

February 19, 2023

Historic District Commission
cc: Board of Adjustment
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Dear HDC Board Members:

For the past 16 years, we have been stewards of two properties in both the South End and the North End, within the historical districts of Portsmouth. We have become concerned about the inconsistent and inequitable decisions being made by the Board.

At a Board of Adjustment work session in February, there was a discussion regarding the property at 39 Dearborn Street, which is a traditional cape from the 1700's. This is among the oldest wooden structures in Portsmouth. At the work session, the property owners presented plans to raise the roof, changing the structure to a Dutch colonial. Many board members voiced their support of this plan. Some justified this because the home's visibility is limited from any street. Does this mean if it can't be seen it does not have historical value? Does this mean that any proposed changes to the Jackson House would be guided by the same logic?

There have been discussions regarding this property in the past. During a work session on April 29, 2015, the following comments were made by board members:

William Galdhill-Vice Chair

"If we approve this design, I no longer can see the cape", "I'd like to see the integrity of the original cape preserved", "You can see it from the North Mill Pond, so you can see it from a public way"

Joe Almeida-Chair

"We have a very early cape. We can still see it", "We need to be sympathetic to this historical cape", "I'd like to see a historical cape rather than a complete change in style"

Reagan Ruedig

"Let's try and highlight the cape rather than try and turn it into something totally new"

John Wyckoff

"What are we looking at her", "This is a traditional cape, therein lies the problem"

Richard Shea

"We would all like to see the front of the cape", "Restore the old entrance"

Dan Rawling

"I agree with the previous comments"

Please contrast these remarks to comments made at the recent meeting in February 2023.

We are not historians but do appreciate the antiquity that reflects a narrative of our city's history. When we first moved to the North End, we tried to get to know the history of our neighborhood. We would intentionally walk down Dearborn Street to admire the antique cape with the single dormer.

It seems that lately the HDC has given leniency to some property owners which has allowed the partial loss of our historical footprint. If the Dearborn house were in the South End, we feel the Board would be coming from a different perspective.

We encourage the HDC board members to ask themselves if their opinions and decisions represent a fair and equitable process that supports the HDC mission.

Thank you for your consideration and your ongoing efforts to preserve our historical community.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Vieira" and "Diane Vieira" joined together. The signature is written in a cursive, flowing style.

Robert and Diane Vieira
49 Dennett Street
Portsmouth, NH 03801

City of Portsmouth NH

Planning board, HDC

RE: 39 Dearborn Street

Hello HDC-

After watching the work session on 39 Dearborn Street, I was deeply concerned and saddened to hear the vast majority of the committee possibly support this new application. Only one member questioned the new design, referencing that the home had been before the HDC years ago. Yet, the conversation did not seem to land in a place of preserving history. The following are some direct quotes from the April 29, 2015 work session 1 hour into the meeting.

John Wyckoff

"what are we looking at here" "this is a traditional cape, therein lies the problem"

Joe Almeida-Chair

"we have a very early cape, we can still see it" "need to be sympathetic to this historic cape" "I'd like to see a historic cape rather than a complete change in style"

William Galdhill-Vice Chair

"if we approve this design, I no longer see a cape" "I'd like to see the integrity of the original cape preserved" "you can see it from the north mill pond, so you can see it from a public way"

Reagan Ruedig

"let's try and highlight the cape rather than try and turn it into something totally new"

Richard Shea

"we would **all** like to see the front side of the cape" "restore the old entrance" Dan

Rawling

"I agree with the previous comments"

Now contrast those remarks to the remarks made at the November 1, 2023 meeting.

Start at 2:15

Date: February 17, 2023
From: Michael Stasiuk, 31 Dearborn Street, Portsmouth, NH 03801
To: Stefanie Casella, Nick Cracknell, Izak Gilbo, and Members of the Planning Department and Historic District Commission
Re: Proposed changes to an existing Agreement to modify 39 Dearborn

Dear Stephanie, Nick and Isak

I have been to the planning department twice to look at and discuss the proposed plan for changes to the house at 39 Dearborn, my abutting neighbor. For the record, I have had no discussion on this topic with the new owners. Based on the two plans proposed in 2015, I thought the current proposal had little chance of gaining the Historic District commission's approval.

The Agreement

- In 2015 the planning department approved modifications to 39 Dearborn that included an expansion of the kitchen, a second dormer window, and a shed dormer facing west towards Dennet Street.
- I recall Dan Rowling suggesting that the north facing mudroom was covering the historic front door and should be removed. The expansion of the kitchen was in the footprint of the deck, but was a gain that could in a sense justify the removal of the mudroom.
- Additionally, HDC approval specified that the roofline height was not to change, and the integrity of a 1700s cape would be honored and preserved.
- The attached letter of March 15, 2015 to Chairman Witham states that "The proposed accessory structure shall only be used for the storage of equipment, materials, and other related items and not used as a work- or machine-shop with the use of mechanical equipment or tools." I have attached the deed and accompanying letter to this email for verification.
- Plantings along the shoreline were to compensate for incursion into the wetland.

Plan elements completed

- Only the kitchen was built before selling the house to the current owners.

Outstanding questions

The question that this creates for me is what happened to the 2015 plan that was given approval (and which I also approved as a neighbor) and

- Based on what I saw in the recorded meeting, the topic of preserving the cape came up but was somewhat dismissed.
- The mudroom was never removed and has now become a take off point for a very large addition.

Personal concerns

How the house proposal visually plays with the shed in terms of height, mass, and lines was part of the discussion at the HDC work session. This is the point where my concern increases.

The shed included in the current discussion was approved based on stipulations of size and function noted above. The footprint for the shed is set four feet (4') from my property line, far beyond the allowable setback restriction. I mention this because I understand that some speculation was raised about removing or modifying the existing shed, including the possibility of using the footprint of the shed as an opportunity to extend the reach of the front of the house unacceptably beyond the twenty foot (20') setback restriction from the boarder of my property line. I would never have agreed to the house itself being expanded beyond the 20 foot (20') setback from my property line.

Additional observations

The overall plan is quite massive, and will

- Impact the balance of the street and surrounding neighborhood. Notwithstanding any thoughts of the property being out of normal site, the property is prominently viewable from the adjacent properties as well as from across the waterfront.
- Create a loss of privacy for my house, which has a tiny backyard with three (3) sides that are quite close to neighbors. It is a source of sadness to me that the one direction that has some airspace could be brokered away and replaced by a structure and will be lit up by windows at night. The

north millpond has a piece of nature still in tact on Dearborn Street. The massing and light and loss of sky is something to which I am sensitive.

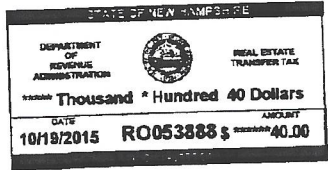
In Summation

I wish to clearly articulate my hope and expectations that the Planning Department and the Historic Commission will work together and act to:

1. Protect my setback rights as they relate to the 2015 Agreement.
2. Address the over massing of the abutting property in a way that impacts the value and quality of living spaces for me and my neighbors.
3. Consider the appropriateness of changes to the outward appearance of an historic Cape that has been in place for more than 200 years.
4. Honor the work and historic agreements entered into by the citizens and representatives of the City of Portsmouth.

Please see the attached documents and share them as part of the discussion. I am happy to discuss this further and find a fair and satisfactory solution that considers everyone.

Respectfully



BK 5663 PG 0616

EASEMENT DEED

KNOW ALL MEN BY THESE PRESENTS, That **MICHAEL BRANDZEL and HELEN LONG**, both of 39 Dearborn Street, Portsmouth, County of Rockingham, State of New Hampshire, 03801, for consideration paid, grant to **MICHAEL STASIUK** of 31 Dearborn Street, Portsmouth, County of Rockingham, State of New Hampshire, 03801, his heirs, successors, and assigns, a view easement over and upon land of the grantors located at 39 Dearborn Street, Portsmouth, New Hampshire, said easement being more particularly bounded and described as follows:

PORTSMOUTH, NEW HAMPSHIRE

Beginning at a point on the easterly sideline of land of the grantors said point being 23.00 feet westerly from the northeasterly corner of land of the grantors thence running S 25° 21' 16" W by land of the grantee, a distance of 50.01 feet to a point; thence turning and running S 26° 24' 31" W by land of the grantee, a distance of 20.00 feet to a point; thence turning and running S 32° 21' 16" W by land of the grantee, a distance of 68.00 feet to a point; thence turning and running S 23° 21' 18" W by land of the grantee, a distance of 70.37 feet to a point; thence continuing in a southwesterly direction by land of the grantee, a distance of 4 feet more or less to the northerly shoreline of the North Mill Pond; thence turning and running by a Tie line N 19° 42' 41" W, a distance of 34.57 feet to a point on the northerly sideline of said North Mill Pond; thence turning and running by land of the grantors N 35° 52' 31" E for a distance of 167.22 feet to the point of beginning.

Meaning and intending to convey a view easement over and upon land the grantors for the benefit of land of the grantee shown as Lot 4 on the City of Portsmouth Tax Map 140. Said view easement containing 2,018 square feet. The area of said view easement is to remain free in perpetuity in an open and natural state, free from all temporary or permanent structures including, but not limited to: accessory or principal structures; boats; equipment; vehicular parking or storage; or any other similar obstructions of the view to the North Mill Pond. No trees shall be planted within the view easement area and all vegetation shall be maintained to a height of no more than 4 feet. The within granted easement shall in no way impair or hinder the Grantors rights of ingress and egress to and from Dearborn Lane.

The within granted view easement being shown on Plan entitled, Site Plan, Property of Michael Brandzel and Helen Long, (Tax Map 140, Lot 3), Dearborn Lane, Portsmouth, NH", prepared by Boudreau Land Surveying, P.L.L.C., dated February 9, 2015, last revised April 3, 2015, said plan being on file at the City of Portsmouth Planning Department. Said view easement being a condition precedent for the granting of certain variances to the grantors by the City of Portsmouth Board of Adjustment on April 21, 2015.

046384

2015 OCT 19 AM 8:10

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

The within granted easement is over and upon land conveyed to the grantors by deed recorded in the Rockingham County Registry of Deeds at Book 5000, Page 1302.

WITNESS our hands this ^{at} 10th 2nd day of October, 2015.

Amanda Fraehn
Witness

Michael Brandzel
MICHAEL BRANDZEL

Anne L Bertius
Witness

Helen Long
HELEN LONG

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

10-2, 2015

Personally appeared the above-named, Michael Brandzel and Helen Long, known to me, or satisfactorily proven, to be the persons whose names are subscribed to the foregoing instrument and acknowledged that they executed the same for the purposes therein contained.

Before me,



Whitt Blue
Notary Public
My commission expires:

March 15, 2015

To: David Witham, Chairman of the Board of Adjustment

Re: Neighborhood Support Letter for Modifications to Application for 39 Dearborn Street

Dear Mr. Witham,

Upon review of the proposed application to the Board of Adjustment (BOA) for the property located at 39 Dearborn Street, we, the undersigned, have collaborated with Mr. Brandzel, owner of the property, in an effort to improve the building and site design. Together, we have developed some relatively minor modifications to the proposed building and site plan that would significantly improve the visual amenities, surrounding property values, and the social fabric of this unique and historic neighborhood along the North Mill Pond.

As the direct abutters to the proposed project, we respectfully request the BOA support and approve Mr. Brandzel's request that the application be modified to substitute the revised accessory building and site plan (shown and attached as Exhibit A). Note that we also support the proposed alternations to the existing principal structure (i.e. the dormers, porch, siding replacement...). Additionally, as developed with and supported by Mr. Brandzel, we would also respectfully request, that the following stipulations (which accompany Exhibit A) be included in the Letter of Decision:

1. Accessory Structure - The proposed accessory structure, as shown on Exhibit A, shall be no greater than 12 x 18 feet (216 SF) as proposed and shall be no taller at the ridge line than 12 feet in height. It shall have hinged doors as shown and a single goose-neck light (with a cut-off luminaire shielding any spill-over lighting to 31 Dearborn Street) shall be located directly over the front doors. No dormers or skylights shall be added to the roof and the eastern elevation shall have no windows installed. The exterior siding shall be either wood clapboard siding or shingles. The proposed accessory structure shall only be used for the storage of equipment, materials, and other related items and not used as a work- or machine-shop with the use of mechanical equipment or tools.
2. View Easement Area to the North Mill Pond – As off-setting mitigation for the larger storage shed within the front yard setback, a View Easement Area, of approximately 2,000 SF+/- in area (as shown on Exhibit A), shall be conveyed to the property located at 41 Dearborn Street. Except for egress to and from 39 Dearborn Street and short-term temporary overflow parking within the existing 20 foot driveway at the end of Dearborn Lane, such View Easement Area shall remain, in perpetuity, in an open and natural state, free from all temporary or permanent structures including, but not limited to: accessory or principal structures; boats; equipment; vehicular parking or storage; or any other similar obstructions of the view to the North Mill Pond. Additionally, no trees shall be

planted within the View Easement Area and all vegetation shall be maintained to a height of no more than four (4) feet.

3. Exterior Lighting – To remove the spill-over light from the existing flood lights on the existing principal structure there shall be no flood lights located on the eastern façade of the existing structure or the proposed accessory structure.
4. Effect – If approved by the BOA, the Letter of Decision, including these stipulations, shall remain in full force in perpetuity and the View Easement benefiting 41 Dearborn Street shall be recorded at the Rockingham Registry of Deeds, prior to issuance of a Building Permit. Any modification to these stipulations shall require approval of the BOA.
5. Compliance - Prior to issuance of a Building Permit, a local code official shall review the final building and site plans and determine that the plans and elevations are in substantial compliance with these stipulations.

Michael Stasuik _____, 31 Dearborn Street, Portsmouth, NH
Michael Stasuik _____, 41 Dearborn Street, Portsmouth, NH
304 Maplewood Ave, LLC _____, 304 Maplewood Ave, Portsmouth, NH
Chris Anctil _____, 12 Dennett St., Portsmouth, NH
Lori Sarsfield _____, 28 Dennett St., Portsmouth, NH

March 13, 2015

Re: **Proposed Amendments to the March 13th Neighborhood Support Letter**

The following amendments to the neighborhood support letter have been proposed in order to clarify the intent and meaning of the stipulations as well as enhance administration and enforcement.

1. Replace the last sentence of paragraph 1 – Accessory Structure with the following:

“The accessory structure shall only be used for the storage of equipment, materials and other related items and not used as a work- or machine-shop with mechanical equipment.”

2. Replace the second paragraph, View Corridor to the North Mill Pond”, with the following:

“The existing storage trailer shall be removed from the view corridor within 30 days of issuance of a Building Permit for the project. The View Corridor shall remain, in perpetuity, in an open and natural state, free from all temporary or permanent structures including, but not limited to, accessory or principal structures, boats, equipment, vehicular parking or other similar obstructions of the view to the North Mill Pond. No trees shall be planted within the view corridor and all vegetation shall be maintained to a height of no more than four (4) feet.”

3. Add the following stipulation as follows:

“The Letter of Decision, including these stipulations, shall run with the land and be recorded, prior to issuance of a Building Permit, at the Rockingham Registry of Deeds. Any modification to these stipulations shall require approval of the Portsmouth Board of Adjustment.”

4. Add the following stipulation as follows:

“Prior to issuance of a Building Permit, a local code official shall review the final building and site plans and determine that the plans and elevations are in substantial compliance with these stipulations.”

Izak Gilbo

From: Pat <patbagley@aol.com>
Sent: Tuesday, February 28, 2023 4:06 PM
To: Nicholas J. Cracknell; Izak Gilbo
Cc: Patricia Bagley
Subject: The wall
Attachments: IMG_6983.jpeg; IMG_6984.jpeg; ATT00001.txt

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Nick,

Would you please forward these photos, taken yesterday, to all HDC members for tomorrow night's meeting. This is the daily treatment of the historic wall.

Thank you.
Pat



