

**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.

March 19, 2024

AGENDA

<p><u>PLEASE NOTE:</u> ITEMS (III.) E. THROUGH I. WILL BE HEARD AT THE MARCH 26, 2024 BOARD OF ADJUSTMENT MEETING</p>
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I. APPROVAL OF MINUTES

- A. Approval of the February 21, 2024 minutes.

II. OLD BUSINESS

- A. The request of **Friends of Lafayette House in care of Melanie Merz (Owner)**, for property located at **413 Lafayette Road** whereas relief is needed to construct an attached caretakers unit to the existing residential care facility which requires the following: 1) Variance from Section 10.520 to allow a building coverage of 20.5% where 20% is allowed; 2) Variance from Section 10.331 to extend, enlarge, or change the lawful nonconforming use without conforming to the Ordinance; and 3) Variance from Section 10.334 to extend the nonconforming use to a remaining portion of the land. Said property is located on Assessor Map 230 Lot 23A and lies within the Single Residence B (SRB) District. (LU-23-208)

III. NEW BUSINESS

- A. The request of **Kerrin J. Parker Revocable Trust of 2012 (Owner)**, for property located at **86 Haven Road** whereas relief is needed to construct an addition to the existing structure which requires the following: 1) Variance from Section 10.521 to a) allow a 9 foot front yard where 10 feet is required by front yard averaging; b) to allow a building coverage of 29% where 20% is allowed; and 2) Variance from Section 10.321 to allow of nonconforming structure or building to be extended, reconstructed or

enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 206 Lot 27 and lies within the Single Residence B (SRB) District. (LU-23-192)

- B.** The request of **DFG I LLC (Owner)**, for property located at **750 Lafayette Road** whereas relief is needed to construct a freestanding Automated Teller Machine (ATM) which requires the following: 1) Variance from Section 10.1530 to allow an ATM in a freestanding structure. Said property is located on Assessor Map 244 Lot 8 and lies within the Gateway Corridor 1 (G1) District. (LU-23-194)
- C.** The request of **Cyrus Beer and Erika Beer (Owners)**, for property located at **64 Mt Vernon Street** whereas relief is needed to demolish an existing detached shed and construct a new two-story accessory detached shed which requires the following: 1) Variance from Section 10.573.20 to allow an accessory structure more than 10 feet in height and more than 100 square feet in area a) to be setback 5 feet from the side property line where 10 feet is required and b) to be setback 5 feet from the rear property lines where 19 feet is required. Said property is located on Assessor Map 111 Lot 30 and lies within the General Residence B (GRB) and Historic District. (LU-24-20)
- D.** The request of **Ryan Family Trust (Owner)**, for property located at **199 McDonough Street** whereas relief is needed to construct an addition to the existing primary residential structure which requires the following: 1) Variance from Section 10.521 to allow a 9.5 foot rear yard where 20 feet is required; 2) Variance from Section 10.516.20 to allow a 9.5 foot rear yard where 15 feet is required for a rear yard adjoining a railroad right-of-way; and 3) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 144 Lot 42 and lies within the General Residence C (GRC) District. (LU-24-18)

THE FOLLOWING ITEMS WILL BE HEARD ON TUESDAY, MARCH 26, 2024

- E.** The request of **Cherie A Holmes and Yvonne P Goldsberry (Owners)**, for property located at **45 Richmond Street** whereas relief is needed for the following: 1) Variance from Section 10.515.14 to install a mechanical unit 8.5 feet from the side property line whereas 10 feet is required. Said property is located on Assessor Map 108 Lot 18 and lies within the Mixed Residential Office (MRO) and Historic District. (LU-24-19)
- F.** The request of **Atlas Commons LLC (Owner)**, for property located at **581 Lafayette Road** whereas relief is needed for after-the-fact installation of an awning sign which requires the following: 1) Variance from Section 10.1251.20 to allow a 32 square foot awning sign whereas 20 square feet is allowed. Said property is located on Assessor Map 229 Lot 8B and lies within the Gateway Corridor 1 (G1) District. (LU-24-1)

- G.** The request of **Lonza Biologics (Owner)**, for property located at **101 International Drive** to add four (4) above ground storage tanks which requires the following: 1) from Section 308.02(c) of the Pease Development Ordinance to allow an above ground storage tank (AST) exceeding a 2,000 gallon capacity per facility. Said property is located on Assessor Map 305 Lot 6 and lies within the Airport Business Commercial (ABC) District. (LU-23-108)
- H.** The request of **Henrik Edin and Kathleen Edin (Owners)**, for property located at **85 Pinehurst Road** whereas relief is needed to construct a second floor addition to the existing attached garage which requires the following: 1) Variance from Section 10.521 to allow a) a 4.5 foot side yard where 10 feet is required; b) a building coverage of 29% where 25% is allowed; 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance; and 3) Variance from Section 10.515.14 to install a mechanical unit 2.5 feet from the left side property line whereas 10 feet is required. Said property is located on Assessor Map 221 Lot 73 and lies within the General Residence A (GRA) District. (LU-24-22)
- I.** The request of **Susan Javurek and Michael Roche (Owners)**, for property located at **45 Kent Street** whereas relief is needed to demolish an existing 1-story addition, reconstruct a two-story addition and add a deck on the rear of the existing residential structure and relocate a bulkhead which requires the following: 1) Variance from Section 10.521 to allow a 5.5 foot left side yard where 10 feet is required; and b) to allow a building coverage of 35% where 25% is allowed; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 113 Lot 145 and lies within the General Residence A (GRA) District. (LU-24-25)

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_Bb0OQ4jiSV2QQpoa5OhkwQ

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

7:00 P.M.

February 21, 2024

MEMBERS PRESENT: Beth Margeson, Vice Chair; David Rheame; Paul Mannle; Thomas Rossi; Jeffrey Mattson; ML Geffert, Alternate; Jody Record, Alternate

MEMBERS EXCUSED: Phyllis Eldridge, Chair

ALSO PRESENT: Stefanie Casella, Planning Department

Vice-Chair Margeson was Acting Chair for the evening. She called the meeting to order at 7:00 p.m. Both alternates took voting seats.

I. APPROVAL OF MINUTES

A. Approval of the January 23, 2024 minutes.

*Ms. Geffert moved to **approve** the minutes, seconded by Mr. Mannle.*

There were a few recommended changes as follows:

On page 4, Vice-Chair Marge was changed to Margeson.

On page 5, the word ‘surmised’ was changed to ‘observed’ to read as follows: “Mr. Rossi observed that there was no quantitative analysis of any kind.”

On page 7, the phrase ‘of substantial increase’ was changed to ‘or substantial increase’ so that the phrase now reads: “no creation of a traffic hazard or substantial increase in the level of traffic congestion”.

On page 9, it was added to Mr. Rheame’s motion discussion that the hardship was his second criterion identified as the reason he thought the petition failed.

On page 11, Mr. Rheame and not Mr. Rossi made the motion and amended motion, and Mr. Rossi seconded.

*The motion to approve the **amended** minutes **passed** unanimously, 7-0.*

II. OLD BUSINESS

- A. REQUEST TO WITHDRAW** The request of **Giri Portsmouth 505 Inc. (Owner)**, for property located at **505 US Route 1 Bypass** whereas relief is needed to demolish the existing structure and construct a new hotel with a drive thru restaurant which requires the following: 1) Special Exception from 10.440 Use #10.40 hotel where it is permitted by Special Exception; 2) Variance from Section 10.1113.20 to allow parking spaces between the principal building and a street; 3) Variance from Section 10.1113.41 for parking located 1 foot from the lot line where 40 feet is required; 4) Variance from Section 10.575 to allow dumpsters to be located 1 foot from the lot line where 10 feet is required; 5) Variance from Section 10.835.32 to allow 1 foot between the lot line and drive-thru and bypass lanes where 30 feet is required for each; and 6) Variance from Section 10.835.31 to allow 37 feet between the menu and speaker board and the front lot line where 50 feet is required. Said property is located on Assessor Map 234 Lot 5 and lies within the General Business (GB) District. (LU-23-199) **REQUEST TO WITHDRAW**

*Please note the Variances for this application were denied at the January 23, 2024 Board of Adjustment meeting and the Special Exception was continued to the February meeting pending additional information to be provided by the applicant.

DECISION OF THE BOARD

Chair Margeson announced a suspension of the rules was needed to allow the applicant to withdraw their application.

*Mr. Mannle moved to **suspend** the rules, seconded by Mr. Rheaume. The motion **passed** unanimously, 7-0.*

*Mr. Mannle moved to accept the request to withdraw, seconded by Mr. Rheaume. The motion **passed** unanimously, 7-0.*

- B. REQUEST TO POSTPONE** The request of **Friends of Lafayette House in care of Melanie Merz (Owner)**, for property located at **413 Lafayette Road** whereas relief is needed to construct an attached caretakers unit to the existing residential care facility which requires the following: 1) Variance from Section 10.331 to extend, enlarge, or change the lawful nonconforming use without conforming to the Ordinance; and 2) Variance from Section 10.334 to extend the nonconforming use to a remaining portion of the land. Said property is located on Assessor Map 230 Lot 23A and lies within the Single Residence B (SRB) District. (LU-23-208) **REQUEST TO POSTPONE**

DECISION OF THE BOARD

Acting Chair Margeson noted that the petition was postponed the previous month and that Ms. Casella said that any postponement would have to be re-noticed.

*Mr. Mannle moved to **postpone** the petition, seconded by Ms. Record. The motion **passed** unanimously, 7-0.*

*Mr. Rossi then **moved to take New Business, Item C, 550 Sagamore Avenue, out of order.** Mr. Mannle seconded. Mr. Rossi recused himself from the discussion.*

[Timestamp 6:25] Acting Chair Margeson said Chair Eldridge and Ms. Casella consulted the City Attorney because the petition was before the Board in October and was denied. She said the appeal was now pending before the Housing Appeals Board and it was like having two applications before the Board at the same time. She said Deputy City Attorney McCourt gave the Board three options: 1) determine that the BOA rules preclude the submission of a second application until the first application is completely final; 2) determine that the application fails the Fisher v. Dover test, and 3) hear the application on its merits and treat it like a new application.

Ms. Geffert asked if the appeal before the Housing Appeals Board was presently stayed. Acting Chair Margeson said it was per agreement between the City and the applicant. She said the concern was that it's stayed and then another application would be coming forward. Ms. Geffert noted that 'stayed' did not mean 'dismissed' and asked what the basis for the stay was. Ms. Casella read the email she received from Attorney McCourt and summarized that he agreed to stay the appeal, which is pending before the Housing Appeals Board, and that he did so with the agreement from Attorney Phoenix that they would only pursue one variance approval to final approval. He said the approval currently pending before the Housing Appeals Board is no longer pending before the BOA and therefore Staff could accept the second application. It was further discussed. [Timestamp 10:45]

[Timestamp 19:42] *Mr. Rheume moved to **suspend** the rules and allow the applicant's representative to discuss the single topic before the Board so that he could provide the applicant's perspective. Ms. Record seconded. The motion **passed** unanimously, 6-0.*

Acting Chair Margeson read the petition into the record. She opened the public hearing.

[Timestamp 20:43] Attorney Tim Phoenix was present on behalf of the applicant and said it was not uncommon for a matter that was denied to be appealed to protect the rights while another less impactful project was brought forward. He said the applicant was stuck until the Board decided on the issue of Fisher v. Dover, and he believed Fisher v. Dover should not be invoked. He said he cleared his position with the City's Legal Department and was told that because he was appealing, it was no longer before the Board but was in the court system. He said if the Board found that Fisher v. Dover did not apply, he would go forward with the application and withdraw the other one.

Mr. Mannle asked if Attorney Phoenix would be willing to withdraw that evening's application until the appeal was done. Attorney Phoenix said it would be a 7-8 month process and that he would

have to confer with his client to about withdrawing. Mr. Mattson said he did not think the Board should postpone the application because it could result in having two applications in the future, even though the applicant had said he wouldn't do that. Attorney Phoenix said they did not want to withdraw and would go forward with that evening's application, whatever the decision.

Acting Chair Margeson closed the public hearing.

[Timestamp 25:50] Mr. Rheaume moved that the Board proceed with the application on the basis of Attorney's third recommendation that the Board hear the application as it would normally be presented. Ms. Geffert seconded the motion.

Mr. Rheaume said he understood the Acting Chair's concerns but thought there was a good-faith effort made by the applicant and that the Board could make that more formal by any motion they made that evening, which would make it clear that in the event it passed Fisher v. Dover and the Board accepted the applicant's variance request and approved it, there would be a withdrawal of the other pending case before the Housing Appeals Board. Ms. Geffert asked if the application, including an initial consideration of whether Fisher v. Dover is triggered and depending on that determination, a possible determination of the application may proceed and would not create an issue under Rule Misc. 7 Subsection 4. Mr. Rheaume agreed and said it would not constitute a second application before the Board and that potentially Fisher v. Dover would apply.

*The motion **passed** by a vote of 5-1, with Acting Chair Margeson voting in opposition.*

*Mr. Mannle moved to put the application back in order of the agenda, seconded by Mr. Rheaume. The motion **passed** unanimously, 6-0.*

III. NEW BUSINESS

- A.** The request of **DSM MB II LLC (Owner)**, and **Bruno Fonzo (Applicant)** for property located at **1500 Lafayette Road Unit 6** whereas relief is needed to establish a UPS store which requires the following: 1) Special Exception from use #7.30 consumer service where it is permitted by Special Exception. Said property is located on Assessor Map 252 Lot 2 Unit 6 and lies within the Gateway Center (G2) District. (LU-24-5)

Mr. Rossi resumed his voting seat.

SPEAKING TO THE PETITION

[Timestamp 30:38] Bonita Mulver of 8 Linwood Ln, Stratham NH and owner of the proposed UPS store was present. She said there were 11 other retail spaces nearby and that the Portsmouth Planning Department determined that a special exception was required. She reviewed the criteria and said they would be met.

The Board had no questions.

SPEAKING TO, FOR, OR AGAINST THE PETITION

John Matthews said he represented the shopping center and had been involved with the property since the mid-90s. He said he handled most of the leasing and noted that the postal use was at the center once before and that it would be a good use for the shopping center's customers.

No one else spoke, and Acting Chair Margeson closed the public hearing.

DECISION OF THE BOARD

*Mr. Rossi moved to **grant** the special exception, seconded by Ms. Geffert.*

Mr. Rossi said it was a use that is allowed in the zoning ordinance by special exception, so it satisfies Criterion 10.232.21. He said it would pose no hazard to the public because it would be a simple operation that's very consistent with others currently in the shopping center and had been in the past, with no hazard presented to the public. He said there would be no detriment to property values, as evidenced by the fact that the property owner's representative felt that this would be a good use within this facility and consistent with its other uses. He said it would not represent a change in the essential characteristics of the area, noting that there was a Fed Ex facility across the highway and a similar shopping center in close proximity. He said granting the special exception would pose no creation of a traffic safety hazard, noting that it was normal consumer traffic which should fit in without much notice or impact on the high volume of traffic going in and out, particularly for the Market Basket and some of the facilities there. He said it would be located far enough away from the Market Basket that he didn't think parking would be problematic for the use of the UPS store, and he saw no impact on municipal services, which satisfied Criterion 10.233.25. He said there would be no change in the building's structure and therefore no impact of increase in stormwater runoff onto any adjacent properties, satisfying Criterion 10.233.26.

Ms. Geffert concurred and had nothing to add. *The motion **passed** unanimously, 7-0.*

- B.** The request of **Timothy S. Wheelock and Susan V. Denenberg (Owners)**, for property located at **414 State Street Unit 2** whereas relief is needed to convert a ground floor commercial unit to a residential unit which requires the following: 1) Variance from Section 10.642 to allow a residential unit on the ground floor where nonresidential is required in the Downtown Overlay District; and 2) Variance from Section 10.5A41.10A to allow 806 square feet per dwelling unit where 3,000 square feet is required. Said property is located on Assessor Map 116 Lot 13 Unit 2 and lies within the Character District 4-L1 (CD4-L1) and Downtown Overlay District (DOD). (LU-24-6)

SPEAKING TO THE PETITION

[Timestamp 39:38] The applicant and joint owner Tim Wheelock was present. He said he spent 17 years trying to rent the ground-floor condo unit commercially but found it difficult because all the other condos in the building were residential and there were complaints from those owners about the amount of traffic generated and customers loitering on the front steps when it was recently a therapy office. He explained why it should be a residential condo and reviewed the criteria. He said some of the hardships was that the condo wasn't appropriate for professional use for more than two people at a time and it didn't meet the minimum 3,000 sf per dwelling unit.

Acting Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Acting Chair Margeson closed the public hearing.

DECISION OF THE BOARD

*Mr. Rossi moved to **grant** the variances for the application as presented and advertised, seconded by Mr. Rheume.*

Mr. Rossi said granting the variances would not be contrary to the public interest, noting that the public interest in Portsmouth currently was not one that was crying out for additional office space but looking for additional residential space, so by allowing the unit to be used as residential instead of office would be consistent with the public interest. He said it would also meet the spirit of the ordinance. He said it would do substantial justice because there would be no loss to the public that would justify depriving the owner of the use of the property, and it would not diminish the values of surrounding properties, noting that the only evidence presented to the Board was that it would have a positive impact on those values. He said literal enforcement of the ordinance would result in an unnecessary hardship, which related to special conditions and circumstances of the building. He said the Board was really considering two variances, the use variance for residential and the square footage variance, which would normally require a 3,000 sf per dwelling unit. He said therefore that the special conditions of the property must relate to both of those. He said the first instance was in terms of the use, and the intended purpose of the ordinance was to encourage pedestrian-oriented businesses within the Downtown Overlay District (DOD), and since there was a dearth of such businesses in that area, the Board was not violating the spirit of the ordinance because it was consistent with the characteristics of the immediate surrounding neighborhood that such uses are really not prevalent. Regarding the 3000-sf per dwelling unit, he said the special condition of the property was the historic nature and antiquity of it. He said there were no reasonable options for expanding the space from the unit to achieve a 3,000-sf footprint, so that was a special condition and hardship that spoke in favor of the application. He found that the criteria overall were satisfied.

Mr. Rheume concurred. He said the applicant made a good case that the immediate surrounding properties really did not reflect the concept put forward for the DOD, and having this active street life doesn't really work in practice. In this case, he said it felt far more residential than other parts of the DOD. He cited a case a few years back on Chapel St when the Connie Bean Center was

reconditioned and there was a new residential structure built as part of that; he said it was a good argument that that portion of Chapel St had no businesses on it. He said he thought that spoke to the first two criteria that look at the characteristics of the neighborhood. In terms of the lot area per dwelling unit, he said it was an existing structure and that the real change was in 1987 when it was condoized and broken up into five components that made the lot area per unit of the condo a fixed entity. He said although 3,000 sf was required, the current square footage was 968 sf and was being reduced to 806 sf, which wasn't that substantial of a change and in both cases went below what was required. He said it was a reasonable request and did reflect a hardship because the building was subdivided in 1987. Acting Chair Margeson said she would support the petition, noting that she had been vigilant in the past about the DOD being important for the economic vitality of the City and that it was a very intentional zoning provision. She said the ground floor in the DOD should consist entirely of non-residential but that Unit One was residential and was a preexisting nonconforming use, so she thought that was really the hardship.

The motion passed unanimously, 7-0.

- C. The request of **Frances E. Mouflouze Revocable Trust of 2015 (Owner)**, for property located at **550 Sagamore Avenue** whereas relief is needed to demolish the existing structure and construct a three dwelling unit building which requires the following: 1) Variance from Section 10.440 Use #1.51 to allow a three dwelling unit structure where it is not permitted. Said property is located on Assessor Map 222 Lot 11 and lies within the Single Residence B (SRB) District. (LU-24-9)

Mr. Rossi recused himself from the petition.

SPEAKING TO THE PETITION

[Timestamp 1:02:30] Attorney Tim Phoenix was present on behalf of the applicant and introduced the applicant's son Ted Alex, project engineer Eric Weinberg, the appraiser Brian White, and the architects Mark Gianniny and Richard Desjardins. He briefly presented the Fisher v. Dover issue. He said the previous application was denied and on appeal, which had to be done because if the Board found that Fisher v. Dover did apply, the applicant could not proceed and would have nothing. He said the applicant did a material change of having one structure instead of two and was only asking for one variance.

[Timestamp 1:09:55] The Board discussed whether Fisher v. Dover should be invoked and decided that it should not. Attorney Phoenix reviewed the petition and criteria. He noted that the applicant could do a 3-lot subdivision with a road and three standalone homes if he wanted to. He said the lot was four times the minimum lot size in the area and that the applicant could accomplish the same functionality by what they proposed. He said the extra units wouldn't be noticeable and that they were in an area that had a confluence of different zoning requirements, so the project would fit in.

[Timestamp 1:23:54] Mr. Rheume asked what the thinking was in positioning the new structures, in particular the barn structure that was so close to the property line, and what options the project

team had. Attorney Phoenix said one of the issues was the closeness of the house near the lot line and that they wanted to give it some space. Mr. Weinberg said they tried to figure out where to put the driveway compared to the existing one. He said it almost met the setbacks on the other side. He said they wanted to balance the open space between the houses and the development area on each side instead of moving it closer north to the house on the opposite side. Mr. Rheaume said they were past the end of the existing house but not by much. Mr. Weinberg said they tried to push it as forward as possible. Mr. Rheaume said the parking requirement was only four spaces and that the applicant would provide a lot more than that. He asked if the applicant would provide parking space in front of the garage for Unit 3. Mr. Weinberg agreed and said there would be two spaces for each unit and additional parking behind the garage bays.

[Timestamp 1:29:20] Acting Chair Margeson said the lot's size was quite large and asked how much square footage of the lot was being built on. Mr. Weinberg said it was about 25,000 sf, which was about 40 percent of the lot. Acting Chair Margeson said it reduced the lot area per dwelling unit by 8,000 sf. Mr. Weinberg said it would be no different than having a 40-acre parcel with a single-family house on it because it was still one lot. Acting Chair Margeson said the size of the lot allowed for three dwellings to go on it when actually it was only 25,000 sf of the lot being built on. Mr. Weinberg said they could have proposed one giant building and used up all the forest area. Acting Chair Margeson asked why the applicant couldn't build a single residence home on the lot. Attorney Phoenix said the hardship was how large the lot was. He said they believed there were special conditions because the lot was four times the required lot size, and considering its overall envelope, he asked why the applicant would want a McMansion that would cover just as much area when he could provide more affordable housing. He noted that the depth of the property was three times its width. He said the primary issue was the lot area per dwelling unit to keep neighbors from being on top of each other and have light and air.

Acting Chair Margeson opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

Gerald Duffy of 428 Pleasant Street said he lived on Sagamore Avenue for a few years. He said Portsmouth was experiencing a critical housing problem and that it was the City's role to enable housing construction for a wide variety of residents.

Byron Matto of 17 Field Road said the project was in line with the broader objectives of the City's housing policies and also adhered to the zoning criteria. He explained how the project met each criteria and said the project would alleviate the housing shortage and serve a critical public need.

SPEAKING IN OPPOSITION TO THE PETITION

Duncan MacCallum of 536 State Street said there had to be special conditions to constitute a hardship, and the kind of hardship that justified the granting of a variance wasn't the personal circumstances of the property owner but had to be in the land itself. He said there was no hardship.

Linda Brown of 650 Sagamore Avenue said the only thing that changed in the application was that one structure was decreased. She said the traffic would still be a concern and thought the variance request was pure greed to make more money using every inch of the property.

Christana Wille McKnight of 546 Sagamore Ave said the project would directly impact her family and that she would not have bought the house if the proposed three-family condo were there. Paige Trace of 27 Hancock Street said there was no hardship and that the City needed affordable housing for everyone.

Esther Kennedy of 41 Pickering Avenue said the City had zoning laws and she did not see a hardship. She asked that the Board support the people who lived in that area.

Petra Huda of 280 South Street said it was an SRB single-family residence, which meant one unit and not three. She said it would not be consistent with the neighborhood and the SRB District.

Jim Lee of 520 Sagamore Ave said he was a secondary abutter to the project and didn't think it was the right place for it. He said the ordinance said three or four dwelling units could not be built on that lot and a two-family unit could not be built. He explained why the criteria were not met.

Suzan Harding of 594 Sagamore Ave said she didn't feel someone had to devour every little piece of property to build something on it. She said she bought her property to appreciate the peace and quiet and the land behind it and never imagined this project would be built there.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Attorney Phoenix said the point was made that the project would take the property out of compliance, which was what every variance did. He said the traffic would go through Planning Board approval. He said there would be fencing and screening to protect the neighbors to the north and south. He said the 3-building coverage was 1,882 sf per unit, including the garage. He said it wasn't about greed and that the zones across the street and their intense uses couldn't be ignored and there was much greater density up the street than what the applicant proposed.

The owner's son Ted Alex of 104 Locke Road, Rye, said the plan was reduced from four to three homes and would allow over half the lot to stay in its natural state. He said it had been about keeping his mother in an assisted living home. He noted that his mother died a few days ago.

Gary Cameron of 110 Field Road called in via Zoom and said there were inaccurate and inappropriate comments made. He said it was never about greed but about allowing his mother-in-law to self-finance her living in her few remaining years with dignity.

No one else spoke, and Acting Chair Margeson closed the public hearing.

DISCUSSION OF THE BOARD

[Timestamp 2:29:14] Mr. Rheume said it wasn't about greed but was about the fact that people's properties were one of their major assets and everyone wanted to maximize the value of that asset. He said the Board existed to look at anything related to the ordinance and to look through the criteria to see if an ordinance is being correctly applied to a property. He said there were special conditions that said when zoning is applied to a particular parcel, it might not make as much sense as other parcels, but it came down to the criteria. He said he logically appreciated what the applicant tried to do in coming back before the Board. He said the applicant went back to the original characteristics of the neighborhood by trying to create the single-family home look in the front and putting the additional units in the rear to make it look like there could have been a building there previously. He said what the application came down to was the special conditions of the property and whether the lot was large enough to accommodate three single-family homes and was sufficient reason to allow the one structure being there. He said there was nothing in the previous decision about the Board saying that the present home could not be demolished, but he said it could be and that someone could put a new structure of indeterminate size on the lot. He said the key factor was hardship and the special conditions and whether the size of the proposed structure allowed the Board to conclude that it could be an acceptable use for the property.

Mr. Mattson agreed that the hardship criteria was the most important. He said the lot size in a single-family zone only had to be 15,000 sf and the lot was 62,000 sf, which could fit four single-family homes. Relating to hardship, he said it wasn't only the size of the property but also its shape that affected it and affected how easily it could be subdivided. He said the ordinance did not allow more than one freestanding dwelling on a property, which was partially why the previous project was denied. He said the applicant was only asking for one variance and the single structure resulted in a 94 percent open space, which had an effect of it looking like a single-family home from the street and fitting in with the neighborhood's existing character. He said one could also apply the big apartment buildings across the street that were part of the character of the neighborhood. He said the project had a fair and substantial relationship to the ordinance and preserved light, air, and privacy, it had the 94 percent open space, and the single structure was within the setbacks and met the density requirements. For those reasons, he said the hardship could be met.

Acting Chair Margeson said she could not support the application because it failed on hardship. She said there had been no demonstration by the applicant showing that the property couldn't be used for a single-family residence. She said the characteristics of the neighborhood was intentionally set out by the City, noting that Sagamore Court was the Garden Apartments/Mobile Home District, Tidewatch was a planned unit development, and there was the SRB zone across the street, and a lot of that was because most of the lots were smaller sizes. She said there was a spirit and intent problem but that the application mostly failed on hardship. She said an abutter bought into an area relying on the zoning ordinance and that it wouldn't change except for an exceptional circumstances, and she didn't think the application met that exceptional circumstance.

DECISION OF THE BOARD

*Mr. Mattson moved to **grant** the variance for the application as requested, seconded by Mr. Rheume.*

Mr. Mattson said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance, and the proposed use would not conflict with the explicit or implicit purpose of the ordinance. He said the way the SRB District was defined, it was 1-3 dwellings per acre, and that was how the 15,000 sf per dwelling was arrived at. He said this project was almost 21,000 sf per dwelling. He said the project must not alter the essential characteristics of the neighborhood. He said in the current project, the structure from the street looked like a big farmhouse with a barn attached. He noted that there were other 3-unit dwellings within the property's proximity. He said the project would not threaten the public's health, welfare, or safety or injure public rights. He also noted that the new design allowed someone to drive forward instead of having to back out on Sagamore Ave, so public safety would be improved. He said granting the variance would do substantial justice because he did not see any harm to the general public outweighing the potential benefit to the applicant to make use of their property and that this type of proposal was much better than a subdivision approach. He said granting the variance would not diminish the values of surrounding properties, noting that the Board heard from a professional appraiser that the previously proposed 4-unit project would not do so, so it was fair to say that a single building with three units would not. He said literal enforcement of the ordinance would result in an unnecessary hardship, meaning that because of the special conditions of the property that distinguished it from other properties in the area, there was no fair and substantial relationship between the general public purposes of the ordinance's provision and the specific application of that provision to the property. He said the general public purposes of the ordinance were to preserve light, air and privacy, and in this situation, that would be maintained because it was entirely within the setbacks and met the density. He said the special conditions of the lot were that it was more than four times the size required in a single residence district and was relatively narrow and deep, and those factors, combined with the fact that it was also in proximity to other zones that allowed great density, created special conditions for the property. He said the proposed use was a reasonable one and that the proposed building would not alter the essential characteristics of the neighborhood and would fit in with the residential purposes of the zoning.

Mr. Rheume suggested a **stipulation** stating that a building permit will not be issued until such time that the legal status of the BOA's action on October 17, 2023 is resolved. Mr. Mattson agreed.

Mr. Rheume said if the motion passed, the applicant would be bound on which way they chose to go. He said a concern he had with the barn structure was the open space in the back crowding the house to the front of the property, and he also had concerns with the 576 Sagamore Ave property, which was the most affected from a light and air standpoint. He said nothing that the applicant proposed fell within the required setback for the zone. He said the SRB zone was generous to the amount of buildable area and there was only a 10-ft setback on either side. He said the SRA zone on the other side of the street required bigger lots and was more restrictive on the setback, so in that sense the applicant was within his rights. From a light and air standpoint, he said the most imposing portion of the proposed structure was toward the back, so it came down to hardship. He said the

Board was not responsible to solve the City's housing crisis but was looking at what the property had for characteristics. He said the parcel's size and shape had the ability that if it were subdivided and continued to have the same number of proposed homes, it made more sense to create smaller units more clustered together that preserved the open area in the back of the property, which was a general benefit to property owners, especially Walker Bungalow. He said he knew it was more impactful to the people on the Sagamore Avenue end of the property, but that it made sense overall as a holistic solution. He said the issue of the micro neighborhood v. the macro neighborhood, and he asked if the Board was considering it against the adjacent properties or if it more broadly included a larger area around the property. He said there was no distinct requirement that the Board had to follow, but there was a fair amount of variety in the overall neighborhood. He said what was proposed would not feel out of character of that overall neighborhood, so in that more macro sense, he thought it met the criteria and recommended approval.

The **amended** motion was as follows:

*Mr. Mattson moved to **grant** the variance with the following **condition**:*

- *A building permit shall not be issued until such time that the legal status of the BOA's action on October 17, 2023 is resolved by the appeal to the Housing Appeals Board.*

*Mr. Rheaume seconded. The vote **failed** by a tie of 3-3, with Mr. Mannle, Ms. Record, and Acting Chair Margeson voting in opposition.*

[Timestamp 2:52:39] The Board discussed whether they should move to deny or move to approve with different criteria. Acting Chair asked for a motion to deny.

*Mr. Mannle moved to **deny** the variances on the grounds of hardship. Ms. Record seconded.*

Mr. Mannle said he appreciated what the applicant did to improve the project but was bound by the rules and that he didn't see the hardship in the property. He said a special condition did exist because it was a bigger lot, but he wouldn't say it was narrow, considering that it had a 140-ft width. Ms. Record agreed and said she didn't see what could be there to influence what the applicant was proposing to put there and that she didn't see the hardship.

*The motion **failed** by a tie vote of 3-3 with Ms. Geffert, Mr. Rheaume, and Mr. Mattson voting in opposition.*

Mr. Mattson said Mr. Mannle noted the special conditions of the property by addressing the narrowness of it. He said it was 434 feet deep, where a typical lot would only be 100 ft deep, so even if it was 140 ft wide, it was more than four times as deep. He said if one considered a square v. a rectangle, it was an elongated narrow-shaped parcel. Mr. Mannle said it was a rectangle of 140 x 280 ft. Mr. Rheaume said he empathized with the makers of the motion and that he mostly struggled with the hardship as well, but within the context, he thought it made sense. Acting Chair Margeson said the applicant could take whatever comments they wanted to use for an appeal if necessary.

- D.** The request of **Cynthia J. Walker and Michael Walker (Owners)**, for property located at **46 Willow Lane** whereas relief is needed to demolish the existing shed, construct an addition to the primary structure and construct a detached garage which requires the following: 1) Variance from Section 10.521 to allow: a) 6.5 foot right yard where 10 feet is required; b) a 2 foot front yard where 15 feet is required; and c) 28% building coverage where 25% is the maximum; 2) Variance from Section 10.571 to allow an accessory structure to be closer to the street than the primary structure; and 3) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 133 Lot 18 and lies within the General Residence A (GRA) District. (LU-24-8)

SPEAKING TO THE PETITION

[Timestamp 3:02:20] Applicants Cynthia and Michael Walker were present to speak to the petition. Ms. Walker reviewed the reasons why they wanted to build a one-car garage and place it in the proposed location. She said they also wanted to extend the back of the house by six feet as part of the addition plan. Mr. Walker reviewed the criteria and said they would be met.

Mr. Rossi said the only part of the project that perplexed him was the placement of the garage. He agreed that there was a lot of open space around that corner of the property but was concerned that pushing the garage within two feet of the lot just because the owners of 50 Willow Lane had no plans to expand their structure's footprint felt like a race of who got there first. He said if there was a 2-ft setback allowed for the garage, the light and space issues would be more difficult for Willow Lane in the future if they wanted to build close to that lot line. Mr. Walker said there was an existing fence on the back that he was going to continue for 40 feet, so all that would be seen from the neighbor's lot would be the top of the garage. Mr. Rossi asked why the garage couldn't be moved back and attached to where the addition was being built. Mr. Walker said the original plan had it attached just on one corner, but they had to ensure that the turn could be made into the garage. He said the other option was to put it further down, but that even went closer to the other house to the left. Mr. Walker said it would preserve a private yard space and let more sun into the house. He said the neighbor couldn't add onto the space between the two houses, given the confines of the property. Ms. Clark said the owner of 50 Willow Lane had no objection and saw the logic of placing the garage there. She said it would also minimize the amount of pavement. Acting Chair Margeson said there wouldn't be a turning problem if the garage was placed next to the addition. Mr. Walker said they wanted to put a gate between the garage and the house to have a nice hardscape behind the house. He said if they pushed it back, they'd have to push it all the way back into the garage and the door would face the left, so the garage and door would have to be wider.

Acting Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Acting Chair Margeson closed the public hearing.

DISCUSSION AND DECISION OF THE BOARD

Mr. Rheume said he had been concerned about the 2-ft setback where 15 ft was required, which he felt was a significant ask, but after the discussion he thought it was okay. He said any proposal to turn the garage 90 degrees and put it up against the house or close to the house was a concern, though. He said the applicant could put the garage further, but then impervious surface and more pavement would be added and there wouldn't be much more light and air. He said the neighbor was okay with the proposal but the Board had to look out for concerns of future owners. He said the application had unique circumstances and the garage was a modest request.

*Mr. Rheume moved to **grant** the variances for the application as requested and advertised, seconded by Mr. Mannle.*

Mr. Rheume said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said the 6-1/2 ft off the property line to the back of the property was an extension of the existing line for the existing home, so there was no public interest or change in the essential characteristics of the neighborhood that would be observed. He said a single-car garage was common in the neighborhood, although not in that specific area. He said what was being asked for was somewhat congruent with the overall neighborhood where garages are tucked into locations that are closer than the Board would normally have for setbacks in other neighborhoods. He said granting the variances would do substantial justice because he didn't see anything in the public purposes that the arrangement the owner was asking for would be really perceived. He said the single-car garage and its placement was nothing that would have a negative impact on the public. He said it would not diminish the values of surrounding properties because the applicant was only asking for a small extension off the back of the property, and overall coverage that was slightly greater than what was required. He said the single-car garage was a modest request and its impact on the neighboring property would not be excessive. He said the hardship was that the plans to expand the existing home were not insubstantial but a logical direction that was necessary to expand the home. As to the current distance of the current home and where the expansion needs to be, he said there was no great way to add the garage on as an extension to that proposed expansion of the property and that it had to be in the orientation that it was in. He said putting it anywhere else on the property would add only a minimal benefit in terms of setback to the neighboring property with a lot of additional impervious surface and a loss of open air for the other portions of the property, so he thought it was a reasonable use. Mr. Mannle concurred. He said when he drove by the property, he immediately recognized the problem and that he had no issue with the garage being in the proposed location.

*The motion **passed** unanimously, 7-0.*

- E.** The request of **Joel and Jessica Harris (Owners)**, for property located at **2 Monroe Street** whereas relief is needed to construct an enclosed breezeway, landing and staircase which requires the following: 1) A Variance from Section 10.521 to allow 27% building coverage where 25% is the maximum allowed; and 2) Variance from Section 10.516.10 to allow a 10-

foot front yard where 12 feet is required by the front-yard exception for existing alignments. Said property is located on Assessor Map 152 Lot 8 and lies within the General Residence A (GRA) District. (LU-23-154)

SPEAKING TO THE PETITION

The applicant Joel Harris was present and said it was an after-the-fact variance request. He explained that he was before the Board two years ago and got a variance for a breezeway but then decided to enclose it. He said the contractor told him it wouldn't be an issue, but a 3-ft landing had to be added that pushed the project two feet closer to the property line than what was allowed. He reviewed the criteria and said they would be met.

Mr. Rossi asked the name of the contractor. Mr. Harris said it was Daryl Cook from Trio Construction but that he thought the contractor had a new company. Mr. Rheume asked how the nonconformance came to the attention of the Planning Department. Mr. Harris said he received a stop work order and then discussed it with the Planning Department. Mr. Rheume asked if the stop work order was generated from a building inspection and Mr. Harris agreed.

Acting Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Acting Chair Margeson closed the public hearing.

DECISION OF THE BOARD

Mr. Rossi said if it had been part of the plan originally, it would not have affected the Board's decision to approve the previous variance. He said the change in lot coverage was de minimis and should present no problem, and it was clear to him that it was not the intention of the homeowner to work outside of the approved variance and outside of the zoning ordinance.

*Mr. Rossi moved to **grant** the variances for the application as presented and advertised, seconded by Mr. Mannle.*

Mr. Rossi said the impact of the project would make no change to the characteristics of the house and would fit within the overall characteristics of the neighborhood, so he believed that the first two criteria of not being contrary to the public interest and observing the spirit of the ordinance were satisfied. He said substantial justice would be done, particularly since it was a retroactive variance that the Board was granting and would be a significant inconvenience to the property owner if the Board were to deny the variance. He said therefore there would have to be a commensurately significant benefit to the public in doing that, and he didn't see that as a possibility, so that criterion was also met. He said granting the variances would not diminish the values of surrounding properties because the project would fit in perfectly with the surrounding properties and would not alter the characteristics of the overall construction project, so he could not see it having an impact

on property values. He said literal enforcement of the ordinance would result in an unnecessary hardship. He said the hardship was special conditions of the property that affects the variance being applied for, and in this case the condition is that the construction had already been completed and there was no good reason to change it, so he believed that the hardship criteria was met. Mr. Mannle concurred and noted that if all the issues had been brought up in the original application, he had no doubt that it would have been approved.

Acting Chair Margeson said she would support the motion but had a problem with after-the-fact variance requests. She said she would take the applicant's word that it was the contractor's problem. She agreed with Mr. Rossi that if it had been part of the original application, it would have passed. She said the variance request was minimal and thought the experience had been painful enough that it would act as a deterrent for any future after-the-fact variance requests. Ms. Geffert agreed that there was an unnecessary hardship but for precedent purposes, she didn't want the case for hardship to be that someone bungled the construction and created a hardship. She said she felt that the special condition was that there was no sidewalk and no street, so it was an unusual lot in that way. She said once that was acknowledged, getting closer to the front of the yard was an irrelevancy for this property because of its special characteristics, so there was no fair and substantial relationship between the public purpose of the ordinance, which was a real setback from the public space on this property due to the odd frontage that it has.

*Mr. Rossi said he would **amend** his motion to include Ms. Geffert's comments.*

Mr. Rossi said he thought the Board was seeing too many after-the-fact variances lately and that he hoped contractors in Portsmouth understood that it was public information, and while it wasn't the Board's purpose to keelhaul anyone who made a mistake, he thought it was important for contractors to understand which contractors are able to comply with the zoning ordinance and which ones are unable due to lack of knowledge of whatever the case may be. He said that was why he asked for the contractor's name. Mr. Rheaume said it might also be reflective of the building inspectors being more sensitive to some of the Planning Department's requirements and that it could be a combination of both things Mr. Rossi agreed and said he didn't mean to imply bad intent on anyone's part, but he felt that some contractors seemed to be better at it than others.

*The motion **passed** unanimously, 7-0.*

IV. ADJOURNMENT

The meeting adjourned at 10:39 p.m.

Respectfully submitted,

Joann Breault
BOA Recording Secretary

II. OLD BUSINESS

- A. The request of **Friends of Lafayette House in care of Melanie Merz (Owner)**, for property located at **413 Lafayette Road** whereas relief is needed to construct an attached caretakers unit to the existing residential care facility which requires the following: 1) Variance from Section 10.331 to extend, enlarge, or change the lawful nonconforming use without conforming to the Ordinance; and 2) Variance from Section 10.334 to extend the nonconforming use to a remaining portion of the land. Said property is located on Assessor Map 230 Lot 23A and lies within the Single Residence B (SRB) District. (LU-23-208)

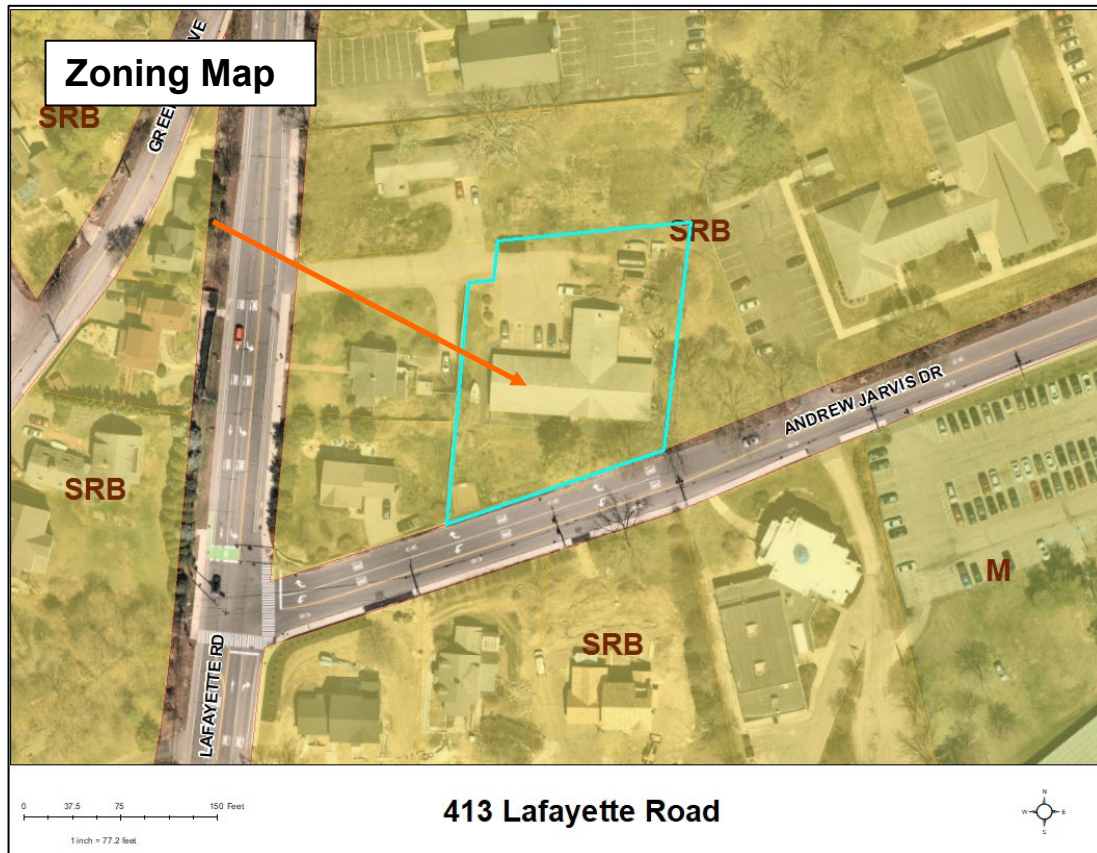
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Group Home	Construct a care taking unit to existing structure	Primarily residential
<u>Lot area (sq. ft.):</u>	33,096	33,096	15,000 min.
<u>Street Frontage (Andrew Jarvis Dr)(ft.):</u>	183	183	100 min.
<u>Lot depth (ft.)</u>	173	173	100 min.
<u>Front Yard (ft.):</u>	>40	>40	30 min.
<u>Left Yard (ft.):</u>	20	20	10 min.
<u>Right Yard (ft.):</u>	25	25	10 min.
<u>Rear Yard (ft.):</u>	25	25	30 min.
<u>Height (ft.):</u>	18	18	35 max.
<u>Building Coverage (%):</u>	19	20	20 max.
<u>Open Space Coverage (%):</u>	61	60	40 min.
<u>Parking</u>	8	8	7
<u>Estimated Age of Structure:</u>	1983	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Site Review (TAC and Planning Board)
- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

No previous history found.

Planning Department Comments

The applicant is requesting to construct a 635 square foot addition to the existing structure that will serve as an on-property care taking unit. It should be noted that the existing property is a group living facility and the number of bedrooms does not reflect the number of independent living units.

In reviewing the application, staff found that the following errors need to be corrected on the Site Plan provided:

1. Boundary line along Andrew Jarvis should have a front yard setback as it is the secondary front yard.
2. The Zoning summary table does not match any of the setbacks shown on the plan. All dimensions in the "provided" column should reflect the distance from the boundary line to the closest point of the existing or proposed structure and have a corresponding callout on the plan.

The initial request from the applicant was to construct a 600 square foot addition. The applicant has not provided an explanation for this change and updated floor plans and elevations were not submitted. Without this information and along with the corrections to the site plan, staff believe there is not enough information for the Board to make an informed decision.

Staff have determined that this application is incomplete and recommend postponing until a time when these documents can be provided.

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

 - (b) *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.

APPLICATION OF FRIENDS OF LAFAYETTE HOUSE, INC.
413 Lafayette Road, Portsmouth, NH
Map 230, Lot 23A

APPLICANT'S NARRATIVE

I. **THE PROPERTY:**

The applicant, Friends of Lafayette House, Inc. is a 501(c) (3) non-profit organization owns the property located at 413 Lafayette Road, Portsmouth, New Hampshire which currently houses 12 adult developmentally disabled residents (the, "Property"). Two (2) house managers, Julie and Dennis Barratt also reside at the property in a 300 square foot caretaker living quarters. In addition to the caretaker quarters, the property consists of 13 bedrooms, 8 bathrooms, a kitchen, living room and dining room. It is considered a "residential care facility" under the ordinance, which use is not permitted in this zone.

The Property is approximately .76 acres in size, has 8 parking spaces and is situated off Lafayette Road in the SRB zoning district. An overview of the Property is shown on the attached map. The property is unique in that it has frontage on Andrew Jarvis Drive, but an address on Lafayette Road, where it is accessible via a deeded easement.

The Friends of Lafayette House provides housing and associated programming for developmentally disabled adults and has provided such services on this site since 2017, when it acquired the property from Great Bay Services, which provided these housing services to the disabled population on this site since 1984. Many of the current clients have resided here for more than ten years. The need for such services on the seacoast, and in New Hampshire in general, is acute given the relatively low level of government funding devoted to them. Accordingly, it falls to privately funded non-profit organizations to provide the bulk of these desperately needed services.

The property has capacity for 12 clients, and that number will not be increased. The house managers live on-site Monday through Friday in separate living quarters. A respite shift of caretakers takes over for the weekend and presently occupies the house managers' living space. The proposal before the Board is to construct a 635 square foot addition to the building to create a completely separate caretaker apartment for the weekend respite staff. This will make the living arrangements much easier and more desirable for the house managers and staff. Except for rare events, such as weather events or personal emergencies, it is not anticipated that the existing caretaker living quarters and the proposed new apartment will be occupied at the same time. In other words, the actual residential density on the site will not increase.

Because the current group home use, which falls within the definition of a “residential care facility” in the ordinance, is not permitted in the SRB, the applicant needs a variance from 10.331 and/or 10.334 to enlarge or expand the non-conforming use.

Furthermore, because the proposed addition, at 635 square feet, pushes the building coverage to 20.4 % where 20 % is the maximum permitted, a variance from 10.520 is required.

II. **THE VARIANCES:**

The Applicant believes all criteria necessary to grant the requested variances are met.

Granting the requested variances will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The “public interest” and “spirit and intent” requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

The essential characteristics of the neighborhood would not be altered by this project. The existing facility, housing up to 12 clients, already exists on this site harmoniously with the surrounding residential properties, Portsmouth High School and the nearby houses of worship. The current use has existed on site for almost forty years.

Were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened.

Substantial justice would be done by granting the variance. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the loss to the applicant from denying the variance is not outweighed by some benefit to the general public, it is an injustice. Here, the loss to the applicant greatly exceeds any benefit to the public by requiring strict compliance with the ordinance. The non-conforming use already exists at the site and has for nearly forty years and any proposed expansion to the physical, built environment would require variance relief. The proposed expansion is very modest, and is necessary to assure the continued successful operation of the applicant’s very important service to the community. The proposed addition puts the property .4% over the maximum allowable building coverage.

Values of surrounding properties will not be diminished. The use on the site has existed for nearly forty years without any negative impact on surrounding property values and the improvements these variances would facilitate are exceedingly minor. Values of surrounding properties will not be negatively impacted in any manner by granting the variances.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The lot in question is larger than the residential lots in its neighborhood, is in close proximity with municipal and religious institutional uses, and has been the site of the residential care facility use since 1984. It has frontage on Andrew Jarvis Drive but a Lafayette Road address, where it has access via a deeded easement.

The use is a reasonable use. The use already exists on the site and is not being expanded in any significant way.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The existing use is not permitted in the SRB zone. However, it has existed on this site since 1984. The minor proposed expansion of the building will not in any material way increase the nonconformity of the use. The building coverage as a result of the proposed addition is .4% more than the maximum allowed.

Accordingly, the proposed use requested here would not in any way frustrate the purpose of the ordinance and there is no fair and substantial relationship between the purpose of the ordinances and their application to this property.

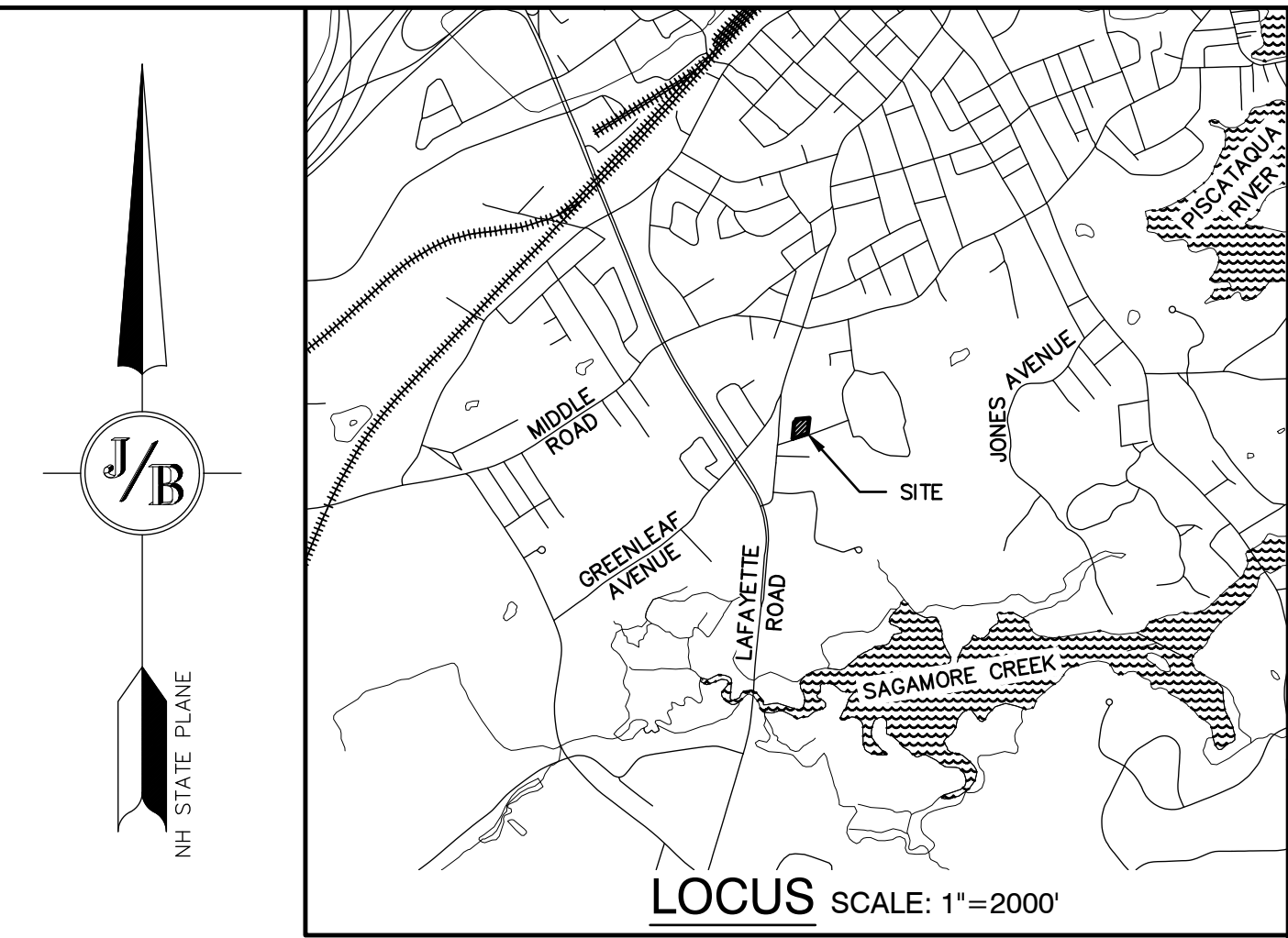
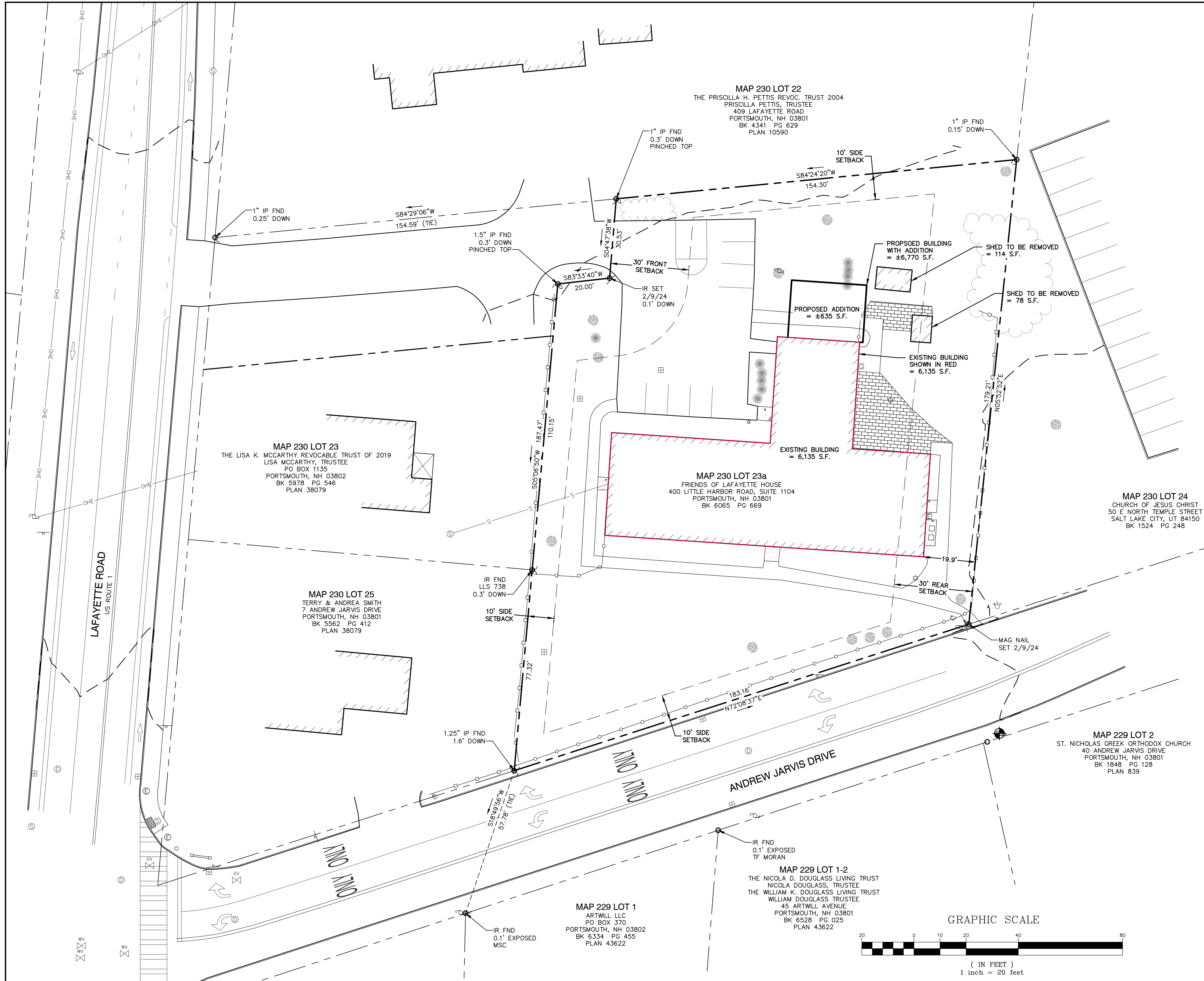
II. **Conclusion.**

For the foregoing reasons, the applicant respectfully requests the Board grant the variances as requested and advertised.

Respectfully submitted,

Dated: February 23, 2024

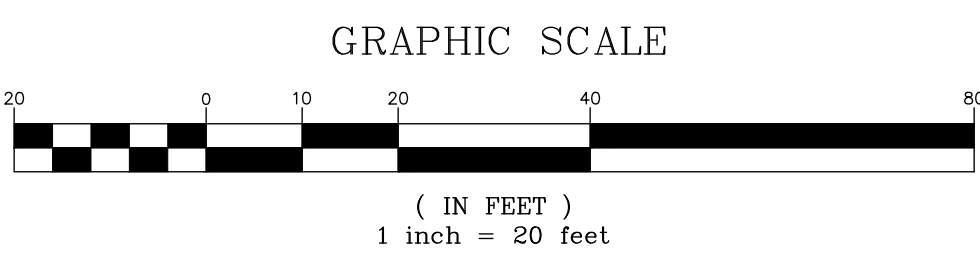
By: John K. Bosen
John K. Bosen, Esquire



- SITE NOTES:**
- THE INTENT OF THIS PLAN IS TO ADD A BUILDING ADDITION TO AN EXISTING BUILDING.
 - EXISTING IMPERVIOUS AREAS:
 BUILDING FOOTPRINT = 6,135 S.F. (18.5%)
 SHED TOTAL AREAS = 192 S.F.
 PAVED AREA = 3,939 S.F.
 PATIO/WALKWAY/CONCRETE AREA = 2,745 S.F.
 TOTAL LOT COVERAGE = 13,011 S.F. (39.3%)
 - PROPOSED IMPERVIOUS AREAS:
 BUILDING FOOTPRINT = 6,770 S.F. (20.4%)
 PAVED AREA = 3,939 S.F.
 PATIO/WALKWAY/CONCRETE AREA = 2,611 S.F.
 TOTAL LOT COVERAGE = 13,320 S.F. (40.2%)
 - THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC. FOR MUNICIPAL AND STATE APPROVALS AND FOR CONSTRUCTION BASED ON DATA OBTAINED FROM ON-SITE FIELD SURVEY AND EXISTING MUNICIPAL RECORDS. THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCY FROM DATA AS SHOWN ON THE DESIGN PLANS, INCLUDING ANY UNFORESEEN CONDITIONS, SUBSURFACE OR OTHERWISE, FOR EVALUATION AND RECOMMENDATIONS. ANY CONTRADICTION BETWEEN ITEMS ON THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS, MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED. CONTRACTOR TO ALWAYS CONTACT DIG SAFE PRIOR TO DIGGING ONSITE OR OFFSITE TO ENSURE SAFETY AND OBEY THE LAW.
 - SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 33015C0270FB, DATED JANUARY 29, 2021.

ZONING SUMMARY		
ZONE	SINGLE RESIDENCE (SRB)	PROVIDED
MINIMUM LOT AREA	15,000 S.F.	33,096 S.F.
MINIMUM LOT DEPTH	100'	173'
FRONT SETBACK	30'	30'
SIDE SETBACK	10'	20'
REAR SETBACK	30'	38'
MAXIMUM BUILDING COVERAGE	20%	20.4%
MINIMUM OPEN SPACE COVERAGE	40%	59.8%

APPROVED – PORTSMOUTH, NH PLANNING BOARD	PROJECT PARCEL CITY OF PORTSMOUTH TAX MAP 230, LOT 23A
APPLICANT/OWNER FRIENDS OF LAFAYETTE HOUSE 400 LITTLE HARBOR ROAD, SUITE 1104 PORTSMOUTH, NH 03801 BK 6065 PG 669	TOTAL LOT AREA 33,096 SQ. FT. 0.760 ACRES
DATE: _____	



Design: JAC Draft: KDR Date: 2/28/24
 Checked: JAC Scale: 1" = 20' Project No.: 23036
 Drawing Name: 23036-PLAN.dwg
 THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.

REV.	DATE	REVISION	BY
0	2/28/24	ADDING BUILDING SETBACKS	KDR

Designed and Produced in NH

J/B Jones & Beach Engineers, Inc.

85 Portsmouth Ave. Civil Engineering Services 603-772-4746
 PO Box 219 Stratham, NH 03885 E-MAIL: JBE@JONESANDBEACH.COM

Plan Name: **ZBA SITE PLAN**
 MAP 230 - LOT 23A

Project: **BUILDING ADDITION**
413 LAFAYETTE ROAD, PORTSMOUTH, NH

Owner of Record: **FRIENDS OF LAFAYETTE HOUSE**
 400 LITTLE HARBOR ROAD, SUITE 1104, PORTSMOUTH, NH 03801

DRAWING No. **C2**

SHEET 2 OF 2
 JBE PROJECT NO. 23036

III. NEW BUSINESS

- A.** The request of **Kerrin J. Parker Revocable Trust of 2012 (Owner)**, for property located at **86 Haven Road** whereas relief is needed to construct an addition to the existing structure which requires the following: 1) Variance from Section 10.521 to a) allow a 9 foot front yard where 10 feet is required by front yard averaging; b) to allow a building coverage of 29% where 20% is allowed; and 2) Variance from Section 10.321 to allow of nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 206 Lot 27 and lies within the Single Residence B (SRB) District. (LU-23-192)

Existing & Proposed Conditions

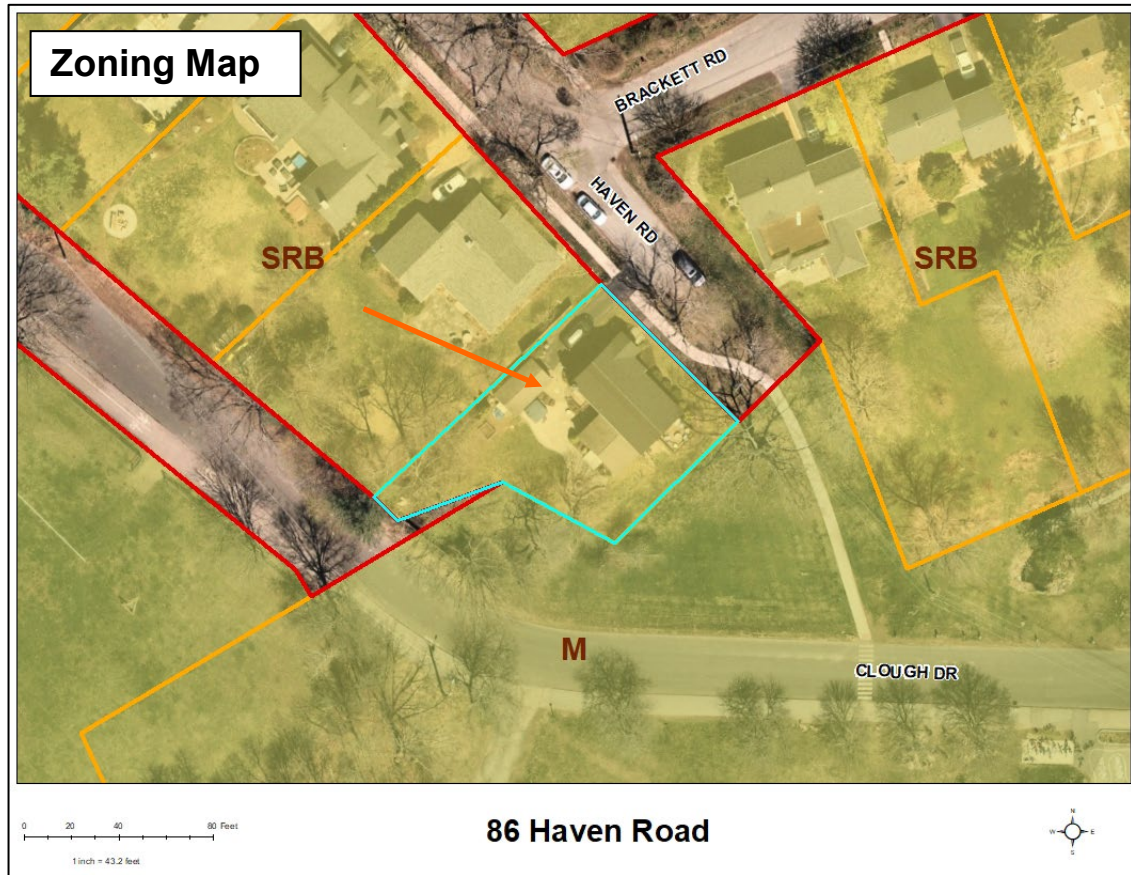
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family dwelling	*Second floor expansion and front deck addition	Primarily residential
<u>Lot area (sq. ft.):</u>	7,241	7,241	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	7,241	7,241	15,000 min.
<u>Street Frontage (ft.):</u>	86	86	100 min.
<u>Lot depth (ft.)</u>	72	72	100 min.
<u>Front Yard (ft.):</u>	12	9	10 (per 10.516.10) min.
<u>Left Yard (ft.):</u>	13	13	10 min.
<u>Right Yard (ft.):</u>	Garage: 1 House: 15	Garage: 1 House: 15	10 min.
<u>Rear Yard (ft.):</u>	20	20	30 min.
<u>Height (ft.):</u>	<35	25.5	35 max.
<u>Building Coverage (%):</u>	25	29	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1941	Variance request(s) shown in red.	

* Relief needed to construct an addition to the already non-conforming primary structure that would further impact the non-conformity.

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

October 27, 1981 – the Board **granted** a variance to allow a 12' x 22' garage with a 1' Right Side yard where 10' is the minimum required.

April 26, 1983 – the Board **granted** a variance to allow a variance from Article III, Section 10-302 to construct a 12' x 24' addition with a Front Yard of 19' where 30' is required and a Rear Yard of 29' where 30' is required.

March 22, 2005 – the Board **granted** a variance to allow a variance from Article III Section 10-302(A) and Article IV, Section 10-401(A)(2)(c) to allow a 14' x 24' one story addition with a) a 20'8" rear setback for the addition and a 19'8" rear setback for the steps from the addition where 30' is the minimum required; and b) 25% building coverage where 20% is the maximum allowed.

Planning Department Comments

The applicant is requesting relief for the addition to the front of the primary structure. The proposed second floor conforms to minimum yard requirements and does not require relief; however the addition of the front porch will encroach into the front yard area and will increase the existing non-conforming building coverage.

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.

BY: VIEWPOINT & HAND DELIVERY

February 26, 2024

City of Portsmouth
Attn: Stefanie Casella, Planner
Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

**RE: Variance Application of Kerrin J. Parker, Trustee of the Kerrin J. Parker
Revocable Trust of 2012
86 Haven Road, Tax Map 206, Lot 27**

Dear Stefanie,

Please find a copy of the following revised submission materials relative to the above referenced variance application for property located at 86 Haven Road, Portsmouth:

- 1) Landowner Letter of Authorization;
- 2) Narrative to Variance Application;
- 3) Existing and Proposed Conditions Site Plan;
- 4) Architectural Plans;
- 5) Photographs of Property.

A copy of the above application materials is being delivered to the Planning Department. Should you have any questions or concerns regarding the enclosed application materials, do not hesitate to contact me at your convenience.

Sincerely,



Derek R. Durbin, Esq.

LANDOWNER LETTER OF AUTHORIZATION

Kerrin J. Parker, Trustee of the Kerrin J. Parker Revocable Trust, record owner of the property located at 86 Haven Road, Tax Map 206, Lot 27, Portsmouth, NH (the "Property"), hereby authorizes **Durbin Law Offices, PLLC** to file any zoning, planning or other municipal permit applications with the City of Portsmouth for said Property and to appear before its land use boards. This Letter of Authorization shall be valid until expressly revoked in writing.

Kerrin J. Parker Revocable Trust

A handwritten signature in black ink, appearing to read 'K. Parker', written over a horizontal line.

January 10, 2024

Kerrin J. Parker, Trustee

CITY OF PORTSMOUTH
NARRATIVE
TO VARIANCE APPLICATION

Kerrin J. Parker Revocable Trust of 2012
Kerrin J. Parker, Trustee
(“Applicant”)

86 Haven Road
Tax Map 206, Lot 27

Introduction

Existing Conditions

The Property is a 7,841 square foot improved parcel of land situated at the very end of Haven Road owned by Kerrin J. Parker, as Trustee of the Kerrin J. Parker Revocable Trust of 2012 (the “Property”). The Property contains a relatively small single-family residence here she resides with her two children. It is zoned Single-Family Residence B. The Property is abutted by single-family homes to the north and east. To the south and west, it is abutted by Little Harbor School and open green space owned by the City.

The single-family home on the Property was originally built in 1941. There is also a very small shed and detached garage to the north of the home. The existing home was originally one-story in height and consisted of only the front of the house facing Haven Road. In 1983, the Zoning Board of Adjustment (“Board”) granted the variance relief necessary to construct a small two-story addition to the rear. The resulting addition that was constructed is actually only 1 ¾ stories in height. The front of the home remains one-story in height and then transitions to 1 ¾ stories in the rear. In 2005, relief was granted to allow another small, one-story addition to the rear of the two-story addition.

Proposed Conditions

Second Floor Expansion

The Applicant would like to remove the existing roof and reframe the addition in the rear to allow for a full second floor on the home to accommodate an additional bedroom and bathroom. Presently, the Applicant shares a bathroom with her two daughters on the second floor of the home. The expansion of the second floor will allow for an additional bathroom and bedroom to accommodate a family of three (3).

Porch Addition

In addition to creating a full second floor over the existing footprint of the home, the Applicant desires to add a 316.5 square foot farmers porch onto the front of the home to improve its architectural appeal and functionality. The new porch would connect the existing front entryway to the south (right) to the existing side deck and entryway to the north (left).

Existing Non-Conformities

The Property is already lawfully non-conforming in the following respects:

Lot Area – 7,241 square feet

Lot Area per Dwelling Unit – 7,241 square feet

Continuous Street Frontage – 86’

Building Coverage – 24.13%

Front Yard Setback – 12’*

Rear Yard Setback – 20’

Right Yard Setback – 1’

*See footnote 1 below. Those items highlighted in Red are the existing non-conformities that are being expanded upon as set forth in the Zoning Relief Summary below.

Zoning Relief Summary

The Applicant seeks the following variances from the Board:

Article 10.521

- a) Building Coverage – to allow 28.17% (+/-) building coverage where 24.13% (+/-) exists and 20% is allowed;
- b) Front Yard Setback – allow for a 9’ front yard setback where 12’ exists and 30’ is required.¹

Section 10.321: To allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

¹ Based on the average alignment of primary structures within 200’ on the same side of Haven Drive, the required front yard setback is approximately 10’ pursuant to Section 10.516.10 of the Ordinance. However, out of an abundance of caution, the Applicant has requested relief from the 30’ setback requirement since the average alignment calculation is based on GIS data rather than actual field data. See **Exhibit A**.

Variance Criteria

Granting the variances will not be contrary to the spirit and intent of the Zoning Ordinance or the public interest.

In the case of Chester Rod & Gun Club, Inc. v. Town of Chester, the Court noted that since the provisions of all ordinances represent a declaration of public interest, any variance will, in some measure, be contrary to the ordinance, but to be contrary to the public interest or injurious to public rights of others, "the variance must 'unduly, and in a marked degree' conflict with the ordinance such that it violates the ordinance's 'basic zoning objectives.'" Id. The Court observed that "[t]here are two methods of ascertaining whether granting a variance would violate an ordinance's basic zoning objectives: (1) examining whether granting the variance would alter the essential character of the neighborhood or, in the alternative; and (2) examining whether granting the variance would threaten the public health, safety, or welfare." Id.

Second Floor Expansion

The vertical expansion of the second floor of the home will be located outside of the applicable building setbacks and contained entirely over the footprint of the existing home. The area of the existing home above which the expansion is proposed by itself does not violate the building coverage limitation in the Ordinance as the footprint is 1,044 square feet. The second-floor expansion has been included in the request for variance relief under Section 10.321 out of an abundance of caution due to the Property itself being non-conforming with respect to building coverage; however, this limitation does have a direct correlation to the proposed second-floor expansion and should not apply under the circumstances.

The public interest is observed by allowing for a code-compliant, aesthetically appealing expansion of the second floor of the home. It is also consistent with the spirit of the Ordinance, which in this case relates to total building coverage and is to protect against the overcrowding of land. Aside from the new farmer's porch, which is discussed below, there will be no expansion to the footprint of any existing structures on the Property.

Farmer's Porch

The proposed farmer's porch does constitute an expansion to the existing footprint of the building, thus increasing the building coverage by just over 4%, and would be located 1' further into the front yard setback than the existing front entryway. However, the appearance of the home will be improved aesthetically with the modifications made to the roofline and façade the home. Having a wrap-around farmers-style porch that connects the entryway to the south with the entryway to the north will also improve the functionality of the home and allow for more social interaction with the neighborhood while not altering the essential character of the neighborhood or having any negative impact upon the public interest. The proposed building coverage will be consistent with about half of the other properties along Haven Road.

The average alignment of primary structures within 200' of the Property on the same side of the street is approximately 10'. A 9' front yard setback will be consistent with the setback of other principal structures in this area of Haven Road. The primary purpose of minimum setback standards is to ensure that there is adequate light, air and space between abutting properties and the structures thereon. The spirit of the Ordinance will be observed, as the proposed farmer's porch will not have any impact upon the light, air and space of any abutting property.

Substantial Justice will be done in granting the variances.

To determine whether substantial justice is done, the Board must balance the equities between the rights of a private landowner and the public interest in deciding whether to grant or deny a variance request. The “only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” New Hampshire Office of State Planning, *The Board of Adjustment in New Hampshire, A Handbook for Local Officials* (1997); [*Malachy Glen Assocs., Inc. v. Town of Chichester*, 155 N.H. 102 \(2007\)](#).

There is no conceivable gain to the public by denying the variance relief as it relates to the expansion of the second floor or the proposed farmer’s porch. It would constitute a loss to the Applicant to deny the request for the expansion of the second floor, as it will allow for a second bathroom and sufficient bedroom space for the Applicant and her two daughters. The farm’s porch is arguably unnecessary to make beneficial use of the home but adds aesthetic and functional value without negatively impacting any abutting properties. For the foregoing reasons, it would constitute an injustice to deny the application in whole or in part.

Surrounding property values will not be diminished by granting the variance.

It would be illogical to conclude that surrounding property values would be negatively affected in any sense by the proposed improvements to the Property. The proposed improvements will be in keeping with the character of the neighborhood and improve the Property aesthetically. The second-floor expansion and proposed farmer’s porch will only add value to the Property and hence, surrounding properties.

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

The Property has special conditions that distinguish it from surrounding properties. It is uniquely situated at the end of Haven Road, which is abutted by City land that consists of open green space (field(s)) to the south and west. The Property has 52% of the lot area required under SRB Zoning. Based on the area of the lot (7,841 sf.) and the 20% building coverage limitation, only 1,568 sf. of the Property can be occupied by structure. In addition, the Property is irregularly shaped. It has a panhandle or “logger’s boot” shape. It is 86’ in width in the front and narrows to 10’ in width at the rear lot line. Once the applicable building setbacks (10’/30’) are applied to the Property, there is very little area available for development. The original home on the Property was constructed in 1941, prior to current zoning, and did not account for the needs of a family in the 21st century.

For the aforementioned reasons, the Property is uniquely situated and burdened in comparison with surrounding properties, such that there is no fair and substantial relationship between the general purposes of the Ordinance provisions and their application to the Property. As argued above, it is undersigned counsel’s opinion that the expansion of the second floor should be exempt from needing variance relief under Section 10.321 and 10.521 of the Ordinance since it only involves a vertical expansion that does not further extend any existing non-conformities of the Property.

The proposed use is reasonable. The existing single-family use of the Property will continue and is encouraged and permitted by right in the SRB zoning district. The modifications to the Property will allow for a more modern, comfortable living environment that complies with the current building code and allows for safer ceiling height and better headroom on the second floor of the home.

Conclusion

The Applicant has demonstrated that her application meets the five (5) criteria for granting each of the variances requested. She thanks the Board for its time and consideration of her application and respectfully requests your approval.

Respectfully Submitted

February 26, 2024

Kerrin J. Parker, Trustee of the Kerrin J.
Parker Revocable Trust of 2012



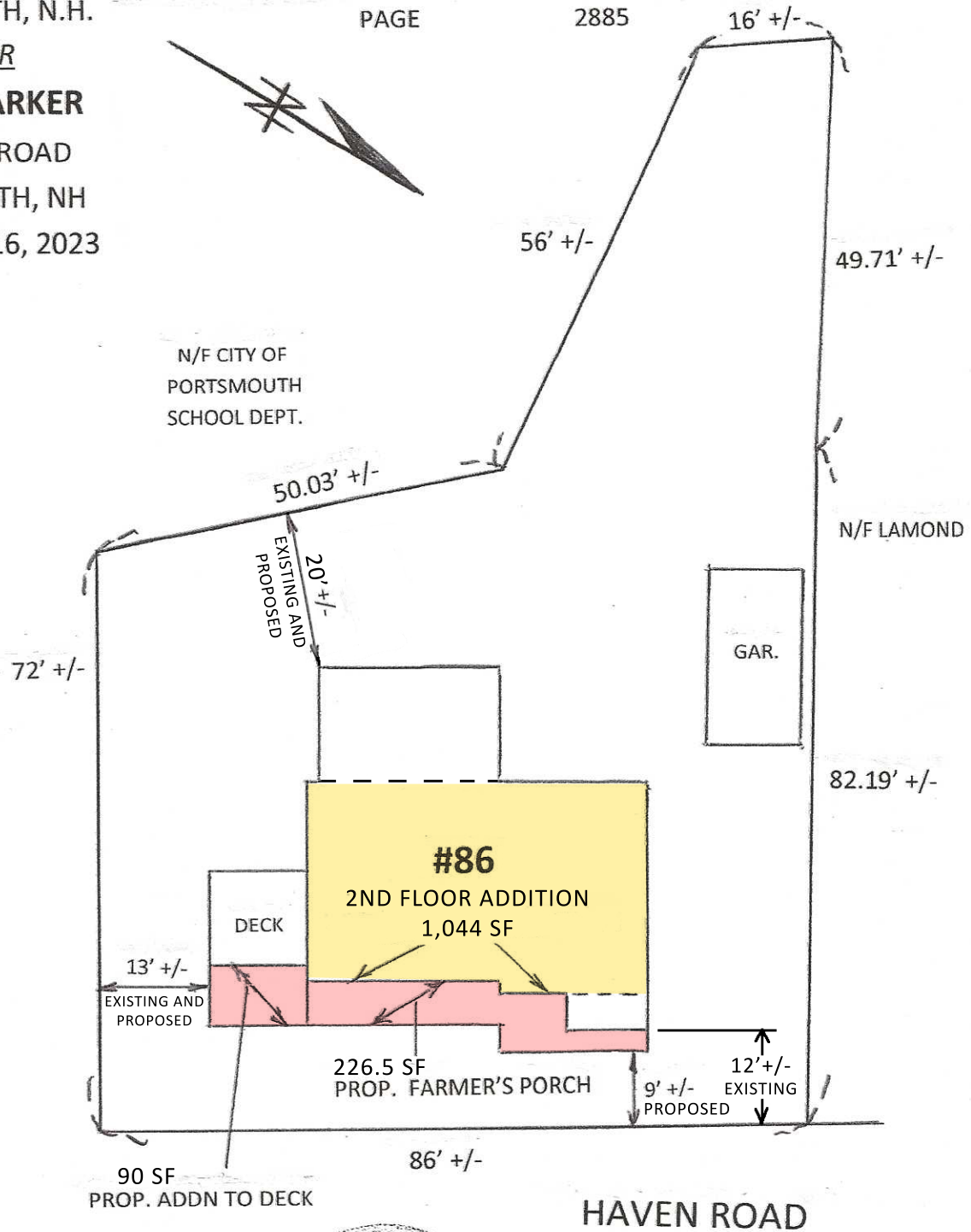
By: Derek R. Durbin, Esq.
DURBIN LAW OFFICES PLLC
144 Washington Street
Portsmouth, NH 03801
(603)-287-4764
derek@durbinlawoffices.com

PROP SITE PLAN
 OF LAND AT
86 HAVEN ROAD
 PORTSMOUTH, N.H.

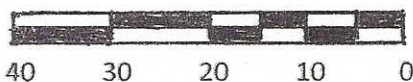
ASSESSORS PLAN 206
 LOT 27
 AREA .18 AC.
 DEED BOOK 5383
 PAGE 2885

OWNER

KERRIN PARKER
 86 HAVEN ROAD
 PORTSMOUTH, NH
 NOVEMBER 16, 2023

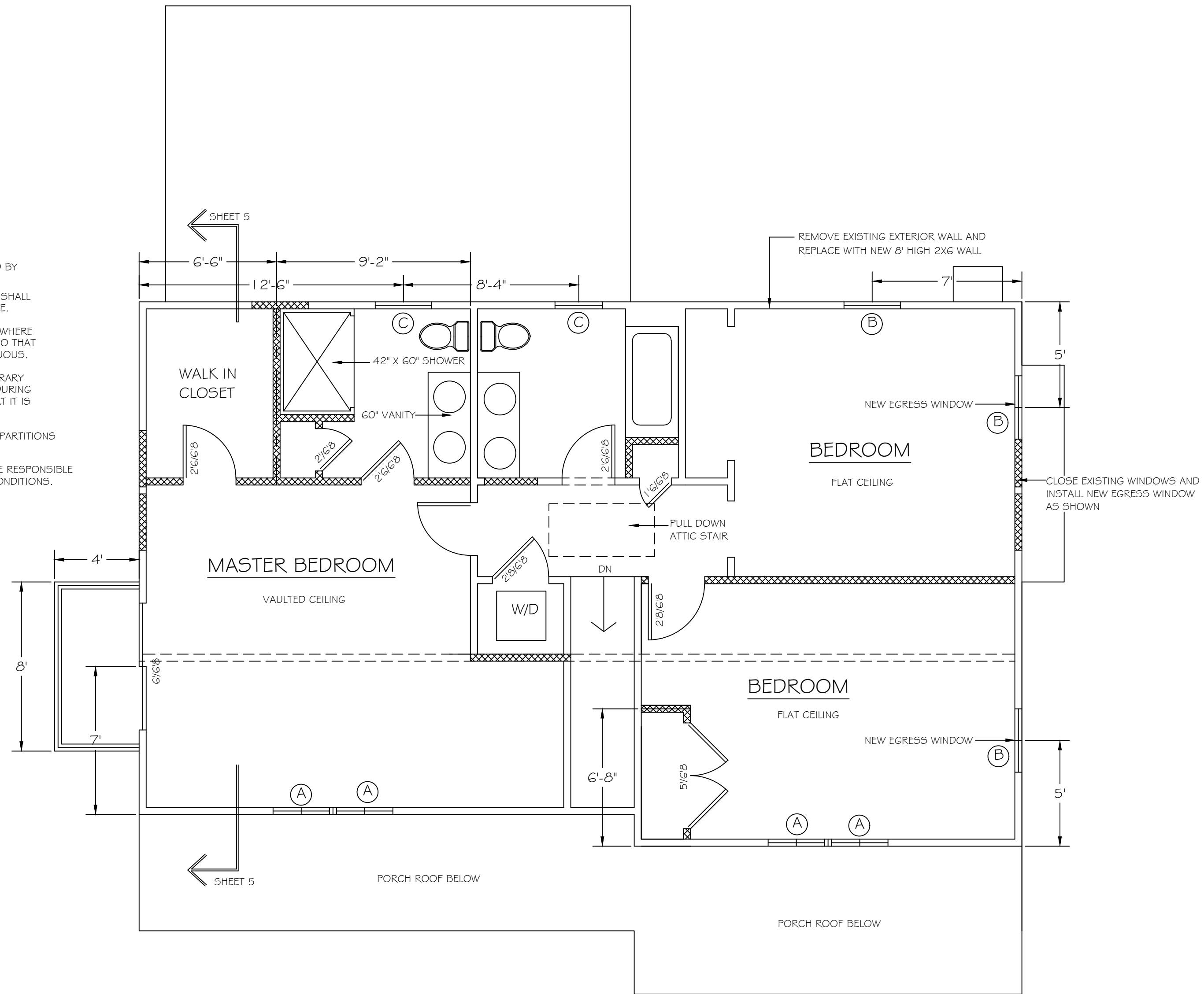


SCALE 1" = 20'



R.A.M. ENGINEERING
 160 Main Street
 Haverhill, Massachusetts 01830
 TEL: (978) 372-0449 FAX: (978) 372-7183

- NOTES:
1. REMOVE ALL PARTITIONS INDICATED BY DOTTED LINE.
 2. ALL NEW WORK ABUTTING EXISTING SHALL MATCH IN TEXTURE AND APPEARANCE.
 3. PATCH FLOORS, WALLS & CEILINGS WHERE PARTITIONS HAVE BEEN REMOVED SO THAT SURFACES ARE FLUSH AND CONTINUOUS.
 4. PROVIDE ALL SHORING AND TEMPORARY BRACING TO EXISTING STRUCTURE DURING DEMO OPERATIONS TO ASSURE THAT IT IS SUBSTANTIALLY SUPPORTED.
 5. PROVIDE TEMPORARY DUSTPROOF PARTITIONS IN AREAS OF WORK.
 6. CONTRACTOR SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND FIELD CONDITIONS.



NOTE:
MODEL NUMBERS SHOWN FOR WINDOWS
ARE FOR THOSE AS MANUFACTURED BY
ANDERSEN

SECOND FLOOR PLAN
1/4" = 1'-0

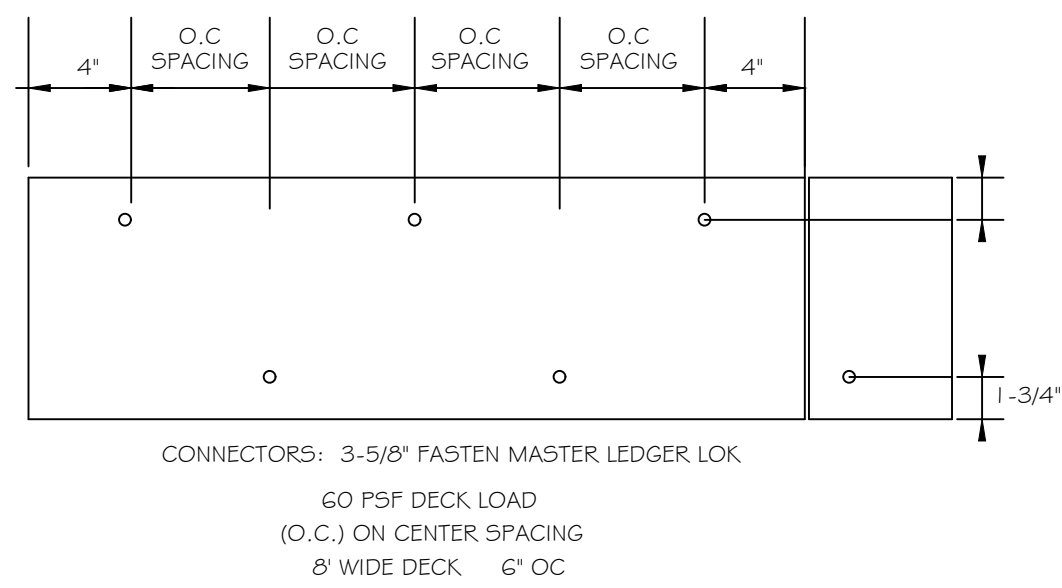
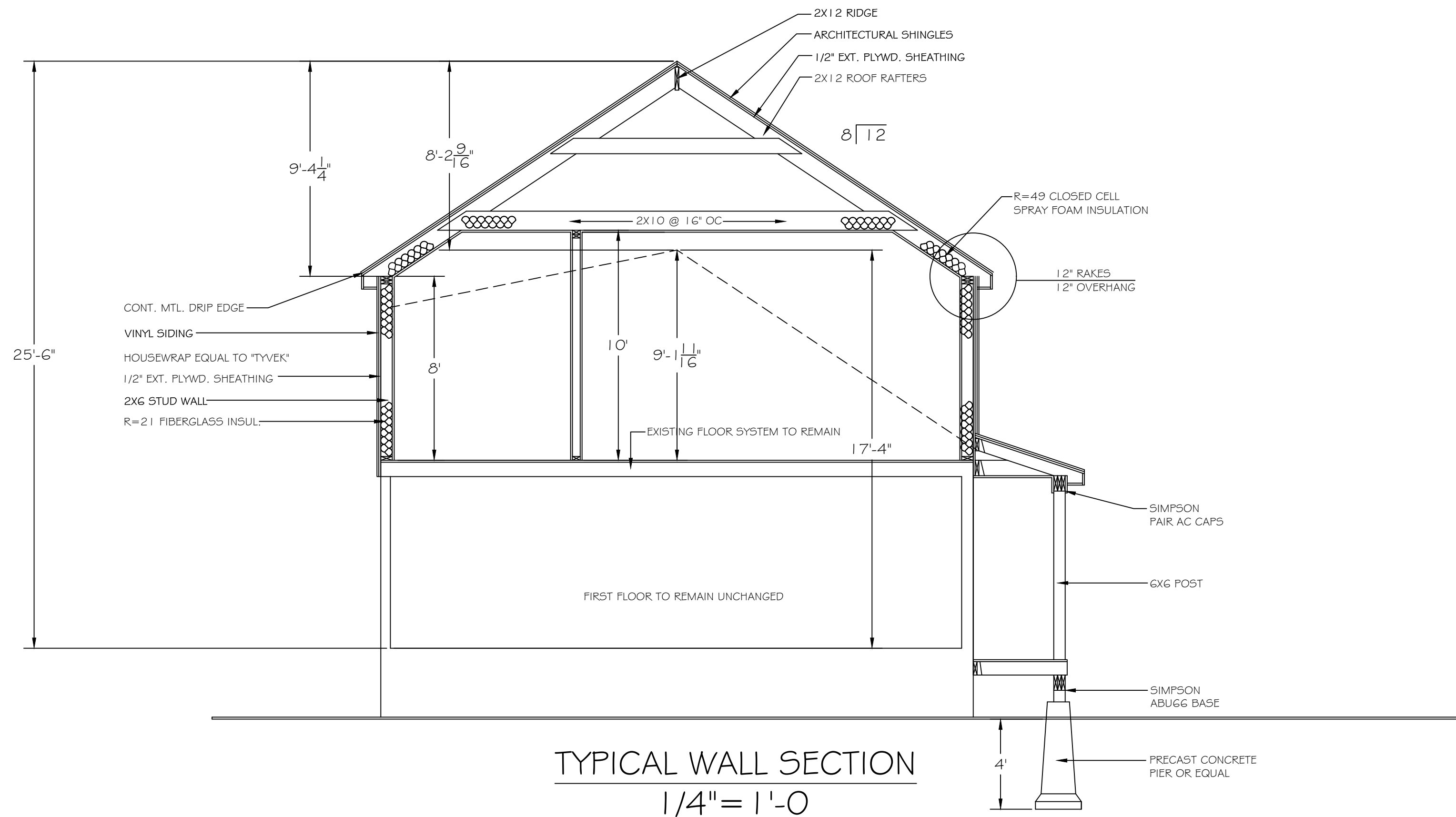
WINDOW SCHEDULE			
No	Model	TYPE	RO
A	2842	DH	2'-10 1/8" x 4'-4 7/8"
B	30410	DH	3'-2 1/8" x 5'-0 7/8"
C	2832	DH	2'-10 1/8" x 3'-4 7/8"

DRAWN BY:
MARTHA MACINNIS
58 REGENT AVE.
BRADFORD, MA. 01835
(978)374-8719

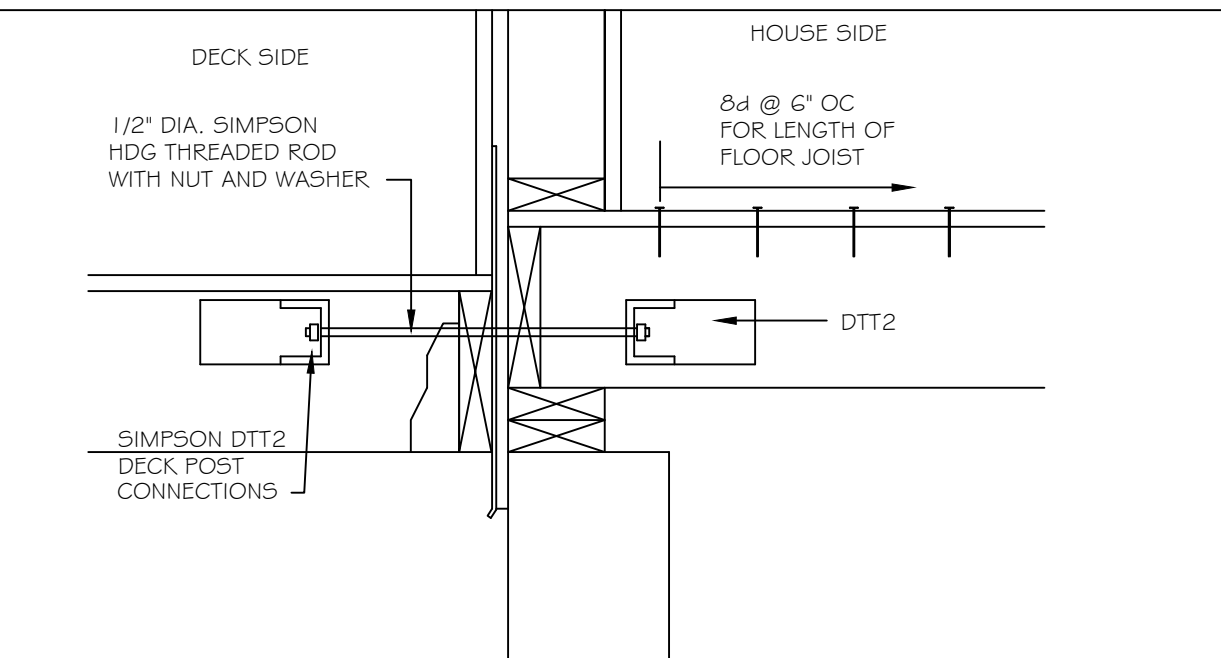
PROPOSED ADDITIONS & RENOVATIONS
86 HAVEN ROAD
PORTSMOUTH, NH

OCTOBER 6, 2023

4



DECK LEDGER CONNECTION



DECK LATERAL LOAD CONNECTION

DRAWN BY:
MARTHA MACINNIS
58 REGENT AVE.
BRADFORD, MA. 01835
(978)374-8719

PROPOSED ADDITIONS & RENOVATIONS
86 HAVEN ROAD
PORTSMOUTH, NH

OCTOBER 2, 2023

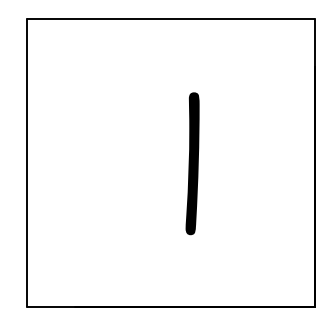


FRONT ELEVATION
 1/4" = 1'-0"

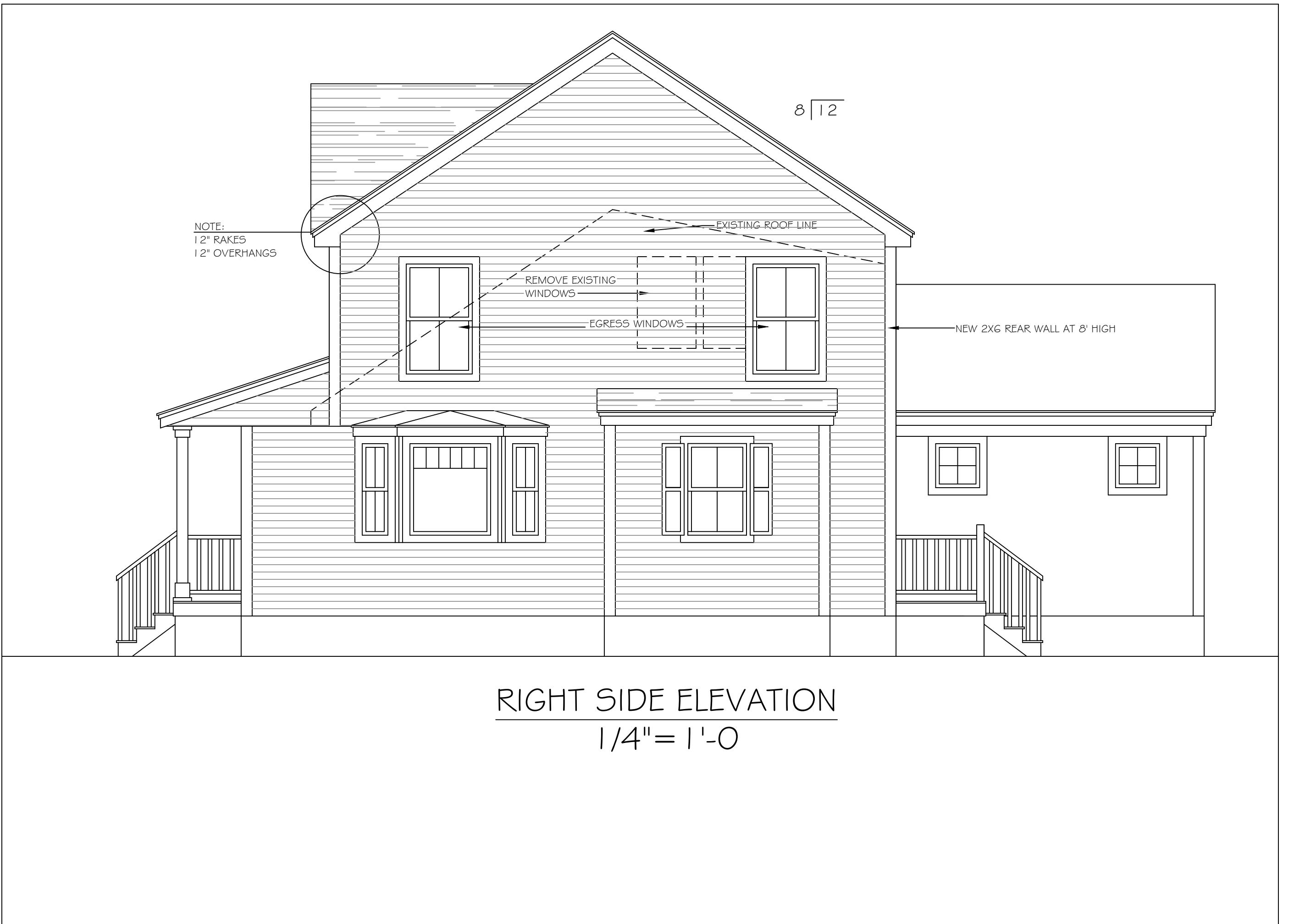
DRAWN BY:
 MARTHA MACINNIS
 58 REGENT AVE.
 BRADFORD, MA. 01835
 (978)374-8719

PROPOSED ADDITIONS & RENOVATIONS
 86 HAVEN ROAD
 PORTSMOUTH, NH

OCTOBER 6, 2023



DRAWN BY:
MARTHA MACINNIS
58 REGENT AVE.
BRADFORD, MA. 01835
(978)374-8719



PROPOSED ADDITIONS & RENOVATIONS
86 HAVEN ROAD
PORTSMOUTH, NH











III. NEW BUSINESS

- B.** The request of **DFG I LLC (Owner)**, for property located at **750 Lafayette Road** whereas relief is needed to construct a freestanding Automated Teller Machine (ATM) which requires the following: 1) Variance from Section 10.1530 to allow an ATM in a freestanding structure. Said property is located on Assessor Map 244 Lot 8 and lies within the Gateway Corridor 1 (G1) District. (LU-23-194)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Commercial property with one retail building and one office building	*Construction of freestanding ATM	Primarily commercial
<u>Lot area (sq. ft.):</u>	177,725	177,725	10,000 min.
		Variance request(s) shown in red.	

***ATM's are not permitted in freestanding structures (see definition of automated teller machine).**

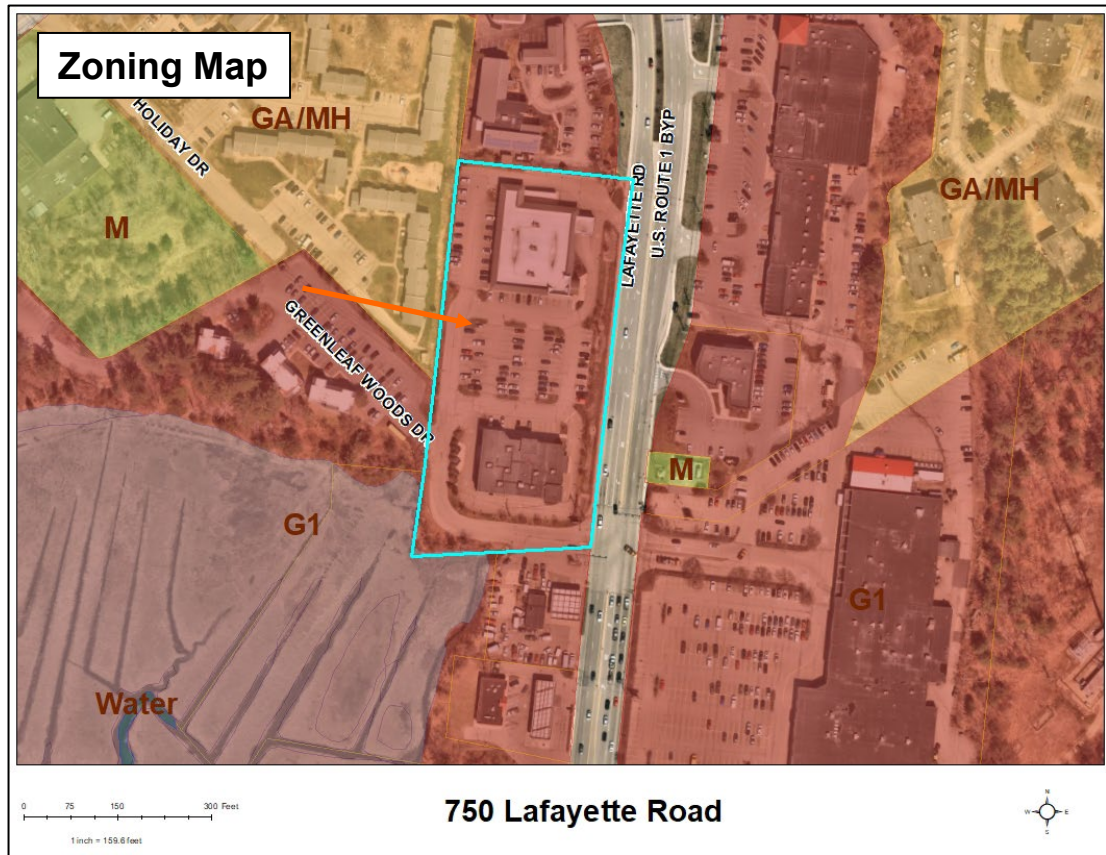
Other Permits/Approvals Required

- Building Permit
- Amended Site Plan (Planning Board)

Neighborhood Context



Aerial Map



Zoning Map

750 Lafayette Road

Previous Board of Adjustment Actions

December 13, 2011 – (As 750/720 Lafayette Road) The Board **granted** a variance to allow a second freestanding sign on the lot.

April 17, 2012 – The Board **granted** a Special Exception as requested under Section 10.440, Use 19.40 to allow a one-lane drive through facility as an accessory use to a permitted principal use.

Planning Department Comments

The applicant is requesting variances to construct a free standing structure to house an automated teller machine (ATM) as an accessory use to the existing financial institution on the property. As found in the definition of ATM (provided below), ATM's are not permitted to be located in a free standing structure.

Automated teller machine (ATM)

An unattended electronic device that is activated by customers to conduct financial transactions. An ATM may be located on the outside of a building, or in an access-controlled entrance to a building, or within a principal use in a building, and may serve pedestrians or patrons in motor vehicles. An ATM servicing patrons in motor vehicles must meet the standards for drive-through establishments provided in this Ordinance. An ATM is permitted only as an accessory use to a related principal use, and is not permitted as a principal use or in a freestanding structure not attached to a principal use.

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.

February 21, 2024

City of Portsmouth Zoning Board of Adjustment

1 Junkins Ave, 3rd Floor

Portsmouth, NH 03801

RE: Variance

Proposed ATM

750 Lafayette Rd, Portsmouth, NH 03801

Tax Map 244, Lot 8

Dear Members of the Board,

NES Group, Inc. ("Applicant") proposes to develop the above referenced site with an ATM as an accessory use to the principal use (bank) and we are proceeding with the entitlement process in support of same. The following documents have been included with this submission:

- Proposed Site Plans
- Existing Conditions Plan, completed by Control Point Associated, Inc., dated 11/9/2023
- Northeast Credit Union drawings, completed by Darren S. Antle, P.E., dated 07/25/2023
- NCR SelfServ ATM Elevations

The site (Tax Map 244, Lot 8) is 3.9+/- acres, located off Lafayette Road. The lot is located in the Gateway Corridor (G1) and is currently developed with multiple commercial buildings. The size, location, and access to existing buildings will remain the same. All proposed changes are within previous developed areas.

Please consider this correspondence as our request for a variance from the following requirements if and to the extent a variance is needed.

- ATM is permitted only as an accessory use to a related principal use, and is not permitted as a principal use or in a freestanding structure not attached to a principle use per Zoning Ordinance Section 10.1530
 - Per Zoning Ordinance Section 10.1530 - the proposed project will not be contrary to public interest. The existing site contains one ATM, so the addition of one will not add a new use to the lot.
 - Per Zoning Ordinance Section 10.233.22 – The spirit of the ordinance will be observed. While the proposed ATM is detached, the proposed use is allowed per the zoning ordinance.
 - Per Zoning Ordinance Section 10.233.23 – Justice will be served due to the procedures in place. We will be placing an accessory use in on the property which is permitted due



to the principal use. We are adding an additional ATM, which has a use that already exists on site. We will not be proposing a project that is contrary to public interest.

- Per Zoning Ordinance Section 10.233.24 – As stated above, the project proposes a use which already exists on the site, therefore it is our belief that surrounding property values will not be diminished by the addition another ATM. The location of the proposed ATM is as close to the existing building as it can be placed, and faces inward within the Gateway Corridor, and not toward residential uses.
- Per Zoning Ordinance Section 10.233.25 – Literal enforcement of the provision of the ordinance would result in unnecessary hardship. The proposed location of the drive-thru ATM is the only place where the traffic patterns for the site would remain the same and an entire redesign of the site's layout would not be needed, as well as the only location it can be placed due to the location and features of the existing building. To have to move it anywhere else would mean a complete redesign of the site, interference with the other companies that lease the buildings on the site, and cancellation of the project entirely.

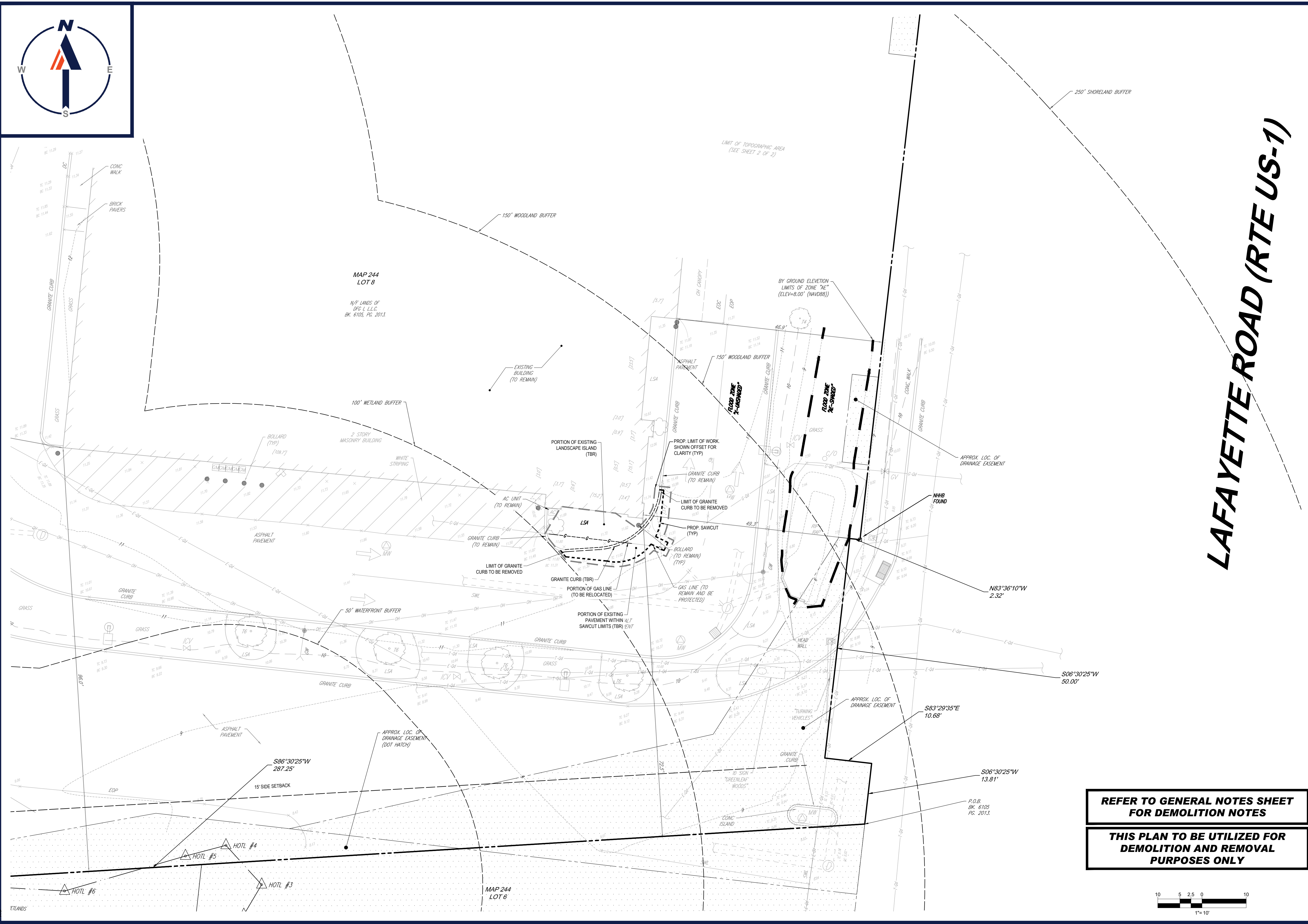
We look forward to discussing this project further with you. We trust that this information is sufficient for your needs at this time. Please do not hesitate to contact us at (603) 441-2900 should you have any questions or wish to discuss further.

Sincerely,

BOHLER ENGINEERING

A handwritten signature in blue ink, appearing to read "Keith Curran". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Keith Curran, P.E.



P:\2022\MAA230369\03\CAD\DRAWINGS\PLAN SET\CIVIL SITE PLANS\MAA230369_03_SPPD1A.dwg - LAYOUT: C-201 DEMO

BOHLER
 SITE CIVIL AND CONSULTING ENGINEERING
 LAND SURVEYING
 PROGRAM MANAGEMENT
 LANDSCAPE ARCHITECTURE
 SUSTAINABLE DESIGN
 PERMITTING SERVICES
 TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	DRAWN BY	CHECKED BY
1	2/21/2024	WETLAND DELINEATION	AP	KWC

811
 Know what's below.
 Call before you dig.
 ALWAYS CALL 811
 It's fast. It's free. It's the law.

ISSUED FOR PERMIT

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: MAA220369
 DRAWN BY: AP
 CHECKED BY: KWC
 DATE: 11/27/2023
 CAD I.D.: MAA230369.00-SPPD-1A

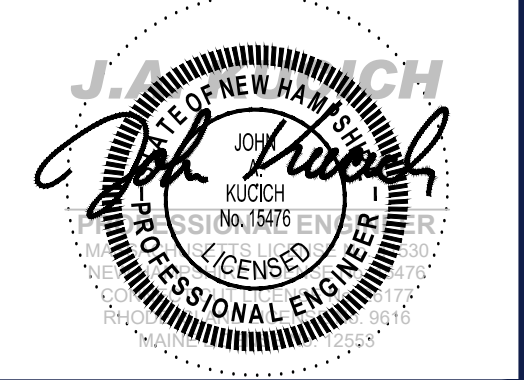
SITE DEVELOPMENT PLANS
 FOR



PROPOSED DEVELOPMENT
 MAP #244, LOT #8
 750 LAFAYETTE ROAD
 CITY OF PORTSMOUTH
 ROCKINGHAM COUNTY,
 NEW HAMPSHIRE

BOHLER

352 TURNPIKE ROAD
 SOUTHBOROUGH, MA 01772
 Phone: (508) 480-9900
www.BohlerEngineering.com



SHEET TITLE:

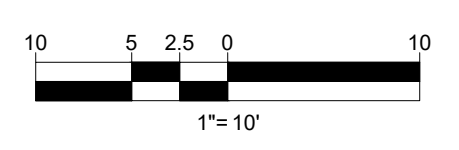
DEMOLITION PLAN

SHEET NUMBER:
C-201

REVISION 1 - 2/21/2023

REFER TO GENERAL NOTES SHEET FOR DEMOLITION NOTES

THIS PLAN TO BE UTILIZED FOR DEMOLITION AND REMOVAL PURPOSES ONLY





WETLAND NOTES

THE LIMITS OF JURISDICTIONAL WETLANDS AS SHOWN ON THIS PLAN WERE DELINEATED BY GOVE ENVIRONMENTAL SERVICES, INC., IN ACCORDANCE WITH:

1. US ARMY CORPS OF ENGINEERS REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL, NORTH-CENTRAL AND NORTHEAST REGION, TECHNICAL REPORT ERDC/EL TR-12-1, JANUARY 2012, VERSION 2.0
2. FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, A GUIDE FOR IDENTIFYING AND DELINEATING HYDRIC SOILS, VERSION 7.0
3. UNITED STATES DEPARTMENT OF AGRICULTURE (2010). NORTH AMERICAN DIGITAL FLORA: NATIONAL WETLAND PLANT LIST, VERSION 2.2.1 (2009).



SITE INFORMATION

1. APPLICANT: NES GROUP, INC. 905 SOUTH MAIN STREET, BUILDING B, STE 202 MANSFIELD, MA 02048
2. OWNER: DFG LLC 750 LAFAYETTE ROAD PORTSMOUTH, NH 03801
3. PARCEL: MAP #244, LOT#8 750 LAFAYETTE ROAD PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE

ZONING ANALYSIS TABLE

ZONING DISTRICT	GATEWAY CORRIDOR (G1)		
OVERLAY DISTRICT	WETLAND CONDITIONAL USE PERMIT		
REQUIRED PERMIT	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA	N/A	3.91 AC (170,361 SF)	NO CHANGE
MIN. LOT WIDTH	N/A	N/A	N/A
MAX. BLDG COVERAGE	70%	N/A (1)	UNCHANGED
MIN. FRONT SETBACK	70' FROM ROAD CENTERLINE	57.6' (2)	NO CHANGE
MIN. SIDE SETBACK	15'	72.9'	63.4'
MIN. REAR SETBACK	15'	88.3'	NO CHANGE
MAX. BUILDING HEIGHT	4 STORIES OR 50'	2 STORIES	NO CHANGE
MIN. OPEN SPACE	10%	UNKNOWN	NO CHANGE
PARKING SPACES	-	-	-
ACCESS PARKING SPACES	-	-	-
PARKING STALL CRITERIA STANDARD: 8.5 FT x 19 FT	USE/CATEGORY: ACCESSORY USE TO A PERMITTED PRINCIPAL USE REQUIRED PARKING: NO REQUIREMENT CALCULATION: N/A		
ACCESSIBLE PARKING CRITERIA STANDARD: 8 FT x 18 FT STALL (MIN.) 5 FT x 18 FT AISLE (MIN.) 8 FT x 18 FT STALL (MIN.) 8 FT x 18 FT AISLE (MIN.)	1-25 SPACES = 1 MIN. ACCESSIBLE SPACE 26-50 SPACES = 2 MIN. ACCESSIBLE SPACES 51-75 SPACES = 3 MIN. ACCESSIBLE SPACES 76-100 SPACES = 4 MIN. ACCESSIBLE SPACES 101-150 SPACES = 5 MIN. ACCESSIBLE SPACES 151-200 SPACES = 6 MIN. ACCESSIBLE SPACES 201-300 SPACES = 7 MIN. ACCESSIBLE SPACES 301-400 SPACES = 8 MIN. ACCESSIBLE SPACES	401-500 SPACES = 9 MIN. ACCESSIBLE SPACES 501-1,000 SPACES = MIN. 2% OF TOTAL 1001+ SPACES = MIN. 20 + 1 FOR EACH 1,000 SPACES OVER 1,000	1 ACCESSIBLE VAN SPACE PER 6 STANDARD ACCESSIBLE SPACES (MIN.)

N/A - NOT APPLICABLE
N/S - NOT SPECIFIED
(V) - VARIANCE REQUESTED
(W) - WAIVER REQUESTED
(E) - EXIST. NON-CONFORMANCE

(1) EXISTING BUILDING COVERAGE ONLY CONSIDERED FOR AREAS WITHIN LIMIT OF WORK (2) DIMENSION MEASURED FROM PROPERTY LINE TO BUILDING CORNER
 VARIANCES REQUESTED:
 DISTANCE FROM TRANSACTION WINDOW TO BEGINNING OF TURN IS LESS THAN 40' (PER SITE PLAN REVIEW REGULATIONS SECTION 3.6.1)
 INTERNAL MINIMUM TURNING RADIUS IS LESS THAN 17' (PER SITE PLAN REVIEW REGULATIONS SECTION 3.6.1)
 TRAFFIC IMPACT STUDY (PER SITE PLAN REVIEW REGULATIONS SECTION 3.6.3)
 VARIANCE REQUESTED:
 ATM IS A FREE STANDING STRUCTURE, NOT ATTACHED TO THE PRINCIPLE USE (PER ZONING ORDINANCE SECTION 10.1530)

BOHLER
 SITE CIVIL AND CONSULTING ENGINEERING
 LAND SURVEYING
 PROGRAM MANAGEMENT
 LANDSCAPE ARCHITECTURE
 SUSTAINABLE DESIGN
 SUBMITTING SERVICES
 TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	DRAWN BY	CHECKED BY
1	2/21/2024	WETLAND DELINEATION	AP	KWC

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PROJECT No.: MAA220369
 DRAWN BY: AP
 CHECKED BY: KWC
 DATE: 11/27/2023
 CAD I.D.: MAA230369.00-SPDP-1A

PROJECT:

SITE DEVELOPMENT PLANS
 FOR



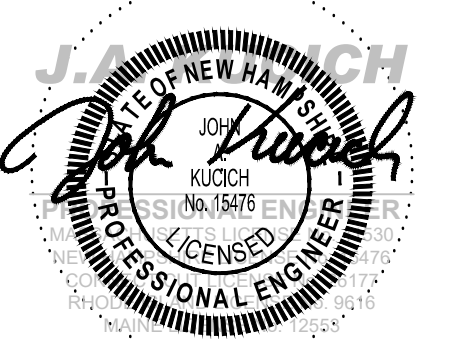
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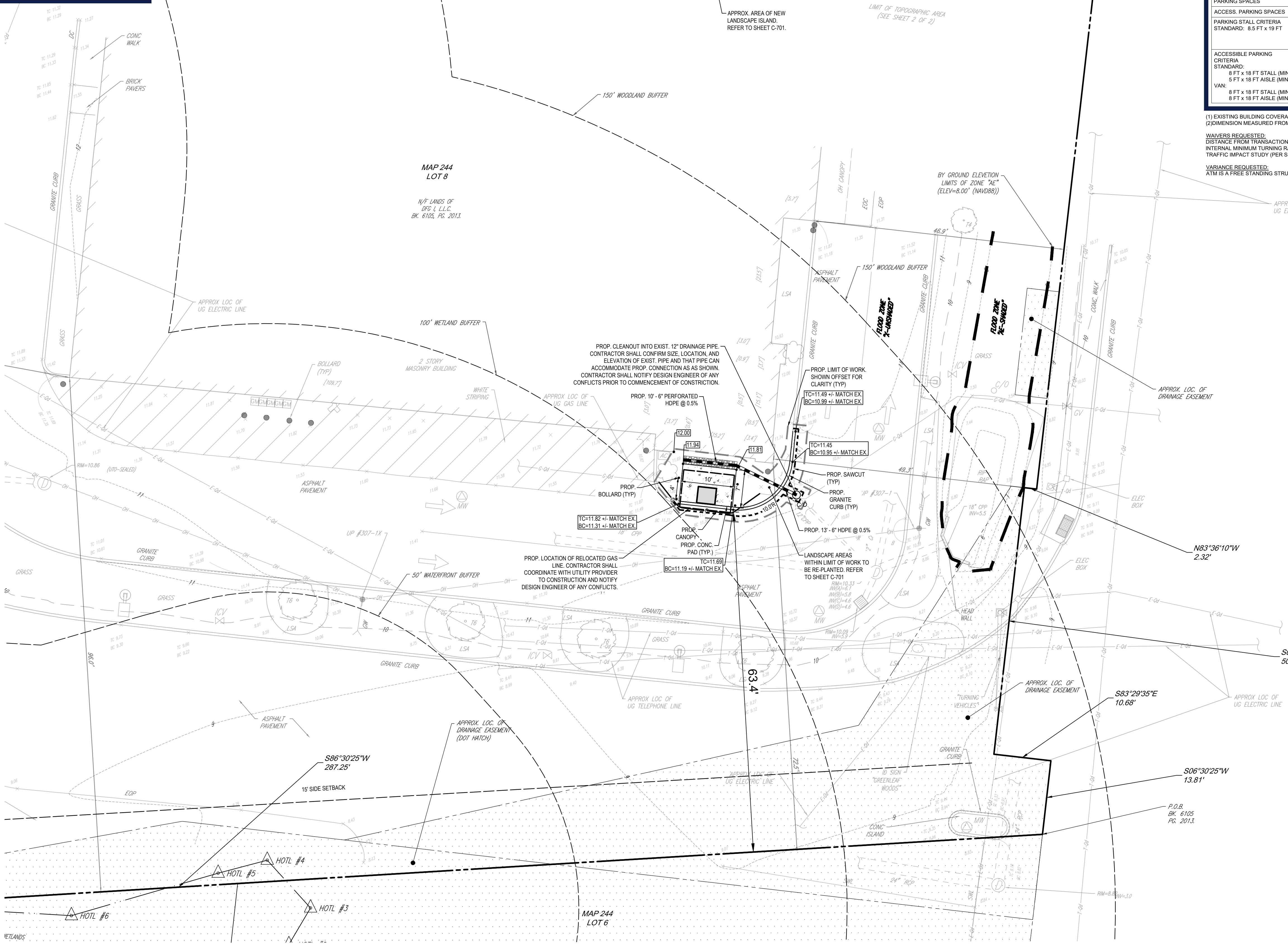
SHEET TITLE:

SITE LAYOUT PLAN

SHEET NUMBER:

C-301

REVISION 1 - 2/21/2023

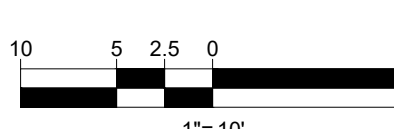


ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.

CONTRACTOR SHALL VERIFY ALL UNDERGROUND UTILITY LOCATIONS WITHIN LIMIT OF WORK AND NOTIFY DESIGN ENGINEER OF ANY CONFLICTS PRIOR TO COMMENCEMENT OF CONSTRUCTION

MAINTENANCE OF A CLEAR SIGHT LINE IS THE RESPONSIBILITY OF THE PROPERTY OWNER

THIS PLAN TO BE UTILIZED FOR SITE LAYOUT PURPOSES ONLY. REFER TO GENERAL NOTES SHEET FOR ADDITIONAL NOTES



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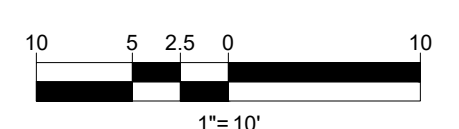
LAFAYETTE ROAD (RTE US-1)

MAP 244
LOT 8
1/4 LANDS OF
TRD 1, L.L.C.
BK. 6105, PG. 2013.

MAP 244
LOT 6

**THIS PLAN TO BE UTILIZED FOR SITE
SOIL AND EROSION CONTROL
PURPOSES ONLY**

**REFER TO SOIL EROSION CONTROL
NOTES & DETAIL SHEET FOR
EROSION NOTES AND DETAILS**



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LAND SURVEYING
PROGRAM MANAGEMENT
LANDSCAPE ARCHITECTURE
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REVISIONS

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1	2/21/2024	WETLAND DELINEATION	AP KWC

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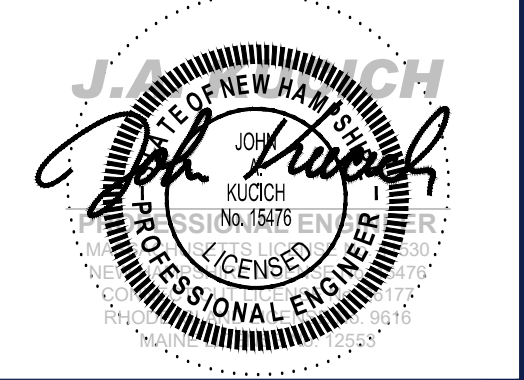
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PROJECT:
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SHEET TITLE:
**SOIL EROSION
& SEDIMENT
CONTROL PLAN**

SHEET NUMBER:
C-601

REVISION 1 - 2/21/2023

P:\2023\MAA230369_00\CAD\DRAWINGS\PLAN SET\CIVIL\SITE PLANS\MAA230369_00-SPPD-1A...LAYOUT: C-601 EROS

EROSION AND SEDIMENT CONTROL NOTES

- ALL SEDIMENT AND EROSION CONTROL MEASURES SHALL BE DONE AS SET FORTH IN THE MOST CURRENT STATE SEDIMENT AND EROSION CONTROL MANUAL.
- THOSE AREAS UNDERGOING ACTUAL CONSTRUCTION WILL BE LEFT IN AN UNTREATED OR UNVEGETATED CONDITION FOR A MINIMUM TIME. AREAS SHALL BE PERMANENTLY STABILIZED IN ACCORDANCE WITH LOCAL, STATE, AND FEDERAL REQUIREMENTS. AT A MINIMUM, AREAS SHALL BE PERMANENTLY STABILIZED ACCORDING TO THE CURRENT EDITION OF THE STORMWATER POLLUTION PREVENTION PLAN (SWPPP), OR IN THE ABSENCE OF A SWPPP, THEY SHALL BE PERMANENTLY STABILIZED WITHIN 14 DAYS OF FINAL GRADING AND TEMPORARILY STABILIZED WITHIN 30 DAYS OF INITIAL DISTURBANCE OF THE SOIL. IF THE DISTURBANCE IS WITHIN 100 FEET OF A STREAM OR POND, THE AREA SHALL BE STABILIZED WITHIN 7 DAYS OR PRIOR TO ANY STORM EVENT (THIS WOULD INCLUDE WETLANDS).
- SEDIMENT BARRIERS (SILT FENCE, STRAW BARRIERS, ETC.) SHOULD BE INSTALLED PRIOR TO ANY SOIL DISTURBANCE OF THE CONTRIBUTING DRAINAGE AREA ABOVE THEM. MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL AREAS WITH SLOPES GREATER THAN 15% AFTER OCTOBER 1ST THE SAME APPLIES FOR ALL SLOPES GREATER THAN 8%.
- INSTALL SILTATION BARRIER AT TOE OF SLOPE TO FILTER SILT FROM RUNOFF. SEE SILTATION BARRIER DETAILS FOR PROPER INSTALLATION. SILTATION BARRIER WILL REMAIN IN PLACE PER NOTE #5.
- ALL EROSION CONTROL STRUCTURES WILL BE INSPECTED, REPLACED AND/OR REPAIRED EVERY 7 DAYS AND IMMEDIATELY FOLLOWING ANY SIGNIFICANT RAINFALL OR SNOW MELT OR WHEN NO LONGER SERVICEABLE DUE TO SEDIMENT ACCUMULATION OR DECOMPOSITION. SEDIMENT DEPOSITS SHOULD BE REMOVED AFTER EACH STORM EVENT. THEY MUST BE REMOVED WHEN DEPOSITS REACH APPROXIMATELY ONE HALF THE HEIGHT OF THE BARRIER. SEDIMENT CONTROL DEVICES SHALL REMAIN IN PLACE AND BE MAINTAINED BY THE CONTRACTOR UNTIL AREAS UPSLOPE ARE STABILIZED BY TURF.
- NO SLOPES, EITHER PERMANENT OR TEMPORARY, SHALL BE STEEPER THAN TWO TO ONE (2:1) UNLESS OTHERWISE INDICATED ON THE PLANS. SLOPE PROTECTION FOR SLOPES GREATER THAN 2:1 SHALL BE DESIGNED BY A GEOTECHNICAL ENGINEER.
- IF FINAL SEEDING OF THE DISTURBED AREAS IS NOT COMPLETED 45 DAYS PRIOR TO THE FIRST KILLING FROST, USE TEMPORARY MULCH (DORMANT SEEDINGS MAY BE ATTEMPTED AS WELL) TO PROTECT THE SITE AND DELAY SEEDINGS UNTIL THE NEXT RECOMMENDED SEEDING PERIOD.
- TEMPORARY SEEDING OF DISTURBED AREAS THAT HAVE NOT BEEN FINAL GRADED SHALL BE COMPLETED 45 DAYS PRIOR TO THE FIRST KILLING FROST TO PROTECT FROM SPRING RUDDY PROBLEMS.
- DURING THE CONSTRUCTION PHASE, INTERCEPTED SEDIMENT WILL BE RETURNED TO THE SITE AND REGRADED ONTO OPEN AREAS.
- REVEGETATION MEASURES WILL COMMENCE UPON COMPLETION OF CONSTRUCTION EXCEPT AS NOTED ABOVE. ALL DISTURBED AREAS NOT OTHERWISE STABILIZED WILL BE GRADED, SMOOTHED, AND PREPARED FOR FINAL SEEDING AS FOLLOWS:
 - SIX INCHES, OR DEPTH SPECIFIED ON THE LANDSCAPE PLAN, OF LOAM WILL BE SPREAD OVER DISTURBED AREAS AND SMOOTHED TO A UNIFORM SURFACE.
 - APPLY LIMESTONE AND FERTILIZER ACCORDING TO SOIL TEST. IF SOIL TESTING IS NOT FEASIBLE ON SMALL OR VARIABLE SITES, OR WHERE TIMING IS CRITICAL, FERTILIZER MAY BE APPLIED AT THE RATE OF 800 LB PER ACRE OR 18.4 LB PER 1,000 SF USING 10-20-20 OR EQUIVALENT. APPLY GROUND LIMESTONE (EQUIVALENT TO 50% CALCIUM PLUS MAGNESIUM OXIDE) AT A RATE OF 3 TONS PER ACRE (138 LB PER 1,000 SF).
 - FOLLOWING SEED BED PREPARATION, DITCHES AND BACK SLOPES WILL BE SEEDED TO A MIXTURE OF 47% CREEPING RED FESCUE, 5% REDTOP, AND 48% TALL FESCUE. THE LAWN AREAS WILL BE SEEDED TO A PREMIUM TURF MIXTURE OF 44% KENTUCKY BLUEGRASS, 44% CREEPING RED FESCUE, AND 12% PERENNIAL RYEGRASS. SEEDING RATE IS 1.03 LBS PER 1,000 SF LAWN. QUALITY SOIL MAY BE SUBSTITUTED FOR SEED WHERE SLOPES DO NOT EXCEED 2:1. SOIL ON SLOPES STEEPER THAN 3:1 SHOULD BE PEGGED.
 - STRAW MULCH AT THE RATE OF 70-90 LBS PER 1,000 SF. A HYDRO-APPLICATION OF WOOD OR PAPER FIBER SHALL BE APPLIED FOLLOWING SEEDING. A SUITABLE NON-TOXIC BINDER WILL BE USED ON STRAW MULCH FOR WIND CONTROL.
- ALL TEMPORARY EROSION CONTROL MEASURES SHALL BE REMOVED ONCE THE SITE IS STABILIZED.
- WETLANDS WILL BE PROTECTED WITH BARRIERS CONSISTING OF STRAW BALES, COMPOST TUBES, SILT FENCE OR A COMBINATION THEREOF.
- ALL AREAS WITHIN 100 FEET OF A FLAGGED WETLAND OR STREAM SHALL HAVE AN EXPOSURE WINDOW OF NOT MORE THAN 7 DAYS.
- ALL AREAS WITHIN 100 FEET OF A FLAGGED WETLAND OR STREAM SHALL FOLLOW APPROPRIATE EROSION CONTROL MEASURES PRIOR TO EACH STORM IF NOT BEING ACTIVELY WORKED.

LOCATION	MULCH	MULCH RATE (1000 SF)
PROTECTED AREA	STRAW	100 POUNDS
WINDY AREA	SHREDDED OR CHOPPED CORNSTALKS STRAW (ANCHORED)	185-275 POUNDS 100 POUNDS
MODERATE TO HIGH VELOCITY AREAS OR STEEP SLOPES GREATER THAN 3:1	JUTE MESH OR EXCELSIOR MAT	AS REQUIRED
GREATER THAN 3:1	(REFER TO GEOTECHNICAL REPORT FOR FINAL DESIGN REQUIREMENT)	

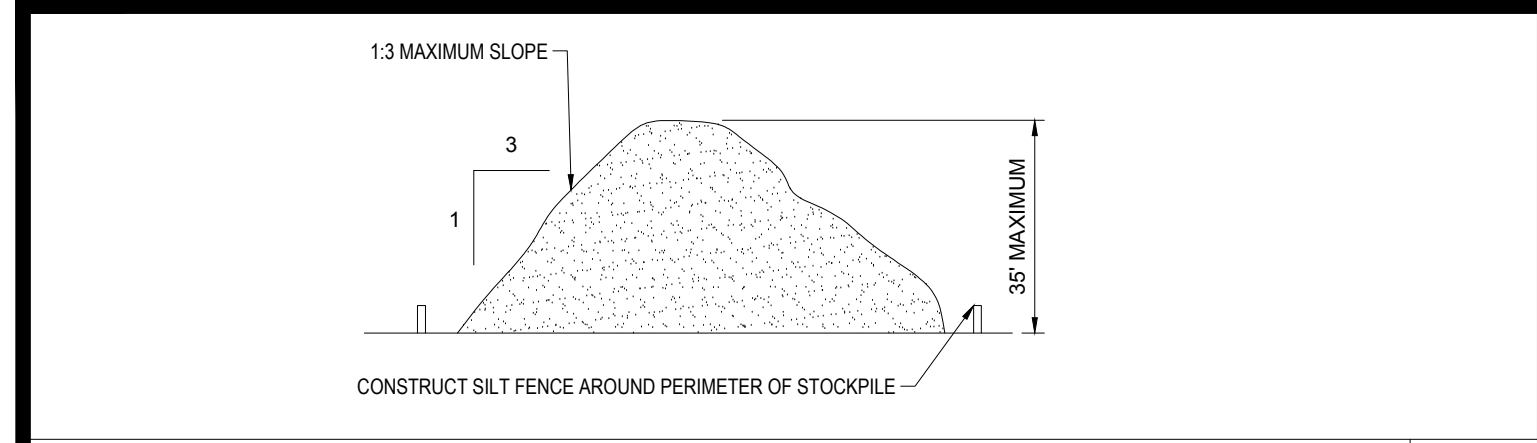
- * HYDRO-APPLICATION OF WOOD OR PAPER FIBER MAY BE APPLIED FOLLOWING SEEDING. A SUITABLE BINDER SUCH AS CURASOL OF RMB SHALL BE USED TO ADDITIONAL WIND CONTROL.
- * MULCH ANCHORING: ANCHOR MULCH WITH PEG AND TWINE (1 SQ. YD/BLOCK); MULCH NETTING (AS PER MANUFACTURER); WOOD CELLULOSE FIBER (750 LBS/ACRE); CHEMICAL TACK (AS PER MANUFACTURER'S SPECIFICATIONS); USE OF A SERRATED STRAIGHT DISK. WETTING FOR SMALL AREAS AND ROAD DITCHES MAY BE PERMITTED.
- PROPOSED LOCATIONS OF SURFACE STORMWATER MANAGEMENT BASINS CAN BE UTILIZED AS A TEMPORARY SEDIMENT TRAP DURING CONSTRUCTION. TRAPS SHALL BE SIZED AND CONSTRUCTED IN ACCORDANCE WITH ALL LOCAL, STATE, AND FEDERAL REQUIREMENTS.
- TEMPORARY SEDIMENT TRAPS SHALL BE SIZED PER NEW HAMPSHIRE DES REQUIREMENTS AND PROVIDE A MINIMUM OF 1,800 CF PER ACRE OF TRIBUTARY AREA WITH A MAXIMUM TRIBUTARY AREA OF 5 ACRES, MAINTAIN A 2:1 LENGTH TO WIDTH RATIO, AND NOT EXCEED 5 FT IN HEIGHT. UPON SITE STABILIZATION, ACCUMULATED SEDIMENT SHALL BE REMOVED AND THE TEMPORARY SEDIMENT TRAP EXCAVATED TO 1 FOOT BELOW THE TRAP. THE AREA SHALL THEN BE SCARIFIED TO PREVENT COMPACTION AND PROMOTE INFILTRATION, AND GRADED AND STABILIZED IN ACCORDANCE WITH THE GRADING AND LANDSCAPE PLANS.
- STOCKPILING OF MATERIALS (DIRT, WOOD, CONSTRUCTION MATERIALS, ETC.) MUST REMAIN COVERED AT ALL TIMES TO MINIMIZE ANY DUST PROBLEMS THAT MAY OCCUR WITH ADJACENT PROPERTIES AND TO PROVIDE MAXIMUM PROTECTION AGAINST EROSION RUNOFF.
- EXISTING CATCH BASIN STRUCTURES SHALL BE PROTECTED UNTIL SUCH TIME AS THEY ARE REMOVED.
- THE CONTRACTOR MUST PERFORM DEWATERING (IF REQUIRED), IN ACCORDANCE WITH STATE AND LOCAL REGULATIONS. IT IS THE CONTRACTOR'S RESPONSIBILITY TO OBTAIN AND PAY FOR THE COSTS ASSOCIATED WITH ANY AND ALL NECESSARY DISCHARGE PERMITS ASSOCIATED WITH SAME.
- THE CONTRACTOR MUST LOCATE CONSTRUCTION WASTE MATERIAL STORAGE AREAS TO MINIMIZE EXPOSURE TO STORMWATER. THE CONTRACTOR MUST IMMEDIATELY PLACE CONSTRUCTION WASTE IN ON-SITE STORAGE CONTAINERS UNTIL THAT CONSTRUCTION WASTE IS READY FOR OFF-SITE DISPOSAL. THE CONTRACTOR MUST MAINTAIN SPILL PREVENTION AND RESPONSE EQUIPMENT AND MAKE SAME CONTINUOUSLY AVAILABLE ON-SITE FOR USE BY THE CONTRACTOR'S EMPLOYEES WHO MUST BE PROPERLY TRAINED IN THE APPLICATION OF SPILL PREVENTION AND RESPONSE PROCEDURES.

EROSION CONTROL NOTES DURING WINTER CONSTRUCTION

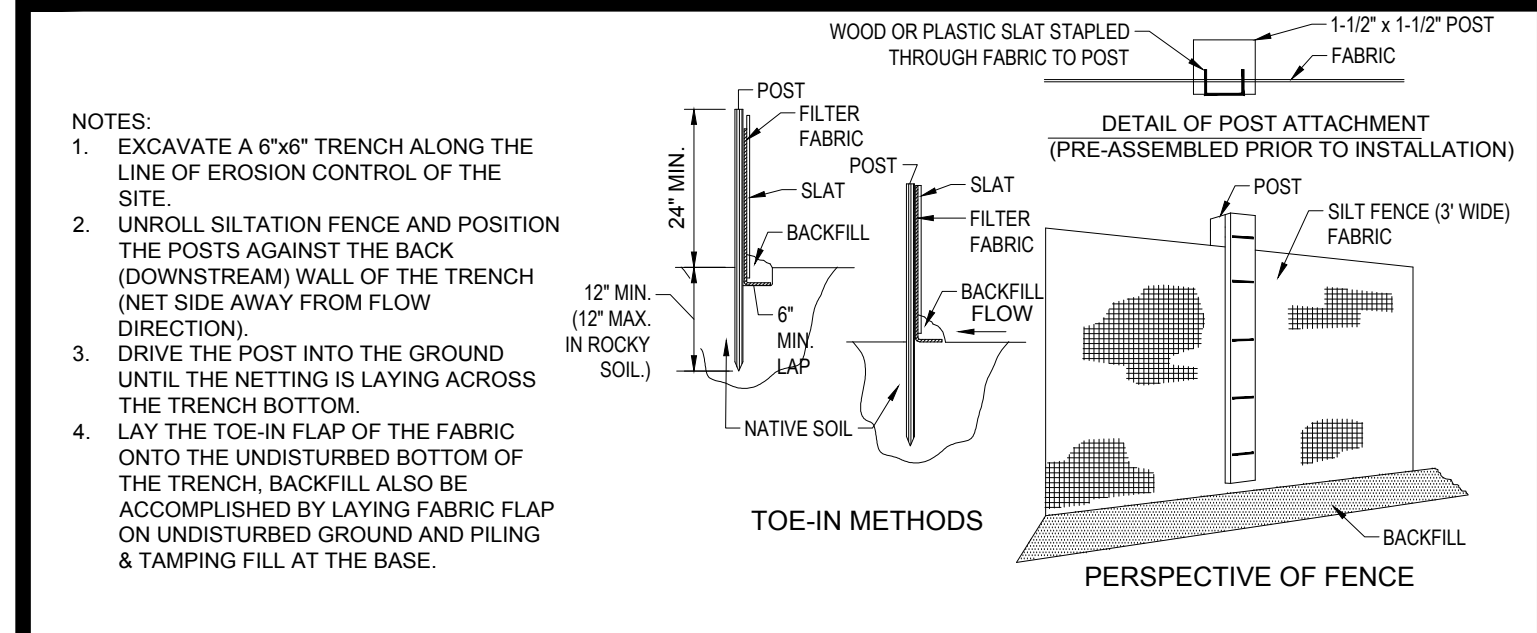
- WINTER CONSTRUCTION PERIOD: OCTOBER 1 THROUGH MAY 1.
- WINTER EXCAVATION AND EARTHWORK SHALL BE DONE SUCH THAT NO MORE THAN 1 ACRE OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME.
- CONTINUATION OF EARTHWORK OPERATION ON ADDITIONAL AREAS SHALL NOT BEGIN UNTIL THE EXPOSED SOIL SURFACE ON THE AREA BEING WORKED HAS BEEN STABILIZED SUCH THAT NO LARGER AREA OF THE SITE IS WITHOUT EROSION CONTROL PROTECTION AS LISTED IN ITEM 2 ABOVE.
- EXPOSED AREA SHOULD BE LIMITED TO THAT WHICH CAN BE MULCHED IN ONE DAY.
- AN AREA SHALL BE CONSIDERED TO HAVE BEEN TEMPORARILY STABILIZED WHEN EXPOSED SURFACES HAVE BEEN EITHER MULCHED WITH STRAW OR STRAW AT A RATE OF 100 LB. PER 1,000 SQUARE FEET (WITH OR WITHOUT SEEDING) OR DORMANT SEEDED, MULCHED AND ADEQUATELY ANCHORED BY AN APPROVED ANCHORING TECHNIQUE.
- BETWEEN THE DATES OF OCTOBER 15TH AND MAY 1ST, LOAM OR SEED WILL NOT BE REQUIRED, DURING PERIODS OF ABOVE FREEZING TEMPERATURES. THE SURFACE SHALL BE FINE GRADED AND EITHER PROTECTED WITH MULCH OR TEMPORARILY SEEDED AND MULCHED UNTIL SUCH TIME AS THE FINAL TREATMENT CAN BE APPLIED. IF THE DATE IS AFTER OCTOBER 15TH AND IF THE EXPOSED AREA HAS BEEN LOAMED, FINAL GRADED AND IS SMOOTH, THEN THE AREA MAY BE DORMANT SEEDED AT A RATE OF 200 - 300% HIGHER THAN SPECIFIED FOR PERMANENT SEED AND THEN MULCHED. IF CONSTRUCTION CONTINUES DURING FREEZING WEATHER, ALL EXPOSED AREAS SHALL BE CONTINUOUSLY GRADED BEFORE FREEZING AND THE SURFACE TEMPORARILY PROTECTED FROM EROSION BY THE APPLICATION OF MULCH. SLOPES SHALL NOT BE LEFT UNEXPOSED OVER THE WINTER OR ANY OTHER EXTENDED TIME OF WORK SUSPENSION UNLESS TREATED IN THE ABOVE MANNER. UNTIL SUCH TIME AS WEATHER CONDITIONS ALLOW DITCHES TO BE FINISHED WITH THE PERMANENT SURFACE TREATMENT, EROSION SHALL BE CONTROLLED BY THE INSTALLATION OF BALES OF STRAW OR STONE CHECK DAMS IN ACCORDANCE WITH THE STANDARD DETAILS.
- MULCHING REQUIREMENTS:
 - BETWEEN THE DATES OF OCTOBER 15TH AND MAY 1ST ALL MULCH SHALL BE ANCHORED BY EITHER PEG LINE, MULCH NETTING OR WOOD CELLULOSE FIBER.
 - MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL DRAINAGE WAYS WITH A SLOPE GREATER THAN 3% FOR SLOPE EXPOSED TO DIRECT WINDS AND FOR ALL OTHER SLOPES GREATER THAN 8%.
 - MULCH NETTING SHALL BE USED TO ANCHOR MULCH IN ALL AREAS WITH SLOPES GREATER THAN 15% AFTER OCTOBER 1ST. THE SAME APPLIES FOR ALL SLOPES GREATER THAN 8%.
- AFTER OCTOBER 15TH THE CONTRACTOR SHALL APPLY DORMANT SEEDING OR MULCH AND ANCHORING ON ALL BARE EARTH AT THE END OF EACH WORKING DAY.
- DURING THE WINTER CONSTRUCTION PERIOD ALL SNOW SHALL BE REMOVED FROM AREAS OF SEEDING AND MULCHING PRIOR TO PLACEMENT.
- STOCKPILING OF MATERIALS (DIRT, WOOD, CONSTRUCTION MATERIALS, ETC.) MUST REMAIN COVERED AT ALL TIMES TO MINIMIZE ANY DUST PROBLEMS THAT MAY OCCUR WITH ADJACENT PROPERTIES AND TO PROVIDE MAXIMUM PROTECTION AGAINST EROSION RUNOFF.

GENERAL EROSION AND SEDIMENT CONTROL NOTES

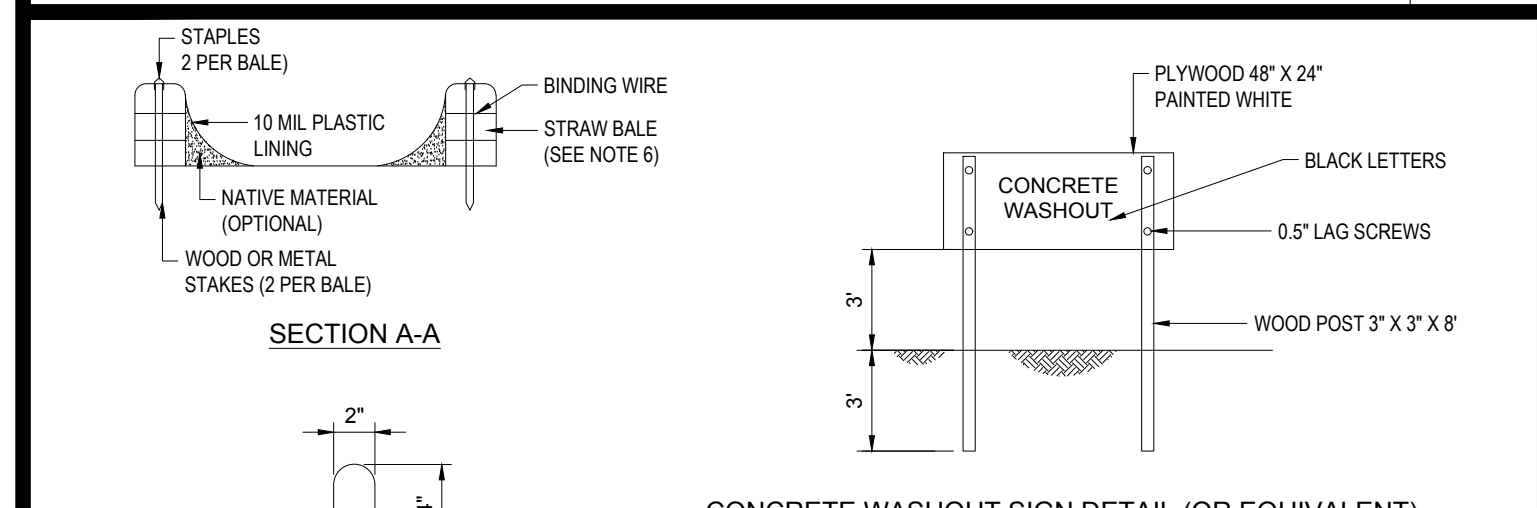
- THE GENERAL NOTES MUST BE INCLUDED AS PART OF THIS ENTIRE DOCUMENT PACKAGE AND ARE PART OF THE CONTRACT DOCUMENTS. THE GENERAL NOTES ARE REFERENCED HEREIN, AND THE CONTRACTOR MUST REFER TO THEM AND FULLY COMPLY WITH THESE NOTES, IN THEIR ENTIRETY. THE CONTRACTOR MUST BE FAMILIAR WITH AND ACKNOWLEDGE FAMILIARITY WITH ALL OF THE GENERAL NOTES AND ALL OF THE PLANS' SPECIFIC NOTES.
- EROSION CONTROL MEASURES MUST CONFORM TO THE STATE, LOCAL, AND FEDERAL GUIDELINES FOR URBAN EROSION AND SEDIMENT CONTROL UNLESS OTHERWISE NOTED, OR UNLESS THE PROFESSIONAL OF RECORD CLEARLY AND SPECIFICALLY, IN WRITING, DIRECTS OTHERWISE. INSTALLATION OF EROSION CONTROL, CLEARING, AND SITE WORK MUST BE PERFORMED EXACTLY AS INDICATED IN THE EROSION CONTROL CONSTRUCTION NOTES.
- THE DISTURBED LAND AREA OF THIS SITE IS APPROXIMATELY 0.50 ACRES.
 - THE FOLLOWING EROSION CONTROL MEASURES ARE PROPOSED FOR THIS SITE:
 - STABILIZED CONSTRUCTION ENTRANCE/EXIT - A TEMPORARY GRAVEL CONSTRUCTION ENTRANCE/EXIT IS TO BE INSTALLED AT THE DESIGNATED LOCATION SHOWN ON THE PLAN. THIS AREA MUST BE GRADED SO THAT RUNOFF WATER WILL BE RETAINED ON-SITE.
 - SEDIMENT FENCE - INSTALL SILT FENCE(S) AND/OR SILT SOCK AROUND ALL OF THE DOWNSLOPE PERIMETERS OF THE SITE, TEMPORARY FILL AND SOIL STOCKPILES.
 - INSTALL FILTER FABRIC DROP INLET PROTECTION AROUND EACH DRAINAGE INLET AS DRAINAGE STRUCTURES ARE INSTALLED TO REDUCE THE QUANTITY OF SEDIMENT. INSTALL TEMPORARY INLET PROTECTION ON INLETS DOWNSLOPE FROM DISTURBANCE, WHICH MAY BE BEYOND THE LIMITS OF DISTURBED AREA.
 - INSTALLATION OF EROSION CONTROL DEVICES MUST BE IN ACCORDANCE WITH ALL OF THE MANUFACTURER'S RECOMMENDATIONS.
 - THE CONTRACTOR MUST INSPECT EROSION CONTROL MEASURES WEEKLY. THE CONTRACTOR MUST REMOVE ANY SILT DEPOSITS GREATER THAN 6 INCHES OR HALF THE EROSION CONTROL BARRIER'S HEIGHT COLLECTED ON THE FILTER FABRIC AND/OR SILT SOCK BARRIERS AND EXCAVATE AND REMOVE ANY SILT FROM DROP INLET PROTECTION.
 - THE CONTRACTOR MUST APPLY TEMPORARY SEED AND MULCH TO ALL DISTURBED AREAS THAT WILL NOT BE BROUGHT TO FINISHED GRADE AND VEGETATED WITHIN 7 DAYS. WHEN AREAS ARE DISTURBED AFTER THE GROWING SEASON, THE CONTRACTOR MUST STABILIZE SAME WITH GEOTEXTILE FABRIC AND MAINTAIN SAME IN STRICT ACCORDANCE WITH BEST MANAGEMENT PRACTICES.
 - THE CONTRACTOR MUST INSTALL ADDITIONAL EROSION CONTROL MEASURES IF THE PROFESSIONAL OF RECORD SO REQUIRES, TO PREVENT ANY, INCLUDING THE INCIDENTAL DISCHARGE OF SILT-LOADED RUNOFF FROM EXITING THE SITE.
 - THE CONTRACTOR MUST BE RESPONSIBLE FOR INSPECTING AND MAINTAINING ALL EROSION CONTROL MEASURES ON THE SITE UNTIL PERMANENT PAVING AND TURF/LANDSCAPING IS ESTABLISHED. THE COSTS OF INSTALLING AND MAINTAINING THE EROSION CONTROL MEASURES MUST BE INCLUDED IN THE BID PRICE FOR THE SITE WORK AND THE CONTRACTOR IS RESPONSIBLE FOR ALL SUCH COSTS.
 - THE CONTRACTOR MUST CONTINUE TO MAINTAIN ALL EROSION CONTROL MEASURES UNTIL THE COMPLETION OF CONSTRUCTION AND THE ESTABLISHMENT OF VEGETATION.
 - THE CONTRACTOR MUST REMOVE EROSION CONTROL MEASURES, SILT AND DEBRIS AFTER ESTABLISHING PERMANENT VEGETATION COVER OR OTHER INSTALLING A DIFFERENT, SPECIFIED METHOD OF STABILIZATION.
 - THIS PLAN REPRESENTS THE MINIMUM LEVEL OF IMPLEMENTATION OF TEMPORARY EROSION AND SEDIMENTATION CONTROL FACILITIES, MEASURES AND STRUCTURES. ADDITIONAL FACILITIES, MEASURES AND STRUCTURES MUST BE INSTALLED WHERE NECESSARY TO COMPLY WITH ALL APPLICABLE CODES AND STANDARDS AND/OR TO PREVENT ANY, INCLUDING THE INCIDENTAL DISCHARGE OF SILT-LOADED RUNOFF FROM EXITING THE SITE.
 - THE CONTRACTOR MUST PROTECT ALL EXISTING TREES AND SHRUBS. THE CONTRACTOR MUST REFER TO THE LANDSCAPE AND/OR DEMOLITION PLAN(S) FOR TREE PROTECTION, FENCE LOCATIONS AND DETAILS.
 - THE CONTRACTOR MUST REFER TO GRADING PLANS FOR ADDITIONAL INFORMATION.
 - THE CONTRACTOR MUST CLEAN EXISTING AND PROPOSED DRAINAGE STRUCTURES AND INTERCONNECTING PIPES ON OR OFF-SITE AS THE JURISDICTIONAL AGENCY REQUIRES, BOTH AT THE TIME OF SITE STABILIZATION AND AT END OF PROJECT.
 - SOIL EROSION CONTROL MEASURES MUST BE ADJUSTED OR RELOCATED BY THE CONTRACTOR AS IDENTIFIED DURING SITE OBSERVATION IN ORDER TO MAINTAIN THE COMPLETE EFFECTIVENESS OF ALL CONTROL MEASURES.
 - THE CONTRACTOR MUST IDENTIFY, ON THE PLAN, THE LOCATION OF WASTE CONTAINERS, FUEL STORAGE TANKS, CONCRETE WASHOUT AREAS AND ANY OTHER LOCATIONS WHERE HAZARDOUS MATERIALS ARE STORED.



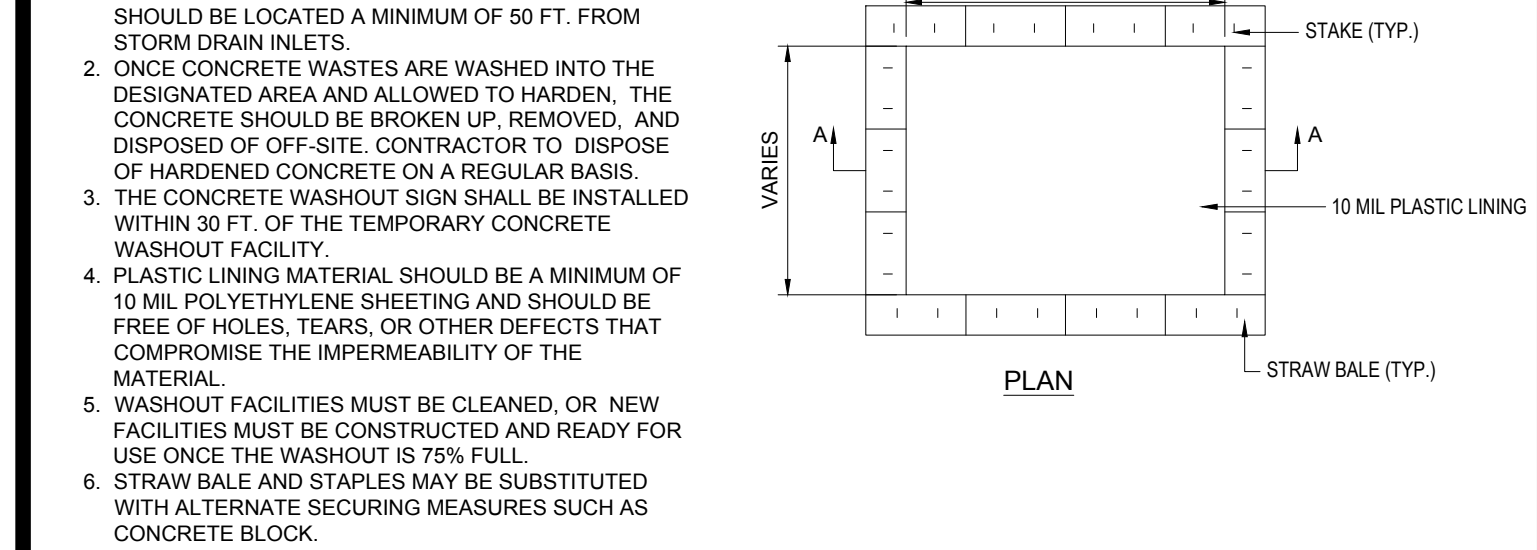
TEMPORARY STOCKPILE



TYP. SILTATION FENCE



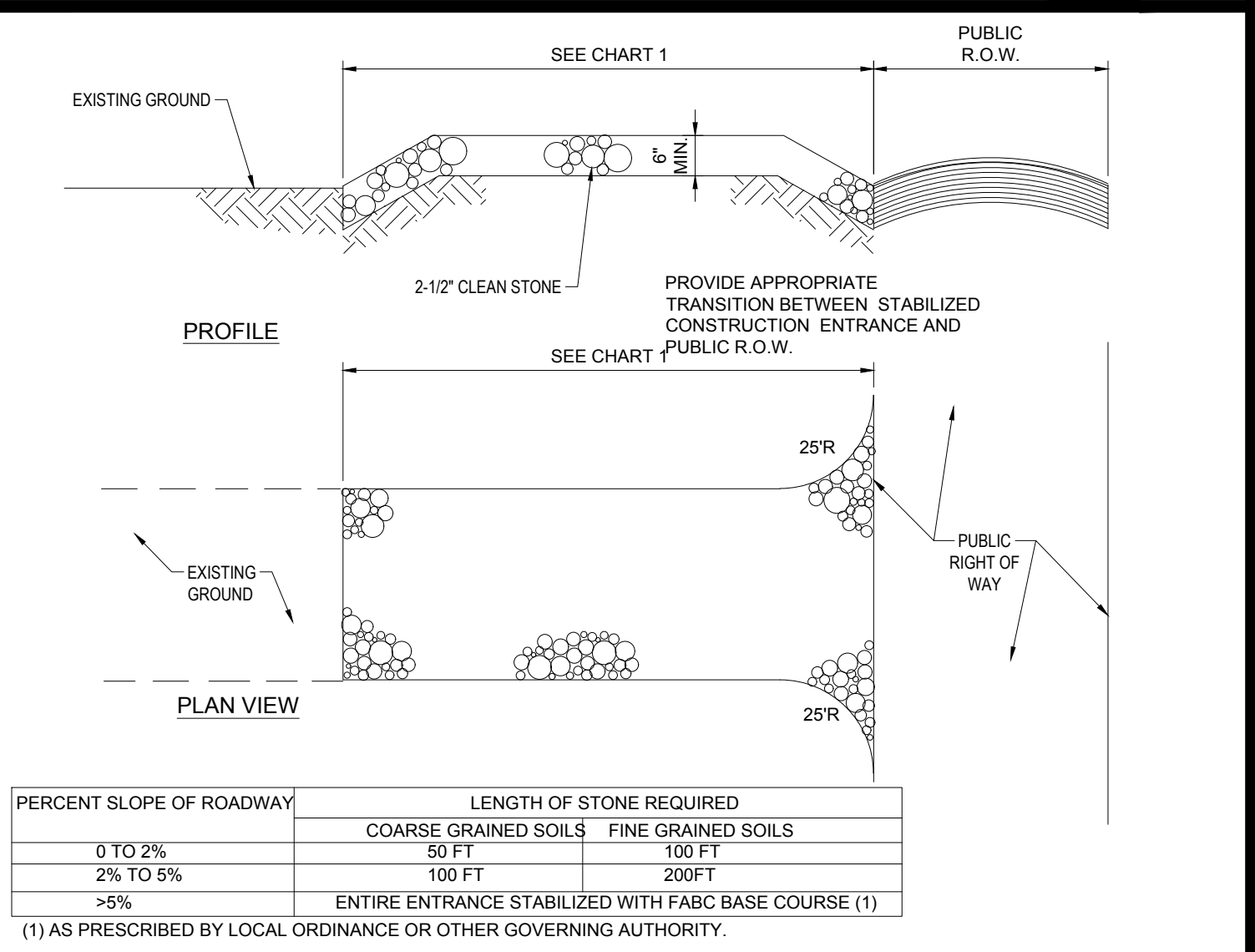
CONCRETE WASHOUT SIGN DETAIL (OR EQUIVALENT)



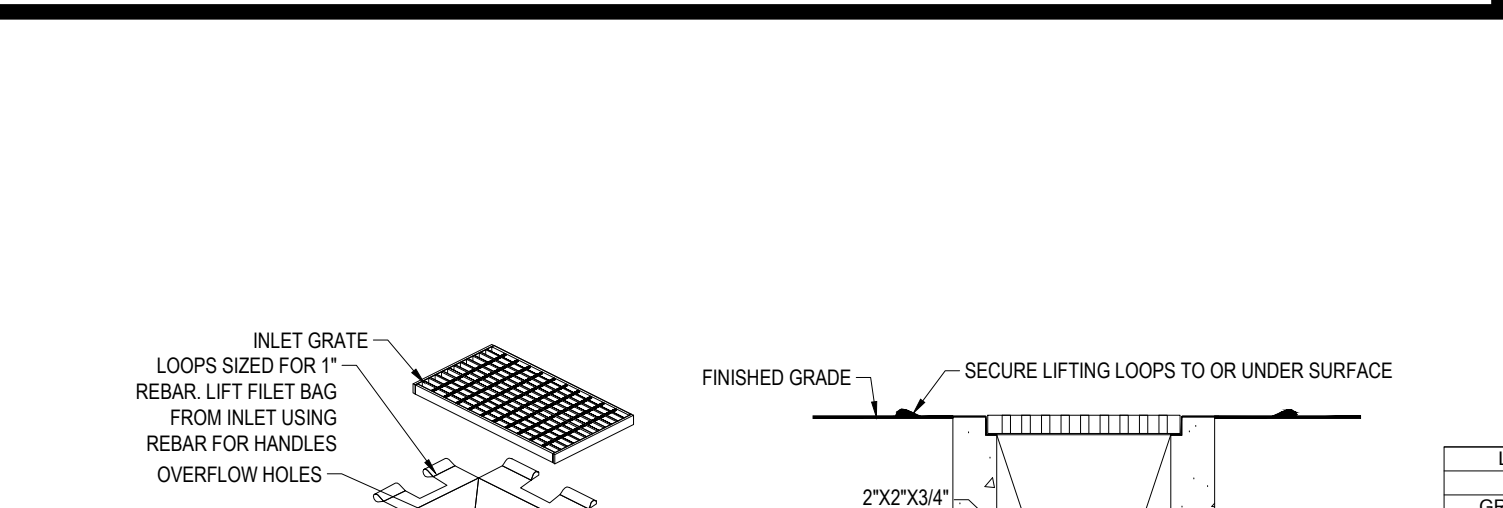
CONCRETE WASTE MANAGEMENT AREA

- THE FOLLOWING CONSTRUCTION SEQUENCE IS RECOMMENDED:
- INSTALLATION OF STABILIZED CONSTRUCTION ENTRANCE/EXIT (AS SHOWN)
 - INSTALLATION OF EROSION CONTROL BARRIER (STRAW BALES AND SILT FENCE) (AS SHOWN)
 - INSTALLATION OF INLET PROTECTION IN STREET (AS SHOWN)
 - DEMOLITION OF EXISTING SITE STRUCTURES (SEE DEMOLITION PLAN)
 - DEMOLITION OF EXISTING SITE PAVEMENT AND AMENITIES (SEE DEMOLITION PLAN)
 - CLEARING AND GRUBBING
 - INSTALLATION OF TEMPORARY SWALES AND SEDIMENT BASINS
 - EARTHWORK AND EXCAVATION/FILLING AS NECESSARY
 - CONSTRUCTION OF UTILITIES
 - STABILIZE PERMANENT LAWN AREAS AND SLOPES WITH TEMPORARY SEEDING
 - INSTALLATION OF INLET PROTECTION OF ON-SITE UTILITIES (AS SHOWN)
 - CONSTRUCTION OF BUILDINGS
 - CONSTRUCTION OF ALL CURBING AND LANDSCAPE ISLANDS AS INDICATED ON THE PLANS
 - SPREAD TOPSOIL ON SLOPED AREAS AND SEED AND MULCH
 - FINAL GRADING OF ALL SLOPED AREAS
 - PLACE 6\"/>
 - REMOVAL OF THE TEMPORARY SEDIMENT BASINS
 - PAVE PARKING LOT
 - LANDSCAPING PER LANDSCAPING PLAN
 - REMOVE EROSION CONTROLS AS DISTURBED AREAS BECOME STABILIZED TO 70% STABILIZATION OR GREATER

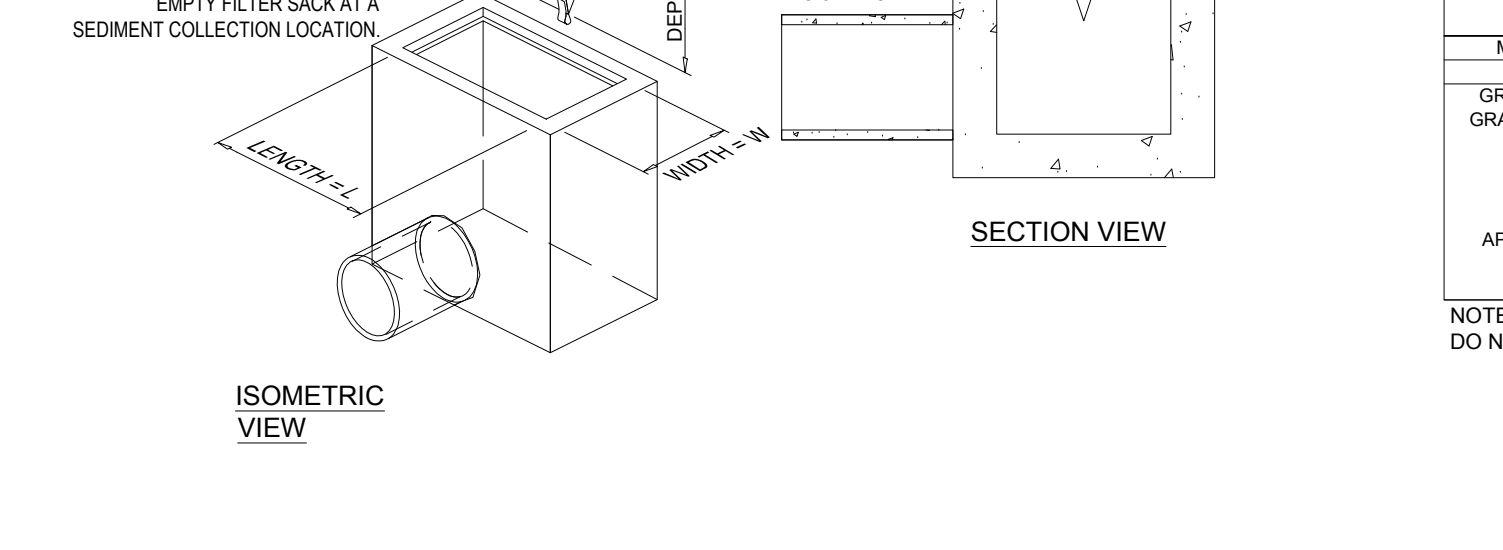
RECOMMENDED CONSTRUCTION SEQUENCE



STABILIZED CONSTRUCTION ENTRANCE



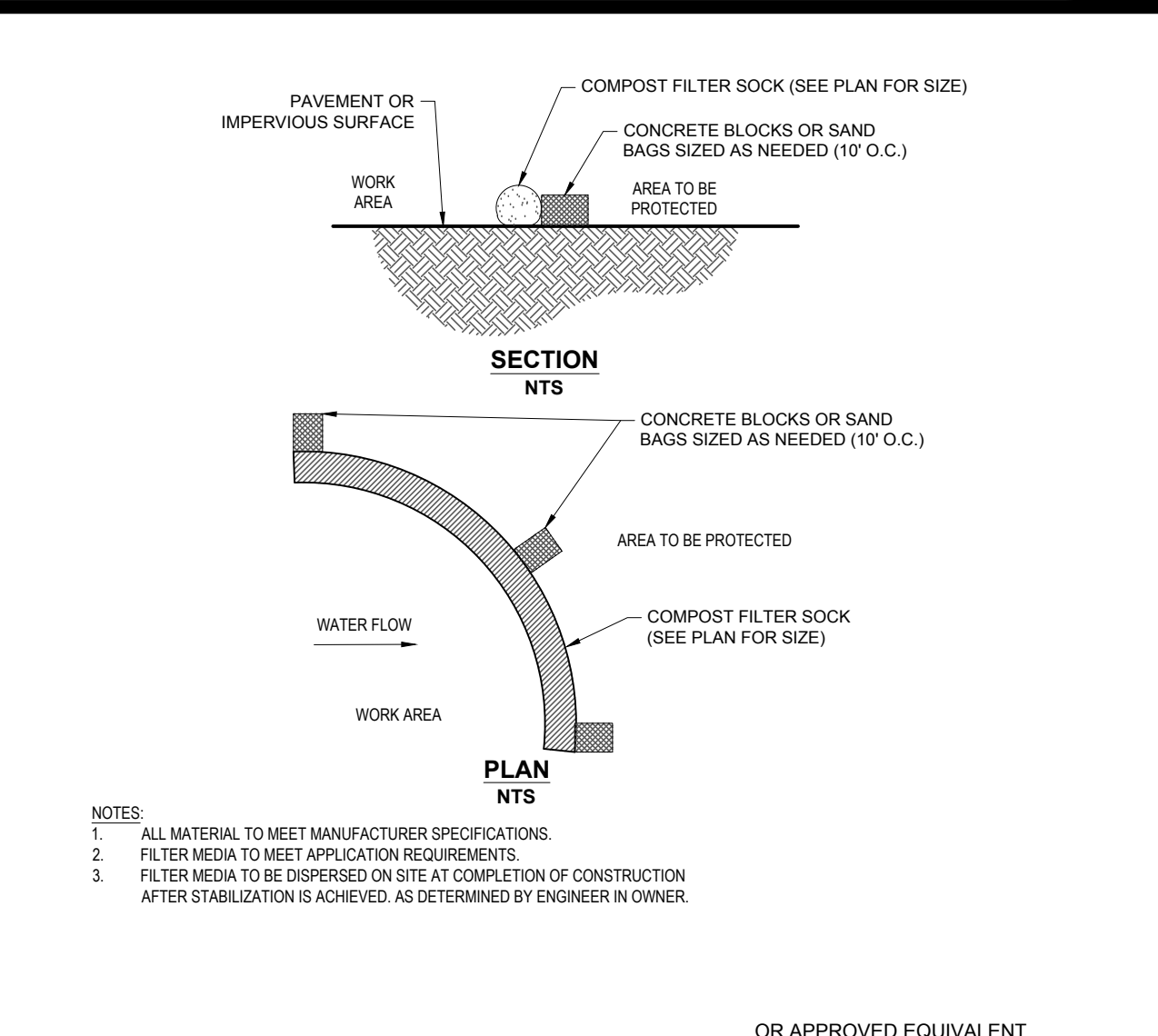
CONCRETE WASHOUT SIGN DETAIL (OR EQUIVALENT)



FILTER SACKS (GRADED INLETS)



COMPOST FILTER SOCK (PAVED CONDITION)



COMPOST FILTER SOCK (PAVED CONDITION)

NOTES:

- ALL MATERIAL TO MEET MANUFACTURER SPECIFICATIONS.
- FILTER MEDIA TO MEET APPLICATION REQUIREMENTS.
- FILTER MEDIA TO BE DISPERSED ON SITE AT COMPLETION OF CONSTRUCTION AFTER STABILIZATION IS ACHIEVED, AS DETERMINED BY ENGINEER OR OWNER.

OR APPROVED EQUIVALENT

PROPERTIES	TEST METHOD	UNITS
GRAB TENSILE STRENGTH	ASTM D-4632	300 LBS
GRAB TENSILE ELONGATION	ASTM D-4632	20%
PUNCTURE	ASTM D-4833	120 LBS
MULLEN BURST	ASTM D-3786	800 PSI
TRAPEZOID TEAR	ASTM D-4533	120 LBS
UV RESISTANCE	ASTM D-4355	80%
APPARENT OPENING SIZE	ASTM D-4751	40 US SIEVE
FLOW RATE	ASTM D-4491	40 GAL/MIN/SQ FT
PERMITTIVITY	ASTM D-4491	0.5 SEC

MODERATE TO HIGH FLOW GEOTEXTILE FABRIC SPECIFICATION TABLE

PROPERTIES	TEST METHOD	UNITS
GRAB TENSILE STRENGTH	ASTM D-4632	265 LBS
GRAB TENSILE ELONGATION	ASTM D-4632	20%
PUNCTURE	ASTM D-4833	135 LBS
MULLEN BURST	ASTM D-3786	420 PSI
TRAPEZOID TEAR	ASTM D-4533	45 LBS
UV RESISTANCE	ASTM D-4355	80%
APPARENT OPENING SIZE	ASTM D-4751	20 US SIEVE
FLOW RATE	ASTM D-4491	200 GAL/MIN/SQ FT
PERMITTIVITY	ASTM D-4491	1.5 SEC

NOTE:
DO NOT USE IN PAVED AREAS WHERE PONDING MAY CAUSE TRAFFIC HAZARDS.

- REMOVE TRAPPED SEDIMENT WHEN BRIGHTLY COLORED EXPANSION RESTRAINT CAN NO LONGER BE SEEN.
- GEOTEXTILE SHALL BE A WOVEN POLYPROPYLENE FABRIC THAT MEETS OR EXCEEDS REQUIREMENTS IN THE SPECIFICATIONS TABLE.
- PLACE AN IOL ADSORBENT PAD OR PILLOW OVER INLET GRATE WHEN OIL SPILLS ARE A CONCERN.
- INSPECT PER REGULATORY REQUIREMENTS.
- THE WIDTH, "W", OF THE FILTER SACK SHALL MATCH THE INSIDE WIDTH OF THE GRATED INLET BOX.
- THE DEPTH, "D", OF THE FILTER SACK SHALL BE BETWEEN 18 INCHES AND 36 INCHES.
- THE LENGTH, "L", OF THE FILTER SACK SHALL MATCH THE INSIDE LENGTH OF THE GRATED INLET BOX.

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TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	DRAWN BY	CHECKED BY
1	2/21/2024	WETLAND DELINEATION	AP	KWC

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PROJECT No.: MAA220369
DRAWN BY: AP
CHECKED BY: KWC
DATE: 11/27/2023
CAD I.D.: MAA220369.00-SPPD-1A

SITE DEVELOPMENT PLANS FOR

PROPOSED DEVELOPMENT

MAP #244, LOT #8
750 LAFAYETTE ROAD
CITY OF PORTSMOUTH
ROCKINGHAM COUNTY,
NEW HAMPSHIRE

BOHLER

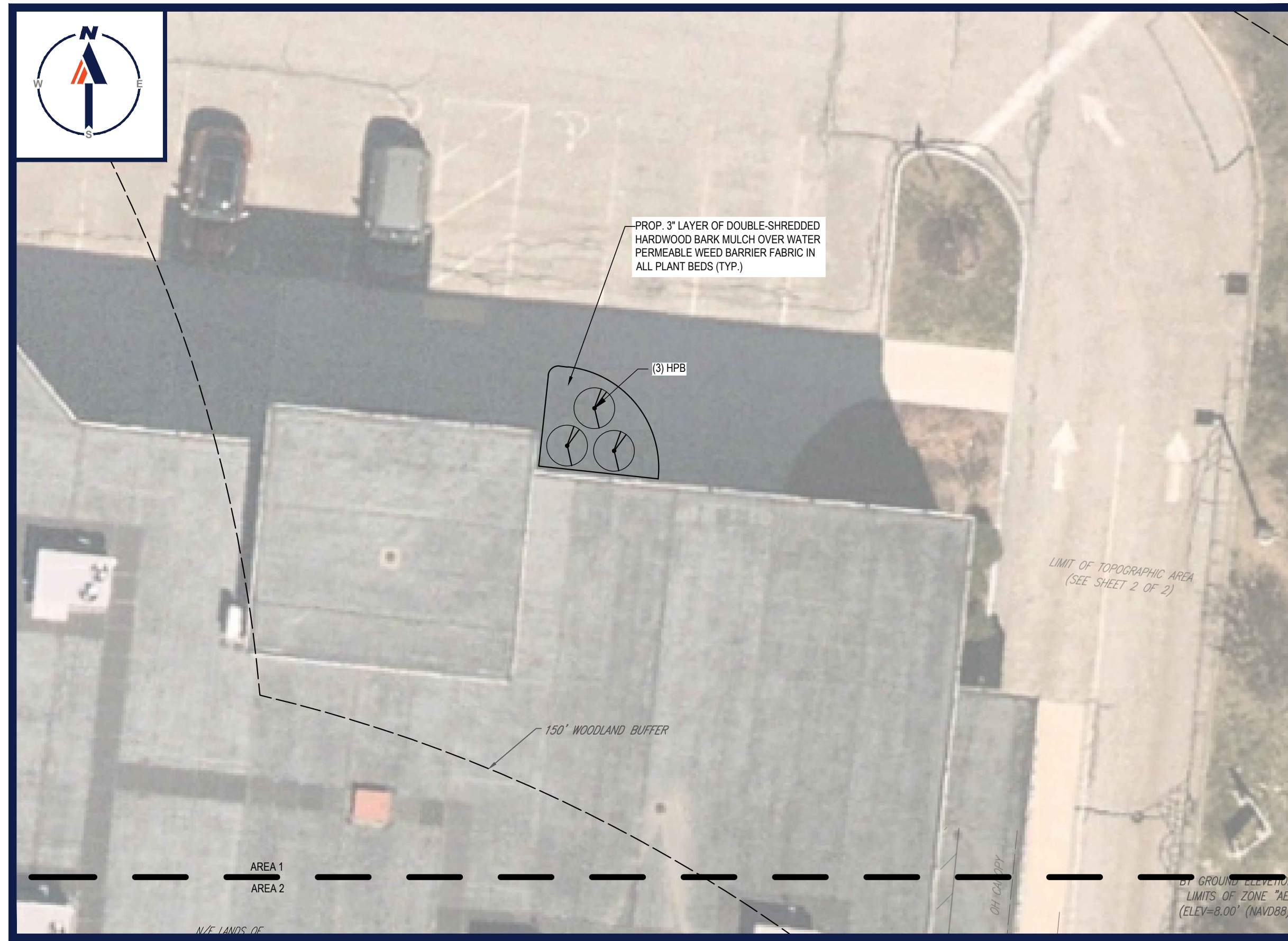
352 TURNPIKE ROAD
SOUTHBOROUGH, MA 01772
Phone: (508) 480-9900
www.BohlerEngineering.com

SHEET TITLE: SOIL EROSION & SEDIMENT CONTROL NOTES & DETAILS

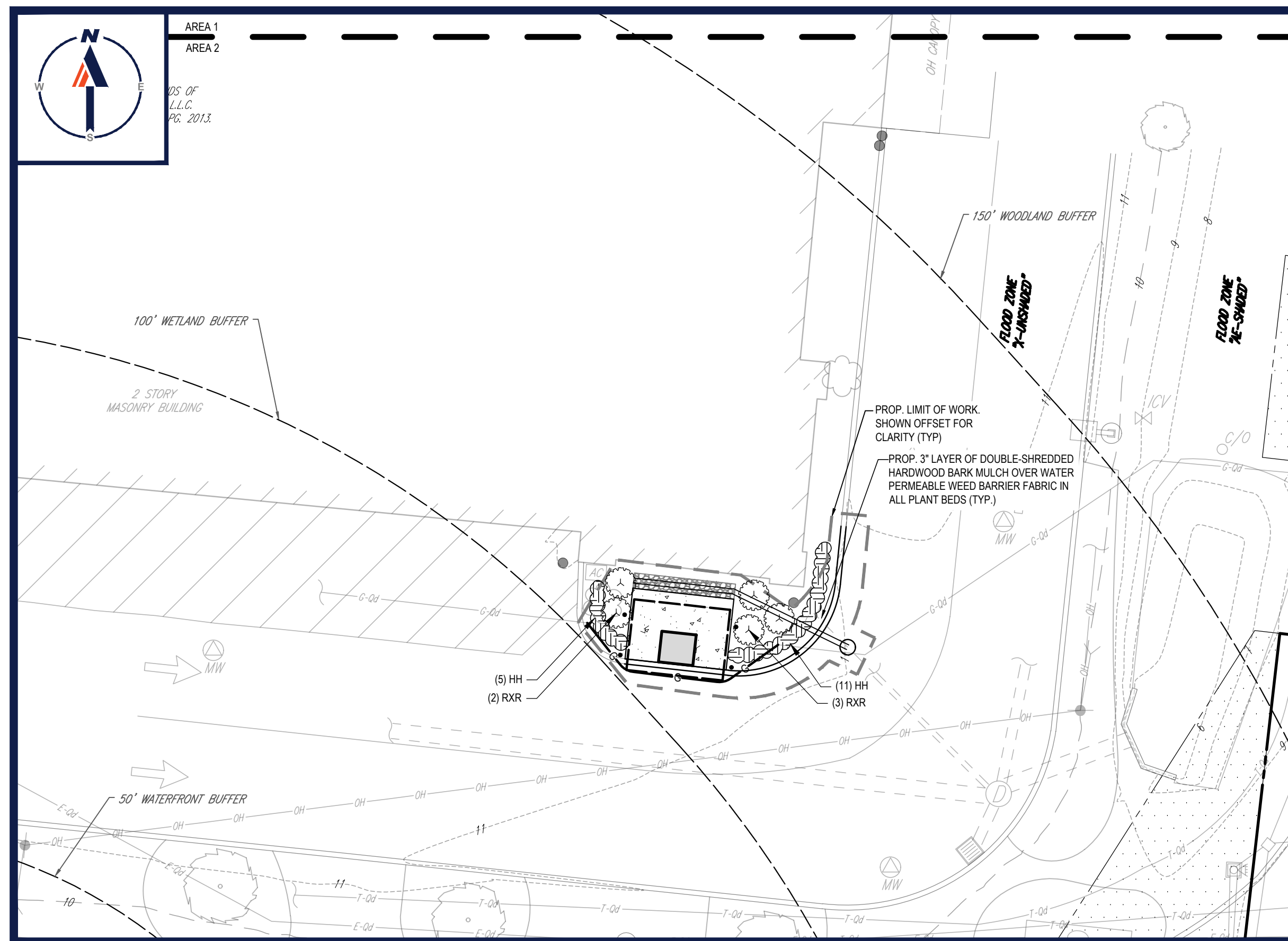
SHEET NUMBER: C-602

REVISION 1 - 2/21/2023

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AREA 1



AREA 2

PLANT SCHEDULE					
CODE	QTY	BOTANICAL NAME	COMMON NAME	SIZE	CONTAINER
SHRUBS					
HPB	3	HYDRANGEA PANICULATA 'LVOBO'	BOBO PANICLE HYDRANGEA	20-24"	CONTAINER
RXR	5	ROSA X 'RADRAZZ'	KNOCK OUT SHRUB ROSE	18-24"	CONTAINER
PERENNIALS					
HH	16	HEMEROCALLIS X HAPPY RETURNS	HAPPY RETURNS DAYLILY	1 GAL.	CONTAINER

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REV	DATE	COMMENT	DRAWN BY / CHECKED BY
1	2/21/2024	WETLAND DELINEATION	AP / KWC

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PROJECT No.: MAA220369
 DRAWN BY: AP
 CHECKED BY: KWC
 DATE: 11/27/2023
 CAD I.D.: MAA230369.00-SPPD-1A

SITE DEVELOPMENT PLANS

FOR

NESGroup

PROPOSED DEVELOPMENT

MAP #244, LOT #8
 750 LAFAYETTE ROAD
 CITY OF PORTSMOUTH
 ROCKINGHAM COUNTY,
 NEW HAMPSHIRE

BOHLER //

3 EXECUTIVE PARK DRIVE, FLOOR 2
 BEDFORD, NH 03110
 Phone: (603) 441-2900

www.BohlerEngineering.com

MATTHEW
 REGISTERED LANDSCAPE ARCHITECT
 109
 NEW HAMPSHIRE

OWNER MAINTENANCE RESPONSIBILITIES

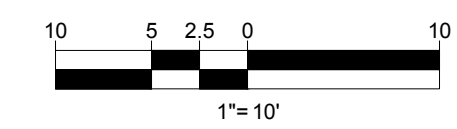
UPON OWNER'S (OR OWNER CONTRACTOR'S) COMPLETION OF LANDSCAPING WORK, THE OWNER IS FULLY RESPONSIBLE FOR ALL FUTURE MAINTENANCE, CARE, UPKEEP, WATERING, AND TRIMMING OF ALL INSTALLED VEGETATION, PLANTS, TREE, BUSHES, SHRUBS, GRASSES, GRASS, ORNAMENTAL PLANTS AND FLOWERS, FLOWERS, FLOWERS, GROUND COVER, AND LANDSCAPING, INCLUDING ALL LANDSCAPE ISLANDS AND AREAS ADJACENT OR PART OF THE LANDSCAPED AREAS. THIS RESPONSIBILITY INCLUDES, BUT IS NOT LIMITED TO, THE FOLLOWING:

- TREES ADJACENT TO WALKWAYS AND AREAS OF PEDESTRIAN TRAFFIC MUST BE MAINTAINED TO ASSURE THAT ANY BRANCHES MUST BE LIMBED UP TO A CLEARANCE HEIGHT OF 7 FT. (FROM ALL PEDESTRIAN SURFACES) OR PRUNED BACK TO AVOID ANY INTERFERENCE WITH THE TYPICAL PATH OF TRAVEL.
- TREES WITHIN VEHICULAR SIGHT LINES, AS ILLUSTRATED ON THE LANDSCAPE PLAN, ARE TO BE TRIMMED TO A CLEARANCE HEIGHT OF 7 FT. (FROM ALL PAVED, TRAVELED SURFACES), OR AS OTHERWISE INDICATED ON THE PLANS.
- VEGETATIVE GROUND COVER, SHRUBS AND ORNAMENTAL PLANTS AND GRASSES MUST BE TRIMMED SO THAT NO PORTION OF THE PLANT EXCEEDS 30 INCHES ABOVE GRADE (OF ALL PAVED, TRAVELED SURFACES) ALONG AND WITHIN THE SIGHT LINES OF PARKING LOTS AND INGRESS-EGRESS WAYS.
- FALLEN PLANT FLOWERS, FRUIT, SEEDS AND DEBRIS DROPPINGS ARE TO BE REMOVED IMMEDIATELY FROM VEHICULAR AND PEDESTRIAN TRAFFIC AREAS TO PREVENT TRIPPING, SLIPPING OR ANY OTHER HAZARDS.

THESE REQUIREMENTS DO NOT AFFECT THE PLANT LIFE GUARANTEES THE LANDSCAPE CONTRACTOR IS REQUIRED TO PROVIDE.

THIS PLAN TO BE UTILIZED FOR LANDSCAPE PURPOSES ONLY

REFER LANDSCAPE NOTES & DETAILS SHEET FOR LANDSCAPE NOTES AND DETAILS



SHEET TITLE:
LANDSCAPE PLAN

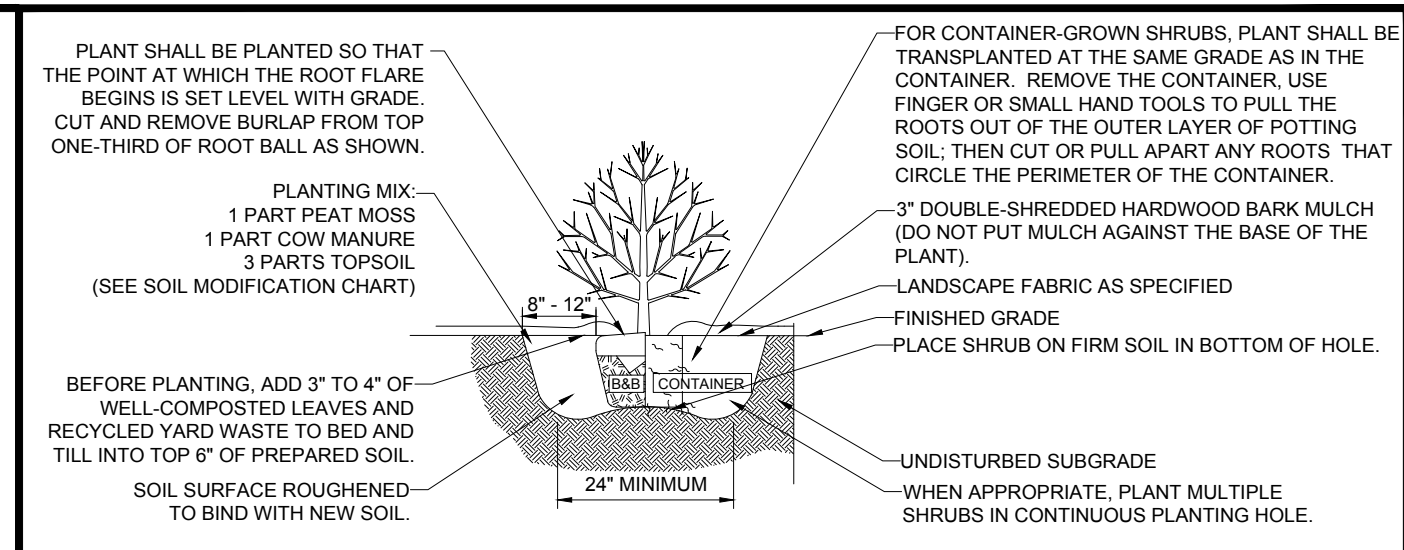
SHEET NUMBER:
C-701

REVISION 1 - 2/21/2023

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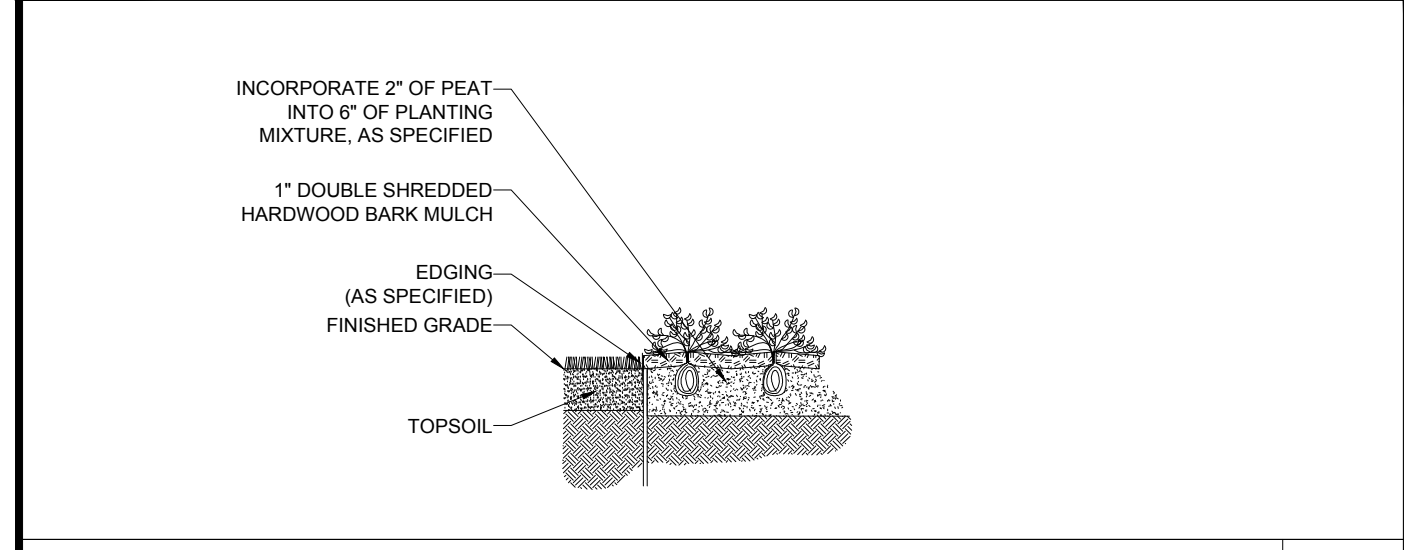
LANDSCAPE SPECIFICATIONS

- SCOPE OF WORK
 - THE LANDSCAPE CONTRACTOR SHALL BE REQUIRED TO PERFORM ALL CLEARING, FINISHED GRADING, SOIL PREPARATION, PERMANENT SEEDING OR SOEDING, PLANTING AND MULCHING INCLUDING ALL LABOR, MATERIALS, TOOLS AND EQUIPMENT NECESSARY FOR THE COMPLETION OF THIS PROJECT, UNLESS OTHERWISE CONTRACTED BY THE GENERAL CONTRACTOR.
- MATERIALS
 - GENERAL - ALL HARDSCAPE MATERIALS SHALL MEET OR EXCEED SPECIFICATIONS AS OUTLINED IN THE STATE DEPARTMENT OF TRANSPORTATION'S SPECIFICATIONS.
 - TOPSOIL - NATURAL, FRABLE, LOAMY SILT SOIL HAVING AN ORGANIC CONTENT NOT LESS THAN 5%, A PH RANGE BETWEEN 4.5-7.0, IT SHALL BE FREE OF DEBRIS, ROCKS LARGER THAN ONE INCH (1"), WOOD, ROOTS, VEGETABLE MATTER AND CLAY CLOUDS.
 - LAWN - ALL DISTURBED AREAS ARE TO BE TREATED WITH A MINIMUM 6" THICK LAYER OF TOPSOIL, OR AS DIRECTED BY THE LOCAL ORDINANCE OR CLIENT, AND SEEDED OR SODED IN ACCORDANCE WITH THE PERMANENT STABILIZATION METHODS INDICATED ON THE LANDSCAPE PLAN
 - LAWN SEED MIXTURE SHALL BE FRESH, CLEAN NEW CROP SEED.
 - SOD SHALL BE STRONGLY ROOTED, WEED AND DISEASE/PEST FREE WITH A UNIFORM THICKNESS. SOD INSTALLED ON SLOPES GREATER THAN 4:1 SHALL BE PEGGED TO HOLD SOD IN PLACE.
 - MULCH - ALL PLANTING BEDS SHALL BE MULCHED WITH A 3" THICK LAYER OF DOUBLE SHREDDED HARDWOOD BARK MULCH, UNLESS OTHERWISE STATED ON THE LANDSCAPE PLAN AND/OR LANDSCAPE PLAN NOTES/DETAILS.
 - FERTILIZER
 - FERTILIZER SHALL BE DELIVERED TO THE SITE MIXED AS SPECIFIED IN THE ORIGINAL UNOPENED STANDARD BAGS SHOWING WEIGHT, ANALYSIS AND NAME OF MANUFACTURER. FERTILIZER SHALL BE STORED IN A WEATHER-PROOF PLACE SO THAT IT CAN BE KEPT DRY PRIOR TO USE.
 - FOR THE PURPOSE OF BIDDING, ASSUME THAT FERTILIZER SHALL BE 10% NITROGEN, 6% PHOSPHORUS AND 4% POTASSIUM BY WEIGHT. A FERTILIZER SHOULD NOT BE SELECTED WITHOUT A SOIL TEST PERFORMED BY A CERTIFIED SOIL LABORATORY.
 - PLANT MATERIAL
 - ALL PLANTS SHALL IN ALL CASES CONFORM TO THE REQUIREMENTS OF THE "AMERICAN STANDARD FOR NURSERY STOCK" (ANSI Z60.1), LATEST EDITION, AS PUBLISHED BY THE AMERICAN NURSERY & LANDSCAPE ASSOCIATION (FORMERLY THE AMERICAN ASSOCIATION OF NURSERYMEN).
 - IN ALL CASES, BOTANICAL NAMES SHALL TAKE PRECEDENCE OVER COMMON NAMES FOR ANY AND ALL PLANT MATERIAL.
 - PLANTS SHALL BE LEGIBLY TAGGED WITH THE PROPER NAME AND SIZE. TAGS ARE TO REMAIN ON AT LEAST ONE PLANT OF EACH SPECIES FOR VERIFICATION PURPOSES DURING THE FINAL INSPECTION.
 - TREES WITH ABRASION OF THE BARK, SUN SCALDS, DISFIGURATION OR FRESH CUTS OF LIMBS OVER 1/2", WHICH HAVE NOT BEEN COMPLETELY CALLED, SHALL BE REJECTED. PLANTS SHALL NOT BE BOUND WITH WIRE OR ROPE AT ANY TIME SO AS TO DAMAGE THE BARK OR BREAK BRANCHES.
 - ALL PLANTS SHALL BE TYPICAL OF THEIR SPECIES OR VARIETY AND SHALL HAVE A NORMAL HABIT OF GROWTH; WELL DEVELOPED BRANCHES, DENSELY FOLIATED, VIGOROUS ROOT SYSTEMS AND BE FREE OF DISEASE, INSECTS, PESTS, EGGS OR LARVAE.
 - CALIPER MEASUREMENTS OF NURSERY GROWN TREES SHALL BE TAKEN AT A POINT ON THE TRUNK SIX INCHES (6") ABOVE THE NATURAL GRADE FOR TREES UP TO AND INCLUDING A FOUR INCH (4") CALIPER SIZE. IF THE CALIPER AT SIX INCHES (6") ABOVE THE GROUND EXCEEDS FOUR INCHES (4") IN CALIPER, THE CALIPER SHOULD BE MEASURED AT A POINT 12" ABOVE THE NATURAL GRADE.
 - SHRUBS SHALL BE MEASURED TO THE AVERAGE HEIGHT OR SPREAD OF THE SHRUB, AND NOT TO THE LONGEST BRANCH.
 - TREES AND SHRUBS SHALL BE HANDLED WITH CARE BY THE ROOT BALL.
- GENERAL WORK PROCEDURES
 - CONTRACTOR TO UTILIZE WORKMANLIKE INDUSTRY STANDARDS IN PERFORMING ALL LANDSCAPE CONSTRUCTION. THE SITE IS TO BE LEFT IN A CLEAN STATE AT THE END OF EACH WORKDAY. ALL DEBRIS, MATERIALS AND TOOLS SHALL BE PROPERLY STORED, STOCKPILED OR DISPOSED OF.
 - WASTE MATERIALS AND DEBRIS SHALL BE COMPLETELY DISPOSED OF AT THE CONTRACTOR'S EXPENSE. DEBRIS SHALL NOT BE BURIED, INCLUDING ORGANIC MATERIALS, BUT SHALL BE REMOVED COMPLETELY FROM THE SITE.
- SITE PREPARATIONS
 - BEFORE AND DURING PRELIMINARY GRADING AND FINISHED GRADING, ALL WEEDS AND GRASSES SHALL BE DUG OUT BY THE ROOTS AND DISPOSED OF IN ACCORDANCE WITH GENERAL WORK PROCEDURES OUTLINED HEREIN.
 - ALL EXISTING TREES TO REMAIN SHALL BE PRUNED TO REMOVE ANY DAMAGED BRANCHES. THE ENTIRE LIMB OF ANY DAMAGED BRANCH SHALL BE CUT OFF AT THE BRANCH COLLAR. CONTRACTOR SHALL ENSURE THAT CUTS ARE SMOOTH AND STRAIGHT. ANY EXPOSED ROOTS SHALL BE CUT BACK WITH CLEAN, SHARP TOOLS AND TOPSOIL SHALL BE PLACED AROUND THE REMAINDER OF THE ROOTS. EXISTING TREES SHALL BE MONITORED ON A REGULAR BASIS FOR ADDITIONAL ROOT OR BRANCH DAMAGE AS A RESULT OF CONSTRUCTION. ROOTS SHALL NOT BE LEFT EXPOSED FOR MORE THAN ONE (1) DAY. CONTRACTOR SHALL WATER EXISTING TREES AS NEEDED TO PREVENT SHOCK OR DECLINE.
 - CONTRACTOR SHALL ARRANGE TO HAVE A UTILITY STAKE-OUT TO LOCATE ALL UNDERGROUND UTILITIES PRIOR TO INSTALLATION OF ANY LANDSCAPE MATERIAL. UTILITY COMPANIES SHALL BE CONTACTED THREE (3) DAYS PRIOR TO THE BEGINNING OF WORK.
- TREE PROTECTION
 - CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING TREES TO REMAIN. A TREE PROTECTION ZONE SHALL BE ESTABLISHED AT THE DRIP LINE OR AT THE LIMIT OF CONSTRUCTION DISTURBANCE, WHICHEVER IS GREATER. LOCAL STANDARDS THAT MAY REQUIRE A MORE STRICT TREE PROTECTION ZONE SHALL BE HONORED.
 - A FORTY-EIGHT INCH (48") HIGH WOODEN SNOW FENCE OR ORANGE COLORED HIGH-DENSITY "VISI-FENCE" OR APPROVED EQUAL, MOUNTED ON STEEL POSTS SHALL BE PLACED ALONG THE BOUNDARY OF THE TREE PROTECTION ZONE. POSTS SHALL BE LOCATED AT A MAXIMUM OF EIGHT FEET (8') ON CENTER OR AS INDICATED WITHIN THE TREE PROTECTION DETAIL.
 - WHEN THE TREE PROTECTION FENCING HAS BEEN INSTALLED, IT SHALL BE INSPECTED BY THE APPROVING AGENCY PRIOR TO DEMOLITION, GRADING, TREE CLEARING OR ANY OTHER CONSTRUCTION. THE FENCING ALONG THE TREE PROTECTION ZONE SHALL BE REGULARLY INSPECTED BY THE LANDSCAPE CONTRACTOR AND MAINTAINED UNTIL ALL CONSTRUCTION ACTIVITY HAS BEEN COMPLETED.
 - AT NO TIME SHALL MACHINERY, DEBRIS, FALLEN TREES OR OTHER MATERIALS BE PLACED, STOCKPILED OR LEFT STANDING IN THE TREE PROTECTION ZONE.
- SOIL MODIFICATIONS
 - CONTRACTOR SHALL ATTAIN A SOIL TEST FOR ALL AREAS OF THE SITE PRIOR TO CONDUCTING ANY PLANTING. SOIL TESTS SHALL BE PERFORMED BY A CERTIFIED SOIL LABORATORY.
 - LANDSCAPE CONTRACTOR SHALL REPORT ANY SOIL OR DRAINAGE CONDITIONS CONSIDERED DETRIMENTAL TO THE GROWTH OF PLANT MATERIAL. SOIL MODIFICATIONS, AS SPECIFIED HEREIN, MAY NEED TO BE CONDUCTED BY THE LANDSCAPE CONTRACTOR DEPENDING ON SITE CONDITIONS.
 - THE FOLLOWING AMENDMENTS AND QUANTITIES ARE APPROXIMATE AND ARE FOR BIDDING PURPOSES ONLY. COMPOSITION OF AMENDMENTS SHOULD BE REVISED DEPENDING ON THE OUTCOME OF A TOPSOIL ANALYSIS PERFORMED BY A CERTIFIED SOIL LABORATORY.
 - TO INCREASE A SANDY SOIL'S ABILITY TO RETAIN WATER AND NUTRIENTS, THOROUGHLY TILL ORGANIC MATTER INTO THE TOP 6-12". USE COMPOSTED BARK, COMPOSTED LEAF MULCH OR PEAT MOSS. ALL PRODUCTS SHOULD BE COMPOSTED TO A DARK COLOR AND BE FREE OF PIECES WITH IDENTIFIABLE LEAF OR WOOD STRUCTURE. AVOID MATERIAL WITH A PH HIGHER THAN 7.5.
 - TO INCREASE DRAINAGE, MODIFY HEAVY CLAY OR SILT (MORE THAN 40% CLAY OR SILT) BY ADDING COMPOSTED PINE BARK (UP TO 30% BY VOLUME) AND/OR AGRICULTURAL GYPSUM. COARSE SAND MAY BE USED IF ENOUGH IS ADDED TO BRING THE SAND CONTENT TO MORE THAN 60% OF THE TOTAL MIX. SUBSURFACE DRAINAGE LINES MAY NEED TO BE ADDED TO INCREASE DRAINAGE.
 - MODIFY EXTREMELY SANDY SOILS (MORE THAN 85%) BY ADDING ORGANIC MATTER AND/OR DRY, SHREDDED CLAY LOAM UP TO 30% OF THE TOTAL MIX.
- FINISHED GRADING
 - UNLESS OTHERWISE CONTRACTED, THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR THE INSTALLATION OF TOPSOIL AND THE ESTABLISHMENT OF FINE-GRADING WITHIN THE DISTURBANCE AREA OF THE SITE.
 - LANDSCAPE CONTRACTOR SHALL VERIFY THAT SUBGRADE FOR INSTALLATION OF TOPSOIL HAS BEEN ESTABLISHED. THE SUBGRADE OF THE SITE MUST MEET THE FINISHED GRADE LESS THE REQUIRED TOPSOIL THICKNESS (1").
 - ALL LAWN AND PLANTING AREAS SHALL BE GRADED TO A SMOOTH, EVEN AND UNIFORM PLANE WITH NO ABRUPT CHANGE OF SURFACE AS DEPICTED WITHIN THIS SET OF CONSTRUCTION PLANS, UNLESS OTHERWISE DIRECTED BY THE PROJECT ENGINEER OR LANDSCAPE ARCHITECT.
 - ALL PLANTING AREAS SHALL BE GRADED AND MAINTAINED TO ALLOW FREE FLOW OF SURFACE WATER IN AND AROUND THE PLANTING BEDS. STANDING WATER SHALL NOT BE PERMITTED IN PLANTING BEDS.
- TOPSOILING
 - CONTRACTOR SHALL PROVIDE A 6" THICK MINIMUM LAYER OF TOPSOIL, OR AS DIRECTED BY THE LOCAL ORDINANCE OR CLIENT, IN ALL PLANTING AREAS. TOPSOIL SHOULD BE SPREAD OVER A PREPARED SURFACE IN A UNIFORM LAYER TO ACHIEVE THE DESIRED COMPACTED THICKNESS.
 - ON-SITE TOPSOIL MAY BE USED TO SUPPLEMENT THE TOTAL AMOUNT REQUIRED. TOPSOIL FROM THE SITE MAY BE REJECTED IF IT HAS NOT BEEN PROPERLY REMOVED, STORED AND PROTECTED PRIOR TO CONSTRUCTION.
 - CONTRACTOR SHALL FURNISH TO THE APPROVING AGENCY AN ANALYSIS OF BOTH IMPORTED AND ON-SITE TOPSOIL TO BE UTILIZED IN ALL PLANTING AREAS. THE PH AND NUTRIENT LEVELS MAY NEED TO BE ADJUSTED THROUGH SOIL MODIFICATIONS AS NEEDED TO ACHIEVE THE REQUIRED LEVELS AS SPECIFIED IN THE MATERIALS SECTION ABOVE.
 - ALL LAWN AREAS ARE TO BE CULTIVATED TO A DEPTH OF SIX INCHES (6"). ALL DEBRIS EXPOSED FROM EXCAVATION AND CULTIVATION SHALL BE DISPOSED OF IN ACCORDANCE WITH GENERAL WORK PROCEDURES SECTION ABOVE. THE FOLLOWING SHALL BE TILLED INTO THE TOP FOUR INCHES (4") IN TWO DIRECTIONS (QUANTITIES BASED ON A 1,000 SQUARE FOOT AREA - FOR BID PURPOSES ONLY) (SEE SPECIFICATION 6.A.1):
 - 20 POUNDS "GRO-POWER" OR APPROVED SOIL CONDITIONER/FERTILIZER
 - 20 POUNDS NITRO-FORM (COURSE) 38-0-0 BLUE CHIP OR APPROVED NITROGEN FERTILIZER
 - THE SPREADING OF TOPSOIL SHALL NOT BE CONDUCTED UNDER MUDDY OR FROZEN CONDITIONS.
- PLANTING
 - INSOFAR THAT IT IS FEASIBLE, PLANT MATERIAL SHALL BE PLANTED ON THE DAY OF DELIVERY. IN THE EVENT THAT THIS IS NOT POSSIBLE, LANDSCAPE CONTRACTOR SHALL PROTECT UNINSTALLED PLANT MATERIAL. PLANTS SHALL NOT REMAIN UNPLANTED FOR LONGER THAN A THREE DAY PERIOD AFTER DELIVERY. PLANTS THAT WILL NOT BE PLANTED FOR A PERIOD OF TIME GREATER THAN THREE DAYS SHALL BE HEALED IN WITH TOPSOIL OR MULCH TO HELP PRESERVE ROOT MOISTURE.
 - PLANTING OPERATIONS SHALL BE PERFORMED DURING PERIODS WITHIN THE PLANTING SEASON WHEN WEATHER AND SOIL CONDITIONS ARE SUITABLE AND IN ACCORDANCE WITH ACCEPTED LOCAL PRACTICE. PLANTS SHALL NOT BE INSTALLED IN TOPSOIL THAT IS IN A MUDDY OR FROZEN CONDITION.



SHRUB PLANTING DETAIL

N.T.S.



GROUNDCOVER PLANTING

N.T.S.

P:\2023\MAA230369\0\CADD\DRAWINGS\PLAN SET\CIVIL SITE PLANS\MAA230369-00-SPPD-FA-LAYOUT-C-702.LOT02

BOHLER
 THE SITE CIVIL AND CONSULTING ENGINEERING
 LAND SURVEYING
 PROGRAM MANAGEMENT
 LANDSCAPE ARCHITECTURE
 SUSTAINABLE DESIGN
 PERMITTING SERVICES
 TRANSPORTATION SERVICES

REVISIONS

REV	DATE	COMMENT	DRAWN BY	CHECKED BY
1	2/21/2024	WETLAND DELINEATION	AP	KWC

811
 Know what's below.
 Call before you dig.
 ALWAYS CALL 811
 It's fast. It's free. It's the law.

ISSUED FOR PERMIT

THIS DRAWING IS INTENDED FOR MUNICIPAL AND/OR AGENCY REVIEW AND APPROVAL. IT IS NOT INTENDED AS A CONSTRUCTION DOCUMENT UNLESS INDICATED OTHERWISE.

PROJECT No.: MAA220369
 DRAWN BY: AP
 CHECKED BY: KWC
 DATE: 11/27/2023
 CAD I.D.: MAA230369.00-SPPD-1A

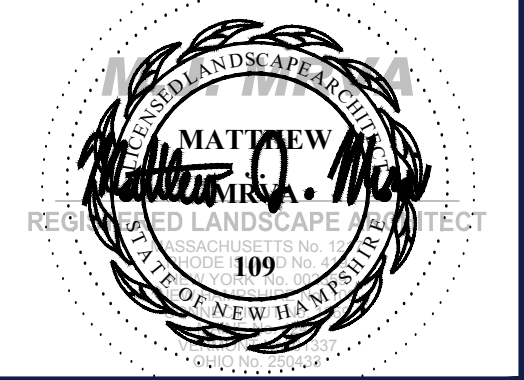
SITE DEVELOPMENT PLANS

FOR

NESGroup

PROPOSED DEVELOPMENT
 MAP #244, LOT #8
 750 LAFAYETTE ROAD
 CITY OF PORTSMOUTH
 ROCKINGHAM COUNTY,
 NEW HAMPSHIRE

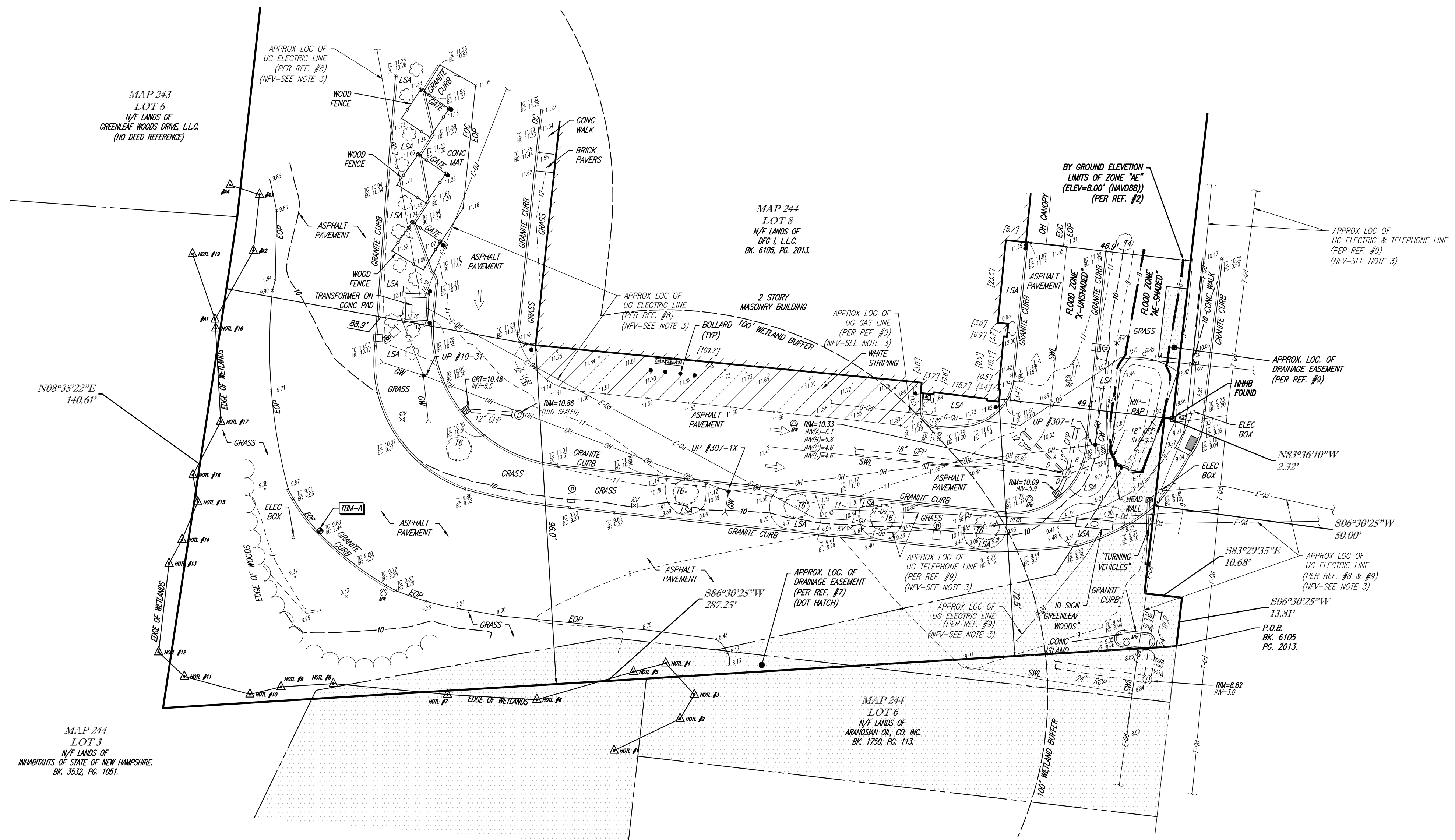
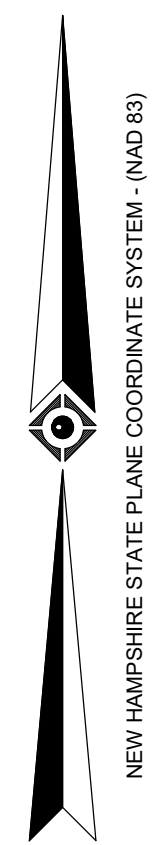
BOHLER
 3 EXECUTIVE PARK DRIVE, FLOOR 2
 BEDFORD, NH 03110
 Phone: (603) 441-2900
 www.BohlerEngineering.com



SHEET TITLE:
LANDSCAPE NOTES & DETAILS

SHEET NUMBER:
C-702

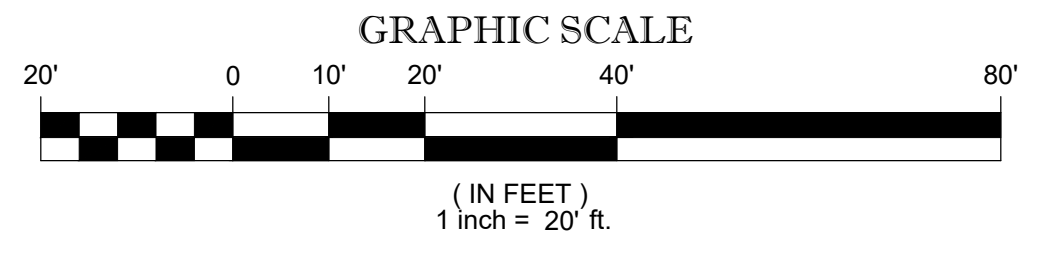
REVISION 1 - 2/21/2023



LEGEND

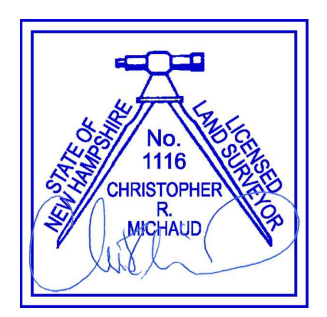
---	EXISTING CONTOUR
---	EXISTING SPOT ELEVATION
×	EXISTING TOP OF CURB ELEVATION
×	EXISTING TOP OF CURB ELEVATION
×	EXISTING TOP OF CURB ELEVATION
○	GAS VALVE
○	WATER VALVE
○	GAS METER
---	OVERHEAD WIRES
---	APPROX. LOC. UNDERGROUND GAS LINE
---	APPROX. LOC. UNDERGROUND ELECTRIC LINE
---	APPROX. LOC. UNDERGROUND DRAINAGE LINE
---	APPROX. LOC. UNDERGROUND TELEPHONE LINE
○	UTILITY POLE
---	GUY WIRE
□	AREA LIGHT
---	TRAFFIC SIGNAL POLE
---	TRAFFIC SIGNAL
○	MONITORING WELL
○	CLEAN OUT
---	SIGN
●	BOLLARD
○	SHRUBS
---	PAINTED ARROWS
---	LANDSCAPED AREA
---	UNDER GROUND
(TYP)	TYPICAL
DC	DEPRESSED CURB
EOC	EDGE OF CONCRETE
EOP	EDGE OF PAVEMENT
DMH	DRAINAGE/STORM MANHOLE
CB	CATCH BASIN OR INLET
NH&H	NEW HAMPSHIRE HIGHWAY BOUND
CPP	CORRUGATED PLASTIC PIPE
EL	ELEVATION
GRT	GRATE ELEVATION
SWL	SOLID WHITE LINE
[3.0']	BUILDING DIMENSION
UTO	UNABLE TO OPEN
1.0'	OFFSET OF STRUCTURE AT GROUND LEVEL RELATIVE TO PROPERTY LINE
-0.0'	SUBSURFACE UTILITY QUALITY LEVEL D
(S)	SURVEY DIMENSION
(D)	DEED DIMENSION

SEE SHEET 1 OF 2 FOR NOTES AND REFERENCES



THIS SURVEY HAS BEEN PERFORMED IN THE FIELD UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE, BELIEF AND INFORMATION, THIS SURVEY HAS BEEN PERFORMED IN ACCORDANCE WITH CURRENTLY ACCEPTED ACCURACY STANDARDS.

NOT A VALID ORIGINAL DOCUMENT UNLESS EMBOSSED WITH RAISED IMPRESSION OR STAMPED WITH A BLUE INK SEAL



1-10-2024
DATE

CHRISTOPHER R. MICHAUD, PLS
NEW HAMPSHIRE PROFESSIONAL LAND SURVEYOR #1116

1	REVISED TO SHOW WETLANDS	S.C.	R.J.K.	C.R.M.	1-10-2024
No.	DESCRIPTION OF REVISION	FIELD CREW	DRAWN	APPROVED	DATE

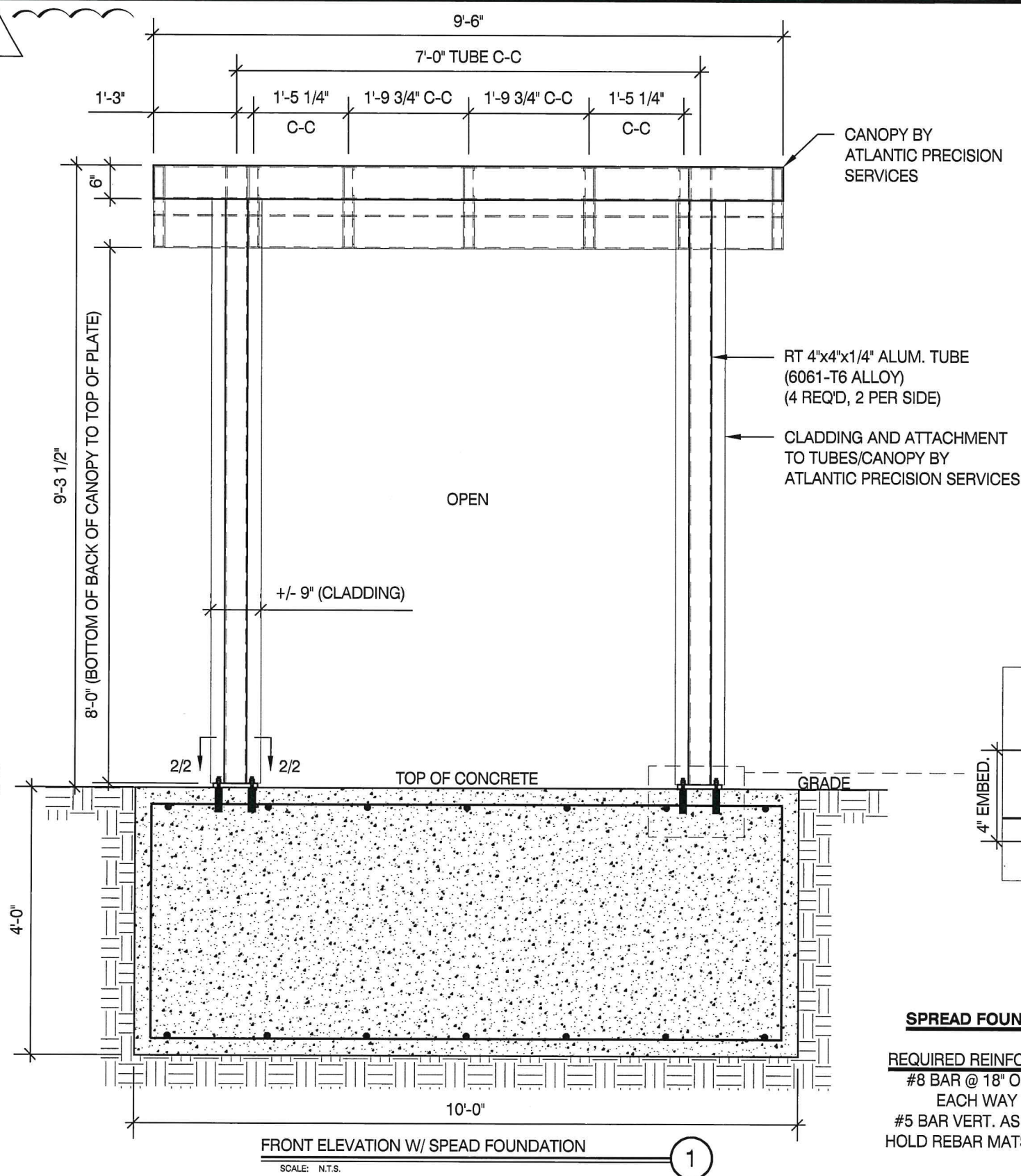
FIELD DATE	09-28-2023	BOUNDARY & TOPOGRAPHIC & UTILITY SURVEY DFG I, L.L.C. 750 LAFAYETTE ROAD MAP 244, LOT 8 CITY OF PORTSMOUTH, ROCKINGHAM COUNTY STATE OF NEW HAMPSHIRE
FIELD BOOK NO.	-	
FIELD BOOK PG.	134 & 135	
FIELD CREW	S.M.C.	CONTROL POINT ASSOCIATES, INC. 352 TURNPIKE ROAD SOUTHBOROUGH, MA 01772 508.948.3000 • 508.948.3003 FAX
DRAWN	R.A.B.	

REVIEWED:	APPROVED:	DATE	SCALE	FILE NO.	DWG. NO.
R.J.K.	C.R.M.	11-9-2023	1"=20'	03-230460-00	2 OF 2

CONTROL POINT ASSOCIATES, INC. - ALL RIGHTS RESERVED. NO PART OF THIS SURVEY OR THE INFORMATION CONTAINED HEREIN IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CONTROL POINT ASSOCIATES, INC. OR PROHIBITED.

GROUND SIGN DESIGN SPECIFICATIONS:

1. REFER TO SIGN COMPANY'S DRAWINGS FOR MORE DETAILS. ALL DESIGNS, DETAILING FABRICATION AND CONSTRUCTION SHALL CONFORM TO:
2015 IBC
ACI
AISC
AMERICAN WELDING SOCIETY
LOCAL BUILDING CODES & ORDINANCES
2. CONCRETE: 2500 PSI @ 28 DAYS
3. ALUMINUM PIPE: 6061-T6 ALLOY
4. ALUMINUM SQUARE/RECTANGULAR: 6061-T6 ALLOY
5. ANCHOR BOLTS: STAINLESS STEEL OR GALVANIZED ASTM F1554 GRADE 36 U.N.O. (ALTERNATES GRADE 55 & 105)
6. CONNECTION BOLTS: STAINLESS STEEL OR GALVANIZED ASTM A325
7. ALUMINUM ANGLES, CHANNELS, STRUCTURAL SHAPES: 6061-T6 ALLOY
8. ALUMINUM PLATE: 5052-H34 ALLOY
9. ALUMINUM SHEET: 5052-H32 ALLOY
10. REINFORCING: GRADE 60 ASTM A615
11. PROVIDE A MINIMUM OF THREE INCHES OF CONCRETE COVER OVER EMBEDDED STEEL.
12. THE CONTRACTOR (INSTALLER) IS RESPONSIBLE FOR THE MEANS & METHODS OF CONSTRUCTION IN REGARDS TO JOBSITE SAFETY.
13. NO FIELD HEATING FOR BENDING OR CUTTING OF STEEL SHALL BE ALLOWED WITHOUT THE ENGINEER'S APPROVAL.
14. WELDING ELECTRODES: E70XX
15. ALLOWABLE SOIL BEARING PRESSURE ASSUMED: 2000 PSF
16. ASSUMED HORIZONTAL (PASSIVE PRESSURE) ASSUMED AT 150 PSF/FT OF DEPTH. ISOLATED LATERAL BEARING FOUNDATIONS FOR SIGNS NOT ADVERSELY AFFECTED A 1/2" MOTION AT THE GROUND SURFACE DUE TO SHORT TERM LATERAL LOADS SHALL BE PERMITTED TO BE DESIGNED USING TWO TIMES THE TABULATED CODE VALUES.
17. ALL FOOTINGS SHALL BEAR ON FIRM UNDISTURBED RESIDUAL SOIL AND/OR ENGINEERED EARTH.
18. FILL COMPACTED TO 98% OF ITS MAXIMUM DRY DENSITY AS PER ASTM D 698-70 (STANDARD PROCTOR) UNLESS NOTED OTHERWISE. THE SOIL BEARING CAPACITY IS TO BE VERIFIED BY A GEOTECHNICAL ENGINEER PRIOR TO CONSTRUCTION. IF ALLOWABLE BEARING AND/OR LATERAL PRESSURE IS LESS THAN THE ABOVE ASSUMED AND/OR CALCULATED PRESSURES, THE ENGINEER SHOULD BE CONTACTED FOR RE-EVALUATION.
19. EXCAVATION SHALL BE FREE OF LOOSE SOIL BEFORE POURING CONCRETE.
20. WELDERS SHALL BE CERTIFIED FOR THE TYPE OF WELDING.
21. ADEQUATELY BRACE POLE(S) UNTIL CONCRETE HAS SET UP FOR 14 DAYS.
22. GROUT UNDER BASE PLATES WITH NON-SHRINK GROUT.
23. THIS ENGINEER DOES NOT WARRANT THE ACCURACY OF DIMENSIONS FURNISHED BY OTHERS.
24. ALL EXPOSED STEEL SHALL BE PAINTED WITH AN ENAMEL PAINT TO INHIBIT CORROSION.
25. THIS DESIGN IS FOR THE INDICATED ADDRESS ONLY, AND SHOULD NOT BE USED AT OTHER LOCATIONS WITHOUT WRITTEN PERMISSION OF THE ENGINEER.
26. DESIGN OF DETAILS AND STRUCTURAL MEMBERS NOT SHOWN, BY OTHERS.



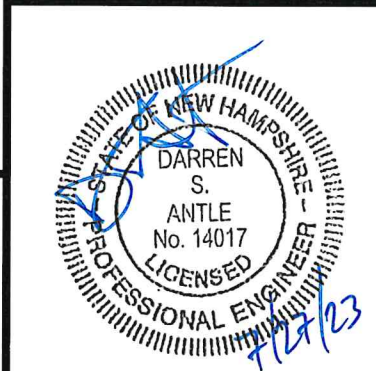
NOTES

- 1.) SEE MANUFACTURERS DRAWINGS FOR ADDITIONAL DETAILS AND DIMENSIONS.
- 2.) SIGN CABINET AND CONNECTION BY ATLANTIC PRECISION SERVICES.

* CLIENT - ATLANTIC PRECISION SERVICES
 * 2015 IBC
 * RISK CATEGORY II
 * 125 MPH WIND SPEED, EXP. C
 * (4) POLES (1) FOUNDATION
 * 50 PSF GROUND SNOW LOAD

SPREAD FOUNDATION

REQUIRED REINFORCEMENT
 #8 BAR @ 18" O.C. MAX.
 EACH WAY T+B
 #5 BAR VERT. AS REQ'D TO HOLD REBAR MATS IN PLACE



DARREN S. ANTLE, P.E.

299 N. WEISGARBER RD. PHONE 865.584.0999
 SUITE #: 104 SIGN-ENGINEER.COM
 KNOXVILLE, TN 37919

PROJECT:
 750 Lafayette Rd, Portsmouth, NH 03801

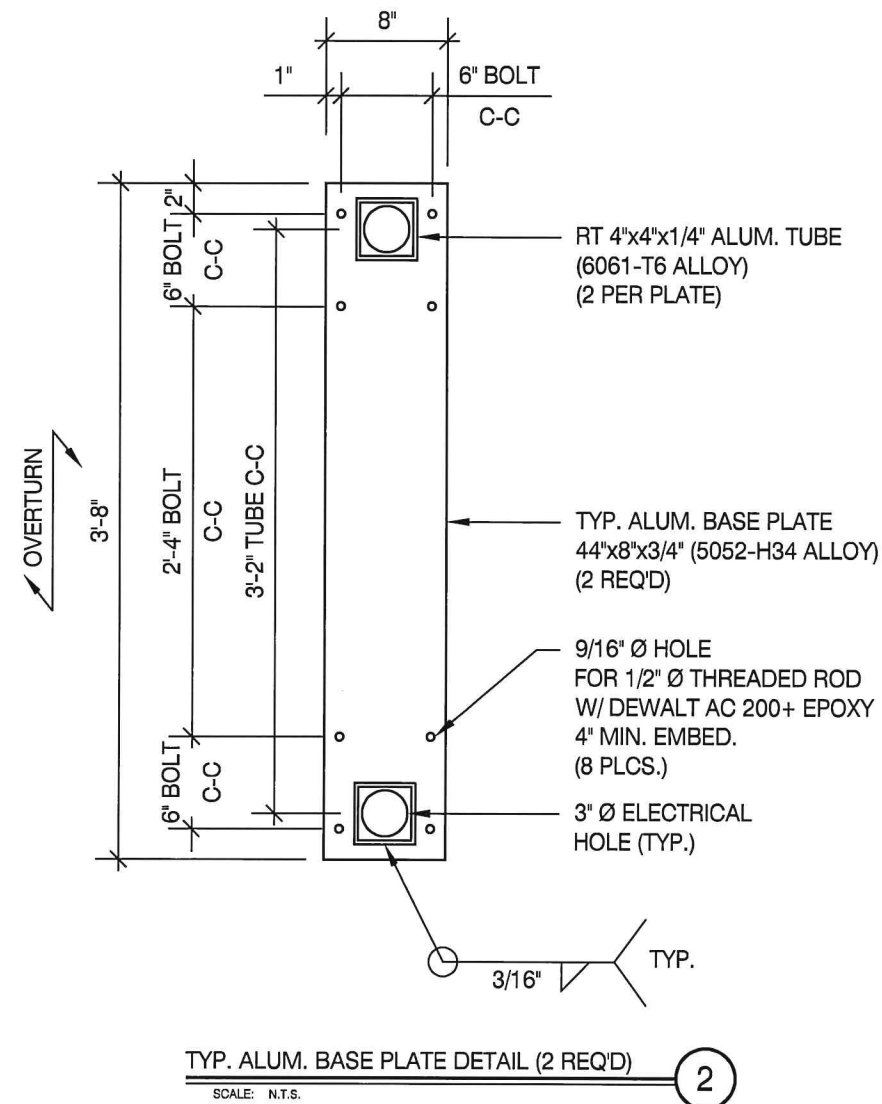
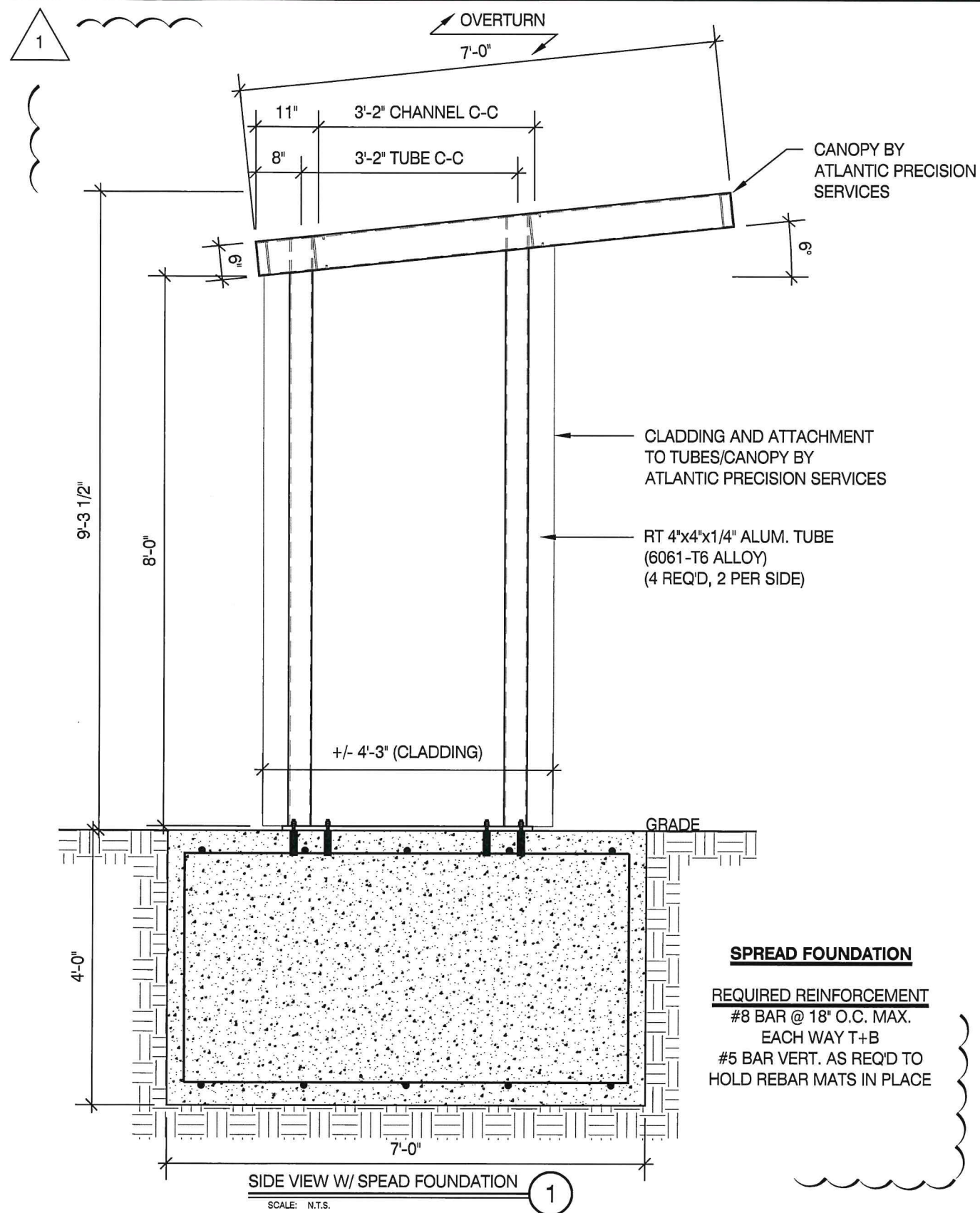
DRAWING TITLE:
NORTHEAST CREDIT UNION

DRAWN BY: JBN
 CHECKED BY: TSM
 COMM. NO. 230117.001

DATE:
 07/25/23

DRAWING NO.
 DWG.
1

REV #	DATE	DRAWN BY
REV #1	07/27/23	JBN



NOTES

1.) SEE MANUFACTURERS DRAWINGS FOR ADDITIONAL DETAILS AND DIMENSIONS.

2.) SIGN CABINET AND CONNECTION BY ATLANTIC PRECISION SERVICES.

* CLIENT - ATLANTIC PRECISION SERVICES
* 2015 IBC
* RISK CATEGORY II
* 125 MPH WIND SPEED, EXP. C
* (4) POLES (1) FOUNDATION
* 50 PSF GROUND SNOW LOAD

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299 N. WEISGARBER RD.
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KNOXVILLE, TN 37919

PHONE 865.584.0999
SIGN-ENGINEER.COM

PROJECT:
750 Lafayette Rd, Portsmouth, NH 03801

DRAWING TITLE:

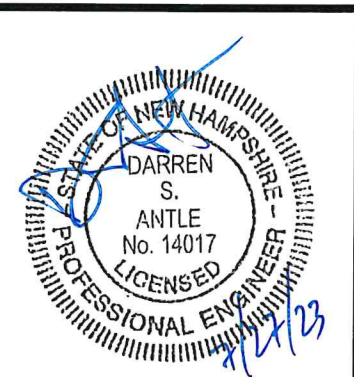
NORTHEAST CREDIT UNION

DRAWN BY: JBN
CHECKED BY: TSM
COMM. NO. 230117.001

DATE: 07/25/23

REV #	DATE	DRAWN BY
REV #1	07/27/23	JBN

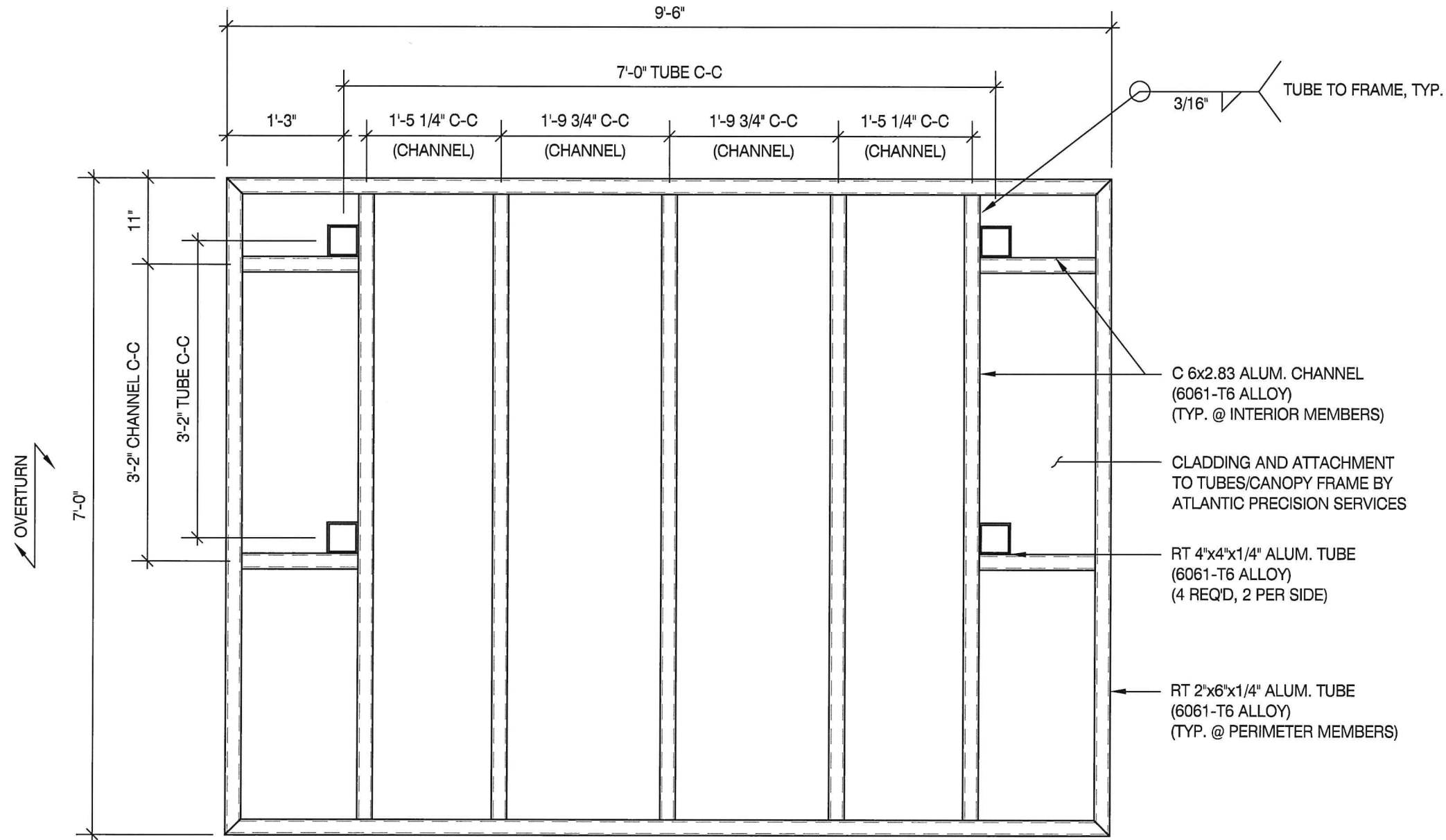
DRAWING NO.
DWG. 2



NOTE:
 FRAME TO BE ALL-WELDED
 CONSTRUCTION. ALL WELDS TO BE
 3/16" WELDS U.N.O.

NOTES
 1.) SEE MANUFACTURERS DRAWINGS FOR
 ADDITIONAL DETAILS AND DIMENSIONS.
 2.) SIGN CABINET AND CONNECTION
 BY ATLANTIC PRECISION SERVICES.

* CLIENT - ATLANTIC PRECISION SERVICES
 * 2015 IBC
 * RISK CATEGORY II
 * 125 MPH WIND SPEED, EXP. C
 * (4) POLES (1) FOUNDATION
 * 50 PSF GROUND SNOW LOAD



CANOPY - TOP VIEW
 SCALE: N.T.S. ①

DARREN S. ANTLE, P.E.

299 N. WEISGARBER RD.
 SUITE #: 104
 KNOXVILLE, TN 37919
 PHONE 865.584.0999
 SIGN-ENGINEER.COM

PROJECT:
 750 Lafayette Rd, Portsmouth, NH 03801

DRAWING TITLE:

NORTHEAST CREDIT UNION

DRAWN BY: JBN
 CHECKED BY: TSM
 COMM. NO. 230117.001

DATE:
 07/25/23

REV #	DATE	DRAWN BY
REV #1	07/27/23	JBN

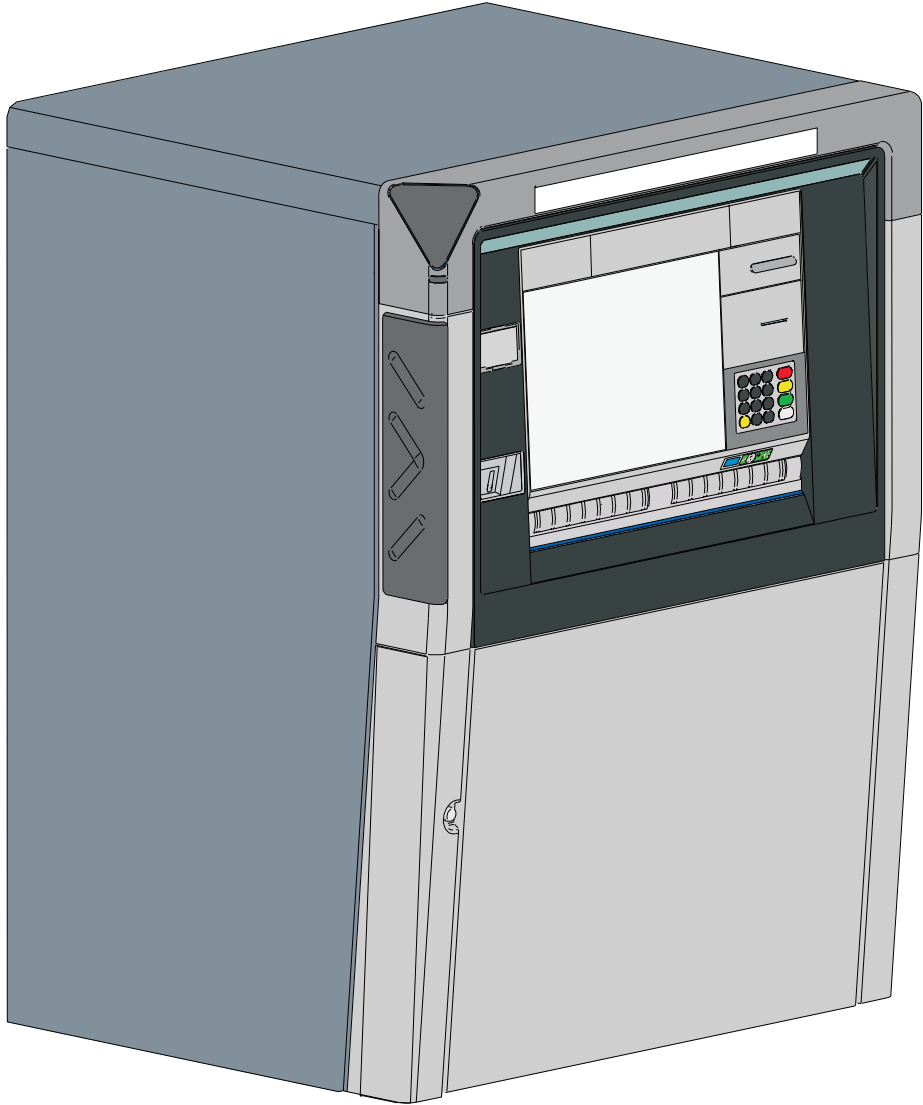
DRAWING NO.
 DWG.

3

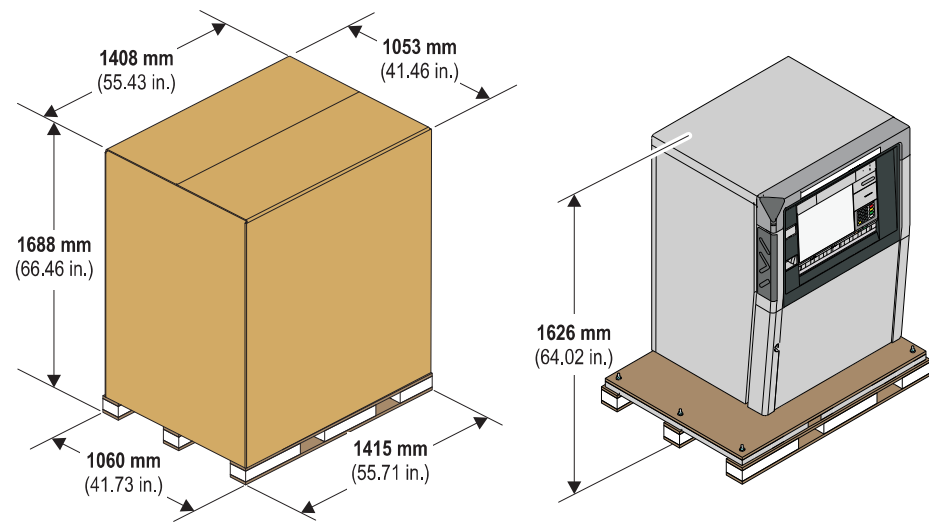




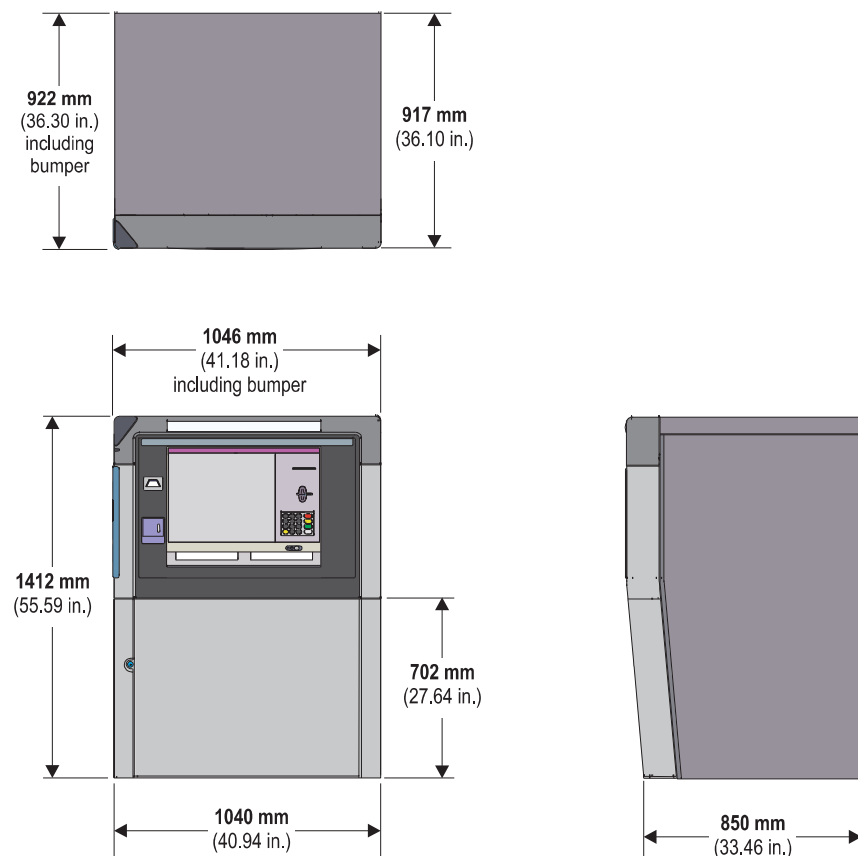
NCR SelfServ™ 88 ATM Site Preparation



PACKAGE DIMENSIONS

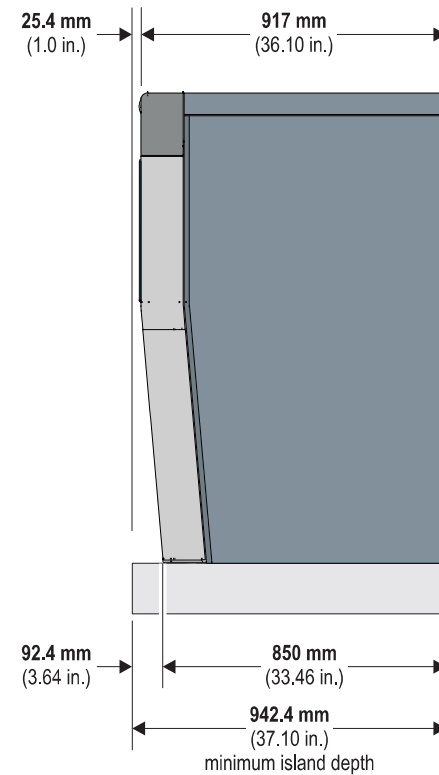


ATM DIMENSIONS



ATM POSITION ON ISLAND

The illustration below shows the dimensions for the minimum island size. NCR recommends that the base of the ATM be positioned **92.4 mm (3.64 in.)** from the front of the island, so that the front bollards are in line with the fascia surround (refer to Island Dimensions and Bollard Locations illustration).

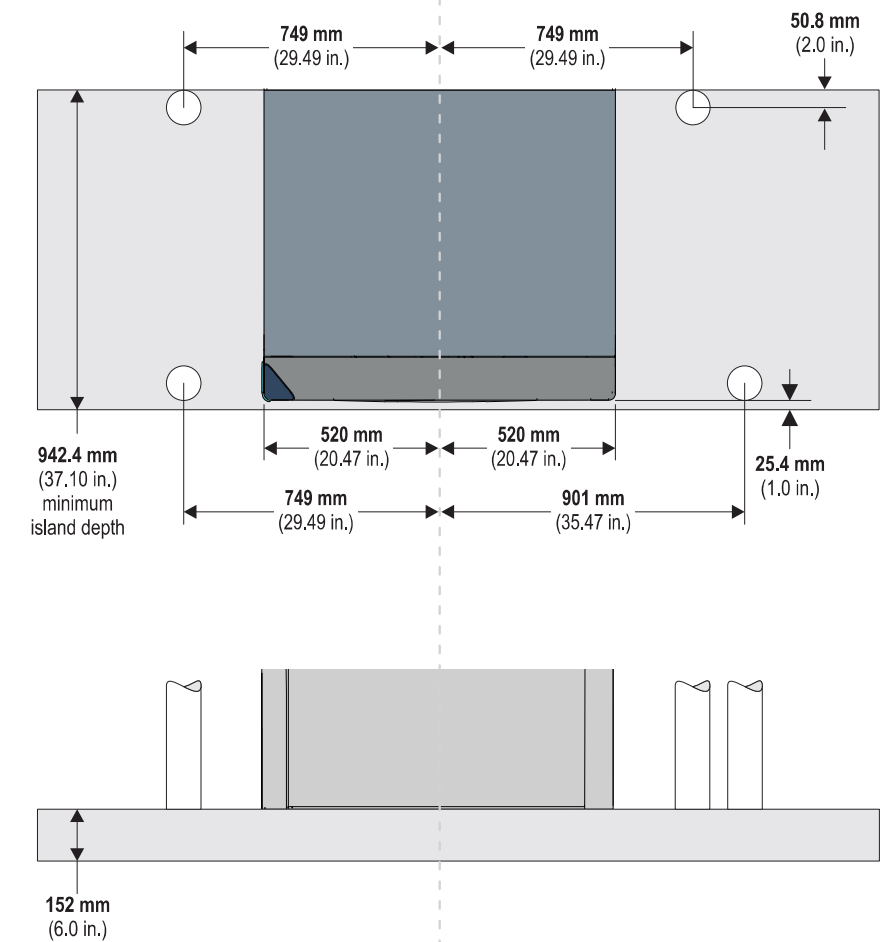


ISLAND DIMENSIONS AND BOLLARD LOCATIONS

The illustration below shows the dimensions for the minimum island size for a drive-up installation.

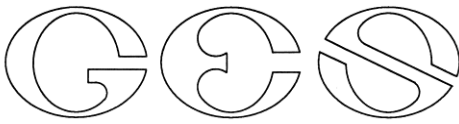
NCR recommends that the rear bollards are **102 mm (4.0 in.)** in diameter, and positioned in line with the rear of the ATM, front bollards are **102 mm (4.0 in.)** in diameter and positioned **25.4 mm (1.0 in.)** back from the front of the island.

When locating the bollards allow sufficient working space for servicing the air conditioning unit.



Anti-theft Bollards

If anti-theft bollards (also known as anti lassoing bollards) are to be fitted, the bollard exclusion zone around the ATM must be complied with to allow sufficient access for removing panels, refer to the [Servicing Areas](#) section.



GOVE ENVIRONMENTAL SERVICES, INC.

February 16, 2024

Subject: Wetland Delineation Letter
Greenleaf Woods Drive
Portsmouth, NH

Dear Keith Curran,

Per your request, this letter is to verify that Gove Environmental Services, Inc. (GES), performed a site inspection to identify wetlands and other jurisdictional areas adjacent to the subject property located on Tax Map 244 Lot 8 on 750 Lafayette Rd in Portsmouth, NH. Wetlands were evaluated utilizing the following standards:

1. *US Army Corps of Engineers Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Northcentral and Northeast Region*, Technical Report ERDC/EL TR-12-1 (January 2012).
2. *Field Indicators for Identifying Hydric Soils in New England – Version 4, June 2020*. New England Hydric Soils Technical Committee.
3. *US Army Corps of Engineers National Wetland Plant List, 2018*.
4. *Classification of Wetlands and Deepwater Habitats of the United States*. USFW Manual FWS/OBS-79/31 (1979).

The delineation requested was performed by Brenden Walden CWS #297 of Gove Environmental Services, Inc. on December 1st 2023. This inspection was to evaluate wetlands that were identified on the City of Portsmouth's GIS to have potential to encroach on to the identified subject property and have potential impacts relative to local and state permitting for proposed site improvements. During the site investigation an area of tidal wetland was observed on the southern edge of Greenleaf Woods Drive. This tidal marsh area is dominantly composed of emergent grasses with some areas of dense Phragmites with notable ditching observed on the aerials. The HOTL line was delineated as the limit of the wetland which was identified by the notably steep slope transition between the wetland and uplands paired with the evidence of tidal activity and debris in at the boundary. During the delineation a contributing freshwater wetland was identified to the west of the subject property. This contributing area is due to the existing discharge pipe that outlets water to the marsh. Tidal areas were delineated using Blue flagging demarked HOTL1 start to HOTL19 stop, with the freshwater wetland connecting to HOTL18 and demarked using Pink Wetland Delineation Flagging A1 to A4 Stop. During the in-office review of the wetland it was noted that this area is also identified as a NH State Prime Wetland with a Duly Establish 100 ft buffer. No other Jurisdictional areas were observed during the site inspection.

This concludes the wetland delineation report. If I can be of further assistance, please feel free to contact me at (603) 778-0644.

Sincerely,

Brenden Walden
Business Manager & Wetland Scientist
Gove Environmental Services, Inc.

Enc. Wetland Delineation Sketch

8 Continental Dr Unit H, Exeter, NH 03833-7507
Ph (603) 778 0644 / Fax (603) 778 0654
www.gesinc.biz
info@gesinc.biz

HOTL- Blue Flagging
Pink Wetland Delineation Flagging

A1-A4

HOTL 19 stop

HOTL1 start



III. NEW BUSINESS

C. The request of **Cyrus Beer and Erika Beer (Owners)**, for property located at **64 Mt Vernon Street** whereas relief is needed to demolish an existing detached shed and construct a new two-story accessory detached shed which requires the following: 1) Variance from Section 10.573.20 to allow an accessory structure more than 10 feet in height and more than 100 square feet in area a) to be setback 5 feet from the side property line where 10 feet is required and b) to be setback 5 feet from the rear property lines where 19 feet is required. Said property is located on Assessor Map 111 Lot 30 and lies within the General Residence B (GRB) and Historic District. (LU-24-20))

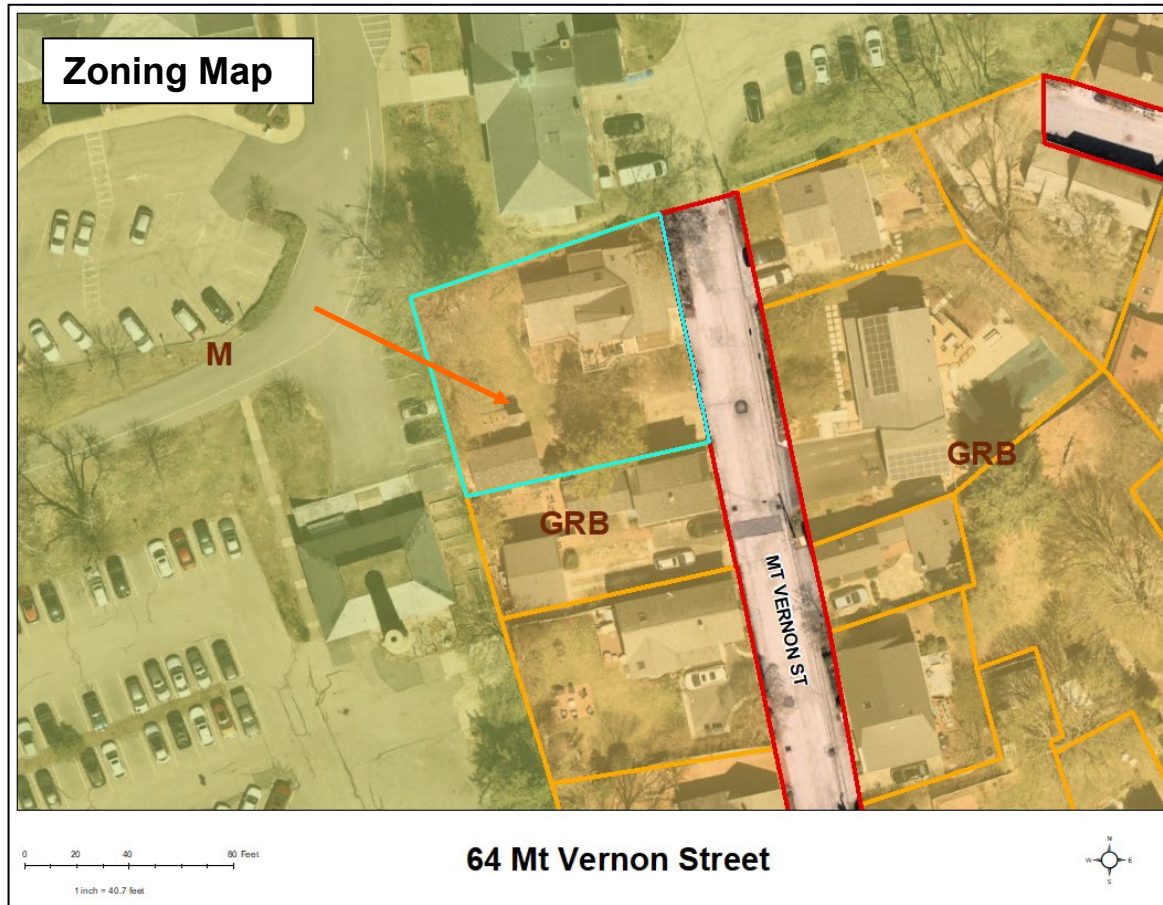
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family dwelling	Demolish and construct new shed	Primarily residential
<u>Lot area (sq. ft.):</u>	7,841	7,841	5,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	7,841	7,841	5,000 min.
<u>Street Frontage (ft.):</u>	90	90	80 min.
<u>Lot depth (ft.)</u>	96	96	60 min.
<u>Front Yard (ft.):</u>	House: 5 Shed: >50	House: 5 Shed: >50	5 min.
<u>Left Yard (ft.):</u>	Shed: 1	Shed: 5	10 min.
<u>Right Yard (ft.):</u>	House: 3	House: 3	10 min.
<u>Rear Yard (ft.):</u>	Shed: 3.5	Shed: 5	25 min.
<u>Height (ft.):</u>	Shed: 12	Shed: 23	35 max.
<u>Building Coverage (%):</u>	24	25	30 max.
<u>Open Space Coverage (%):</u>	>25	>25	25 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1812	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit
- Historic District Approval

Neighborhood Context



Previous Board of Adjustment Actions

March 20, 2018 –The Board **granted** the following: 1) Variance from Section 10.440, Use #17.20 to allow the keeping of farm animals where the use is not allowed; and 2) Variance from Section 10.573.10 to allow an accessory Structure 3' ± from the rear property line where 5' is required; with the following condition:

- 1) There will be no more than six chickens and no roosters.

February 15, 2022– The Board **granted** a Variance from Section 10.515.14 to allow a 4 foot setback where 10 feet is required for a mechanical unit.

Planning Department Comments

The applicant is proposing to demolish the existing shed and reconstruct a new shed that will be 5 feet from the side and rear lot line (greater than the existing setbacks). The replacement shed will increase in size from 322.5 square feet to 448 square feet.

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

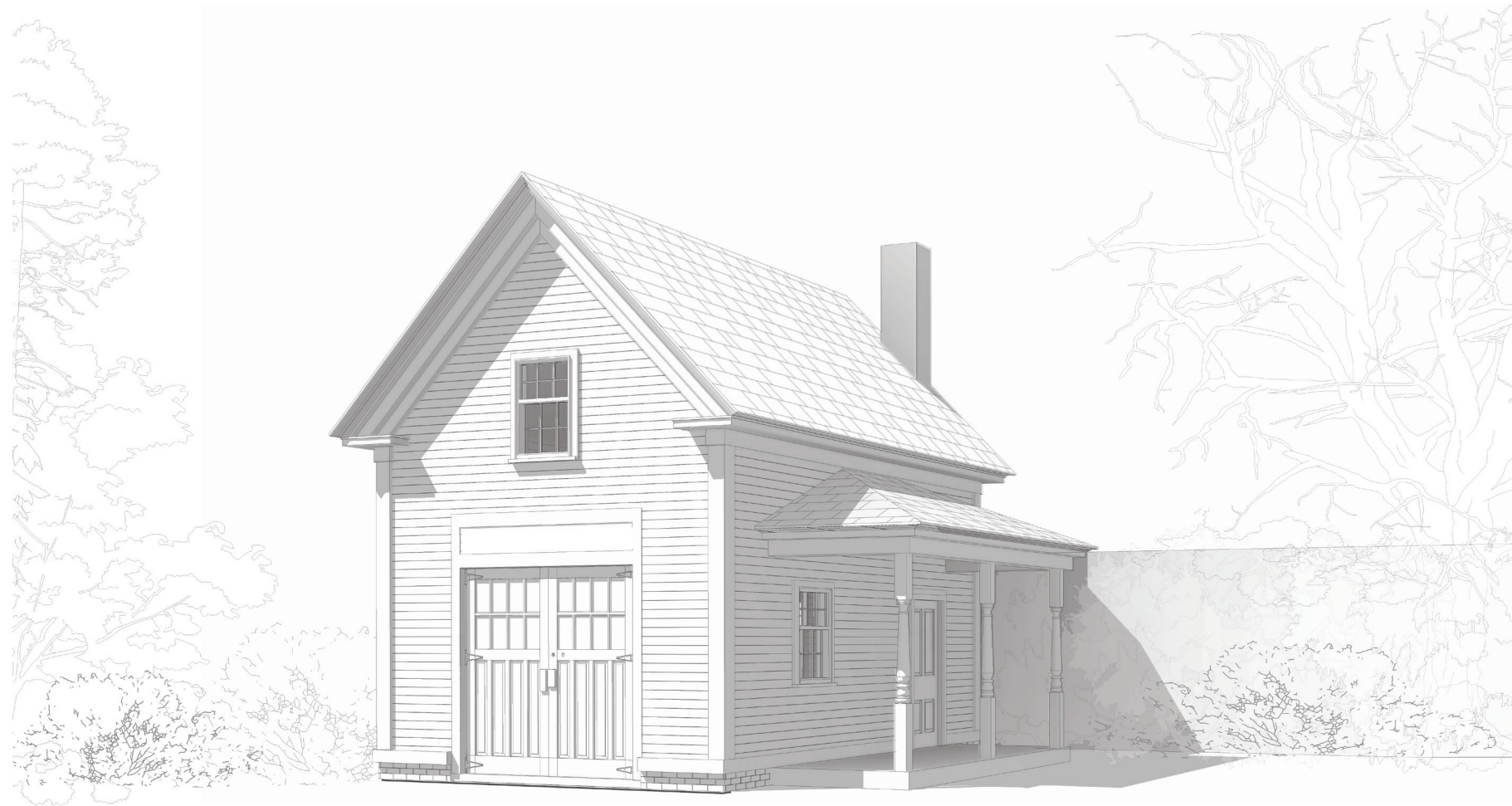
 - (c) *Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

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.

64 MT VERNON

PORTSMOUTH, NH



*Application of Cyrus and Erika Beer
64 Mount Vernon St
Portsmouth NH*

I. The Property

The applicants, Cyrus and Erika Beer own and reside at the property located at 64 Mount Vernon St, which consists of a single-family dwelling with a detached shed. The Beers purchased the property 11+ years ago with the shed and have lived there as their primary residence ever since. The shed rests on wood sills on the ground and is rotting. Animals have gotten in. Furthermore, the shed is only 1 foot or so from the property line and so doing work on the shed requires access to the neighbor’s yard. It is also a violation of fire code. For these reasons the Beers would like to rebuild their shed and bring it in 5 feet off the lot line.

II. Specific Variance Requests

To complete this Project, the Applicant requests variances from the following ordinances:

~~1. Section 10.521 Table of Dimensional Standards:~~

- ~~a. Building coverage relief to allow the Project which would increase the existing 44% building coverage to 46% where maximum building coverage of 30% is allowed for the GRB Zone.~~

	Existing	Proposed
House	3054	3054
Shed	367	352
Shed Porch	0	96
Lot	7840.8	7840.8
Coverage	44%	46%

- ~~b. Left side yard setback to be 5 feet instead of 10 feet as required in GRB.~~
- ~~c. Rear yard setback to be 5 feet instead of 25 feet as required in GRB.~~

Amended

We do not need a variance for lot coverage. The existing footprint area for our house is 1,487 square feet and the shed 377 square feet, making the existing coverage 24%. Our proposed coverage is 25%. Both are below the 30% maximum.

	Existing	Proposed
House	1487	1487
Shed	377	352
Shed Porch	0	96
Chicken Coop	24	24
Lot	7840.8	7840.8
Coverage	24%	25%

III. Variance Criteria

1. *10.233.21 The variance will not be contrary to the public interest.*

a. Rebuilding the shed will not alter the characteristics of the neighborhood. Architecturally, as per plans on file with the HDC, the proposed shed will borrow design elements from our house and will be appropriate to the neighborhood. Furthermore, as the shed is tucked away and fairly well hidden from any street, the impact incurred will be minimized.

b. Rebuilding the shed will not threaten the health, safety and welfare of the public.

By bringing in the shed in off of the lot line, we will be able to work on the shed without standing in our neighbor's yard. This will improve the welfare of the neighborhood. Safety will also be improved by giving additional distance as per fire code.

2. *10.233.22 The spirit of the Ordinance will be observed;*

a. The proposed use is reasonable. Having a storage shed in one's backyard is a typical land use in the neighborhood

b. On Mount Vernon St. and in this neighborhood, houses often do not meet setback requirements and what we are proposing is not out of the ordinary

c. What we are proposing is an improvement over what is there today as far as side and rear setbacks.

3. *10.233.23 Substantial justice will be done;*

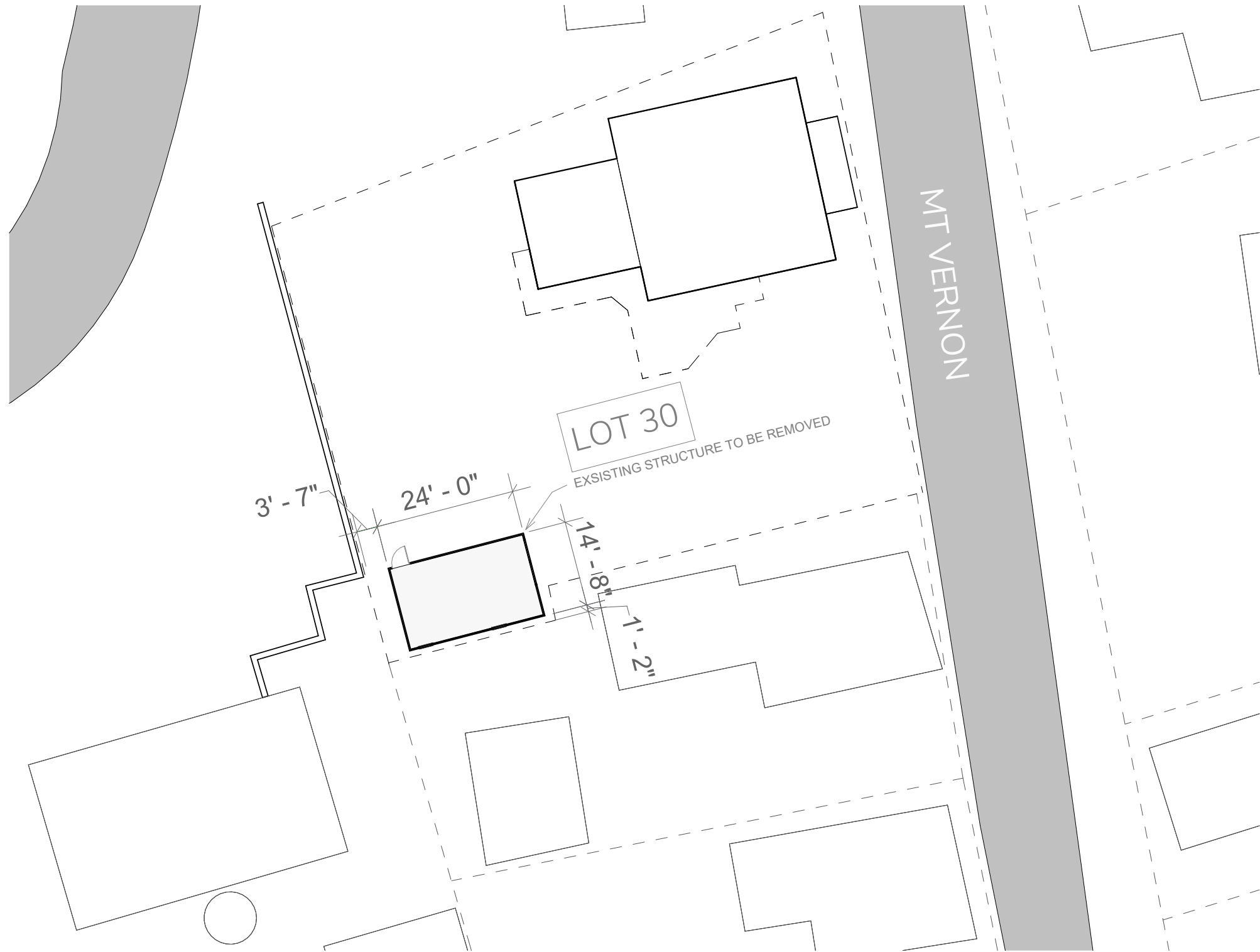
a. The proposed use is reasonable.

b. There is no advantage to the public that outweighs the hardship to the owners by denying this request

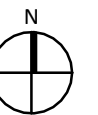
4. *10.233.24 The values of surrounding properties will not be diminished*

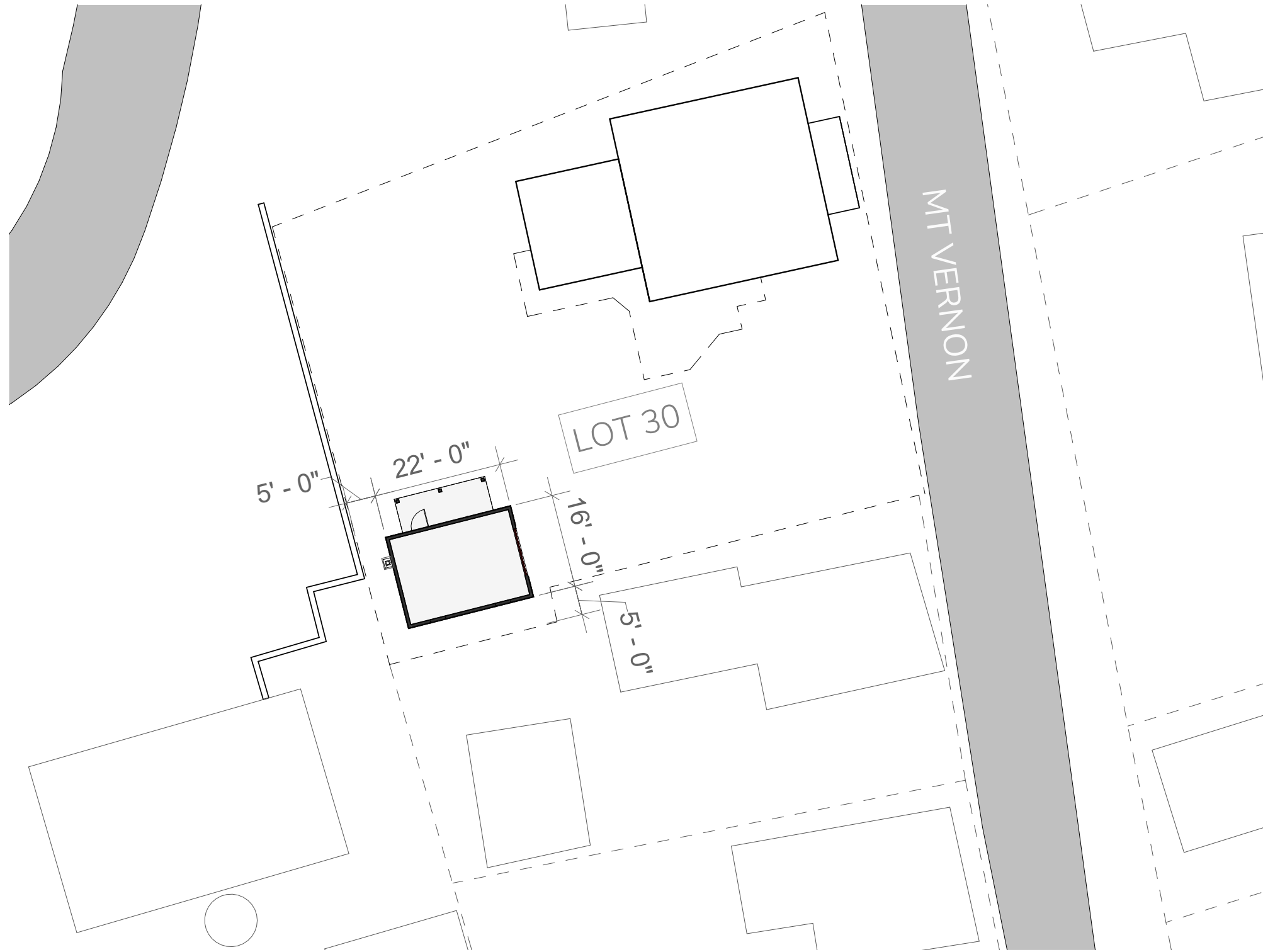
- a. Values of surrounding properties are expected to be enhanced by the additional setback and also by the proposed design and construction of a new shed
- 5. *10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.*
 - a. Because the proposed variances in setbacks are an improvement over what exists today and because a new shed with a design in accordance with the style of the neighborhood is seen to enhance the neighborhood, and because the use is not changing, a literally enforcing the zoning provisions would result in an unnecessary hardship for the homeowners.



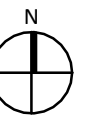


EXISTING SITE PLAN
1/16" = 1'-0"





PROPOSED SITE PLAN
1/16" = 1'-0"





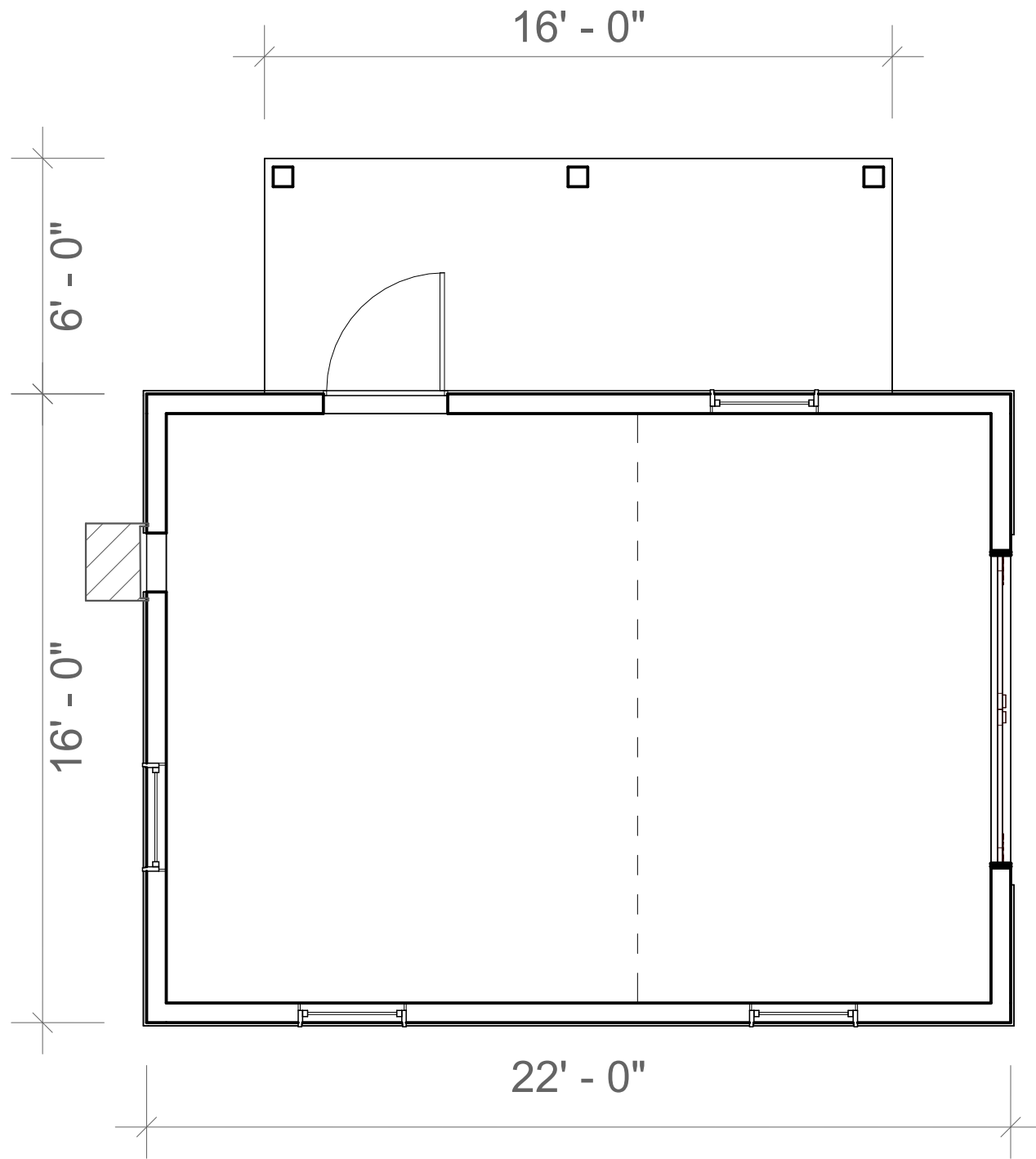
EXISTING EAST ELEVATION
1/4" = 1'-0"

EXISTING WEST ELEVATION
1/4" = 1'-0"

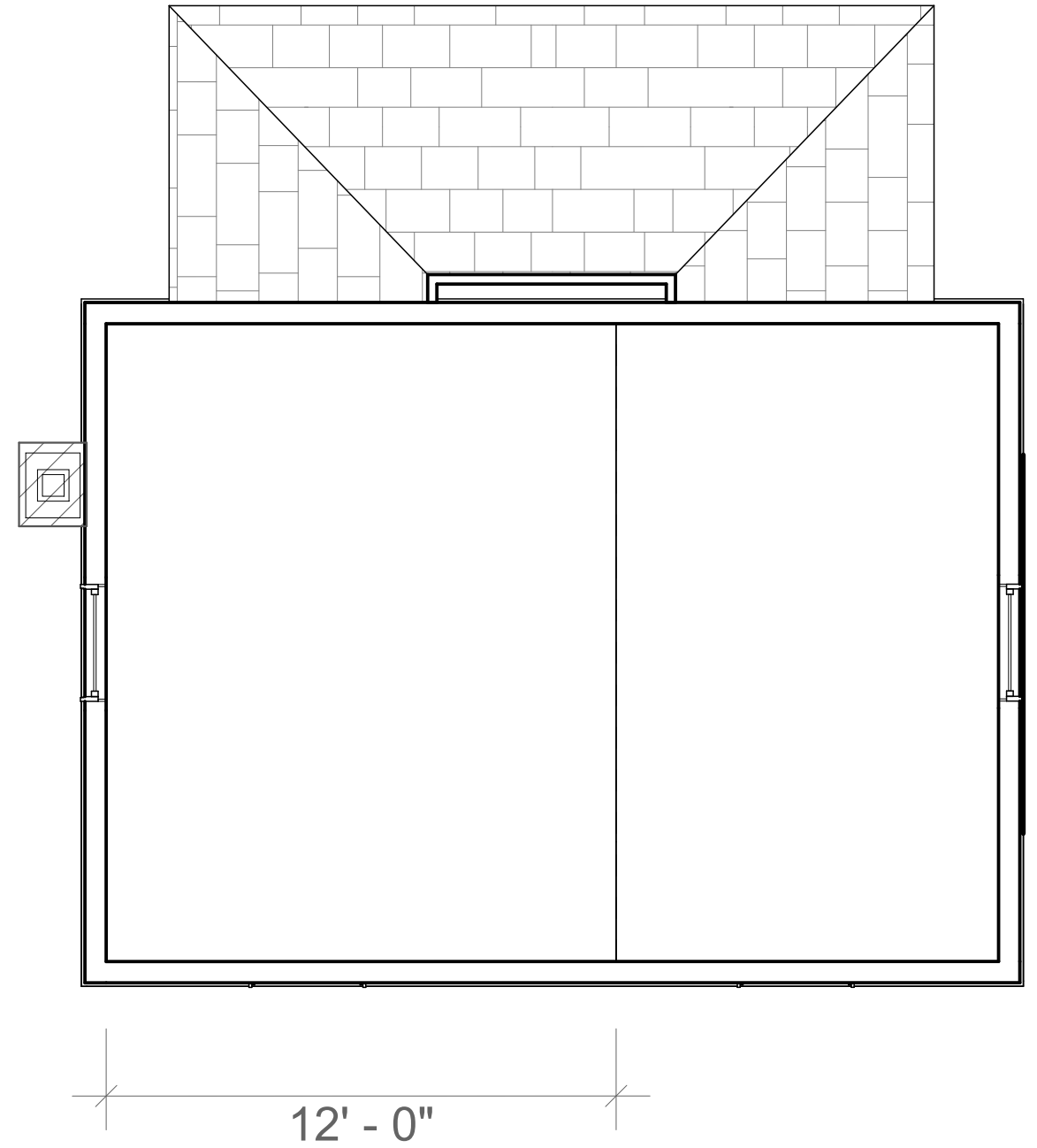


EXISTING NORTH ELEVATION
1/4" = 1'-0"

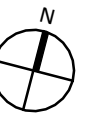
EXISTING SOUTH ELEVATION
1/4" = 1'-0"

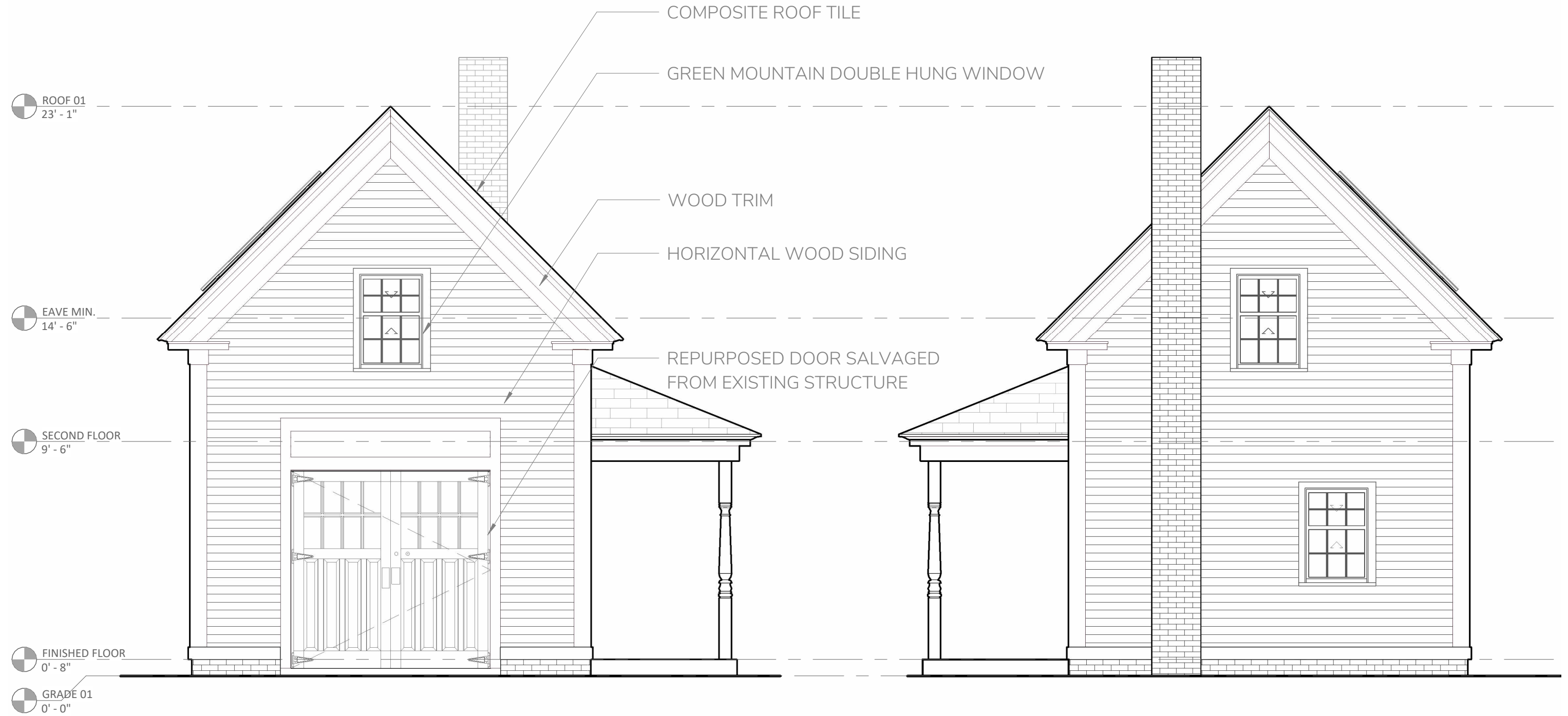


PROPOSED FIRST FLOOR PLAN
1/4" = 1'-0"



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





PROPOSED EAST ELEVATION
1/4" = 1'-0"

PROPOSED WEST ELEVATION
1/4" = 1'-0"



PROPOSED NORTH ELEVATION
1/4" = 1'-0"

PROPOSED SOUTH ELEVATION
1/4" = 1'-0"



East Facade



West Facade



Existing Shed to Be Demolished
North Facade



South Facade

III. NEW BUSINESS

- D. The request of **Ryan Family Trust (Owner)**, for property located at **199 McDonough Street** whereas relief is needed to construct an addition to the existing primary residential structure which requires the following: 1) Variance from Section 10.521 to allow a 9.5 foot rear yard where 20 feet is required; 2) Variance from Section 10.516.20 to allow a 9.5 foot rear yard where 15 feet is required for a rear yard adjoining a railroad right-of-way; and 3) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 144 Lot 42 and lies within the General Residence C (GRC) District. (LU-24-18)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-living unit	*Construct an addition to the primary structure	Primarily residential
<u>Lot area (sq. ft.):</u>	2,491	2,491	3,500 min.
<u>Street Frontage (ft)</u>	59	59	70 min
<u>Lot depth (ft.)</u>	35	35	50 min.
<u>Front Yard (ft.):</u>	0	0	5 min.
<u>Left Yard (ft.):</u>	14	14	10 min.
<u>Right Yard (ft.):</u>	7	7	10 min.
<u>Rear Yard (ft.):</u>	8	**9.5	20 Per 10.521 min. 15 Per 10.516.20
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	32	35	35 max.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1850	Variance request(s) shown in red.	

*Relief needed to build the addition to the already non-conforming primary structure that would further impact the non-conformity.

**Relief needed from both sections 10.521 and 10.516.20.

Other Permits/Approvals Required

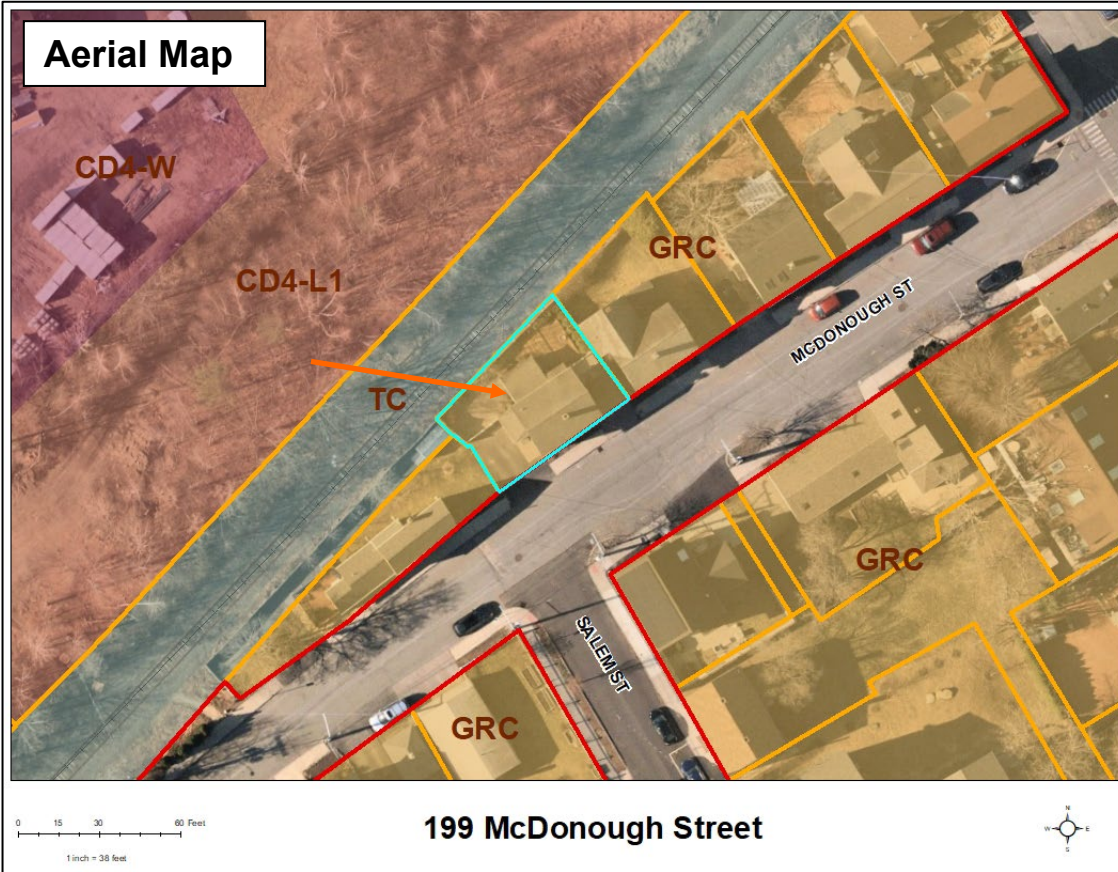
- Building Permit

Neighborhood Context

Zoning Map



Aerial Map



Previous Board of Adjustment Actions

No previous history found.

Planning Department Comments

The applicant is proposing to construct a 9' by 9' addition in the existing yard area that is occupied by a porch. The existing porch is below 18" and therefore is exempt from required yards and building coverage per Section 10.515.12 (c).

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.



Ryan Residence
199 McDonough Street, Portsmouth
Application for 9'x9' addition

This application is for the approval of a 9' x 9' extension of an existing addition on the backside of the home. The addition would not be visible from McDonough Street (front of home). The addition has the following benefits:

- Creates one floor living for retirement ease
- The addition is to be utilized as a master bedroom closet and laundry room.
- Materials to be used will match the existing house

Variance Criteria:

1. THE VARIANCE IS NOT CONTRARY TO THE PUBLIC INTEREST.
2. THE SPIRIT OF THE ORDINANCE IS OBSERVED. Location not on street frontage which does not create distraction and architecturally kept the same. Size of addition squares off the back of house giving it a more uniformed look.
3. SUBSTANTIAL JUSTICE IS DONE. There is no harm to the general public that would be created by this installation of the addition. The additional square footage increases the value of this property. This would potentially increase the value of surrounding properties.
4. THE VALUES OF SURROUNDING PROPERTIES ARE NOT DIMINISHED. There would be a benefit to this house and its neighbors property values.
5. LITERAL ENFORCEMENT OF PROVISIONS OF THE ORDINANCE WOULD RESULT IN AN UNNECESSARY HARDSHIP.

We are proposing to make a more comfortable living arrangement for ourselves with this addition of a master bedroom closet/Laundry Room. It would create an additional 81 square feet of valuable space to the existing 1500 square feet. This is the only space available for the addition for one floor living ease.

NOTES:

- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 144 AS LOT 42 & MAP 164 AS LOT 4.
- 2) OWNERS OF RECORD:
 MAP 144 LOT 42
 CANDACE COUTURE
 199 McDONOUGH STREET
 PORTSMOUTH, NH 03801
 5451/2657

 MAP 164 LOT 4
 BOSTON AND MAINE CORPORATION
 IRON HORSE PARK
 NORTH BILLERICA, MA 01862
 VARIOUS DEED & PLAN REFERENCES
- 3) PORTIONS OF MAP 164 LOT 4 ARE IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259E. EFFECTIVE DATE MAY 17, 2005. MAP 144 LOT 42 IS NOT IN A SPECIAL FLOOD HAZARD AREA.
- 4) EXISTING AND PROPOSED LOT AREAS:
 MAP 144 LOT 42
 EXISTING 1,585 S.F.
 0.0364 ACRES
 PROPOSED 2,491 S.F.
 0.0572 ACRES

 MAP 164 LOT 4
 EXISTING 3.0± ACRES
 (PER ASSESSOR)
 PROPOSED 3.0± ACRES
- 5) PARCELS ARE LOCATED IN THE GENERAL RESIDENCE C (GRC) & TRANSPORTATION CORRIDOR (TC) ZONING DISTRICTS.
- 6) THE PURPOSE OF THIS PLAN IS TO SHOW A LOT LINE RELOCATION TO CONVEY 978 S.F. FROM ASSESSOR'S MAP 164 LOT 4 TO ASSESSOR'S MAP 144 LOT 42 IN THE CITY OF PORTSMOUTH.
- 7) PARCEL WAS OBTAINED BY PREDECESSOR IN TITLE VIA A PETITION TO QUIET TITLE. SEE DECREE OF ROCKINGHAM SUPERIOR COURT R.C.R.D. 4479/2287.
- 8) BY OPERATION OF LAW CONTAINED WITHIN RSA 231:51 & 52, THE PORTION OF THE PUBLIC RIGHT OF WAY (PAPER STREET), SHOWN HEREON, OF SALEM STREET FROM THE NORTHWESTERLY LINE OF McDONOUGH STREET TO THE RAILROAD, HAVE BEEN EXTINGUISHED AND REVERT TO THE ADJUTERS. LOTS ADJACENT TO SAID STREET MAY HAVE PRIVATE RIGHTS OF WAY WITHIN SAID PAPER STREET.

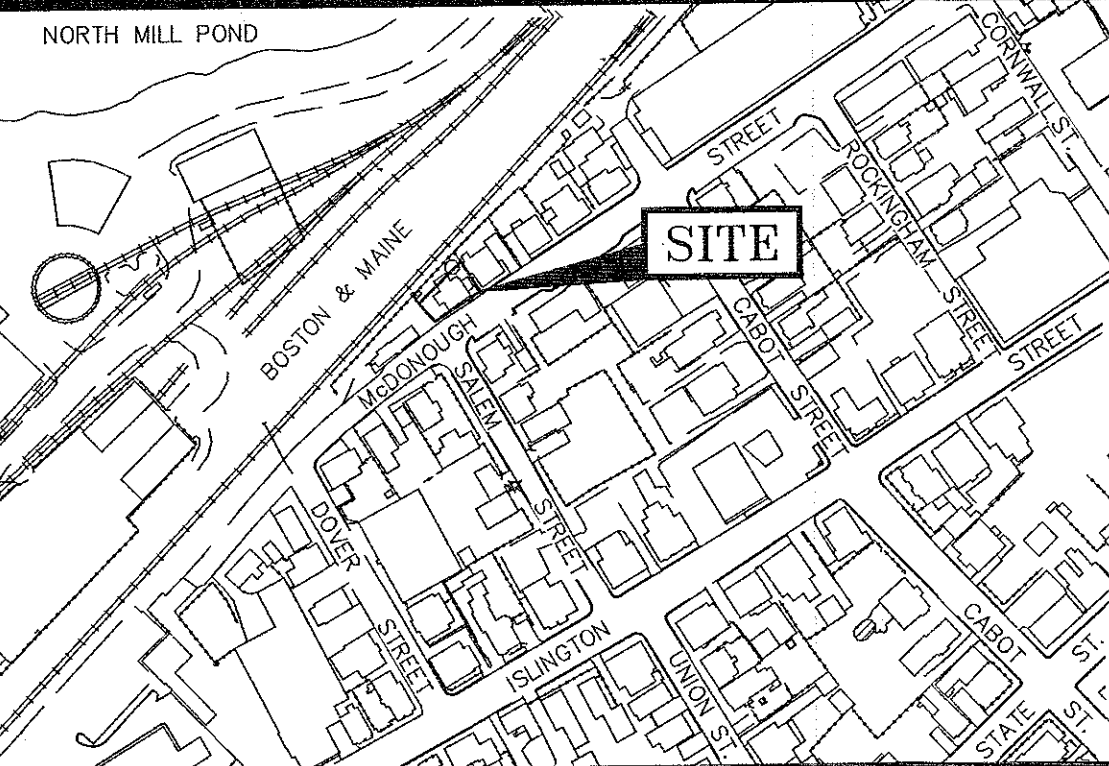
NO.	DESCRIPTION	DATE
4	MISCELLANEOUS REVISIONS	5/15/20
3	ADD MONUMENTS AS SET & WAIVER GRANTED	3/3/20
2	ISSUED FOR APPROVAL	1/26/20
1	REVISE PER COMMENTS	12/10/19
0	ISSUED FOR COMMENT	11/26/19

REVISIONS

LOT LINE RELOCATION PLAN
TAX MAP 144 - LOT 42 &
TAX MAP 164 - LOT 4
 OWNER OF RECORD
 TAX MAP 144 LOT 42
CANDACE COUTURE
 OWNER OF RECORD
 TAX MAP 164 LOT 4
BOSTON AND MAINE CORPORATION
 PROPERTY LOCATED AT &
 IMMEDIATELY ADJACENT TO
 199 McDONOUGH STREET
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE

PLAN REFERENCES:

- 1) PLAN OF TRACT OF LAND IN THE TOWN OF PORTSMOUTH; BELONGING TO A.W. HAVEN G.W. HAVEN & BENJ. CHEEVER ESQ.S AS LAID OUT INTO HOUSE LOTS. PREPARED BY BENJAMIN AKERMAN. DATED JULY 1846. R.C.R.D. PLAN #00561.
- 2) PLAN OF LAND CONVEYED TO ALFRED W. HAVEN AND GEORGE W. HAVEN BY SAMUEL HALE JUNE 1, 1846. R.C.R.D. 323/81.
- 3) STATION MAP--LANDS BOSTON AND MAINE R.R. OPERATED BY THE BOSTON AND MAINE R.R. STATION 2966+20 TO STATION 3019+0. PREPARED BY OFFICE OF THE VALUATION ENGINEER BOSTON, MASS. DATED JUNE 30, 1914, REVISED THROUGH AUGUST 2004. NOT RECORDED.
- 4) VARIANCE APPLICATION PLAN 200 McDONOUGH STREET PORTSMOUTH, N.H. PREPARED BY AMBIT ENGINEERING, INC. DATED APRIL 2016, FINAL REVISION DATE JUNE 1, 2016. NOT RECORDED.
- 5) LAND TRANSFER PLAN TAX MAP 164 - LOT 4 LAND OF: BOSTON AND MAINE CORPORATION TO BE CONVEYED TO: PORTSMOUTH LUMBER AND HARDWARE, LLC & CLIPPER TRADERS, LLC PROPERTY LOCATED AT: 105 BARTLETT STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE. PREPARED BY AMBIT ENGINEERING, INC. DATED DECEMBER 2018, FINAL REVISION DATE DECEMBER 13, 2018. R.C.R.D. PLAN D-41242.



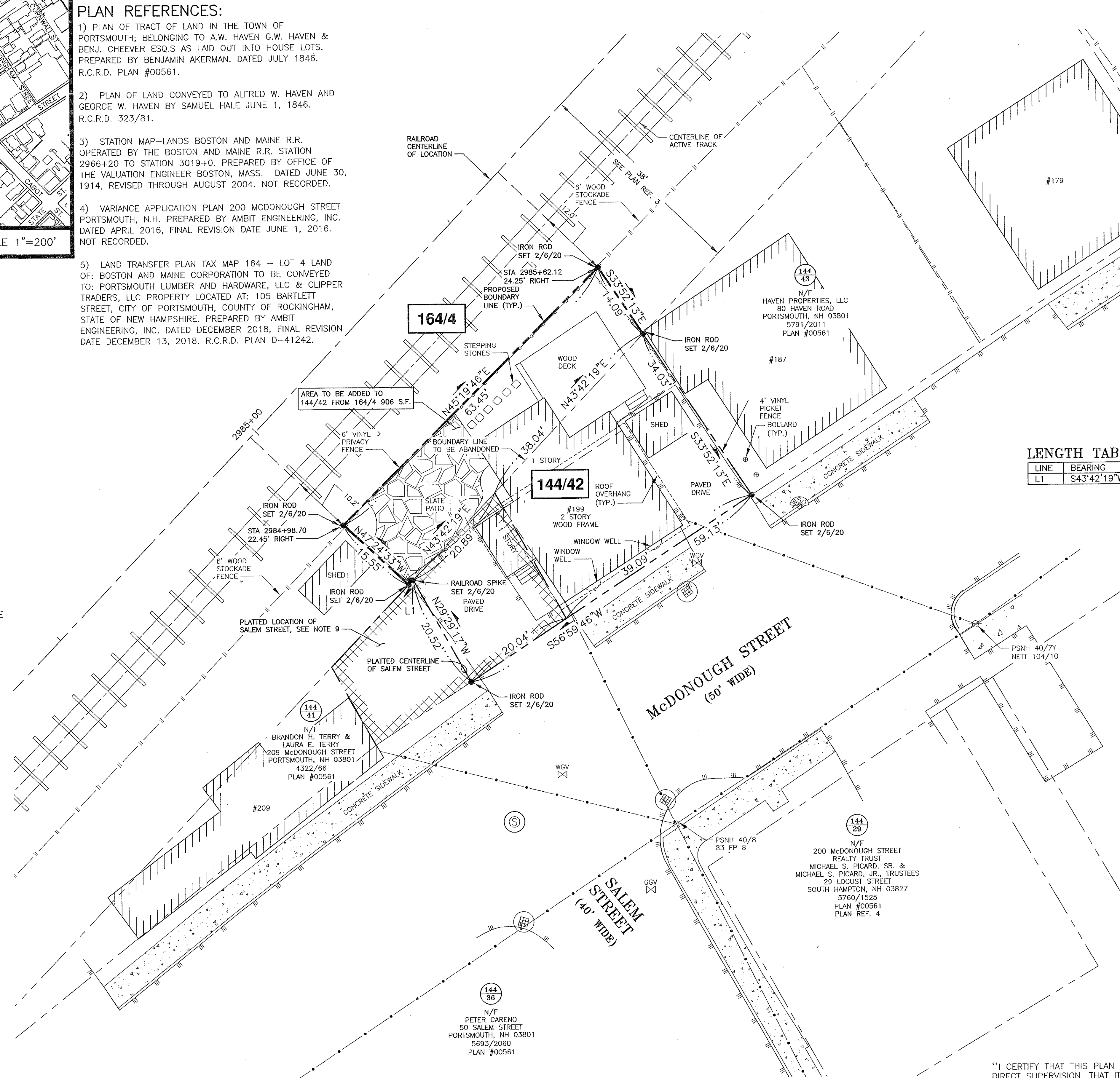
LOCATION MAP SCALE 1"=200'

LEGEND:

- | | |
|---------|----------------------------|
| N/F | NOW OR FORMERLY |
| RP | RECORD OF PROBATE |
| RCRD | ROCKINGHAM COUNTY |
| (11/21) | REGISTRY OF DEEDS |
| (11/21) | MAP 11 / LOT 21 |
| --- | BOUNDARY |
| ○ | RAILROAD SPIKE FOUND |
| ○ | IRON ROD/PIPE FOUND |
| ○ | DRILL HOLE FOUND |
| ○ | STONE/CONCRETE BOUND FOUND |
| ○ | RAILROAD SPIKE SET |
| ○ | IRON ROD SET |
| ○ | DRILL HOLE SET |
| ○ | GRANITE BOUND SET |
| ○ | OVERHEAD ELECTRIC/WIRES |
| ○ | EDGE OF PAVEMENT (EP) |
| ○ | UTILITY POLE (w/ GUY) |
| ○ | WATER SHUT OFF/CURB STOP |
| ○ | GATE VALVE |
| ○ | CATCH BASIN |
| ○ | SEWER MANHOLE |
| TYP. | TYPICAL |

WAIVER GRANTED:

- 1) CITY OF PORTSMOUTH SUBDIVISION REGULATIONS SECTION VI.6 -- TO NOT SHOW METES & BOUNDS ON THE ENTIRETY OF MAP 164 LOT 4.



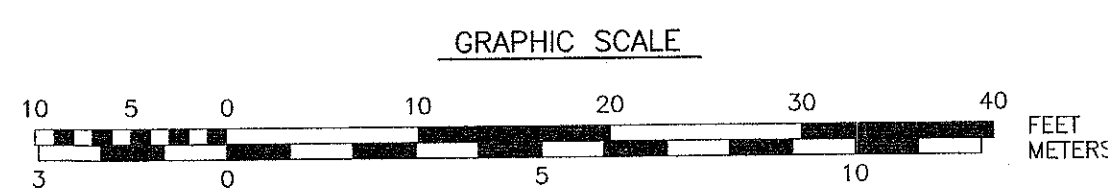
LENGTH TABLE

LINE	BEARING	DISTANCE
L1	S43°42'19"W	1.16'

APPROVED BY THE PORTSMOUTH PLANNING BOARD

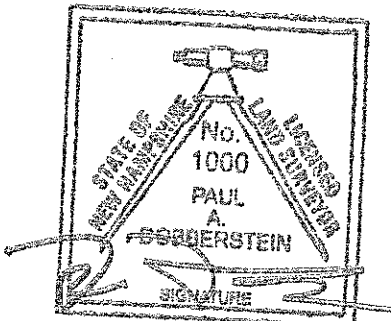
Paul A. Dobberstein
CHAIRMAN

5/22/2020
DATE



"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."

Paul A. Dobberstein
PAUL A. DOBBERSTEIN, LLS
DATE





weber









weber

199 MCDONOUGH ST



Property Information

Property ID 0144-0042-0000
Location 199 MCDONOUGH ST
Owner RYAN FAMILY REV TRUST

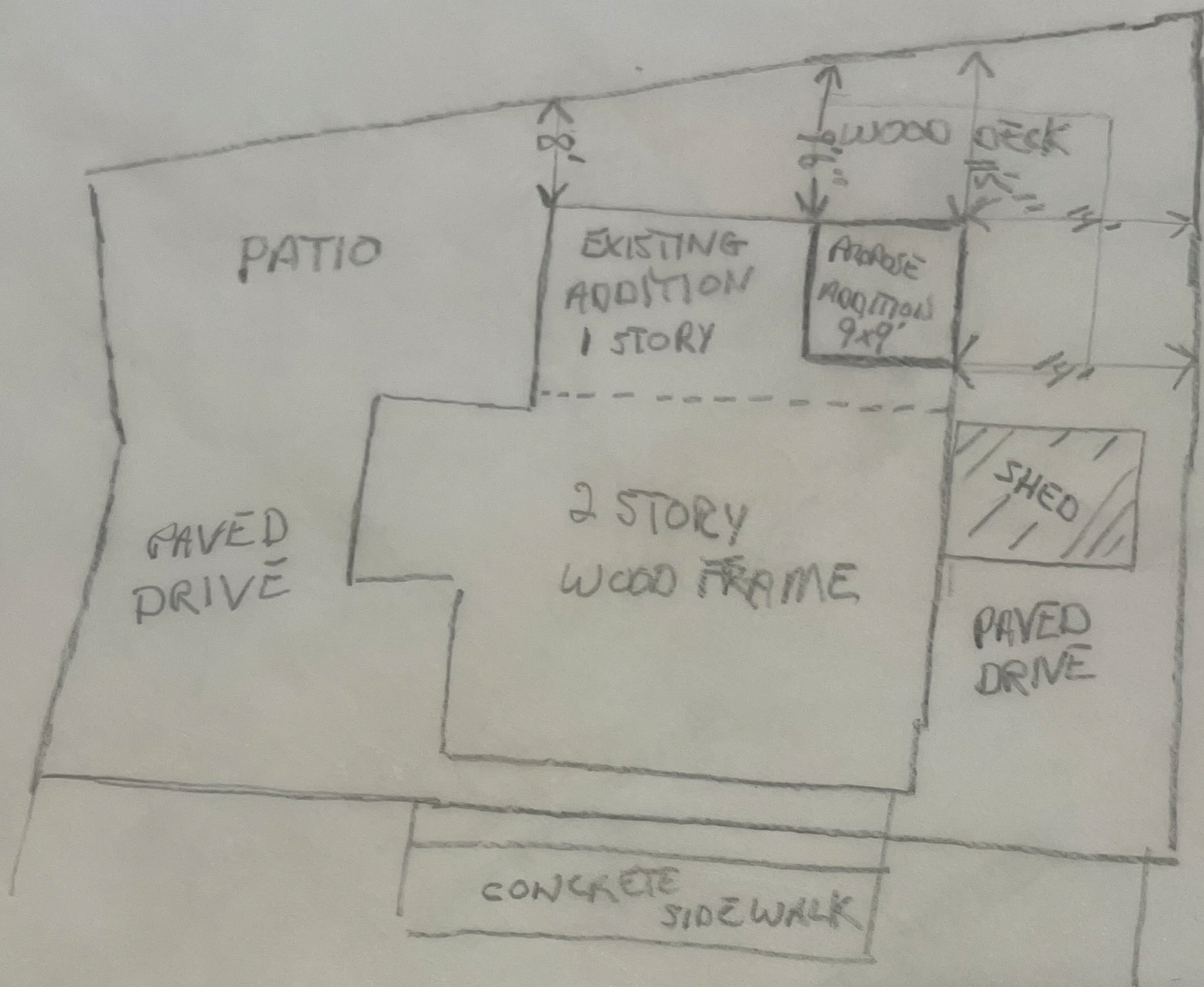


MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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 08/24/2023
 Data updated 3/9/2022

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



McDONOUGH STREET

