

**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.

December 17, 2024

AGENDA

I. ELECTION OF OFFICERS

II. APPROVAL OF MINUTES

- A. Approval of the November 19, 2024 meeting minutes.

III. OLD BUSINESS

- A. The request of **361 Hanover Steam Factory LLC (Owner)**, and **Hampshire Development Corporation LLC (Applicant)**, for property located at **361 Hanover Street** whereas relief is needed to expand and renovate the existing commercial building and convert it to multi-family residential and to construct three new multi-family residential buildings which requires the following: 1) Variance from Section 10.642 to allow residential principal uses on the ground floor of the buildings; 2) Variance from Section 10.5A41 - Figure 10.5A41.10D to a) allow for "Apartment", "Rowhouse" and "Duplex" building types where they are not permitted; b) allow a ground floor height of 10.5 feet where 12 feet is required; and 3) Variance from Article 15 - Definition of Penthouse - to allow a penthouse with a setback of 8 feet from all roof edges where 15-20 feet is required and to allow no greater than 80% of the gross living area of the level of the floor below where 50% is the maximum. Said property is located on Assessor Map 138 Lot 63 and lies within the Character District 5 (CD5) District and the Downtown Overlay District. (LU-24-196)
- B. **Request for Rehearing** – 84 Pleasant Street (LU-24-195)

IV. NEW BUSINESS

- A. The request of **Patrick and Wendy Quinn (Owners)**, for property located at **124 Melbourne Street** whereas relief is needed to construct dormers onto the existing structure which requires the following: 1) Variance from Section 10.521 to allow a) 15 foot front yard where 30 feet is required;

b) 20 foot secondary front yard where 30 feet is required; c) 7 foot left side yard where 10 feet is required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 233 Lot 55 and lies within the Single Residence Business (SRB) District. (LU-24-202)

- B.** The request of **Kent and Jennifer Bonniwell (Owners)**, for property located at **332 Hanover Street** whereas relief is needed to demolish the existing primary and accessory structure and construct a 2-living unit structure which requires the following: 1) Variance from Section 10.5A41.10A to allow: a) 2,167 square feet of lot area per dwelling unit where 3,000 square feet is required; b) a secondary front yard of 17 feet where 12 feet is the maximum; and c) a finished floor surface 6.5 feet above the sidewalk grade where 36 inches is maximum. Said property is located on Assessor Map 126 Lot 43 and lies within the Character District 4-L1(CD4-L1) District. (LU-24-211)
- C.** The request of **Walter and Tamara Tate (Owners)**, for property located at **108 Burkitt Street** whereas relief is needed to construct an addition above the existing enclosed porch and replace a mechanical unit which requires the following: 1) Variance from Section 10.521 to allow a 4 foot right side yard where 10 feet is required; 2) Variance from Section 10.515.14 to install a mechanical unit 1 foot from the side property line whereas 10 feet is required; and 3) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 159 Lot 30 and lies within the General Residence A (GRA) District. (LU-24-203)
- D.** The request of **Kathryn and Bryn Waldwick (Owners)**, for property located at **30 Parker Street** whereas relief is needed to install two mechanical units which requires the following: 1) Variance from Section 10.515.14 to install a mechanical unit with a) a 5 foot right side setback where 10 is required and b) a 0.5 foot rear yard setback where 10 is required; and 2) Variance from Section 10.515.14 to install a mechanical unit with a) a 2 foot right side yard setback where 10 is required and b) a 2 foot rear yard setback where 10 is required. Said property is located on Assessor Map 126 Lot 27 and lies within the General Residence C (GRC) District. (LU-24-205)
- E.** The request of **Chris G. and Lisa Alexandropoulos (Owners)**, for property located at **3168 Lafayette Road** whereas relief is needed to establish a tattoo studio which requires the following: 1) Variance from Section 10.440, Use # 7.20 to allow a personal service use where it is not allowed. Said property is located on Assessor Map 292 Lot 150 and lies within the Single Residence B (SRB) District. (LU-24-207)

V. OTHER BUSINESS

VI. 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_N4FkSI9IRLy06JBI26JMPg

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

7:00 P.M.

November 19, 2024

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

MEMBERS EXCUSED: None.

ALSO PRESENT: Stefanie Casella, Planning Department

I. APPROVAL OF MINUTES

A. Approval of the **October 15, 2024** meeting minutes.

*Vice-Chair Margeson moved to **approve** the October 15 minutes as submitted, seconded by Mr. Rossi. The motion **passed** unanimously, 7-0.*

B. Approval of the **October 22, 2024** meeting minutes.

*Mr. Mattson moved to **approve** the October 22 minutes as submitted, seconded by Mr. Mannle. The motion **passed** unanimously **6-0**, with Mr. Rheame abstaining from the vote.*

II. NEW BUSINESS

Mr. Rossi recused himself from the following petition. Ms. Record took a voting seat.

- A.** The request of **Hogswave LLC (Owner)**, for property located at **913 Sagamore Road** where as relief is needed to demolish the existing home and boathouse and construct a new primary residential unit and boathouse with living unit above which requires the following: 1) Variance from Section 10.531 to allow 0 feet of frontage where 100 feet are required; 2) Variance from Section 10.334 to allow a nonconforming residential use to be extended into another part of the remainder of the lot; 3) Variance from Section 10.331 to allow a lawful nonconforming use to be extended or enlarged; and 4) Variance from Section 10.440 to allow a single family dwelling where it is not permitted. Said property is located on Assessor Map 223 Lot 27 and lies within the Waterfront Business (WB) District. (LU-24-141)

SPEAKING TO THE PETITION

[Recording timestamp 7:50] Attorney John Bosen was present on behalf of the applicant, along with the owners/applicants John and Heidi Ricci and project engineer John Chagnon. Attorney Bosen gave some handouts to the Board that included an area map and letters of support. He noted that the owners resided at 912 Sagamore Avenue and bought the subject property in 2019 and that both properties were accessed via a shared driveway. He reviewed the petition and pointed out that four of the six surrounding lots had residential units and the docks were upgraded from five boat slips to 16 boat slips that recreational boaters as well as commercial fishermen used. He said the owner wanted to replace the utility shed with a larger boathouse structure with a small apartment above it that would be leased to a waterfront business employee. He said the house was proposed to be rebuilt in a vertical expansion. He reviewed the criteria.

[Timestamp 16:30] Mr. Rheume asked how the access to the properties worked. Attorney Bosen said a private dirt road led to the property. Mr. Rheume asked if there was an easement or common ownership. Attorney Bosen said there was a private right-of-way contained in the deed. Mr. Ricci said it was a right-of-way to get him and this two abutters on the properties. Mr. Rheume asked if the current access was legal, and Mr. Ricci agreed. Mr. Rheume asked if the red garage-like structure would remain or be demolished. Attorney Bosen said it would remain. Mr. Rheume asked what the term 'recreational mariner' as stated in the packet was. Attorney Bosen said it meant private boats for personal enjoyment. Mr. Rheume asked how the applicant felt that his proposal contributed to the Waterfront Business District's intent to support business use that depends on the ocean or river for transport or resources. Attorney Bosen explained how a marina would qualify for a Waterfront Business use. Mr. Ricci said he was in discussions with someone who may rent part or all of the red structure for their equipment, which would be Waterfront Business. Mr. Rheume asked if there was anything in the deed or the way the applicant planned to set up the property that would ensure that would be the case in the future as a deed restriction on the property. Mr. Ricci said they had no plans to sell the property and that he and his wife would rent out the 912 Sagamore Ave residence and move into the 913 Sagamore residence.

[Timestamp 22:08] Vice-Chair Margeson asked how the Board would ensure that a business would continue on the property while the applicant owned it and into the future. She noted that the intent of the Waterfront Business District was to encourage businesses that depend on the water. She said the applicant said he would continue to operate the renting of boats for commercial and recreational purposes, which would allow the extension of a residential unit on the property. She asked how the applicant would feel about a stipulation, or condition, stating that a water-dependent business use should continue. Attorney Bosen said the intent was that the waterfront business would continue but that they could accept a condition that as long as the Riccis owned the property, the waterfront business would continue. Vice-Chair Margeson said the boathouse was nowhere near the creek, and she asked how the business operated and if people came onto the property and then accessed the docks in front of the house. Attorney Bosen agreed. He said the boathouse was used to store marine-related goods. Vice-Chair Margeson asked what the existing building was intended for. Mr. Ricci said it was the building closest to the water and that someone might rent it for nine months out of the year, otherwise it would be used for maintenance. He said the proposed shed was the one they wanted to make into a boathouse with heat and lights so that they could work on things in the winter. Vice-Chair Margeson said the applicant stated that residential use was necessary to support the water-dependent business uses along the creek, and she asked for more detail. Attorney Bosen

said boats were expensive and commercial boats came in and out at all hours, so it was necessary to have someone on site to monitor it. He said the single unit they were seeking approval for would be best suited for someone who would be the marine caretaker.

[Timestamp 27:46] Mr. Nies asked how the apartment above the garage would be considered different than an Accessory Dwelling Unit (ADU) and if the Board had to be concerned about ADU requirements. Attorney Bosen said ADUs were limited to 750 sf and the building would exceed that, so it would be an apartment. Mr. Nies said the drawing noted the building as an ADU. Attorney Bosen said it was an error, explaining that the term ADU was in the original plans but was removed. It was further discussed. Mr. Nies said the applicant stated in the submission that he was complying with the spirit of the ordinance and that he referred to other nearby properties that had residences that were not consistent with the Waterfront Business District. He asked how the applicant reconciled using that argument with the guidance in the ordinance that adjoining properties that violate the ordinance are not to be considered when determining whether the request complies with the spirit of the ordinance. Attorney Bosen said he gave the handout to the Board so they could visualize the surrounding properties. He said they were residential uses but sat in the Waterfront Business District. Mr. Mannle said it was already nonconforming because of the residence on the property that the applicant wanted to extend so that an apartment could be built over a boathouse. He asked how two new residences would support waterfront business. Attorney Bosen said they were only asking for one more residence for a boat caretaker and manager. Mr. Mannle asked what structure was associated with the business and where the office was. Mr. Ricci said the office would be in the new 913 Sagamore Ave dwelling, so the house would also be the business. He said they would still build the boathouse if they could not get the apartment approved.

Chair Eldrige opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

DISCUSSION OF THE BOARD

[Timestamp 33:45] Mr. Mannle said he had no problem with the house extension but did have a problem with the apartment, which Variances 2 and 3 were for. He said he was okay with Variance Requests 1 and 4. Mr. Nies agreed but said there was some value in the additional boathouse because it would keep the property more of a Waterfront Business one, even though there was no residence on the lot, and an apartment above it could be useful if people had expensive boats tied at the dock. Mr. Rheume agreed that Variance Request 1 was fine because there was a legal access and it had been that way for a while. He said Variance Request 4 was okay because there was currently a residential use on the property and maintaining that use was fair. He said his concern was that it was the Waterfront Business District and the use on it was being expanded. He said it was a unique district holding onto the heritage as a waterfront-related community and wasn't sure that just recreational use of a boat was really in the spirit of what the Waterfront Business District was trying to accomplish. He said the granting of the variances would run with the property, and if the applicant chose to sell it, that use would continue. He said he feared that what the Board was being asked to provide was a very substantial home that would get sold as such and then the

waterfront business tie-ins would become disused. He said a few of the properties were landlocked and made more sense as residential, but the applicant's property was not one of those parcels. He said he would be fine with a work/live unit, where the emphasis was on the Waterfront District piece, but what he was seeing proposed was a very nice residence. He said it was not the Board's purview to change the legislation. It was further discussed. Chair Eldridge said she was in favor of the petition because she didn't think the unit over the garage would change the character of the property much. She said the Waterfront Business District had overlay places that were never waterfront businesses but were residences, and there had not been a big demand for waterfront businesses except for pleasure vehicles.

DECISION OF THE BOARD

[Timestamp 41:57] *Mr. Mannle moved to **grant** Variance One as presented. There was no second.*

Mr. Nies said he was generally in favor of the proposal and thought that waterfront businesses that support recreational boating were important. He said it was an area in which moorings were difficult to come by. He said he saw the proposal as a waterfront business one and wondered how a stipulation to keep it a waterfront business would be enforced if the owner sold the property and it wasn't a waterfront business anymore.

*Vice-Chair Margeson moved to **deny** the variances for the petition as presented and advertised, seconded by Mr. Mannle.*

[Timestamp 44:18] Vice-Chair Margeson said she believed that it was more of an expansion of a residential use, with just a little bit of a Waterfront Business use. She said the variance failed Section 10.233.21 and .22 because it was contrary to the public interest and did not observe the spirit of the ordinance. She said the spirit of the Waterfront Business ordinance was to support waterfront businesses and businesses that depend on the water resource. She said the application did not do that and was more about expanding the residential use of the lot with a sort of side-along small waterfront business. She said she also thought the petition did not meet the criterion of doing substantial justice because she believed that the public would be harmed by the granting of that criterion, which was further encroachment of expanded residential uses on the Waterfront Business. She said she agreed with Mr. Rheume that it was up to the City Council to do a legislative fix and that it wasn't the Board's purview to rezone those areas. Mr. Mannle concurred. Mr. Rheume said he would support the motion. He said the zoning ordinance was about accommodating and supporting business uses that depend on the ocean or the Piscataqua River and not just another slip for someone's recreational boat. It was further discussed. Mr. Nies said he would not support the motion. He said a lot of the moorings were used for lobster boats and thought it was a stretch to call Sagamore Creek the Piscataqua River.

*The motion to deny **failed** by a vote of 3-4, with Mr. Nies, Ms. Record, Mr. Mattson, and Chair Eldridge voting in opposition.*

Mr. Mattson said the property was a large one of three acres, so the intent with Waterfront Business was the concern, but in terms of any residential density, he didn't think it was a problem. He said there was a good faith effort made by the applicant to incorporate the most plausible waterfront

business that was currently available. Vice-Chair Margeson said the applicant's presentation was that the business would continue and would enhance the purposes of the Waterfront Business District. She said a condition would be appropriate to require that it continue.

[Timestamp 52:19] *Mr. Nies moved to **grant** the variances for the petition as presented and advertised, with the following **condition**:*

- 1. The property owner shall continue to operate a waterfront business on the property and no additional residences shall be allowed.*

Mr. Mattson seconded the motion.

Mr. Nies said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said it was an unusual lot and access to the lot was constrained. He said it already had a residence and other waterfront businesses had residences. He said the spirit of the ordinance was observed by the owner's intent to continue to operate a small-scale waterfront business on the lot, so it would maintain waterfront business properties that promote waterfront activities. He said substantial justice would be done for the owner and he saw no benefit to the public by denying the variances. He said it was presently a lot that, while zoned Waterfront Business, did not have a significant waterfront business on it, so it would at least maintain a waterfront business there. He said granting the variances would not diminish the values of surrounding properties, noting that several of the abutters had sent letters of support. He said literal enforcement of the ordinance would result in an unnecessary hardship. He said the property has several special conditions, including that access to the lot was very limited. He said there was no substantial relationship between the purposes of the ordinance and the lot and enforcing them on the lot. Mr. Mattson concurred and added that, pertaining to the first two criteria, it was an interesting situation where the residences, even though not permitted, complemented the zoning of the Waterfront Business and were not detrimental to the Waterfront Business portion with the dock and renting out the slips. He said substantial justice would be done, noting that the Board could hope that it was an exclusive Waterfront Business use but were really comparing it to a hypothetical that wasn't really being offered. He said a replacement of that was a good faith effort of some aspect of Waterfront Business or at least in the spirit of it.

*The motion **passed** by a vote of 4-3, with Mr. Mannle, Vice-Chair Margeson, and Mr. Rheaume voting in opposition.*

Mr. Rossi returned to his voting seat and Ms. Record returned to alternate status.

- B.** The request of **Northeast Credit Union (Owner)**, for property located at **100 Borthwick Avenue** whereas relief is needed to establish an Ambulatory Surgical Center which requires the following: 1) Special Exception according to Section 10.440 to allow an Ambulatory Surgical Center where one is allowed by Special Exception. Said property is located on Assessor Map 259 Lot 15 and lies within the Office Research (OR) District. (LU-24-193)

SPEAKING TO THE PETITION

[Timestamp 57:29] Jeff Kilburg of Apex Design Build was present on behalf of the applicant. He reviewed the petition and the special exception criteria. He noted that several Ambulatory Surgical Centers (ASC) had closed in the area. He said a traffic study was submitted illustrating that the ASC and other medical users would decrease the traffic in the area.

[Timestamp 1:02:25] Mr. Rheume asked what an ASC was and what people came in for. Mr. Kilburg said it was like an outpatient surgery center but a standalone one. He said patients came in for orthopedic or plastic surgery and so on and that the center could do everything a hospital could in an outpatient setting. Mr. Rheume asked what portion of the building would be used for the AFC. Mr. Kilburg said the AFC would be on the lower level and the main and second levels would be medical offices. Mr. Rheume asked what the unoccupied suite was. Mr. Kilburg said it was a future placeholder but not allocated to the ASC. Mr. Rheume said the floor plans only showed a lot of big open spaces and asked what the intent of those spaces was. Mr. Kilburg said they would be medical office spaces and that there would be operating rooms in the ASC but not in the remaining part of the building. Mr. Rheume asked what the intent of the drive-thru area of the building was. Mr. Kilburg said it was a future intent that the tenant who took the north side of the building would convert it over and use it as usable square footage. Mr. Rheume asked if something would be done to make it clear that the building was no longer a bank. Mr. Kilburg said the bank's brand name and colors would be removed and complimentary colors to the area would be brought in as well as wayfinding signage. Mr. Rheume said he didn't see anything that addressed the drive-thru side. Mr. Kilburg said it was hard to have a rendering that captured everything. Mr. Nies said the traffic study showed the medical office building used for trip generations but not the surgical center. Mr. Kilburg said it was based on the actual number of employed people vs. the surgical center. He said all the offices would be medical ones.

Chair Eldrige opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

DECISION OF THE BOARD

*Mr. Rossi moved to **grant** the special exception for the petition as presented and advertised. Mr. Mattson seconded.*

[Timestamp 1:11:02] Mr. Rossi said it was a use permitted by special exception, so Section 10.233.21 was satisfied. Regarding the remaining criteria, he said the overarching consideration is that this is an application to allow a medical use in an area along the street where medical practices and facilities are common and are the predominant usage in the area. He said there would be no hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials because it was the type of activity occurring in the area on a regular basis and would not present any new hazards to the street or neighborhood. He said there would be no detriment to property values since it was a medical facility in an area predominantly utilized for various medical practices. He said in regard to safety and traffic, an adequate traffic study was submitted in support of the application. He said there would be no excessive demand on municipal services because it

was not a large facility and would not create fire hazards, water use, or waste generation outside of what would already be occurring in the nearby hospital. He said there would be no significant increase in stormwater runoff, particularly with the use of greenspace to offset the canopy. He said he found that all the criteria were satisfied. Mr. Mattson concurred and had nothing to add.

The motion passed unanimously, 7-0.

- C. The request of **PNF Trust of 2013, (Owner)**, for property located at **84 Pleasant Street and 266, 270, 278 State Street** whereas relief is needed to merge the lots and construct a four-story mixed-use building which requires the following: 1) Variance from Section 10.5A41.10.C to allow a) 98% building coverage where 90% is maximum, b) 0% open space where 10% is minimum, and c) 53% shopfront façade glazing on Pleasant Street and 52% on State Street where 70% is the minimum required; 2) Variance from Section 10.5A21.B to allow a) 55 feet of building height where 47 feet is permitted with a penthouse, b) a fourth story addition at 50 feet in height to the Church street elevation where 3 full stories and a short fourth are allowed with 45 feet maximum height permitted; 3) Variance from Section 10.642 to allow 43% ground floor residential area where 20% is maximum. Said property is located on Assessor Map Lot Map 107 Lot 77, Map 107 Lot 78, Map 107 Lot 79, Map 107 Lot 80 and lies within the Character District 4 (CD4), Historic and Downtown Overlay Districts. (LU-24-195)

SPEAKING TO THE PETITION

[Timestamp 1:15:57] Attorney Chris Mulligan was present on behalf of the applicant, along with the owner Peter Floros, project engineer John Chagnon, and project architect Michael Keane (via Zoom). Attorney Mulligan reviewed the property's history and said they were proposing a total of 17 residential units with parking space integrated into the project. He said the most significant relief needed was the height relief. He said they were exceeding the maximum height due to the desire of the Historic District Commission (HDC) that the size and scale of the Times Building be recreated as it existed before and that a short 4th mansard roof-style story on the Church Street façade of the 84 Pleasant Street building be avoided. He reviewed the other requested variances.

[Timestamp 1:27:18] Vice-Chair Margeson confirmed that the height of the penthouse was 55 feet and was the building next to the recreated Times building. Attorney Mulligan then reviewed the criteria and said they would be met.

[Timestamp 1:33:36] Vice-Chair Margeson said she could see the need for the zoning relief for the height on Church Street but noted that there was no penthouse before and wondered why the HDC wanted the height of the penthouse. Attorney Mulligan said earlier versions of the project had variance relief that included a penthouse and that they tried to remain as faithful as possible to those proposals. He said they believed that a penthouse was a reasonable accessory to the project. He said the height relief for the penthouse was slightly higher than the earlier versions because the entire height of the project had increased due to the constraints of recreating the Times Building. Chair Eldridge asked how different the height of the penthouse was from the previous one. Mr. Keane said it was about 5-6 feet higher because a few feet were picked up from aligning the floor levels. Vice-Chair Margeson asked if there was a patio structure next to the HVAC units on the roof. Mr.

Keane said there was a patio structure on three sides of the penthouse and that the HVAC equipment was on a flat area and would be screened from the Pleasant Street façade by a mechanical screen and screened from Court, State and Church Streets by building structure. He said there would be no patio on top of the penthouse itself. Vice-Chair Margeson asked if the third floor of the new building was a short floor. Mr. Keane said the mansard roof qualified as a short story based on the roof's pitch and design and that the corner building complied with building height by story but not by building height by measurement of feet. Vice-Chair Margeson said the penthouse aspect was problematic because she didn't see what was driving the need for the height variance. She asked if the former Louis building would be torn down or renovated. Attorney Mulligan said that portion was in the Historic District and that the Pleasant St façade would remain and would be renovated. He said the addition behind it that faced South Church would be demolished and rebuilt. Mr. Rheume asked if the owner only owned half the building. Mr. Keane said he owned two townhouses and someone else owned the corner townhouse. Mr. Rheume asked if the first floor use of the Pleasant Street façade would be commercial. Attorney Mulligan agreed. Vice-Chair Margeson asked if a portion of the Times Building would also be commercial on that corner. Attorney Mulligan agreed. Mr. Rheume asked if the applicant really needed relief to build the replica Times Building. Attorney Mulligan said that building was a full four stories, so they were allowed three stories and a short fourth. Mr. Rheume asked if it would be 50 feet, and Attorney Mulligan said it might be a bit taller. He said the intent of the penthouse was for residential use. Mr. Rheume noted that the old State Street Saloon building would be extended up to match the replica of the Times Building. Mr. Rossi asked what the height of the South Church was. Attorney Mulligan said he didn't know but knew that the proposed building would be taller.

Chair Eldridge opened the public hearing.

SPEAKING IN FAVOR OF IN OPPOSITION

No one spoke.

SPEAKING TO, FOR, OR AGAINST THE PETITION

[Timestamp 1:48:33] Elizabeth Bratter of 159 McDonough Street asked if the penthouse met all the setback requirements. Chair Eldridge said the applicant wasn't asking for setback relief.

Barbara Jenny and Matthew Beebe (via Zoom) said they were the abutters and owners of the other townhouse. Mr. Beebe said the heights at 92-94 Pleasant Streets were a concern because the building loomed over the original roof of the Pleasant Street property, which would encompass Mr. Floros' property starting at 84 Pleasant Street and going to the end of the block. He said in the original plans it looked like it was 10 or 12 feet taller, but with the penthouse addition it looked much taller and did not seem like a good design element. He said the windows on Court Street were not allowed by code and that one of the windows would be obscured by solar panels. He said his property might also be further developed and that the applicant didn't have the right to do things that might affect that development. He said the noisy transformers would affect his tenants and that he would want a stipulation that a specific amount of decibels would be allowed at street level. Ms.

Beebe said the State Street Saloon building was much larger than the previous plans and the back of the Louis building had gotten taller and loomed over her townhouse.

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

DISCUSSION OF THE BOARD

[Timestamp 2:08:40] Mr. Rheaume said there was a lot of relief being requested. He said it was a reasonable request for the additional building coverage, noting that much of the lot had previously been developed one way or another. He said the actual ground coverage was not significant, and any open space wasn't going to be very useful with the way the block was laid out. Regarding the shopfront façade glazing, he said the applicant explained the reasons for that. He said the 70 percent was a high bar but the applicant showed that the proposed looked a lot like what was previously there. He said there was also a desire to continue to have the appearance of the Times Building and he didn't think anyone would notice it as a negative aspect. He said the applicant made a good point about all the more usable ground floor frontage along Pleasant and State Streets being used as intended for commercial use. He said the new Church Street structure had a parking piece associated with it and really wasn't commercial. Regarding the two height requests, he said one of the abutters said a concern was the transformer, but he said a site plan review before the Planning Department and the Technical Advisory Committee would be more suitable to discuss that issue. He said the abutter was also concerned about the height of the Church Street façade as it related to their structure, but he said the penthouse would be pushed back from the street and that it wasn't incredibly objectionable from a sight line standpoint. He said the section that went over the current State Street property was a bit lower as shown in the renderings, so from the Pleasant Street perspective, there were other buildings across the street and there wouldn't be enough of it seen to say that it would be objectionable in terms of the zoning ordinance. He said he had a concern about the 55 feet of building height where 44 feet was permitted, which came back to the State Street view shed. He said the applicant was asking for a taller height than before. He said he voted against the application before because he thought that was the one element that was objectionable. He said the view corridor down Pleasant Street was very long and would include Market Square, the heart of the downtown area. He said the penthouse rising above it all would really stick out and be exactly what the Board didn't want coming out of the ordinance. He said it was asking for too much for that particular aspect of relief. Vice-Chair Margeson agreed and thought it was the objectionable part of the application. She said the height request driving the project was for the Times Building replica and didn't find any hardship for the penthouse to go up to 55 feet. Mr. Mandle agreed and said it was new construction and a blank slate, so he thought the building could conform.

DECISION OF THE BOARD

*Mr. Rheaume moved to **grant** the variances as presented and advertised for Variance No. 1 in its entirety, Variance No. 3 in its entirety, and Variance 2B only. Mr. Mattson seconded.*

[Timestamp 2:18:34] Mr. Rheaume said those specific variances met the criteria of not being contrary to the public interest and observing the spirit of the ordinance. He said the application met what the ordinance was trying to accomplish with the character districts. He said it made sense that commercial uses were not wanted along Church Street, and the glazing seemed adequate. He said

regarding substantial justice, he did not think there was anything that the public would have concerns about. He said the most difficult issue was the four-story additional height of 50 feet but that it was mainly for the recreated Times Building and there was a desire to have that look retained from a historical standpoint. He said he didn't think the penthouse on the Church Street side was objectionable and would not diminish the values of surrounding properties. He said there was a concern from one of the abutters, but he felt that it was the downtown area and the space taken up was slightly larger than what was called for. He said none of the things asked relief for were things that would affect the abutter. Regarding the unnecessary hardship, he said the history of the lot and multiple lots coming together made sense and thought what was asked for was not excessive. He said there was really no value to the open space because the Board didn't want to create anything on the Church Street façade that would draw people there, due to its narrow width and inaccessibility. He said the façade glazing was a historic recreation and something the public wanted. He said the placement of the surrounding buildings and the overall view sheds were other unique characteristics of the property that allowed the height variance requested on the Church Street side. He said it didn't make sense to require commercial on the Church Street façade. He said he recommended approval of the specific variances he specified. Mr. Mattson concurred and had nothing to add.

Mr. Nies asked for more clarification on the heights. Mr. Rheume said the height variance on Church Street was intended to also cover the façade for the replica Times Building. He said his intent was that the Times Building's height would be covered by Variance 2B. It was further discussed. Mr. Rheume said his motion was to allow everything but the penthouse.

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

*Mr. Rossi moved to **deny** Variance Request No. 2A, seconded by Mr. Mannle.*

[Timestamp 2:29:43] Mr. Rossi said the request only needed to fail one criterion to be denied, and it was the hardship criteria. He said the rest of the variance requests were driven by a desire to be consistent and true to the original historic nature of what was there before. He said the penthouse was not part of that thinking and therefore failed because it did not represent a special condition of the property that drove the need for the penthouse. Mr. Mannle said he did not think the variance request was in the spirit of the ordinance. He said all the character districts were just over ten years old. but he agreed with Mr. Rheume that the downtown building heights were left somewhat arbitrary. He said it was still the ordinance, however. He said he also had a problem with clean slate projects that intentionally violated the ordinance when they didn't have to. Mr. Nies asked what would be allowed without an alternative proposal, and it was further discussed.

*The motion **passed** by a vote of 6-1, with Chair Eldridge voting in opposition.*

*Mr. Rossi moved to **suspend** the rules so that Petition F, 361 Hanover Street, could be postponed. Mr. Nies seconded. The motion **passed** unanimously, 7-0.*

*Mr. Rossi moved to **postpone** Petition F, 361 Hanover Street, to the December 17 meeting. Mr. Nies seconded. The motion **passed** unanimously, 7-0.*

At this point in the meeting, Mr. Mannle left for the evening because he wasn't feeling well, and Alternate Ms. Record took a voting seat for the rest of the evening.

- D.** The request of **James and Mallory B Parkington (Owners)**, for property located at **592 Dennett Street** whereas relief is needed to demolish an existing shed and construct a new 120 square foot shed which requires the following: 1) Variance from Section 10.573.20 to allow a 3 foot side setback where 10 feet is required; and 2) Variance from Section 10.521 to allow 26% building coverage where 25% is allowed. Said property is located on Assessor Map 161 Lot 18 and lies within the General Residence A (GRA) District. (LU-24-194)

SPEAKING TO THE PETITION

[Timestamp 2:38:54] Attorney Derek Durbin was present on behalf of the applicant. He noted that he made an error in his written narrative by indicating that the rear yard setback was the right yard setback but that it would not affect the application's merits. He said the setback would be 10 feet, which was the midpoint for the rear setback. He reviewed the petition and said they wanted to replace the current 8'x8' shed with a more functional 10'x12' shed in the same location. He reviewed the criteria and said the hardship was that Whipple Street was a short connector street that extended into the front landscaping of some properties. He said the proposed shed's footprint was larger but would be buffered by a 6-ft high fence and would line up with the rear neighbor's garage.

The Board had no questions. Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

DECISION OF THE BOARD

*Mr. Rossi moved to **grant** the variances to the petition as presented and advertised, seconded by Mr. Nies.*

[Timestamp 2:45:46] Mr. Rossi said the Board had an application that represents maintaining the status quo on the property by replacing an older shed with a new one. He said the changes in building coverage were de minimis and the rear yard setback was not changing from the existing conditions. He said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said no aspect of those two items would be contrary to the public interest and there would be no new hazards, traffic situations, and so on that would be considered detrimental to the public interest. He said substantial justice would be done because, since there would be no impact on the public, and any loss to the applicant would not be outweighed by a loss to the public. He said granting the variances would not diminish the values of the surrounding properties, noting that the shed wouldn't be visible to the surrounding properties and it would abut against an encroaching garage on the neighboring property. He said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. He said the special condition of the property was the fact that the shed would not really be visible from Whipple or Dennett Streets. He said that special condition made the changes acceptable. Mr. Nies concurred.

The motion passed unanimously, 7-0.

- E. The request of **Stephen A and Kathryn L Singlar, (Owner)**, for property located at **43 Holmes Court** whereas relief is needed to construct a new single-family dwelling which requires the following: 1) Variance from Section 10.628.20 to allow an unfinished basement to be constructed at a flood elevation of 5.75 ft. where 10 feet is required, and 5.75 ft. exists. Said property is located on Assessor Map 101 Lot 14 and lies within the Waterfront Business (WB) and Historic Districts. (LU-22-227)

SPEAKING TO THE PETITION

[Timestamp 2:49:10] Attorney Derek Durbin was present on behalf of the applicant, along with Erik Saari of Altus Engineering and contractor Pat Driscoll, Attorney Durbin said the project had been approved by the HDC and recommended by the Conservation Commission to the NHDES for approval. He said the NHDES had a condition that the applicants move the house one foot farther back from the water, which forced the applicant to return in May and get approval for the amended variance request. He said the Inspection Department recently determined that a variance was needed to construct a basement and that it had to be constructed at Flood Elevation 10 and would stay unfinished, with no mechanical or electrical equipment, and would be used solely for storage.

[Timestamp 2:52:55] Mr. Driscoll said the proposed foundation was a good example of how rebuilding the house would improve the structure in a way that a renovation could not. He further explained how a waterproof foundation would be done by having drain and sealed sump systems and improved grading on the outside of the foundation.

[Timestamp 2:54:21] Mr. Mattson asked if the sump pump would discharge to the City's stormwater and the street, and Attorney Durbin said it would. Mr. Rheaume asked Attorney Durbin to explain why the notation in the packet described the FHZ elevation being at eight feet but the requirement will be 10 feet, yet in the post-development finish grade condition, it was said that the residence will not be located in the flood hazard zone, rendering the requirement removed. Attorney Durbin said after the site improvements were done, the opportunity would exist to apply for a Letter of Map Amendment from FEMA to remove the flood designation from the property because the regrading between the water's edge and the property would potentially remove it from the zone. He said there was no guarantee, however, that it would happen because the property had to be fully constructed out before FEMA would consider a request like that, so they would regrade the property. He said pursuant to the dredge and fill permit that was issued, part of that was to protect the structure from any potential flood hazard in the future but was also part of the overall site redevelopment improvement of the property. Attorney Durbin then addressed the criteria (timestamp 2:57:08).

[Timestamp 3:01:11] Vice-Chair Margeson said it seemed like the applicant was building a basement that could accommodate water intrusion by moving mechanicals and electrical out of the basement. Attorney Durbin agreed and said it was to take water on if the water-resistant elements of the construction didn't work for whatever reason, so there was no threat to the structure and anyone in it. Vice-Chair Margeson asked why it couldn't just be raised ten feet. Attorney Durbin said it

would require redesign of the plans and it would create an unnecessarily tall structure. He said elements would also be added that were not historically consistent. He said what they had provided was just enough headroom to go into the basement and walk. Vice-Chair Margeson said it was the Waterfront Business District and the variance that was previously granted in December 2022 was for an expansion of a nonconforming use. She asked whether that wouldn't expire soon because a building permit had not been pulled. Attorney Durbin said it would just be a new variance. He said the building permit was held so that they could come before the Board. Ms. Casella said the applicant had until December 20 to get the building permit or return for an extension. Mr. Rheume asked if the applicant considered deleting the basement. Attorney Durbin said they did but it would provide very little storage space within the house itself or the exterior. He said the idea of having a foundation and a basement had been there all along but it wasn't recognized at the time that relief was needed for it, so everything was designed around it, including the lack of storage space.

[Timestamp 3:08:15] The owner Steve Singlar said one of their goals when they first considered redeveloping the property was to keep the home in a similar look but also minimize the height. He said a lot of the feedback from the neighbors and public hearings was around adding too much height to the property that would affect their views. He said they had decided to raise the first floor finished elevation around eight inches but no one realized that it would include a basement structure. He said the reason for having the basement was for added storage.

[Timestamp 3:11:41] Peter Britz, Director of Planning and Sustainability, said this was the first floodplain variance presented and that the applicant did a good job of designing the structure to be resilient to flooding. He said they kept all the living space out of the basement and got all the mechanicals out. He said if it was a commercial building, it could be built that way, but it wasn't allowed with residential buildings, and that was the reason the applicant needed the floodplain variance. He said the project made sense for the location and for what the applicant had gone through at this point. He said that was why there was a floodplain variance section. He said the applicant would also not have to go back before the HDC to redesign the project and start over.

[Timestamp 3:12:38] Mr. Nies asked if there was a reason why the City's requirement was more stringent than FEMA's. Mr. Britz said it was to address coastal flooding and sea level rise. He said two years ago, a two-ft elevation was added to the downtown area that is in the FEMA flood zone, which is an 8-ft flood elevation, and everyone was made to build to 10 feet in new construction. He said if it was a substantial reconstruction, it had to be elevated one foot. He said it wasn't just the FEMA line but also two feet topographically in land for the first floor residential. Mr. Nies asked if it would still require a variance from the City's requirement if the applicant got a Letter of Map Amendment. Mr. Britz said it would depend on whether they went above ten feet or not. Mr. Rheume asked why the ordinance didn't reference the measures of water proofing and not putting mechanicals and electrical as being an acceptable alternative. Mr. Britz said it was a lot about residential and safety and that people said they would do one thing and then didn't do it. He said the situation here was that the applicant would elevate the ground around and provide additional safety, which made him feel more comfortable that it wouldn't be someone who would want to convert their basement into living space. He said if the applicant sold it and the buyer did want to convert it to living space, they would have their ground elevation and would be safer. Mr. Rheume asked if building on a slab or grade at the required level would meet the ordinance requirements if someone

didn't want to build their house higher. Mr. Britz said it would. Attorney Durbin discussed additional criteria that applied in Section 10.629 of the ordinance.

Chair Eldridge opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Eldridge closed the public hearing.

DECISION OF THE BOARD

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

[Timestamp 3:18:00] Mr. Rossi said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said they were related to Section 10.692.2 a, b, and c, which really spoke to whether the variance would create any exposure to the public for additional expenses or changes in floodplain or increase the risk of flooding to surrounding properties. He said there was nothing in the proposal that did that, so he believed that Sections 10.233.21 and .22 of the ordinance were satisfied, in addition to the treatment of 10.629.20. He said substantial justice would be done because there would be no impact on surrounding properties, and the property owners had taken pains to make the project as unobtrusive as possible to surrounding properties, like the view of the water and so on. He said there would be no loss to the public that would outweigh the benefit to the property owners in replacing a dilapidated property that needed to be replaced. He said granting the variances would not diminish the values of the surrounding properties and that there would be no creation of additional hazards. He said the basement would be invisible to the surrounding properties and, since the owners had chosen not to solve the problem by increasing the height of the building, there would be no conceivable impact on the values of surrounding properties. He said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship because of special conditions that distinguish it from others in the area. He said the special condition in this case was the overlapping mosaic of regulations and requirements, some of which were shifting during the lifespan of the project being conceived, that made it very difficult to come up with alternatives that could be stable throughout the lifetime of the planning and construction process. He said that was a condition that he thought weighed into this particular requirement for a zoning variance on this property. He said he believed that all the necessary criteria were adequately satisfied. Mr. Mattson concurred. Regarding the hardship, he said the ordinance did not account for the fact that the property would be substantially regraded, which sort of changed the situation and was a special condition of the property. He said Section 10.629 criteria was really the minimum relief necessary for the variance to satisfy the flood hazard. Mr. Rheume said he would not support the motion because he struggled with the hardship criteria and didn't see what was unique about the property, even though its location was probably more concerning than others. He said the applicant's argument was that he had not built anything yet but was far into designing the project and that redesigning it would be difficult and that he wanted his basement to put stuff in. Mr. Rheume said the flood threat was real and was getting worse and he

thought the Board had to start thinking differently and ensure that it would have to be extraordinary circumstances to say that they would allow some type of relief for this. He said there were solutions that could be put in place that would negate the concerns of the applicant as far as being far into designing the project and wanting his basement.

*The motion **passed** by a vote of 5-2, with Vice-Chair Margeson and Mr. Rheaume voting in opposition.*

- F.** The request of **361 Hanover Steam Factory LLC (Owner)**, and **Hampshire Development Corporation LLC (Applicant)**, for property located at **361 Hanover Street** whereas relief is needed to expand and renovate the existing commercial building and convert it to multi-family residential and to construct three new multi-family residential buildings which requires the following: 1) Variance from Section 10.642 to allow residential principal uses on the ground floor of the buildings; 2) Variance from Section 10.5A41 - Figure 10.5A41.10D to a) allow for "Apartment", "Rowhouse" and "Duplex" building types where they are not permitted; b) allow a ground floor height of 10.5 feet where 12 feet is required; and 3) Variance from Article 15 - Definition of Penthouse - to allow a penthouse with a setback of 8 feet from all roof edges where 15-20 feet is required and to allow no greater than 80% of the gross living area of the level of the floor below where 50% is the maximum. Said property is located on Assessor Map 138 Lot 63 and lies within the Character District 5 (CD5) District and the Downtown Overlay District. (LU-24-196)

DECISION OF THE BOARD

The petition was **postponed** to the December 17 meeting.

III. ADJOURNMENT

The meeting adjourned at 10:26 p.m.

Submitted,

Joann Breault
BOA Recording Secretary

III. OLD BUSINESS

- A. The request of **361 Hanover Steam Factory LLC (Owner)**, and **Hampshire Development Corporation LLC (Applicant)**, for property located at **361 Hanover Street** whereas relief is needed to expand and renovate the existing commercial building and convert it to multi-family residential and to construct three new multi-family residential buildings which requires the following: 1) Variance from Section 10.642 to allow residential principal uses on the ground floor of the buildings; 2) Variance from Section 10.5A41 - Figure 10.5A41.10D to a) allow for "Apartment", "Rowhouse" and "Duplex" building types where they are not permitted; b) allow a ground floor height of 10.5 feet where 12 feet is required; and 3) Variance from Article 15 - Definition of Penthouse - to allow a penthouse with a setback of 8 feet from all roof edges where 15-20 feet is required and to allow no greater than 80% of the gross living area of the level of the floor below where 50% is the maximum. Said property is located on Assessor Map 138 Lot 63 and lies within the Character District 5 (CD5) and the Downtown Overlay District. (LU-24-196)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Commercial	*Residential apartment, rowhouse, and duplex style buildings	Mixed use
<u>Lot area (sq. ft.):</u>	43,245	Lot 1: 4,717 Lot 2: 38,528	NR min.
<u>Primary Front (Hanover St) Yard (ft.):</u>	>15	1	15 max.
<u>Secondary Front Yard (Rock St) (ft.):</u>	0	0	12 max
<u>Right Yard (ft.):</u>	5	5	5-20 max
<u>Secondary Front Yard (Foundry Pl) (ft.):</u>	0	0	12 max.
<u>Height (ft.):</u>	25 (approx.)	Building A: 52 Building B: 36 Building C: 36 Building D: 40	40 max. Or 52' with incentives (10.5A46.10) and penthouse (zoning map)
<u>Penthouse Gross Living Area % of the Floor Below (%)</u>	n/a	80	50 max
<u>Penthouse Setback (ft)</u>	n/a	8	15-20 min.

<u>Ground Floor Height (ft)</u>	10	10.5	12	min.
<u>Building Coverage (%)</u> :	38	72	95	max.
<u>Open Space Coverage (%)</u> :	<5	>5	5	min.
<u>Parking</u> :	57	72		
<u>Estimated Age of Structure</u> :	1850	Variance request(s) shown in red.		

*Apartment, Rowhouse, and Duplex style buildings are not allowed building types under section 10.10.5A41 figure 10.5A41.10D

*Residential principal uses are not allowed on the ground floor in the Downtown Overlay District per Section 10.642

*Full CD5 Zoning Table can be found on page 23 and 39 (C3 of plan set) of the application materials

Other Permits/Approvals Required

- Building Permit
- Site Plan Approval – Technical Advisory Committee and Planning Board
- Subdivision/LLA Approval – Technical Advisory Committee and Planning Board

Neighborhood Context



Previous Board of Adjustment Actions

June 12, 1979 – The Board **denied** the following: 1) Variance from Article II, Section 10-213 and Article XII, Section 10-1210 to allow a dance ballroom in an existing building with 90 parking spaces where 167 are required.

May 28, 1985 – The Board **granted** the following: A Variance from Article II, Section 10-207 to allow the operation of a recreational facility including squash courts, nautilus, exercise rooms, and swimming pool in an industrial district. The Board **denied** the following: A Variance from Article XII, Section 10-1201, Table 7 to allow for 36 parking spaces are required.

September 17, 2013 – The Board **granted** the following: 1) Variance from Section 10.1113.111 to allow required parking spaces to be located on a separate lot from the principal use at a municipally owned uncovered parking facility where a municipally owned covered parking facility is required.

Planning Department Comments

The applicant is proposing to subdivide the property, renovate and further develop the existing commercial structure into multi-family residential, and construct 3 new multi-family residential buildings on the site.

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.

CITY OF PORTSMOUTH
ZONING BOARD OF ADJUSTMENT

361 HANOVER STREET, PORTSMOUTH, NEW HAMPSHIRE

Tax Map 138 Lot 63

361 Hanover Steam Factory, LLC.

APPLICANT'S PROJECT NARRATIVE

THE APPLICANT

Hampshire Development Corporation, LLC. (“HDC”), acquired the property at 361 Hanover Street, formerly the home of Heineman, in November 2021. HDC is a regional development company with extensive experience in redevelopment projects in downtown Portsmouth. HDC intends to redevelop, expand and convert the existing historic building on the site into a multi-family residential building and convert the existing 57-space surface parking along Rock and Hanover Streets into three multi-family residential buildings under a Conditional Use Permit Plan (the “CUP Plan”).

PURPOSE

Although the Property is currently vested with an approved “as-of-right” Design Review Plan, HDC has subsequently developed and presented to the Planning Board an preferred CUP Plan. Although supported by the Planning Board, the CUP Plan requires variances to allow for a multi-family residential housing project. For context and a frame of reference, both the As-of-Right Design Review Plan and the preferred CUP Plan are shown and described in this narrative. The CUP plan is our preferred redevelopment plan and, as such, it will require approval of zoning relief from this Board for three (3) distinctive elements of the project. The first element is the zoning requirement for ground-floor commercial uses and the relief needed to allow smaller residential building types in the CD5 District. The second element is the relief needed to the requirement for the minimum height of the ground-floor level of the buildings, and the third element is the relief from the maximum floor area and setback requirements for penthouse attic levels.

EXISTING CONDITIONS

The lot at 361 Hanover Street (the “Property”) is irregularly shaped, with approximately 178’ of frontage on Hanover Street. The Property abuts a city-owned parcel fronting on Rock Street and Foundry Place. As shown on Figure 1, there are two existing structures on the lot. And a 57-space surface parking lot along Hanover Street.



Figure 1 – Existing Conditions showing 361 Hanover Street

As shown on Figure 2, the Existing Conditions Plans shows the two-story former Steam Factory Building with a footprint of 14,808 SF. It has a second, mezzanine level. The former Powerhouse Building has a footprint of 1,400 SF and is a single-story structure with a partial basement. The total building coverage on the lot is 32%. Both buildings are currently used commercially as professional office and light industrial uses. There are 57-space surface parking spaces on the property. Vehicular access to the parking lot is limited to Hanover Street, a public street. A private access easement to the property is also provided from Hill Street, a private way. An access easement is also provided across the Hanover Street parking area to the abutting lot (349 Hanover Street).

The property also has access to the rear parking area adjacent Foundry Place through a license agreement with the City to the 23,000 SF property along Foundry Place. Notably, the retaining walls separating this rear parking area and Foundry Place are between 5 and 8 feet in height. The property has virtually no open space, is 97.5% impervious, and has limited landscaping.

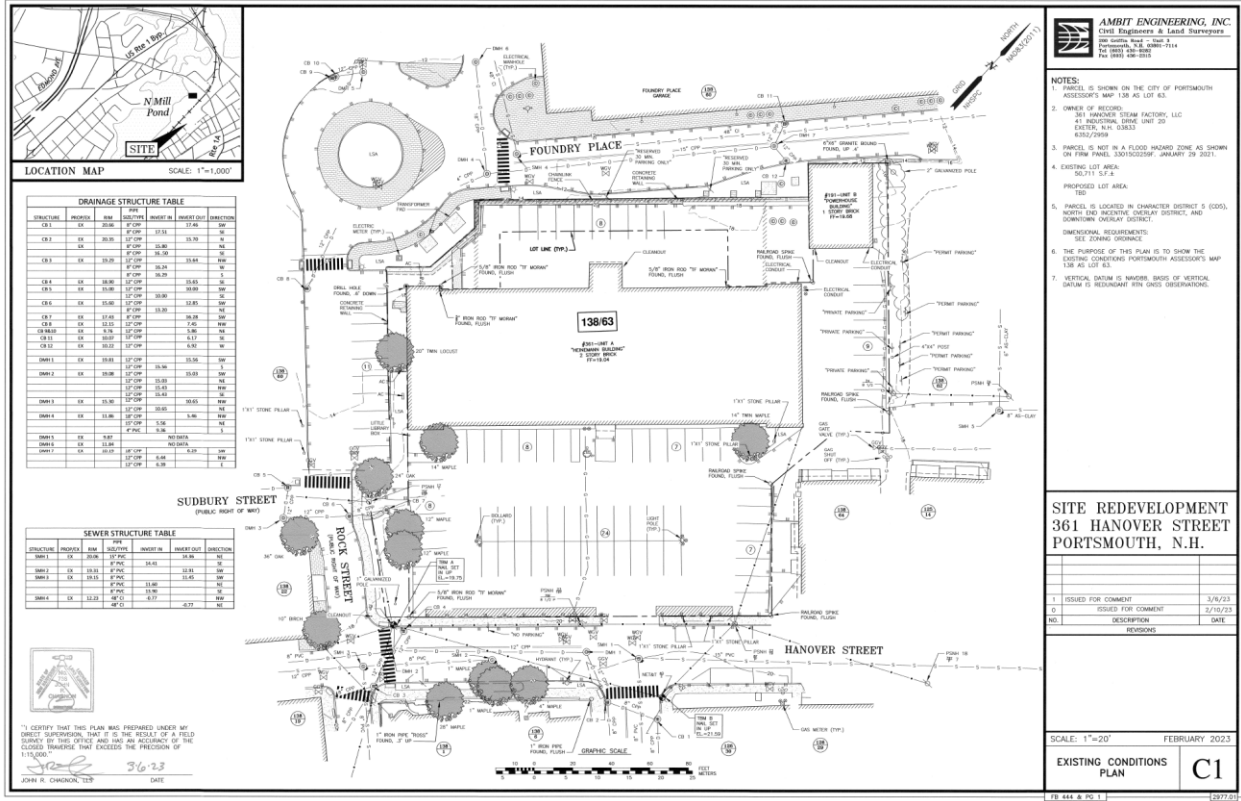


Figure 2 - Existing Conditions showing 361 Hanover Street

Proposed Subdivision Plan

As part of the proposed reorganization of the ownership structure for the Property, we are seeking to subdivide the property into two lots. As shown in Figure 3, Lot 1 will contain the former Powerhouse Building, currently *The Last Chance Garage*. Lot 1 is proposed to be a conforming lot with 4,717 SF of land area with 8 off-street parking spaces. Lot 1 will also have an access easement across Lot 2 to Hanover Street. Lot 2 will contain the former Portsmouth Steam Factory building – currently the Portsmouth Offices for the Hampshire Development Corporation – and be 38,528 SF in land area and have frontage and access off of Hanover Street and have 57-space surface parking lot fronting on Hanover Street.

Historic Context

1. 180 Years of Industrial and Commercial Land Use
2. Italianate Revival Building Design
3. 5 Story / 70' Building Height

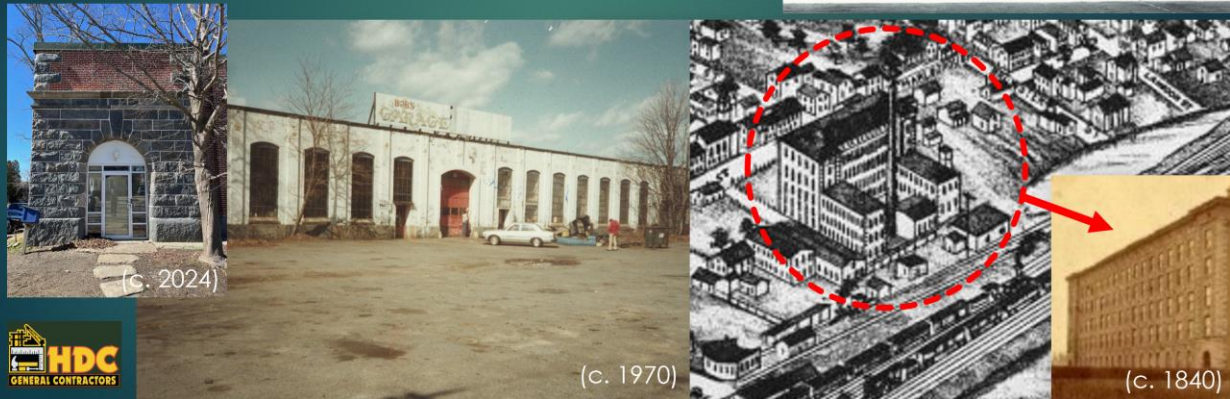


Figure 4 – Historic Character and Use of the Existing Building on 361 Hanover St.

NORTH END VISION PLAN

As illustrated in Figure 5, the goals and objectives of the North End Vision Plan (the “North End Vision Plan”) are focused on generating buildings, land uses, and site designs that support economic development while being respectful and sensitive to the surrounding context. In particular, buildings are intended to step up or down in transitional areas - like the property at 361 Hanover Street – in response to the surrounding land use pattern.

This stepping element is why the North End Incentive Overlay District (the “NEIOD”), and its encouragement of larger buildings, does not carry over to the parking lot portion of the property along Hanover Street. Additionally, the North End Vision Plan encourages ground-floor commercial uses to activate the sidewalk and enhance the pedestrian experience. Although, the Downtown Overlay District (the “DOD”) was extended into much of the North End along Hill Street and Foundry Place, it included the frontage along Hanover Street due to the fact that the entire parcel was included in the DOD. Notably, no other parcels along Hanover Street are included in the DOD.

PLAN PORTSMOUTH
NORTH END PRELIMINARY VISION PLAN

DESIGN NARRATIVE

The North End is envisioned over the long term to grow as a complementary extension of Portsmouth's downtown. Unlike many other areas of the City within the former Urban Renewal area, very little historical context remains. This fact, coupled with several larger vacant parcels, makes this district ripe for redevelopment opportunities close to downtown. Implementation of this vision will likely require a wide array of innovative land use regulations, policies and programs.

The North End Vision Plan has four main components:

CIVIC SPACE

The Plan incorporates an extensive network of parks, plazas, paths, playgrounds, trails and open space. One essential feature is the waterfront trail network along the periphery of the North Mill Pond. With several landscaped fingers, this network is designed to pull the waterfront back into the North End and provide public access to and along the waterfront. In celebrating the unique history of this area, a central civic space is located adjacent to the former shipbuilding and launch ramp as a series of landscaped plazas, greens and waterfront esplanades for active and passive recreation. Across the Maplewood Avenue bridge, the existing City-owned boat launch site on Marsh Lane is expanded into a new park. The trail network also includes a path through the Union & North Cemeteries.

BUILDING DESIGN

The massing strategy of the vision plan is to respond to the surrounding context and viewsheds by stepping down building heights and densities towards the waterfront and existing historic structures. While Portsmouth's downtown is rich in historical architectural styles, public opinion during the charrette expressed a desire for a mixture of contemporary building design, styles types, materials and a wide variety of building height, volumes and massing techniques in the North End. This purposeful distinction will help to define the North End as a unique entity while complementing and contrasting with the historic character of the larger downtown.

LAND USE

Land uses in the North End will include a variety of residential, office and commercial spaces. The Vision Plan anticipates a range of mixed-use building types from smaller rowhouses and live-work units to mid-rise buildings. Ground floor uses will be commercial in order to activate streetscapes and to keep residences out of potential flood zones. Ideally, these residential units will incorporate a full range of housing opportunities from affordable workforce housing to luxury units. Parking will be located in the rear of lots, in subterranean garages or in wrapped parking structures to be concealed from public view. There may be an opportunity to support infill housing on the former PSNH Substation parcel now that much of the equipment has been removed or consolidated. Additionally, the plan envisions the eventual removal of the overhead transmission lines.

TRANSPORTATION & INFRASTRUCTURE

The Vision Plan anticipates a harmonious integration of various modes of transportation including pedestrian, bicycle, vehicular and transit connections in the form of bus and future passenger rail lines. All thoroughfares are designed to be pedestrian-friendly and incorporate multi-modal design features including generous sidewalks and bike lanes where possible. The City is planning to replace the Maplewood Avenue bridge over the North Mill Pond. When this is done, there may be opportunities to integrate new buildings and waterfront dining to better connect the Dennett Street area with the North End.

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- 1 NOBLE'S ISLAND
- 2 ALBACORE MUSEUM
- 3 PSNH SUBSTATION
- 4 MAPLEWOOD/DENNETT GATEWAY REDEVELOPMENT
- 5 MARSH LANE PARK
- 6 WATERFRONT DINING
- 7 MILL POND CIVIC PLAZA & GREEN
- 8 MILL POND WATERFRONT PARK & GREENWAY
- 9 35 ARTSPACE
- 10 MARKET STREET ROUNDABOUT & PARKS
- 11 NORTH END PLAZA
- 12 FUTURE HARBOR/CORP/WHOLE FOODS CONVENTION CENTER
- 13 UNION CEMETERY/NORTH CEMETERY
- 14 MAPLEWOOD HISTORIC HOMES
- 15 TRANSIT ORIENTED DEVELOPMENT
- 16 FUTURE PASSENGER RAIL STATION
- 17 FUTURE NORTH END PARKING GARAGE W/ MIXED-USE LINER BUILDING
- 18 FUTURE MAPLEWOOD PARKING GARAGE W/ MIXED-USE LINER BUILDING
- 19 FUTURE MAPLEWOOD AVENUE SQUARE/PARK
- 20 FUTURE ARTISAN/WORKFORCE HOUSING DISTRICT
- 21 FUTURE UPWARD EXTENSION OF HEINEMANN BUILDING
- 22 FUTURE MIXED-USE DISTRICT
- 23 FUTURE INFILL & LINER BUILDINGS

Figure 5 – 2014 North End Preliminary Vision Plan

Streets in the North End are also encouraged to support multi-modal traffic with an emphasis of non-vehicular use of new streets, driveways and sidewalks. Finally, to achieve more vibrant, walkable streets and sidewalks, the character-based zoning also includes incentives for public or civic spaces like shared streets, wide public sidewalks, or urban parks, alleyways, or other publicly accessible open space areas.

In the case of 361 Islington Street, the North End Vision Plan called for high density zoning and taller, commercial or mixed-use buildings along Foundry Place and smaller buildings along Hanover Street.

EXISTING ZONING

Consistent with other properties along Foundry Place and Hill Street, the property is zoned CD5 (see Figure 6). The CD5 District is an urban zoning district that allows for a wide array of higher density commercial and residential uses within mixed-use buildings. The Property is also subject to several Overlay Districts (see Figure 7). The northern half of the property is located within the North End Incentive Overlay District (NEIOD). The entire property is also located within the Downtown Overlay District (DOD).

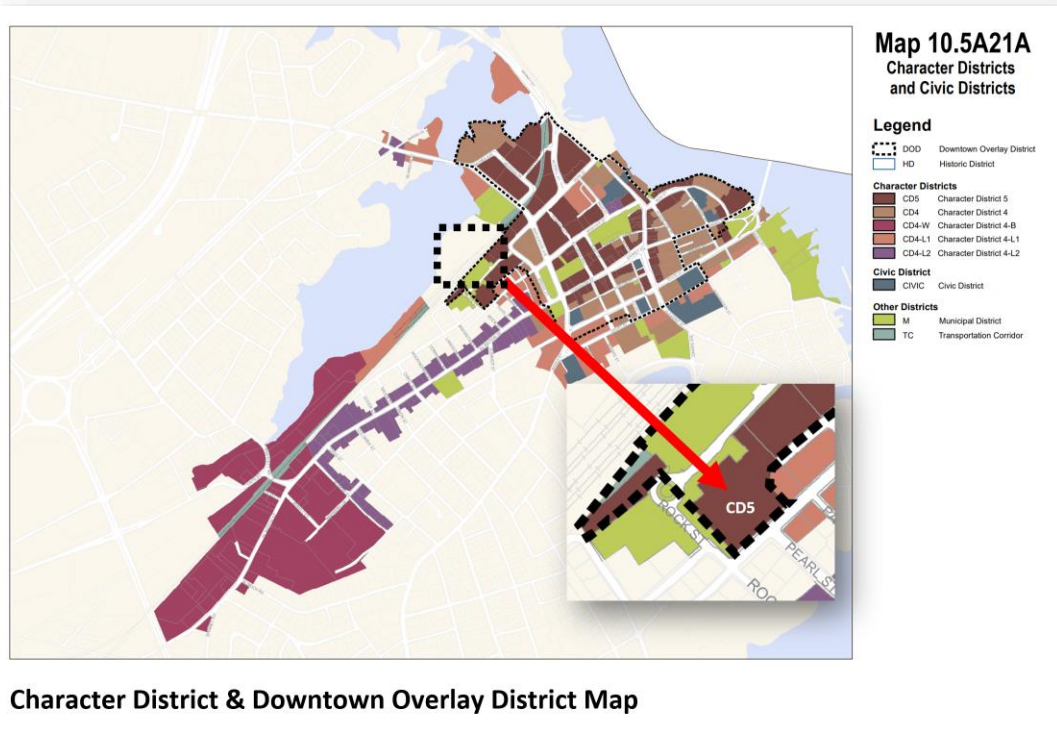


Figure 6 – Existing Character Districts showing 361 Hanover Street

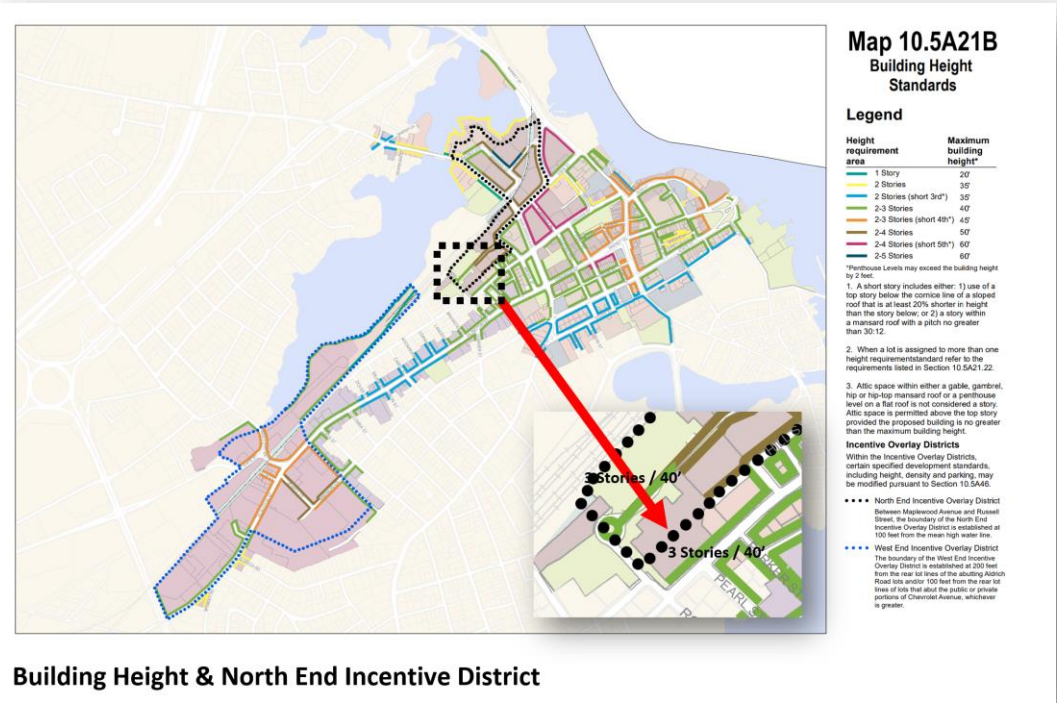


Figure 7 – Existing Building Height Standards showing the NEIOD

As illustrated in Figure 7, the Building Height Standards for 361 Hanover Street are limited to three (3) stories or 40'. However, the rear portion of the property that contains the existing buildings also allows for an additional story or 50' under the NEIOD.

NEIGHBORHOOD CONTEXT

The surrounding neighborhood context is characterized by a mix of land uses, building heights and footprints. The context includes the 14 properties shown on Figure 8. The context includes a portion of Foundry Place as well as Hanover, Hill, Rock, and Sudbury Streets. As shown in Figure 8, while the taller 4-5 story mixed-use structures are located to the north and east of the property, to the south and west of the property, most existing structures are 2 to 2 ½ stories, of wood-frame construction and are built between the late 18th and late 19th centuries. These smaller 2 – 2 ½ story historic structures are also located directly along the street edge with narrow side yards on small urban lots with limited off-street parking.

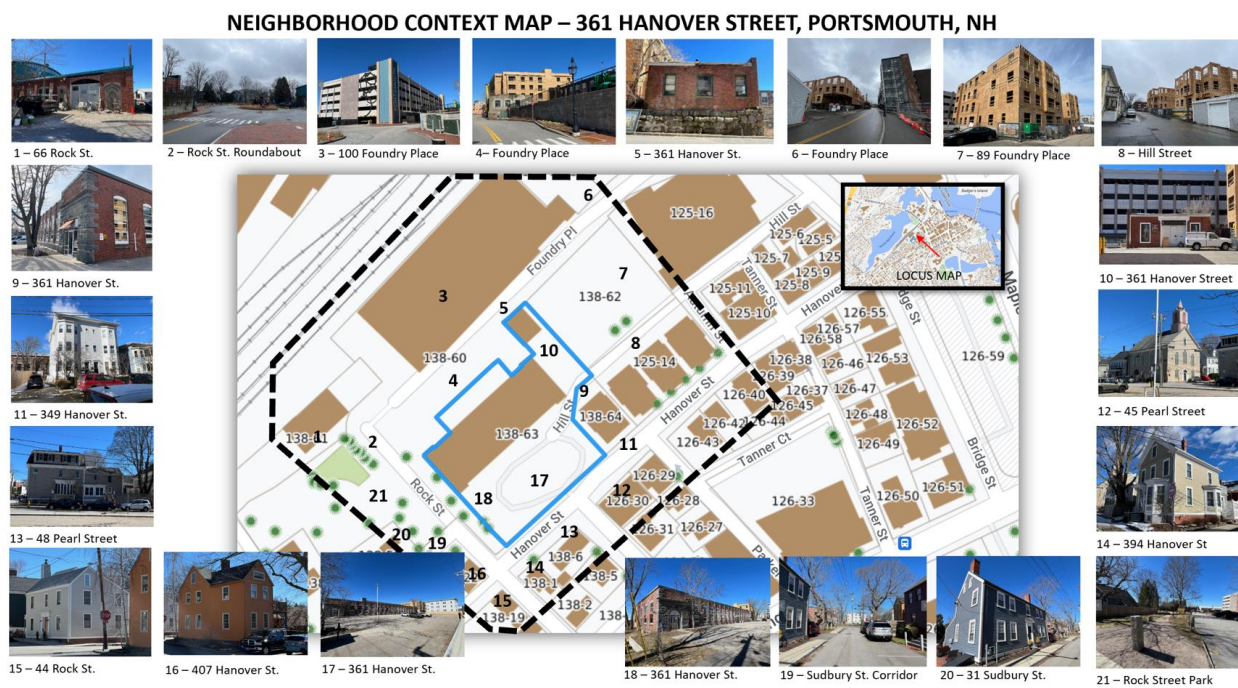


Figure 6 – Neighborhood Context Map showing 361 Hanover Street

To the north are considerably larger urban structures associated with the recent development within the North End Incentive Overlay District. Most buildings on the north side are 4-5 stories and 52-64 feet in height with large footprints, high building coverage, and limited active commercial uses on the ground-floor. Parking is primarily located on the ground-floor behind a commercial liner

building. Importantly, the 6 level (64') Foundry Place municipal parking structure, shown on Figure 6, is located direct adjacent to the existing building on 361 Hanover Street.

To the south, and southwest, the existing land use pattern is represented by multi-family structures built in the late 19th century. Additionally, the former Pearl Church is located directly across the site, and it is a two-story, wood frame building that is approximately 40 feet in height. To the east, the land use pattern is characterized with 2 – 3-story wood frame multi-family historic structures. These structures were built in the mid- to late-19th century, have a relatively high building coverage and limited open space due to parking being added over time behind and between the structures.

Although the Downtown Overlay District (the “DOD”) includes 361 Hanover Street it is important to acknowledge that there are no other properties fronting on Hanover Street included in the DOD. This is likely a result of the DOD following the property lines of the entire parcel as no properties are split zoned in the North End. Additionally, no other parcel in the North End spans the land area between Foundry Place and Hanover Street. Under the Zoning Ordinance, the DOD requires ground-floor commercial uses within all buildings with the intention to activating the street edge and enhance the pedestrian experience.

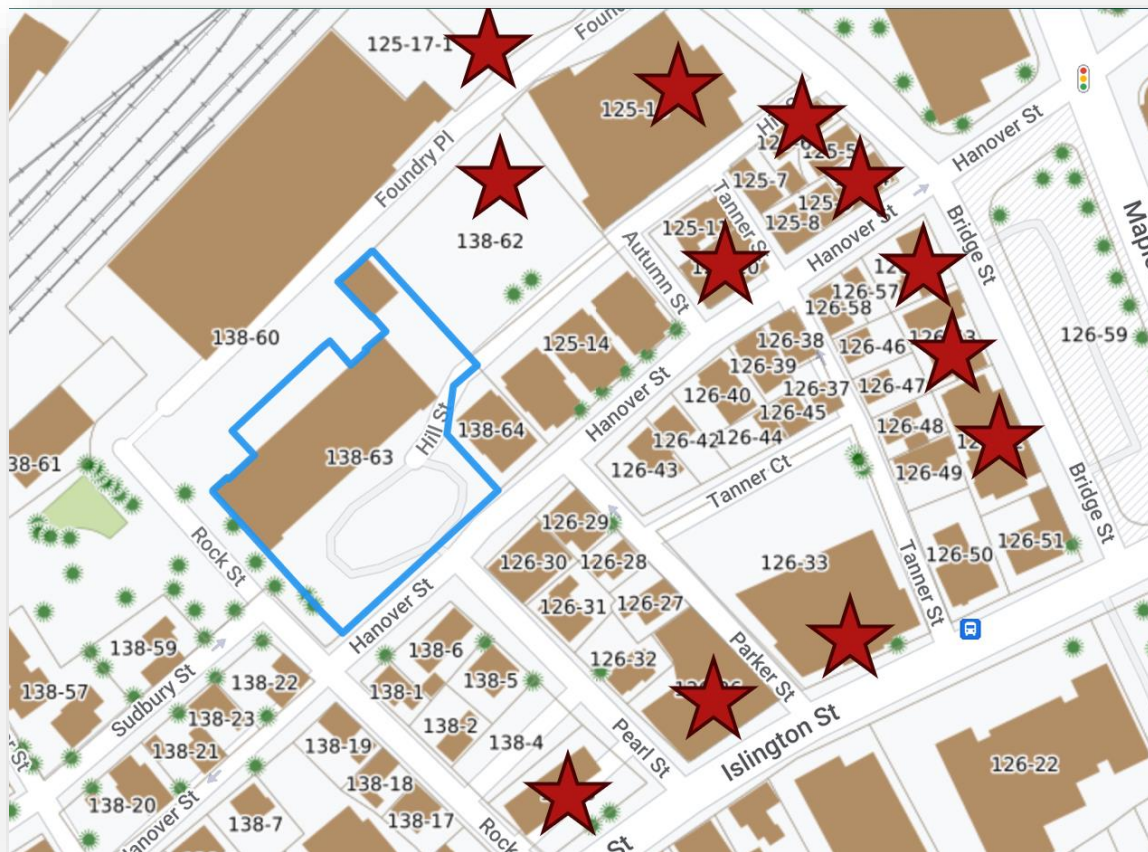


Figure 7 –Properties with Existing Ground-Floor Commercial Uses

Unfortunately, in this area along Hanover Street Figure 7 shows that of all the existing buildings fronting on Hanover Street from Bridge to Rock Street, only 293 Hanover Street is designed and used as a ground-floor commercial use. Figure 7 also shows that, to the east, Bridge Street is essentially the edge of the downtown commercial district and Islington Street – a mixed-use commercial corridor linking the Downtown to the West End – provides intermittent commercial uses that support the adjacent neighborhoods.

Density can be defined in a number of ways including, but not limited to, the number of dwelling units per acre, as well as the height, volume, footprint, or massing of the buildings. When looking at density as a function of the number of dwelling units per acre, Figure 8 illustrates the transition from the high-density developments and land use pattern within the CD5 Character-District along Foundry Place and Hill Street with the lower density traditional neighborhoods along Hanover, Rock, and Sudbury Streets. Similarly, when converting the number of dwelling units per acre to a minimum lot area per dwelling unit, the proposed CUP project for 361 Hanover Street is consistent with the minimum lot area per dwelling unit of the existing historic buildings located within the CD4-L1 Character District along Hanover Street.



Figure 8 – Existing Neighborhood Density (Estimated Units / Acre) along Abutting Streets

THE DEFAULT - “AS-OF-RIGHT” - DESIGN REVIEW PLAN

On May 16th, 2024, HDC appeared before the Planning Board seeking Design Review approval for a project that conformed to the existing zoning requirements. As illustrated in Figure 9, the Planning Board approved Design Review Plan shows a subdivision of the property to separate the former Powerhouse building from the remainder of the site and redevelopment of the former Steam Factory building into a 3-story building with a mansard attic level, and placement of new 3-story building (with another mansard attic level) on the surface parking lot fronting on Hanover Street. Notably, approval of the Design Review Plan vests the current zoning to the Property. Thus, without approval of the requested zoning relief, the Design Review Plan is likely to be submitted for Site Plan Approval by the Planning Board.



Figure 9 – The “As-of-Right” Design Review Plan

Site Plan

The existing land use regulations allow the property to support three-story buildings (with additional attic levels) provided the buildings are no taller than 40 feet in height, 95% in coverage, and have at least 5% open space, and the required off-street parking.

The proposed site plan, shown in Figure 10, shows two, three-story buildings totaling approximately 85,000 +/- square feet of floor area with a total of 72 off-street parking spaces. The plan also proposes a small demolition to the rear elevation of the Portsmouth Steam Factory Building and replacement with a multi-story addition with a footprint of 3,485 SF. Along Hanover Street and a new three-story building with an 11,036 SF +/- footprint is proposed. Like the abutting new construction in the North End, structured parking spaces within the ground-floor of both buildings is proposed behind commercial liner buildings.

The proposed new building along Hanover Street would have a 20-foot covered passageway entrance from the street to a central courtyard between the buildings that would provide access to the indoor parking areas. The upper floors of the Hanover Street building would contain 12 residential dwelling units and the Portsmouth Steam Factory Building would contain 24 dwelling



Figure 11 –Elevations for the Upward Expansion of the Portsmouth Steam Factory Building

Both buildings show an attic level under a mansard roof which provides up to 95% of the floor area and living space of the story below. The Portsmouth Steam Factory building has a total GFA of nearly 75,000 SF with up to 42 parking spaces proposed within the ground story of the building.

Figure 12 shows the proposed 3-story mansard building along Hanover Street. The Hanover Street building has ground floor commercial uses along the street edge within a liner building and 26 off-street parking spaces within the rear portion of the ground floor. Additionally, there are four visitor spaces proposed for the courtyard area between the buildings.



Figure 12 – Front, Side, and Rear Elevations for the Mixed-Use Hanover Street Building

Building Height

Figure 13 shows a cross section of the Hanover Street building and a proposed building height of 40 feet. Importantly, both buildings are proposed to meet the requirement to be no taller than 3 stories (plus and attic level within a mansard roof) and 40 feet.

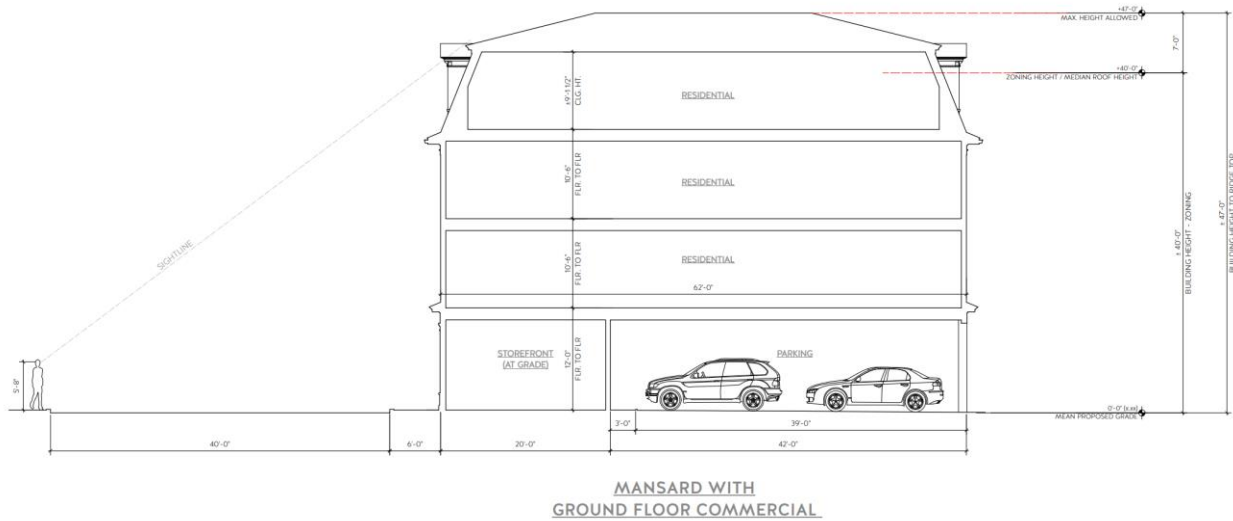


Figure 13 – Proposed 40’ Building Height for the Mixed-Use Hanover Street Building

Figure 14 illustrates the proposed 3 ½ story mixed use building along Hanover Street in the As-of-Right approved Design Review Plan.



Figure 14 –Rendering of the Hanover Street Mixed-Use Building in the Design Review Plan

Access and Circulation

As shown above in the proposed site plan, access and egress to the site is proposed using a 20-foot covered driveway connecting Hanover Street to the proposed courtyard between the buildings. The courtyard will provide access to structured parking within the two buildings as well as four

visitor spaces within the courtyard. All parking spaces and driveway aisles will conform to the required minimum dimensions. Emergency access will be provided using the proposed tunnel and driveway within the courtyard area.

Parking and Loading

As shown in Figure 15, there are 72 proposed off-street parking spaces shown on the proposed site plan. Given the property is located within the DOD only 51 spaces are required for the proposed use. A total of 47 spaces are required for 36 dwelling units given the units are all over 750 SF in GFA. Additionally, 8 visitor spaces are required for a total of 55 spaces. Tandem parking spaces will be assigned to the same unit owner. The DOD does not require any off-street parking for any proposed commercial uses and there is a four-space credit from the required parking. Thus, in the aggregate, the proposed building design and site plan has the capacity to provide nearly 2 spaces per dwelling unit plus visitor parking thereby minimizing any potential spillover parking to the abutting neighborhood.

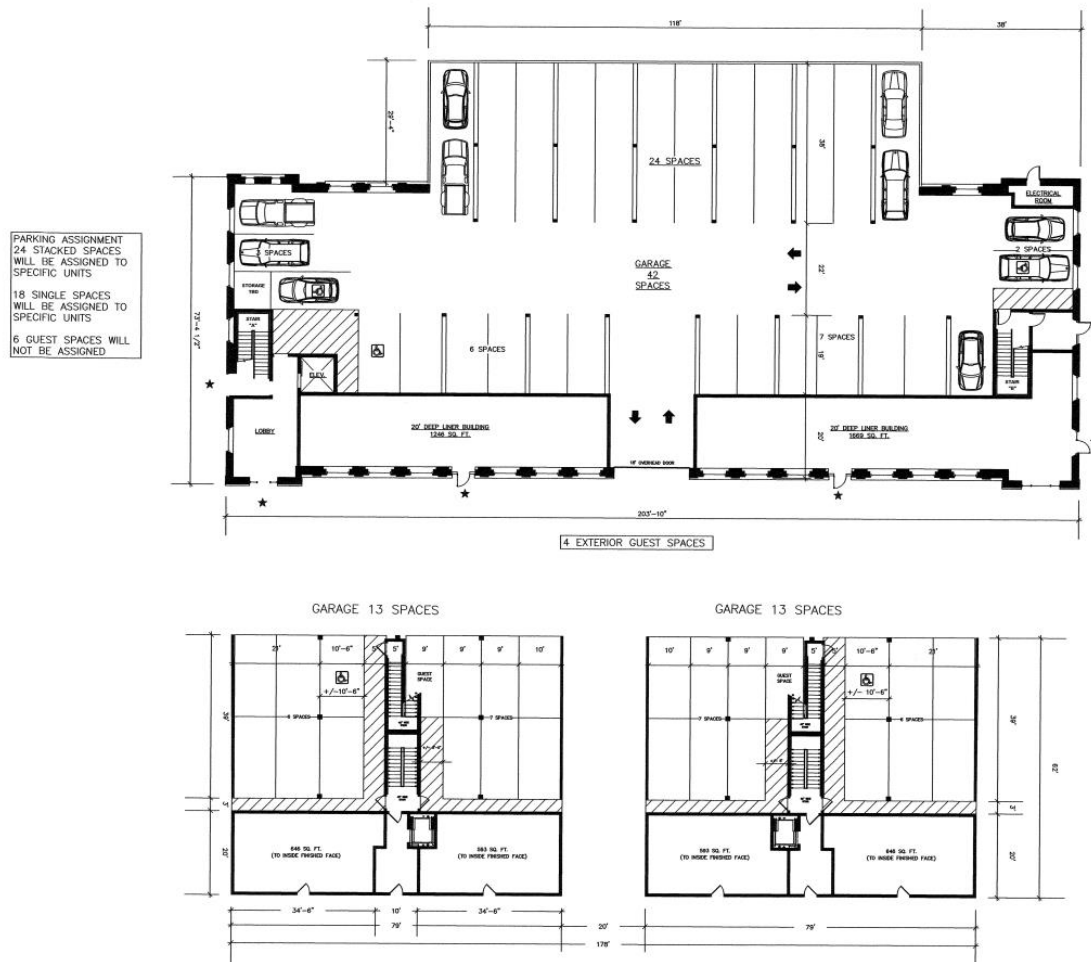


Figure 15 – Proposed Parking Layout (72 Spaces) for the Design Review Plan

Character District Zoning

The two proposed mixed-use buildings in the Design Review Plan meet all the development standards of the CD5. Table 2 illustrates how the two buildings comply.

ZONING DEVELOPMENT STANDARD			
CD5: CHARACTER DISTRICT 5, DOD: DOWNTOWN OVERLAY DISTRICT			
	REQUIRED	EXISTING	PROPOSED
Height	2-3 stories 40'	2 stories / 18" +/-	3 stories / 40'
Penthouses	may exceed bldg height by 2'	NA	NA
Roof appurtenance	may exceed bldg height by 10'	< 10'	<10'
Façade Types		NA	NA
Building Types	commercial, live-work, mixed use, flex space & community.	Commercial	Mixed-Use
Front (principle) max	5	99'	1'
Front (secondary) max	5	0'	0'
Side	NR	0.00	1'
Rear yard	5'	0'	0'
Front lot line buildout	80% min	100%	94%
Lot area (sf)	NR	N/A	N/A
Lot area per dwelling	NR	N/A	N/A
Building coverage, maximum	95%	34.0%	75.0%
Maximum building footprint	20,000	14,808	18,808
Ground floor area per use, max	15,000	18,808	7,660
Open space, minimum	5%	<5%	5.3%
Permitted uses		Commercial	Mixed-Use
Block length, max (ft)	225	205'	178'
Façade modulation length, max (ft)	100	205'	79'
Entrance spacing, max (ft)	50	>50'	<50'
Floor height above sidewalk, max	36"	0'	0'
Ground story height, min	12'	10'	12'
Second story height, min	10'	10'	10'
Glazing, shopfront, min	70%	NA	NA
Glazing, other	20%-50%	>20%	>20%
Roof types	flat, gable, hip, gambrel, mansard	Flat	Mansard

Table 1 – Zoning Development Standards for As-of-Right, Design Review Plan

Issues Raised during Design Review

As part of the Public Hearing within the Design Review process, several core issues of concern were expressed from both Planning Board members, neighbors, and members of the general public. The core issues included the height, scale, volume, and massing of the proposed buildings, especially along Hanover Street. Additionally, there were also concerns about the prospect of ground-floor commercial uses and their potential impact on spill-over street parking, lighting, noise and other potential negative impacts on the surrounding residential neighborhood. Other issues included emergency access concerns via the proposed covered driveway, and whether the proposed buildings and zoning requirements were consistent with the design goals North End

Vision Plan; in particular, whether the proposed building design were reflective of the quality and character of the existing historic structures within the surrounding neighborhood.

In response to these issues, we developed an preferred project, the “CUP Plan”, to better reflect the goals, objectives, and comments provided from both the Board members and participating residents from the surrounding neighborhood.

THE PREFERRED PROJECT – THE CUP PLAN

On July 18th, 2024, HDC appeared before the Planning Board seeking feedback on a conceptual CUP Plan. As shown in Figure 16, the CUP Plan, which also shows a subdivision of the former Powerhouse Building from the property, proposed redevelopment of the former Steam Factory Building into a 4-story/ 50’ building (with a flat-roofed recessed penthouse attic level), and three (3) 3-story buildings (one with a mansard attic level) proposed on the 57-space, surface parking lot fronting on Hanover Street.



Figure 16 – The Preferred CUP Plan

The preferred CUP Plan seeks to address the core issues listed above by adhering to the goals and objectives of the North End Vision Plan. Moreover, it also seeks to redevelop the property by employing a context-sensitive approach that steps down and transitions from a high-density newer development along Foundry Place and Hill Street to a moderate density along Hanover Street and lower density along Rock and Sudbury Streets.

Figure 9 illustrates how the previously proposed 3 ½ story mansard building along Hanover Street occupies the full street frontage along Hanover Street and overpowers some of the smaller abutting buildings. In contrast, Figure 10 illustrates the preferred CUP Plan where the larger building has been broken into three separate buildings with reduced height and volume to better align with the lower density context of the southwestern side of the site.

As we discussed within the Design Review process, the CUP Plan also proposes to increase the height of the Kearsarge Building along Foundry Place – in a historically sensitive manner – to reestablish the volume, height, and historic character of the building and support the transfer of

development rights from Hanover Street to Foundry Place as intended in the North End Vision Plan and the Character-Based Zoning.

Ground-Floor Residential Uses

Given the questions of economic viability and the potential for adverse impacts on the surrounding neighborhood (i.e. spillover parking, noise, and light pollution), the CUP Plan proposes a residential ground-floor use in all four buildings.

Site Plan

As shown in Figure 11, there is parking available on-site to support up to 48 dwelling units within the four (4) proposed buildings.

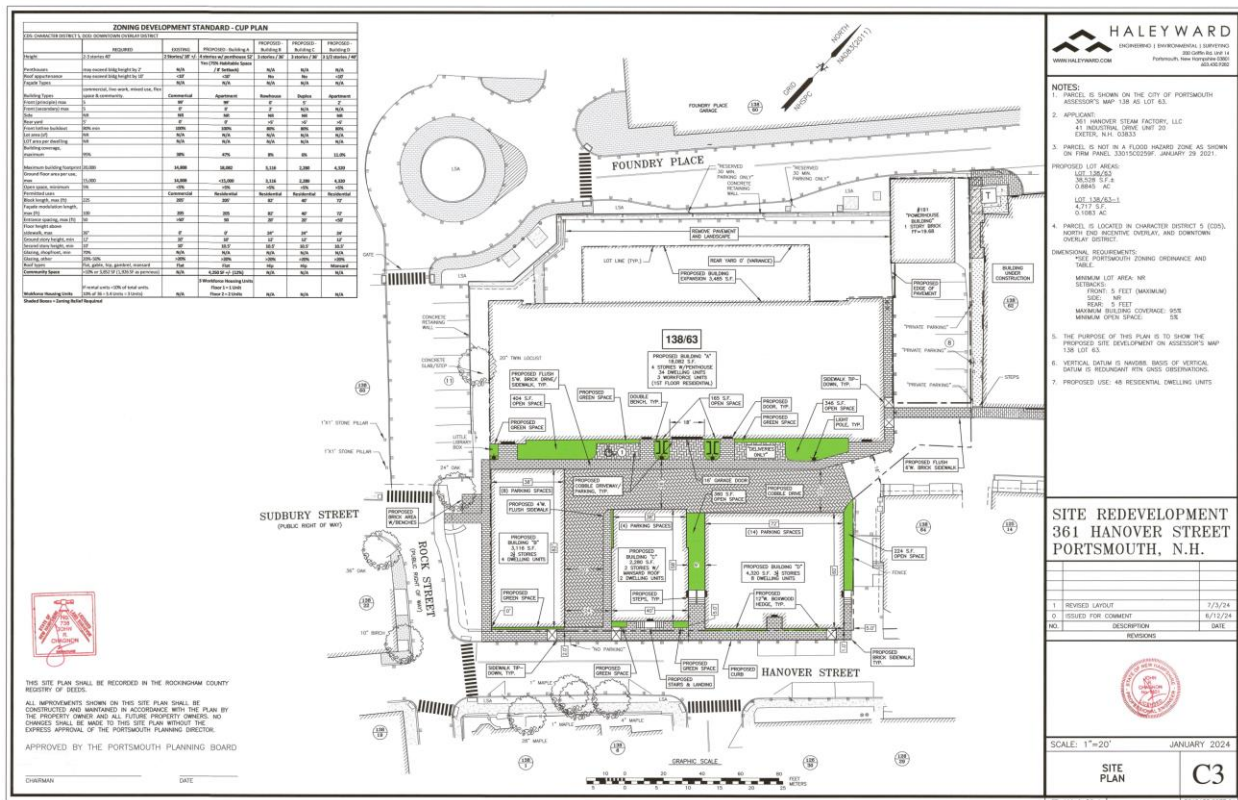


Figure 11 – Preferred CUP Plan showing Proposed Buildings, Driveways, and Open Space

Building Design

As shown in Figures 12-15, all four buildings have been redesigned to be more consistent with the historic character of the surrounding neighborhood. Understanding this property is located outside the Historic District, we have intentionally redesigned these buildings to reference the historic elements in the surrounding context versus the more contemporary buildings being constructed along Foundry Place and Deer Street in the North End.



Figure 12 – Building A: 4½-Story “Apartment” Building (the Kearsarge Building)



Figure 13 – Building B: 3-Story “Rowhouse” Building



Figure 14 – Building C: 3-Story “Duplex” Building



Figure 15 - Building D: 3½-Story “Apartment” Building

Community Space

As required under the CUP, at least 10% (3,853 SF +/-) of the property would be deeded as Community Space. As shown on Figure 16, the proposed Community Space would be a 4,500 +/- SF Shared Multi-Modal Way connecting Rock Street to Hill Street. The shared street would include formal landscaping, lighting and street furniture.

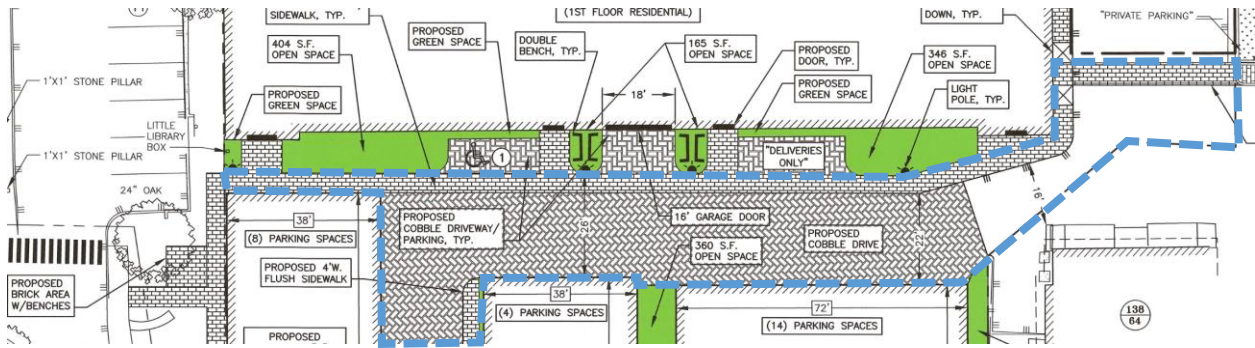


Figure 16 – Proposed Community Space - Multi-Modal Way

Workforce Housing

As required under the CUP, at least 10% of the proposed dwelling units would be deed restricted as rental Workforce Housing Units and be rented to a household with an income of no more than 60% of the median family income for a 3-person household. Such units will be at least 600 SF in GFA and are proposed to be located within the 1st and 2nd floor of Building A (the only building located within the North End Incentive Overlay District).

Zoning Relief Needed

Table 1 shows how the proposed four buildings align with the development standards for the CD5.

ZONING DEVELOPMENT STANDARD - CUP PLAN						
CDS: CHARACTER DISTRICT 5, DOD: DOWNTOWN OVERLAY DISTRICT						
	REQUIRED	EXISTING	PROPOSED - Building A	PROPOSED - Building B	PROPOSED - Building C	PROPOSED - Building D
Height	2-3 stories / 40'	2 Stories / 18' +/-	4 stories w/ penthouse 52' Yes (75% Habitable Space / 8' Setback)	3 stories / 36'	3 stories / 36'	3 1/2 stories / 40'
Penthouses	may exceed bldg height by 2'	N/A		N/A	N/A	N/A
Roof appurtenance	may exceed bldg height by 10'	<10'	<10'	No	<10'	<10'
Facade Types		N/A	N/A	N/A	N/A	N/A
Building Types	commercial, live-work, mixed use, flex space & community.	Commercial	Apartment	Rowhouse	Duplex	Apartment
Front (principle) max	5	99'	99'	0'	5'	2'
Front (secondary) max	5	0'	0'	2'	N/A	N/A
Side	NR	NR	NR	NR	NR	NR
Rear yard	5'	0'	0'	>5'	>5'	>5'
Front lotline buildout	80% min	100%	100%	80%	80%	80%
Lot area (sf)	NR	N/A	N/A	N/A	N/A	N/A
LOT area per dwelling	NR	N/A	N/A	N/A	N/A	N/A
Building coverage, maximum	95%	38%	47%	8%	6%	11.0%
Maximum building footprint	20,000	14,808	18,082	3,116	2,280	4,320
Ground floor area per use, max	15,000	14,808	<15,000	3,116	2,280	4,320
Open space, minimum	5%	<5%	>5%	>5%	>5%	>5%
Permitted uses		Commercial	Residential	Residential	Residential	Residential
Block length, max (ft)	225	205'	205'	82'	40'	72'
Facade modulation length, max (ft)						
Entrance spacing, max (ft)	50	>50'	50	20'	20'	<50'
Floor height above sidewalk, max	36"	0'	0'	24"	24"	24'
Ground story height, min	12'	10'	10'	12'	12'	12'
Second story height, min	10'	10'	10.5'	10.5'	10.5'	10.5'
Glazing, shopfront, min	70%	N/A	N/A	N/A	N/A	N/A
Glazing, other	20%-50%	>20%	>20%	>20%	>20%	>20%
Roof types	flat, gable, hip, gambrel, mansard	Flat	Flat	Hip	Hip	Mansard
Community Space	>10% or 3,852 SF (1,926 SF as pervious)	N/A	4,250 SF +/- (12%)	N/A	N/A	N/A
Workforce Housing Units	If rental units =10% of total units. 10% of 36 = 3.4 Units = 3 Units)	N/A	3 Workforce Housing Units Floor 1 = 1 Unit Floor 2 = 2 Units	N/A	N/A	N/A

Table 2 – Zoning Table showing Development Standards for each Building

As illustrated with the shaded boxes in Table 2, to support the CUP Plan, zoning relief from the Board of Adjustment is necessary. The following variances are required to permit and construct the preferred CUP Plan:

REQUESTED ZONING RELIEF

Approval of the **preferred CUP Plan** requires approval of the following variances:

1. Ground Floor Commercial Uses – The Downtown Overlay District (the “DOD”) requires the ground-floor level of the buildings to be restricted to commercial uses. Additionally, in the CD5, all buildings are required to be either mixed-use (with upper floor residential uses) or commercial uses (on all floors). Thus, if the requested variance allowing for ground-floor residential uses is granted, the resulting residential buildings require zoning relief to allow for an “Apartment”, “Duplex”, and Rowhouse” buildings on the Property.
2. Minimum First Floor Height – The CD5 Character District requires the minimum height of the ground floor to be 12 feet. The purpose of this requirement is two-fold: to design ground-floor spaces to support commercial uses and to ensure that ground-floor residential uses to be elevated above the sidewalk for privacy concerns. The request is to allow for the ground floor height in the existing building to be 10’6”.
3. Attic Level Setbacks and Gross Floor Area Requirements – Attic levels that are flat-roofed penthouses are limited to an area no greater than 50% of the gross living area of the level of the floor level below. There are also setback requirements that range from 8’ to 15’ from the edge of the roof. The purpose of these requirements is to provide for penthouse levels that are smaller than a full story and reduce the visual appearance of the height of the building from the sidewalk. The requested variance is to allow for a minimum setback of 8’ from all roof edges and to allow no greater than 80% of the gross living area of the level of the floor below.

VARIANCE CRITERIA

The Applicant believes that this project meets the criteria necessary for granting the requested variances.

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

In this case, were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened. The property is located at the transition from larger (and taller) buildings located along Foundry Place and Hill Street to smaller, more traditionally scaled buildings along Hanover and Rock

Streets. Approval of the variance to allow for ground-floor commercial use of the buildings will not adversely impact the health, safety and welfare of the public. The essentially urban character of the neighborhood will not be altered in any fashion by this project, nor will the health, safety or welfare of the public be threatened by granting the relief requested, as what is proposed is consistent with the mass and scale of neighboring buildings. The project must obtain further approval from the Planning Board so the interest of the public will be more than adequately protected.

- Ground Floor Commercial Uses - Approval of the variance to allow ground-floor residential uses in the buildings shown on the Preferred CUP Plan will result in a positive impact on the health, safety, and welfare of the public. The buildings on the property are located within a densely developed residential neighborhood where commercial uses are not present and largely located along Foundry Place, Islington, and Bridge Streets. There is also limited on-street parking in this location and the street right is narrow with many one-way streets. Granting of this variance will improve the design of the building(s) and reduce the overall height of the building(s).
- Minimum First-Floor Height - Approval of the variance to allow the ground-floor height of the existing historic building shown on the Preferred CUP Plan to be 10'6" versus 12' will result in a positive impact on the health, safety and welfare of the public given the ground floor of the building is primarily being used for covered parking as no commercial uses are proposed for the building. Granting of this variance will reduce the overall height of the building.
- Attic Level Setbacks and Gross Living Area Requirements - Approval of the variance to allow the setbacks of the living area of penthouse level shown on the Preferred CUP Plan to be reduced to 8' will result in a positive impact on the health, safety and welfare of the public given the preferred, as-of-right mansard roof will result in over 95% of the gross floor area of the floor below with no setback from the roof edge. Granting of this variance will improve the building design and reduce the overall volume of the building.

Substantial justice would be done by granting the variances. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property. In this case, there is no benefit to the public in denying the variances that is not outweighed by the hardship upon the owner.

- Ground Floor Commercial Uses – Substantial justice will be done by approval of the variance to allow ground-floor residential uses in the buildings shown on the Preferred CUP Plan. Approval will result in a benefit to the public and will outweigh the hardship

to the owner of leasing marginal commercial space within a densely developed residential neighborhood with limited on-street parking.

- Minimum First-Floor Height - Substantial justice will be done by approval of the variance to allow the ground-floor height of the existing historic building shown on the Preferred CUP Plan to be 10'6" versus 12'. Approval will result in a benefit to the public and will outweigh the hardship to the owner of using an additional 18" of the height of the ground floor of the building when the primary use of the ground-floor is for covered parking as no commercial uses are proposed for the building.
- Attic Level Setbacks and Gross Living Area Requirements - Substantial justice will be done by approval of the variance to allow the setbacks of the penthouse level shown on the Preferred CUP Plan to be reduced to 8' and the gross living area to be increased to 80% of the floor below. Approval will result in a benefit to the public and will outweigh the hardship to the owner of using an "as-of-right" mansard roof for the attic which will increase the gross living area to 95% of the gross floor area of the floor below with no setback from the roof edge. Additionally, the original historic building had a strong cornice and did not use a mansard roof and this variance allows for the attic level to emulate that historic character.

The values of surrounding properties will not be diminished by granting the variances. Granting of the variances will not adversely impact the values of the surrounding properties will not be negatively affected in any way. Moreover, denial of the variances may result in an adverse impact on the values of the surrounding properties given the ground-floor commercial requirement which may result in spillover parking within the neighborhood, as well as lighting and noise impacts. As shown in the Design Review Plan, denial of the variances will result in a significantly larger building (footprint, volume and height) being constructed along Hanover Street that is out of scale and character with the surrounding neighborhood. Coupled with the ground-floor commercial use of the building, the larger building design illustrated in the as-of-right Design Review Plan will likely diminish any added value to the surrounding properties.

- Ground Floor Commercial Uses – The values of the surrounding properties will not be diminished by approval of the variance to allow ground-floor residential uses in the buildings shown on the Preferred CUP Plan. Approval of the variances will avoid any potential externalities associated with commercial uses in this densely developed residential neighborhood and thereby, result in a benefit to the public and increase the added value to the surrounding properties.
- Minimum First-Floor Height - The values of the surrounding properties will not be diminished by approval of the variance to allow the ground-floor height of the existing historic building shown on the Preferred CUP Plan to be 10'6" versus 12'. Approval of the variances will result in a benefit to the public and increase the added value to the surrounding properties. The shorter ground floor height of the existing building will

improve the design of the upper floors of the building adding value to the project and, indirectly, the added value of the surrounding properties.

- Attic Level Setbacks and Gross Living Area Requirements - The values of the surrounding properties will not be diminished by approval of the variance to allow the setbacks of the penthouse level shown on the Preferred CUP Plan to be reduced to 8' and the gross living area to be increased to 80% of the floor below. In contrast to using the "as-of-right" mansard roof, approval of the variances for the penthouse level will result in a better building design and, indirectly, added value to the surrounding properties.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The two historic structures on the property date back to the late 19th century. Although the property has its legal frontage on Hanover Street, it has a right-of-way to access Hill Street (a private way) and fronts along Foundry Place and Rock Street. However, the City owns a thin strip of land consisting of 7,300 SF located between the Property and the City's right-of-way for Foundry Place and Rock Street. This thin strip remains from the former Rock Street Garage property that was once used by the DPW prior to construction of Foundry Place. This is also the only property in this section of the North End that spans Foundry Place to Hanover Street. The property also has an eight (8) foot grade change from Foundry Place to Hill Street. Additionally, the existing historic building is located behind a 57-space surface parking lot; more than 100 feet from Hanover Street.

- Ground Floor Commercial Uses – The special conditions associated with the property and its historic structure and unique location 100 feet from Hanover Street and location 8 feet above Foundry Place, creates a hardship for the requirement of ground-floor commercial uses. Approval of the variances will result in a better design and a property enjoyment of the property and be consistent with the surrounding neighborhood context.
- Minimum First-Floor Height - The special conditions associated with the property and the historic structure constitutes a hardship for the requirement of 12' first-floor heights. Approval of the variances will result in a reasonable use of the ground-floor of the property and be consistent with the physical attributes of the building as this building has no basement level so the parking is at grade. Allowing the ground-floor height of the existing historic building to be 10'6" versus 12' will result in a better design of the parking level as well as upper levels and a design consistent with the surrounding neighborhood context.
- Attic Level Setbacks and Gross Living Area Requirements - The special conditions associated with the property and irregular shape of the historic building constitutes a hardship for the requirement of limiting the gross living area to 50% and the setbacks

of 15' and 20' from the roof edge on two sides of the building. Allowing the variance to the setbacks and gross living area will result in a better design and a reasonable use of the property and be consistent with the surrounding neighborhood context shown on the Preferred CUP Plan. Allowing the living area to be setback 8' and the gross living area to be increased to 80% of the floor below will result in a better building design and a property enjoyment of the property.

The use is a reasonable use. Except for the ground floor residential use, all the proposed uses of the buildings are permitted in the CD5.

- **Ground Floor Commercial Uses** – Allowing for residential ground floor uses is not only reasonable given all but one building along Hanover Street have ground-floor residential uses shown on the Preferred CUP Plan.
- **Minimum First-Floor Height** - The use of the existing historic structure is reasonable given it does not front directly on a public way and is located more than 100 feet from Hanover Street and, if approved as shown on the Preferred CUP Plan, it will have three residential buildings between the front façade and Hanover Street.
- **Attic Level Setbacks and Gross Living Area Requirements** - The use of a penthouse for the attic level of the historic structure is not only reasonable, but also preferred, as an alternative to a larger volumed mansard roof that is also inconsistent with the historic character of the building and an over-used roof type for new buildings in downtown Portsmouth due to the added volume provided.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The requirements for ground-floor commercial uses, added first-floor height and the smaller penthouse attic level do not present a fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. Thus, there is no fair and substantial relationship between the purposes of the height requirements and their application to this property.

- **Ground Floor Commercial Uses** – The requirement of ground-floor commercial uses in all the existing or proposed buildings bears no fair and substantial relationship between the ordinance and this particular property. The primary reason this property was included in the DOD was due to the prior commercial use in the historic building and the lot shape which extended to Hanover Street. The 57-space surface parking lot was not contemplated for redevelopment with mixed-use buildings given the absence of the DOD along Hanover Street. In contrast, approval of the variances will avoid any off-site impacts of commercial activity at this location, result in a benefit to the public, and increase the added value to the surrounding properties.

- Minimum First Floor Height - The requirement of a 12' first-floor height in the existing building bears no fair and substantial relationship between the ordinance and this particular property given the 8' grade change to Foundry Place (which was not in existence when the zoning was adopted) making commercial use along Foundry Place unreasonable (especially with no existing basement level in the historic building) . In contrast, allowing the ground-floor height of the existing historic building to be 10'6" versus 12' will result in a benefit to the public and increase the added value to the surrounding properties. The shorter ground floor height of the existing building is appropriate for ground level parking and will improve the design of the upper floors of the building adding value to the project and, indirectly, the added value of the surrounding properties.
- Attic Level Setbacks and Gross Floor Area Requirements - The setbacks and gross living area requirements of a penthouse on the existing historic structure bears no fair and substantial relationship between the ordinance and this particular property. In contrast, allowing the setbacks of the penthouse level to be reduced to 8' and the gross living area to be increased to 80% of the floor below will result in a smaller building volume than the alternative mansard roof option.

I. Conclusion.

After consideration of the many valuable comments, issues, concerns, and suggestions provided by the Planning Board and members of the public during both the Design Review process for the "As-of-Right" Design Review Plan and the Preliminary Conceptual Consultation for the preferred CUP Plan, we believe the proposed CUP Plan meets the goals and objectives of the North End Vision Plan and, subject to the granting of this zoning relief from the Board of Adjustment and exceeds the findings and criteria needed for the subsequent approval of a CUP from the Planning Board.

We believe the preferred CUP Plan illustrates a unique opportunity to redevelop this property – and replace the unsightly 57-space surface parking lot fronting on Hanover Street with context-sensitive buildings that respect and support the quality and character of the surrounding neighborhood. Despite being located outside the City's Historic District we also believe our efforts to design the buildings and site amenities is architecturally consistent with the surrounding historic character. Additionally, providing covered parking within the buildings for the required parking for the residential dwelling units is a significant achievement and benefit to the neighborhood. Similarly, the proposed Community Space in the form of a multi-modal way, and much-needed, Workforce Housing - the first project to do so in the North End – is a significant public benefit. Taken together, we believe these substantial public benefits strengthen the value of the project and address the primary concerns shared by the Board and members of the surrounding neighborhood.

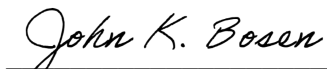
In closing, we believe the CUP Plan represents a well-conceived building and site design that provides an incremental but well-balanced, transition from the high-density, mixed-use developments located along Foundry Place and Hill Street to the lower density established

neighborhoods along Hanover and Rock Streets. Pending approval of the requested variances we remain committed to working with the Planning Staff, Board, and members of the public to refine the design of the CUP Plan, which we strongly believe will result in a positive contribution to the architectural fabric of downtown Portsmouth, the North End, and a provide the desired stepping down and transition to the abutting Islington Creek Neighborhood.

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

Respectfully submitted,

DATE: October24, 2024



John K. Bosen, Esquire

361 Hanover Photo Page







PROPOSED DEVELOPMENT

361 HANOVER STREET PORTSMOUTH, NEW HAMPSHIRE VARIANCE APPLICATION PLAN

OWNER/APPLICANT:

361 HANOVER STEAM
FACTORY, LLC
41 INDUSTRIAL DRIVE UNIT 20
EXETER, NH 03833
TEL. (603) 235-5475

CIVIL ENGINEER/LAND SURVEYOR:

AMBIT ENGINEERING, INC.
200 GRIFFIN ROAD, UNIT 3
PORTSMOUTH, N.H. 03801
TEL. (603) 430-9282

ARCHITECT:

SCOTT BROWN
29 WATER STREET, SUITE 209
NEWBURYPORT, MA 01950
TEL. (978) 465-3535

PLANNING CONSULTANT:

NICHOLAS CRACKNELL
TEL. (978) 270-4789

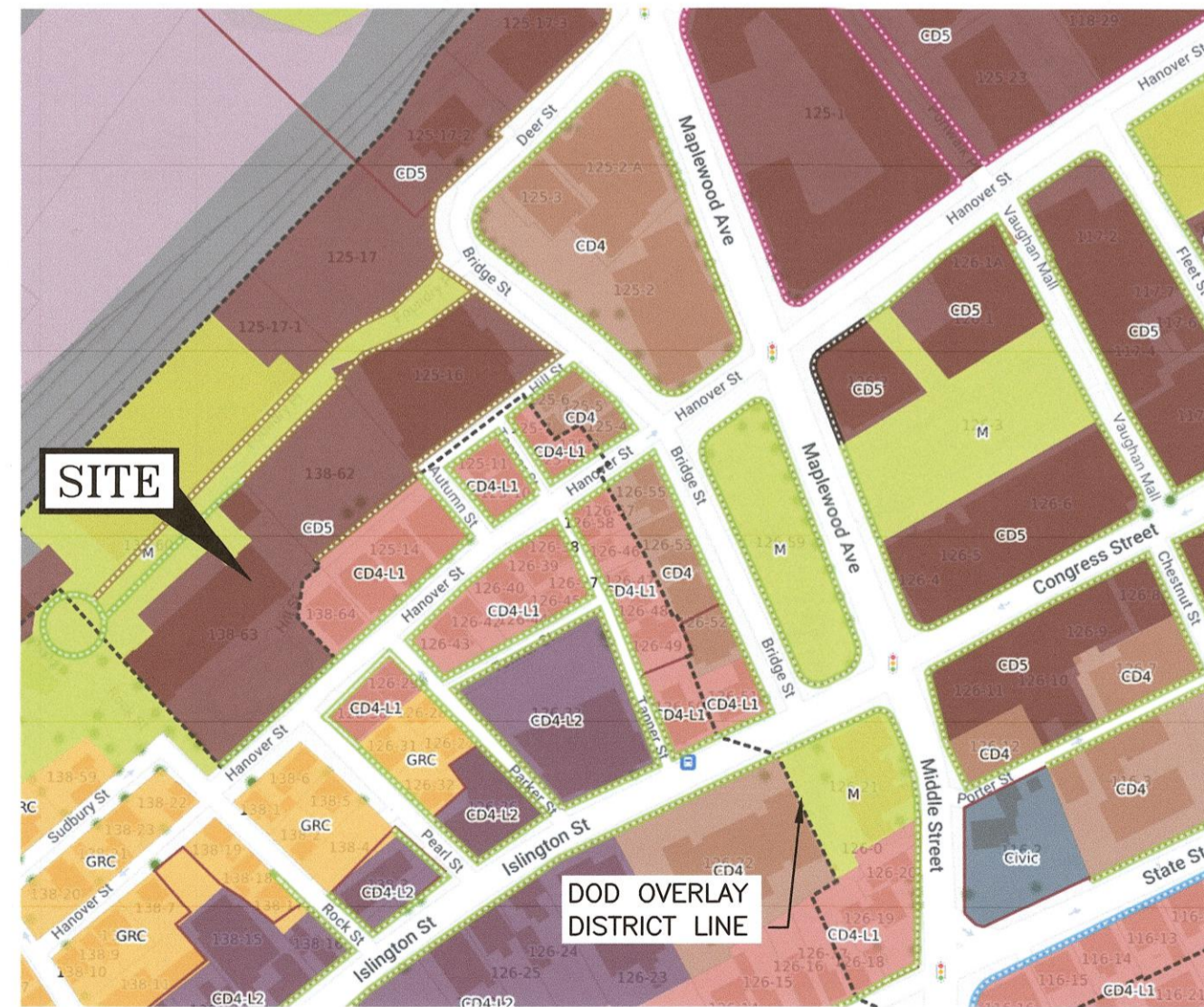
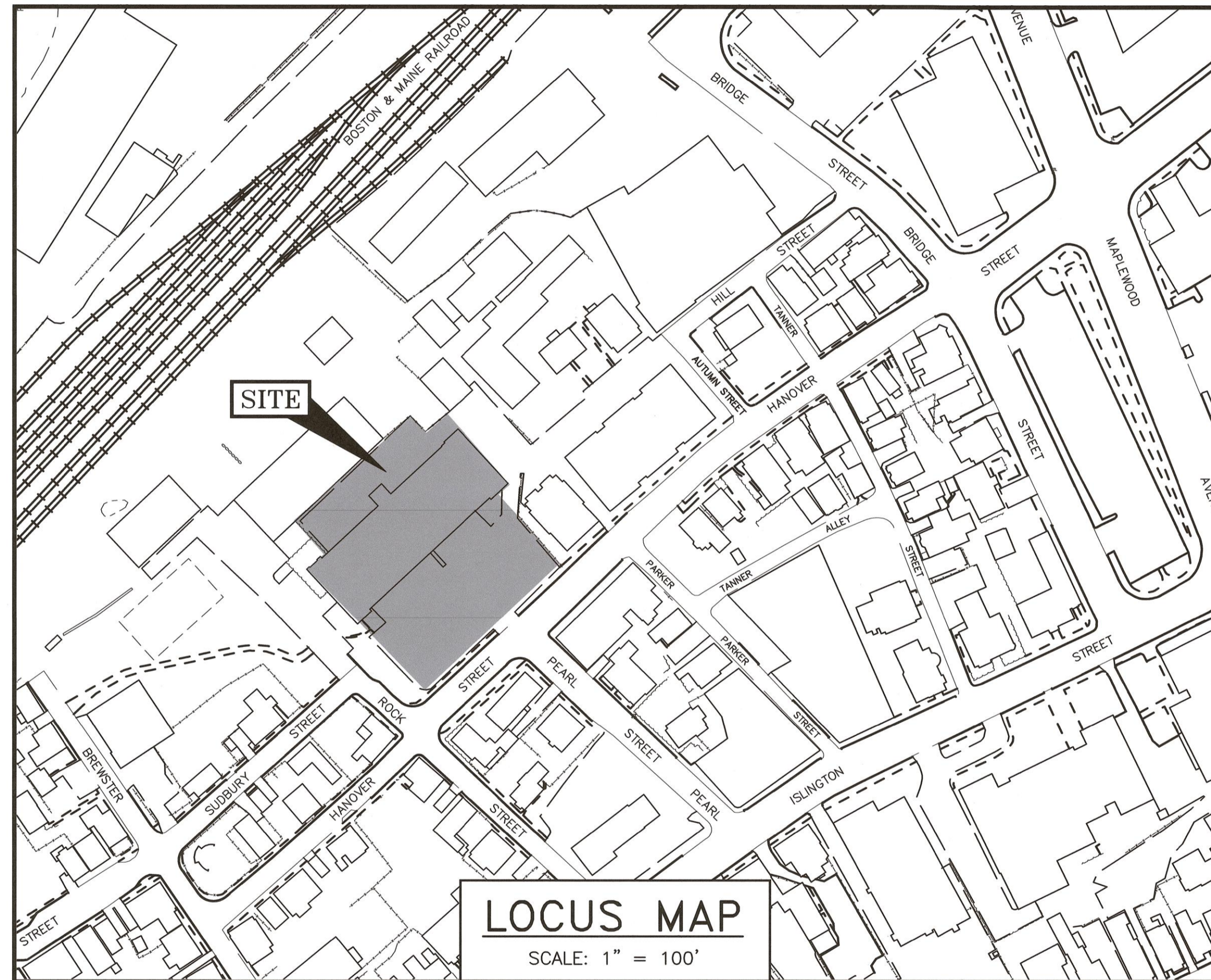
LAND USE ATTORNEY:

BOSEN & ASSOCIATES
266 MIDDLE STREET
PORTSMOUTH, N.H. 03801
TEL. (603) 427-5500

PERMIT LIST:
PORTSMOUTH HDC:
PORTSMOUTH ZONING BOARD:
PORTSMOUTH SITE REVIEW:
PORTSMOUTH CONDITIONAL USE PERMIT:

LEGEND:

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



**MAP 10.5A21A
CHARACTER DISTRICTS
AND CIVIC DISTRICTS**

Character Districts

- CD2 Character District 2
- CD4 Character District 4
- CD4-W Character District 4-W
- CD4-L1 Character District 4-L1
- CD4-L2 Character District 4-L2

Civic District

- Civic District
- Municipal District

Overlay Districts

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

**MAP 10.5A21B
BUILDING HEIGHT
STANDARDS**

Height requirement area	Maximum building height*
1 Story	20'
2 Stories	35'
2 Stories (short 3rd)	35'
2-3 Stories	40'
2-3 Stories (short 4th)	45'
2-4 Stories	50'
2-4 Stories (short 5th)	60'
2-5 Stories	60'

*Penthouse Levels may exceed the building height by 2 feet.

UTILITY CONTACTS

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

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

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

SEWER & WATER:
PORTSMOUTH DEPARTMENT OF PUBLIC WORKS
680 PEVERLY HILL ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 427-1530
ATTN: JIM TOW

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

INDEX OF SHEETS

DWG. NO.	
-	SUBDIVISION PLAN
-	SITE ORTHOPHOTO
C1	EXISTING CONDITIONS PLAN
C2	DEMOLITION PLAN
C3	SITE PLAN
-	LICENSE AREA PLAN

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

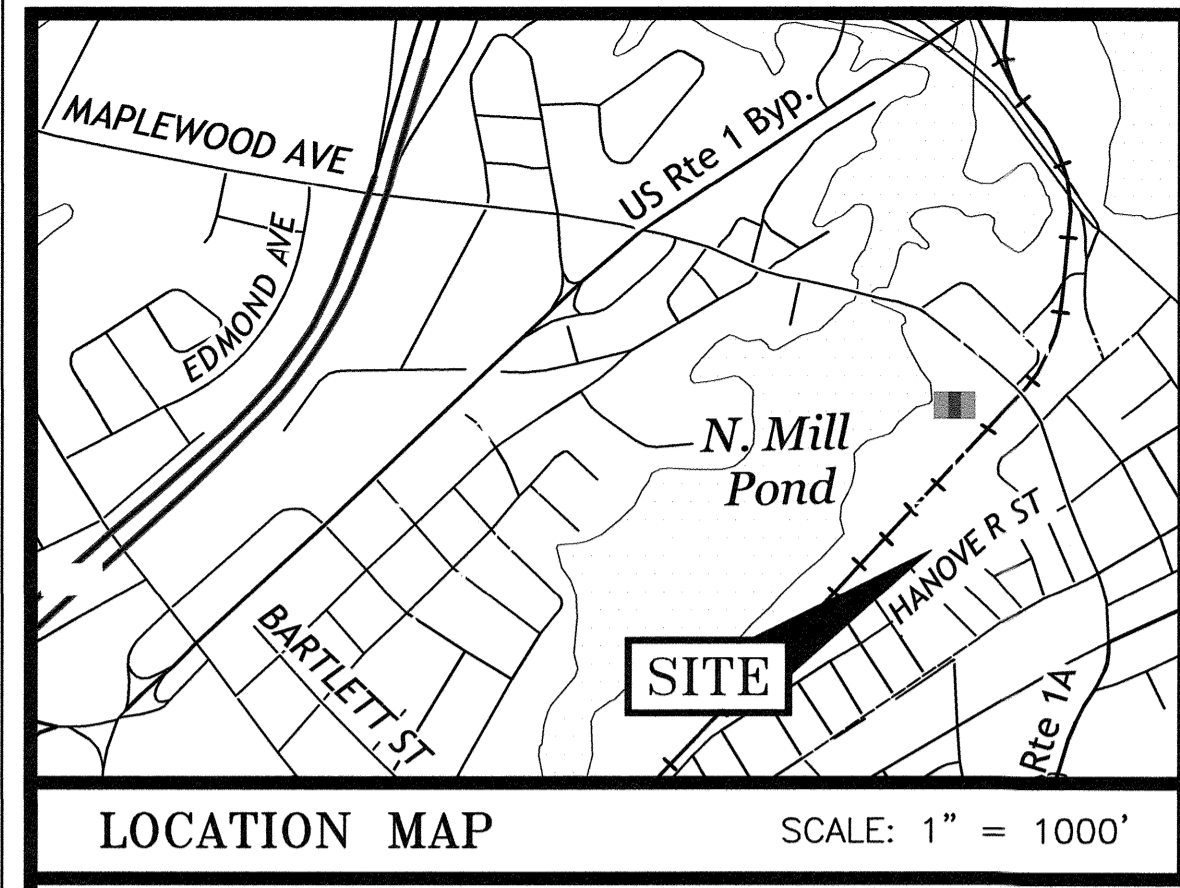
APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN _____ DATE _____

VARIANCE APPLICATION PLAN
PROPOSED DEVELOPMENT
361 HANOVER STREET
PORTSMOUTH, N.H.



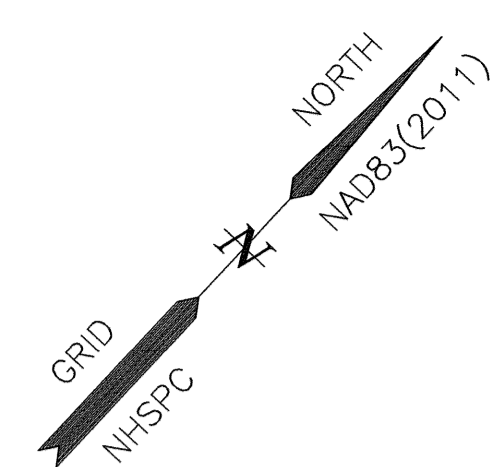
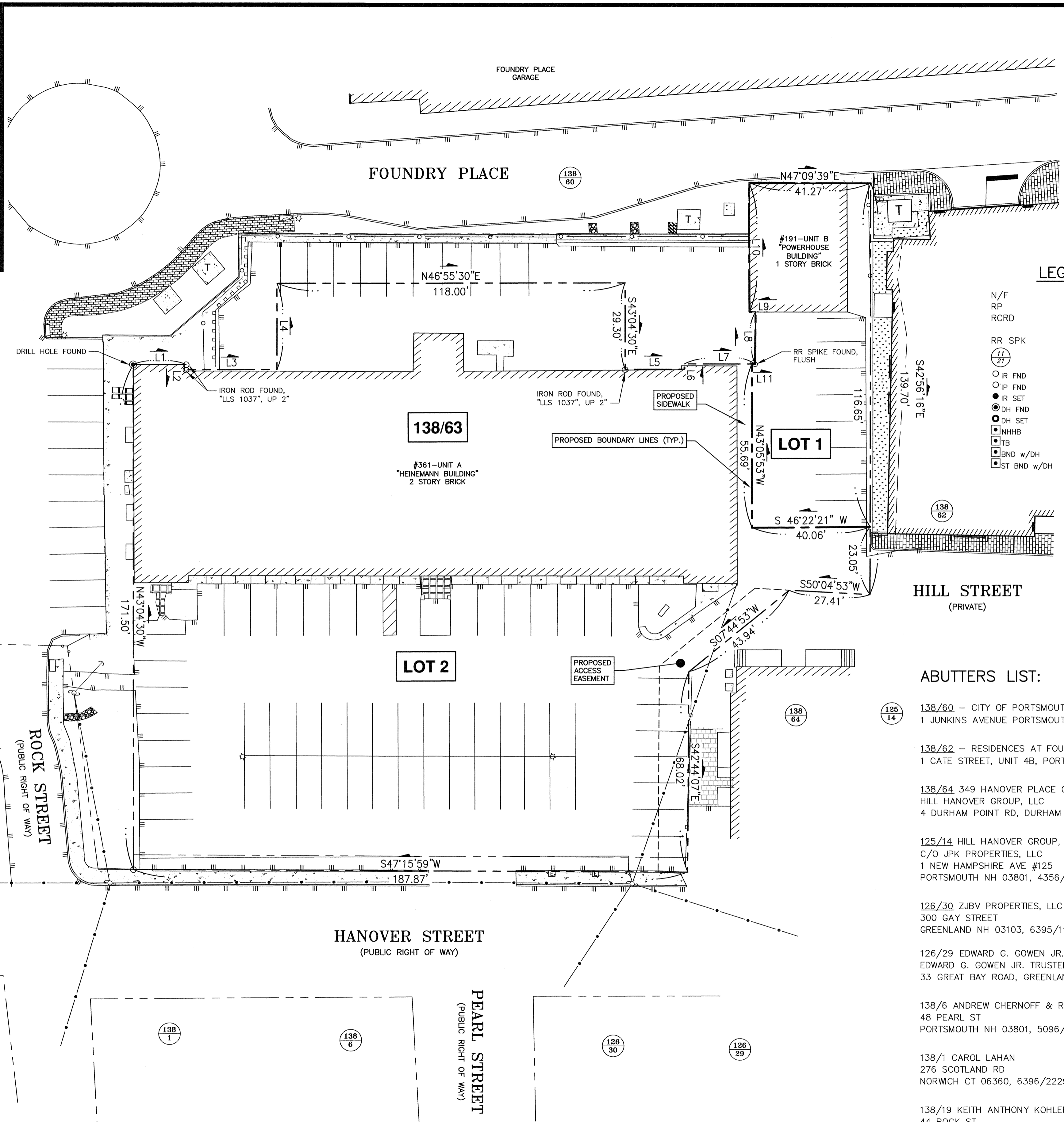
PLAN SET SUBMITTAL DATE: 24 OCTOBER 2024



LOCATION MAP SCALE: 1" = 1000'

PLAN REFERENCES:

- 1) "PLAN OF LAND IN PORTSMOUTH, N.H. PORTSMOUTH MFG & POWER CO. TO FRANKIE BROOKS" BY JOHN W. DURGIN. DA TED FEBRUARY 1918. RCRD PLAN 078.
- 2) "SUBDIVISION OF LAND OF PORTSMOUTH MFG. & POWER CO. PORTSMOUTH, N.H." BY JOHN W. DURGIN. DATED NOVEMBER 1925. RCRD PLAN #36B.
- 3) "LAND IN PORTSMOUTH, N.H. PORTS. MFG. & POWER CO. TO HAROLD S. WOODS" BY JOHN W. DURGIN. DATED NOVEMBER 1926. RCRD PLAN #389.
- 4) "CONDOMINIUM SITE PLAN FOR HANOVER PLACE CONDOMINIUM 349 HANOVER STREET COUNTY OF ROCKINGHAM PORTSMOUTH, NH" BY MILLETTE, SPRAGUE & COLWELL, INC. DATED SEPTEMBER 28, 2004 LAST REVISED DECEMBER 20, 2005. RCRD PLAN D-33379.
- 5) "CONSOLIDATION & SUBDIVISION PLAN TAX MAP 125, LOT 17 & TAX MAP 138, LOT 62 DEER STREET ASSOCIATES BRIDGE, DEER & HILL STREETS CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE" BY AMBIT ENGINEERING, INC. DA TED JULY 2015. RCRD PLAN D-39699.
- 6) "KEARSARGE MILLS CONDOMINIUM PLANS" BY KIMBALL CHASE COMPANY, INC. DATED APRIL 15, 1986. RCRD PLAN D-14855.
- 7) "BOUNDARY LINE AGREEMENT PLAN KEARSARGE MILL CONDOMINIUMS PORTSMOUTH, N.H." BY JONES & BEACH ENGINEERS, INC. DATED APRIL 10, 1997 LAST REVISED APRIL 21, 1997. RCRD PLAN D-25421.
- 8) "AMENDED SITE PLAN, KEARSARGE MILL CONDOMINIUMS, 1 HANOVER STREET PORTSMOUTH, NH" BY KIMBALL CHASE CONSULTING ENGINEERS DATED 04-14-06 AND LAST REVISED 02-16-07. RCRD PLAN D-34716.



LEGEND

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY
- RR SPK RAILROAD SPIKE
- MAP 11/LOT 21
- IRON ROD FOUND
- IRON PIPE FOUND
- IRON ROD SET
- DRILL HOLE FOUND
- DRILL HOLE SET
- NHDOT BOUND FOUND
- TOWN BOUND
- BOUND WITH DRILL HOLE
- STONE BOUND WITH DRILL HOLE

HILL STREET (PRIVATE)

ABUTTERS LIST:

- 138/60 - CITY OF PORTSMOUTH
1 JUNKINS AVENUE PORTSMOUTH NH 03801, 5848/0666
- 138/62 - RESIDENCES AT FOUNDRY PLACE, LLC
1 CATE STREET, UNIT 4B, PORTSMOUTH NH 03801, 6475/1570
- 138/64 349 HANOVER PLACE CONDOS MASTER CARD
HILL HANOVER GROUP, LLC
4 DURHAM POINT RD, DURHAM NH 03824, 4356/0010
- 125/14 HILL HANOVER GROUP, LLC.
C/O JPK PROPERTIES, LLC
1 NEW HAMPSHIRE AVE #125
PORTSMOUTH NH 03801, 4356/0010
- 126/30 ZJBV PROPERTIES, LLC
300 GAY STREET
GREENLAND NH 03103, 6395/1921
- 126/29 EDWARD G. GOWEN JR. REVOCABLE LIVING TRUST
EDWARD G. GOWEN JR. TRUSTEE
33 GREAT BAY ROAD, GREENLAND, NH 03840, 4327/2531
- 138/6 ANDREW CHERNOFF & REBEKAH CHERNOFF
48 PEARL ST
PORTSMOUTH NH 03801, 5096/0104
- 138/1 CAROL LAHAN
276 SCOTLAND RD
NORWICH CT 06360, 6396/2229
- 138/19 KEITH ANTHONY KOHLER & NICOLE GABRIELLE LAPIERRE
44 ROCK ST
PORTSMOUTH NH 03801, 4505/0807
- 138/22 SEAN G. CAUGHRAN
407 HANOVER ST
PORTSMOUTH NH 03801, 3289/1071

LENGTH TABLE

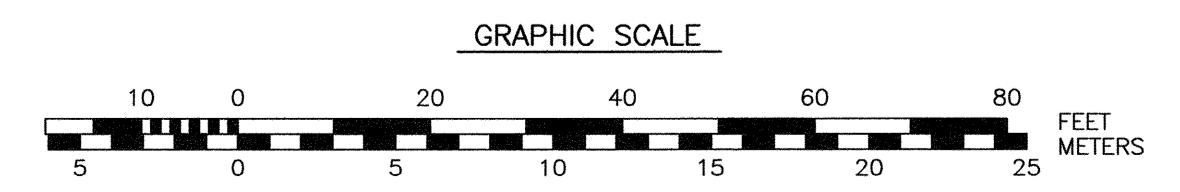
LINE	BEARING	DISTANCE
L1	N47°00'11"E	18.00'
L2	S43°03'50"E	1.78'
L3	N46°55'30"E	30.75'
L4	N43°04'30"W	29.30'
L5	N46°55'30"E	20.00'
L6	N43°04'30"W	1.80'
L7	N46°55'30"E	24.05'
L8	N42°30'12"W	17.65'
L9	S46°42'22"W	2.04'
L10	N43°17'38"W	43.88'
L11	N46°55'30"E	1.12'

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

John R. Chagnon 4.3.24
JOHN R. CHAGNON, LLS DATE

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN DATE



NOTES:
1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 138 AS LOT 63.
2) OWNERS OF RECORD:
UNIT A:
361 HANOVER STEAM FACTORY, LLC
41 INDUSTRIAL DRIVE UNIT 20
EXETER, N.H. 03833
6352/2959
UNIT B:
POWERHOUSE REALTY TRUST
C/O ADAMS DAVID B. TRUSTEE
210 GATES STREET
PORTSMOUTH, NH 03801
5419/1223

3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
4) LOT AREAS:
EXISTING
43,245 S.F.
0.9928 AC.
PROPOSED LOT 1
4,717 S.F.
0.1083 AC.
PROPOSED LOT 2
38,528 S.F.
0.8845 AC.

5) PARCEL IS LOCATED IN CHARACTER DISTRICT 5 (CD5), NORTH END INCENTIVE OVERLAY DISTRICT (NEIOD) AND DOWNTOWN OVERLAY DISTRICT.

6) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED SUBDIVISION OF TAX MAP 139, LOT 63 IN PORTSMOUTH, NH INTO 2 LOTS.

7) PARCEL IS BURDENED BY THE FOLLOWING EASEMENTS:
A) ACCESS EASEMENT TO THE CITY OF PORTSMOUTH TO ALLOW ACCESS TO A PARKING AREA. SEE R.C.R.D. 4735/2971
B) ACCESS EASEMENT TO HANOVER PLACE CONDOMINIUM ASSOCIATION. THIS EASEMENT TO BE RE-DEFINED AS SHOWN HEREON.

8) THE PARCEL HAS THE BENEFIT OF A REVOCABLE LICENSE BETWEEN THE CITY OF PORTSMOUTH AND THE KEARSARGE MILL UNIT ON THE PLAN ENTITLED "KEARSARGE MILL CONDOMINIUMS HANOVER STREET, PORTSMOUTH, NH SITE PLAN AMENDMENT" PREPARED BY KIMBALL CHASE CONSULTING ENGINEERS DATED APRIL 14, 2006, LICENSE AND SITE PLAN ARE AVAILABLE WITH THE RECORDS OF THE CITY OF PORTSMOUTH, SEE ALSO PLAN REFERENCE #6.

9) PROPERTY CORNERS WILL BE SET PRIOR TO RECORDING.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	4/3/24
REVISIONS		

**SUBDIVISION PLAN
TAX MAP 138 - LOT 63**

KEARSARGE MILL UNIT OWNERS ASSOCIATION
OWNERS: 361 HANOVER STEAM FACTORY, LLC & POWERHOUSE REALTY TRUST
FOUNDRY PLACE & HANOVER STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

SCALE: 1"=20'
JANUARY 2024
FB 444 PG 1 5010135.2977.01



NOTES:

1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 138 AS LOT 63.

2) APPLICANT:
 361 HANOVER STEAM FACTORY, LLC
 41 INDUSTRIAL DRIVE UNIT 20
 EXETER, NH 03833
 6352/2959

3) THE PURPOSE OF THIS PLAN IS TO SHOW SITE FEATURES AS OF FEBRUARY 2023 ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 138 LOT 63.

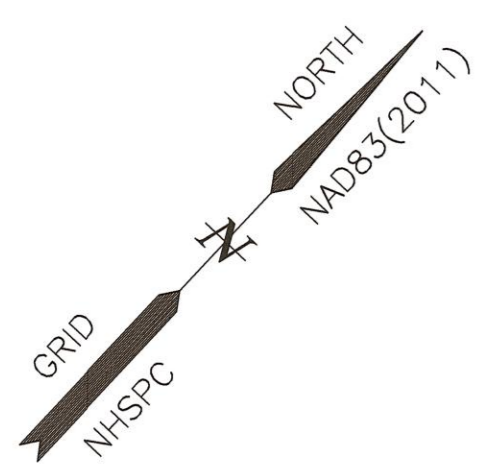
LICENSE AREA
 7,500 S.F.

138/60

#151-UNIT B
 "POWERHOUSE
 BUILDING"
 1 STORY BRICK

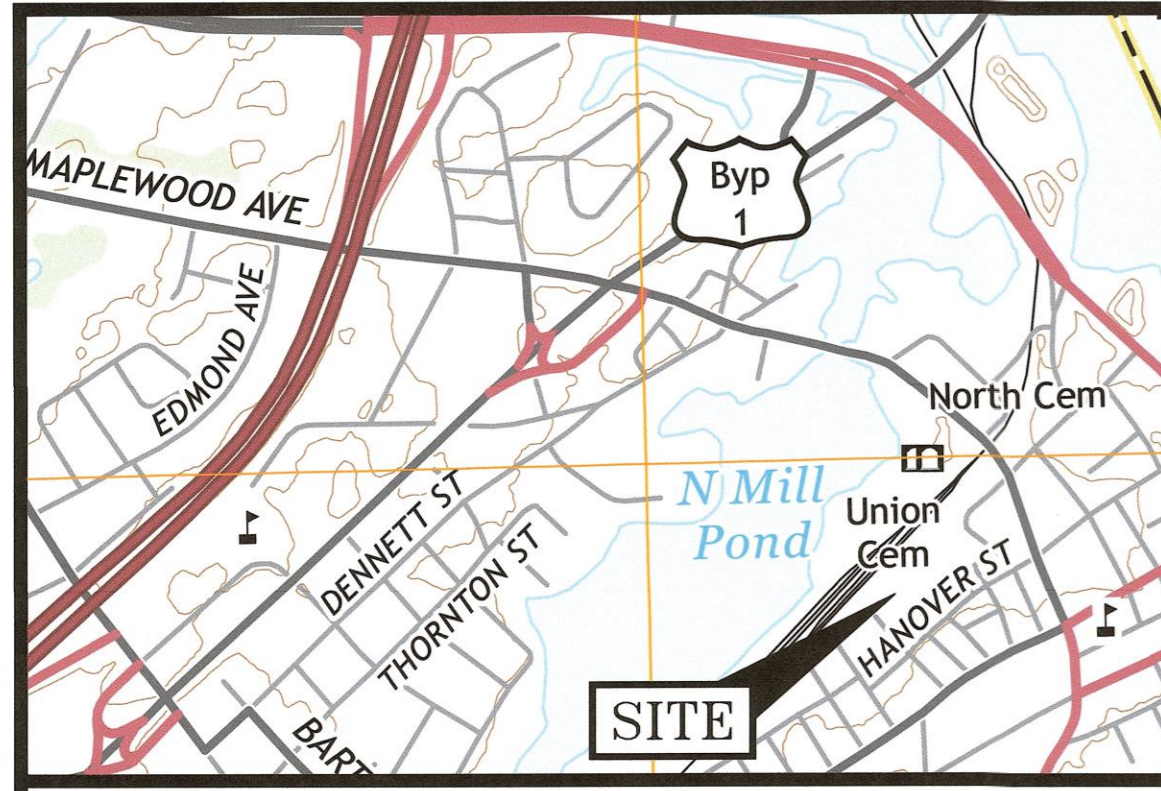
138/63

#361-UNIT A
 "HEINEMANN BUILDING"
 2 STORY BRICK



NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	4/3/24
REVISIONS		

SITE ORTHOPHOTO
TAX MAP 138 - LOT 63
361 HANOVER STEAM FACTORY, LLC
FOUNDRY PLACE & ROCK STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

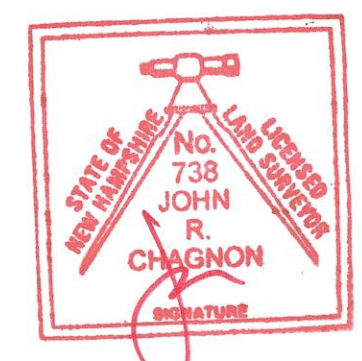
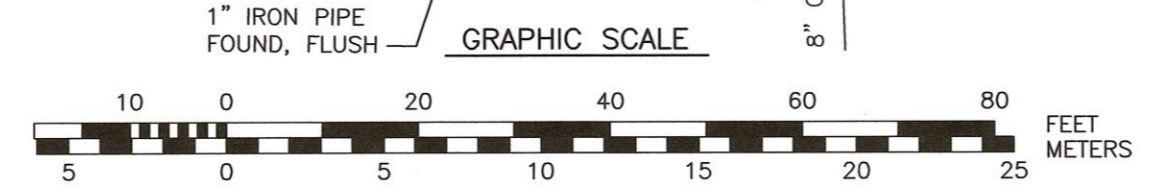
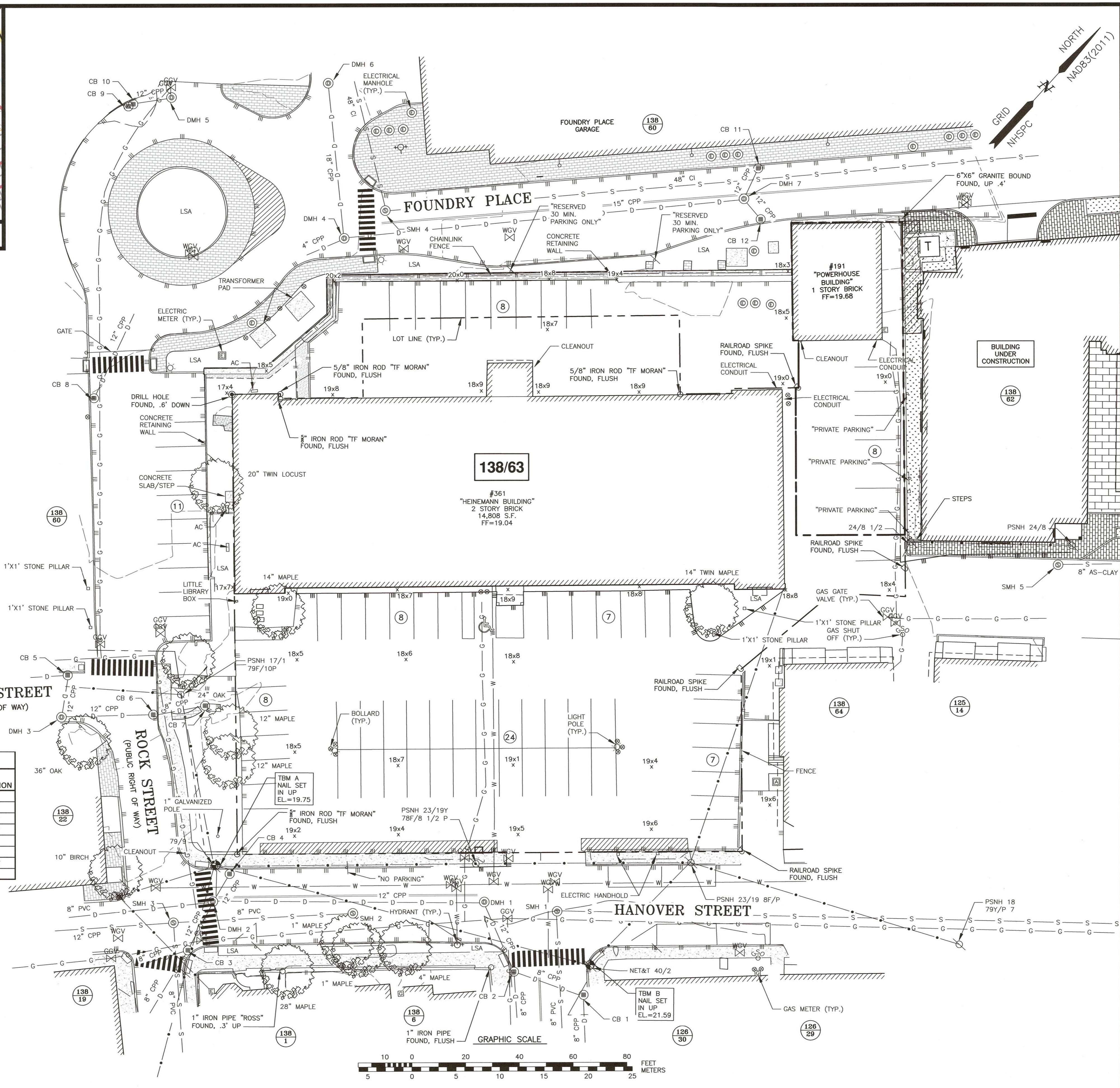


LOCATION MAP SCALE: 1"=1,000'

- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 138 AS LOT 63.
 - OWNER OF RECORD:
 361 HANOVER STEAM FACTORY, LLC
 41 INDUSTRIAL DRIVE UNIT 20
 EXETER, N.H. 03833
 6352/2959
 - PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. JANUARY 29 2021.
 - EXISTING LOT AREA:
 38,528 S.F.
 - PARCEL IS LOCATED IN CHARACTER DISTRICT 5 (CD5), NORTH END INCENTIVE OVERLAY DISTRICT, AND DOWNTOWN OVERLAY DISTRICT.
 - DIMENSIONAL REQUIREMENTS:
 SEE ZONING ORDINANCE
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON PORTSMOUTH ASSESSOR'S MAP 138 AS LOT 63, AS AMENDED.
 - VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.

DRAINAGE STRUCTURE TABLE						
STRUCTURE	PROP/EX	RIM	PIPE SIZE/TYPE	INVERT IN	INVERT OUT	DIRECTION
CB 1	EX	20.66	8" CPP	17.51	17.46	SW
CB 2	EX	20.35	12" CPP	15.80	15.70	SE
CB 3	EX	19.29	8" CPP	16.50	16.54	NE
CB 4	EX	18.90	12" CPP	16.24	16.29	W
CB 5	EX	15.00	12" CPP	10.00	10.00	SE
CB 6	EX	15.60	12" CPP	12.85	12.85	SW
CB 7	EX	17.43	8" CPP	16.28	16.28	NE
CB 8	EX	12.15	12" CPP	7.45	7.45	NW
CB 9&10	EX	9.76	12" CPP	5.86	5.86	NE
CB 11	EX	10.07	12" CPP	6.17	6.17	SE
CB 12	EX	10.22	12" CPP	6.92	6.92	W
DMH 1	EX	19.81	12" CPP	15.56	15.56	SW
DMH 2	EX	19.08	12" CPP	15.03	15.03	E
DMH 3	EX	15.30	12" CPP	10.65	10.65	NW
DMH 4	EX	11.86	18" CPP	5.46	5.46	NE
DMH 5	EX	9.87	4" PVC	9.36	9.36	S
DMH 6	EX	11.84	NO DATA	NO DATA	NO DATA	NO DATA
DMH 7	EX	10.19	18" CPP	6.29	6.29	SW
			12" CPP	6.44	6.44	NW
			12" CPP	6.39	6.39	E

SEWER STRUCTURE TABLE						
STRUCTURE	PROP/EX	RIM	PIPE SIZE/TYPE	INVERT IN	INVERT OUT	DIRECTION
SMH 1	EX	20.06	15" PVC	14.36	14.36	NE
SMH 2	EX	19.31	8" PVC	12.91	12.91	SW
SMH 3	EX	19.15	8" PVC	11.60	11.60	SE
SMH 4	EX	12.23	48" CI	-0.77	-0.77	NW



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

JRC 4.3.24
 JOHN R. CHAGNON, LLS DATE

**SITE REDEVELOPMENT
 361 HANOVER STREET
 PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
2	ISSUED FOR REVIEW	4/3/24
1	UPDATE E.C. & ADD SPOT GRADES	2/28/24
0	ISSUED FOR COMMENT	1/31/24

SCALE: 1"=20' JANUARY 2024

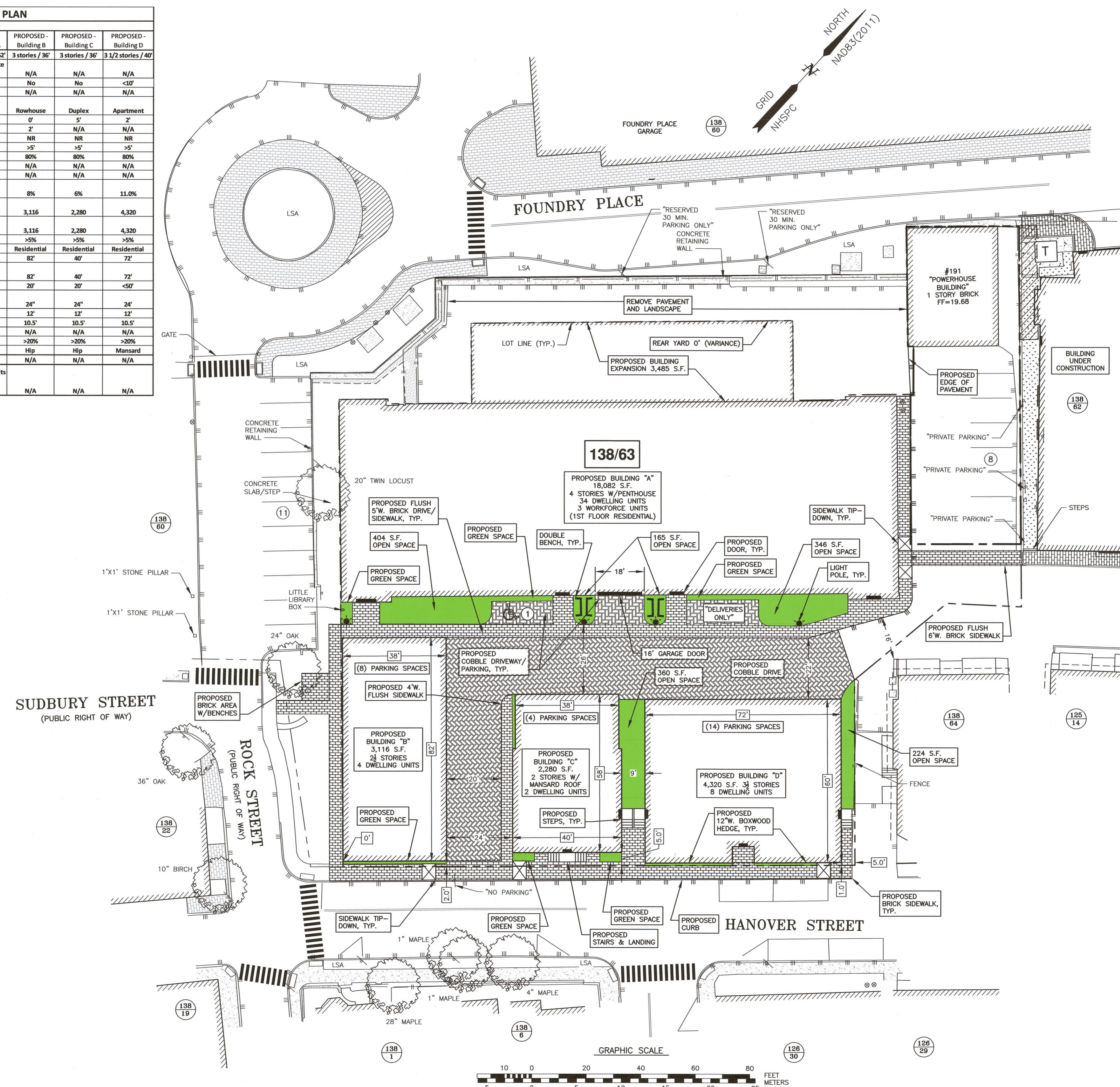
EXISTING CONDITIONS PLAN **C1**

ZONING DEVELOPMENT STANDARD - CUP PLAN						
CDS: CHARACTER DISTRICT 5, DOD: DOWNTOWN OVERLAY DISTRICT						
	REQUIRED	EXISTING	PROPOSED - Building A	PROPOSED - Building B	PROPOSED - Building C	PROPOSED - Building D
Height	2-3 stories / 40'	2 stories / 18' +/-	4 stories w/ penthouse 52'	3 stories / 36'	3 stories / 36'	3 1/2 stories / 40'
Penthouses	may exceed bldg height by 2'	N/A	Yes (75% Habitable Space / 8' Setback)	N/A	N/A	N/A
Roof appurtenance	may exceed bldg height by 10'	<10'	<10'	No	No	<10'
Facade Types	N/A	N/A	N/A	N/A	N/A	N/A
Building Types	commercial, live-work, mixed use, flex space & community.	Commercial	Apartment	Rowhouse	Duplex	Apartment
Front (principle) max	5'	99'	99'	0'	5'	2'
Front (secondary) max	5'	0'	0'	2'	N/A	N/A
Side	NR	NR	NR	NR	NR	NR
Rear yard	5'	0'	0'	>5'	>5'	>5'
Front lotline buildout	80% min	100%	100%	80%	80%	80%
Lot area (sf)	NR	N/A	N/A	N/A	N/A	N/A
LOT area per dwelling	NR	N/A	N/A	N/A	N/A	N/A
Building coverage, maximum	95%	38%	47%	8%	6%	11.0%
Maximum building footprint	20,000	14,808	18,082	3,116	2,280	4,320
Ground floor area per use, max	15,000	14,808	<15,000	3,116	2,280	4,320
Open space, minimum	5%	<5%	>5%	>5%	>5%	>5%
Permitted uses		Commercial	Residential	Residential	Residential	Residential
Block length, max (ft)	225	205'	205'	82'	40'	72'
Facade modulation length, max (ft)	100	205	205	82'	40'	72'
Entrance spacing, max (ft)	50	>50'	50	20'	20'	<50'
Floor height above sidewalk, max	36"	0"	0"	24"	24"	24"
Ground story height, min	12'	10'	10'	12'	12'	12'
Second story height, min	10'	10.5'	10.5'	10.5'	10.5'	10.5'
Glazing, shopfront, min	70%	N/A	N/A	N/A	N/A	N/A
Glazing, other	20%-50%	>20%	>20%	>20%	>20%	>20%
Roof types	flat, gable, hip, gambrel, mansard	Flat	Flat	Hip	Hip	Mansard
Community Space	>10% or 3,852 SF (1,926 SF as pervious)	N/A	4,250 SF +/- (12%)	N/A	N/A	N/A
Workforce Housing Units	If rental units =10% of total units. 10% of 36 = 3.4 Units = 3 Units	N/A	3 Workforce Housing Units Floor 1 = 1 Unit Floor 2 = 2 Units	N/A	N/A	N/A

Shaded Boxes = Zoning Relief Required

- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 138 AS LOT 63.
 - APPLICANT:
361 HANOVER STEAM FACTORY, LLC
41 INDUSTRIAL DRIVE UNIT 20
EXETER, N.H. 03833
 - PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. JANUARY 29 2021.
- PROPOSED LOT AREAS:
LOT 138/63
38,528 S.F.±
0.8845 AC

LOT 138/63-1
4,717 S.F.
0.1083 AC
- PARCEL IS LOCATED IN CHARACTER DISTRICT 5 (CD5), NORTH END INCENTIVE OVERLAY, AND DOWNTOWN OVERLAY DISTRICT.
- DIMENSIONAL REQUIREMENTS:**
*SEE PORTSMOUTH ZONING ORDINANCE AND TABLE.
MINIMUM LOT AREA: NR
SETBACKS:
FRONT: 5 FEET (MAXIMUM)
SIDE: NR
REAR: 5 FEET
MAXIMUM BUILDING COVERAGE: 95%
MINIMUM OPEN SPACE: 5%
- THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE DEVELOPMENT ON ASSESSOR'S MAP 138 LOT 63.
 - VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - PROPOSED USE: 48 RESIDENTIAL DWELLING UNITS



SITE REDEVELOPMENT
361 HANOVER STREET
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
1	REVISED LAYOUT	7/3/24
0	ISSUED FOR COMMENT	6/12/24



SCALE: 1"=20' JANUARY 2024

SITE PLAN **C3**

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 OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

CHAIRMAN _____ DATE _____

NOTES:

1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSORS MAP 138 AS LOT 60.

2) OWNERS OF RECORD:
LOT 60
CITY OF PORTSMOUTH
JUNKINS AVENUE
PORTSMOUTH, NH 03801

LOT 63 - UNIT A
361 HANOVER STEAM FACTORY, LLC
41 INDUSTRIAL DRIVE UNIT 20
EXETER, N.H. 03833
6352/2959

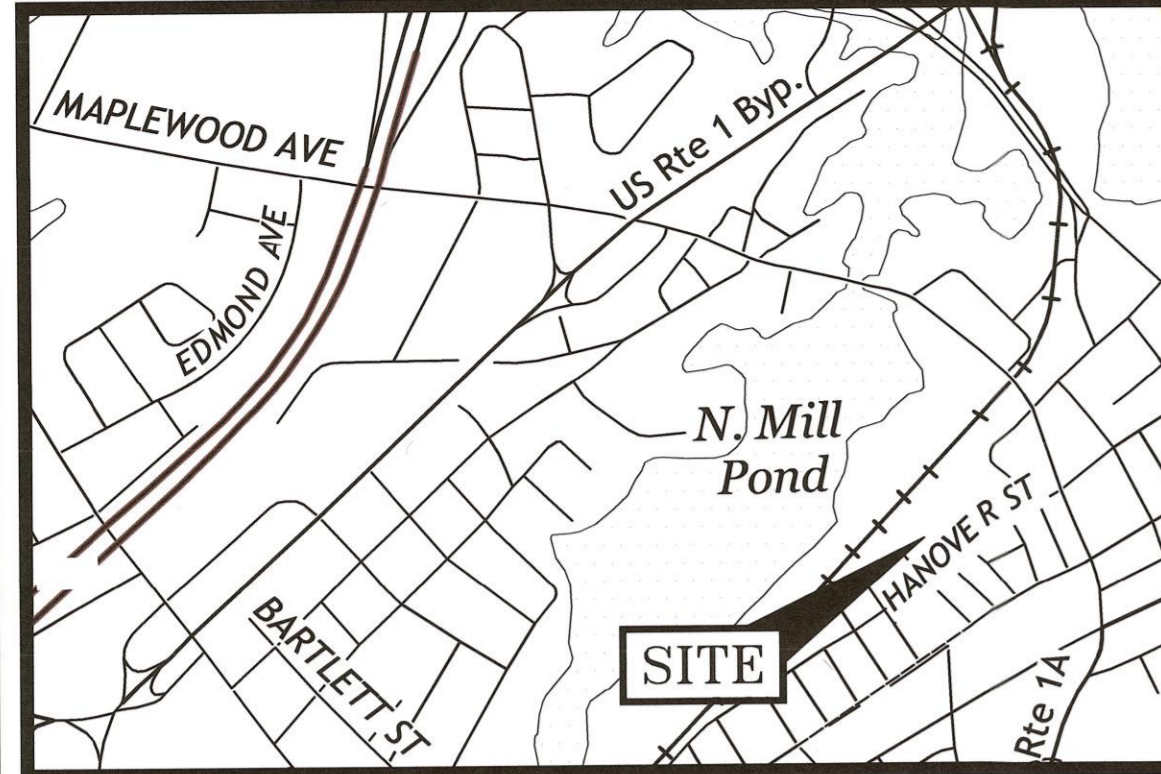
3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.

4) LOT AREA: 38,528 S.F.

5) PARCEL IS LOCATED IN CHARACTER DISTRICT 5 (CD5) AND DOWNTOWN OVERLAY DISTRICT.

6) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED LICENSE AREA ON TAX MAP 138, LOT 60 TO BENEFIT TAX MAP 138, LOT 63 IN PORTSMOUTH, NH.

7) THE LICENSE AGREEMENT BETWEEN THE CITY OF PORTSMOUTH AND 361 HANOVER STEAM FACTORY, LLC WILL REPLACE THE EXISTING PARKING LICENSE AGREEMENT RECORDED AT DEED BOOK 4735 PAGE 2971 AND PROVIDE A PUBLIC AND PRIVATE LANDSCAPING EASEMENT TO 361 HANOVER STEAM FACTORY, LLC.

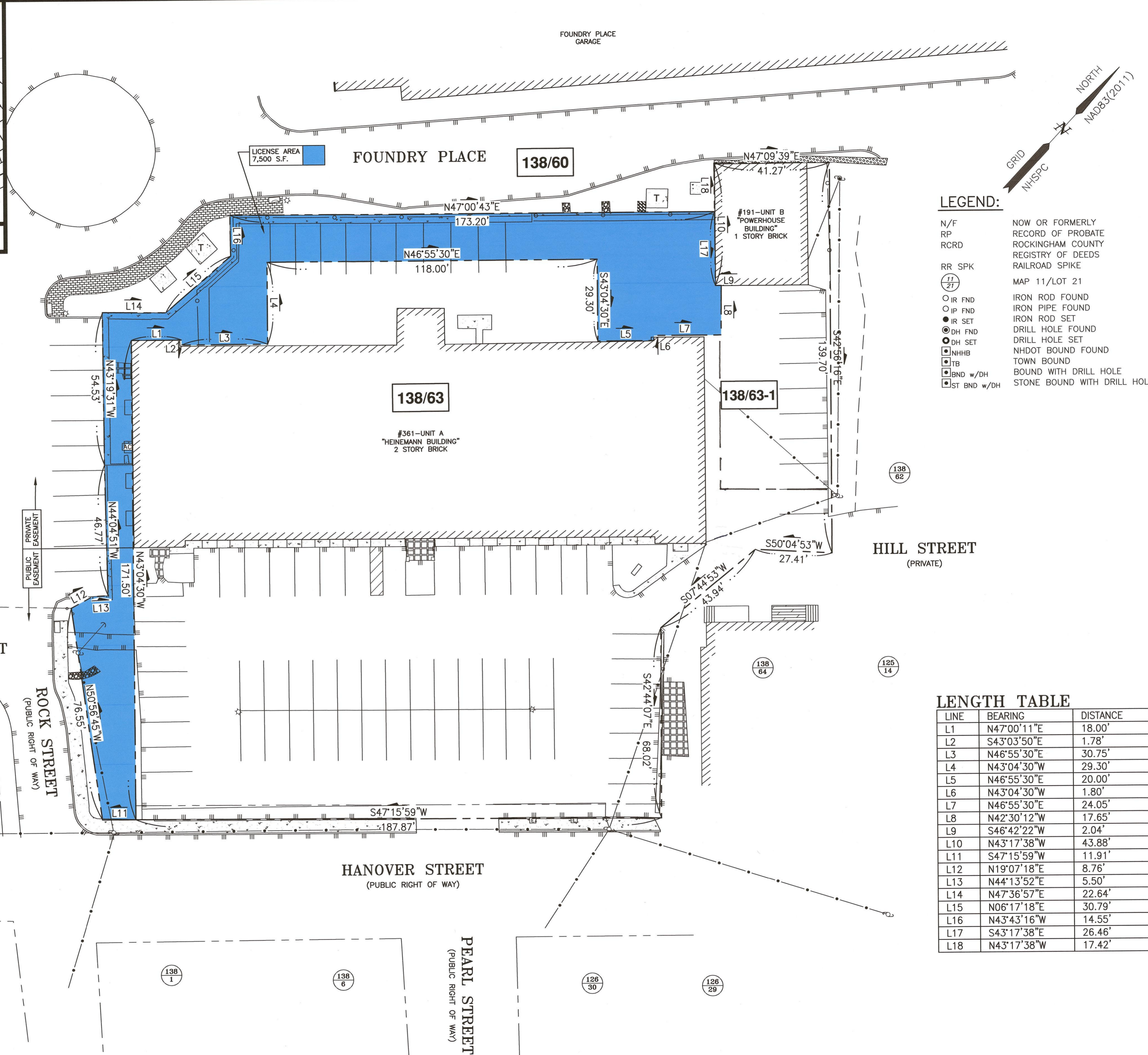


LOCATION MAP

SCALE: 1" = 1000'

PLAN REFERENCES:

- "PLAN OF LAND IN PORTSMOUTH, N.H. PORTSMOUTH MFG & POWER CO. TO FRANKIE BROOKS" BY JOHN W. DURGIN. DA TED FEBRUARY 1918. RCRD PLAN 078.
- "SUBDIVISION OF LAND OF PORTSMOUTH MFG. & POWER CO. PORTSMOUTH, N.H." BY JOHN W. DURGIN. DATED NOVEMBER 1925. RCRD PLAN #368.
- "LAND IN PORTSMOUTH, N.H. PORTS. MFG. & POWER CO. TO HAROLD S. WOODS" BY JOHN W. DURGIN. DATED NOVEMBER 1926. RCRD PLAN #389.
- "CONDOMINIUM SITE PLAN FOR HANOVER PLACE CONDOMINIUM 349 HANOVER STREET COUNTY OF ROCKINGHAM PORTSMOUTH, NH" BY MILLETTE, SPRAGUE & COLWELL, INC. DATED SEPTEMBER 28, 2004 LAST REVISED DECEMBER 20, 2005. RCRD PLAN D-33379.
- "CONSOLIDATION & SUBDIVISION PLAN TAX MAP 125, LOT 17 & TAX MAP 138, LOT 62 DEER STREET ASSOCIATES BRIDGE, DEER & HILL STREETS CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE" BY AMBIT ENGINEERING, INC. DA TED JULY 2015. RCRD PLAN D-39699.
- "KEARSARGE MILLS CONDOMINIUM PLANS" BY KIMBALL CHASE COMPANY, INC. DATED APRIL 15, 1986. RCRD PLAN D-14855.
- "BOUNDARY LINE AGREEMENT PLAN KEARSARGE MILL CONDOMINIUMS PORTSMOUTH, N.H." BY JONES & BEACH ENGINEERS, INC. DATED APRIL 10, 1997 LAST REVISED APRIL 21, 1997. RCRD PLAN D-25421.
- "AMENDED SITE PLAN, KEARSARGE MILL CONDOMINIUMS, 1 HANOVER STREET PORTSMOUTH, NH" BY KIMBALL CHASE CONSULTING ENGINEERS DATED 04-14-06 AND LAST REVISED 02-16-07. RCRD PLAN D-34716.



LEGEND:

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
- RR SPK RAILROAD SPIKE
- (17/21) MAP 11/LOT 21
- IR FND IRON ROD FOUND
- IP FND IRON PIPE FOUND
- IR SET IRON ROD SET
- DH FND DRILL HOLE FOUND
- DH SET DRILL HOLE SET
- NHFB NHDOT BOUND FOUND
- TB TOWN BOUND
- BND w/DH BOUND WITH DRILL HOLE
- JST BND w/DH STONE BOUND WITH DRILL HOLE

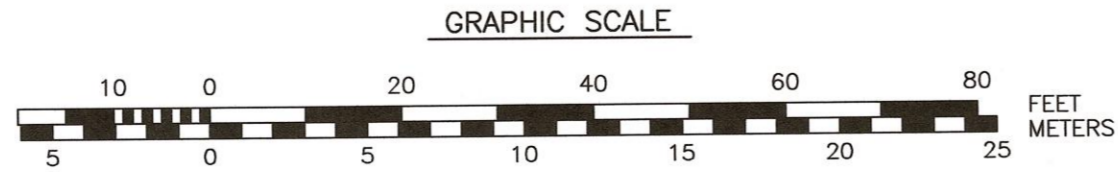
LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N47°00'11"E	18.00'
L2	S43°03'50"E	1.78'
L3	N46°55'30"E	30.75'
L4	N43°04'30"W	29.30'
L5	N46°55'30"E	20.00'
L6	N43°04'30"W	1.80'
L7	N46°55'30"E	24.05'
L8	N42°30'12"W	17.65'
L9	S46°42'22"W	2.04'
L10	N43°17'38"W	43.88'
L11	S47°15'59"W	11.91'
L12	N19°07'18"E	8.76'
L13	N44°13'52"E	5.50'
L14	N47°36'57"E	22.64'
L15	N06°17'18"E	30.79'
L16	N43°43'16"W	14.55'
L17	S43°17'38"E	26.46'
L18	N43°17'38"W	17.42'



"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."
[Signature] 7-3-24
JOHN R. CHAGNON, LLS DATE

APPROVED BY THE PORTSMOUTH PLANNING BOARD



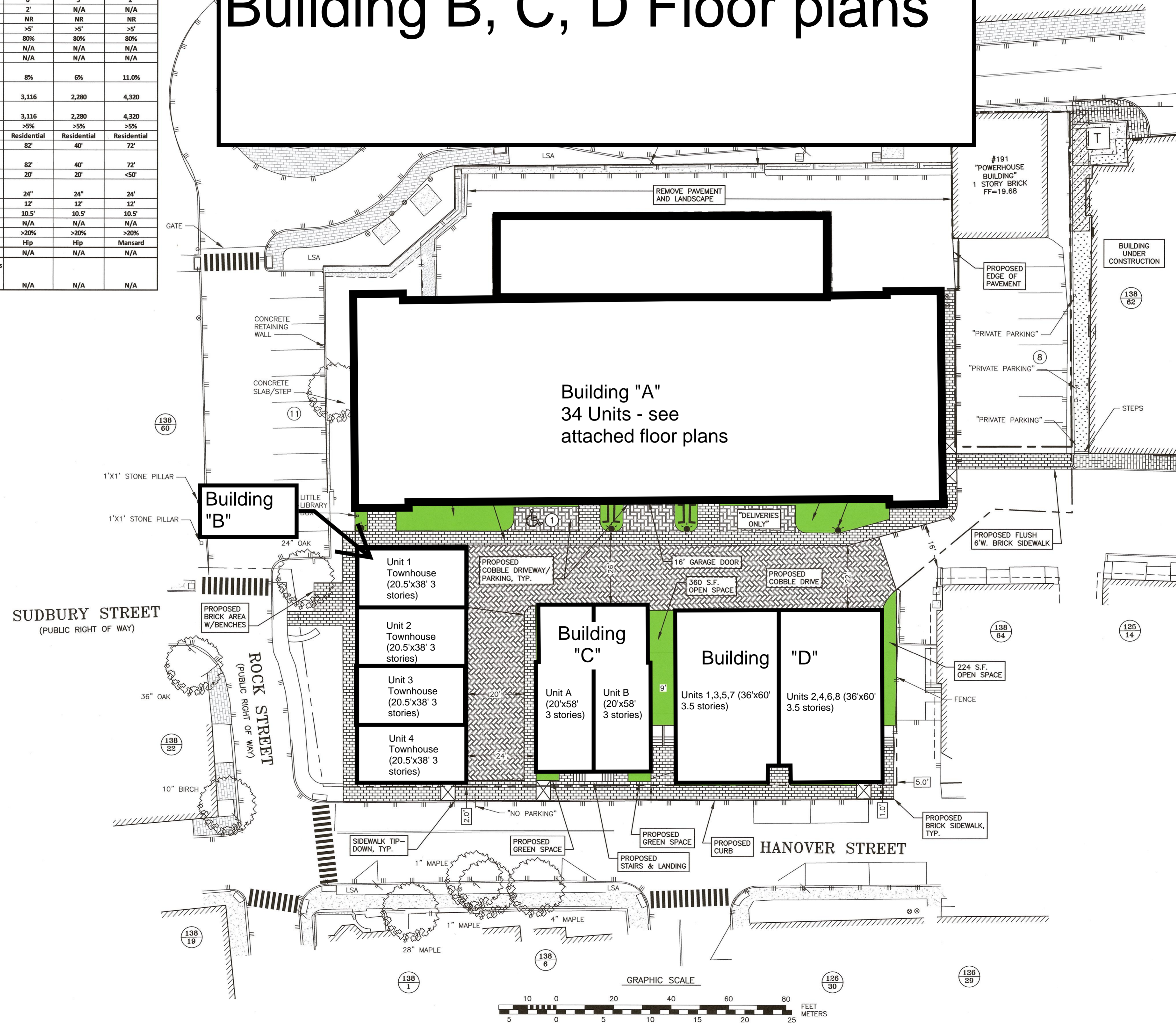
PROPOSED LICENSE AREA PLAN
TAX MAP 138 - LOT 63
CITY OF PORTSMOUTH
TO
361 HANOVER STEAM
FACTORY, LLC
FOUNDY PLACE & ROCK STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

P:\MS\10135-Hampshire_Development\10135-Hampshire_Site_Plan\10135-Hampshire_Site_Plan\10135-Hampshire_Site_Plan.dwg, 7/2/2024 9:40:53 AM, 1/18/2025 10:50:15 AM

ZONING DEVELOPMENT STANDARD - CUP PLAN						
CDS: CHARACTER DISTRICT 5, DOD: DOWNTOWN OVERLAY DISTRICT						
	REQUIRED	EXISTING	PROPOSED - Building A	PROPOSED - Building B	PROPOSED - Building C	PROPOSED - Building D
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Building Types	commercial, live-work, mixed use, flex space & community.	Commercial	Apartment	Rowhouse	Duplex	Apartment
Front (principle) max	5'	99'	99'	0'	5'	2'
Front (secondary) max	NR	0'	0'	2'	N/A	N/A
Side	NR	NR	NR	NR	NR	NR
Rear yard	5'	0'	0'	>5'	>5'	>5'
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LOT area per dwelling	NR	N/A	N/A	N/A	N/A	N/A
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Ground story height, min	12'	10'	10'	12'	12'	12'
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Glazing, other	20%-50%	>20%	>20%	>20%	>20%	>20%
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Shaded Boxes = Zoning Relief Required

ZBA "Preferred Plan" Building B, C, D Floor plans



- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 138 AS LOT 63.
 - APPLICANT:
361 HANOVER STEAM FACTORY, LLC
41 INDUSTRIAL DRIVE UNIT 20
EXETER, N.H. 03833
 - PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. JANUARY 29 2021.
- PROPOSED LOT AREAS:
LOT 138/63
38,528 S.F.±
0.8845 AC

LOT 138/63-1
4,717 S.F.
0.1083 AC
- PARCEL IS LOCATED IN CHARACTER DISTRICT 5 (CD5), NORTH END INCENTIVE OVERLAY, AND DOWNTOWN OVERLAY DISTRICT.
- DIMENSIONAL REQUIREMENTS:**
*SEE PORTSMOUTH ZONING ORDINANCE AND TABLE.
- MINIMUM LOT AREA: NR
SETBACKS:
FRONT: 5 FEET (MAXIMUM)
SIDE: NR
REAR: 5 FEET
MAXIMUM BUILDING COVERAGE: 95%
MINIMUM OPEN SPACE: 5%
- THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED SITE DEVELOPMENT ON ASSESSOR'S MAP 138 LOT 63.
 - VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - PROPOSED USE: 48 RESIDENTIAL DWELLING UNITS

SITE REDEVELOPMENT 361 HANOVER STREET PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
1	REVISED LAYOUT	7/3/24
0	ISSUED FOR COMMENT	6/12/24



SCALE: 1"=20' JANUARY 2024

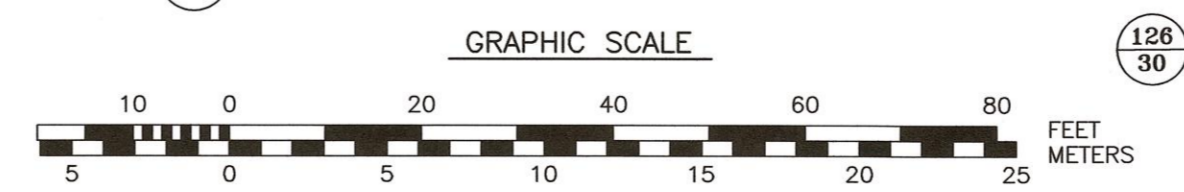
SITE PLAN **C3**

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 OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.

APPROVED BY THE PORTSMOUTH PLANNING BOARD

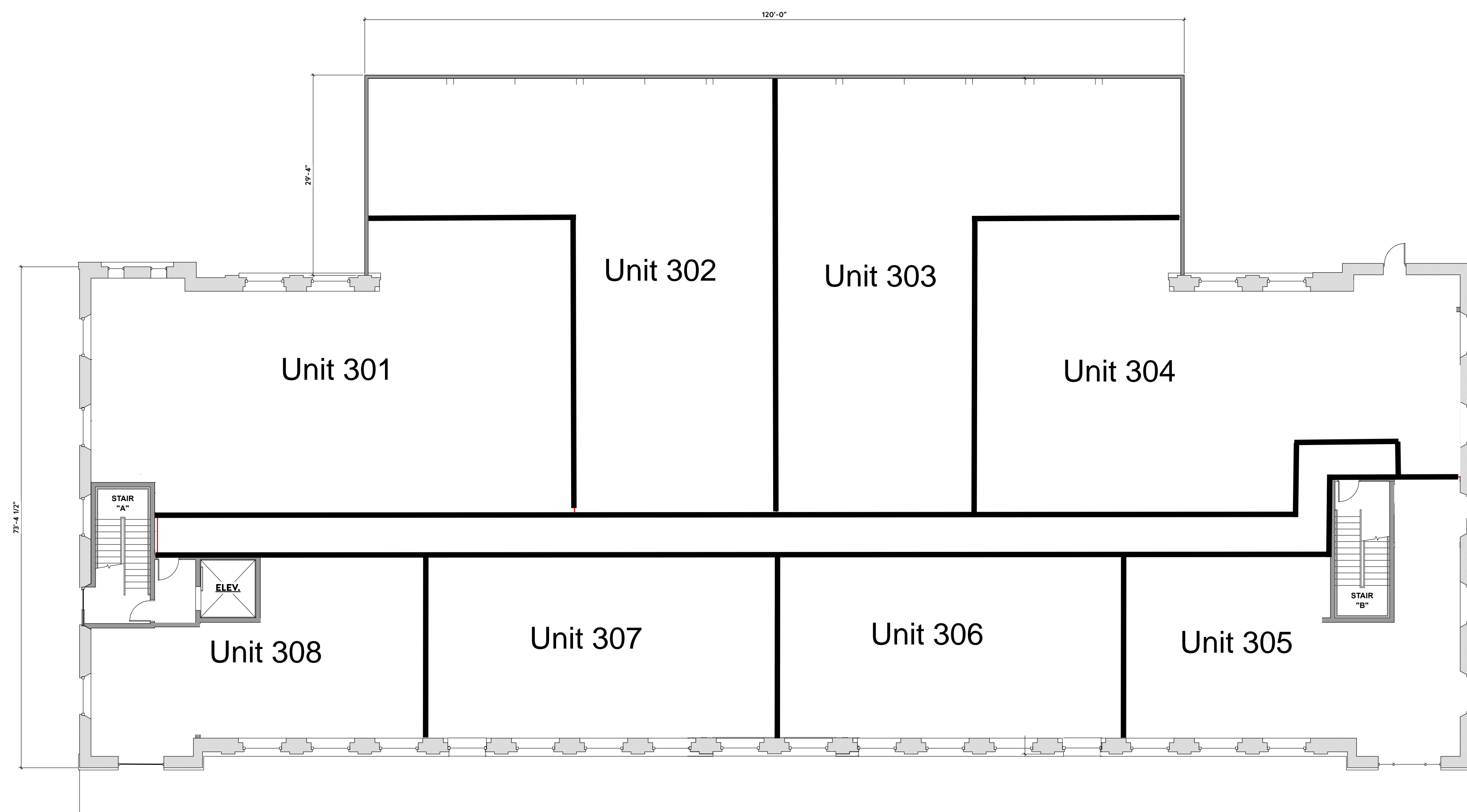
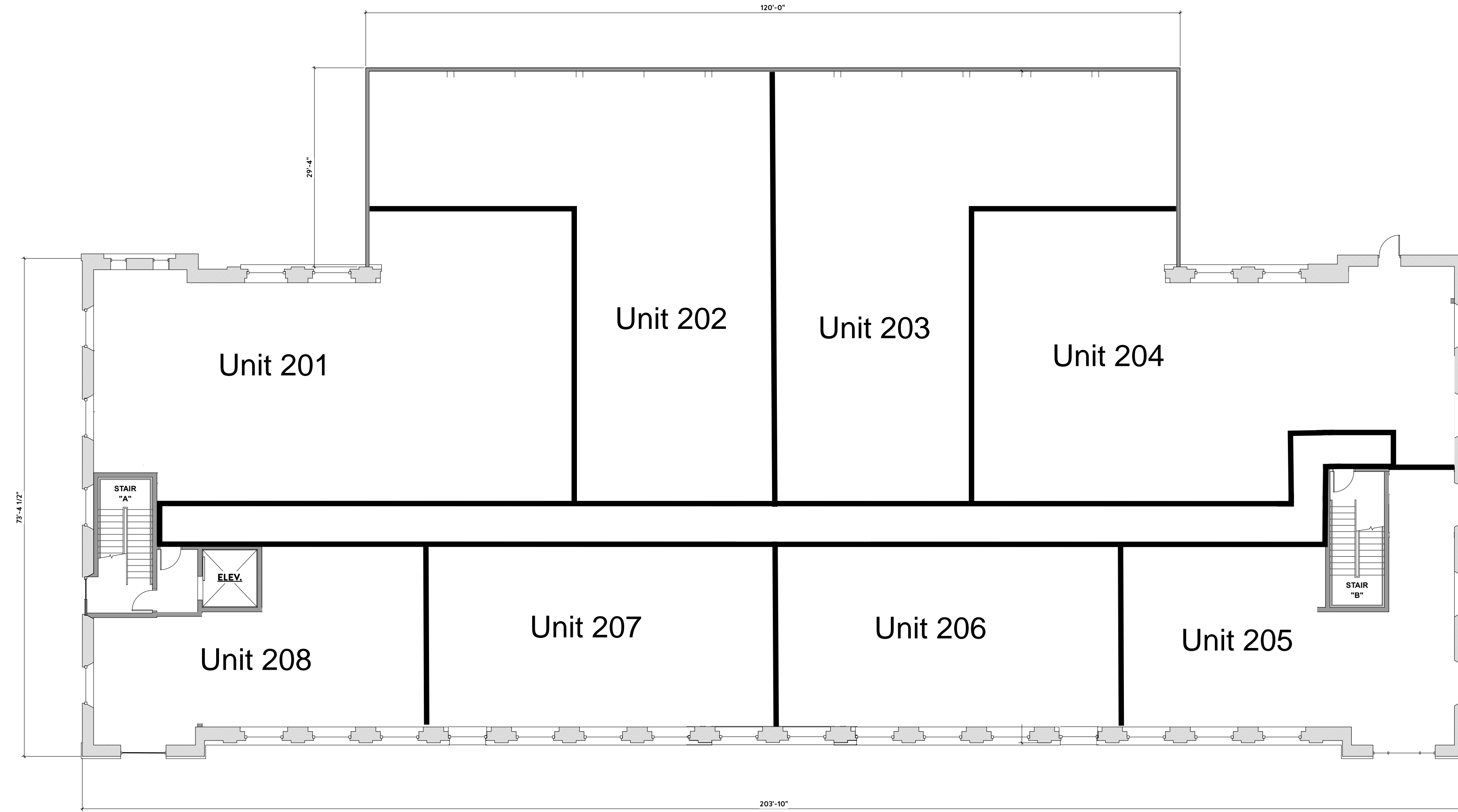
CHAIRMAN _____ DATE _____



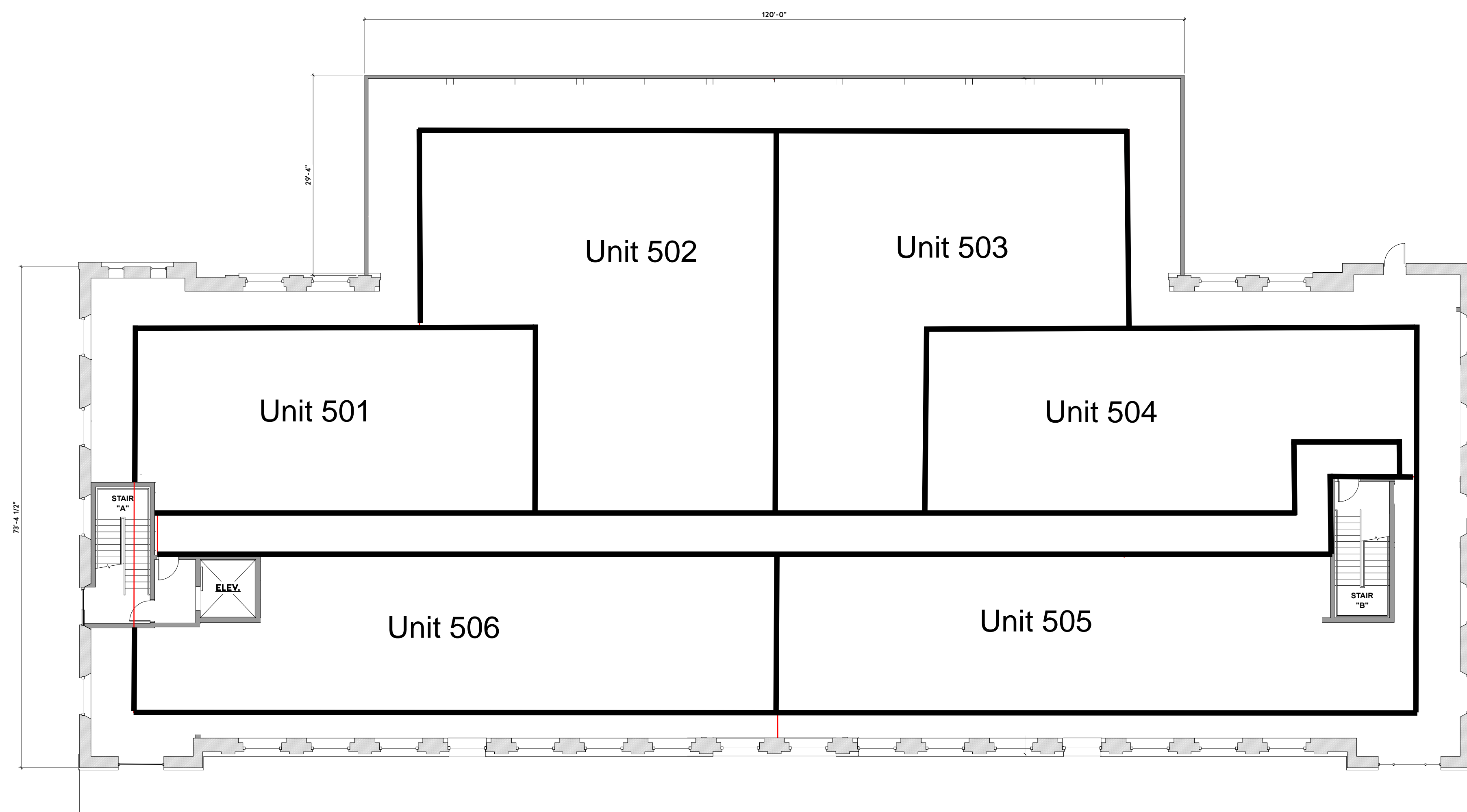
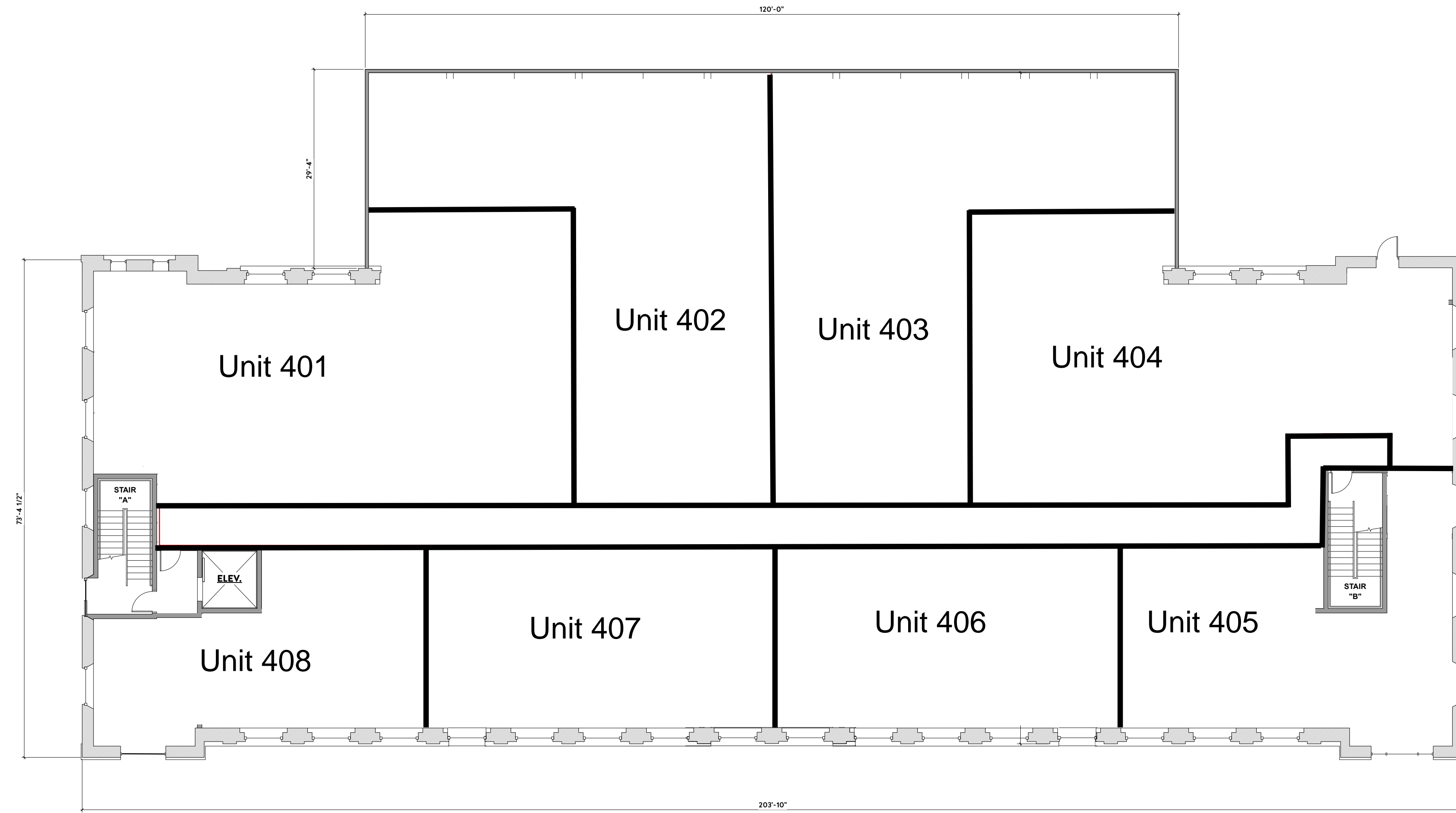
P:\NH\5010135-Hampshire Development\037701-Hanover St., Portsmouth-RCON 28771-2024 Site Plan Plans & Specs\Sites\287701 Site Option B.dwg, 7/3/2024 7:51:44 AM, Portsmouth Plotted, Canon TX3000.pc3

Building "A" Floorplans

2nd Floor & 3rd Floor (Typical)



4th Floor (Typical) & Penthouse



III. OLD BUSINESS

- B. The request of **PNF Trust of 2013 (Owners)** of property located at 84 Pleasant Street and 266, 270, 278 State Street to rehear the denied Variances from the November 19, 2024 BOA meeting

Planning Department Comments

The applicant is requesting a partial rehearing for the variances that were denied at the November 19, 2024 Board of Adjustment meeting. It is the Boards responsibility to review the request as submitted and determine if the rehearing should be granted or denied. See rule VI. 5 from the BOA Rules and Regulations below.

5. Granting a request for a rehearing of a Variance or Special Exception requires a majority vote of members present and voting or in the case of a tie vote three (3) affirmative votes shall be required.

If a rehearing is granted, the rehearing will be scheduled for the next available BOA meeting and notices will be sent.

The past application can be referenced in November 19, 2024 meeting packet found at the following link: [https://files.cityofportsmouth.com/agendas/2024/BOA/11-19-2024%20Meeting/11-19-2024 BOA Packet.pdf](https://files.cityofportsmouth.com/agendas/2024/BOA/11-19-2024%20Meeting/11-19-2024%20BOA%20Packet.pdf)



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

LIZABETH M. MACDONALD
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
SHARON CUDDY SOMERS
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
HEIDI J. BARRETT-KITCHEN
ERIC A. MAHER
CHRISTOPHER D. HAWKINS
JOHN K. BOSEN
CHRISTOPHER P. MULLIGAN
ELAINA L. HOEPPNER
WILLIAM K. WARREN
BRIANA L. MATUSZKO
BRANDON A. LATHAM

OF COUNSEL
MOLLY C. FERRARA

RETIRED
MICHAEL J. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
JOHN J. RATIGAN
DENISE A. POULOS
NICHOLAS R. AESCHLIMAN

November 21, 2023

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

***RE: 266-278 State Street & 84 Pleasant Street
REQUEST FOR PARTIAL REHEARING***

Dear Ms. Eldredge:

On behalf of the applicant, PNF Trust of 2013, the foregoing is a formal request that the Board of Adjustment grant a rehearing with respect to its decision of November 19, 2024 to deny our application for a variance from Section 10.5A21B.

As presented and advertised, the applicant requested relief for gross building height of 55 feet. This was the upper bound needed to accommodate the proposed penthouse shown on the submitted plans. The Board denied the height variance for the penthouse, but otherwise granted the five other requested variances required for the larger underlying project. Unfortunately, and through no fault of the Board, the proposed building heights on the Pleasant and Church Street corners of State Street also exceed the 45 foot maximum height set forth in Map 10.5A21B. The discussion amongst the Board made clear that the height of the penthouse was the objectionable feature and that, otherwise, the proposed project met all the criteria for the requested variances.

Submitted herewith are BOA.3 elevations with the penthouse, and without. As can be seen, the recreated Times Building as proposed will be 51 feet in height, and the portion of the building at the corner of State and Pleasant Street will be 49'11". Accordingly, relief from 10.5A21B is required for these elevations. As the requested relief from that section was denied due to the penthouse, a strict reading of the ordinance and the Board's decision would not permit these heights. In order to avoid burdening the Board with additional variance applications and to provide certainty for this complex project moving forward, rehearing is appropriate to grant relief from 10.5A21B.

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

I. Standard of Relief.

“Within 30 days after any order or decision of the zoning board of adjustment . . . any party . . . may apply for a rehearing . . . specifying in the motion for rehearing the ground therefor; and the board of adjustment . . . may grant such rehearing if in its opinion good reason therefor is stated in the motion.” RSA 677:2.

The Board of Adjustment has the inherent authority to grant less relief than an applicant seeks and we respectfully submit that, in this case, that is precisely what the Board intended to do. Accordingly, and with apologies to the Board, good cause for rehearing exists, so that the Board may grant the applicant a variance from 10.5A21B to permit a height of 51 feet where 55 feet was originally requested and 45 feet is the maximum allowed.

Thank you for your consideration.

Sincerely,

Christopher P. Mulligan

Christopher P. Mulligan

CPM/

Enclosures

mjk

Michael J. Keane
Architects, PLLC

ARCHITECTURE
PLANNING
DESIGN

101 Kent Place
Newmarket, NH
03857

603-292-1400
mjkarchitects.com

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CONSULTANTS

REVISIONS

APPROVALS

BOA - 10/22/24

Accept only original stamp and signature
copies may contain unauthorized modifications

PROJECT

RESTORATION AND EXPANSION OF
266, 270 278 STATE STREET
AND 84 PLEASANT ST,
PORTSMOUTH NH

PNF TRUST OF 2013
282 MIDDLE STREET
PORTSMOUTH, NH
03801

TITLE

STATE STREET ELEVATION

DRAWN BY:

CHECKED BY:

DATE: 11/21/2024

SCALE: AS NOTED

DRAWING NO.

BOA.3

DO NOT SCALE PRINTS

ELEVATOR OVERRIDE
EXCLUDED FROM HEIGHT
BY ZONING 10.517.30 AND
BY "PENTHOUSE" DEFINITION

TOP OF MECH SCREEN
48" MAX -EXEMPT FROM
BUILDING HEIGHT
DEFINITION (c)

TOP OF PARAPET
48" MAX -EXEMPT FROM
BUILDING HEIGHT
DEFINITION (c)

TOP OF WALL

TOP OF FLAT ROOF

11'-0"

11'-1"

11'-1"

11'-1"

16'-9"

49'-11"

11'-1"

16'-9"

51'-0"

FLOROS BUILDING

STATE STREET ELEVATION

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



STATE STREET ELEVATION
SCALE: 1/4" = 1'-0"

mjk
Michael J. Keane
Architects, PLLC
ARCHITECTURE
PLANNING
DESIGN
101 Kent Place
Newmarket, NH
03857
603-292-1400
mjkarchitects.com

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CONSULTANTS

REVISIONS

APPROVALS

BOA - 10/22/24

Accept: only original stamp and signature; copies may contain unauthorized modifications

PROJECT
RESTORATION AND EXPANSION OF
266, 270-278 STATE STREET
AND 84 PLEASANT ST,
PORTSMOUTH NH
PNF TRUST OF 2013
282 MIDDLE STREET
PORTSMOUTH, NH
03801

TITLE
STATE STREET ELEVATION

DRAWN BY:
CHECKED BY:
DATE: 10/22/2024
SCALE: AS NOTED
DRAWING NO.

DO NOT SCALE PRINTS

BOA.3

IV. NEW BUSINESS

A. The request of **Patrick and Wendy Quinn (Owners)**, for property located at **124 Melbourne Street** whereas relief is needed to construct dormers onto the existing structure which requires the following: 1) Variance from Section 10.521 to allow a) 15 foot front yard where 30 feet is required; b) 20 foot secondary front yard where 30 feet is required; c) 7 foot left side yard where 10 feet is required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 233 Lot 55 and lies within the Single Residence Business (SRB) District. (LU-24-202)

Existing & Proposed Conditions

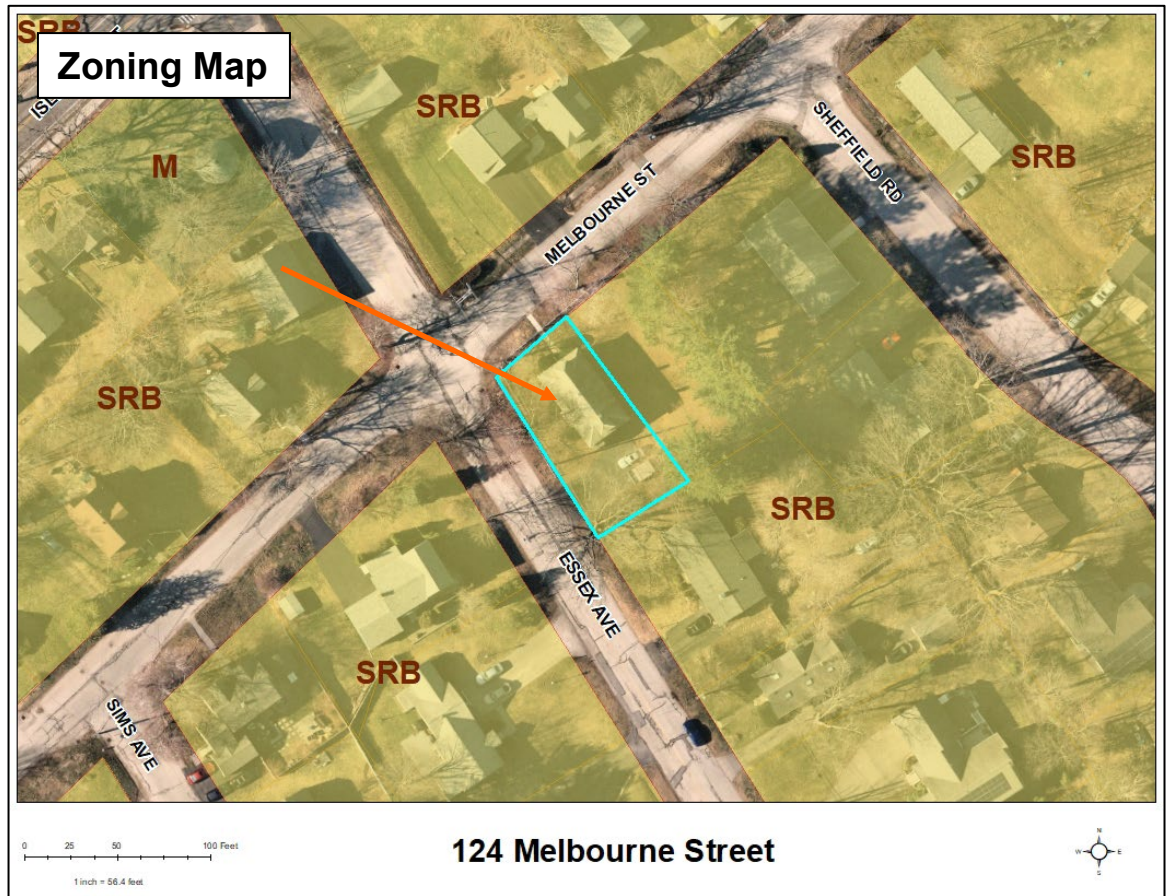
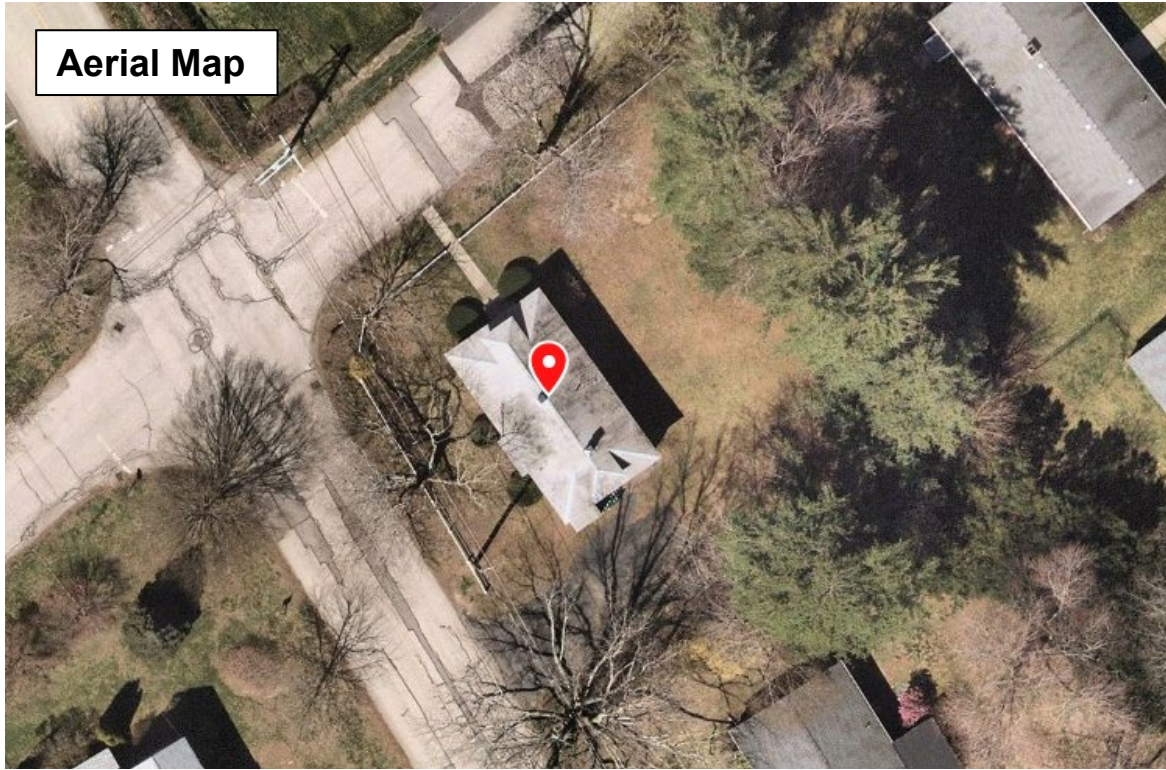
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family residence	*Add dormers to existing structure	Primarily residential
<u>Lot area (sq. ft.):</u>	5,570	5,570	15,000 min.
<u>Primary Front Yard (Melbourne St)(ft)</u>	15	15	30
<u>Secondary Front Yard (Essex Ave)(ft.):</u>	20	20	30 min.
<u>Rear Yard (ft.):</u>	37	37	30 min.
<u>Left Yard (ft.):</u>	7	7	10 min.
<u>Height (ft.):</u>	24	24	35 max.
<u>Building Coverage (%):</u>	21	21	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking:</u>	3	3	2 min.
<u>Estimated Age of Structure:</u>	1890	Variance request(s) shown in red.	

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

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

No previous history found.

Planning Department Comments

The applicant is requesting relief to add dormers to the existing primary structure which will impact the primary, secondary, and left side yard of the property on the second floor. The proposal does not include any expansion to the existing footprint of the home. A vertical expansion in the required yard areas is considered an intensification and expansion of the non-conformity and therefore requires the requested relief.

Variance Review Criteria

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

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*

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

AND

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

OR

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

10.235 Certain Representations Deemed Conditions

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

APPLICATION OF PATRICK and WENDY QUINN
124 Melbourne Street
Map 233, Lot 55

APPLICANT'S NARRATIVE

I. THE PROPERTY:

The applicants, Patrick and Wendy Quinn, are the owners of the single-family dwelling located at 124 Melbourne Street. According to city tax records, the dwelling dates to 1890 and is substandard by modern standards. It has only a modest 928 square feet of living space on the first floor, with an unfinished attic. It has two bedrooms and one bathroom. The home is in need of significant upgrades to its kitchen, bathroom and mechanical systems. Nevertheless, the applicants believe the existing bungalow-style home is architecturally appealing and they endeavor to preserve it. In order to do so and make the dwelling more habitable for a modern family, they propose dormer additions to the existing dwelling within the existing footprint on the eastern and western sides of the home. This will create a full second floor of living space.

The property is in the SRB zoning district and the existing dwelling's footprint is non-conforming as to primary front yard setback, secondary front yard setback and left side yard setback.¹ Accordingly, in order to proceed with the proposed dormers, the applicant is requesting relief from Section 10.521 as follows:

Front yard setback of 15 feet where thirty is required;
Secondary front yard setback of 20 feet where thirty is required; and
Left side yard set back of 7 feet where ten feet is required.

The relief requested is based on the existing encroachments into the setbacks, no increase in those encroachments is proposed. It should be noted that, although the existing footprint encroaches into the front yard setbacks based on the property's boundaries, the paved right of way on Melbourne Street and Essex Avenue stops short of those boundaries, so in practical terms, the effective front yards measured from the building to the pavement would be much closer to compliance.

II. CRITERIA:

The applicants believe the within Application meets the criteria necessary for the Board to grant the requested variances.

A. Granting the requested variance will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The "public interest" and "spirit and intent" requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not

¹ Under current zoning, this lot is also deficient as to frontage, building coverage, minimum lot size, and lot area per dwelling.

granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

In this case, were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would the public health, safety or welfare be threatened. The proposal is an expansion of the existing single-family dwelling on this property and is entirely appropriate and consistent with the existing residential neighborhood in which it sits. The existing building footprint already encroaches into the setbacks and the proposal will not increase the encroachment, just add height and volume to it. Thus, the essentially residential character of the neighborhood will not be altered. A larger, more livable single-family dwelling, which will feature modern, code-compliant construction, will not threaten the health, safety and welfare of the public in any manner.

B. Substantial justice would be done by granting the variance. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property. A vertical expansion of an existing, non-conforming dwelling, especially a dwelling as small as this one, without increasing the setback encroachments, is entirely reasonable in the context of a significant renovation project.

In this case, there is no benefit to the public in denying the variances that is not outweighed by the hardship upon the owner.

C. The values of surrounding properties will not be diminished by granting the variance. A newly constructed, fully code-compliant addition to the existing home will significantly increase its value, as well as property values in the neighborhood. The values of the surrounding properties will not be negatively affected in any way by the relief requested. To the contrary, values would be enhanced if this project were to be approved.

D. There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The property is a corner lot which is required to maintain thirty foot front yard setbacks on both the Melbourne Street and Essex Avenue elevations, which squeezes its building envelope. It has less than the currently required lot area and frontage, and already encroaches into the setbacks for which relief is here requested. These are special conditions that distinguish the property from others in the area.

The use is a reasonable use. The proposed dormers are an expansion of the existing residential use which is permitted in this zone and is identical in character and

consistent with the existing use of the adjacent and abutting properties. If the use is permitted, it is deemed reasonable (Vigeant v. Hudson, 151 NH 747 (2005)).

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The purpose of the setback requirements is to assure that there is adequate light, air, and access to properties and to prevent unhealthy overcrowding. None of those purposes are frustrated with this proposal. The proposed dormers will comply with the height requirement and will not encroach into the setbacks any more than the existing home does.

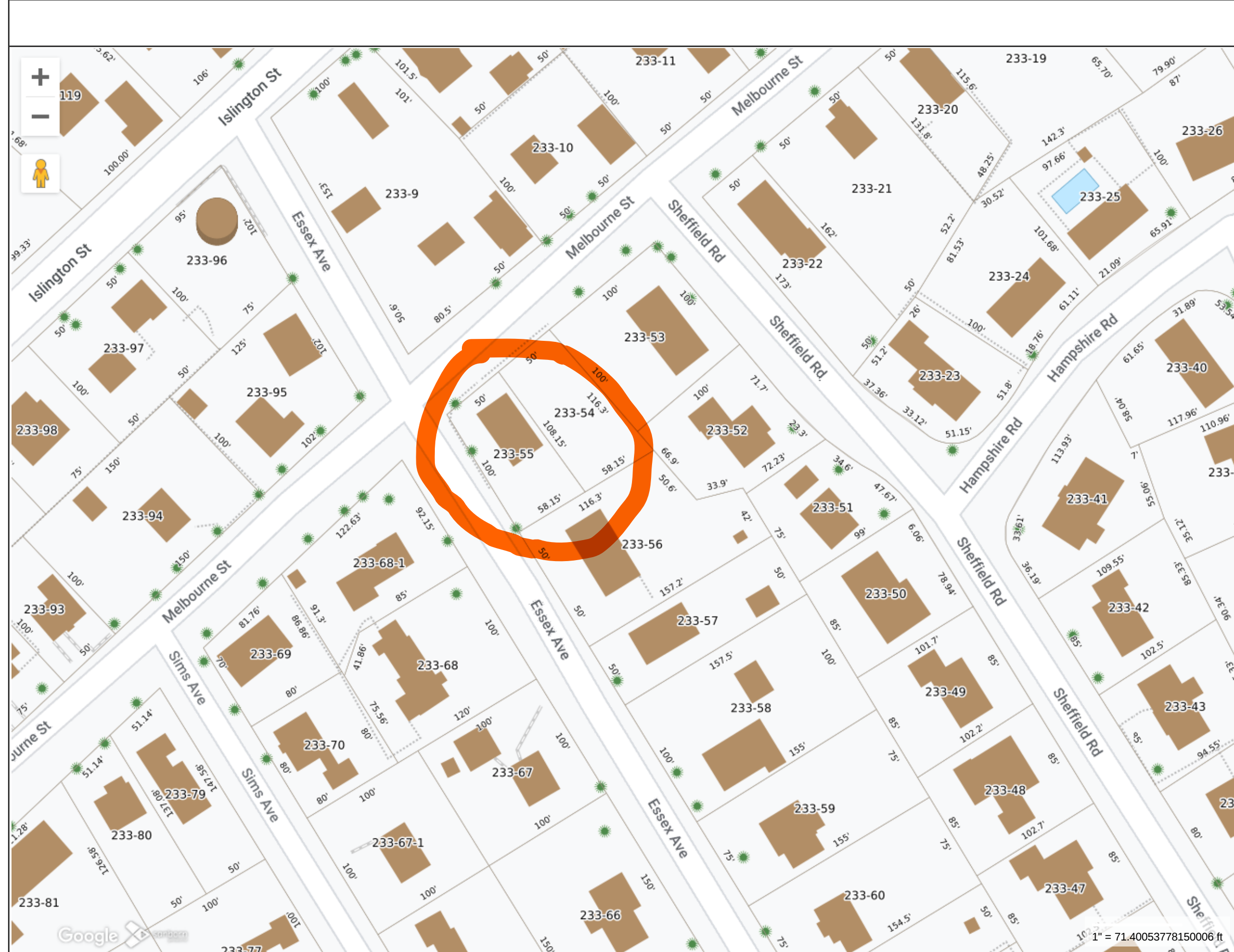
III. Conclusion.

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

Respectfully submitted,

Dated: 11-14-2024

By: *Christopher P. Mulligan*
Christopher P. Mulligan, Esquire



Property Information
Property ID 0126-0018-0000
Location 481 STATE ST
Owner NELSON ROBERT B



**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 09/26/2024

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

Rear



Essex Street

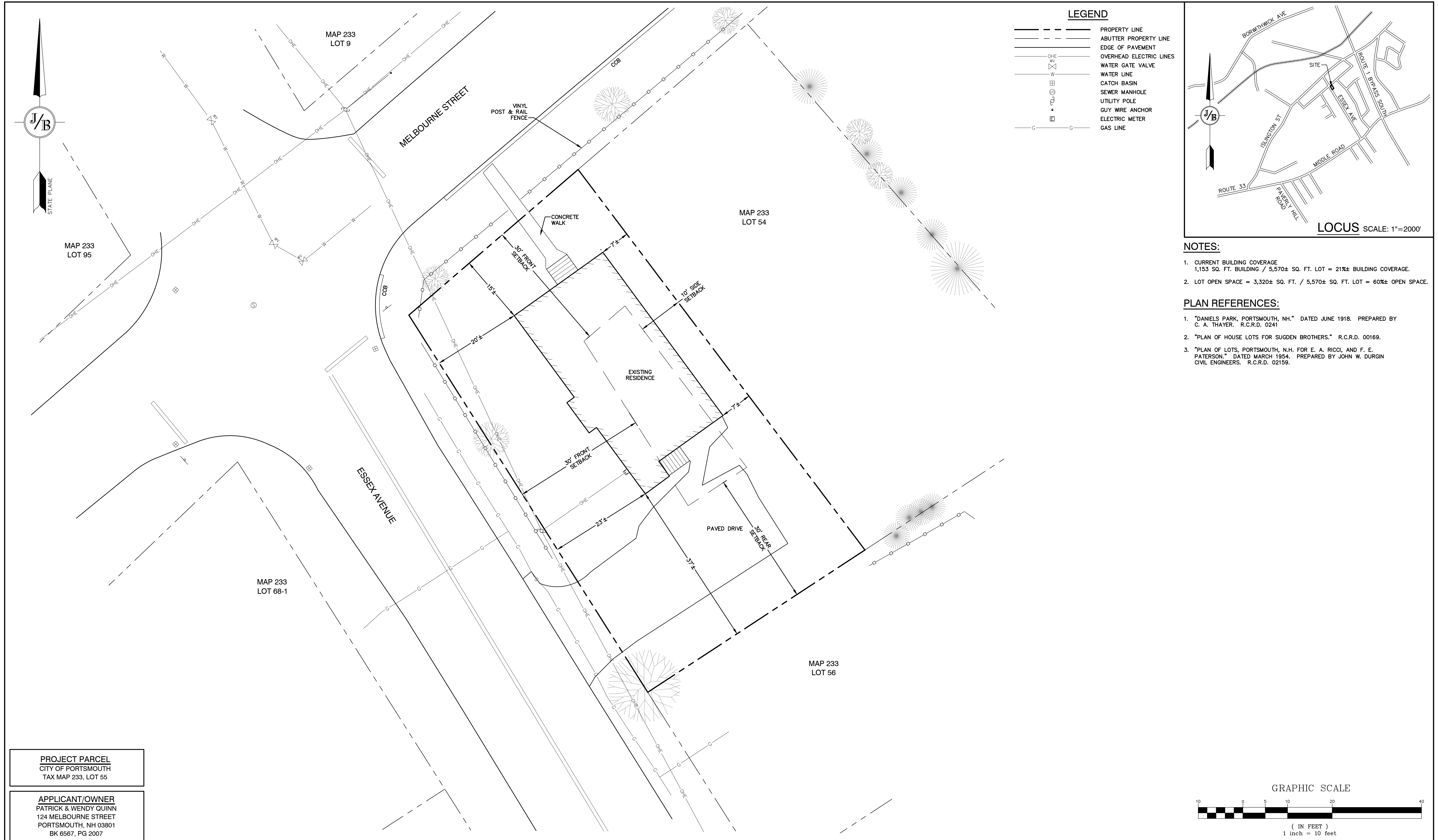


left side yard



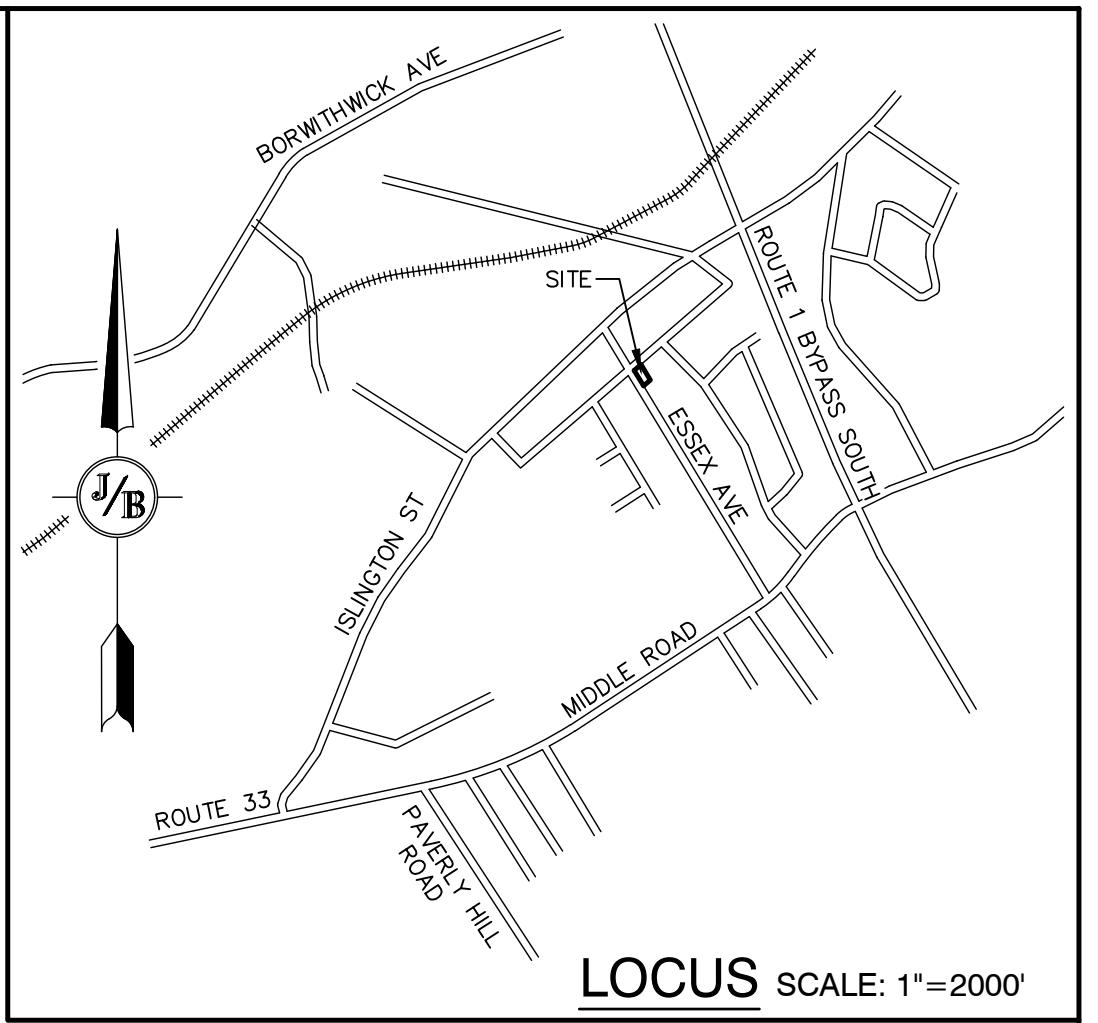
Melbourne Street





LEGEND

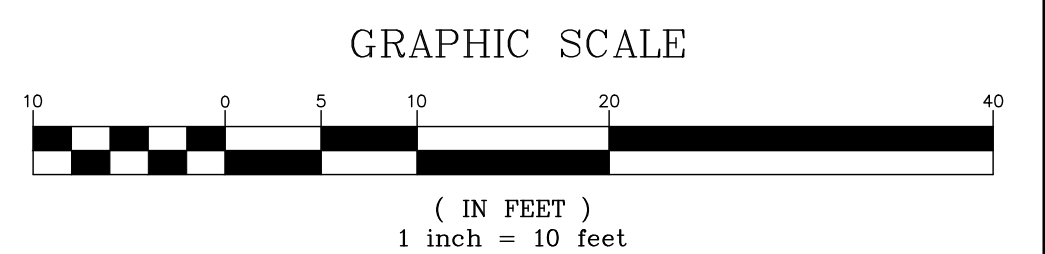
---	PROPERTY LINE
- - -	ABUTTER PROPERTY LINE
---	EDGE OF PAVEMENT
---	OVERHEAD ELECTRIC LINES
---	WATER GATE VALVE
---	WATER LINE
---	CATCH BASIN
---	SEWER MANHOLE
---	UTILITY POLE
---	GUY WIRE ANCHOR
---	ELECTRIC METER
---	GAS LINE



- NOTES:**
- CURRENT BUILDING COVERAGE
1,153 SQ. FT. BUILDING / 5,570± SQ. FT. LOT = 21%± BUILDING COVERAGE.
 - LOT OPEN SPACE = 3,320± SQ. FT. / 5,570± SQ. FT. LOT = 60%± OPEN SPACE.
- PLAN REFERENCES:**
- "DANIELS PARK, PORTSMOUTH, NH." DATED JUNE 1918. PREPARED BY C. A. THAYER. R.C.R.D. 0241
 - "PLAN OF HOUSE LOTS FOR SUGDEN BROTHERS." R.C.R.D. 00169.
 - "PLAN OF LOTS, PORTSMOUTH, N.H. FOR E. A. RICCI, AND F. E. PATERSON." DATED MARCH 1954. PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS. R.C.R.D. 02159.

PROJECT PARCEL
CITY OF PORTSMOUTH
TAX MAP 233, LOT 55

APPLICANT/OWNER
PATRICK & WENDY QUINN
124 MELBOURNE STREET
PORTSMOUTH, NH 03801
BK 6567, PG 2007



Design: WGM	Draft: MJS	Date: 10/15/24
Checked: WGM	Scale: 1" = 10'	Project No.: 24107
Drawing Name: 21047-PLAN.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

REV.	DATE	REVISION	BY
1	11/14/24	ADDED BUILDING SETBACK LINES	MJS
0	10/15/24	ISSUED FOR REVIEW	MJS

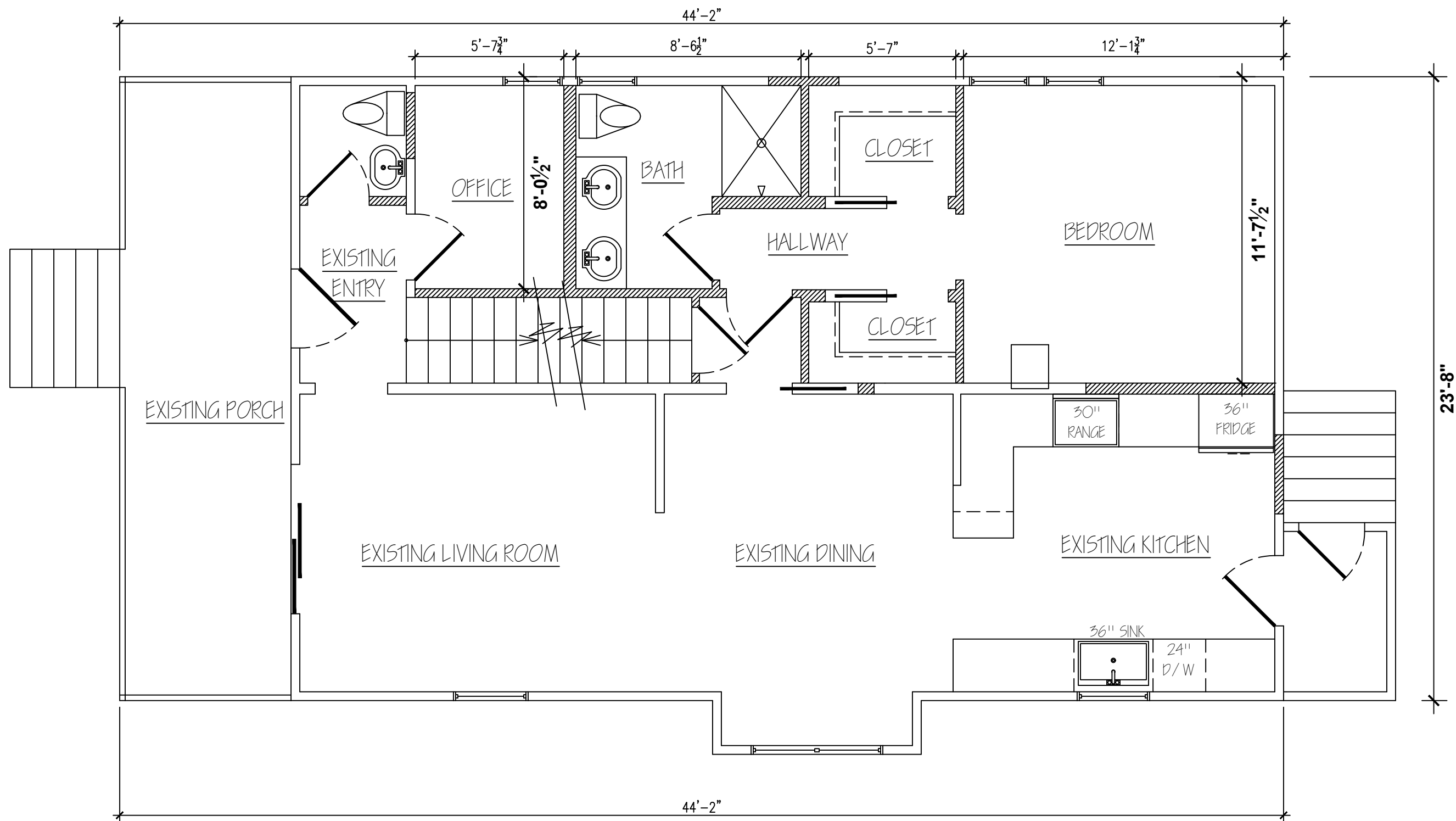
Designed and Produced in NH

J/B Jones & Beach Engineers, Inc.

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

Plan Name:	EXISTING CONDITIONS PLAN
Project:	TAX MAP 233 LOT 55 124 MELBOURNE STREET
Owner of Record:	PATRICK & WENDY QUINN 124 MELBOURNE STREET, PORTSMOUTH, NH 03801

DRAWING No.
C1
SHEET X OF X
JBE PROJECT NO. 24107



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

LEGEND
 [Hatched Box] NEW CONSTRUCTION
 [Solid Box] EXISTING TO REMAIN

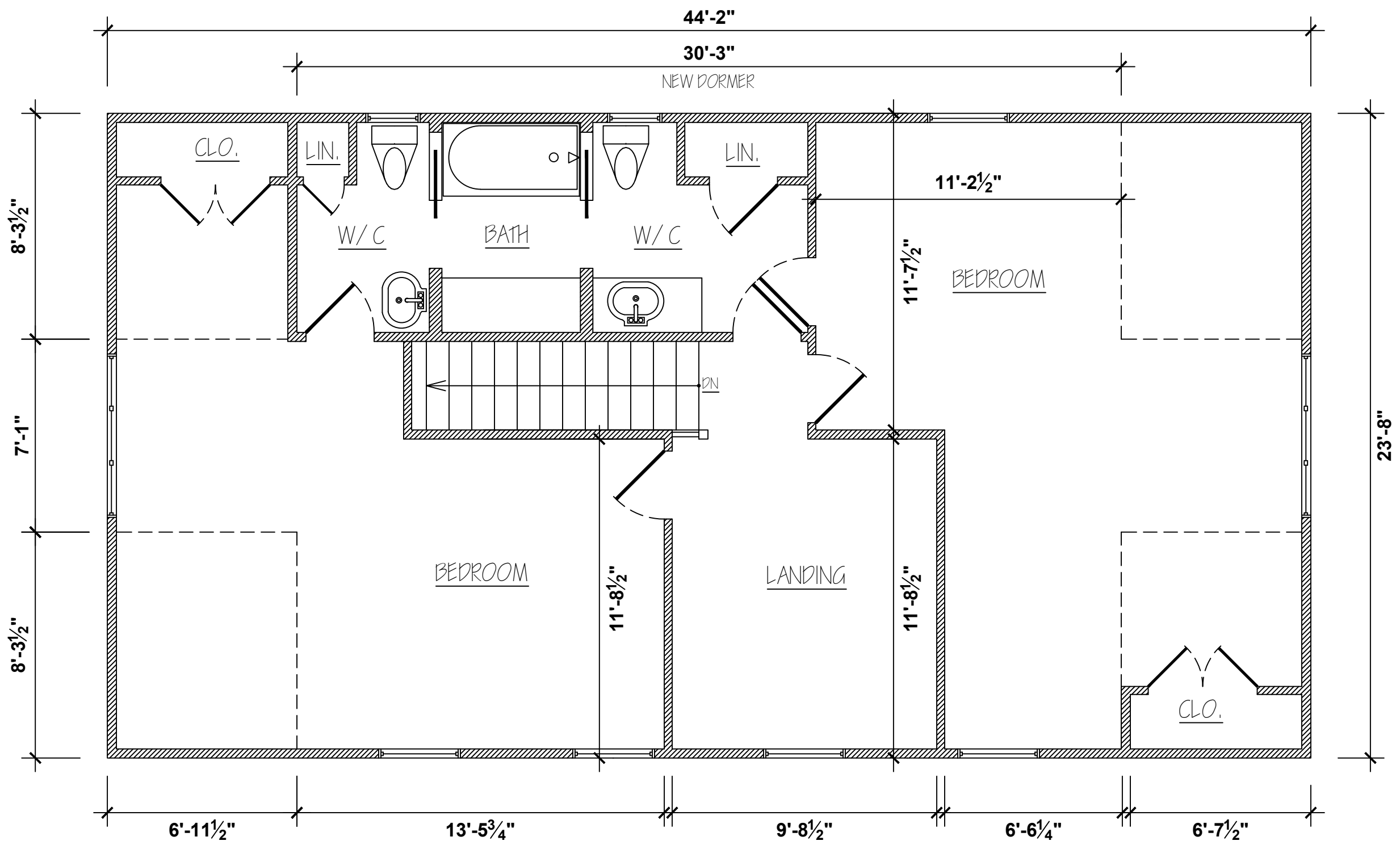
RANDALL DESIGN
 architectural drafting & design
 150 morrells mill rd. * n. berwick, me. 03906
 207-651-6844 drandall@randalldesignme.com

124 MELBURN STREET
 PORTSMOUTH, NH

NOV 12, 2024

1ST FLOOR PLAN

A1



PROPOSED 2ND FLOOR PLAN
 SCALE: 1/4" = 1'-0"

LEGEND
 [Hatched Box] NEW CONSTRUCTION
 [Solid Box] EXISTING TO REMAIN

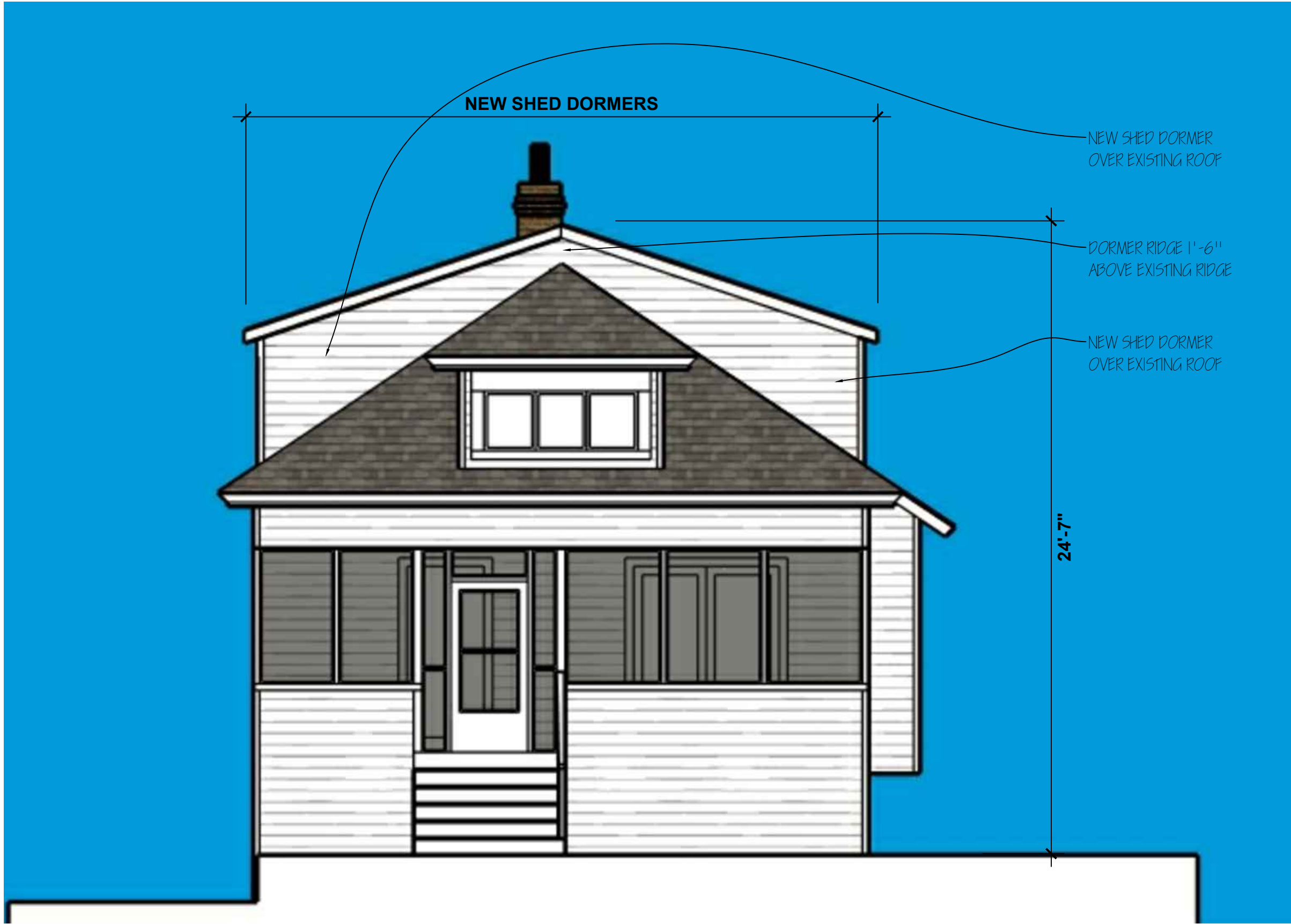
RANDALL DESIGN
 architectural drafting & design
 150 morrells mill rd. * n. berwick, me. 03906
 207-651-6844 drandall@randalldesignme.com

124 MELBURN STREET
 PORTSMOUTH, NH

NOV 12, 2024

2ND FLOOR PLAN





RANDALL DESIGN
architectural drafting & design
150 morrells mill rd. * n. berwick, me. 03906
207-651-6844 drandall@randalldesignme.com

124 MELBURN STREET
PORTSMOUTH, NH

NOV 12, 2024

FRONT
ELEVATION

A3



NEW SHED DORMER

24'-7"

RANDALL DESIGN
architectural drafting & design
150 morrells mill rd. * n. berwick, me. 03906
207-651-6844 drandall@randalldesignme.com

124 MELBURN STREET
PORTSMOUTH, NH

NOV 12, 2024

RIGHT
ELEVATION

A4



NEW SHED DORMER

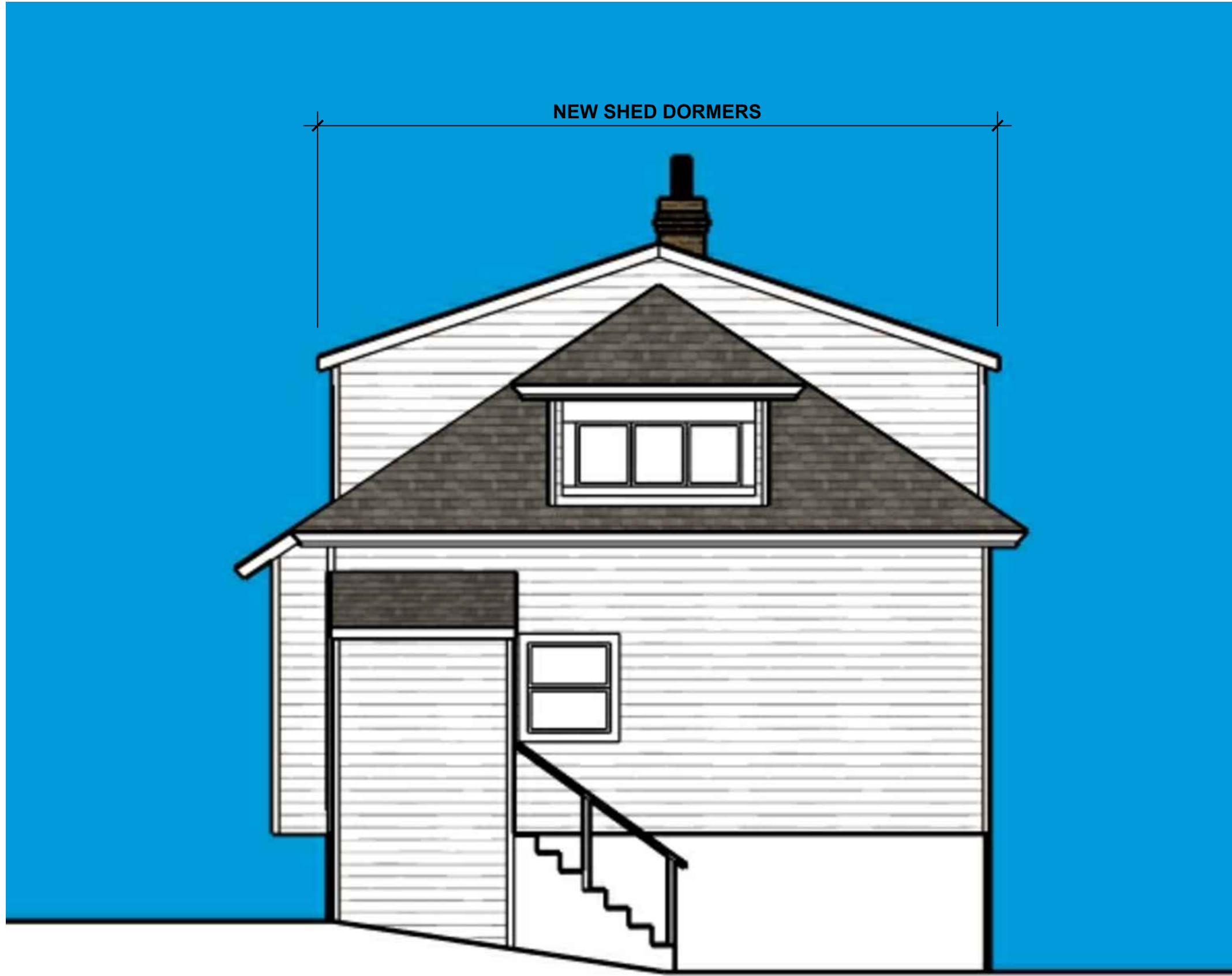
RANDALL DESIGN
architectural drafting & design
150 morrells mill rd. * n. berwick, me. 03906
207-651-6844 drandall@randalldesignme.com

124 MELBURN STREET
PORTSMOUTH, NH

NOV 12, 2024

LEFT SIDE
ELEVATION

A6



RANDALL DESIGN
architectural drafting & design
150 morrells mill rd. * n. berwick, me. 03906
207-651-6844 drandall@randalldesignme.com

124 MELBURN STREET
PORTSMOUTH, NH

NOV 12, 2024

REAR
ELEVATION

A5

IV. NEW BUSINESS

B. The request of **Kent and Jennifer Bonniwell (Owners)**, for property located at **332 Hanover Street** whereas relief is needed to demolish the existing primary and accessory structure and construct a 2-living unit structure which requires the following: 1) Variance from Section 10.5A41.10A to allow: a) 2,167 square feet of lot area per dwelling unit where 3,000 square feet is required; b) a secondary front yard of 17 feet where 12 feet is the maximum; and c) a finished floor surface 6.5 feet above the sidewalk grade where 36 inches is maximum. Said property is located on Assessor Map 126 Lot 43 and lies within the Character District 4-L1(CD4-L1) District. (LU-24-211)

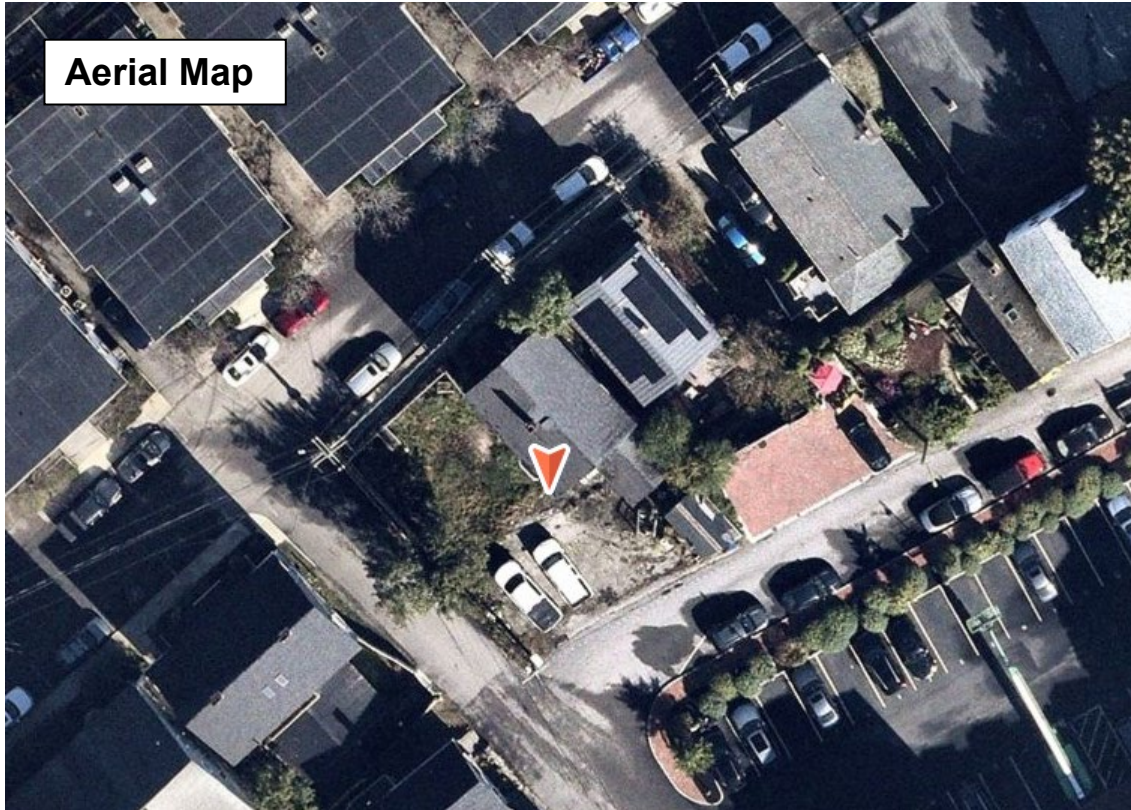
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family residence	*Demolish and construct two unit structure	Primarily residential
<u>Lot area (sq. ft.):</u>	4,334	4,334	3,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,334	2,167	3,000 min.
<u>Front Yard (ft.):</u>	8.8	5.5	15 max.
<u>Secondary Front Yard (Parker St) (ft.):</u>	32.8	2	12 max
<u>Left Yard (ft.):</u>	1.2	7.7	5-20 max
<u>Secondary Front Yard (Tanner Ct) (ft.):</u>	20.7	17.5	12 max.
<u>Height (ft.):</u>	25	30	40 max.
<u>Finished Floor Above Grade</u>	6.2	6.5	3 max
<u>Building Coverage (%):</u>	26.7	50	60 max.
<u>Open Space Coverage (%):</u>	32.6	29.1	25 min.
<u>Parking:</u>	4	6	4
<u>Estimated Age of Structure:</u>	1910	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

October 15, 2024 – The Board **denied** the following: 1) Variance from Section 10.5A41.10A to allow: a) 2,167 square feet of lot area per dwelling unit where 3,000 square feet is required; b) a secondary front yard of 17 feet where 12 feet is the maximum; and c) a finished floor surface 6 feet above the sidewalk grade where 36 inches is maximum.

Planning Department Comments

The applicant is requesting relief to construct a duplex. A duplex is a permitted structure in CD4-L1. This property is unique as it has 3 front yards and 1 side yard. The applicant has already obtained a demolition permit.

During review, staff identified a rounding error that was published in the legal notice. The secondary front yard relief requested is 17.4 feet as stated in the application materials. In error, the advertised distance was rounded down to 17 feet. If the Board makes a motion to approve the request, staff recommend the following condition of approval:

- 1) The approved secondary front yard is 17.5 feet.

Fisher vs. Dover

The applicant was before the Board on October 15, 2024 seeking relief from Section 10.5A41.10A to allow: a) 2,167 square feet of lot area per dwelling unit where 3,000 square feet is required; b) a secondary front yard of 17 feet where 12 feet is the maximum; and c) a finished floor surface 6 feet above the sidewalk grade where 36 inches is maximum. The Board denied the request for relief at that time citing that it failed to prove the proposal was not contrary to the public interest and observed the spirit of the Ordinance. The new design is slightly shorter than the proposal from October. The overall height of the structure was part of the Boards conversation and the Board should consider whether it is appropriate to evoke Fisher vs Dover before the application is considered.

“When a material change of circumstances affecting the merits of the applications has not occurred or the application is not for a use that materially differs in nature and degree from its predecessor, the board of adjustment may not lawfully reach the merits of the petition. If it were otherwise, there would be no finality to proceedings before the board of adjustment, the integrity of the zoning plan would be threatened, and an undue burden would be placed on property owners seeking to uphold the zoning plan.” Fisher v. Dover, 120 N.H. 187, (1980).

To view the October 15, 2024 proposal please see the meeting packet at the following link (page 73-92): [https://files.cityofportsmouth.com/agendas/2024/BOA/10-15-2024%20Meeting/10-15-2024 BOA Packet.pdf](https://files.cityofportsmouth.com/agendas/2024/BOA/10-15-2024%20Meeting/10-15-2024%20BOA%20Packet.pdf)

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.

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC
ATTORNEYS AT LAW

127 Parrott Avenue | Portsmouth, NH, 03801
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

November 20, 2024

HAND DELIVERED

Stefanie Casella, Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Kent and Jennifer Bonniwell, Owner/Applicant
332 Hanover Street (Tax Map 126, Lot 43)
CD4-L1 Character District


Dear Ms. Casella & Zoning Board Members:

On behalf of Kent and Jennifer Bonniwell (“Bonniwell” or “Applicant”), enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted via Viewpoint earlier today.
- Owner Authorization.
- November 20, 2024 – Memorandum and exhibits in support of variance application.

We look forward to presenting this application to the Zoning Board at its December 17, 2024 meeting.

Very truly yours,



Kevin Baum

Encl.

cc: Kent and Jennifer Bonniwell (email)
Portsmouth Architects (email)

DANIEL C. HOEFLE	R. PETER TAYLOR	GREGORY D. ROBBINS	OF COUNSEL:
R. TIMOTHY PHOENIX	ALEC L. MCEACHERN	PETER V. DOYLE	SAMUEL R. REID
LAWRENCE B. GORMLEY	KEVIN M. BAUM	MONICA F. KIESER	JOHN AHLGREN
STEPHEN H. ROBERTS	JACOB J.B. MARVELLEY	STEPHANIE J. JOHNSON	

AUTHORIZATION

The undersigned, Jennifer and Brent Bonniwell, owners of the property located at 332 Hanover Street, Portsmouth, New Hampshire (the "Property"), hereby authorize Portsmouth Architects, Stiletto Construction, Ross Engineering and Hoefle, Phoenix, Gormley and Roberts, PLLC, to represent the owners' interest in all matters relating to the City of Portsmouth's land use approval and permitting process related to the Property.

Dated: November 14, 2024

By:


Jennifer Bonniwell

Dated: November __, 2024

By:


Kent Bonniwell

MEMORANDUM

To: Portsmouth Zoning Board of Adjustment (“ZBA”)
From: Kevin M. Baum, Esq.
Date: November 20, 2024
Re: Kent and Jennifer Bonniwell, Owner/Applicant
332 Hanover Street (Tax Map 126, Lot 43)
CD4-L1 Character District

Dear Chair Eldridge and Zoning Board Members:

On behalf of Kent and Jennifer Bonniwell (“Bonniwell” or “Applicant”) we are pleased to submit this memorandum and attached exhibits in support of zoning relief to permit construction of a two-family residence to be considered by the ZBA at its December 17, 2024 meeting.

I. EXHIBITS

A. ZBA Site Plan Set and Architectural Elevations

- Existing Conditions Survey by Easterly Survey LLC (Sheet S);
- Existing Conditions and Site Plans by Ross Engineering, LLC (Sheets 1-2);
and
- Architectural Drawings by Portsmouth Architects (Sheets A1-A9)

B. Site Photographs

C. Neighbor Support Letters

D. Tax Assessors Card

II. OVERVIEW OF PROPERTY & PROPOSAL

The subject property (the “Property”) is an approximately 4,334 square foot parcel located at 332 Hanover Street in the CD4-L1 Character District. The parcel is relatively unique as it is bounded by roadways on three sides being at the corners of Hanover Street, Parker Street and Tanner Court. Exhibit A (Sheet S-1). The Property is currently developed with a single-family dwelling, a shed and off-street parking for four parking spaces. Id.

The existing structure was left in disrepair by the former owner and is in very poor condition. Id. at Sheet A1 (Existing Conditions Images). The Property was off the market for four years and essentially abandoned in 2021 until the Bonniwells’ purchase in July 2024. The Bonniwells inquired with their contractor regarding the potential to maintain the existing dwelling, and he has determined that the structure is unsafe and must be fully replaced. The City

Building Inspector has also provided his opinion that the existing foundation cannot be saved. Accordingly, the Bonniwells intend to demolish the existing structure, remove the non-conforming shed, and replace the structures with a new three-story, two-dwelling unit building to serve as their primary residence, plus a secondary apartment. Id. at Sheets 2, A5-A8.¹ The proposal also provides additional off street parking area on the Property, creating a 2-car garage and retaining 4 exterior spaces allowing for a total of 6 off-street parking spaces. Id. at Sheet 2. A portion of this new parking area will utilize pervious pavers to facilitate onsite stormwater retention. Id.

The Bonniwells previously sought relief from the ZBA for a building on the Property at its October 15th meeting. Several Board members and neighboring property owners raised concerns regarding the original design plans, in particular due to the height of the building and its potential for fitting in with the style of the surrounding area. That request was ultimately denied by this Board by a 4-3 vote.

The Bonniwells have since redesigned the building and earned support from neighbors who had opposed the initial project. The new design lowers the ridge height of the building by 3.5', lowers the first floor elevation to 6.2' above the Hanover Street sidewalk grade, which is consistent that of the existing structure and neighboring homes, and removes two exterior windows along Parker Street. Id. at Sheets A5-A6. The redesigned height puts the new structure's ridge just 2.1' higher than the existing building ridge. It results in an overall building height (based on elevation of 13.3') lower than the maximum building height permitted under the ordinance. The new design also incorporates two-tone exterior paint using historic colors and an 8 foot step back of the second dwelling to create further distinction between the units and to reduce the visual feel of one large structure. Id. This both matches the historic character of the area and serves to visually break up the structure. The Bonniwells have met with their neighbors, and all property owners who have submitted comments so far have been supportive of the new design. Exhibit C (Neighbor Support Letters).

The building design proposal meets the majority of the dimensional requirements required for the CD-4L District. Exhibit A (Sheet C). Building block length and façade

¹ The architectural elevations and other renderings are provided for general illustrative purposes. While these drawings represent the general design intent, the final building designs, including exterior colors, may change depending on site and construction conditions.

modulation requirements are vastly exceeded. Id. All lot area, open space, building coverage and footprint restrictions are met. Additionally, the proposal removes or decreases several existing non-conformities. Id.²

Nevertheless, some dimensional relief remains necessary, as detailed further in Section III below. The CD4-L1 Character District requires a *maximum* secondary front yard of no less than 12 feet. The existing structure has a secondary front yard setback on Tanner Court of 20.7’ where only 12’ is permitted. The Bonniwells seek to reduce this setback to 17.4’ to create a side yard and allow for greater separation between the new building and the adjacent property. This setback further allows for off-street parking, and in fact, increase the number of on-site spaces from 4 to 6. The proposal also seeks relief from the maximum finish floor elevation for the front of the building, due to the existing Hanover Street grade. This is another unique feature of the property, which is on a hill and changes elevation by more than 9’ from Tanner Court to Hanover Street. The new design proposal maintains the 6.2’ ground floor finish elevation of the existing structure. Lastly, the Bonniwells seek relief from the 3,000 square feet of minimum lot area per dwelling unit requirement, to permit two dwelling units on the 4,334 square foot lot where 6,000 square feet is required, thus providing 2,167 square feet per dwelling unit (72.2% of required).

III. REQUESTED RELIEF

The Applicant request the following relief from the Portsmouth Zoning Ordinance (“PZO”) – Section 10.5A41.10A (CD4-L1 Character Development Standards):

<u>PZO Section</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Comments</u>
<u>Max. Secondary Front Court (Tanner Court)</u>	12’ Max.	20.7’	17.4’	Decreases existing non-conformity while maintaining space for 6 off-street parking spaces
<u>Min. Lot Area Per Dwelling Unit</u>	3,000 s.f.	4,334 s.f.	2,167 s.f.	Creates an additional housing unit at 72.2% of the required sf and consistent with the area

² The maximum secondary front yard setback (Parker Street), side yard setback, front lot line buildout and outbuilding side and rear yard setbacks will be compliant with the proposed building. The maximum secondary front yard setback (Tanner Court) is improved.

<u>PZO Section</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>	<u>Comments</u>
<u>Max. Finished Floor Above Sidewalk Grade</u>	3'	6.2'	6.2'	Needed due to Hanover Street topography. Maintains floor elevation consistent with existing conditions.

IV. FISHER V. DOVER ANALYSIS

As noted, the Applicants have filed this application in response to the prior comments made by neighbors and ZBA members and the Board’s denial of their original application at its October 15, 2024 meeting. Consideration of subsequent petitions by a zoning board are limited to those which present a material change in circumstances affecting the application, propose a use materially different in nature or degree, or upon a finding of a material change of circumstances. Fisher v. Dover, 121 N.H. 187 (1980). However, the limitation is not to be technically and narrowly imposed. Bois v. Manchester, 113 N.H. 339, 341 (1973). Moreover, this restriction does not apply to a subsequent application explicitly or implicitly invited by the ZBA and modified to address its concerns. Hill-Grant Living Trust v. Kearsarge Lighting Precinct, 159 NH 529, 536 (2009) (citing Morgenstern v. Town of Rye, 147 NH 558 (2002)).

The Bonniwells have modified their proposal to the concerns raised by ZBA members and neighbors at the October 15th meeting. Specifically, they have lowered the building height by 3.5’. Exhibit A (Sheets A5-A6). They have reduced the floor to floor heights to facilitate this reduction and to reduce the perceived bulk of the structure, a concern raised by both the ZBA and neighbors.³ The building is now roughly even to nearby structures and substantially lower than those to the east towards Islington Street, consistent with the transitional nature of the area. Id. at Sheet A7.

The units have been differentiated by utilizing a differing architectural design, by stepping back the second dwelling unit by 8’ to help create a sense of separation and two distinct structures. The new design also incorporates two-tone exterior paint using historic colors in order to increase consistency with the historic character of the area and serves to visually break up the structure. The Hanover Street finished floor surface has been reduced to 6.2’, meaning that the

³ See e.g. October 15, 2024 meeting minutes at p. 9 & 11.

front doors on Hanover Street will be about the same level as neighboring homes. Additionally, two windows have been removed from the Parker Street side of the building to address privacy concerns raised by neighbors.

Given these modifications, the Bonniwells' new application meets the requirements of Fisher v. Dover and its progeny and therefore merits consideration. Sufficient changes exist to merit consideration and especially in light of the new proposal's responsiveness to the previous concerns articulated by the ZBA and the neighbors, warrants full consideration. Hill-Grant Living Trust v. Kearsarge Lighting Precinct, 159 N.H. 529 (2009).

V. VARIANCE REQUIREMENTS

1. **The variance will not be contrary to the public interest**
2. **The spirit of the ordinances observed**

The first step in the ZBA's analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc v. Town of Chichester, 155 NH 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinances basic zoning objectives." Id. "Mere conflict with the ordinance is not enough." Id.

The stated purpose of Portsmouth's Character Districts is "to encourage development that is compatible with the established character of its surroundings and consistent with the City's goals for the preservation or enhancement of the area." PZO §10.5A11 Within the CD4-L1 District, the intent to provide for "medium density areas with a mix of medium to large houses." Id. at §10.5A41.10A. As recognized by the Board at its October 15th meeting, the area is a transition neighborhood, between downtown and the Islington/Rock Street area.⁴

The Bonniwells' proposal is consistent with these stated purposes. The proposal utilizes a building design and paint scheme consistent with the historic nature of the neighborhood, thus preserving and enhancing this characteristic of the area. Exhibit A (Sheets A5-A6). The redesign has been carefully considered to create a sense to two distinct structures and avoid the visual sense of one large mass, addressing the prior stated concerns and consistent with other structures

⁴ See October 15, 2024 meeting minutes at p. 11.

in the area. It creates a new, two family residence that, while larger than the existing structure, is smaller than the existing multi-family dwellings across Hanover Street and well under the size of the structures to the rear of the Property on Parker and Islington Streets. Id., at Sheet A7.

Certainly, it is consistent with the “mix of medium to large houses” intended for the District. Accordingly, the Bonniwells’ design, as modified to address prior concerns, is fully consistent with the intent of the CD4-L1 Character District.

In determining whether a variance "in a marked degree conflicts with the ordinance such that it violates the ordinance’s basic zoning objectives" pursuant to Malachy Glen, supra, the New Hampshire Supreme Court also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality. Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (Emphasis Added)

Granting the variance will not alter the essential character of the area. While a variance is required for the secondary front yard from Tanner Court, that request reduces the existing non-conformity by 3.3’. This increased setback increases the separation from Tanner Court, allowing for more light and air to the neighbor’s lot. Moreover, it allows for additional on-site parking, reducing the burden on nearby street parking, which has been and continues to be an issue in the neighborhood. While only three parking spaces are required, the Applicant has proposed six spaces in order to support the two-family dwelling and ensure the additional unit does not contribute to existing on-street parking congestion in the area.

Maintaining a 3’ maximum finished ground floor elevation over the Hanover Street sidewalk grade is difficult due to the natural downgrade change from Tanner Court toward Hanover Street. Exhibit A (Sheet 2). It is also inconsistent with the area as both the existing structure and the two neighboring structures have non-compliant, elevated grades. Accordingly, the Bonniwells have proposed to maintain the existing 6.2’ elevation of the current building and similar to the adjacent properties.

The request that appears to have raised the most concern at the October 15th hearing was for lot area per dwelling unit, as the Applicant requests 2,167 square feet per unit where 3,000 square feet is required. While this request necessitates relief to permit slightly less than the

required lot area, it is nevertheless consistent with the character of the neighborhood. Two family dwellings are permitted by right in the CD4-L1 District. The proposal is also consistent with the neighborhood, as multifamily dwellings exist across both Hanover Street and Tanner Court, and throughout the area. Exhibit A (Sheet A2).

The primary concern regarding the addition of a second unit, appears to be the increase in the size and perceived “bulk” of the building. It should be noted that a single-family dwelling may be permitted by right on a larger scale than what is proposed by the current design. Moreover, the proposed Mansard style roof is consistent with other nearby buildings. Exhibit B (Photographs). The building at 30 Parker Street, located just to the rear and side of the Property has a Mansard roof, as do nearby properties located at 180 Hanover Street and 261 Islington Street.⁵ Id. The four multi-family buildings located directly across Hanover Street, at 349 and 337 Hanover, all have flat roofs, and thus, a similar mass as the Bonniwell proposal. Id. Also of note, Mansard roofs are specifically listed as a permitted roof type in the CD4-L1 pursuant to PZO §10.5A41.10A, providing further support that the proposal is consistent with the character and general intent for the area.

The new design further addresses these concerns by lowering the height of the building and use of a two-tone historic paint scheme and building offsets to further modulate the perceived size of the structure. Exhibit A (Sheets A5-A6). Exterior windows have also been eliminated to reduce any potential privacy intrusions by residents onto neighboring properties. The inclusion of off-street parking spaces, in excess of PZO requirements, further reduces any off site impacts that may be caused by the additional unit.

Accordingly, granting the variances will not alter the essential character of the area. There is no evidence that the requested relief will threaten the public health, safety or welfare, especially in light of the additional off-street parking and reduced exterior windows. There will be no adverse impact or injury to any public rights if the variances are granted. Therefore, granting the variances would not be contrary to the public interest and will be consistent with the spirit of the zoning ordinance.

⁵ Although 180 Hanover Street and 261 Islington Street are outside of the CD4-L1 District they are approximately 500 and 1,000 feet from the Property and are illustrative of the mixed architectural styles throughout the general area, consistent with the transitory nature of this zone.

3. Granting the variances will not diminish surrounding property values

If the variances are granted, the lot will remain consistent with the character of the other lots in the neighborhood such that there will be no adverse effect on surrounding property values. The current structure has been poorly maintained by the prior owners and cannot be reasonably preserved. Granting the variances permits the Bonniwells to remove this blighted structure and replace it with a new residence that has been thoughtfully designed, in consultation with nearby property owners, to match the historic character of the neighborhood. Maintaining sufficient parking to support the two-family dwelling will ensure that other lots in the area are not impacted by the addition of a new unit on the site. Two-family dwellings are permitted by right in the underlying district, and it is presumed that permitted uses do not devalue surrounding property values. The new two-family dwelling will maintain a finished ground floor elevation above sidewalk grade consistent with existing conditions on the Property and adjacent Hanover Street lots. Accordingly, surrounding property values will not be diminished. If anything, the value of the Property will be significantly increased, thereby improving the values of surrounding properties.

4. Denial of the variances results in an unnecessary hardship

a. Special conditions distinguish the property/project from others in the area

This property is distinguishable from other properties in the area. As discussed above, and previously recognized by the ZBA, the Property is somewhat unique in that it is located on three public streets, Hanover Street, Parker Street and Tanner Court, thus imposing multiple yard restrictions. The Property is larger than other lots in the area, and thus it is particularly well suited for a two-family dwelling. It also maintains a sizeable off-street parking area, sufficient to support a two-family dwelling and helping to alleviate on-street parking constraints. Multiple properties with similar build outs and similar to greater density exist throughout the area. See Exhibit A (Sheet A2)(Neighborhood Density); see also Walker v. City of Manchester, 107 N.H. 382, 386 (1966) (hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect on the neighborhood). Clearly, the subject parcel size, shape, and location near other densely developed residential parcels combine to create special conditions.

- b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The intent of the 12' maximum secondary front yard requirement is to maintain shallow side yards in accordance with the stated purpose of the CD4-L1 District and consistent with the transitory nature of the area. Here the requested variance reduces the non-conformity from the existing 20.7' to 17.4'. Thus, it strikes a balance between maintaining distance between the proposed new residence and nearby properties and the type of lot build out contemplated for the District. Importantly, granting this variance maintains light and air between the Property and the adjoining lot. It also provides space for on-site parking in excess of zoning requirements, to support the proposed two-family dwelling and reduce the burden on nearby on-street parking. Accordingly, there is no fair and substantial relationship between the 12' maximum side yard setback and its specific application to the Property, especially in light of the existing and surrounding property conditions.

Likewise, the intent of the 3' maximum finished ground floor surface above sidewalk grade is presumably to avoid elevated building entries separated from the surrounding streetscape. In this instance, however, the proposal is more consistent with existing conditions in the area than strict zoning compliance. The Bonniwells have lowered the ground floor elevation to 6.2' to match the existing structure and maintain consistency with the adjoining Hanover Street properties. Notably, the variance is necessary due to the slope from Tanner Court towards Hanover Street as the finished ground floor elevation would be conforming at 1.6 feet if measured based upon the average grade of the lot rather than at the lot line abutting the Hanover Street sidewalk. Given this site condition and the consistency of the proposed ground floor elevation to the neighboring properties, strict application of the restrictions to the Property would not support the intent of the PZO nor would it "encourage development that is compatible with the established character of its surroundings and consistent with the City's goals for the preservation or enhancement of the area."

The third variance, to permit 2,127 square feet per dwelling unit where 3,000 square feet is required, is likewise consistent with the general intent for the CD4-L1 District. Two-family dwelling are permitted by right. Additionally, multiple properties having significantly less square feet per dwelling unit exist throughout the area. Exhibit A (Sheet A2)(Neighborhood Density). In fact, of the 33 properties analyzed no property with two or more units had a greater lot area

per dwelling unit than the 2,127 square feet proposed for the Property. While some of those properties may be grandfathered or have obtained zoning relief, this analysis unquestionably supports the fact that the requested variance to permit a two-dwelling unit on the Property is consistent with the established character of the area and thus the goals of the CD4-L1 District.

More importantly, the concerns previously raised by the ZBA and neighboring property owners have been addressed. Any height or perceived bulk that might be exacerbated by the granting of the variances, has been addressed in consultation with the neighbors who are now enthusiastically in support of the new design. The building ridge has been lowered by 3.5'. The Hanover Street ground floor finished grade has been lowered to 6.2', consistent with the existing structure.

The new design removes exterior windows along Parker Street to address privacy concerns. Further, the design incorporates structural offsets and two-tone exterior paint to match the character of the area and to visually break up the structure. In light of these factors, there is no fair and substantial relationship between the general public purposes of the ordinance and its specific application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 NH 747 (2005). Two-family dwellings are permitted by right in the underlying district, and uses permitted by right are per se reasonable. Id. The proposal decreases the existing non-conforming secondary front yard setback on Tanner Court while maintaining sufficient space to provide increased off-street parking. The Hanover Street ground floor finished grade as maintained as it currently exists and at a similar elevation to the adjoining properties. For all of these reasons, the proposed use is reasonable and substantial hardship exists justifying zoning relief.

5. Substantial justice will be done by granting the variance.

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra at 109.

“The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV;

Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). “Property” in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981) (emphasis added).

There is no injury to the public if the variances are granted and no gain if the variances are denied. Granting the requested variances permits the construction of a new thoughtfully designed two-family dwelling, creating an additional needed housing unit and off-street parking on the Property. The Bonniwells have addressed the neighbors’ concerns and all neighbors who have provided feedback to date are in support of the redesigned proposal. Exhibit C. Thus, there is no benefit in denying the requested variances and only loss to the Applicant, who will lose the ability to create a new well-designed home on the Property.


In balancing public and private rights at issue in this application, the loss to the Applicant if the variances are denied far outweighs any loss or injury to the public if the variances are granted. Further, for the reasons discussed above and below, the proposed two-family dwelling is “appropriate for the area”. Granting variances for requests that are appropriate for the area does substantial justice. See U-Haul Co. of New Hampshire & Vermont v. City of Concord, 122 N.H. 910, 913 (1982). Accordingly, granting the variances would do substantial justice.

V. CONCLUSION

For all of the reasons herein stated, the Bonniwells respectfully request that the Portsmouth Zoning of Adjustment grant the requested variances.

Respectfully submitted,
Kent and Jennifer Bonniwell

By:


Kevin M. Baum, Esq.

PROPOSED DUPLEX

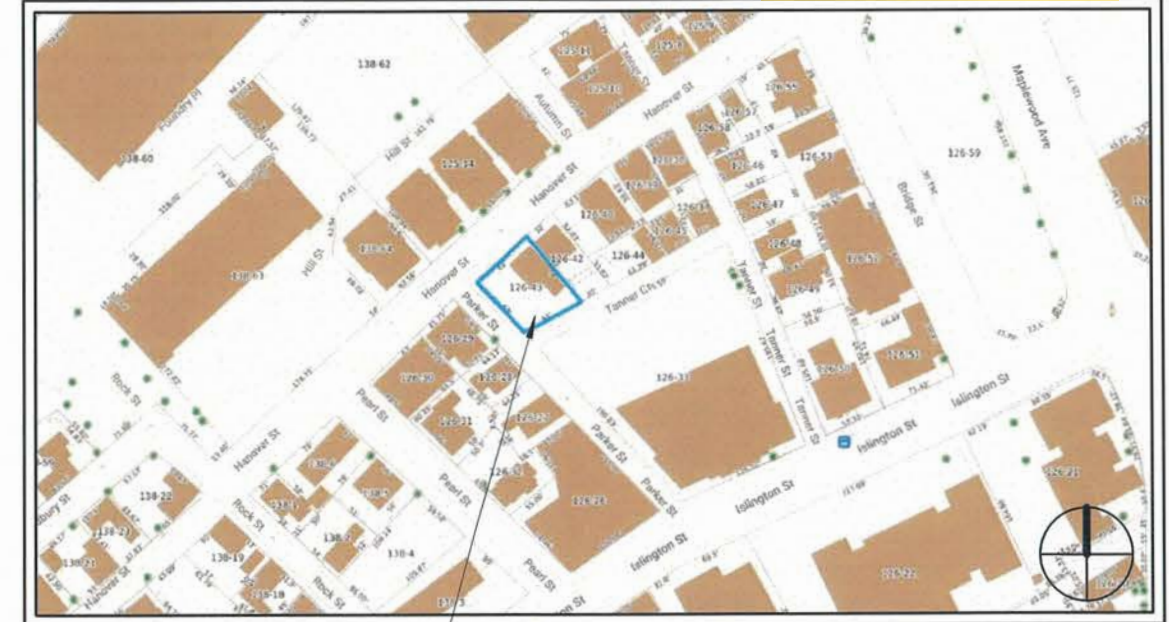
ZONING BOARD OF ADJUSTMENT - DECEMBER 2024 PORTSMOUTH, NEW HAMPSHIRE

PROPOSED WORK:

- THE COMPLETE DEMOLITION OF THE EXISTING SINGLE FAMILY HOME AND OUTBUILDINGS, DEMO PERMIT FILED SEPARATELY UNDER DEMO 24-27
- PROPOSED TWO FAMILY HOME IS REQUESTING RELIEF FOR:
 - 2,167 SF PER DWELLING UNIT WERE 3,000 SF IS REQUIRED TO CONSTRUCT A TWO FAMILY HOME WHERE A SINGLE UNIT IS ALLOWED.
 - UNIT A: 2,359 LIVEABLE SQUARE FEET
 - UNIT B: 2,047 LIVEABLE SQUARE FEET
 - 17.4' SECONDARY FRONT YARD WHERE 12' - 0" MAX. IS ALLOWED AT TANNER COURT.
 - 6.2' FINISH FLOOR ABOVE THE SIDEWALK ELEVATION WHERE 3' - 0" MAX. IS ALLOWED

332 HANOVER STREET PORTSMOUTH, NH 03801			
CHARACTER DISTRICT ZONING REQUIREMENTS: CD4-L1			
	REQUIRED	EXISTING	PROPOSED
MAX. PRINCIPAL FRONT YARD	15' - 0"	8.8'	5.5'
MAX. SECONDARY FRONT YARD (PARKER ST.)	12' - 0"	32.8'	2.0'
MAX. SECONDARY FRONT YARD (TANNER COURT)	12' - 0"	20.7'	17.4'
SIDE YARD SETBACK	5' - 0" MIN TO 20' - 0" MAX.	1.2'	7.7'
FRONT LOT LINE BUILDOUT	60% MIN. TO 80% MAX.	43.50%	77.49%
MAX BUILDING BLOCK LENGTH	80' - 0"	63.23'	63.23'
MAX. FAÇADE MODULATION	50' - 0"	27' - 0" +/-	25' - 6"
MAX. BUILDING COVERAGE	60%	26.70%	50.00%
MAX. BUILDING FOOTPRINT	2,500 SF	1,158 SF	2,164 SF
MIN. LOT AREA	3,000 SF	4,334 SF	4,334 SF
MIN. LOT AREA PER DWELLING UNIT	3,000 SF	4,334 SF	2,167 SF
MIN. OPEN SPACE	25%	32.60%	29.10%
MAX. BUILDING HEIGHT	2-3 STORIES 40' - 0"	2 STORIES 25' +/-	3 STORIES 26' - 7" +/-
MAX. FINISH FLOOR ABOVE GRADE	3' - 0"	6.2'	6.2'
FAÇADE GLAZING	20% MIN. TO 40% MAX.	UNKNOWN	23.69%
ROOF TYPE	FLAT, GABLE 6:12 - 12:12, HIP 3:12 MIN., GAMBREL 6:12 - 30:12, MANSARD 6:12 - 30:12	GABLE / HIP	MANSARD - 30:12
OUTBUILDING FRONT YARD	20'-0" BEHIND PRICIPAL FRONT ELEVATION	59' - 0" +/-	N/A
OUTBUILDING SIDE AND REAR YARD	3' - 0"	0.5'	N/A
FAÇADE TYPES	PORCH	PORCH	PORCH
	STOOP		STOOP
	STEP		
	FORECOURT		
	RECESSED-ENTRY		
	DOORYARD		
PARKING	1.3 SPACES PER UNIT	4 SPOTS	6 SPOTS

1. RED INDICATED VARIANCE REQUEST
 2. BLUE INDICATES EXISTING NONCONFORMITY



332 HANOVER STREET
PORTSMOUTH, NH 03801



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SHEET LIST	
Sheet Number	Sheet Name

GENERAL INFORMATION

C	COVER
S	EXISTING CONDITION SURVEY

CIVIL DRAWINGS

1 OF 2	EXISTING SITE PLAN
2 OF 2	SITE PLAN

ARCHITECTURAL DRAWINGS

A1	EXISTING CONDITION IMAGES
A2	NEIGHBORHOOD DENSITY
A3	FIRST FLOOR PLAN
A4	SECOND & THIRD FLOOR
A5	ELEVATIONS
A6	ELEVATIONS
A7	HANOVER ST. SECTION LOOKING SOUTH
A8	3D PERSPECTIVE
A9	3D PERSPECTIVE
A10	3D PERSPECTIVE

TWO FAMILY RESIDENCE

332 HANOVER STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

COVER

ZONING BOARD OF ADJUSTMENT - DECEMBER 2024

4 Market Street
Portsmouth, New Hampshire
603.430.0274
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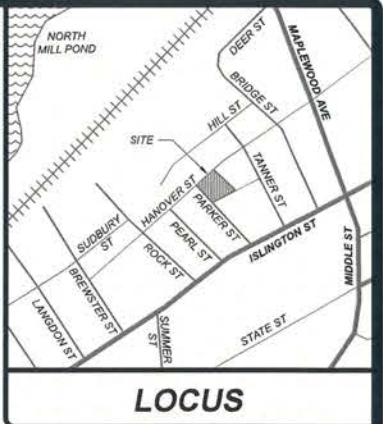
C

11/20/2024

McHA: RD / MG

Project Number: 24071

NOT TO SCALE



PLAN REFERENCES:

- "PLAN OF SEVEN HOUSE LOTS SITUATE IN PORTSMOUTH, BELONGING TO A. W. + G. W. HAVEN", DATED 1848, RECORDED AT THE R.C.R.D. AS PLAN 00558 REFERENCES BOOK 337 PAGE 59.
- "PLAN OF LOT NO.314 HANOVER STREET PORTSMOUTH, N.H." PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS, DATED NOVEMBER 21, 1956, RECORDED AT THE R.C.R.D AS PLAN 02501.
- "LOT CONSOLIDATION PLAN FOR GERTRUDE K. BORDEN LIVING TRUST PARKER, ISLINGTON, TANNER STREETS & TANNER ALLEY COUNTY OF ROCKINGHAM PORTSMOUTH, NH." PREPARED BY MILLETTE, SPRAGUE & COLWELL, INC. DATED MAY 1, 1998, RECORDED AT THE R.C.R.D. AS PLAN D-26280.
- "CONDOMINIUM SITE PLAN FOR HANOVER PLACE CONDOMINIUM 349 HANOVER STREET COUNTY OF ROCKINGHAM PORTSMOUTH, NH." PREPARED BY MILLETTE, SPRAGUE & COLWELL, INC. DATED SEPTEMBER 28, 2004, RECORDED AT THE R.C.R.D. AS PLAN D-33379.
- "AMENDED CONDOMINIUM SITE PLAN TAX MAP 126 - LOT 33 PHASE I, II 51 ISLINGTON STREET CONDOMINIUM FOR 51 ISLINGTON STREET, LLC". PREPARED BY AMBIT ENGINEERING, INC. DATED AUGUST 15, 2013, RECORDED AT THE R.C.R.D. AS PLAN D-37882.
- "LOT LINE RELOCATION PLAN TAX MAP 125, LOT 14 & TAX MAP 138, LOT 62". PREPARED BY AMBIT ENGINEERING, INC. DATED NOVEMBER 2013, RECORDED AT THE R.C.R.D. AS PLAN D-38162.
- "LOT LINE RELOCATION PLAN FOR HAROLD B. & SUZANNE M. WATT AND DIXIE L. PAPPAS TANNER CT, / HANOVER ST. COUNTY OF ROCKINGHAM PORTSMOUTH, N.H." PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES, DATED FEBRUARY 5, 1962, RECORDED AT THE R.C.R.D. AS PLAN C-10973.

NOTES:

- SUBJECT PARCEL: TAX MAP 126 LOT 43
332 HANOVER STREET
PORTSMOUTH, NEW HAMPSHIRE
NS PROJECT #1289
- OWNER OF RECORD: KENT & JENNIFER BONNIWELL
108 FOREST STREET
WELLESLEY, MA 02481
R.C.R.D. BOOK 6557, PAGE 1561
- PARCEL AREA: 4,334 S.F. OR 0.1 AC
- THE PURPOSE OF THIS PLAN IS TO SHOW EXISTING CONDITIONS OF THE SUBJECT PARCEL.
- DIMENSIONAL REQUIREMENTS:**
MIN LOT AREA (PER DWELLING UNIT): 3,000 S.F.
MAX PRINCIPAL FRONT YARD: 15'
MAX SECONDARY FRONT YARD: 12'
FRONT LOT BUILDOUT MIN/MAX: 60%/80%
MIN/MAX SIDE SETBACK: 5/20'
MIN REAR SETBACK: 5' OR 10' FROM ALLEY
MAX BUILDING HEIGHT: 40'
MIN OPEN SPACE: 25%
MAX BUILDING COVERAGE: 60%

- ZONING INFORMATION SHOWN HEREON IS PER THE CITY OF PORTSMOUTH ZONING ORDINANCE DATED JANUARY 1, 2010. LAST REVISED JUNE 17, 2024. ADDITIONAL REGULATIONS APPLY. THE LAND OWNER IS RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE CITY, STATE, AND FEDERAL REGULATIONS.
- FLOOD HAZARD ZONE: "X" AREA OF MINIMAL FLOOD RISK, PER FIRM MAP #33015C0259F, DATED 01/29/2021.
- THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE UNWRITTEN RIGHTS, DETERMINE THE EXTENT OF OWNERSHIP, OR DEFINE THE LIMITS OF TITLE.
- FIELD SURVEY COMPLETED BY NORTHAM SURVEY IN JULY, 2024 USING A TRIMBLE S5 TOTAL STATION WITH A TRIMBLE TSC3 DATA COLLECTOR, A TRIMBLE R12i GPS RECEIVER AND A SOKKIA B31 AUTO LEVEL.
- HORIZONTAL DATUM IS NAD83(2011) NEW HAMPSHIRE STATE PLANE COORDINATES PER STATIC GPS OBSERVATIONS.
- THE VERTICAL DATUM IS NAVD83 PER STATIC GPS OBSERVATIONS. THE CONTOUR INTERVAL IS 2 FEET.
- EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.
- THE LOCATION OF UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. NORTHAM SURVEY LLC MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UNDERGROUND UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE.

**EXISTING CONDITIONS PLAN
FOR
KENT & JENNIFER BONNIWELL
OF
TAX MAP 126 LOT 43
332 HANOVER STREET
PORTSMOUTH, NEW HAMPSHIRE
COUNTY OF ROCKINGHAM**

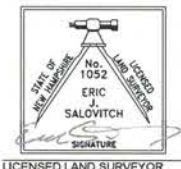
SCALE: 1"=10' (22x34) 1"=20' (11x17)

JOB NO.	1289	DATE:	2024-07-26
DRAWN BY:	PJN ZMH	DRAWING:	1289 SURVEY.DWG
CHECKED BY:	EJS	SHEET:	1 OF 1

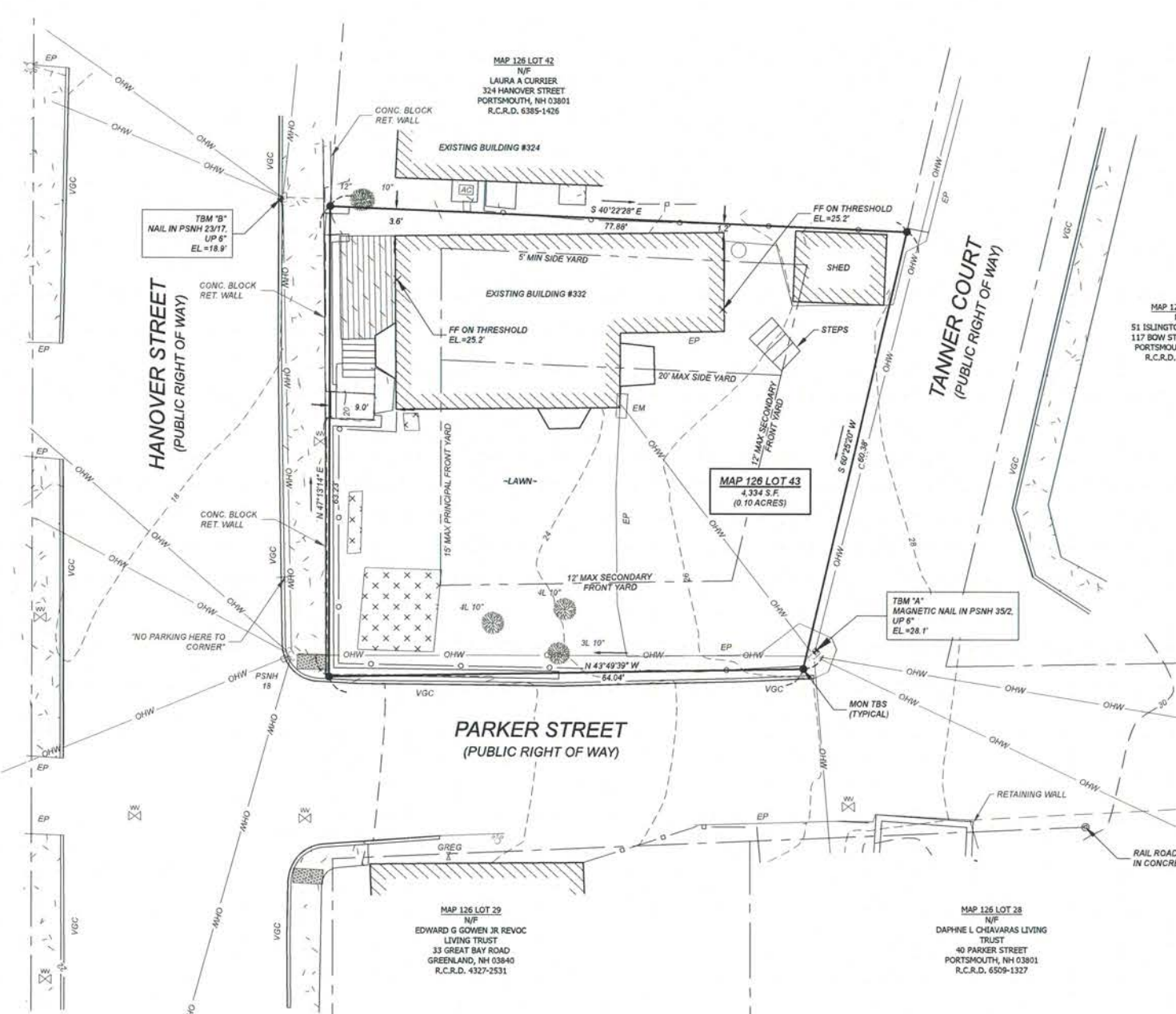
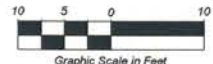
NO.	DATE	DESCRIPTION	BY



AUGUST 28, 2024
DATE



LICENSED LAND SURVEYOR



- LEGEND:**
- ASSESSORS MAP AND LOT NUMBER
- BK, PG. BOOK / PAGE
 - CONC. CONCRETE
 - MON TBS MONUMENT TO BE SET
 - BH BUILDING HEIGHT
 - RET RETAINING
 - EM ELECTRIC METER
 - EP EDGE OF PAVEMENT
 - FF FINISHED FLOOR
 - GREG GAS REGULATOR
 - N/F NOW OR FORMERLY
 - RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
 - S.F. SQUARE FEET
 - TBM TEMPORARY BENCHMARK
 - VGC VERTICAL GRANITE CURB
 - DRILL HOLE FOUND/SET
 - IRON PIPE/ROD FOUND
 - SPIKE/NAIL FOUND
 - AIR CONDITIONER
 - GUY WIRE
 - UTILITY POLE
 - UTILITY POLE W/LIGHT
- DECIDUOUS TREE
- GAS VALVE
- HYDRANT
- WATER SHUT OFF
- WATER GATE VALVE
- IRRIGATION CONTROL VALVE
- SIGN
- OHW OVERHEAD WIRE
- CHAINLINK FENCE
- STOCKADE FENCE
- BOUNDARY LINE
- SETBACK LINE
- EXISTING CONTOUR
- CONCRETE
- WOODEN DECK
- LANDSCAPING
- NON SLIP MAT

MAP 125 LOT 14
N/F
HILL HANOVER GROUP LLC
1 NEW HAMPSHIRE AVE #125
PORTSMOUTH, NH 03801
R.C.R.D. 4356-0010

MAP 126 LOT 42
N/F
LAURA A. CURRIER
324 HANOVER STREET
PORTSMOUTH, NH 03801
R.C.R.D. 6385-1426

MAP 126 LOT 33
N/F
51 ISLINGTON STREET LLC
117 BOW STREET, STE 102
PORTSMOUTH, NH 03801
R.C.R.D. 5331-2107

MAP 126 LOT 43
4,334 S.F.
(0.10 ACRES)

MAP 126 LOT 29
N/F
EDWARD G. GOWEN JR. REVOC
LIVING TRUST
33 GREAT BAY ROAD
GREENLAND, NH 03840
R.C.R.D. 4327-2531

MAP 126 LOT 28
N/F
DAPHNE L. CHEVARAS LIVING
TRUST
40 PARKER STREET
PORTSMOUTH, NH 03801
R.C.R.D. 6509-1327

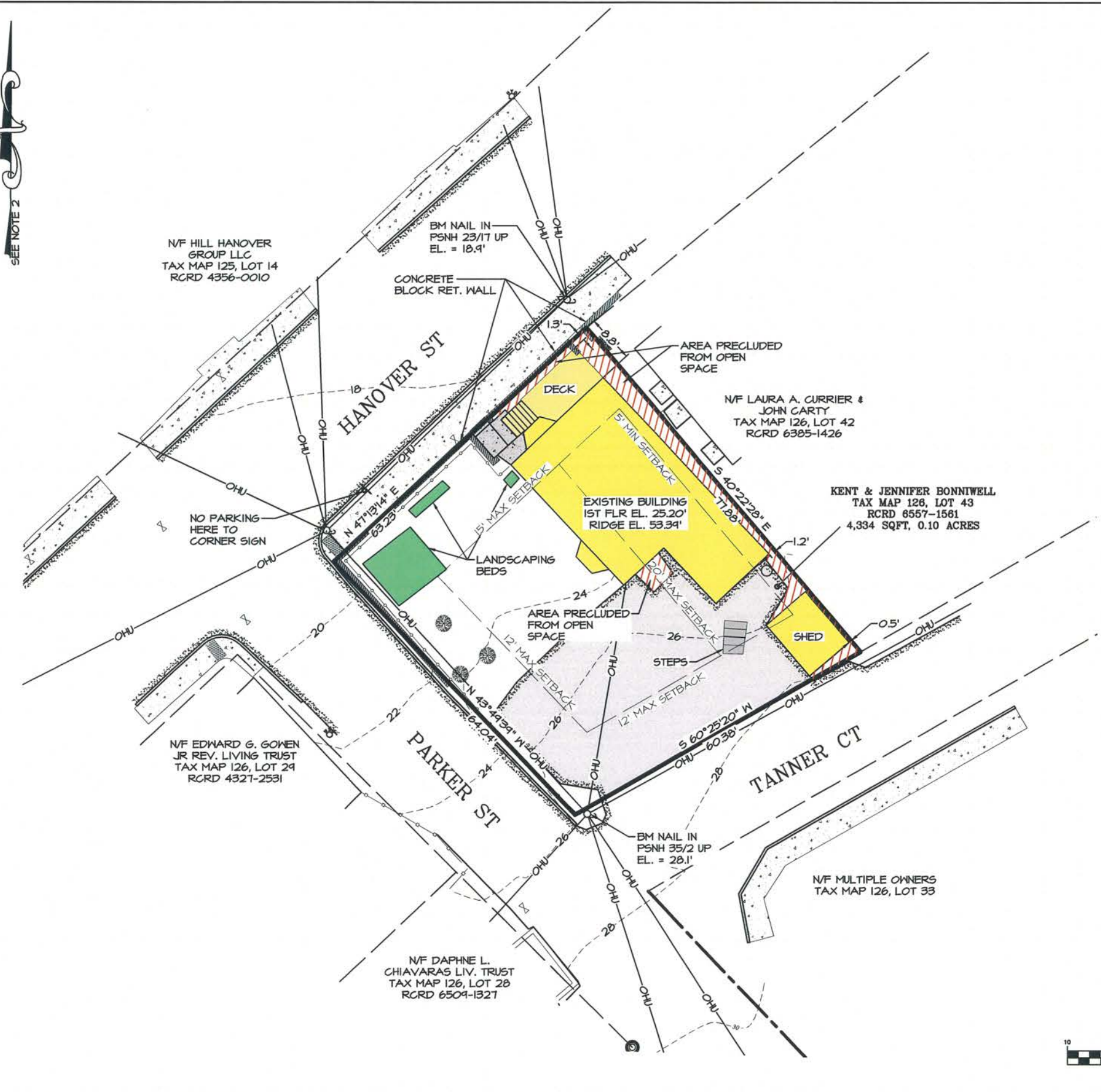
PURSUANT TO NEW HAMPSHIRE RSA 678:18 III

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

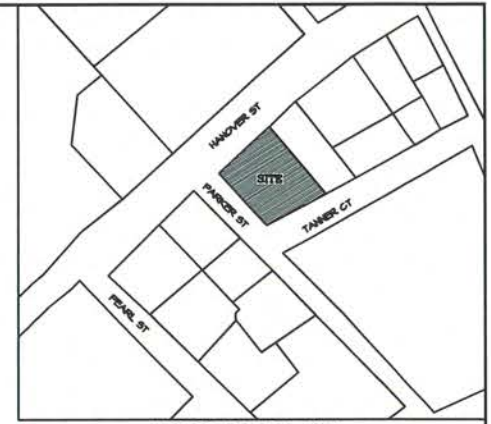
I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS.

I FURTHER CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE. RANDOM TRAVERSE SURVEY BY TOTAL STATION WITH A PRECISION GREATER THAN 1:15,000.

SEE NOTE 2



- LEGEND**
- 100- EXISTING CONTOUR
 - MONUMENT FOUND
 - UTILITY POLE
 - OHU- OVERHEAD UTILITIES
 - ⊗ WATER VALVE
 - CHAIN LINK FENCE
 - WOODEN FENCE
 - VERTICAL GRANITE CURB
 - ⊕ WATER SHUT-OFF
 - ⊕ FIRE HYDRANT



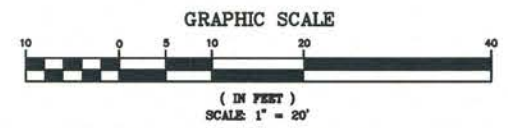
**LOCUS PLAN
N.T.S.**

NOTES

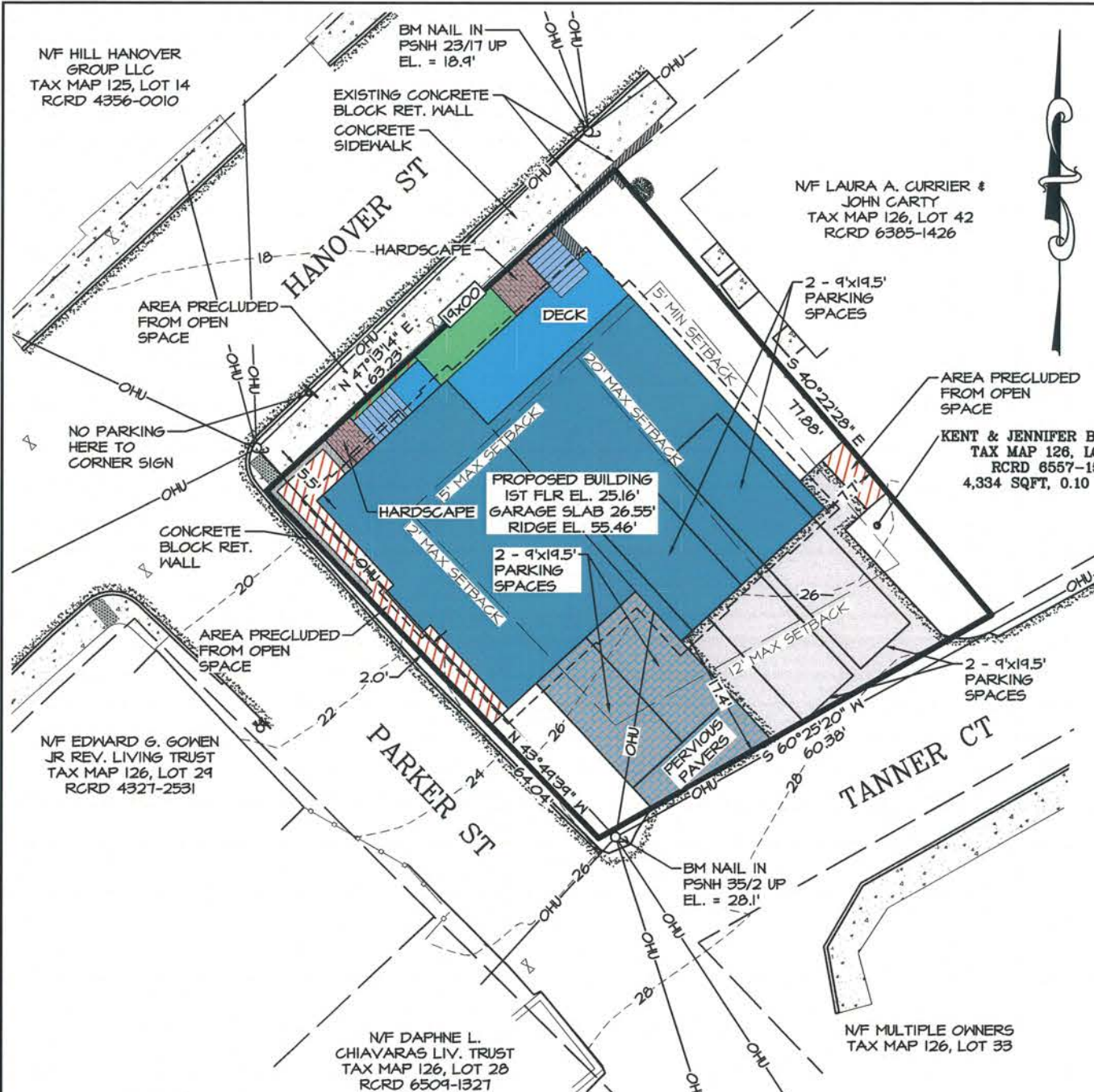
- 1) OWNER OF RECORD:
KENT & JENNIFER BONNIWELL
TAX MAP 126, LOT 43
108 FOREST ST
WELLESLEY, MA 02481
RCRD: 6557-1561
AREA: 4,334 SF, 0.10 ACRES
- 2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.
- 3) PARCEL IS IN CHARACTER DISTRICT 4-L1 (CD4-L1):
MINIMUM LOT AREA.....3,000 SF
MIN. LOT AREA PER DWELLING UNIT.....3,000 SF
MAX BUILDING FOOTPRINT.....2,500 SF
MAX PRINCIPAL FRONT YARD.....15 FT
MAX SECONDARY FRONT YARD.....12 FT
MIN/MAX SIDE SETBACK.....5 FT/20 FT
MIN REAR YARD FROM LOT LINE.....5 FT
MAX BUILDING HEIGHT.....40 FT
MIN OPEN SPACE.....25%
MAX BUILDING COVERAGE.....60%
MAX FINISHED FLOOR ABOVE SIDEWALK.....3 FT
- 4) THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0254F, PANEL 254 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.
- 5) THIS PLAN DOES NOT REPRESENT A BOUNDARY SURVEY. ALL PROPERTY LINE, SETBACKS, COVERAGES, AND ELEVATIONS WERE OBTAINED FROM PLAN REFERENCE #1.

REFERENCE PLANS

- 1) "EXISTING CONDITIONS PLAN FOR KENT & JENNIFER BONNIWELL" BY NORTHAM SURVEY LLC. DATED JULY 26, 2024. NOT RECORDED.



1	11/15/2024	ZBA SUBMITTAL
ISS	DATE	DESCRIPTION OF ISSUE
SCALE 1" = 20'		
DRAWN A.ROSS		
D.D.D.		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 199 Edgington St Portsmouth, NH 03801 (603) 433-7560		
CLIENT PORTSMOUTH ARCHITECTURE 4 MARKET ST PORTSMOUTH, NH 03801		
TITLE EXISTING CONDITIONS PLAN 332 HANOVER ST PORTSMOUTH, NH 03801 TAX MAP 126, LOT 43		
JOB NUMBER	DWG. NO.	ISSUE
24-049	1 OF 2	1



NOTES

- OWNER OF RECORD:
KENT & JENNIFER BONNIWELL
TAX MAP 126, LOT 43
108 FOREST ST
WELLESLEY, MA 02481
RCRD: 6557-1561
AREA: 4,334 SF, 0.10 ACRES
- PARCEL IS IN CHARACTER DISTRICT 4-L1 (CD4-L1):
MINIMUM LOT AREA.....3,000 SF
MIN. LOT AREA PER DWELLING UNIT.....3,000 SF
MAX BUILDING FOOTPRINT.....2,500 SF
MAX PRINCIPAL FRONT YARD.....15 FT
MAX SECONDARY FRONT YARD.....12 FT
MIN/MAX SIDE SETBACK.....5 FT/20 FT
MIN REAR YARD FROM LOT LINE.....5 FT
MAX BUILDING HEIGHT.....40 FT
MIN OPEN SPACE.....25%
MAX BUILDING COVERAGE.....60%
MAX FINISHED FLOOR ABOVE SIDEWALK.....3 FT
- COVERAGES:
BUILDING COVERAGE
EXISTING BUILDING COVERAGE
BUILDING.....928 SF
DECK.....99 SF
STAIRS > 18".....15 SF
SHED.....116 SF
EXISTING STRUCTURE 1,158 / 4,334 = 26.7%
PROPOSED BUILDING COVERAGE
BUILDING.....1,900 SF
DECK.....217 SF
STAIRS > 18".....47 SF
PROPOSED STRUCTURE 2,164 / 4,334 = 50.0%
- GRADE PLANE:
AS PER PORTSMOUTH ZONING ORDINANCE GRADE PLANE IS DEFINED AS FOLLOWS; A REFERENCE PLANE REPRESENTING THE AVERAGE OF FINISHED GROUND LEVELS ADJOINING THE BUILDING AT ALL EXTERIOR WALLS. WHEN THE FINISHED GROUND LEVEL SLOPES AWAY FROM EXTERIOR WALLS, THE REFERENCE PLANE SHALL BE ESTABLISHED BY THE LOWEST POINTS WITHIN THE AREA BETWEEN THE BUILDING AND THE LOT LINE OR, WHEN THE LOT LINE IS MORE THAN 6 FEET FROM THE BUILDING, BETWEEN THE BUILDING AND A POINT 6 FEET FROM THE BUILDING.

THE GRADE PLANE WAS DETERMINED BY THE AVERAGE ELEVATION OF POINTS BETWEEN THE PERIMETER OF THE BUILDING AND 6' AWAY FROM THE BUILDING. THE GRADE PLANE WAS CALCULATED AS 23.66'.

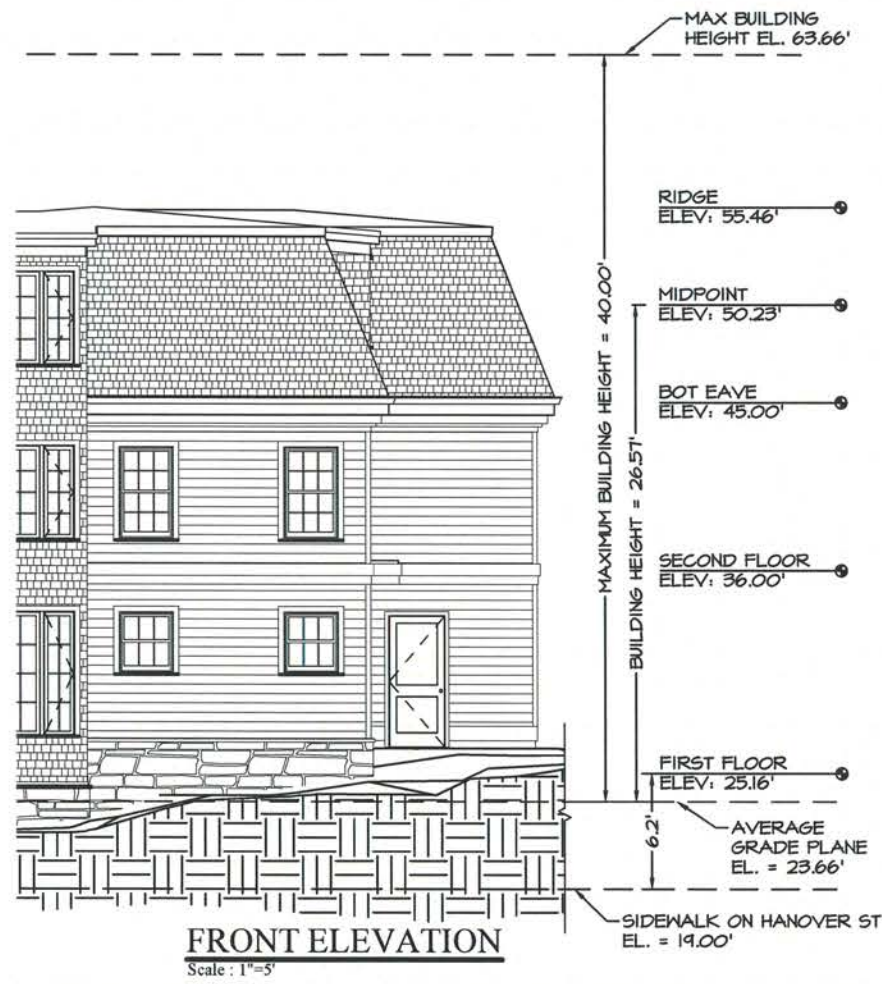
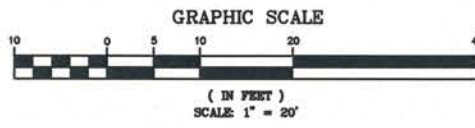
5) BUILDING HEIGHT:
BUILDING HEIGHT FOR A HIP-TOPPED MANSARD ROOF IS CALCULATED AS THE VERTICAL MEASUREMENT FROM THE GRADE PLANE TO THE ELEVATION MIDWAY BETWEEN THE LEVEL OF THE EAVES AND THE HIGHEST POINT OF THE ROOF AS PER PORTSMOUTH ZONING ORDINANCE. THE GRADE PLANE USED IS THE EXISTING GRADE PLANE OR THE FINISHED GRADE PLANE, WHICHEVER IS LOWER. THE HIGHEST RIDGE IS 55.46' AND THE LEVEL OF THE EAVES IS 45.00'. THE MIDPOINT ELEVATION IS 50.23'.

6) THE BUILDING HEIGHT OF THE BUILDING WAS CALCULATED TO BE 26.57', USING A GRADE PLANE OF 23.66' AND A MIDPOINT HEIGHT OF 50.23'.

7) PARKING REQUIRED AS PER 10.112.30 DWELLING UNIT FLOOR AREA > 750 SF = 1.3 SPACES PER UNIT

1.3 SPACES PER UNIT x 2 UNITS = 2.6 = 3 PARKING SPACES REQUIRED

6 PARKING SPACES ARE PROVIDED. FOUR IN THE DRIVEWAY AND TWO INSIDE THE PROPOSED GARAGE.



VARIANCES REQUIRED

THE FOLLOWING VARIANCES FROM THE PORTSMOUTH ZONING ORDINANCE ARE REQUESTED

- SECTION 10.5A41.10A - TO CONSTRUCT A BUILDING WITH A 17.4 FT SECONDARY FRONT YARD ON TANNER CT WHERE A MAXIMUM OF 12 FT IS ALLOWED.
- SECTION 10.5A41.10A - TO CONSTRUCT A BUILDING WITH A FIRST FLOOR 6.2' ABOVE THE SIDEWALK GRADE WHERE 3.0' IS ALLOWED.
- SECTION 10.5A41.10A - TO ALLOW 2,167 SF PER DWELLING UNIT WHERE 3,000 SF IS REQUIRED.

LEGEND

- 100— EXISTING CONTOUR
- 100— PROPOSED CONTOUR
- 100x00 SPOT ELEVATION
- ⊙ MONUMENT FOUND
- ⊙ UTILITY POLE
- OHU— OVERHEAD UTILITIES
- ⊙ WATER STOP
- CHAIN LINK FENCE
- WOODEN FENCE
- █— VERTICAL GRANITE CURB
- ⊙ WATER SHUT-OFF
- ⊙ FIRE HYDRANT

DIMENSIONAL REGULATIONS TABLE

REGULATION	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUESTED
MAX FRONT YARD (HANOVER)	15 FT	8.8 FT	5.5 FT	NO
MAX FRONT LINE (PARKER)	12 FT	32.8 FT	2.0 FT	NO
MAX FRONT YARD (TANNER)	12 FT	20.7 FT	17.4 FT	YES
SIDE LINE TO BUILDING	5' MIN TO 20' MAX	1.2 FT	7.7 FT	NO
SIDE LINE TO SHED	5' MIN TO 20' MAX	0.5 FT	N/A	NO
BUILDING COVERAGE	60% MAX	26.7%	50%	NO
MAX BUILDING FOOTPRINT	2,500 SF	1,158 SF	2,164 SF	NO
OPEN SPACE	25% MIN	32.6%	24.1%	NO
BUILDING HEIGHT	40 FT	24.73 FT	26.57 FT	NO
FIRST FLOOR ABOVE SIDEWALK GRADE	3 FT MAX	6.2 FT	6.2 FT	YES
NUMBER OF DWELLING UNITS		1 UNITS	2 UNITS	
LOT AREA PER DWELLING UNIT	3,000 SF MIN	4,334 SF	2,167 SF	YES

1	11/15/2024	ZBA SUBMITTAL
ISS	DATE	DESCRIPTION OF ISSUE
SCALE	1" = 20'	
CHECKED	A.ROSS	
DRAWN	D.D.D.	
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 999 Silingos St Portsmouth, NH 03801 (603) 433-7500		
CLIENT: PORTSMOUTH ARCHITECTURE 4 MARKET ST PORTSMOUTH, NH 03801		
TITLE: SITE PLAN		
332 HANOVER ST PORTSMOUTH, NH 03801 TAX MAP 126, LOT 43		
JOB NUMBER	DWG. NO.	ISSUE
24-049	2 OF 2	1



EXISTING PERSPECTIVE FROM HANOVER STREET LOOKING SOUTH



EXISTING PERSPECTIVE FROM HANOVER/PARKER STREET LOOKING EAST



EXISTING PERSPECTIVE FROM HANOVER STREET LOOKING SOUTHEAST



EXISTING PERSPECTIVE FROM TANNER COURT LOOKING NORTH



EXISTING PERSPECTIVE FROM PARKER STREET/TANNER COURT
LOOKING NORTH



EXISTING PERSPECTIVE FROM TANNER COURT LOOKING NORTHWEST

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TWO FAMILY RESIDENCE

332 HANOVER STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

EXISTING CONDITION IMAGES

ZONING BOARD OF ADJUSTMENT - DECEMBER 2024

4 Market Street
Portsmouth, New Hampshire
603.430.0274

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A1

11/20/2024

McHA: RD / MG

Project Number: 24071

NOT TO SCALE



PROPERTY DENSITY DATA					
KEYNOTE	ADDRESS	NUMBER OF UNITS	REQUIRED SQUARE FEET...	SQUARE FEET PER UNIT	NO...
1	332 HANOVER...	2	3,000 SF	2,178 SF	CD4-L1
2	324 HANOVER...	1	3,000 SF	2,614 SF	
3	314 HANOVER...	4	3,000 SF	872 SF	
4	306 HANOVER...	4	3,000 SF	545 SF	
5	296 HANOVER STEET	2	3,000 SF	872 SF	
6	52 TANNER STREET	1	3,000 SF	1,307 SF	
7	9 TANNER COURT	1	3,000 SF	1,307 SF	
8	13 TANNER COURT	1	3,000 SF	2,178 SF	
9	350 HANOVER...	2	3,000 SF	1,307 SF	
10	45 PEARL STREET	2	3,000 SF	1,500 SF	
11	349 HANOVER...	6	3,000 SF	872 SF	
12	181 HILL STREET	12	3,000 SF	1,343 SF	
13	299 HANOVER...	COMMERCIAL ONLY			
14	136 HILL STREET	3	3,000 SF	1,017 SF	
15	285 HANOVER...	4	3,000 SF	436 SF	
16	288 HANOVER...	1	3,000 SF	1,743 SF	
17	282 HANOVER...	1	3,000 SF	1307 SF	
18	53 TANNER STREET	1	3,000 SF	2,178 SF	
19	45 TANNER STREET	1	3,000 SF	2,178 SF	
20	37 TANNER STREET	1	3,000 SF	2,178 SF	
21	29 TANNER STREET	1	3,000 SF	3,050 SF	
22	19 ISLINGTON...	4	3,000 SF	1,525 SF	
23	51 ISLINGTON...	30	3,000 SF	1,043 SF	CD4-L2
24	63 ISLINGTON...	COMMERCIAL ONLY			
25	93 ISLINGTON...	COMMERCIAL ONLY			
26	30 PARKER STREET	1	3,500 SF	2,614 SF	GRC
27	40 PARKER STREET	1	3,500 SF	1,743 SF	
28	31 PEARL STREET	6	3,500 SF	509 SF	
29	19 PEARL STREET	2	3,500 SF	1,743 SF	
30	36 PEARL STREET	1	3,500 SF	3,050 SF	
31	48 PEARL STREET	2	3,500 SF	1,961 SF	
32	394 HANOVER...	1	3,500 SF	1,743 SF	
33	27 ROCK STREET	2	3,500 SF	1,307 SF	

RED = NON CONFORMING LOT AREA PER DWELLING UNIT

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TWO FAMILY RESIDENCE

332 HANOVER STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

NEIGHBORHOOD DENSITY

ZONING BOARD OF ADJUSTMENT - DECEMBER 2024

4 Market Street
Portsmouth, New Hampshire
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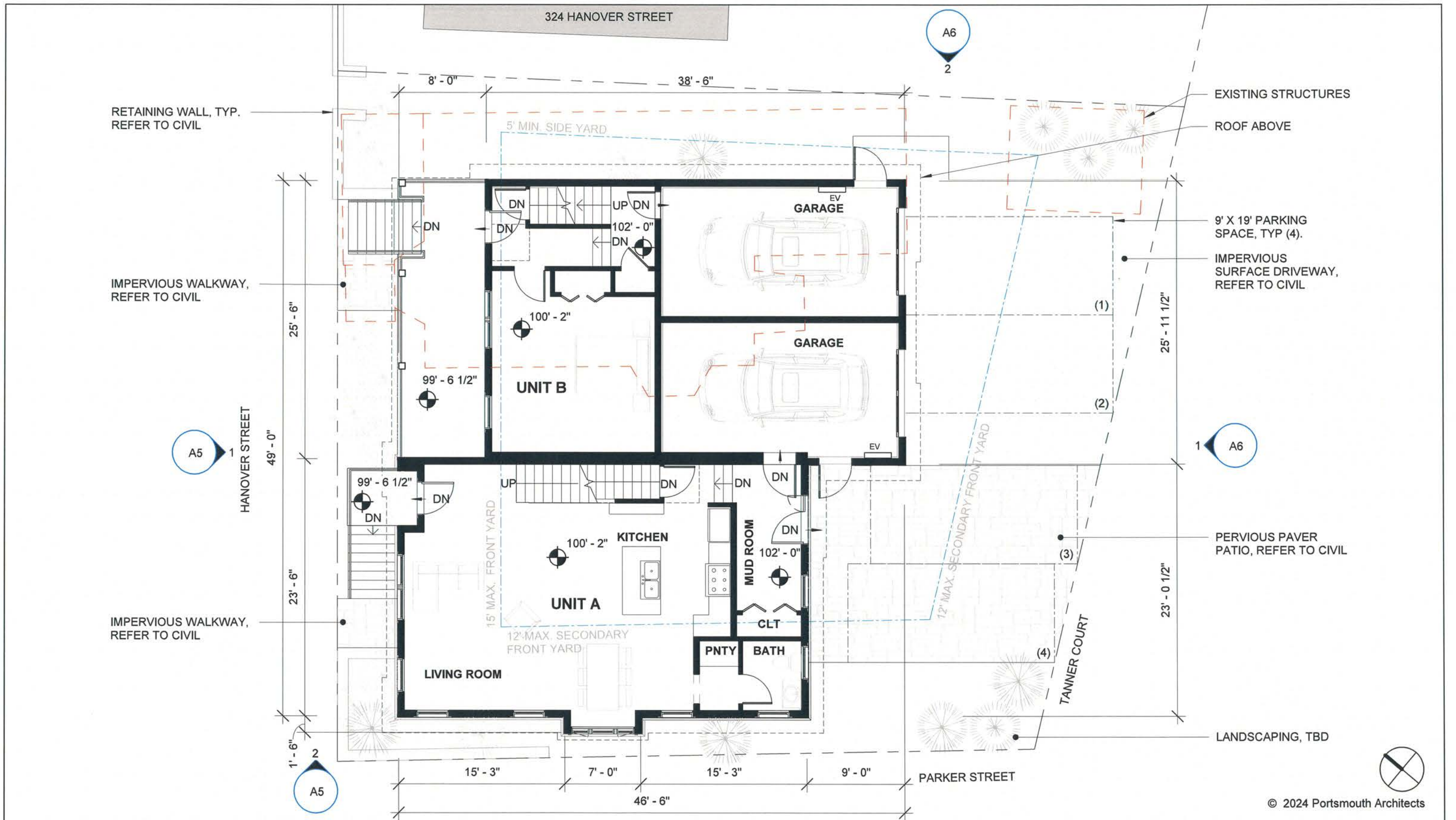
A2

11/20/2024

McHA: EKW / RD

Project Number: 24071

NOT TO SCALE



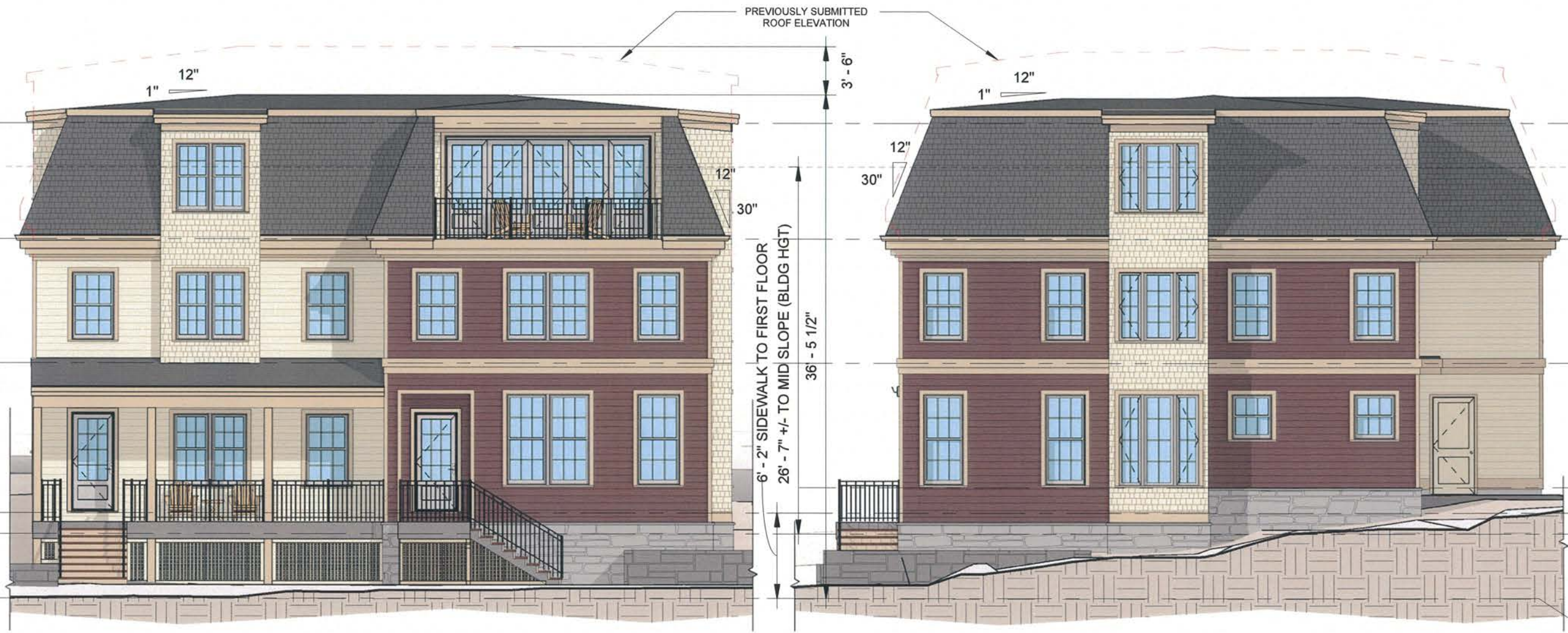
TWO FAMILY RESIDENCE
 332 HANOVER STREET
 PORTSMOUTH, NEW HAMPSHIRE 03801

FIRST FLOOR PLAN
 ZONING BOARD OF ADJUSTMENT - DECEMBER 2024

4 Market Street
 Portsmouth, New Hampshire
 603.430.0274
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A3

11/20/2024
 McHA: RD / MG
 Project Number: 24071
 Scale: 1/8" = 1'-0"



MAX BLDG.
HEIGHT
138' - 7 3/4"
SURVEY: 63.6'

EXISTING
BUILDING RIDGE
128' - 4 11/16"
SURVEY: 53.4'

THIRD FLOOR
120' - 0"
SURVEY: 45.0'

SECOND FLOOR
111' - 0"
SURVEY: 36.0'

REAR ENTRY
102' - 0"
SURVEY: 27.0'

FIRST FLOOR
100' - 2"
SURVEY: 25.2'

AVERAGE GRADE
98' - 7 3/4"
SURVEY: 23.6'

SIDEWALK GRADE
94' - 0"
SURVEY: 19.0'

1 NORTH-WEST ELEVATION - HANOVER STREET
1/8" = 1'-0"

2 SOUTH WEST ELEVATION - PARKER STREET
1/8" = 1'-0"

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TWO FAMILY RESIDENCE
332 HANOVER STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

ELEVATIONS

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11/20/2024
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Project Number: 24071
Scale: 1/8" = 1'-0"



1 SOUTH EAST ELEVATION - TANNER COURT
1/8" = 1'-0"

2 NORTH EAST ELEVATION
1/8" = 1'-0"

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TWO FAMILY RESIDENCE
332 HANOVER STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

ELEVATIONS

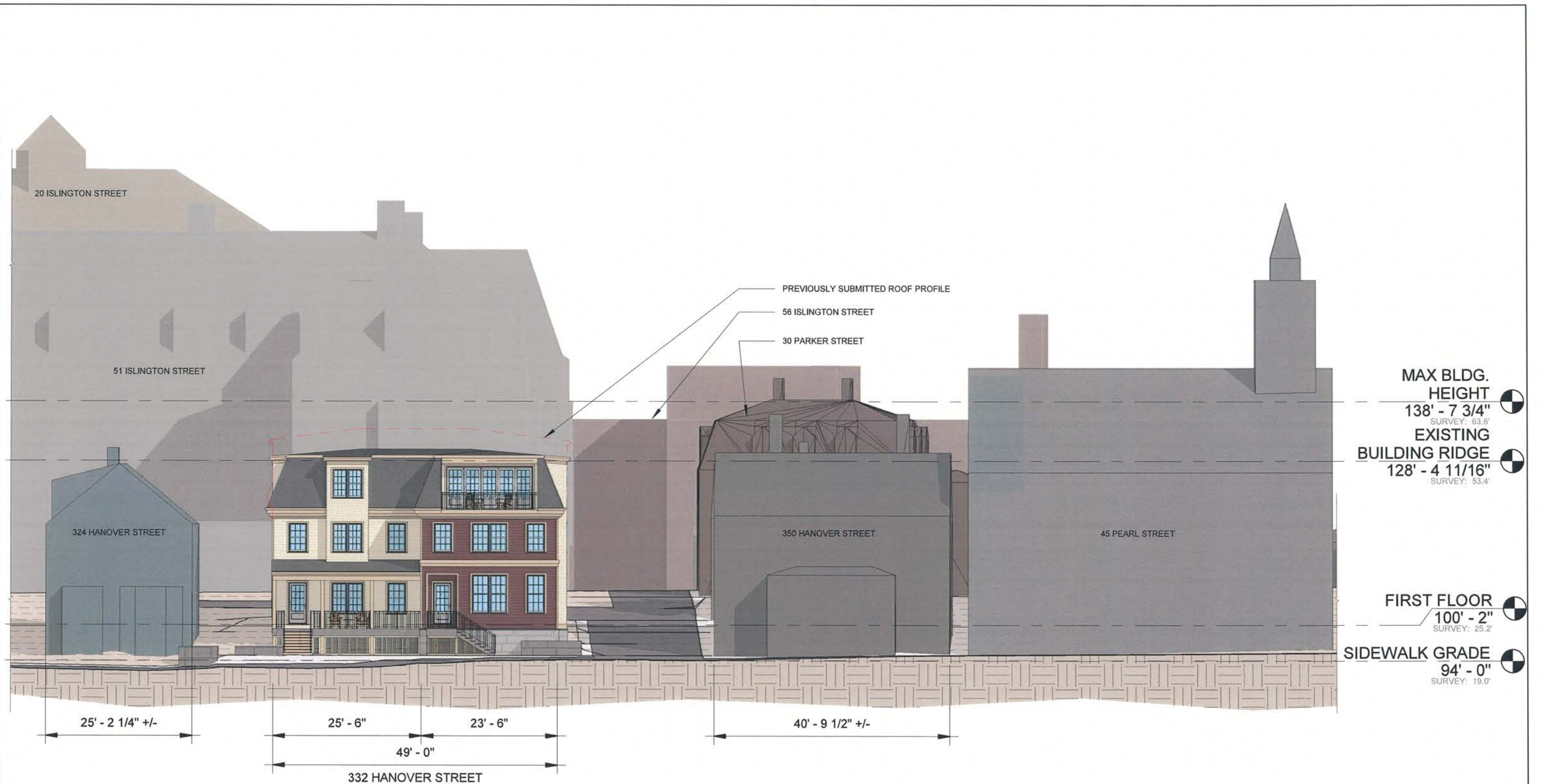
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A6

11/20/2024
McHA: RD / MG
Project Number: 24071
Scale: 1/8" = 1'-0"



NOTE: ADJACENT BUILDINGS PROVIDED VIA CITY OF PORTSMOUTH 3D CITY MODEL. THE ARCHITECT IS NOT RESPONSIBLE FOR DIFFERENCES IN SIZES DEPICTED IN THE CITY MODEL COMPARED TO WHAT EXISTS

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TWO FAMILY RESIDENCE HANOVER ST. SECTION LOOKING SOUTH

332 HANOVER STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

ZONING BOARD OF ADJUSTMENT - DECEMBER 2024

4 Market Street
Portsmouth, New Hampshire
603.430.0274

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A7

11/20/2024

McHA: RD / MG

Project Number: 24071

Scale: 1/16" = 1'-0"



PERSPECTIVE FROM HANOVER STREET LOOKING AT LEFT UNIT

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TWO FAMILY RESIDENCE

332 HANOVER STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

3D PERSPECTIVE

ZONING BOARD OF ADJUSTMENT - DECEMBER 2024

4 Market Street
Portsmouth, New Hampshire
603.430.0274

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A8

11/20/2024

McHA: RD / MG

Project Number: 24071

NOT TO SCALE



PERSPECTIVE FROM HANOVER STREET LOOKING SOUTH

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TWO FAMILY RESIDENCE

332 HANOVER STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

3D PERSPECTIVE

ZONING BOARD OF ADJUSTMENT - DECEMBER 2024

4 Market Street
Portsmouth, New Hampshire
603.430.0274

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A9

11/20/2024

McHA: RD / MG

Project Number: 24071

NOT TO SCALE



AERIAL PERSPECTIVE FROM TANNER COURT LOOKING NORTH

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TWO FAMILY RESIDENCE

332 HANOVER STREET
PORTSMOUTH, NEW HAMPSHIRE 03801

3D PERSPECTIVE

ZONING BOARD OF ADJUSTMENT - DECEMBER 2024

4 Market Street
Portsmouth, New Hampshire
603.430.0274

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McHENRY ARCHITECTURE



A10

11/20/2024

McHA: RD / MG

Project Number: 24071

NOT TO SCALE

Exhibit B
Site Photographs



Aerial View of Property and Surrounding Area



30 Parker Street

Exhibit B
Site Photographs



349 Hanover Street



337-339 Hanover Street

Exhibit B
Site Photographs



327-329 Hanover Street



317 Hanover Street

Exhibit B
Site Photographs



180 Hanover Street



261 Islington Street

Exhibit B
Site Photographs



51 Islington Street



40 Bridge Street (rear)

30 Parker Street
Portsmouth, NH 03801

November 17, 2024

Zoning Board of Adjustment
City of Portsmouth
1 Junkins Avenue, 3rd Floor
Portsmouth NH 03801

Re: 332 Hanover Street Development

Dear Zoning Board of Adjustment Members:

We support the newly proposed plan to develop 332 Hanover St., as the new decreased building height and updated exterior features bring the proposed structure into proportion with the surrounding older architecture in the neighborhood. We feel the newly proposed design will respect and complement the surrounding structures and we appreciate the thoughtful updates and extra time taken by the Bonniwells and their design team to hear and respond to neighbors' concerns.

Bryn & Katie Waldwick

Neil Rudnick
13 Tanner Court
Portsmouth, NH 03801
seabum17@gmail.com
603-988-5432
11/19/2024

Zoning Board of Adjustment
City of Portsmouth
1 Junkins Ave
3rd Floor
Portsmouth, NH 03801

Dear Members of the Zoning Board of Adjustment,

I am writing to express my support for the revised home building project located at 332 Hanover Street. As a resident of our city, I am pleased to see the thoughtful changes made to the original plan, addressing the concerns of our community and ensuring the development harmonizes with our historic neighborhood.

The revised project plans now incorporate historic architectural styles and finishes that reflect the character and charm of our area. By including features such as entrance doors closer to sidewalk grade and off-street parking, the new homes will blend seamlessly with the existing structures, preserving the aesthetic integrity of our neighborhood. This commitment to maintaining our city's heritage while providing modern amenities is truly commendable.

In addition to these stylistic adjustments, the revised plans also take into account the feedback from neighbors regarding the scale and density of the development. The project has been adjusted to include fewer windows and a lower building height, ensuring that it does not overwhelm the existing environment. This sensitive approach to development respects the community's concerns and promotes a more inclusive and balanced growth strategy.

In conclusion, I believe the revised home building project presents a valuable opportunity for our city to grow responsibly and honor our historic legacy. I urge the Zoning Board of Adjustment to approve this thoughtfully revised project and look forward to seeing the positive impact it will have on our city.

Thank you for your consideration.

Sincerely,

Neil Rudnick

----- Forwarded message -----

From: **John Carty** <jpcarty0@gmail.com>

Date: Mon, Nov 18, 2024 at 11:17 AM

Subject: Updated comment on proposed building at 332 Hanover St, Portsmouth NH

To: <planning@cityofportsmouth.com>

Cc: Kent Bonniwell <Kbonniwell@gmail.com>, Jen Bonniwell <jenbonniwell@gmail.com>

To: Portsmouth Zoning Board of Adjustment

From: Laura and John Carty, 324 Hanover Street, Portsmouth, NH 03801

Good morning;

My wife Laura Carty and I own the property at 324 Hanover Street, Portsmouth NH.

This to let you know that we met with Kent Bonniwell on Saturday, November 16, 2024 to review the Bonniwells' proposed changes to their plans for 332 Hanover Street. Please note that 332 Hanover is immediately adjacent to our property at 324 Hanover.

Kent walked us through the modifications they have made to their plans, in response to neighbor feedback. In particular, the proposed changes he showed us reduced the overall height of the building by more than three feet, reduced the number of windows facing Parker Street, and changed the style of windows to be more characteristic of the neighborhood.

We feel that these changes bring the proposed project much more in line with the scale and character of the houses surrounding it, and of the neighborhood in general.

Therefore, we withdraw our objection of October 14, 2024 to the original proposal. We support the Bonniwells' revised plan to build according to the drawings we were shown on November 16, 2024.

Please feel free to contact us with any questions.

Many thanks again to the Portsmouth ZBA for the work you do in maintaining the character of our neighborhoods.

Sincerely,

John and Laura Carty
324 Hanover Street
Portsmouth, NH 03801
508-397-3300

On Mon, Oct 14, 2024 at 4:28 PM John Carty <jpcarty0@gmail.com> wrote:

Good afternoon;

Upon review of the proposed construction at 332 Hanover Street, we would like to amend our position on this project.

We have reviewed the height and mansard roof details of the proposed projects, and discussed this in detail with our neighboring abutters.

In principle, we support the approach to this project. However, we agree with our neighbors that the combination of increased lot density, the finished height of the building, and the bulky appearance of a mansard roof, would be too much for the lot and the neighborhood. We believe that this combination is not in the best interests of the character of the neighborhood or our property values.

We continue to support the Boniwells' desire to build and occupy a property which fits with the neighborhood, and also makes it a reasonable investment for them. We would be very interested in seeing this project amended so that the height and mansard roof shape are not quite such dominating characteristics of the neighborhood.

Therefore, we would request that the granting of variances be made contingent upon reducing the overall building height to match that of the existing structure.

Thank you for your consideration, and many thanks for all that you do for the City of Portsmouth

Sincerely

John and Laura Carty
324 Hanover Street
Portsmouth, NH 03801

On Mon, Oct 7, 2024 at 10:31 AM John Carty <jpcarty0@gmail.com> wrote:

Good morning;

My name is John Carty. My wife Laura and I own the property at 324 Hanover St, Portsmouth NH. Our property is next to 332 Hanover St.

We have had the opportunity to meet with the new owners, Jen and Kent Bonniwell. Jen and Kent joined us and several of our neighbors to meet, share the detailed plan, and address any questions.

Laura and I are in favor of the Bonniwell's proposed project. The property is a very nice corner lot, but the existing buildings are abandoned and deteriorating. We feel that the development that Jen and Kent have proposed would be a good addition to the neighborhood and the City. The proposed buildings fit the character of the neighborhood very nicely. This project adds two new residential units to Portsmouth's housing stock and tax base, without overwhelming the site.

The variances requested, which impact our property most directly, seem reasonable.

We have also found Jen and Kent to be very pleasant people, and thoughtful about how their project would impact the neighborhood. We believe that they would be a great addition to our community.

Laura and I may not be able to attend this week's meeting, so please take this email as our vote in favor of the Bonniwell's proposed project.

Thanks very much,

John Patrick Carty
Principal, The Carty Group

508-397-3300

332 HANOVER ST

Location 332 HANOVER ST

Mblu 0126/ 0043/ 0000/ /

Acct# 33656

Owner BONNIWELL KENT & JENNIFER

PBN

Assessment \$844,500

Appraisal \$844,500

PID 33656

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$366,700	\$477,800	\$844,500

Assessment			
Valuation Year	Improvements	Land	Total
2024	\$366,700	\$477,800	\$844,500

Owner of Record

Owner BONNIWELL KENT & JENNIFER
Co-Owner
Address 108 FOREST ST
 WELLESLEY, MA 02481

Sale Price \$1,040,000
Certificate
Book & Page 6557/1561
Sale Date 07/02/2024
Instrument 99

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
BONNIWELL KENT & JENNIFER	\$1,040,000		6557/1561	99	07/02/2024
VATISTAS CHRISANTHOS	\$0		4662/2307		06/01/2006

Building Information

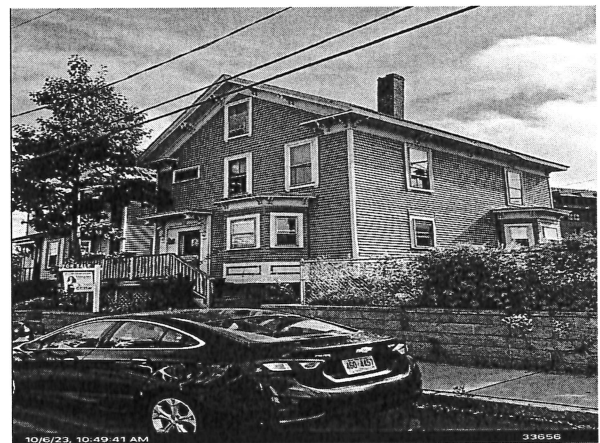
Building 1 : Section 1

Year Built: 1910
Living Area: 1,660
Replacement Cost: \$621,259

Building Percent Good: 59
Replacement Cost
Less Depreciation: \$366,500

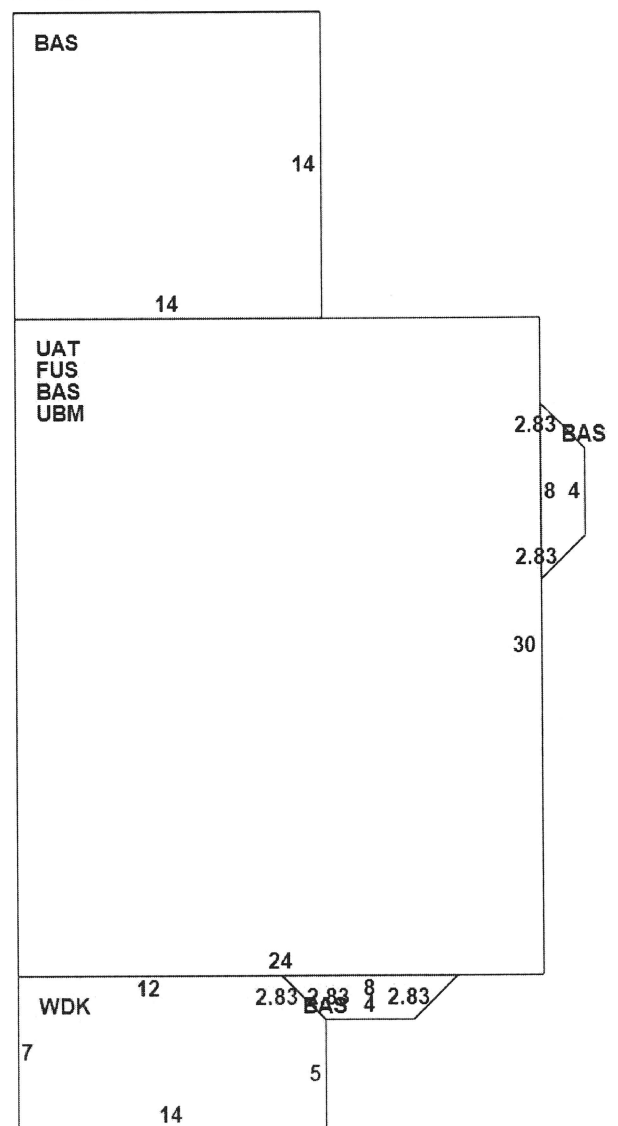
Building Attributes	
Field	Description
Style:	Conventional
Model	Residential
Grade:	B+
Stories:	2
Occupancy	1
Exterior Wall 1	Clapboard
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Hardwood
Interior Flr 2	
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	0
Total Rooms:	7
Bath Style:	Fair
Kitchen Style:	Fair
Kitchen Gr	
WB Fireplaces	0
Extra Openings	0
Metal Fireplaces	0
Extra Openings 2	0
Bsmt Garage	

Building Photo



(https://images.vgsi.com/photos2/PortsmouthNHPhotos/A0039133656_33656)

Building Layout



(ParcelSketch.aspx?pid=33656&bid=33656)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area

BAS	First Floor	940	940
FUS	Upper Story, Finished	720	720
UAT	Attic	720	0
UBM	Basement, Unfinished	720	0
WDK	Deck, Wood	96	0
		3,196	1,660

Extra Features

Extra Features	Legend
No Data for Extra Features	

Land

Land Use

Use Code 1010
 Description SINGLE FAM MDL-01
 Zone CD4-L1
 Neighborhood 105
 Alt Land Appr No
 Category

Land Line Valuation

Size (Acres) 0.10
 Frontage
 Depth
 Assessed Value \$477,800
 Appraised Value \$477,800

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
SHD1	SHED FRAME			108.00 S.F.	\$200	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$165,400	\$277,000	\$442,400
2022	\$165,400	\$277,000	\$442,400
2021	\$165,400	\$277,000	\$442,400

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$165,400	\$277,000	\$442,400
2022	\$165,400	\$277,000	\$442,400
2021	\$165,400	\$277,000	\$442,400

Property Location 332 HANOVER ST
 Vision ID 33656

Account # 33656

Map ID 0126/0043/0000/
 Bldg # 1

Bldg Name
 Sec # 1 of 1

Card # 1 of 1

State Use 1010
 Print Date 11/15/2024 5:30:10 A

CURRENT OWNER			TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229 PORTSMOUTH, NH VISION		
BONNIWELL KENT & JENNIFER			2 Above	0 All Public	1 Paved		Description	Code	Appraised	Assessed			
108 FOREST ST					8 2+ Off-St PKG		RESIDNTL	1010	366,500	366,500			
WELLESLEY MA 02481			SUPPLEMENTAL DATA				RES LAND	1010	477,800	477,800			
			Alt Prcl ID 0126-0043-0000-0000 OLDACTN 44750 PHOTO WARD PREC. 1/2 HSE GIS ID 33656			CONDO C INLAW Y/ LOT SPLIT 2015 Reva JM Ex/Cr Appli Assoc Pid#			RESIDNTL	1010	200	200	
									Total	844,500	844,500		

RECORD OF OWNERSHIP							PREVIOUS ASSESSMENTS (HISTORY)												
BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	Year	Code	Assessed	Year	Code	Assessed V	Year	Code	Assessed					
BONNIWELL KENT & JENNIFER	6557 1561	07-02-2024	U	I	1,040,000	99	2024	1010	366,500	2023	1010	165,300	2022	1010	165,300				
VATISTAS CHRISANTHOS	4662 2307	06-01-2006	U	I	0			1010	477,800		1010	277,000		1010	277,000				
								1010	200		1010	100		1010	100				
							Total	844,500			Total	442,400			Total	442,400			

EXEMPTIONS				OTHER ASSESSMENTS			
Year	Code	Description	Amount	Code	Description	Number	Amount
Total			0.00				

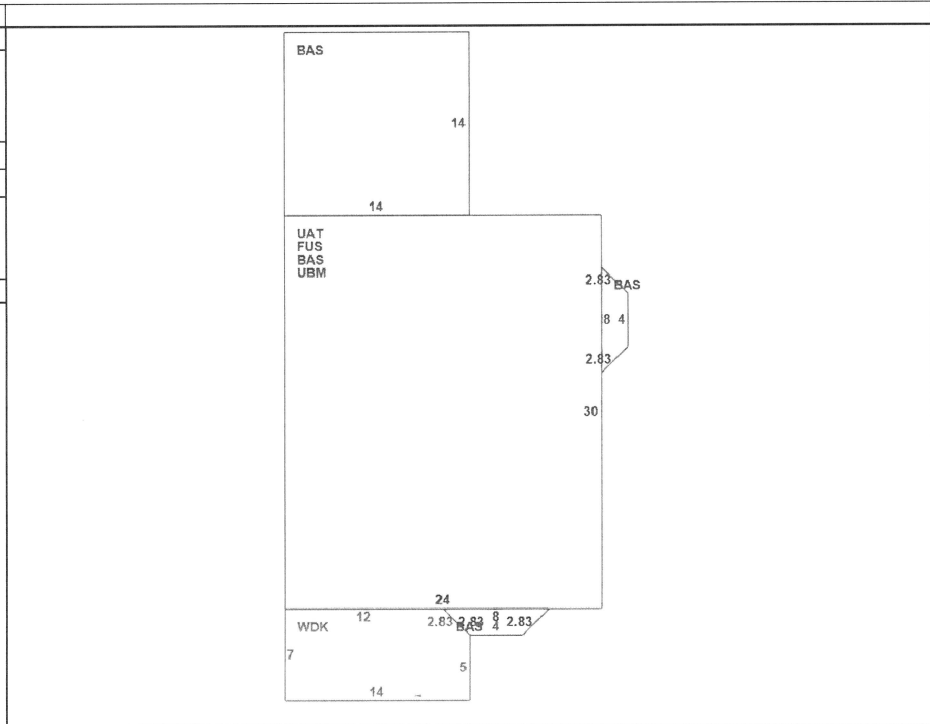
ASSESSING NEIGHBORHOOD			
Nbhd	Nbhd Name	B	Batch
105			

NOTES	
06/13- ADJ SHAPES ON SKETCH; OLDER WINDOWS 7/19HI: 1ST FLR RENTAL, 2ND FLR USED FOR STORAGE, HEAT/WATER CAPPED. 2024 SALE - DWELLING TO BE RAZED.	

BUILDING PERMIT RECORD							VISIT / CHANGE HISTORY							
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Date	Id	Type	Is	Cd	Purpose/Result
DEMO-24-2	10-11-2024			35,000				<div style=	08-05-2024	CKR	03	5	SR	Sales Review
									07-29-2019	JW	01	1	41	Hearing Change
									07-22-2019	RK			41	Hearing Change
									07-24-2018	LS			AD	Address Change
									07-18-2017	SG			FR	Field Review Stat Update
									04-23-2015	RT			FR	Field Review Stat Update
									06-05-2013	JM			10	Measu/LtrSnt No Respons

LAND LINE VALUATION SECTION																				
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj	Special Pricing	Adj Unit P	Land Value				
1	1010	SINGLE FAM M	CD4			4,370 SF	47.54	1.0000	1	1.00	105	2.300	0		1.0000	109.33	477,800			
Total Card Land Units														0 AC	Parcel Total Land Area		0	Total Land Value		477,800

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	06	Conventional			
Model	01	Residential			
Grade:	B+	B+			
Stories:	2				
Occupancy	1				
Exterior Wall 1	11	Clapboard			
Exterior Wall 2					
Roof Structure:	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	03	Plastered			
Interior Wall 2					
Interior Flr 1	12	Hardwood			
Interior Flr 2					
Heat Fuel	02	Oil			
Heat Type:	04	Hot Water			
AC Type:	01	None			
Total Bedrooms	02	2 Bedrooms			
Total Bthrms:	2				
Total Half Baths	0				
Total Xtra Fixtrs	0				
Total Rooms:	7				
Bath Style:	5	Fair			
Kitchen Style:	5	Fair			
Kitchen Gr					
WB Fireplaces	0				
Extra Openings	0				
Metal Fireplace	0				
Extra Openings	0				
Bsmt Garage					
			MIXED USE		
			Code	Description	Percentage
			1010	SINGLE FAM MDL-01	100
					0
					0
			COST / MARKET VALUATION		
			Adj. Base Rate		329.41
			Building Value New		621,259
			Year Built		1910
			Effective Year Built		1983
			Depreciation Code		FR
			Remodel Rating		
			Year Remodeled		
			Depreciation %		41
			Functional Obsol		
			External Obsol		
			Trend Factor		1
			Condition		
			Condition %		
			Percent Good		59
			RCNLD		366,500
			Dep % Ovr		
			Dep Ovr Comment		
			Misc Imp Ovr		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)											
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond. Cd	% Gd	Grade	Grade Adj.	Appr. Value	
SHD1	SHED FRAME	L	108	18.00	1930	P	10	E	0.80	200	

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	940	940	940	329.41	309,641	
FUS	Upper Story, Finished	720	720	720	329.41	237,172	
UAT	Attic	0	720	72	32.94	23,717	
UBM	Basement, Unfinished	0	720	144	65.88	47,434	
WDK	Deck, Wood	0	96	10	34.31	3,294	
Ttl Gross Liv / Lease Area		1,660	3,196	1,886		621,258	



IV. NEW BUSINESS

C. The request of **Walter and Tamara Tate (Owners)**, for property located at **108 Burkitt Street** whereas relief is needed to construct an addition above the existing enclosed porch and replace a mechanical unit which requires the following: 1) Variance from Section 10.521 to allow a 4 foot right side yard where 10 feet is required; 2) Variance from Section 10.515.14 to install a mechanical unit 1 foot from the side property line whereas 10 feet is required; and 3) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 159 Lot 30 and lies within the General Residence A (GRA) District. (LU-24-203)

Existing & Proposed Conditions

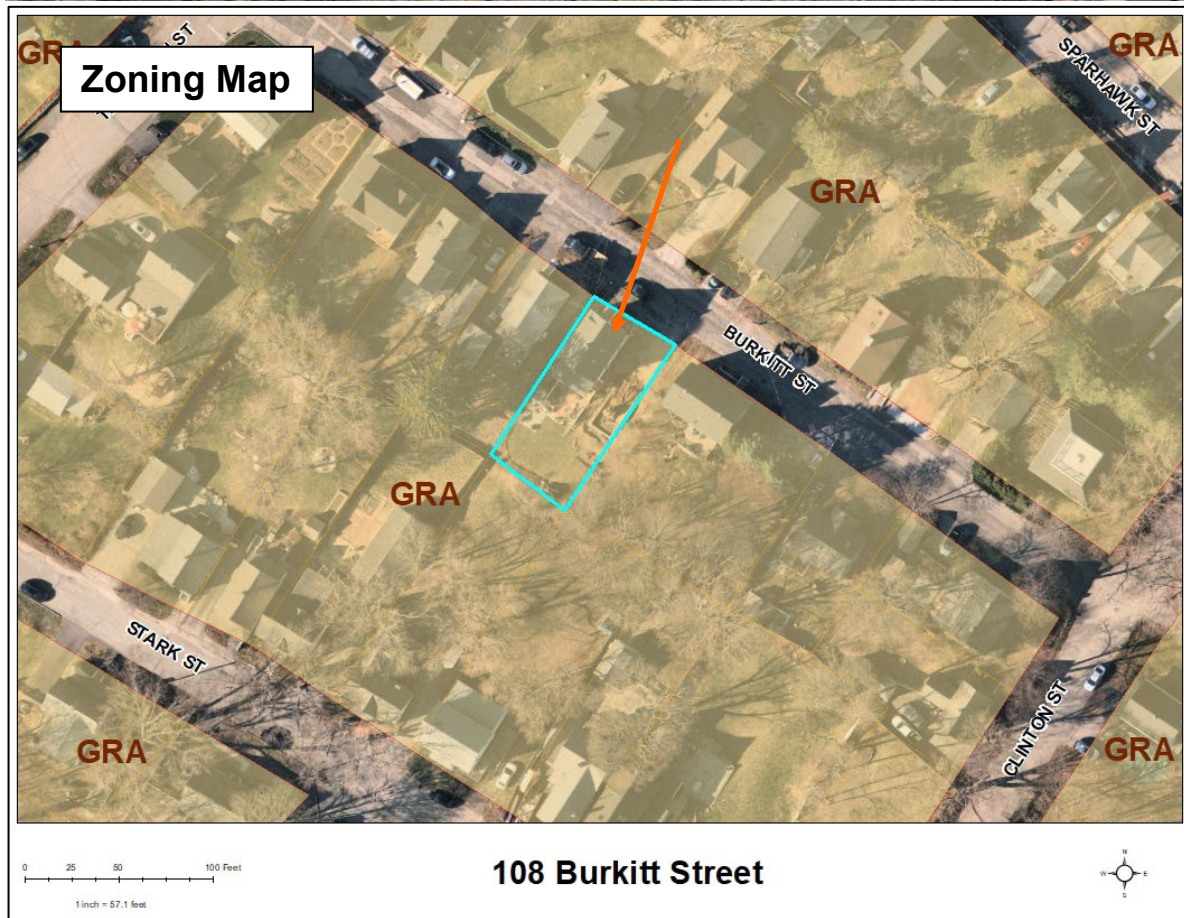
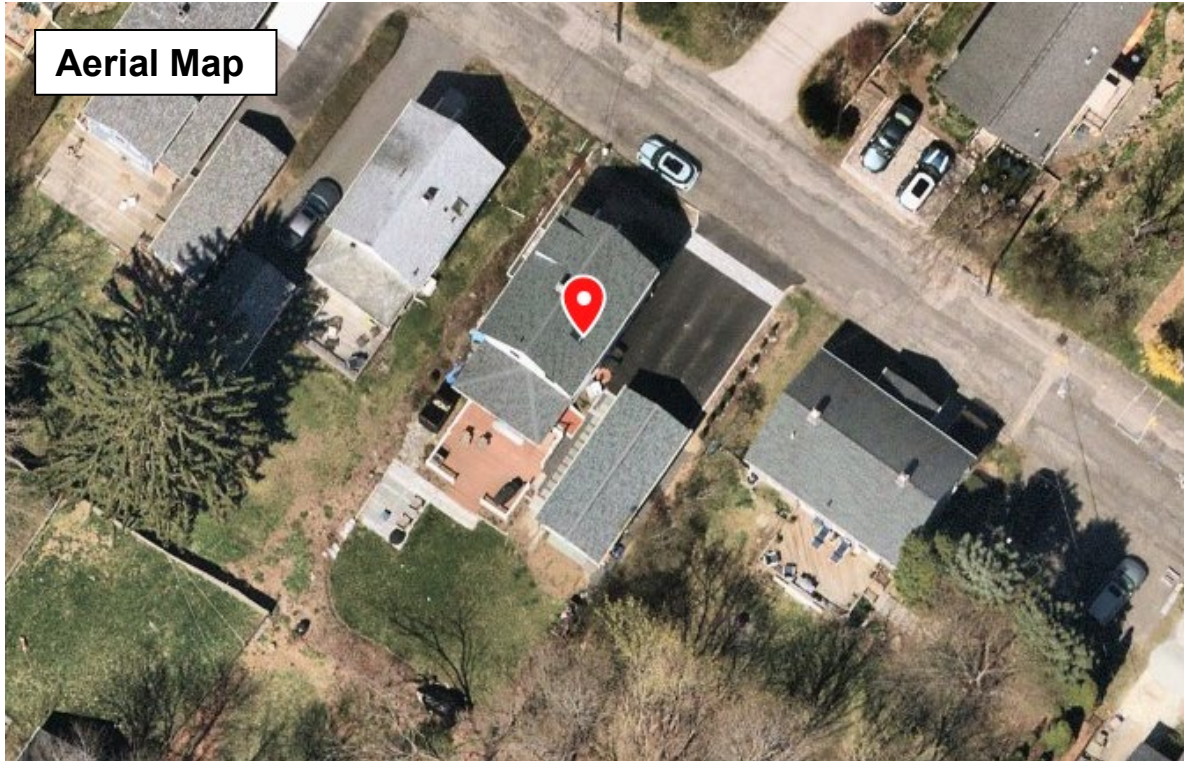
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family residence	*Construct an addition to the rear of the primary structure	Primarily residential
<u>Lot area (sq. ft.):</u>	5,379	5,379	7,500 min.
<u>Front Yard (ft)</u>	11	11	15 min.
<u>Right Yard (ft.):</u>	House: 4 Mechanical Unit: 1	Addition: 4 Mechanical Unit: 1	10 min.
<u>Rear Yard (ft.):</u>	>20	>20	20 min.
<u>Left Yard (ft.):</u>	House: 25 Garage: 1	House: 25 Garage: 1	10 min.
<u>Height (ft.):</u>	35	35	35 max.
<u>Building Coverage (%):</u>	22.5	22.5	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Parking:</u>	2	2	2 min.
<u>Estimated Age of Structure:</u>	1900	Variance request(s) shown in red.	

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

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

May 24, 2022 – The Board **postponed** the following: 1) a Variance from Section 10.573.20 to allow a 1 foot left side yard where 10 feet is required. 2) a Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

July 19, 2022 – The Board **postponed** the following: 1) a Variance from Section 10.573.20 to allow a 1 foot left side yard where 10 feet is required. 2) a Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

September 20, 2022 – The Board **granted** the following with the condition that the left side yard shall be 2 feet: 1) a Variance from Section 10.573.20 to allow a 1 foot left side yard where 10 feet is required. 2) a Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

Planning Department Comments

The applicant is proposing to construct an addition above the existing rear first floor sun room and replacement of the existing mechanical unit. The addition will be vertical expansion and will not create a larger home footprint.

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.

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

Property Address: **108 Burkitt Street** (Map 0159 Lot 0030) Zone GRA
Owners: Tamara and Walter Tate
Online Application Submitted on 11/17/24

To the Chairman of the Board of Adjustment:

Please find this letter of intent in support of request for variance at 108 Burkitt Street,
(Map 0159 Lot 0030) Zone GRA.

Project Narrative/Proposed Improvements:

Walter and Tamara are the owners of 108 Burkitt Street in Portsmouth and purchased the home for our family of four. We are looking forward to spending our retirement years in Portsmouth and think it's a great place to reside with our family.

We are looking to expand vertically within the current footprint. The additional space would be on top of the existing winterized, enclosed porch on the first level (located in the rear of the house). The current winterized porch dimensions are 18 feet by 10 feet.

The proposed additional space on the second floor will create a master bedroom on the second floor with a master bath and closet space. Unfortunately, the current master bedroom is located on the third floor in the finished attic and given that we will be there in retirement, we prefer the master bedroom to be on the second floor. Currently the small second floor bedroom is 10 feet x 12 feet and only has a closet that is 18" deep by 5' wide.

The first floor of the winterized porch will be reconstructed into a kitchen that opens to the living and dining areas and will be able to accommodate our family of four. The proposed renovation will make the winterized porch ceiling height match the rest of the first floor height of 8.5 feet.

In order to maximize interior wall and floor space, we are proposing to remove the existing baseboard heaters and mini-split heads. Also, we're proposing to replace the existing mini-split condenser with a central-air condenser in the same exterior location.

We love our new neighborhood, particularly being able to walk into town, and foresee our family setting roots down for many years to come!

Variance Relief:

Our current home is non-conforming (built in 1900), and is built within the 10' minimum side setbacks on the right (West) side of the lot. With the proposed improvements, the new minimum setback would also be within the 10' minimum side setback on the second level. We are applying for variance relief from Section 10.321 and 10.521 of the Zoning Ordinance:

10.321 Expansion of nonconforming structure - to permit the addition of a second story within the pre-existing non-conforming right side setback.

10.521 Right Side Setback - to the extent relief beyond 10.321 is deemed necessary, we request a right side setback relief to allow for the second level addition, within the setback where 10' is required. Currently the winterized porch encroaches 5'7" into the setback. The proposed second floor addition would also encroach 5'7" into the setback.

10.521 Right Side Setback - to the extent relief beyond 10.321 is deemed necessary, we request a right side setback relief to allow for replacing the existing mini-split condenser and pad with a central air condenser and pad in the same location. Currently the mini-split condenser and pad encroaches 9' into the setback. The proposed central air condenser and pad will also encroach 9' into the setback.

Note:

10.521 Building Coverage - to permit the construction of any approximately 180s.f. (footprint) second-story addition on existing CMU foundation where 25% building coverage is allowed. The proposed lot coverage will remain 22.5% which will remain under the 25% threshold. **See exhibit #A3.**

Variance Criteria:

10.233.21 The variance will not be contrary to the public interest: The new 18' x 10' second level addition is intended to stay within the beautiful character of the neighborhood. Many houses on Burkitt and in the surrounding neighborhood have additions to the rear of the house. The proposed improvements will have limited sightlines from the street and will be restricted to two stories high. There is no threat to public health, safety or welfare.

10.233.22 The spirit of the Ordinance will be observed: The GRA district "provides areas for single-family, two family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre), together with appropriate accessory uses and limited services." Our property, although nonconforming, will still be within the range set forth by the Ordinance.

Our property, like many in the neighborhood, contains a home which does not comply with all setback requirements. **Exhibit #A3**. Our proposed plan does not increase encroachment into any of the setbacks over existing conditions. Front, rear and left side setbacks are remaining the same, as are the height and open space requirements. As such, granting the requested variances will not conflict with the basic zoning objectives. The proposal allows for an updated, more livable residence consistent with other nearby homes. Thus, granting the variances neither alters the essential character of the locality nor threatens the public health, safety, or welfare.

10.233.23 Substantial justice will be done: The requested relief is reasonable given our current structure and lot lines. The proposal is quite modest, retaining the existing use while improving aesthetics and livability while complying with open space . Access to air and light is maintained, so there is no harm to the public in granting the variance.

If the application were denied, the comfort of our home would be diminished given our family of four. Also, we would be greatly harmed by denial of the variance because we will be unable to create additional living space or reasonably renovate our residence. There would be no gain to the public by denying the requested zoning relief. Substantial justice will be done by granting the variance.

10.233.24 The values of surrounding properties will not be diminished: The proposal adds interior living space and improves aesthetics, while conforming with the architectural character of the surrounding area. The proposed improvements will be visually appealing internally and externally and increase property values. Our neighbors will all benefit from these improvements.

10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship: The current home does not allow enough space for a master bedroom with closet space on the second level. Also the stairs to the current master bedroom located on the third floor are awkward making getting there a careful, somewhat difficult process. The proposed improvements will add much needed usable indoor space and allow a master bedroom that is easier and safer to get to on the second level.

Economically, the proposed improvements of the house are the most cost-effective. We have space to add a master bedroom where our current deck resides , but the costs are not feasible and we would lose outdoor space. We do have available setbacks on the rear of the house where the deck is, but building in that area would also require demolition of the deck and relocation of the bulkhead and basement stairs. Additional foundation work and draining would be necessary to build in the current setbacks leading to a disruption to our living space, and significant expenses out of scope for this project. The cost of the proposed improvements are far more economical than our other options.

Exhibits:

A. Site Layout

A1–Map Geo

A2–Portsmouth Vision Card

A3–Survey by Ross Engineering LLC–Proposed Site Plan

A4–Survey by Ross Engineering LLC-Existing Site Plan

B. Site Photos

B1–Photo #1 of back of house

B2–Photo #2 of back of house

B3–Photo #1 of current mini-split condenser

B4–Photo #2 of current mini-split condenser

C. Proposed Architectural Plans

C1–Architectural drawing #1 of proposed back of the house

C2–Architectural drawing #2 of first floor plan

C3–Architectural drawing #3 of second floor plan

C4–Architectural drawing #4 of third floor plan and foundation plan

C5–Architectural drawing #5 of elevations of the main house

C6–Architectural drawing #6 door and windows schedules

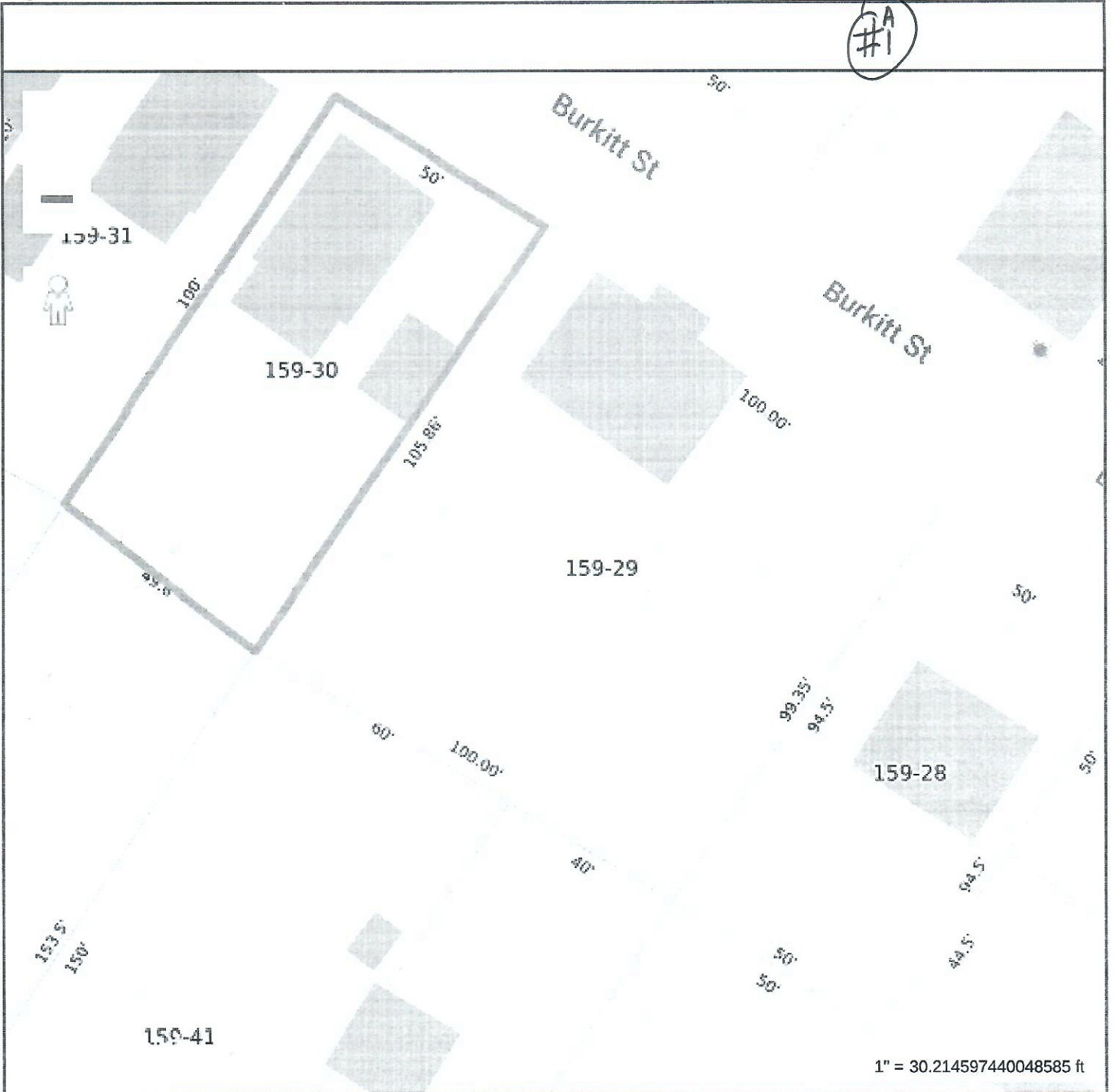
C7–Architectural drawing #7 first floor interior views

C8–Architectural drawing #8 second floor interior views

C9–Architectural drawing #9 first floor cross-section views

C10–4Architectural drawing #10 second floor cross section views

CA #1



Property Information

Property ID 0159-0030-0000
 Location 108 BURKITT ST
 Owner ST JEAN JOEL



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 09/26/2024

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

#2

Year Built: 1930
 Living Area: 1,543
 Replacement Cost: \$622,447
 Building Percent Good: 89
 Replacement Cost
 Less Depreciation: \$654,000

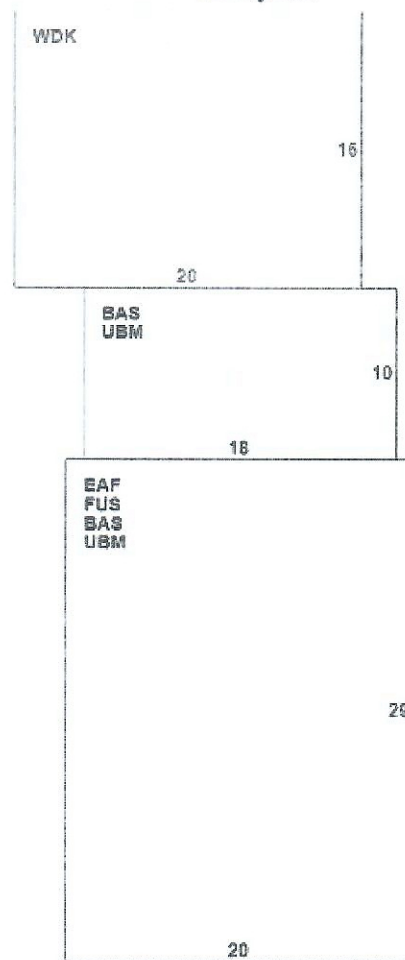
Building Photo

Building Photo

Building Layout

Building Layout

Building Attributes	
Field	Description
Style:	Conventional
Mode:	Residential
Grade:	B
Stories:	2
Occupancy:	1
Exterior Wall 1:	Cement Fiber
Exterior Wall 2:	
Roof Structure:	Gable/Hip
Roof Cover:	Asph/Fib/Gls/Cmc
Interior Wall 1:	Drywall/Sheet
Interior Wall 2:	Plastered
Interior Flr 1:	Hardwood
Interior Flr 2:	Ceram/Clay Ti
Heat Fuel:	Oil
Heat Type:	Hot Water
AC Type:	Heat Pump
Total Bedrooms:	3 Bedrooms
Total Baths:	2
Total Half Baths:	1
Total Xtra Fldrs:	2
Total Rooms:	7
Bath Style:	Avg Quality
Kitchen Style:	Above Avg Qual
Kitchen Gr:	
WB Fireplaces:	0
Extra Openngs:	0
Meta Fireplaces:	0
Extra Openngs 2:	0
Basmt Garage:	



Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	180	750	
FUS	Upper Story Finished	580	580	
EAF	Attic Expansion	580	203	
UBM	Basement Unfinished	180	0	
WDK	Deck, Wood	320	0	

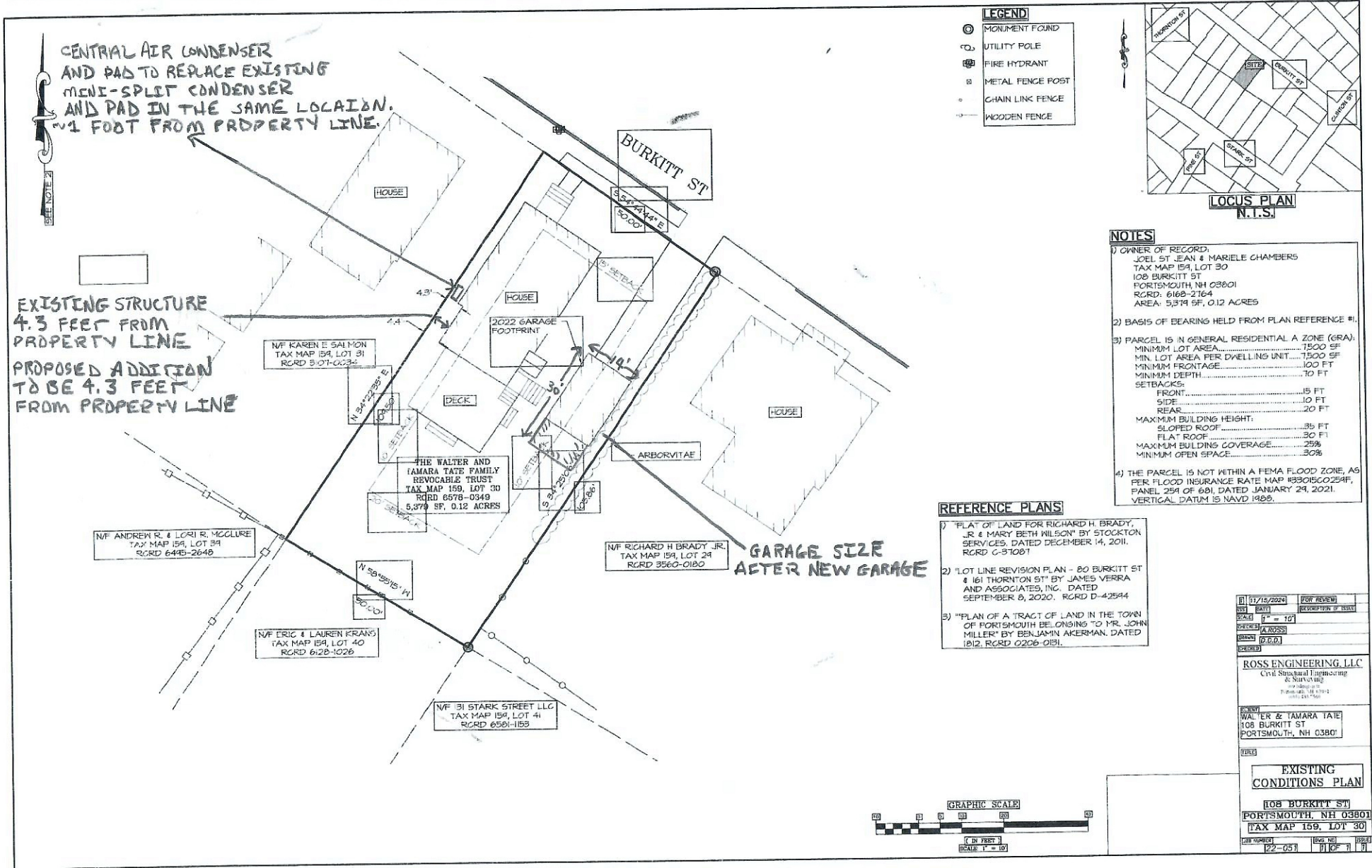
VC FPM

MAIN HOUSE STRUCTURE = 760 SQ. FT.
 GARAGE STRUCTURE (NEW) = 420 SQ. FT.
 FRONT & SIDE DOOR LANDINGS = 31 SQ. FT.
 BUILDING COVERAGE = 1211 SQ. FT.

PROPOSED SITE PLAN

#A3

PROPOSED LOT COVERAGE
 $1211/5379 = 22.5\%$



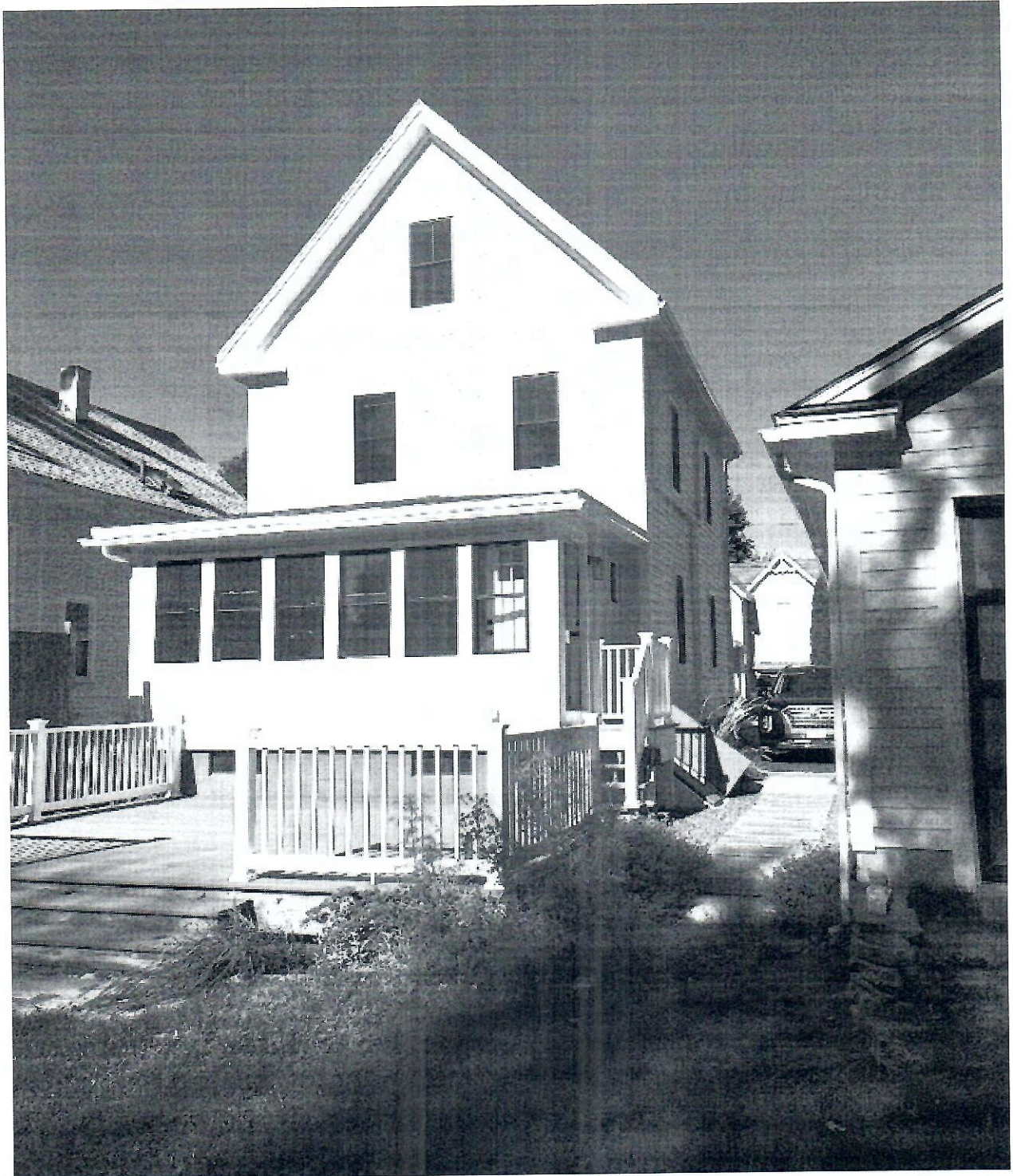
#B1

Site Photos-Exhibit B-1: Photo #1 Back of House



#B2

Site Photos—Exhibit B-2: Photo #2 Back of House



#B3

Site Photos—Exhibit B-3: Photo #1 Right side of House / Current Mini Split Condenser



#34

Site Photos—Exhibit B-4: Photo #2 Right side of House / Current Mini Split Condenser



#C1

Add/Reno - Tate Residence

108 Burkitt St, Portsmouth NH (10/24/2024)

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Art Form Architecture, LLC

603-431-9559



Dear Builders and Home Buyers,

In addition to our Terms and Conditions (the "Terms"), please be aware of the following:

This design may not yet have Construction Drawings (as defined in the Terms) and is, therefore, only available as a Design Drawing (as defined in the Terms and together with Construction Drawings, "Drawings"). It is possible that during the conversion of a Design Drawing to a final Construction Drawing, changes may be necessary including, but not limited to, dimensional changes. Please see Plan Data Explained on www.artform.us to understand room sizes, dimensions and other data provided. We are not responsible for typographical errors.

Art Form Architecture ("Art Form") requires that our home designs be built substantially as designed. Art Form will not be obligated by or liable for use of this design with markups as part of any builder agreement. While we attempt to accommodate where possible and reasonable, and where the changes do not detract our design, any and all changes to Drawings must be approved in writing by Art Form. It is recommended that you have your Drawing updated by Art Form prior to attaching any Drawing to any builder agreement. Art Form shall not be responsible for the misuse of or unauthorized alterations to any of its Drawings.

Facade Changes:

- To maintain design integrity, we pay particular attention to features on the front facade, including but not limited to door surrounds, window casings, finished porch column sizes, and roof friezes. While we may allow builders to add their own flare to aesthetic elements, we don't allow our designs to be stripped of critical details. Any such alterations require the express written consent of Art Form.
- Increasing ceiling heights usually requires adjustments to window sizes and other exterior elements.
- Floor plan layout and/or Structural Changes:
- Structural changes always require the express written consent of Art Form
- If you wish to move or remove walls or structural elements (such as removal of posts, increases in house size, ceiling height changes, addition of dormers, etc), please do not assume it can be done without other additional changes (even if the builder or lumber yard says you can).

#C2

Add/Reno - Tate Residence

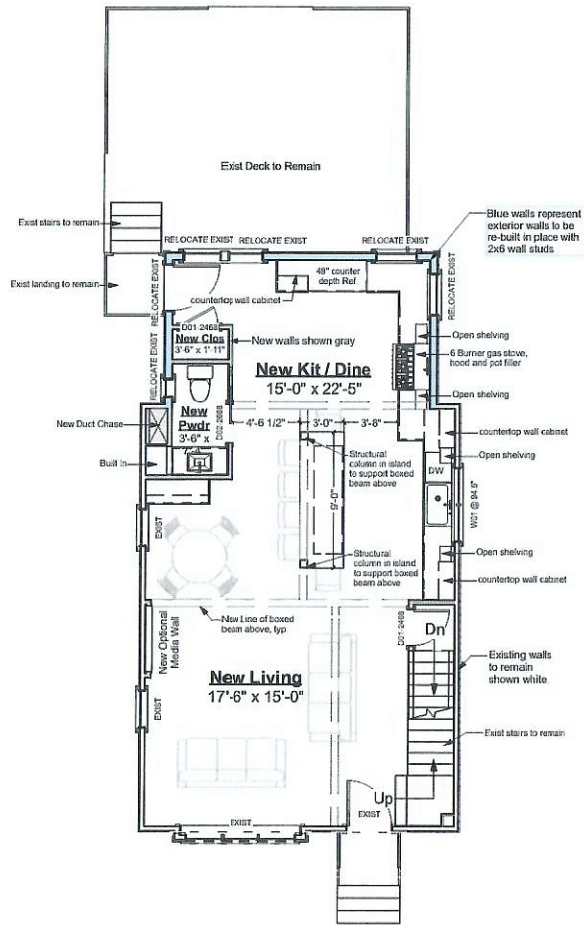
108 Burkitt St, Portsmouth NH (10/24/2024)

NOTE: To scale as noted only if printed on 11x17 paper with "no scaling" (do not "Fit").

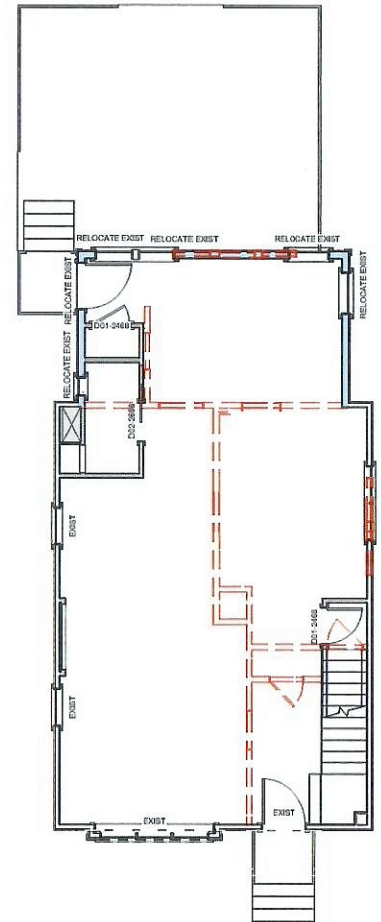
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First Floor Plan - Scale: 1/8" = 1'-0"



First Floor Plan - Scale: 1/8" = 1'-0"
(Removals shown)

#C3

Add/Reno - Tate Residence

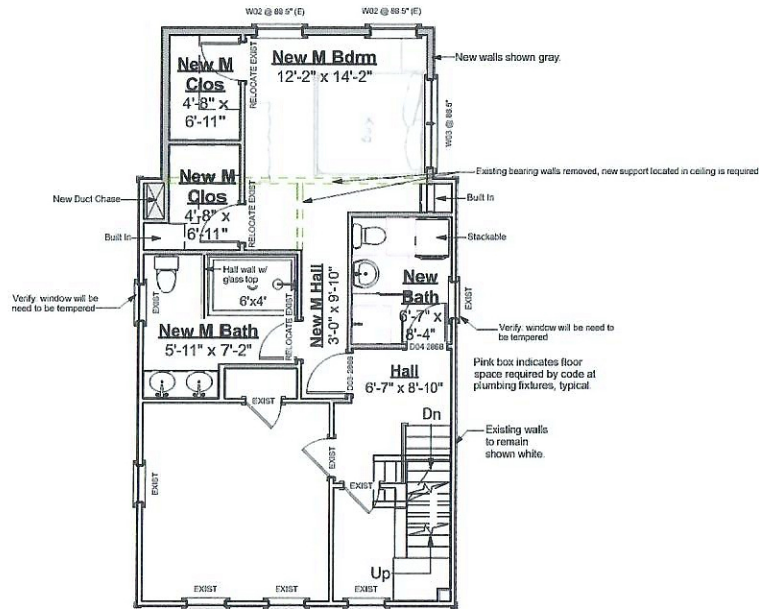
108 Burkitt St, Portsmouth NH (10/24/2024)

NOTE: To scale as noted only if printed on 11x17 paper with "no scaling" (do not "Fit").

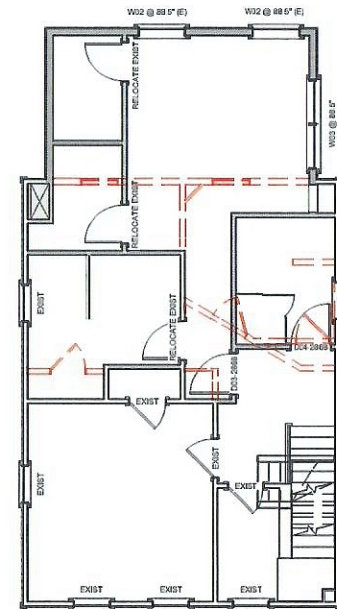
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Second Floor Plan - Scale: 1/8" = 1'-0"



Second Floor Plan - Scale: 1/8" = 1'-0"
(Removals shown)

#C4

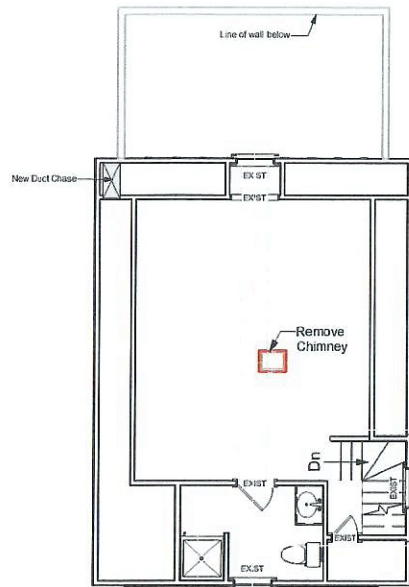
Add/Reno - Tate Residence
108 Burkitt St, Portsmouth NH (10/24/2024)

NOTE: To scale as noted only if printed on 11x17 paper with "no scaling" (do not "Fit").

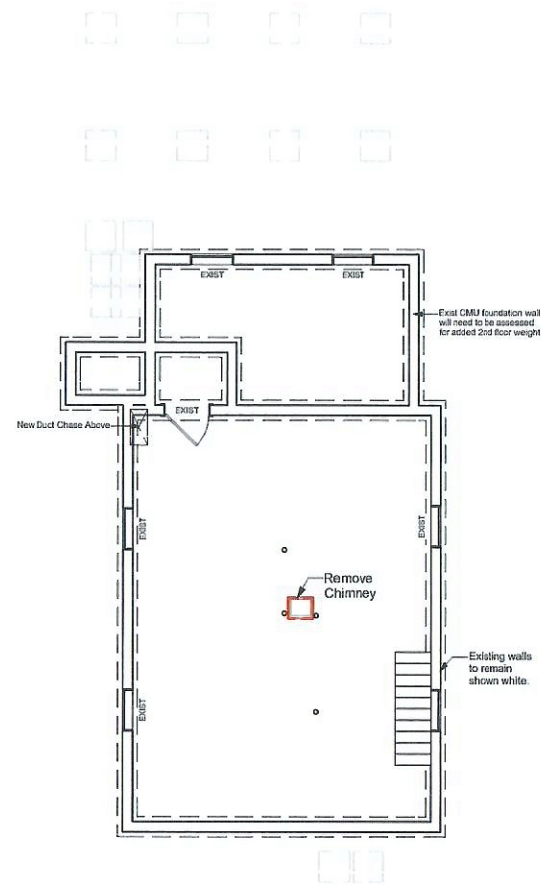
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Third Floor Plan - Scale: 1/8" = 1'-0"



Foundation Plan - Scale: 1/8" = 1'-0"

#C5

Add/Reno - Tate Residence

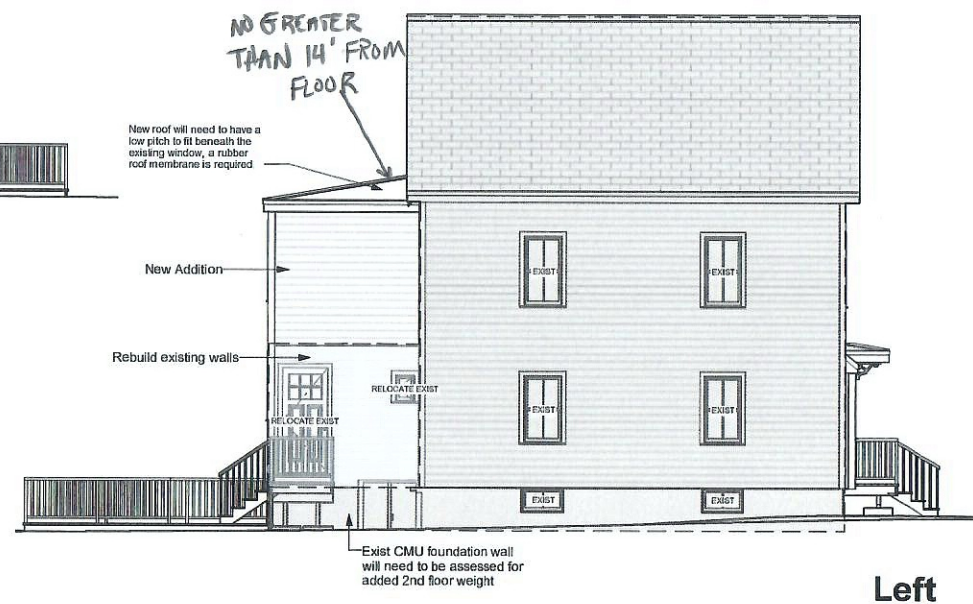
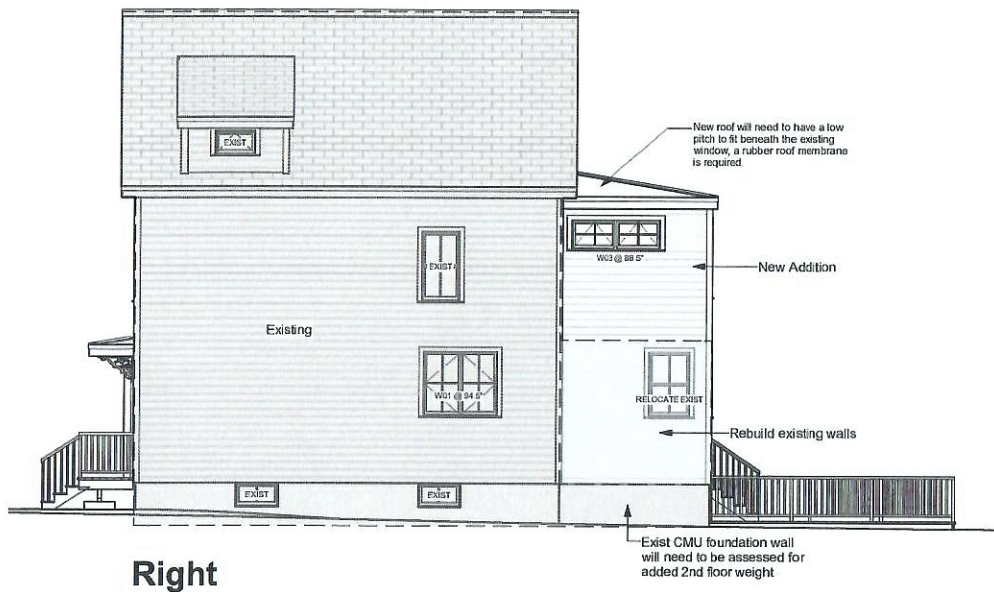
108 Burkitt St, Portsmouth NH (10/24/2024)

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Elevations - Main House - Scale: 1/8" = 1'-0"

#C6

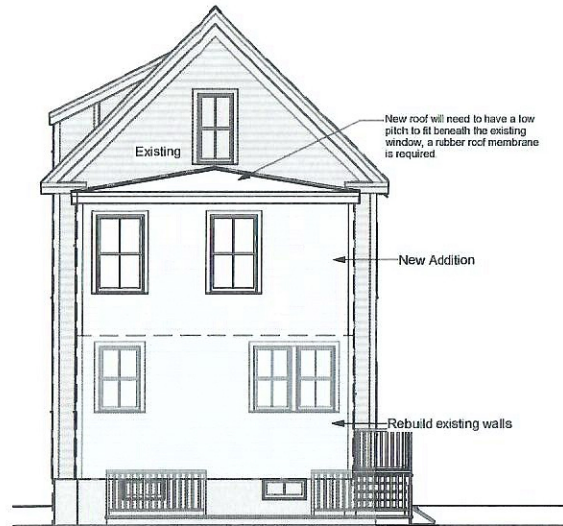
Add/Reno - Tate Residence
 108 Burkitt St, Portsmouth NH (10/24/2024)

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Rear

DOOR SCHEDULE							
NUMBER	QTY	FLOOR	SIZE	WIDTH	HEIGHT	TYPE	COMMENTS
D01	2	1	2488 L IN	28"	80"	HINGED	
D02	1	1	2688 R	30"	80"	POCKET	
D03	1	2	2888 L IN	32"	80"	HINGED	
D04	1	2	2888 R IN	32"	80"	HINGED	

Note: These are preliminary Door and Window schedules. They are shown on this set for pricing purposes only. Windows and doors may change slightly in the construction drawings.

WINDOW SCHEDULE										
NUMBER	QTY	WIDTH	HEIGHT	R/O	EGRESS	TEMPERED	DESCRIPTION	CODE	MANUFACTURER	COMMENTS
W01	1	59"	81 1/2"	60"X52"			DOUBLE CASEMENT-LH/RHR			
W02	2	38"	81 1/2"	39"X62"	YES		DOUBLE HUNG			
W03	1	71"	23 1/2"	72"X24"			2X AWN			

Preliminary Door & Window Schedules

#C7

Add/Reno - Tate Residence
108 Burkitt St, Portsmouth NH (10/24/2024)

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Interior Views - First Floor



Add/Reno - Tate Residence

108 Burkitt St, Portsmouth NH (10/24/2024)

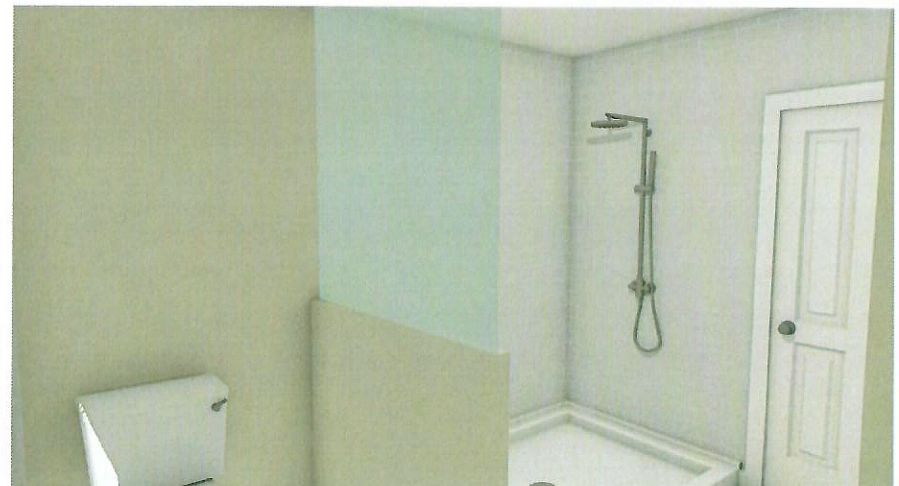
NOTE: To scale as noted only if printed on 11x17 paper with "no scaling" (do not "Fit").

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Interior Views - Second Floor

#C9

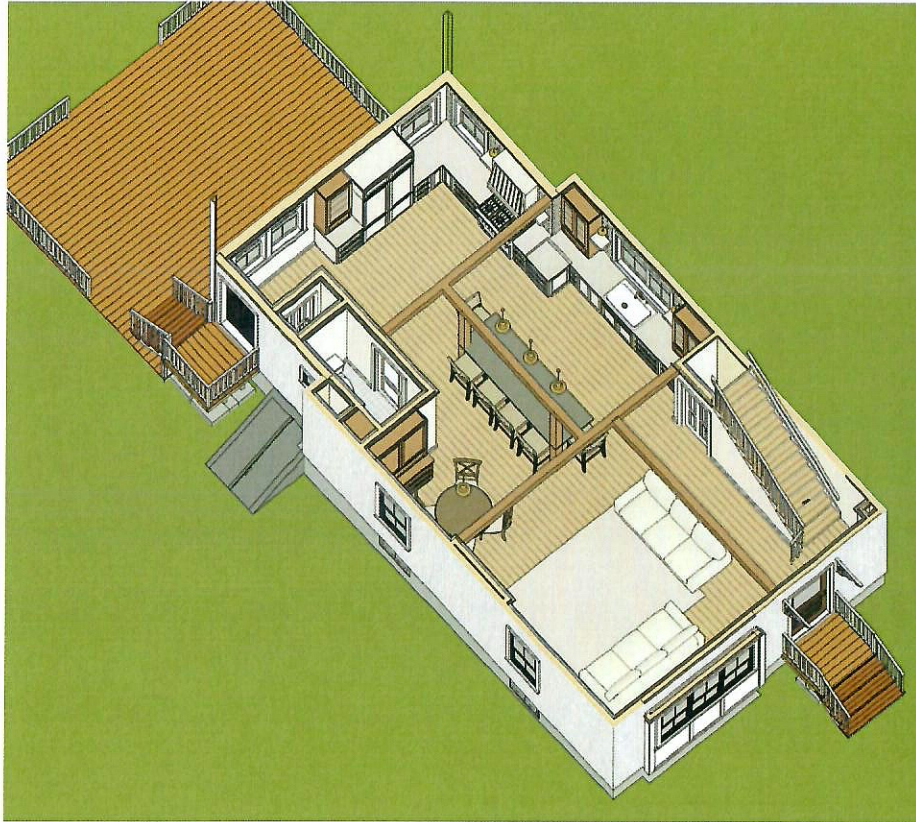
Add/Reno - Tate Residence
108 Burkitt St, Portsmouth NH (10/24/2024)

NOTE: To scale as noted only if printed on 11x17 paper with "no scaling" (do not "Fit").

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Add/Reno - Tate Residence

108 Burkitt St, Portsmouth NH (10/24/2024)

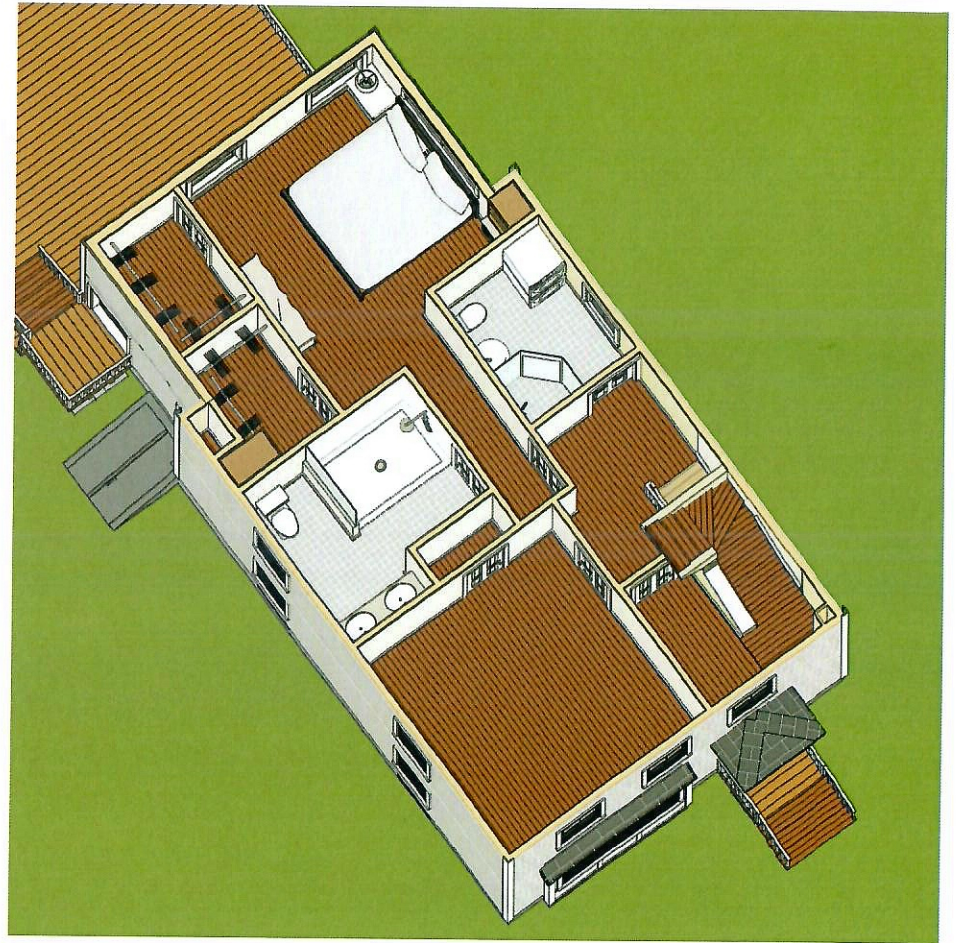
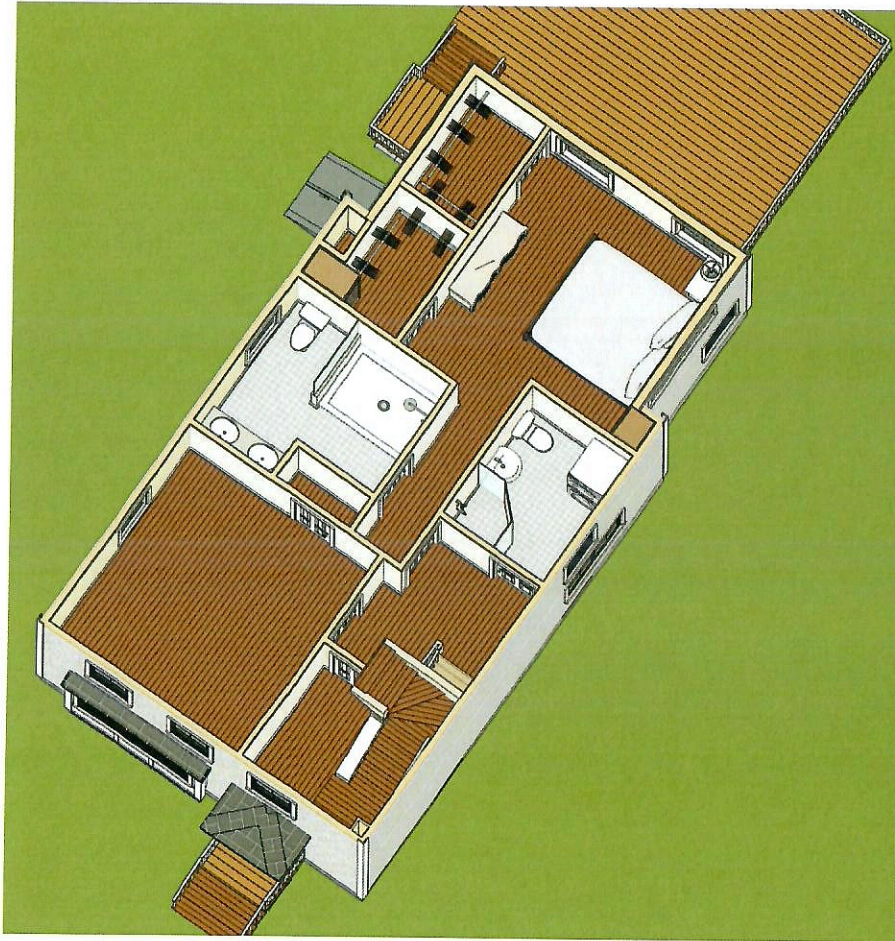
NOTE: To scale as noted only if printed on 11x17 paper with "no scaling" (do not "Fit").

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IV. NEW BUSINESS

D. The request of **Kathryn and Bryn Waldwick (Owners)**, for property located at **30 Parker Street** whereas relief is needed to install two mechanical units which requires the following: 1) Variance from Section 10.515.14 to install a mechanical unit with a) a 5 foot right side setback where 10 is required and b) a 0.5 foot rear yard setback where 10 is required; and 2) Variance from Section 10.515.14 to install a mechanical unit with a) a 2 foot right side yard setback where 10 is required and b) a 2 foot rear yard setback where 10 is required. Said property is located on Assessor Map 126 Lot 27 and lies within the General Residence C (GRC) District. (LU-24-205)

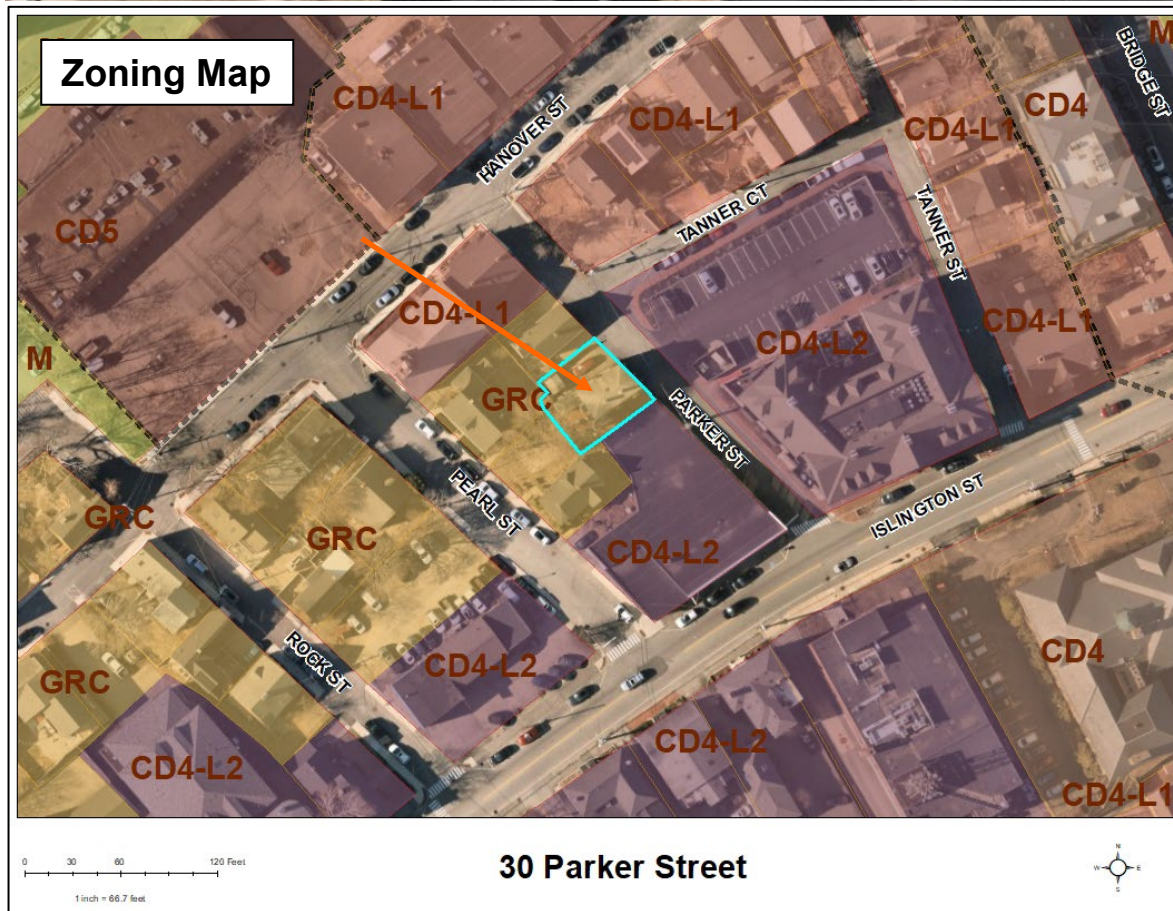
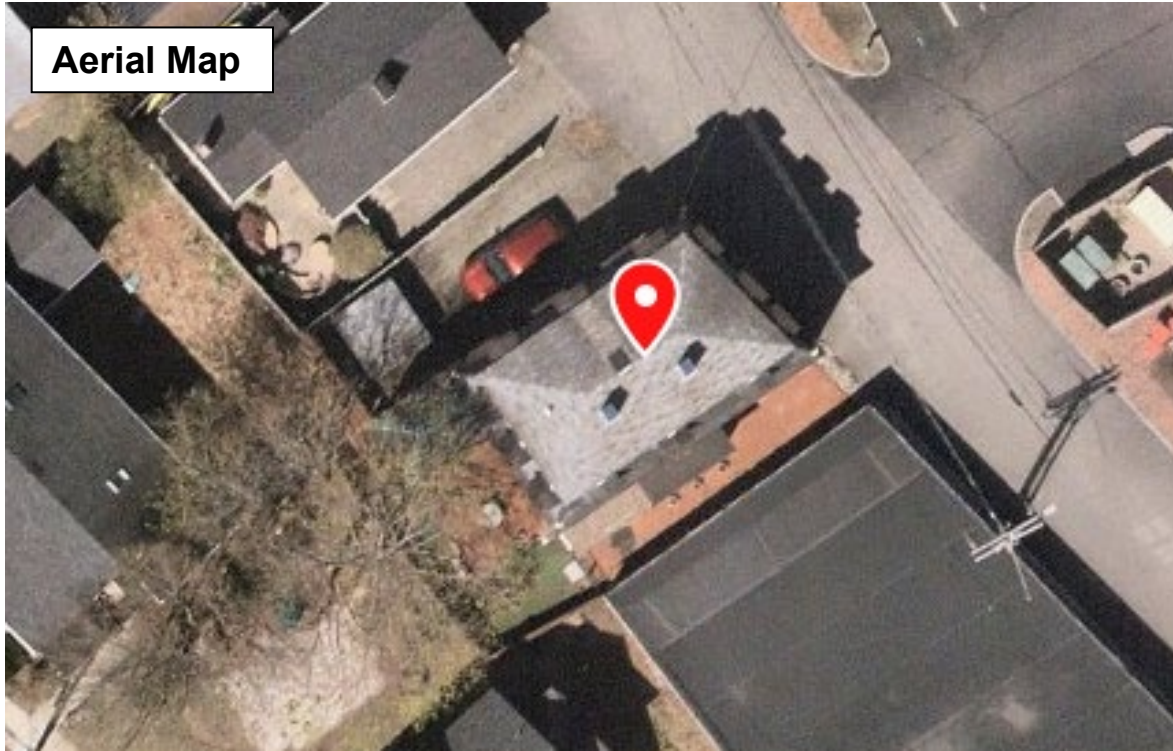
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family residence	Install Mechanical Units	Primarily residential
<u>Lot area (sq. ft.):</u>	2,673	2,673	3,500 min.
<u>Front Yard (ft)</u>	0.5	0.5	5
<u>Right Yard (ft.):</u>	Shed: 2	Shed: 2 Mechanical 1: 5 Mechanical 2: 2	10 min.
<u>Rear Yard (ft.):</u>	2	Mechanical 1: 0.5 Mechanical 2: 2	10 (Per 10.515.14) min.
<u>Left Yard (ft.):</u>	6	6	10 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	45	45	35 max.
<u>Open Space Coverage (%):</u>	>20	>20	20 min.
<u>Parking:</u>	2	2	2 min.
<u>Estimated Age of Structure:</u>	1900	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

July 9, 1985 – The Board **denied** the following: 1) a Special Exception from Article II, Section 10-205 (3) (c) to permit the conversion of a residence into a duplex; and 2) a Variance from Article II, section 10-205 (3)(c) to allow the conversion with 1,346 s.f. of lot area per family where a minimum lot area of 2,000 s.f. per family is required.

August 15, 2023 – The Board **postponed** the following: 1) Variance from Section 10.521 to permit a) 45% building coverage where 35% is allowed, b) one and a half (1.5) foot right side yard where 10 feet is required, and c) two (2) foot rear yard where 20 feet is required and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

September 19, 2023 – The Board **postponed** the following: 1) Variance from Section 10.521 to permit a) 45% building coverage where 35% is allowed, b) one and a half (1.5) foot right side yard where 10 feet is required, and c) two (2) foot rear yard where 20 feet is required and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

October 17, 2023 – The Board **approved** the following: 1) Variance from section 10.521 to permit a) 45% building coverage where 35% is allowed, b) one and a half (1.5) foot right side yard where 10 feet is required, and c) two (2) foot rear yard where 20 feet is required; and 2) Variance from Section 10.321 to allow a nonconforming structure or building to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance.

Planning Department Comments

The applicant is requesting relief to install 2 mechanical units at the rear of the property which will impact the required setback for the rear and right side yards.

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.

**30 Parker Street
Map 126 Lot 27**

Locate 2 Heat Pumps at the rear right side corner

To permit the following:

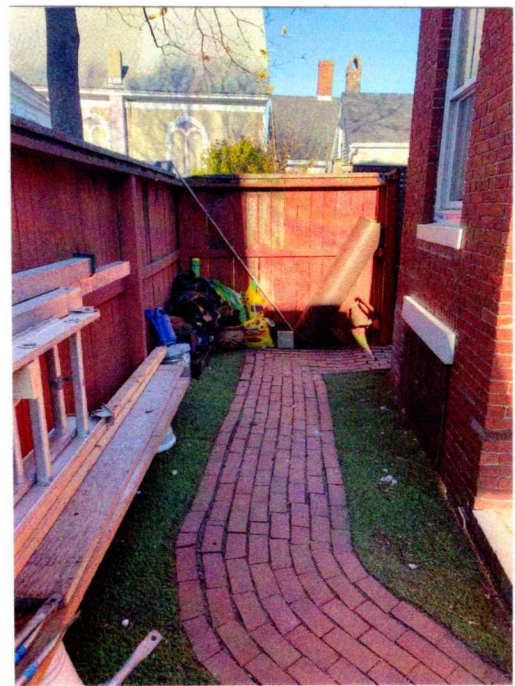
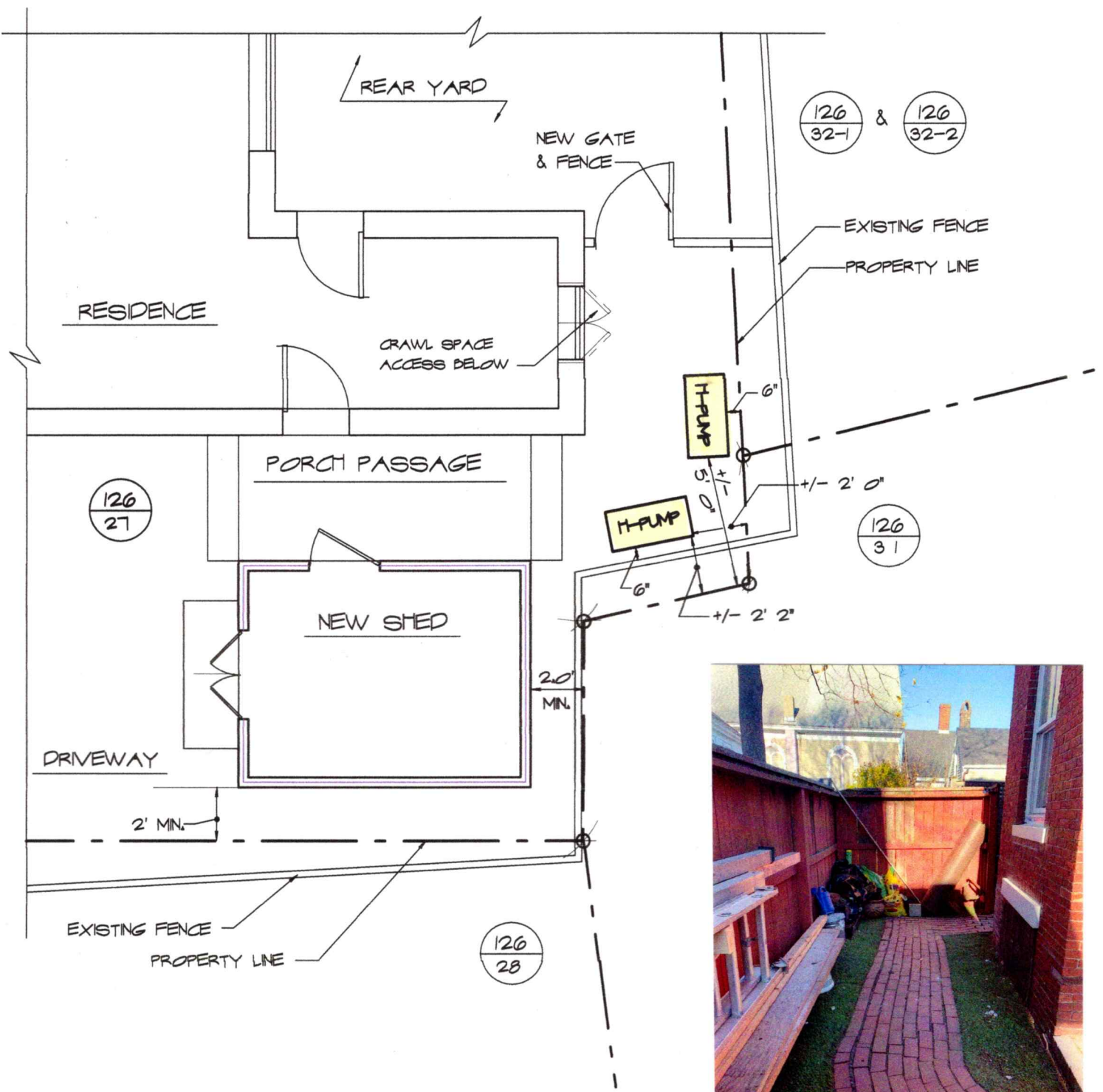
1. Heat Pump with a +/- 6" rear setback & a +/- 5' 0" right side setback.
2. Heat Pump with a +/- 2' 0" rear setback & a +/- 2' 2" right side setback

The undersigned agrees that the following circumstances exist.....

1. The Proposed Heat Pumps are to be located in the rear right side corner of the Lot, where the Property Line jogs. This location is hidden from view by fencing and is separate from the small rear yard (+/- 17' x24'). When viewed on the Tax Map, this location has good separation from the abutting buildings, even though it is close to the property lines.

Criteria for the Variance:

1. The Variances are not contrary to the public interest in that many properties in this neighborhood are non-conforming to Building Area & Setbacks. The Heat Pumps are located to provide the best separation from abutting buildings and to maintain the small rear yard area.
2. The Variances are consistent with the spirit of the ordinance in that it will allow this variance with minimal impact without adversely affecting the abutters & neighborhood.
3. Substantial justice will be done, as the Variances will allow the best location for these Units from both the neighborhood and owners perspective.
4. These Variances will not diminish the value of surrounding properties.
5. The special condition of this property is the non-conformity of the Existing Residence to Front, Rear & Left Side Setbacks and the irregular shape of the rear property line.



HEAT PUMP LOCATION

PROPOSED HEAT PUMP LOCATIONS

SCALE: 3/16" = 1'-0"

NOTE: LOCATION PLAN GENERATED FROM FIELD MEASUREMENTS & "BOUNDARY SURVEY" BY AMBIT ENGINEERING, INC., JUNE 2023, 200 GRIFFIN RD.



30 PARKER STREET

801 Islington St, Suite 32
 Portsmouth, NH 03801
 603-502-4387
 archwhit@aol.com



ANNE WHITNEY ARCHITECT

Project:	Date:	
• 2206	11/18/24	

30 Parker Street



*PROPOSED
HEAT PUMP
LOCATION*

1" = 40 ft

Property Information
Property ID 0126-0027-0000
Location 30 PARKER ST
Owner WALDWICK KATHRYN



**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 09/26/2024

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

*11/18/24
 1/4" = 40'*

SPECIFICATIONS

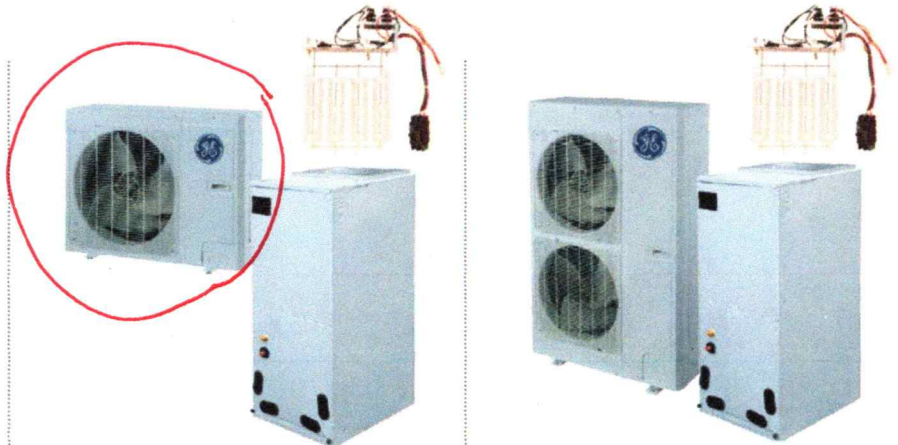
Compressor Type:

DC Inverter Driven
Two-Stage Rotary

Voltage/Cycle/Phase:

208-230/60/1

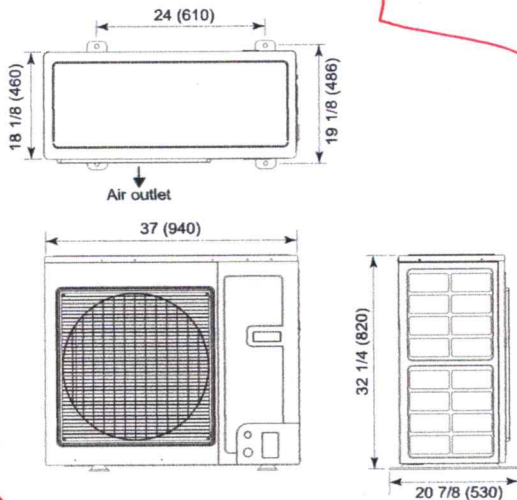
Operating Range (°F):



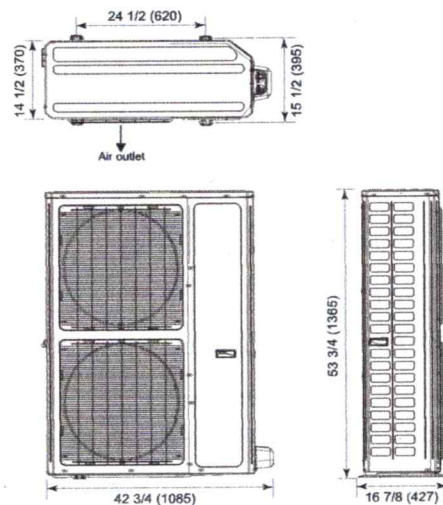
Outdoor Unit		AUH2436ZGDA		AUH4860ZGDA	
Indoor Unit		UUY24ZGDAA	UUY36ZGDAA	UUY48ZGDAA	UUY60ZGDAA
Capacity Selection		24K	36K	48K	60K
Cooling	Cooling Capacity Btu/hr.	24,000	36,000	48,000	54,000
	SEER	20	18	18	17
	EER	12.5	11	11	10.5
Heating	Heating Capacity Btu/hr.	24,000	36,000	48,000	54,000
	HSPF	10.5	10	10.5	10
	Electric Backup Heat Kit	UAZEHO8A (8kW Heater with 45A Breaker)		UAZEH15A (15kW Heater with 30A & 60A Breakers)	
Outdoor Unit	MCA	25		35	
	MOP	37		45	
	Outdoor Noise Level dB	59		58	
	Dimension: H x W x D in. (mm)	32 1/4 x 37 x 18 1/8 (820 x 940 x 460)		53 3/4 x 42 3/4 x 14 5/8 (1365 x 1085 x 370)	
	Carton Dimension: H x W x D in. (mm)	38 1/4 x 42 3/4 x 22 1/2 (972 x 1086 x 572)		59 1/4 x 45 3/8 x 19 3/8 (1505 x 1153 x 493)	

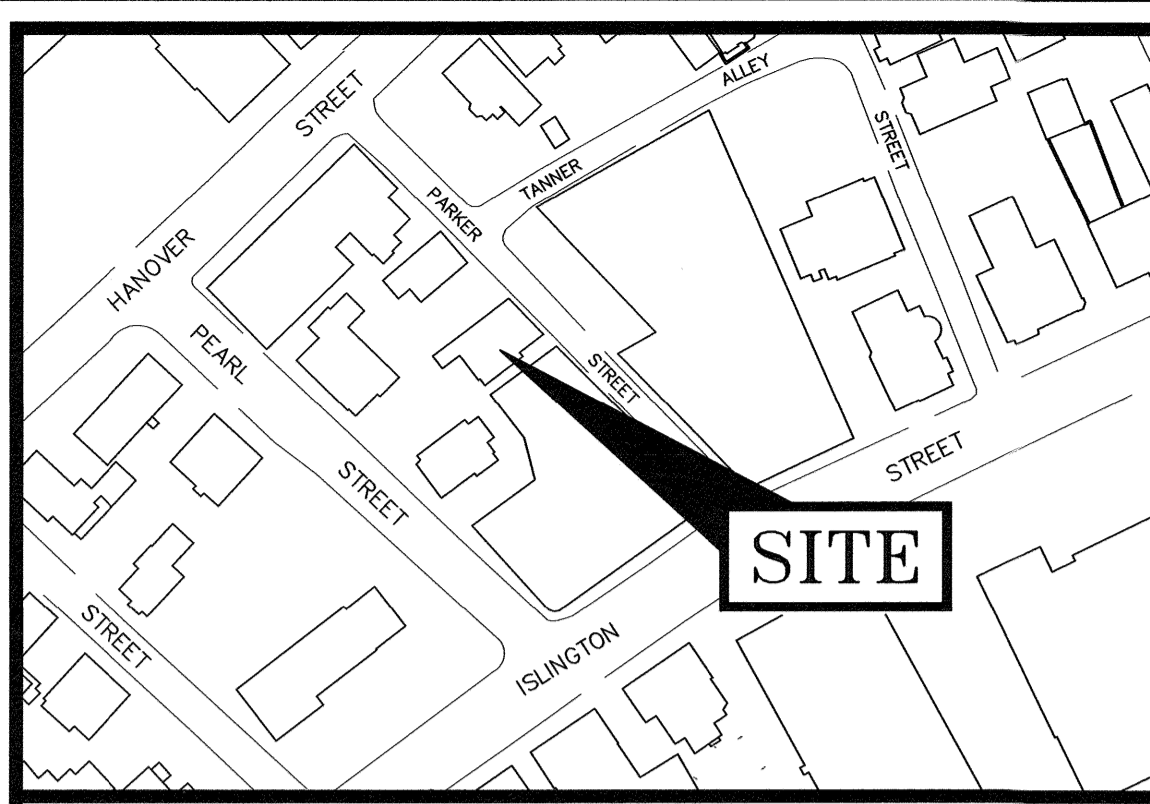
Installation Instructions

AUH2436ZGDA



AUH4860ZGDA





LOCATION MAP SCALE: 1" = 100'

LEGEND:

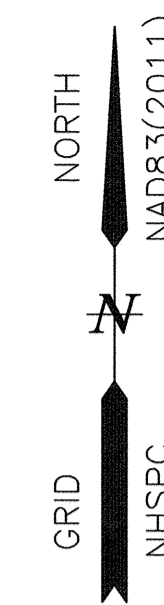
N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
(11/21)	MAP 11 / LOT 21
---	BOUNDARY
- - -	SETBACK
○	RAILROAD SPIKE FOUND
○	IRON ROD/PIPE FOUND
○	DRILL HOLE FOUND
■	STONE/CONCRETE BOUND FOUND
■	RAILROAD SPIKE SET
●	IRON ROD SET
●	DRILL HOLE SET
■	GRANITE BOUND SET
---	EDGE OF PAVEMENT (EP)
---	WOODS / TREE LINE
○	UTILITY POLE (w/ GUY)
□	METER (GAS, WATER, ELECTRIC)
TYP.	TYPICAL
LSA	LANDSCAPED AREA

PLAN REFERENCES:

- 1) CONDOMINIUM SITE PLAN MAP 126 LOT 32. 19 PEARL STREET CONDOMINIUM FOR GREGORY MAHANNA. PREPARED BY AMBIT ENGINEERING, INC. SCALE: 1"=10', DATED: OCTOBER 2002, RCRD D-30944.
- 2) STANDARD BOUNDARY SURVEY PLAN, 63 ISLINGTON STREET PORTSMOUTH, NH, COUNTY OF ROCKINGHAM, OWNED BY RAP REALTY. PREPARED BY T.F. MORAN, INC. SCALE: 1"=10', DATED JULY 25, 2019. RCRD D-41959
- 3) PROPOSED PROPERTY TRANSFER & ACCESS EASEMENT PLAN, TAX MAP 126 LOT 33. 51 ISLINGTON STREET, LLC TO THE CITY OF PORTSMOUTH. PREPARED BY AMBIT ENGINEERING, INC. SCALE: 1"=10', DATED: JULY 2010, RCRD D-36601.
- 4) LOT CONSOLIDATION PLAN FOR GERTRUDE K BORDEN LIVING TRUST, PARKER, ISLINGTON, TANNER STREETS, & TANNER ALLEY. COUNTY OF ROCKINGHAM, PORTSMOUTH NH. PREPARED BY MILLETET, SPRAGUE, & COLWELL INC. SCALE: 1"=20', DATED: MAY 1, 1998, RCRD D-26280.
- 5) PLAN OF LAND FOR NETTY AND GERALD TAUBE, HANOVER STREET, COUNTY OF ROCKINGHAM, PORTSMOUTH NH. PREPARED BY MILLETTE, SPRAGUE, & COLWELL. SCALE: 1"=40', DATED: AUGUST 20, 2004, RCRD D-32051.

LENGTH TABLE

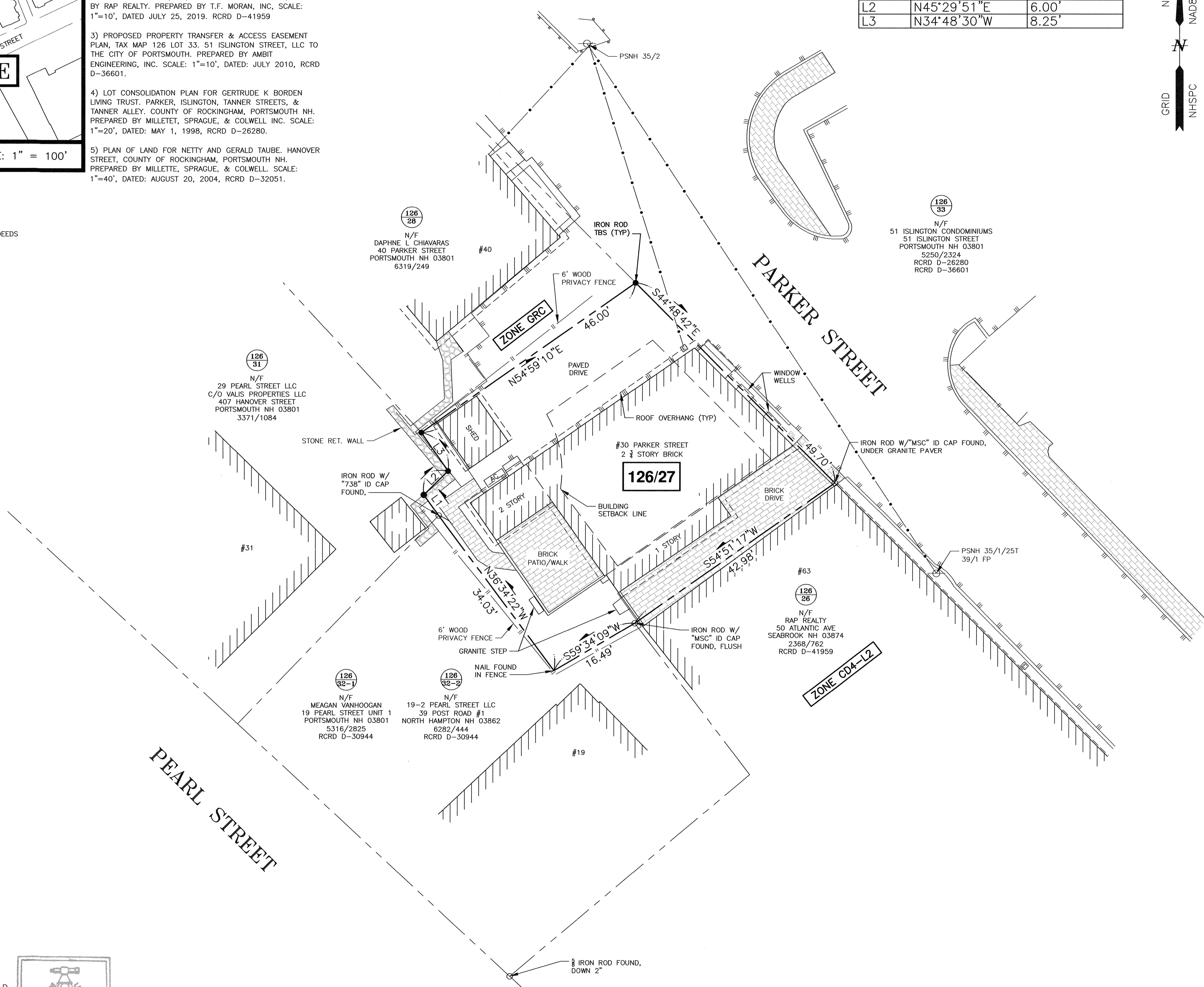
LINE	BEARING	DISTANCE
L1	N35°44'16"W	4.51'
L2	N45°29'51"E	6.00'
L3	N34°48'30"W	8.25'



NOTES:

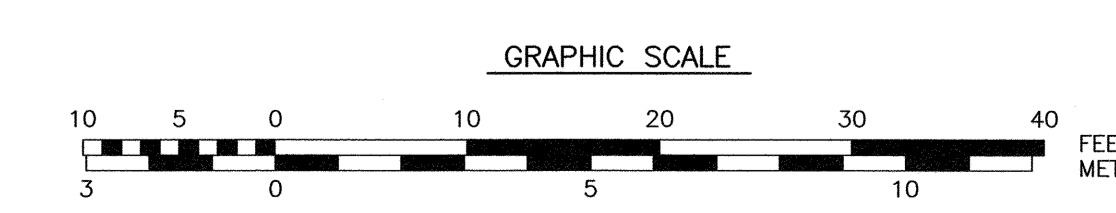
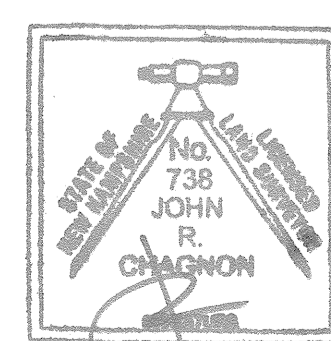
- 1) PARCEL IS SHOWN ON THE PORTSMOUTH ASSESSOR'S MAP 126 AS LOT 27.
- 2) OWNER OF RECORD:
KATHRYN WALDWICK &
BRYN WALDWICK
30 PARKER STREET
PORTSMOUTH, NH 03801
6263/2897
PARCEL I & PARCEL II
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:
2,673 S.F.
0.0614 ACRES
- 5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE C (GRC) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:

MINIMUM LOT AREA:	3,500 S.F.
FRONTAGE:	70 FEET
SETBACKS: FRONT	5 FEET
SIDE	10 FEET
REAR	20 FEET
MAXIMUM STRUCTURE HEIGHT:	35 FEET
MAXIMUM BUILDING COVERAGE:	35%
MINIMUM OPEN SPACE:	20%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY SURVEY OF ASSESSOR'S MAP 126 LOT 27 IN THE CITY OF PORTSMOUTH.



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

John R. Chagnon
JOHN R. CHAGNON, LLS #738
DATE 6-20-23



NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	6/20/23

STANDARD BOUNDARY SURVEY
TAX MAP 126 - LOT 27

OWNERS:
**KATHRYN WALDWICK &
BRYN WALDWICK**
30 PARKER STREET
CITY PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

IV. NEW BUSINESS

- E. The request of **Chris G. and Lisa Alexandropoulos (Owners)**, for property located at **3168 Lafayette Road** whereas relief is needed to establish a tattoo studio which requires the following: 1) Variance from Section 10.440, Use # 7.20 to allow a personal service use where it is not allowed. Said property is located on Assessor Map 292 Lot 150 and lies within the Single Residence B (SRB) District. (LU-24-207)

Existing & Proposed Conditions

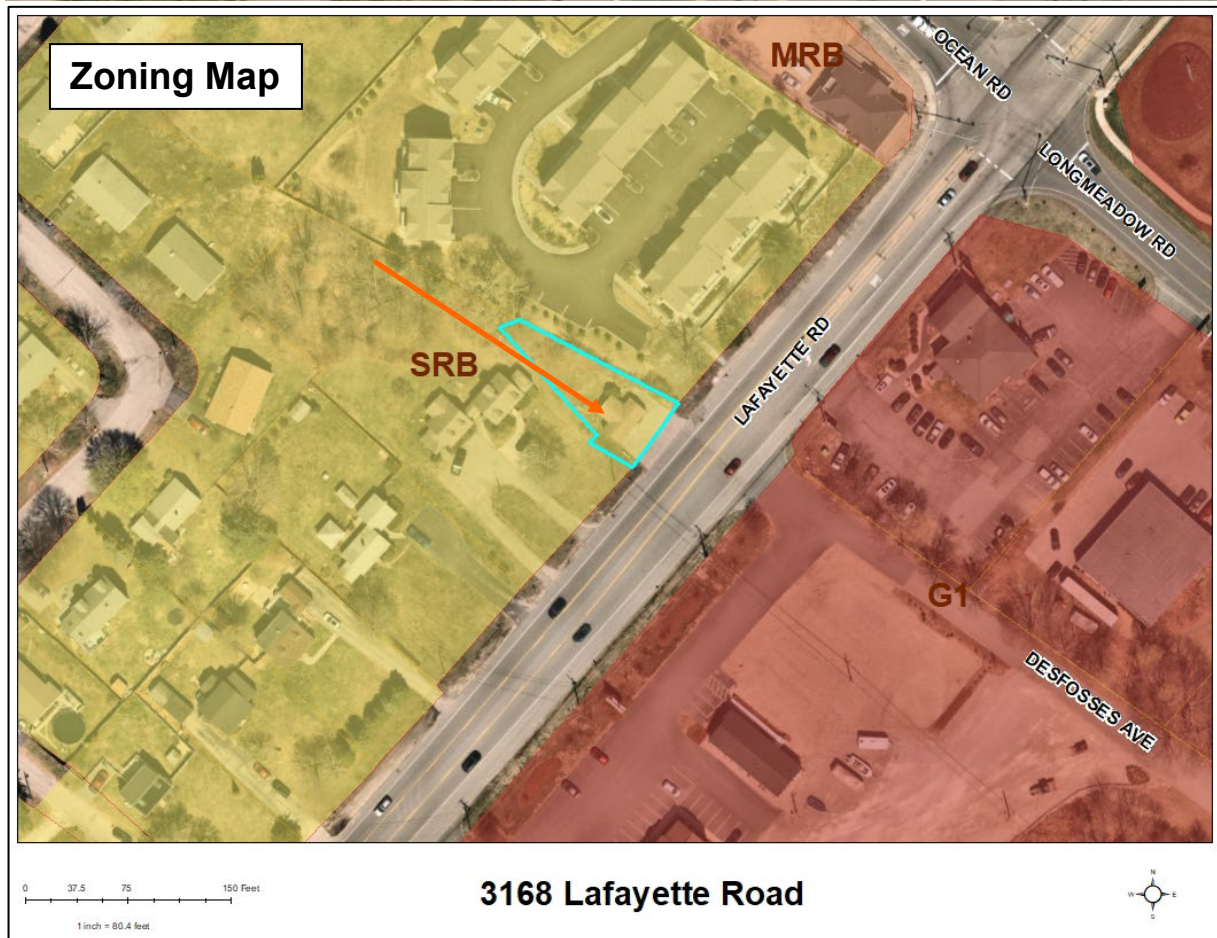
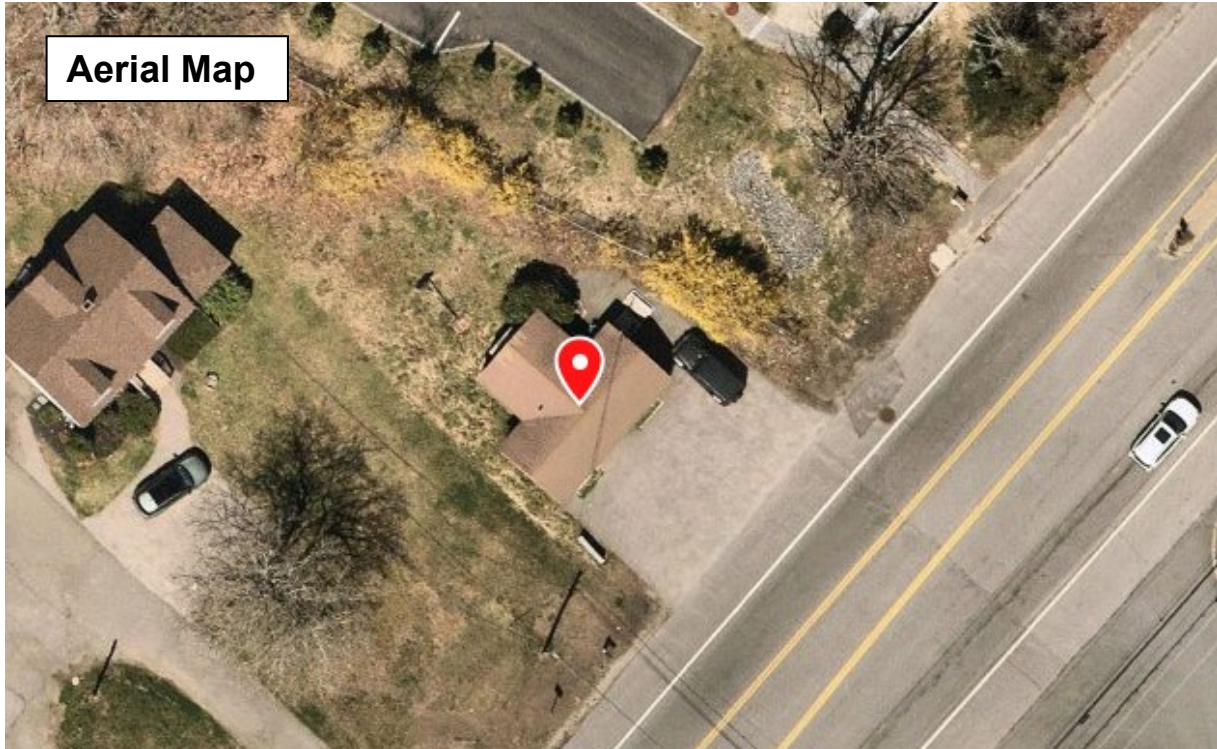
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Monument Store	*Tattoo Studio	Primarily residential
<u>Lot area (sq. ft.):</u>	3,920	3,920	15,000 min.
<u>Building area (sq. ft.):</u>	642	642	
<u>Parking:</u>	4	4	2 min.
<u>Estimated Age of Structure:</u>	1956	Variance request(s) shown in red.	

*Tattoo studio is considered a personal service (Use# 7.20) which is not permitted in the SRB zone.

Other Permits/Approvals Required

- Building Permit – Tenant Fit Up

Neighborhood Context



Previous Board of Adjustment Actions

April 25, 1978 – The Board **denied** the request to operate a clothing boutique and its associated parking.

November 12, 1985 – The Board **granted** Variance from Article IX, Section 10-906 to allow the erection of a free-standing sign with a 10 ft. front yard (Lafayette Road) in a district where free-standing signs are not allowed, with the condition that the illumination be turned off at 8:00 p.m. and that the proposed sign be no larger than that allowed in August of 1979.

July 15, 1986 – The Board **granted** a Variance from Article II, Section 10-205 is requested to permit the establishment of a dental laboratory office in a Single Residence district where such a use is not allowed.

July 19, 1994 – The Board considered the following requests: 1) a Variance from Article II, Section 10-205 to allow the establishment of a law office for one lawyer in a district where professional offices are not allowed; and, 2) a Variance from Article IX, Section 10-906 to allow: a) a 2' x 3' x 4' attached signs with a combined area of 18 s.f. in a district where no signs are allowed for a professional office; b) a 3' x 5' free-standing sign in a district where a free-standing signs are not allowed; and c) an aggregate total of 33 s.f..

Request b) was **withdrawn** and not considered as part of the application and the Board **granted** the requests with the following conditions:

- 1) The free-standing sign pole will be removed within 60 days; and
- 2) The aggregate total signage will be 18 s.f. rather than 33 s.f.

February 18, 1997 – The Board considered the following requests: 1) a Variance from Article II, Section 10-206 to allow a monument sales office with the outdoor display of two monuments in a district where such use is not allowed; and, 2) a Variance from Article IX, Section 10-908 Table 14 to allow two signs: a) a 6' x 2' 8" freestanding sign 3'4" in height, and; b) a 2' x 2' attached sign on property in a district where signs are not allowed for such a use.

The Board **granted** the requests with the following conditions:

- 1) There be no parking or outdoor storage of materials in the rear of the building; and,
- 2) The free-standing sign be placed 15' back from the edge of the pavement

Planning Department Comments

The applicant is proposing to establish a tattoo studio and relief is needed as this property is located in the Single Residence B (SRB) zone where personal services are not permitted. For reference, "personal services" is listed as Use number 7.20 in the table of uses (10.440) and parking requirements table (10.1112.321).

The applicant has shown 6 spaces in their site plan however the layout does not conform to the parking standards outlined in Article 11 of the [Zoning Ordinance](#). Using aerial imagery, staff have calculated 4 conforming parking spaces on site. Should the Board move to approve the request, staff recommends the following condition:

1. The approval does not include the layout of parking and applicant is subject to conform to the parking requirements as outlined in Zoning Ordinance.

Variance Review Criteria

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

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

AND

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

OR

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

10.235 Certain Representations Deemed Conditions

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

To whom it may concern,

My name is Sonya MacMillan, I am a small business owner currently working out of Durham, NH. I own Scarlet Rose Studio, a clean and welcoming tattoo studio that was just voted 2024 runner up for Best Tattoo Shop by peoples choice in 'Best in the Seacoast" (Seacoast Online). I have worked hard to build a reputation of warmth and kindness since I began my tattooing journey in Newmarket in 2019. To open my own business and have it be voted as seacoasts best tattoo shop runner up in just two short years is a testament to my professionalism and commitment to my clients autonomy, health, and safety. These are the qualities of small business I am hoping to bring to the Portsmouth community.

I am looking to expand my business and become a property owner at the same time. This property located at 3168 Lafayette Rd is the perfect little storefront I have been looking for and I am here to plead my case to you to allow this current commercial space to continue to remain commercial even though zoned in a SBR.

As per article 2 section 10.233.20

The dwelling is already used for a small business so the only change to the public is change in what small business is operated out of the location. Approval of this use variance will only serve public interest:

I believe my business will not only be in the public interest but will hopefully peak the public interest and even draw in some business from other surrounding areas. My clients come from as far as Connecticut to get tattooed by me, and the public interest in tattooing and body art has only seen an uphill climb as stigma begins to fade.

I believe that the addition of my studio to this area will increase the value in the surrounding areas as well as draw public interest into the world of body art.

As for the spirit of the ordinance, 10.233.22 The spirit of the Ordinance will be observed; tattooing not only promotes health but encourages a positive self body image and freedom of self expression. The positive influence of tattooing has increased ten fold as we grow as a community to embrace people of all shapes, and sizes. The negative connotation of tattooing has decreased tremendously as people are letting go of the stigma and discrimination of the past. We are seeing more people getting memorial tattoos to work through grief, or even covering self harm scars with tattoos as a way to cover up past trauma and move on with a positive self body image. Also per 10.121 spirit of the ordinance we will most definitely be enhancing the visual environment - art is what we do. I definitely plan on cleaning up the building to be more visually pleasing and add value to the property and its surroundings.

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. Furthermore, I have had multiple conversations with members of the cities planning board, trying my best to navigate both the ordinance and the process. Substantial justice in this case would be that the building would continue to be allowed to be a commercial space. This has been a commercial space for over twenty years. Even though zoning has

since changed this space is completely unacceptable for a SRB or a family to use it would be completely unfair to put a family here with the building having no kitchen, shower, and facing Lafayette Rd, one of the busiest commercial streets in all of New Hampshire.

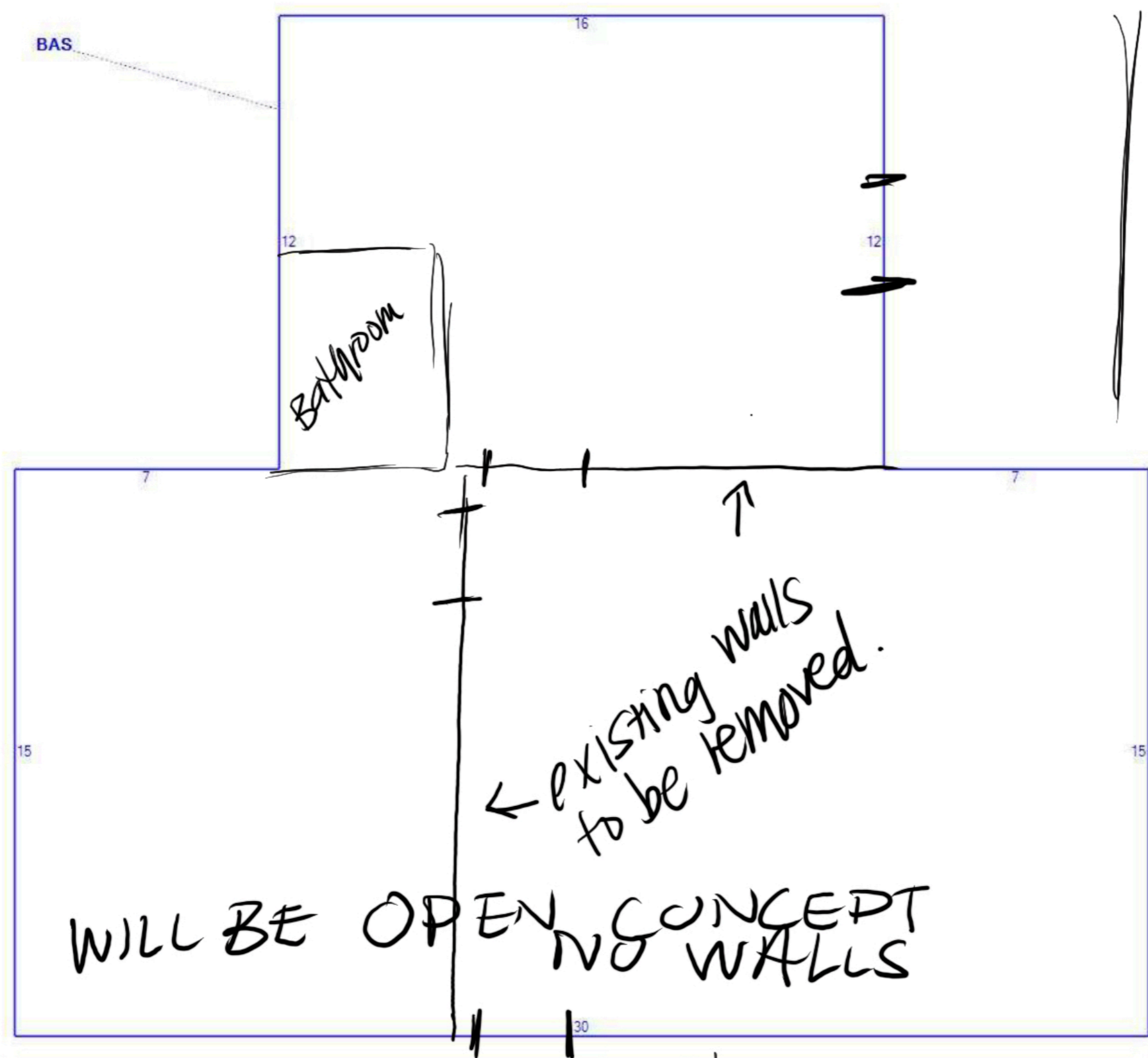
10.233.24 The values of surrounding properties will not be diminished; The addition of a tattoo studio would be no hazard to my surrounding neighbors, we are single use for everything we use, tattooing has become very well regulated and safe. There will be no detriment to the surrounding property values either. An increase of traffic is highly unlikely as I only see one or two clients per day. My typical workday is just one on one with a client for up to 8 hours, there will be no excess of water and sewer, nor runoff.

10.233.25 Denying the variance would result in an undue hardship as this property is in a unique area that is not suitable for family, but the perfect area for a small business that is a quiet one on one service that keeps hours of 11-5. Any other future commercial properties will also need to continue to apply for a variance in order to continue using the 20+ year commercial space for a business. Denying this now will just create more work for any future land owners as well as the town, and will create future issues for the seller of the property.

I am not what you envision when you think of a cliché biker tattoo shop. I am truly quite the opposite. I keep regular hours from 10-5 and am a quiet female based business. My clientele are respectable and kind people. I do work on mostly females, raise money for planned parenthood by doing giveaways and raffles, and even do mastectomy cover ups for breast cancer survivors. I am a community leader, I donate yearly to local charities and golf tournaments in my town and hope this is something I can continue to do in the Portsmouth community. I have worked hard these past five years to create a safe and welcoming environment where people can exercise their freedom of expression without judgment. I love supporting the people around me and I hope to sell local artisan work in my storefront and help sustain small businesses as well.

The ask in this variance is really quite simple and of little to no consequence to the town. I do not plan on doing any major construction, renovations, or changes to the external building, or the land itself. I am just asking to continue to allow this 600 square foot commercial space to remain just that - commercial. I look forward to bringing my business to the small town of Portsmouth and I am excited to get to know a new community.

Sincerely,
Sonya MacMillan
Owner/Artist
Scarlet Rose Studio



P4

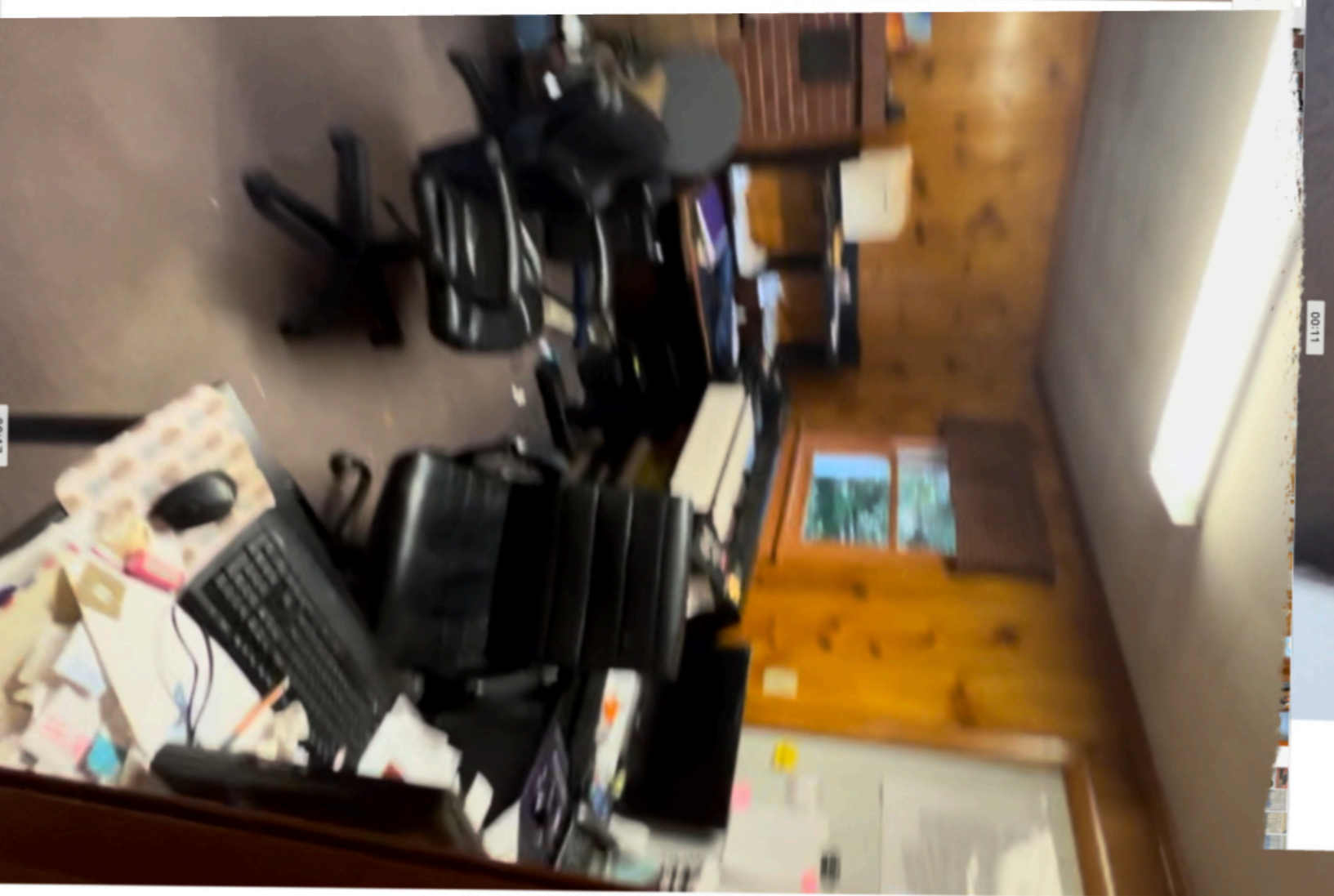
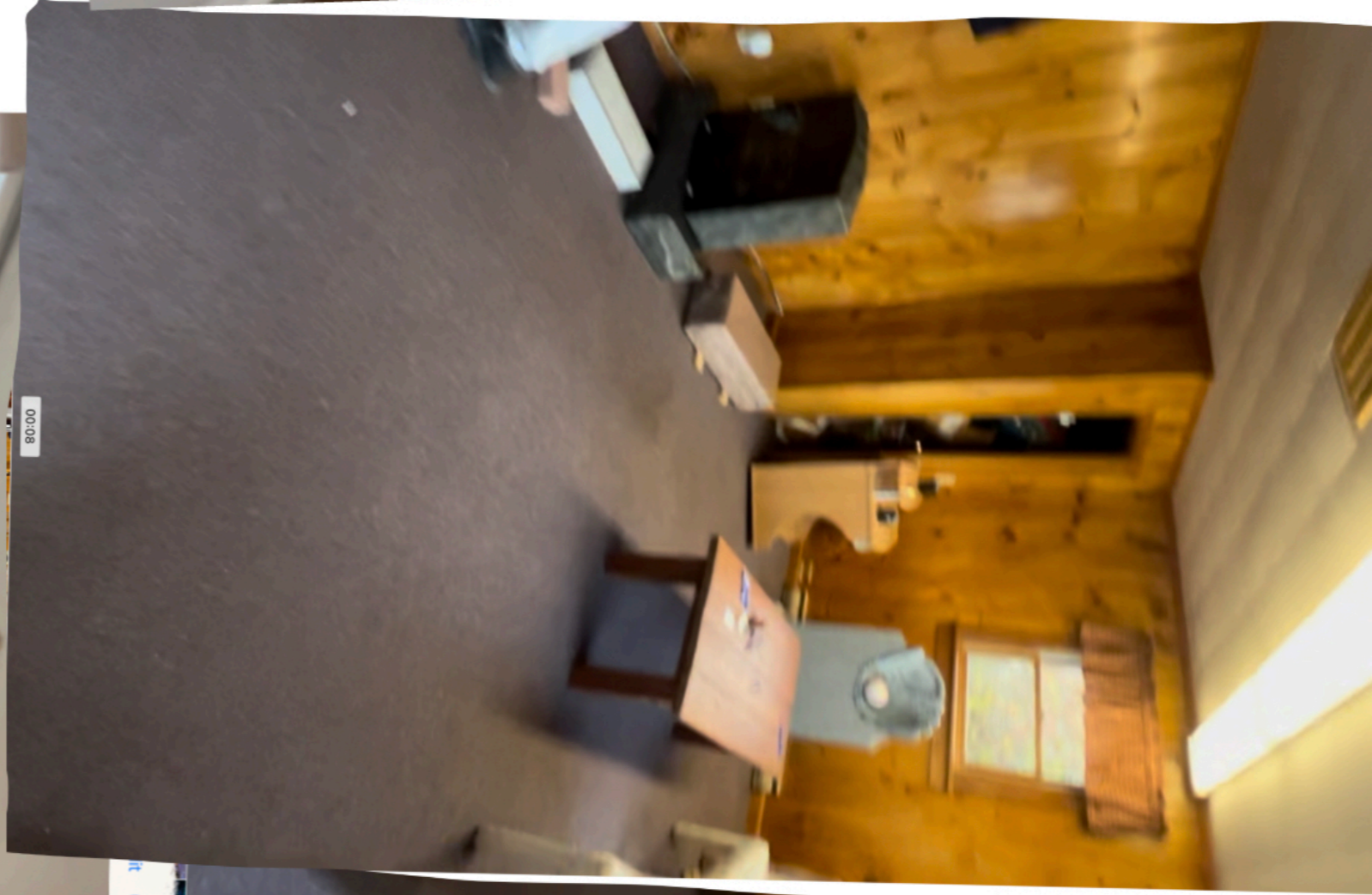
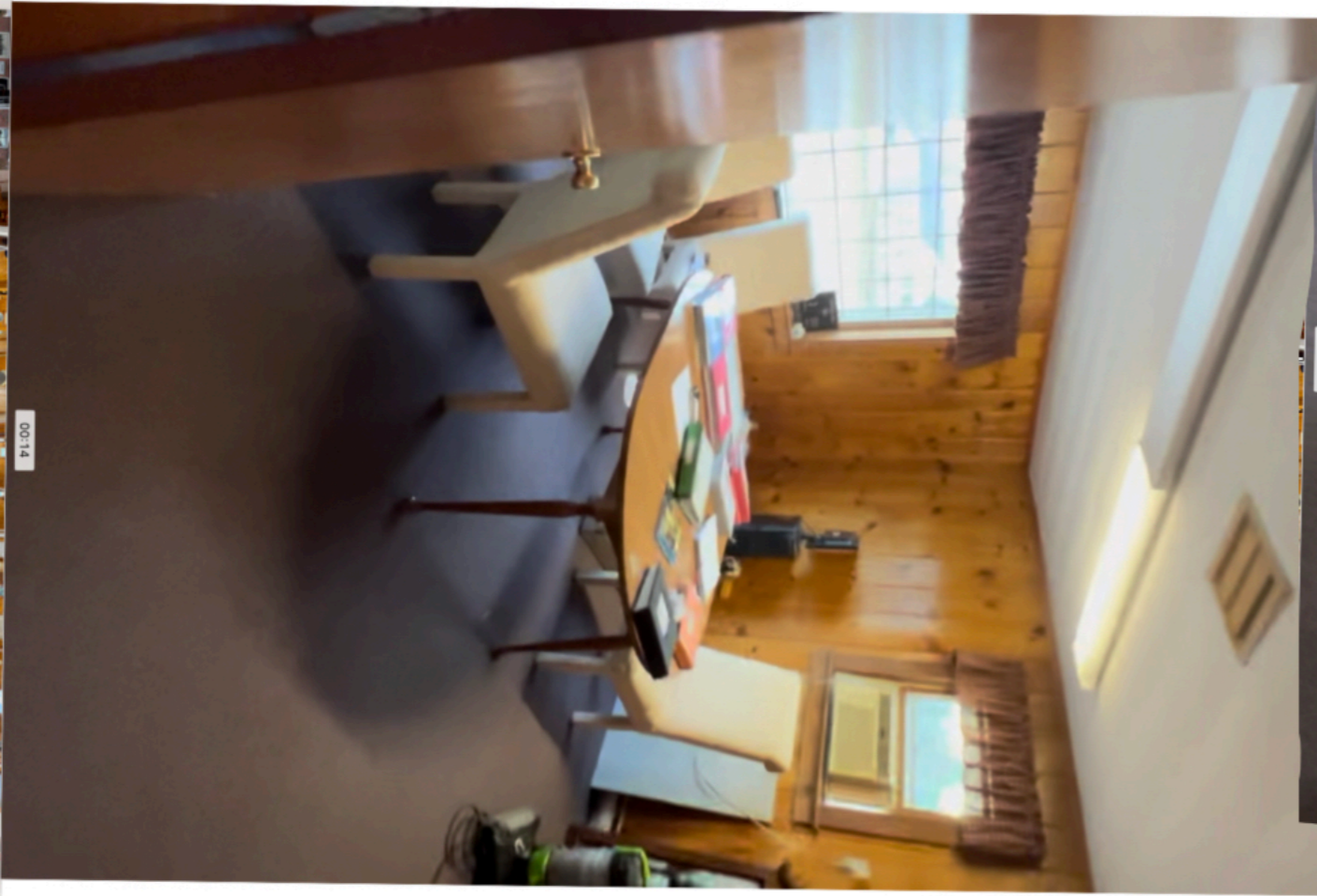
P5

P1

P2

P3

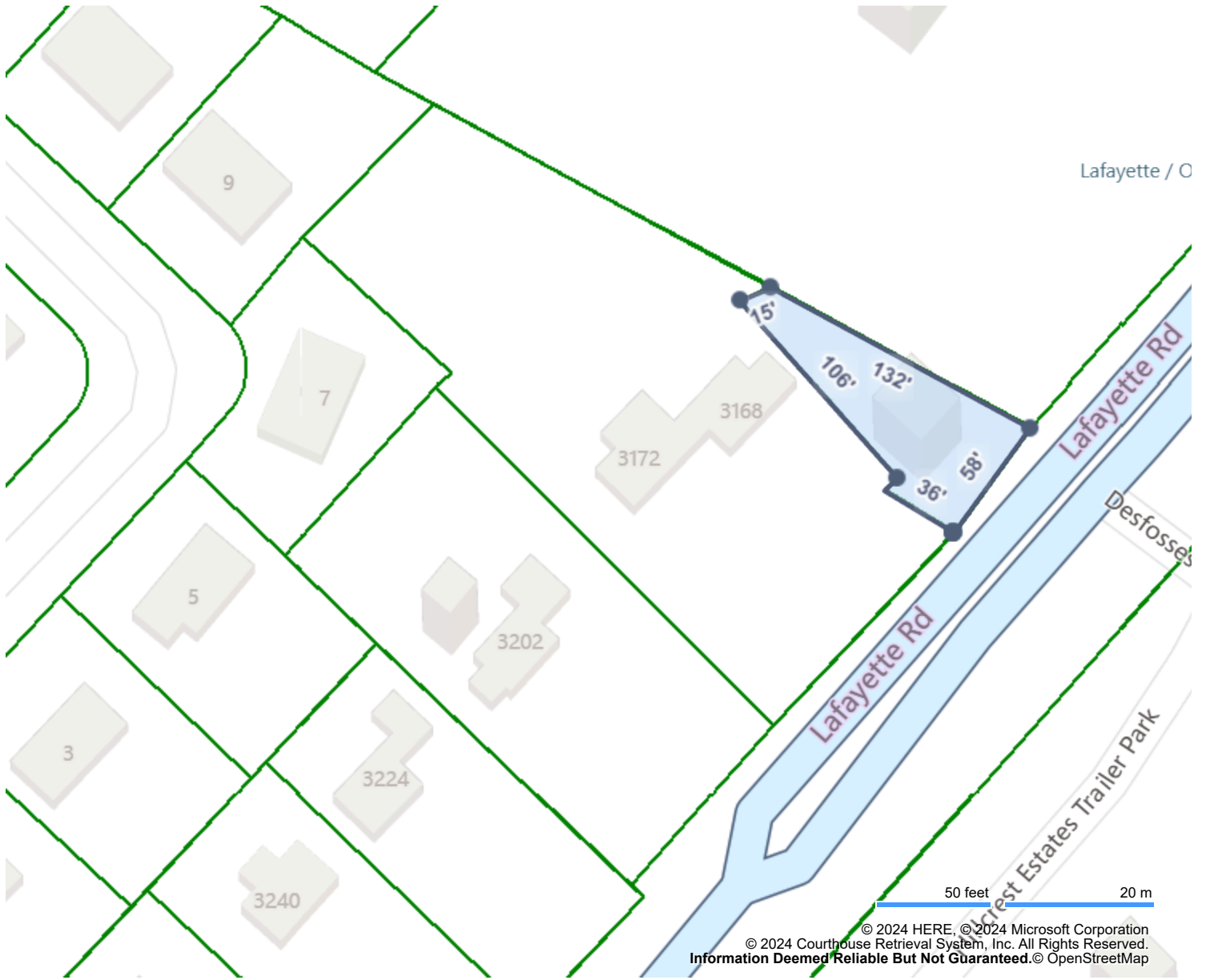
P4



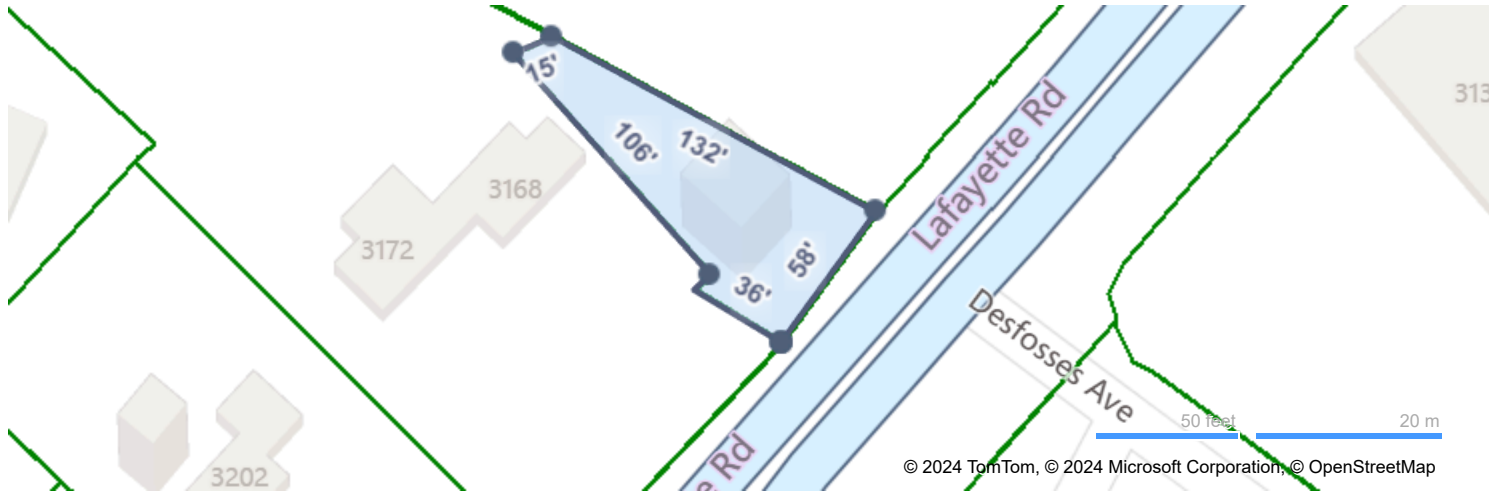
Sorry not great photos -
but really not much to
see - walls will be coming
down for open concept



Map for Parcel Address: 3168 Lafayette Rd Portsmouth, NH 03801-6004 Parcel ID: PRSM M:0292 B:0150 L:



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Information Deemed Reliable But Not Guaranteed.



LOCATION	
Property Address	3168 Lafayette Rd Portsmouth, NH 03801-6004
Subdivision	
County	Rockingham County, NH
GENERAL PARCEL INFORMATION	
Parcel ID/Tax ID	PRSM M:0292 B:0150 L:
Alternate Parcel ID	
Account Number	35979
District/Ward	
2020 Census Trct/Blk	1072/2
Assessor Roll Year	2023

PROPERTY SUMMARY	
Property Type	Commercial
Land Use	Retail Stores
Improvement Type	Retail Stores
Square Feet	642
CURRENT OWNER	
Name	Alexandropoulos Chris G Alexandropoulos Lisa
Mailing Address	3168 Lafayette Rd Portsmouth, NH 03801-6004
SCHOOL ZONE INFORMATION	
Dondero Elementary School	1.6 mi
Elementary: Pre K to 5	Distance
Portsmouth Middle School	3.8 mi
Middle: 6 to 8	Distance
Portsmouth High School	2.8 mi
High: 9 to 12	Distance

SALES HISTORY THROUGH 11/08/2024

Date	Amount	Buyer/Owners	Seller	Instrument	No. Parcels	Book/Page Or Document#
10/17/2003	\$85,000	Alexandropoulos Chris G & Alexandropoulos Lisa	Bigras Steven M	Warranty Deed		4175/1509
12/2/1998	\$85,000	Bigras Steven M	Lonsinger Gary L	Warranty Deed		3346/1694

TAX ASSESSMENT

Tax Assessment	2023	Change (%)	2022	Change (%)	2021
Assessed Land	\$131,900.00		\$131,900.00		\$131,900.00
Assessed Improvements	\$47,700.00		\$47,700.00		\$47,700.00
Total Assessment	\$179,600.00		\$179,600.00		\$179,600.00

Exempt Reason

TAXES

Tax Year	City Taxes	County Taxes	Total Taxes
2023			\$2,897.00
2022			\$2,730.00
2021			\$2,699.00
2020			\$2,640.00
2019			\$2,669.00
2018			\$2,639.00
2017			\$2,562.00
2016			\$2,425.00
2015			\$2,389.00

MORTGAGE HISTORY

Date	Loan Amount	Borrower	Lender	Book/Page or Document#
01/26/2006	\$90,000	Alexandropoulos Alexandropoulos Chris G	Provident Bank	04611/0096
01/26/2006	\$25,000	Alexandropoulos Alexandropoulos Chris G	Provident Bank	04611/0116
01/26/2006	\$25,000	Alexandropoulos Lisa J Alexandropoulos Chris G And Al	Provident Bank	4611/116
01/26/2006	\$90,000	Alexandropoulos Lisa J Alexandropoulos Chris G And Al	Provident Bank	4611/96

FORECLOSURE HISTORY

No foreclosures were found for this parcel.

PROPERTY CHARACTERISTICS: BUILDING

Building # 1					
Type	Retail Stores	Condition	Average	Units	1
Year Built	1956	Effective Year		Stories	1
BRs		Baths	F H	Rooms	
Total Sq. Ft.	642				
Building Square Feet (Living Space)			Building Square Feet (Other)		
1st Floor 642			Gross Area 642		
- CONSTRUCTION					
Quality		Roof Framing		Gable	
Shape		Roof Cover Deck		Asphalt	
Partitions		Cabinet Millwork			
Common Wall		Floor Finish			
Foundation		Interior Finish			

Floor System		Air Conditioning	
Exterior Wall	Brick	Heat Type	Baseboard
Structural Framing		Bathroom Tile	
Fireplace		Plumbing Fixtures	
- OTHER			
Occupancy		Building Data Source	

PROPERTY CHARACTERISTICS: EXTRA FEATURES

Feature	Size or Description	Year Built	Condition
Paved/Surfaced			
Utility Bldg			

PROPERTY CHARACTERISTICS: LOT

Land Use	Size or Description	Lot Dimensions	Year Built	Condition
Retail Stores				
Block/Lot	150/	Lot Square Feet	3,920	
Latitude/Longitude	43.024698°/-70.794902°	Acreage	0.09	

PROPERTY CHARACTERISTICS: UTILITIES/AREA

Gas Source	Water Source	Sewer Source	Zoning Code	Owner Type	Road Type	Topography	District Trend	Special School District 1	Special School District 2
			SRB					16	

LEGAL DESCRIPTION

Subdivision	Description	Plat Book/Page	District/Ward

POWER PRODUCTION

No power production information was found for this parcel.

INTERNET ACCESS

courtesy of Fiberhomes.com

Provider	Type	Confirmed	Advertised Top Download Speed	Advertised Top Upload Speed
Consolidated Communications	FIBER	No	1000 Mbps	
Xfinity	CABLE	No	1200 Mbps	
Starlink	SATELLITE	No	100 Mbps	

FEMA FLOOD ZONES

Zone Code	Flood Risk	BFE	Description	FIRM Panel ID	FIRM Panel Eff. Date
X	Minimal		Area of minimal flood hazard, usually depicted on FIRMs as above the 500-year flood level.	33015C0270F	01/29/2021

LISTING ARCHIVE

MLS #	Status	Status Change Date	List Date	List Price	Closing Date	Closing Price	Listing Agent	Listing Broker	Buyer Agent	Buyer Broker
5011669	For Sale	08/28/2024	08/28/2024	\$349,900						
5002332	Withdrawn	08/28/2024	06/26/2024	\$349,900						

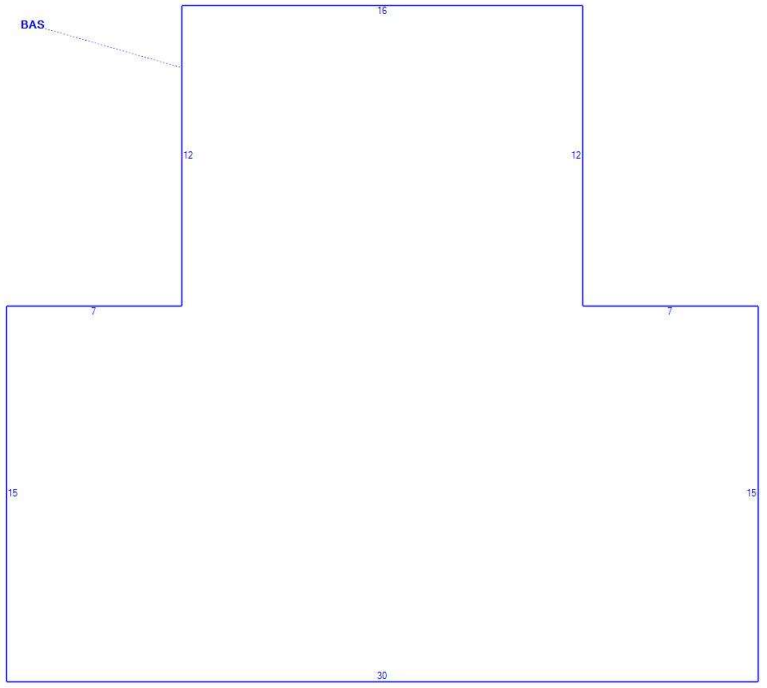
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CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229 PORTSMOUTH, NH VISION						
ALEXANDROPOULOS CHRIS G		1 Level	0 All Public	1 Paved	2 Suburban	Description	Code	Appraised	Assessed							
ALEXANDROPOULOS LISA						COMMERC.	3250	49,100	49,100							
3168 LAFAYETTE RD		SUPPLEMENTAL DATA				COM LAND	3250	233,500	233,500							
PORTSMOUTH NH 03801		Alt Prcl ID 0292-0150-0000-0000 OLDACTN 32960 PHOTO WARD PREC. 1/2 HSE GIS ID 35979		CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli Assoc Pid#		COMMERC.	3250	1,400	1,400							
						Total		284,000	284,000							
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)								
ALEXANDROPOULOS CHRIS G		4175 1509	10-15-2003		I	85,000	99	Year	Code	Assessed	Year	Code	Assessed			
								2023	3250	46,900	2022	3250	46,900			
									3250	131,900		3250	131,900			
									3250	800		3250	800			
						Total		179,600	Total	179,600	Total	179,600				
EXEMPTIONS			OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor									
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int								
									APPRAISED VALUE SUMMARY							
Total			0.00					Appraised Bldg. Value (Card)			49,100					
								Appraised Xf (B) Value (Bldg)			0					
								Appraised Ob (B) Value (Bldg)			1,400					
								Appraised Land Value (Bldg)			233,500					
								Special Land Value			0					
								Total Appraised Parcel Value			284,000					
								Valuation Method			C					
						Total Appraised Parcel Value					284,000					
BUILDING PERMIT RECORD							VISIT / CHANGE HISTORY									
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Date	Id	Type	Is	Cd	Purpose/Result		
06-764	09-13-2006			3,200		100		REROOF	05-20-2024	RO			01	Measur+1 Visit		
									06-01-2017	ST			ER	Exterior Review		
									03-15-2015	ST			ER	Exterior Review		
									12-04-2013	JM			11	Listed INACTIVE		
									02-24-2010	ST			ER	Exterior Review		
									09-16-2009	GO	01	1	00	Measur+Listed INACTIVE		
									05-10-2007	LR		0	2	No one home INACTIVE		
LAND LINE VALUATION SECTION													Adj Unit P	Land Value		
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Ad	Special Pricing	Adj Unit P	Land Value
1	3250	RETAIL	SRB			3,935 SF	124.67	1.0000	1	0.70	302	0.680	325 Shape/ Size		59.34	233,500
Total Card Land Units						0 AC	Parcel Total Land Area						0	Total Land Value		233,500

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	17	Store			
Model	94	Commercial			
Grade	C-	C-			
Stories:	1				
Occupancy	1.00				
Residential Unit					
Exterior Wall 1	20	Brick/Masonry			
Exterior Wall 2					
Roof Structure	03	Gable/Hip			
Roof Cover	03	Asph/F GlS/Cmp			
Interior Wall 1	07	K PINE/A WD			
Interior Wall 2					
Interior Floor 1	14	Carpet			
Interior Floor 2					
Heating Fuel	04	Electric			
Heating Type	07	Electr Basebrd			
AC Type	01	None			
Bldg Use	3250	RETAIL			
Total Rooms					
Total Bedrms					
Total Baths					
Kitchen Grd					
Heat/AC	00	NONE			
Frame Type	02	WOOD FRAME			
Baths/Plumbing	02	AVERAGE			
Ceiling/Wall	05	SUS-CEIL & WL			
Rooms/Prtns	02	AVERAGE			
Wall Height	8.00				
% Conn Wall					
1st Floor Use:					
Class					

MIXED USE		
Code	Description	Percentage
3250	RETAIL	100
		0
		0

COST / MARKET VALUATION		
Adj. Base Rate		173.90
RCN		111,643
Year Built		1956
Effective Year Built		1988
Depreciation Code		A
Remodel Rating		
Year Remodeled		
Depreciation %		36
Functional Obsol		20
External Obsol		
Trend Factor		1
Condition		
Condition %		
Percent Good		44
RCNLD		49,100
Dep % Ovr		
Dep Ovr Comment		
Misc Imp Ovr		
Misc Imp Ovr Comment		
Cost to Cure Ovr		
Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)											
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value	
PAV1	PAVING-ASPHALT	L	600	3.00	1956	G	75	C	1.00	1,400	

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	642	642	642	173.90	111,643	
Ttl Gross Liv / Lease Area		642	642	642		111,643	



3168 LAFAYETTE RD

Location 3168 LAFAYETTE RD

Mblu 0292/ 0150/ 0000/ /

Acct# 35979

Owner ALEXANDROPOULOS CHRIS G

PBN

Assessment \$284,000

Appraisal \$284,000

PID 35979

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2024	\$50,500	\$233,500	\$284,000

Assessment			
Valuation Year	Improvements	Land	Total
2024	\$50,500	\$233,500	\$284,000

Owner of Record

Owner ALEXANDROPOULOS CHRIS G
Co-Owner ALEXANDROPOULOS LISA
Address 3168 LAFAYETTE RD
PORTSMOUTH, NH 03801

Sale Price \$85,000
Certificate
Book & Page 4175/1509
Sale Date 10/15/2003
Instrument 99

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
ALEXANDROPOULOS CHRIS G	\$85,000		4175/1509	99	10/15/2003

Building Information

Building 1 : Section 1

Year Built: 1956
Living Area: 642
Replacement Cost: \$111,643
Building Percent Good: 44

Building Photo

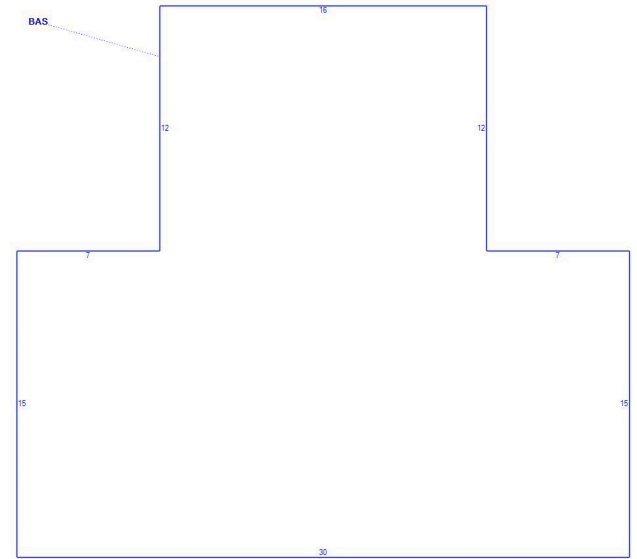
 Building Photo

(https://images.vgsi.com/photos2/PortsmouthNHPhotos//0044\35979_359)

Replacement Cost

Less Depreciation: \$49,100

Building Layout



(ParcelSketch.ashx?pid=35979&bid=35979)

Building Attributes	
Field	Description
Style:	Store
Model	Commercial
Grade	C-
Stories:	1
Occupancy	1.00
Residential Units	
Exterior Wall 1	Brick/Masonry
Exterior Wall 2	
Roof Structure	Gable/Hip
Roof Cover	Asph/F Gls/Cmp
Interior Wall 1	K PINE/A WD
Interior Wall 2	
Interior Floor 1	Carpet
Interior Floor 2	
Heating Fuel	Electric
Heating Type	Electr Basebrd
AC Type	None
Bldg Use	RETAIL
Total Rooms	
Total Bedrms	
Total Baths	
Kitchen Grd	
Heat/AC	NONE
Frame Type	WOOD FRAME
Baths/Plumbing	AVERAGE
Ceiling/Wall	SUS-CEIL & WL
Rooms/Prtns	AVERAGE
Wall Height	8.00
% Comn Wall	
1st Floor Use:	
Class	

Building Sub-Areas (sq ft)			<u>Legend</u>
Code	Description	Gross Area	Living Area
BAS	First Floor	642	642
		642	642

Extra Features

Extra Features	<u>Legend</u>
No Data for Extra Features	

Land

Land Use

Use Code 3250
Description RETAIL
Zone SRB
Neighborhood 302
Alt Land Appr Category No

Land Line Valuation

Size (Acres) 0.09
Frontage
Depth
Assessed Value \$233,500
Appraised Value \$233,500

Outbuildings

Outbuildings						Legend
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
PAV1	PAVING-ASPHALT			600.00 S.F.	\$1,400	1

Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2023	\$47,700	\$131,900	\$179,600
2022	\$47,700	\$131,900	\$179,600
2021	\$47,700	\$131,900	\$179,600

Assessment			
Valuation Year	Improvements	Land	Total
2023	\$47,700	\$131,900	\$179,600
2022	\$47,700	\$131,900	\$179,600
2021	\$47,700	\$131,900	\$179,600