

From: [Mark Vangel](#)
To: [Planning - Info - Shr](#)
Subject: Variance request for 361 Hanover St
Date: Monday, November 18, 2024 8:33:16 PM

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To whom it may concern

I am against the variance requested for 361 Hanover St regarding the penthouse. The proposed building's overall size and height is not in keeping with the character of the neighborhood. The sheer size is something more appropriate for downtown Portsmouth, not a residential neighborhood with single family homes and small apartment buildings. I am a direct abutter to 361 Hanover.

Thank you,
Mark Vangel
349 Hanover St #5

Sent from my iPhone

From: [Dayl Soule](#)
To: [Planning - Info - Shr](#)
Subject: 332 Hanover St. proposed variances
Date: Sunday, December 15, 2024 11:59:40 AM

I live diagonally across Hanover St at 349 and support all variance requests by the Bonniwells for their proposed construction plans. I think the building will enhance the neighborhood and look forward to it's completion. I also think the proposed outside painting design is well thought out and compliments the building.

Dayl Soule 349 Hanover St. # E

To: Chairman & members of the city council
1 Junkins Ave
Portsmouth, Nh 03801
Re: 361 Hanover st Development

Re: Zoning meeting Dec 16th, 2024
361 Hanover St
For public record/ In favor

Dec 16, 2024

Dear Chairman & Members of the board.

After reviewing the 2 plans set forth by the developer, I highly favor the 2nd plan with the requested variances be accepted by the board in order to make a more acceptable transition of downtown monolith buildings to the zoning of the single residence of the Islington Creek neighborhood.

- 1). This area does not need to have commercial space on the first floor and the height of the first floor in regard to the business application. The area is surrounded by single family residences on two sides and a third side by small condo buildings. To enforce the commercial aspect of the zoning would create a monolith block of a building completely disregarding the abutting properties. This is not justice for the start of this neighborhood.
- 2). By forcing the builder to use the “Gambrel style roof structure which has invaded the downtown landscape, the regulations are forcing the developer to create a unappealing block structure without regard to the abutting colonial architecture.
- 3). The request for the “penthouse” roof will allow a reduced appearance of height while still allowing the developer to gain enough square footage to build a project that will blend more with the adjacent colonial single family residences and make the transition from a downtown to a neighborhood.

I am in favor of approval of all requests from this developer who has attempted to stop the flood of mono architectural buildings from spreading from the downtown commercial are into our neighborhoods. Too many developers are looking for maximum square footage and profitability with no regard to how our city will look in the next 50 years.

Please approve the variances so that 361 Hanover will create a transition and not become another monolith block of towering buildings of the now new modern downtown.

Sincerely
James Beal
286 Cabot St
Portsmouth, NH
resident since 1999

December 16, 2024

Zoning Board of Adjustment
Planning & Sustainability Department
City of Portsmouth
1 Junkins Avenue, 3rd Floor
Portsmouth NH 03801

Re: 361 Hanover Street variance petition

We live at 407 Hanover Street, on the corner at Rock Street, directly abutting 361 Hanover Street.

We lack adequate information about the “Alternative CUP Plan” to determine whether the requested variances will alter our neighborhood's essential character or threaten the public's health, safety, or general welfare. Therefore, we ask the Zoning Board to delay a decision on this application until we have been provided with sufficient specifications of the Alternative CUP Plan to evaluate how it will likely impact us. If the Zoning Board is inclined to vote on the HDC's application at this December meeting, we would request variances number one and three be denied.

Variance request #1, seeking permission for first floor residential units rather than commercial units, would substantially increase the residential density directly across the street from our house. We have no information about the safety, traffic, parking and infrastructure implications of this density. As residents, the only way we can obtain that information is via a public hearing before the Planning Board and recommendations from the TAC.

Variance request #3, with respect to penthouse setbacks, is similarly opaque. HDC's plans contain no visual depiction of the penthouse and minimal visuals for Building A. We don't know what those buildings might look like or how they will impact our privacy, air, light and property value. We cannot support the request without information sufficient to assess how the changes permitted by the variance could impact us.

The one and only opportunity for public comment on the 361 Hanover project was at the May 2024 meeting, when HDC presented its “by right” plan. The “Alternative CUP Plan” was not presented. The Planning Department has sought no public input on the Alternative CUP Plan.¹ As we understand it, the purpose of public comment is to promote public understanding of a plan and to give the public chance to speak. It is unclear to us why no such public session has been held on the Alternative CUP Plan.

¹ While it is no substitute for public comment, HDC held an afternoon meeting with the neighborhood on December 11, 2024; however, that meeting was inaccessible to many neighborhood residents due the time of day, location and length of the meeting.

Finally, we also believe the variance requests are premature because, to our knowledge, neither the developer nor the city has submitted to the NH Division of Historical Resources a Request for Project Review. The Planning Board directed HDC to consult state archeologists to evaluate whether construction or excavation could impact a burial site known to be located at the corner of Hanover and Rock Streets. The archeologists' recommendations, if any are made, could require materially changing the Alternate CUP Plan to comply with RSA 289:3. If that were to happen, HDC would devise a different plan, to which these variances would be applicable, and we would have no opportunity to object. Consulting the state archeologist now would eliminate this variable and assist us in understanding the precise contours of what we are being asked to support.

Without waiving our objection to the variances, we request that the Zoning Board delay a decision on the requests until after HDC has provided thorough documentation that meaningfully illustrates the Alternative CUP Plan; the Planning Board has held a public hearing on it; the TAC has evaluated how it will impact neighborhood safety, infrastructure and welfare; and the NH Division of Historical Resources has had an opportunity to provide comment and recommendations, if relevant.

Thank you for your thoughtful consideration.

Very truly yours,

Sean Caughran
Marcie Vaughan

From: [Mark DeLorenzo](#)
To: [Planning - Info - Shr](#)
Subject: Public Comment in regards to 361 Hanover Street petition for Zoning relief Tuesday, December 17, 2024.
Date: Monday, December 16, 2024 11:50:03 AM
Importance: High

Dear Zoning Board of Adjustment,

In regards to this carry-over Agenda topic below from November 19th:

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)

I am a neighbor who directly abuts the property at 361 Hanover St. I feel the developer has made great effort in improving their original design in the proposed CUP design, and I applaud them for these efforts. I have no concerns in regards to their requested relief items 1 & 2, however I feel I must push back and provide comment on their 3rd item -- *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.*

A Penthouse has been carefully defined by the City so that it comes with both benefits and trade-offs in equal measure. Developers use Penthouses to add additional space and height to their buildings, while not having that additional space count as a full story (because it is only 50% utilized and has large setbacks). The reason it is allowed to be counted this way is because the space (in a similar manner to that of an attic) is not fully usable, thus height and story limitations can be worked around. Were the space more fully utilized, it would have to count as a full story or short story (which counts as a full story). My concern is that in this request for relief, I feel the developer is seeking to have the benefit of naming that top level a Penthouse, while asking for it to not meet the requirements of such. They wish to have the benefits of a Penthouse designation with few of the restrictions in capacity or design. I feel this sends a very bad precedent for future development. I would prefer that the developer design this building in a way that meets code in this regards, and comes closer to maintaining the definition of a Penthouse, and if they wish for greater square footage on their top level of Building A, that they design it in such a manner that achieves it without the need to completely rewrite what a Penthouse is. A gross living area ratio request of 60% for instance would be a small variance (from 50%) I would find acceptable if needed. For me, a change from 50% → 80% of a gross living space is too far from what defines a top floor as a Penthouse.

Sincerely,

Mark DeLorenzo
349 Hanover St. Apt. 1
Portsmouth, NH 03801

30 Parker Street
Portsmouth, NH 03801

December 16, 2024

Zoning Board of Adjustment
Planning & Sustainability Department
City of Portsmouth
1 Junkins Avenue, 3rd Floor
Portsmouth NH 03801

Re: 361 Hanover Street Development

Dear Zoning Board of Adjustment Members:

As abutters to the proposed development at 361 Hanover Street, we still believe there has not been adequate and thorough information provided for residents to have an informed opinion on whether this project will be in the public interest. We believe the decision on these variances should be delayed. If the zoning board is inclined to vote on these variances in this December meeting, we would request variances numbers one and three be denied.

We believe the decision with these variances should be delayed until:

- **The “Alternative CUP Plan” has been vetted by the Technical Advisory Committee (TAC) to ensure it addresses key traffic and safety issues.** As parents of young children, the safety issues caused by increased traffic and parking issues were our top concern. The “Alternative CUP Plan” actually exacerbates these issues by increasing the density and number of units from the “As-of-Right” plan (36→48 units) and decreasing the parking (72 →69 parking spots). It’s notable that even though this lot is zoned as CD5, the streets the developer is planning to use to service this building (Hanover, Rock, Pearl, Parker) are NOT CD5 zoned - they are quiet residential side streets not designed to handle this type of volume.
- **The “Alternative CUP Plan” provides more thorough documentation on what this plan includes.** There are some glaring examples of information that have not been provided including:
 - No visuals on what all of Building A, including the requested penthouse, will look like or how its height will compare to surrounding buildings. There is only one partial figure on [page 20](#) of the application that does not even appear to show a penthouse
 - No visuals of what this project looks like from Foundry Place
 - No diagrams of where parking will be for buildings B, C, or D
- **The “Alternative CUP Plan” has gone before the Planning Board in a format that has allowed official Public Comment.** The only time the 361 Hanover project has had official public comment allowed was in the May 2024 meeting. This meeting only focused on the vested plan, as the “Alternative CUP Plan” was not presented. Meetings since

then, including working sessions, have not allowed public comment. We feel that not allowing the public the opportunity to provide public comment on the design as a whole is akin to letting the developer grade their own homework on how well they incorporated May 2024 feedback.

- **A “Request for Project Review” has been submitted to the state archaeologist.** This was a request on behalf of the Planning Board after the May 2024 meeting as there is a known burial site at the corner of Hanover and Rock Street. As far as we know, neither HDC nor the city has submitted this request. In addition to it being a potential violation of state law for construction to impact a burial site, we also believe in honoring past residents of Portsmouth. Portsmouth is a city with a rich history that we want to see honored.

Given these, we feel any decision by the zoning board without this information would be premature and should be postponed until more thorough information is provided.

If the zoning board is inclined to decide on these variances in the December meeting, we would request the variances be denied. While we believe the “Alternative CUP Plan” being presented by Hampshire Development Corp has some merits, it does not go far enough to address the issues raised in the initial round of feedback for this project back in May 2024. In its current form, and based on the limited information available to the public, we believe the “Alternative CUP Plan” remains inconsistent to public interest and will diminish property values and reduce quality of life for others living nearby in the neighborhood. We could support the requested variances if additional concessions are made to ensure that the development is consistent with the surrounding structures and also has been vetted for safety. These concessions were listed in our initial letter, and we have included them below in an appendix for easier reference.

Thank you for your time and your service to the city and its residents.

Sincerely,
Kathryn “Kate” Waldwick
Bryn Waldwick

APPENDIX

Our concerns with granting the variances given the current design and the concessions we would like to see are the following:

- I. **The increased density afforded by allowing residential on the first floor (similar to CD4-L1 and GRC zoning) while still leveraging heights and density of a CD5 lot, is inconsistent with public interest.**

While we agree the first floors should not be used for commercial space, the lack of sufficient parking spots and increased traffic for the new residences on the ground floor will exacerbate existing parking issues in the neighborhood. This new proposal actually has more units than the original design (36 → 48) and fewer parking spots (72 → approx 69). Assuming two cars per unit, this is a core issue the development team has ignored that was one of the top concerns of neighbors. Essentially, the “Alternative CUP Plan” seeks to mix and match zoning rules where convenient; it wants to have the perks of not having to have commercial on the first floor (which could struggle financially in this area given it is a quiet residential neighborhood) while still being able to pack in units and leverage heights afforded by CD5.

Concession Requested: We would like to see reduced density (through reduced building height and number of units) that is more in line with the character of the neighborhood and addresses the top concerns that had been brought up by neighbors during May’s public hearing at the Planning Board. We would like to see a design that has at least two spots per unit and also uses Foundry Place for vehicular access.

- II. **The building heights are out of character with our neighborhood, do not meet the goals of a character district, and diminish property values. We would like to see these building heights lowered**

The 361 Hanover lot is zoned as CD5, which *is* a character district. Per [Article 5A](#) in Portsmouth’s Zoning Ordinance, the key purpose and intent of all 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.” Neither plan proposed by the developer meets these goals. In the “Alternative CUP Plan” the heights and aesthetics of Buildings A and D are actively hostile to the established character of the neighborhood.

Building A is proposed to be taller than the parking garage and other buildings along Foundry place. This building is further from downtown and closer to two story residential homes and a public park than other buildings along Foundry, so it is confusing that the height would increase rather than offer a transition to the park, residential homes, and 1 story, CD5 zoned blacksmith shop.

The out of character nature of this building adversely affects the quality of the greenspace for all our neighbors in Islington Creek. Few homes in Islington Creek have yards, so Rock Street Park is the only green space many of us have. This structure would loom over the park blocking sky views, increase flooding in the park and surrounding streets, potentially create wind tunnels and diminish the open-air feeling the park provides so many of us. Also, from the park one is able to clearly see one of the most iconic buildings not just in Islington Creek, but all of Portsmouth: The Pearl. In Figure 2, one can imagine how much the sky and views would be blocked with a towering, 5 story building there.



Figure 1: Current view from Rock Street Park. Note one can see the Pearl and residential homes.



Figure 2: One can imagine the irrevocable change to the neighborhood and quality of greenspace if a towering 5 story building were next to the park.



Another view showing how close this proposed 5-story building would be to residential homes and the loss of privacy.

Building D will be a full story taller than any other building on Hanover Street. On October 15th, 2024, a Mansard style building at 332 Hanover Street (which was a whole story shorter than the proposed building D), had its variances denied due to the design and scale of the building not being in character with the neighborhood. Given this, building D should also be considered out of character with the neighborhood given it is larger and taller than the original proposed design at 332 Hanover Street.

Concession Requested: We would like to see Building A provide a graceful transition from the four story heights of the other buildings on Foundry Place to the parks, residences, and one story industrial buildings (and certainly not be taller than the parking garage). We would like to see Building D not exceed the height of any existing residential building on Hanover Street (the current tallest residential building is 349 Hanover Street)

- III. **Allowing a penthouse to take up 80% of the rooftop and only have an 8 foot setback is not in spirit of the definition of a penthouse per [Article 15 definitions](#) and is against public interest**

Allowing a 60% increase in rooftop coverage (50% → 80%) and a 47%-60% reduction in the allowed setbacks (15-20 ft → 8 ft) does not serve the public at all. From our understanding, penthouses have setbacks of 15-20 ft. in order to minimize public views from a public place (like a park). A penthouse that takes up 80% of a roof with only an 8 ft setback would essentially function as a slightly smaller additional floor and would be quite visible from public spaces. Allowing this variance would exacerbate the height issues mentioned about Building A earlier in this letter.

From: [Thomas Tobin](#)
To: [Planning - Info - Shr](#)
Cc: [tony mitchell](#)
Subject: Re: Abutter Notice, 3168 Lafayette Road
Date: Monday, December 16, 2024 11:27:48 AM

You don't often get email from thomas.tobin029@gmail.com. [Learn why this is important](#)

Dear Members of the Portsmouth Board of Adjustment

We, the undersigned Portsmouth residents from Bartlett Green Condominium Association residing at 55 Ocean Rd Portsmouth, NH, are writing to formally oppose the variance to allow a tattoo studio at 3168 Lafayette Road. As residents of this community, we are deeply concerned about the potential negative impact this variance could have on the character, safety, and overall quality of life in our neighborhood.

Tattoo studios, while legitimate businesses in other parts of the city when zoned appropriately, do not align with the SRB zoning intended to maintain the residential character of our neighborhood.

Here are the key reasons that we believe this variance should not be granted.

1. **Incompatibility with the residential character of our neighborhood.** The presence of an adult-only business that may maintain late hours and draw in a transient crowd could be disruptive to the peaceful nature of our primarily residential neighborhood.
2. **Traffic safety and parking issues.** The property has very little room for parking, and any overflow could impact our neighborhood as we are immediately adjacent. Additionally, being less than 300 ft south of the Ocean Road stoplight vehicles are accelerating rapidly and could make entering and exiting the business challenging and unsafe.
3. **Defined zoning.** Variance requests allowing commercial uses that are not directly aligned with the zoning district could gradually erode the residential nature of our neighborhood and the surrounding communities.
4. **Decline in property values.** An approval of this variance could cause a substantial decline in residential property values. Studies show that certain types of businesses can negatively impact property values. We may see decreases in property values due to the change in the neighborhood's character that this approval would bring.

Considering these concerns, we respectfully request that the Board of Adjustment deny the request to allow a tattoo studio at 3168 Lafayette Road, Portsmouth, NH, in the SRB zoned area. Preserving the integrity and character of our neighborhood is essential for the continued well-being of all residents, and we urge you to consider the long-term implications of this decision.

Thank you for your time and attention to this matter. We trust the board will consider

these concerns as you make your determination.

Sincerely,

Residents of 55 Ocean Road, Portsmouth, NH

Tony & Susan Mitchell
Thomas & Carolyn Tobin
Keith & Kelly Roger's
Annie Breslin
Travis Knapp
Klaudia Tarzon
Gary & Rhonda Sarica
Andy & Rin Minckler
Sarah Pike
Sabina Cupo
Mike & Linda Clarizio
Nuala Leona
Jennifer Consaga
Stephane Robach

From: [John Carty](#)
To: [Planning - Info - Shr](#)
Cc: [Kent Bonniwell](#); [Jen Bonniwell](#)
Subject: Updated comment on proposed building at 332 Hanover St, Portsmouth NH
Date: Monday, November 18, 2024 11:17:34 AM

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

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

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

To: Zoning Board of Adjustment
From: Fran Berman
Re: 361 Hanover Street proposal and request for zoning relief

I am an immediate abutter to 361 Hanover Street. My condo (unit 3), which takes up the second floor on the southern side of 349 Hanover Street, overlooks the parking lot at 361 Hanover.

While I support the creation of additional housing in the city and appreciate the developer's initial willingness to adjust his plans for this lot in response to community feedback, I am very concerned about the mass and height of the revised project.

The developer has requested a variance for Building A, permitting a penthouse that would take up 80% as much space as the floor below it, where 50% is allowed. This variance would create a massive building with a nearly full fifth floor. It would rise even higher than the parking garage, which abuts it. The shadows cast by this massive building would affect the entire neighborhood, creating a canyon effect similar to the one just across Maplewood Avenue. This is completely out of keeping with the small-town feeling of the current residential neighborhood.

Building D is proposed as a four-story apartment building fronting on Hanover Street, where other homes fronting on this section of Hanover Street have a maximum of three stories. It would be out of keeping with the character and style of the neighborhood. Just last month, on October 15, a Mansard style building at 332 Hanover Street, which was a whole story shorter than the proposed building D, was denied several variances due to the scale of the building not being in character with the neighborhood. By precedent, building D should also be considered out of character with the neighborhood, given that it is larger and taller.

I believe that the proposed development at 361 Hanover will negatively affect my quality of life and the property values of my unit and of the two units above and below me, as Building D, a four-story apartment building, will block all direct light and views from all 18 of our south-facing windows. I would like to see this plan revised to reduce the size of Building D and Building A. The density and height proposed for this site is out of keeping with the character of our neighborhood and should not be permitted.

Fran Berman
349 Hanover Street #3
Portsmouth, NH 03801

Dear Members of the Zoning Board of Adjustments,

Nov 14, 2024

THIS IS NOT A LONG LETTER IT JUST INCLUDES CHARTS FOR EASY ASSESSMENT.

This letter is being submitted WITHOUT having seen the 361 Hanover St final proposal. It has NOT been posted on the website as of yet. This letter will provide the basics to assist in reviewing the requested variances. It would be greatly appreciated that the variances being requested by 361 Hanover St **be postponed** until: after a Planning Board Public Hearing could be had, the developer sets up a Neighborhood Meeting with a member of the City Staff present, finally because these variances could need TAC review prior to the plans being moved further along. The required **14' sidewalk** to use the North End Incentive Overlay district *for the extra story on Building A* and how it will fit into a 20' driveway. Much less how ground floor parking presented for each building will fit under a 10' or 10.5' ceiling and will it meet various codes for first floor parking. Variances stay with the property and going to TAC afterwards could dramatically change the buildings proposed. Being to, for or against these variances depends strongly on how they impact the neighborhood, in massing, traffic flow, parking, open space and the unneeded proposed community space.

The Basics are presented for your review to more easily assess the variances on the next few pages. Each of the following pages has a chart and basic information.

Please consider postponing the proposed variances until a Public Hearing can be held on the latest proposal by 361 Hanover St, a Neighborhood Meeting is held and TAC has had a chance to evaluate the latest proposal. No matter which proposal is presented, the original "vested" one or the "CUP" presented on July 18, 2024. Both will need some or all of these variances. Most of the presentation of the CUP plan could be supported however without clearing up some of the sticking points it would be asked that all of these variances be postponed.

Thank you for your time, Elizabeth Bratter, 159 McDonough St, Property Owner.

- 1.) Building Height and Story are listed first.**
- 2.) Penthouse information second.**
- 3.) Northend Overlay District third**
- 4.) Downtown Overlay District forth.**

1.) The building height standard for the entire lot at 361 Hanover St is **2 to 3 Story 40'**. The building can have a maximum of 3 stories or less and be as high as 40'. Building D appears to be greater than these maximums with its mansard roof.

Below is the definition of Story. Notice how a flat top mansard roof (called a Short Story) is, per the definition, **considered a full story**. However, if the development team is calling the Mansard roof story a half story, that too does not fit into the criteria for a half story. The definition of a half story includes “**not greater than 50% of the total floor area of the story below.**”.

Article 15 Definitions

Story

That portion of a **building** included between the upper surface of a floor and the upper surface of the floor or roof next above. It is measured as the vertical distance from top to top of two successive tiers of beams or finished floor surfaces and, for the topmost **story**, from the top of the floor finish to the top of the ceiling joists or, where there is not a ceiling, to the top of the roof rafters. For the purpose of determining the number of **stories** in a **building**, a **story above grade plane** shall count as a full **story**. An **attic, half story or penthouse** shall not be counted as a **story**, but a **short story** shall be counted as a **story**. (See also: **building height, grade plane, half story, short story, and story above grade plane**)

Half Story

A **story** immediately below a roof in which the floor area with a ceiling height of 7 feet or more is not greater than 50 percent of the total floor area of the **story** below.

Short story

Either (1) a top **story** that is below the **cornice** line of a sloped roof and is at least 20% shorter in height than the **story** below; or (2) a **story** within a **flat-topped mansard roof** with a pitch no greater than 30:12.

Story Above Grade Plane

Any **story** having its finished floor surface entirely above **grade plane**, or in which the finished surface of the floor next above is more than 6 feet above **grade plane**, or more than 12 feet above the finished ground level at any point.

Story height

The floor to floor distance between finished floors.

~~Attic (including penthouse)~~

2.) Penthouse Information to follow:

Here is a copy of the rationalization by Staff for changing the Penthouse definition in 2022. Please review this before considering an over 14,000 sf, (80%) Penthouse on top of about 18,000 sf building.

Planning Board Public Hearing - Phase 1 Zoning Amendments with Staff Comments (8-18-22)

Penthouse

A habitable space within the uppermost portion of a **building** above the **cornice** which is set back at least ~~15-20~~ feet from all edges of the roof adjoining a public place and at least 15 feet from all other edges. ~~and~~ The total floor area of the penthouse shall not exceed 50% of the area of the **story** below and the height of the penthouse shall not exceed 10 feet above the story below for flat roof surface or 14 feet for a gable, hip, or hip-topped mansard roof surface. Except for elevator or stairwell access allowed under Section 10.517, no other roof appurtenances shall exceed the maximum allowed height of a penthouse. For internal courtyards at least 40 feet from a street or vehicular right-of-way or easement, the **penthouse** shall be setback at least 8 feet from the edge of the roof of the story below. (see also building height)

STAFF COMMENTS - PENTHOUSES:

Purpose – To modify the dimensional standards for penthouses to minimize public views from a public place and bring penthouses into parity with the height requirements for other attic areas.

Background – The proposed dimensional standards will increase the setback of a penthouse along a public place and encourage the use of sloped roofs. This will also allow a penthouse to be fully treated like an attic space by using the mid-point of its height to calculate the overall height of the building.

3.) The height of Building A is worth looking at. Remembering the height allowed is a maximum of 40', 2 to 3 story, one could guess they are proposing to use the North End Incentive Overlay District. Bldg A was shown as a 4 story with a Penthouse for the July 18, 2024 meeting. To be eligible for a 4 story the maximum height would be 50' plus the 10' for a Penthouse making the building height 60'. The proposed building would stand taller than the Foundry Garage, due to the 8' difference between Foundry Place and Hanover St.

North End Incentive Overlay District Criteria:

10.5A46.10 Incentives to Development Standards

DEVELOPMENT STANDARDS	INCENTIVE OVERLAY DISTRICT	INCENTIVE OVERLAY DISTRICT
Maximum building coverage	No Change	8
Maximum building footprint	30,000 sf	3
Maximum building block length	No Change	1
Minimum lot area	No Change	2
Minimum lot area per dwelling unit	No Change	1
Maximum building height	Plus 1 story up to 10 ft ⁴	1
Minimum ground story height	No Change	5
Minimum off-street parking	No Change	N
Ground story parking	Permitted with a liner building ⁶	1

To be able to add 1 story up to 10' utilizing the NEIOD one has to provide the following:

⁴ In order to receive the **building height** incentive, the **sidewalk** width in front of any **façade** shall be at least 10 feet plus two feet for each story of **building height** above three stories. Any property area needed to comply with this requirement shall count as **open space** as required in Figures 10.5A41.10A-D (Development Standards) and as **community space**; even if less than 15 feet in width.

The question remains is: Can a 14' sidewalk also be part of a 20' driveway in such tight quarters?

4.) Finally the adoption of many changes to the Downtown Overlay District and yet keeping the desired pieces.

Section 10.640 Downtown Overlay District

10.641 Establishment and Purpose

10.641.10 The Downtown Overlay District (DOD) is an overlay district applied to portions of the Character Districts. All properties located in the DOD must satisfy the requirements of both the DOD and the underlying districts.

10.641.20 The purpose of the DOD is to promote the economic vitality of the downtown by ensuring continuity of pedestrian-oriented business **uses** along **streets**.

10.642 Ground Floor Uses

Within the DOD, the **ground floor** of any **building** shall consist entirely of the following **uses**:

1. Nonresidential **principal uses** permitted in the underlying zoning district.
2. Entries, lobbies, stairs, and elevators providing pedestrian access to permitted upper-floor residential **uses**, not exceeding 20 percent of the **ground floor** area.

Hopefully this information has been helpful as these variances for 361 Hanover St are being reviewed. Please consider postponing these variances until the public has had the opportunity to chime in on the structures themselves and the development team has truly met with the neighborhood and TAC has had the opportunity to clear up any issues which could change the plans significantly.

RE: 361 Hanover St
Meeting: Zoning Board of Adjustment
Date: Dec 17, 2024

Dear Members of the Zoning Board of Adjustment,

Dec 13, 2024

After having gone to the Developer/Neighborhood meeting a review of the application plan was necessary. The presented application does have a lot of fluff but seems to be missing some important information to be able to make decisions on some parts of the proposed variances.

1. To allow ground floor use as residential vs commercial

Commercial is required on the first floor for **CD5 as well as the Downtown Overlay District**. This request is straightforward and Building A's parking and residential is clearly presented. However, the presented application does not seem to include buildings B, C or D to show how the parking vs the ground floor residential will be laid out. They are also in CD5. This might be something to consider when agreeing to allow residential on the ground floor and is very important to the neighborhood.

2. To allow other building types.

One would think these would need to fit into the character of the neighborhood not only in style but in massing.

Building D shows 8 units more than any other building fronting on Hanover and is 72' across the front. The widest building near it is the Church across the street at 40'. It is also significantly taller with its uncharacteristic mansard roof. It too does not show how its parking will be laid out for variance 1 regarding adding residential on the first floor.

2a. To allow 10' 5" as the first floor.

There seem to be a few versions of this request. In the beginning of the proposal outlined in red in the chart, it shows 10' 5" as the requested height. In the "Zoning Development Standard CUP" chart it shows ground floor height of Building A 10' height and Buildings B, C and D with 12' proposed heights. Second story heights are proposed at 10.5. There is likely a typo but in the "Requested Zoning Relief" it states 10' 6" being requested. These are very conflicting as to how high each building's ground floor level much less the upper floors will be.

3. Penthouse size relief

There seems to be only one plan that shows the penthouse and that is the 5th floor plan with no engineering information. There are no dimensional plans, not renderings, nothing. It does state it will be 80% and setback between 8' to 15' from the edge. What is the area of the proposed penthouse vs what is allowed? What will the roof look like? Where are the setbacks 8' vs 15'? The "Zoning Development Standards CUP Plan" shows NA for Penthouse height. How tall is this "penthouse" going to be? There are NO depictions of Building A from the front or the back in the application, much less what the proposed penthouse will look like from the Foundry Garage, 89 Foundry Place and 349 Hanover St which will be able to see this.

Generally, this application has a lot of information and details on the "vested" proposal but seems to be lacking in detail on the "cup plan", which is the one for which these variances are being requested. This is one of the most incomplete applications for a Penthouse and seems to have a lot of incomplete or conflicting information for the other variances. Please ask this applicant to provide the information needed to be able to assess whether these variances are able to meet the criteria to be approved or denied.

Sincerely,
Elizabeth Bratter
159 McDonough St, Property Owner

From: [Julienne Echavarri](#)
To: [Planning - Info - Shr](#)
Subject: concerned neighbor Re: 361 Hanover St
Date: Monday, November 18, 2024 3:59:27 PM

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To Whom It May Concern,

My name is Julienne Echavarri, owner of 34 Rock St. I am writing to express my concerns about the 361 hanover project. I understand that progress is necessary for our city and that housing is needed in Portsmouth; however, I believe that the proposed plan for 361 hanover is not appropriate for the area; the project is too big for the neighborhood and it doesn't keep with the character of it. Aside from that, my biggest concern with the proposed plan is the increase in traffic this development will cause for my street and Pearl street. The plan shows the entrance to the development between Rock and Pearl, which are small streets that really cannot handle the increase in traffic, potentially over 90 cars a day since the proposed plan has 48 apts if the requested variance for the first floor is allowed. This amount of cars will decrease the quietness of the neighborhood and increase the potential of more speeding cars through our small streets, which is already an issue. Congestion will also increase for these small streets and it will cause a significant decrease in off street parking since not enough parking spots are being proposed for the amount of apartments.

A possible solution for my biggest concern is moving the entrance to the development towards foundry place, which is a wider street that can handle the increase in traffic.

Thank you,
Julienne Echavarri
34 Rock St

To: Portsmouth Board of Adjustment

Subject: 361 Hanover Street Variance Requests, Hearing on November 19, 2024

Dear Portsmouth Board of Adjustment Members,

I am writing to you about HDC's request for 4 variances to develop the Heinemann property located at 361 Hanover Street, less than 200 feet from my home.

Firstly, I applaud HDC's decision to throw away their first design which included a single massive building fronting on Hanover Street with the "tunnel of shame," and replace it with their CUP plan, breaking up this massive building into 3 smaller but still massive buildings, when taken in context with our historic neighborhood consisting primarily of 1-2 story single-family homes (see documentation following my letter). There are significant benefits for them to do away with commercial space as we know, so we understand their desire to replace the commercial space, as required with their CD5 zoning, with residential units which is far more profitable in today's market.

This property is in the CD5 Character District. Character district zoning is intended 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. HDC's current CUP Plan being proposed is neither compatible with the neighborhood homes surrounding this property nor is it consistent with the city's goals of preserving or enhancing our small, historic neighborhood.

This development, as proposed, will ruin the character of our neighborhood unless additional modifications are made to the massing of the 3 buildings on Hanover Street, replacing the Mansard roof on Building D with a roof type consistent with those found in our neighborhood (gable, saltbox, flat), and scaling back the Penthouse to meet the City's dimensional codes so it is not viewable from the sidewalks and multi-modal pathways, as the code intended.

Because HDC has neglected to reach out to our neighborhood to arrange a public meeting to solicit input and feedback about their design proposal so that our very real concerns can be addressed in the design being presented in their submission, the CUP plan's variance requests do not have my support for the previously stated reasons.

I would support HDC's or the Board's decision to postpone the hearing on these variance requests until after HDC arranges for a public meeting so the neighborhood can share their concerns and provide input so that a revised CUP proposal will gain the neighborhood's support for requested variances, with the result being a new development in keeping with the character and history of our neighborhood which will be an asset, not an eyesore within our Portsmouth community.

Thank you,

Robin Husslage
27 Rock Street, Apt B

Note: *Following are highlights of properties abutting 361 Hanover Street including home heights, widths, depths, and roof styles.*

ABUTTING PROPERTIES TO 361 HANOVER STREET

NEIGHBORHOOD BUILDINGS -- AVERAGE HEIGHT, WIDTH, DEPTH, & ROOF STYLE					
SUMMARY OF FINDINGS	AVERAGE HEIGHT OF BUILDINGS	AVERAGE WIDTH OF BUILDINGS	AVERAGE DEPTHS OF BUILDINGS	TOTAL ROOF TYPES	
ABUTTING BUILDINGS (Not Including Heinemann)	24 Feet High	30 Feet Wide	38 Feet Deep	15 Gable Roofs 4 Flat Roofs 1 Saltbox 0 Mansard Roofs	
Building Photo	Address	Bldg Height (Feet)	Building Width (Front of Building)	Building Depth	Roof Style
	361 Hanover Street	20	203	74	Flat
	29 & 31 Sudbury Street	18	38	42	Gable
	427 Hanover Street	23	24	28	Gable
	30 Sudbury Street	18	31	32	Gable
	407 Hanover Street	23	36	32	Gable
	44 Rock Street	20	34	33	Salt Box

ABUTTING PROPERTIES TO 361 HANOVER STREET

	34 Rock Street	20	18	44	Gable
	27 Rock Street	20	18	42	Gable
	394 Hanover Street	26	21	41	Gable
	362 Hanover Street	23	24	28	Gable
	48 Pearl Street	23	28	38	Gable
	36 Pearl Street	20	34	32	Gable
	31-33 Pearl Street	28	36	29	Gable

ABUTTING PROPERTIES TO 361 HANOVER STREET

	<p>45 Pearl Street, "The Pearl"</p>	<p align="center">39</p>	<p align="center">40</p>	<p align="center">60</p>	<p align="center">Gable</p>
	<p>350 Hanover Street</p>	<p align="center">26</p>	<p align="center">38</p>	<p align="center">28</p>	<p align="center">Gable</p>
	<p>332 Hanover Street</p>	<p align="center">30</p>	<p align="center">24</p>	<p align="center">30</p>	<p align="center">Gable</p>
	<p>324 Hanover Street</p>	<p align="center">33</p>	<p align="center">22</p>	<p align="center">28</p>	<p align="center">Gable</p>
	<p>"3 Sisters 4-Plex's" 319 Hanover Street</p>	<p align="center">23</p>	<p align="center">38</p>	<p align="center">58</p>	<p align="center">Flat</p>
	<p>"3 Sisters 4-Plex's" 329 Hanover Street</p>	<p align="center">23</p>	<p align="center">38</p>	<p align="center">58</p>	<p align="center">Flat</p>
	<p>"3 Sisters 4-Plex's" 339 Hanover Street (181 Hill Street)</p>	<p align="center">23</p>	<p align="center">38</p>	<p align="center">58</p>	<p align="center">Flat</p>
	<p>349 Hanover Street</p>	<p align="center">36</p>	<p align="center">43</p>	<p align="center">56</p>	<p align="center">Flat</p>

From: [MICHAEL LAHAN](#)
To: [Planning - Info - Shr](#)
Subject: 361 Hanover St Issue of the 11/19 Meeting Agenda of the Zoning Board of Adjustment
Date: Sunday, November 17, 2024 1:36:46 PM

[You don't often get email from mlahan@aol.com. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

As the home owner of 394 Hanover St and situated directly across the street from 361 Hanover Street I am writing to express my opposition to several of the proposals of the developer's new "Alternative CUP Plan":

1. This is an historic neighborhood with very narrow streets. Currently, there is insufficient parking for the residents which I deal with regularly, having no personal off street parking.
2. The developer's new design calls for an increased number of apartments and a decrease in parking spaces from the original design. This will have a very negative effect including increased traffic, fewer spaces to park for current residents, as well as a hazard for small children who regularly use our park and playground.
3. The proposed height of Building D from the developer's new plan is too tall and very much out of the character of the neighborhood.
4. There has been minimal contact between the developer and neighborhood residents. I recommend that the developer be instructed to hold neighborhood meetings to receive input. I also recommend that a vote on the proposed variances be postponed until neighborhood residents are given an opportunity to speak before the Portsmouth Planning Board to express their comments regarding the developer's Alternative CUP Plan.

Thank you for all the work you do for our beloved city.

Sincerely,
Carol M. Lahan
394 Hanover St. Portsmouth, NH

Sent from my iPad. Carol M Lahan

From: [Jonathan Paine](#)
To: [Planning - Info - Shr](#)
Subject: 361 Hanover
Date: Monday, November 18, 2024 11:34:09 AM

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I'm writing to express my opposition to the request for variances at 361 Hanover.

I've shared thoughts below on Vehicular Access, First Floor Commercial, Foundry Place and the NEIOD, as well as the Variance Criteria.

I appreciate you taking the time to read my thoughts.

Vehicular Access:

Portsmouth Site Plan Review Regulations: Section 3.1: Vehicular Circulation Standards

“All site development shall be designed and constructed to consider the safety, interests and convenience of all users – drivers, bicyclists, transit users and pedestrians of all ages and abilities.”

Portsmouth Complete Streets Guide: Neighborhood slow street

“Neighborhood slow streets are not intended for through-traffic, and may make use of traffic calming measures to discourage through motor vehicle traffic and reduce speeds to *create a comfortable environment for walking and bicycling*” (*emphasis added*)

Portsmouth Driveway Rules and Procedures: Section 3.8:

“The decision point on a minor approach should be 14.5 feet from the edge of the major road travel way”

This section of Hanover Street is classified as a Neighborhood Slow Street. 3-5 times a week, my two young children ride their scooters down Hanover St into town as I walk behind them. I know many families who walk the opposite way up Hanover towards the playground.

While the CUP plan renderings from the vantage point of Hanover St show an expanse of sidewalk in front of the proposed buildings B, C and D, the plans themselves indicate that Proposed Building D sits roughly 7' back from the road. Roughly 2' back from the sidewalk. In this case, the vehicular decision point that we should be most concerned about isn't seeing the cars in the road 7' away, it's seeing the people on the sidewalk just 2' around a blind corner.

A number of homes in the neighborhood have similarly blind parking next to a 0-setback house, but they are largely single-width pull-in spaces, the rear of which are typically visible from the sidewalk. Cars park in those spots; they drive into them, not *through* them. This plan is fundamentally different, with 60+ cars, delivery vehicles, etc being hidden behind this blind approach, which crosses the sidewalk less than a block away from a playground.

This is an absurdly dangerous design. This is over 60 cars, hidden behind a blind corner only 2' off the sidewalk when Portsmouth's rules specify a decision point should be at a point 14.5' off of the street.

First Floor Commercial:

In figure 7, the developer has shown the commercial presence of surrounding buildings. While I appreciate their focus on the neighborhood to the south of the parcel, a more representative map would instead be centered on the property at issue, giving equal visual representation to all surrounding buildings, and a truer characterization of the area.

Here's a perspective of what what was largely left out of figure 7:

Every lot or building, starting from the north east at Maplewood and Deer, and moving counter clockwise down Deer St and Foundry Place and back to Maplewood:

First floor uses (existing, in construction, or otherwise notes) are:

- Commercial
 - 70 Maplewood: In construction
 - 300 Seat Restaurant
- Submissions indicate 100% commercial first floor use
 - 163 Deer St: Outcome TBD
 - Submissions show Restaurant space on 1st and 2nd floor
- Commercial
 - 165 Deer St: In construction

- Hyatt Lobby / Cafe
- Park:
 - Public Plaza (construction following Hyatt)
- Parking Garage
 - Commercial Liner (not presently in use as a commercial space)
- Commercial
 - 66 Rock Street
 - Peter Happy Blacksmith
- Park:
 - Rock Street Park
- **361 Hanover**
- Commercial
 - 99 Foundry Place: In construction
 - Condo Lobby, Commercial TBD
- Commercial
 - 126 Bridge Street
 - Ferguson Bath and Kitchen
- Commercial
 - 238 Deer St: In construction
 - Condo Lobby, 3100sqft Commercial TBD
- Commercial
 - 50 Maplewood
 - Fidelity Investments, TBD in construction

While the developers make a good point that first floor commercial fronting on Hanover Street is not in character with that area, they fail to address that *a barren, unactivated streetscape on Foundry Place will be even more out of character. Foundry Place construction is booming, with every single building having a commercial presence.*

The developers have included with their CUP plan 5 beautiful renderings from the vantage point of Hanover St. Yet not a single rendering of what the building will look like from Foundry Place. Why is that?

Foundry Place

What is the #1 complaint of folks visiting downtown? Parking. Foundry Place has parking. And in a matter of months it will have a lot more to offer: Foundry Place to Maplewood will have 2 public parks, between 2 and 6 restaurants and a hotel. Not to mention its proximity to the forthcoming North Mill Pond Waterfront Greenway and the future potential of the Worth Lot Plaza/Bridge Lot Terrace concept not 500 feet away from Foundry Place.

Foundry Place could easily end up being a destination unto itself if we as a community have the vision and the discipline to see it through.

There *are* challenges to this parcel. There is a retaining wall and the Developer has stated to the Planning Board that the City owned Foundry Place frontage lot's appraised value is too expensive to be economically viable for the developer. These are challenges.

Yet the great potential of this parcel demands more effort be put into finding solutions to these challenges, not simply avoiding them. The potential demands a mutually beneficial solution that will activate the streetscape, as the North End Vision Plan clearly demands, as does the zoning.

There must be a way that the City and the Developer can find a solution together to utilize the city-owned Foundry Place frontage lot to be incorporated into however this lot is developed.

North End Incentive Overlay District:

It seems clear that the intent of the NEIOD was to facilitate enhanced density for lots in the North End with frontage on City Core streets.

Foundry Place is a street that can support traffic. It was built to feed a parking garage. The explicit requirement for this parcel- with frontage on Foundry Place - is first floor commercial. The *implicit* requirement for this building was vehicular access on Foundry Place.

By choosing this subdivision plan, the developer avoids both explicit and implicit requirements, at *great* detriment to BOTH of the very distinct neighborhoods around them.

Not only will Foundry Place be underutilized, but Hanover street will be over-utilized.

Whereas the NEIOD was designed to leverage the carrying capacity of City Core Streets to enable enhanced density, the developers are asking for all of that enhanced density, subdividing off the only frontage on the very street that enabled the enhanced density, and subsequently dumping ALL of that vehicular traffic directly into a neighborhood.

This proposal has both Foundry Place and Hanover Street getting a terrible outcome.

There are clear detrimental impacts to the neighborhood:

Parking

Our neighborhood has well documented parking challenges, as witnessed to by the Parking Pilot program. By subdividing this lot and moving vehicular access from Foundry Place to Hanover it will undeniably exacerbate an already challenging parking problem.

Traffic:

This portion of Hanover is a Neighborhood Slow Street. An extra 60+ cars could fundamentally change traffic in our neighborhood. I believe a traffic study could shed some objective light on that. The developers are quick to highlight the density of the neighboring building at 99 Foundry Place, without mentioning that their vehicular access is onto Foundry Place, not into the neighborhood.

Safety:

The danger of the vehicular access as designed is so great that it must be mentioned again: the blind drive, less than a block away from a playground and on a street where families walk and bike all day long, is terrifying.

Variance Criteria

Granting the requested variances will be contrary to the spirit and intent of the ordinance and will be contrary to the public interest.

The proposed subdivision in and of itself - *and therefore any plan or request for zoning relief which is based upon that subdivision* - is against the spirit of the ordinance.

By subdividing off the only direct Foundry Place frontage, the developer has circumvented the explicit and implicit requirements of the NEIOD, while still claiming the enhanced density that it affords. All the while, redirecting all of the traffic from that enhanced density into a neighborhood which is ill equipped to handle it.

Granting these variances would be contrary to the public interest. The plan makes the surrounding neighborhood less safe for the people living there and a less desirable place to live.

The ZBA is empowered to act on this fundamental inconsistency with the spirit of

the ordinance, regardless of and separate from the validity of any of the specific variances being requested.

Substantial justice would not be done by granting the variance.

The benefit to the residents of the neighborhood in denying this variance will be:

- the safety of children walking to the playground, or scooting downtown
- being able to find a parking spot in less than 5 minutes of driving around our small, charming, one-way blocks
- not having traffic halfway up Hanover on a Friday night

The benefits to the residents in denying this variance will be substantial and far outweigh the hardship the developer will experience by conforming to the zoning as written, or the effort to work with the City to find the optimal solution: incorporating the full frontage on Foundry Place as an activated streetscape.

The values of surrounding properties will be diminished by granting the variances

Small neighborhoods of tiny one-way streets and 1-1/2 car-wide two way streets create a cozy, neighborhood feel. It gives the neighborhood character.

But that cozy neighborhood small-street feel is a delicate balance, and it can easily give way to daily frustration if traffic becomes an overwhelming aspect of daily life.

I believe 60+ extra cars will do that, and I believe it will diminish the values of the surrounding houses.

There are no special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus does not constitute unnecessary hardship

There are special conditions here, but the requirements of the zoning and the benefit to the neighborhood by building a project consistent with the North End Vision Plan - contrasted with the over-utilization of Hanover and under-utilization of Foundry Place in the CUP plan as presented - paint a clear picture that the

hardship that will occur is a hardship to the neighborhood if this plan is approved, rather than a hardship to the developer if this zoning relief is not granted.

Conclusion:

I am one of many in the neighborhood who would welcome a dialogue with the developer. We have had no opportunity for dialogue or feedback.

This community wants to be part of the things that happen here in our neighborhood.

I, like many in the neighborhood, am excited for this parcel to be developed. But each development is a decision that will stand for decades, and I want to voice my feedback to help make this a building that we can all be excited about and proud to have in our neighborhood for decades to come. It will take effort and collaboration with the City, but the potential of the outcome demands that collaboration.

Sincerely,

Jonathan Paine and Geri Gaeta
91 Langdon

From: [john robinson](#)
To: [Planning - Info - Shr](#); [john robinson](#)
Subject: 361 Hanover variances and zoning
Date: Friday, November 15, 2024 4:53:58 PM

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Greetings.

I am a Portsmouth resident and I have some concerns regarding the city's handling of the 361 Hanover property zoning and variances. (You already *know* the details).

When I read of the neighborhood advocacy group being effectively silenced by a series of inexcusable city regulatory decisions I became concerned that any and all resident's input involving other project proposals could also be suppressed.

Rather than calling for an internal investigation the mayor rather cavalierly dismissed the apparently self-serving (in)actions of Mr. Cracknell as mere oversights given the COV2 restrictions and the difficulties in restarting city government.

What I think Portsmouth residents *need to know* is that the *regulatory capture* seemingly in evidence in the Cracknell/361 Hanover/ Hampshire Dev. Corp case does not occur in future. .

A simple affidavit from Mr. Cracknell indicating on what date he was offered a job with Hampshire Dev. Corp. would suffice to show whether he had broken the code of conduct for a city official.(in my view, a job offer (to a city employee) constitutes something of *value* the acceptance of which by a regulator(while in office) from the regulated entity is a clear violation of the code of ethics) Following up with a review of Cracknell/ HDcorp electronic correspondence may be warranted.

Additionally, If this is indeed a case of *quid pro quo* then Mr. Cracknell should be *censured retroactively* and this censure should appear on his employment record.

If Hampshire relents and accepts CD-4 Zoning this might at least give the appearance of an exoneration for Mr. Cracknell.

J. Robinson

From: [Dayl Soule](#)
To: [Planning - Info - Shr](#)
Subject: Variance request for 361 Hanover Project.
Date: Monday, November 18, 2024 3:25:23 PM

I am against granting the variance for the penthouse on Building A at the proposed new development at 361 Hanover St.

Building A, at 52' high, is already taller than at least 21 nearby abutters on Hanover, Pearl, Sudbury, and Rock Streets – the average height of these buildings is 24'. This building is also out of character with the neighborhood in height, size and bulk.

Any penthouse, which is out of character in the neighborhood on its own, will add another 10' to the overall height of the building. This variance request asks for the penthouse to be set back only 8 feet from all the roof edges; which would make it visible from the ground and the various buildings that surround it. It would cover approximately 80% of the roof making it another floor. Building A would become the tallest building in the neighborhood, by far; taller than the Foundry Garage and taller than the new One Foundry Place building and completely out of character with our neighborhood.

Neighbor's privacy will be compromised because of the height of the building and the ability to look out and over from the penthouse. The building, with this penthouse size, will block considerable light from the neighbors' homes and Rock St. Park –and give a "Big Brother is Watching" vibe.

The developer has consistently said he wants a "collaborative project design" involving the "surrounding neighbors" and various committees. There was no collaboration on this proposed penthouse; it's a unilateral decision by the developer who, seemingly, has ignored the character of the neighborhood, the input of the neighbors on this design, the surrounding homes, and the right to privacy and quality of life in the neighborhood.

I would urge the committee to deny the variance request for the large penthouse.

Thank you for your consideration.

Dayl Soule
349 Hanover St. #4

November 18, 2024

Comments Related to Revisions to the Proposed Mixed-Use Development - 361 Hanover St

We are writing regarding the updated development proposal for 361 Hanover St that is to be reviewed by the Zoning Board of Appeals on Tuesday Nov 19. We are glad to see that some of the neighborhoods' concerns with the originally proposed large building along Hanover Street were heard. That building overwhelmed the adjacent historic buildings.

We do agree with the developers that the original design with commercial uses on the first floor does not fit in that location. We encourage the Developer to seek that relief from that requirement with the ZBA, but adequate parking needs to be provided for all the residential units. I know some residents feel that because this is a "downtown" development, that only a few of the units will have more than one vehicle. That's probably not the norm for these large market rate units. The parking for the Rock St Park will get sucked up by the overflow.

A couple of design issues with the revised development plan still are of concern to us.

1. The 3 new buildings along Hanover do break up the massing to a more appropriate level, but we are still concerned with the height and location of Building 'D'. The space between buildings C & D of only 9 ft seems like an awkward "alley" and the 40 ft + wall of Building "D" seems like a harsh termination of Pearl Street. We know the Pearl St Church is as tall, but it is off to the side and iconic to the neighborhood.
2. The developer is proposing a multi-modal path (driveway) to connect Hanover to Hill Street. We do not see Hill Street being able to handle much of the traffic to and from this development as the intersection down at Bridge Street is very narrow and there is a pinch point of 16 ft at the edge of the development that will not support two-way traffic. The current scheme has the majority of the traffic generated by the development (7 days a week) will be via the access drive on Hanover Street. There will be many awkward turns along Hanover Street as vehicles go in and out and try to access Pearl Street which is diagonally offset across the road.
3. The front buildings also have parking at their rear abutting this multi-modal way that will require them to back out into the flow of traffic with many blind corners for them and the others utilizing the rear garage.
 - A. It appears a multi-modal path is treated in the ordinance as a public street. Section 10.1114.32b states "vehicles can enter and leave the parking area without backing into or from a public street or way. Does this require another variance for the garages under the front buildings?
 - B. We are not sure why the main access into the development does not align with Pearl Street to make a safer 4-way intersection and get the traffic out to Islington Street where the added vehicle load can be accommodated. This entry would also align better with the proposed garage in the center of the existing building, also creating a safer 4-way intersection within the development.
 - C. This area of the neighborhood is pedestrian intensive, and anything we can to minimize conflicts with vehicles and make it safer for both is important.
 - D. Previous discussions have centered around the fact that when Heinemann was using this site as an office, there were many more cars accessing the site. The difference is the intensity was only during the day and 90% of the traffic funneled to and from Pearl Street which aligns with the current curb cut. With this residential use, vehicle traffic will be day and night, 7 days a week.

We still do not believe the Downtown Overlay District should have been applied to the Hanover Street portion of the Site which allows for the proposed increased height of Building 'D'. The DOD should be limited to the back portion of the site, the same as the North End Incentive Overlay District. The back of the 361 Hanover site does abut Foundry Place and if the developers are planning to go to 5 stories on the existing building, to take

advantage of what is allowed by the overlays, then they should have the traffic that is generated by the increased density, access the site via Foundry Place which is fully inside the incentive districts.

We do not specifically object to the height of the rear building, even though it is one story higher than what we would like to see and what was originally proposed in the previous scheme. Is it also now taller than the adjacent condominium development along Hill St and Foundry place? It will provide a much-needed sound block to the neighborhood from the cars racing up and down the Foundry Garage on nights and weekends but will loom over the neighborhood.

The developer has made good strides in working towards getting the development to better fit with the fabric of the existing neighborhood. This revised scheme (which is substantially different from the “as of right” scheme that was presented to the PB in May of this year) should again go before the Planning Board for conceptual consultation first, to allow the residents to voice their concerns with the revised proposal, prior to it being before the Zoning Board Of Appeals with a “cooked” scheme. A few more tweaks and a conscious effort to make the vehicle and pedestrian flow safer for all and to minimize traffic chaos would be much appreciated.

A. Matthew Wirth and Michelle Blaisdell Wirth, 439 Hanover Street, Portsmouth.

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.

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.

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.

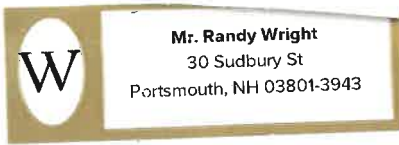
NO

Members of the public also have the option to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Registration information will be provided on the meeting agenda when it is posted to the web page. For technical assistance, please contact the Planning Department by email (planning@cityofportsmouth.com) or by phone 610-7216.

Those interested in submitting written comments should email planning@cityofportsmouth.com. Comments received by close of business the day before the meeting will be incorporated into the record of the meeting. Any comments received after this deadline must be submitted in person by the individual at the meeting.

The final Agenda may include items under Old and New Business that are in addition to this Notice. For complete meeting and application details check: www.cityofportsmouth.com/planportsmouth/meetings-schedule or contact the Planning Department at 610-7216 or planning@cityofportsmouth.com with questions. Members of the public are invited to participate in the meeting in person or by counsel or agent and state reasons why the above application(s) should or should not be granted.

11/14/84



I OPPOSE EACH AND ALL OF THE REQUESTS
BY HANOVER STEAM FACTORY.

THE PLANNING BOARD DROPPED THE BALL BADLY
AND IN SPITE OF A PLEADING NEIGHBORHOOD STILL
SANCTIONED THIS MONSTROSITY.

THIS PROJECT IS FAR TOO LARGE FOR THIS
NEIGHBORHOOD AND WILL EVENTUALLY RESULT
IN A MASS EXODUS OF THOSE YOU IGNORED.

SHAME ON YOU! THIS ENDEAVOR WILL DESTROY
OUR NEIGHBORHOOD.

REGRETFULLY,


R. W. Wright

407 Hanover St.
Portsmouth, NH 03801

November 18, 2024

Zoning Board of Adjustment
Planning & Sustainability Department
City of Portsmouth
1 Junkins Avenue, 3rd Floor
Portsmouth NH 03801

Re: 361 Hanover Street Development

Dear Zoning Board,

Our home, 407 Hanover Street, is at the corner of Hanover Street and Rock Street, directly across from the proposed "Rowhouse" building.

Without waiving our objections to the proposed variances, we respectfully urge this Board to delay its decision pending (1) an opportunity for public comment on the developer's "CUP plan" and (2) a neighborhood meeting between the developer and residents aimed at articulating the essential characteristics of the neighborhood.

As it stands, the Planning Board represented that there would be an opportunity for public comment on the CUP plan but, to our knowledge, no such opportunity has been provided. The developer has repeatedly represented on the record that they sought input from the residents to ensure that the plan was consistent with the neighborhood's essential characteristics. To our knowledge, the developer has not met with the neighborhood. Since we live here, we are intimately familiar with the neighborhood's essential characteristics. Our input should be considered.

With respect to the public interest, the developer argues in part that granting the variances would result in "no change to the essential characteristics of the neighborhood." How the variances would impact our neighborhood's essential characteristics cannot be evaluated in isolation; the broader impact of the CUP plan itself on the neighborhood is a necessary part of that analysis. For example, the first-floor commercial/space variance is a benefit, standing alone; but that benefit is negated by the fact that the first-floor residences will add significantly to the number of people living in our tiny, centuries' old neighborhood. The CUP plan has merit. We will support the required variances if it is tweaked to reflect our input about the essential characteristics of our neighborhood.

The absence of public input on the CUP plan also means that this Board lacks adequate information to evaluate whether substantial justice will be done by granting these variances. This balancing test requires evaluating how the public interest will be impacted by granting the

variances, which will allow the CUP plan to go forward. As the record stands, any decision by the Board on this issue would necessarily be based on the developer's representations about how the public will be impacted if the CUP plan goes forward.

Finally, it's worth noting that the developer acknowledges that its original plan is out of scale with the neighborhood and would negatively impact property values. We believe the CUP plan is, too. The footprint of the Rowhouse fronting on Rock Street is three times the footprint and ten feet taller than our house, diminishing our privacy, air and light. We are confident that additional concessions from the developer with respect to massing, density and size of the CUP plan would lead us to support the requested variances and the development overall.

For these reasons, we ask that the Board delay its decision on the requested variances to allow the Planning Board to hold a public hearing.

Sincerely
Sean Caughran
Marcie Vaughan

30 Parker Street
Portsmouth, NH 03801

November 16, 2024

Zoning Board of Adjustment
Planning & Sustainability Department
City of Portsmouth
1 Junkins Avenue, 3rd Floor
Portsmouth NH 03801

Re: 361 Hanover Street Development

Dear Zoning Board of Adjustment Members:

As abutters to the proposed development at 361 Hanover Street, we believe the decision on whether to grant variances for this project should be postponed until:

- **The public is given an opportunity by the developer and/or the city to provide feedback on the “Alternative CUP Plan.”** The only time the public was able to provide official comment was in May 2024 at the Planning Board meeting when the initial “As-of-Right” plan was presented. The developer has not engaged with the neighborhood since then.
- **The “Alternative CUP Plan” has been vetted by the Technical Advisory Committee (TAC) to ensure it addresses key traffic and safety issues.** As parents of young children, the safety issues caused by increased traffic and parking issues were our top concern. The “Alternative CUP Plan” actually exacerbates these issues by increasing the density and number of units from the “As-of-Right” plan (36→48 units) and decreasing the parking (72 →69 parking spots). It’s notable that even though this lot is zoned as CD5, the streets the developer is planning to use to service this building (Hanover, Rock, Pearl, Parker) are NOT CD5 zoned - they are quiet residential side streets not designed to handle this type of volume.

While we believe the “Alternative CUP Plan” being presented by Hampshire Development Corp has some merits, it does not go far enough to address the issues raised in the initial round of feedback for this project back in May 2024. In its current form, the “Alternative CUP Plan” remains inconsistent to public interest and will diminish property values and reduce quality of life for others living nearby in the neighborhood. We would support the requested variances if additional concessions are made to ensure that the development is consistent with the surrounding structures and also has been vetted for safety.

Our concerns with granting the variances given the current design and the concessions we would like to see are the following:

I. The increased density afforded by allowing residential on the first floor (similar to CD4-L1 and GRC zoning) while still leveraging heights and density of a CD5 lot, is inconsistent with public interest.

While we agree the first floors should not be used for commercial space, the lack of sufficient parking spots and increased traffic for the new residences on the ground floor will exacerbate existing parking issues in the neighborhood. This new proposal actually has more units than the original design (36 → 48) and fewer parking spots (72 → approx 69). Assuming two cars per unit, this is a core issue the development team has ignored that was one of the top concerns of neighbors. Essentially, the “Alternative CUP Plan” seeks to mix and match zoning rules where convenient; it wants to have the perks of not having to have commercial on the first floor (which could struggle financially in this area given it is a quiet residential neighborhood) while still being able to pack in units and leverage heights afforded by CD5.

Concession Requested: We would like to see reduced density (through reduced building height and number of units) that is more in line with the character of the neighborhood and addresses the top concerns that had been brought up by neighbors during May’s public hearing at the Planning Board. We would like to see a design that has at least two spots per unit and also uses Foundry Place for vehicular access.

II. The building heights are out of character with our neighborhood, do not meet the goals of a character district, and diminish property values. We would like to see these building heights lowered

The 361 Hanover lot is zoned as CD5, which *is* a character district. Per [Article 5A](#) in Portsmouth’s Zoning Ordinance, the key purpose and intent of all 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.” Neither plan proposed by the developer meets these goals. In the “Alternative CUP Plan” the heights and aesthetics of Buildings A and D are actively hostile to the established character of the neighborhood.

Building A is proposed to be taller than the parking garage and other buildings along Foundry place. This building is further from downtown and closer to two story residential homes and a public park than other buildings along Foundry, so it is confusing that the height would increase rather than offer a transition to the park, residential homes, and 1 story, CD5 zoned blacksmith shop.

The out of character nature of this building adversely affects the quality of the greenspace for all our neighbors in Islington Creek. Few homes in Islington Creek have yards, so Rock Street Park is the only green space many of us have. This structure would loom over the park blocking sky views, increase flooding in the park and surrounding streets, potentially create wind tunnels and diminish the open-air feeling the park provides so many of us. Also, from the park one is able to

clearly see one of the most iconic buildings not just in Islington Creek, but all of Portsmouth: The Pearl. In Figure 2, one can imagine how much the sky and views would be blocked with a towering, 5 story building there.



Figure 1: Current view from Rock Street Park. Note one can see the Pearl and residential homes.



Figure 2: One can imagine the irrevocable change to the neighborhood and quality of greenspace if a towering 5 story building were next to the park.



Another view showing how close this proposed 5-story building would be to residential homes and the loss of privacy.

Building D will be a full story taller than any other building on Hanover Street. Just last month, on October 15th, 2024, a Mansard style building at 332 Hanover Street (which was a whole story shorter than the proposed building D), had its variances denied due to the design and scale of the building not being in character with the neighborhood. Given this, building D should also be considered out of character with the neighborhood given it is a larger and taller Mansard than the proposed design at 332 Hanover Street.

Concession Requested: We would like to see Building A provide a graceful transition from the four story heights of the other buildings on Foundry Place to the parks, residences, and one story industrial buildings (and certainly not be taller than the parking garage). We would like to see Building D not exceed the height of any existing residential building on Hanover Street (the current tallest residential building is 349 Hanover Street)

- III. **Allowing a penthouse to take up 80% of the rooftop and only have an 8 foot setback is not in spirit of the definition of a penthouse per [Article 15 definitions](#) and is against public interest**

Allowing a 60% increase in rooftop coverage (50% → 80%) and a 47%-60% reduction in the allowed setbacks (15-20 ft → 8 ft) does not serve the public at all. From our understanding, penthouses have setbacks of 15-20 ft. in order to minimize public views from a public place (like a park). A penthouse that takes up 80% of a roof with only an 8 ft setback would essentially function as a slightly smaller additional floor and would be quite visible from public spaces. Allowing this variance would exacerbate the height issues mentioned about Building A earlier in this letter.

IV. Conclusion

We request that the Zoning Board delay its decision on the present application and instruct the developer to hold a neighborhood meeting to receive input on the “Alternative CUP Plan.” We feel the developer could not possibly argue the “Alternative CUP Plan” is in the public interest given they have not engaged the public on this plan. We also would like to have the design analyzed by TAC to understand the safety impacts of granting these variances.

Thank you for your time and consideration.

Sincerely,

Kathryn “Kate” Waldwick
Bryn Waldwick