

729-733 Middle Street Condominium Association
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May 3, 2023

BY EMAIL TO PLANNING@CITYOFPORTSMOUTH.COM

Historic District Commission
City of Portsmouth
Planning Department
1 Junkins Avenue
Portsmouth, New Hampshire 03801

RE: Comments to Petition of David A. Sinclair & Nicole J. Giusto (the “Petitioners”) for property at 765 Middle Street, Tax Map 148-37, Portsmouth, NH 03801 –Detached Garage with Living Space Above (“Proposed Garage”)

Greetings Members of the Historic District Commission:

I am writing on behalf of 729-733 Middle Street Condominium Association, Craig Crowell and myself, the owners of the property located at Portsmouth Tax Map 148-36 and direct abutters to 765 Middle Street to request the Historic District Commission’s consideration of modifications to the revised plans submitted by the Petitioners in order to preserve the historic character of the district and the property values therein.

As a preliminary matter, we would like to respond to a question raised by one of the Commissioners during the March 1, 2023 Historic District Commission meeting, after the public hearing had closed. The question was whether protection and preservation of property values in the Historic District is within the Commission’s jurisdiction. According to Section 10.631.20(5) of the Historic District Commission Regulations, one of the purposes of the establishment of the Historic District is to “to foster Portsmouth’s heritage and economic well-being through the *conservation and enhancement of property values.*” Thus, the protection of neighboring property values is within the Historic District Commission’s jurisdiction. An excerpt from the Regulations is attached hereto as Exhibit A.

As discussed by the Commission during the March 1, 2023, the Proposed Garage will have a devastating impact on the value of the 729-733 Middle Street Condominiums, which is a historic home built in 1820 and pictured on Exhibit B. 733 Middle Street is on the right side of the building and less than 15 feet to the left of where the Proposed Garage will be located. Not

only will the Proposed Garage destroy any meaningful semblance of privacy on the part of any current or future resident of 733 Middle Street, but the massive structure will interfere with 733 Middle's Street's access to air, light and view, as it will be located within 15 feet of the front of the property. We would also like to clarify another comment made during the last HDC meeting (after the public hearing closed) to the effect that 733 Middle Street does not have access to much sunlight, so it is of no consequence if the garage is blocking it. To the contrary, the main window on the first floor is one of the few windows that does let in sunlight. Photos of this window are shown on Exhibit C. This is the window that the Proposed Garage will be directly in front of. In addition, the petitioners contend that there is a privacy fence along the lot line, and that this already existing fence is blocking 733 Middle Street, therefore obstruction by a large garage wall will not make any difference in view. The privacy fence does not obstruct the view out of the main window or any other windows, which is shown on Exhibit D. As shown by the photos, the main window sits at a raised level, almost above the privacy fence.

At the conclusion of the March 1, 2023 hearing, consistent with the Zoning Board of Adjustment's stipulation that the design and location of the garage may change based on Historic District Commission review and approval, the Commission required the Petitioners to make changes to the design and location of the garage. The Petitioners have not made these changes. As detailed in our letter to the Commission dated February 28, 2023, the size of the Proposed Garage is disproportionately large, and has a U-shaped design that is wholly inconsistent with historic character of the District. According to publicly available information, the average size of garages in the neighborhood is 594 square feet. The Proposed Garage is almost 2,000 square feet and even larger than that of the Governor John Langdon House, which is 1,500 square feet. And although the Petitioners' lot is fairly large, it is actually 200 square feet smaller than the average lot size in the Historic District. Yet despite this fact, the Petitioners' Proposed Garage would be the largest in the District.

It is therefore appropriate that the Commission required the Petitioners to reduce the overall size of the Proposed Garage. The Petitioners have not done that, as shown by the site plans in their most recently filed application. The square footage of the Proposed Garage is exactly the same square footage as before---approximately 2,000 square feet.

Reducing the size, in particular with respect to the portion that blocks the front of 733 Middle Street will not only preserve the value of that historic property but it will lessen the visual impact of the Proposed Garage when viewed from Middle Street, as shown on Exhibit E. Because of its size, constructing the Proposed Garage requires two trees, one of which is a large crabapple tree, to be cut down. If the size is reduced enough and the garage "pulled back" from Middle Street, as instructed by the Commission, the trees would not need to be cut down. If the trees remain, the Proposed Garage will not be as visible from Middle Street, which would help to preserve the historic character of the neighborhood, in addition to conserving property values.

Not only have the Petitioners failed to reduce the size of the Proposed Garage, they also have not eliminated the deck, as instructed by the Commission at the March 1, 2023 meeting. Instead of

eliminating the deck, they have reduced it in size and renamed it a “balcony” in the site plans. We ask that the Commission require the Petitioners to comply with its previous instructions to eliminate the deck, which directly impacts the privacy of the residents at 733 Middle Street, obstructs the view from the front windows of that residence, and conflicts with the overall historic character of the neighborhood.

Lastly, as discussed in our February 28, 2023 letter to the Commission, the Petitioners have presented incomplete information about the Proposed Garage. As shown by the photo to the right on Exhibit E, the front of 733 Middle Street can be seen from Lincoln Avenue. The photo rendering submitted by the Petitioners of the Proposed Garage as viewed from Lincoln Avenue shown to the left on Exhibit F demonstrates an apparent attempt to conceal the extent to which the Proposed Garage will block the front of this historic property. The photo rendering submitted by the Petitioners depicts a tree placed next to the mud room of 765 Middle Street, which serves no discernable purpose other than to hide the impact of the Proposed Garage on 733 Middle Street. The Petitioners have not submitted any photo rendering which shows the portion of the garage blocking the front of 733 Middle Street. In other words, they have not revealed what is behind that tree that was arbitrarily placed in the driveway, presumably because they do not want the Commission to see it.

We request that the Commission require the Petitioners to provide a photo rendering of what the project will look like behind the tree on Exhibit E, to comply with its previous instructions to reduce the size of the Proposed Garage, to reduce the size enough so that that the trees do not need to be cut down and to eliminate the deck. If the deck is eliminated and the size of the Proposed Garage is appropriately reduced so that the trees that are visible from Middle Street, as shown on Exhibit E, remain standing, the visual impact of the Proposed Garage will be diminished. This will help to preserve the historic character of the neighborhood and preserve the value of the neighboring properties.

On behalf of the 729-733 Middle Street Condominiums, myself and Craig Crowell, thank you for your consideration of our comments.

Sincerely,



Nicole M. Bodoh

cc Craig Crowell

Exhibit A

- (a) The issuance of a variance to construct below the required elevation may result in increased premium rates for **lood** insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
- (b) Such construction below the required elevation increases risks to life and property.

Such notification shall be maintained with a record of all variance actions.

10.629.40 The community shall:

- (a) Maintain a record of all variance actions, including their justification for their issuance, and
- (b) Report such variances issued in its annual or biennial report submitted to **FEMA**'s Federal Insurance Administrator.

Section 10.630 Historic District

10.631 Purpose, Objectives and Applicability

10.631.10 The Historic District is established to preserve the architectural and historic

resources of the City of Portsmouth; to foster its architectural and historic character and its sense of place; **to conserve property values**; to strengthen the local economy; and to promote the **use** of the District for education, pleasure and welfare of residents and visitors.

10.631.20 This Section is intended to achieve the following objectives:

- (1) To preserve the integrity of the Historic District;
- (2) To maintain the special character of the District as reflected in the scale, mass, location and style of **buildings**;
- (3) To assess the historical and architectural value of **buildings** and **structures**, their settings, and their local or national significance in terms of the represented time period, visible architecture, construction materials, or relationship to a historically recognized individual or event;
- (4) To encourage designs for new **buildings** and **structures**, additions to **buildings** and **structures**, and the reuse of existing **buildings** and **structures** that complement and enhance the City's architectural and historic character and contribute to its sense of place;
- (5) To foster Portsmouth's heritage and economic well-being through the **conservation and enhancement of property values**; and

Exhibit B



729-733 Middle Street Condominiums

Exhibit C



Exhibit D



Exhibit E



Exhibit F



Rendering submitted by David Sinclair & Nicole Giusto
(765 Middle Street)



Actual Photo of 765 Middle Street
with the front of 733 Middle Street in the background