
To: [Planning Info](#)
Subject: to Zoning Board of Adjustment re: 168 Lincoln Ave
Date: Tuesday, March 28, 2023 8:36:58 AM

To the Zoning Board of Adjustment:

I am writing to express my opposition to the proposed zoning variance at 168 Lincoln Ave.

One of the purposes of zoning ordinances is to avoid overcrowding neighboring properties with excessive massing. In this case, the mass of the proposed building would not only completely wall in the neighboring property at 180 Lincoln (and certainly depreciate its property value), but it would also detract from the character of this residential neighborhood.

The variance requested by 168 Lincoln will be contrary to the public interest. The objective of zoning ordinances is to ensure that land is used in a way that benefits the community as a whole, not just the person who owns the lot. The property can reasonably be used in strict conformance with the ordinance without causing unnecessary hardship to the owners.

Finally, granting this request would definitely not encourage the appropriate and orderly development and use of land and buildings in the surrounding area.

For these reasons, I strongly urge the zoning board to reject the proposed zoning variance for 168 Lincoln Ave.

Thank you for your consideration.

Anne Poubeau

160 Bartlett Street

From: [Mary Rhiel](#)
To: [Planning Info](#)
Subject: 168 Lincoln Ave variance
Date: Monday, March 27, 2023 4:29:16 PM

Dear Members of the Board of Adjustment.

I'm writing to ask that you consider denying the variance request for a number of reasons. Primarily, the size of the addition negatively affects both the neighborhood and the abutters. I know personally that such an addition reduces privacy, sunlight, and feel of neighboring properties. That has happened to us at 550 Lincoln Ave when the new house was built on 180 Wibird St. The house towers over our backyard, blocking sun and especially eliminating all privacy in the back yard as the 2nd floor living/dining room windows peer into our space. Also, neighbors have expressed shock at how inappropriate the house is for the neighborhood. As you may know from my husband's email, we like the people very much, but if we had known how much it would tower over us, we would have objected. Thank you for your time and effort.

Sincerely,
Mary Rhiel

192 Lincoln Ave. #1
Portsmouth, NH 03801
March 28, 2023

To the Board of Adjustment:

I am writing to urge you to deny the application for a variance to 168 Lincoln Avenue.

I request denial for two main reasons.

First, in addition to requiring waivers from the ordinances, the proposed renovation and addition distinctly violate their spirit. Residential zoning ordinances are established for the good of the community, not for the benefit of an individual household. The proposed plan would make this dwelling longer than any others in the neighborhood. It would leave only 20 feet of green space behind the house, which is inconsistent with the feel of the neighborhood. The addition alone is the size of many family residences.

Second, the proposed plans infringe on the quality of life of the neighbor at 180 Lincoln Avenue. The proposed addition would block southeast sunlight and diminish air circulation, affecting the plant life of the side lawn and back yard. The mass of the building would essentially wall in the back yard of 180 Lincoln, certainly not that homeowner's desire. These aesthetic and ecological changes would diminish the neighbor's daily experience and reduce the appeal of 180 Lincoln to future potential buyers.

I also take issue with several of the statements in the application.

"Literal enforcement would prevent the owners from raising their family and meeting the challenges of the foreseeable future in a fully functional 21st century home."

This seems a grandiose and somewhat melodramatic statement. It is understandable that the homeowners should want more space for times when all members of the family need to work or study at home. However, the proposed plans outline an oversized solution, creating permanent encroachment for an occasional and short-term problem that many families manage to weather—even if temporarily strained.

The application makes statements about the need to accommodate visitors: **"Two bedrooms are being added so that family and guests can stay with us when visiting. Both of our families live out of state and enjoy visiting New Hampshire and seeing us. We have previously hosted Rwandan medical residents who spent up to 8 weeks working with Mark in the ICU where they gain skills to bring back to home."**

Again, the proposal seems like an oversized reaction to an occasional and short-term need. Of course, it is wonderful to be able to have family together during visits, and admirable to advance medical expertise in Rwanda. These goals tug at all our heartstrings. However, staying in a nearby hotel or short-term rental, while less convenient, could hardly be considered a hardship. The savings gained from a more modest solution would cover the costs of lodging or short-term rentals for visitors for several years.

The applicants' desire for energy efficiency is commendable. **"The addition will improve the energy efficiency of the home with new windows, doors, and a new heating system."**

The improvements described are irrelevant to this application. Such improvements can be made to the existing structure, or to a smaller addition. This goal does not itself require variance and should not be considered as supporting the application.

“The renovations and additions to the house and property will enhance this corner lot, making the neighborhood more desirable to live in.”

This is certainly a matter of opinion. I think we’ve all had the experience of walking or driving by a huge house that seems to fill its lot, thinking that the house looks awkward or inappropriate. One might argue that normal-sized homes nearby will actually look smaller and less desirable by comparison. In particular, the walled-off feeling of the lot at 180 Lincoln Avenue will certainly decrease that home's attractiveness and desirability.

Please deny this request for variance.

Thank you for considering my comments.

Judith Rubenstein
192 New Castle Avenue
Portsmouth

From: [Jonathan Sandberg](#)
To: [Planning Info](#)
Subject: 168 Lincoln Street
Date: Monday, March 27, 2023 7:48:49 PM

Dear Zoning Board of Adjustments,

I am writing to request that the Zoning Board of Adjustments deny relief from the zoning ordinance for the property at 168 Lincoln Street. If we should have zoning ordinances at all, they should most certainly be enforced in this instance.

What is being requested is completely out of scale and character with the rest of the houses in this neighborhood and would impose hardships on the neighboring properties by cutting off sunlight and air.

Please enforce the zoning ordinance and deny this request.

Thank you,

Jonathan Sandberg
160 Bartlett Street
Portsmouth

From: [Hannah Feintuch](#)
To: [Planning Info](#)
Subject: variance request for 168 Lincoln Avenue, meeting
Date: Sunday, March 26, 2023 3:46:43 PM

March 26, 2023

Reference: variance request for 168 Lincoln Avenue, meeting Wednesday, March 29, 2023

Dear Board Member,

I am writing to ask you to reject the application for a variance for 168 Lincoln Avenue.

I have a vested interest in this decision as the daughter of the owner and future beneficiary of 180 Lincoln Avenue, the abutting property.

I grew up next door at 180 Lincoln Avenue, attended the Portsmouth Schools, maintain Portsmouth friendships, and come home often. This Little Harbour neighborhood has undergone development and change, but I hope the city's goal is to maintain the character and scale by abiding by the zoning laws that are designed to do just that.

The proposed addition to 168 Lincoln is larger – much larger – than the lot is zoned for. The proposed addition is the size of a house. The length, 67', and height, 33' would be massive on a 105' lot.

The word “mega-mansion” isn't a positive association for a 400-year-old city that prides itself on “charm.”

This proposal shows no consideration for the property next door.

Portsmouth can do better.

Thank you.

Sincerely,
Hannah Feintuch

180 Lincoln Avenue
Portsmouth, NH 03801

John and Dryden Robertson
139 Sherburne Ave
Portsmouth, NH 03801

To the Zoning Board of Adjustment:

We have lived at 139 Sherburne Avenue since 1994. We received the Abutter's notice in regards to a "variance from section 10.321" by the Franklins, for 168 Lincoln Avenue. Please consider denying the request, which does not conform to Portsmouth Zoning Ordinances.

The proposed addition is too large for the lot, which violates the spirit of the zoning ordinance.

- The proposed addition is 30' length x 26' width x 33' height.
- The final house would be 67' length, longer than any house in the neighborhood.
- The proposed addition leaves 20' of greenspace behind the house, which is contrary to the feel of this residential neighborhood.
- Increased impermeable lot coverage impacts storm water run-off
- The proposed addition is the size of a typical townhouse or 3 story New Englander

The neighbor (180 Lincoln) would be negatively affected.

- Southeast sunlight would be blocked and air circulation would be diminished. Plants, trees, bushes and grass in their yard would be affected.
- The mass of the building (67' long 33' high) would essentially wall-in their backyard.
- Privacy in the backyard would be compromised.
- The proposed addition would not be a selling point.

There are no special conditions of this property that distinguish it from other properties in the area.

- The property CAN reasonably be used in strict conformance with the ordinance without causing unnecessary hardship.
- The property currently accommodates a house that is over 2,388 square feet with a detached 2 car garage.
- The property had been a family home for 120 years

Sincerely,
Dryden Robertson

10.321

Nonconforming Buildings and Structures

A **lawful nonconforming building** or **structure** may continue and be maintained or repaired, but may not be extended, reconstructed or enlarged unless such extension, reconstruction or enlargement conforms to all the regulations of the district in which it is located.

From: [Cindy Brown](#)
To: [Planning Info](#)
Subject: Massive addition variance requested, please deny
Date: Monday, March 27, 2023 7:49:27 PM

To Zoning Board of Adjustment:

Please consider denying the request for a variance to 168 Lincoln Avenue, Portsmouth, NH which does not conform to Portsmouth Zoning Ordinance, Section 10.321. There is no hardship associated with this proposed expansion.

The massive scale of this addition is symptomatic of the overbuilding occurring in many established Portsmouth neighborhoods. This level of expansion creates a structure out of character with the rest of the neighborhood. Such a large-scale expansion also has negative impacts on abutters in economic, privacy and aesthetic terms. Worst of all, such a large scale expansion compromises the architectural and design integrity of a 100-year old, well established, Portsmouth neighborhood.

We offer you some specifics:

The proposed addition is too large for the lot, thus violating the spirit of the zoning ordinance.

- The proposed addition is 30' length x 26' width x 33' height.
- The final house would be 67' length, longer than any house in the neighborhood.
- The proposed addition is the size of a typical townhouse or 3 story New Englander.

There are no special considerations of this property that distinguish it from other properties in the area.

- The property CAN reasonably be used in strict conformance with the ordinance without causing unnecessary hardship.
- The property currently accommodates a house that is over 2,388 square feet with a detached 2-car garage.
- When applicants bought the property they knew of the limitations imposed by city zoning ordinances.

Chris and Cynthia Brown
45 Pleasant Point Drive
Portsmouth, NH 03801
03/27/2023