

**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.

October 22, 2024

AGENDA

I. OLD BUSINESS

- A.** The request of **Timothy Huntly (Owner)**, for property located at **124 Raleigh Way** whereas relief is needed after the fact for the keeping of chickens which requires the following: 1) Variance from Section 10.440 Use #17.20 to allow the keeping of farm animals where it is not allowed. Said property is located on Assessor Map 212 Lot 49-1 and lies within the General Residence B (GRB) District. (LU-24-140)

II. NEW BUSINESS

- A.** The request of **Eric Benvin and James Christopher Dozier (Owners)**, for property located at **49 Cass Street** whereas relief is needed to construct a two-story addition to the rear of the home which requires the following: 1) Variance from Section 10.521 to a) allow a 3 foot side setback where 10 feet is required; b) allow a 13.5 foot rear setback where 20 feet is required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 156 Lot 10 and lies within the General Residence C (GRC) District. (LU-24-145)
- B.** The request of **Aranosian Oil Company INC (Owner)**, for property located at **1166 Greenland Road** requesting relief for the installation of a canopy sign and lightbars which require the following: 1) Variance from Section 10.1251.20 to allow a 44 square foot canopy sign where 20 square feet is allowed; and 2) Variance from Section 10.1252.40 to allow illumination of two existing gas pump canopies. Said property is located on Assessor Map 279 Lot 2 and lies within the Industrial (I) District. (LU-24-171)

- C. The request of **Andrew Powell and Nicole Ruane (Owners)**, for property located at **339 Miller Avenue** requesting relief to demolish the existing sunroom and construct a two-story addition to the rear of the home which requires the following: 1) Variance from Section 10.521 to allow a building coverage of 28.5% where 25% is allowed. Said property is located on Assessor Map 131 Lot 31 and lies within the General Residence A (GRA) District. (LU-24-175)
- D. The request of **Port Harbor Land LLC (Owner)**, for property located at **0 Deer Street** requesting relief to construct a parking garage associated with a previously approved mixed-use development which requires the following: 1) Variance from Section 10.1114.20 to a) allow a 75 degree angle of parking on the lower level where the parking design standards do not allow it; b) allow a 17.5' one-way drive aisle on the lower level where the parking design standards do not allow it; c) allow a parallel parking space on the upper level with a length of 19 feet where 20 feet is required; and d) allow a 10' one-way drive aisle on the upper level where 14' is required. Said property is located on Assessor Map 118 Lot 28 and lies within the Character District 5 (CD5), Historic and Downtown Overlay Districts. (LU-24-176)

III. OTHER BUSINESS

IV. 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_tdY_mZuYQB0pmCLUOhhQsw



City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

MEMORANDUM

TO: Zoning Board of Adjustment
FROM: Jillian Harris, Principal Planner
Stefanie Casella, Planner
DATE: October 16, 2024
RE: Zoning Board of Adjustment October 22, 2024

The agenda items listed below can be found in the following analysis prepared by City Staff:

I. Old Business

- A. 124 Raleigh Way

II. New Business

- A. 49 Cass St
- B. 1166 Greenland Rd
- C. 339 Miller Ave
- D. 0 Deer St

I. OLD BUSINESS

- A. The request of **Timothy Huntley (Owner)**, for property located at **124 Raleigh Way** whereas relief is needed after the fact for the keeping of chickens which requires the following: 1) Variance from Section 10.440 Use #17.20 to allow the keeping of farm animals where it is not allowed. Said property is located on Assessor Map 212 Lot 49-1 and lies within the General Residence B (GRB) District. (LU-24-140)

Existing & Proposed Conditions

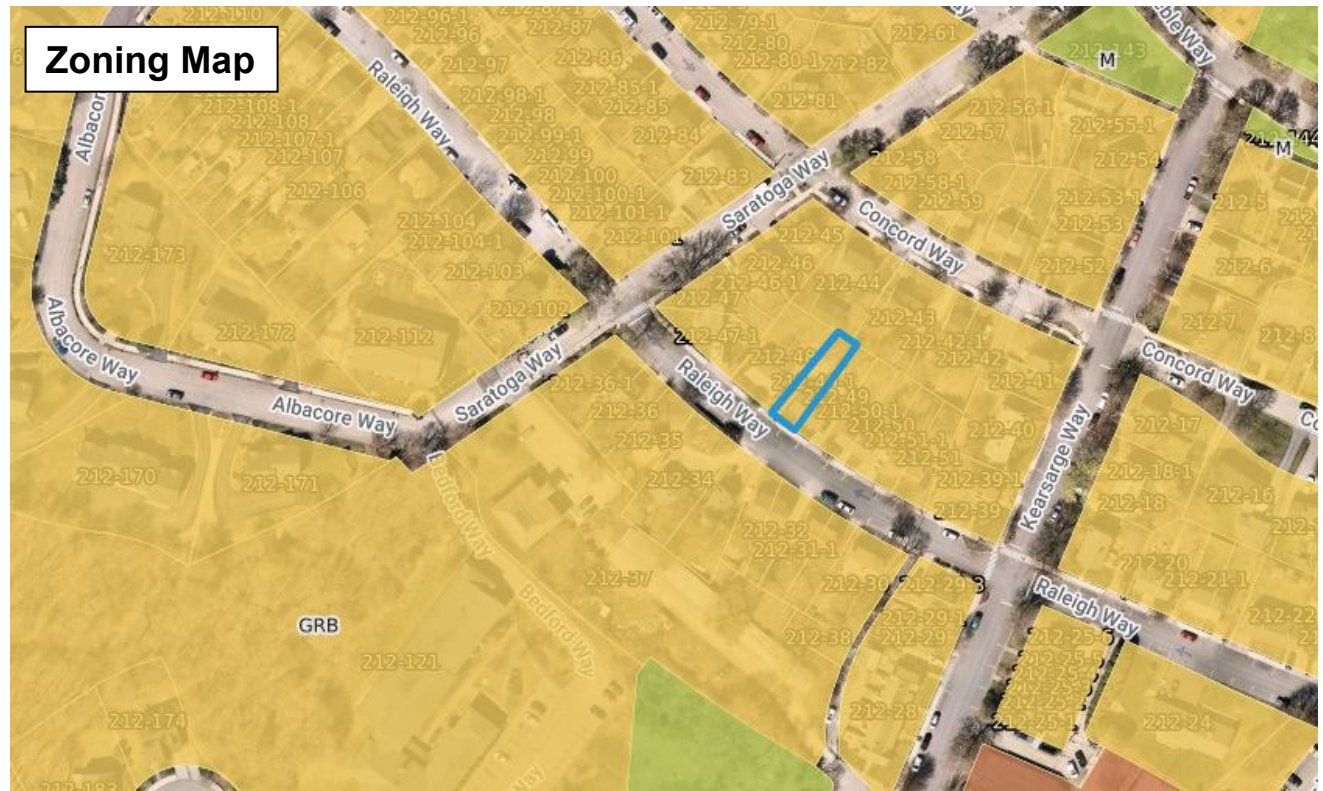
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Duplex	Keeping of Chickens	Primarily Residential
<u>Lot area (sq. ft.):</u>	2,178	2,178	5,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	2,178	2,178	5,000 min.
<u>Lot depth (ft.):</u>	95	95	60 min.
<u>Street Frontage (ft.):</u>	26	26	80 min.
<u>Front Yard (ft.):</u>	10	10	5 min.
<u>Right Side Yard (ft.):</u>	House: 0	House: 0 Coop: 3	10
<u>Left Side Yard (ft.):</u>	House: 9	House: 9 Coop: 3*	10 min.
<u>Rear Yard (ft.):</u>	60	House:60 Coop:3*	25 (House) min. 5 (Coop)
<u>Building Coverage (%):</u>	18	19	30 max.
<u>Open Space Coverage (%):</u>	>25	>25	25 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1917	Variance request(s) shown in red.	

*Current coop location does not comply with the required setback for an accessory structure per Section 10.573.10.

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

No previous history found.

Planning Department Comments

The applicant is requesting a variance to have up to 6 hens. If the Board grants the request, the following conditions should be considered:

1. That there be no more than 6 chickens and no roosters.
2. That the coop(s) be re-located to meet the setback requirements in Section 10.573.10 of the Zoning Ordinance.

Variance Review Criteria

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

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

AND

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

OR

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

10.235 Certain Representations Deemed Conditions

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

- Project narrative - introduction of your project, what it is, and why this particular property and location of your project is important.

This project is to request approval for a 6'Lx10'Wx6'H fully enclosed chicken run, containing a 3'x5' fully enclosed chicken coop. Coop is located approx 3' off the corner of the property (entire property is enclosed by a 6' full wood fence) in the furthest possible location from all nearby dwellings. Coop also contains a 2.5gal water source & 2gal feeder that owner regular checks on. Coop/run contains 3 "easter egger" breed hens, no roosters, that are 4.5 years old. Run and coop are sufficient space for up to 6 chickens, following the minimum recommendation of 8-10sqft of run space per chicken & 2-3sqft of coop space. Chickens are not free roamed due to dogs also residing on this & adjoining property (122 Raleigh Way, also owned by requestor).

This property is important to allow for the continued good health and welfare of these pets. Over the past 4.5 years they have been a significant joy to their owner and certain neighbors over the years. Due to their age (and natural significant decline in egg laying) there are fewer opportunities to give them to others who would be willing to take them in without the possibility of slaughtering when they no longer produce eggs, or risk of them not integrating well into the "pecking order" of a larger flock. It is in their best health & interest that they remain on the property and enclosed to prevent harassment from other pets (mainly dogs & outdoor cats) as well as wildlife.

- Analysis Criteria - an application cannot be approved unless the 5 criteria have been met.

- Analysis Criteria (from section 10.223 of the [Zoning Ordinance](#)):

1. 10.233.20 In order to authorize a variance, the Board must find that the variance meets all of the following criteria:

2. 10.233.21 The variance will not be contrary to the public interest; The general public is willingly receptive and open to the concept of “backyard chickens”. Their popularity as a pet/interest/hobby has exploded since 2020. I have had specific instances with my neighbors over the years where they have responded positively or even bonded themselves with the pets.

3. 10.233.22 The spirit of the Ordinance will be observed; The chickens will remain restricted to 124 Raleigh Way, through use of an enclosed run; and not allowed to roam freely into the adjoining property (122 Raleigh) which has no physical boundaries. The enclosed run is not only to prevent the chickens from wandering but is mainly designed to protect them from attacks from predators. I used to “free range” the chickens in the backyard and 1 was killed by a neighbor’s dog.

4. 10.233.23 Substantial justice will be done; I have read, interpreted and provided justification to the cities zoning ordinance to the best of my ability and research. I have had discussions with the zoning department, animal control, and health department regarding any regulatory guidance on backyard chickens in an attempt to

navigate this variance following due process.

5. 10.233.24 The values of surrounding properties will not be diminished; The coop & run is restricted visually and physically by adjoining properties by a 6' tall solid wood fence. The only adjoining property without a physical barrier is 122 Raleigh Way, which I also own & at one point resided at with the chickens. Their enclosed run & coop is of adequate material and condition to not diminish the value of the property. From the first instance of chickens on the property (2020) to now, property values have increased approximately 50%.

6. 10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

If the chickens are removed from the property it would result in a significant emotional burden separating myself and my girlfriend from pets we have had for several years. It would also result in significant distress by relocating them to owners/property that has a significantly higher likelihood of natural or residential (pet) predators, physical harm amongst the birds being incorporated into another flock's "pecking order", or living conditions that focus more on livestock than on pets. Most owners choose to slaughter chickens in the event they become unhealthy, don't integrate, or minimally/don't produce eggs. Complaints against them & their conditions have been made and to the full extent of my

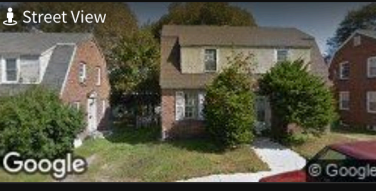
knowledge have been dismissed & found non-factual, passing at least 2 separate unannounced inspections by animal control & the health department. Complaints are also believed to have come from a biased party who is trying to leverage complaints to justify nonpayment of rent and utilities.


I believe the 4.5 years of ownership, 3.5 of which have been on the premises of 124 Raleigh Way have proven that the location, condition, and care for these pets has been historically suitable.

City of Portsmouth, NH

Property 🔍 Zoom To Share Print Property Quick Search

124 RALEIGH WAY ✕

Street View 

Google 

Google Directions 📍 Zoom

[View Details](#)

[Google Maps Link](#)

[City of Portsmouth](#)

[Property Data](#)

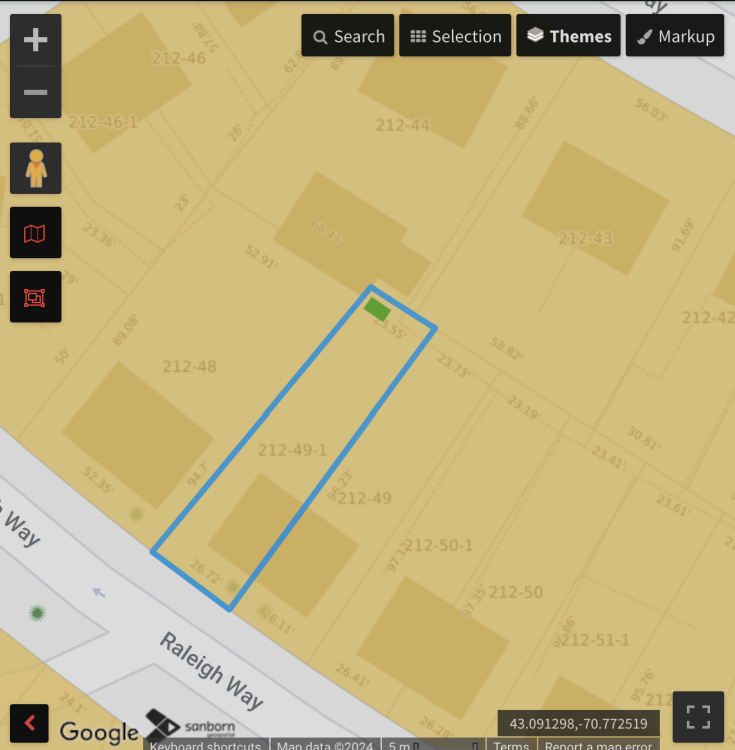
[Market Delineation](#)

Property

Location 124 RALEIGH WAY

Map-Lot 0212-0049-0001

Vision Account Number 51624



Map controls: + - 👤 📖 📏 🔍 Search 📄 Selection 🎨 Themes ✍️ Markup

Themes

- Trash/Recycling Routes
- School Districts
- Wards and Polling Locations
- Zoning** 7
- Zoning
- Transparency

Residential Districts

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

Mixed Residential Districts

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

Business Districts

- GB General Business
- B Business

Map info: 43.091298, -70.772519 5 m Map data ©2024 Terms Report a map error



II. NEW BUSINESS

- A. The request of **Eric Benvin and James Christopher Dozier (Owners)**, for property located at **49 Cass Street** whereas relief is needed to construct a two-story addition to the rear of the home which requires the following: 1) Variance from Section 10.521 to a) allow a 3 foot side setback where 10 feet is required; b) allow a 13.5 foot rear setback where 20 feet is required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 156 Lot 10 and lies within the General Residence C (GRC).

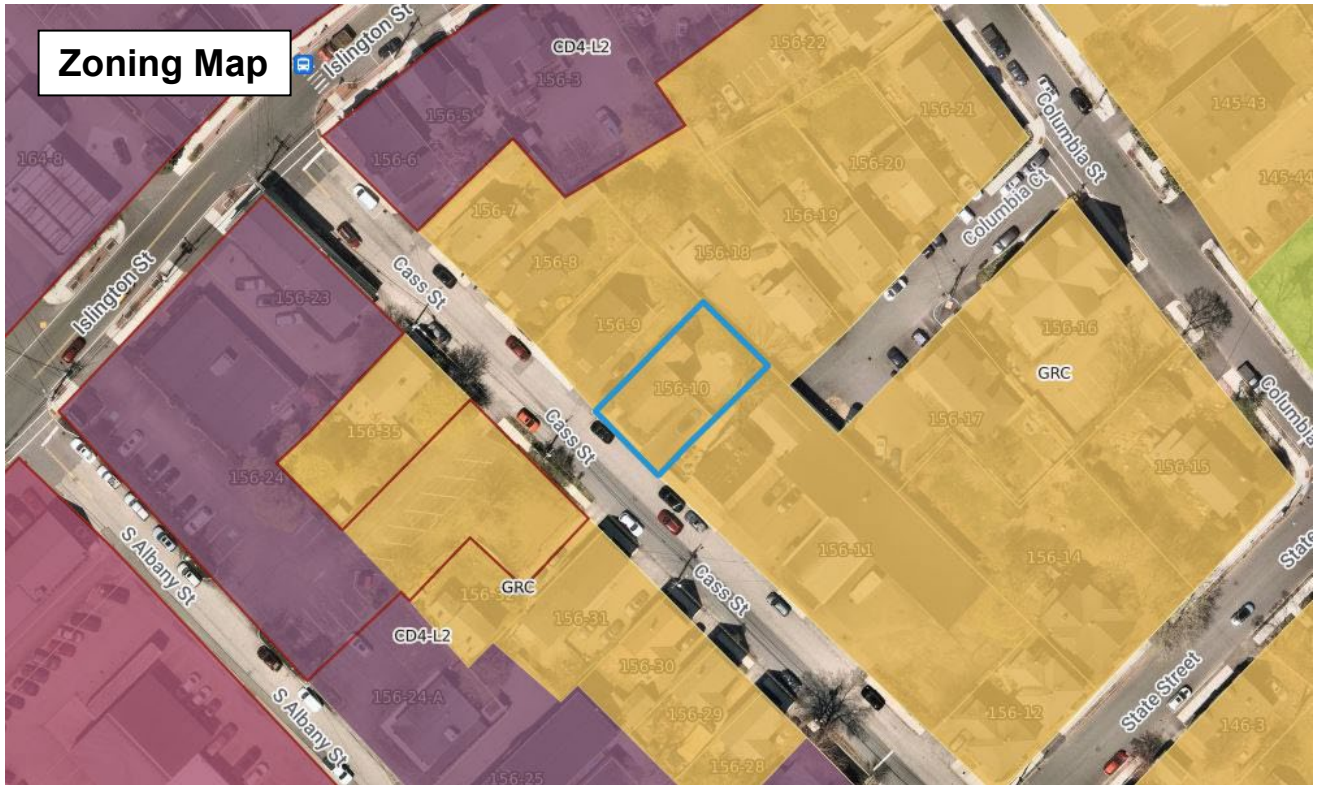
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	*Construct rear addition	Primarily Residential
<u>Lot area (sq. ft.):</u>	3,920.4	3,920.4	3,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,920.4	3,920.4	3,500 min.
<u>Lot depth (ft.):</u>	85	85	50 min.
<u>Street Frontage (ft.):</u>	50	50	70 min.
<u>Front Yard (ft.):</u>	5	5	5 min.
<u>Right Side Yard (ft.):</u>	21	House:21 Addition: 33.5	10 min.
<u>Left Side Yard (ft.):</u>	House: 3	House: 3 Addition:3	10 min.
<u>Rear Yard (ft.):</u>	House: 24	Addition: 13.5	20 min.
<u>Building Coverage (%):</u>	27.3	31	35 max.
<u>Open Space Coverage (%):</u>	47	43.7	20 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1880	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

No previous history found.

Planning Department Comments

The applicant is requesting to construct a two-story addition onto the rear of the existing primary structure. The addition is proposed to match the existing roofline and design of the primary structure and will require relief for rear and side yard setbacks, in addition to extension of an existing non-conforming structure.

Variance Review Criteria

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

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

10.235 Certain Representations Deemed Conditions

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

CITY OF PORTSMOUTH

NARRATIVE TO VARIANCE APPLICATION

**Eric Benvin & James C. Dozier
("Applicants")**

**49 Cass Street Portsmouth, NH
Tax Map 156, Lot 10**

INTRODUCTION

Eric Benvin & James C. Dozier own the property located at 49 Cass Street (the "Property" or the "Applicants' Property"). The Property is 0.09 acre in size. There is a two story single-family home on the Property that the Applicants reside in. It is zoned General Residence C ("GRC"). The home on the Property was built in 1880 according to City records. The Property deed is included in the submittal for your review and for full legal description- labeled Exhibit A.

Existing Nonconformities

Non-Conformity	Requirement	Existing Condition	Feature
Left Yard Setback	10 feet	Ranging 3 feet to 6 Feet	Single Family Residence

PROPOSED CONDITIONS

Construct a 10 ft by 14 ft Addition on Rear of Home:

The Applicants would like to extend the Property footprint in the rear of the home by adding a 10 foot by 14 foot two story addition. This would accommodate a larger kitchen, add a kitchen pantry and expand the existing living space currently above to achieve a larger bonus room/office space. The addition would match the existing roofline and design of the existing home.

ZONING RELIEF SUMMARY

The Applicants seek the following variances from the Portsmouth Zoning Ordinance (the "Ordinance"):

Section 10.521: To allow 13.8 foot (+/-) rear setback where 20 foot (+/-) exists and is allowed. And to allow for a continued 3 foot (+/-) side setback on the left, rear side of the home. The current residence sits 3 feet from the property line as it stands now.

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

VARIANCE CRITERIA

Sections 10.233.21 & 10.233.22 - Granting the variances will not be contrary to the public interest and will observe the spirit of the Ordinance

In the case of Chester Rod & Gun Club, Inc. v. Town of Chester, the Court observed that the requirements that a variance not be "contrary to the public interest" or "injure the public rights of others" are coextensive and are related to the requirement that the variance be consistent with the spirit of the ordinance. 152 N.H. 577 (2005). 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. "There 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." Harborside Assoc v. Parade Residence Hotel, 162 N.H. 508, 514 (2011).

In the present instance, the Applicants are seeking a 6.2 foot (+/-) deviation from what is allowed by the Ordinance. The Applicants would like this expansion of their home in order to gain more space in their kitchen and to add more room in the room currently above the kitchen. The Applicants plan on residing in the home long-term and this expansion would make that possible by giving them the space they need to accommodate their needs, adding more storage and increasing the functionality of their home.

What the Applicants have proposed is consistent with the prevailing character of the neighborhood. The properties that comply with the GRC Zone setback limitation in this area of Cass Street are the outliers.

The neighborhood itself is characterized by substandard single-family home lots that have structures that encroach into one or more setbacks - see Exhibit C.

The additions will have no negative impact upon the light, air and space of any abutting property, consistent with the objectives of the Ordinance.

For the foregoing reasons, granting the variances will not alter the essential character of the neighborhood or otherwise have any negative impact upon the public's health, safety or welfare.

The Applicants have included Letters of Support from their neighbors showing they are in favor of this proposal - see Exhibit D.

Section 10.233.23 - Substantial justice will be done

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).*

The public would not realize any gain by denying this variance. This addition to the home is reasonable and in keeping with the character of the neighborhood. The decrease in the rear building setback coverage below what is permitted by the Ordinance is minimal and will not overcrowd or otherwise overburden the Property or any neighboring properties. Denying the variances would constitute a loss to the Applicants.

Section 10.233.24 - The values of surrounding properties will not be diminished

As stated above, what is proposed is in keeping with the character of the neighborhood and other homes within it. The addition is tasteful and will integrate naturally with the existing design of the home. The improved appearance of the home should only add value to surrounding properties. Granting the variance will certainly not take value away from surrounding properties.

Section 10.233.25 - Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship

Current zoning does not reflect the character of the neighborhood, which consists primarily of small lots that exceed the GRC District's setback requirements. Municipalities have an obligation to have their zoning ordinances reflect the current character of neighborhoods. *Belanger v. Nashua, 121 N.H. 389 (1981).* Absent this, the Board must consider the prevailing character of a neighborhood as part of its hardship analysis.

The Property has minimal non-conformities as it stands now compared to other properties in the neighborhood. The Applicants have investigated another option for expansion of their kitchen but that option proved to pose a much more substantial financial hardship for them. For these reasons, there is no fair and substantial relationship between the general purposes of the Ordinance provisions and their application to the Property.

The proposed use is reasonable. The Applicants will continue to use the Property as a single-family residence which is permitted and encouraged in the GRC Zoning District.

CONCLUSION

In conclusion, the Applicants have demonstrated why their application meets the criteria for granting the variance requested and respectfully request that the Board's approval of the same.

Respectfully Submitted,

Dated: September 19th, 2024

Eric Benvin
James C. Dozier

By and Through Their
Authorized Representative,
Generation Homes, INC.

Melanie Bisson

By: Melanie Bisson, Owner
Generation Homes, INC.
400 The Hill Suite 1
Portsmouth, NH 03801
603-978-5404
Hello@GenerationHomes207.com

Return To:



Eric Benvin
James Christopher Dozier
49 Cass Street
Portsmouth, NH 03801

LCHIP	ROA542692	25.00
TRANSFER TAX	RO103711	8,205.00
RECORDING		14.00
SURCHARGE		2.00

Transfer Tax: \$ 8205⁻

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS, That Thomas Niland, single, with a mailing address of 49 Cass Street, Portsmouth, NH 03801 and Patti Blanchette, acting as Commissioner for Alice Giordano, pursuant to the 7th Circuit – Family Division – Rochester, Case No. 670-2015-DM-00384, being single, with a mailing address of 49 Cass Street, Portsmouth, NH 03801, for consideration paid grant to Eric Benvin and James Christopher Dozier, a married couple, as joint tenants with rights of survivorship, with a mailing address of 4 Longfellow Place, 309, Boston, MA 02114, with WARRANTY COVENANTS:

A certain tract or parcel of land, with the buildings thereon situated on Cass Street in Portsmouth, County of Rockingham and State of New Hampshire, and bounded and described as follows:

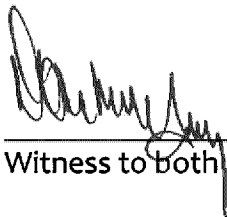
Easterly by Cass Street, fifty (50') feet, more or less; Northerly by land of Moses Philbrick, eighty-five (85') feet, more or less, Westerly by land of Michael Buckley fifty (50') feet, more or less, and Southerly by land of William and Pamela Stevens, eighty-five (85') feet, more or less.

Meaning and intending to describe and convey the same premises as conveyed to Thomas Niland and Alice Giordano by virtue of a deed dated June 26, 2014 recorded in the Rockingham County Registry of Deeds at Book 5717, Page 979.

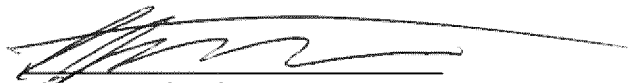
The grantor(s) hereby release all rights of homestead in the above-described property.

EXHIBIT A

Executed this 29th day of January, 2021.



Witness to both



Thomas Niland

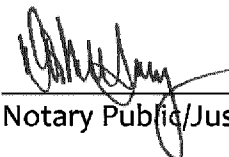


Patti Blanchette, Commissioner
on behalf of Alice Giordano

State of New Hampshire
County of Rockingham

Personally appeared the above named Thomas Niland and Patti Blanchette,
Commissioner on behalf of Alice Giordano, before me this 29th day of January, 2021
known to be the persons whose names are subscribed to the foregoing instrument
and acknowledged that they executed the same for the purposes therein contained.

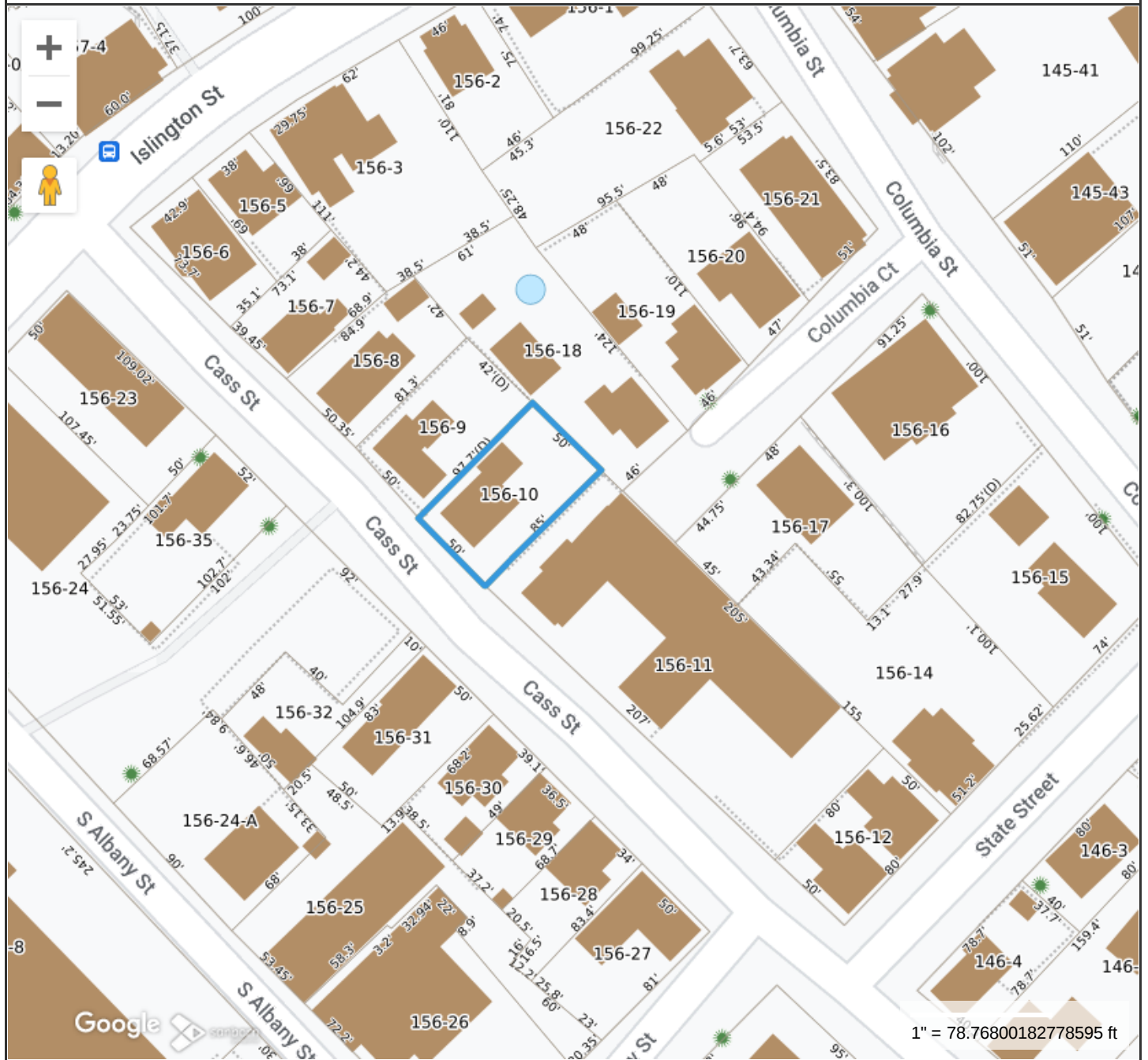
DONNA M. HARVEY, Notary Public
State of New Hampshire
My Commission Expires April 20, 2021



Notary Public/Justice of the Peace

My Commission Expires:

EXHIBIT B



Property Information

Property ID 0156-0010-0000
 Location 49 CASS ST
 Owner BENVIN ERIC



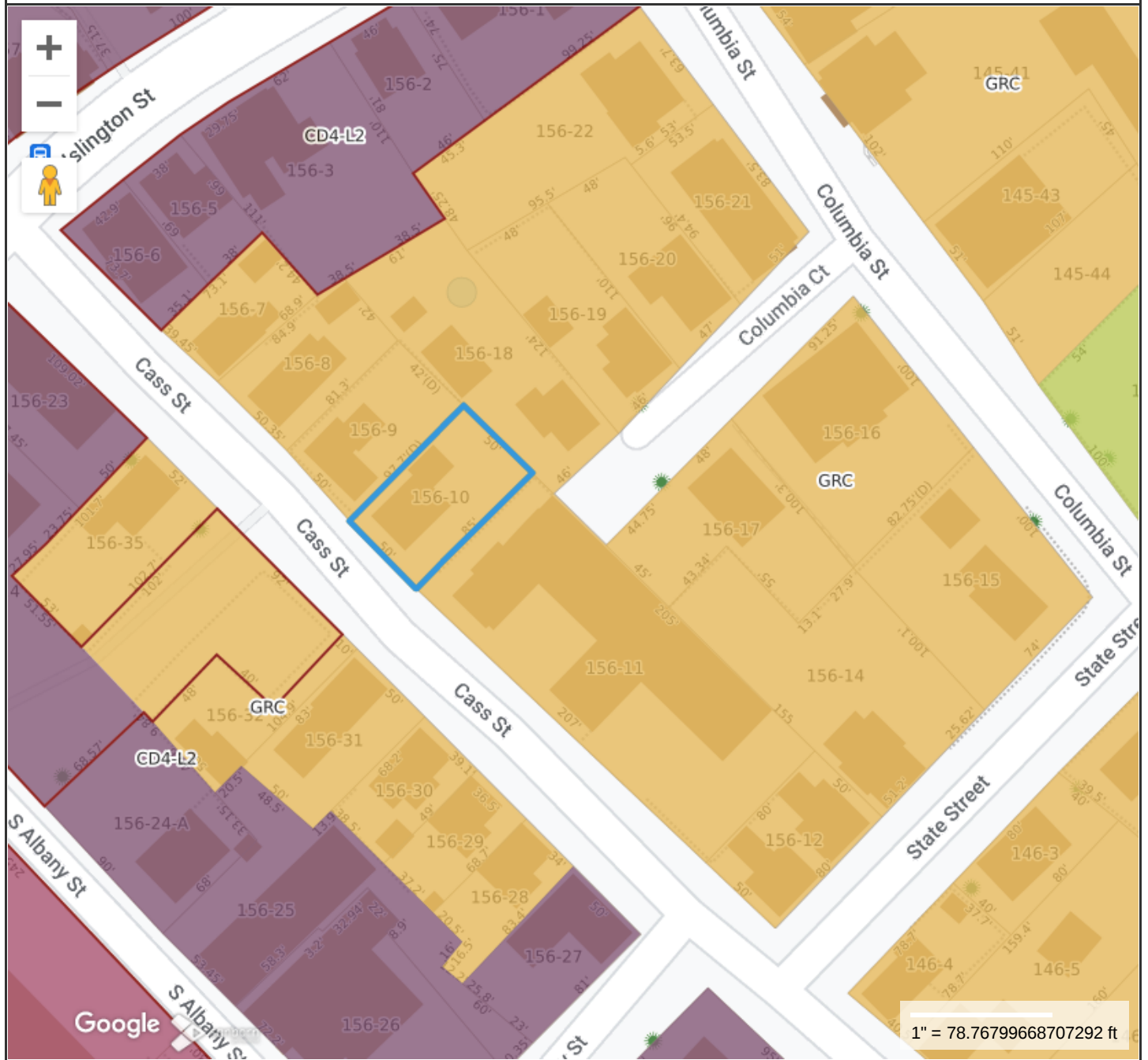
**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

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

Geometry updated 09/18/2024
 Data updated 3/9/2022

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

EXHIBIT B



Property Information

Property ID 0156-0010-0000
Location 49 CASS ST
Owner BENVIN ERIC



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT








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Geometry updated 09/18/2024
 Data updated 3/9/2022

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

Zoning

Residential Districts

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


Mixed Residential Districts

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





Business Districts

-  GB General Business
-  B Business
-  WB Waterfront Business



Industrial Districts

-  OR Office Research
-  I Industrial
-  WI Waterfront Industrial






Airport Districts

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


Conservation Districts

-  M Municipal
-  NRP Natural Resource Protection

Character Districts

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




Civic District

-  Civic District

Municipal District

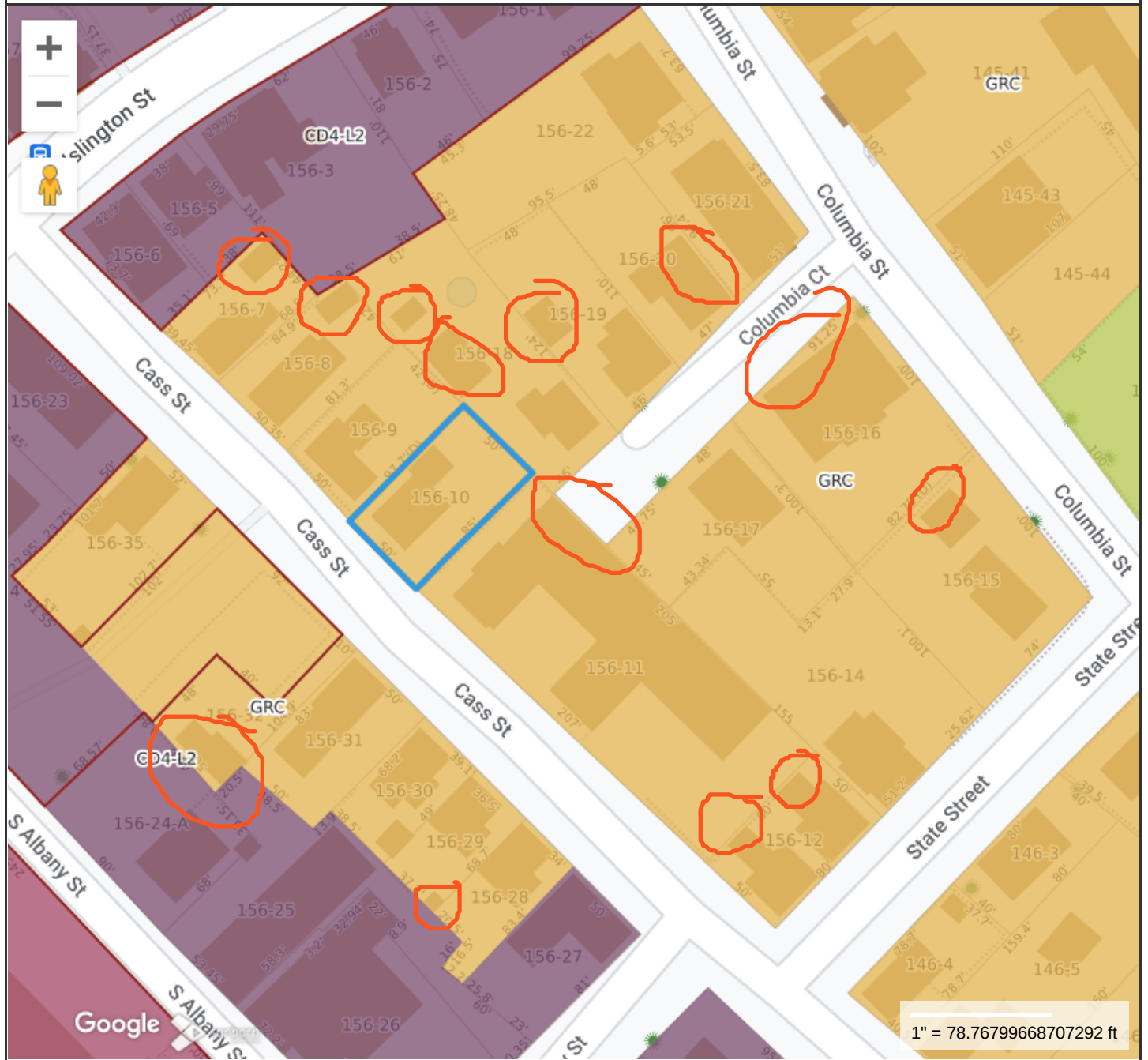
-  Municipal District

Overlay Districts

-  OLOD Osprey Landing Overlay District
-  Downtown Overlay District
-  Historic District

City of Portsmouth

EXHIBIT C



Property Information

Property ID 0156-0010-0000
 Location 49 CASS ST
 Owner BENVIN ERIC



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

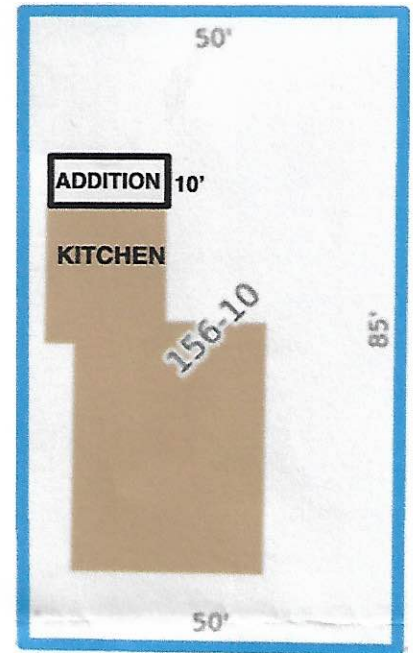
City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 09/18/2024
 Data updated 3/9/2022

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

Eric Benvin and James Dozier
 49 Cass Street
 Portsmouth, NH 03801
 cire7777@gmail.com
 (516) 669-1087
 7/18/2024

EXHIBIT D



City of Portsmouth Planning Department
 1 Junkins Avenue
 Portsmouth, NH 03801

Dear Members of the Planning Department,

We are writing to request a variance for a 10-foot, two-story addition off the kitchen of our home at 49 Cass Street. This addition is intended to create a pantry on the first floor and a small office space above it.

Over the past few years, we have dedicated significant time and effort to improving and updating our home, both inside and out. We take great pride in our property and have focused on meticulous landscaping and tasteful renovations to ensure it enhances the aesthetic of our neighborhood. Our commitment to maintaining a beautiful and functional home reflects our dedication to preserving and enhancing the character of our community.

In addition to our efforts as homeowners, we strive to be considerate and respectful neighbors, maintaining excellent standing within our community. We value the relationships we have built and are known for our kindness and willingness to assist our neighbors, fostering a sense of camaraderie and mutual respect.

Furthermore, we are actively involved in the Portsmouth community. We regularly participate in and contribute to city events, including Market Square Day, the Halloween Parade, Pride celebrations, Seacoast Repertory Theatre events, and Prescott Park activities. Our engagement in these events underscores our dedication to the vibrancy and cultural richness of our city.

The proposed addition will not only enhance the functionality of our home but also contribute positively to the overall value and appeal of the neighborhood. The pantry will provide much-needed storage and organizational space for the kitchen, while the office space above will offer a quiet and productive area for work, especially beneficial in our current times when many are working from home.

We have discussed our plans with our neighbors, and they are fully supportive of this addition. They have expressed no hesitation and believe that it will be a positive enhancement to our home and the neighborhood.

Thank you for your time and consideration.

Sincerely,

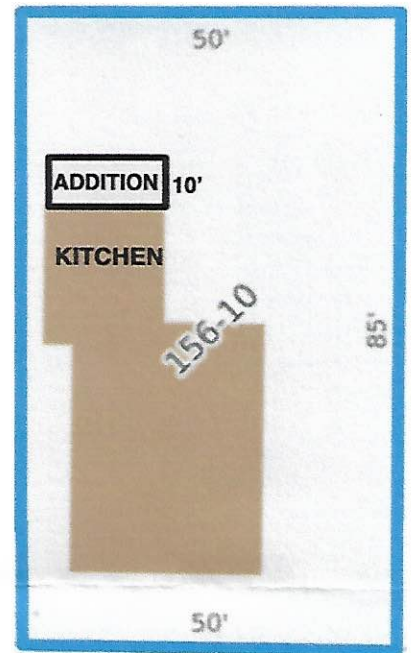
Eric Benvin and James Dozier

Neighbor:

Print Name:	Signature:	Street Address	Phone Number
Kristin Martin		39 Cass St	(978) 273 0198

Eric Benvin and James Dozier
 49 Cass Street
 Portsmouth, NH 03801
 cire7777@gmail.com
 (516) 669-1087
 7/18/2024

EXHIBIT D



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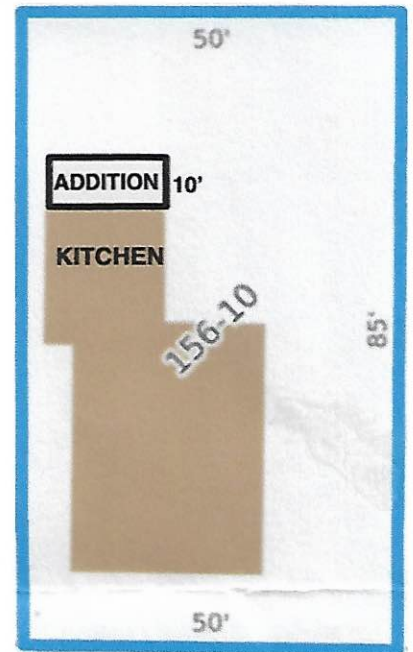
Eric Benvin and James Dozier

Neighbor:

Print Name:	Signature:	Street Address	Phone Number
Michael Ryan	Michael Ryan	33 Columbia Court	397-9904

Eric Benvin and James Dozier
49 Cass Street
Portsmouth, NH 03801
cire7777@gmail.com
(516) 669-1087
7/18/2024

EXHIBIT D



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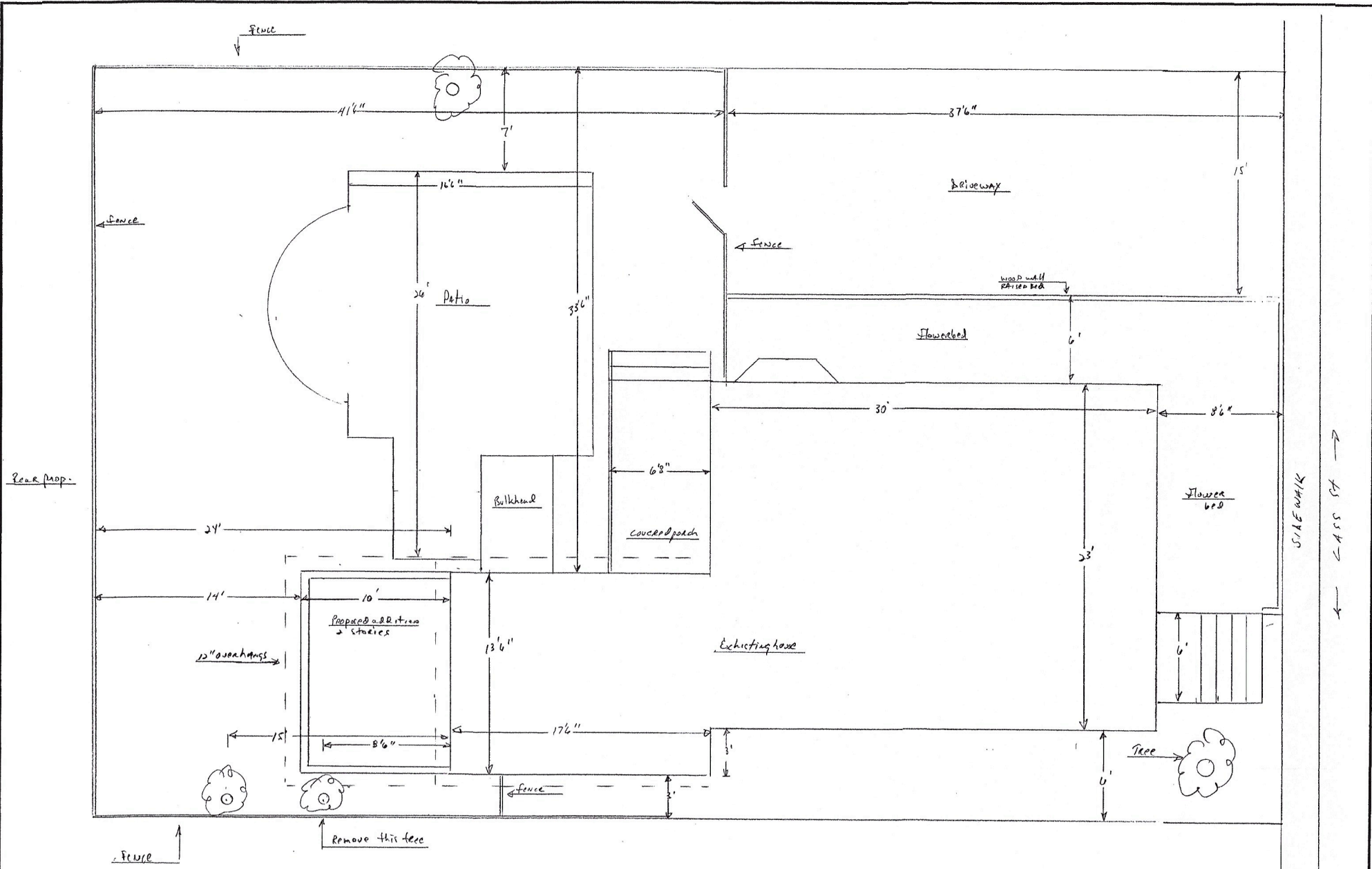
Thank you for your time and consideration.

Sincerely,

Eric Benvin and James Dozier

Neighbor:

Print Name:	Signature:	Street Address	Phone Number
Roband Ripley		59 Cass Street	603-436-1924



- 19' from ground to under eaves
- match existing roof line + overhangs

ERIC BENUTO		
SCALE: 1/4" = 1'	APPROVED BY:	DRAWN BY:
DATE:	REVISOR:	REVISED:
49 Carr St Portsmouth		
		DRAWING NUMBER

49 CASS ST

Location 49 CASS ST

Mblu 0156/ 0010/ 0000/ /

Acct# 34854

Owner BENVIN ERIC

PBN

Assessment \$601,200

Appraisal \$601,200

PID 34854

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$328,400	\$272,800	\$601,200

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$328,400	\$272,800	\$601,200

Owner of Record

Owner	BENVIN ERIC	Sale Price	\$547,000
Co-Owner	DOZIER JAMES CHRISTOPHER	Certificate	
Address	49 CASS ST	Book & Page	6229/2615
	PORTSMOUTH, NH 03801	Sale Date	02/01/2021
		Instrument	39

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BENVIN ERIC	\$547,000		6229/2615	39	02/01/2021
GIORDANO ALICE	\$0		5717/0979	38	05/25/2016
NILAND THOMAS	\$0		3102/0549		05/23/1995

Building Information

Building 1 : Section 1

Year Built: 1880
Living Area: 2,158
Replacement Cost: \$409,087
Building Percent Good: 79
Replacement Cost Less Depreciation: \$323,200

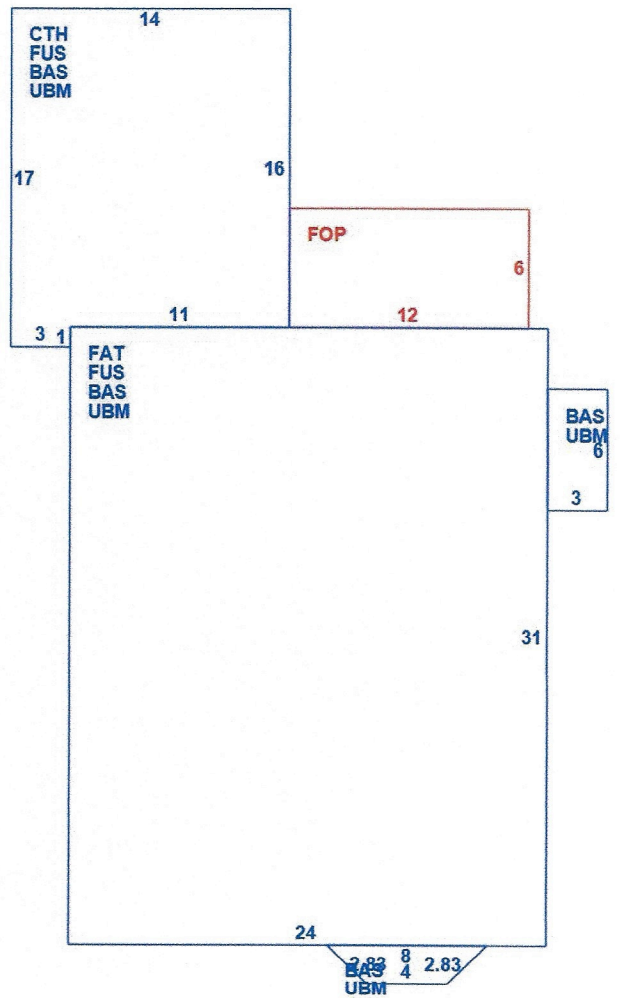
Building Attributes	
Field	Description
Style:	Conventional
Model	Residential
Grade:	B
Stories:	2
Occupancy	1
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	Plastered
Interior Wall 2	Drywall/Sheet
Interior Flr 1	Hardwood
Interior Flr 2	Ceram Clay Til
Heat Fuel	Gas
Heat Type:	Warm Air
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	2
Total Half Baths:	1
Total Xtra Fixtrs:	0
Total Rooms:	8
Bath Style:	Above Avg Qual
Kitchen Style:	Above Avg Qual
Kitchen Gr	
WB Fireplaces	0
Extra Openings	0
Metal Fireplaces	1
Extra Openings 2	0
Bsmt Garage	

Building Photo



(<https://images.vgsi.com/photos2/PortsmouthNHPhotos///0038/20230825>)

Building Layout



(ParcelSketch.ashx?pid=34854&bid=34854)

Building Sub-Areas (sq ft)

Legend

Code	Description	Gross Area	Living Area
BAS	First Floor	1,001	1,001
FUS	Upper Story, Finished	971	971
FAT	Attic	744	186
CTH	Cathedral Ceiling	227	0
FOP	Porch, Open	72	0
UBM	Basement, Unfinished	1,001	0
		4,016	2,158

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL	GAS FIREPLACE	1.00 UNITS	\$1,700	1

Land

Land Use

Use Code 1010
 Description SINGLE FAM MDL-01
 Zone GRC
 Neighborhood 105
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 0.09
 Frontage
 Depth
 Assessed Value \$272,800
 Appraised Value \$272,800

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAT1	PATIO-AVG			450.00 S.F.	\$3,500	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$328,400	\$272,800	\$601,200
2022	\$323,200	\$272,800	\$596,000
2021	\$258,700	\$272,800	\$531,500

Assessment			

Valuation Year	Improvements	Land	Total
2023	\$328,400	\$272,800	\$601,200
2022	\$323,200	\$272,800	\$596,000
2021	\$258,700	\$272,800	\$531,500

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49 Cass Street Portsmouth, NH



**MAP FOR REFERENCE ONLY
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Geometry updated 08/24/2023
Data updated 3/9/2022

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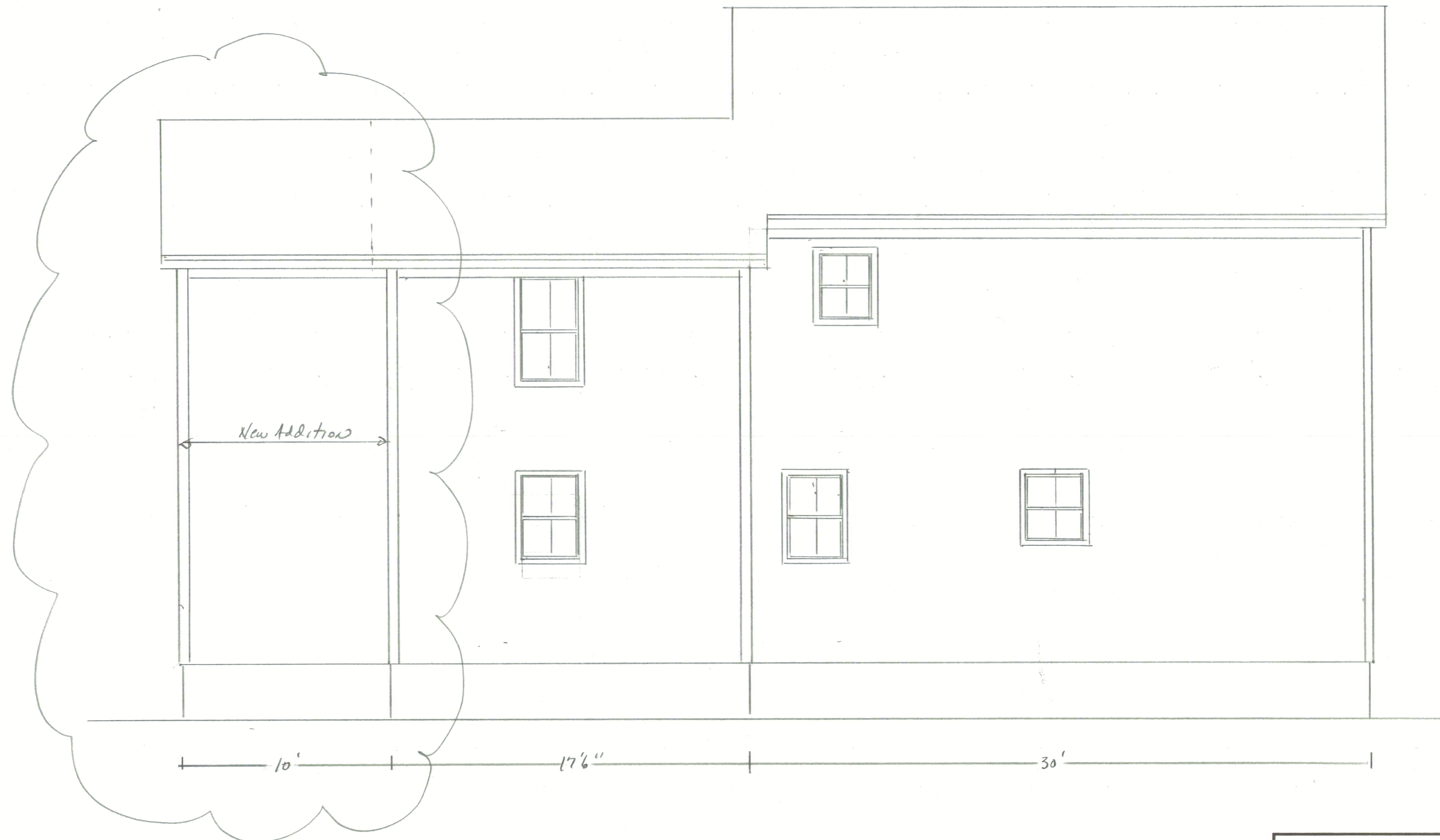
FRONT ELEVATION NOT CHANGING



SCALE: 1/4" = 1'	APPROVED BY:	DRAWN BY:
DATE: 9.12.24		REVISED:
Rear Elevation		
		DRAWING NUMBER



SCALE: 1/4" = 1'	APPROVED BY:	DRAWN BY
DATE: 9.12.24		REVISED
<i>Right side Elevation</i>		
		DRAWING NUMBER



SCALE: 1/4" = 1'	APPROVED BY:	DRAWN BY:
DATE: 9.12.24		REVISED:
LEFT SIDE Elevation		
		DRAWING NUMBER:

II. NEW BUSINESS

- B. The request of **Aranosian Oil Company INC (Owner)**, for property located at **1166 Greenland Road** requesting relief for the installation of a canopy sign and lightbars which require the following: 1) Variance from Section 10.1251.20 to allow a 44 square foot canopy sign where 20 square feet is allowed; and 2) Variance from Section 10.1252.40 to allow illumination of two existing gas pump canopies. Said property is located on Assessor Map 279 Lot 2 and lies within the Industrial (I) District. (LU-24-171)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Motor Vehicle Service Station	Reface gas canopy signs and add illumination*	Primarily industrial and commercial facilities
<u>Lot area (acres):</u>	17	17	2 min.
<u>Street Frontage (ft.):</u>	1,500	1,500	200 min.
<u>Canopy Sign (SF)</u>	Gas: 20 Diesel: 18	Gas: 44 Diesel: 18	20 Max.
<u>Wall Sign (SF)</u>	Car Wash: 33 Building: 24	Car Wash: 33 Building: 24	100 Max.
<u>Aggregate Sign area (SF)</u>	95	119	174 Max.
		Variance request(s) shown in red.	

*Canopy illumination requires a variance per Section 10.1252.40

Other Permits/Approvals Required

- Sign Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **September 29, 1964** – BOA considered a petition for a re-locating of a new service station on Route 101. Accepting a communication from the Planning Director wherein it was advised that the matter should be reviewed by the Planning Board, the Board of Adjustment has deferred action on your petition pending receipt of such review and report.
- **October 14, 1964** – Reviewed a site plan Dwg. No. MD 9791P as submitted by the Phillips Petroleum Company relative to the construction of a service station to be located on the westerly side of Old Greenland Road at its intersection with Rt. 101. This plan represents a modification requested by the Planning Board and was accompanied by test borings which have been provided to the City Engineer. Upon assurance by the applicant that construction would be in accordance with all city requirements and that the sanitary and surface disposal facilities would be to the satisfaction of the City Engineer the Planning Board voted unanimously “that this plan be approved.”
- **April 20, 2004** – the BOA approved 1) a Variance from Article II, Section 10-209 Table 5 to allow 3,588 sf convenience store and an 864 sf car wash in a district where such uses are not allowed, 2) a Variance from Article IV, Section 10-402 (B) to allow: a) a 24’ x 97’ gas canopy with a 46’ front yard where 70’ is the minimum required, and b) A 30’ X 90’ truck fueling canopy with a 0’ left side yard where 13.9’ is the minimum required ; and, 3) a Variance from Article IV, Section 10-401 (A) and Section 10-401(A)(1)(c) to allow the existing convenience store (approved by court order) and the canopy to be moved and a car wash to be installed where a nonconforming use of land may not be extended into any part of the remainder of the lot of land.

Planning Department Comments

The applicant is requesting relief for a gas canopy sign (44 SF Sunoco lettering and logo) that is greater than the maximum 20 sq.ft. allowed in sign district 6. In addition, the applicant is requesting relief to add illumination to 3 sides of the two existing gas canopies that would be considered a change in technology and would also make the illuminated areas count towards sign area per Section 10.1252.40.

10.1281 A **nonconforming sign** or **sign structure** shall be brought into conformity with this Ordinance if it is altered, reconstructed, replaced, or relocated. For the purpose of this provision, the alteration of a **sign** or **sign structure** includes any change in size, shape, materials **or technology**. A change in text or graphics is not an **alteration** or replacement for purposes of this subsection.

10.1252.40 The sign area of a canopy sign shall include all text and symbols, whether or not illuminated, **and all illuminated areas**; but shall not include non-illuminated areas that are distinguished from the background only by color stripes.

The applicant has requested relief from Section 10.1252.40 to not include the proposed illuminated areas of the canopy signs as sign area. The area of illumination on the proposed canopy signs would exceed the maximum sign area allowed for a canopy sign in this sign district and would push the sign area over the maximum permitted aggregate sign area for the property.

Variance Review Criteria

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

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

AND

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

OR

 - (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.



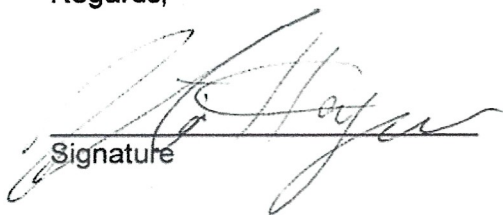
To whom it may concern:

This letter authorizes Indaba Holdings, dba NH Signs of 66 Gold Ledge Ave., Auburn, NH, to act as an authorized agent for Aranisian Oil, LLC property owner of 1166 Greenland Rd., with respect to the submission of applications for sign permits, sign waiver requests to the Town of Portsmouth, NH.

As an authorized agent of the owner, NH Signs is allowed to sign and submit all forms necessary for the aforementioned application.

Date: 5-13-24

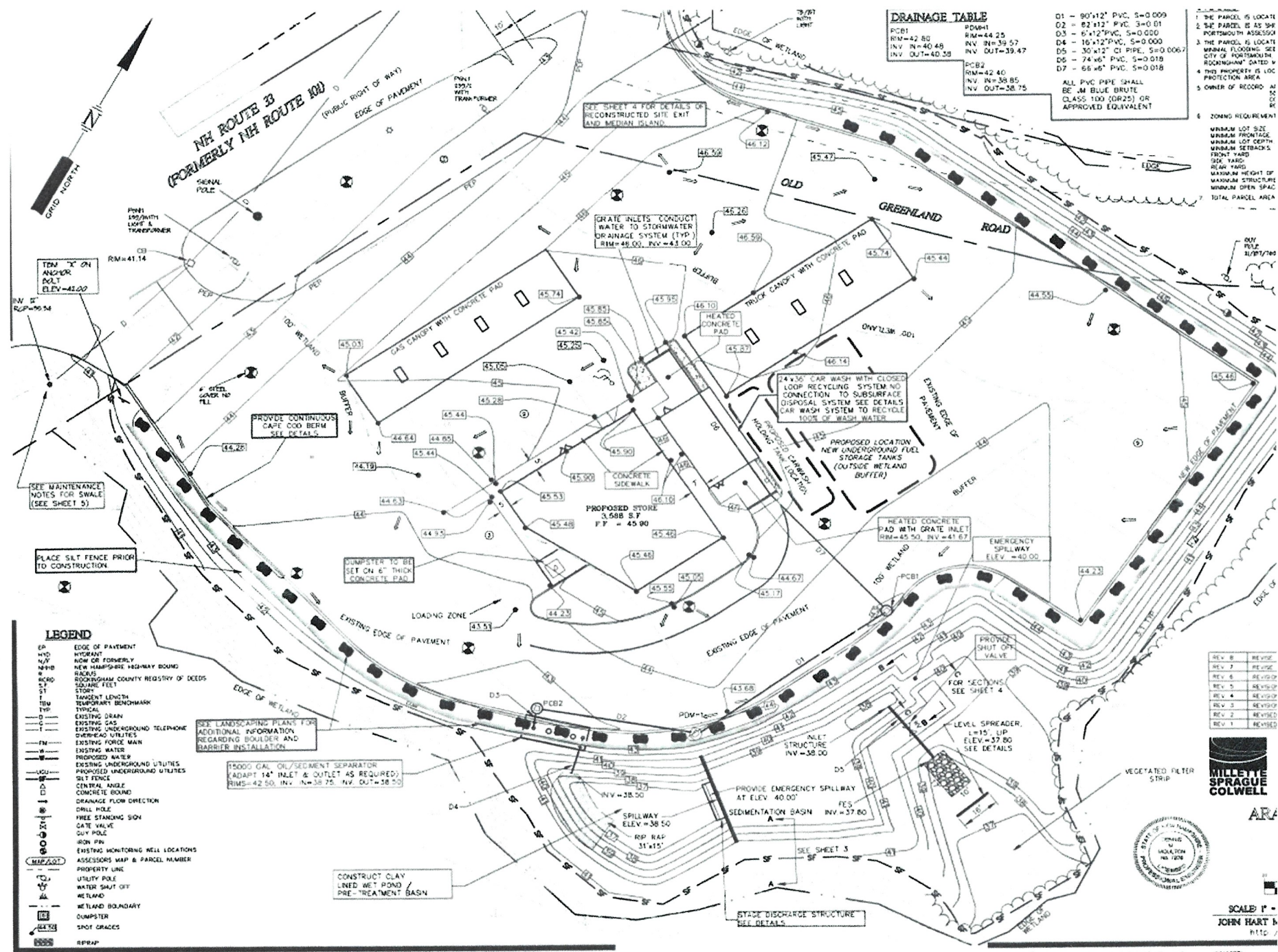
Regards,



Signature

owner

Title



DRAINAGE TABLE

PCB1	PCB2
RM=42.80	RM=42.40
INV IN=40.48	INV IN=38.85
INV OUT=40.38	INV OUT=38.75

1. THE PARCEL IS LOCATE
 2. THE PARCEL IS AS SHW
 3. THE PARCEL IS LOCATE
 4. THIS PROPERTY IS LOC
 5. OWNER OF RECORD
 6. ZONING REQUIREMENT
- MINIMUM LOT SIZE
MINIMUM FRONTAGE
MINIMUM LOT DEPTH
MINIMUM SETBACKS
FRONT YARD
SIDE YARD
REAR YARD
MAXIMUM HEIGHT OF
MAXIMUM STRUCTURE
MINIMUM OPEN SPAC
TOTAL PARCEL AREA

LEGEND

EP	EDGE OF PAVEMENT
HYD	HYDRANT
NW	NEW OR FORMERLY
NWFB	NEW HAMPSHIRE HIGHWAY BOUND
R	RACKS
RCSD	ROCKINGHAM COUNTY RECORDS OF DEEDS
S.F.	SQUARE FEET
ST	STORY
TL	TANGENT LENGTH
TM	TEMPORARY BENCHMARK
TYP	TYPICAL
D	EXISTING DRAIN
G	EXISTING GAS
UT	EXISTING UNDERGROUND TELEPHONE
U	OVERHEAD UTILITIES
FM	EXISTING FORCE MAIN
W	EXISTING WATER
W	PROPOSED WATER
U	EXISTING UNDERGROUND UTILITIES
U	PROPOSED UNDERGROUND UTILITIES
CA	CENTRAL ANGLE
D	CONCRETE BOUND
DF	DRAINAGE FLOW DIRECTION
PH	DRILL HOLE
PS	FREE STANDING SIGN
GV	GATE VALVE
DP	DUY POLE
IP	IRON PIN
EM	EXISTING MONITORING WELL LOCATIONS
MAP/LOT	ASSESSORS MAP & PARCEL NUMBER
PL	PROPERTY LINE
UP	UTILITY POLE
WS	WATER SHUT OFF
W	WETLAND
WB	WETLAND BOUNDARY
CM	CUMPSITER
SG	SPOT GRADES
RR	REPRAP

REV. 8	REVISE
REV. 7	REVISE
REV. 6	REVISED
REV. 5	REVISED
REV. 4	REVISED
REV. 3	REVISED
REV. 2	REVISED
REV. 1	REVISED



SCALE: 1" = 40'
JOHN HART, INC.
http://

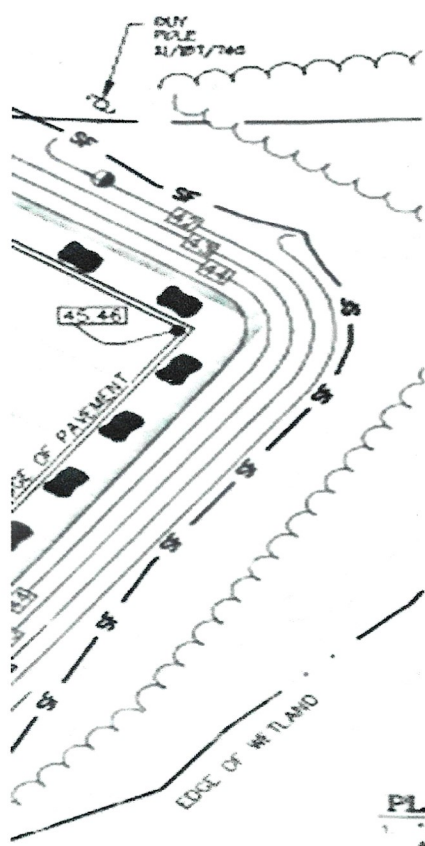
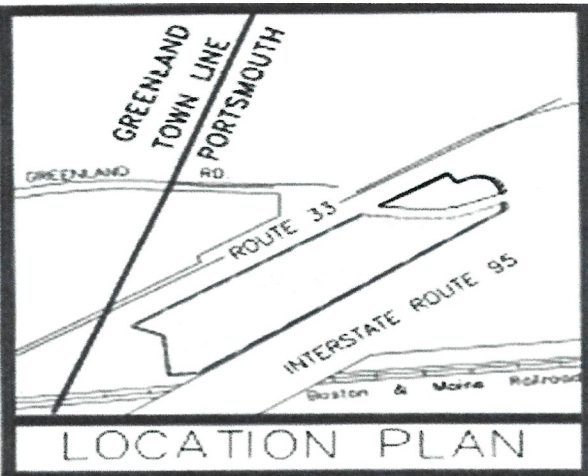
Plot Plan

Plot Plan Legend

NOTES:

1. THE PARCEL IS LOCATED IN THE INDUSTRIAL ZONE.
2. THE PARCEL IS AS SHOWN ON THE LITTY LB PORTSMOUTH ASSESSOR'S MAP 279 AS LOT 2.
3. THE PARCEL IS LOCATED IN FLOOD ZONE C, AREAS OF MINIMAL FLOODING. SEE "FLOOD INSURANCE RATE MAP CITY OF PORTSMOUTH, NEW HAMPSHIRE COUNTY OF ROCKINGHAM" DATED MAY 17, 1982.
4. THIS PROPERTY IS LOCATED IN A WELLHEAD PROTECTION AREA.
5. OWNER OF RECORD: ARANOSIAN OIL COMPANY, INC.
557 NORTH STATE STREET
CONCORD, NH 03301
RCRD 1751-374
6. ZONING REQUIREMENTS:

MINIMUM LOT SIZE	2 ACRES
MINIMUM FRONTAGE	200'
MINIMUM LOT DEPTH	200'
MINIMUM SETBACKS:	
FRONT YARD	70'
SIDE YARD	50'
REAR YARD	50'
MAXIMUM HEIGHT OF STRUCTURE	70'
MAXIMUM STRUCTURE COVERAGE/LOT	50%
MINIMUM OPEN SPACE /LOT	20%
7. TOTAL PARCEL AREA 759,224 S.F.
17.43 ACRES



8. WETLAND DELINEATION WAS DONE BY NEW HAMPSHIRE SOIL CONSULTANTS, INC. IN ACCORDANCE WITH THE 1987 CORPS OF ENGINEERS WETLAND DELINEATION MANUAL AND FIELD LOCATED BY MILLETTE, SPRAGUE & COLWELL, INC.
 9. ANY CONSTRUCTION WITHIN THE WELL HEAD PROTECTION AREA SHOULD COMPLY WITH THE CITY OF PORTSMOUTH ADJUSTER PROTECTION GUIDELINES THAT ARE ON FILE AT THE PORTSMOUTH DEPARTMENT OF PUBLIC WORKS.
 10. ALL CONSTRUCTION AND MATERIALS SHALL BE IN ACCORDANCE WITH ALL STATE AND LOCAL CODES.
 11. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATIONS, SIZE AND ELEVATIONS OF ALL EXISTING UTILITIES, SHOWN OR NOT SHOWN ON THESE PLANS. PRIOR TO THE START OF ANY CONSTRUCTION, THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES INTERFERING WITH THE PROPOSED CONSTRUCTION TO DETERMINE APPROPRIATE ACTION TO BE TAKEN BEFORE PROCEEDING WITH THE WORK.
 12. ALL UTILITY COMPANIES REQUIRE INDIVIDUAL CONDUITS. CONTRACTOR IS TO COORDINATE WITH TELEPHONE, CABLE, AND ELECTRIC COMPANIES REGARDING THE NUMBER OF CONDUITS REQUIRED PRIOR TO INSTALLATION OF ANY CONDUIT.
 13. CONTRACTOR TO COORDINATE WITH ALL UTILITY COMPANIES AND DISSEASE PRIOR TO ANY EXCAVATION. CONTRACTOR TO CONTACT DISSEASE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION. CALL (1-866-344-7233).
- ELECTRIC:** PUBLIC SERVICE OF NEW HAMPSHIRE
1700 LAFAYETTE ROAD, PORTSMOUTH, NH 03801
CONTACT DENNIS WESTON
TRANSMISSION LINES ENGINEER
(603)436-5860
- GAS:** NORTHERN UTILITIES, INC.
325 WEST ROAD, PORTSMOUTH, N.H. 03801
CONTACT JEFF INGLES - COMMERCIAL
CONTACT PHIL SEVIGNY - INDUSTRIAL/MANUFACTURING
(603)436-0310
- TELEPHONE:** VERIZON
P.O. BOX 307
GREENLAND, N.H. 03840
CONTACT CHARLES RANNOE
(603)427-2000
- SEWER/WATER:** PORTSMOUTH, DEPT. OF PUBLIC WORKS
680 PEVERLY HILL ROAD
PORTSMOUTH, N.H. 03801
CONTACT MIKE JENKINS
(603) 427-1552
14. APPLICANT TO CONTACT MHOOT REGARDING THE EXTENSION OF LEFT TURN LANE (ROUTE 33) AND MODIFICATION OF SIGNAL TIMING.
 15. APPLICANT TO CONTACT MHOOT REGARDING THE PLACEMENT OF "NO PARKING" SIGNS ALONG ROUTE 33 IN THE VICINITY OF THIS SITE.
 16. APPLICANT TO ENSURE THAT WATER AND ICE WILL NOT BE TRACKED FROM PROPOSED CAR WASH FACILITY INTO PUBLIC RIGHT-OF-WAY BY TAKING ANY AND ALL PREVENTATIVE MAINTENANCE ACTIONS NECESSARY.

PLAN REFERENCES:

1. "TOPOGRAPHIC SKETCH GREENLAND ROAD PORTSMOUTH, N.H. FOR ARANOSIAN OIL COMPANY, INC." DATE 03/15/89, BY DURGON - SCHOFIELD ASSOCIATES.
2. "PLAN OF LAND PORTSMOUTH, N.H. FOR ARANOSIAN OIL COMPANY, INC." DATE FEB. 19, BY JOHN W. DURGON.

REV 8	REVISE CAR WASH NOTE	09/03/04
REV 7	REVISE SITE GRADING, BREAK OUT UTILITIES AND LANDSCAPING	08/18/04
REV 6	REVISIONS BASED ON PLANNING BOARD COMMENTS	06/04/04
REV 5	REVISIONS BASED ON TRAFFIC SAFETY COMMENTS	05/20/04
REV 4	REVISIONS BASED ON T.A.C. COMMENTS	05/13/04
REV 3	REVISIONS BASED ON T.A.C. COMMENTS	05/12/04
REV 2	REVISED GRADING AROUND JERSEY BARRIERS	05/04/04
REV 1	REVISED GRADING, DRAINAGE AND UTILITIES	04/22/04



MILLETTE, SPRAGUE & COLWELL, INC.
CIVIL ENGINEERS LAND SURVEYORS

SITE PLAN
FOR
ARANOSIAN OIL COMPANY, INC.
NH ROUTE 33
CITY OF PORTSMOUTH

Application for a Variance

We are applying for a variance from section 10.1251.20 Canopy Signs for a Sunoco site at 1166 Greenland Rd, Portsmouth. The site is zoned industrial and is in District 6.

We applied for a sign permit for 44 sq ft of signage. We are also asking for lightbar. The city considered the lightbar signage and denied it on this basis. Not including the lightbar, the signage is as follows:

	Car Wash	Building	Gas Canopy	Diesel Canopy	Total
Current sf	33	24	20	18	95
Proposed	33	24	44	18	119
Allowed	100	100	20	20	240

Please note: The Car wash signage and the Diesel Canopy signage have been permitted; the subject of this variance is the Gas Canopy Signage and the Lightbar on the Gas and Diesel canopies.

The Code reads:

10.1252.40 The sign area of a canopy sign shall include all text and symbols, whether or not illuminated, and all illuminated areas; but **shall not include non-illuminated areas** that are distinguished from the background only by color stripes.

The fact that we are illuminating the fascia is the reason it is considered a sign.

We are thus asking for the following:

- a. We have a Sunoco logo on the canopy of 20sf; we are asking to replace this with a Sunoco Logo and arrow motif; the area of this is 44 sq ft. We are allowed 20 sf.
- b. We are asking for Lightbar to illuminate the Gas fascia on 3 sides.
- c. The Diesel canopy has one Sunoco sign that has been permitted, and we are requesting lightbar on 3 sides of this canopy.

The lightbar is a metal channel open on the bottom only. It is designed to project a gentle blue light onto bottom 6" the canopy fascia, and to gently light the drip edge of the pavement below the canopy. The downlighting creates minimal impact while identifying the site and lighting a part of the forecourt that is prone to ice.

This location is a 24-hour truck stop in the Industrial Zone with a c-store and car wash and a commercial and diesel canopy. There are no adjacent businesses or residents- the closest is 500 ft away, also owned by Aranosian Oil. Visibility and effective lighting are key to this type of site; this combats crime and provide a safe haven for ordinary motorists as well as truckers using the site in the night hours.

Although the signage faces Greenland Ave, the site draws custom from Rt 95. Traffic exiting 95 needs to be able to find the site on Greenland Ave.

1) Granting this variance would not be contrary to the Public Interest

The site is a 24-hour stop servicing traffic on rt 95 as well as local traffic on Greenland Rd. It attracts a lot of evening and nighttime traffic; truckers park in the lot and use the restaurants and parking areas for overnight stays. The public interest is served by:

- a) Allowing businesses to identify themselves. This is a new attractive Sunoco image that does away with the outdated sunrise and Nascar graphics, and is a cleaner, plainer look.
- b) Maintaining lighting for security and visibility; as stated, a contingent use of the lighting is to light the drip edge of the canopy where ice accretes.
- c) Maintaining the visibility of the site and the sightlines for approaching traffic.

2) The proposed use will observe the spirit of the ordinance:

The Zoning Ordinance aims to regulate the type, number, location, size and illumination of signs on private property in order to maintain and enhance the character of the city's commercial to protect the public from hazardous and distracting displays.

This site is an industrial fueling facility serving commercial and retail traffic, predominantly traffic in transit through the area. It is not near any abutters; the closest residential properties are over 500 ft away and are well shielded by trees. In any event, the signage we are requesting cannot be seen by these abutters.

The signage we are requesting is less than the 100-sf allowed on a single building or the 240 sf that this site would normally be allowed- clutter is clearly not an issue.

3) Substantial Justice would be done to the Property owner by granting the Variance:

- a) Identifying the site using the new, upgraded Sunoco image helps the public navigate to this station.
- b) The owner wishes to promote safety for the travelling public as well as truckers.
- c) Making sure that the business is well lit, identified and successful is key to its success. Transitory traffic uses this site to refuel, rest and purchase food and drink. This promotes safety and security. The Rt95 corridor is a well-known crime corridor; lighting the site effectively reduces the risks of bad players using the site.

4) The proposed use will not diminish the values of surrounding properties:

The new Sunoco image is being rolled out across the nation; it is attractive, modern, and will uplift the area. The site is so separated from other properties in the area that it will have no effect, negative or positive in terms of property values for surrounding properties.

5) **Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because:**

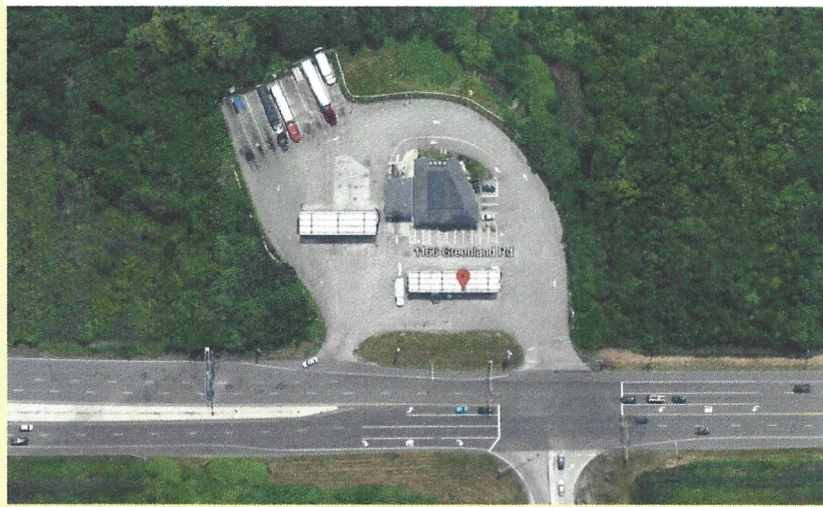
The zoning ordinance does not take Gas canopies into account when calculating sign area. The C stores at most gas stations are a secondary to the gas canopy in position and prominence. Treating the canopy signage as secondary to the building signage diminishes the role of the canopy signage- it is the Fuel brand that attracts people to gas stations in the first place.

We request the board's favorable consideration.



1166 Greenland Road
Portsmouth, NH 03801

BL# 8000469301



IMAGING THE PETROLEUM INDUSTRY FOR OVER 30 YEARS

Revisions:	
Rev 0 - Original Drawing	03/28/2024

Address: **1166 Greenland Road
Portsmouth, NH 03801**

Customer: NH SIGNS

Drawn by: EG

Job Number: **SUN-30154-SR**

Date: 03/28/2024

Customer Approval: _____

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←----- Please initial here



Under Canopy Imaging

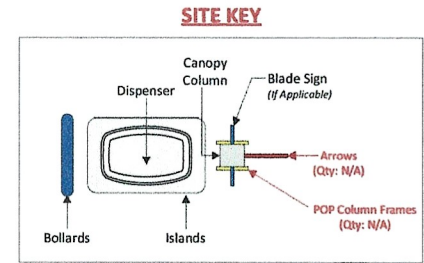


Existing Under Gas Canopy:

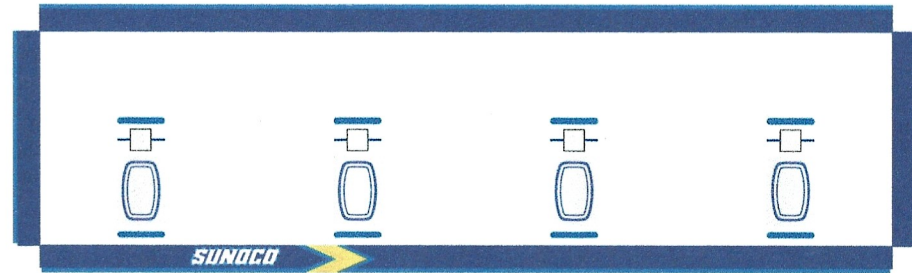


C-Store
↑

3



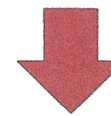
2



4

1

MID SIGN →



Greenland Road



IMAGING THE PETROLEUM INDUSTRY FOR OVER 30 YEARS

Revisions:	
Rev. 0 - Original Drawing	03/28/2024
Rev. 3 - Flat fascia. Removed diamonds/wordmark/arrow.	06/18/2024
Rev. 4 - Removed POP frames & arrows.	08/12/2024
Rev. 5 - Wordmark/arrow. 3 sides illuminated.	08/15/2024

Address: **1166 Greenland Road
Portsmouth, NH 03801**

Customer: NH SIGNS

Drawn by: EG

Job Number: **SUN-30154-SR**

Date: **03/28/2024**

Customer Approval: _____

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Ultra Image Gas Canopy

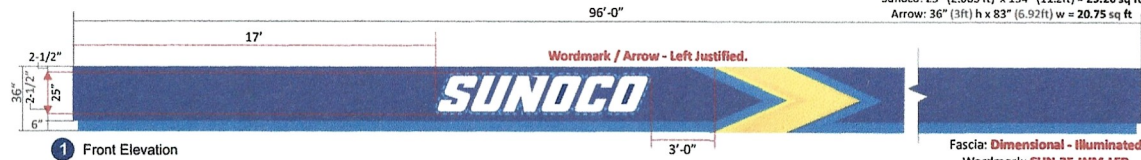
96'-0" x 24'-0" x 36" Qty: 4 Canopy Columns

Existing Gas Canopy

Dimensional - Illuminated Fascia



1 Front Elevation



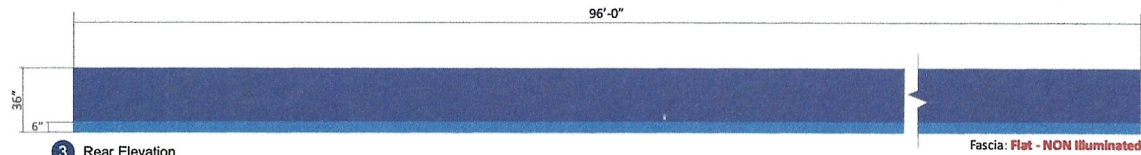
Fascia: Dimensional - Illuminated
Wordmark: SUN-25-WM-LED
Arrow: SUN-36-ARW-LED



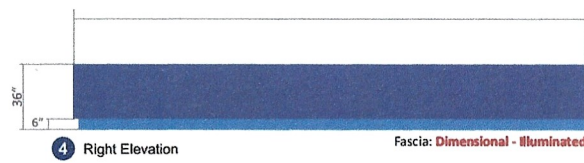
2 Left Elevation



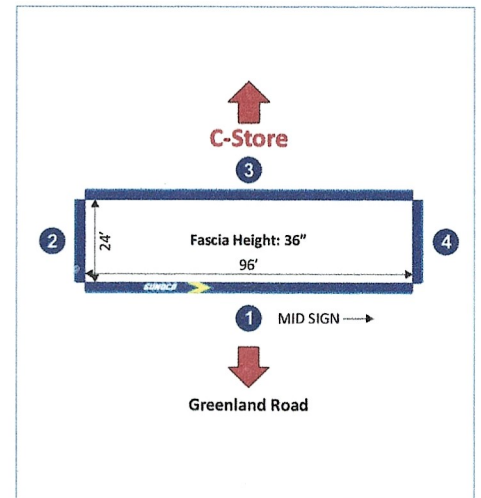
3 Rear Elevation



4 Right Elevation



Scope of Work:
Remove existing fascia and dispose.
Install square corner kits provided by Fed Heath.
Install 36" pre-imaged Sunoco Blue/Lt Blue fascia panels.
Fascia to be DIMENSIONAL-ILLUMINATED on front/left/right.
Fascia to be FLAT NON-ILLUMINATED on rear elevation.
Install Qty: 1 Sunoco Wordmark Cloud Sign & Arrow on front elevation



IMAGING THE PETROLEUM INDUSTRY FOR OVER 30 YEARS

Revisions:	
Rev. 0 - Original Drawing	03/28/2024
Rev. 3 - Flat fascia. Removed diamonds/wordmark/arrow.	06/18/2024
Rev. 5 - Wordmark/arrow. 3 sides illuminated.	08/15/2024

Address: **1166 Greenland Road
Portsmouth, NH 03801**

Customer: NH SIGNS

Drawn by: EG

Job Number: **SUN-30154-SR**

Date: 03/28/2024

Customer Approval: _____

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----- Please initial here



Branded Diesel Canopy Imaging

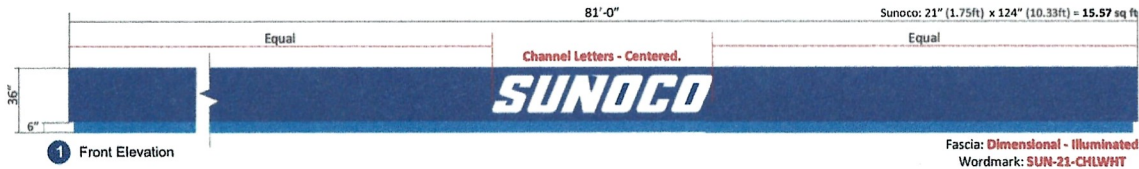
81'-0" x 26'-0" x 36" Qty: 3 Canopy Columns

Existing Gas Canopy

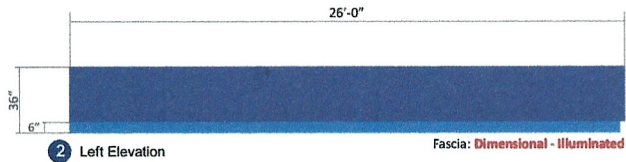
Dimensional - Illuminated Fascia



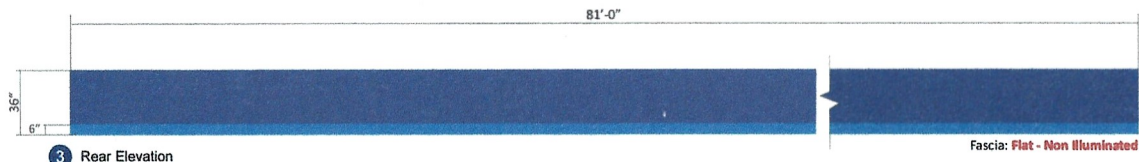
1 Front Elevation



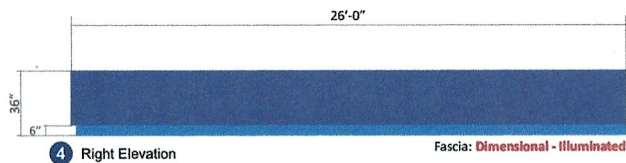
2 Left Elevation



3 Rear Elevation

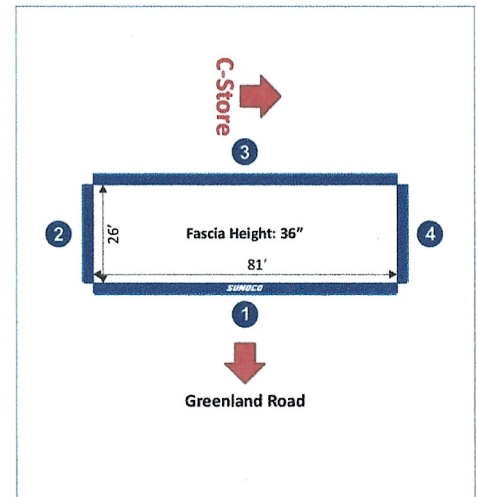


4 Right Elevation



Scope of Work:

Remove existing fascia and dispose.
 Install square corner kits provided by Fed Heath.
 Install 36" pre-imaged Sunoco Blue/Lt Blue fascia panels.
 Fascia to be DIMENSIONAL-ILLUMINATED on front/left/right.
 Fascia to be FLAT NON-ILLUMINATED on rear elevation.
 Install Qty: 1 set of Sunoco Channel Letters on front elevation
 Channel Letters to be installed in location of existing signbox.



IMAGING THE PETROLEUM INDUSTRY FOR OVER 30 YEARS

Revisions:

Rev. 0 - Original Drawing	03/28/2024
Rev. 1 - Corrected overhead view dimensions.	04/05/2024
Rev. 3 - Removed wordmark & replaced with Channel Letters.	06/18/2024
Rev. 6 - Dimensional-Illuminated fascia.	09/16/2024

Address: **1166 Greenland Road
Portsmouth, NH 03801**

Customer: **NH SIGNS**

Drawn by: **EG**

Job Number: **SUN-30154-SR**

Date: **03/28/2024**

Customer Approval: _____

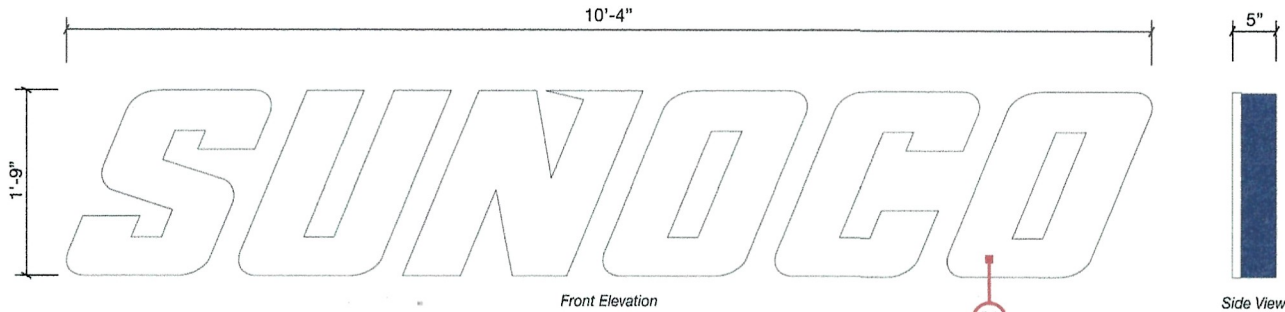
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----- Please Initial here



Wordmark & Arrow

SUN-21-CHLWHT

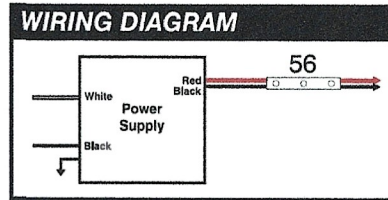


0-1 Channel Letters
Scale | 1" = 1'-0"

15.57 Sq Ft

- All Mounting Hardware to be non-corrosive
- All Holes & Seams to be Caulked & Sealed
- All Letters to be UL Labeled

- 01 **SUNOCO - Face Lit Remote Channel Letters**
- Cut out 3/16" white acrylic faces (#7328)
 - 1" white Jewelite trimcap
 - 5" Deep Heron Blue .040 aluminum coil side returns
 - Internally illuminated with white LED's
 - Remote Power Supplies



- NOTES**
- PRIMARY ELECTRIC BY OTHERS TO BE WITHIN 3'-0" OF SIGN (TYP)
 - CLEAR & UNOBSTRUCTED ACCESS REQUIRED BEHIND WALL FOR REMOTE/ RACEWAY WIRING
 - ADEQUATE BLOCKING BEHIND WALL REQUIRED BY OTHERS
 - SIGN WIRING INSTALLED IN FIELD TO MAINTAIN ALL STATE & LOCAL CODES/ REGULATIONS



IMAGING THE PETROLEUM INDUSTRY FOR OVER 30 YEARS

Revisions:	
Rev 0 - Original Drawing	03/28/2024

Address: **1166 Greenland Road
Portsmouth, NH 03801**

Customer: NH SIGNS

Drawn by: EG

Job Number: **SUN-30154-SR**

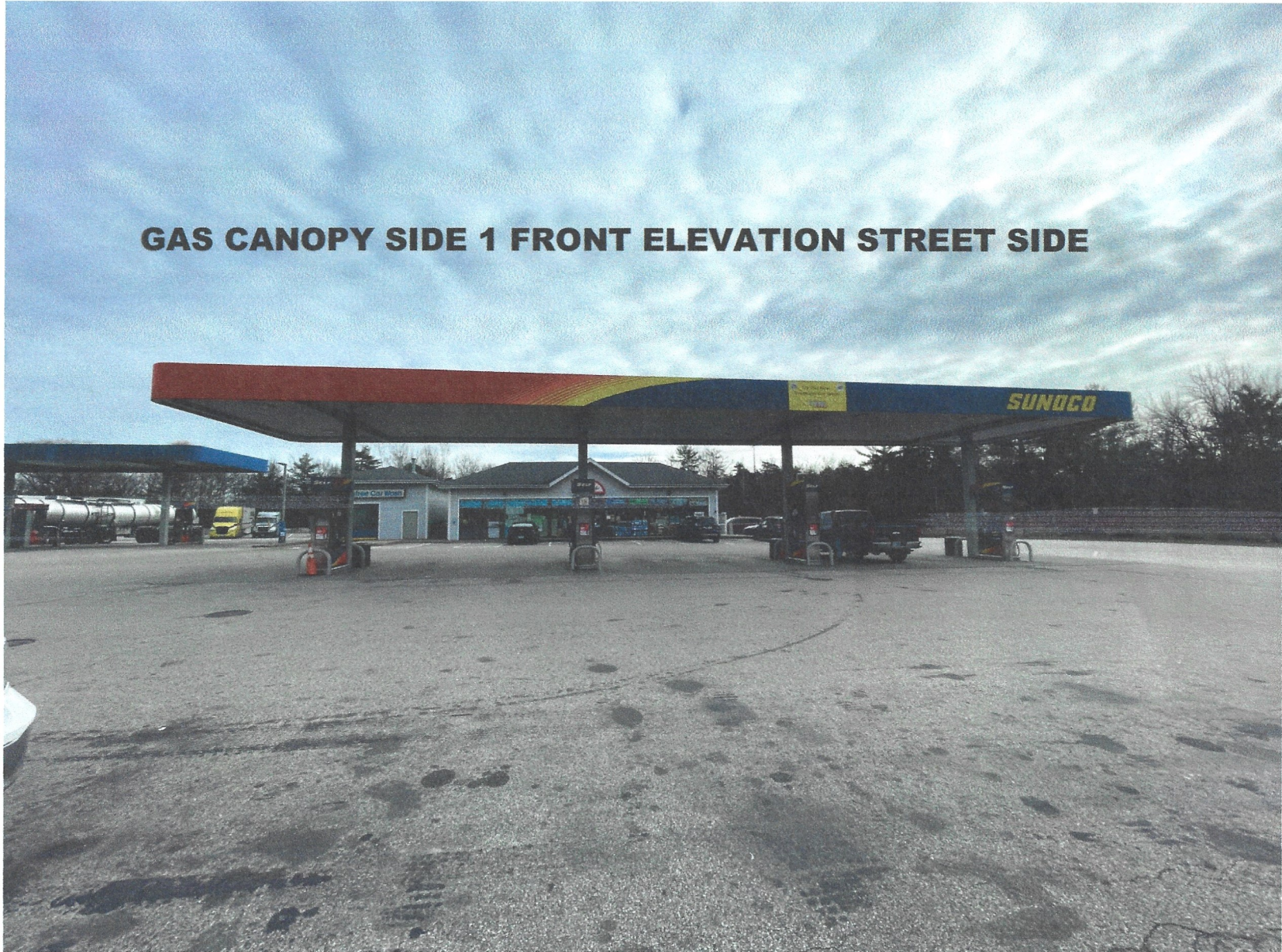
Date: 03/28/2024

Customer Approval: _____

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----- Please initial here

GAS CANOPY SIDE 1 FRONT ELEVATION STREET SIDE



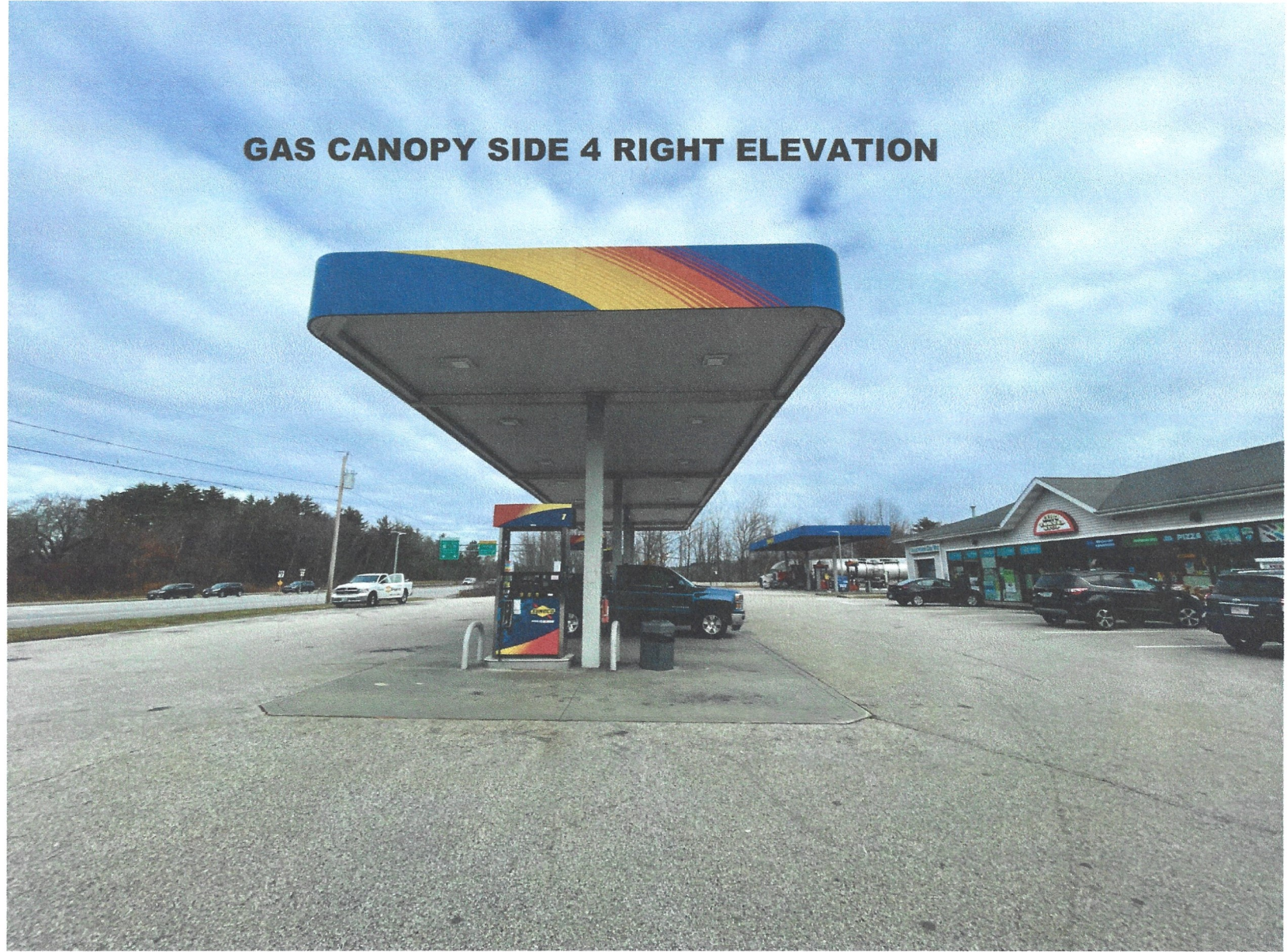
GAS CANOPY SIDE 2 LEFT ELEVATION



GAS CANOPY SIDE 3 REAR ELEVATION



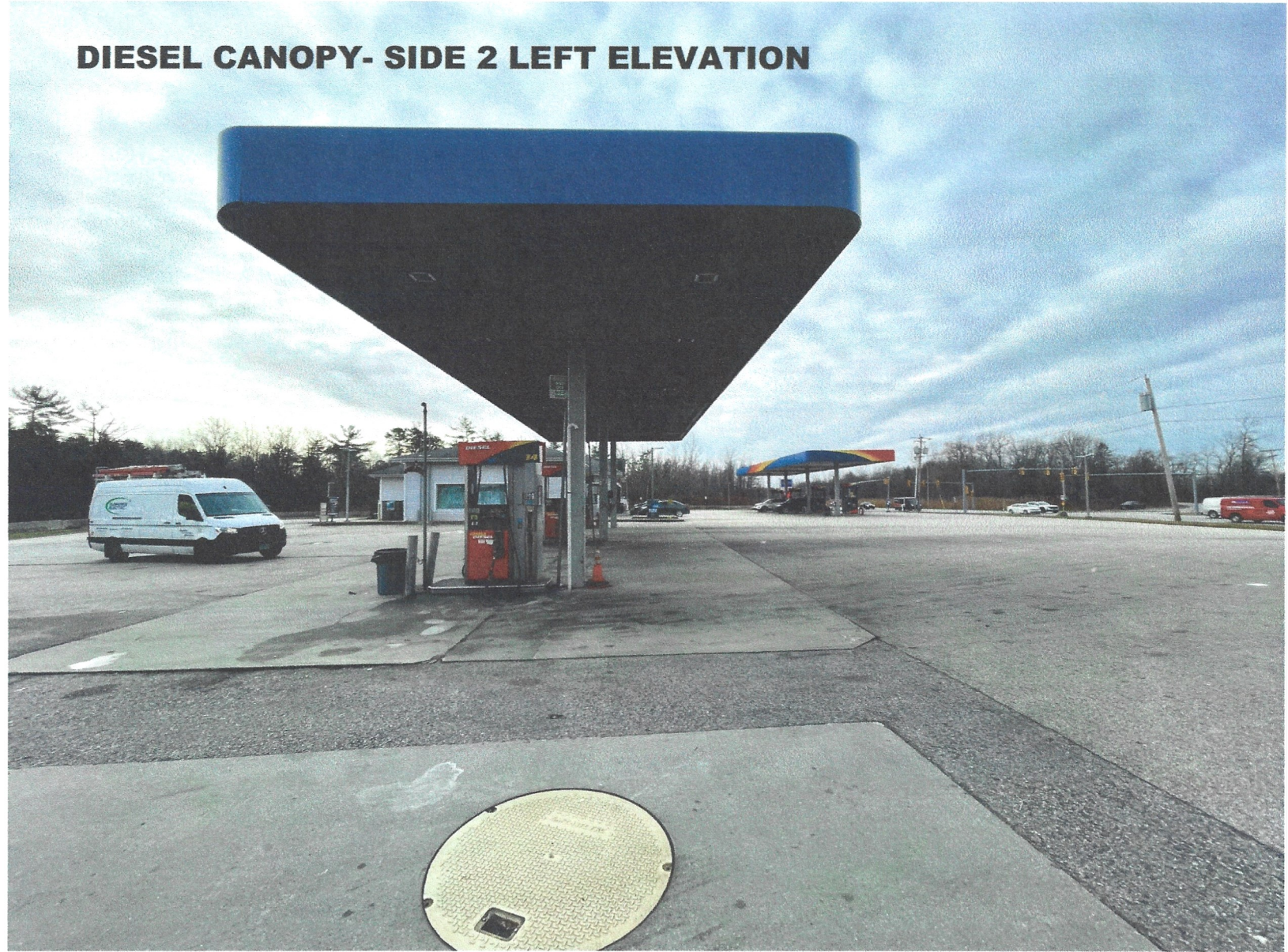
GAS CANOPY SIDE 4 RIGHT ELEVATION



DIESEL CANOPY- SIDE 1 FRONT ELEVATION FACING STREET



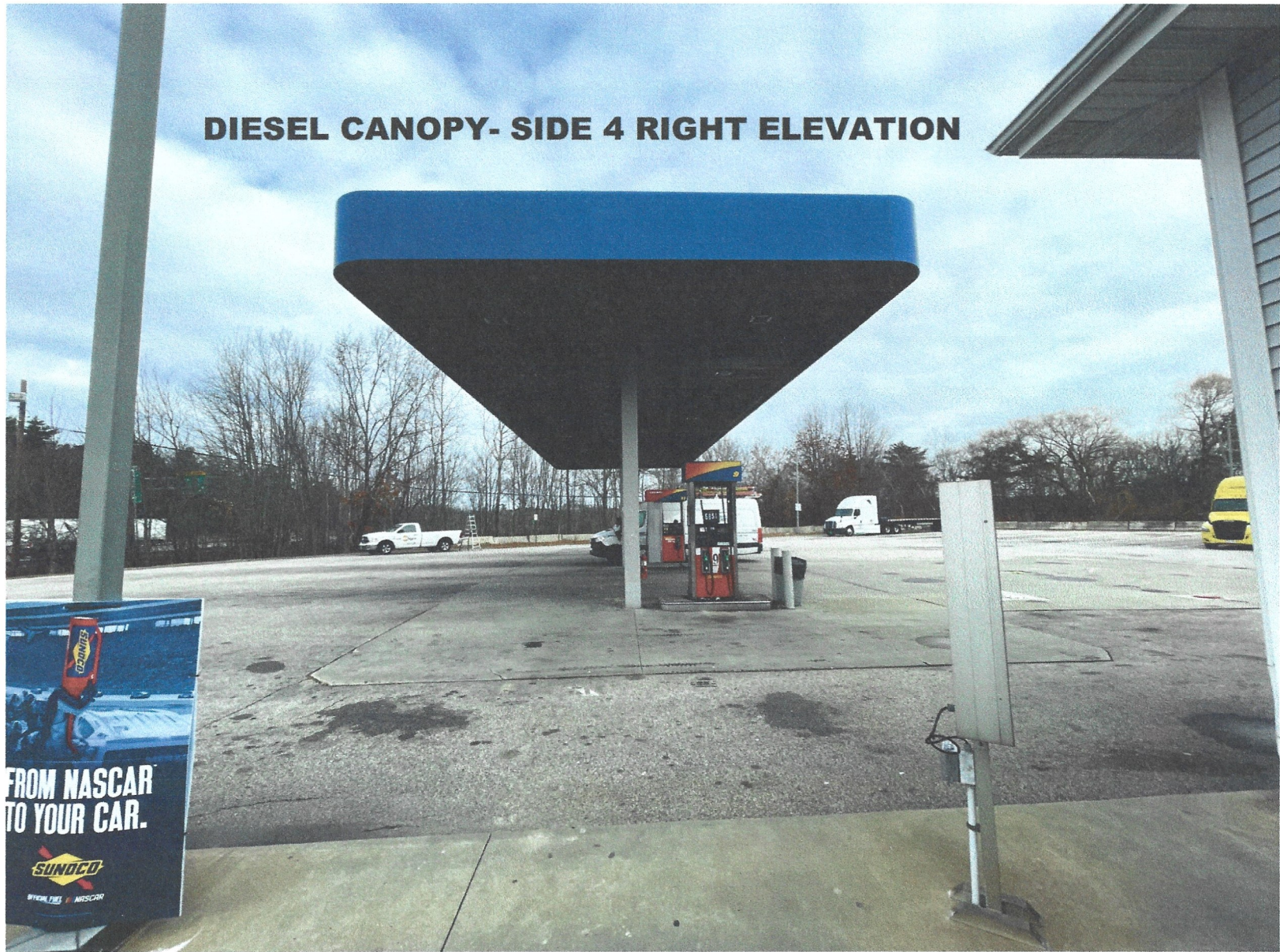
DIESEL CANOPY- SIDE 2 LEFT ELEVATION



DIESEL CANOPY- SIDE 3 REAR ELEVATION



DIESEL CANOPY- SIDE 4 RIGHT ELEVATION



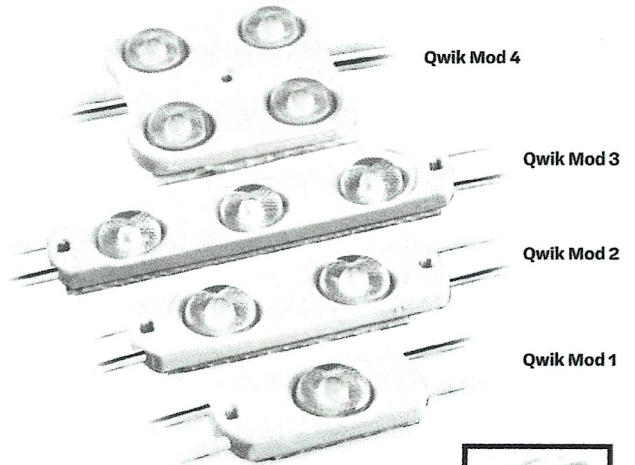
QWIK MOD™ 12 VDC

12V LED channel letter illumination



Specifications

- Dimensions L x W x H** Qwik Mod 1 0.69" x 1.4" x 0.25"
 Qwik Mod 2 0.69" x 2.2" x 0.25"
 Qwik Mod 3 0.69" x 3.14" x 0.25"
 Qwik Mod 4 1.7" x 1.77" x 0.25"
- Beam angle** 170° Ultra-wide low dome batwing optic
 with diamondback optic lens technology
- Mounting options** Peel & Stick and mechanical screw hole
- Operating temp.** -30° C to +60° C
- Environment** IP68
- Spacing** Qwik Mod 1 2.5 mods/ft
 (fully-stretched) Qwik Mod 2 1.7 mods/ft
 Qwik Mod 3 & 4 1.5 mods/ft
- Wire color** Whites White solid (+) / White/Black stripe (-)*
 Colors Gray, Red, Green, or Blue solid (+) / White/Black stripe (-)
- Warranty** 10-Year Product / 5-year Limited Labor



**Qwik Release Tab
reduces labor time**



Product	Max. mods (series)	CCT/Wavelength	SKU	Intensity	Efficacy	Packaging	UL number		
Qwik Mod 1	75 mods (30 ft)	7100 K	M-QMSX0-71	47.2 lm/mod (118 lm/ft)	118 lm/W	Mods per bag: 150 (60 ft) Mods per case: 1500 (600 ft)	PL-QM1-TW110-P		
		5000 K	M-QMSX0-50				PL-QM1-NW110-P		
		4100 K*	M-QMSX0-41				PL-QM1-MW110-P		
Qwik Mod 2	38 mods (22.35 ft)	7100 K	M-QMDX0-71	94.1 lm/mod (160 lm/ft)	118 lm/W	Mods per bag: 76 (44.7 ft) Mods per case: 912 (536.52 ft)	PL-QM2-TW150-P		
		5700 K*	M-QMDX0-57				PL-QM2-WN150-P		
		5000 K	M-QMDX0-50				PL-QM2-NW150-P		
		4100 K*	M-QMDX0-41				PL-QM2-MW150-P		
		3500 K*	M-QMDX0-35				PL-QM2-WW150-P		
		3000 K	M-QMDX0-30				PL-QM2-DW150-P		
		2700 K	M-QMDX0-27				PL-QM2-IW150-P		
		Red (625 nm)	M-QMDX0-RD				22 lm/mod (37.4 lm/ft)	27.5 lm/W	PL-QM2-RD37-P
		Amber (589 nm)	M-QMDX0-AM				20.4 lm/mod (34.68 lm/ft)	22.93 lm/W	PL-QM2-AM150-P
		Red-Orange (613 nm)	M-QMDX0-RO				29.97 lm/mod (50.95 lm/ft)	34 lm/W	PL-QM2-RO150-P
		Orange (617 nm)	M-QMDX0-OR				25.66 lm/mod (43.62 lm/ft)	29.68 lm/W	PL-QM2-OR37-P
		Green (525 nm)	M-QMDX0-GR				44 lm/mod (75 lm/ft)	53.51 lm/W	PL-QM2-GR75-P
		Blue (460 nm)	M-QMDX0-BL				10 lm/mod (17 lm/ft)	12.31 lm/W	PL-QM2-BL17-P
Qwik Mod 3	25 mods (16.67 ft)	7100 K	M-QMTX0-71	136.7 lm/mod (205 lm/ft)	114 lm/W	Mods per bag: 50 (33.3 ft) Mods per case: 750 (500 ft)	PL-QM3-TW200-P		
		5000 K	M-QMTX0-50				PL-QM3-NW200-P		
		4100 K*	M-QMTX0-41				PL-QM3-MW200-P		
		Red (625 nm)	M-QMTX0-RD				34 lm/mod (51 lm/ft)	28.33 lm/W	PL-QM3-RD51-P
		Amber (593 nm)	M-QMTX0-AM				33.44 lm/mod (50.16 lm/ft)	26.42 lm/W	PL-QM3-AM200-P
		Red-Orange (610 nm)	M-QMTX0-RO				67.86 lm/mod (101.78 lm/ft)	52.5 lm/W	PL-QM3-RO200-P
		Orange (612 nm)	M-QMTX0-OR				63.77 lm/mod (95.66 lm/ft)	50.06 lm/W	PL-QM3-OR200-P
		Green (525 nm)	M-QMTX0-GR				86 lm/mod (129 lm/ft)	68.61 lm/W	PL-QM3-GR129-P
Qwik Mod 4	19 mods (12.67 ft)	7100 K	M-QMQX0-71	180 lm/mod (270 lm/ft)	113 lm/W	Mods per bag: 38 (25.3 ft) Mods per case: 912 (608 ft)	PL-QM4-TW260-P		
		5000 K	M-QMQX0-50				PL-QM4-NW260-P		
		4100 K*	M-QMQX0-41				PL-QM4-MW260-P		

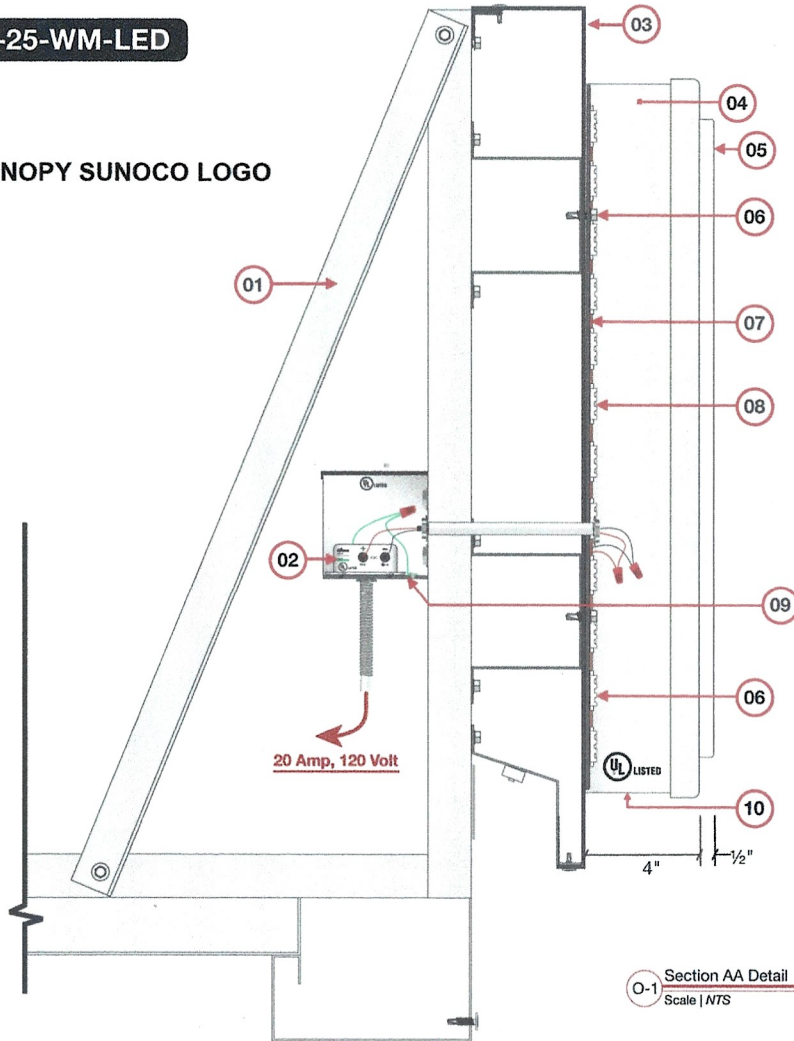
* Check module for polarity.
 † Available in limited supply.



Specifications subject to change without notice.

SUN-25-WM-LED

CANOPY SUNOCO LOGO



O-1 Section AA Detail
Scale | NTS

Illuminated from Dusk to Dawn - 46.7 NITS per linear ft.

- 01 -Existing canopy structure
- 02 -(1) One 60w Power Supply Located Inside Enclosure with disconnect switch
- 03 -Canopy fascia
- 04 -063" thk Aluminum Returns (Gussets as needed)
- 05 -Vacuum Formed Polycarbonate Faces Mechanically Fastened to side returns
- 06 -Tek 3 #12 X 1" Metal Screws into Canopy fascia
- 07 -Aluminum Logo backer
- 08 -White 7100K LED Modules taped to back of Logo Cabinet
- 09 -Metal Enclosure with Primary Disconnect Switch Located Behind Canopy Fascia.
- 10 -1/4" Dia Drain Holes

- ✓ All Mounting Hardware to be Non-Ferrous Metal
- ✓ All Penetrations Thru Surfaces to be Watertight
- ✓ All Signage to be UL Listed, Classified



Corporate
ACCT #: 13659
DWG #1

PRODUCT ID

Note: This photo template is intended for visual communication of proposed signs displayed in a computer-aided setting. This is not a contract. All dimensions are nominal. Accuracy of the photo scale is not guaranteed. All dimensions are for reference only.

Sunoco Color Palette | Pantone • Vinyl

	Pantone Color: 285C
	Closest Vinyl: 3M™ 100-37 Sapphire Blue
	Translucent Vinyl: 3M™ 3500-157 Sultan Blue
	Polycarbonate: White



POWER SUPPLY	INPUT VOLTAGE	(MAX) INPUT CURRENT
(1) 60 WATT	120 / 277	1.1 A @ 120 / .9 A @ 277



Your Brand
Realized

251 Boot Road
Downingtown, PA 19335

610.518.5881
610.518.5244
info@prosign.net

SUN-25-WM-LED | SECTION

REVISIONS:
1. Initially (Revision Date) -
(Revision Explanation)

PM: JD
DESIGNER: DK

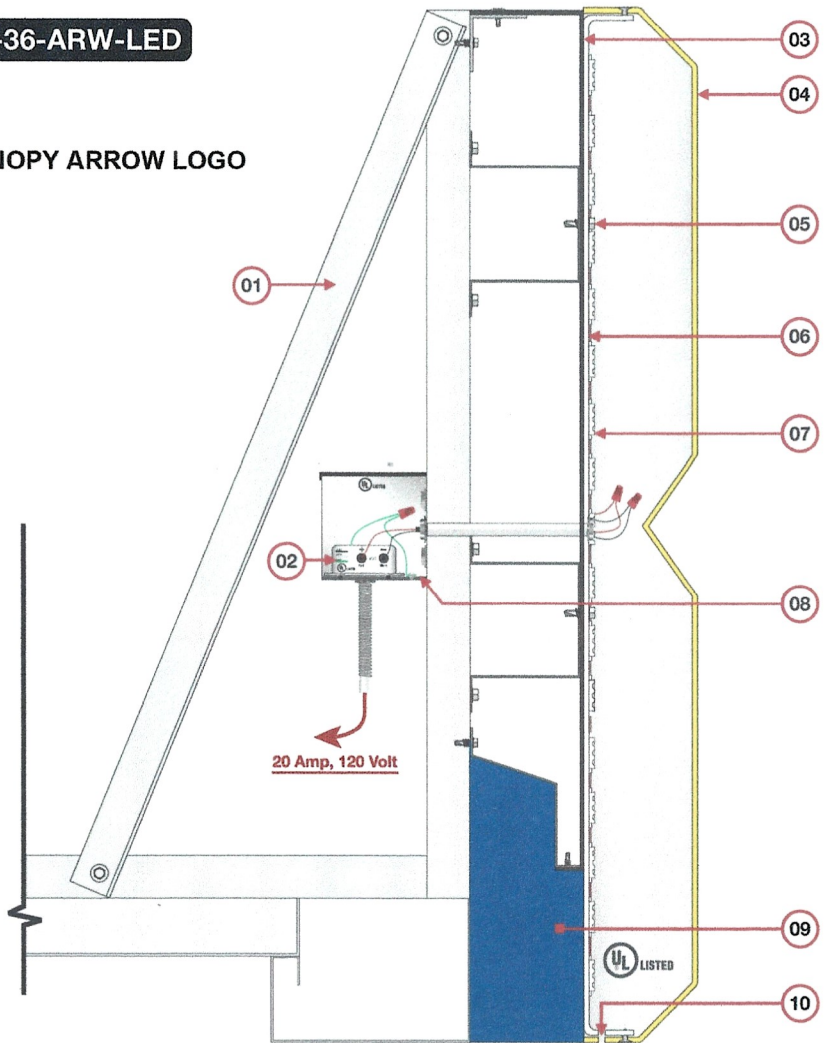
DATE: 5/20/2021

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Job File Locations
DWG:
Y:\S\Sunoco\PRODUCT ID\CANOPY SIGNAGE\ILLUMINATED\1
SUNOCO WORDMARKS\SUN-25-WM-LED\DESIGN\SUN-25-WM-LED.cdr
ART:
Y:\S\Sunoco\PRODUCT ID\CANOPY SIGNAGE\ILLUMINATED\1
SUNOCO WORDMARKS\SUN-25-WM-LED\DESIGN\ART\VARIOUS

SUN-36-ARW-LED

CANOPY ARROW LOGO



Illuminated from Dusk to Dawn - 46.7 NITS per linear ft.

- 01 -Existing canopy structure
- 02 -(2) 60 watt Power Supplies Located Inside Enclosure
- 03 -Canopy fascia by others
- 04 -Vacuum Formed Sunoco Yellow Polycarbonate Faces
- 05 -Tek 3 #12 X 1" Metal Screws into Canopy fascia/fascia supports
- 06 -Vacuum Formed White ABS Backer
- 07 -Principal Quik Mod 2 (3500K) White LED Modules taped to back of Arrow Backer
- 08 -Metal Enclosure with Primary Disconnect Switch Located Behind Canopy Fascia.
- 09 -Aluminum Canopy Filler to match 3M 180C-47 Intense Blue Vinyl. Filler to Cap off Recess Section of Canopy On Left, Right & Bottom Of Arrow Sign
- 10 -1/4" Dia Drain Holes

POWER SUPPLY	INPUT VOLATGE	(MAX) INPUT CURRENT
(2) 60 WATT	120 / 277	2.2 A @ 120 / .9 A @ 277

O-1 Section B-B Detail
Scale | NTS

- ✓ All Mounting Hardware to be Non-Ferrous Metal
- ✓ All Penetrations Thru Surfaces to be Watertight
- ✓ All Signage to be UL Listed, Classified

Corporate
ACCT #: 13659
DWG #1

PRODUCT ID

Note: This photo message is intended for visual communication of signage when displayed in its operational/installed setting. This is not intended to be an official drawing. Although the proper scale is attempted, we are not responsible for conflicts in final visual results.

Your Brand Realized

251 Boot Road
Downtown, PA 19335

610.518.5881
610.518.5244
info@prosign.net

SUN-C-36-ARROW | SECTION B-B

REVISIONS:
1. Initial (Revision Date) -
(Revision Explanation)

PM: JD
DESIGNER: DK
DATE: 5/19/2021

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Job File Locations
DWG: Y:\S\Sunoco\PRODUCT ID\CANOPY SIGNAGE\ILLUMINATED\CANOPY ARROWS\ SUN-36-ARW-LED\DESIGN\SUN-36-ARW-LED.cdr
ART: Y:\S\Sunoco\PRODUCT ID\CANOPY SIGNAGE\ILLUMINATED\CANOPY ARROWS\ SUN-36-ARW-LED\DESIGN\ART\VARIOUS

Blue (460 nm)

12.31 LM/W

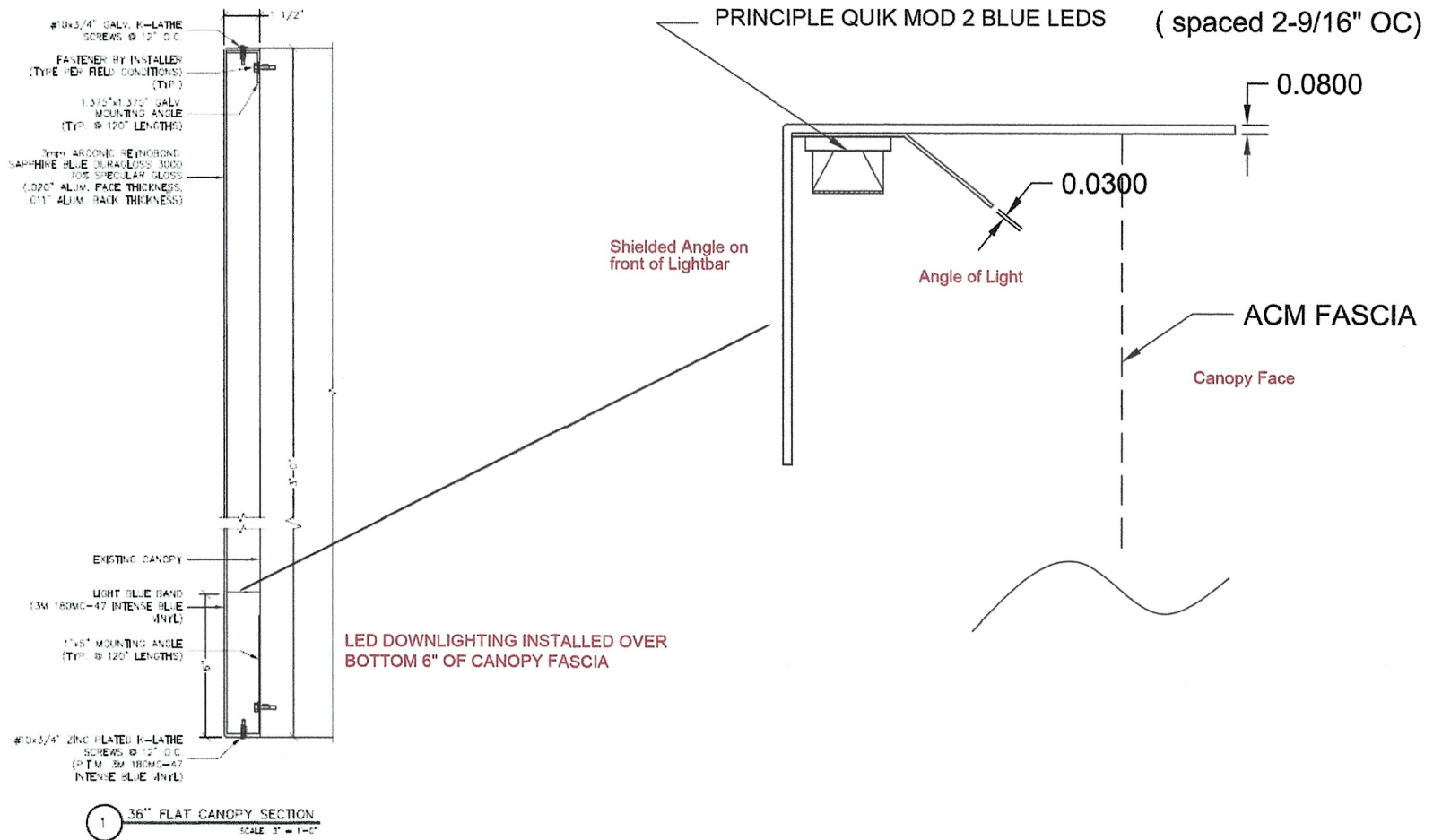
10 LM/mod (17 LM/ft.)

38 mods (22.35 ft.)

PL-QM2-BL17-P

M-QMDX0-BL

ILLUMINATED CANOPY LED DOWNLIGHTING Illuminated from Dusk to Dawn - 4.96 NITS per linear ft.



II. NEW BUSINESS

- C. The request of **Andrew Powell and Nicole Ruane (Owners)**, for property located at **339 Miller Avenue** requesting relief to demolish the existing sunroom and construct a two-story addition to the rear of the home which requires the following: 1) Variance from Section 10.521 to allow a building coverage of 28.5% where 25% is allowed. Said property is located on Assessor Map 131 Lot 31 and lies within the General Residence A (GRA) District. (LU-24-175)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family Residence	Addition	Primarily residential
<u>Lot area (sq. ft.):</u>	7,840	7,840	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	7,840	7,840	7,500 min.
<u>Lot depth (ft.):</u>	103	103	70 min.
<u>Street Frontage (ft.):</u>	61	61	100 min.
<u>Primary Front Yard (ft.):</u>	19	19	15 min.
<u>Right Yard (ft.):</u>	Primary: <10 Garage: 0	Primary: <10 Garage: 0 Addition: >10	10 min.
<u>Left Yard (ft.)</u>	8	8	10 min.
<u>Rear Yard (ft.):</u>	Primary: >20 Garage: 3.5	Primary: >20 Garage: 3.5 Addition: >20	20 min.
<u>Height (ft.):</u>	29	29	35 max.
<u>Building Coverage (%):</u>	27.4	28.2	25 max.
<u>Open Space Coverage (%):</u>	55.6	54.7	30 min.
<u>Parking:</u>	2	2	2 min.
<u>Estimated Age of Structure:</u>	1903	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions For Map 240 Lot 3

No previous history found.

Planning Department Comments

The applicant is requesting relief to demolish the existing sunroom on the rear of the primary structure and construct a two-story addition in its footprint. The proposed addition requires relief for building coverage and does not increase any other non-conformities.

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

September 18, 2024

City of Portsmouth
Zoning Board of Adjustment
c/o Stefanie Casella, Planner II
1 Junkins Avenue
Portsmouth, NH 03801

Re: ZBA Variance Application – 339 Miller Avenue

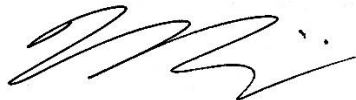
Dear Mrs. Casella and Members of the Board,

Please find a copy of the following submission for the variance application filed on behalf of the property owners at 339 Miller Avenue. Items included in the application:

1. Property owners' letter of Authorization
2. Narrative to Variance Application
3. Architectural packet which includes architectural site plans, architectural plans and photos of the property.

Should you require anything further, please do not hesitate to contact our office.

Sincerely,



Mark R. Gianniny, AIA

CC:


Andrew Powell & Nicole Ruane

OWNER'S AUTHORIZATION

I, Andrew Powell and Nicole Ruane, Owner/Applicant of 339 Miller Avenue (Tax Map 0131, Lot 0031) hereby authorize Portsmouth Architects, PLLC (McHenry Architecture) to represent me before any and all City of Portsmouth Representatives, Boards and Commission for permitting this project.

Respectfully,

Date: 9/18/2024

Handwritten signature of Andrew Powell and Nicole Ruane in cursive script.

Andrew Powell and Nicole Ruane

Introduction

Andrew Powell and Nicole Ruane (collectively, the “Applicant”) are the owners of 339 Miller Avenue (Tax Map 0131, Lot 0031). The property is situated in the GRA General Residential District – A. The existing property is approximately 7,840 square feet (0.18 AC) and maintains a single-family dwelling with a detached garage in the rear. On either side of the property are single-family homes with a multi-family dwelling along the rear of the property.

As shown on the enclosed plans, the Applicant proposes to maintain most of the existing structure while removing an existing poorly constructed sunroom addition. The project consist of reconstructing the portion removed while reusing the existing sunroom footprint. This space will be converted to a conditioned eating area off the kitchen while adding a second story above. This will make the space usable year-round and increase the functionality of the room. The added second floor area above will create additional living space and make the adjacent space more useful. The existing entry stair and vestibule enclosure on the north side of the sunroom will be removed and only the stair reconstructed. The existing rear entry to the residence located on the south side of the sunroom includes a non-code compliant entry stair that will also be removed. A new modest rear entry addition with a code compliant stair and landing is also noted on the proposed plans.

Zoning Relief Summary

The Applicants seek the following variances from the Portsmouth Zoning Ordinance:

Article 10.521: To allow 28.2% (+/-) building coverage where 27.4% (+/-) exists and 25% is allowed.

Variance Criteria

1. Granting the variances will not be contrary to the public interest
2. The spirit of the ordinance is observed.

The primary purpose of the building coverage limitation set forth in the Ordinance is to prevent the overcrowding of structures on land. In this instance, the existing property is currently non-conforming and exceeds the allowable building coverage by 2.4% (+/-). The proposed reconstruction and minimal addition will not extend into any setbacks and will not exceed any open space requirements by the ordinance. The entry addition and stair will modify the building coverage to 28.2% (+/-) an increase of 0.8% (+/-) from the current non-conformity. This is partially due to the larger stair and landing needed for code compliance.

The existing and proposed work is on the rear of the existing structure with limited visibility to the public. The proposal also improves aesthetics while conforming with the architectural character of the existing structure and surrounding area.

Thus, granting the variance neither alters the essential character of the neighborhood nor threatens the public health, safety and welfare.

3. Substantial justice will be done by granting the variances.

The proposal is quite modest, reusing the existing area of the sunroom while improving aesthetics and livability and continuing to comply with open space requirements. Access to air and light is maintained, so there is no harm to the public in granting the variance. Conversely, the applicant will be harmed by denial of the variance because they will be unable to create additional living space or make existing living space more functional. Without question, substantial justice will be done by granting the variance.

4. Granting the variances will not diminish surrounding property values.

The proposal increases the usability of the existing interior living space by making it a conditioned space attached to the kitchen, while also adding interior living space on the second floor. As noted above the proposal improves aesthetics while conforming with the architectural character of the existing structure and surrounding area. These enhancements result in a improvement to the property and therefore, its value and other nearby properties. Thus, the variance will not diminish surrounding property values.

5. Denial of the variance results in unnecessary hardship.

The property has a special condition as it relates to the existing non-conforming building coverage and rear entry stairs that are not code compliant. 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. As previously discussed, the proposed reconstruction would be completed on the same footprint as the existing sunroom with a modest addition to provide a new rear entrance and stair. The code compliant stair and landing also add to the 0.8% (+/-) building coverage increase. Without the proposed variance the existing space cannot be fully utilized by the applicants.

ADDITION TO THE RESIDENCE AT 339 MILLER AVENUE

Zoning Board of Adjustment - October 2024, Portsmouth, New Hampshire

PROPOSED WORK:

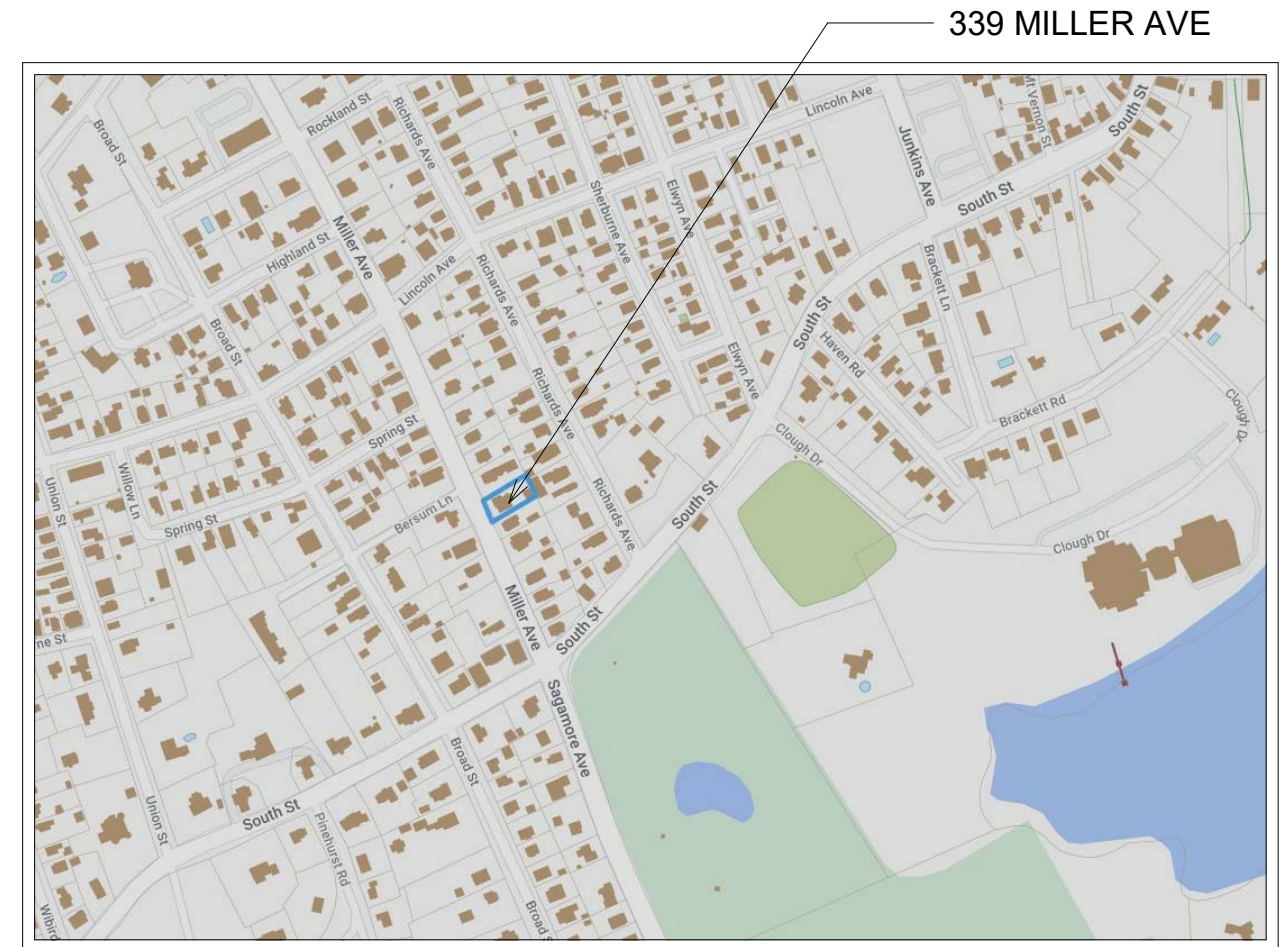
- REMOVAL OF EXISTING SUNROOM ADDITION
- RECONSTRUCTION OF REMOVED PORTION TO MATCH EXISTING SUNROOM FOOTPRINT
- SPACE TO BE CONVERTED TO CONDITIONED EATING AREA OFF KITCHEN WITH SECOND STORY ABOVE
- EXISTING ENTRY STAIR AND VESTIBULE ENCLOSURE ON NORTH SIDE OF SUNROOM TO BE REMOVED AND ONLY THE STAIR RECONSTRUCTED
- REMOVAL OF NON-CODE COMPLIANT ENTRY STAIR ON SOUTH SIDE OF SUNROOM. NEW MODEST REAR ENTRY ADDITION WITH CODE COMPLIANT STAIR AND LANDING TO BE CONSTRUCTED

DIMENSIONAL CRITERIA			
GENERAL RESIDENCE DISTRICT A			
	REQUIRED	EXISTING	PROPOSED
BUILDING FOOTPRINT		1,625 SF	1,695 SF
DETACHED GARAGE		520 SF	520 SF
TOTAL		2,145 SF	2,215 SF
LOT SIZE	7,500 SF	7,840 SF (0.18 AC)	7,840 SF (0.18 AC)
LOT AREA PER DWELLING UNIT	7,500 SF	7,840 SF +/-	7,840 SF +/-
STREET FRONTAGE	100' - 0"	61' - 0" +/-	61' - 0" +/-
LOT DEPTH	70' - 0"	103' - 0" +/-	103' - 0" +/-
FRONT YARD SETBACK	15' - 0"	19' - 0" +/-	19' - 0" +/-
RIGHT SIDE YARD SETBACK	10' - 0"	0' - 0" +/-	0' - 0" +/-
LEFT SIDE YARD SETBACK	10' - 0"	8' - 0" +/-	8' - 0" +/-
REAR YARD SETBACK	20' - 0"	3' - 8" +/-	3' - 8" +/-
BUILDING HEIGHT (SLOPED)	35' - 0"	29'-0" +/-	29'-0" +/-
BUILDING COVERAGE	25%	27.4% +/-	28.2% +/-
MIN OPEN SPACE	30%	55.6% +/-	54.7% +/-

RED INDICATES VARIANCE REQUEST



339 MILLER AVENUE - EXISTING IMAGE



LOCUS MAP

339 MILLER AVE

© 2024 Portsmouth Architects

ADDITION

339 MILLER AVE.
PORTSMOUTH, NH 03801

COVER

OCTOBER 2024 - ZONING BOARD OF ADJUSTMENT

4 Market Street
Portsmouth, New Hampshire
603.430.0274

brought to you by
McHENRY ARCHITECTURE



C

09/17/2024

McHA: EKW/MG

Project Number: 23102

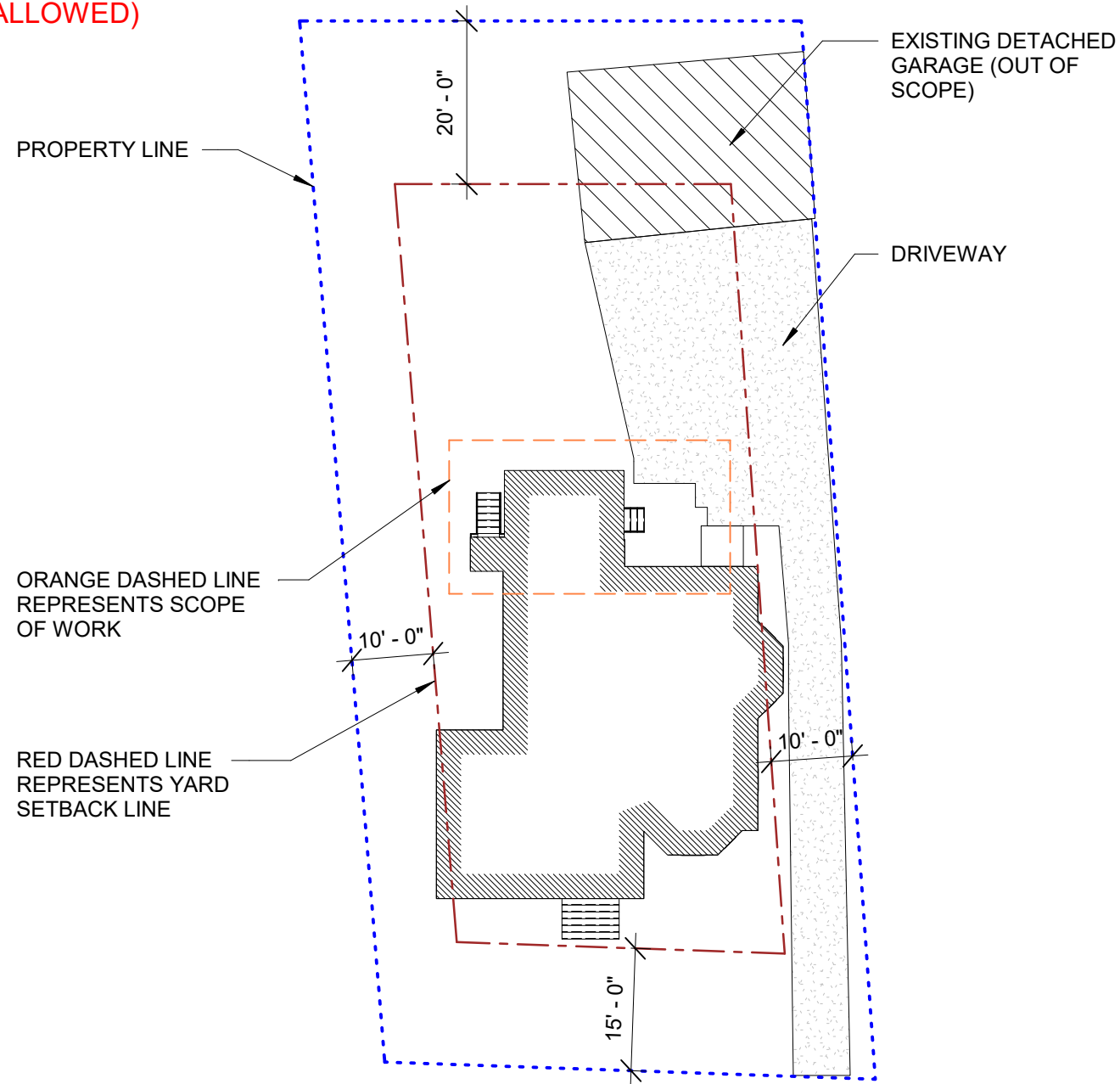
NOT TO SCALE

BUILDING COVERAGE CALCULATION:

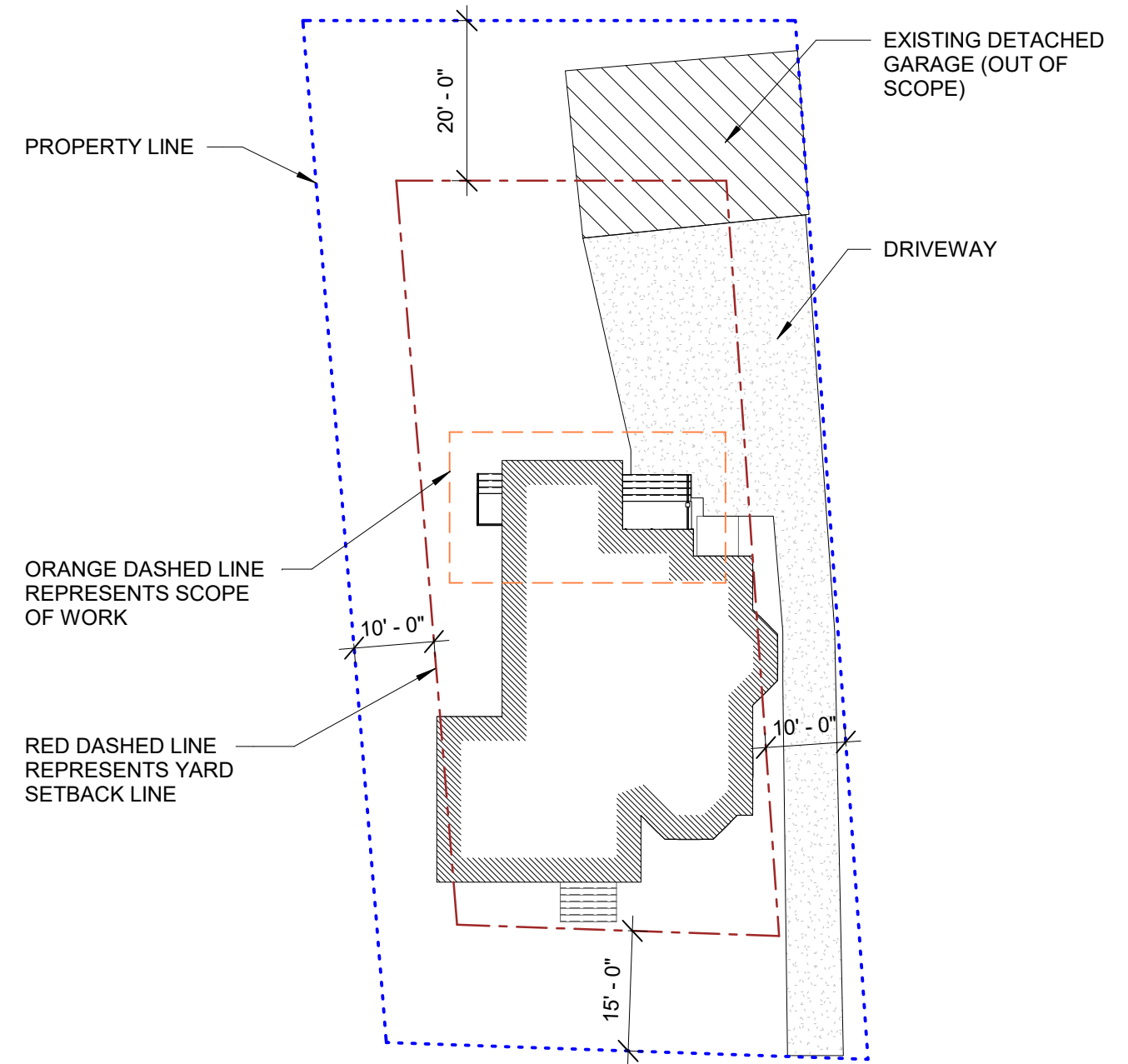
EXISTING= 1,625 SF + 520 SF GARAGE= 2,145 SF
 BUILDING COVERAGE / 7,840 SF LOT = 27.4% BUILDING
 COVERAGE (25% ALLOWED)

PROPOSED= 1,695 SF + 520 SF GARAGE= 2,215 SF
 BUILDING COVERAGE / 7,840 SF LOT = 28.2% BUILDING
 COVERAGE (25% ALLOWED)

NOTE: PROPERTY BOUNDRIES TAKE FROM PORTSMOUTH, NH PROVIDED MAPGEO



1 EXISTING ARCHITECTURAL SITE PLAN
 1" = 20'-0"



2 PROPOSED ARCHITECTURAL SITE PLAN
 1" = 20'-0"

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ADDITION
 339 MILLER AVE.
 PORTSMOUTH, NH 03801

SITE PLAN

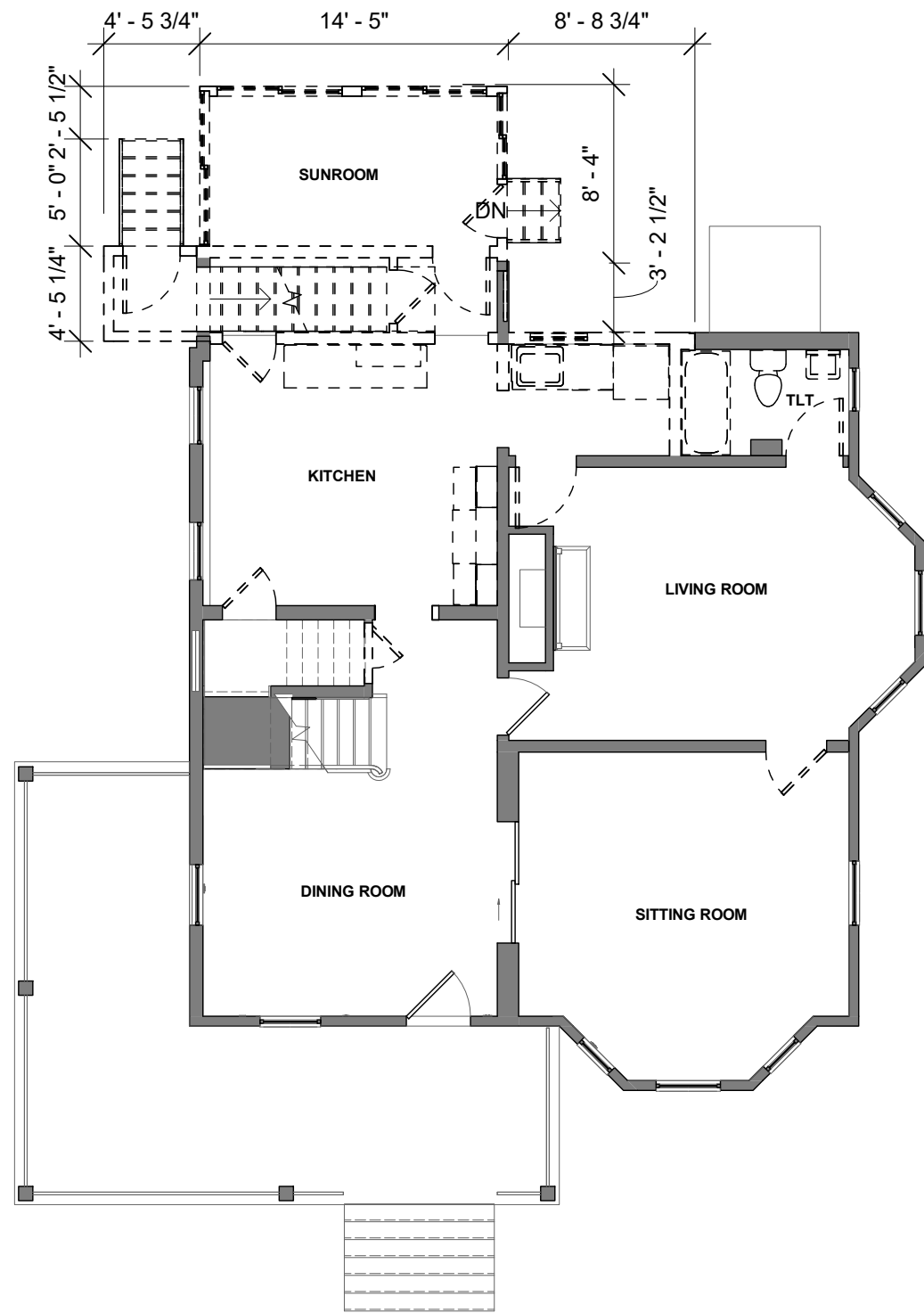
OCTOBER 2024 - ZONING BOARD OF ADJUSTMENT

4 Market Street
 Portsmouth, New Hampshire
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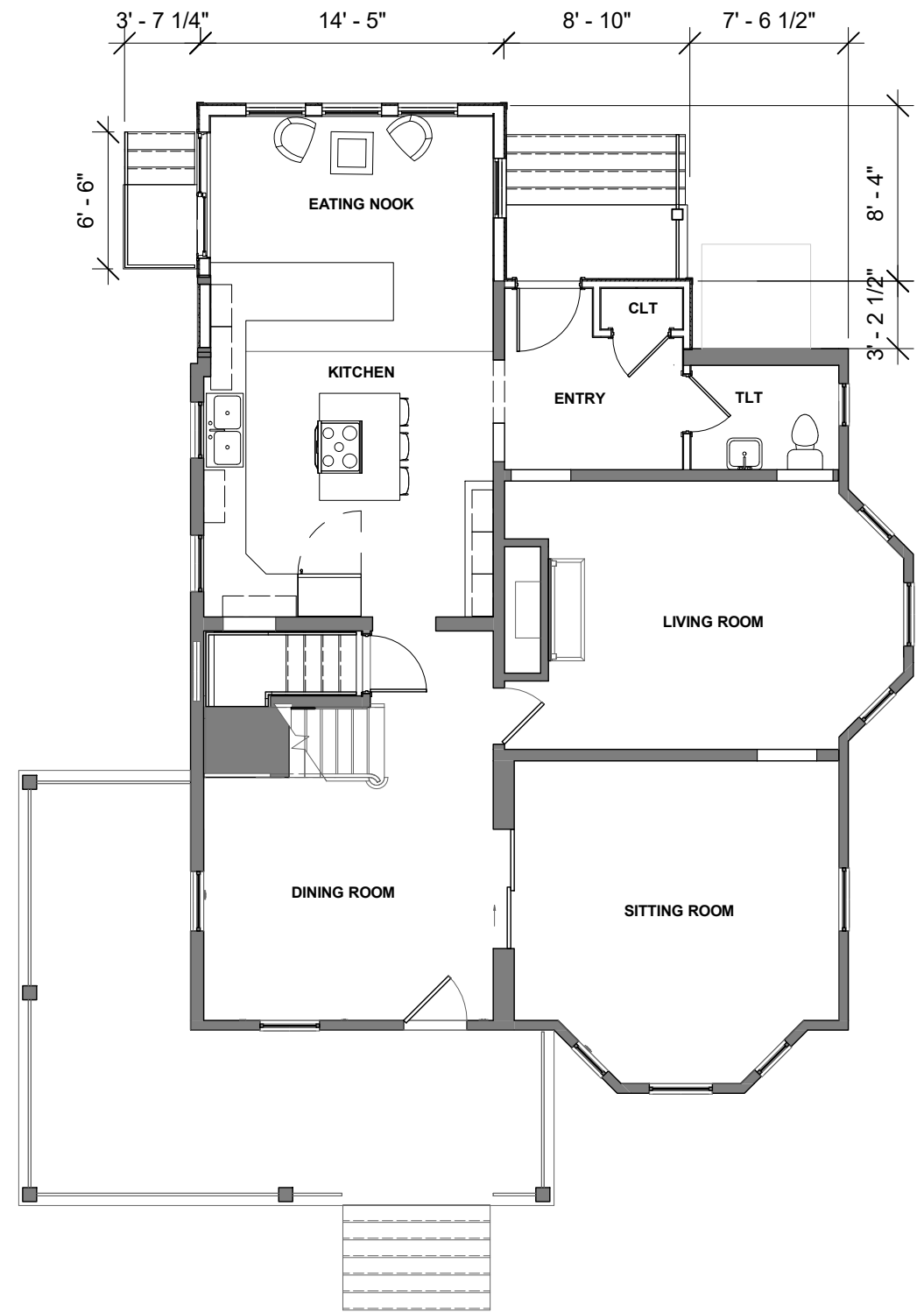


A1

09/17/2024
 McHA: EKW/MG
 Project Number: 23102
NOT TO SCALE



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



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

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ADDITION
339 MILLER AVE.
PORTSMOUTH, NH 03801

FLOOR PLANS

OCTOBER 2024 - ZONING BOARD OF ADJUSTMENT

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A2

09/17/2024
McHA: EKW/MG
Project Number: 23102
AS INDICATED



VIEW FROM REAR OF DRIVWAY LOOKING WEST



VIEW FROM REAR OF DRIVWAY LOOKING SOUTH



VIEW FROM REAR OF DRIVWAY LOOKING SOUTHWEST

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ADDITION

339 MILLER AVE.
PORTSMOUTH, NH 03801

EXISTING CONDITIONS PHOTOS

OCTOBER 2024 - ZONING BOARD OF ADJUSTMENT

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Portsmouth, New Hampshire
603.430.0274

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A3

09/17/2024

McHA: EKW/MG

Project Number: 23102

NOT TO SCALE



ADDITION PERSPECTIVES

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ADDITION
 339 MILLER AVE.
 PORTSMOUTH, NH 03801

PROPOSED ADDITION
 OCTOBER 2024 - ZONING BOARD OF ADJUSTMENT

4 Market Street
 Portsmouth, New Hampshire
 603.430.0274
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 McHENRY ARCHITECTURE



A4

09/17/2024
 McHA: EKW/MG
 Project Number: 23102
NOT TO SCALE

III. NEW BUSINESS

D. The request of **Port Harbor Land LLC (Owner)**, for property located at **0 Deer Street** requesting relief to construct a parking garage associated with a previously approved mixed-use development which requires the following: 1) Variance from Section 10.1114.20 to a) allow a 75 degree angle of parking on the lower level where the parking design standards do not allow it; b) allow a 17.5' one-way drive aisle on the lower level where the parking design standards do not allow it; c) allow a parallel parking space on the upper level with a length of 19 feet where 20 feet is required; and d) allow a 10' one-way drive aisle on the upper level where 14' is required. Said property is located on Assessor Map 118 Lot 28 and lies within the Character District 5 (CD5), Historic and Downtown Overlay Districts. (LU-24-176)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Parking Lot	Mixed-use Development	Mixed-Use
<u>Lot area (sq. ft.):</u>	50,875	50,875	NR
<u>Front Lot Line Buildout (%):</u>	0	81	80 Min.
<u>Principal Front Yard (ft.):</u>	0	9 ¹	5 max.
<u>Side Yard (ft.):</u>	0	0	NR
<u>Rear Yard (ft.):</u>	0	22	5 Min.
<u>Building Height (ft.):</u>	0	60	60 max.
<u>Building Coverage (%):</u>	0	74	95 max.
<u>Open Space Coverage (%):</u>	0	26	5 min.
<u>Parking:</u>	154	186	180* Min.
<u>Angle of Parking (degrees)</u>	0	Lower Level: 75	0, 45, 60, or 90
<u>Drive-aisle width (ft.)</u>	0	Lower level: 17.5 Upper level: 10	LL: 18 Min. UL: 14
<u>Parking space length (ft.)</u>	0	19	20 Min.
<u>Estimated Age of Structure:</u>	N/A	Variance request(s) shown in red.	

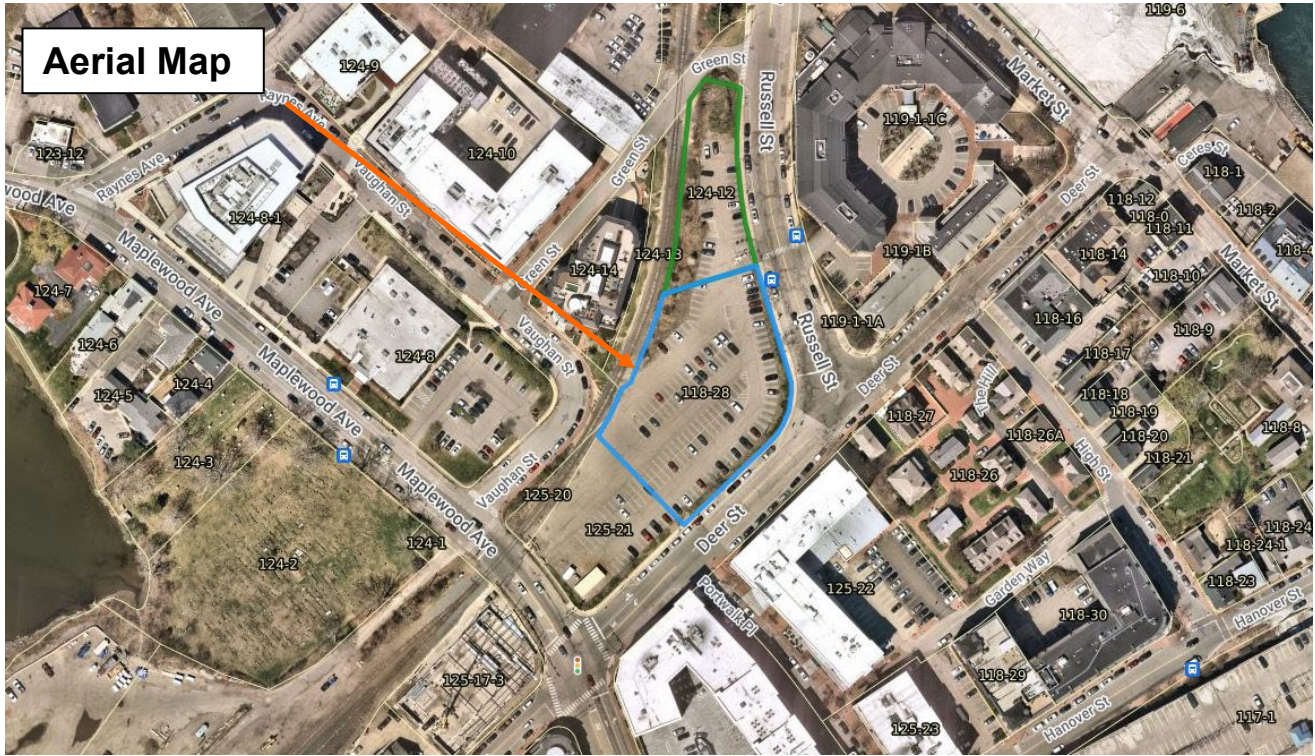
*Parking Conditional Use Permit approved for 180 parking spaces

¹ FRONT YARD INCREASED ABOVE MAXIMUM ALLOWED PER 10.5A42.12

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions (for 2 Russell Street)

- **August 28, 1984** – 1) a Variance as required in Article III, Section 10-301(8)(c) to permit the construction of a mixed use facility (hotel, condominium, parking and office complex) 76' above grade where 60' is the maximum height allowed; and, 2) a Special Exception as allowed in Article XII, Section 10-1201(1)(d)(1) to permit a parking reduction with 618 parking spaces being provided where approximately 920-980 parking spaces are required. Said property is shown on Assessor Plan U-19 as Lots 1 and 4, Plan U-18 as Lot 28, Plan U-24 as Lot 12 and Plan U-25 as Lot 21 and lies within the Central Business and Historic A district. It was voted that your request for a Variance from Article III, Section 10-301(8)(c) be granted and that your request for a Special Exception be granted as allowed in Article XII, Section 10-1201(1)(d)(1) for a reduction with 750 spaces provided where approximately 920 to 980 parking spaces are required.

Planning Department Comments

The applicant is requesting relief from the design standards for off-street parking facilities outlined in Section 10.1114.20 of the Zoning Ordinance for the proposed parking garage internal design. The mixed-use development proposed for Map 118, Lot 28 and two abutting lots has received all land use approvals needed including Site Plan approval and Historic District Commission approval. The parking garage will be privately owned and managed by the development and there will be no public self-parking.

The design plans were reviewed by the Technical Advisory Committee (TAC) at the October 8, 2024 work session with no concerns on the proposed changes. The DPW transportation engineer also reviewed the design plans and noted that the proposed aisle widths, 75 degree parking stalls and circulation will all work and are in compliance with industry standards. One concern he had with the design, not related to the requested variances, was with the first parallel space when entering the top floor, it appears that a corner of the parking space is touching the edge of the adjacent handicap parking space. It would appear that this could prevent the opening of the driver's door on a vehicle parked in the handicap parking space. Should the Board decide to grant the request, the following condition should be considered:

1. Internal parking design shall be updated to the satisfaction of DPW.

Variance Review Criteria

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

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

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

10.235 Certain Representations Deemed Conditions

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



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PARALEGAL
E-MAIL: ABOURDAGES@LYONSLAW.NET

October 2, 2024

SUBMITTED ONLINE VIA CITY OF PORTSMOUTH – OPENGOV PORTAL

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

RE: 0 Deer Street, Map 118, Lot 28 – Request for Parking Variance as to Stall Layout and Drive Aisle Width Requirements set out in Section 10.1114.20 of the City of Portsmouth’s Zoning Ordinance

Dear Chair Eldridge,

This letter and attached materials are being submitted in support of the Application for Parking Variance as to the Project located at 0 Deer Street, Map 118, Lot 28 and owned by Port Harbor Land LLC (“Port Harbor”).

Port Harbor has obtained all necessary City of Portsmouth Planning Board and Historic District Commission (“HDC”) approvals to construct three (3) new buildings containing eighty (80) residential dwelling units; commercial space; parking; associated community space; landscaping; and other site improvements, including three (3) land parcel transfers to the City of Portsmouth to allow for the realignment of the Russell and Deer Streets intersection and for the City’s future construction of a roundabout at Russell and Market Streets. The parking at issue in this Application relates to two-levels of structured garage parking located in the proposed Building 2. It should be noted that the Project was approved for 180 parking spaces by Conditional Use Permit and is now designed to provide 186 parking spaces. Tandem spaces have also now been reduced. Parking spaces will be utilized by residents and a valet operator. There will be no public self-parking.

As set out in the letter from Walker Consultants Inc. (“Walker”), dated August 21, 2024, updated September 19, 2024, and attached hereto, Port Harbor is requesting a Variance as to the parking space design requirements as set out in Section 10.1114.20 of the City of Portsmouth’s

Zoning Ordinance. The basis of this request and the specifics related thereto are set out in detail in the Walker letter which is fully incorporated herein, and includes the following:

First, the relevant City Ordinance provides for 45°, 60°, and 90° “Angle of Parking.” Port Harbor is requesting a 75° angle of parking on the lower level of the parking garage, Level P1, to both fit within the building layout and maximize parking efficiency.

Second, the City Ordinance provides that for purposes of one-way traffic, the width of the one-way drive aisle shall be eighteen (18) feet for 60° parking. The Applicant, as to Level P1 of the parking garage, is requesting approval of a 17’8” one-way drive aisle. See the attached Plan titled “Building 2 - Level P1 - Parking Plan” as to both the 75° parking angles and 17’8” one-way drive aisle width.

Third, there are four (4) parallel spaces on the upper level of the parking garage, Level 1. All parallel spaces comply with the width requirement as set out in the Zoning Ordinance. All but one of the parallel spaces comply with the 20’ length minimum. The first parallel space as you enter the upper level of the parking garage has a 19’ length. Port Harbor hereby requests a Variance as to the length of that one (1) parallel space.

Fourth, the one-way drive aisle on Level 1 is less than the 14’ minimum called for in the Ordinance. There is a 12’ wide one-way drive aisle at all spaces except for one where a necessary support column reduces the drive aisle down to 10’3” and a Variance is requested in relation thereto. It should be noted however that in relation to the width of the one-way drive aisle, the four (4) parallel spaces are not traditional parking spaces where there are multiple spaces in a row. Due to the angles of the building and drive aisle, vehicles can pull straight in or back into these 4 parallel spaces. Again, due to the nature of the parallel parking configuration, the width of the one-way drive aisle will not impact parking, safety, or the flow of traffic through the garage. See the Plan titled “Building 2 – Level 1 – Parking Plan.”

VARIANCE EVALUATION CRITERIA SUMMARY

- *10.233.21. Granting the variance will not be contrary to the public interest.*

The New Hampshire Supreme Court has indicated that the requirement that a variance not be "contrary to the public interest" is coextensive and related to the requirement that a variance be consistent with the spirit of the ordinance. See *Chester Rod & Gun Club v. Town of Chester*, 152 N.H. 577, 580 (2005); *Malachy Glen Associates, Inc. v. Town of Chichester*, 155 N.H. 102, 105-06 (2007); and *Farrar v. City of Keene*, 158 N.H. 684, 691 (2009). A variance is contrary to the public interest only if it "unduly, and in a marked degree conflicts with the ordinance such that it

violates the ordinance's basic zoning objectives." *Chester Rod & Gun Club*, 152 N.H. at 581; *Farrar*, 158 N.H. at 691. See also *Harborside Associates. L.P. v. Parade Residence Hotel, LLC*, 162 N.H. 508, 514 (2011) ("[m]ere conflict with the terms of the ordinance is insufficient."). Moreover, these cases instruct boards of adjustment to make the determination as to whether a variance application "unduly" conflicts with the zoning objectives of the ordinance "to a marked degree" by analyzing whether granting the variance would "alter the essential character of the neighborhood" or "threaten the public health, safety or welfare" and to make that determination by examining, where possible, the language of the Zoning Ordinance.

As set out in detail in the attached Walker Consultants Inc. Report, the requested Variance as to parking angles, one-way drive aisle widths, and the length of one (1) parallel space, is consistent with the general intent of the Zoning Ordinance for parking geometrics, acceptable parking design practices, and project needs. Additionally, granting the requested Parking Variances will certainly not alter the essential character of the neighborhood, threaten the public health or safety, and would not be contrary to the public interest.

- 10.233.22. *The spirit of the Ordinance will be observed by granting the variances.*

As referenced above, the requested Variances observe the spirit of the Zoning Ordinance and New Hampshire jurisprudence regarding the "public interest" prong of the variance criteria because the Applicant's Project will be consistent with the general and implied purposes of the Zoning Ordinances in this case. Further, the Project will not compromise the character of the neighborhood or threaten the public health, safety, or welfare. As the New Hampshire Supreme Court has indicated in both *Chester Rod & Gun Club* and in *Malachy Glen*, the requirement that the variance not be "contrary to the public interest" is coextensive and is related to the requirement that the variance be consistent with the spirit of the ordinance. See *Chester Rod & Gun Club*, 152 N.H. at 580. A variance is contrary to the spirit of the ordinance only if it "unduly, and in a marked degree conflicts with the ordinance such that it violates the ordinance's basic zoning objectives." *Chester Rod & Gun Club*, 152 N.H. at 581; *Farrar*, 158 N.H. at 691.

As a result, Port Harbor respectfully asserts that the requested Parking Variances are clearly consistent with the spirit of the applicable Ordinance.

- 10.233.23. *Granting the variance would do substantial justice.*

As noted in *Malachy Glen, supra*, "perhaps the only guiding rule [on this factor] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." *Malachy Glen, supra, citing* 15 P. Loughlin, New Hampshire Practice. Land Use Planning and Zoning § 24.11, at 308 (2000) (quoting New Hampshire Office of State Planning, The Board of

Adjustment in New Hampshire, A Handbook for Local Officials (1997)). In short, there must be some gain to the general public from denying the variance that outweighs the loss to the applicant from its denial.

In this case, the public does not gain anything by denying the requested Variances because the Port Harbor Project will not conflict with the basic zoning objectives implicated by this application and as discussed above. On the contrary, the Port Harbor Project will facilitate the reasonable use of what is now a surface parking lot. The public benefits from the reasonable use of this surface parking lot, and from Port Harbor's investment in the Property, will provide for significant community space, landscaping, and street improvements for the benefit of the public-at-large. Additionally, the Port Harbor Project is consistent with the neighborhood and does not practically conflict with the objectives of the Zoning Ordinance.

- *10.233.24. Granting the variance will not diminish the values of surrounding properties.*

Given the nature of the existing and proposed conditions of the neighborhood, Port Harbor's development of the existing surface parking lot will not diminish surrounding property values. On the contrary, the development of the surface parking lot will clearly enhance the value of all surrounding properties.

- *10.233.25. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.*

As set out in Section 10.233.31 of the Zoning Ordinance, "unnecessary hardship" means that owing to special conditions of the property that distinguish it from other properties in the area; (a) no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (b) the proposed use is a reasonable one.

The first prong of the Hardship Test requires the Board to determine whether there are special conditions on the underlying property which is the subject of a variance request. This requirement finds its origins in the Standard State Zoning Enabling Act of the 1920s "since it is the existence of those 'special conditions' which causes the application of the zoning ordinance to apply unfairly to a particular property, requiring that variance relief be available to prevent a taking."³ The Supreme Court has determined that the physical improvements on a property can constitute the "special conditions" which are the subject of the first prong of the Hardship Test. *Harborside*, 162 N.H. at 518 (the size and scale of the buildings on the lot could be considered special conditions); *Cf Farrar*, 158, N.H. 689 (where variance sought to convert large, historical

single use residence to mixed use of two residence and office space, size of residence was relevant to determining whether property was unique in its environment).

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

The final prong of the Hardship Test analysis is whether the proposed use is "reasonable."

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

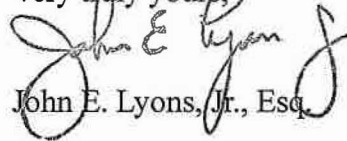
Port Harbor would respectfully assert that because both the Planning Board and the HDC have provided all necessary approvals for this Project, the proposed use and development of 2 Russell Street is a reasonable one.

Additionally, owing to special conditions of the Property that distinguish it from other properties in the area, no fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific Application of the relevant portions of the Parking Ordinance as to the Property. Here, Port Harbor is developing a unique surface parking lot that is clearly distinguished from other properties in the area. Additionally, as shown on the attached photos showing the existing conditions and shape of the surface parking lot, the Property is clearly distinguishable from other properties in the area.

Port Harbor has received all City approvals both from the Planning Board and the HDC to develop this uniquely shaped surface parking lot in order to construct three (3) separate buildings containing eighty (80) residential dwelling units; commercial space; parking; associated community space; landscaping; and other site improvements. The City is also receiving the public benefit of 3 land parcel transfers to allow for the realignment of the Russell Street and Deer Street intersection and for the City's future construction of a roundabout at the intersection of Russell Street and Market Street. Because of the related design of Building 2, and the two-level, 186 parking space garage to be constructed therein, no fair and substantial relationship exists between the general public purpose of the Zoning Ordinance and the specific Application herein. In fact, the requested Parking Variances as to the angle of parking; the one parallel parking space length; and the one-way drive aisle widths are de minimis and meet the intention of the Zoning Ordinance for parking geometrics and acceptable parking design practices.

Thank you to you and the Board for your consideration regarding this matter.

Very truly yours,



John E. Lyons, Jr., Esq.

DOCUMENTS AND EXHIBITS

Digital Land Use Application Form submitted through OpenGov (View Point Cloud) Portal.

- Tighe & Bond – North End Mixed Use Development – Packet including Approved Site Plans



1075 Main Street, Suite 410
Waltham, MA 02451
617.350.5040

August 21, 2024

(updated 9-19-2024)

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

Re: *Russell Street Development*
2 Russell Street
Parking Variance Request

Chairperson Eldridge:

The purpose of this letter is to support a variance request for the proposed 2 Russel Street Project. The variance request is related to adjustments to, and interpretation of zoning required parking geometrics. It is my professional opinion that the parking system meets or exceeds the intention of zoning geometrics and acceptable parking design practice for the project's needs.

The Russell Street Development is a mixed-use development designed to provide 186 structured parking spaces within two levels of structured parking. This exceeds the approved 180 spaces by conditional use permit. The parking spaces will be used by residents of the development and a valet operator currently operating parking across the street. There will be no public self-parking. There will be traditional parking spaces, tandem spaces, and semi-automated puzzle parking used by the valet operator.

Two International Group has retained Walker Consultants (Walker) to assist with a request for a variance to the parking space design requirements in *Section 10.1114.20 - Stall Layout of the City of Portsmouth Zoning Ordinance*. Our approach is to compare the "comfort" as defined by Level of Service (LOS) of the allowed zoning geometrics compared to the provided LOS by the design.

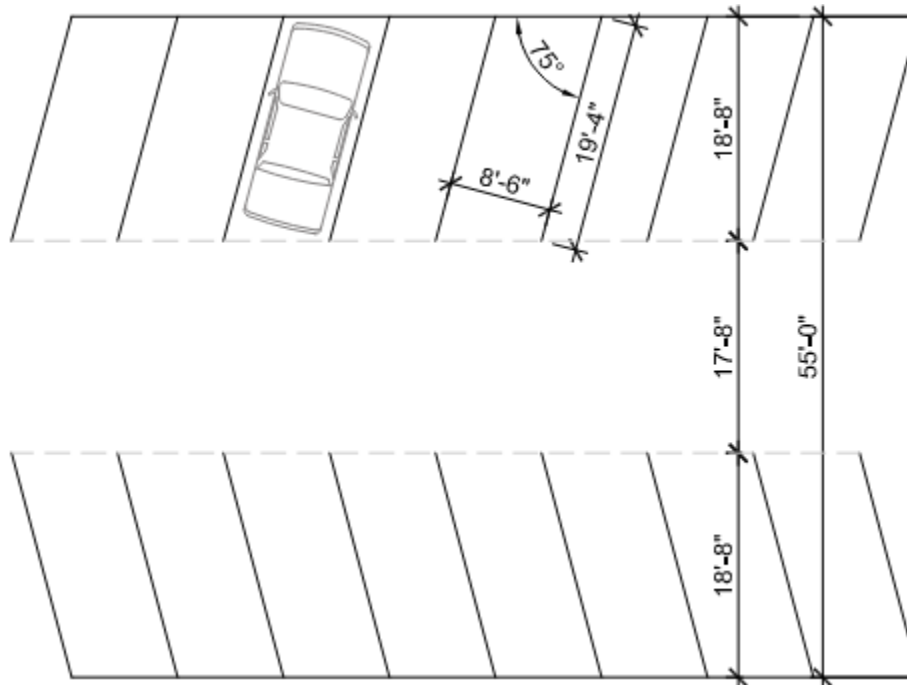
Walker and the parking industry utilize a Level of Service (LOS) approach, grading various aspects of parking on an A-D, F scale. LOS is defined and outlined in Chrest, Smith, et al. *Parking Structures: Planning, Design, Construction, Maintenance & Repair* (3rd Edition) Kluwer. Generally described, LOS A is the most generous grade often used for retail, medical office buildings and other high turnover environments with less familiar drivers. LOS D is a grade given to the tightest allowable metrics and is often used for residential, office, and other parking environments with regular drivers who learn the nuances of the parking facility in question. LOS F is a failing grade and not recommended. In addition to indicating comfort, LOS can be used to communicate and compare the equivalence of different combinations of parking geometrics.

75- Degree Spaces

Within section 10.1114.21 of the ordinance, there are minimum dimensions for 90-degree parking and several typical angled spaces, but 75-degree parking is not listed in the section Table as permitted. It is worth noting that parking design commonly uses 75-degree, 70-degree, and other angles in addition to the 90, 60, and 45-degree listed in the zoning table. Two International Group is requesting the use of 75-degree parking to both fit within the building layout and maximize efficiency for the parking. As context, Walker often sees one-way 75-degree parking in this region and is requesting an equivalent LOS 17'-8" drive aisle with the 8'-6" by 19' spaces.

As comparison, Zoning allows for a 22' drive aisle for 90-degree within a parking structure with 19' long spaces. The combination of these dimensions is a "module" (space length + aisle width + space length) of 60'. Walker grades the ninety-degree parking with 8'-6" wide spaces and 60' module at a LOS C. This is adequate for the low turnover, residential users of these spaces. An equivalent LOS C module for 75-degree, 8'-6" wide spaces is 55'. This comparable 75-degree LOS C condition creates a 19'-4" stripe dimension, and a 17'-8" drive aisle. This module also allows for the Zoning compliant 19' x 8'-6" space minimums shown in the Key Table in section 10.1114.21. See Figure 1. Further to this, Walker sees this similar parking condition and LOS C in dozens of designs through-out the region.

Figure 1: 75-degree Parking Layout



Parallel Spaces

There are four parallel spaces on the First Floor. All spaces, comply with the 8'-6" width as noted in Zoning section 10.1114.21. All spaces, but one (space 1 – 19'), comply with the 20' length minimum and the drive aisle is less than the required 14'. Two International Group is requesting a variance for parallel space length and drive aisle width. The four parallel spaces are not traditional parallel spaces where there are multiple spaces in a row,

requiring the driver to make the traditional parallel parking swivel maneuver to park in them. Due to the angles of the building and drive aisles, vehicles can pull straight or back into these parallel spaces, so they behave more like regular parking spaces. The required adjacent aisle width and stall length do not aid the maneuvering vehicles in and out these spaces. In keeping with the equivalent metrics for 75-degree spaces, Walker's LOS C drive aisle for a parallel space is 12'. There is a 12' wide drive aisle at all spaces, except for one where a necessary column reduces the drive aisle down to 10'-3" (at space 23). Again, due to the nature of the parallel parking configuration, this specific location is a travel lane and will not impact parking or the flow of traffic through the garage.

As stated, it is my professional opinion that the designed parking meets the intention of the Zoning Ordinance for parking geometrics and acceptable parking design practice for the project's needs. I remain available to answer any questions in this regard.

Sincerely,



WALKER CONSULTANTS

Arthur G. Stadig, PE



10.1114.20 Stall Layout

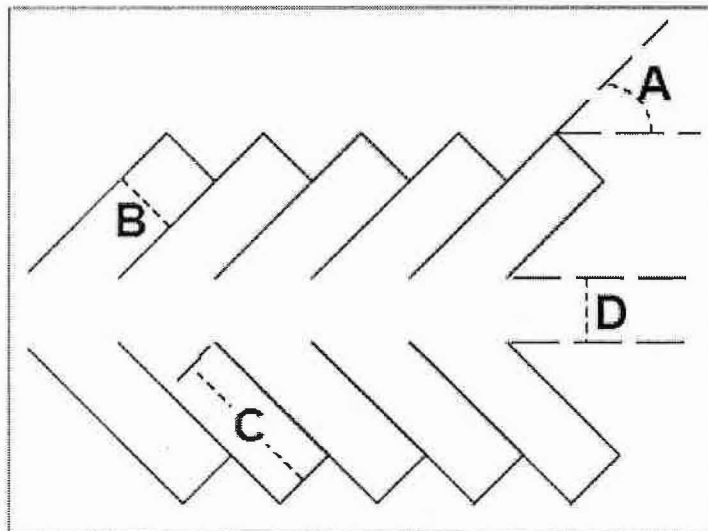
10.1114.21 Parking spaces and **maneuvering aisles** shall be laid out in compliance with the minimum dimensions set forth in the Table of **Off-Street Parking Dimensions**.

Table of Off-Street Parking Dimensions

A Angle of Parking (degrees)	B Width of Parking Space	C Depth of Parking Space	D Width of Maneuvering Aisle *	
			1-way traffic	2-way traffic
0°	8.5'	20'	14'	24'
45°	8.5'	19'	16'	24'
60°	8.5'	19'	18'	24'
90°	8.5'	19'	24'	24'

* The minimum width of a **maneuvering aisle** shall be 22 feet for (a) an aisle for 2-way traffic providing access to fewer than 7 parking spaces, or (b) an aisle in a parking structure for 2-way traffic, or (c) an aisle in a parking structure for 1-way traffic with 90-degree parking.

Key to Table of Off-Street Parking Dimensions



Emily S. Garvin
Planner



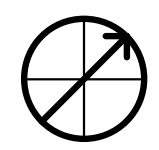
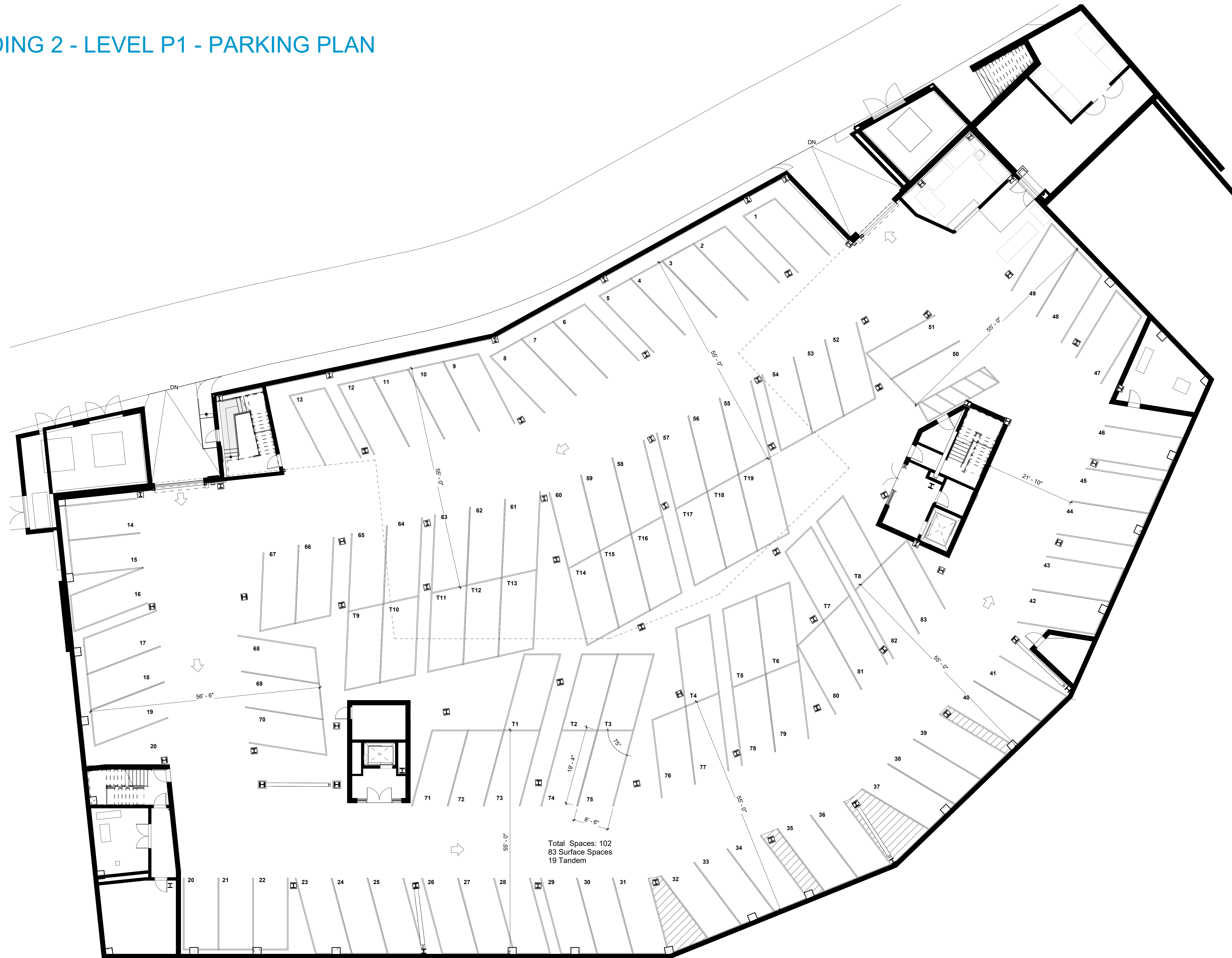
WALKER
CONSULTANTS

20 Park Plaza, Suite 1202 | Boston, MA 02116

D 857.287.2723 | O 617.350.5040

www.walkerconsultants.com | [Blog](#) | [Facebook](#) | [LinkedIn](#) | [Twitter](#)

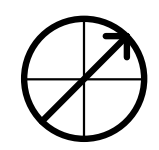
BUILDING 2 - LEVEL P1 - PARKING PLAN



BUILDING 2 - LEVEL 1 - PARKING PLAN



Total Spaces: 84
25 Surface Spaces
53 Stacker Spaces
6 Tandem



EXISTING LAND USE
SURFACE PARKING
LOT - PHOTO 1



AC Hotel Portsmouth
Downtown/Waterfront

Green St

Green St

2 Russell St

jessica todd

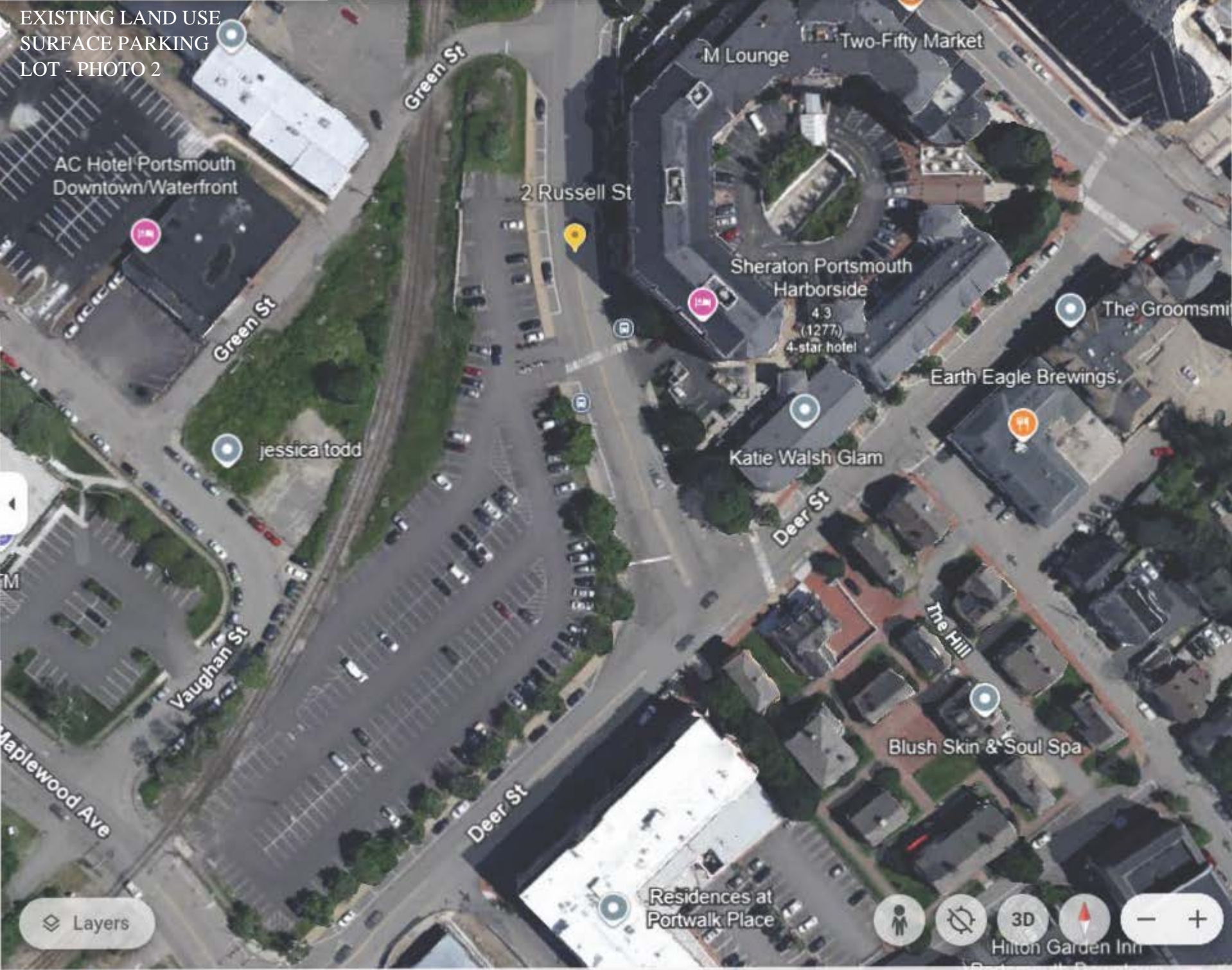
Vaughan St

Deer St

Residences at
Portwalk Place

Layers

EXISTING LAND USE
SURFACE PARKING
LOT - PHOTO 2



September 18, 2024

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

Re: *2 Russell Street Development*
Parking Variance Request


Dear Chairperson Eldridge,

On behalf of Port Harbor Land LLC, the Owner of the property located at 2 Russell Street, City of Portsmouth, County of Rockingham, State of New Hampshire, Attorney John E. Lyons, Jr. is fully authorized to file the Land Use Application for Parking Variance being submitted herewith.

Thank you.

PORT HARBOR LAND LLC

9-18-24
Date:


By: Ryan D. Plummer,
Duly Authorized Agent

SITE DATA:
 LOCATION: TAX MAP 118 LOT 28 OWNER: PORT HARBOR LAND LLC
 TAX MAP 119 LOT 1-1A 1000 MARKET ST
 TAX MAP 119 LOT 1-1C BUILDING ONE
 PORTSMOUTH, NH 03801
 TAX MAP 119 LOT 4
 TAX MAP 124 LOT 12
 TAX MAP 125 LOT 21
 TAX MAP 125 LOT 28

ZONING DISTRICT: CHARACTER DISTRICT 5 (CD5)
 DOWNTOWN OVERLAY DISTRICT
 NORTH END INCENTIVE OVERLAY DISTRICT
 HISTORIC DISTRICT

PROPOSED USE: MIXED USE, RESIDENTIAL, RETAIL

DEVELOPMENT STANDARDS

BUILDING PLACEMENT (PRINCIPAL BUILDING)	REQUIRED	PROPOSED	MAP 118 LOT 28	MAP 124 LOT 12	MAP 125 LOT 21
MAXIMUM PRINCIPAL FRONT YARD	5 FT	6 FT ⁽¹⁾	10 FT ⁽¹⁾	10 FT ⁽¹⁾	10 FT ⁽¹⁾
SIDE YARD	NR	5 FT	20 FT	20 FT	20 FT
MINIMUM REAR YARD	NR	5 FT	20 FT	20 FT	20 FT
FRONT LOT LINE LENGTH	NR	81%	100%	84%	84%
MINIMUM FRONT LOT LINE BULKHEAD	80%				
BUILDING AND LOT OCCUPATION:					
MAXIMUM BUILDING BLOCK LENGTH	225 FT	107 FT	104 FT	225 FT	225 FT
MAXIMUM FACADE MODULATION LENGTH	150 FT	<100 FT	<100 FT	<100 FT	<100 FT
MAXIMUM ENTRANCE SPACING	50 FT	<50 FT	<50 FT	<50 FT	<50 FT
MAXIMUM BUILDING COVERAGE	95%	65%	71%	59%	59%
MAXIMUM BUILDING FOOTPRINT	40,000 SF ⁽²⁾	11,950 SF	39,255 SF	11,210 SF	11,210 SF
MINIMUM LOT AREA	NR	33%	36%	42%	42%
MINIMUM OPEN SPACE	5%	15,000 SF	10,419 SF	8,067 SF	8,067 SF
MAXIMUM GROUND FLOOR GFA PER USE:					
RESIDENTIAL	NR	33%	36%	42%	42%
OFFICE	NR	15,000 SF	7,975 SF	10,419 SF	8,067 SF
BUILDING FORM (PRINCIPAL BUILDING)					
BUILDING HEIGHT	2-4 STORIES	MAP 125 LOT 21	MAP 118 LOT 28	MAP 124 LOT 12	MAP 125 LOT 28
MAXIMUM FINISHED FLOOR SURFACE OF GROUND FLOOR ABOVE SIDEWALK GRADE	40 FT	4 STORIES	5 STORIES ⁽³⁾	5 STORIES ⁽³⁾	5 STORIES ⁽³⁾
MAXIMUM FINISHED FLOOR SURFACE OF GROUND FLOOR ABOVE SIDEWALK GRADE	36 IN	0 IN	0 IN	0 IN	0 IN
MINIMUM GROUND STORY HEIGHT	12 FT	16.5 FT	14.0 FT	13.0 FT	13.0 FT
MINIMUM SECOND STORY HEIGHT	10 FT	10 FT	10.5 FT	10.5 FT	10.5 FT
FACADE GLAZING:					
SHOP FRONT	70% MIN.	75%	73%	71%	71%
ALLOWED ROOF TYPES	FLAT, GABLE, HIP	FLAT	FLAT	FLAT	FLAT
ALLOWED ROOF TYPES	FLAT, GABLE, HIP	FLAT	FLAT	FLAT	FLAT
GABRIEL, MANSARD					

OFF-STREET PARKING REQUIREMENTS

PARKING SPACES REQUIRED:	REQUIRED	PROPOSED
COMMERCIAL	NO REQUIREMENT IN DDD	0 SPACES
DWELLING UNITS	OVER 750 SF, 1.3 SPACES PER UNIT	80 UNITS 104 SPACES
VISITOR SPACES	1 SPACE PER 5 DWELLING UNITS	80 UNITS 16 SPACES
EXISTING HOTEL	0.75 SPACES PER GUEST ROOM	181 ROOMS 136 SPACES
EXISTING SEATED CONDO SPACES	SHERATON CONDOS	24 SPACES
DEER STREET CONDOS		58 SPACES
DOWNTOWN OVERLAY DISTRICT		4 SPACES
TOTAL MINIMUM PARKING SPACES REQUIRED		334 SPACES
TOTAL PARKING SPACES PROVIDED		154 SPACES
EXISTING SHERATON HOTEL PARKING		154 SPACES
ON SITE SURFACE PARKING		186 SPACES
TOTAL SPACES PROVIDED		340 SPACES

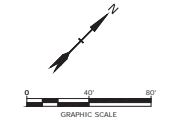
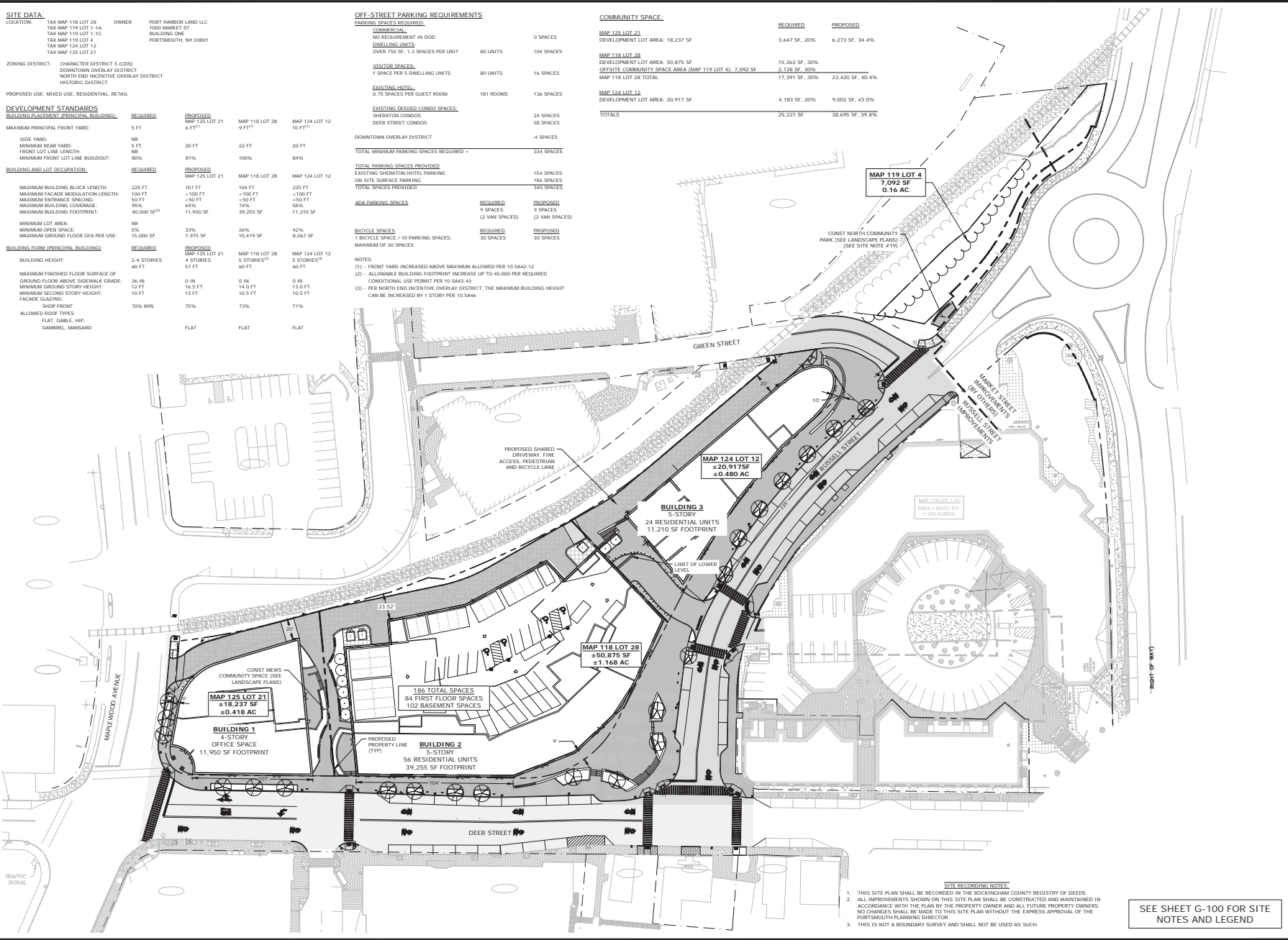
ADA PARKING SPACES: REQUIRED 9 SPACES (2 VAN SPACES) PROPOSED 9 SPACES (2 VAN SPACES)

BICYCLE SPACES: REQUIRED 1 BICYCLE SPACE (2 VAN SPACES) PROPOSED 30 SPACES

NOTES:
 (1) FRONT YARD INCREASED ABOVE MAXIMUM ALLOWED PER 10 SA42.12
 (2) ALLOWABLE BUILDING FOOTPRINT INCREASE UP TO 40,000 PER REQUIRED
 (3) PER NORTH END INCENTIVE OVERLAY DISTRICT, THE MAXIMUM BUILDING HEIGHT CAN BE INCREASED BY 1 STORY PER 10 SA44.

COMMUNITY SPACE:

REQUIRED	PROPOSED
MAP 125 LOT 21 DEVELOPMENT LOT AREA: 18,237 SF	3,647 SF, 20% 6,273 SF, 34.4%
MAP 118 LOT 28 DEVELOPMENT LOT AREA: 50,875 SF	15,263 SF, 30% 2,128 SF, 30%
OFF-SITE COMMUNITY SPACE AREA (MAP 119 LOT 4): 7,092 SF	17,391 SF, 30% 23,420 SF, 40.4%
MAP 119 LOT 28 TOTAL:	4,183 SF, 20% 9,002 SF, 43.0%
MAP 124 LOT 12 DEVELOPMENT LOT AREA: 20,917 SF	25,221 SF 38,695 SF, 39.8%
TOTALS	



North End Mixed Use Development

Two International Group

Russell Street & Deer Street
 Portsmouth, NH

K	9/24/2024	Extension Request Submission
J	7/19/2024	Phase 1 Building Permit Set
I	5/22/2023	Act Submission
H	12/5/2022	Act Submission
G	11/23/2022	PB Submission
F	11/18/2022	Traffic Peer Review
E	10/20/2022	TAC Resubmission
D	9/28/2022	Intersection Realignment
MARK	DATE	DESCRIPTION
PROJECT NO.	T5037-002	
DATE	May 24, 2022	
FILE:	T5037-002-C-DSGN.DWG	
DRAWN BY:	CJK	
CHECKED:	NHW	
APPROVED:	PAK	

OVERALL SITE PLAN

SCALE: AS SHOWN
C-102

- SITE RECORDING NOTES:**
- THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
 - ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNERS AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.
 - THIS IS NOT A BOUNDARY SURVEY AND SHALL NOT BE USED AS SUCH.

SEE SHEET G-100 FOR SITE NOTES AND LEGEND

Mark & Short Associates, Inc. 333 State St., Suite 200, Portsmouth, NH 03801
 Tel: 603.433.1111 Fax: 603.433.1112 www.markandshort.com
 Date: 5/24/2022 10:53 AM
 Project: North End Mixed Use Development (CD5) - Russell Street Development (CD5) - 1000-C-DSGN.DWG



- GENERAL NOTES:**
- THE LOCATIONS OF UNDERGROUND UTILITIES ARE APPROXIMATE AND THE LOCATIONS ARE NOT GUARANTEED BY THE OWNER OR THE ENGINEER. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL UTILITIES, ANTICIPATE CONFLICTS, REPAIR EXISTING UTILITIES AND RELOCATE EXISTING UTILITIES REQUIRED TO COMPLETE THE WORK.
 - COORDINATE ALL WORK WITHIN PUBLIC RIGHT OF WAY WITH THE CITY OF PORTSMOUTH.
 - THE CONTRACTOR SHALL EMPLOY A NEW HAMPSHIRE LICENSED LAND SURVEYOR TO DETERMINE ALL LINES AND GRADES.
 - THE CONTRACTOR SHALL VERIFY THE LOCATION OF ALL EXISTING UTILITIES. CALL DIG-AND-LOC TO SAFETY AT LEAST 72 HOURS PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION/CONSTRUCTION ACTIVITIES.
 - IT IS THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE THEMSELVES AND COMPLY WITH THE CONDITIONS OF ALL OF THE PERMIT APPROVALS.
 - THE CONTRACTOR SHALL OBTAIN AND PAY FOR AND COMPLY WITH ADDITIONAL PERMITS, NOTICES AND FEES NECESSARY TO COMPLETE THE WORK AND NECESSARY PERMITS AND APPROVALS FROM THE AUTHORITIES HAVING JURISDICTION.
 - THE CONTRACTOR SHALL PHASE DEMOLITION AND CONSTRUCTION AS REQUIRED TO PROVIDE CONTINUOUS SERVICE TO EXISTING BUSINESSES AND HOMES THROUGHOUT THE CONSTRUCTION PERIOD. EXISTING BUSINESS AND HOME SERVICES INCLUDE, BUT ARE NOT LIMITED TO ELECTRICAL, MECHANICAL, PLUMBING, WATER AND SEWER SERVICES, TELEPHONE AND CABLE SERVICES, AND OTHER SERVICES, IF REQUIRED, SHALL COMPLY WITH ALL FEDERAL, STATE, LOCAL AND UTILITY COMPANY STANDARDS. CONTRACTOR SHALL PROVIDE DETAILED CONSTRUCTION SCHEDULE TO OWNER PRIOR TO ANY DEMOLITION/CONSTRUCTION ACTIVITIES AND SHALL COORDINATE TEMPORARY SERVICES TO ADJUTERS WITH THE UTILITY COMPANY AND AFFECTED ADJUTER.
 - ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE FEDERAL, STATE, AND LOCAL CODES & SPECIFICATIONS. ALL WORK SHALL CONFORM TO THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS, STANDARD SPECIFICATIONS AND WITH THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION, "STANDARD SPECIFICATIONS OF ROADS AND BRIDGE CONSTRUCTION", CURRENT EDITION.
 - CONTRACTOR TO SUBMIT AS-BUILT PLANS IN DIGITAL FORMAT (.DWG AND .PDF FILES) ON DISK TO THE OWNER AND ENGINEER UPON COMPLETION OF THE PROJECT. AS-BUILTS SHALL BE PREPARED AND CERTIFIED BY A NEW HAMPSHIRE LICENSED LAND SURVEYOR.
 - CONTRACTOR SHALL THOROUGHLY CLEAN ALL CATCH BASINS AND DRAIN LINES, WITHIN THE LIMIT OF WORK, OF SEDIMENT IMMEDIATELY UPON COMPLETION OF CONSTRUCTION.
 - SEE EXISTING CONDITIONS PLAN FOR BENCH MARK INFORMATION.
 - APPLICANT SHALL SUBMIT, AS PART OF THE FINAL POST APPROVAL PROCEDURES, RELEVANT FTAP INFORMATION USING THE MOST RECENT ONLINE DATA PORTAL CURRENTLY MANAGED BY THE UNH STORMWATER CENTER. THE PLANNING DEPARTMENT SHALL BE NOTIFIED AND COPIED OF THE FTAP DATA SUBMISSION.
 - A VIDEO INSPECTION OF THE EXISTING SEWER AND DRAIN LINES ON MAPLEWOOD AVENUE, DEER STREET AND RUSSELL STREET SHALL BE COMPLETED AND PROVIDED TO PORTSMOUTH DPW BOTH BEFORE AND AFTER CONSTRUCTION.
 - CONTRACTOR SHALL INSTALL INTERSECTION VIDEO DETECTION FOR MAPLEWOOD AVENUE AND DEER STREET INTERSECTION. COORDINATE WITH THE CITY OF PORTSMOUTH TRAFFIC DEPARTMENT.
- DEMOLITION NOTES:**
- EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF ANY CLEARING OR DEMOLITION ACTIVITIES.
 - ALL MATERIALS SHALL BE REMOVED AND PROTECTED BY THE CONTRACTOR UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL DISPOSE OF ALL MATERIALS OFF-SITE IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS, ORDINANCES AND REGULATIONS.
 - COORDINATE REMOVAL, RELOCATION, DISPOSAL OR SALVAGE OF UTILITIES WITH THE OWNER AND APPROPRIATE UTILITY COMPANY.
 - ANY EXISTING WORK OR PROPERTY DAMAGED OR DISRUPTED BY CONSTRUCTION/ DEMOLITION ACTIVITIES SHALL BE REPLACED OR REPAIRED TO MATCH ORIGINAL EXISTING CONDITIONS BY THE CONTRACTOR AT AN ADDITIONAL COST TO THE OWNER.
 - SAW CUT AND REMOVE PAVEMENT ONE (1) FOOT OFF PROPOSED EDGE OF PAVEMENT OR EXISTING CURB LINE IN ALL AREAS WHERE PAVEMENT IS TO BE REMOVED OR REPAIRED.
 - THE CONTRACTOR SHALL BE RESPONSIBLE FOR ALL DEMOLITION AND OFF-SITE DISPOSAL OF MATERIALS REQUIRED TO COMPLETE THE WORK, EXCEPT FOR WORK IN THE CITY OF PORTSMOUTH.
 - ALL UTILITIES SHALL BE TERMINATED AT THE MAIN LINE PER UTILITY COMPANY AND CITY OF PORTSMOUTH STANDARDS. THE CONTRACTOR SHALL REMOVE ALL ABANDONED UTILITIES LOCATED WITHIN THE LIMITS OF WORK UNLESS OTHERWISE NOTED.
 - CONTRACTOR SHALL VERIFY ORIGIN OF ALL DRAINING AND UTILITIES PRIOR TO REMOVAL/TERMINATION TO DETERMINE IF DRAINS OR UTILITY IS ACTIVE, AND SERVICES ANY ON OR OFF-SITE STRUCTURE TO REMAIN. THE CONTRACTOR SHALL NOTIFY ENGINEER IMMEDIATELY IF ANY UTILITY FOUND AND MAINTAIN THESE UTILITIES UNTIL PERMANENT SOLUTION IS IN PLACE.
 - PAVEMENT REMOVAL LIMITS ARE SHOWN FOR CONTRACTOR'S CONVENIENCE. ADDITIONAL PAVEMENT REMOVAL MAY BE REQUIRED DEPENDING ON THE CONTRACTOR'S OPERATIVE CONSTRUCTION. CONTRACTOR TO VERIFY LIMITS OF PAVEMENT REMOVAL TO BID.
 - CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL EXISTING STRUCTURES, CONCRETE PADS, UTILITIES AND PAVEMENT WITHIN THE WORK LIMITS UNLESS OTHERWISE NOTED TO REMAIN. CONTRACTOR SHALL GRUB AND REMOVE ALL STUMPS WITHIN LIMITS OF WORK AND DISPOSE OF OFF SITE IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.
 - CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES FROM CONSTRUCTION AND CONSTRUCTION OPERATIONS. SHOULD ANY MONUMENTATION BE DISTURBED BY THE CONTRACTOR, THE CONTRACTOR SHALL EMPLOY A NEW HAMPSHIRE LICENSED SURVEYOR TO RE-ESTABLISH DISTURBED MONUMENTATION.
 - PROVIDE INLET PROTECTION BARRIERS AT ALL CATCH BASINS/CURB INLETS WITHIN CONSTRUCTION LIMITS AS WELL AS CATCH BASINS/CURB INLETS THAT RECEIVE RUNOFF FROM CONSTRUCTION. INLET PROTECTION BARRIERS SHALL BE MAINTAINED FOR THE DURATION OF THE PROJECT. INLET PROTECTION BARRIERS SHALL BE "HIGH FLOW SILT SACK" BY ACF ENVIRONMENTAL OR EQUAL. INSPECT BARRIERS WEEKLY AND AFTER EACH RAIN EVENT OF 0.25 INCHES OR GREATER. CONTRACTOR SHALL COMPLETE A MAINTENANCE INSPECTION REPORT AFTER EACH INSPECTION. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT OR MORE OFTEN IF THE FABRIC BECOMES CLOGGED OR SEDIMENT HAS ACCUMULATED TO 1/4" THE DESIGN DEPTH OF THE BARRIER.
 - CONTRACTOR SHALL PAY ALL COSTS NECESSARY FOR TEMPORARY PARTITIONING, BARRICADEING, FENCING, SECURITY AND SAFETY DEVICES REQUIRED FOR THE MAINTENANCE OF A CLEAN AND SAFE CONSTRUCTION SITE.
 - SAW CUT AND REMOVE PAVEMENT AND CONSTRUCT PAVEMENT TRENCH PATCH FOR ALL UTILITIES TO BE REMOVED AND PROPOSED UTILITIES LOCATED IN EXISTING PAVED AREAS TO REMAIN.
 - THE CONTRACTOR SHALL REMOVE AND SALVAGE EXISTING GRANITE CURB FOR REUSE.
- UTIL NOTES:**
- PAVEMENT MARKINGS SHALL BE INSTALLED AS SHOWN, INCLUDING PARKING SPACES, STOP BARS, ADA SYMBOLS, PAINTED ISLANDS, FIRE LANES, CROSS WALKS, ARROWS, LEGENDS AND CENTER LINES. ALL MARKINGS EXCEPT CENTERLINE AND MEDIAN ISLANDS TO BE CONSTRUCTED USING WHITE PAVEMENT MARKINGS. ALL THERMOPLASTIC PAVEMENT MARKINGS INCLUDING LEGENDS, ARROWS, CROSSWALKS AND STOP BARS SHALL MEET THE REQUIREMENTS OF AASHTO M247. ALL PAINTED PAVEMENT MARKINGS INCLUDING CENTERLINES, LANE LINES AND PAINTED MEDIANS SHALL MEET THE REQUIREMENTS OF AASHTO M248 TYPE "F".
 - ALL PAVEMENT MARKINGS AND SIGNS TO CONFORM TO "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS, AND THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS, LATEST EDITIONS.
 - SEE DETAILS FOR PAVEMENT MARKINGS, ADA SYMBOLS, SIGNS AND SIGN POSTS.
 - CENTURIES SHALL BE FOUR (4) INCH WIDE YELLOW LINES.
 - PAINTED ISLANDS SHALL BE FOUR (4) INCH WIDE DIAGONAL LINES AT 3'-0" O.C. BORDERED BY FOUR (4) INCH WIDE LINES.
 - STOP BARS SHALL BE EIGHTEEN (18) INCHES WIDE, WHITE THERMOPLASTIC AND CONFORM TO CURRENT MUTCD STANDARDS.
 - CLEAN AND CONT VERTICAL FACES OF EXISTING PAVEMENT AT SAW CUT LINE WITH HS-1 EMULSION IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE.
 - CONTRACTOR TO PROVIDE BACKFILL AND COMPACTION AT CURB LINE AFTER CONCRETE FORMS FOR SIDEWALKS AND PADS HAVE BEEN STRIPPED. COORDINATE WITH BUILDING CONTRACTOR.
 - ALL LIGHT POLE BASES NOT PROTECTED BY A RAISED CURB SHALL BE PAINTED YELLOW.
 - COORDINATE ALL WORK ADJACENT TO BUILDING WITH BUILDING CONTRACTOR.
 - SEE ARCHITECTURAL/BUILDING DRAWINGS FOR ALL CONCRETE PADS & SIDEWALKS ADJACENT TO BUILDING.
 - ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
 - ALL CONDITIONS IN THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
 - THE APPLICANT SHALL HAVE A SITE SURVEY CONDUCTED BY A RADIO COMMUNICATIONS CARRIER APPROVED BY THE CITY'S COMMUNICATIONS DIVISION. THE RADIO COMMUNICATIONS CARRIER MUST BE FAMILIAR AND CONVERSANT WITH THE POLICE AND RADIO CONFIGURATION. IF THE SITE SURVEY INDICATES IT IS NECESSARY TO INSTALL A SIGNAL REPEATER EITHER ON OR NEAR THE PROPOSED PROJECT, THOSE COSTS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER. THE OWNER SHALL COORDINATE WITH THE SUPERVISOR OF RADIO COMMUNICATIONS FOR THE CITY.
 - ALL TREES PLANTED ARE TO BE INSTALLED UNDER THE SUPERVISION OF THE CITY OF PORTSMOUTH DPW USING STANDARD INSTALLATION METHODS.
 - A TEMPORARY SUPPORT OF EXCAVATION (SOE) PLAN SHALL BE PREPARED BY THE APPLICANT'S CONTRACTOR TO CONFIRM ANY TEMPORARY ENCUMBRANCES OF THE CITY'S RIGHT-OF-WAY. IF LICENSES ARE REQUIRED FOR THE SOE, THE APPLICANT WILL BE REQUIRED TO OBTAIN THESE FROM THE CITY PRIOR TO CONSTRUCTION.
 - THE PROPERTY MANAGER WILL BE RESPONSIBLE FOR TIMELY SNOW REMOVAL FROM ALL PRIVATE SIDEWALKS, DRIVEWAYS, AND PARKING AREAS. ALL SNOW REMOVAL WILL BE HALLED OFF-SITE AND LEGALLY DISPOSED OF.
 - THE STREET LIGHTING TYPE TO BE HISTORIC STYLE FIXTURES AND POLE TO MATCH EXISTING LIGHTING ON SOUTH SIDE OF DEER STREET.
 - CONSTRUCTION SEQUENCING OF NORTH COMMUNITY PARK SHALL BE COORDINATED WITH MARKET STREET AND RUSSELL STREET INTERSECTION CONSTRUCTION. NORTH COMMUNITY PARK SHALL NOT BE CONSTRUCTED UNTIL THE INTERSECTION ROUNDABOUT HAS BEEN CONSTRUCTED.
 - THE PROPOSED LOADING ZONE SHALL BE REVIEWED BY THE PARKING & TRAFFIC SAFETY COMMITTEE FOR RECOMMENDATION TO CITY COUNCIL.
 - THE APPLICANT'S CONTRACTOR SHALL PREPARE A CONSTRUCTION MANAGEMENT AND MITIGATION PLAN (CMP) FOR REVIEW AND APPROVAL BY THE CITY'S LEGAL AND PLANNING DEPARTMENTS.
 - THE FINAL STYLE AND COLOR OF THE RRFB POLES SHALL BE APPROVED BY PORTSMOUTH DPW PRIOR TO CONSTRUCTION.
 - THE FINAL LOCATION OF THE RRFB SHALL BE DETERMINED IN FIELD.

- GRADING AND DRAINAGE NOTES:**
- CONTRACTOR REQUIREMENTS:
BLOW PAVED OR CONCRETE AREAS 95%
TRENCH BEDDING MATERIAL AND SAND UNDERLAY BASKET 95%
BELOW LOAM AND SEED AREAS 90%
*ALL PERCENTAGES OF COMPACTION SHALL BE OF THE MAXIMUM DRY DENSITY AT THE OPTIMUM MOISTURE CONTENT AS DETERMINED AND CONTROLLED IN ACCORDANCE WITH ASTM D-1557. METHOD C FIELD DENSITY TESTS SHALL BE MADE IN ACCORDANCE WITH ASTM D-1556 OR ASTM-2922.
 - ALL STORM DRAINAGE PIPES SHALL BE HIGH DENSITY POLYETHYLENE (HANCOR H-Q, ADS 9-12 OR EQUAL) UNLESS OTHERWISE SPECIFIED.
 - ADJUST ALL MANHOLES, CATCH BASINS, CURB ROWES, ETC. WITHIN LIMITS OF WORK TO FINISH GRADE.
 - CONTRACTOR SHALL PROVIDE A FINISH PAVEMENT SURFACE AND LAWN AREAS FREE OF LOW SPOTS AND PONDING AREAS. CRITICAL AREAS INCLUDE BUILDING ENTRANCES, EXITS, RAMPS AND LOADING DOCK AREAS ADJACENT TO THE BUILDING.
 - ALL DISTURBED AREAS NOT TO BE PAVED OR OTHERWISE TREATED SHALL RECEIVE A' LOAM, SEED FERTILIZER AND MULCH.
 - ALL STORM DRAIN CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE NHDOT STANDARD SPECIFICATIONS FOR HIGHWAYS AND BRIDGES, LATEST EDITION.
 - ALL PROPOSED CATCH BASIN SHALL BE EQUIPPED WITH OIL/GAS SEPARATOR HOODS AND 4' SUMPS.

- EROSION CONTROL NOTES:**
- SEE SHEET S-501 FOR GENERAL EROSION CONTROL NOTES AND DETAILS.

- UTILITY NOTES:**
- COORDINATE ALL UTILITY WORK WITH APPROPRIATE UTILITY COMPANY.
•NATURAL GAS - UPRTEL
•WATER/SEWER - CITY OF PORTSMOUTH
•ELECTRIC - EVERSOURCE
•COMMUNICATIONS - COMCAST/CONSOLIDATED COMMUNICATIONS/FIRST LIGHT

- ALL WATER MAIN INSTALLATIONS SHALL BE CLASS 52, CEMENT LINED DUCTILE IRON PIPE.
- ALL WATER MAIN INSTALLATIONS SHALL BE PRESSURE TESTED AND CHLORINATED AFTER CONSTRUCTION PRIOR TO ACTIVATING THE SYSTEM. CONTRACTOR SHALL COORDINATE CHLORINATION AND TESTING WITH THE CITY OF PORTSMOUTH WATER DEPARTMENT.
- ALL SEWER PIPE SHALL BE PVC 307.5 UNLESS OTHERWISE STATED.
- CONTRACTOR SHALL MAINTAIN UTILITY SERVICES TO ADJUTING PROPERTIES THROUGHOUT CONSTRUCTION.
- CONNECTION TO EXISTING WATER MAIN SHALL BE CONSTRUCTED TO CITY OF PORTSMOUTH STANDARDS.
- EXISTING UTILITIES TO BE REMOVED SHALL BE CAPPED AT THE MAIN AND MEET THE DEPARTMENT OF PUBLIC WORKS STANDARDS FOR CAPPING OF WATER AND SEWER SERVICES.
- ALL ELECTRICAL MATERIAL WORKMANSHIP SHALL CONFORM TO THE NATIONAL ELECTRIC CODE, LATEST EDITION, AND ALL APPLICABLE STATE AND LOCAL CODES.
- THE EXACT LOCATION OF NEW UTILITY SERVICES AND CONNECTIONS SHALL BE COORDINATED WITH THE BUILDING DRAWINGS AND THE APPLICABLE UTILITY COMPANIES.
- ALL UNDERGROUND CONDUITS SHALL HAVE NYLON PULL ROPES TO FACILITATE PULLING CABLES.
- THE CONTRACTOR SHALL PROVIDE AND INSTALL ALL MANHOLES, BOXES, FITTINGS, CONNECTIONS, COVER PLATES, AND OTHER MISCELLANEOUS ITEMS NOT NECESSARILY DETAILED ON THESE DRAWINGS TO RENDER INSTALLATION OF UTILITIES COMPLETE AND OPERATIONAL.
- CONTRACTOR SHALL PROVIDE EXCAVATION, BEDDING, BACKFILL AND COMPACTION FOR NATURAL GAS SERVICES.
- A 10-FOOT MINIMUM EDGE TO EDGE HORIZONTAL SEPARATION SHALL BE PROVIDED BETWEEN ALL WATER AND SANITARY SEWER LINES. AN 18-INCH MINIMUM OUTSIDE TO OUTSIDE VERTICAL SEPARATION SHALL BE PROVIDED AT ALL WATER/SANITARY SEWER CROSSINGS.
- SAW CUT AND REMOVE PAVEMENT AND CONSTRUCT PAVEMENT TRENCH PATCH FOR ALL PROPOSED UTILITIES LOCATED IN EXISTING PAVED AREAS TO REMAIN.
- HORIZONTALS, GATE VALVES, FITTINGS, ETC. SHALL MEET THE REQUIREMENTS OF THE CITY OF PORTSMOUTH.
- COORDINATE TESTING OF SEWER CONSTRUCTION WITH THE CITY OF PORTSMOUTH.
- ALL SEWER PIPE WITH LESS THAN 4' OF COVER IN PAVED AREAS OR LESS THAN 4' OF COVER IN UNPAVED AREAS SHALL BE INSULATED.
- CONTRACTOR SHALL COORDINATE ALL ELECTRIC WORK INCLUDING BUT NOT LIMITED TO: CONDUIT CONSTRUCTION, MANHOLE CONSTRUCTION, UTILITY POLE CONSTRUCTION, OVERHEAD WIRE RELOCATION, AND TRANSFORMER CONSTRUCTION WITH POWER COMPANY.
- SITE LIGHTING SPECIFICATIONS, CONDUIT LAYOUT AND CHIRCUITY FOR PROPOSED SITE LIGHTING AND SIGN ILLUMINATION SHALL BE PROVIDED BY THE PROJECT ELECTRICAL ENGINEER.
- CONTRACTOR SHALL CONSTRUCT ALL UTILITIES AND DRAINS TO WITHIN 10' OF THE FOUNDATION WALLS AND CONNECT THESE TO SERVICE STUBS FROM THE BUILDING.
- FINAL LOCATIONS OF ALL UTILITY LINES SHALL BE APPROVED BY THE CITY OF PORTSMOUTH DPW PRIOR TO CONSTRUCTION.
- CONTRACTOR SHALL PERFORM TEST FITS TO VERIFY THE LOCATION OF EXISTING UTILITIES PRIOR TO CONSTRUCTION AND SHALL NOTIFY ENGINEER IF LOCATIONS DIFFER FROM PLAN.
- CONTRACTOR SHALL COMPLETE PRE AND POST BLAST SURVEY AND MONITORING OF THE EXISTING SEWER LINE ALONG DEER STREET.

- LANDSCAPE NOTES:**
- SEE SHEET L-100 FOR LANDSCAPE NOTES.

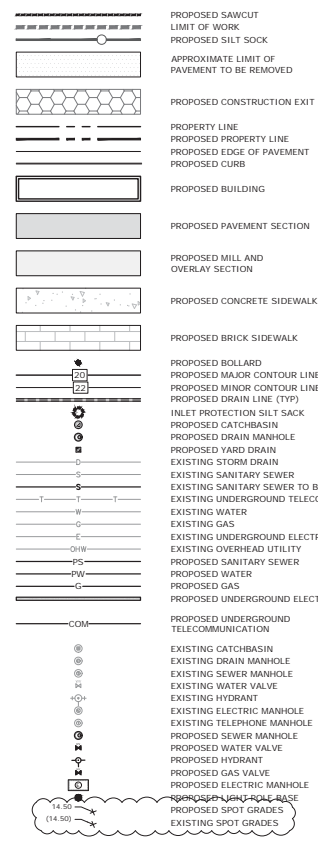
- EXISTING CONDITIONS PLAN NOTES:**
- EXISTING CONDITIONS ARE BASED ON A FIELD SURVEY PERFORMED BY MSC CIVIL ENGINEERS & LAND SURVEYORS, INC., SEE REFERENCE PLAN #1.

- REFERENCE PLANS:**
- "EXISTING FEATURES PLAN #118 LOT 28, MAP 119 LOT 4 - MAP 124 LOT 12 AND MAP 125 LOT 21" PREPARED BY MSC CIVIL ENGINEERS AND LAND SURVEYORS, INC., DATED JANUARY 16, 2015.

ABBREVIATIONS

BRG	TO BE REMOVED
BUILDING	BUILDING
TP	TYPICAL
COORD	COORDINATE
30R	CURB RADIUS
SSWL	SINGLE SOLID WHITE LINE
DVYL	DOUBLE SOLID YELLOW LINE
VGC	VERTICAL GRANITE CURB
SQC	SLOPED GRANITE CURB
FGC	FLUSH GRANITE CURB
TC	TOP OF CURB
BC	BOTTOM OF CURB
TW	TOP OF WALL
BS	BOTTOM OF STEP
HS	HIGH-DENSITY POLYETHYLENE
FF	FINISH FLOOR
VF	VERIFY IN FIELD

LEGEND



North End Mixed Use Development

Two International Group

Russell Street & Deer Street
Portsmouth, NH

I	3/22/2023	Act Resubmission
H	12/5/2023	Act Submission
G	11/23/2023	PS Submission
F	11/18/2023	Traffic Peer Review
E	10/20/2023	TAC Resubmission
D	9/28/2023	Intersection Realignment
C	9/22/2023	TAC Resubmission
B	8/25/2023	TAC Resubmission
A	7/21/2023	TAC Resubmission
MARK	DATE	DESCRIPTION
PROJECT NO.	T5037-002	
DATE	May 24, 2022	
FILE	T5037-002-C-050N.DWG	
DRAWN BY:	CK	
CHECKED:	NM	
APPROVED:	PK	

GENERAL NOTES AND LEGEND

SCALE: AS SHOWN

North End Mixed Use Development (T5037) - 100% Final Construction Documents (100% Final Construction Documents) - 100% Final Construction Documents (100% Final Construction Documents) - 100% Final Construction Documents (100% Final Construction Documents)