

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

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

**7:00 P.M.**

**May 23, 2023**

**AGENDA**

<p><b><u>PLEASE NOTE:</u> DUE TO THE LARGE VOLUME OF AGENDA ITEMS SCHEDULED FOR MAY 16, 2023, THE BOARD VOTED TO POSTPONE CONSIDERATION OF NEW BUSINESS ITEMS (III.) C. THROUGH J. TO THE MAY 23, 2023 BOARD OF ADJUSTMENT MEETING.</b></p>
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**III. NEW BUSINESS** *(Continued from May 16, 2023)*

- C.** The request of **Peter Gamble (Owner)**, for property located at **170 Aldrich Road** whereas relief is needed to demolish the existing garage and construct a new garage which requires the following: 1) Variance from Section 10.521 to allow a) 7 foot right side yard where 10 feet is required; and b) 23% building coverage where 20% is allowed. Said property is located on Assessor Map 153 Lot 21 and lies within the Single Residence B (SRB) District. (LU-23-47)
- D.** The request of **Shawn Bardong and Michiyo Bardong (Owner)**, for property located at **39 Dearborn Street** whereas relief is needed to demolish the existing shed and construct a two-story addition which requires the following: 1) Variance from Section 10.521 to allow a) 5 foot front yard where 15 feet is required; and b) 2 foot right side yard where 10 feet is required. 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed, or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 140 Lot 3 and lies within the General Residence A (GRA) and Historic District. (LU-23-5)
- E.** The request of **Thomas Rooney (Owner)**, for property located at **29 Spring Street** whereas relief is needed to install two mechanical units in the rear of the primary structure which require the following 1) Variance from Section 10.515.14 to allow a) 7-



foot side yard where 10 feet is required; and b) 4 foot rear yard where 10 is required. Said property is located on Assessor Map 130 Lot 21 and lies within the General Residence A (GRA) District. (LU-23-55)

*\*Please note the original notice had an error. The mechanical units are proposed to be located in the rear of the primary structure not the garage as previously advertised.\**

- F. REQUEST TO BE HEARD AT END OF MEETING** The request of **Scott Day and Marta Day (Owners)**, for property located at **18 Walden Street** whereas relief is needed to install a mechanical unit which requires a variance from Section 10.515.14 to allow a) 4 foot side yard where 10 feet is required; and b) 2 foot front yard where 10 feet is required. Said property is located on Assessor Map 101 Lot 20 and lies within the General Residence B (GRB) and Historic District. (LU-23-52) **REQUEST TO BE HEARD AT END OF MEETING**
- G.** The request of **The Islamic Society of the Seacoast Area ISSA (Owner)**, and **Chinburg Development, LLC (Applicant)**, for property located at **686 Maplewood Avenue** whereas relief is needed to construct four (4) duplexes and one (1) single living unit to create a total of nine (9) living units which requires the following: 1) Variance from Section 10.440, Use # 1.30 to permit four (4) two-family unit structures where they are not permitted, 2) Variance from Section 10.513 to permit five (5) free standing buildings with dwellings where not more than one is permitted, 3) Variance from Section 10.520 to allow a) 6,975 square feet of lot area per dwelling unit where 15,000 square feet is required; and b) 47 feet of frontage where 100 feet is required. Said property is located on Assessor Map 220 Lot 90 and lies within the Single Residence B (SRB) District and the Highway Noise Overlay District. (LU-23-57)
- H.** The request of **Carl Krukoff (Owner)**, for property located at **3360 Lafayette Road** whereas relief is needed to convert a two bay garage into a third living unit which requires the following: 1) Variance from 10.521 to allow 8,002.5 square feet per dwelling unit where 15,000 square feet is required, 2) Variance from 10.331 to allow a non-conforming use to be extended or enlarged without conforming to the requirements of the Zoning Ordinance, 3) Variance from section 10.440 Use #1.51 to allow three (3) dwelling units where one (1) is permitted. Said property is located on Assessor Map 297 Lot 12 and lies within the Single Residence B (SRB) District. (LU-23-59)
- I.** The request of **John Heath and Michael Meserve (Owners)**, for property located at **955 Woodbury Avenue** whereas relief is needed to construct a shed which requires a Variance from Section 10.571 to allow an accessory structure to be located closer to a street than the principal building. Said property is located on Assessor Map 219 Lot 33 and lies within the Single Residence B (SRB) District. (LU-23-56)

- J.** The request of **Shantar Zuidema** and **Abby Zuidema (Owners)**, for property located at **126 Burkitt Street** whereas relief is needed to demolish the existing 10 foot by 16 foot deck and replace with a 6 foot by 4 foot enclosed porch which requires the following: 1) Variance from Section 10.521 to allow a 6 foot right side yard where 10 feet is required, and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 159 Lot 28 and lies within the General Residence A (GRA) District. (LU-23-61)

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

#### **V. ADJOURNMENT**

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

[https://us06web.zoom.us/webinar/register/WN\\_niyldzjfjR2uzlM1gBkRorA](https://us06web.zoom.us/webinar/register/WN_niyldzjfjR2uzlM1gBkRorA)

### III. NEW BUSINESS

- C. The request of **Peter Gamble (Owner)**, for property located at **170 Aldrich Road** whereas relief is needed to demolish the existing garage and construct a new garage which requires the following: 1) Variance from Section 10.521 to allow a) 7 foot right side yard where 10 feet is required; and b) 23% building coverage where 20% is allowed. Said property is located on Assessor Map 153 Lot 21 and lies within the Single Residence B (SRB) District. (LU-23-47)

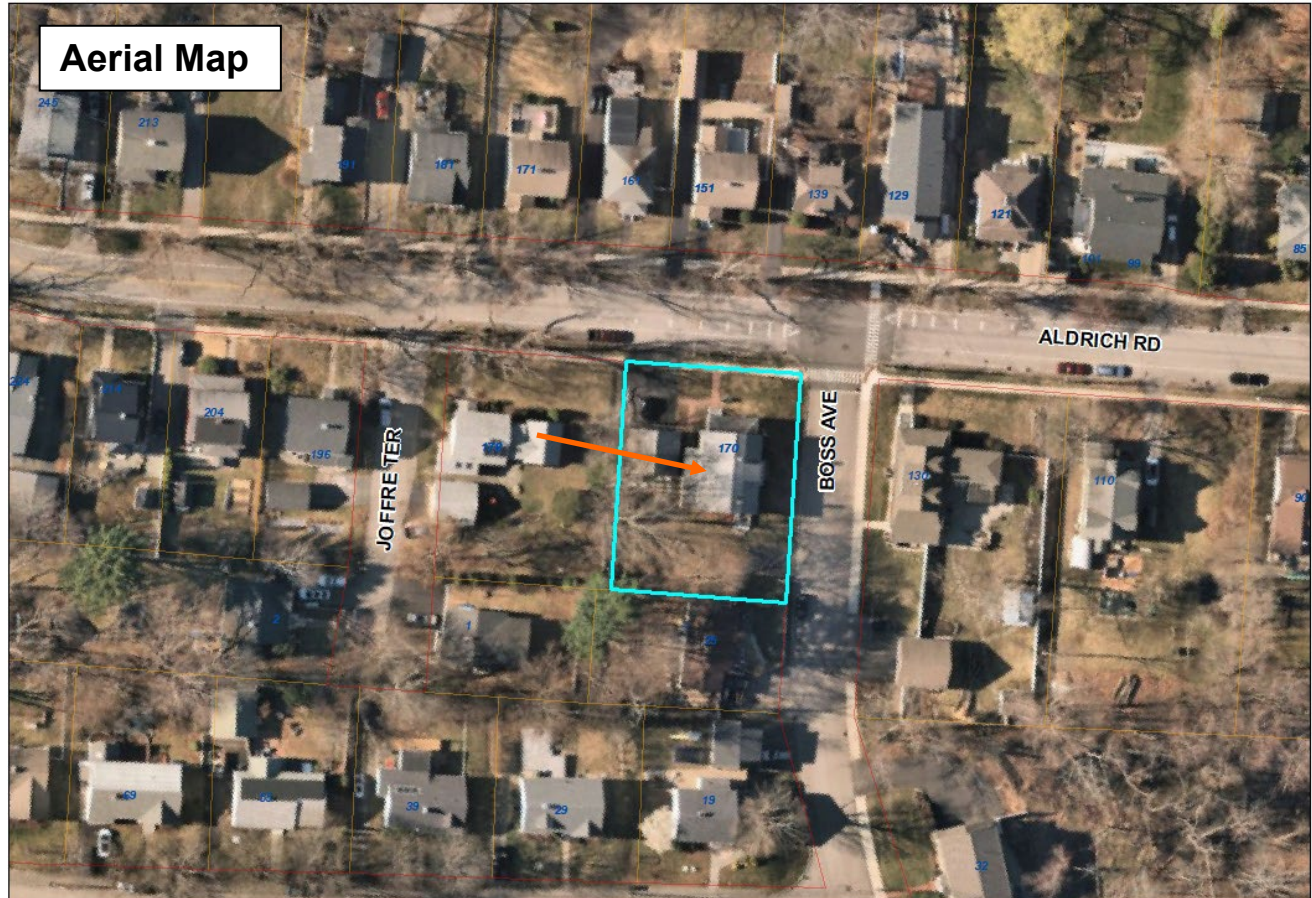
#### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Two-family	Demo garage and construct new	Primarily residential
<u>Lot area (sq. ft.):</u>	10,912.5	10,912.5	1,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	10,912.5	10,912.5	1,500 min.
<u>Lot depth (ft.):</u>	120	120	100 min.
<u>Street Frontage (ft.)</u>	215	215	100 min.
<u>Primary Front Yard (ft.):</u>	22	22	30) min.
<u>Left Yard (ft.):</u>	15	15	10 min.
<u>Right Yard (ft.):</u>	7	<b>7</b>	10 min.
<u>Rear Yard (ft.):</u>	46	46	30 min.
<u>Height (ft.):</u>	<24	24	35 max.
<u>Building Coverage (%):</u>	20.6	<b>23</b>	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1930	<b>Variance request(s) shown in red.</b>	

#### Other Permits/Approvals Required

- Building Permit

## Neighborhood Context



170 Aldrich Road



### Previous Board of Adjustment Actions

September 5, 1978 – The Board of Adjustment granted the application to construct a garage on a lot whose frontage is 50' where 100' is required and whose area is 6,000 s.f. where 20,000 s.f. is required.

### Planning Department Comments

The applicant is requesting relief to demolish the existing garage and construct a new garage with a slightly larger footprint. The existing garage received variances for construction in 1978 when there were two separate lots. The properties have since been merged to create one lot which explains the discrepancy in the sought dimensional relief.

### Variance Review Criteria

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

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*

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

### **10.235 Certain Representations Deemed Conditions**

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

Dear Board of Adjustment members,

My name is Peter Gamble and have resided at 170 Aldrich Road Portsmouth, NH for 15 years. I come before you to seek relief to expand my existing 24 X 24 garage. My proposal is to construct a 26 X 30 garage with a second floor for the purpose of creating more useable space for storage, garage parking, workshop space, and workout/recreational space. The current garage was permitted on August 4, 1978, showing a 12' side setback requiring no variance yet with the advent of geo mapping the tax map, as of last year, was showing a 4' side setback. Through my research and the hiring of Ambit Engineering to conduct a property survey the side setback is now showing 9'. I have shared this information with James Mccarty (GEO Mapping) to help adjust tax map discrepancies and provide more accurate GEO Mapping. I also discussed this project with Paul Garand, Asst Building Inspector. He noted that to ensure proper foundation and footings for the new structure, the best course of action may be to demo and reconstruct around the outside of the existing footprint which is part of this proposal. I am including a shower/bathroom on the garage second floor as part of the workout/recreational room with no intentions of creating a living space. My property is already a two-family dwelling with the second dwelling unit reserved for my children and their families.

I am seeking a variance from Section 10.521 to allow a side setback of 7 feet where 10 is required and 22.4% building coverage where 20% is the maximum allowed.

With respect to the 5 guiding criteria:

1. The variance will not be contrary to the public interest; The project is inline with the public interest as the structure was permitted in accordance with the ordinance in 1978 and this new proposal improves upon the current structure as well as shows accurate side setbacks.
2. The spirit of the Ordinance will be observed; The spirit of the Ordinance will be observed as this project is in line with the current use of the property and consistent with surrounding properties.
3. Substantial justice will be done; Substantial justice will be done as this proposal will improve upon the existing permitted garage and allow for needed space parking, workshop, storage, and workout/recreational area.
4. The values of surrounding properties will not be diminished; This project will increase the values of surrounding properties.
5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship; Because this was a permitted garage already, in line with neighborhood improvements and in the spirit of the ordinance, not granting relief would results in a hardship.

I thank you all for taking the time to review my application and I look forward to meeting you all in person.

Sincerely,  
Peter Gamble



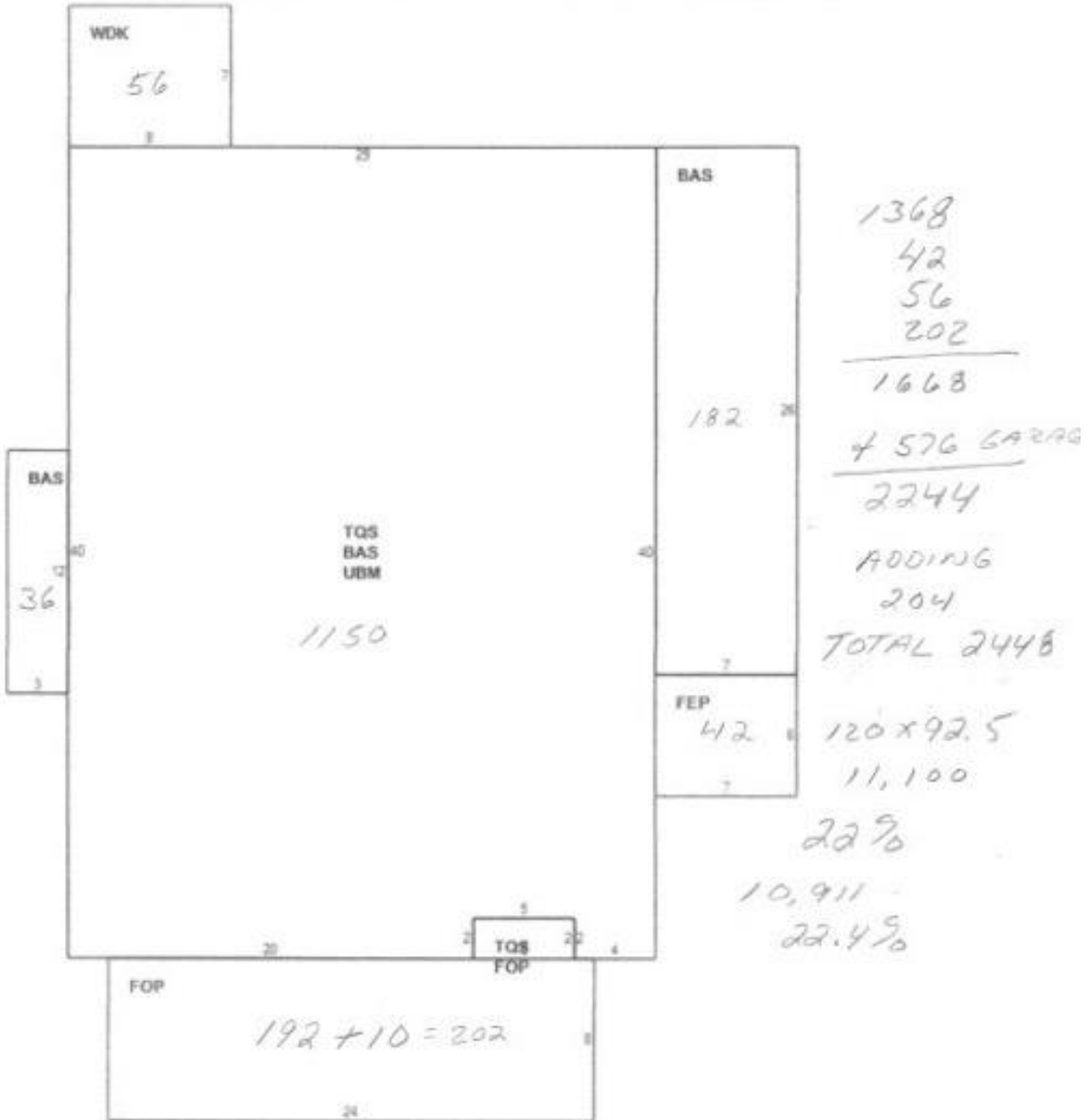








# Building Layout



CITY OF PORTSMOUTH

APPLICATION FOR BUILDING PERMIT  
OR CHANGE IN LAND USE

DATE Aug 4 1978  
EST COST 1 5,700  
FEE 18,000  
PAID check - 00

OWNER MURRAY D LEVY PHONE 436-4517 8/4/78

ADDRESS 170 ALDRICH RD

Location of Work 170 ALDRICH RD Plan # 46A Lot # 23  
Size of Lot Frontage 92' Depth 120 Zone SR II

Present Use of Land or Building LAWN  
Number of Units on Property 1-2 car garage  
Proposed Use of Land or Building New 2 car garage  
Number of Units to be Utilized \_\_\_\_\_

Contractor's Name ART SPAIN Address Greenland RD  
Business Phone 436-0631

Size of Present Bldg. \_\_\_\_\_ x \_\_\_\_\_ No. of stories \_\_\_\_\_  
Size of Proposed Bldg. 24' x 24 No. of stories 1

Front Setback 35' Right Side Setback 12'  
Left Side Setback 80' Rear Setback 61'

Construction \_\_\_\_\_

General Information I'm building a 2 car garage  
since the one I had on Boss Ave will  
have to be torn down in a year or two.

I certify that the information given is true and correct to the best of my knowledge. No change from the above information will be made without approval of the Building Inspector. Construction will not begin until Building Permit is issued.

SUBJECT TO CODE REQUIREMENTS

Murray Levy  
Signature of Applicant

If not Owner, state relationship \_\_\_\_\_

- |                    |                                    |  |
|--------------------|------------------------------------|--|
| Date <u>8/8/78</u> | 1. Variance _____                  | Zoning <input checked="" type="checkbox"/>                 |
|                    | 2. Spec. Exc. _____                | Disapproved <input checked="" type="checkbox"/> <u>RVI</u> |
|                    | 3. Historic District _____         | Approved <input checked="" type="checkbox"/>               |
|                    | 4. Bldg. Code Bd. of Appeals _____ |  |
|                    | 5. Site Review _____               |  |

Reason Lot does not meet requirement of Art III Sec 10-301(2)  
Fire Department Approval \_\_\_\_\_ K. Hutchinson

age - 18' x 18' - Boss Ave Side of lot garage going on other lot  
Signed Paul Sampson Chief Building Inspector  
39' x 30' Present Building



BOARD OF ADJUSTMENT  
CITY HALL  
PORTSMOUTH, NEW HAMPSHIRE

September 19, 1978

Morris D. Levy  
170 Aldrich Road  
Portsmouth, N. H. 03801

RE: 170 Aldrich Road

The Board of Adjustment at its regular meeting of September 19, 1978, and after due public hearing completed its consideration of your application wherein you requested to be allowed to: construct a garage on a lot whose frontage is 50' where 100' is required and whose area is 6,000 s.f. where 20,000 s.f. is required. Said property is shown on Assessor Plan 46A as Lot 23 and lies within a Single Residence II District.

As a result of such consideration, it was voted that your request be granted with the following stipulations: N/A.

If your request of above has been acted upon favorably, it is necessary that you contact the Building Inspector prior to construction or change of use.

Respectfully submitted,

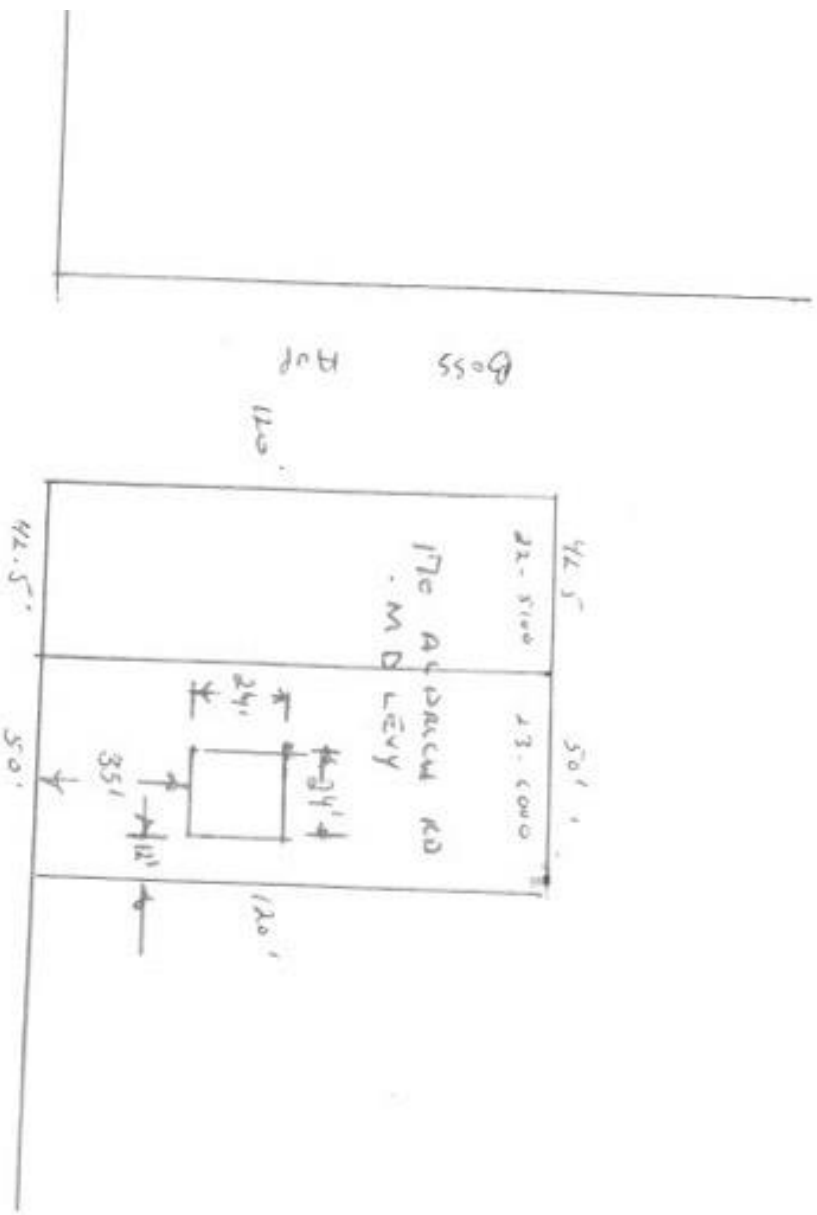
*Nancy Carey*  
CHAIRMAN, BOARD OF ADJUSTMENT

cc: Building Inspector

NOTE: Please be advised that under N.H. RSA 31:74 any person or party to the action or proceeding of the Board of Adjustment may ask for a re-hearing within twenty days of the decision or order of the Board of Adjustment.

Planning Department  
Portsmouth, N.H.  
(431-5421)

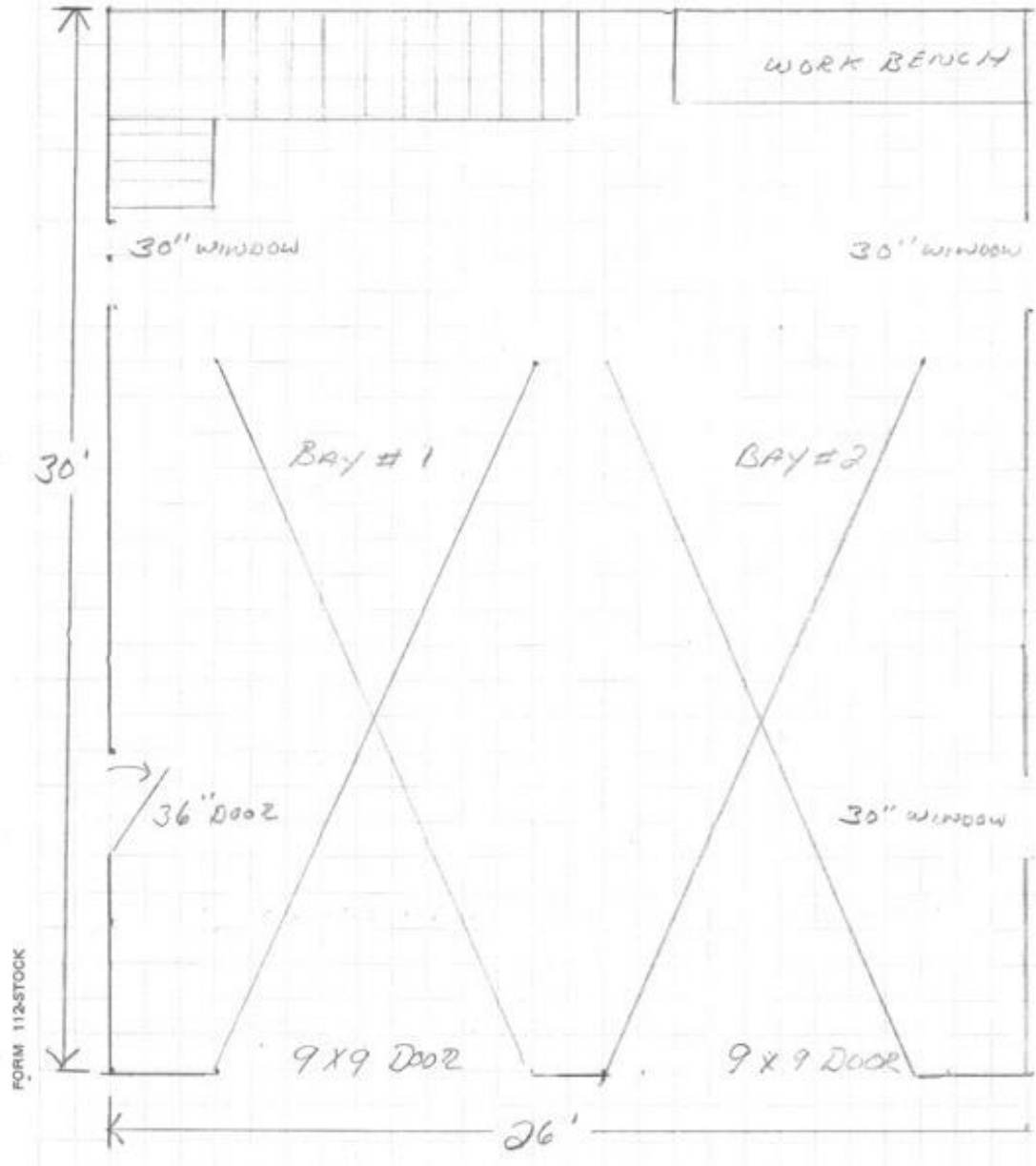
bjs



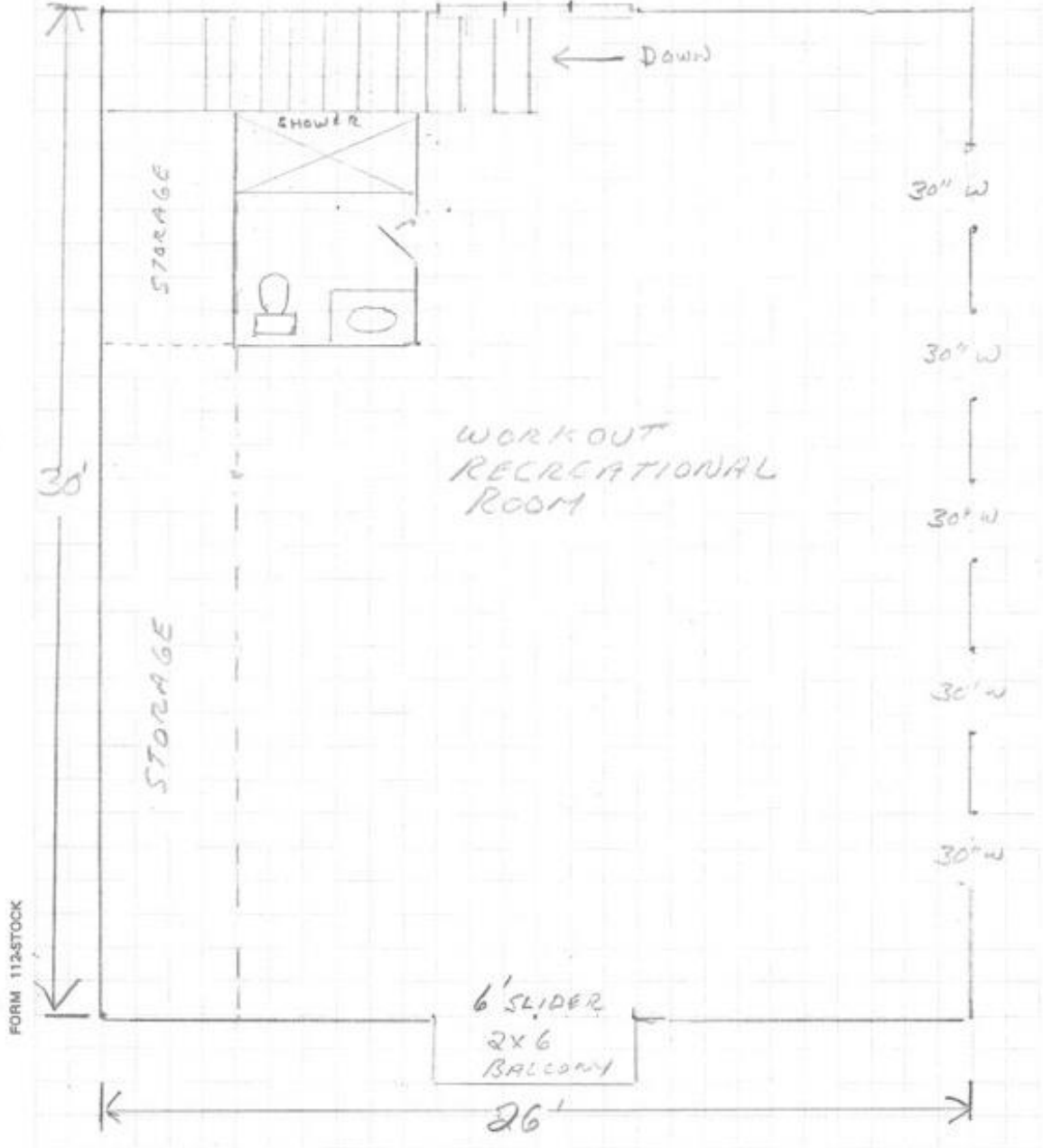
House	1170 SF
Garage	324
Proposed	576
	<hr/>
	2070 / 1100 = 1.88

6/10 avg year  
 600 per 35x16

# 1<sup>ST</sup> FLOOR GARAGE



# 2<sup>ND</sup> FLOOR GARAGE

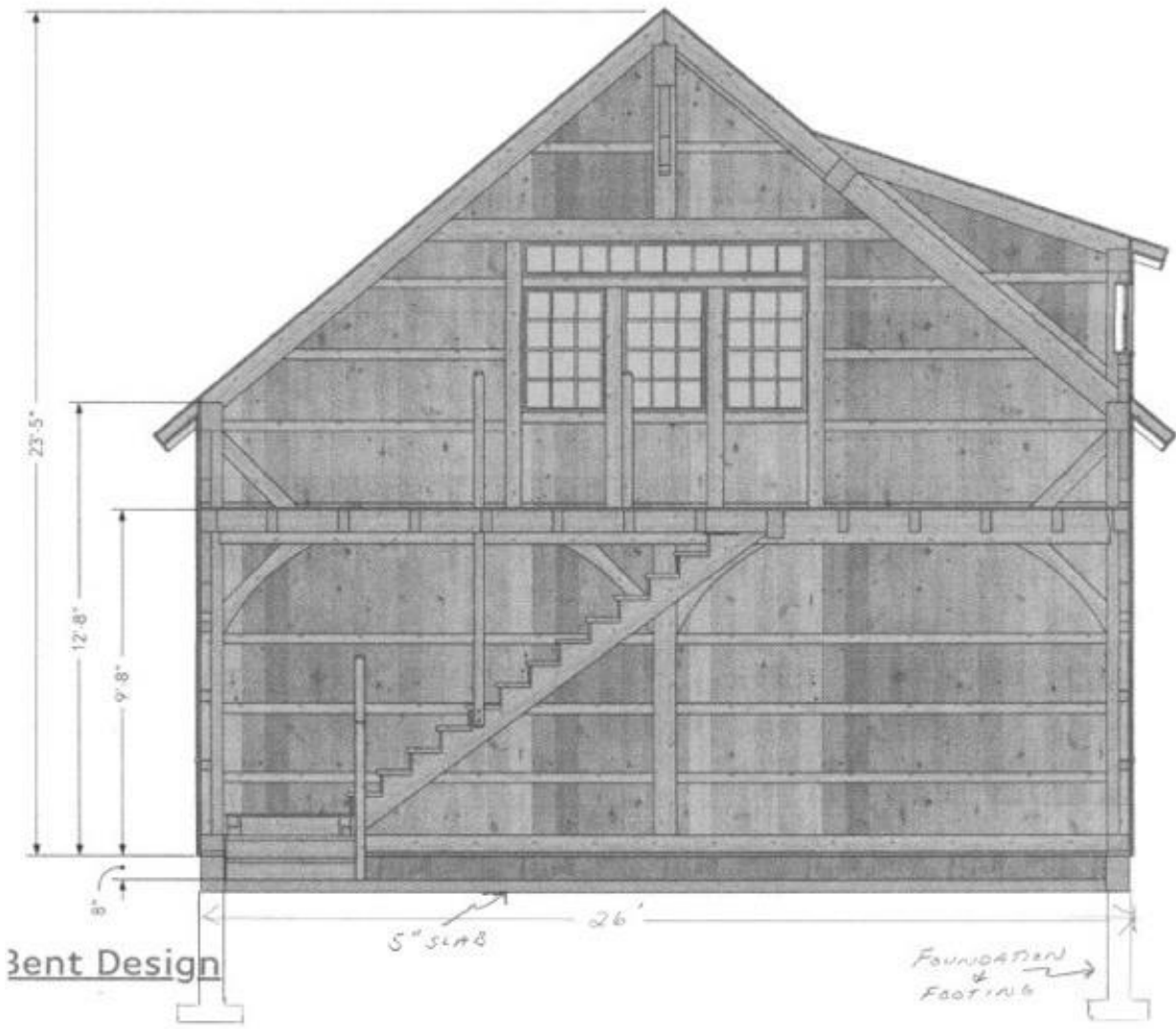


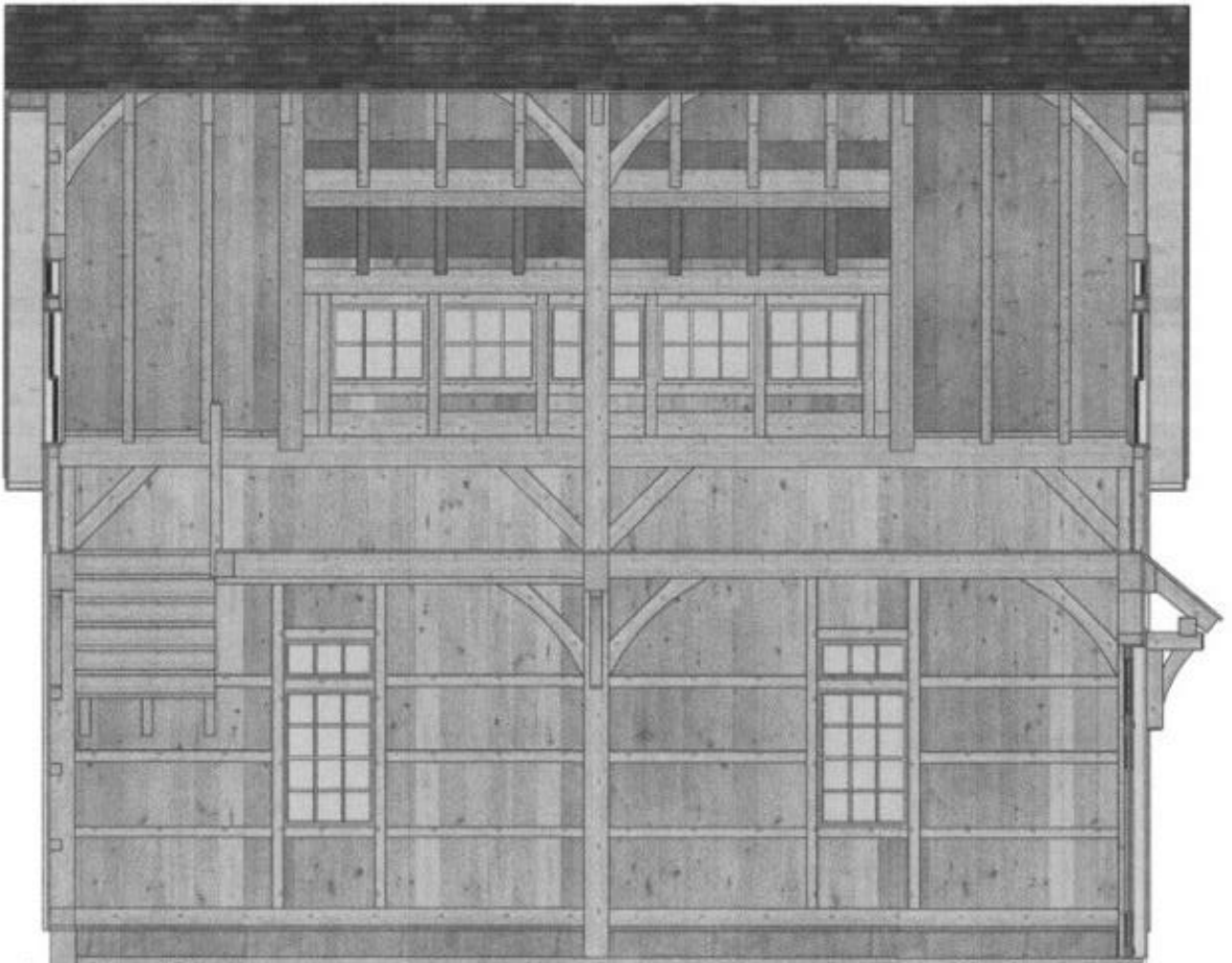
FORM 1125STOCK











Bent Design

30'

5" SLAB

FOUNDATION  
&  
FOOTING





### III. NEW BUSINESS

- D. The request of **Shawn Bardong and Michiyo Bardong (Owner)**, for property located at **39 Dearborn Street** whereas relief is needed to demolish the existing shed and construct a two-story addition which requires the following: 1) Variance from Section 10.521 to allow a) 5 foot front yard where 15 feet is required; and b) 2 foot right side yard where 10 feet is required. 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed, or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 140 Lot 3 and lies within the General Residence A (GRA) and Historic District. (LU-23-5)

#### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Expansion of livable space	Primarily residential
<u>Lot area (sq. ft.):</u>	11,236	11,236	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	11,236	11,236	7,500 min.
<u>Lot depth (ft.):</u>	60	60	70 min.
<u>Street Frontage (ft.)</u>	19	19	100 min.
<u>Primary Front Yard (ft.):</u>	5	<b>5</b>	15 min.
<u>Left Yard (ft.):</u>	114	114	10 min.
<u>Right Yard (ft.):</u>	2	<b>2</b>	10 min.
<u>Rear Yard (ft.):</u>	2	2	20 min.
<u>Height (ft.):</u>	22.5	24.5	35 max.
<u>Building Coverage (%):</u>	13	17.2	25 max.
<u>Open Space Coverage (%):</u>	>50	>50	30 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1700	Variance request(s) shown in red.	

#### Other Permits/Approvals Required

- Building Permit
- HDC



## Neighborhood Context



0 25 50 100 Feet  
1 inch = 58.4 feet

**39 Dearborn Street**



### Previous Board of Adjustment Actions

August 26, 2008 – The Board **postponed** to September the request to construct a 7'10" by 13'9" shed which required the following relief:

- 1) 4'± left side yard setback where 10' was required; and
- 2) 65'± setback to salt water marsh or mean high water line where 100' was required.

September 16, 2008 – the above petition was **postponed** to October.

October 21, 2008 – The above petition was **amended** as follows and **postponed** to the November 18, 2008 meeting:

- 1) 5'± front setback where 15' was required was added

November 18, 2008 – The above petition was **withdrawn** by the applicant.

March 17, 2015 – The Board **postponed** the petition to construct a 100 s.f. shed in the front yard and an 8' x 13' single story addition, as well as adding shed dormers was to the April meeting.

April 21, 2015 – The Board **granted** variances for the above petition, with the shed reduced to 12' x 18'. Which required the following relief

- 1) a 5' front yard where 15' was required;

- 2) a 5' right side yard where 10' was required;
- 3) a 3' rear yard where 20' was required and
- 4) an accessory structure to be located in a required front yard.

The variances were **granted with stipulations** regarding the following:

- a) the dimensions, construction and uses of the granted accessory structure;
- b) no flood lights on the accessory structure;
- c) the creation of an approximate 2,018 s.f. View Easement Area with specified components, rules regarding trees and vegetation, and removal of a utility trailer; and
- d) the review of the Planning Department, prior to issuance of a building permit, of the final building and site plans and determination that the plans and elevations were in compliance with the stipulations.

August 27, 2019 – The Board voted to **granted** the following variance for the installation of a wall mounted outdoor AC condenser:

- 1) To allow a 2'6" right side setback where 10' is required.

February 22, 2023 – The Board **granted** the application for constructing a second story over the existing 1.5 story building, removing, and expanding the front porch, and removing and expanding the existing mudroom on the eastern side of the structure which requires the following:

- 1) Variance from Section 10.521 to allow
  - a) 2 foot rear yard where 20 feet is required
  - b) 9 foot side yard where 10 feet is required
- 2) Variance from Section 10.321 to allow the extension and enlargement of a non-conforming structure.

### **Planning Department Comments**

The applicant is requesting relief to remove the existing accessory structure and construct an addition to the primary structure.

The applicant had previously obtained relief for this project in February however, after further review by the Historic District Commission, the applicant is now proposing a new design which requires different relief.

### **Variance Review Criteria**

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

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

**AND**

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

**OR**

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

### **10.235 Certain Representations Deemed Conditions**

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



Portsmouth, NH - Board of Adjustment  
Variance Statement for: 39 Dearborn Ext.

Date: 04.13.23

Chairman of the Board of Adjustment  
C/O Planning Department City of Portsmouth  
1 Junkins Ave.  
Portsmouth, NH 03801

To The Chairman of the Board of Adjustment,

Please find this statement as addressing the requirements for a variance on the proposed project located at 39 Dearborn Ext.

Overview: The existing single-family structure was purchased by the current owners, Shawn and Michiyo Bardong as a home in our community with their three children. The renovated home will remain single-family with some much-needed additional square footage and upgrades to create a more functional home. The proposed renovation would include retaining the existing historic cape structure in existing condition, creating a glass connector between the existing historic structure and the addition for modern living that will house a family room and primary suite. We are proposing a small addition off the kitchen to house a mudroom entry that will be approached from the courtyard and parking area.

Per Section 10.233.21 – The variance will not be contrary to public interest. The house is very difficult to see from any public roadways. (I have included images for reference.) Only the direct neighbors can see the home and we will not be interrupting any views or sunlight to their structures.

Per Section 10.233.22 - The spirit of the Ordinance will be observed. With this addition / renovation we will be able to create a lovely courtyard with granite landing / steps between the driveway and house. This will finish a great deal of what has already been approved and bringing it to fruition.

Per Section 10.233.23 – Substantial Justice will be done. The existing home is already a non-conforming lot with the back setback 2'-6" and the right-side setback 2'-2". We will not be encroaching closer on any other property lines. No harm will be done to the neighborhood or community should this application be granted. We are in the process of securing an easement on the right side / back property line.

Per Section 10.233.24 - The values of the surrounding properties will not be diminished. The neighborhood is a lovely mix of historic homes, primarily colonials with additions. We have been through three HDC work sessions and they favored the connector solution to preserve the historic cape and create

separate structures for modern living that gives a nod to history and the neighboring structures.

Per Section 10.233.25 – Literal enforcement of the provisions of the ordinance would result in hardship.

- a. We are removing an existing shed / garage that currently stands 5' from the property line and while we are proposing the addition will move toward the water, we are staying as far away as possible and still provide functional living square footage. Additionally, we are also preserving a clear view of the historic cape with the glass connector. With the house already tucked into the top left corner of the property, there were very few options for the additions.
- b. The proposed ridge of the addition will be approx. 2' higher than the historic cape ridge. While considering mass and light on the property, we also acknowledge that the property itself sits approximately 4' lower than the abutters many of which are significantly taller than the proposed 22'-7" ridge line from their elevation advantage.
- c. The existing structure is not large enough for a family of five with both Shawn and Michiyo working from home. With the housing prices and lack of inventory in Portsmouth, they are willing to invest in the home and "love it back to life".

We encourage the Portsmouth Board of Adjustment to grant the variance to the Bardong Residence.

Submitted respectfully,

Amy Dutton  
Amy Dutton Home  
9 Walker Street  
Kittery, Maine 03904  
[amy@amyduttonhome.com](mailto:amy@amyduttonhome.com)  
207-337-2020

**PHOTOS OF EXISTING PROPERTY:**



**FRONT VIEW**





RIGHT SIDE VIEW





LEFT SIDE VIEW



BACK VIEW





VIEW FROM DENNET STREET





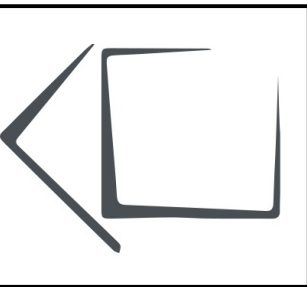
VIEW FROM DEARBORN STREET





VIEW FROM MAPLEWOOD





Number	Date	Description

## OVERVIEW

### CLIENT:

BARBONG  
39 DEARBORN EXT  
PORTSMOUTH, NH

### CONTACT:

ABRIGO HOME  
PO BOX 1564  
PORTSMOUTH, NH 03801  
201.345.6050

### DATE:

4/13/2023

COPYRIGHT © ABRIGO HOME 2022

### SCALED FOR:

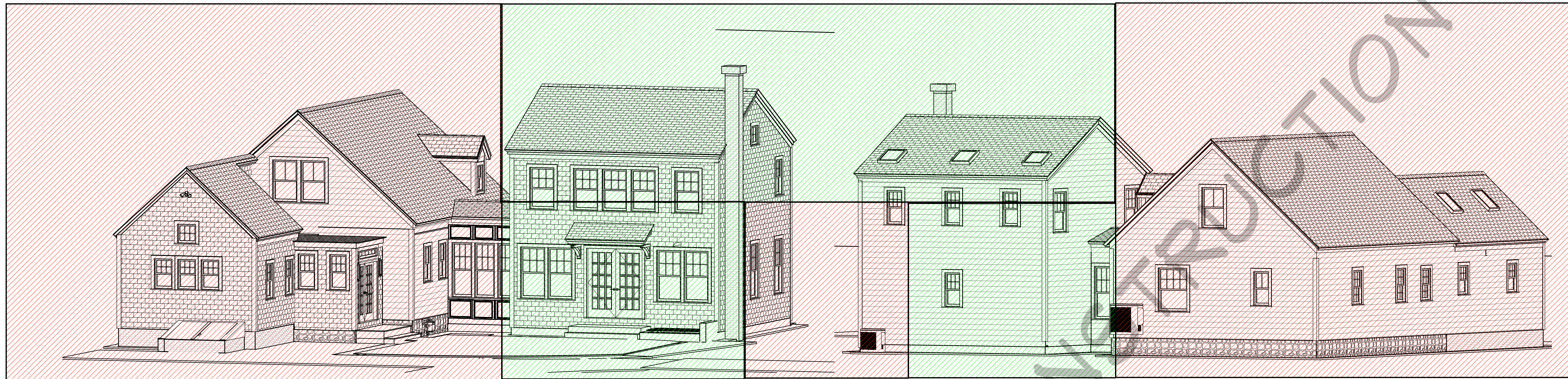
24" X 36"

### SCALE:

SEE SCALE ON DRAWINGS

### SHEET:

0-1



## OVERVIEW

SCALE: NTS

## SPECIFICATIONS + NOTES

\*ROOFING MATERIAL: Asphalt Roof (to match existing roof over kitchen)  
\*ALL TRIM PACKAGE: PVC OR BORAL  
\*SIDING: Malbec cedar lap siding and shingles  
\*BRACKETS: ProWood Market - Bracket 02T9 - P 32", H:42", T: 5.5" (Ptd: WHITE)

\*STAIR SYSTEM:  
\_EXTERIOR: Granite

\*WINDOWS:  
\_MANUFACTURER: Marvin, Elevate  
\_EXT. FINISH: White  
\_INT. FINISH: White

\*DOORS:  
\_MANUFACTURER: Broco - 4 Panel  
\_EXT. FINISH: White  
\_INT. FINISH: White

\*BATHROOMS:  
\_FLOORING - Tile  
\_TUB DESIGN - Modern  
\_SHOWER FLOOR - Tile  
\_SHOWER WALLS - Tile  
\_SHOWER HEADS - Standard & Handheld  
\_SHOWER NICHE VS. SHELVES  
\_SHOWER DOOR - 1/2" glass lead-free  
\_NOTE: MAJOR PLUMBING CHANGES

\*FLOORING:  
\_1ST FLOOR: PINE  
\_2ND FLOOR: PINE  
\_HEATED FLOOR: Primary Bath | Mudroom

\*FIREPLACE:  
\_WOOD: stove  
\_HEARTH: FLUSH  
\*MATERIAL: Soapstone

NOTES:  
\*CEILING HEIGHTS: 1ST FLOOR: 8'4" | 2ND FLOOR: 12'  
\*CORNER BOARDS: 6" TYP  
\*RAKE BOARD: 8" TYP. PVC OR BORAL. (FILLED & PAINTED)  
\*SOFFIT - BEADBOARD AZEC  
\*ROOF VENT - RIDGE VENT  
\*ARCHITECTURAL DETAIL:  
\*WINDOW TRIM: 4-1/2" TYP. PVC

@ABRIGO HOME  
DRAWINGS USED EXPRESSIVELY FOR  
DESIGN ONLY FOR NOTED CLIENT. ALL  
STRUCTURAL ENGINEERING PROVIDED BY  
OTHER.

Building contractor / home owner to review and verify all  
dimensions, specs and connections before construction  
begins.  
ELECTRICAL SYSTEM CODE: IEC 2017  
MECHANICAL SYSTEM CODE: IMC 2015  
PLUMBING SYSTEM CODE: 2021 Uniform Plumbing Code

FINAL CD SET DATE: 04.11.23

### LIVING AREA

MAIN FLOOR	1738 sqft
2ND FLOOR	992 sqft
TOTAL	2730 sqft

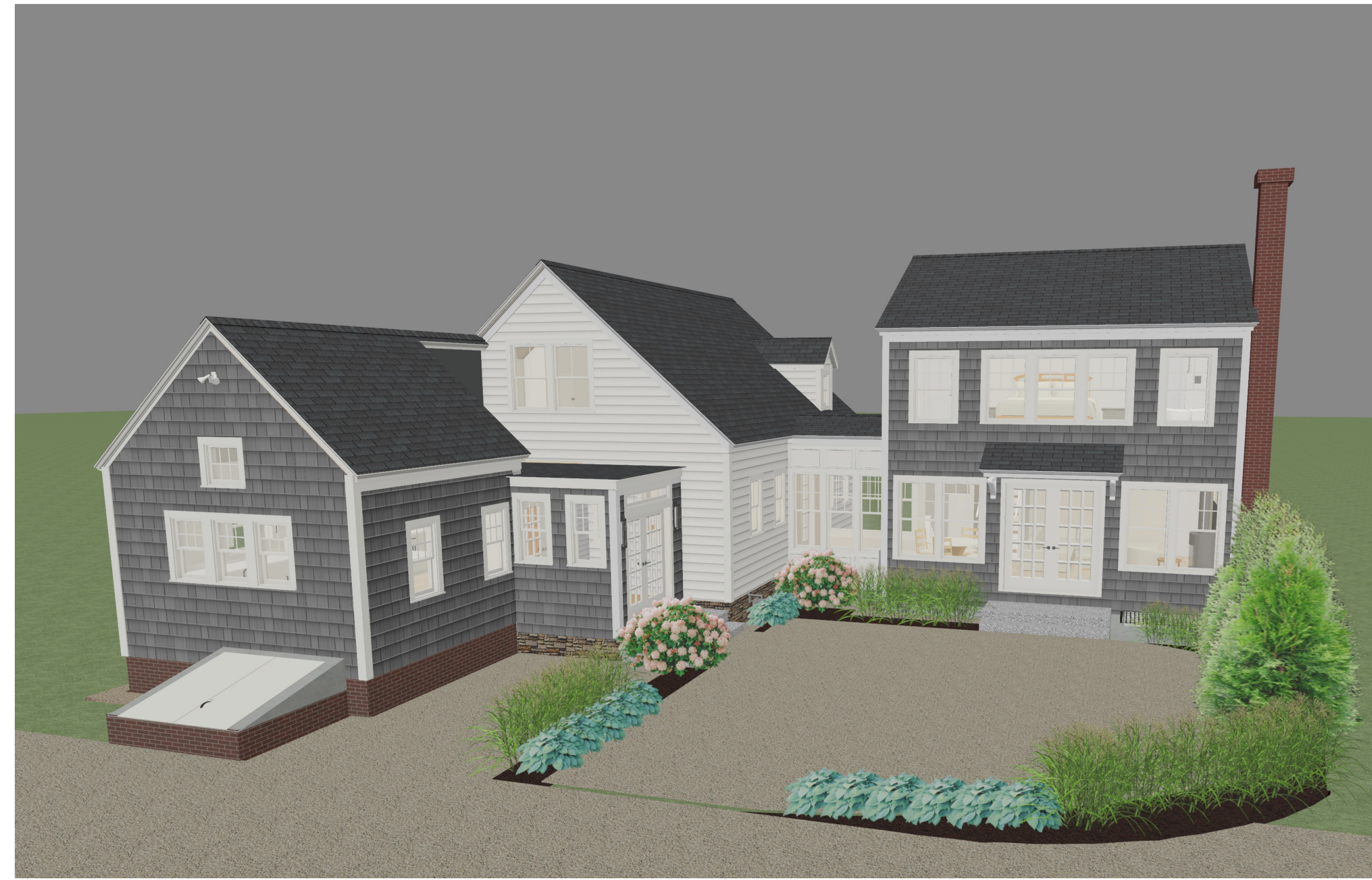
## DIM DISCLAIMER

BUILDING CONTRACTOR/HOME OWNER  
TO REVIEW AND VERIFY ALL DIMENSIONS,  
SPECS, AND CONNECTIONS BEFORE  
CONSTRUCTION BEGINS.

WALL LEGEND	
	= ADDITION
	= EXISTING

Layout Page Table	
Label	Title
O-1	OVERVIEW
G-1	GENERAL NOTES
G-2	GENERAL NOTES
G-3	GENERAL NOTES
O-2	OVERVIEW
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A2	FLOT PLAN
A3	DEMOLITION PLAN
A4	DEMOLITION PLAN
A-1	RENOVATION PLAN
A-2	FOUNDATION
A-3	FIRST FLOOR
A-4	SECOND FLOOR
A-5	ROOFS
A-6	WINDOW AND DOOR SCHEDULE
A-7	WINDOW AND DOOR SCHEDULE
A-8	ELEVATIONS
A-9	ELEVATIONS
A-10	ELEVATIONS
A-11	ELEVATIONS
A-12	ELEVATIONS
L-1	LANDSCAPE PLAN
A-13	SECTION
A-14	SECTION
A-15	SECTION
A-16	SECTION
F-1	FRAMING
F-2	FRAMING OVERVIEW
D-1	DETAILS
E-1	ELECTRICAL
P-1	PLUMBING
C-1	KITCHEN CABINETRY
C-2	BATH CABINETRY
C-3	CABINETRY
C-4	COUNTERTOP & TILE PLAN
C-5	COUNTERTOP & TILE QUANTITIES
C-6	CABINET SCHEDULE
FP-1	FURNITURE PLAN
FP-2	FURNITURE SCHEDULE





VIEW FROM WATER



VIEW FROM DEARBORN

EXISTING PROPERTY PHOTOS



HEIGHT STUDY IN RELATIONSHIP TO ABUTTER



RELATIONSHIP OF SHED TO PROPERTY LINE (ON OTHER SIDE OF FENCE)



SHED IN RELATIONSHIP TO CAPE & ENTRY

EXISTING NEIGHBORHOOD PHOTOS



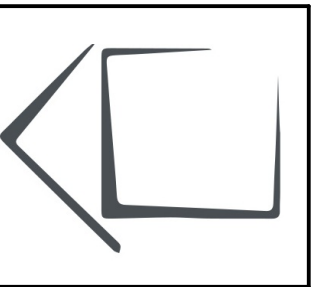
VIEW FROM DENNETT



VIEW FROM DEARBORN



VIEW FROM MAPLEWOOD



Revision Table	
Number	Description

OVERVIEW

**CLIENT:**  
 BARBONG  
 39 DEARBORN EXT  
 PORTSMOUTH, NH

**CONTACT:**  
 ABRIGO HOME  
 PO BOX 1564  
 PORTSMOUTH, NH 03801  
 201.345.6050

DATE:

4/13/2023

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SCALED FOR:  
24" X 36"

SCALE:

SEE SCALE ON DRAWINGS

SHEET:

0-2

PRELIMINARY NOT FOR CONSTRUCTION



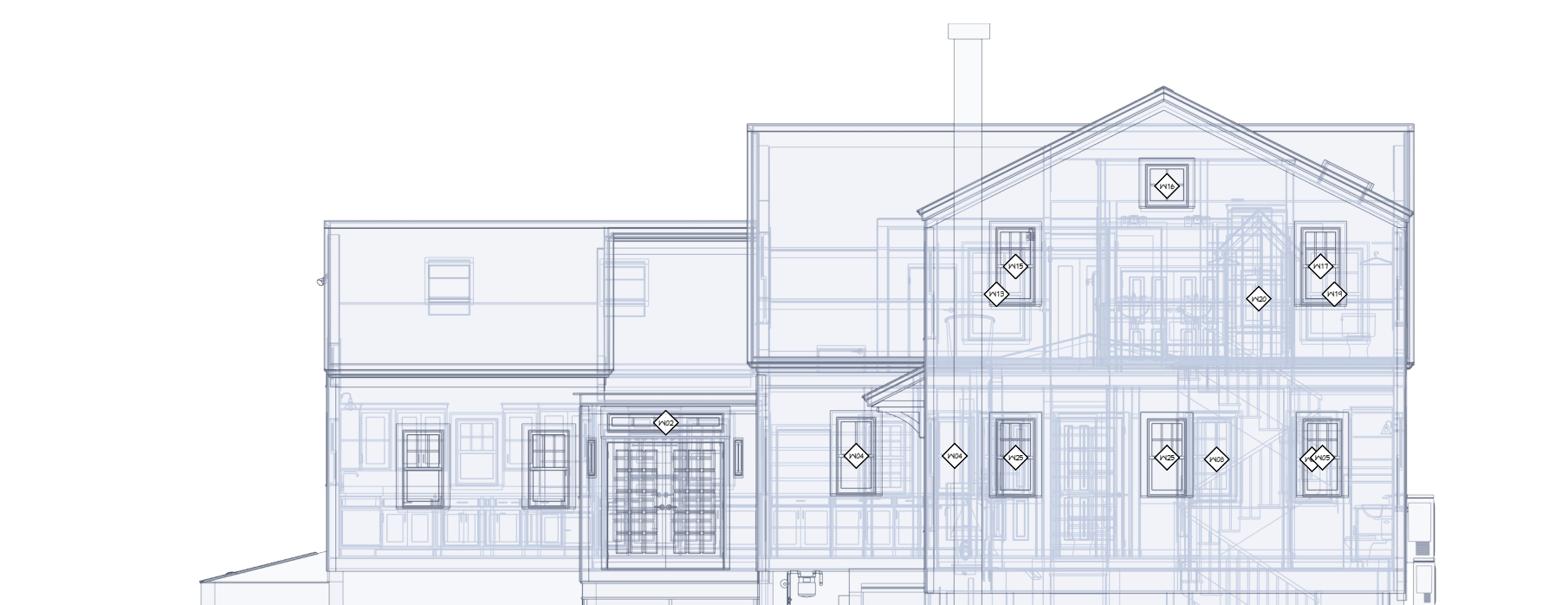


CITY OF PORTSMOUTH - MAP GEO GIS

SITE PLAN



GOOGLE SATELITE SITE

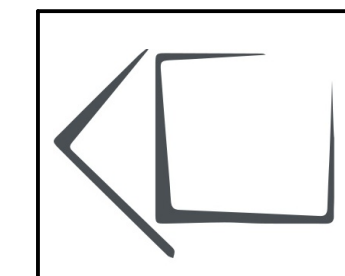


GLASS HOUSE ELEVATION FROM EAST

SCALE: 1/8" = 1'-0"

PRELIMINARY

NOT FOR CONSTRUCTION



Revision Number	Date	Description

PLOT PLAN

CLIENT:  
 ABRIGO HOME  
 39 DEARBORN EXT  
 PORTSMOUTH, NH

CONTACT:  
 ABRIGO HOME  
 PO BOX 1564  
 PORTSMOUTH, NH 03801  
 201.345.6050

DATE:

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SCALED FOR:  
 24" X 36"

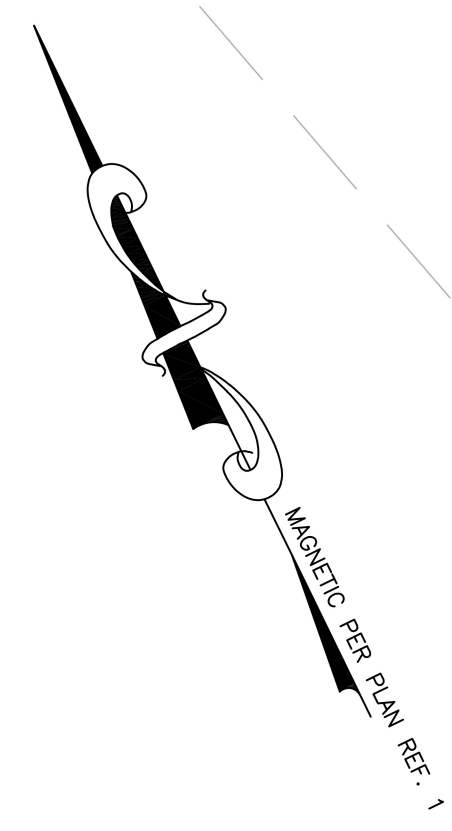
SCALE:

SEE SCALE ON DRAWINGS

SHEET:

A1



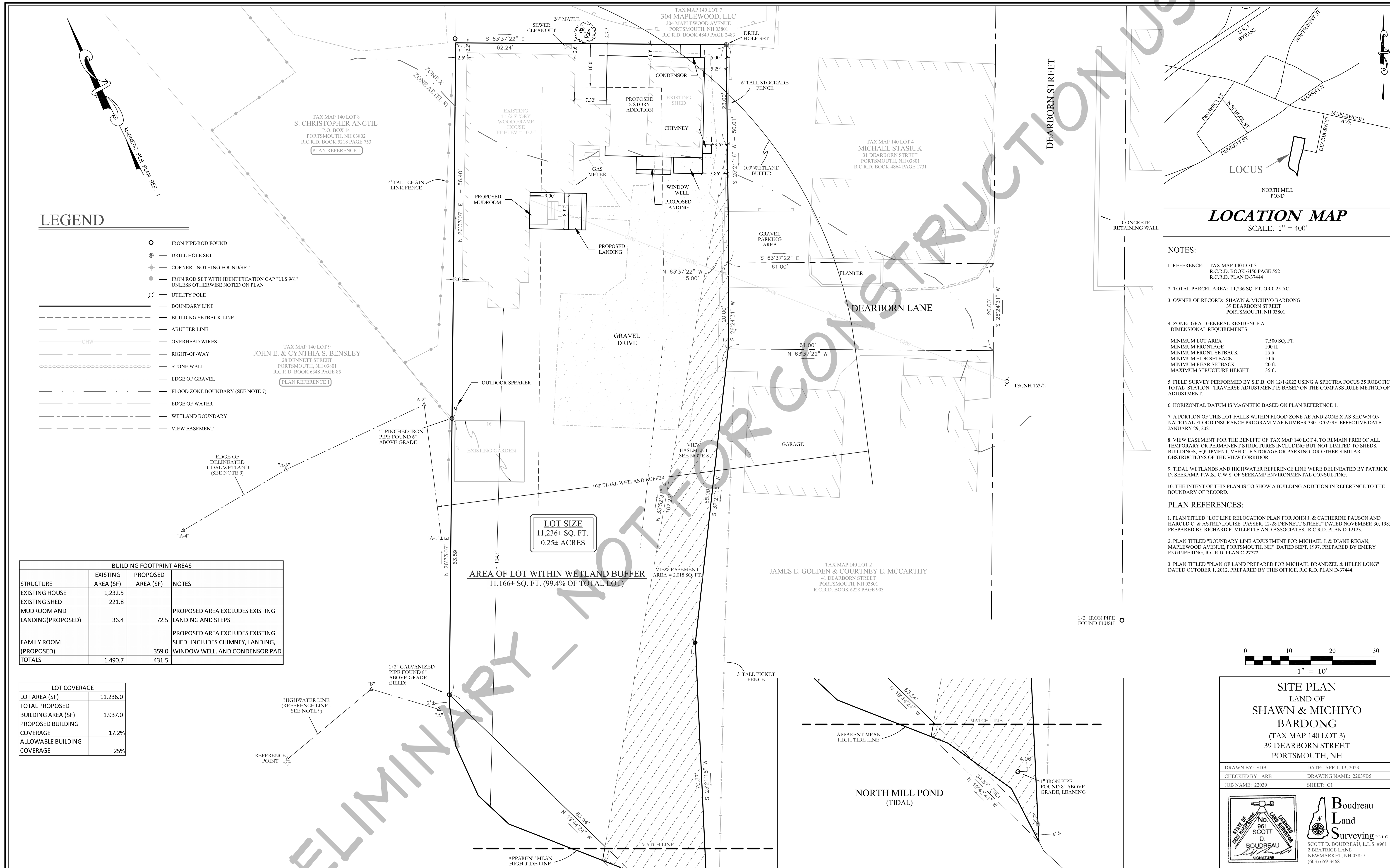


**LEGEND**

- — IRON PIPE/ROD FOUND
- — DRILL HOLE SET
- ◆ — CORNER - NOTHING FOUND/SET
- — IRON ROD SET WITH IDENTIFICATION CAP "LLS 961" UNLESS OTHERWISE NOTED ON PLAN
- ⊕ — UTILITY POLE
- — BOUNDARY LINE
- - - - BUILDING SETBACK LINE
- - - - ABUTTER LINE
- - - - OVERHEAD WIRES
- - - - RIGHT-OF-WAY
- - - - STONE WALL
- - - - EDGE OF GRAVEL
- - - - FLOOD ZONE BOUNDARY (SEE NOTE 7)
- - - - EDGE OF WATER
- - - - WETLAND BOUNDARY
- - - - VIEW EASEMENT

BUILDING FOOTPRINT AREAS			
STRUCTURE	EXISTING AREA (SF)	PROPOSED AREA (SF)	NOTES
EXISTING HOUSE	1,232.5		
EXISTING SHED	221.8		
MUDROOM AND LANDING (PROPOSED)	36.4	72.5	PROPOSED AREA EXCLUDES EXISTING LANDING AND STEPS
FAMILY ROOM (PROPOSED)		359.0	PROPOSED AREA EXCLUDES EXISTING SHED. INCLUDES CHIMNEY, LANDING, WINDOW WELL, AND CONDENSOR PAD
<b>TOTALS</b>	<b>1,490.7</b>	<b>431.5</b>	

LOT COVERAGE	
LOT AREA (SF)	11,236.0
TOTAL PROPOSED BUILDING AREA (SF)	1,937.0
PROPOSED BUILDING COVERAGE	17.2%
ALLOWABLE BUILDING COVERAGE	25%



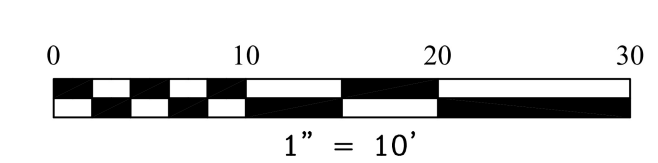
**LOT SIZE**  
11,236± SQ. FT.  
0.25± ACRES

**AREA OF LOT WITHIN WETLAND BUFFER**  
11,166± SQ. FT. (99.4% OF TOTAL LOT)



- NOTES:**
- REFERENCE: TAX MAP 140 LOT 3, R.C.R.D. BOOK 6450 PAGE 552, R.C.R.D. PLAN D-37444
  - TOTAL PARCEL AREA: 11,236 SQ. FT. OR 0.25 AC.
  - OWNER OF RECORD: SHAWN & MICHIO BARDONG, 39 DEARBORN STREET, PORTSMOUTH, NH 03801
  - ZONE: GRA - GENERAL RESIDENCE A DIMENSIONAL REQUIREMENTS:  
MINIMUM LOT AREA: 7,500 SQ. FT.  
MINIMUM FRONTAGE: 100 FT.  
MINIMUM FRONT SETBACK: 15 FT.  
MINIMUM SIDE SETBACK: 10 FT.  
MINIMUM REAR SETBACK: 20 FT.  
MAXIMUM STRUCTURE HEIGHT: 35 FT.
  - FIELD SURVEY PERFORMED BY S.D.B. ON 12/1/2022 USING A SPECTRA FOCUS 35 ROBOTIC TOTAL STATION. TRAVERSE ADJUSTMENT IS BASED ON THE COMPASS RULE METHOD OF ADJUSTMENT.
  - HORIZONTAL DATUM IS MAGNETIC BASED ON PLAN REFERENCE 1.
  - A PORTION OF THIS LOT FALLS WITHIN FLOOD ZONE AE AND ZONE X AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM MAP NUMBER 33015C0259F, EFFECTIVE DATE JANUARY 29, 2021.
  - VIEW EASEMENT FOR THE BENEFIT OF TAX MAP 140 LOT 4, TO REMAIN FREE OF ALL TEMPORARY OR PERMANENT STRUCTURES INCLUDING BUT NOT LIMITED TO SHEDS, BUILDINGS, EQUIPMENT, VEHICLE STORAGE OR PARKING, OR OTHER SIMILAR OBSTRUCTIONS OF THE VIEW CORRIDOR.
  - TIDAL WETLANDS AND HIGHWATER REFERENCE LINE WERE DELINEATED BY PATRICK D. SEEKAMP, P.W.S., C.W.S. OF SEEKAMP ENVIRONMENTAL CONSULTING.
  - THE INTENT OF THIS PLAN IS TO SHOW A BUILDING ADDITION IN REFERENCE TO THE BOUNDARY OF RECORD.

- PLAN REFERENCES:**
- PLAN TITLED "LOT LINE RELOCATION PLAN FOR JOHN J. & CATHERINE PAUSON AND HAROLD C. & ASTRID LOUISE PASSER, 12-28 DENNETT STREET" DATED NOVEMBER 30, 1983, PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES, R.C.R.D. PLAN D-12123.
  - PLAN TITLED "BOUNDARY LINE ADJUSTMENT FOR MICHAEL J. & DIANE REGAN, MAPLEWOOD AVENUE, PORTSMOUTH, NH" DATED SEPT. 1997, PREPARED BY EMERY ENGINEERING, R.C.R.D. PLAN C-27772.
  - PLAN TITLED "PLAN OF LAND PREPARED FOR MICHAEL BRANDZEL & HELEN LONG" DATED OCTOBER 1, 2012, PREPARED BY THIS OFFICE, R.C.R.D. PLAN D-37444.



**SITE PLAN**  
LAND OF  
**SHAWN & MICHIO BARDONG**  
(TAX MAP 140 LOT 3)  
39 DEARBORN STREET  
PORTSMOUTH, NH

DRAWN BY: SDB      DATE: APRIL 13, 2023  
CHECKED BY: ARB      DRAWING NAME: 22039B85  
JOB NAME: 22039      SHEET: C1

**Boudreau Land Surveying P.L.L.C.**  
SCOTT D. BOUDREAU, L.L.S., 8961  
2 DEATRICE LANE  
NEWMARKET, NH 03857  
(603) 659-3468

**Revision Table**

Number	Date	Description

**PLOT PLAN**

**CLIENT:**  
BARDONG  
39 DEARBORN EXT  
PORTSMOUTH, NH

**CONTACT:**  
ABRIGO HOME  
PO BOX 1564  
PORTSMOUTH, NH 03801  
207.345.6050

**DATE:**  
4/13/2023

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**SCALED FOR:**  
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**SCALE:**  
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**SHEET:**  
A2



## DEMOLITION NOTES

### GENERAL NOTES

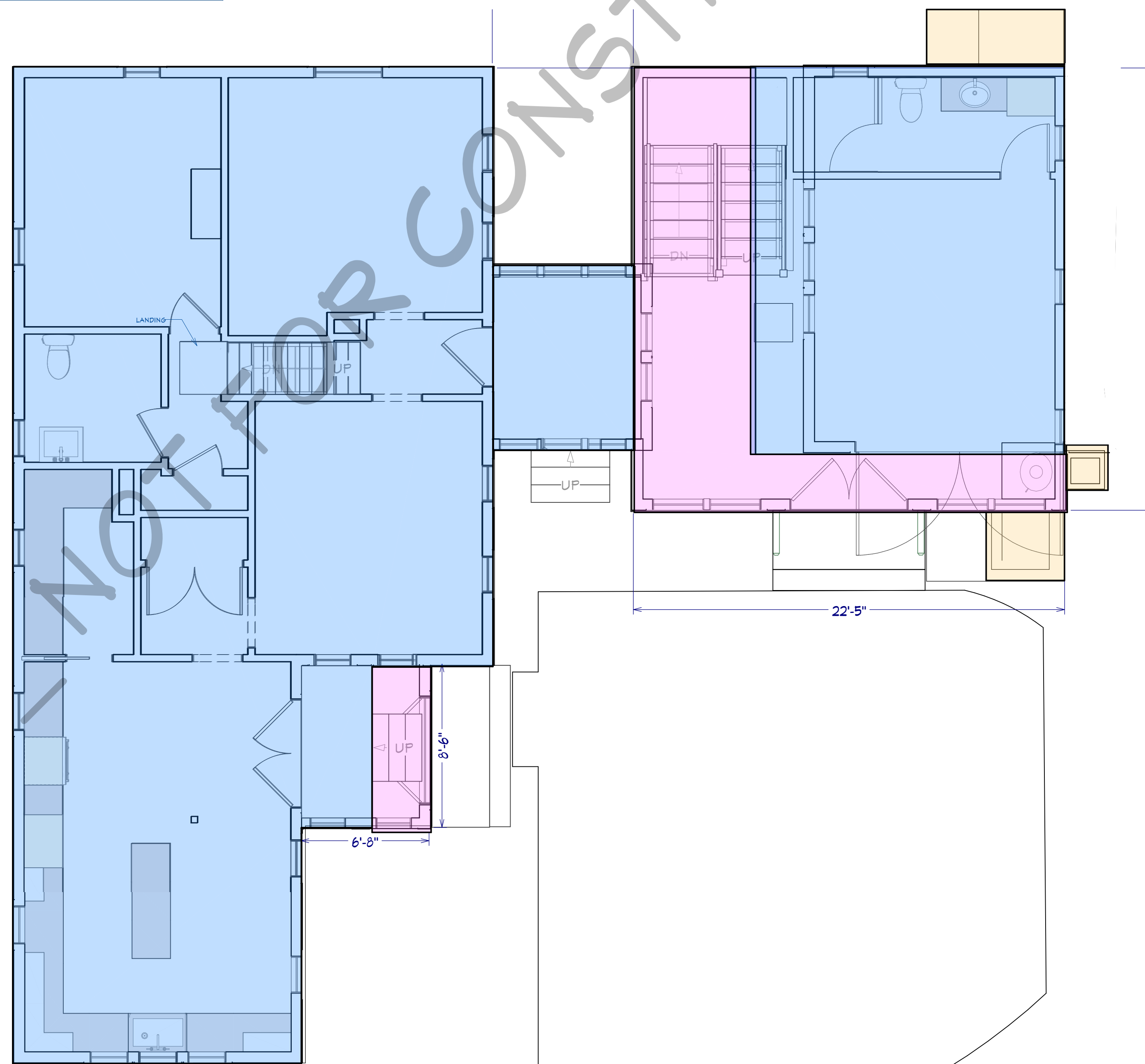
1. PROVIDE SELECTIVE DEMOLITION TO REMOVE EX. FLOOR, WALLS, CEILING, WINDOWS AND ROOF SYSTEMS IDENTIFIED. CONFIRM EXACT LOCATION W/ DESIGNER AND CIVIL ENGINEER PRIOR TO SELECTIVE DEMOLITION COMMENCEMENT. CONSULT WITH DESIGN PROFESSIONAL FOR ALL REQUIRED TEMPORARY SHORING AND SUPPORTS.
2. CUT EXISTING FOUNDATION TO LOCATION IDENTIFIED AND PREPARE FOR NEW FOUNDATION WALL.
3. EXISTING FOUNDATION WALL TO BE CUT AND REMAIN IN PLACE. REMOVE SILL PLATES OR OTHER LUMBER AND CUT BACK ANCHOR BOLTS TO TOP OF WALL. FILL VOID WITH SAND AND/ OR SOILS CONSISTENT WITH SURROUNDING MATERIALS.

## CAD BLOCK GUIDE

### VERSION 7: CAPE W/ COLONIAL ADDITION

- EXISTING FOOTPRINT (1,454.3 SQFT)
- PROPOSED ADDITION (431 SQFT)

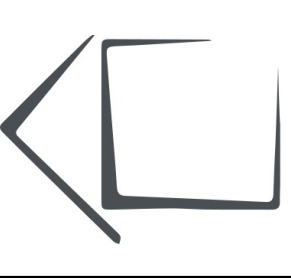
TOTAL 1,885.3 SQFT



VERSION 7: CAPE W/ COLONIAL ADDITION

## RENOVATION PLAN

SCALE: 1/4" = 1'-0"



Revision Table

Number	Date	Description

## RENOVATION PLAN

**CLIENT:**  
 BARBONG  
 39 DEARBORN EXT  
 PORTSMOUTH, NH

**CONTACT:**  
 ABRIGO HOME  
 PO BOX 1564  
 PORTSMOUTH, NH 03801  
 201.345.6050

DATE:

4/13/2023

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SCALED FOR:  
24" X 36"

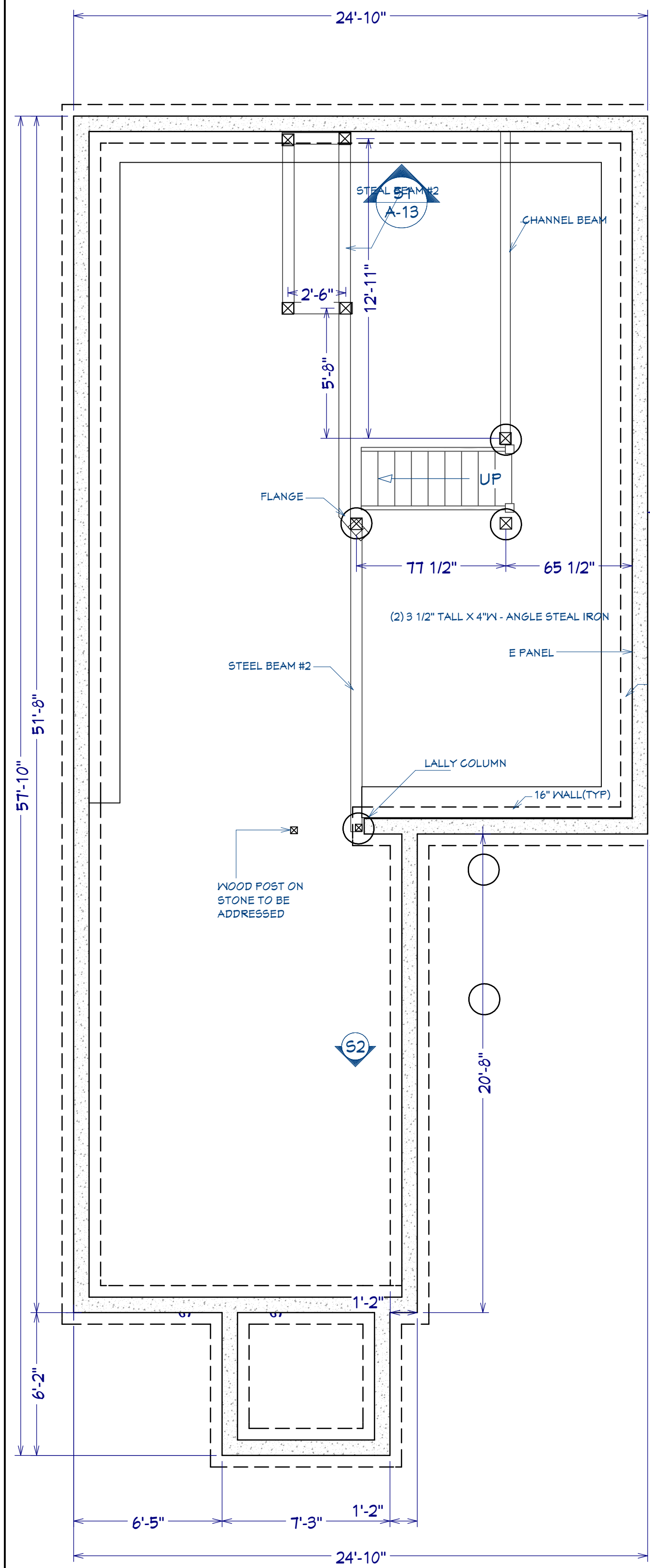
SCALE:

SEE SCALE ON DRAWINGS

SHEET:

A-1

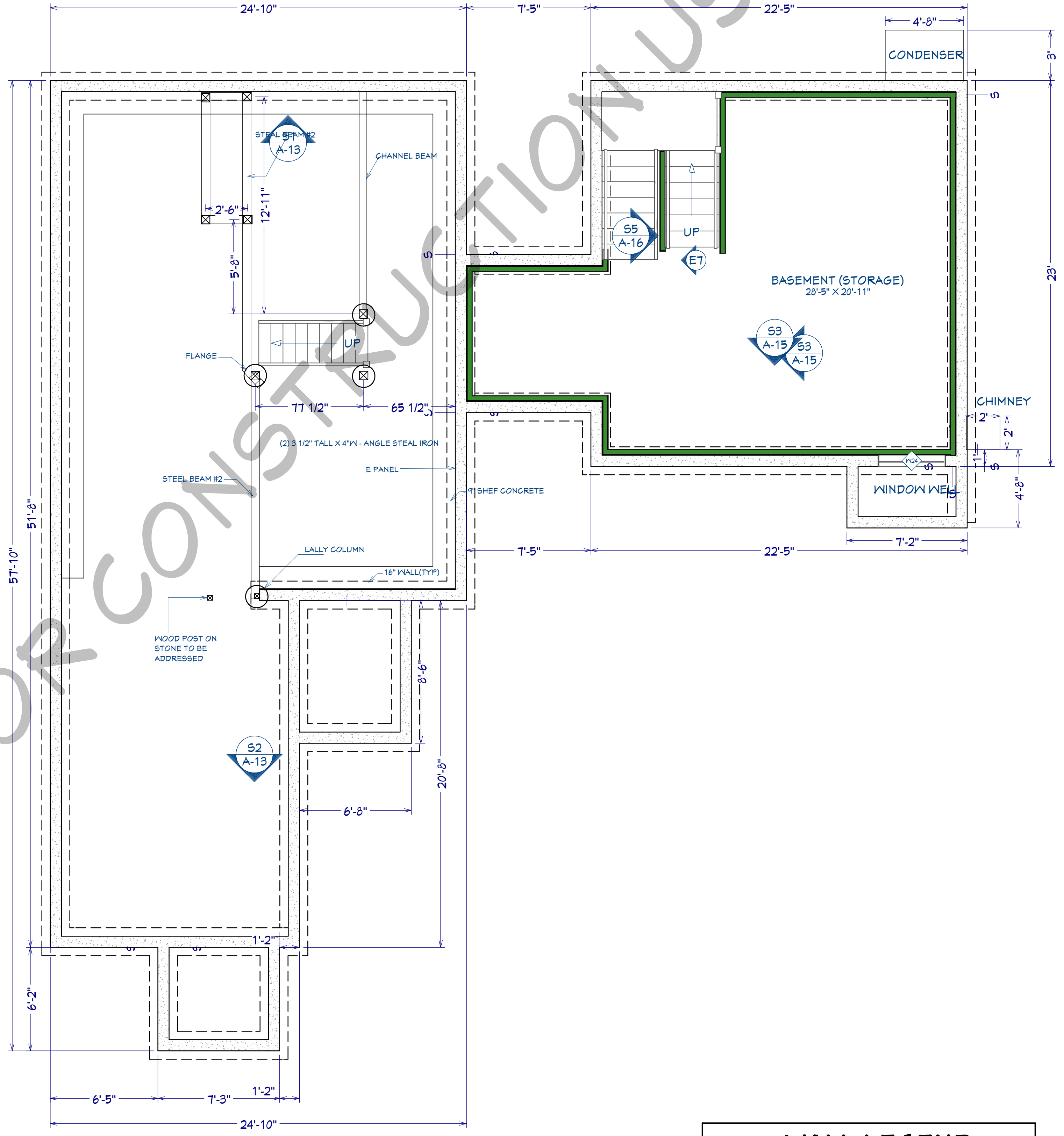
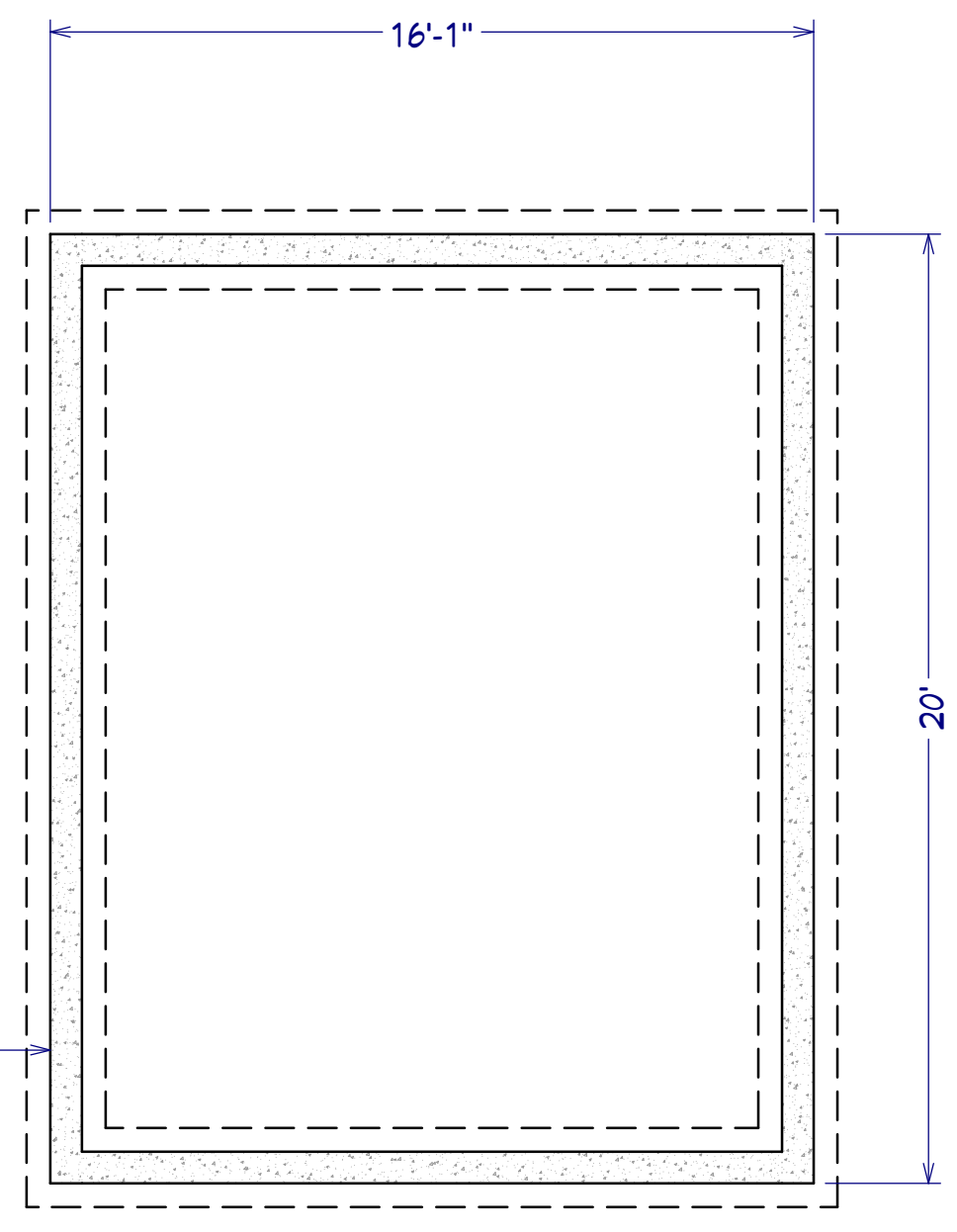




**EXISTING FOUNDATION PLAN**  
SCALE: 1/4" = 1'-0"

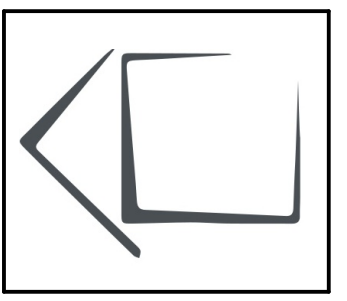


**PROPOSED FOUNDATION PLAN**  
SCALE: 1/4" = 1'-0"



**VERSION 7: CAPE WITH COLONIAL ADDITION**  
SCALE: 1/4" = 1'-0"

WALL LEGEND	
	= EXTERIOR WALL
	= INTERIOR 6
	= INTERIOR 4
	= NEW WALL
	= DEMO WALL
	= GLASS TOP TILE BOTTOM PONY WALL
	= GLASS SHOWER WALL



Revision Table		
Number	Date	Description

**FOUNDATION**

**CLIENT:**  
BRIGGS HOME  
39 DEARBORN EXT  
PORTSMOUTH, NH

**CONTACT:**  
ABRIGO HOME  
PO BOX 1564  
PORTSMOUTH, NH 03801  
207.345.6050

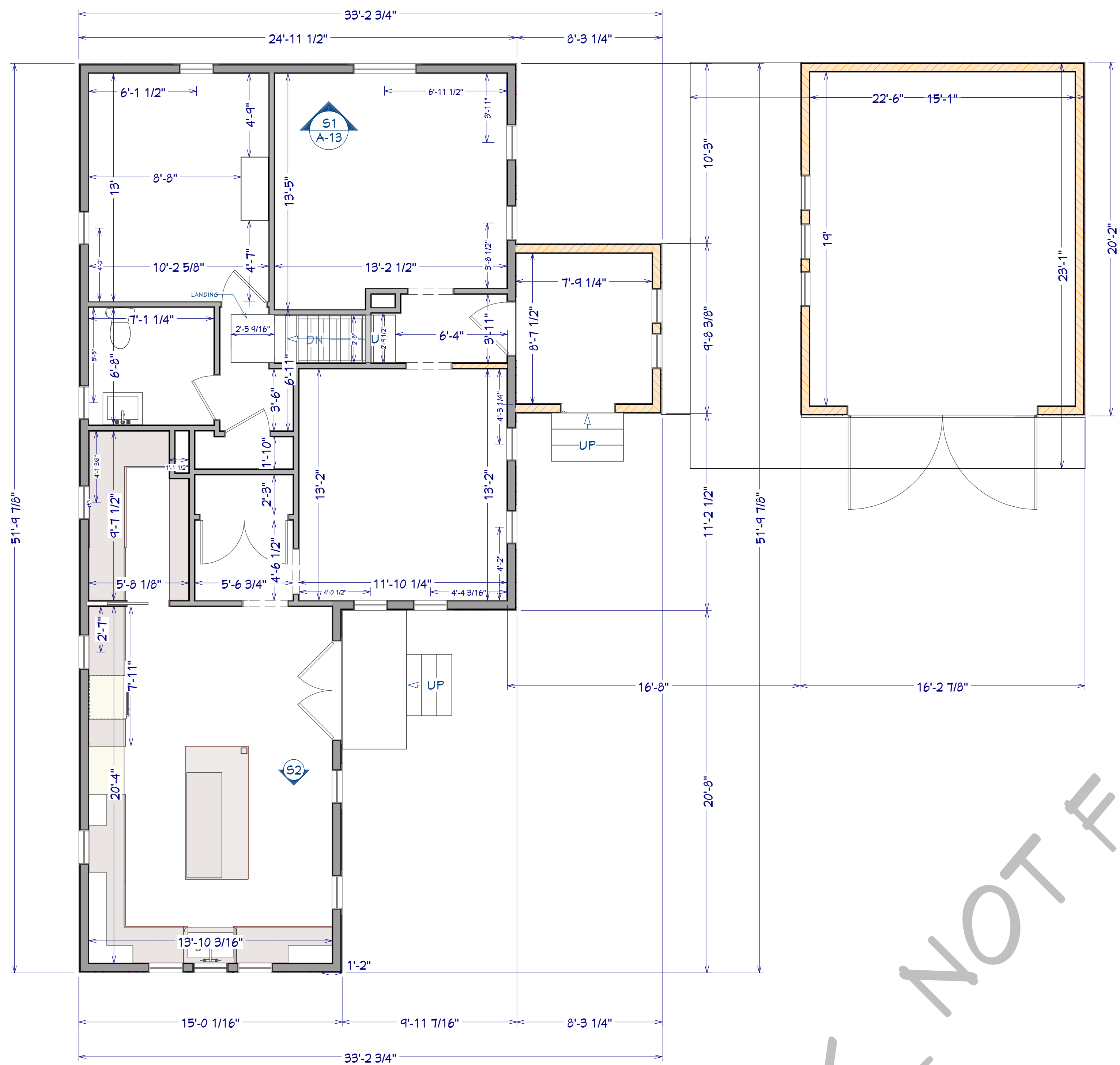
DATE:  
4/13/2023

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SCALED FOR:  
24" X 36"

SCALE:  
SEE SCALE ON DRAWINGS

SHEET:  
A-2

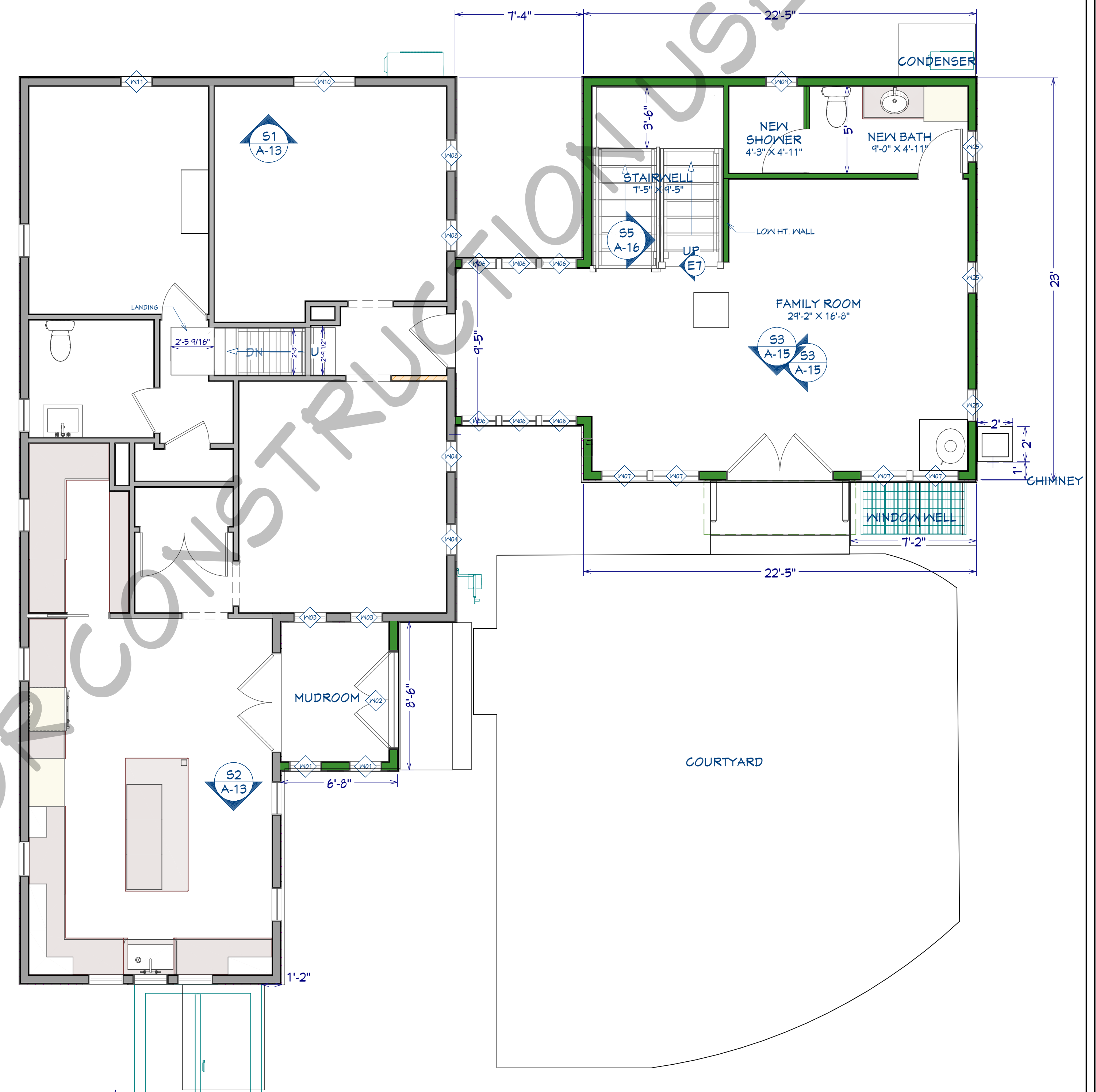


**EXISTING FIRST FLOOR PLAN**

SCALE: 1/8" = 1'-0"

**PROPOSED FIRST FLOOR PLAN**

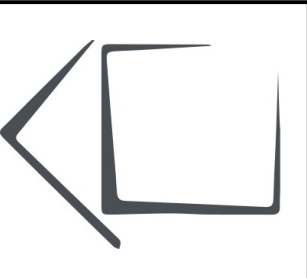
SCALE: 1/4" = 1'-0"



**VERSION 7: CAPE WITH COLONIAL ADDITION**

SCALE: 1/4" = 1'-0"

WALL LEGEND	
	= EXTERIOR WALL
	= INTERIOR 6
	= INTERIOR 4
	= NEW WALL
	= DEMO WALL
	= GLASS TOP TILE BOTTOM PONY WALL
	= GLASS SHOWER WALL



Revision Table

Number	Date	Description

**CLIENT:**  
 ABRIGO HOME  
 39 DEARBORN EXT  
 PORTSMOUTH, NH

**CONTACT:**  
 ABRIGO HOME  
 PO BOX 1564  
 PORTSMOUTH, NH 03801  
 201.345.6050

DATE:

4/13/2023

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SCALED FOR:  
24" X 36"

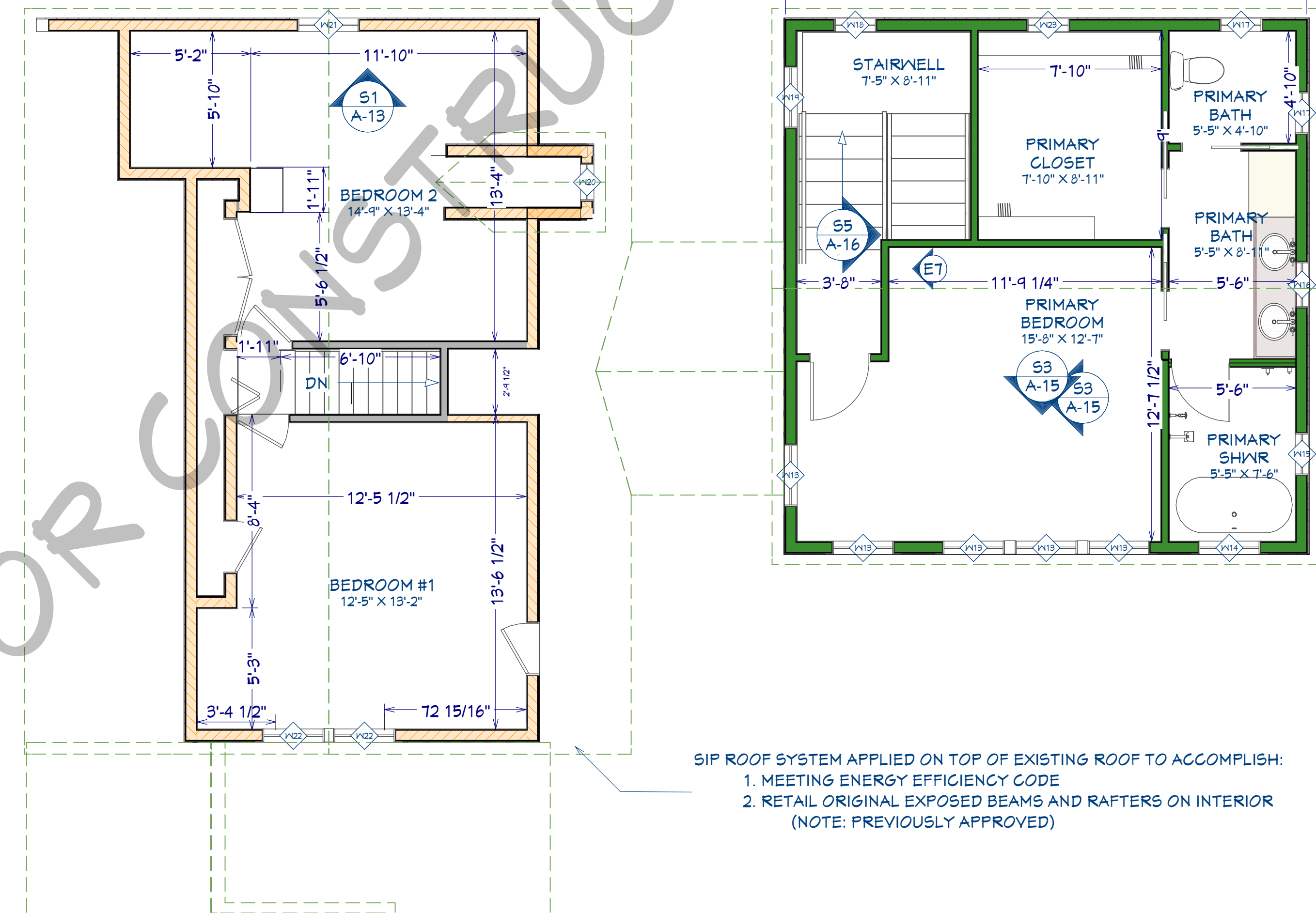
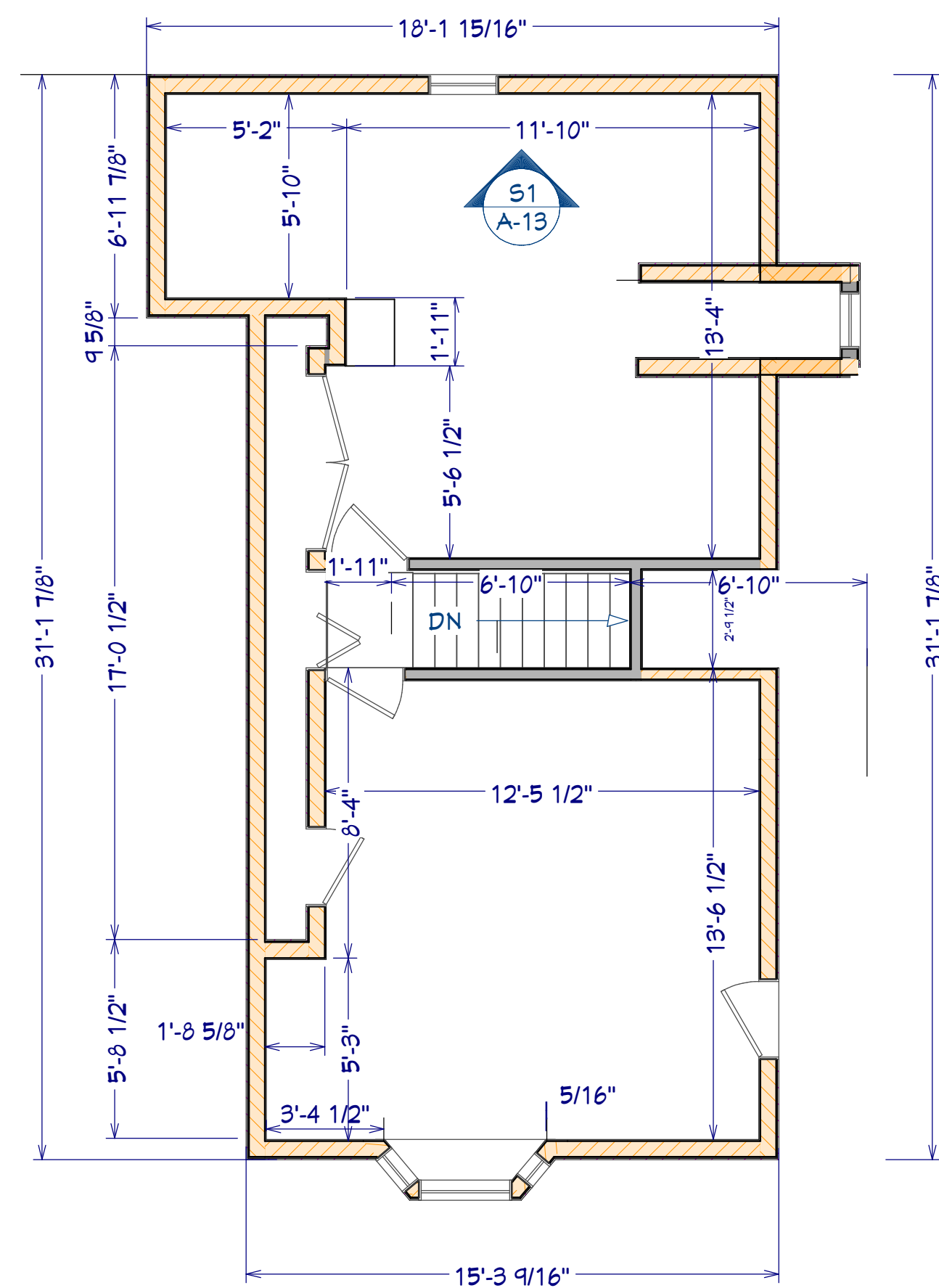
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SEE SCALE ON DRAWINGS

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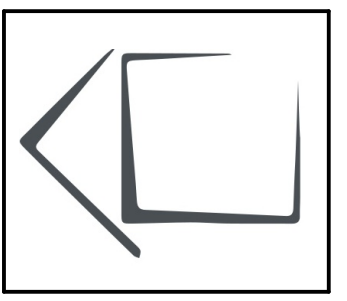
A-3





PROPOSED SECOND FLOOR PLAN  
SCALE: 1/4" = 1'-0"

WALL LEGEND	
	= EXTERIOR WALL
	= INTERIOR 6
	= INTERIOR 4
	= NEW WALL
	= DEMO WALL
	= GLASS TOP TILE BOTTOM PONY WALL
	= GLASS SHOWER WALL



Revision Table		
Number	Date	Description

**SECOND FLOOR**

**CLIENT:**  
BARBONG  
39 DEARBORN EXT  
PORTSMOUTH, NH

**CONTACT:**  
ABRIGO HOME  
PO BOX 1564  
PORTSMOUTH, NH 03801  
207.345.6050

DATE:

4/13/2023

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SCALED FOR:  
24" X 36"

SCALE:

SEE SCALE ON DRAWINGS

SHEET:

A-4

**LINE LEGEND**

- = EXISTING
- = PROPOSED

**NOTE SCHEDULE**

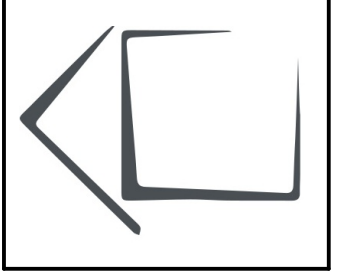
①	SIP PANEL ROOFLINE INSULATION & STRUCTURE (PREVIOUSLY APPROVED)
②	NATURAL CEDAR CLAPBOARDS
③	HISTORIC SILLS ON HOUSE & ADDITION
④	BRICK CHIMNEY
⑤	ASPHALT ROOFING
⑥	TRIM WORK: WINDOW, DOOR, ROOF RAKE AND SOFFIT: BORAL
⑦	NATURAL WOOD SHINGLES
⑧	MARVIN ELEVATE_6/1 DH
⑨	ENTRYWAY CANOPY W/ WOOD BRACKETS (CHAMFERED EDGE)
⑩	MARVIN, ELEVATE FRENCH DOOR_15-LITE
⑪	GRANITE LANDING & STAIR
⑫	AZEC TRIM PANELS
⑬	RELOCATED GAS METER



**PROPOSED SOUTH ELEVATION**

SCALE: 1/2" = 1'-0"

**ELEVATION NOTE:** REBUILD EXISTING ROOF TO MEET ENERGY CODE  
SCALE: 1/2" = 1'-0"



Revision Table	
Number	Description

**ELEVATIONS**

**CLIENT:**  
BARBONG  
39 DEARBORN EXT  
PORTSMOUTH, NH

**CONTACT:**  
ABRIGO HOME  
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PORTSMOUTH, NH 03801  
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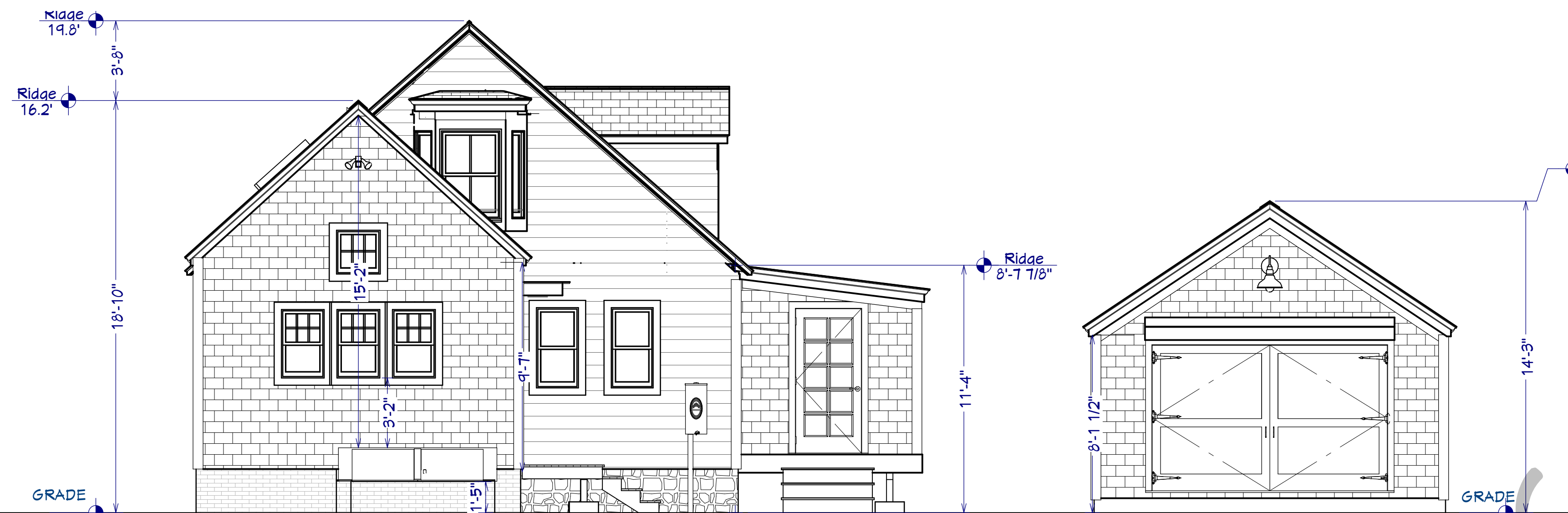
SCALED FOR:  
24" X 36"

SCALE:  
SEE SCALE ON DRAWINGS

SHEET:

**A-8**





**EXISTING WEST ELEVATION**

SCALE: 1/4" = 1'-0"



**EXISTING VIEW FROM WATER**



**VERSION 7: CAPE WITH COLONIAL ADDITION**

SCALE: 1/4" = 1'-0"

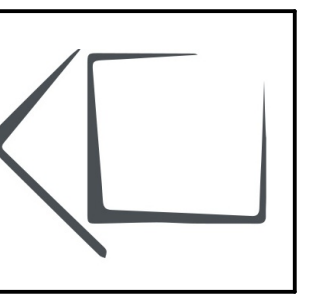
**PROPOSED SOUTH ELEVATION | SIDE VIEW** NOTE: REBUILD EXISTING ROOF TO MEET ENERGY CODE

SCALE: 1/4" = 1'-0"

NOTE SCHEDULE	
①	SIP PANEL ROOFLINE INSULATION & STRUCTURE (PREVIOUSLY APPROVED)
②	NATURAL CEDAR CLAPBOARDS
③	HISTORIC SILLS ON HOUSE & ADDITION
④	BRICK CHIMNEY
⑤	ASPHALT ROOFING
⑥	TRIM WORK: WINDOW, DOOR, ROOF RAKE AND SOFFIT: BORAL
⑦	NATURAL WOOD SHINGLES
⑧	MARVIN ELEVATE 6/1 DH
⑨	ENTRYWAY CANOPY W/ WOOD BRACKETS (CHAMFERED EDGE)
⑩	MARVIN, ELEVATE FRENCH DOOR 15 - LITE
⑪	GRANITE LANDING & STAIR
⑫	AZEG TRIM PANELS
⑬	RELOCATED GAS METER



EXAMPLE OF A CONNECTOR - ST. JOHN'S CHURCH



Revision Table	Number	Date	Description

**ELEVATIONS**

**CLIENT:**  
 ABRIGO HOME  
 BARBONG  
 39 DEARBORN EXT  
 PORTSMOUTH, NH

**CONTACT:**  
 ABRIGO HOME  
 PO BOX 1564  
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 207.345.6050

**DATE:**

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SCALED FOR:  
24" X 36"

SCALE:

SEE SCALE ON DRAWINGS

SHEET:

A-9





**EXISTING SOUTH ELEVATION | FRONT VIEW**  
SCALE: 1/8" = 1'-0"



**EXISTING FRONT HOUSE**

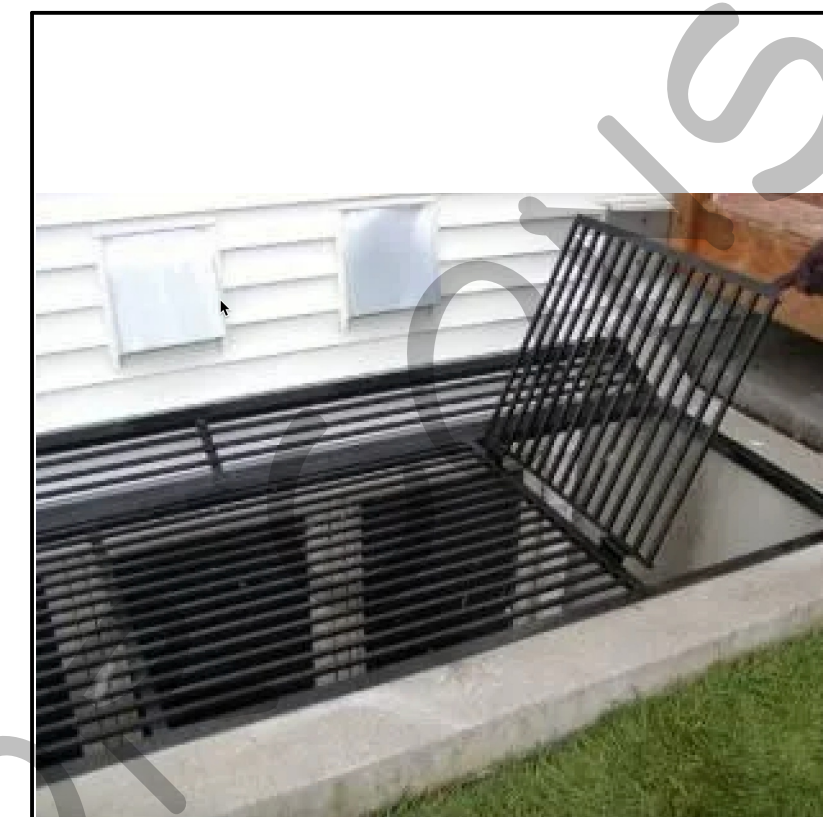


**EXISTING VIEW OF ENTRY AND MUDROOM AREA**

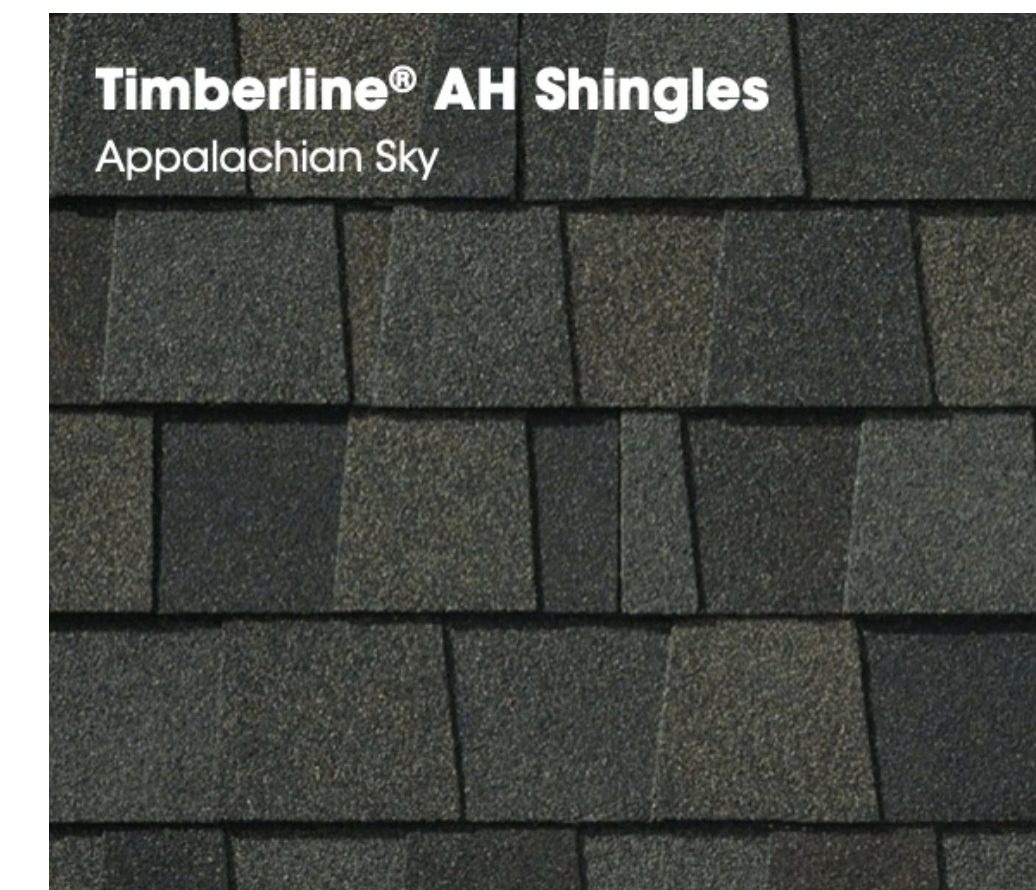


**VERSION 7: CAPE WITH COLONIAL ADDITION (FRONT)**  
SCALE: 1/4" = 1'-0"

**PROPOSED EAST ELEVATION | FRONT VIEW** NOTE: REBUILD EXISTING ROOF TO MEET ENERGY CODE  
SCALE: 1/4" = 1'-0"



**WINDOW WELL**  
BASEMENT EGRESS



**ASPHALT ROOF**  
GAF TIMBERLINE



**WINDOW & DOOR TRIM**  
TO MATCH EXISTING HISTORIC TRIM PACKAGE



**EXISTING FRONT DOOR**



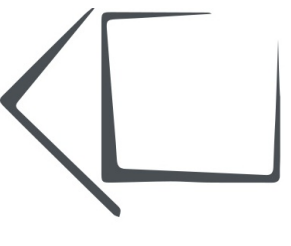
**EXISTING 15-LITE FRENCH DOOR**

PROPOSED 15 LITE DOOR TO MATCH IN PRIMARY  
PROPOSED TRANSOM INSTALLED OVER THIS RELOCATED 15-LITE DOOR



**INCANDESCENT BULB\_40W**

NIGHT SKY COMPLIANT  
BRONZE FINISH



Revision Table

Number	Date	Description

**ELEVATIONS**

**CLIENT:**  
ABRIGO HOME  
39 DEARBORN EXT  
PORTSMOUTH, NH

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PO BOX 1564  
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4/13/2023

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SCALED FOR:  
24" X 36"

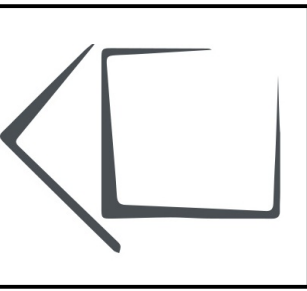
SCALE:

SEE SCALE ON DRAWINGS

SHEET:

**A-10**  
ELEVATIONS





EXISTING PHOTOS



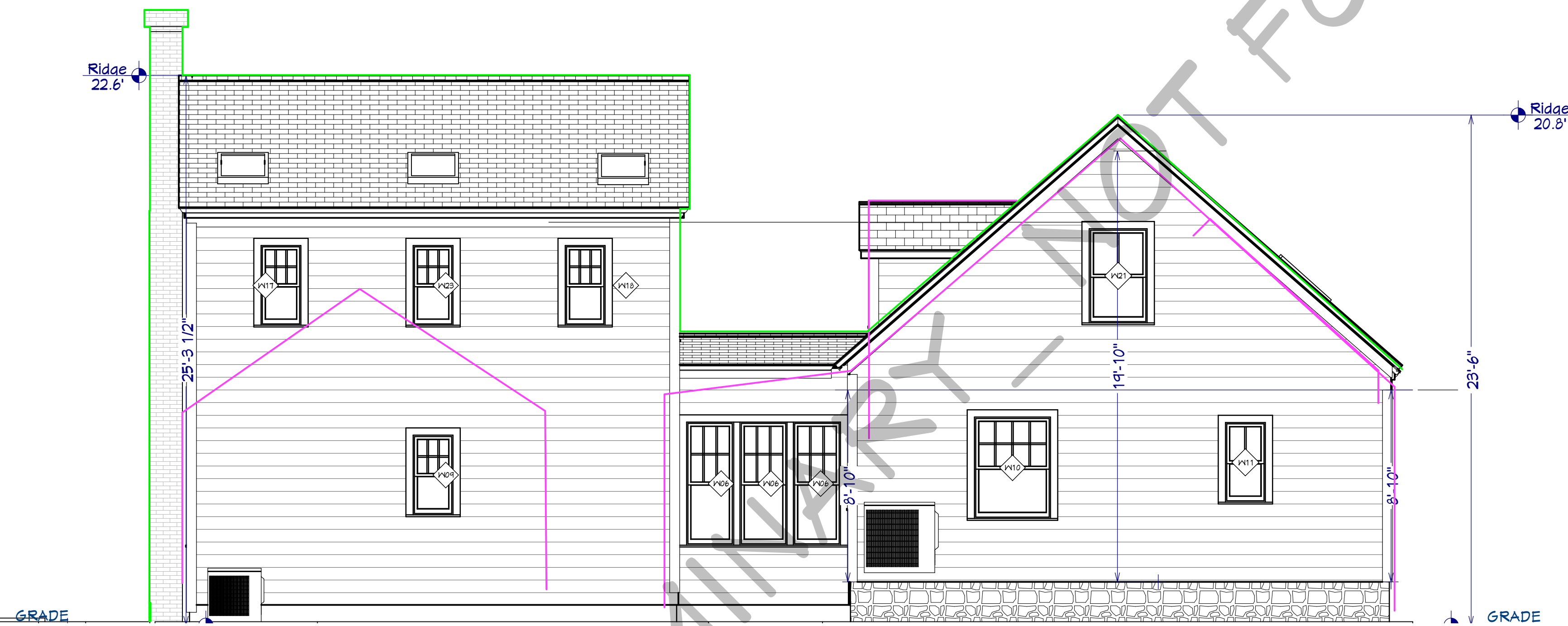
SOUTH SIDE VIEW

REAR VIEW



EXISTING NORTH ELEVATION

SCALE: 1/8" = 1'-0"



VERSION 7: CAPE WITH COLONIAL ADDITION

SCALE: 1/4" = 1'-0"

PROPOSED NORTH ELEVATION | SIDE VIEW NOTE: REBUILD EXISTING ROOF TO MEET ENERGY CODE

SCALE: 1/4" = 1'-0"

Revision Table

Number	Date	Description

ELEVATIONS

CLIENT:  
ABRIGO HOME  
BARBONG  
39 DEARBORN EXT  
PORTSMOUTH, NH

CONTACT:  
ABRIGO HOME  
PO BOX 1564  
PORTSMOUTH, NH 03801  
201.345.6050

DATE:

4/13/2023

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SCALED FOR:  
24" X 36"

SCALE:

SEE SCALE ON DRAWINGS

SHEET:

A-11

LINE LEGEND

- = EXISTING
- = PROPOSED





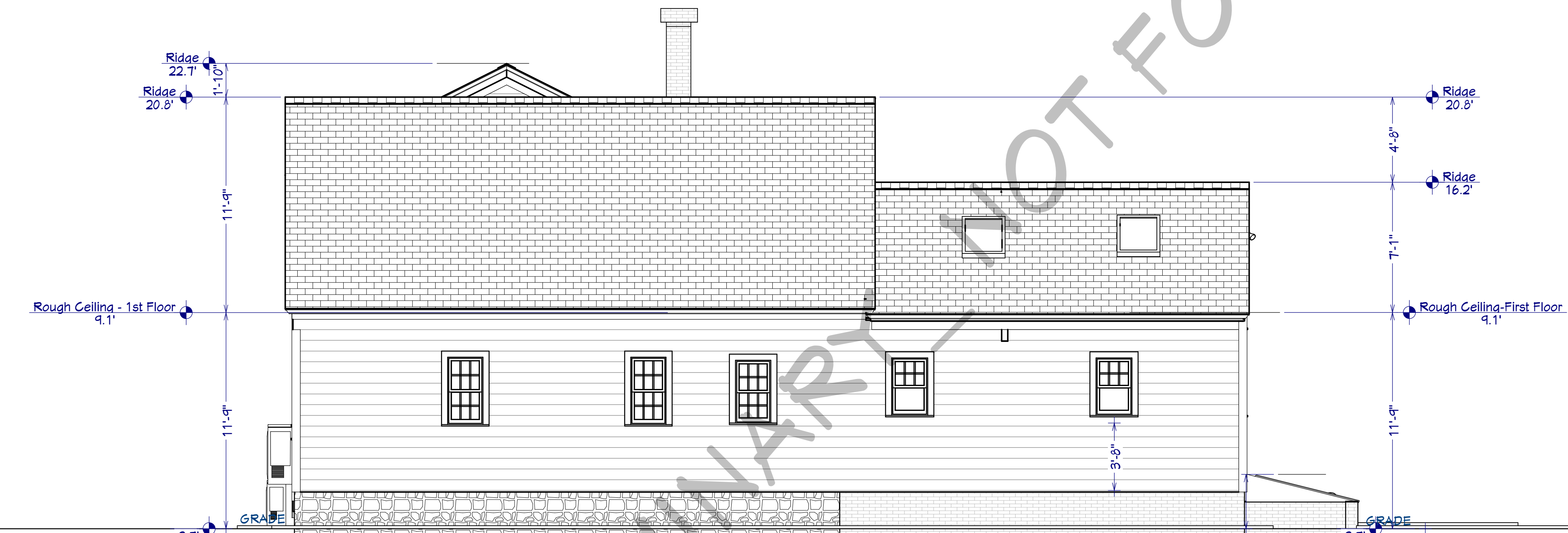
**EXISTING WEST ELEVATION**

SCALE: 1/4" = 1'-0"



**EXISTING PHOTO**

SCALE: NTS

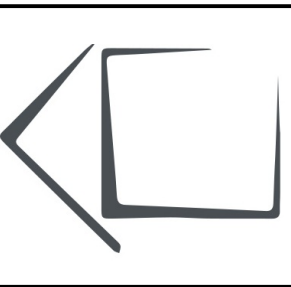


**VERSION 7: CAPE WITH COLONIAL ADDITION (BACK)**

SCALE: 1/4" = 1'-0"

**PROPOSED WEST ELEVATION | REAR VIEW** NOTE: REBUILD EXISTING ROOF TO MEET ENERGY CODE

SCALE: 1/4" = 1'-0"



Revision Table

Number	Date	Description

**ELEVATIONS**

**CLIENT:**  
 BARBONG  
 39 DEARBORN EXT  
 PORTSMOUTH, NH

**CONTACT:**  
 ABRIGO HOME  
 PO BOX 1564  
 PORTSMOUTH, NH 03801  
 207.345.6050

DATE:

4/13/2023

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SCALED FOR:  
24" X 36"

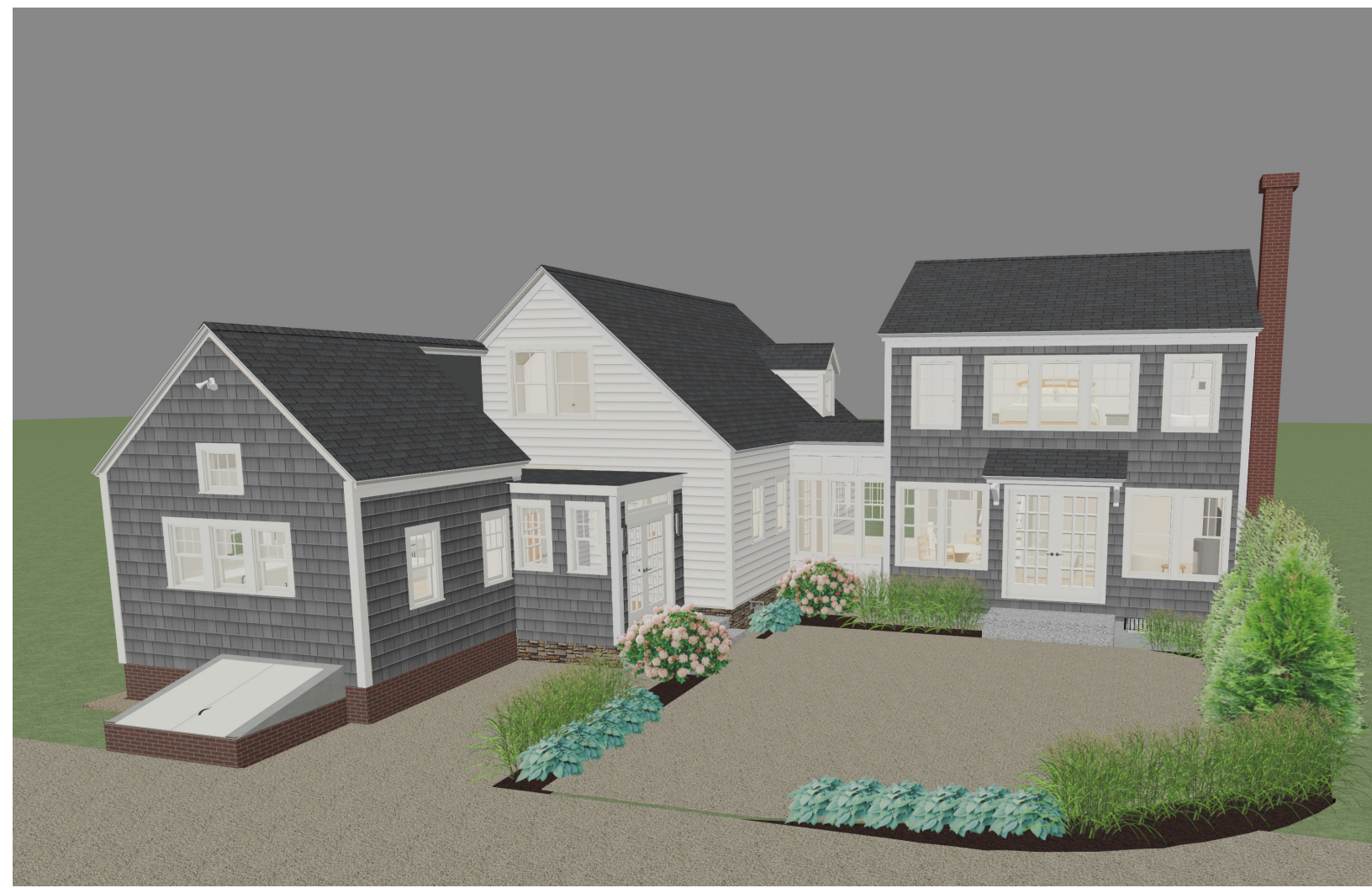
SCALE:

SEE SCALE ON DRAWINGS

SHEET:





**A-12**  
ELEVATIONS





LANDSCAPING PERSPECTIVE

PLANT SCHEDULE:

PLANT SCHEDULE				
3D ELEVATION	NUMBER	QTY	COMMON NAMES	SCIENTIFIC NAME
	F01	3	RHODODENDRON	RHODODENDRON
	F02	14	PLANTAIN LILY	HOSTA
	F03	4	EASTERN ARBORVITAE, AMERICAN ARBORVITAE, NORTHERN WHITE CEDAR	THUJA OCCIDENTALIS
	F04	18	FORCUPINE GRASS	MISCANTHUS SINENSIS

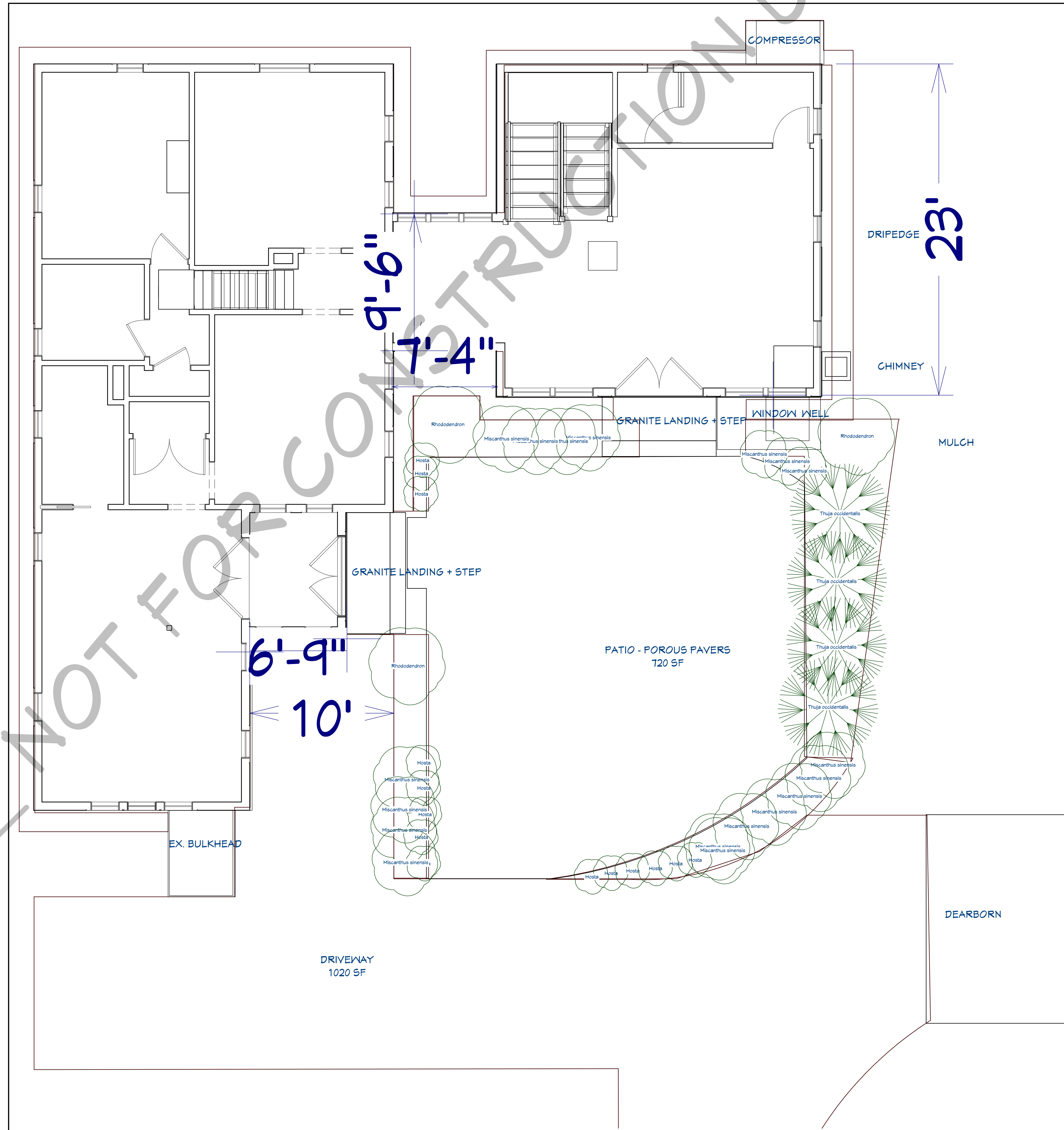


**DRIVEWAY PAVERS**  
GRANITE SQUARE POROUS 1/4" GRASS INSTALL

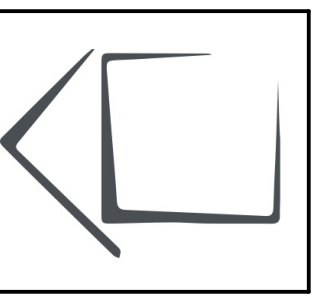


**COURTYARD PAVERS**  
GRANITE SQUARE POROUS INSTALLATION

**LANDSCAPE PLAN**  
SCALE: 1/4" = 1'-0"



NOTE: COURTYARD CREATED WITH PAVERS INSTALLED ACCORDING TO CONSERVATION COMMISSION



Revision Table	
Number	Date

**LANDSCAPE PLAN**

**CLIENT:**  
BARBONG  
39 DEARBORN EXT  
PORTSMOUTH, NH

**CONTACT:**  
ABRIGO HOME  
PO BOX 1564  
PORTSMOUTH, NH 03801  
201.345.6050

DATE:

4/13/2023

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SCALED FOR:  
24" X 36"

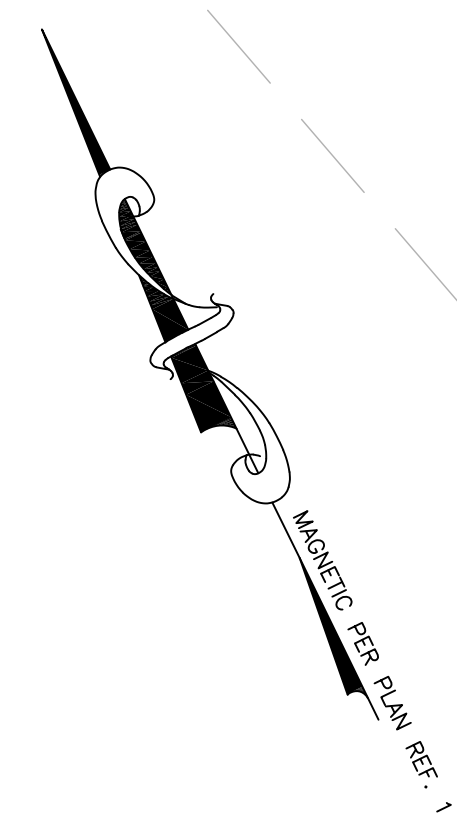
SCALE:

SEE SCALE ON DRAWINGS

SHEET:

L-1





**LEGEND**

- — IRON PIPE/ROD FOUND
- ⊙ — DRILL HOLE SET
- ◆ — CORNER - NOTHING FOUND/SET
- — IRON ROD SET WITH IDENTIFICATION CAP "LLS 961" UNLESS OTHERWISE NOTED ON PLAN
- ⊕ — UTILITY POLE
- — BOUNDARY LINE
- — BUILDING SETBACK LINE
- — ABUTTER LINE
- — OVERHEAD WIRES
- — RIGHT-OF-WAY
- — STONE WALL
- — EDGE OF GRAVEL
- — FLOOD ZONE BOUNDARY (SEE NOTE 7)
- — EDGE OF WATER
- — WETLAND BOUNDARY
- — VIEW EASEMENT

TAX MAP 140 LOT 8  
S. CHRISTOPHER ANCTIL  
P.O. BOX 14  
PORTSMOUTH, NH 03802  
R.C.R.D. BOOK 5218 PAGE 753  
(PLAN REFERENCE 1)

TAX MAP 140 LOT 9  
JOHN E. & CYNTHIA S. BENSLEY  
28 DENNETT STREET  
PORTSMOUTH, NH 03801  
R.C.R.D. BOOK 6348 PAGE 85  
(PLAN REFERENCE 1)

BUILDING FOOTPRINT AREAS			
STRUCTURE	EXISTING AREA (SF)	PROPOSED AREA (SF)	NOTES
EXISTING HOUSE	1,232.5		
EXISTING SHED	221.8		
MUDROOM AND LANDING (PROPOSED)	36.4	72.5	PROPOSED AREA EXCLUDES EXISTING LANDING AND STEPS
FAMILY ROOM (PROPOSED)		359.0	PROPOSED AREA EXCLUDES EXISTING SHED. INCLUDES CHIMNEY, LANDING, WINDOW WELL, AND CONDENSOR PAD
<b>TOTALS</b>	<b>1,490.7</b>	<b>431.5</b>	

LOT COVERAGE	
LOT AREA (SF)	11,236.0
TOTAL PROPOSED BUILDING AREA (SF)	1,937.0
PROPOSED BUILDING COVERAGE	17.2%
ALLOWABLE BUILDING COVERAGE	25%

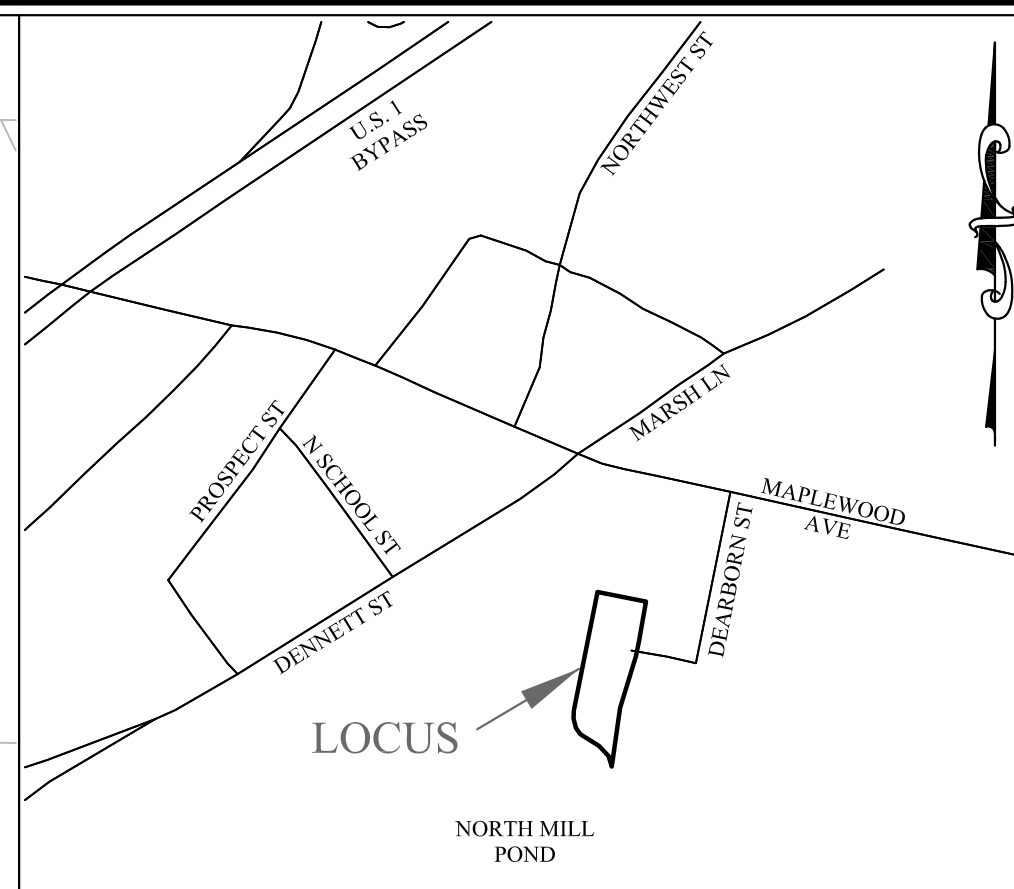
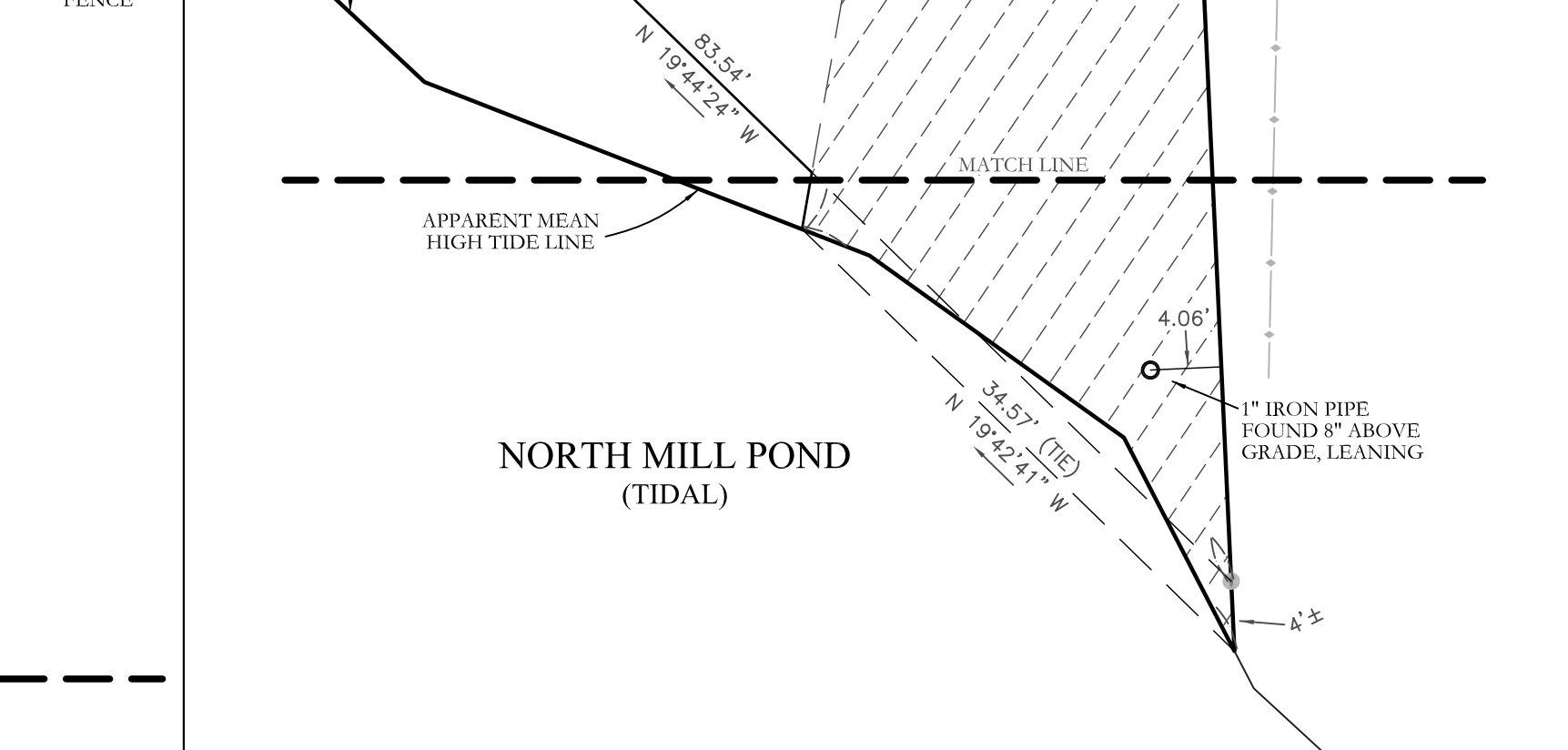
**LOT SIZE**  
11,236± SQ. FT.  
0.25± ACRES

**AREA OF LOT WITHIN WETLAND BUFFER**  
11,166± SQ. FT. (99.4% OF TOTAL LOT)

HIGHWATER LINE (REFERENCE LINE - SEE NOTE 9)

REFERENCE POINT "C"

1/2" GALVANIZED PIPE FOUND 8" ABOVE GRADE (HELD)



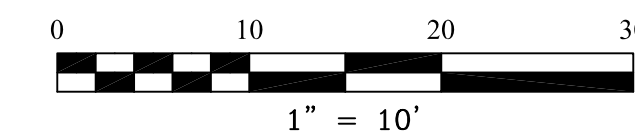
**LOCATION MAP**  
SCALE: 1" = 400'

**NOTES:**

- REFERENCE: TAX MAP 140 LOT 3 R.C.R.D. BOOK 6450 PAGE 552 R.C.R.D. PLAN D-37444
- TOTAL PARCEL AREA: 11,236 SQ. FT. OR 0.25 AC.
- OWNER OF RECORD: SHAWN & MICHIO BARDONG 39 DEARBORN STREET PORTSMOUTH, NH 03801
- ZONE: GRA - GENERAL RESIDENCE A DIMENSIONAL REQUIREMENTS:  
 MINIMUM LOT AREA 7,500 SQ. FT.  
 MINIMUM FRONTAGE 100 R.  
 MINIMUM FRONT SETBACK 15 R.  
 MINIMUM SIDE SETBACK 10 R.  
 MINIMUM REAR SETBACK 20 R.  
 MAXIMUM STRUCTURE HEIGHT 35 R.
- FIELD SURVEY PERFORMED BY S.D.B. ON 12/1/2022 USING A SPECTRA FOCUS 35 ROBOTIC TOTAL STATION. TRAVERSE ADJUSTMENT IS BASED ON THE COMPASS RULE METHOD OF ADJUSTMENT.
- HORIZONTAL DATUM IS MAGNETIC BASED ON PLAN REFERENCE 1.
- A PORTION OF THIS LOT FALLS WITHIN FLOOD ZONE AE AND ZONE X AS SHOWN ON NATIONAL FLOOD INSURANCE PROGRAM MAP NUMBER 33015C0259F, EFFECTIVE DATE JANUARY 29, 2021.
- VIEW EASEMENT FOR THE BENEFIT OF TAX MAP 140 LOT 4, TO REMAIN FREE OF ALL TEMPORARY OR PERMANENT STRUCTURES INCLUDING BUT NOT LIMITED TO SHEDS, BUILDINGS, EQUIPMENT, VEHICLE STORAGE OR PARKING, OR OTHER SIMILAR OBSTRUCTIONS OF THE VIEW CORRIDOR.
- TIDAL WETLANDS AND HIGHWATER REFERENCE LINE WERE DELINEATED BY PATRICK D. SEEKAMP, P.W.S., C.W.S. OF SEEKAMP ENVIRONMENTAL CONSULTING.
- THE INTENT OF THIS PLAN IS TO SHOW A BUILDING ADDITION IN REFERENCE TO THE BOUNDARY OF RECORD.

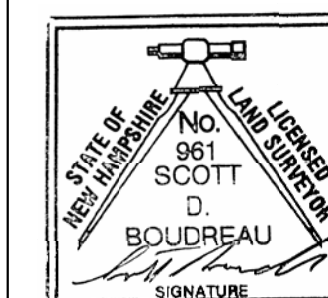
**PLAN REFERENCES:**

- PLAN TITLED "LOT LINE RELOCATION PLAN FOR JOHN J. & CATHERINE PAUSON AND HAROLD C. & ASTRID LOUISE PASSER, 12-28 DENNETT STREET" DATED NOVEMBER 30, 1983, PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES, R.C.R.D. PLAN D-12123.
- PLAN TITLED "BOUNDARY LINE ADJUSTMENT FOR MICHAEL J. & DIANE REGAN, MAPLEWOOD AVENUE, PORTSMOUTH, NH" DATED SEPT. 1997, PREPARED BY EMERY ENGINEERING, R.C.R.D. PLAN C-27772.
- PLAN TITLED "PLAN OF LAND PREPARED FOR MICHAEL BRANDZEL & HELEN LONG" DATED OCTOBER 1, 2012, PREPARED BY THIS OFFICE, R.C.R.D. PLAN D-37444.



**SITE PLAN**  
LAND OF  
**SHAWN & MICHIO BARDONG**  
(TAX MAP 140 LOT 3)  
39 DEARBORN STREET  
PORTSMOUTH, NH

DRAWN BY: SDB DATE: APRIL 13, 2023  
CHECKED BY: ARB DRAWING NAME: 22039BS  
JOB NAME: 22039 SHEET: C1



**Boudreau Land Surveying, L.L.C.**  
SCOTT D. BOUDREAU, L.L.S. #961  
2 BEATRICE LANE  
NEWMARKET, NH 03857  
(603) 659-3468

### III. NEW BUSINESS

- E. The request of **Thomas Rooney (Owner)**, for property located at **29 Spring Street** whereas relief is needed to install two mechanical units in the rear of the primary structure which require the following 1) Variance from Section 10.515.14 to allow a) 7-foot side yard where 10 feet is required; and b) 4 foot rear yard where 10 is required. Said property is located on Assessor Map 130 Lot 21 and lies within the General Residence A (GRA) District. (LU-23-55)

#### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Installation of 2 mechanical units	Primarily residential
<u>Lot area (sq. ft.):</u>	6,547.5	6,547.5	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	6,547.5	6,547.5	7,500 min.
<u>Lot depth (ft.):</u>	80	80	70 min.
<u>Street Frontage (ft.)</u>	79	79	100 min.
<u>Primary Front Yard (ft.):</u>	5	5	15 min.
<u>Left Yard (ft.):</u>	6 (primary structure)	<b>7 (mechanical units)</b>	10 min.
<u>Right Yard (ft.):</u>	2	2	10 min.
<u>Rear Yard (ft.):</u>	6	<b>4</b>	10 min.
<u>Height (ft.):</u>	35	35	35 max.
<u>Building Coverage (%):</u>	28	28	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1910	<b>Variance request(s) shown in red.</b>	

#### Other Permits/Approvals Required

- Building Permit

## Neighborhood Context



0 30 60 120 Feet  
1 inch = 65.1 feet

**29 Spring Street**



### Previous Board of Adjustment Actions

April 21, 1974 – The Board granted a variance to construct a porch approximately 13' x 13' onto the existing building.

August 30, 2002 – The Board granted a variance to allow a 4' x 17' addition to the right side of the dwelling creating 25.7% building coverage where 25% is the maximum allowed.

April 29, 2003 – The Board granted a variance to allow a 5' x 14' porch to the right side of dwelling and expand the front entry to 5' x 7' creating 28.8% building coverage where 25% was the maximum allowed.

### Planning Department Comments

The applicant is requesting relief for the installation of two mechanical units in the rear of the primary structure.



Staff acknowledge the notice of this project erred in describing the location of the two mechanical units. As the rear and side yard dimensions are the same as advertised, Staff believe the description is sufficient for the desired location as long as a motion for approval includes the correct location.

If the Board wishes to approve the variance requests, staff recommend the motion and condition as listed below or similar language.

Sample Motion: Approve the variances with the following condition:

1. Both mechanical units are located in the rear of the primary structure as indicated in the applicants submission materials.

### **Variance Review Criteria**

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

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

**AND**

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

**OR**

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

### **10.235 Certain Representations Deemed Conditions**

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

29 Spring Street

Map Lot 130-21

**To permit the following:**

- The installation of two new heat pump outdoor units both with a rear setback of +/- 6 feet where 10 feet is required and one with a 7 foot left side yard setback where 10 feet is required.

**The property owner declares that:**

- The house is positioned on this lot with rear and left side setbacks of approximately 6' with a solid fence at the property lines. Positioning the outdoor heat pump units on the right rear of the property would result in it being adjacent to the patio and near the fence gate. The desired locations shown cannot be seen by abutters as it will be below the 5' foot fencing and while within the setback, the unit will be more than 50' from any neighboring dwelling units. The location shown is also out of any public view as it will be screened by the fence and the house.

**Criteria for the Variance:**

1. The Variances are not contrary to the public interest in that this location will have no public view of the heat pump unit, screened by a 5' fence and more than 50' from abutters' dwelling units.
2. The Variances are consistent with the spirit of the ordinance as noted in Item 1.
3. Substantial justice will be done, as this work will allow the upgrade of the existing mechanical systems without impacting the neighborhood.
4. This Variances will not diminish the value of surrounding properties as the units are not visible to abutters or to the street.
5. The special condition of this property is the existing non-conforming Rear and Side Setback (structure near property lines), and location of units on right side would be adjacent to patio and visible to abutters and from street. Locating units on the left side of the property would also be within the setback and visible to the abutters.

4/23/23, Tom and Dani Rooney



**Site plan for 29 Spring Street.**





Rear of property showing approximate location of heat pump units, below fence line.



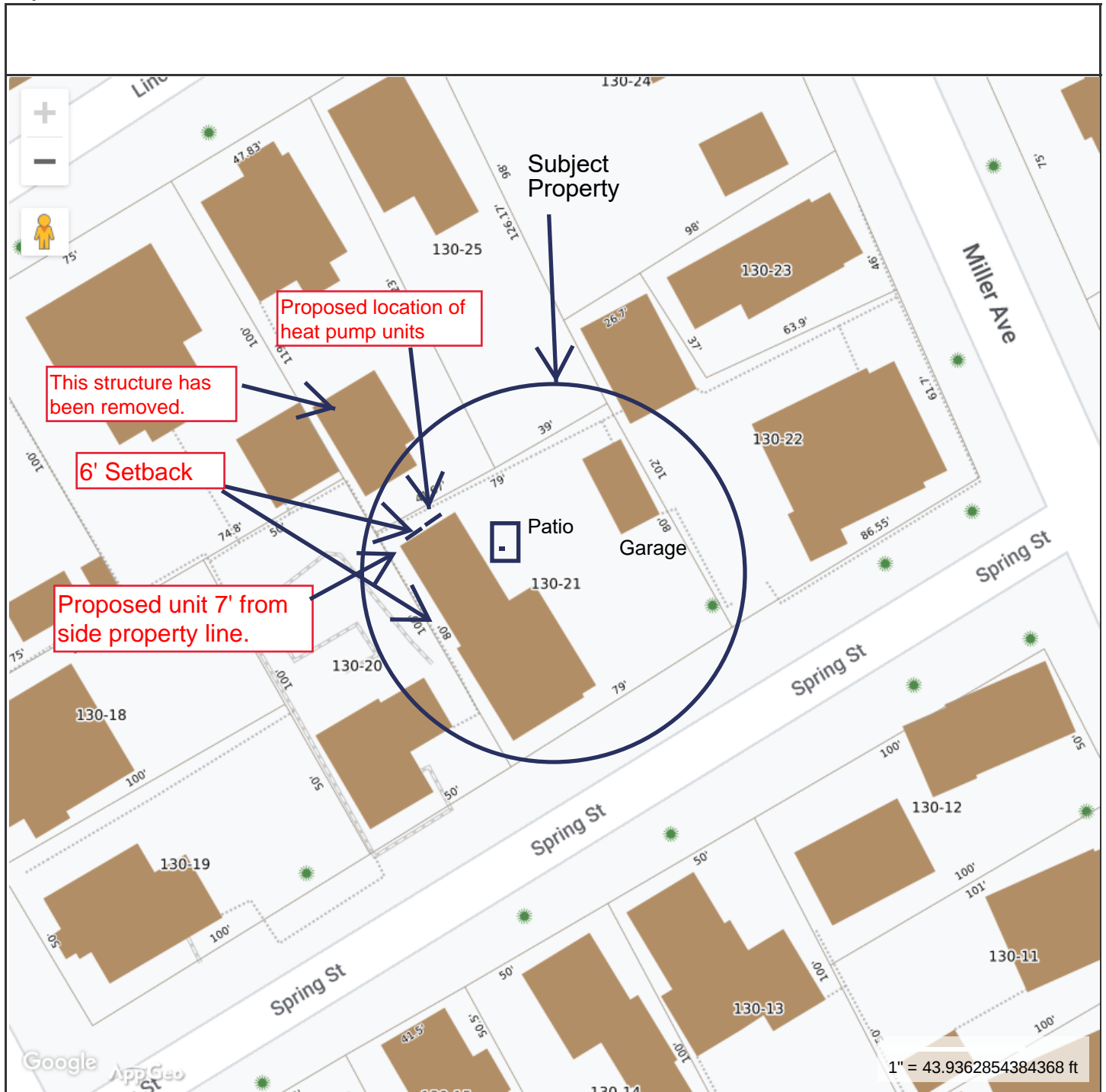
Example heat pump outdoor unit, 22" high with 24" inch stand. Total height 46" or 3' 10".



**Side view of property indicating that alternate location for heat pump unit would be adjacent to patio and near fence gate.**



**View from rear abutter's property, indicating that heat pump unit will be below fence line.**



**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 09/21/2022  
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

29 Spring Street

Map Lot 130-21

Addendum to Application # LU-23-55

**Additional specifications of the heat pump outdoor mechanical unit.**

### Mitsubishi 6,000 BTU H2i Outdoor Ductless Heat Pump Condenser

Model: MUZ-FS06NA-U1 Item Number: 110933



**Not For Individual Sale**

#### Specification Highlights

Condition	New ⓘ
Weight	82 Pounds ⓘ
Type	Outdoor Condenser
Product Line	M-Series

[View More](#)



#### Dimensions

Maximum Line Length	65 Feet
Gas Connection Size	3/8 Inch
Liquid Connection Size	1/4 Inch
Product Height	21 5/8 Inches
Product Width	31 1/2 Inches
Product Depth	11 1/4 Inches
Product Weight	82 Pounds
Shipping Weight	89 Pounds



### III. NEW BUSINESS

- F. **REQUEST TO BE HEARD AT END OF MEETING** The request of **Scott Day and Marta Day (Owners)**, for property located at **18 Walden Street** whereas relief is needed to install a mechanical unit which requires a variance from Section 10.515.14 to allow a) 4 foot side yard where 10 feet is required; and b) 2 foot front yard where 10 feet is required. Said property is located on Assessor Map 101 Lot 20 and lies within the General Residence B (GRB) and Historic District. (LU-23-52) **REQUEST TO BE HEARD AT END OF MEETING**

#### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single Family	Install Mechanical Unit	Primarily residential
<u>Lot area (sq. ft.):</u>	4,365	4,365	5,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,365	4,365	5,000 min.
<u>Lot depth (ft.):</u>	81	81	60 min.
<u>Street Frontage (ft.)</u>	50	50	80 min.
<u>Primary Front Yard (ft.):</u>	0	<b>2 (Mechanical Unit)</b>	5 min.
<u>Left Yard (ft.):</u>	6	<b>4</b>	10 min.
<u>Right Yard (ft.):</u>	>10	>10	10 min.
<u>Rear Yard (ft.):</u>	>30	>30	25 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	18	18	30 max.
<u>Open Space Coverage (%):</u>	>25	>25	25 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1780	<b>Variance request(s) shown in red.</b>	

#### Other Permits/Approvals Required

- Building Permit

## Neighborhood Context



### 18 Walden Street

## Previous Board of Adjustment Actions

May 22, 1979 – The Board of Adjustment **granted** the application requesting variances from Article III Section 10-302 and Article IV, Section 10-401 to allow construction of a 10' x 15' open porch 14' from the right and 11' from the left property lines where 20' for each is required.

August 11, 1987 – The Board voted to **deny** the requests to allow:

- 1) an expansion of a non-conforming use, a single-family dwelling where no such expansion is allowed;
- 2) to allow the construction of a 298 s.f. addition onto an existing single-family dwelling with a 6'5" left yard and a 14' right yard where a minimum 20' yard for both is required and to allow a lot coverage of 27.12% in a district where a maximum of 20% lot coverage is allowed.

June 28, 1988 – The Board of Adjustment granted the application wherein the following were requested:

- 1) A Variance from Article IV, Section 10-401 (4) to allow the reframing of a 17' x 33' non-conforming single family home damaged by other causes (rot) to such an extent



that restoration will cost over 50% of the cost to produce a new and entire dwelling and shall not be rebuilt except in conformity with this ordinance.

2) A Variance from Article II, Section 10-206 (23)(a) to allow the reconstruction of a single-family dwelling in a district where single family dwellings are not permitted; and

3) A Variance from Article III, Section 10-302 to allow said reconstruction with the following;

- a) A front yard of -4' + where 20' is required and,
- b) A left yard of 4'+ where 20' side yard is required.

## Planning Department Comments

*\*Please note the applicant has requested for their case to be heard at the end of the meeting due to a scheduling conflict. \**

The applicant is requesting relief to install a mechanical unit within 10 feet of their boundary line. After submission, the applicant expressed the desire to modify the plan to locate the unit towards the rear of the house (southeast) rather than the front corner (northeast) as portrayed in the submitted plans.

Staff recommends the Board confirm the final location of the unit with the applicant and confirm the noticed variance requests are still applicable for the new location. Should a noticed variance request no longer be applicable, the Board should consider stating so in a motion for approval.

## Variance Review Criteria

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

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

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings,

structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.



**Scott and Marta Day  
18 Walden Street  
Portsmouth, NH 03801**

David Rheame, Chairman  
Historic District Commission  
1 Junkins Ave  
Portsmouth, NH 03801

RE: Variance Application and HDC Building application

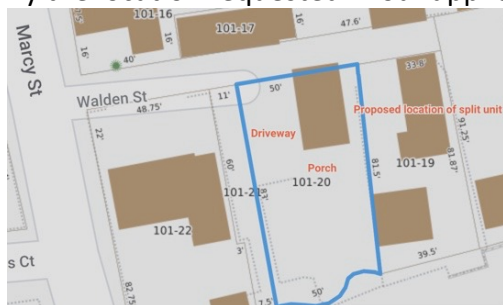
**To permit the following:** Installation of splits for air conditioning, with the outdoor unit being placed on the side of the house with a set back +/- 7 ft where 10 ft is required.

**The property owner declares that:** The small lot with existing structures and site improvements has few locations to locate the required split unit. Moving it an additional two feet from the property line cannot be achieved due to the exterior of the home being there. The location is out of any public view, screened by a fence, but could be seen by our neighbors.

**Criteria for the Variance:**

1. The variances are not contrary to the public interest in that this location will have no public view of the split unit, it will be fenced in from the abutter's driveway, and possibly seen by one neighbor. This neighbor has been notified of this addition and is in agreement with this update.
2. The variances are consistent with the spirit of the ordinance as noted in Item 1.
3. Substantial justice will be done, as this work will allow the upgrade of the existing mechanical system without impacting the neighborhood.
4. This variance will not diminish the value of surrounding properties.
5. The special condition of this property is the existing non-conforming side setback and room for this unit cannot be created without removal/change of exterior home structure.

Furthermore, we would like to identify alternative possible locations for the split unit, and establish why the location requested in our application is the only feasible one.



(Exhibit 1)

As you can see in Exhibit 1, there is no option to put the split unit off the side of the house on Walden Street as the home sits directly on the property line and the unit would be in the street. There is no structural way we would be able to place the split unit on the driveway side of the house, without removing granite landscaping. Another option would be under the porch, and we were informed this could create a safety issue. We had standing water under our porch from tidal storms this past winter, and continue to get standing water with extremely high tides. As you can see in the photos below, our contractor showed the under-deck option, but strongly advised against it. This leaves the only option being on the right side of the home, as indicated in Exhibit 1. Our gas is located on this side of the house, and the proposed A/C unit will be in a safe distance away from the gas line.



## Proposal from contractor:

4/11/23, 8:07 PM

Proposal

 East Coast HVAC

CALL US TODAY  
(603) 430-9414

## Your Proposal Option 1

Scott Day

Address: 18 Walden Street Portsmouth, NH 03801

Phone: (303) 818-2323

Email: scottday1033@gmail.com

Consultation Code: ENGVACGRL

Date Presented: Mar 8, 2023

Date Accepted: Mar 15, 2023

Presented by: Josh Davis

Phone: (603) 430-9414

Email: joshd@eastcoasthvac.com

### About Us

We are a family-owned and operated company that was established in 1986. We specialize in the sales, service and installation of residential and light commercial heating and air conditioning systems including Mitsubishi Electric Ductless (<https://eastcoasthvac.com/ductless-heating-air-conditioning/>). Our technicians are factory trained and certified specialists in the HVAC field and specialists with a variety of furnace and boiler repair experience. We stand behind everything we do with warranties to ensure that you're never left without assistance. Our promise is to provide you with the highest quality service and installation at guaranteed competitive prices with superior post-project service. That's why we are one of the most recognized HVAC companies in the Greater Seacoast area of New Hampshire and Southern Maine. Don't pay more than necessary for your heating and air conditioning needs, call East Coast and Pay Fair.



Fully licensed, insured, and here for you 24/7!!

### PROPOSAL NOTE

**\*\*EXCLUDES ELECTRICAL UPGRADE PRICING\*\***

Our electrician would need to be involved on the proper set up that will allow you to power this equipment safely. I do not know what the overall final pricing will be, on top of this cost. let me be clear again, i do not think changing the panel to one with more space solves your electrical issues. I think this stems from not having a large enough

service to the home. Adding in another double pole 25amp breaker (this system) will cause even more issues without some sort of change.

<https://app.oncallair.com/#/view/accepted/13b7cb6c090ae835bc8496d960be43efccc90a0096d532deb6f30f994ca4fd86/655/767505/2214365>

1/5

Master bedroom: 6,000 btu wall mount

Nursery: 6,000 btu wall mount

First Floor: 12,000 btu wall mount

**System**

Mitsubishi MXZ Ductless 2 Ton

Subtotal: **\$14,300.00**  
See total investment below

**EQUIPMENT**

1 ITEMS



Category: Outdoor Unit

Name: Mitsubishi Ductless M-Series Multi-Zone (3) Outdoor Heat Pump Unit 24K BTU

Number:

**INCLUDES**

4 ITEMS



Category:Mitsubishi Wall Mounted M-Series GL Models (Heat Pump) / Quantity: 1

Name: Mitsubishi Ductless M-Series 12000 Btu Heat Pump Wall Mounted (Matches MUZ-GL)

Number:



Category:Mitsubishi Wall Mounted M-Series GL Models (Heat Pump) / Quantity: 2

Name: Mitsubishi Ductless M-Series 6000 Btu Heat Pump Wall Mounted (Matches MUZ-GL)

Number:



Category:Services / Quantity: 1

Name: 100% Satisfaction Guarantee

Number:



Category:Services / Quantity: 1

Name: Mitsubishi Elite Diamond Contractor & 12-Year Warranty

Number:

**WHAT YOU'LL GET**

31 ITEMS

2.5 Day Installation - Your system will take us roughly 2.5 days to complete!



Condenser Mount: We will help you choose the best mounting option for the outdoor unit. The two most commonly used are a foundation wall mount, or a pad and stand set on crushed stone. Either way, our main goal is to make the outdoor installation professional and clean.

Ductless (Small AMP) Power Up Level 1 - Our licensed electricians will run a new and complete line voltage feed from your existing electrical panel, to your new outdoor unit. This includes everything needed, right from the breaker, to an outdoor rated disconnect switch, and into the unit itself. BONUS! We include a surge protector with every installation, to protect your Mitsubishi investment during power spikes or outages. This line item DOES NOT include any upgrades to your existing electrical services, or existing electrical panel(s). Any service upgrades or sub-panels that are including in your pricing, will be included as a separate line item in the installation items. \*\*Please note that ALL Ductless installations in the State of NH require switches at the indoor unit!!\*\*

Ductless Drainage: Your system will produce water in the summer, as it dehumidifies and cools off the home. Each one of your indoor heads comes equipped with the proper drainage, which is generally a combination of plastic corrugated and PVC piping.

Quantity: 3

Ductless Unit Line Set Installation Per 10FT

Quantity: 16

Our Installations always include the required town permitting and inspection fees, so you can rest assured that you are safe and compliant.

System Pressure Testing & Evac Pump Down - We take our AC lines seriously! Your pricing includes an industry standard dry nitrogen pressure-test of the line sets, and an evacuation and pump down process that will leave your lines as clean and dry as physically possible. This sets your system up for success in the long-term, with lines that are tight and free of refrigerant leaks.

White Fortress Enclosure 3.5" (Per 10FT) - To keep the exterior impact to a minimum, we will hide your lines in a decorative enclosure, that can also be painted to match the home. Our installers are always as creative as possible, to keep these lines neat and clean.

Quantity: 7

## INVESTMENT DETAILS

Sale Price	\$14,300.00
DISCOUNT	
Spring Time Promotion: Multi Zone Heat Pump	- \$500.00
<b>Total Investment</b>	<b>\$13,800.00</b>
The Total Investment is the total cost of the goods and services described in this proposal	
CUSTOMER DIRECT REBATE	
NH SAVES: MXZ3C24NA (Standard Heat Pump)	- \$450.00
<b>Net Investment</b>	<b>\$13,350.00</b>
The Net Investment After All Rebates reflects total cost after rebates that are fulfilled directly by the customer	

#### PAYMENT TERMS

If a financing option is selected, there will be no deposit required, as the transaction will be handled by Synchrony Financial.

If a cash, check, or credit card will be used for payment, a 50% Deposit required. Remaining balance due upon completion.

Deposit	- \$6,900.00
<b>Balance Due After Deposit</b>	<b>\$6,900.00</b>

#### SIGNATURE



#### TERMS AND CONDITIONS

All work is to be completed in a workman like manner according to standard practices. Any alteration or changes from the



4/11/23, 8:07 PM

Proposal

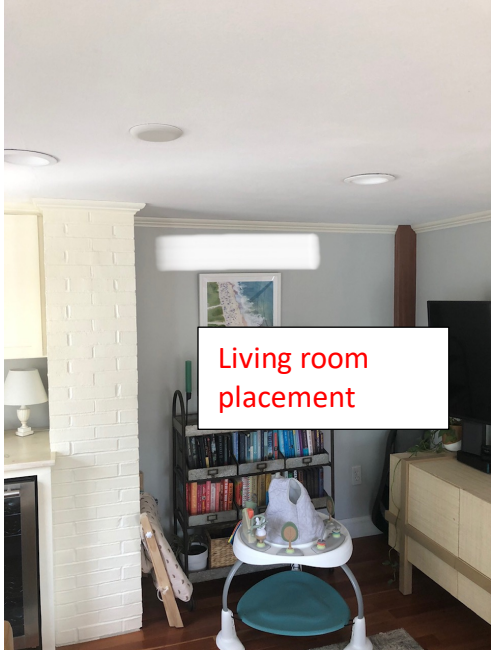
above specifications involving extra work, materials or costs will be undertaken only upon a written change order and will become an extra charge over and above the payment terms set out herein. This proposal is subject to acceptance within 30 days and is void thereafter at the option of East Coast. Work will not begin until after the first payment called for above is made, and the commencement of work is further contingent upon strikes, accidents or delays beyond our control. The parties to this Contract agree that Jurisdiction as to any dispute in any way related to this Contract shall lie exclusively in the State of New Hampshire, Rockingham County. The parties further agree to submit any claim or claims in any way related to this Contract to binding arbitration before the American Arbitration Association in Rockingham County, New Hampshire, provided the parties may mutually agree to an alternate arbitrator or arbitrators. East Coast has the right to stop work if progress payments are not timely made and shall be entitled to recover all its Costs, Expenses, and Attorney Fees, in any way related to the enforcement of the terms of this Contract. Payments due and unpaid shall bear Interest from the date the payment was due at the rate of 18% per annum. You confirm your acceptance of the above Terms & Conditions and this proposal becomes a binding CONTRACT when you click on the above "Approve This Proposal Now." The above prices and conditions will also thereby be accepted. East Coast will be authorized to do the work as specified for the sums set out above. Payment will be made as outlined above.

Nursery line set run to be as close to the side to hide as much as possible, can be painted to match.

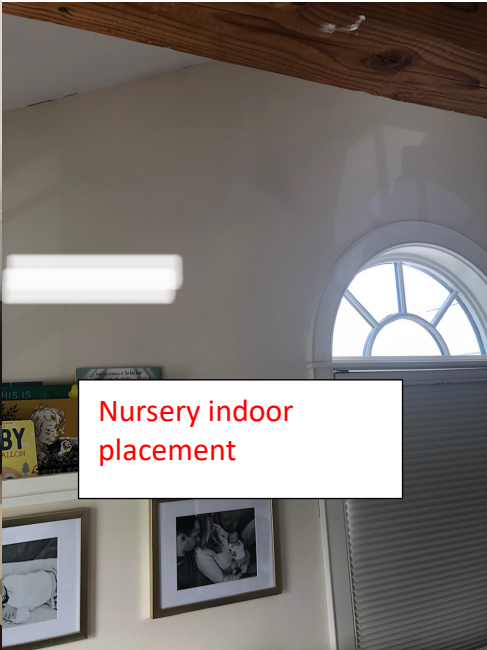


\*Bathroom unit will not be installed. Contactor drew this to show what it would look like.





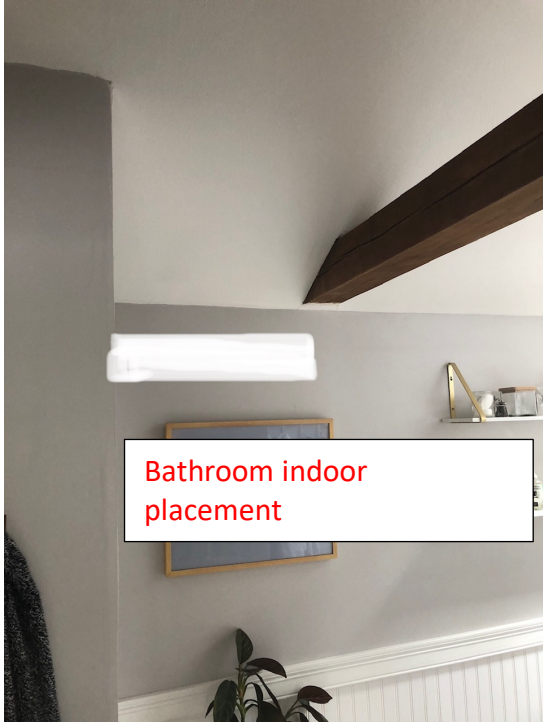
Living room placement



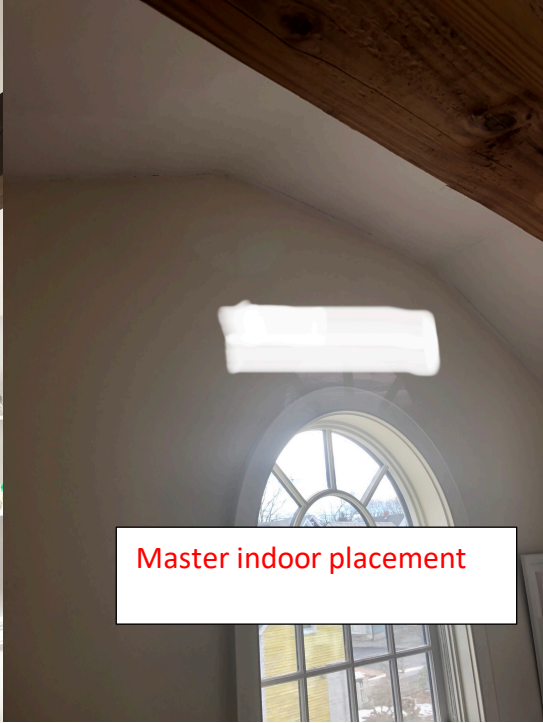
Nursery indoor placement



Living room exterior piping



Bathroom indoor placement



Master indoor placement



Scott and Marta Day  
18 Walden Street  
Portsmouth, NH 03801

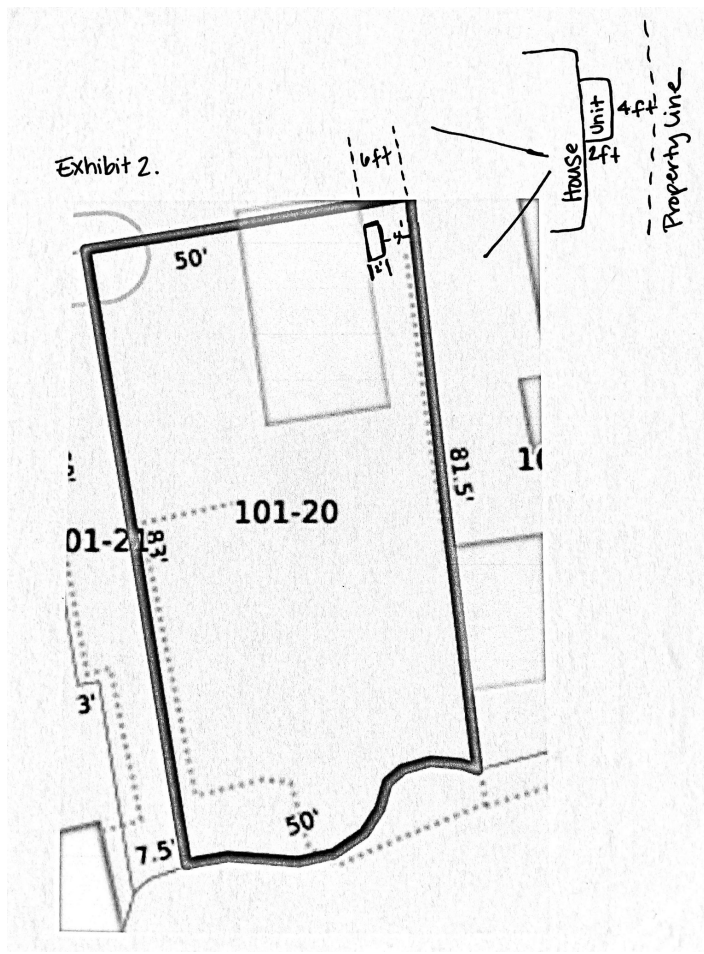
David Rheaume, Chairman  
Historic District Commission  
1 Junkins Ave  
Portsmouth, NH 03801

RE: ADDENDUM Variance Application and HDC Building application

**To permit the following:** Installation of splits for air conditioning, with the outdoor unit being placed on the side of the house with a set back +/- 6 ft where 10 ft is required.

We were asked to provide information regarding the number of condensers and a site map of the condenser location. Please see below.

Exhibit 2



As indicated in our original application, there is only one feasible and safe location for the condenser to be located, which is on the side of the house (see site plan). The house is +/- 6 ft from the property line. With the installation of the condenser, the set-back will be +/- 4 (the unit is 2 ft wide). There will only be one condenser installed.

Photo included below is the type of installation East Coast is planning on the side of the house.





### III. NEW BUSINESS

- G. The request of **The Islamic Society of the Seacoast Area ISSA (Owner), and Chinburg Development, LLC (Applicant)**, for property located at **686 Maplewood Avenue** whereas relief is needed to construct four (4) duplexes and one (1) single living unit to create a total of nine (9) living units which requires the following: 1) Variance from Section 10.440, Use # 1.30 to permit four (4) two-family unit structures where they are not permitted, 2) Variance from Section 10.513 to permit five (5) free standing buildings with dwellings where not more than one is permitted, 3) Variance from Section 10.520 to allow a) 6,975 square feet of lot area per dwelling unit where 15,000 square feet is required; and b) 47 feet of frontage where 100 feet is required. Said property is located on Assessor Map 220 Lot 90 and lies within the Single Residence B (SRB) District and the Highway Noise Overlay District. (LU-23-57)

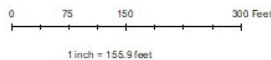
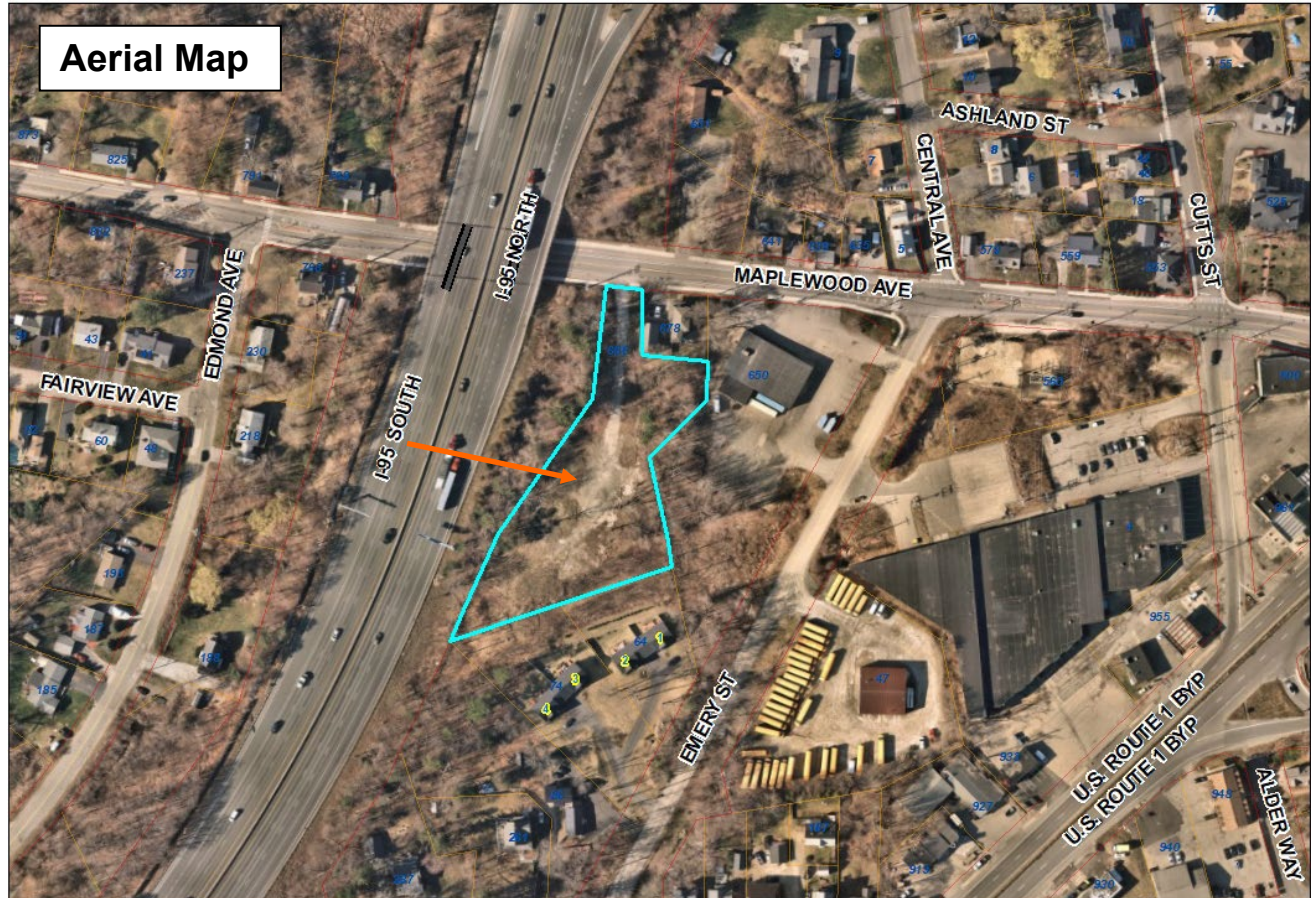
#### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Undeveloped Lot	<b>Construct one single family home and 4 duplexes</b>	Primarily residential
<u>Lot area (sq. ft.):</u>	62,776	62,776	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	0	<b>6,975</b>	15,000 min.
<u>Lot depth (ft.):</u>	>100+	>100	100 min.
<u>Street Frontage (ft.)</u>	47	<b>47</b>	100 min.
<u>Primary Front Yard (ft.):</u>	30	30	30 min.
<u>Left Yard (ft.):</u>	10	10	10 min.
<u>Right Yard (ft.):</u>	10	10	10 min.
<u>Rear Yard (ft.):</u>	40	40	30 min.
<u>Height (ft.):</u>	n/a	<35	35 max.
<u>Building Coverage (%):</u>	0	12.3	20 max.
<u>Open Space Coverage (%):</u>	100	60.5	40 min.
<u>Parking</u>	0	20	8
		<b>Variance request(s) shown in red.</b>	

#### Other Permits/Approvals Required

- Building Permit
- Site Plan Review – TAC and Planning Board
- Conditional Use Permit for a Noise Sensitive Land Use in the HNOD – Planning Board.

## Neighborhood Context



**686 Maplewood Avenue**



### Previous Board of Adjustment Actions

February 21, 2017 – The Board **granted** a special exception and a variance to allow the following:

- 1) a Special Exception from Section 10.440 to allow a religious place of assembly in a district where the use is only allowed by special exception.
- 2) a Variance from Section 10.521 to allow 47'± of continuous street frontage where 100' is required.

February 25, 2019 – The Board **granted** a 1-year extension of the variance and special exception, to expire on February 21, 2020.

April 7, 2020 – The Board **postponed** the request (to the April 21, 2020 meeting) for relief needed from the Zoning Ordinance to construct a 4,000± s.f. building to house a religious place of assembly which includes the following:

- 1) A Special Exception under Section 10.440, Use #3.11 to allow a religious place of assembly in a district where the use is only allowed by Special Exception; and
- 2) A Variance from Section 10.521 to allow 47'± of continuous street frontage where 100' is required.

April 21, 2020 – The Board voted to **grant** the variance and special criteria as presented.



## Planning Department Comments

The applicant is requesting relief for the construction of 5 total buildings on the existing vacant parcel. The buildings will include four (4) two-unit structures and one (1) single-unit structure.

The parcel is located within the Highway Noise Overlay District (HNOD), making development subject to a Conditional Use Permit and additional site review requirements per section 10.670 of the [Zoning Ordinance](#).

## Variance Review Criteria

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

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

**AND**

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

**OR**

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

## 10.235 Certain Representations Deemed Conditions

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



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

LIZABETH M. MACDONALD  
JOHN J. RATIGAN  
DENISE A. POULOS  
ROBERT M. DEROSIER  
CHRISTOPHER L. BOLDT  
SHARON CUDDY SOMERS  
DOUGLAS M. MANSFIELD  
KATHERINE B. MILLER  
CHRISTOPHER T. HILSON  
HEIDI J. BARRETT-KITCHEN  
JUSTIN L. PASAY  
ERIC A. MAHER  
CHRISTOPHER D. HAWKINS  
ELAINA L. HOEPPNER  
WILLIAM K. WARREN  
BRIANA L. MATUSZKO

**HAND DELIVERED**

RETIRED  
MICHAEL J. DONAHUE  
CHARLES F. TUCKER  
ROBERT D. CIANDELLA  
NICHOLAS R. AESCHLIMAN

April 26, 2023

Phyllis Eldridge, Chair  
Zoning Board of Adjustment  
City of Portsmouth  
1 Junkins Avenue  
Portsmouth, NH 03801

RE: 686 Maplewood Avenue, Map 220, Lot 90  
Chinburg Development, LLC

Dear Chair Eldridge and Board Members:

Enclosed please find supporting materials to accompany the information submitted via the City's on-line permitting system for variance relief regarding the above referenced property.

We respectfully request that this matter be placed on the Board's May 16, 2023 agenda. In the meantime, if you have any questions or require additional information do not hesitate to contact me.

Very truly yours,  
DONAHUE, TUCKER & CIANDELLA, PLLC

Justin L. Pasay  
JLP/sac  
Enclosures

cc: Chinburg Development, LLC  
John Chagnon

S:\ACE-CL\Chinburg Builders\686 Maplewood, Portsmouth\ZBA Materials\2023 04 26 zba letter.docx

DONAHUE, TUCKER & CIANDELLA, PLLC  
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833  
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801  
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253  
83 Clinton Street, Concord, NH 03301



## VARIANCE APPLICATION OF

Chinburg Development, LLC (the “Applicant”) for property located at 686 Maplewood Avenue, Portsmouth, NH 03801, which is further identified as City Assessor Map 220, Lot 90 (the “Property”). The Property is located within City’s Single Residence B District (the “SRB District”) and the Highway Noise Overlay District.

### A. Introduction and Factual Context

#### i. **Development Team and Application Materials**

The Applicant’s development team consists of John Chagnon, PE, LLS, of Ambit Engineering, Inc. (“Ambit”), Carla Goodknight, AIA, NCARB of CJ Architects, and The Gove Group Real Estate, LLC (“Gove”). Included herewith are the following enclosures:

- Aerial Photograph, Zoning Map and Assessor Map 220. See Enclosure 1.
- Proposed Site Plan, Residential Development, 686 Maplewood Avenue, Portsmouth, New Hampshire, Permit Plans, from Ambit, dated 13 April 2023, to include an Existing Conditions Plan on C1 (the “**Existing Conditions Plan**”), and a Variance Plan on C2 (the “**Variance Plan**”). See Enclosure 2.
- Duplex Unit and Single Unit Plans, with renderings, from CJ Architects, dated 29 March 2023 (the “**Duplex Unit Plans**” and the “**Single Unit Plans**”). See Enclosure 3.
- Landscaping and Screening Plan from Chinburg Development, LLC dated 21 April 2023 (the “**Landscape and Screening Plan**”). See Enclosure 4.
- Neighborhood Density Calculation from Gove (the “**Density Calculation**”). See Enclosure 5.
- Trip Generation Memorandum from Ambit, dated 23 April 2023 (the “**Trip Generation Memo**”). See Enclosure 6.
- Property Value Impact Letter from Gove, dated 18 April 2023. See Enclosure 7.

#### ii. **Property Description, Existing Conditions and Applicable Zoning Regulations**

As depicted in **Enclosure 1**, at 62,776 sf (1.4411 acres) in size, the Property is unique due to its size, which is larger than all other SRB District Properties in the surrounding area, and its awkward configuration. See id; **Enclosure 2**. More specifically, presumably due to the expansion, overtime, of Route 95, the Property enjoys only 47.31 ft of frontage. Id. The Property is bound to the north by Route 95, to the east by Maplewood Avenue, to the south by the property located at 650 Maplewood Avenue (City Assessor Map 220, Lot 88) which is located within the City’s Business Zoning District and is improved by a wholesale/retail business use, and to the south by 64 and 74 Emery Street (City Assessor Map 220, Lots 87-2 and 87-3), both of which are improved with two-family duplexes. See Enclosures 1 and 2; See also pictures of Property filed with application. The Property is unimproved and largely cleared in the central portion of same, though there exists a mature vegetative buffer along the northern boundary and the majority of the western and southern boundaries as well. Id. A 100 ft easement (45 ft of which is located on the Property) to accommodate a public electric utility and its overhead electrical wires, is located on the southern portion of the Property. See Enclosure 2, Existing Conditions Plan.

The Property is among the first lots situated to the west of the Business District Area along the Route 1 By-Pass to be zoned within the SRB District, the purpose of which is to “provide areas for single-family dwellings at low to medium densities (approximately 1 to 3 dwellings per acres) and appropriate accessory uses.” See Zoning Ordinance, Section 10.410. As such, the Property is uniquely situated as a transition between the more densely situated downtown area with its associated mixed uses, and less dense residential areas to the west. The grade and topography of the Property also presents unique circumstances, as depicted on the **Existing Conditions Plan**. See **Enclosure 2**. More specifically, the Property rises from a 40 ft elevation at the Maplewood Avenue level, to 60 feet at the back (south) portion of the Property before it slopes down to the surrounding properties.

The SRB District has the following dimensional requirements:

- Lot area: 15,000 sf
- Lot area per dwelling unit: 15,000 sf
- Continuance street frontage: 100 ft
- Depth: 100 ft
- Minimum front yard: 30 ft
- Minimum side yard: 10 ft
- Minimum rear yard: 30 ft
- Max Structure Height: 35 ft
- Max roof appurtenance: 8 ft
- Max Building Coverage: 20%
- Minimum open space: 40%

See Zoning Ordinance, Section 10.520. Additionally, within the SRB District, two-family dwellings are not permitted. See Zoning Ordinance, Section 10.440, 1.30.

### iii. Project Proposal

The Applicant proposes to develop the Property into a multi-family condominium consisting of four (4) two-family dwellings, and one (1) single family dwelling, with associated site improvements (the “Project”). See **Variance Plan**. One (1) of the proposed units will be affordable, as that term is defined by the City’s Zoning Ordinance.<sup>1</sup> The aesthetic of the Project will be traditional / colonial to complement the existing historic character of the City. See **Enclosure 3**. Both the two-family units and the single-family unit are proposed to include a single-car garage, bonus room, bonus bath and mechanical storage on the first floor; living room, dining room, kitchen and bathroom on the second floor; and a master bedroom/bathroom and additional bedroom on the third floor. Id. Additional design features include covered porch areas, doghouse dormers, exterior decks, and the use of Hardie Board siding. See **Enclosures 2, 3**.

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<sup>1</sup> The Applicant’s intention with regard to this unit is to ensure that the combined mortgage loan debt service, property taxes and required insurance do not exceed 30% of a household’s gross income and which is intended for sale to a household with an income of no more than 100% of the median income for a 4-person household for the Portsmouth-Rochester HUD Metropolitan Fair Market Area published by HUD.



The Project will be served by a single driveway from Maplewood Avenue which will be complemented by a 5 ft sidewalk to facilitate pedestrian foot-traffic to/from the proposed dwelling units. The Project will comply with all setback requirements, building coverage requirements and open space requirements. See Enclosure 2, Variance Plan. Further, the Project satisfies the off-street parking requirement of 14 spaces via the provision of 20 spaces. Id.

The Project proposes a robust landscaping and screening program as depicted on the Landscape and Screening Plan. See Enclosure 4. More specifically, the Applicant proposes the planting of 37 *pinus thunbergiana* (“Thunderheads”) along the Property’s southern and eastern boundaries, the planting of eight (8) *plantanus x acerifolia* trees (“Bloodgoods”) along the western boundary and on either side of the entrance to the Property, as well as several ornamental Chinese *astilbes* and Japanese *spirea* which will adorn the entrance from Maplewood Avenue area. The Thunderheads are medium-sized evergreen conifers which will grow to a height of up to 10 ft, and a width of up to 8 ft. The Bloodgoods, which are also called London Planetrees, are a hybrid cross between the American Sycamore and the Oriental Planetree. The Bloodgoods will grow to a height of up to 75 – 100 ft and have a spread of 60 – 75 ft. Collectively, the proposed landscaping plan will provide tasteful screening of the Property from abutting properties and Maplewood Avenue alike, and it will provide insulation barrier from the noise of Route 95.

Finally, the Project incorporates a 6,500 sf recreation area as depicted on the **Variance Plan**, which area will serve as an amenity to residents of the neighborhood. This area will provide green space, dog walking and additional passive recreational opportunities for residents.

#### iv. Requested Relief

The Applicant requests the following variance relief to accommodate the Project:

- **Two-Family Dwelling Relief:** The Applicant requests variance relief from Article 4, Section 10.440, 1.30 of the Zoning Ordinance to permit four (4) two-family dwellings on the Property where two-family dwellings are not permitted in the SRB District.
- **One Dwelling Per Lot:** The Applicant requests variance relief from Article 5, Section 10.513 of the Zoning Ordinance to permit five (5) free-standing buildings with dwellings, as depicted on the plans, where no more than one free-standing dwelling is permitted in the SRB District.
- **Density Relief:** The Applicant requests variance relief from Article 5, Section 10.520 of the Zoning Ordinance to permit 6,975 sf of lot area per each of the nine (9) dwelling units, where 15,000 sf of lot area per dwelling unit is required in the SRB District.
- By way of additional context, the Applicant conducted a density calculation of the immediate and expanded neighborhoods around the Property and determined the following foundational facts regarding density in this area of Portsmouth:

- Of the 14 residential properties in the immediate neighborhood, which is located to the east of Route 95, four (4) include two-family dwellings, to include 64 and 74 Emery Street which are immediate abutters to the Project, and one (1), which abuts the Property to the east and is located at 678 Maplewood Avenue, includes a 3-unit multi-family dwelling. See Enclosure 5.
- The average square footage of lot area per dwelling unit in the immediate neighborhood is 7,361 sf. Id.
- The proposed square footage of lot area per dwelling unit in the Project is a consistent 6,975 sf, a negligible difference of 386 sf from the average square footage of lot area per dwelling unit in the immediate neighborhood. Id.
- As you head west on Maplewood Ave, the average square footage of lot area per dwelling unit in the extended neighborhood on the southern side of Maplewood is 7,995 sf. Id.
- The average square footage of lot area per dwelling unit in the extended neighborhood on the northern side of Maplewood is 9,359 sf.
- **Frontage Relief:** The Applicant requests variance relief from Article 5, Section 10.520 of the Zoning Ordinance to permit development of the Project with 47.31 ft of frontage where 100 ft is required in the SRB District.

**v. Previous Proposals and Additional Permitting**

In February of 2017, the Property received a Special Exception to construct a religious place of assembly (the Islamic Society of the Seacoast Area) and a variance from the above referenced frontage requirement. Thereafter, in April of 2019, the City’s Planning Board granted a corresponding Site Plan Review Application for the proposal, which was ultimately abandoned by the owner of the Property. Of note, and as detailed in Ambit’s Trip Generation Memo, the Mosque proposal contemplated considerably more traffic than this Project. See Enclosure 6.

Prior to that, we understand that a 28-unit multi-family proposal and a 6,000 sf warehouse proposal were unsuccessful in obtaining necessary entitlements to be developed.

Finally, to the extent that the Applicant receives the variance relief it seeks by this application, it will pursue Site Plan Review and a Highway Noise Overlay District Conditional use Permit from the City’s Planning Board.

**vi. Statutory Variance Criteria**

Pursuant to Article 2, Section 10.233 of the City’s Zoning Ordinance and RSA 674:33, to obtain a variance in Portsmouth, an applicant must show that: (1) the variance will not be



contrary to the public interest; (2) the spirit of the ordinance is observed; (3) substantial justice is done; (4) the values of surrounding properties are not diminished; and (5) literal enforcement of the provisions of the ordinance would result in an unnecessary hardship, where said term means that, owing to special conditions of the property that distinguish it from other properties in the area: no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and the Proposed use is a reasonable one; or if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. See RSA 674:33, I (b).

Because the Applicant's Project will be consistent with the essential character of the surrounding area, will not compromise the public health in any way, will provide substantial justice, will not compromise the property values of surrounding properties, and because there is no rational connection between the intent of the underlying ordinance provisions and their application to the Property under the unique circumstances of this case, as outlined below, we respectfully request that the requested variance be granted.

**vii. Analysis**

**1. The variances will not be contrary to the public interest.**

The New Hampshire Supreme Court has indicated that the requirement that a variance not be "contrary to the public interest" is coextensive and related to the requirement that a variance be consistent with the spirit of the ordinance. See Chester Rod & Gun Club v. Town of Chester, 152 N.H. 577, 580 (2005); Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 105-06 (2007); and Farrar v. City of Keene, 158 N.H. 684, 691 (2009). A variance is contrary to the public interest only if it "unduly, and in a marked degree conflicts with the ordinance such that it violates the ordinance's basic zoning objectives." Chester Rod & Gun Club, 152 N.H. at 581; Farrar, 158 N.H. at 691. See also Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508, 514 (2011) ("[m]ere conflict with the terms of the ordinance is insufficient.") Moreover, these cases instruct boards of adjustment to make the determination as to whether a variance application "unduly" conflicts with the zoning objectives of the ordinance "to a marked degree" by analyzing whether granting the variance would "alter the essential character of the neighborhood" or "threaten the public health, safety or welfare" and to make that determination by examining, where possible, the language of the Zoning Ordinance. See supra.

As indicated above, all of the requested variances derive either from Article 4, Section 10.440 of the Zoning Ordinance (the Table of Uses – Residential, Mixed Residential, Business and Industrial Districts), or Article 5, Sections 10.513 or 10.520 (the Table of Dimensional Standards – Residential and Mixed Residential Districts), all of which pertain, in this case, to the intended aesthetic of the SRB District. The specific purpose of the SRB District is to "provide areas for single-family dwellings at low to medium densities (approximately 1 to 3 dwellings per acre), and appropriate accessory uses." Zoning Ordinance, Article 4, Section 10.410. The general purpose of the Zoning Ordinance as a whole is to "promote the health, safety and the

general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan” via the regulation of, among other things, the intensity of land use and the preservation and enhancement of the visual environment. Zoning Ordinance, Article 1, Section 10.121. To summarize, the objectives of the SRB District and the dimensional and use restrictions inherent to same which are implicated by this application, are to provide medium density and aesthetically consistent development in the area between downtown and the commercial Gateway Corridor along Woodbury Avenue.

Here, as a foundational point, the Applicant’s proposal does not create any marked conflict with the underlying provisions of the Zoning Ordinance because, on the contrary, and due to the Property’s unique configuration, physical characteristics, and the existing built environment that surrounds the Property, the Project is consistent with the existing neighborhood and ultimately advances the purpose of the ordinance to provide medium density in a transitional area that already incorporates two-family and multi-family development.

More specifically, the Project proposes two-family dwellings on the Property which abuts to the north two (2) distinct lots which are each improved with a two-family dwelling (64 and 74 Emery Street), and to the west, a three (3) unit multi-family dwelling located at 678 Maplewood Avenue. See Enclosure 1. Further, the density in the immediate neighborhood is 7,361 sf of lot area per dwelling unit, where the Project proposes a substantially similar 6,975 sf of lot area per dwelling unit. See Enclosure 5. The Project contemplates the perfect transitional compromise between the more densely settled downtown area, and the less dense SRB District area located to the west of the Property and proposes less traffic than previously approved proposals for the Property. See Enclosure 6. For these reasons, there is no “marked conflict” between the Project proposal, and the objectives of the zoning ordinances in question.

For the same reasons, the Project also plainly satisfies the case law requirements because the essential character of the neighborhood will not be affected for the reasons explained throughout this narrative. The density and two-family variances will not alter the essential character of the neighborhood because the Property is abutted on two sides by properties with either two or three-family dwellings on them. Further, the 386 sf difference between the proposed density of the Project (6,975 sf of lot area per dwelling unit) and the existing density of the immediate neighborhood (7,361 sf of lot area per dwelling unit), is small enough to be effectively indiscernible. In other words, the Project will be consistent with the character of the surrounding neighborhood. See Enclosures 1 – 6.

Additionally, the Project will complement the City’s most recent Master Plan initiatives which repeatedly focus on the need for affordable housing in the City, and region beyond. More specifically, the Portsmouth 2025 Master Plan (the “Master Plan”) states that:

The scarcity of appropriately zoned land, combined with the high cost of land in Portsmouth generally, has been a major obstacle to the construction of affordable housing ... Despite these efforts, very little new affordable or moderately-priced housing has been created, and much new housing development in the City has been targeted for the luxury market.



Master Plan, pg. 62.

This Project would add an affordable housing unit to the housing stock in Portsmouth that is within walking distance to the downtown area, public recreational areas, and public transportation. In other words, the Project would help to move the City of Portsmouth towards its goals of having diverse affordable housing by providing one (1) restricted affordable unit in this community.

As the Applicant's Project will be consistent with the intent of the SRB District and the general purposes of the Zoning Ordinance, the express intent of the Master Plan, and because the Project will not alter the essential character of the neighborhood or threaten the public health or safety, it would be reasonable and appropriate for the Board of Adjustment to conclude that granting the Applicant's variance requests will satisfy the public interest prong of the variance criteria.

## **2. The spirit of the Ordinance is observed.**

As referenced above, the requested variances observe the spirit of the Zoning Ordinance and New Hampshire jurisprudence regarding the "public interest" prong of the variance criteria because the Applicant's Project will be consistent with the general and implied purposes of the Zoning Ordinance provisions at issue in this case. Further, the Project will not compromise the character of the neighborhood or threaten the public health, safety, or welfare. As the New Hampshire Supreme Court has indicated in both Chester Rod & Gun Club and in Malachy Glen, the requirement that the variance not be "contrary to the public interest" is coextensive and is related to the requirement that the variance be consistent with the spirit of the ordinance. See Chester Rod & Gun Club, 152 N.H. at 580. A variance is contrary to the spirit of the ordinance only if it "unduly, and in a marked degree conflicts with the ordinance such that it violates the ordinance's basic zoning objectives." Chester Rod & Gun Club, 152 N.H. at 581; Farrar, 158 N.H. at 691. As discussed above, the requested variances are consistent with the general spirit of the Ordinances in question as well as the Master Plan. As a result, for the reasons stated above, the Applicant respectfully asserts that it would be reasonable and appropriate for the Board of Adjustment to conclude that the requested variance will observe the spirit of the Zoning Ordinance.

## **3. Substantial justice is done.**

As noted in Malachy Glen, *supra*, "perhaps the only guiding rule [on this factor] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." Malachy Glen, *supra*, citing 15 P. Loughlin, New Hampshire Practice, Land Use Planning and Zoning § 24.11, at 308 (2000) (quoting New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials (1997)). In short, there must be some gain to the general public from denying the variance that outweighs the loss to the applicant from its denial.

In this case, the public does not gain anything by denying the requested variance. The Property has been the site of several development proposals, none of which have materialized.

The Project contemplates the perfect transitional development between the downtown area and the SRB District to the west of the Property and proposes residential density which is substantially similar to the surrounding neighborhood, all in an aesthetic which compliments the historic charm of the greater Portsmouth area. Further, the Project incorporates an affordable housing unit which advances the express intent of the Master Plan. The public benefits from a Project which will create housing, advance the essential character of the area, generate additional tax revenue and fulfill goals of the newly adopted Master Plan.

On the contrary, if the variances are denied, the Project will not be developed, will not add an affordable unit to the housing stock in Portsmouth, and will not generate additional tax revenue. Further, the Applicant will not be able to reasonably use property it intends to purchase for a use which is consistent with the surrounding area and which will have a *de minimis* impact on the neighborhood.

Certainly, the Applicant will benefit from the variance, if granted, as they will facilitate the reasonable use of the Property in furtherance of the Applicant's goals, which has been encouraged by the New Hampshire Supreme Court.

As the requested variances benefit the Applicant and do not detriment the public, there is no gain to the general public from denying the request that outweighs the loss to the Applicant from its denial, and this prong of the variance criteria is satisfied.

**4. The proposal will not diminish surrounding property values.**

Given the nature of the proposed conditions of the Property and the surrounding area, as discussed above and depicted in the Enclosures, the Applicant's proposal will not diminish surrounding property values. The proposed residential development will be substantially consistent with the surrounding area and will otherwise be situated on a hill adjacent to Route 95. See Enclosure 7. The Applicant's Project will obviously enhance the value of the Property, thereby enhancing the value of surrounding properties in turn. Certainly, there is no evidence in the record that could reasonably support the conclusion that the proposed Project will diminish surrounding property values. As the weight of the evidence supports the conclusion that the Project will not diminish the value of surrounding properties, it would be reasonable for the Board of Adjustment to conclude that this prong of the variance criteria is satisfied.

**5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.**

**a. Legal Standard**

As set forth in the provisions of RSA 674:33, I, there are two options by which the Board of Adjustment can find that an unnecessary hardship exists:

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:



- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
- (ii) The Proposed use is a reasonable one.

(the “First Hardship Test”)

or,

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. (the “Section Hardship Test”).

The Applicant respectfully reminds the Board of Adjustment that the mere fact that the Applicant is seeking a variance from the express provisions of the Zoning Ordinance is not a valid reason for denying the variance. See Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 107 (2007); see also Harborside Associates, 162 N.H. at 2011 (“mere conflict with the terms of the ordinance is insufficient”).

#### **b. Summary of Applicable Legal Standard**

The first prong of the First Hardship Test requires the Board to determine whether there are special conditions on the underlying property which is the subject of a variance request. This requirement finds its origins in the Standard State Zoning Enabling Act of the 1920s “since it is the existence of those ‘special conditions’ which causes the application of the zoning ordinance to apply unfairly to a particular property, requiring that variance relief be available to prevent a taking.”<sup>2</sup> The Supreme Court has determined that the physical improvements on a property can constitute the “special conditions” which are the subject of the first prong of the First Hardship Test. Harborside, 162 N.H. at 518 (the size and scale of the buildings on the lot could be considered special conditions); *Cf* Farrar, 158, N.H. 689 (where variance sought to convert large, historical single use residence to mixed use of two residence and office space, size of residence was relevant to determining whether property was unique in its environment).

The second prong of the First Hardship Test analysis, pertaining to the relationship between the public purpose of the ordinance provision in question, and its application to the specific property in question, is the codified vestige of a New Hampshire Supreme Court case called Simplex Technologies, Inc. v. Town of Newington (“Simplex”).<sup>3</sup> To summarize, the Board’s obligation in this portion of its hardship analysis is to determine the purpose of the regulation from which relief is being sought and if there is no specific purpose identified in the regulation, then to consider the general-purpose statements of the ordinance as a whole, so that the Board may determine whether the purpose of said ordinance is advanced by applying it to the property in question.

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<sup>2</sup> 15 Loughlin, New Hampshire Practice, Land Use Planning and Zoning, §24.20 (4<sup>th</sup> Ed.) citing The Standard State Zoning Enabling Act.

<sup>3</sup> 145 N.H. 727 (2001).

The final prong of the First Hardship Test analysis is whether the proposed use is “reasonable.”

The Applicant respectfully reminds the Board of Adjustment of the New Hampshire Supreme Court’s substantive pivot in Simplex. The Simplex case constituted a “sharp change in the New Hampshire Supreme Court’s treatment of the unnecessary hardship requirement.” The Simplex Court noted that under the unnecessary hardship standard, as it had been developed by the Court up until that time, variances were very difficult to obtain unless the evidence established that the property owner could not use his or her property in any reasonable manner.”<sup>4</sup> This standard is no longer the required standard in New Hampshire. The Applicant does not have an obligation to affirmatively prove that the underlying Property cannot be reasonably used without the requested variance modification. Rather, the critical question under the First Hardship Test is whether the purpose of the Zoning Ordinance is fairly and substantially advanced by applying it to the Applicant’s Property considering the Property’s unique setting and environment. This approach is consistent with the Supreme Court’s pivot away from the overly restrictive pre-Simplex hardship analysis “to be more considerate of the constitutional right to enjoy property”.<sup>5</sup>

The Second Hardship Test, which we will not focus on in this narrative, is satisfied by establishing that owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

### **c. Analysis**

The first prong of the First Hardship Test requires the Board to determine whether there are special conditions on the underlying Property which distinguish it from others in the area. Here, as discussed at length in Section A above, which is incorporated herewith by reference, the Property does have special conditions that distinguish it from others in the area to specifically include the fact that it is substantially larger than all other residential properties in the area within the SRB District, the Property’s configuration which creates only 47.31 ft of frontage, the Property’s existence immediately adjacent to Route 95, and the grade and topography of the Property which slopes up from Maplewood Avenue and makes the Property difficult to observe from Maplewood Avenue. Through these unique characteristics, the Property is uniquely situated to accommodate the proposed Project which will constitute the highest and best use for this parcel.

As there are special conditions of the Property, the first prong of the First Hardship Test is satisfied.

The second prong of the First Hardship Test pertains to the relationship between the public purpose of the ordinance provisions in question, and their application to the specific property in question. To summarize, the Board of Adjustment must determine whether the purpose of the underlying ordinances are advanced by applying them to the property in question.

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<sup>4</sup> 15 Loughlin, 24.16.

<sup>5</sup> Id. citing Simplex, 145 N.H. at 731.



Here, as discussed above, the requested variances derive either from the Table of Uses – Residential or the dimensional requirements of Article 5, to include the Table of Dimensional Standards – Residential and Mixed Residential Districts, and they pertain to the intended aesthetic of the SRB District, which was designed to “provide areas for single-family dwellings at low to medium densities (approximately 1 to 3 dwellings per acre), and appropriate accessory uses.” Zoning Ordinance, Article 4, Section 10.410. Further, the general purpose of the Zoning Ordinance is to “promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan” via the regulation of, among other things, the intensity of land use and the preservation and enhancement of the visual environment. Zoning Ordinance, Article 1, Section 10.121. To summarize, the objective of the SRB District and the dimensional and use restrictions inherent to same which are implicated by this application, are to provide medium density and aesthetically consistent development in the area between downtown and the commercial Gateway Corridor along Woodbury Avenue.

In this case, denying the variance will not advance the purposes of these ordinances because the opposite is true: granting the requested variances will facilitate development of the Property in a way that is consistent with the surrounding neighborhood and advances the core objectives of the SRB District and the general purposes of the Zoning Ordinance and Master Plan by enabling reasonable development of land in a manner that advances the aesthetic of the neighborhood and the zoning district, and providing an affordable unit to increase the stock of below-market rate housing in the City.

The Applicant’s proposal would advance the general and implied purposes of the Zoning Ordinances in question for all the reasons detailed in this narrative and denying the requested variance would only serve to frustrate the same. As such, the second prong of the hardship criteria is satisfied in this case.

The final analysis under the First Hardship Test is to determine whether the proposed use is reasonable. Here, the proposed Project is reasonable because it constitutes residential development that is substantially similar to the surrounding neighborhood and which provides an affordable housing unit. As explained above, the essential character of the neighborhood will remain the same. As such, the Applicant’s proposal is reasonable.

On these facts, the Applicant respectfully submits that its variance request satisfies the final prong of the statutory variance criteria.

**viii. Conclusion**

The Applicant respectfully submits that they have satisfied the statutory variance criteria in this matter and its Application should be approved.









City of Portsmouth, NH  
Property

Zoom To Share Print 686 maplewood



Themes

transparency

**Residential Districts**

- R Rural
- SRA Single Residence A
- SRB Single Residence B
- GRA General Residence A
- GRB General Residence B
- GRC General Residence C
- GA/MH Garden Apartment/Mobile Home Park

**Mixed Residential Districts**

- MRO Mixed Residential Office
- MRB Mixed Residential Business
- G1 Gateway Corridor
- G2 Gateway Center

**Business Districts**

- GB General Business
- B Business
- WB Waterfront Business

**Industrial Districts**

- OR Office Research
- I Industrial
- WI Waterfront Industrial

**Airport Districts**

- AIR Airport
- AI Airport Industrial
- PI Pease Industrial
- ABC Airport Business Commercial

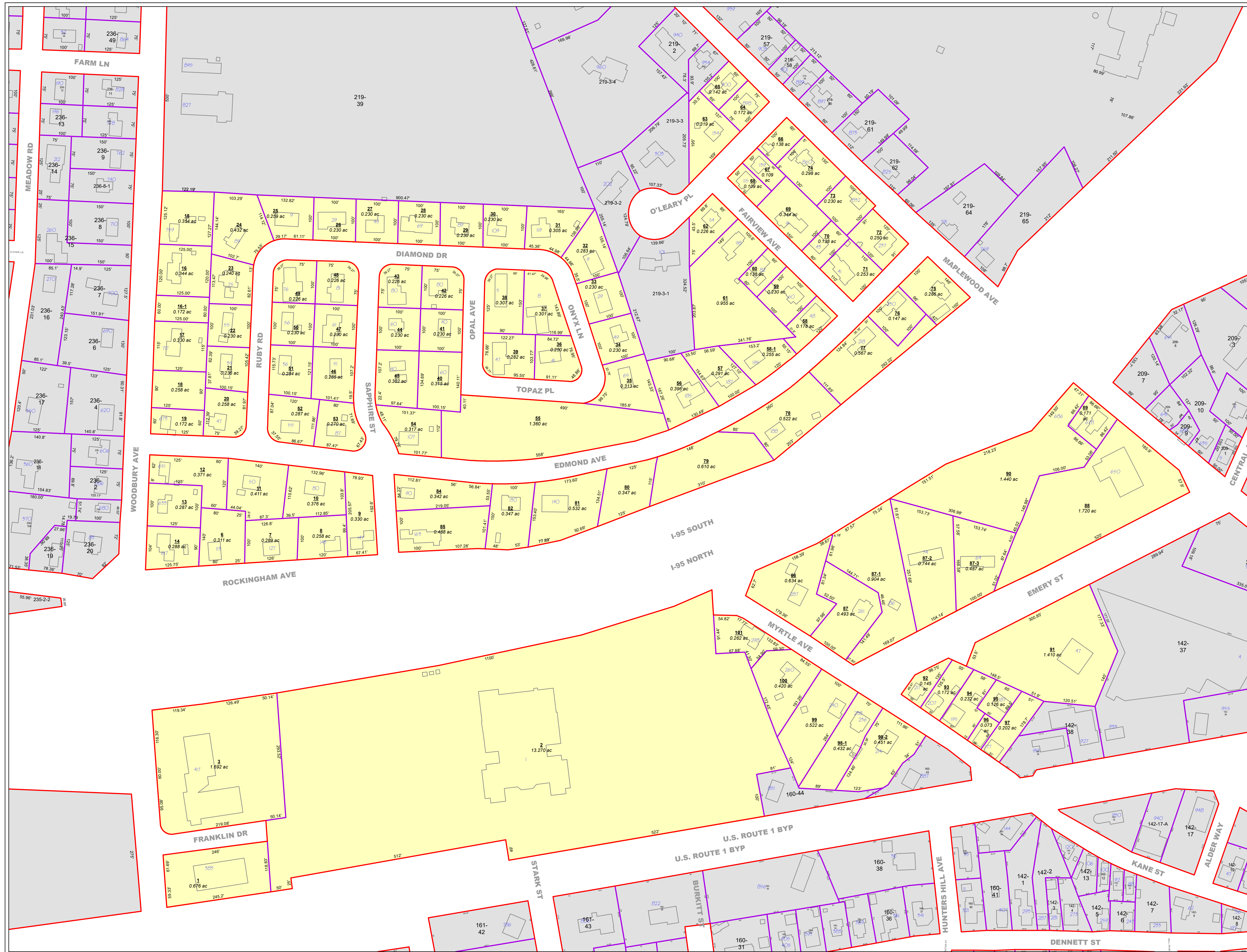
**Conservation Districts**

- M Municipal
- NRP Natural Resource Protection

**Character Districts**

- CD5 Character District 5
- CD4 Character District 4
- CD4W Character District 4-W
- CD4-L1 Character District 4-L1
- CD4-L2 Character District 4-L2

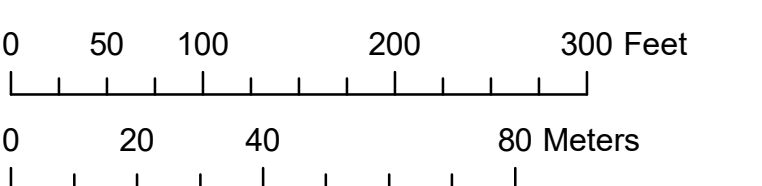




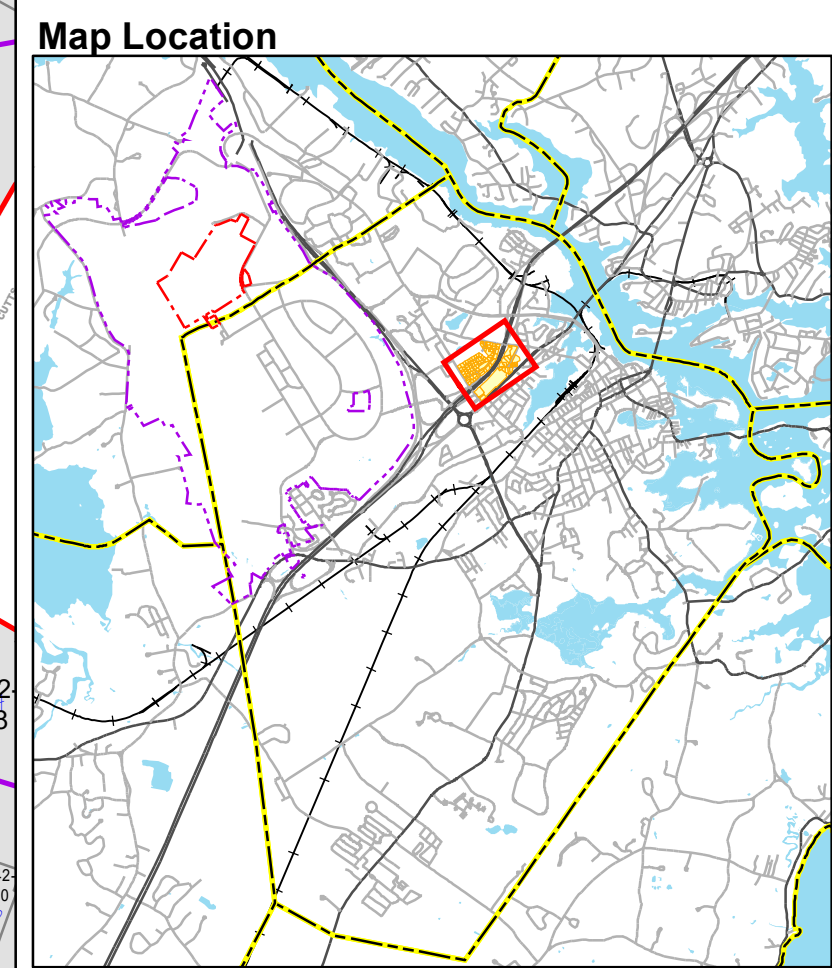
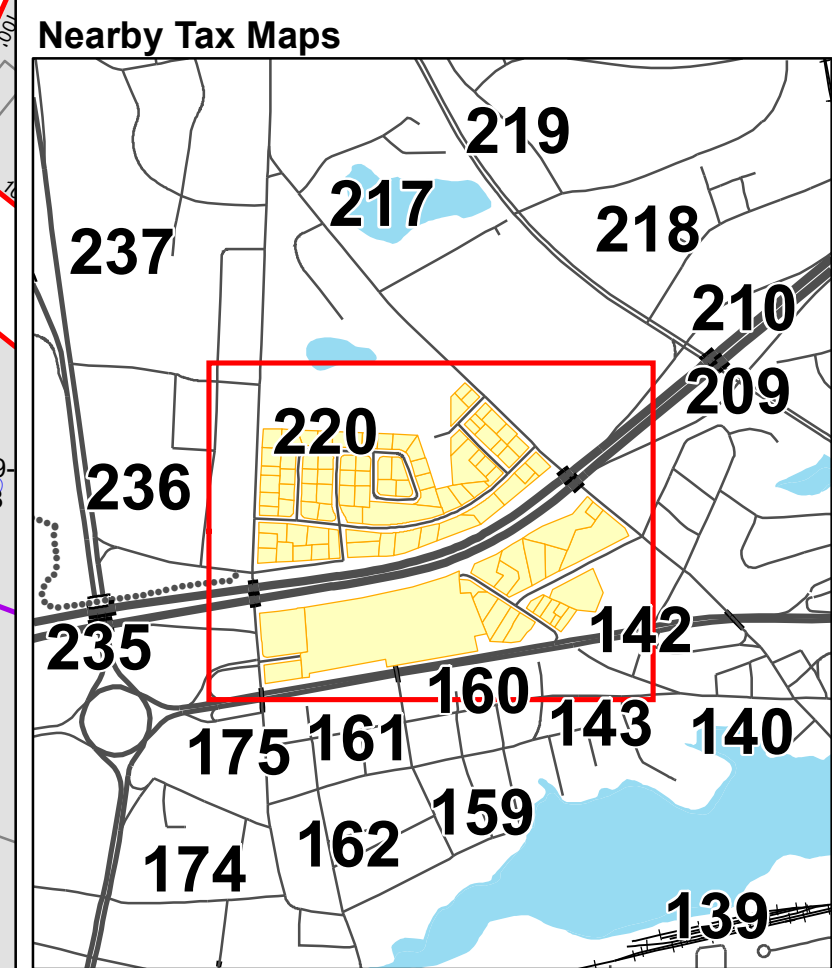
**Partial Legend**  
 See the cover sheet for the complete legend.

- 7-5A** Lot or lot-unit number
- 2.56 ac Parcel area in acres (ac) or square feet (sf)
- 25 Address number
- 233-137 Parcel number from a neighboring map
- 68 Parcel line dimension
- SIMS AVE Street name

- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1994 data)
- Parcel covered by this map
- Parcel from a neighboring map (see other map for current status)



*This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.*



Portsmouth, New Hampshire  
 2022  
**Tax Map 220**



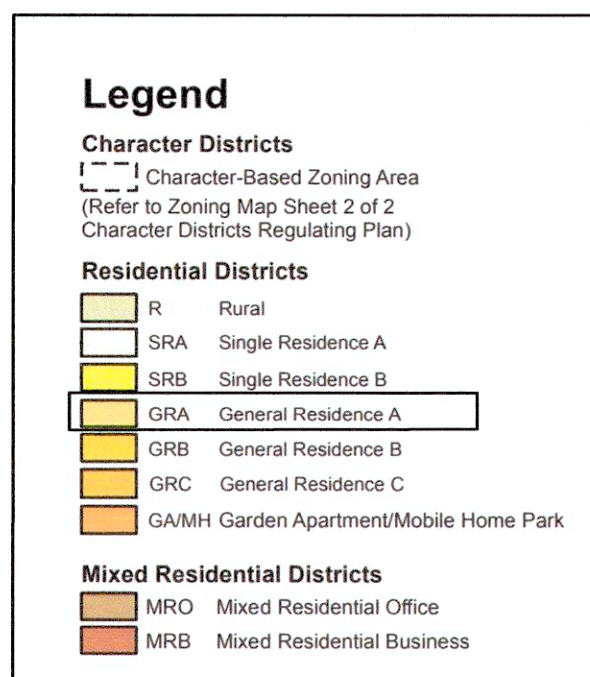
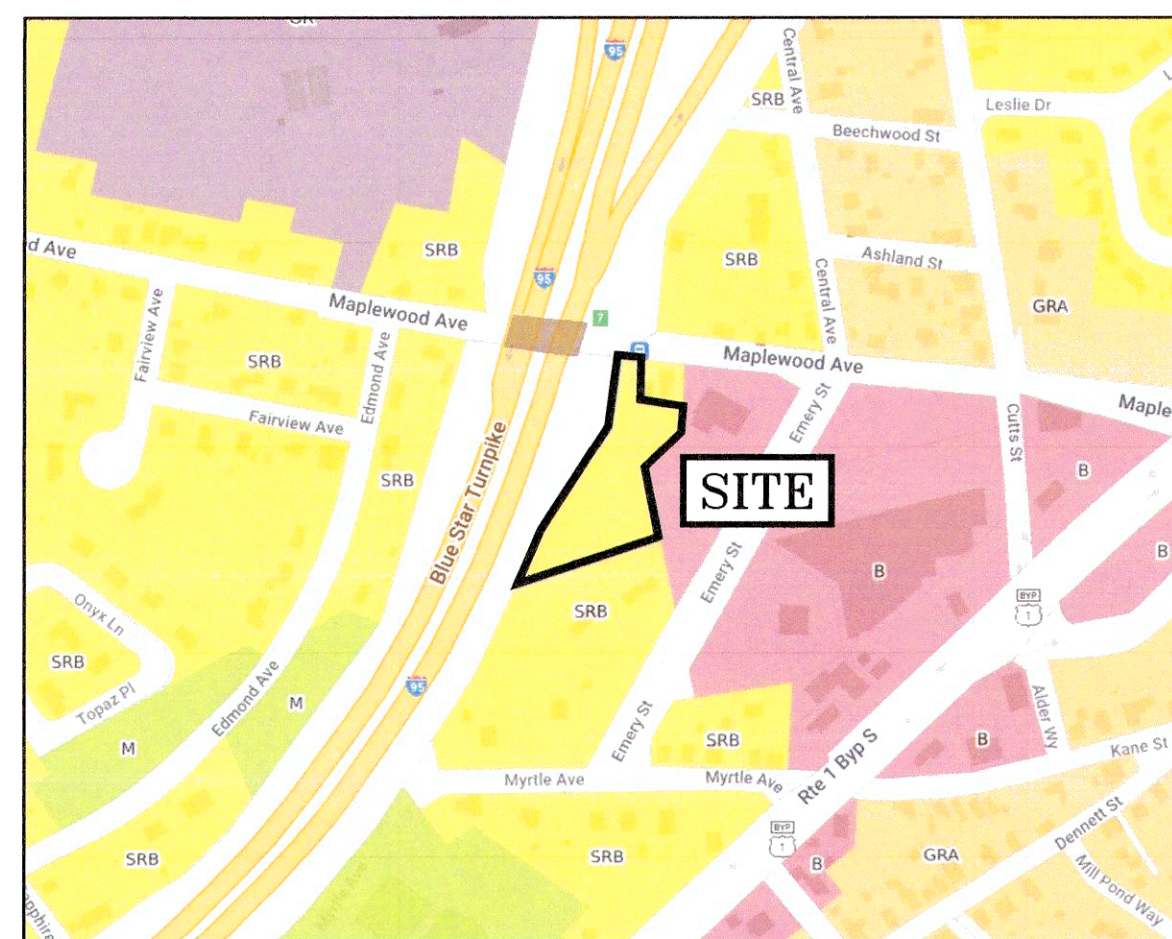
**APPLICANT:**  
 CHINBURG DEVELOPMENT, LLC  
 3 PENSTOCK WAY  
 NEWMARKET, NH 03857  
 Tel. (603) 868-5995

**OWNER:**  
 ISLAMIC SOCIETY OF  
 THE SEACOAST AREA  
 42N DOVER POINT ROAD  
 DOVER, NH 03820

**CIVIL ENGINEER & LAND SURVEYOR:**  
 AMBIT ENGINEERING, INC.  
 A DIVISION OF HALEY WARD, INC.  
 200 GRIFFIN ROAD, UNIT 3  
 PORTSMOUTH, N.H. 03801  
 Tel. (603) 430-9282  
 Fax (603) 436-2315

**ARCHITECT:**  
 CJ ARCHITECTS  
 233 VAUGHAN STREET, SUITE 101  
 PORTSMOUTH, NH, 03801  
 Tel. (603) 431-2808

**LEGAL REPRESENTATION:**  
 DONAHUE, TUCKER & CIANELLA, PLLC  
 111 MAPLEWOOD AVE., SUITE D  
 PORTSMOUTH, NH, 03801  
 Tel. (603) 766-1686



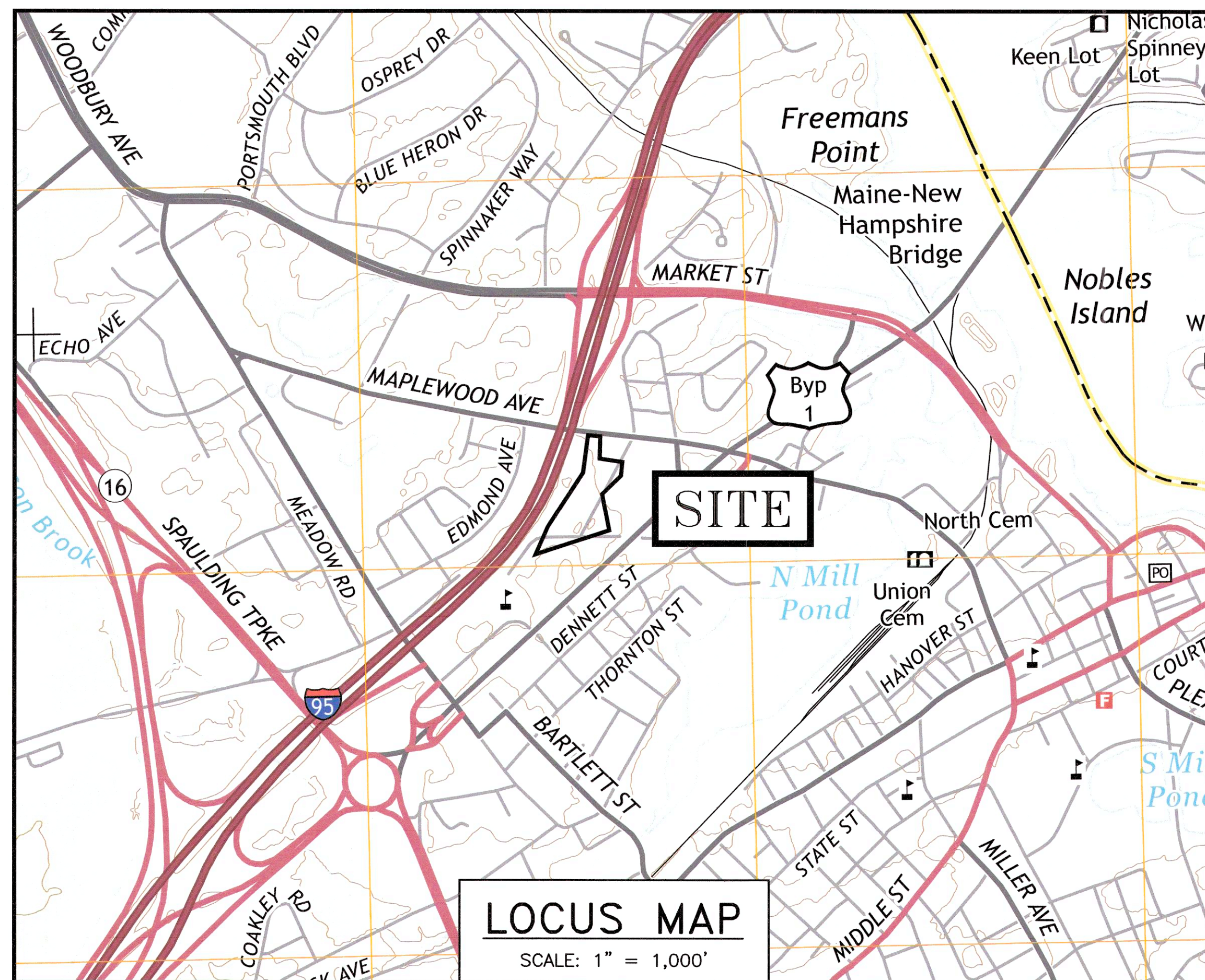
# PROPOSED SITE PLAN RESIDENTIAL DEVELOPMENT 686 MAPLEWOOD AVENUE PORTSMOUTH, NEW HAMPSHIRE PERMIT PLANS

**REQUIRED PERMITS:**  
 PORTSMOUTH BOA: PENDING

## Enclosure 2

### LEGEND:

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



### INDEX OF SHEETS

DWG No.	Description
C1	EXISTING CONDITIONS PLAN
C2	VARIANCE SITE PLAN

### UTILITY CONTACTS

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

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

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

**SEWER & WATER:**  
 PORTSMOUTH DEPARTMENT OF PUBLIC WORKS  
 680 PEVERLY HILL ROAD  
 PORTSMOUTH, N.H. 03801  
 Tel. (603) 766-1438 ATTN: JIM TOW

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

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

APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_

PROPOSED SITE PLAN  
 RESIDENTIAL DEVELOPMENT  
 686 MAPLEWOOD AVENUE  
 PORTSMOUTH, N.H.

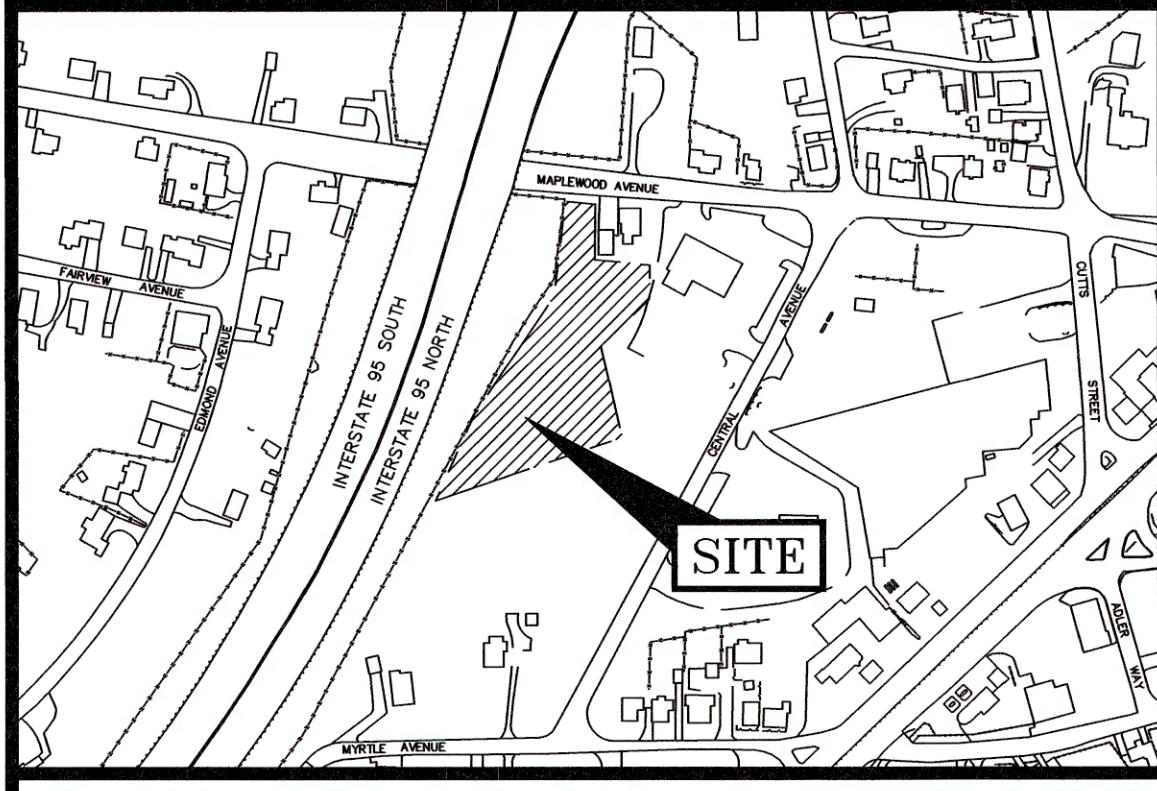


200 Griffin Road, Unit 3  
 Portsmouth, NH 03801  
 603.430.9282

WWW.HALEYWARD.COM

PLAN SET SUBMITTAL DATE: 20 APRIL 2023





LOCATION MAP SCALE 1"=300'

**LEGEND**

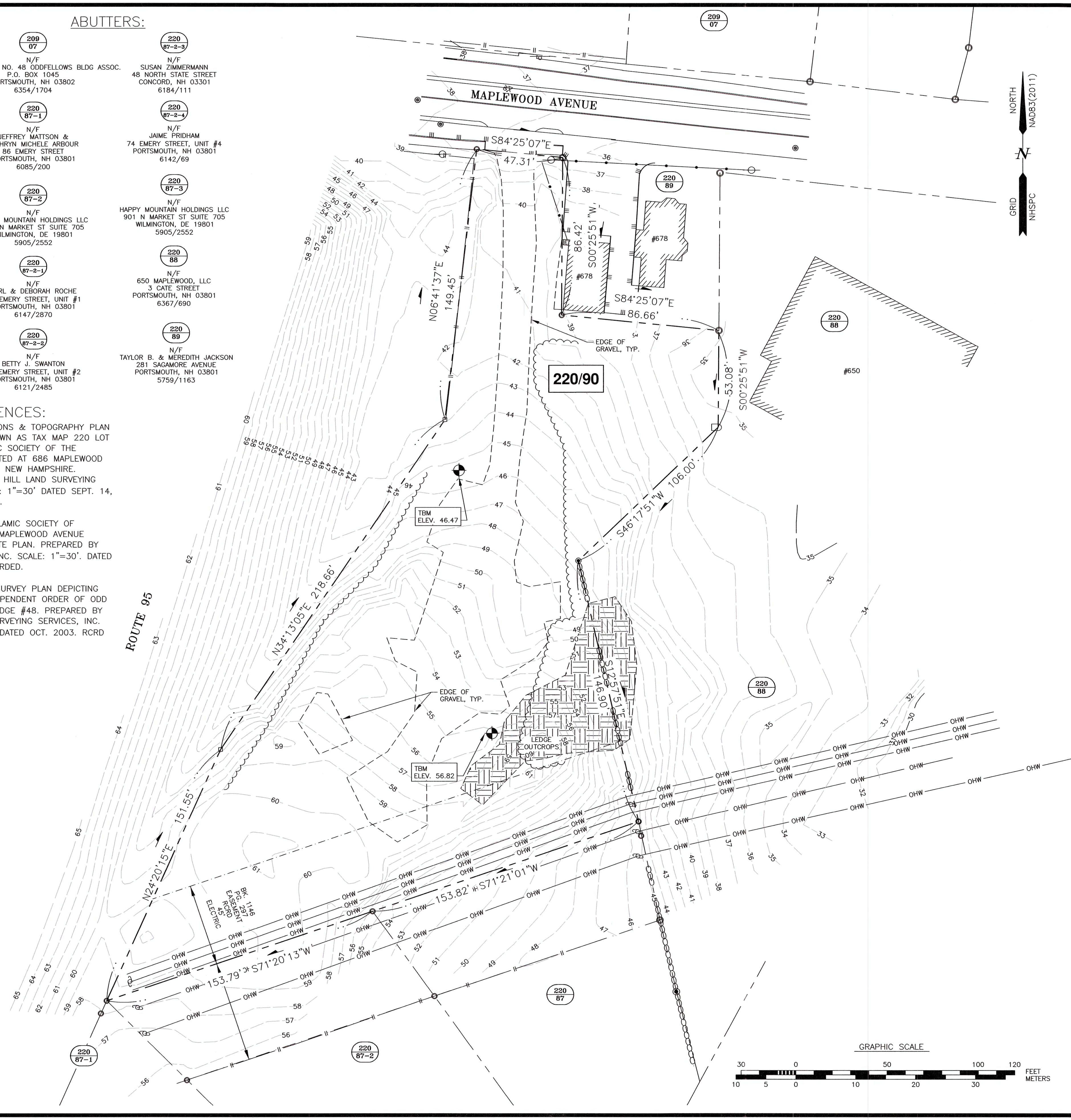
EXISTING	DESCRIPTION
(124/21)	MAP 124 / LOT 21
N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
---	BOUNDARY LINE
---	SETBACK LINE
RR SPK FND	RAILROAD SPIKE FOUND
IR FND	IRON ROD FOUND
IP FND	IRON PIPE FOUND
DH FND	DRILL HOLE FOUND
BND w/ DH	BOUND w/ DRILL HOLE
FM	FORCE MAIN
S	SEWER LINE
G	GAS LINE
D	STORM DRAIN
W	POTABLE WATER LINE
---	UNDERGROUND ELECTRIC
---	OVERHEAD WIRES
100	CONTOUR LINE
97x3	SPOT ELEVATION
---	EDGE OF PAVEMENT
---	WOODS / TREE LINE
○	UTILITY POLE (w/ GUY) (w/ LIGHT)
☆	LIGHT POLE
⊗	SHUTOFF/CURB STOP (WATER, GAS, SEWER)
GV	GATE VALVE
HYD.	HYDRANT
CB	CATCH BASIN
TM	TELEPHONE MANHOLE
SM	SEWER MANHOLE
DM	DRAIN MANHOLE
FF	FINISHED FLOOR
INV.	INVERT
TBM	TEMPORARY BENCHMARK
TYP.	TYPICAL

**PLAN REFERENCES:**

- EXISTING CONDITIONS & TOPOGRAPHY PLAN FOR VACANT LOT KNOWN AS TAX MAP 220 LOT 90 OWNED BY ISLAMIC SOCIETY OF THE SEACOAST AREA LOCATED AT 686 MAPLEWOOD AVENUE PORTSMOUTH, NEW HAMPSHIRE. PREPARED BY KNIGHT HILL LAND SURVEYING SERVICES, INC. SCALE: 1"=30' DATED SEPT. 14, 2017. NOT RECORDED.
- SITE PLAN FOR ISLAMIC SOCIETY OF SEACOAST AREA 686 MAPLEWOOD AVENUE PORTSMOUTH, N.H. SITE PLAN. PREPARED BY AMBIT ENGINEERING, INC. SCALE: 1"=30'. DATED MAY 2019. NOT RECORDED.
- LAND BOUNDARY SURVEY PLAN DEPICTING LAND OWNED BY INDEPENDENT ORDER OF ODD FELLOWS, OSGOOD LODGE #48. PREPARED BY KNIGHT HILL LAND SURVEYING SERVICES, INC. SCALE: 1" = 40 FT. DATED OCT. 2003. RCRD D-31278.

**ABUTTERS:**

209 07 N/F OSGOOD LODGE NO. 48 ODDFELLOWS BLDG ASSOC. P.O. BOX 1045 PORTSMOUTH, NH 03802 6354/1704	220 87-2-3 N/F SUSAN ZIMMERMANN 48 NORTH STATE STREET CONCORD, NH 03301 6184/1111
220 87-1 N/F JEFFREY MATTSON & KATHRYN MICHELE ARBOUR 86 EMERY STREET PORTSMOUTH, NH 03801 6085/200	220 87-2-4 N/F JAIME PRIDHAM 74 EMERY STREET, UNIT #4 PORTSMOUTH, NH 03801 6142/69
220 87-2 N/F HAPPY MOUNTAIN HOLDINGS LLC 901 N MARKET ST SUITE 705 WILMINGTON, DE 19801 5905/2552	220 87-3 N/F HAPPY MOUNTAIN HOLDINGS LLC 901 N MARKET ST SUITE 705 WILMINGTON, DE 19801 5905/2552
220 87-2-1 N/F CARL & DEBORAH ROCHE 64 EMERY STREET, UNIT #1 PORTSMOUTH, NH 03801 6147/2870	220 88 N/F 650 MAPLEWOOD, LLC 3 CATE STREET PORTSMOUTH, NH 03801 6367/690
220 87-2-2 N/F BETTY J. SWANTON 64 EMERY STREET, UNIT #2 PORTSMOUTH, NH 03801 6121/2485	220 89 N/F TAYLOR B. & MEREDITH JACKSON 281 SAGAMORE AVENUE PORTSMOUTH, NH 03801 5759/1163



**AMBIT ENGINEERING, INC.**  
A DIVISION OF HALEY WARD, INC.

200 Griffin Road, Unit 3  
Portsmouth, NH 03801  
603-430-9282

WWW.HALEYWARD.COM

- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 220 AS LOT 90.
  - OWNERS OF RECORD:  
ISLAMIC SOCIETY OF THE SEACOAST AREA  
42N DOVER POINT ROAD  
DOVER, NH 03820  
5806/2816
  - APPLICANT:  
CHINBURG DEVELOPMENT, LLC  
3 PENSTOCK WAY  
NEWMARKET, NH 03857
  - PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
  - EXISTING LOT AREA:  
62,776 S.F.  
1.4411 ACRES
  - PARCEL IS LOCATED IN SINGLE RESIDENCE B (SRB) DISTRICT.
- DIMENSIONAL REQUIREMENTS:**
- |                            |   |
|----------------------------|---|
| MIN. LOT AREA:             | 15,000 S.F.                                   |
| FRONTAGE:                  | 100 FEET                                      |
| SETBACKS:                  | FRONT 30 FEET<br>SIDE 10 FEET<br>REAR 30 FEET |
| MAXIMUM STRUCTURE HEIGHT:  | 35 FEET                                       |
| MAXIMUM BUILDING COVERAGE: | 20%   |
| MINIMUM OPEN SPACE:        | 40%   |
- THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 220 LOT 90 IN THE CITY OF PORTSMOUTH.
  - RCRD 5759/1160 PLACED A BURDEN ON TAX MAP 220 LOT 90. THE EASEMENT DESCRIBED IN RCRD 5759/1160 HAS BEEN EXTINGUISHED DUE TO THE REMOVAL OF THE DECKS AND THE NON-REPLACEMENT WITHIN THE SIX (6) MONTHS ALLOWED BY THE EASEMENT DEED.

**RESIDENTIAL DEVELOPMENT  
CHINBURG DEVELOPMENT  
686 MAPLEWOOD AVE.  
PORTSMOUTH, N.H.**

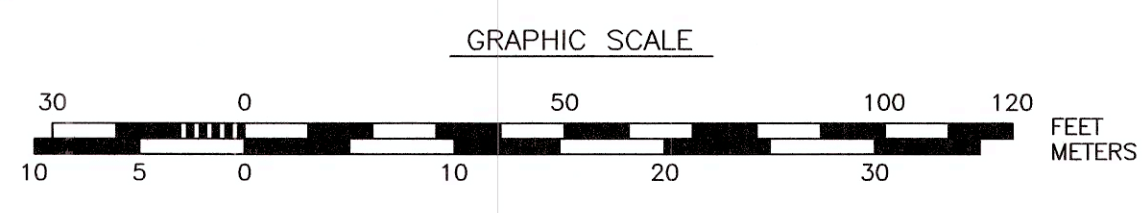
NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	4/20/23
0	ISSUED FOR COMMENT	4/13/23
REVISIONS		

SCALE: 1"=30' FEBRUARY 2023

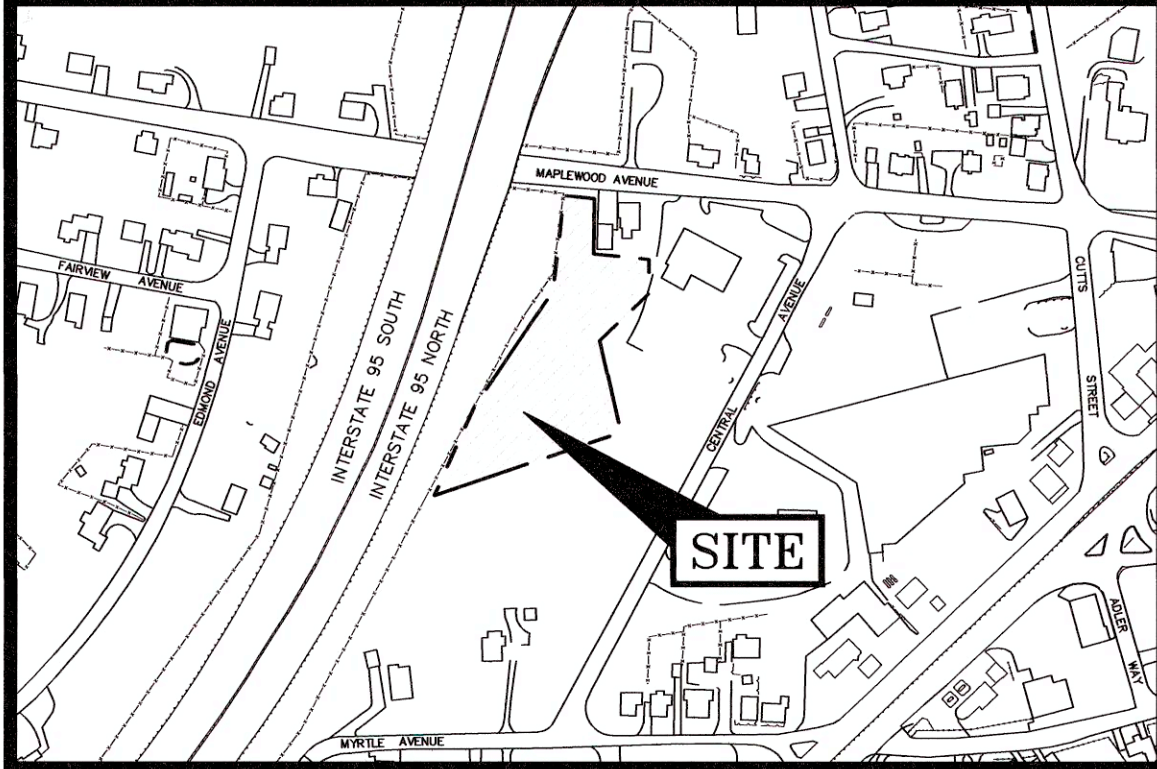
EXISTING CONDITIONS PLAN **C1**

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

*JRC* 4.20.23  
JOHN R. CHAGNON, LLS DATE







LOCATION MAP SCALE 1"=300'

LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
- MAP 11 / LOT 21
- IRON ROD/IRON PIPE FOUND
- APPROXIMATE BOUNDARY
- 100 CONTOUR
- 97x3 SPOT ELEVATION
- EDGE OF PAVEMENT (EP)
- WOODS / TREE LINE
- ELEVATION
- FF FINISHED FLOOR
- INV. INVERT
- TBM TEMPORARY BENCHMARK
- TYP. TYPICAL
- LSA LANDSCAPED AREA
- 1 PARKING SPACE

IMPERVIOUS SURFACE AREAS (TO PROPERTY LINE)

STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURES	0	6,480
DECKS	0	864
COVERED PORCHES	0	360
PAVEMENT	0	11,625
SIDEWALKS	0	2,157
LEDGE	3,291	3,291
GRAVEL	12,999	0
CURBING	0	178
RETAINING WALL	0	211
TOTAL	16,290	25,166
LOT SIZE	62,776	62,776
% LOT COVERAGE	25.9%	40.1%

PROPOSED BUILDING COVERAGE: 7,704 S.F./62,776 S.F. = 12.3%  
 PROPOSED OPEN SPACE: 37,999 S.F./62,776 S.F. = 60.5%  
 BUILDING HEIGHT TO CONFORM TO ORDINANCE.

VARIANCE APPLICATION:

- ARTICLE #5, SECTION 10.520 TO PERMIT FRONTAGE OF 47.31 FEET WHERE 100 FEET IS REQUIRED.
- ARTICLE #4, SECTION 10.440-1.30 TO PERMIT 2 FAMILY DWELLINGS WHERE ONLY SINGLE FAMILY ARE ALLOWED.
- ARTICLE #5, SECTION 10.520 TO PERMIT 6,975 S.F. OF LOT AREA PER DWELLING UNIT WHERE 15,000 S.F. OF LOT AREA PER DWELLING UNIT IS REQUIRED.
- ARTICLE #5, SECTION 10.513 TO PERMIT 5 FREE STANDING BUILDINGS WITH DWELLINGS WHERE NO MORE THAN ONE FREE STANDING DWELLING IS PERMITTED.

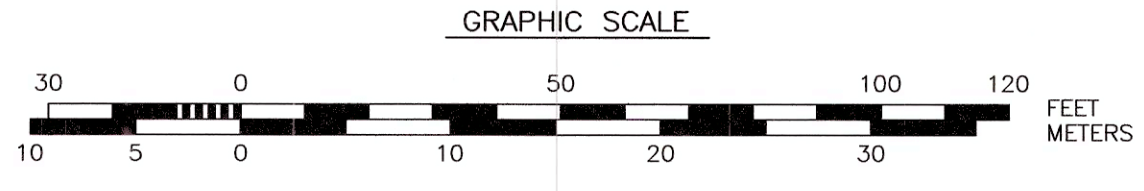
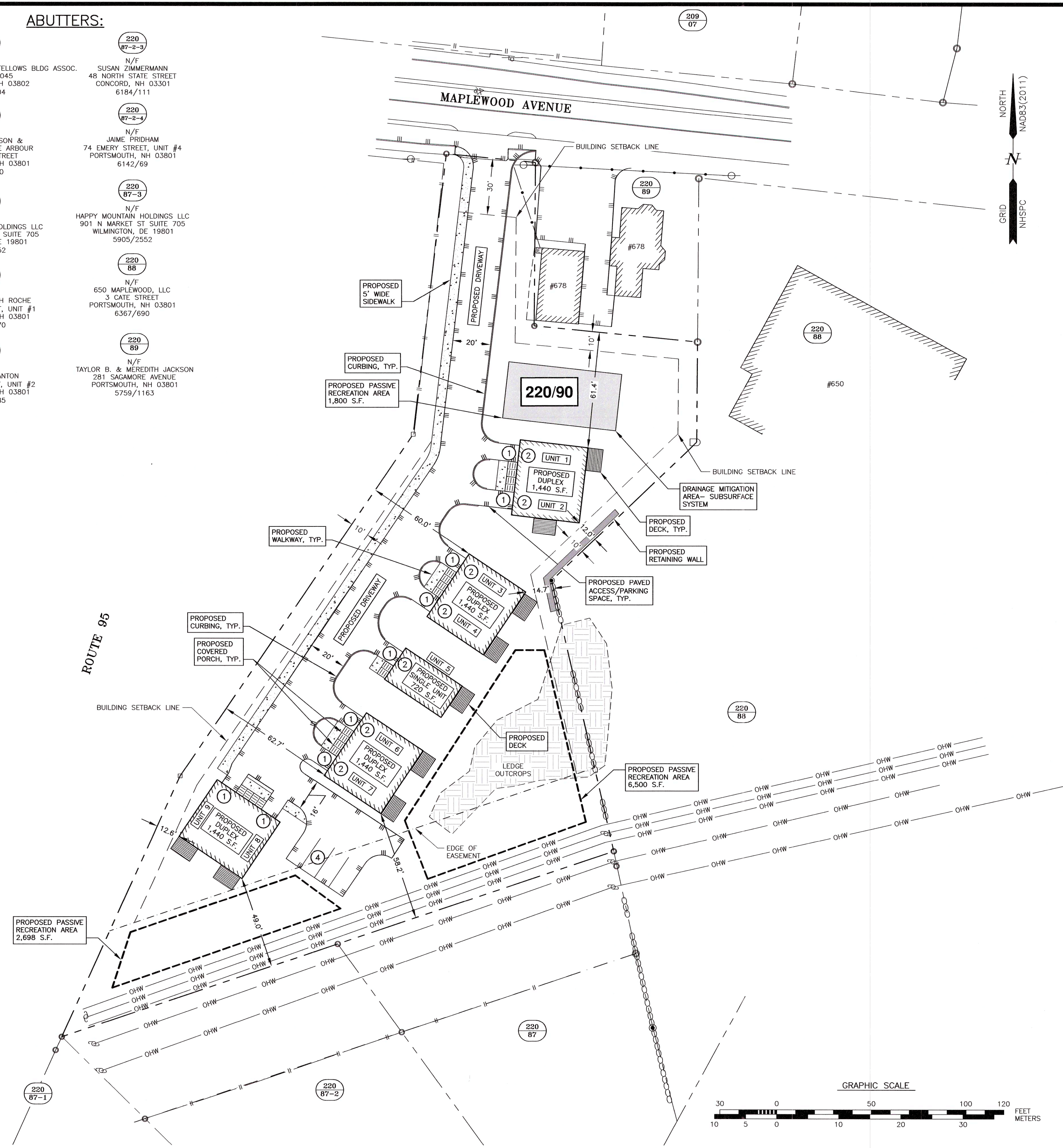
"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."



JOHN R. CHAGNON, LLS DATE 4.20.23

ABUTTERS:

- 209 07 N/F OSGOOD LODGE NO. 48 ODDFELLOWS BLDG ASSOC. P.O. BOX 1045 PORTSMOUTH, NH 03802 6354/1704
- 220 87-1 N/F JEFFREY MATTSON & KATHRYN MICHELE ARBOUR 86 EMERY STREET PORTSMOUTH, NH 03801 6085/200
- 220 87-2 N/F HAPPY MOUNTAIN HOLDINGS LLC 901 N MARKET ST SUITE 705 WILMINGTON, DE 19801 5905/2552
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- 220 87-2-3 N/F SUSAN ZIMMERMANN 48 NORTH STATE STREET CONCORD, NH 03301 6184/111
- 220 87-2-4 N/F JAIME PRIDHAM 74 EMERY STREET, UNIT #4 PORTSMOUTH, NH 03801 6142/69
- 220 87-3 N/F HAPPY MOUNTAIN HOLDINGS LLC 901 N MARKET ST SUITE 705 WILMINGTON, DE 19801 5905/2552
- 220 88 N/F 650 MAPLEWOOD, LLC 3 CATE STREET PORTSMOUTH, NH 03801 6367/690
- 220 89 N/F TAYLOR B. & MEREDITH JACKSON 281 SAGAMORE AVENUE PORTSMOUTH, NH 03801 5759/1163



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 200 Griffin Road, Unit 3  
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- NOTES:
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 220 AS LOT 90.
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 APPLICANT:  
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 NEWMARKET, NH 03857
  - PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
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  - PARCEL IS LOCATED IN SINGLE RESIDENCE B (SRB) DISTRICT.
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- |                            |               |
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| FRONTAGE:                  | 100 FEET      |
| SETBACKS:                  | FRONT 30 FEET |
|                            | SIDE 10 FEET  |
|                            | REAR 30 FEET  |
| MAXIMUM STRUCTURE HEIGHT:  | 35 FEET       |
| MAXIMUM BUILDING COVERAGE: | 20%           |
| MINIMUM OPEN SPACE:        | 40%           |
- THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED DEVELOPMENT ON ASSESSOR'S MAP 220 LOT 90 IN THE CITY OF PORTSMOUTH.
  - VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS.
  - BUILDINGS FROM PLANS BY CJ ARCHITECTS DATED 3-27-23.
  - PARKING CALCULATION:  
 REQUIRED: 1.3 PER UNIT  
 9 UNITS X 1.3 = 12 SPACES  
 GUEST REQUIRED: 1 PER 5 UNITS = 2 SPACES  
 TOTAL SPACES REQUIRED = 14  
 PROVIDED PARKING: 20 SPACES

RESIDENTIAL DEVELOPMENT  
 CHINBURG DEVELOPMENT  
 686 MAPLEWOOD AVE.  
 PORTSMOUTH, N.H.

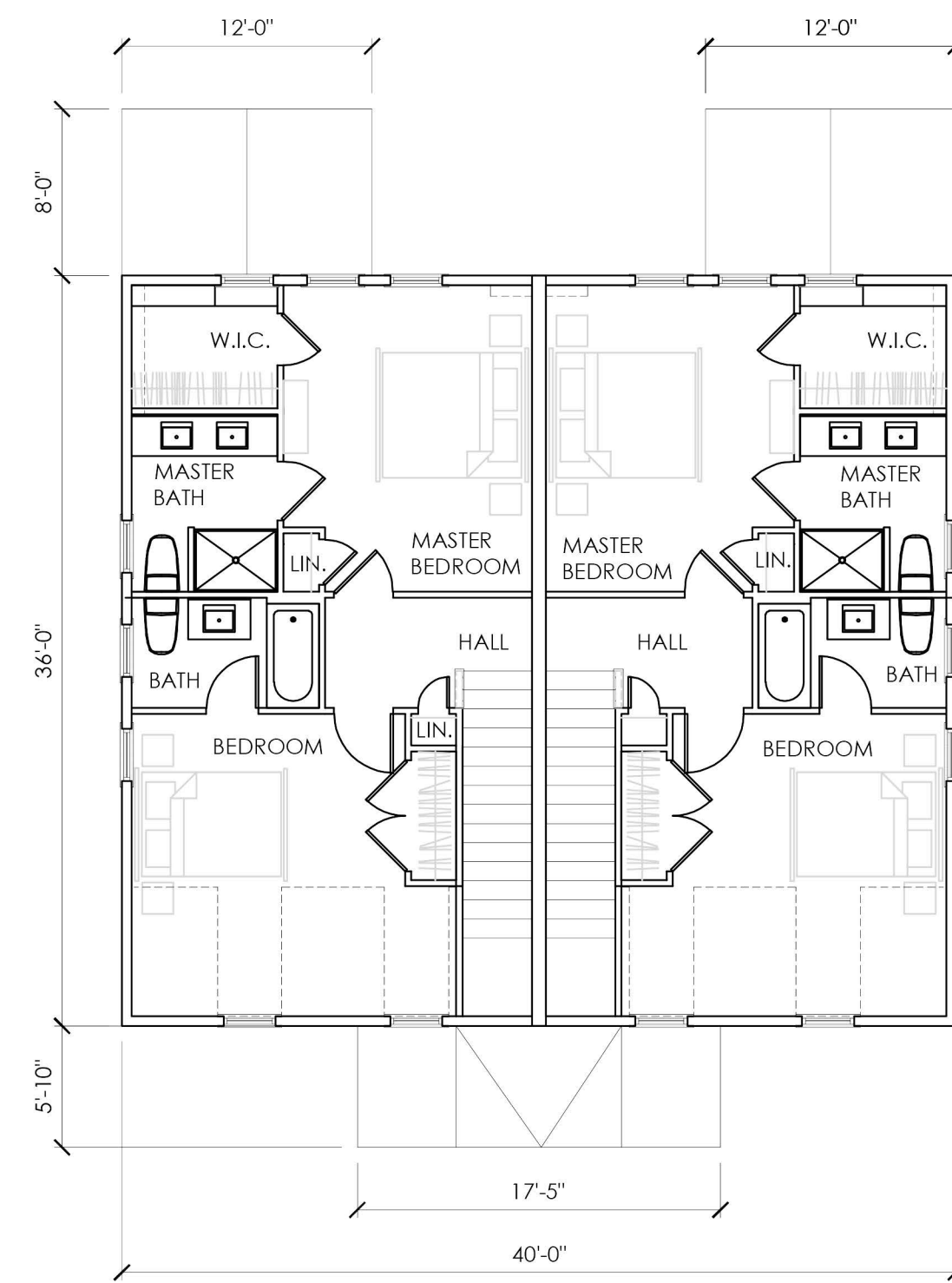
NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	4/20/23
0	ISSUED FOR COMMENT	4/13/23



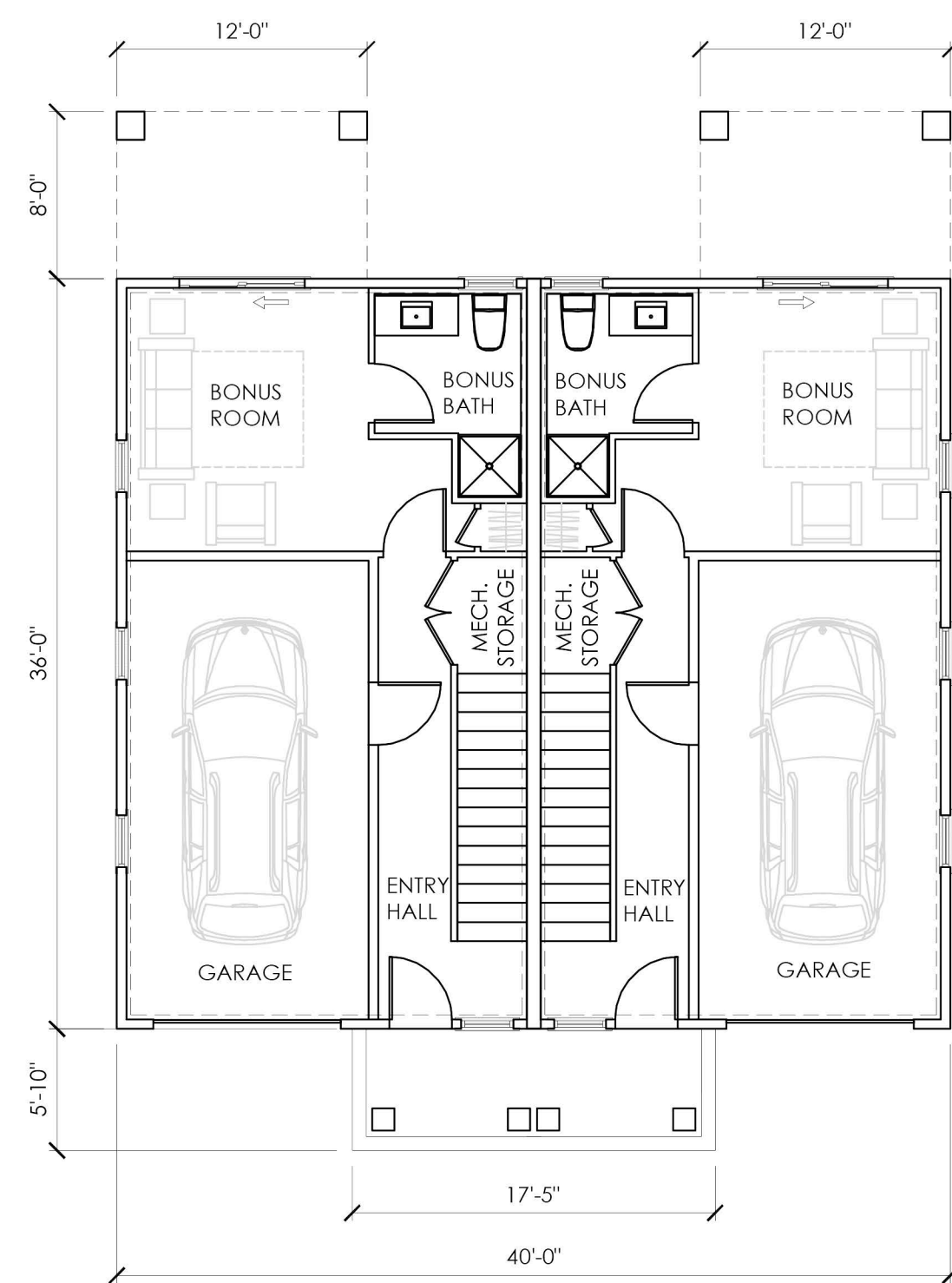
SCALE: 1"=30' FEBRUARY 2023

VARIANCE SITE PLAN C2

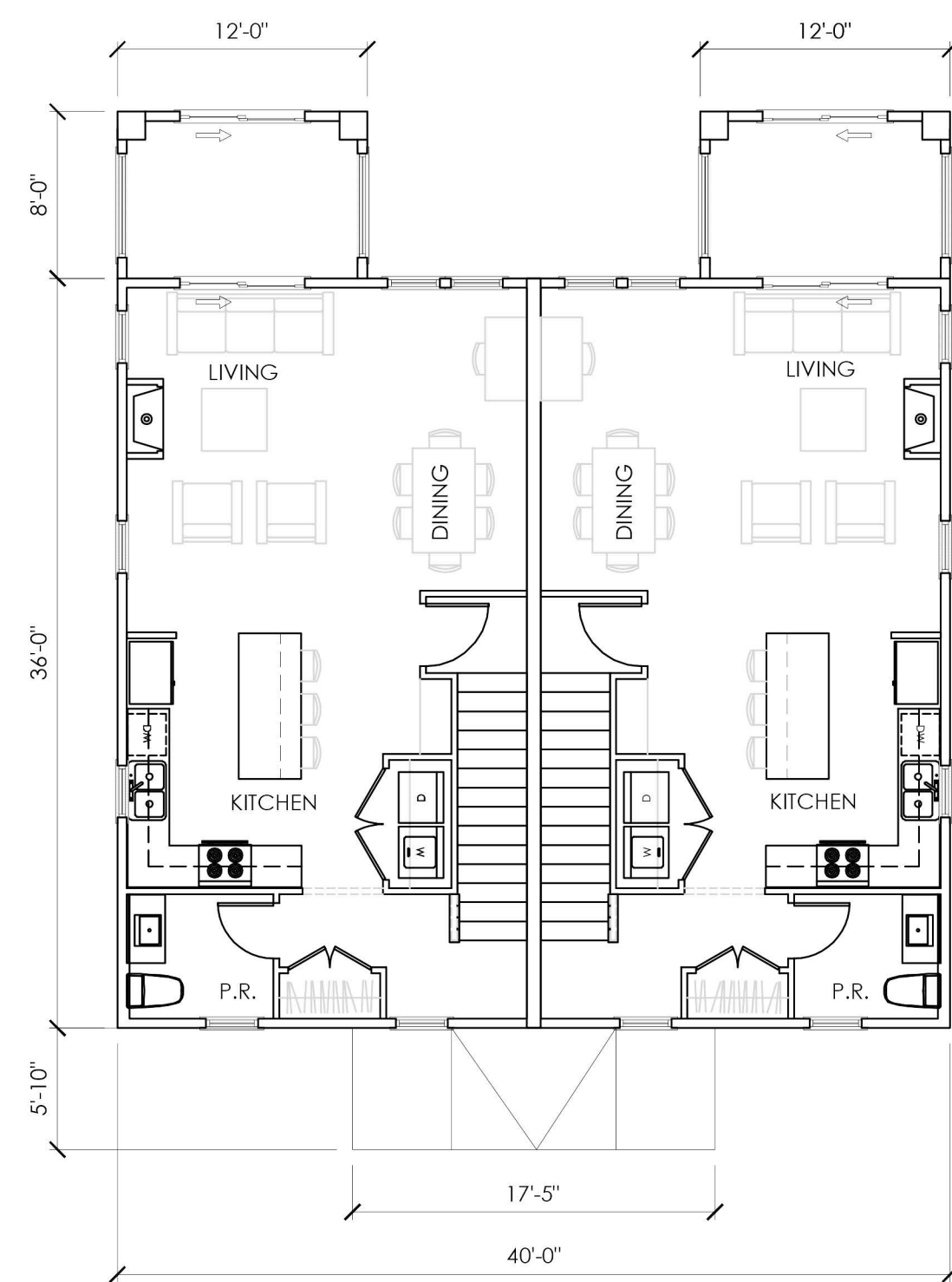




SECOND FLOOR PLAN  
1/8" = 1'-0"



LOWER LEVEL FLOOR PLAN  
1/8" = 1'-0"



FIRST FLOOR PLAN  
1/8" = 1'-0"

DUPLEX UNITS



FRONT ELEVATION  
1/8" = 1'-0"



RIGHT ELEVATION  
1/8" = 1'-0"



BACK ELEVATION  
1/8" = 1'-0"



LEFT ELEVATION  
1/8" = 1'-0"

NOT FOR CONSTRUCTION

REVISIONS:

CHINBURG PROPERTIES, INC.  
686 MAPLEWOOD AVENUE  
PORTSMOUTH, NH



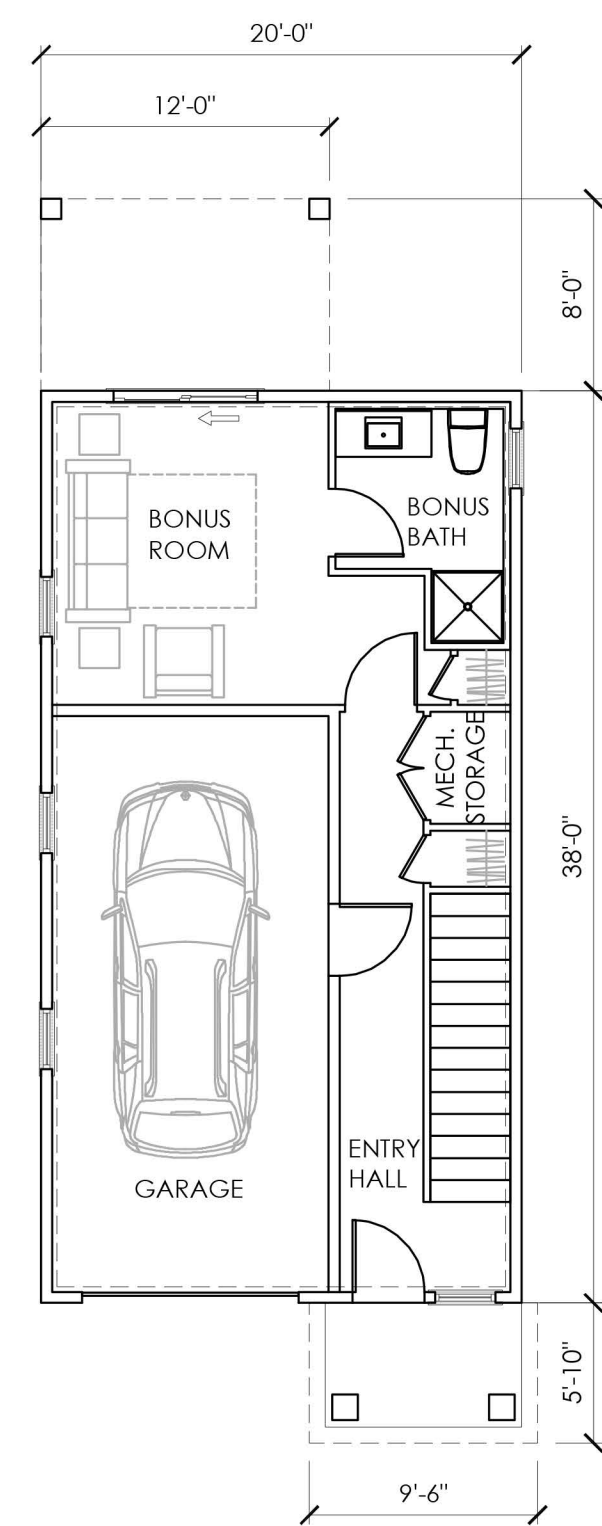
CJ ARCHITECTS  
233 VAUGHAN STREET  
SUITE 101  
PORTSMOUTH, NH 03801  
(603) 431-2808  
www.cjarchitects.net

DUPLEX UNITS  
FLOOR  
PLANS  
&  
ELEVATIONS

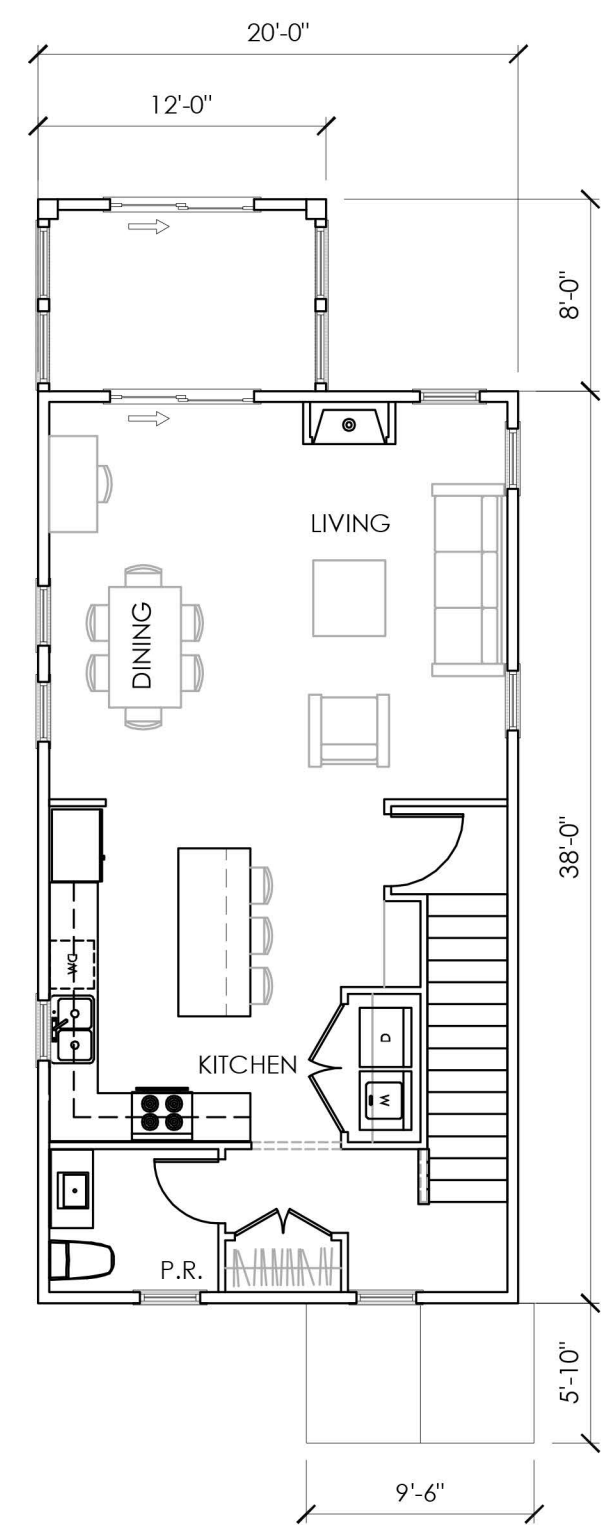
DATE: 04/20/23  
DRAWN BY: RDL  
APPROVED BY: CJG  
SCALE: 1/8" = 1'-0"  
JOB NUMBER: 22303

A1

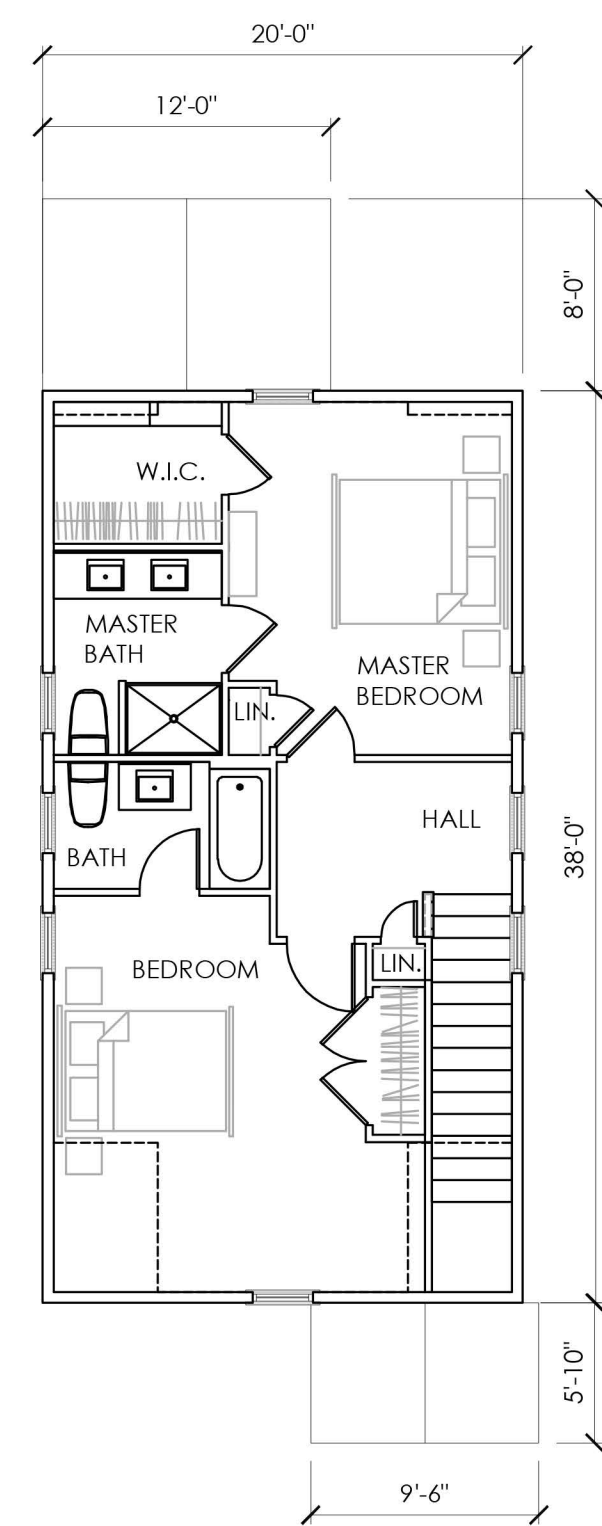




LOWER LEVEL FLOOR PLAN  
1/8" = 1'-0"



FIRST FLOOR PLAN  
1/8" = 1'-0"



SECOND FLOOR PLAN  
1/8" = 1'-0"

SINGLE UNIT



FRONT ELEVATION  
1/8" = 1'-0"



RIGHT ELEVATION  
1/8" = 1'-0"



BACK ELEVATION  
1/8" = 1'-0"



LEFT ELEVATION  
1/8" = 1'-0"

NOT FOR CONSTRUCTION

REVISIONS:

CHINBURG PROPERTIES, INC.  
686 MAPLEWOOD AVENUE  
PORTSMOUTH, NH



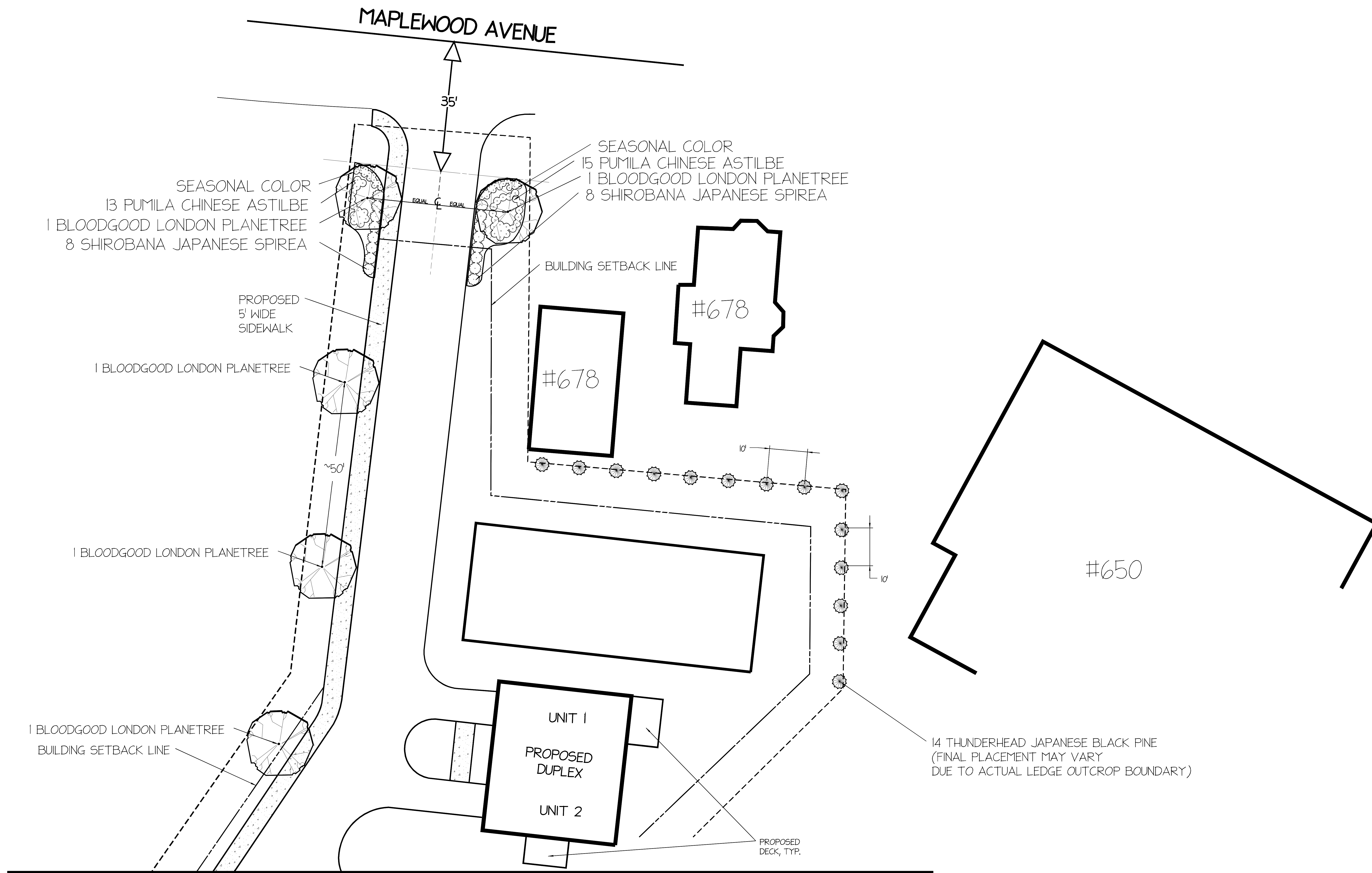
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233 VAUGHAN STREET  
SUITE 101  
PORTSMOUTH, NH 03801  
(603) 431-2808  
www.cjarchitects.net

SINGLE UNIT  
FLOOR  
PLANS  
&  
ELEVATIONS

DATE: 04/20/23  
DRAWN BY: RDL  
APPROVED BY: CJG  
SCALE: 1/8" = 1'-0"  
JOB NUMBER: 22303

A2

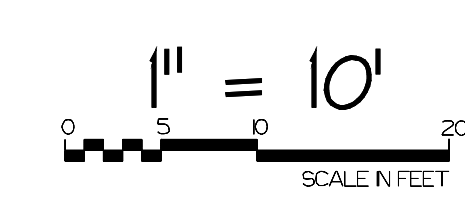




No.	Date	Description

**686 MAPLEWOOD  
CONCEPT PLAN  
LANDSCAPE**

HEIGHT: 10'-12'  
WIDTH: 10'-12'  
PINUS thunbergiana 'Thunderhead'



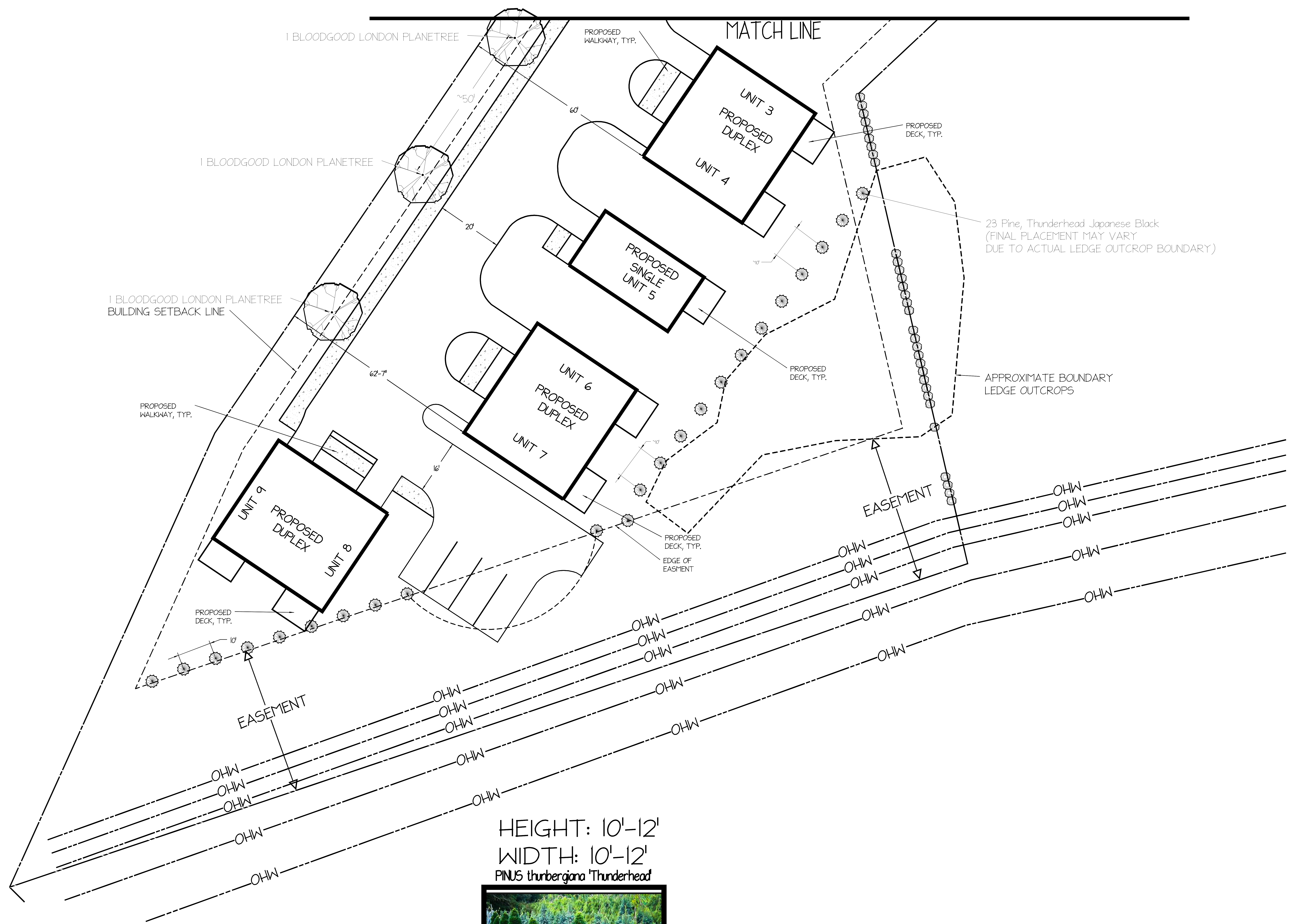
**PLANT LEGEND**

Qty	Common Name	Remarks
Trees		
5	BLOODGOOD LONDON PLANETREE	2" - 2.5" cal.
14	THUNDERHEAD JAPANESE BLACK PINE	36" - 42"
Shrubs		
16	SHIROBANA JAPANESE SPIREA	#3
Perennials		
28	PUMILA CHINESE ASTILBE	#1

SCALE	1" = 10'
DRAWN BY	MIC
CHECKED BY	ES
DATE	04.21.23
DATE OF PRINT	

PROJECT NO.	
SHEET NO.	L-1



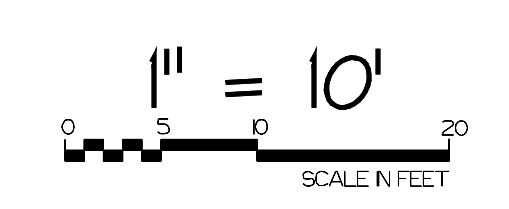


HEIGHT: 10'-12'  
 WIDTH: 10'-12'  
 PINUS thunbergiana 'Thunderhead'



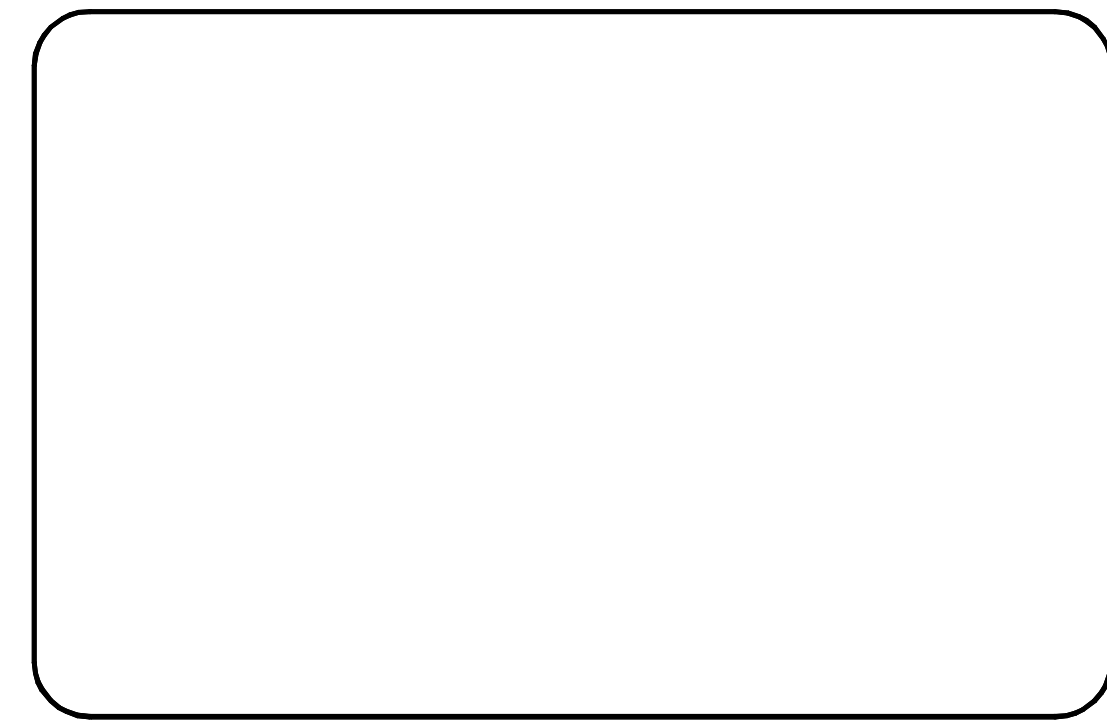
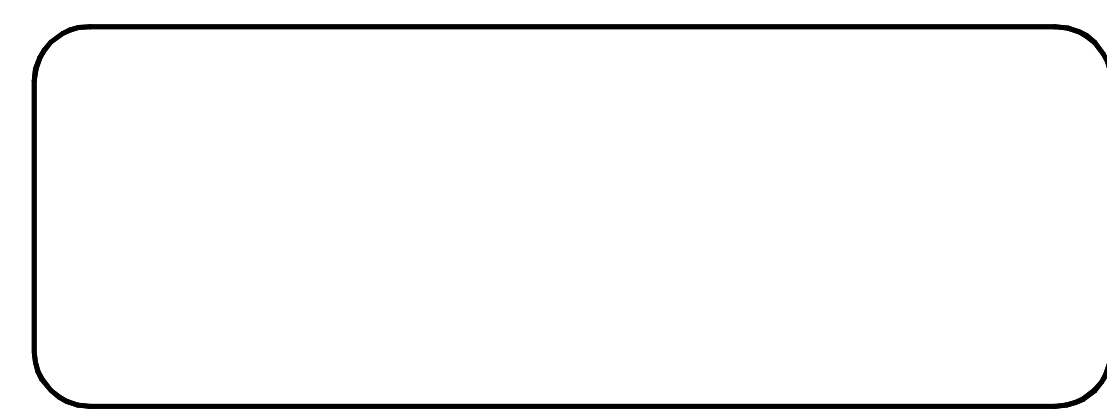
PLANT LEGEND

Qty	Common Name	Remarks
Trees		
3	BLOODGOOD LONDON PLANETREE	2" - 2.5" cal.
23	Pine, Thunderhead Japanese Black	36" - 42"



No.	Date	Description

**686 MAPLEWOOD  
 CONCEPT PLAN  
 LANDSCAPE**



SCALE	1" = 10'
DRAWN BY	MIC
CHECKED BY	ES
DATE	04.21.23
DATE OF PRINT	

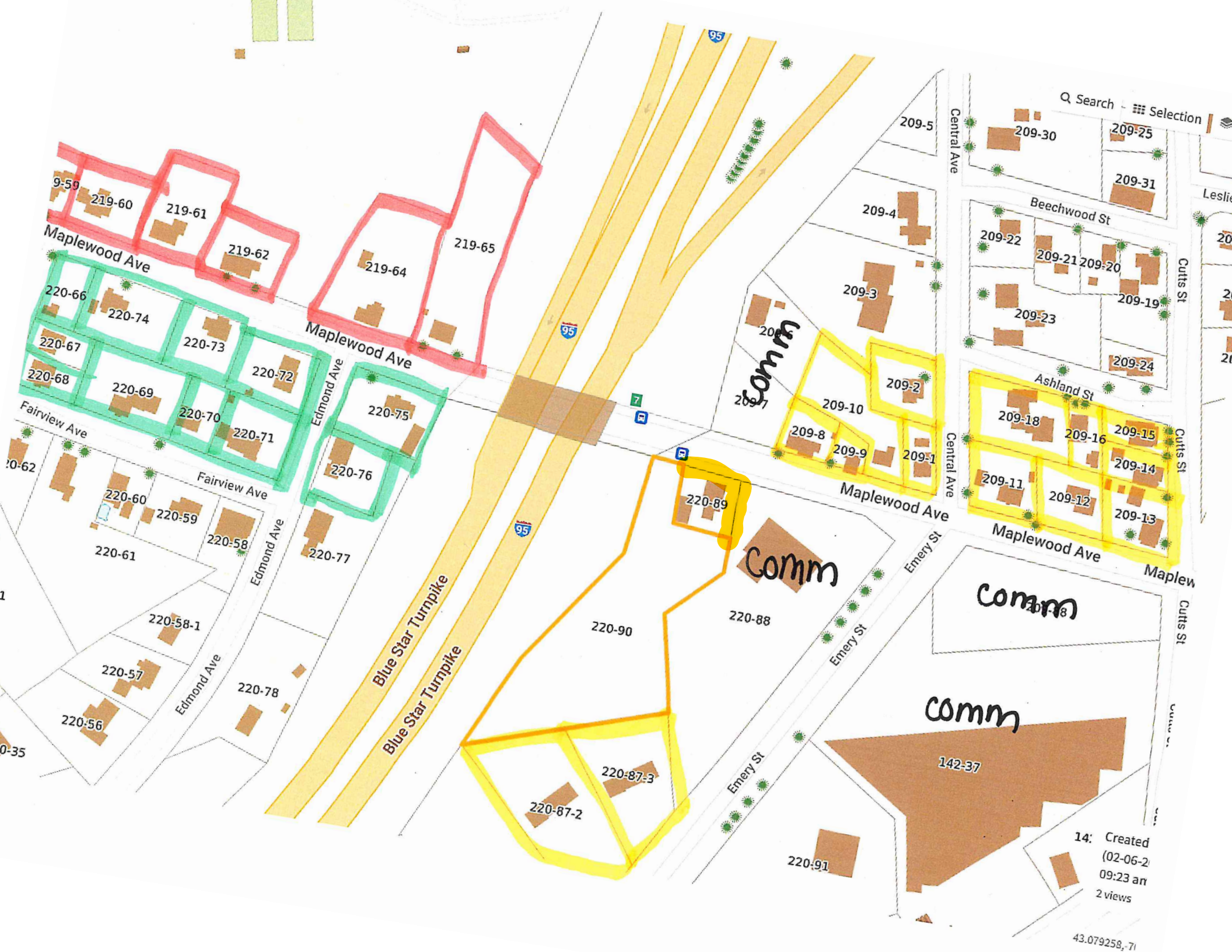
PROJECT NO.	
SHEET NO.	L-2



Address	Map	Lot	Unit(s)	Lot Size		
<b>Immediate Neighborhood</b>						
553 Maplewood Ave		209	13	1	0.22	For Immediate Only
18 Cutts St		209	14	1	0.11	AVERAGE OF ABOVE
42 Cutts St		209	15	2	0.11	7361 Sq Ft per unit
1 Ashland St		209	16	1	0.11	0.168 acres per unit
8 Central Ave		209	18	2	0.33	
579 Maplewood Ave		209	11	1	0.22	
5 Central Ave		209	1	1	0.11	
7 Central Ave		209	2	1	0.22	
635 Maplewood		209	10	1	0.37	
639 Maplewood		209	9	1	0.06	
641 Maplewood		209	8	1	0.12	
678 Maplewood		220	89	3	0.17	
64 Emery Street		220 87-3		2	0.49	
74 Emery Street		220 87-2		2	0.74	
<b>Expanded Neighborhood 1</b>						
768 Maplewood Ave		220	75	1	0.29	For Immed & Exp 1
230 Edmond Ave		220	76	1	0.15	AVERAGE OF ABOVE
237 Edmond Ave		220	72	1	0.25	7,995 sq ft per unit
41 Fairview Ave		220	71	1	0.25	0.18 Acres per unit
832 Maplewood Ave		220	73	1	0.23	
43 Fariview Ave		220	70	1	0.14	
860 Maplewood Ave		220	74	1	0.3	
139 Fairview Ave		220	66	1	0.14	currently vacant prev 1
139 Fairview Ave		220	67	1	0.11	
115 Fairview Ave		220	68	1	0.11	
91 Fairview Ave		220	69	1	0.34	
<b>Expanded Neighborhood 2</b>						
769 Maplewood		219	65	1	0.73	For Immed, Exp 1&2
791 Maplewood		219	64	1	0.54	AVERAGE OF ABOVE
825 Maplewood		219	62	1	0.26	9,359 sq ft per unit
873 Maplewood		219	61	1	0.37	0.21 Acres per unit
897 Maplewood		219	60	1	0.25	
899 Maplewood		219	59	1	0.11	
				37	7.95	

Our proposed density is 9 units in 1.44 Acres  
 6,975 Sq Ft per unit  
 0.16 Acres Per Unit





Q Search Selection

14: Created  
(02-06-2009)  
09:23 am  
2 views

43.079258, -71





200 Griffin Road, Unit 3, Portsmouth, NH 03801  
Phone (603) 430-9282 Fax 436-2315

23 April, 2023

**Trip Generation  
Proposed Residential Development  
686 Maplewood Avenue  
Portsmouth, NH**

On behalf of Chinburg Development, LLC, we hereby submit this Trip Generation in support of the applicant's filing with the Portsmouth Zoning Board for a Variance, as allowed in the Portsmouth Zoning Ordinance. The Variance seeks to develop the property into 9 residential dwelling units. The site has been vacant for some time but previously approvals were granted to construct a Mosque, which had a proposed peak trip generation of 76 trips in the PM peak hour.

The base trip generation for the proposed 9-unit development is based on a review of the Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 11<sup>th</sup> Edition. The land use code (LUC) that best resembles the proposed use is LUC 270 – Planned Unit Development. Using that description, the proposed use the site generates the following peak hour trips:

Weekday Morning Peak Hour: 6 Trips (23% entering; 77% exiting)

Weekday Evening Peak Hour: 7 Trips (64% entering; 36% exiting)

The applicant believes that the added trip generation from the site is not excessive, will not impact the adjacent street networks, and represents a significant decrease from the previous approval.

Please feel free to call if you have any questions or comments about this application.

Sincerely,

John R. Chagnon, PE  
Ambit Engineering, Inc. – Haley Ward



# Land Use: 270

## Residential Planned Unit Development

---

### Description

A residential planned unit development (PUD), for the purposes of trip generation, is defined as containing any combination of residential land uses. These developments might also contain supporting services such as limited retail and recreational facilities.

### Additional Data

***Caution—The description of a PUD is general in nature because these developments vary by density and type of dwelling. It is therefore recommended that when information on the number and type of dwellings is known, trip generation should be calculated on the basis of the known type of dwellings rather than on the basis of Land Use 270. Data for this land use are provided as general information and would be applicable only when the number of dwellings is known.***

The sites were surveyed in the 1980s, and the 1990s, and the 2000s in Minnesota, South Dakota, and Virginia.

### Source Numbers

111, 119, 165, 169, 357



# Residential Planned Unit Development (270)

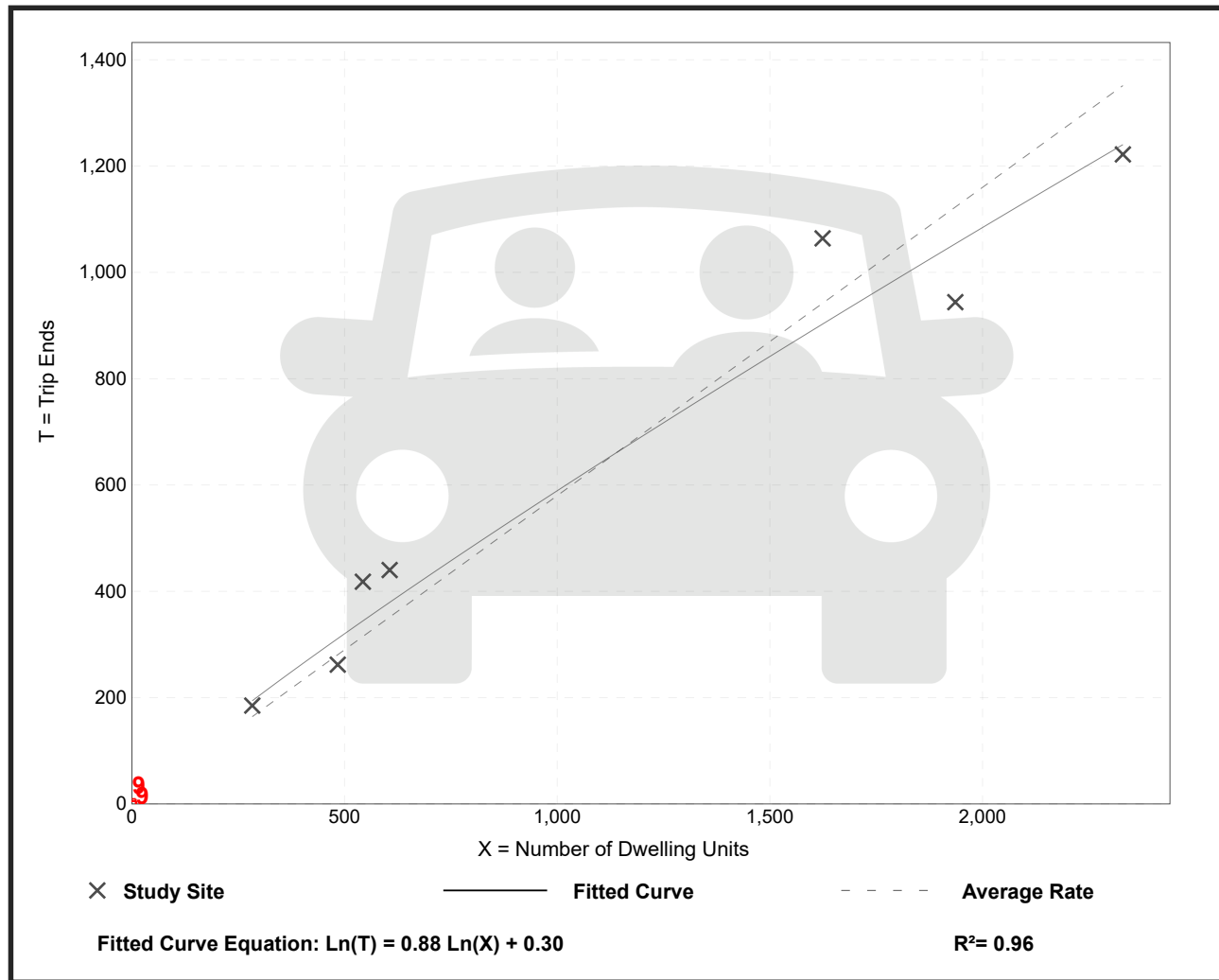
**Vehicle Trip Ends vs: Dwelling Units**  
**On a: Weekday,**  
**AM Peak Hour of Generator**

**Setting/Location: General Urban/Suburban**  
 Number of Studies: 7  
 Avg. Num. of Dwelling Units: 1115  
 Directional Distribution: 23% entering, 77% exiting

## Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.58	0.49 - 0.77	0.10

## Data Plot and Equation





# Residential Planned Unit Development (270)

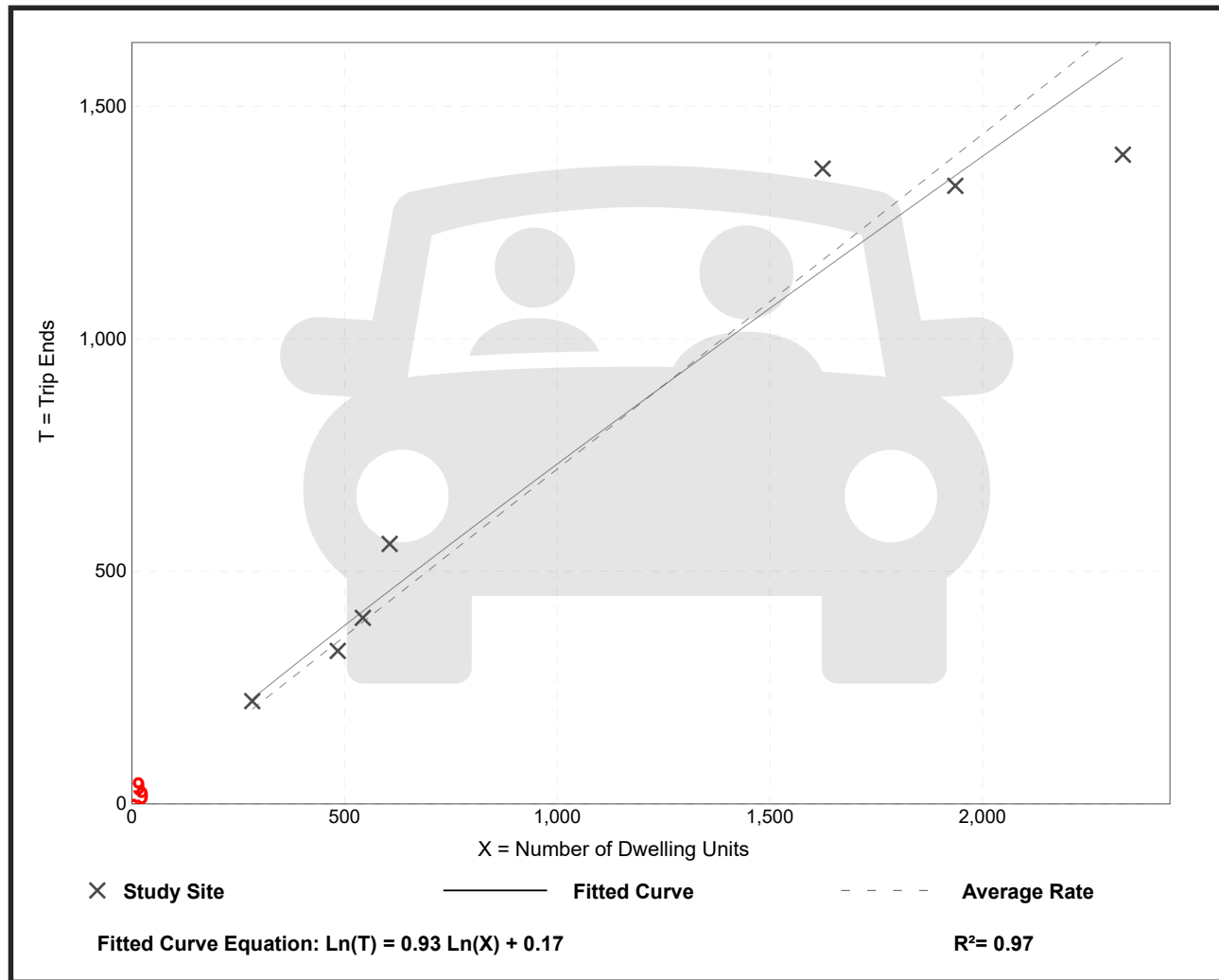
**Vehicle Trip Ends vs: Dwelling Units**  
**On a: Weekday,**  
**PM Peak Hour of Generator**

**Setting/Location: General Urban/Suburban**  
 Number of Studies: 7  
 Avg. Num. of Dwelling Units: 1115  
 Directional Distribution: 64% entering, 36% exiting

## Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.72	0.60 - 0.92	0.11

## Data Plot and Equation







April 2023

Members of the Portsmouth Zoning Board,

In regard to the impact this project will have on surrounding property values it is our opinion that it will cause no decrease but will instead only increase the value of the surrounding properties.

In general, we have found that new construction lifts the values of surrounding properties by creating a desirable neighborhood setting. In many cases, the existing construction homes reap the benefits of new construction in their neighborhood as people invest in the existing home stock and update them continuing to raise values.

We think this would be especially true at this site which is walking distance to downtown and has a mix of existing construction and new construction. Specifically, this site is currently a cleared gravel lot that has been most recently used as a staging area for construction and is bounded by Interstate 95, a three-unit property, a large commercial lot with an industrial building and two newer duplexes. Transforming this vacant gravel lot into a residential development will blend with the surrounding properties and bring a more cohesive feel to the area.

Sincerely,

Colton Gove

Director of Land Development

The Gove Group Real Estate, LLC | Licensed in NH & ME

Cell: 603-686-3188

Office: 603-778-6400

Email: [cgove@thegovegroup.com](mailto:cgove@thegovegroup.com)

70 Portsmouth Avenue, Stratham, NH 03885

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



Site Photograph #1

February 2023



Site Photograph #2

February 2023





Site Photograph #3

February 2023



Site Photograph #4

February 2023





Site Photograph #5

February 2023



Site Photograph #6

February 2023





Site Photograph #7

February 2023



Site Photograph #8

February 2023





### III. NEW BUSINESS

- H. The request of **Carl Krukoff (Owner)**, for property located at **3360 Lafayette Road** whereas relief is needed to convert a two bay garage into a third living unit which requires the following: 1) Variance from 10.521 to allow 8,002.5 square feet per dwelling unit where 15,000 square feet is required, 2) Variance from 10.331 to allow a non-conforming use to be extended or enlarged without conforming to the requirements of the Zoning Ordinance, 3) Variance from section 10.440 Use #1.51 to allow three (3) dwelling units where one (1) is permitted. Said property is located on Assessor Map 297 Lot 12 and lies within the Single Residence B (SRB) District. (LU-23-59)

#### Existing & Proposed Conditions

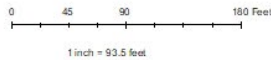
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Two-family	<b>Create a 3<sup>rd</sup> dwelling unit</b>	Primarily residential
<u>Lot area (sq. ft.):</u>	24,007.5	24,007.5	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	12,003.75	<b>8,002.5</b>	15,000 min.
<u>Lot depth (ft.):</u>	>190	>190	100 min.
<u>Street Frontage (ft.)</u>	>300	>300	100 min.
<u>Primary Front Yard (ft.):</u>	>30	>30	30 min.
<u>Secondary Front Yard (ft.):</u>	20	20	30 min.
<u>Right Yard (ft.):</u>	20	20	10 min.
<u>Rear Yard (ft.):</u>	>100	>100	30 min.
<u>Height (ft.):</u>	35	35	35 max.
<u>Building Coverage (%):</u>	8	8	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	3	4	4
<u>Estimated Age of Structure:</u>	1936	<b>Variance request(s) shown in red.</b>	

#### Other Permits/Approvals Required

- Building Permit
- Site Plan Review – TAC and Planning Board
- Parking Conditional Use Permit if required parking can not be satisfied - TAC and Planning Board



### Neighborhood Context



**3360 Lafayette Road**



### Previous Board of Adjustment Actions

No previous history found

### Planning Department Comments

The applicant is requesting relief to construct a new living unit to create a total of three units within the existing home. The applicant is not proposing exterior work at this time and all construction will take place within the existing building footprint.

The applicant has not provided a parking plan with their submission. The Board may want to consider asking the applicant how they plan to manage parking.

### Variance Review Criteria

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

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*



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

### **10.235 Certain Representations Deemed Conditions**

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



## **Project: 3360 Lafayette Road, Portsmouth NH**

### **Summary:**

- I currently own a Two-Family Home in the SRB Zoning district where the minimum lot size per dwelling unit is 15,000 sqft and would like to convert the existing garage space into an additional unit. The current size of the property is .55 acres and therefore the current lot area per dwelling unit is 11,979 sqft. **I am requesting a variance for a third dwelling unit and also relief for the minimum lot area per dwelling unit.**

### **Description of Proposed Project:**

- A conversion of an attached two bay garage of approximately 676 sqft into an additional dwelling space. Garage doors would be removed and replaced with an exterior wall with vinyl siding matching the existing building. Vinyl, double hung windows to be installed at front and rear of the unit, with side and rear entrance added. Interior work needed for a two bedroom, one bathroom, with kitchen and open concept living space: insulation on exterior walls, electrical work, heating, plumbing, sheetrock and flooring. Footprint of the home would remain the same with no increase in height and width of structure.

### **Description of Existing Land Use:**

- Property is currently described as a Two Family, zoned Single Residence B (SRB). Section 10.410 of Establishment and Purpose of District describes SRB Zoning as follows: "To provide areas for single-family dwellings at low to medium densities (approximately 1 to 3 dwellings per acre), and appropriate accessory uses."

### **Compliance of Requirements of Zoning Ordinance:**

- 10.233.21- this request will benefit public interest by aiding in the expansion of residential living space for Portsmouth families or prospective families looking to move into Portsmouth during a time when rental inventory is at historic lows.
- 10.233.22- this request will maintain the spirit of the SRB zoning ordinance through the continuance of providing residential usage within a medium



density area and without expanding the building's size, footprint or townhouse style.

- 10.233.23- this request provides substantial justice of the variant use by indicating and conforming to surrounding developments. See map 2.1 for overview of neighboring properties, uses and styles. Those neighboring include:
  - Weatherstone Condominiums- 20 unit complex in SRB Zoning District
  - Juniper Commons Condominiums- 50 unit complex with SRA Zoning
  - Hillcrest Estates- 190+ mobile home units
- 10.233.24- this request will not diminish the value of the neighboring properties as the construction will not substantially alter the appearance of the building, will provide additional low density housing for residents and would be in alignment with neighboring communities.
- 10.233.25- enforcement of the current zoning would result in an unnecessary hardship owing to its specific usage as a multi-family residence and to maximize its usage under that. During a time of low inventory, an additional rental unit, at a more affordable price point, may be of greater benefit to the general public.

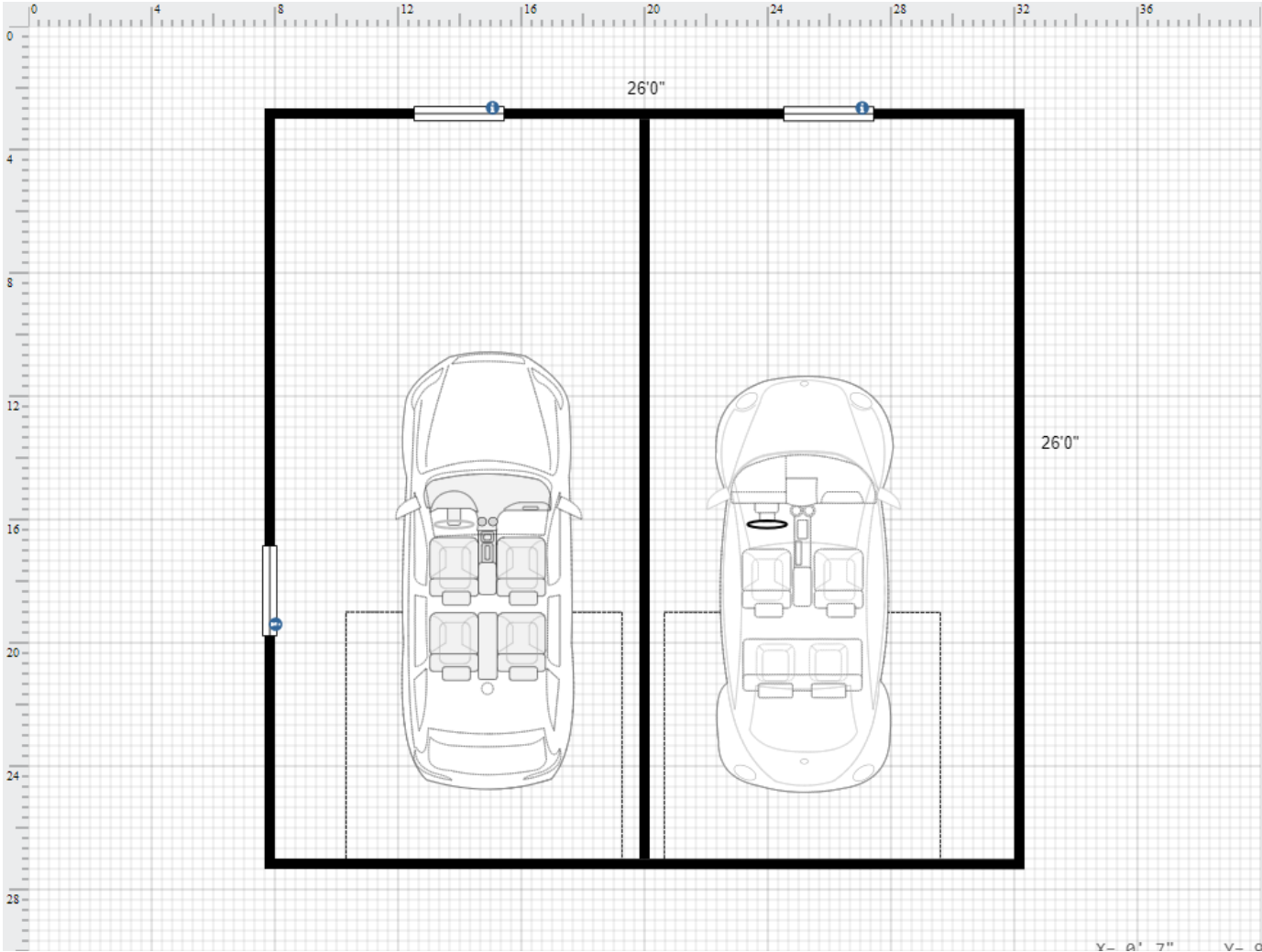
#### **Compliance of Requirements of Special Exemptions:**

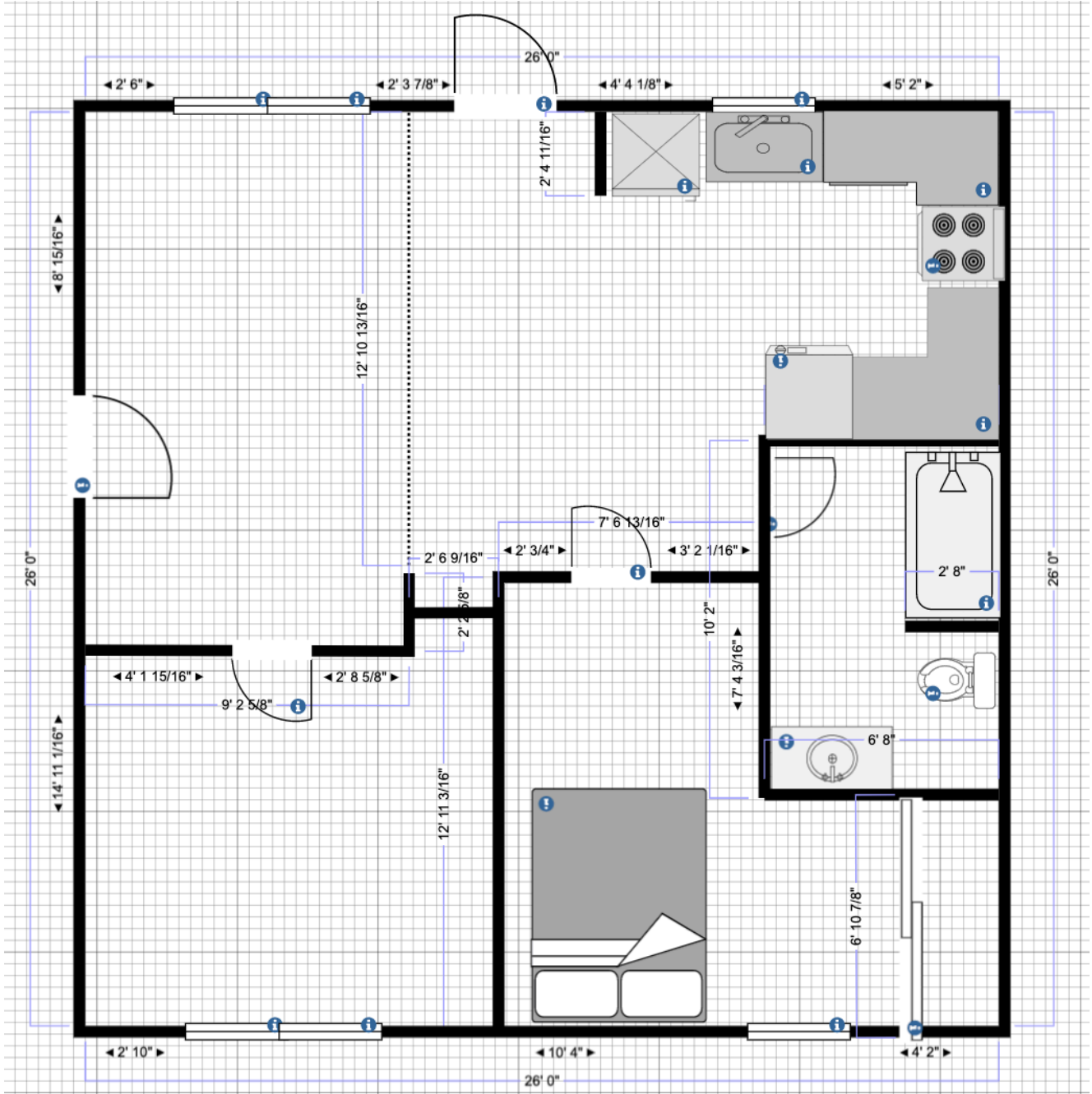
- The request to convert a two bay garage will not produce any hazard to the general public and the space will be built in compliance with current building codes as mandated by the city of portsmouth. Additionally, there is a 300' buffer in proximity of any adjacent homes or structures. As noted concerning the improvement of the project, the value of neighboring lots will not be diminished in that the construction will not substantially alter the building's appearance, profile and footprint. And the updated unit remains in line with surrounding developments as well as remains in the spirit of the building's current use. Likewise, this additional residential space will not expand upon any of the following negative factors, including but not limited to adding any— noise, glare, heat, odor, gas, dust, pollutants, vibrations, unsightly outdoor storage equipment; vehicles or other materials. Additional demand on town municipalities would be minimal and adjacent to recently and presumably updated systems (Juniper Commons). Lastly, because of the confinement of this project to only internal updates and minimal alterations to the exterior structure without expanding size or



scope of the original buildings footprint, there should be no significant increase of stormwater runoff onto adjacent property or streets.









Section 10.520 Residential and Mixed Residential Districts

10.521 Table of Dimensional Standards – Residential and Mixed Residential Districts <sup>1</sup>

	R	SRA	SRB	GRA	GRB	GRC	GA/MH	MRO	MRB
Minimum <b>Lot</b> Dimensions									
<b>Lot area</b>	5 acres	1 acre	15,000 sf	7,500 sf	5,000 sf	3,500 sf	5 acres	7,500 sf	7,500 sf
<b>Lot area per dwelling unit</b>	5 acres	1 acre	15,000 sf	7,500 sf	5,000 sf	3,500 sf	10,000 sf	7,500 sf	7,500 sf
Continuous <b>street frontage</b>	NA	150'	100'	100'	80'	70'	N/A	100'	100'
Depth	NA	200'	100'	70'	60'	50'	N/A	80'	80'
Minimum <b>Yard</b> Dimensions									
Front	50'	30'	30' <sup>2</sup>	15'	5'	5'	30' <sup>2,4</sup>	5'	5' <sup>2</sup>
Side	20'	20'	10'	10'	10'	10'	25'	10'	10'
Rear	40'	40'	30'	20'	25'	20'	25'	15'	15'
Maximum <b>Structure</b> Dimensions									
<b>Structure height</b>									
<b>Sloped roof</b>	35'	35'	35'	35'	35'	35' <sup>3</sup>	35' <sup>3,4</sup>	40'	40'
<b>Flat roof</b>	35'	30'	30'	30'	30'	30'	35' <sup>3,4</sup>	30'	30'
<b>Roof appurtenance height</b>	8'	8'	8'	8'	8'	8'	8'	10'	10'
<b>Building coverage</b>	5%	10%	20%	25%	30%	35%	20% <sup>4</sup>	40%	40%
Minimum <b>open space</b>	75%	50%	40%	30%	25%	20%	50%	25%	25%

NA = Not Applicable NR = No Requirement

Notes:

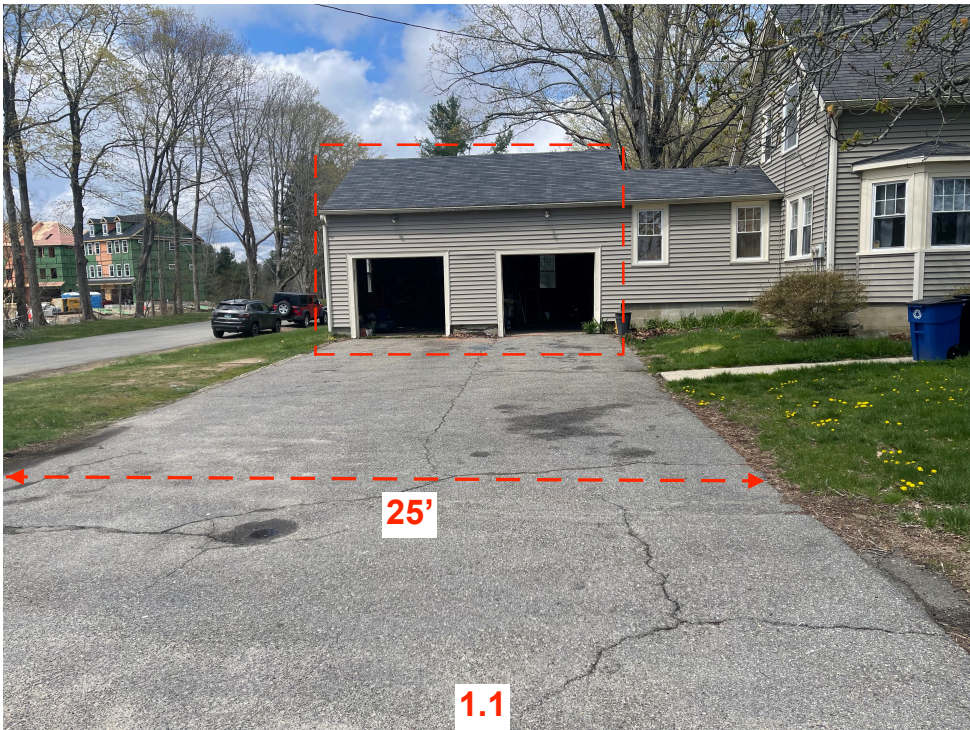
1. See Article 5A and Article 5B for dimensional standards in Character and Gateway Neighborhood Mixed Use Districts.
- \*2. See Section 10.533 for special front **yard** requirements on Lafayette Road.
3. Within the General Residence C and Garden Apartment/Mobile Home Park districts an additional 8' of height may be added to the maximum **structure** height in order to provide for **multifamily dwellings** that include vehicular parking spaces located within the residential **building** itself, if the additional height results in increased **open space** when compared to a site plan showing what **open spaces** would remain if required parking spaces were located in the open and in **accessory structures**.
4. See Section 10.816 for requirements within a **manufactured housing park**.

### 10.533 Special Yard Requirements on Lafayette Road

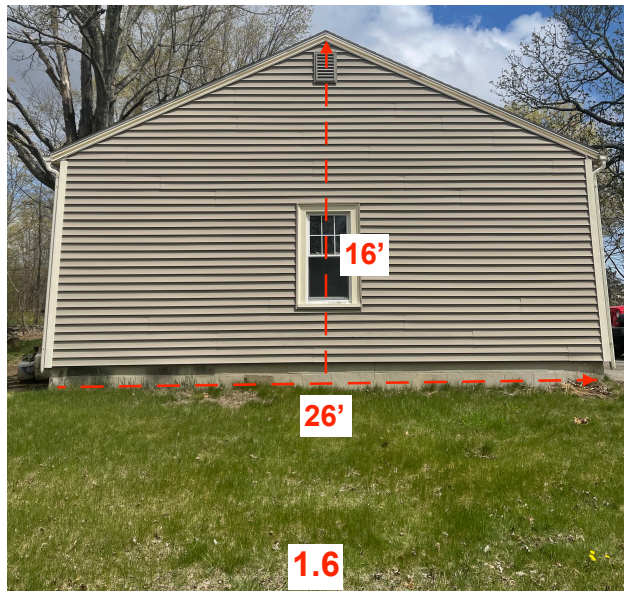
Notwithstanding the minimum **front yard** requirements specified in Section 10.521 or Section 10.531, for any **lot** adjoining Lafayette Road between the Route 1 Bypass and the Rye town line, no **building, structure**, parking area, or display or storage area shall be located less than 80 feet from the centerline of Lafayette Road or 30 feet from the sideline of Lafayette Road, whichever represents the greater **setback**, except as otherwise permitted by this Ordinance.



**Site Conditions**  
**3360 Lafayette Road, Portsmouth**











1.8



1.9

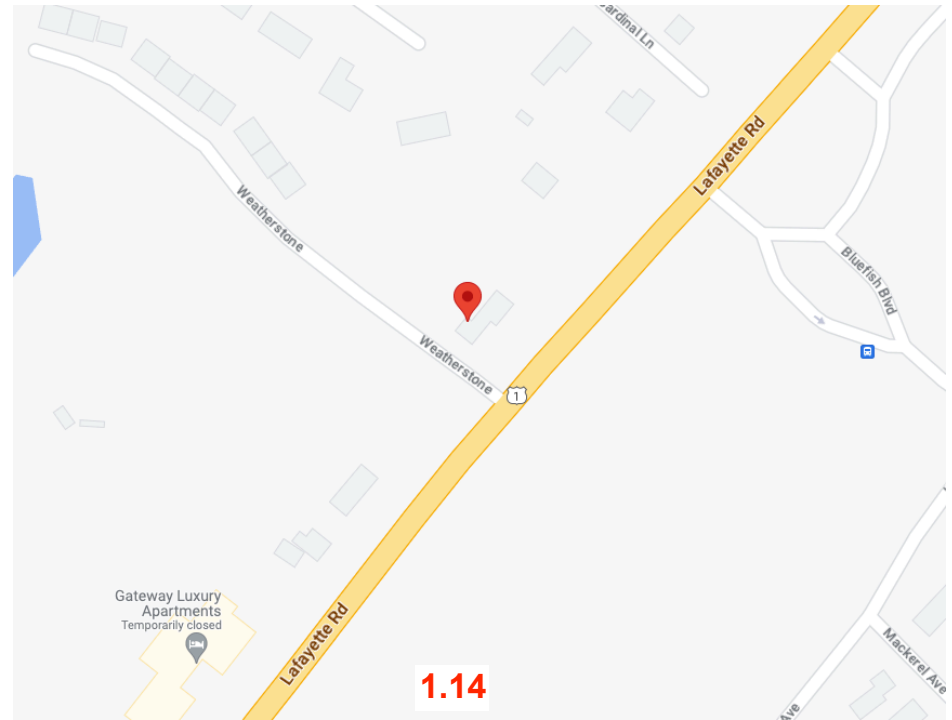


1.10

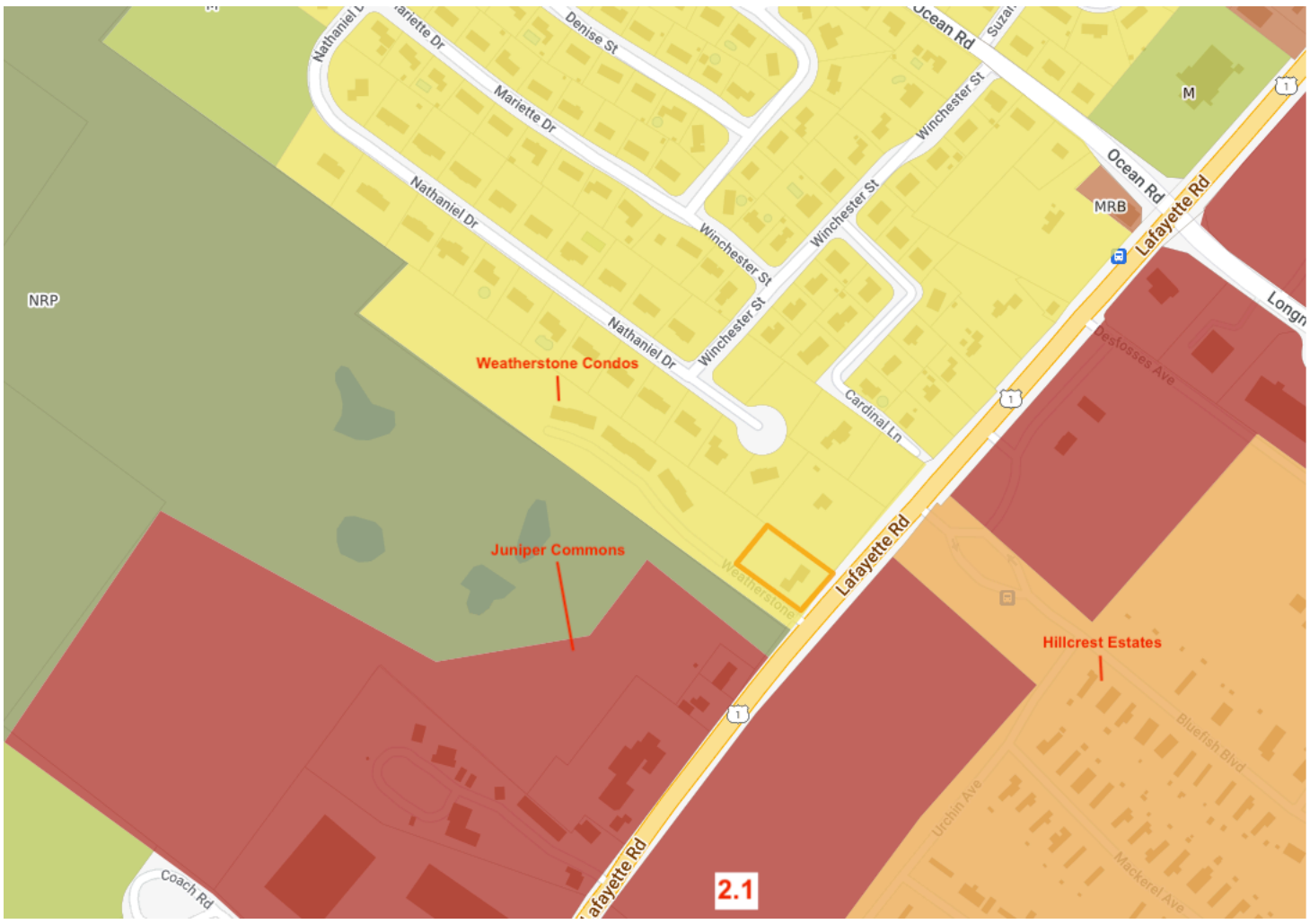


1.11









- Residential Districts**
  - R Rural
  - SRA Single Residence A
  - SRB Single Residence B
  - GRA General Residence A
  - GRB General Residence B
  - GRC General Residence C
  - GAMH Garden Apartment/Mobile Home Park
- Mixed Residential Districts**
  - MRO Mixed Residential Office
  - MRB Mixed Residential Business
  - G1 Gateway Corridor
  - G2 Gateway Center
- Business Districts**
  - GB General Business
  - B Business
  - WB Waterfront Business
- Industrial Districts**
  - OR Office Research
  - I Industrial
  - WI Waterfront Industrial
- Airport Districts**
  - AIR Airport
  - AI Airport Industrial
  - PI Pease Industrial
  - ABC Airport Business Commercial
- Conservation Districts**
  - M Municipal
  - NRP Natural Resource Protection
- Character Districts**
  - CD5 Character District 5
  - CD4 Character District 4
  - CD4W Character District 4-W
  - CD4-L1 Character District 4-L1
  - CD4-L2 Character District 4-L2
- Civic District**
  - Civic District
- Municipal District**
  - Municipal District
- Overlay Districts**
  - OLOD Osprey Landing Overlay District
  - Downtown Overlay District
  - Historic District

## 3360 LAFAYETTE RD

**Location** 3360 LAFAYETTE RD

**Mblu** 0297/ 0012/ 0000/ /

**Acct#** 32778

**Owner** KRUKOFF CARL ANDREW

**PBN**

**Assessment** \$330,300

**Appraisal** \$330,300

**PID** 32778

**Building Count** 1

### Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$213,700	\$116,600	\$330,300

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$213,700	\$116,600	\$330,300

### Owner of Record

**Owner** KRUKOFF CARL ANDREW

**Sale Price** \$500,000

**Co-Owner**

**Certificate**

**Address** 18 OWL LN  
LEE, NH 03861

**Book & Page** 6413/89

**Sale Date** 06/02/2022

**Instrument** 38

### Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
KRUKOFF CARL ANDREW	\$500,000		6413/89	38	06/02/2022
KRUKOFF PATRICIA	\$185,000		3452/1842	0	01/31/2000

### Building Information

#### Building 1 : Section 1

**Year Built:** 1936  
**Living Area:** 1,650  
**Replacement Cost:** \$280,183



**Building Percent Good:** 76  
**Replacement Cost**  
**Less Depreciation:** \$212,900

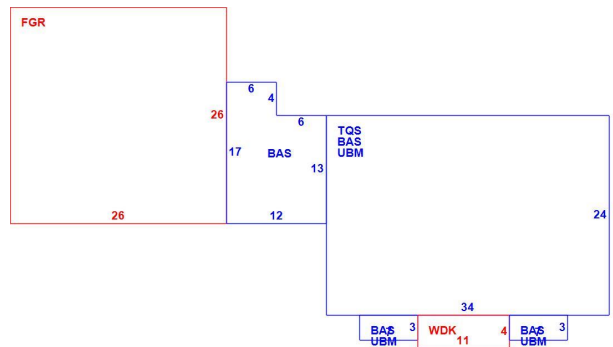
**Building Photo**



(<https://images.vgsi.com/photos2/PortsmouthNHPhotos/\00\0068\52.JP>)

Building Attributes	
Field	Description
Style:	2 Unit
Model	Residential
Grade:	C
Stories:	1.75
Occupancy	2
Exterior Wall 1	Vinyl Siding
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	Carpet
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	4 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	2
Total Rooms:	9
Bath Style:	Avg Quality
Kitchen Style:	Avg Quality
Kitchen Gr	
WB Fireplaces	0
Extra Openings	0
Metal Fireplaces	0
Extra Openings 2	0
Bsmt Garage	

**Building Layout**



(ParcelSketch.ashx?pid=32778&bid=32778)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,038	1,038
TQS	Three Quarter Story	816	612
FGR	Garage, Attached	676	0
UBM	Basement, Unfinished	858	0
WDK	Deck, Wood	44	0
		3,432	1,650

**Extra Features**

Extra Features	Legend
No Data for Extra Features	

**Land**

**Land Use**

**Use Code** 1040  
**Description** TWO FAMILY  
**Zone** SRB  
**Neighborhood** 118  
**Alt Land Appr** No  
**Category**

**Land Line Valuation**

**Size (Acres)** 0.55  
**Frontage**  
**Depth**  
**Assessed Value** \$116,600  
**Appraised Value** \$116,600

**Outbuildings**

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED FRAME			264.00 S.F.	\$800	1

**Valuation History**

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$213,700	\$116,600	\$330,300
2020	\$213,700	\$116,600	\$330,300
2019	\$213,700	\$116,600	\$330,300

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$213,700	\$116,600	\$330,300
2020	\$213,700	\$116,600	\$330,300
2019	\$213,700	\$116,600	\$330,300



### III. NEW BUSINESS

- I. The request of **John Heath and Michael Meserve (Owners)**, for property located at **955 Woodbury Avenue** whereas relief is needed to construct a shed which requires a Variance from Section 10.571 to allow an accessory structure to be located closer to a street than the principal building. Said property is located on Assessor Map 219 Lot 33 and lies within the Single Residence B (SRB) District. (LU-23-56)

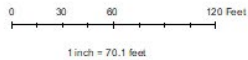
#### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	<b>Install a shed closer to a street than the primary structure</b>	Primarily residential
<u>Lot area (sq. ft.):</u>	26,190	26,190	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	26,190	26,190	15,000 min.
<u>Lot depth (ft.):</u>	137	137	100 min.
<u>Street Frontage (ft.)</u>	331	331	100 min.
<u>Primary Front Yard (ft.):</u>	0	0	30 min.
<u>Left Yard (ft.):</u>	>30	>30	10 min.
<u>Right Yard (ft.):</u>	>30	>30	10 min.
<u>Rear Yard (ft.):</u>	>45	45	30 min.
<u>Shed Height (ft.):</u>	n/a	8.1	35 max.
<u>Building Coverage (%):</u>	9.4	10	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1800	<b>Variance request(s) shown in red.</b>	

#### Other Permits/Approvals Required

- Building Permit

## Neighborhood Context



**955 Woodbury Avenue**



### Previous Board of Adjustment Actions

No previous history found

### Planning Department Comments

The applicant is requesting relief to install a shed. This application is before the Board due to the proposed location of the shed and its proximity to Fairview Dr. See Section 10.571 of the Zoning Ordinance below.

**10.571**      *No accessory building, structure or use shall be located in any required front yard, or closer to a street than the principal building.*

### Variance Review Criteria

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

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*



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

### **10.235 Certain Representations Deemed Conditions**

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

Relief- Our current basement door is only 24"wide . We are unable to store large outdoor furniture and have trouble getting anything large into the basement. Our current shed is full. We need a more than one shed to store large tools , outdoor furniture etc.

Project description- We are having 10' x 16' shed made for storage. The height from the floor to the top of the gable is 9' 8". There will be a 5' wide double door in front with 1 widow (2x2) on each side of the door. The floor is plywood. The roof is black shingles and the siding is white vinyl to match the house. The shed will sit on concrete blocks with 5" of crushed stone beneath the entire shed. We have a very large yard ,by Portsmouth standards, and there is plenty of room for another shed.



Responding to section 10.233

10.233.21 The variance will not be contrary to the public interest;  
This is a basic shed and adheres to the neighborhood aesthetic

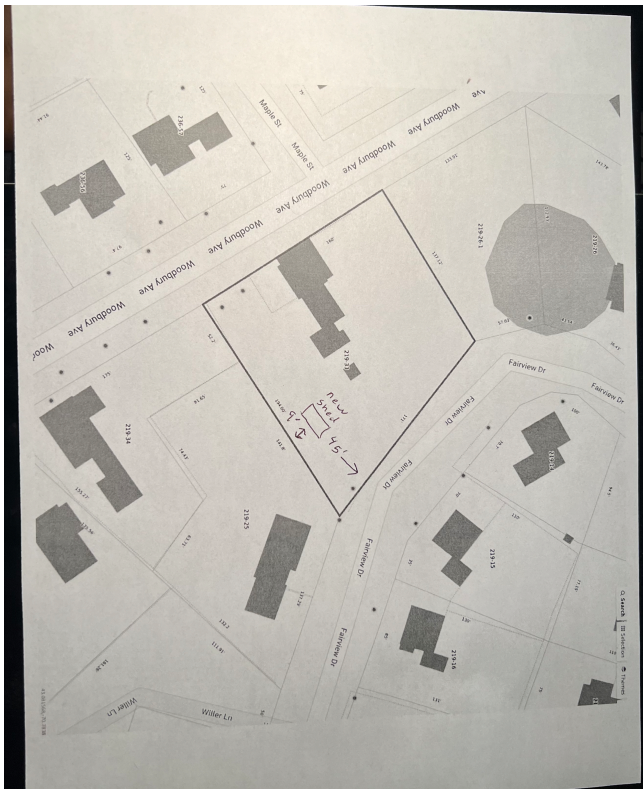
10.233.22 The spirit of the Ordinance will be observed;  
Granting a variance for a shed on a property that has 2 separate street frontages will not impact the ordinance

10.233.23 Substantial justice will be done;  
This shed will allow us to store yard tools, buckets and outdoor furniture which will help to clean up the appearance of our yard .

10.233.24 The values of surrounding properties will not be diminished;  
Then current trees and aborvite will mostly hide the shed. The neighborhood will not be impacted.

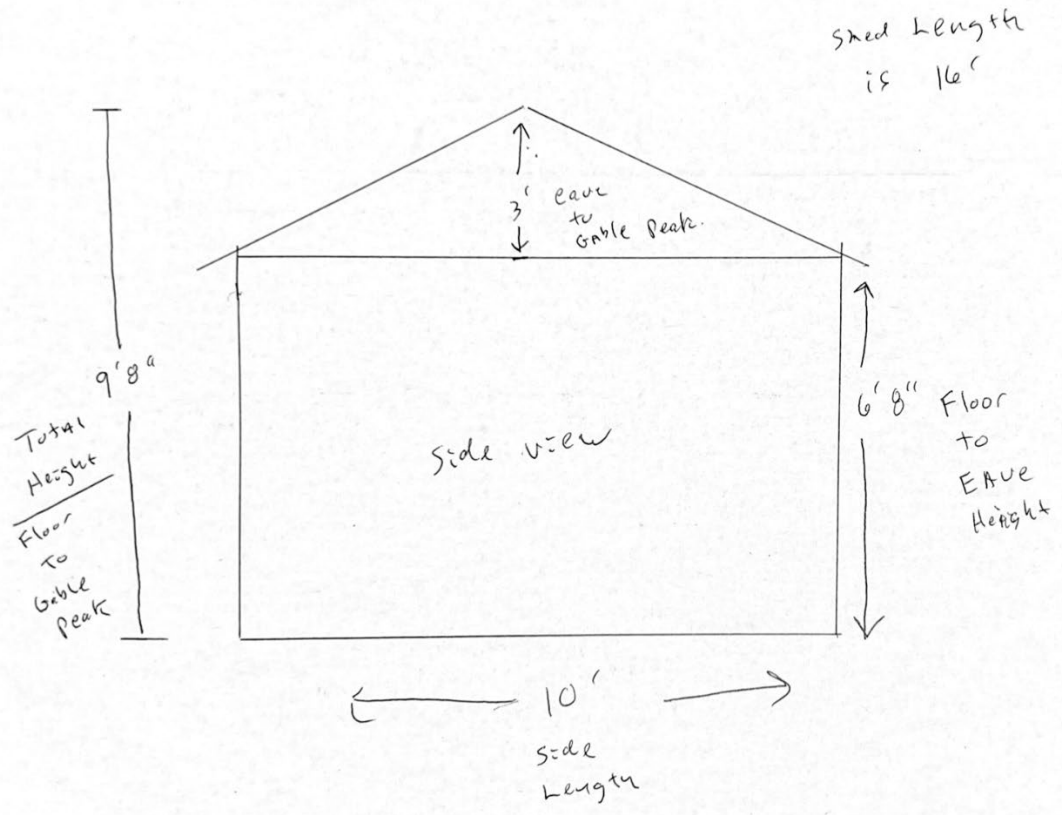
20.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

Being able to store outdoor furniture and a rider mower along with a large assortment yard tools is really a necessity. There is currently not enough storage for us.









Sent from my iPhone





### III. NEW BUSINESS

- J. The request of **Shantar Zuidema and Abby Zuidema (Owners)**, for property located at **126 Burkitt Street** whereas relief is needed to demolish the existing 10 foot by 16 foot deck and replace with a 6 foot by 4 foot enclosed porch which requires the following: 1) Variance from Section 10.521 to allow a 6 foot right side yard where 10 feet is required, and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 159 Lot 28 and lies within the General Residence A (GRA) District. (LU-23-61)

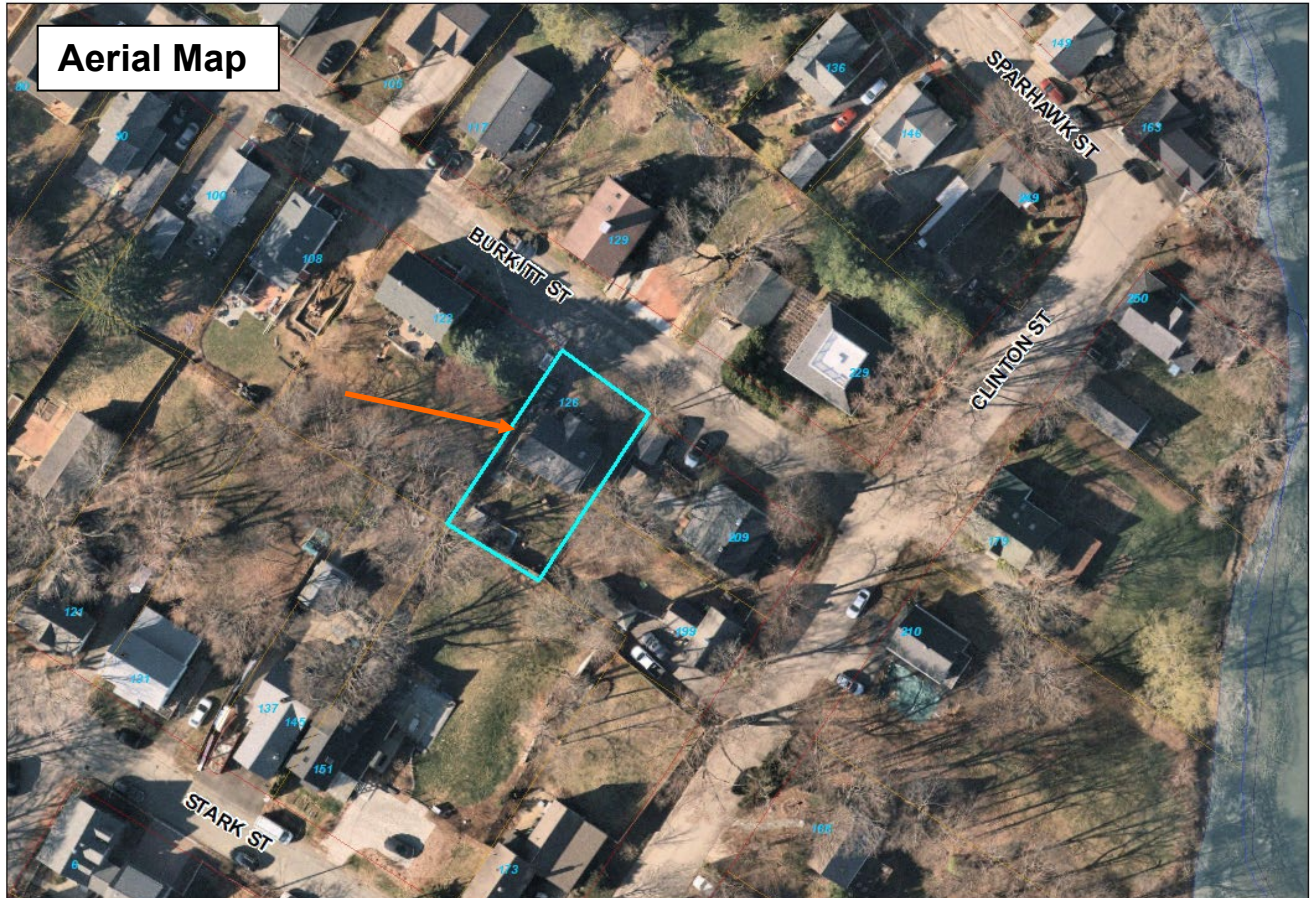
#### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Demolish existing porch and construct new	Primarily residential
<u>Lot area (sq. ft.):</u>	4,801.5	4,801.5	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,801.5	4,801.5	7,500 min.
<u>Lot depth (ft.):</u>	94.5	94.5	70 min.
<u>Street Frontage (ft.)</u>	50	50	100 min.
<u>Primary Front Yard (ft.):</u>	18	18	15 min.
<u>Left Yard (ft.):</u>	10	10	10 min.
<u>Right Yard (ft.):</u>	6	<b>6</b>	10 min.
<u>Rear Yard (ft.):</u>	35	38	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	20.5	18	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1976	<b>Variance request(s) shown in red.</b>	

#### Other Permits/Approvals Required

- Building Permit

## Neighborhood Context



0 25 50 100 Feet  
1 inch = 56.6 feet

**126 Burkitt Street**



### Previous Board of Adjustment Actions

No previous BOA history found

### Planning Department Comments

The applicant is proposing to remove the existing rear deck and side entrance deck and to only reconstruct and enclose the side deck portion only. Applicant is not proposing to replace the rear deck at this time and is reducing the overall building coverage on the property.

### Variance Review Criteria

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

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*



5. The “unnecessary hardship” test:

(a) The property has special conditions that distinguish it from other properties in the area.

**AND**

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

**OR**

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

### **10.235 Certain Representations Deemed Conditions**

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

## 126 Burkitt Street

### Porch Renovation & Deck Removal

To the Board of Adjustment:

We are looking to rebuild and enclose the porch landing under the existing roof. The existing porch needs to be replaced as the current footings and structure are inadequate to support the roof.

The location of the porch is essential as it allows access to the side door. Relief from the 10' setback requirement is requested as the side door sits 4' above grade and the house is set back 10'6" from the property line requiring some development in the setback to access this door.

We are proposing to remove the 10'x16' deck and steps to the front entirely and replace with a small 6'x4' deck for safe opening of the proposed storm door and steps to the back yard. The porch enclosure is proposed to allow for an outward swinging door. The current inward swinging door obstructs access to the stove when open. An outward swinging door will allow for ease in ventilation and access to the back yard while cooking.

Substantial justice will be done as the proposed plan will increase the functional flow of the property while:

- Reducing the building cover of the property by removing the 10'x16' deck
- Provide the structural support needed for the existing roof
- Allow for siding rot repair as flashing was only installed five years ago
- Increase the overall aesthetic of the structure

All of these items outlined will not diminish the value of the surrounding properties.

The variances are not contrary to the public interest as the plan as proposed replaces existing structures currently in the setback.

The spirit of the ordinance will be observed as the proposal seeks no additional relief from the setback as requested in this proposal. The proposal supports movement through the property as it is.

Literal enforcement of the provisions of the ordinance would result in unnecessary hardship as the side egress would need to move to new location requiring architectural changes. The porch roof as built would need to be removed and the house resided. All of these options are outside the possibility for us. We are looking to maintain the structure and rebuild it to be safe and structurally supported.

Abby & Shan Zuidema







**Property Information**

**Property ID** 0159-0028-0000  
**Location** 126 BURKITT ST  
**Owner** ZUIDEMA SHANTAR



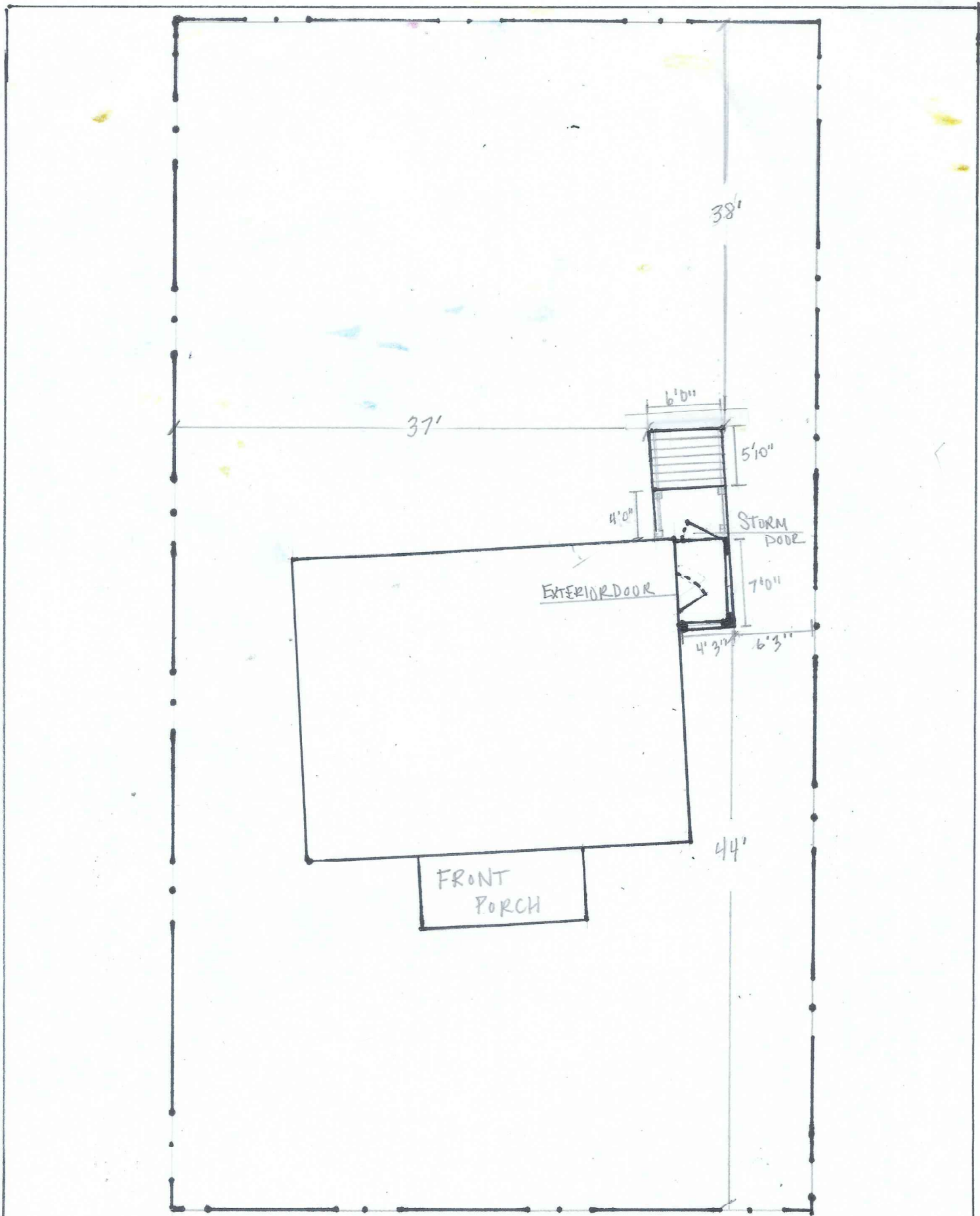
**MAP FOR REFERENCE ONLY  
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Geometry updated 09/21/2022  
Data updated 3/9/2022

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.





126 BURKITT STREET