

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

*Members of the public also have the option to join the meeting over Zoom  
(See below for more details)\**

**7:00 P.M.**

**March 18, 2025**

**AGENDA**

**I. APPROVAL OF MINUTES**

- A. Approval of the February 19, 2025 site walk minutes.
- B. Approval of the February 19, 2025 meeting minutes.

**II. OLD BUSINESS**

- A. **Rehearing** for the request of **PNF Trust of 2013, (Owner)**, for property located at **84 Pleasant Street and 266, 270, 278 State Street** originally heard on November 19, 2024. The project requested relief to merge the lots and construct a four-story mixed-use building. **As voted on at the February 19, 2025 meeting, the request for Variance 2(b) will be the only relief considered in the rehearing:** for 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. 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 and LU-24-219)

**III. NEW BUSINESS**

- A. The request of **Harborside Property Management LLC (Owner)**, for property located at **92 Brewster Street** whereas relief is needed to demolish the existing structure and construct a single-family home with Accessory Dwelling Unit which requires the following: 1) Variance from Section 10.521 to allow a) 2,884 s.f. of lot area where 3,500 s.f. are required, b) 2,884 s.f. of lot area per dwelling unit where 3,500 s.f. are required, c) 52.33 feet of continuous street frontage where 70 feet are required, d) 9.5 foot right side yard where 10 feet are required, and e) 10 foot rear yard where 20 feet are required. Said property is located on Assessor Map 138 Lot 54 and lies within the General Residence C GRC District. (LU-25-25)

- B.** The request of **Rosa Z. Delisle and Paul R. Delisle Revocable Trust (Owners)**, for property located at **408 The Hill, #6-17, (Units 1-3)** whereas after the fact relief is needed for the expansion of the existing business into the remaining first floor units which requires the following: 1) Variance from Section 10.440, Use #7.20 to allow a personal services business to expand where it is not allowed; and 2) Variance from Section 10.331 to allow a nonconforming use to be extended, enlarged or changed where not in conformity of the Ordinance. Said property is located on Assessor Map 118 Lot 26 and lies within the Character District 4-L1 CD4-L1), Historic and Downtown Overlay Districts. (LU-25-24)

### **III. OTHER BUSINESS**

- A.** Zoning Board of Adjustment Rules and Regulations

### **IV. ADJOURNMENT**

*\*Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

[https://us06web.zoom.us/webinar/register/WN\\_yZztWqnVToe9fmJY7m-BsA](https://us06web.zoom.us/webinar/register/WN_yZztWqnVToe9fmJY7m-BsA)

**MINUTES OF THE  
BOARD OF ADJUSTMENT SITE WALK  
361 HANOVER STREET  
PORTSMOUTH, NEW HAMPSHIRE**

**4:00 P.M.**

**February 19, 2025**

**MEMBERS PRESENT:** Beth Margeson, Vice Chair; Paul Mannle; Jeffrey Mattson; Thomas Nies; Jody Record, Alternate

**ALSO PRESENT:** Jillian Harris, Planning Department; Stefanie Casella, Planning Department

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Members of the Board met at the site with the 361 Hanover Steam Factory LLC and Hampshire Development Corporation LLC project team. The Board explored the site and reviewed the renderings provided in the project application. Project team members were available to answer questions and members of the public were present to observe.

Submitted,  
Stefanie Casella  
BOA Staff Liaison

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

**7:00 P.M.**

**February 19, 2025**

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

**MEMBERS EXCUSED:** Phyllis Eldridge, Chair; Thomas Rossi

**ALSO PRESENT:** Jillian Harris, Planning Department

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Vice-Chair Margeson was Acting Chair. Alternate Jody Record took a voting seat for the evening.

**I. APPROVAL OF MINUTES**

**A. Approval of the **January 22, 2025** meeting minutes.**

Mr. Nies requested that on page 3, first paragraph, the sentence “Mr. Nies said the Board did not have that information” be changed to “Mr. Nies noted that information was not carried over to the summary table.” Mr. Rheame requested that the sentence on page 8 that reads “Mr. Rheame noted that the packet showed it as a right yard encroachment instead of a left yard one” be changed to “Mr. Rheame noted that the Staff Memo showed it as a right yard encroachment instead of a left yard one.” On page 9, first full paragraph, Mr. Rheame requested that the sentence “Vice-Chair Margeson said the packet showed a stamp for the Rockingham County Registry of Deeds from September 1977, so it was recorded” be changed to “Vice-Chair Margeson said the lot line adjustment plan showed a stamp of the Rockingham County Registry of Deeds from September 1977.” On page 10, top paragraph, Mr. Rheame asked that the sentence “Mr. Rheame said he supported the motion, noting that the front porch was an open structure with a lot of open space around the home and property and was something that he thought the Board would have easily allowed” have the words ‘prior to construction’ added at the end.

*Mr. Mattson moved to **approve** the minutes as amended, seconded by Ms. Record. The motion **passed** unanimously, 5-0, with Mr. Mannle absent.*

**B. Approval of the **January 28, 2025** meeting minutes.**

*Mr. Rheame moved to **approve** the minutes as submitted, seconded by Mr. Mattson. The motion **passed** unanimously, 5-0, with Mr. Mannle absent.*



Mr. Mannle arrived to the meeting at 7:07 p.m.

## II. OLD BUSINESS

### A. 84 Pleasant Street - Rehearing Request (LU-24-219)

[Timestamp 7:39] Acting-Chair Margeson said that the Board previously had concerns about some photos and illustrations referenced that were not included in the packet, so it was continued to the February meeting. She said if the Board were to grant the rehearing, it would be scheduled at a future meeting. Mr. Rheume noted that the Board granted almost all of the relief but the abutter requested a rehearing on a granted variance, Item 2B, the 4-story addition of 50-ft height on the Church Street elevation. He said the appellant's argument was that they were not clear on the Board's reasons for granting that variance. Mr. Rheume said it was a complicated project and that the Board tried to make a motion that was as clear as possible, but he thought there was a potential that their decision-making was not as clearly articulated as it could have been. He said the Board either make Item 2B more clear or perhaps revisit the issue entirely. Mr. Nies agreed. He said he reviewed the video and thought there was a legitimate concern that the Board did not clearly elaborate on how the criteria were met on Item 2B with respect to Church Street and the 50-ft height. Mr. Mattson said he was inclined to only hear Item 2B. Mr. Mannle said it should be specific to what the appellant was requesting, which was strictly Item 2B.

*Mr. Nies moved to **grant** the request for rehearing on only Part 2B at the March 18 meeting. Mr. Rheume seconded.*

Mr. Nies said he did not think the record clearly established the Board's rationale for granting the variance nor clearly described the special conditions of the property that warrant the variance.

*The motion **passed** unanimously, 6-0.*

### B. 222 Court Street – Extension Request (LU-23-12)

[Timestamp 15:54] Acting-Chair Margeson said the extension request for a variance was granted in February 2023 for the installation of a mural and a sign, and the approvals were scheduled to expire in 2025. She said the applicant asked for an extension because the permit had not yet been obtained, and there was a letter in the packet describing the reason for the request, which was funding that would allow the applicant to move forward with the project.

*Mr. Mannle moved to **grant** the extension request for one year, seconded by Mr. Rheume.*

Mr. Rheume said he was typically cautious about granting extensions, but in this case the applicant had a good reason in that they were not for profit and it took time to collect funds to execute the sign and mural. He said the extension request for another year was reasonable.

*The motion **passed** unanimously, 6-0.*

Mr. Rheume recused himself from the following petition. The applicant's representative said they would move forward with the petition, even though there were only five voting Board members.

- C. 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; and 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; and b) allow a ground floor height of 10.5 feet where 12 feet is required. 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)

### **SPEAKING TO THE PETITION**

[Timestamp 20:22] Attorney John Bosen was present on behalf of the applicant, with the owners Steve Wilson and Shane Forsley and project engineer John Chagnon. Attorney Bosen said the project still had to go through full site review with the Planning Board, the Technical Advisory Board (TAC), and City Staff, where modifications would be made based on their input. He reviewed the petition and criteria.

[Timestamp 29:43] Mr. Nies asked if the project still included a subdivision into two lots, and Attorney Bosen agreed. Mr. Nies said the Board previously saw a lot of different numbers related to the number of apartments and now saw a range of apartments from 40 to 48. He said the floor plans showed 42 units, and he asked the applicant to elaborate more on the added six units. Mr. Forsley said Buildings B and C had a set number of units and Building A's current layout was subject to minor changes based on the building's floor plates. He said if the unit layouts changed, they would know they had 71 parking spaces that would support a maximum of 42 units, with some of the unit sizes increased. Mr. Nies asked if the applicant would have enough parking spaces if they went up to 48 units. Mr. Forsley agreed and further explained it. Mr. Nies clarified that the number of units was changed from 42 to 48 and the size of the units in Building A was changed, and the applicant would not consider another floor added to Building A. He said the proposal indicated that there were 71 parking spaces, yet the September traffic study that was previously submitted to the Board indicated that there were 60 parking spaces. Mr. Nies said there were now potentially more cars than there were when the parking study was completed, so he wanted to know if the results of that study were still valid. Mr. Chagnon said they submitted the memo from the traffic engineer that identified the trip generation and that it was not a parking study. He said the project-generated traffic was based on construction of a 51-unit multi-family residential development and was therefore based on more units than now proposed. He said parking in Portsmouth was based on unit size and had a sliding scale, so there could be a case where more units that are small require less parking under the ordinance. He said there would be less traffic proportionally going forward. Mr. Nies said he did not agree because the floor plan showed 42 units in the building but the summary indicated 45 units. He asked which number it was. Mr. Chagnon said he knew that the numbers given as the totals were scrutinized. Mr. Nies said the heights of adjacent buildings were compared to the project's building heights, but it seemed like there was a bit of a difference in that the heights

of the adjacent builds are shown to the peaks whereas the heights of the applicant's buildings are shown to the zoning ordinance height. Mr. Forsley said that he first wanted to answer Mr. Nies' question on the number of parking spaces for Building A. He said it would be 42 spaces in the interior and three spaces on the exterior. In respect to building height, he said their measurements were taken to the peak without calculating the true midpoint. He explained that they went around the perimeter of the known buildings and took pictures of the peaks of some of the different properties. Mr. Nies asked if the Board should then not be comparing peaks to peaks. Mr. Forsley said if the Board wanted to reference the peaks on his buildings vs. the peak on another building, it could be considered. Mr. Nies said the packet indicated that the applicant was requesting approval of the variance to allow for ground-floor commercial use of the buildings and that it would not adversely impact the health, safety, and welfare of the public, but the applicant was not really asking for ground-floor commercial uses. Attorney Bosen said it was a typo because they were asking for a variance from the requirements to put commercial uses on the ground floor. Mr. Nies referred to the renderings of Building D, saying that a hip-topped mansard roof had one height but a flat-topped mansard roof had a different height and that some of the renderings made it difficult to tell which it was. Mr. Forsley said they were hip-topped mansard roofs and qualified and that it was in the ordinance.

[Timestamp 42:47] Acting-Chair Margeson said the applicant's narrative indicated that the unit calculation was 26 to 34 for Building A, but the floor plans said it was 24 units in Building A. She asked the reason for the discrepancy. Mr. Forsley said there were two units on the first floor as well. He said on the floor plans there were eight units per floor, but they had the parking to support up to 32 units in Building A, so there was a floor plate with emergency access and egress, etc. that could support those unit counts. Acting-Chair Margeson asked if the variance request for 10.5' was also applicable for Buildings B, C, and D. Attorney Bosen agreed. Acting-Chair Margeson asked if the rowhouse/duplex/apartment variance requests were being requested because in CD5, there would not be those kinds of building types because commercial is required on the ground floor. Attorney Bosen agreed. It was further discussed. Mr. Nies asked for the ordinance reference that described the hip-topped mansard roof provision. Ms. Harris said it was included in the definitions. Attorney Bosen said that was a question for the Planning Board. Mr. Mattson asked if the Planning Department Staff reviewed the mansard hip roof condition and determined that no variance was needed. Ms. Harris agreed and said it was determined to be a hip-topped mansard roof, based on the application's architectural drawings. The mansard roof definition was further discussed.

Acting-Chair Margeson opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST**

[Timestamp 53:05] Elizabeth Bratter of 159 McDonough Street explained why she thought the application was filled with errors and misrepresentations and suggested a few conditions: that the Building A's current roof style and height should not be any longer than 60 feet, that Building C's roof style, front length and height could not be changed, and that Building D would be no longer than 40 feet and would have no mansard roof.

[Timestamp 57:39] Attorney John Lyons representing the Hill Hanover Group LLC was present. He said he submitted a letter setting on the basis of his client's rejection and the reason why the applicant failed to meet all the criteria, including specifically whether it was 42 or 48 units and the fact that the access down to the right-of-way on Hill Street would negatively impact the values of his client's properties. Acting-Chair Margeson asked if Hill Street was a two way street. Attorney Lyons said it could be. Acting-Chair Margeson asked if the easement extended through the parking lot of 361 Hanover and egressed onto Hanover Street. Attorney Lyons said he submitted a copy of the condominium plan that noted that the easement granted to his client went through the parking lot to Hanover Street and actually ran through the middle of what is described as Building D, but that was another issue that he hoped could be resolved. Acting-Chair Margeson said the Board noticed during their site walk that there was private parking on Hill Street. Attorney Lyons said the parking belonged to his client's buildings tenants who had parking spots assigned to them. Acting-Chair Margeson asked if the units were rentals, and Attorney Lyons agreed and said the value of the rentals included the parking in the back. Acting-Chair Margeson asked if the City maintained the private right-of-way. Attorney Lyons said the City did some maintenance as well as his client. Acting-Chair Margeson asked if the tenants would use the easement into the parking lot to exit onto Hanover Street. Attorney Lyons said the properties were owned by an attorney and that the tenants and occupants of the three buildings had continuously used the right-of-way down through the parking lot and the mill building, which was one of the reasons why the site plan documented that right-of-way. Acting-Chair Margeson asked if Attorney Lyons' client could work out the easement issue through the parking lot that would run down to Building D. Attorney Lyons said he would be filing suit to protect that easement but hoped that it would be able to be resolved, especially the location of where the easement went through what was the former parking lot. It was further discussed.

[Timestamp 1:03:20] Mr. Mattson asked how denying the variance requests would solve Attorney Lyons' problem. He said the applicant could build something similar without the variances. Attorney Lyons said he wanted to bifurcate the easement issue and that his client's objection to the variance request was the use of Hill Street for ingress and egress and how that would negatively impact his property values, whether it was parking or the amount of traffic. He said a condition stating that Hill Street could not be used for ingress and egress would satisfy his client's concerns.

Nicole Lapierre of 44 Rock Street said nothing in the application had really changed and she thought the applicant was holding the proposed Plan A with the monolithic building over the public's head. She said three-quarters of the land surrounding the Heinemann Building was City land. She said the project would negatively impact the neighborhood's character and home values.

Kate Waldwick of 30 Parker Street said the lot could be developed in accordance with the character of the neighborhood and that both plans the applicant submitted did not meet that goal. She said Islington Creek was quiet and safe and not overly developed, and the proposed density would affect that character. She said there would be about 96 added vehicles onto the tiny street and that no accurate traffic study was done. She said the applicant wanted to cherry pick zoning.

Marcie Vaughan of 407 Hanover Street said the applicant's argument on hardship was based on the fact that 361 Hanover Street was improperly zoned. She said a property's zoning was not a special

characteristic that causes undue hardship. She said the City should have rezoned the property but didn't, so the applicant was able to exploit a procedural nuance to lock in that improper zoning.

Robin Husslage of 27 Rock Street (via Zoom) said she was supportive of the proposal development but thought it should meet the five criteria or have conditions stating that the applicant should replace the mansard roofs on Buildings A and B with ones consistent with the neighborhood and should increase the modulation of the row house so that it did not appear to be an 82-ft long monolithic building. She said the callout of several surrounding buildings missed a lot of shorter building heights. Elizabeth Bratter then gave the Board documentation on Ms. Husslage's behalf.

Attorney Bosen said the neighborhood residents were emotional but most of their comments ignored his client's right to develop the property in a manner consistent with the ordinance. He said there was nothing underhanded and that all the issues brought forth from the neighborhood would be presented before TAC and the Planning Board. He said that evening's issue was whether the applicant would put ground-floor commercial or residential, and there were no comments about that. He said Attorney Lyons' conditions were complicated, noting that the attorney's client could not enter his property without getting onto the applicant's land and that he could not find any deed stating that Attorney Lyons' client could legally do so, but it was not the Board's purview.

### **Second Time Speakers [Timestamp 1:33:50]**

Kate Waldwick said the first plan was better because it had fewer units. She said commercial properties were struggling, so having more commercial property could increase the supply of commercial availability and make residential more affordable. She said first-floor residential would also increase density and affect character.

Marcie Vaughan said the neighborhood residents were challenging the legality of the applicant's request and that the issue was not commercial vs. residential but was the character of the neighborhood. She said the development would be too dense for the neighborhood and asked that the density be capped at 30 units if the variances were granted.

Elizabeth Bratter said the Downtown Overlay District should be removed and that the building lengths should be made shorter.

Attorney Bosen said the building used to be occupied by the Heinemann Company that had over 100 employees coming and going every day for years and that what his client proposed was less.

Nicole Lapierre said it wasn't a good comparison because Heinemann's employees came and left at the same time every day, the weekends were quiet and the parking lot was open to the public.

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

### **DISCUSSION OF THE BOARD**

[Timestamp 1:43:28] Mr. Mattson said the legal situation with the easement was not in the Board's purview. He said he thought that residential would be better than commercial because commercial units created more traffic turnover. He said allowing the 10.5-ft ceiling on the first floor was more favorable than requiring a higher first floor, and he also thought that allowing a duplex or rowhouse was good. He said the applicant could build something that could be considered more detrimental to the neighborhood. He said the requested variances had nothing to do with heights, parking, and so on and that the plan would change when the applicant went before the other boards. He said it would be beneficial to the neighborhood to have more broken-up housing on the parcel instead of a single large building. He said the applicant was making a good-faith effort to improve the project on a big and unique parcel. He noted that the higher buildings would be farther away from the single-family homes. Mr. Nies said the history of the zoning in that area was troublesome and that it wasn't the Board's job to resolve zoning problems or changes in zoning that did not happen. He said some of the comments seemed to imply that the Board was outside its lane by asking detailed questions about the project. He said the Board had criteria and were concerned about the public's health, welfare and safety, light and air issues, and the potential impact of the project on diminishing surrounding property values, and that those things were difficult to understand without having a full understanding of what the project is. He said it had been a complicated process and that the Board had had multiple versions of the project. Acting-Chair Margeson agreed. Mr. Mannle agreed and questioned the applicant's transition from the most dense CD5 district to the least dense GRC district. Acting-Chair Margeson said the Board did a site walk and had more than enough information, and she thought the variance application was clean. She said the typo Mr. Nies found was not fatal to the application. She said the CD5 zoning was problematic but was nothing that the Board could do anything about. She said the massing and height of the buildings were determined by the CD5 zoning, and no variances were required for height or massing on the properties. She said there was a concern about the rooftops, but the rooftops were all allowed in the CD5 zoning. She said the Board could not shorten the building lengths. She said the applicant had a good argument as to why commercial did not fit into the area. She said first-floor commercial would create more vehicular traffic in and out of the area. She said the difference in floor heights was not a significant ask and that the building types flowed from that variance request. She said she sympathized with the abutters and thought it was a big project in the middle of their neighborhood but it was a problem with the zoning and the Board could not change that. She suggested two conditions: 1) the design and location of the buildings may change as a result of the Planning Board's review and approval, and 2) the property cannot be accessed by the residents of 361 Hanover Street in ingress and egress through Hill Street. She said the legal concerns were not in the Board's purview. She said there were special conditions of the property that created the hardship for not having commercial on the first floor. She said the suggested conditions would deal with the easement on Hill Street, which would benefit the direct abutters. She said the circulation through the property itself and exiting onto Hanover Street could be dealt with separately by rerouting the easement to make sure the easement is still usable by the people on Hill Street. Mr. Mattson said the Board accepted applications as presented but that an approved application could be modified by other boards. He said if the Board tried to dictate the length of the building, it could get overturned in a lawsuit. He said there was nothing the Board could do about the zoning issue but they could grant a variance, which could be used in a case in which the Board felt that the zoning was not quite right for a specific parcel. Acting-Chair Margeson said the Planning Staff recommendation included TAC. Mr. Mattson said he thought residential would be better for the neighborhood than commercial, and it was further discussed. Mr. Nies said the NH Zoning Board of Adjustment Handbook stated that

conditions must relate to the land and are usually designed to remove features of the proposed use that are legally objectionable. He said he did not think that there was a proposed use about access on Hill Street and that Hill Street was not part of the land. He asked if it was a condition that the Board could impose. Acting-Chair Margeson said the condition related to the land that is the subject of the application, and it was as further discussed.

### **DECISION OF THE BOARD** [Timestamp 2:06:55]

*Mr. Mattson moved to **grant** the variances as presented with the following **conditions**:*

- 1. The design and locations of the buildings may change as a result of the Planning Board's review and approval, and*
- 2. The ingress and egress to 361 Hanover Street shall not be made through Hill Street.*

Ms. Harris asked if signage or physical features would block the ingress and egress, and it was further discussed. Mr. Mattson said he would withdraw the second condition.

The **amended** motion was:

*Mr. Mattson moved to **grant** the variances as presented with the following **condition**:*

- 1. The design and locations of the buildings may change as a result of the Planning Board's review and approval.*

*Ms. Record seconded.*

Mr. Mattson said granting the variances would not be contrary to the public interest, and the spirit of the ordinance would be observed. He said the proposed use must not conflict with the explicit or implicit purpose of the ordinance. He said in this case, the proposed use is residential multi-family homes, and it would not alter the essential character of the neighborhood, threaten the public's health, safety or welfare, or otherwise injure public rights. He said the proposed massing, dimensions, heights, and lengths were allowed by right. Referring to the essential character of the neighborhood, he said there was another home in the area with a height of its original form being restructured and that there were plenty of duplexes within 100 feet of the proposed duplex. He said a lot of details were heard about roof types, but it was a residential home and the Board could not dictate the design. He said granting the variances would do substantial justice because the benefit to the applicant would not be outweighed by any harm to the general public or other individuals. He said approving the variances would benefit both the applicant and the neighborhood. He said the values of surrounding properties would not be diminished, noting that there had been no expert testimony but in general, new construction with parking fetched a premium, especially that close to downtown. He said it would be a better use for the property than a parking lot and that having residential homes next to other residential homes would not diminish property values. He said literal enforcement of the ordinance would result in unnecessary hardship due to special conditions of the property that distinguish it from others in the area, and there is no fair and substantial relationship between the general public purpose of the ordinance's provision and the specific application of that provision to the property, and the proposed use is a reasonable one. He said it was a reasonable use to add residential to a residential neighborhood instead of commercial. He said the Board could express its thoughts about how the area is zoned but it was not in their purview to change the

zoning. He said it did not make sense to have commercial on the property. Regarding the other two variances about the height of the first floor, he said allowing it to be less tall was beneficial. He said the taller height of the first floor was due to the commercial aspect. He said the parcel is on the periphery of the transitions to the GRC district that has duplexes and rowhouses. He said the property's special conditions were that it was an abnormally large lot that has development potential because it is underutilized with the vast surface parking area, and the entire Heinemann Building is a unique aspect. Ms. Record concurred and had nothing to add.

*The motion **passed** by a vote of 4-1, with Mr. Mannle voting in opposition and Mr. Rheume recused.*

Mr. Rheume resumed his voting seat for the evening.

- D.** The request of **Millport INC (Owner)**, for property located at **1001 Islington Street** whereas relief is needed for a change of use to extend the existing health club into the adjacent unit wherein relief is required from the Zoning Ordinance including the following special exception from Section 10.440, Use #4.42 to allow a health club greater than 2,000 s.f. of gross floor area. Said property is located on Assessor Map 172 Lot 4 and lies within the Character District 4-W (CD4-W). (LU-24-209)

## **SPEAKING TO THE PETITION**

[Timestamp 2:24:20] Kyle Bowser was present on behalf of the owners Millport INC and Form Fitness. He reviewed the petition and noted that Form Fitness wanted to expand from the current 1,530 sf space into the adjacent 1,695 sf space. He said it would remain a commercial space and would house the existing workshop into a new yoga studio. He said there would be no exterior changes except for a new window. He reviewed the criteria and said they would be met.

[Timestamp 2:30:45] Mr. Rheume said there were 109 parking spaces total on the lot, and the commercial use is on the end of the lot, whereas a 63-unit apartment building occupies the rest of it. He said the Staff Report indicated that 10 parking spots are required for the expanded business. He asked what the requirement was for the rest of the parking for the property and why the applicant felt that he was still able to find the necessary parking on site for the ten spots required. Mr. Bowser said the parking calculation was based on 94-1/2 parking spaces required for the 63 residential units, and the calculation for 3600 sf of commercial space at 14.4 spaces required. Mr. Rheume concluded that the residential use was about 90 spaces, which left more than 10 spots for the business. He said there were six spots plus a seventh parallel spot that were segregated from the main parking area. He asked if there were concerns with additional parking spots being a bit farther away. Mr. Bowser said the empty parking spots in the back allowed them to get to the 109 spots required for the 3600 square feet for the commercial spaces, along with the 63 residential uses. He said it was a shared use and that the six spots in the back were primarily used for the Pilates business, but the front had always been a mixed use for commercial and residential. He said there were no issues with the parking in the past and that he didn't see any issues in the future.



Acting-Chair Margeson opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

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

### **DECISION OF THE BOARD**

*Mr. Rheume moved to **grant** the special exception request as presented and advertised, seconded by Mr. Mannle.*

[Timestamp 2:35:10] Mr. Rheume said granting the special exception would pose no hazard to the public or adjacent properties on account of fire, explosion, or release of toxic materials. He said the nature of the business indicated that none of those would be a concern. He said there would be no detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts. He said the length of Islington Street had a combined mix of residential and business uses and light industrial uses, and the applicant's lot was an example of that. He said it was primarily residential with a small business use on the end and the applicant's request was just an expansion of an existing use that has proven to be very compatible with the residential uses. He said the scale of the building and the size of the structure would not change and that the applicant was simply occupying more of it. He said there would be sufficient parking to meet all the requirements for both uses. He said accessways, odors, smoke, gas, dust, noise, glare, heat, vibration, or unsightly outdoor storage of vehicles or equipment were not concerns. He said granting the special exception would pose no creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. He said the increase in size of a relatively modest business on a relatively busy road that had all kinds of similar businesses and residential and light industrial uses and the small increase in potential clients for the space would not cause a traffic concern. He said there would be no excessive demand on municipal services including but not limited to water, sewer, waste disposal, police and fire protection, and schools due to the nature of the business. He said granting the special exception would pose no significant increase in stormwater runoff onto adjacent properties or streets because the proposed structure was the same as what was there before. Ms. Record concurred and had nothing to add.

*The motion **passed** unanimously, 6-0.*

### **III. NEW BUSINESS**

Mr. Nies recused himself from the following two petitions.

- A.** The request of **Paula J. Reed Revocable Trust (Owner)**, for property located at **410 Richards Avenue** whereas an equitable waiver is needed for the construction of a garage which requires the following: 1) Equitable waiver for an accessory structure with a 3-foot left side yard where

3.5 feet was previously granted. Said property is located on Assessor Map 112 Lot 10 and lies within the General Residence A (GRA) District. (LU-25-10)

### **SPEAKING TO THE PETITION**

[Timestamp 2:39:42] The applicant/owner Paula Reed was present and explained that she was granted a variance in December 2023 to tear down a garage on her property and build a new one that conformed to the dimensional requirements granted in the approved variance. She said the original variance allowed her a longer and higher pitched garage while maintaining a 3.5-foot right yard side setback. She said the foundation and garage were built and it was discovered that the front corner of the garage encroached four inches into the allowed 3.5' setback and the rear corner encroached one inch into the same setback. She said the request for the equitable waiver from the 3.5' setback was to allow the garage construction to be completed per the survey foundation certification. She said it met all the criteria and the violation was a result of an error in measurement.

The Board had no questions. Acting-Chair Margeson opened the public hearing.

### **SPEAKING TO, FOR, OR AGAINST THE PETITION**

No one spoke. Mr. Rheume noted that the Board received a letter in opposition from the abutter. Acting-Chair Margeson closed the public hearing.

### **DECISION OF THE BOARD**

[Timestamp 2:45:46] Acting-Chair Margeson said if the Board granted the request, City Staff recommended that the Board acknowledge that the approval would correct the relief granted for the left side yard where it was noted as the right side yard in the previous request. Ms. Harris agreed.

*Mr. Rheume moved to **grant** the equitable waiver, with the following **condition**:*

- 1. This approval will correct the relief granted for the left side yard where it was noted as the right side yard in the December 19, 2023 variance approval.*

*Mr. Mannle seconded.*

Mr. Rheume said an equitable waiver had two pieces to it: that it was something that existed more than ten years or was the result of a brand new dimensional issue with how the structure was built. He said there was also an abutter who had some concerns, but Mr. Rheume said he did not think they were sufficient reasons for the Board to not grant the waiver. He said one of the concerns was the size of the eave, but per the zoning ordinance, gutters, cornices and eaves no more than 30 inches from a vertical wall are not considered to be part of the setback requirements. He said the particular dimension was a max of about 18 inches, so it fell about 12 inches short of where there would be a concern. He said even though the applicant made the eave somewhat larger than originally indicated, it was still within the allowable amount per the ordinance. Mr. Rheume

reviewed the criteria and said the violation was not noticed or discovered by an owner, former owner, owner's agent or representative, or municipal official until after a structure violation had been completed. He said the error that occurred came down to a few inches but he thought the error was understandable in terms of the construction methodology that had to be used, considering that many of those lots were very narrow. He said it came about from some confusion that wasn't fully understood about where the foundation should have been placed, but it did end up to be slightly off. He said the violation was not an outcome of ignorance of the law or ordinance, or misrepresentation or bad faith on the part of any owner or representative but was instead a good-faith error in measurements or calculations made by an owner, agent or representative. He said it was a case of tight measurements and tolerances, and in the process a slightly misaligned foundation was placed. He said it was not an attempt to create a larger structure or do something nefarious. He said the physical or dimensional violations do not constitute a public or private nuisance nor diminish the values of other properties in the area, nor interfere with the adverse effect of any future uses of any such properties. He said it was a few inches off and although it did put it a little closer to the abutter, it would not make a substantial difference. He said some of the bigger concerns like the drainage were addressed by the nature of the project and not affected. He said due to the degree of past construction or investment made and ignorance of the facts constituting the violation, the correction far outweighed any public benefit to be gained. He said after the foundation was created, the survey was performed and the error was discovered, resulting in a substantial completion of the project, and trying to correct that would not be worth the imposition onto the property owner. He said it met all the criteria. Mr. Mannle concurred and had nothing to add.

*The motion passed unanimously, 5-0, with Mr. Nies recused.*

**B.** The request of **Paula J. Reed Revocable Trust (Owner)**, for property located at **410 Richards Avenue** whereas an after the fact variance is needed for the construction of a garage which requires the following: 1) Variance from Section 10.521 to permit a 3-foot left yard where 3.5 feet were previously granted. Said property is located on Assessor Map 112 Lot 10 and lies within the General Residence A (GRA) District. (LU-25-11)

## **DECISION**

Because the applicant's previous petition was approved, she withdrew the request and gave a letter of withdrawal to the Board.

## **IV. ADJOURNMENT**

The meeting adjourned at 9:54 p.m.  
Submitted,

Joann Breault  
BOA Recording Secretary



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

## MEMORANDUM

TO: Zoning Board of Adjustment  
FROM: Jillian Harris, Principal Planner  
DATE: March 12, 2025  
RE: Zoning Board of Adjustment March 18, 2025

---

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

### II. Old Business

- A. 84 Pleasant Street – Rehearing

### III. New Business

- A. 92 Brewster Street
- B. 408 The Hill #6-17 (Units 1-3)

## II. OLD BUSINESS

- A. **Rehearing** for the request of **PNF Trust of 2013, (Owner)**, for property located at **84 Pleasant Street and 266, 270, 278 State Street** originally heard on November 19, 2024. The project requested relief to merge the lots and construct a four-story mixed-use building. **As voted on at the February 19, 2025 meeting, the request for Variance 2(b) will be the only relief considered in the rehearing:** for 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. 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 and LU-24-219).

### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Mixed-Use	Merge lots and construct mixed-use buildings	Mixed-use
<u>Lot area (sq. ft.):</u>	Lot 107-77: 3,866 Lot 107-78: 1,440 Lot 107-79: 1,518 Lot 107-80: 1,458 Passageway: 165	8,447	NR min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	436	444	NR min.
<u>Front Lot Line Buildout (%):</u>	100	100	50 min.
<u>Ground Floor Residential Area</u>	n/a	43%*	20 max
<u>Shopfront Façade Glazing</u>	n/a	Pleasant St: 53* State St: 52*	70 min
<u>Height on Church St</u>	n/a	4 <sup>th</sup> story/ 50 ft	3 full stories max and short 4 <sup>th</sup> / 45 feet
<u>Height with Penthouse (ft.):</u>	53 (Prior to Demolition)	55**	47 max.
<u>Building Coverage (%):</u>	20	98*	90 max.
<u>Open Space Coverage (%):</u>	0	0*	10 min.
<u>Parking:</u>	2	17	23 min.
<u>Estimated Age of Structure:</u>	Lot 107-77: 1850	Variance request(s) shown in red.	

\*Variance granted at the 11-19-2024 BOA Meeting

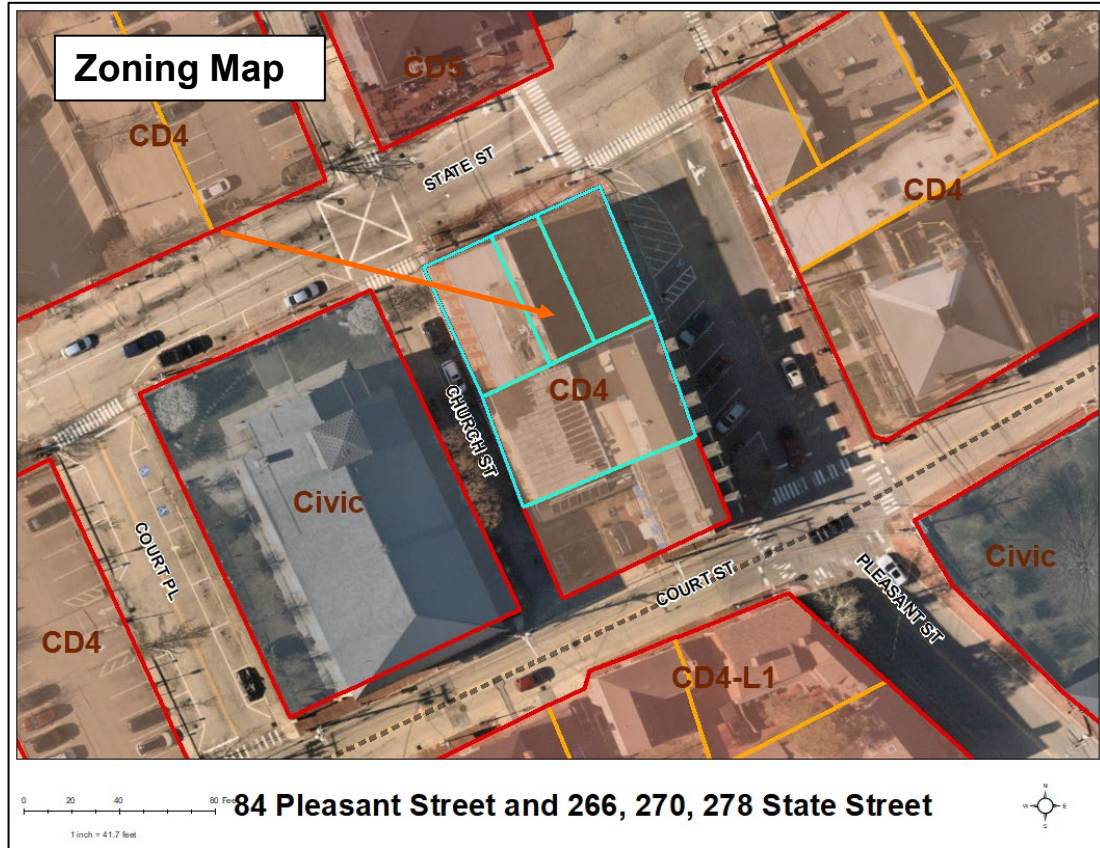
\*\*Variance denied at the 11-19-2024 BOA Meeting

**Other Permits/Approvals Required**

- Building Permit
- Historic District Commission Approval
- Site Plan Review – Technical Advisory Committee and Planning Board
- Parking Conditional Use Permit – Planning Board



### Neighborhood Context



## Previous Board of Adjustment Actions

### 84 Pleasant Street

**August 20, 2013** – The Board **granted** the following: Special Exception under Section 10.440, Use #3.11 to allow a religious place of assembly in a district where such use is allowed by Special Exception.

**November 21, 2017** – The Board **granted** the following: 1) Variances from Section 10.5A41.10C to allow the following: a) 0% open space where 10% is required; and b) 100% building coverage where 90% is the maximum allowed; 2) Variance from Section 10.1111.10 to allow a change in the use or intensification of use in an existing building or structure without providing off-street parking; 3) Variance from Section 10.1111.20 to allow a use that is nonconforming as to the requirements for off-street parking to be enlarged or altered without providing off-street parking for the original building, structure or use and all expansions, intensifications or additions; and 4) 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.

**October 15, 2019** - The Board extended the variances granted November 21, 2017 for a period of one year to November 21, 2020.

### 266 State Street

**October 20, 2020** – The Board granted the following: 1) Variances from Section 10.5A41.10C to allow **a)** an entrance spacing greater than 50' where 50' is the maximum allowed; **b)** 100% building coverage where 90% is the maximum allowed; **c)** 0% open space where 10% is the minimum required; **d)** a 4-story, 45' tall building where 2-3 stories or a short 4th and 45' is the maximum allowed; **e)** less than 70% shopfront façade glazing where 70% is the minimum required and less than 20% other façade types where 20% is the minimum required; and **f)** to allow more than 20% of the ground floor use to be residential where 20% is the maximum allowed. Request granted with the following condition:

- 1) Item F above, regarding the amount of residential space on the first floor shall be approved only if there is a car lift/elevator installed in the building.

**September 20, 2022** – The Board **granted** a one-year extension for the variances granted on October 20, 2020

### 270 and 278 State Street

No History Found.

### 84 Pleasant Street, 266, 270 and 278 State Street

**November 19, 2024** - The Board **granted** 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 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.

The Board **denied** the following: 2) Variance from Section 10.5A21.B to allow a) 55 feet of building height where 47 feet is permitted with a penthouse.

### Planning Department Comments

The applicant is proposing to demolish a portion of the existing structure on Lot 107-77, merge the 4 identified lots (107-80, 107-79, 107-78, and 107-77) and construct new buildings that will house residential and commercial uses.

These properties have been before the Board in 2019 and 2020. On both accounts the requests were granted, however the approvals have since expired. To review the past meeting application materials and decisions please visit the links below.

- May 2019 - <https://www.cityofportsmouth.com/city/events/board-adjustment>
- October 2020 - <https://www.cityofportsmouth.com/planportsmouth/events/zoning-board-adjustment-meeting-36>

At the November 19, 2024 Board of Adjustment meeting the Board considered 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.

*The Board voted to **grant** the variances as presented and advertised for Variance No. 1 in its entirety, Variance No. 3 in its entirety, and Variance 2(b) only. The Board voted to **deny** the request for variance No. 2(a).*

A request for rehearing was granted at the February 19, 2025, Board of Adjustment meeting to consider the request for **Variance 2(b) for 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.**

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)

The Board should consider that the height of the “Times Building” was presented as 53 feet existing and proposed in the 11/19/2024 BOA decision and in the new decision if the intention is to re-affirm the height of that building in their consideration of the Variance request.

### **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.

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

March 7, 2025

***Submitted electronically via Viewpoint  
and Hand Delivered***

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

***RE: 266-278 State Street & 84 Pleasant Street  
LU-24-195***

Dear Ms. Eldridge:

On behalf of the applicant, PNF Trust of 2013, please accept this correspondence as our submission in advance of the March 18, 2025 meeting.

At the Board's February 19, 2025 meeting, it voted to grant Working Stiff Properties, LLC's December 16, 2024 request for rehearing with respect to the variance this Board granted on November 19, 2024 in which relief from Section 105A41.10C of the ordinance was granted to permit an addition at the Church Street elevation with four stories and 50 feet in height where three stories and a short fourth with 45 feet in height is the maximum permitted.

As a preliminary matter, the Board's decision on February 19, 2025 was untimely, and thus the Board was without jurisdiction to grant a rehearing at that time. The statutory procedure set forth in RSA 677:3 applies to Working Stiff's application for rehearing. In particular, RSA 677:3, II provides that "[u]pon filing of a motion for a rehearing, the board of adjustment . . . shall within 30 days either grant or deny the application, or suspend the order or decision complained of pending further consideration." (emphasis added). This statutory language is mandatory, and requires the Board act on a request for rehearing within thirty days, or, in this case, on or before January 15, 2025. The Board did not consider the application until January 22, 2025, when it continued its consideration to the February meeting. Municipalities only have the authority granted to them by the state, *Manchester Sch. Dist. v. Manchester*, 150 NH 664, 666 (2004), and while the statutory scheme set forth in RSA 677 is based upon the principle that a local board should have the first opportunity to pass upon any alleged errors in its decisions, *Blagbrough Family Realty Trust v. Town of Wilton*, 153 N.H. 234, 238-39 (2006), it

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DANIEL C. HOEFLE	ALEC L. MCEACHERN	PETER V. DOYLE	STEPHEN H. ROBERTS In Memoriam
R. TIMOTHY PHOENIX	KEVIN M. BAUM	MONICA F. KIESER	OF COUNSEL:
LAWRENCE B. GORMLEY	JACOB J.B. MARVELLEY	CHRISTOPHER P. MULLIGAN	SAMUEL R. REID
R. PETER TAYLOR	GREGORY D. ROBBINS	KAREN W. OLIVER	JOHN AHLGREN

is equally clear that a board must do so within the statutorily prescribed time period. *74 Cox Street LLC v. City of Nashua*, 156 NH 228 (2007) (“ . . . we see no basis for concluding that the legislature intended for ZBAs not to have the power to reconsider their own decisions, and potentially correct their own errors, *during the time period allotted by statute for parties to appeal those same decisions.*”) (emphasis added). By January 22, 2025, the variances granted in November were final, and the Board lacked jurisdiction to revisit them.

Without waiving the position that the variances granted in November are final, we are submitting herewith the latest elevations following from our March 5, 2025 work session with the Historic District Commission. We have removed any windows on the Court Street elevation which abut the 92 Pleasant Street property, resolving one of Working Stiff's objections. The applicant is entitled by right to a height of 45 feet and a short fourth story with a mansard roof design. What is proposed is a full fourth story as defined by the zoning ordinance at five additional feet of height. As proposed, this story is stepped back from the sideline of the abutting property and Church Street. This is a more desirable design for both aesthetic and practical reasons. A mansard roof design would have to extend to the Church Street and the Working Stiffs property lines, adding mass and perceived height to the building. The HDC has been clear that such a mansard design is not favored in such close proximity to the historic South Church. The proposed design also allows us to better control roof run-off in both directions.

The additional height that accommodates the proposed stepped back fourth story is necessary to properly align and integrate the stories with the replicated Times Building at the corner of State and Church Streets. It has the additional benefit of accommodating the automatic parking system to provide much needed on-site parking for the proposed residential use, which will promote the public interest and protect neighboring property values. Even with the additional height, the proposed addition is shorter than the South Church across the street. It is not in any manner out of character with the established neighborhood. Accordingly, we maintain the Board was correct in granting the variance in November, as follows:

**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 essentially urban character of the neighborhood will not be altered in any fashion by this project, nor would the health, safety or welfare of the public be threatened by granting the relief requested, as what is proposed is entirely consistent with what previously existed on site and with the mass and scale of neighboring buildings. The project must obtain final approval from the HDC and proceed through site plan approval at the Planning Board, so the interest of the public will be adequately protected.

**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 order to integrate the structure replacing the Times Building, which already exceeded the maximum allowed in the CD-4 zone, with the adjoining structures, height variances are necessary. The HDC must approve the project, so the result will be an aesthetically appropriate structure.

Over multiple sessions, the HDC has expressed its desire to have the applicant develop the property in a manner which evokes the Times Building. To achieve similar massing and window fenestration proportions, it is necessary to approximate the preexisting floor elevations. The additional height allows us to do so. Aligning the floors through each level of the project allows us to reasonably provide the required accessible egress and ingress to each unit and simplify the structural system to meet design parameters and to maximize on-site parking. Conversely, if the applicant did not align the floor levels, the complications to both the structural design, and design of ingress and egress along with the elimination of more than 1/3 of the available on-site parking would create a hardship to the owner that outweighs any benefit to the public by denying the variance.

In short, recreating the Times Building in proportion to the original building creates a hardship because of the preexisting floor heights. Overcoming that hardship places a burden on the project that outweighs any benefit to the public in denying the variance.

**The values of surrounding properties will not be diminished by granting variances.** The proposed uses are permitted in this zone by right. The surrounding properties and those in the vicinity have similar uses as this one does. A newly constructed project will increase property values. The values of the surrounding properties will not be negatively affected in any way.

**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 in the heart of the downtown and is being redeveloped in a manner that will facilitate the redevelopment of the Times Building parcel in a manner that evokes its historic mass and scale, which exceeded current story and height restrictions. Redevelopment poses logistical and engineering challenges and retaining the story heights of the Times Building requires the thoughtful integration of the adjoining structures. The present Church Street façade is totally out of character with the historic South Church facing it. A short fourth story with a mansard roof is permitted by right but is a far inferior design solution compared to what is proposed.

**The use is a reasonable use.** The proposed mixed residential/commercial use is permitted in this zone and is identical in character and is consistent with the existing use of the adjacent and abutting properties.

**There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property.** The Applicant is proposing to redevelop what is almost the entire block bounded by State, Pleasant and Church Streets. Both the historic Times Building adjacent to this site and the South Church across the street exceed the present height requirements without causing any negative effects on the neighborhood. There is no fair and substantial relationship between the purposes of these requirements and their application to this portion of the project.

For the foregoing reasons, we respectfully request the Bord reaffirm its original decision and grant the variance from Section 105A41.10C

Thank you for your attention.

Sincerely,

*Christopher P. Mulligan*

Christopher P. Mulligan

CPM/



mjk

Michael J. Keane  
Architects, PLLC

ARCHITECTURE  
PLANNING  
DESIGN

101 Kent Place  
Newmarket, NH  
03857

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CONSULTANTS

REVISIONS

APPROVALS

03/07/25 FOR  
BOA REHEARING  
MARCH 18 2025

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: 3/16/2025

SCALE: AS NOTED

DRAWING NO.

BOA.3

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

TOP OF WALL

TOP OF FLAT ROOF

50'-0"  
BUILDING HEIGHT BY ZONING [DEF. BUILDING HEIGHT (b) 2]

11'-1"

11'-1"

11'-1"

16'-9"

53'-0"

FLOROS BUILDING

STATE STREET ELEVATION

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

DO NOT SCALE PRINTS



**PLEASANT STREET ELEVATION**

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

**mjk**

Michael J. Keane  
Architects, PLLC

ARCHITECTURE  
PLANNING  
DESIGN

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Newmarket, NH  
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REVISIONS


APPROVALS

03/07/25 FOR  
BOA REHEARING  
MARCH 18 2025

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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

PLEASANT ST ELEV

DRAWN BY:

CHECKED BY:

DATE: 3/6/2025

SCALE: AS NOTED

DRAWING NO.

DO NOT SCALE PRINTS

**BOA.4**





**mjk**

Michael J. Keane  
Architects, PLLC

ARCHITECTURE  
PLANNING  
DESIGN

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REVISIONS


APPROVALS

03/07/25 FOR  
BOA REHEARING  
MARCH 18 2025

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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

CHURCH STREET ELEVATION

DRAWN BY:

CHECKED BY:

DATE: 3/6/2025

SCALE: AS NOTED

DRAWING NO.

DO NOT SCALE PRINTS

**BOA.5**

**CHURCH STREET ELEVATION**

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



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

**mjk**

Michael J. Keane  
 Architects, PLLC

ARCHITECTURE  
 PLANNING  
 DESIGN

101 Kent Place  
 Newmarket, NH  
 03857

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REVISIONS


APPROVALS

03/07/25 FOR  
 BOA REHEARING  
 MARCH 18 2025

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

COURT STREET ELEVATION

DRAWN BY:

CHECKED BY:

DATE: 3/6/2025

SCALE: AS NOTED

DRAWING NO.

**BOA.6**

DO NOT SCALE PRINTS

### III. NEW BUSINESS

A. The request of **Harborside Property Management LLC (Owner)**, for property located at **92 Brewster Street** whereas relief is needed to demolish the existing structure and construct a single-family home with Accessory Dwelling Unit which requires the following: 1) Variance from Section 10.521 to allow a) 2,884 s.f. of lot area where 3,500 s.f. are required, b) 2,884 s.f of lot area per dwelling unit where 3,500 s.f. are required, c) 52.33 feet of continuous street frontage where 70 feet are required, d) 9.5 foot right side yard where 10 feet are required, and e) 10 foot rear yard where 20 feet are required. Said property is located on Assessor Map 138 Lot 54 and lies within the General Residence C GRC District. (LU-25-25)

#### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family dwelling	Demolish and construct new SF dwelling with ADU	Primarily residential
<u>Lot area (sq. ft.):</u>	2,884	2,884	3,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	2,884	2,884	3,500 min.
<u>Street Frontage (ft.):</u>	52	52	70 min.
<u>Lot depth (ft.)</u>	51	51	50 min.
<u>Front Yard (ft.):</u>	31.5	1.4	1 (Sec. 10.516.10) min.
<u>Left Yard (ft.):</u>	32	10	10 min.
<u>Right Yard (ft.):</u>	2.7	9.5	10 min.
<u>Rear Yard (ft.):</u>	3	10	20 min.
<u>Height (ft.):</u>	<35	30	35 max.
<u>Building Coverage (%):</u>	14.7	32.9	25 max.
<u>Open Space Coverage (%):</u>	57	45.9	30 min.
<u>Parking</u>	3	3	3
<u>Estimated Age of Structure:</u>	1790	Variance request(s) shown in red.	

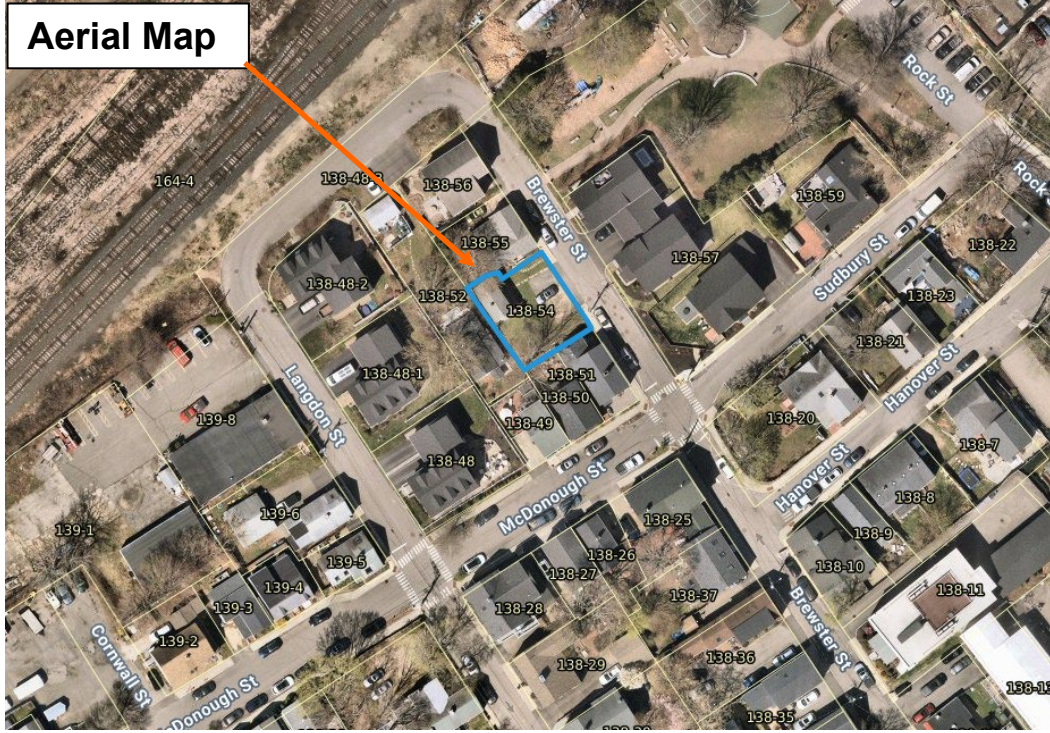
#### Other Permits/Approvals Required

- Building Permit
- ADU – Administrative Approval

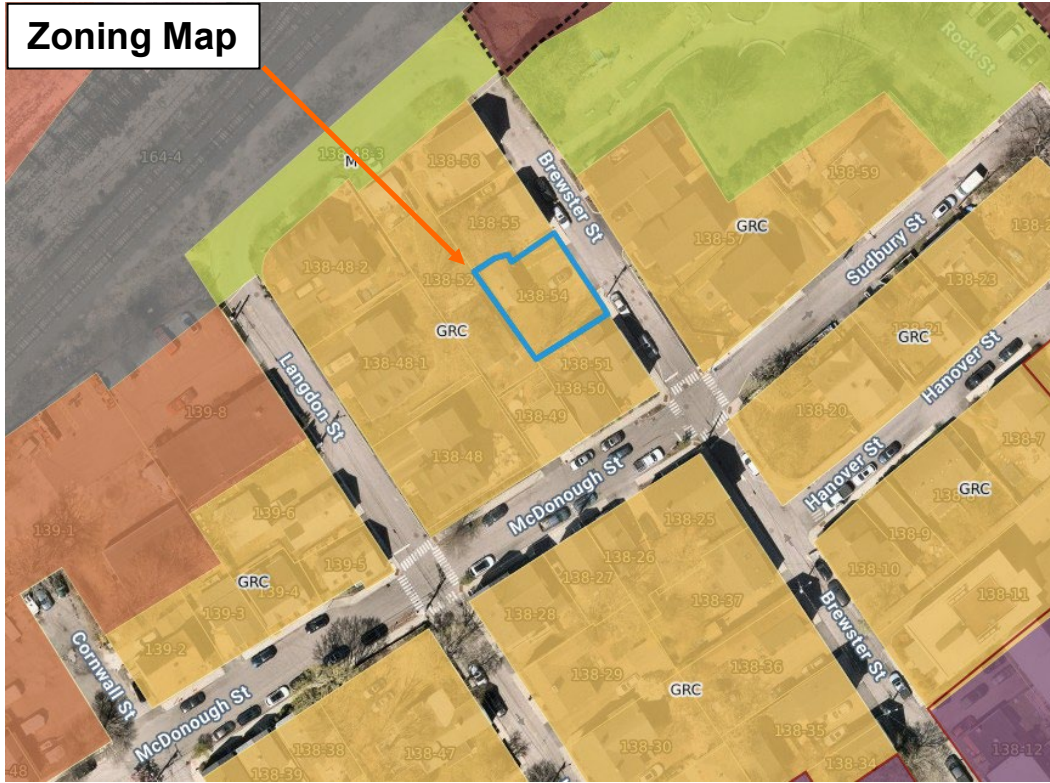


### Neighborhood Context

Aerial Map



Zoning Map



### Previous Board of Adjustment Actions

- **September 10, 1985** – A variance from Article II, Section 10-205 to convert an existing single family residence into a contractor’s office in a residential district where neither business or professional offices are an allowed use; and, 2) a Special Exception as allowed in Article XII, Section 10-1201(1) (a) to permit two of the required three parking spaces to be located on another lot in common ownership and within 300’ of the property line of the lot in question. Said property is shown on Assessor Plan U-38 as Lots 53 and 54 and lies within Apartment and Historic B districts. Application was **Withdrawn** by applicant.

### Planning Department Comments

The applicant proposes to demolish the existing single-family residential structure and construct a new single-family home with an attached Accessory Dwelling Unit (ADU). Historic deeds indicate the property was once two parcels that have since been merged.

### 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.



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

March 3, 2025

**HAND DELIVERED**

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

Re: Harborside Property Management, LLC  
92 Brewster Street, Tax Map 138, Lot 54  
General Residence C Zone

Dear Ms. Casella & Zoning Board Members:

On behalf of Harborside Property Management, LLC (“Harborside” or “Applicant”), enclosed please find the following in support of an application for zoning relief.

- Digital application package uploaded to Viewpoint.
- Owner’s Authorization.
- 2/28/2025 – **REVISED** Memorandum and Exhibits in support of Variance Application.

We look forward to presenting this application to the Zoning Board at its March 18, 2025 meeting.

Very truly yours,



R. Timothy Phoenix  
Monica F. Kieser

Enclosure

cc: George Hails  
Ross Engineering, LLC  
Art Form Architecture

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DANIEL C. HOEFLE	ALEC L. MCEACHERN	PETER V. DOYLE	STEPHEN H. ROBERTS 2007-2023
R. TIMOTHY PHOENIX	KEVIN M. BAUM	MONICA F. KIESER	OF COUNSEL:
LAWRENCE B. GORMLEY	JACOB J.B. MARVELLEY	STEPHANIE J. JOHNSON	SAMUEL R. REID
R. PETER TAYLOR	GREGORY D. ROBBINS	KAREN W. OLIVER	JOHN AHLGREN

**OWNER'S AUTHORIZATION**

I, George Hails, manager of Harborside Property Management, L.L.C, Owner/Applicant of 92 Brewster Street, Tax Map 138/Lot 54, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Harborside Property Management, L.L.C.

Date: 2/28/24 George Hails, Manager

A handwritten signature in black ink, appearing to read "George Hails", is written over a horizontal line.

## MEMORANDUM

**TO:** Portsmouth Zoning Board of Adjustment (“ZBA”)  
**FROM:** R. Timothy Phoenix, Esquire  
Monica F. Kieser, Esquire  
**DATE:** February 19, 2025 (revised 2/28/2025)  
**RE:** Harborside Property Management, LLC  
92 Brewster Street, Tax Map 138, Lot 54  
General Residence C Zone

Dear Chair Eldredge and Zoning Board Members:

On behalf of Harborside Property Management, LLC through its Manager George Hails (“Hails”), we are pleased to submit this memorandum and attached exhibits in support of Hails’ request for zoning relief for consideration by the Zoning Board of Adjustment (“ZBA”) at its March 18, 2025 meeting.

### **I. EXHIBITS**

- A. Deeds.
- B. Sanborn Fire Insurance Map 1920.
- C. Plan of 92 & 96 Brewster Street by John Durgin August, 1940.
- D. Plan Set – issued by Ross Engineering, LLC.
- E. Architectural Plan Set – Art Form Architecture.
- F. Site Photographs.
  - a. Satellite View
  - b. Street View
- G. Tax Map 138.

### **II. PROPERTY/PROJECT**

92 Brewster Street is comprised of two historic lots since merged to a 2,884 square foot property with 52.33 feet of frontage with a curb cut width of 31.8 feet (“the Property”). The Property contains a truly tiny, dated, one-bedroom home occupying a footprint of 334 square feet plus a 90 square feet porch. The home is tucked into the northwest corner less than a foot from the north side lot line and 2.7 feet from the rear lot line, while the balance of the lot is used for parking. The south side of the Property is burdened by a 6 foot wide right-of-way favoring lot 52.

Hails plans to remove the nonconforming home in favor of a newly constructed single-family home with incorporated one-car garage and ADU (“the Project”). The Project sites the home in a more conforming location, respects the easement, shrinks the curb cut, and



accommodates three off-street parking spaces. The Project meets building coverage limits and provides more than twice the minimum required open space. Relief is nonetheless required from yard requirements and, because the existing home is removed, staff has opined that the Project also needs relief for lot area, frontage, and lot area/dwelling until requirement.

**III. PURSUANT TO PORTSMOUTH ZONING ORDINANCE §10.311 AND §10.321, THE PROPOSED PROJECT REQUIRES NO VARIANCE FOR LOT SIZE & FRONTAGE**

We disagree that relief from lot size and frontage should be required to reestablish a permitted single-family use on an existing lot with a single-family home.

Mary Caswell acquired an irregular shaped lot and building from the Mitrook family in 1949. The lot had 20 feet of frontage on Brewster Street. In 1964, Caswell then acquired a second lot with 37 feet of frontage on Brewster from Mary Herlihy. (**Exhibit E**). The two lots, combined totaling 2,884 square feet, have been conveyed together since 1964 and have been treated by the City as one parcel for decades.

PZO §10.311 provides:

Any lot that has less than the minimum lot area or street frontage required by this ordinance shall be considered to be nonconforming and no use or structure shall be established on such lot unless the Board of Adjustment has granted a variance from the applicable requirements of this ordinance. (Emphasis added)

At the outset, from its plain wording, this section establishes that if a lot is nonconforming, it is permissible as a building lot without a variance for the nonconforming lot size provided variances for the use or structure are obtained. To determine otherwise would render the underlined language “applicable requirements of this ordinance” meaningless, contrary to general principles of statutory interpretation. Here, the residential use pre-dates zoning and is not changing. Additionally, the Project proposed does seek the necessary relief from rear and side yard requirements to accommodate the proposed structure.

The above interpretation is further buttressed by §10.320 Nonconforming Buildings and Structures, specifically §10.321, which provides:

A lawful nonconforming building or structure may continue and be maintained or repaired, but may not be extended, reconstructed or enlarged unless such extension, reconstruction or enlargement conforms to all the regulations of the district in which it is located.

In the instant case, we have a presently nonconforming building which will be removed and reconstructed with a new building. The new home will more nearly conform with the Ordinance requirements and, with the requested relief for yard setbacks, meets §10.321.

Lastly, RSA 674:19 provides that

an ordinance....shall not apply to existing structures or to the existing use of any building. It shall apply to any alteration of a building for use for a purpose or in a manner which is substantially different from the use to which it was put before alteration.

Coupled with the language of §10.311 and §10.321 above, it is clear that a lot established with a residential use before zoning may continue to support structures as long as those structures comply with §10.321, receive a variance pursuant to section §10.311 and are not put to a substantially different use.

In an abundance of caution, Smith requests all variances below. <sup>1</sup>

**IV. RELIEF REQUIRED:**

<u>Ordinance Section</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
<u>PZO Table §10.521 Dimensional Standards</u>			
• Lot Area	3,500 s.f.	2,884 s.f.	2,884 s.f.
• Frontage	70 ft.	52.33'	52.33'
• Lot Area/Dwelling Unit	3,500 s.f./dwelling unit	2,884 s.f./dwelling unit	2,884 s.f./dwelling unit <sup>2</sup>
• Side Yard	10' side yard	0.9' overhang/2.7' wall	9.4'/9.7 overhang
• Rear Yard	20' rear yard	2.7' overhang/3.2' wall	9.3' overhang/10.3 wall

**V. OTHER PERMITS REQUIRED**

- Building Permit
- DPW Approval of driveway

<sup>1</sup> If the variance is granted, this argument will be withdrawn upon expiration of the 30 days appeal period.

<sup>2</sup> Accessory Dwelling Unit does not require additional relief from frontage, lot area, or lot area/dwelling unit than a single-family home in the same zone.

## VI. VARIANCE REQUIREMENTS

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is 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 N.H. 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 ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." Id.

The Portsmouth Zoning Ordinance (PZO§10.121) was enacted for the general purpose of promoting the health, safety, and welfare in accordance with the Master plan by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The Project establishes a permitted use on an undersized lot of record.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – A substandard tiny home is replaced with a modern single-family home compliant with height and building coverage limits and affords double the minimum required open space.
3. The design of facilities for vehicular access, circulation, parking and loading – The Project provides three compliant parking spaces. One in the garage and two tandem spots next to the home.
4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – The uses proposed are permitted and compatible with the neighborhood. The Project does not undermine these purposes.
5. The preservation and enhancement of the visual environment – The Project replaces a dated home with a new code-compliant home similar to other redevelopment/improvement in the neighborhood.
6. The preservation of historic districts buildings and structures of historic or architectural interest – The Property and the existing structure to be removed is not in the historic district and is of no known historic or architectural interest.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The property will be served by municipal water and sewer. There are no wetlands in the area, accordingly these purposes are served by granting the variances.

Variances are required because the Property is small and narrow. The permitted single-family home proposed complies with building coverage and height restrictions while maintaining generous open space and improving the rear and north side yard setback. Relief is only required to establish the use on a nonconforming lot of record and to permit the home in the rear yard

setback and very slightly in the north side yard setback. Granting the variances on these facts does not “in a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.” Malachy Glen, supra, which 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)

The Project is compatible with the density of the other lots in the area and reestablishes the same single-family use on a nonconforming lot of record while beautifying the lot, improving side and rear yard setbacks and accommodating required parking. Accordingly, granting the addition will neither “alter the essential character of the locality nor threaten the public health, safety or welfare.”

**3. 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, L.L.C., 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.

Hails is constitutionally entitled to the use of the lot as he sees fit; including redevelopment for a permitted single-family home with an incorporated garage and ADU subject only to the effect of the home on the dimensional requirements. “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).

The Supreme Court has also held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

Granting the requested variance allows for tasteful redevelopment of a dated, tiny, single-family home on an existing 2,884 square foot lot of record in a manner consistent with the lot sizes in the surrounding area. There is absolutely no harm to any neighbor or the general public from granting variances. It follows that there is no benefit to the public from denial. Conversely, Hails will be greatly harmed by denial as he will lose the opportunity to reasonably redevelop the Property with permitted use significantly improving existing conditions. Accordingly, there is no benefit to the public from granting the variance that outweighs the harm to the owner from denial.

**4. Granting the variance will not diminish surrounding property values.**

The Project improves Property with a new code-compliant single-family home with incorporated ADU accommodating all required parking. The redevelopment is consistent with the density and yard setbacks of the surrounding area. Under these circumstances, granting variances will not diminish surrounding property values.

**5. Denial of the variances results in an unnecessary hardship.**

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

The Property is small, shallow, narrow, and encumbered by an access easement in favor of the rear abutter. The Property also exists in a densely developed area of the City with numerous other nonconforming lots developed with single family homes or duplexes located in rear or side yard setbacks. The Property's size, width, easement, and location among 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.

Density requirements and yard requirements exist to prevent overcrowding and to ensure adequate air, light, space, and separation between neighbors. The Project replaces a dated tiny home with a modern, permitted single-family home with ADU, accommodating required off

street parking. The density and yard setback relief required is consistent with the surrounding area. Accordingly, the purposes of these regulations are met and there is no reason to apply the strict density requirements of the zoning ordinance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). The Project proposes a modern single-family home with incorporated ADU and garage on a nonconforming lot of record while providing three off-street parking spaces. Accordingly, the use is reasonable.

## VII. CONCLUSION

For all of the reasons stated, Hails respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested relief.

Respectfully submitted,  
**George Hails &  
Harborside Property Management, LLC**



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By: R. Timothy Phoenix  
Monica F. Kieser

Return to:



LCHIP	ROA477236	25.00
TRANSFER TAX	RO094070	5,985.00
RECORDING		14.00
SURCHARGE		2.00

**EXHIBIT A**

WARRANTY DEED

KNOW ALL MEN BY THESE PRESENTS: That James S. Remick, as Successor Trustee of the Linette S. Remick Revocable Trust of 2000, u/d/t dated June 15, 2000, as amended, with a mailing address of 326 Brackett Road, Rye, New Hampshire 03870 and James S. Remick, as Trustee of the James S. Remick Revocable Trust of 2000, u/d/t dated June 15, 2000, as amended, with a mailing address of 326 Brackett Road, Rye, New Hampshire 03870, for consideration paid grants to Harborside Property Management, LLC, a New Hampshire limited liability company having a mailing address of 1636 Seabreeze Drive, Tarpon Springs, Florida 34689 with WARRANTY COVENANTS:

The land and building located at 92 Brewster Street, Portsmouth, New Hampshire shown as Parcel 1 and Parcel 2 on a plan of land entitled "Boundary Survey for 92 & 96 Brewster St., Portsmouth, NH 03801" drawn by Ross Engineering & Surveying, dated December 2, 2019, Scale: 1" = 10', recorded as Plan No. D-41920, on December 20, 2019, with the Rockingham County Registry of Deeds, (the "Plan") being more particularly described as follows:

Parcel 1

The land beginning at the northwesterly corner of Parcel 1 shown on the Plan, thence running N 73° 13' 02" E a distance of 13.00 feet to a point along the northerly boundary of Parcel 1; thence running S 85° 44' 58" W a distance of 8.60 feet to a point; thence running S 16° 46' 58" E a distance of 5.00 feet to a point; thence turning and running N 73° 12' 58" E a distance of 31.74 feet to a point at the northeasterly corner of Parcel 1; thence turning and running S 17° 40' 25" E a distance of 20.00 feet to a point at the southeasterly corner of Parcel 1; thence turning and running S 73° 19' 30" W a distance of 52.28 feet to a point at the southeasterly corner of Parcel 1; thence turning and running N 18° 31' 02" W a distance of 28.00 feet to the point of beginning. Parcel 1 containing 1,202 square feet according to the Plan.

Parcel 2

The land beginning at the southwesterly corner of Parcel 2 shown on the Plan; thence running N 73° 19' 30" E a distance of 51.76 to a point at the southeasterly corner of Parcel 2; thence turning and running N 17° 40' 25" W a distance of 32.33 feet to a point at the northeasterly corner of Parcel 2; thence turning and running S 73° 19' 30" W a distance of 52.28 feet to a point at the northwesterly corner of Parcel 2; thence turning and running S 18° 35' 52"



E a distance of 32.35 feet to the point of beginning. Parcel 2 containing 1,682 square feet according to the Plan.

Meaning and intending to describe and convey the portion of premises conveyed to Linette S. Remick, Trustee of the Linette S. Remick Revocable Trust of 2000 by Deed dated June 28, 2001, recorded with Rockingham County Registry of Deeds at Book 3610, Page 2895.

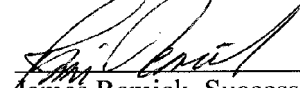
**TRUSTEE'S CERTIFICATION:**

I, James Remick, Successor Trustee of the Linette S. Remick Revocable Trust of 2000, created by Linette S. Remick, under trust agreement dated June 15, 2000, as amended and as Trustee of the James S. Remick Revocable Trust of 2000, created by James S. Remick, under trust agreement dated June 15, 2000am the sole Trustee of said trust and have full and absolute power under said trust agreement to convey any interest in real estate and improvements thereon held in said trust and no purchaser or third party shall be bound to inquire whether the Trustee has said power or is properly exercising said power or to see to the application of any trust asset paid to the trustee for a conveyance thereof.

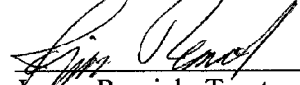
This is not homestead property.

Executed this 30 day of December, 2019.

Linette S. Remick Revocable Trust of 2000

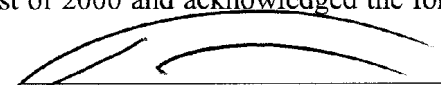
  
James Remick, Successor Trustee

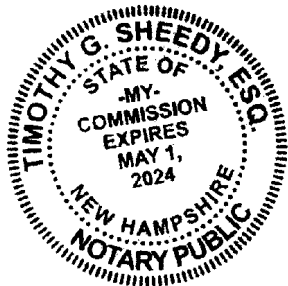
James S. Remick Revocable Trust of 2000

  
James Remick, Trustee

State of New Hampshire  
County of Rockingham

Then personally appeared before me on this 30 day of December, 2019, the said James Remick, Successor Trustee of the Linette S. Remick Revocable Trust of 2000 and in his capacity as Trustee of the James S. Remick Revocable Trust of 2000 and acknowledged the foregoing to be his voluntary act and deed.

  
Notary Public  
Commission expiration:





049844

## QUITCLAIM DEED

I, Linette S. Remick of 326 Brackett Road, Rye, Rockingham County, New Hampshire for consideration paid, grant to Linette S. Remick, Trustee of the Linette S. Remick Revocable Trust of 2000, a revocable trust, of 326 Brackett Road, Rye, Rockingham County, New Hampshire

with Quitclaim Covenants

all my right, title and interest, being an undivided 90% interest, in the following described real estate in Portsmouth, County of Rockingham and State of New Hampshire and being more particularly bounded and described as follows:

Two parcels of land each situated in Portsmouth, County of Rockingham, and State of New Hampshire, bounded and described as follows:

Parcel 1: A certain lot or parcel of land, with the buildings thereon, lying, situated and being in the City of Portsmouth, in the County of Rockingham and the State of New Hampshire, on the westerly side of the public highway now known as Brewster Street, being now numbered 92 thereon, bounded and described as follows:

Beginning in the westerly sideline of said Brewster Street at land now or formerly of Mary Herlihy, and thence running by said Herlihy land S 67° 15' W, 50.2 feet, at land now or formerly of Frank Arric; thence turning and running by said Arric land N 24° 41' W, 28 feet to land now or formerly of the heirs of Kateny Mitrook; thence turning and running by said last named land N 67° 07' E, 13 feet; thence N 88° 09' E, 8.6 feet; thence S 22° 53' E, 5 feet; thence N 67° 07' E, 30 feet to said Brewster Street, thence turning and running S 22° 53' E by said Brewster Street, 20 feet to the point of beginning.

Parcel 2: A certain lot of land in Portsmouth, County of Rockingham, and State of New Hampshire, lying on the westerly side of Brewster Street, bounded and described as follows:

Easterly by said Brewster Street, 37 feet, 10 inches, more or less; northerly by land now or formerly of Mary E. Caswell, 50 feet, more or less; westerly by land now or formerly of Angelina Arric, 37 feet, 10 inches, more or less; southerly by a common passageway in common with the occupants of the lot next south of the same.

Being a portion of the same premises conveyed to the Grantor and James S. Remick by deed from Jonathan Kilroy dated July 17, 1985 recorded in Rockingham County Registry of Deeds Book 2558 Page 2349.

2001 JUL 11 AM 11:41

ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

Also being a portion of the same premises conveyed by James S. Remick to the Grantor by deed to be recorded herewith in Rockingham County Registry of Deeds.

The premises hereby conveyed are not homestead property.

Signed this 28<sup>th</sup> day of June, 2001.

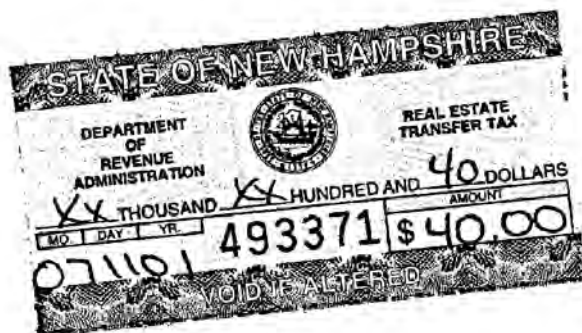
*Linette S. Remick*  
Linette S. Remick

State of New Hampshire  
Rockingham, SS

June 28, 2001

Personally appeared the above named Linette S. Remick, known to me or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that she executed the same for the purposes therein contained.

*Polly A. [Signature]*  
Notary Public/Justice of the Peace  
Conn. E.



**#2558 P2349**

KNOW ALL MEN BY THESE PRESENTS, That Jonathan Kilroy, sometimes also called Jonathon Kilroy, of 126 Atlantic Avenue, North Hampton, County of Rockingham and State of New Hampshire,

*for consideration paid, grants to James S. Remick and Linette S. Remick, husband and wife, of 326 Brackett Road, Rye, County of Rockingham, New Hampshire, as joint tenants with right of survivorship.*

with warranty covenants

Two parcels of land, each situated in Portsmouth, County of Rockingham, and State of New Hampshire, bounded and described as follows:

**PARCEL 1:** A certain lot or parcel of land, with the buildings thereon, lying, situated and being in the City of Portsmouth, in the County of Rockingham and the State of New Hampshire, on the westerly side of the public highway now known as Brewster Street, being now numbered 92 thereon, bounded and described as follows:

Beginning in the westerly sideline of said Brewster Street at land now or formerly of Mary Herlihy, and thence running by said Herlihy land S 67° 15' W, 50.2 feet, at land now or formerly of Frank Arric; thence turning and running by said Arric land N 24° 41' W, 28 feet to land now or formerly of the heirs of Kateny Mitrook; thence turning and running by said last named land N 67° 07' E, 13 feet; thence N 88° 09' E, 8.6 feet; thence S 22° 53' E, 5 feet; thence N 67° 07' E, 30 feet to said Brewster Street, thence turning and running S 22° 53' E by said Brewster Street, 20 feet to the point of beginning.

For title reference see Deed of Russell Mitrook to Mary Elizabeth Caswell, dated July 8, 1949 and recorded in the Rockingham County Registry of Deeds at Book 1135, Page 38.

**PARCEL 2:** A certain lot of land in Portsmouth, County of Rockingham, and State of New Hampshire, lying on the westerly side of Brewster Street, bounded and described as follows:

Easterly by said Brewster Street, 37 feet, 10 inches, more or less; northerly by land now or formerly of Mary E. Caswell, 50 feet, more or less; westerly by land now or formerly of Angelina Arric, 37 feet, 10 inches, more or less; southerly by a common passageway in common with the occupants of the lot next south of the same.

For title reference see Deed of Mary Herlihy to Mary E. Caswell, dated May 21, 1964 and recorded in the Rockingham County Registry of Deeds at Book 1716, Page 189.

Meaning and intending to convey the same premises conveyed to the grantor herein by deed of Gail M. Seagren, dated April 18, 1985 and recorded in the Rockingham County Registry of Deeds at Book 2541, Page 1443.

This is not homestead property.

37990  
Aug 16 3 50 PM '85

Rockingham County  
Registry of Deeds



Grantor is a single person *JK*. *Wubshndel / / / / luhth-koff / shikil / kshshsh / kshshsh / kshshsh / kshshsh / / / / luhth-koff / shikil / kshshsh / kshshsh / kshshsh / kshshsh /*

Signed this 17<sup>th</sup> day of July, 1985

*J. J. [Signature]*  
witness

*Jonathan D. Kilroy*  
Jonathan Kilroy, sometimes also called Jonathon Kilroy L.S.  
L.S.

State of New Hampshire  
Shocking hamss:

July 17 A.D. 1985

Personally appeared Jonathan Kilroy, sometimes also called Jonathon Kilroy, whose name subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

Before me, *[Signature]*  
Justice of the Peace - Notary Public

KNOW ALL MEN BY THESE PRESENTS, That Gail M. Seagren, of Campbell's Lane, New Castle, County of Rockingham, and State of New Hampshire

for consideration paid, grants to Jonathon Kilroy, of 126 Atlantic Avenue, North Hampton, County of Rockingham, and State of New Hampshire,

with warranty covenants

Two parcels of land, each situated in Portsmouth, County of Rockingham, and State of New Hampshire, bounded and described as follows:

PARCEL 1: A certain lot or parcel of land, with the buildings thereon, lying, situate and being in the City of Portsmouth, in the County of Rockingham and the State of New Hampshire, on the westerly side of the public highway now known as Brewster Street, being now numbered 92 thereon, bounded and described as follows:

Beginning in the westerly sideline of said Brewster Street at land now or formerly of Mary Herlihy, and thence running by said Herlihy land S 67° 15' W, 50.2 feet, at land now or formerly of Frank Arric; thence turning and running by said Arric land N 24° 41' W, 28 feet to land now or formerly of the heirs of Kateny Mitrook; thence turning and running by said last named land N 67° 07' E, 13 feet; thence N 88° 09' E, 8.6 feet; thence S 22° 53' E, 5 feet; thence N 67° 07' E, 30 feet to said Brewster Street; thence turning and running S 22° 53' E, by said Brewster Street, 20 feet to the point of beginning.

For title reference see Deed of Russell Mitrook to Mary Elizabeth Caswell, dated July 8, 1949 and recorded in the Rockingham County Registry of Deeds at Book 1135, Page 38.

PARCEL 2: A certain lot of land in Portsmouth, County of Rockingham, and State of New Hampshire, lying on the westerly side of Brewster Street, bounded and described as follows:

Easterly by said Brewster Street, 37 feet, 10 inches, more or less; northerly by land now or formerly of Mary E. Caswell, 50 feet, more or less; westerly by land now or formerly of Angelina Arric, 37 feet, 10 inches, more or less; southerly by a common passageway in common with the occupants of the lot next south of the same.

For title reference see Deed of Mary Herlihy to Mary E. Caswell, dated May 21, 1964 and recorded in the Rockingham County Registry of Deeds at Book 1716, Page 189.

Meaning and intending to convey the same premises conveyed to the grantor herein by deed of Mary E. Caswell, dated May 25, 1978 and recorded in the Rockingham County Registry of Deeds at Book 2311, Page 1886.

This is not homestead property.

15014  
Apr 18 1 19 PM '85  
Rockingham County  
Registry of Deeds

said grantee \_\_\_\_\_, husband \_\_\_\_\_ wife of said grantor, release to  
all rights of homestead and other interests therein. BK2541 P1444

Signed this 18th day of April 19 85



Gail M. Seagren L.S.  
Gail M. Seagren L.S.  
\_\_\_\_\_  
\_\_\_\_\_  
L.S.

State of New Hampshire  
ROCKINGHAM ss.:

April 18, A. D. 19 85

Personally appeared Gail M. Seagren

known to me, or satisfactorily proven, to be the person whose name is  
subscribed to the foregoing instrument and acknowledged that s/he executed the same  
for the purposes therein contained.

Before me,

[Signature]  
Justice of the Peace - Notary Public

13626  
MAY 25 P.M. 4:06  
REC'D ROCKINGHAM COUNTY  
REGISTRY OF DEEDS

KNOW ALL MEN BY THESE PRESENTS, That I, MARY E. CASWELL of 92 Brewster Street,  
Portsmouth, County of Rockingham and State of New Hampshire, A Single Woman,  
2311-1886

for consideration paid, grant to GAIL M. SEAGREN of Campbell's Lane, New Castle,  
County of Rockingham and State of New Hampshire,

with warranty covenants to the said Gail M. Seagren, the following described real  
estate:

Two parcels of land, each situated in Portsmouth, County of Rockingham and  
State of New Hampshire, bounded and described as follows:

**PARCEL I:** A certain lot or parcel of land, with the buildings thereon, lying, sit-  
uate and being in the City of Portsmouth, in the County of Rockingham and the State  
of New Hampshire, on the westerly side of the public highway now known as Brew-  
ster Street, being now numbered 92 thereon, bounded and described as follows:

Beginning in the westerly sideline of said Brewster Street at land now or formerly  
of Mary Herlihy, and thence running by said Herlihy land S 67°15'W, 50.2 feet to  
land now or formerly of Frank Arric; thence turning and running by said Arric land  
N 24°41'W, 28 feet to land now or formerly of the heirs of Kateny Mitrook; thence  
turning and running by said last named land N 67°07'E, 13 feet; thence N 88°09'E,  
8.6 feet; thence S 22°53'E, 5 feet; thence N 67°07'E, 30 feet to said Brewster Street;  
thence turning and running S 22°53'E by said Brewster Street, 20 feet to the point of  
beginning.

For title reference see Deed of Russell Mitrook to Mary Elizabeth Caswell, dated  
July 8, 1949 and recorded in the Rockingham County Registry of Deeds at Book 1135,  
Page 38.

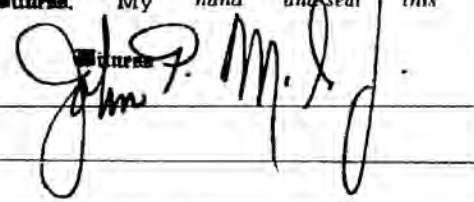
**PARCEL II:** A certain lot of land in Portsmouth, County of Rockingham and State  
of New Hampshire, lying on the westerly side of Brewster Street, bounded and de-  
scribed as follows:


Easterly by said Brewster Street, 37 feet, 10 inches, more or less; northerly by  
land now or formerly of Mary E. Caswell, 50 feet, more or less; westerly by land now  
or formerly of Angelina Arric, 37 feet, 10 inches, more or less; southerly by a common  
passageway in common with the occupants of the lot next south of the same.

For title reference see Deed of Mary Herlihy to Mary E. Caswell, dated May 21,  
1964 and recorded in the Rockingham County Registry of Deeds at Book 1716, Page 189.

0 6 8 4 8 2  
STATE OF NEW HAMPSHIRE  
TAX ON TRANSFER  
OF REAL PROPERTY  
STATE TAX  
COMMISSION  
MAY 25 '78  
\$ 32.50  
1965

Witness My hand and seal this 25th day of May, 1978



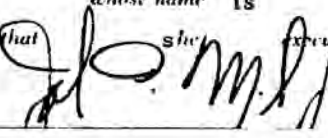
  
MARY E. CASWELL  
L.S.  
L.S.

**State of New Hampshire**

ROCKINGHAM ss. May 25<sup>th</sup> D. 1978

Personally appeared Mary E. Caswell

known to me, or satisfactorily proven, to be the person whose name is  
subscribed to the foregoing instrument and acknowledged that she executed the same  
for the purposes therein contained.

Before me, 







1135-038

Consideration  
less than \$100.00  
1135 038

### Know all Men by these Presents,

That I, Russell Mitrook, of Portsmouth, in the County of Rockingham and The State of New Hampshire

for and in consideration of the sum of One Dollar and other valuable considerations to me in hand before the delivery hereof, well and truly paid by Mary Elizabeth Caswell, of Portsmouth, in the County of Rockingham and The State of New Hampshire

the receipt whereof I do hereby acknowledge, have granted, bargained, and sold, and by these presents do give, grant, bargain, sell, alien, enfeof, convey, and confirm unto the said Mary Elizabeth Caswell and her heirs and assigns, forever, a certain lot or parcel of land, with the buildings thereon, lying, situate and being in the City of Portsmouth, in the County of Rockingham and The State of New Hampshire, on the Westerly side of the public highway now known as Brewster Street, being now numbered ninety-two (92) thereon, bounded and described as follows, viz:- Beginning in the Westerly side-line of said Brewster Street at land now or formerly of Mary Herlihy and thence running by said Herlihy land South 67 degrees, 15 minutes West fifty and two tenths (50.2) feet to land now or formerly of Frank Arric; thence turning and running by said Arric land North 24 degrees, 41 minutes West twenty-eight (28) feet to land of the heirs of Kateny Metrook; thence turning and running by said last named land North 67 degrees, 07 minutes East thirteen (13) feet; thence North 88 degrees, 09 minutes East eight and six tenths (8.6) feet; thence South 22 degrees, 53 minutes East five (5) feet; thence North 67 degrees, 07 minutes East thirty (30) feet to said Brewster Street; thence turning and running South 22 degrees, 53 minutes East by said Brewster Street twenty (20) feet to the point of beginning.


Title of the said Russell Mitrook in the above described premises is derived in part from his mother, Kateny Metrook, who acquired the premises by deed of Harry Cohen, dated July 12, 1919, recorded in Rockingham County Registry of Deeds, Book 733, Page 77; in part by deed from Edgar A. Blanchard, Guardian of Alice Mitrook, Anthony Mitrook and Andrew Mitrook, dated January 24, 1941, recorded in said Registry of Deeds, Book 967, Page 138; and in part by deed of Marie Metrook, Ethel Metrook Sutton, Annie Metrook Fortin and John Metrook dated December 9, 1940, recorded in said Registry of Deeds, Book 980, Page 123.

TO HAVE AND TO HOLD the afore-described premises, with all the privileges and appurtenances to the same belonging to her the said Mary Elizabeth Caswell and her heirs and assigns to her and their only proper use and benefit forever. And I the said Russell Mitrook for myself and my heirs, executors and administrators, do hereby covenant, grant, and agree to and with the said grantees and her heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, and I am seized and possessed thereof in my own right in fee simple; and have full power and lawful authority to grant, and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; and that I will and my heirs, executors, and administrators shall warrant and defend the same to the said Mary Elizabeth Caswell and her heirs and assigns against the lawful claims and demands of any person or persons whomsoever.

And I, Margaret G. Mitrook, wife of said Russell Mitrook in consideration aforesaid, do hereby relinquish my right of dower in the before mentioned premises.

And we and each of us do hereby release, discharge, and waive all such rights of exemption from attachment and levy or sale on execution, and such other rights whatsoever in said premises and in each and every part thereof, as are reserved or secured to us, or either of us, by Chapter 214 of the Public Laws of New Hampshire, or by any amendments thereto.

IN WITNESS WHEREOF we have hereunto set our hand and seal this eighth day of July in the year of our Lord, one thousand nine hundred and forty-nine.

Signed, sealed and delivered in presence of  
Oliver W. Marvin                      Russell Mitrook  
Margaret Mitrook 

STATE OF NEW HAMPSHIRE  
Rockingham, ss. July 8, A. D. 1949  
Personally appeared the above named Russell Mitrook and Margaret G. Mitrook

and acknowledged the above Instrument to be their voluntary act and deed.  
Before me,  
Oliver W. Marvin Justice of the Peace.

My commission expires October 9, 1952.  
Received and recorded July 11, 9 A.M., 1949.



INSURANCE MAPS  
OF  
**PORTSMOUTH**  
NEW HAMPSHIRE

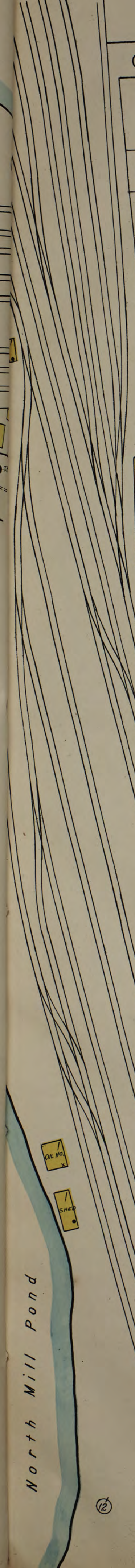
PUBLISHED BY THE  
**SANBORN MAP COMPANY**  
11 BROADWAY, NEW YORK

**SMC**

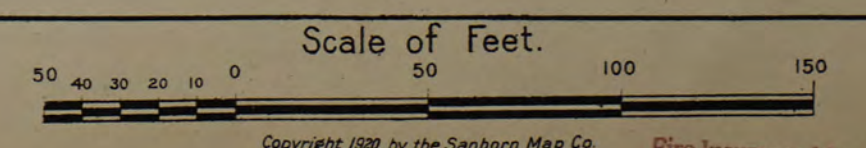
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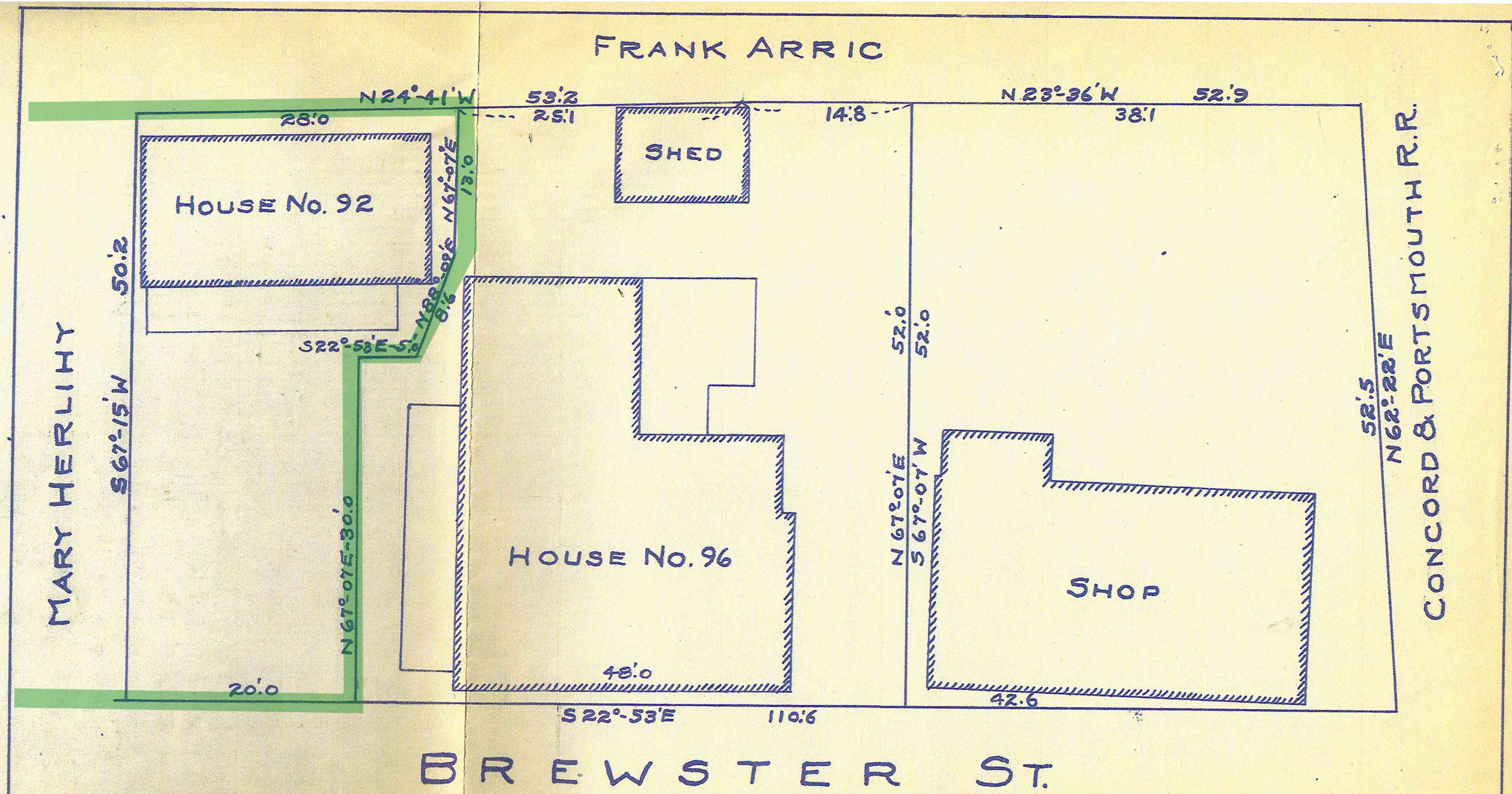




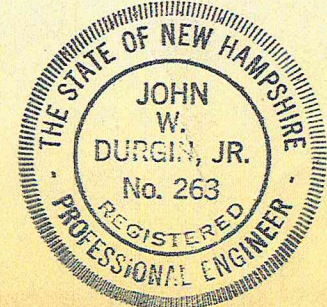
SOLDIERS MONUMENT  
PARK







FILE NO. 2277  
 PLAN NO. 1-213



PLAN OF LOTS  
 Nos. 92-96 BREWSTER ST.  
 PORTSMOUTH, N.H.

SCALE: - 1 IN. = 10 FT.      AUG. 1940

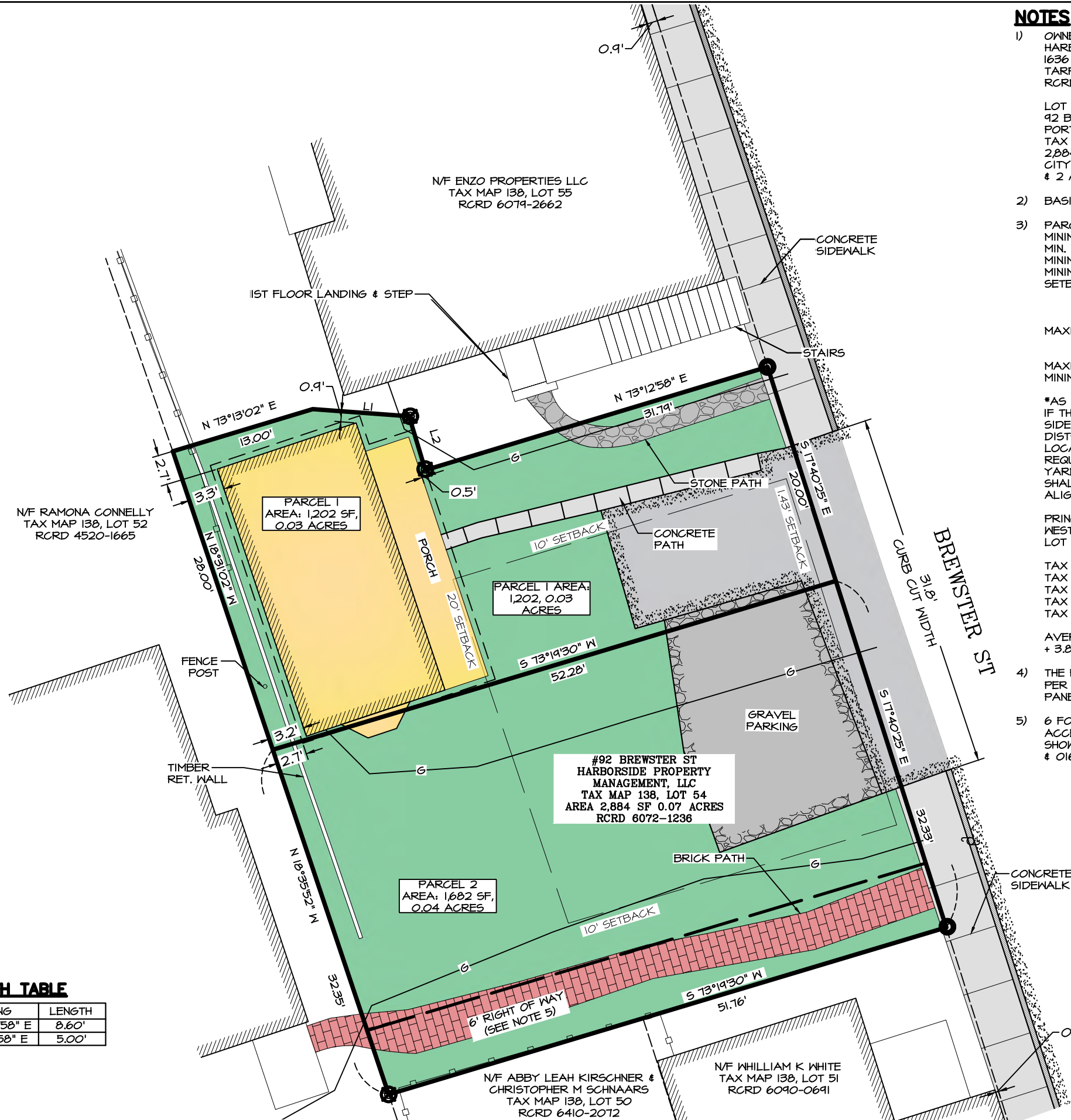
JOHN W. DURGIN  
 CIVIL ENGINEER

APR 28 1956

EXHIBIT C

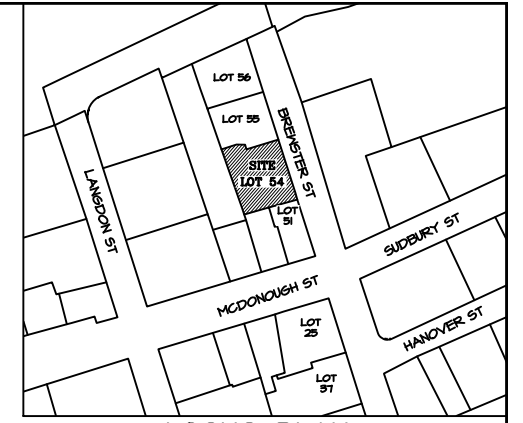


SEE NOTE #2



**NOTES**

- OWNER OF RECORD:  
 HARBORSIDE PROPERTY MANAGEMENT, LLC  
 1636 SEABREEZE DR  
 TARPON SPRINGS, FL 34689  
 RCRD: 6072-1236  
  
 LOT INFORMATION:  
 92 BREWSTER STREET  
 PORTSMOUTH, NH 03801  
 TAX MAP 138, LOT 54  
 2,884 SF 0.07 ACRES  
 CITY OF PORTSMOUTH TAX MAP SHOWS PARCELS 1 & 2 AS ONE LOT
- BASIS OF BEARING HELD FROM PLAN REFERENCE #4.
- PARCEL IS IN GENERAL RESIDENCE C ZONE (GRC)  
 MINIMUM LOT AREA.....3,500 SF  
 MIN. LOT AREA PER DWELLING UNIT.....3,500 SF  
 MINIMUM FRONTAGE.....10 FT  
 MINIMUM DEPTH.....50 FT  
 SETBACKS:  
 FRONT.....1.43 FT\*  
 SIDE.....10 FT  
 REAR.....20 FT  
 MAXIMUM BUILDING HEIGHT:  
 SLOPED ROOF.....35 FT  
 FLAT ROOF.....30 FT  
 MAXIMUM BUILDING COVERAGE.....35%  
 MINIMUM OPEN SPACE.....20%  
  
 \*AS PER PORTSMOUTH ZONING ORDINANCE 10.516.10 IF THE EXISTING PRINCIPAL BUILDINGS ON THE SAME SIDE OF THE SAME STREET, IN THE SAME ZONING DISTRICT, AND WITHIN 200 FEET OF A LOT ARE LOCATED CLOSER TO THE STREET THAN THE MINIMUM REQUIRED FRONT YARD, THEN THE REQUIRED FRONT YARD FOR THE PRINCIPAL BUILDING ON SUCH LOT SHALL BE THE AVERAGE OF THE EXISTING ALIGNMENTS OF ALL SUCH PRINCIPAL BUILDINGS.  
  
 PRINCIPAL BUILDINGS WITHIN 200' OF LOT 54 ON WEST SIDE OF BREWSTER ST - DISTANCE TO FRONT LOT LINE  
  
 TAX MAP 138, LOT 56 - 1.86'  
 TAX MAP 138, LOT 55 - 0.90'  
 TAX MAP 138, LOT 51 - 0.30'  
 TAX MAP 138, LOT 25 - 0.24'  
 TAX MAP 138, LOT 37 - 3.86'  
  
 AVERAGE FRONT YARD = 1.86 + 0.90 + 0.30 + 0.24 + 3.86 / 5 = 1.43'
- THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0259F, PANEL 259 OF 681, DATED JANUARY 29, 2021.
- 6 FOOT WIDE RIGHT OF WAY EXISTS TO ALLOW ACCESS TO LOT 52 FROM BREWSTER STREET. THIS IS SHOWN ON THE 1979 TAX MAP. SEE RCRD 0722-0190 & 0167-0433.



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

**REFERENCE PLANS**

- "PLAN OF LOTS NOS. 92-96 BREWSTER ST. PORTSMOUTH, N.H." BY JOHN W. DURGIN. DATED AUG. 1940. FILED NO. 2277, PLAN NO. 1-213
- "BOUNDARY SURVEY FOR CITY OF PORTSMOUTH" BY ROSS ENGINEERING, DATED SEP. 25, 2003. RCRD D-31009
- "EASEMENT PLAN TAX MAP 138 - LOT 48 JOHN L. AHLGREN TO THE CITY OF PORTSMOUTH" BY AMBIT ENGINEERING, INC. DATED MAY 7, 2013. RCRD 38725
- "SUBDIVISION PLAN TAX MAP 138 - LOT 48 FOR CHINBURG DEVELOPMENT, LLC ON LAND OF JOHN L. AHLGREN & BESSIE PALMISCIANO" BY AMBIT ENGINEERING, INC. DATED FEB. 26, 2016. RCRD 34552
- "LOT LINE RELOCATION AND EASEMENT PLAN TAX MAP 138 - LOTS 60 & 61." BY AMBIT ENGINEERING, INC. DATED MAY 2, 2017. RCRD 40491
- "BOUNDARY SURVEY FOR 92 & 96 BREWSTER ST. PORTSMOUTH, NH 03801" BY ROSS ENGINEERING LLC. DATED DEC 20, 2019. RCRD 41920

**EXHIBIT D**

**LENGTH TABLE**

	BEARING	LENGTH
L1	S 85°44'58" E	8.60'
L2	S 16°46'58" E	5.00'

**LEGEND**

- DRILL HOLE FOUND
  - REBAR WITH CAP FOUND
  - RAILROAD SPIKE FOUND
  - SPOT ELEVATION
  - FENCE
  - VERTICAL GRANITE CURB
  - GAS
- GRAPHIC SCALE  
 ( IN FEET )  
 SCALE 1" = 10'

ISS.	DATE	DESCRIPTION OF ISSUE
7	3/3/2025	ZBA SUBMITTAL
6	2/19/2025	ZBA SUBMITTAL
5	1/31/2025	PRELIMINARY
4	9/25/2024	PRELIMINARY

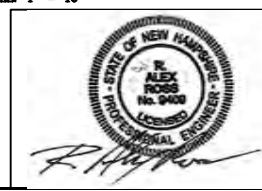
SCALE 1" = 10'  
 CHECKED A.ROSS  
 DRAWN D.D.D.  
 CHECKED

**ROSS ENGINEERING**  
 Civil/Structural Engineering  
 & Surveying  
 909 Kingston St.  
 Portsmouth, NH 03801  
 (603) 433-7560

CLIENT  
 GEORGE HAILS  
 92 BREWSTER STREET.  
 PORTSMOUTH, NH 03801

TITLE  
**EXISTING CONDITIONS PLAN**  
 92 BREWSTER ST  
 PORTSMOUTH, NH 03801  
 TAX MAP 138, LOT 54

JOB NUMBER 23-095    DWG. NO. 1 OF 2    ISSUE 6





N/F RAMONA CONNELLY  
TAX MAP 138, LOT 52  
RCRD 4520-1665

N/F ENZO PROPERTIES  
LLC  
TAX MAP 138, LOT 55  
RCRD 6074-2662

#92 BREWSTER ST  
HARBORSIDE PROPERTY  
MANAGEMENT, LLC  
TAX MAP 138, LOT 54  
AREA 2,884 SF 0.07 ACRES  
RCRD 6072-1236

N/F ABBY LEAH KIRSCHNER &  
CHRISTOPHER M SCHNAARS  
TAX MAP 138, LOT 50 RCRD  
6410-2072

N/F TAMMY GEWEHR  
TAX MAP 138, LOT 41  
RCRD 5554-0471

CONCRETE  
SIDEWALK

STAIRS

**NOTES**

1) OWNERS OF RECORD:  
HARBORSIDE PROPERTY MANAGEMENT, LLC  
1636 SEABREEZE DR  
TARPON SPRINGS, FL 34684  
RCRD: 6072-1236

LOT INFORMATION:  
92 BREWSTER STREET  
PORTSMOUTH, NH 03801  
TAX MAP 138, LOT 54  
2,884 SF, 0.07 ACRES  
CITY OF PORTSMOUTH TAX MAP SHOWS  
PARCELS 1 & 2 AS ONE LOT

2) PARCEL IS IN GENERAL RESIDENCE C ZONE (GRC)  
MINIMUM LOT AREA.....3500 SF  
MIN. LOT AREA PER DWELLING UNIT.....3500 SF  
MINIMUM FRONTAGE.....70 FT  
MINIMUM DEPTH.....50 FT  
SETBACKS:  
FRONT.....1.43 FT  
SIDE.....10 FT  
REAR.....20 FT  
MAXIMUM BUILDING HEIGHT:  
SLOPED ROOF.....35 FT  
FLAT ROOF.....30 FT  
MAXIMUM BUILDING COVERAGE.....35%  
MINIMUM OPEN SPACE.....20%

3) COVERAGES  
**BUILDING COVERAGE**  
EXISTING  
HOUSE.....334 SF  
PORCH.....90 SF  
COVERAGE 424 SF/2884 SF = 14.7%

PROPOSED  
HOUSE.....899 SF  
PORCH.....49 SF  
COVERAGE 948 SF/2884 SF = 32.9%

**OPEN SPACE**  
EXISTING  
BUILDING COVERAGE.....424 SF  
GRAVEL.....301 SF  
ASPHALT.....245 SF  
BRICK PATH.....178 SF  
CONCRETE PATH.....44 SF  
CONCRETE SIDEWALK.....11 SF  
STONE PATH.....35 SF  
TOTAL LOT COVERAGE 1,238 SF  
OPEN SPACE 2,884 - 1,238 = 1,646 SF  
OPEN SPACE 1,646 / 2,884 = 57.1%

PROPOSED  
BUILDING COVERAGE.....948 SF  
LANDING & STEPS < 18".....22 SF  
BULKHEAD.....23 SF  
ASPHALT.....382 SF  
BRICK PATH.....178 SF  
CONCRETE SIDEWALK 0 SF  
TOTAL LOT COVERAGE 1,561 SF  
OPEN SPACE 2,884 - 1,561 = 1,323 SF  
OPEN SPACE 1,323 / 2,884 = 45.9%

4) 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 93.69'.

GRADE PLANE = 93.69'

5) BUILDING HEIGHT:  
BUILDING HEIGHT FOR A GAMBREL, HIP, OR  
HIP-TOPPED MANSARD ROOF IS CALCULATED  
AS THE VERTICAL MEASUREMENT FROM THE  
GRADE PLANE TO THE MIDWAY POINT  
BETWEEN THE LEVEL OF THE EAVES AND THE  
HIGHEST POINT ON THE ROOF RIDGE AS PER  
PORTSMOUTH ZONING ORDINANCE. THE LEVEL  
OF THE EAVES IS PROPOSED TO BE 120.90'.  
THE HIGHEST RIDGE IS 126.48'. THE MIDPOINT  
IS 123.69'.

THE BUILDING HEIGHT OF THE BUILDING WAS  
CALCULATED TO BE 30.00', USING A GRADE  
PLANE OF 93.69' AND A MIDPOINT ROOF EL.  
OF 123.69'.

BUILDING HEIGHT = 123.69' - 93.69' = 30.00'

6) PARKING  
AS PER PORTSMOUTH ZONING ORDINANCE  
10.1112.311 THE REQUIRED MINIMUM NUMBER OF  
OFF-STREET PARKING SPACES FOR DWELLING  
UNITS OVER 750 SF IN FLOOR AREA IS 1.3  
SPACES.

AS PER PORTSMOUTH ZONING ORDINANCE  
10.814.26 1 OFF-STREET PARKING SPACE  
SHALL BE PROVIDED FOR AN ADU IN  
ADDITION TO THE SPACES THAT ARE  
REQUIRED FOR THE PRINCIPAL  
SINGLE-FAMILY DWELLING.

REQUIRED PARKING = 1.3 SPACES (DWELLING)  
+ 1 SPACE (ADU) = 2.3 = 3 SPACES REQUIRED

3 PARKING SPACES HAVE BEEN PROVIDED, 2  
SPACES ON THE LEFT SIDE OF THE  
PROPOSED HOUSE, AND ONE INSIDE THE  
GARAGE.

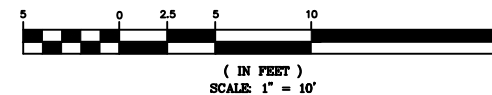
**VARIANCE REQUESTED**

ITEM	REQUIRED	EXISTING	PROPOSED
REAR PROPERTY LINE TO HOUSE	20 FT	3.2 FT	10.3 FT
REAR PROPERTY LINE TO OVERHANG	20 FT	2.7 FT	9.3 FT
RIGHT SIDE PROPERTY LINE TO OVERHANG	10 FT	0 FT	9.4 FT

**LENGTH TABLE**

	BEARING	LENGTH
L1	S 85°44'58" E	8.60'
L2	S 16°46'58" E	5.00'

**GRAPHIC SCALE**



**LEGEND**

- DRILL HOLE FOUND
- REBAR WITH CAP FOUND
- RAILROAD SPIKE FOUND
- SPOT ELEVATION
- FENCE
- VERTICAL GRANITE CURB
- GAS
- UTILITY POLE
- DRAINAGE FLOW PATH

7	3/3/2025	ZBA SUBMITTAL	
6	2/19/2025	ZBA SUBMITTAL	
5	1/31/2025	PRELIMINARY	
4	9/25/2024	PRELIMINARY	
ISS.	DATE	DESCRIPTION OF ISSUE	

SCALE 1" = 10'  
CHECKED A.ROSS  
TRAVN D.D.D.  
CHECKED

**ROSS ENGINEERING**  
Civil/Structural Engineering  
& Surveying  
909 Islington St.  
Portsmouth, NH 03801  
(603) 433-7560

CLIENT  
GEORGE HAILS  
92 BREWSTER STREET,  
PORTSMOUTH, NH 03801

TITLE

**SITE PLAN**

92 BREWSTER ST  
PORTSMOUTH, NH 03801  
TAX MAP 138, LOT 54

JOB NUMBER 23-095 DWG. NO. 2 OF 2 ISSUE 6





1/31/2025

# Heloise

992.120.v2 GL

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603-431-9559



## Dear Builders and Home Buyers,

In addition to our Terms and Conditions (the "Terms", available on ArtformHomePlans.com), please be aware of the following: As defined in the Terms, this is a Design Drawing and may not yet have Construction Drawings (CDs) or the CDs may not reflect design changes. During the conversion of a Design Drawing to Construction Drawings, changes may be necessary including, but not limited to, dimensional changes or changes to the framing and structural supports.

We require that our designs be built substantially as shown in the Drawings. Markups agreed to by Builder and Home Buyer must still be approved by Artform, and may require additional changes, such as structural updates. While we attempt to accommodate requested changes where possible and reasonable, including considerations of design integrity, any and all changes to Drawings must be approved in writing by Artform. It is recommended that you have your Design Drawings updated by Artform prior to attaching any Drawing to any builder agreement. Artform shall not be responsible for the misuse of or unauthorized alterations to any of its Drawings.

- 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 Artform.
- Increasing or decreasing ceiling heights requires adjustments to window sizes and other exterior elements.

We are not responsible for typographical errors. Home Buyer shall give thoughtful consideration to all drawings and documents provided to them and shall be solely responsible for ensuring that they understand features in the home that are important to them.

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Heloise 992.120.v2 GL

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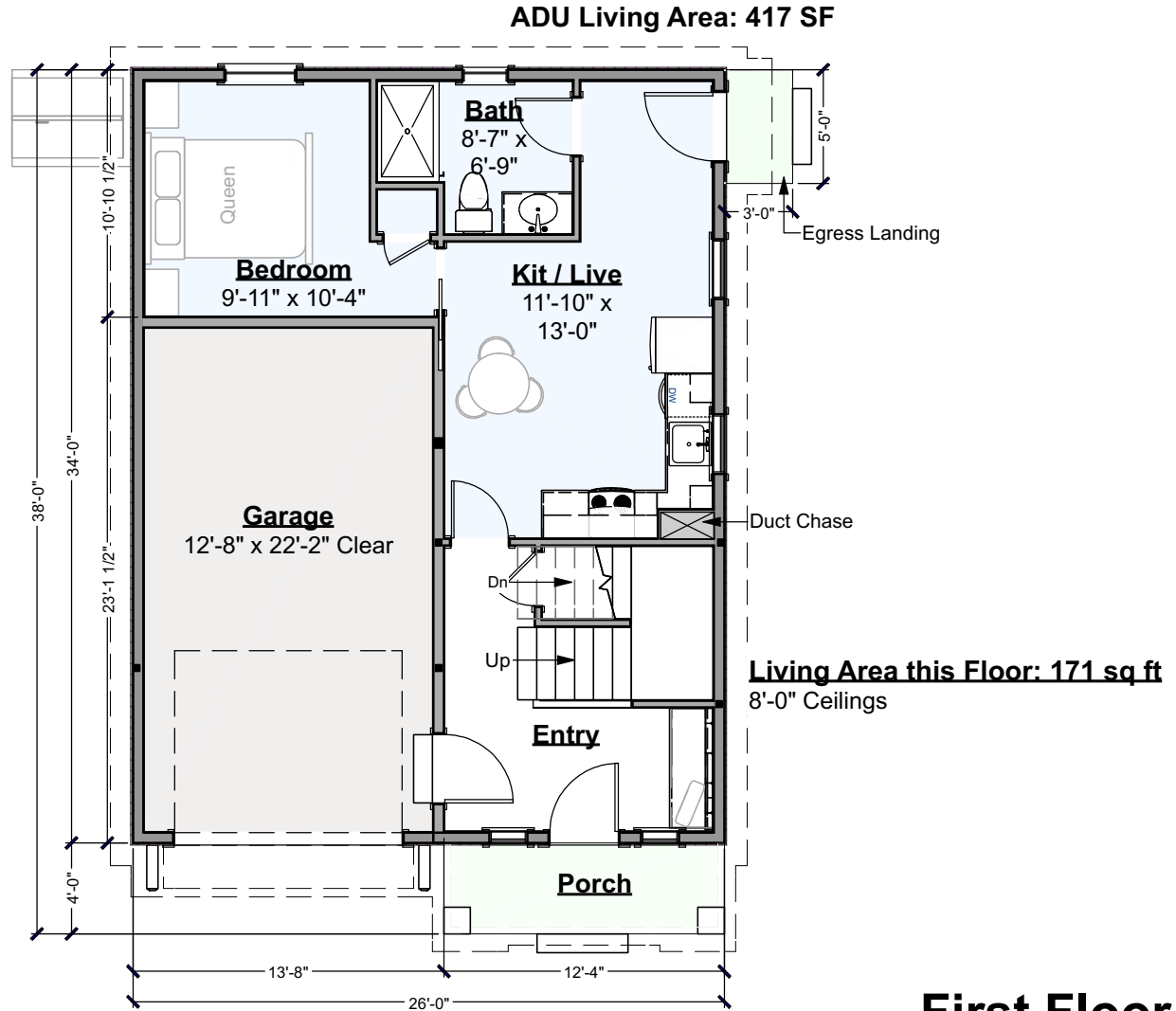
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**First Floor Plan**  
Scale: 1/8" = 1'-0"

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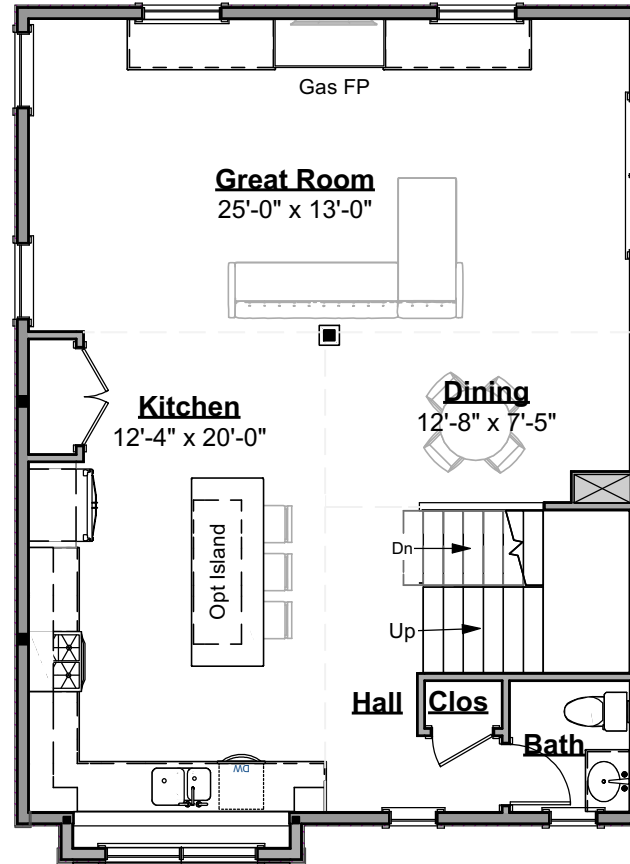
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### Living Area this Floor: 899 sq ft

8'-6" Ceilings



## Second Floor Plan

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

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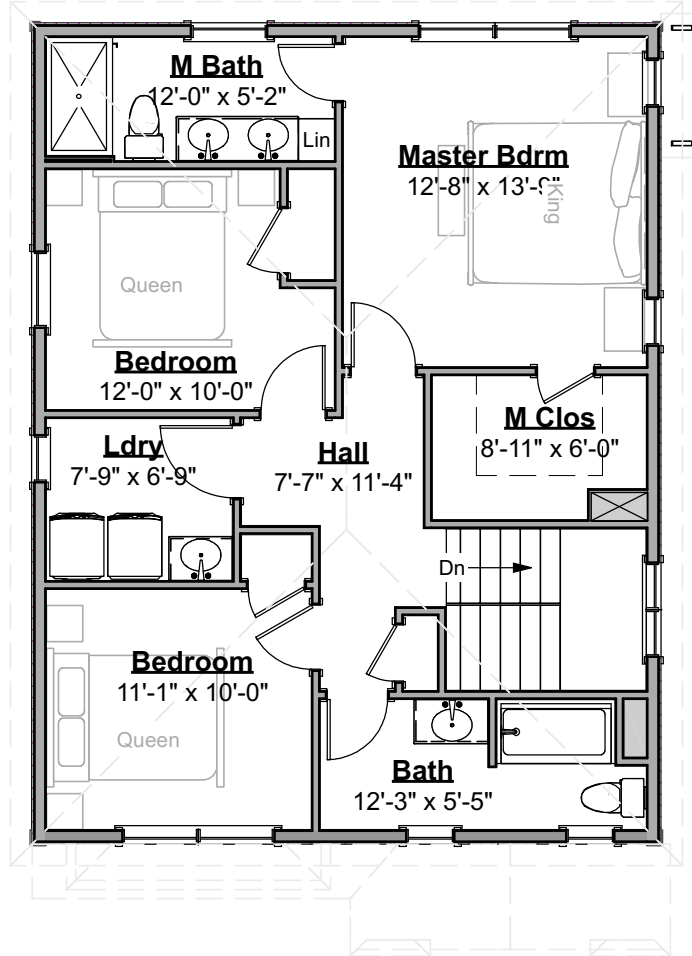
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## Living Area this Floor: 884 sq ft

8'-0" Ceilings



## Third Floor Plan

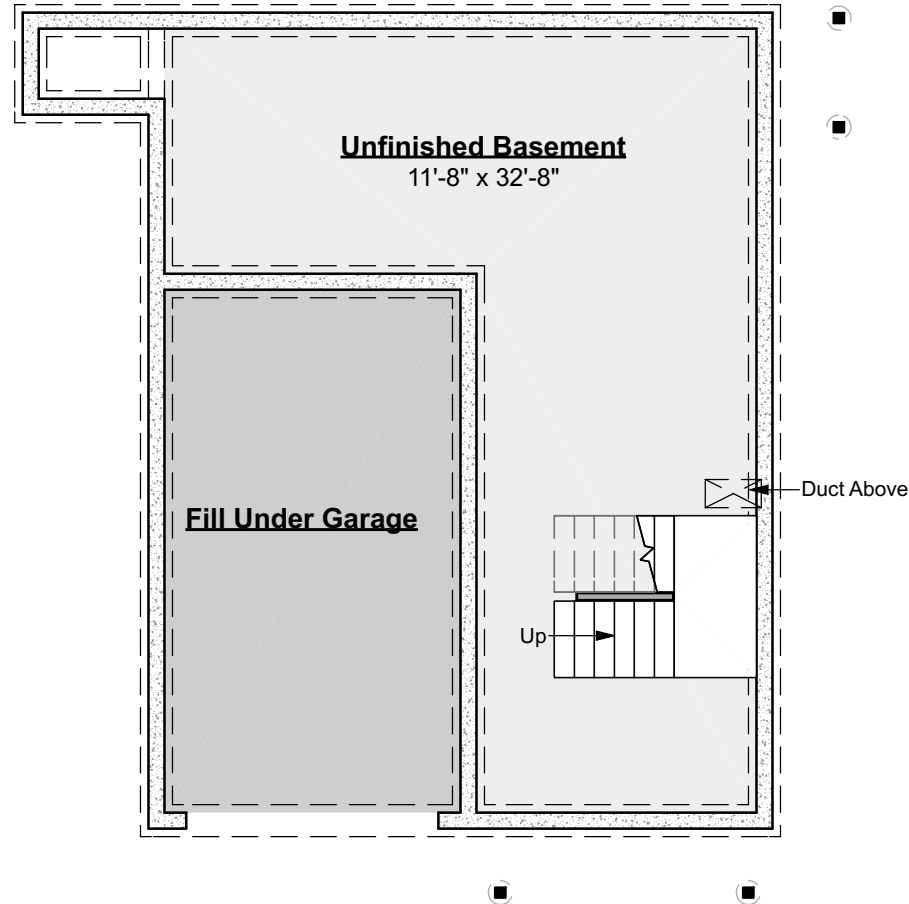
Scale: 1/8" = 1'-0"

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1/31/2025

# Heloise

## 992.120.v2 GL

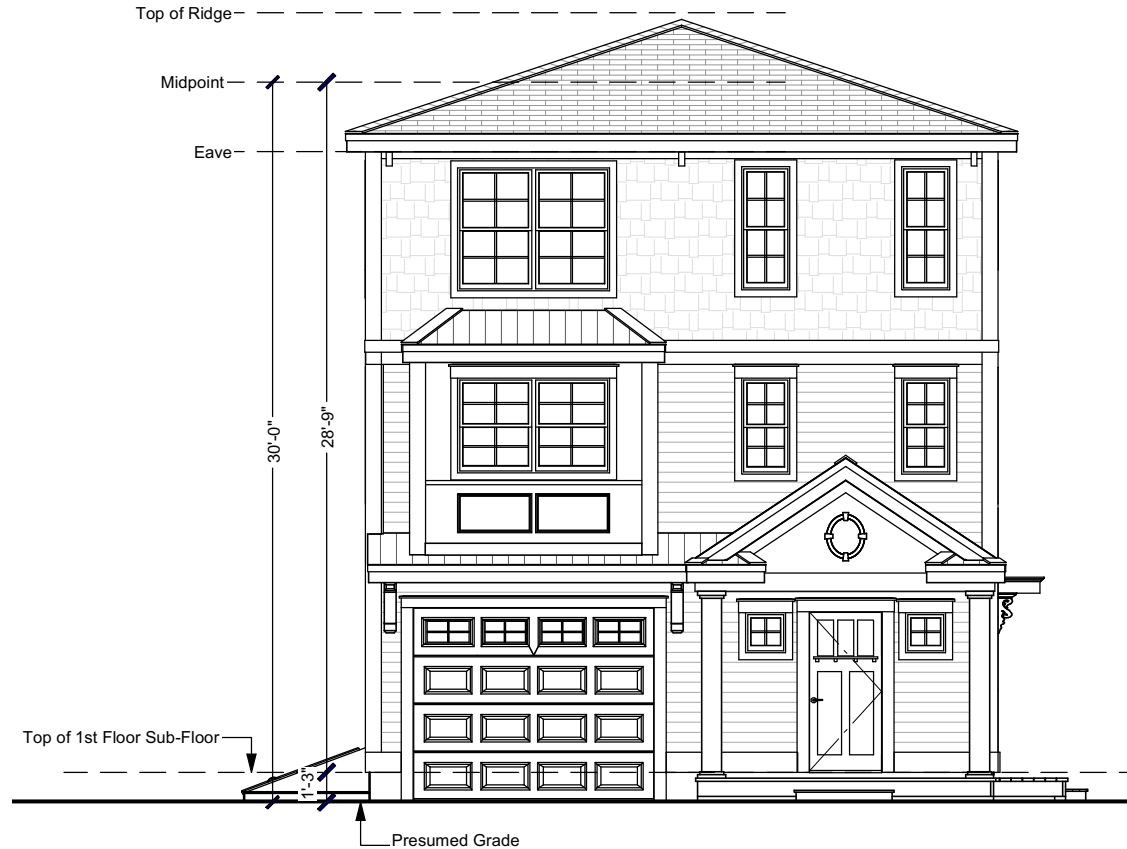
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**Front Elevation**  
Scale: 1/8" = 1'-0"

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**Right Elevation**

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



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**Rear Elevation**  
Scale: 1/8" = 1'-0"

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**Left Elevation**  
Scale: 1/8" = 1'-0"

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## Interior Views



# 92 Brewster St



Imagery ©2025 Google, Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 50 ft

**EXHIBIT F**



Google Maps

85 Brewster St

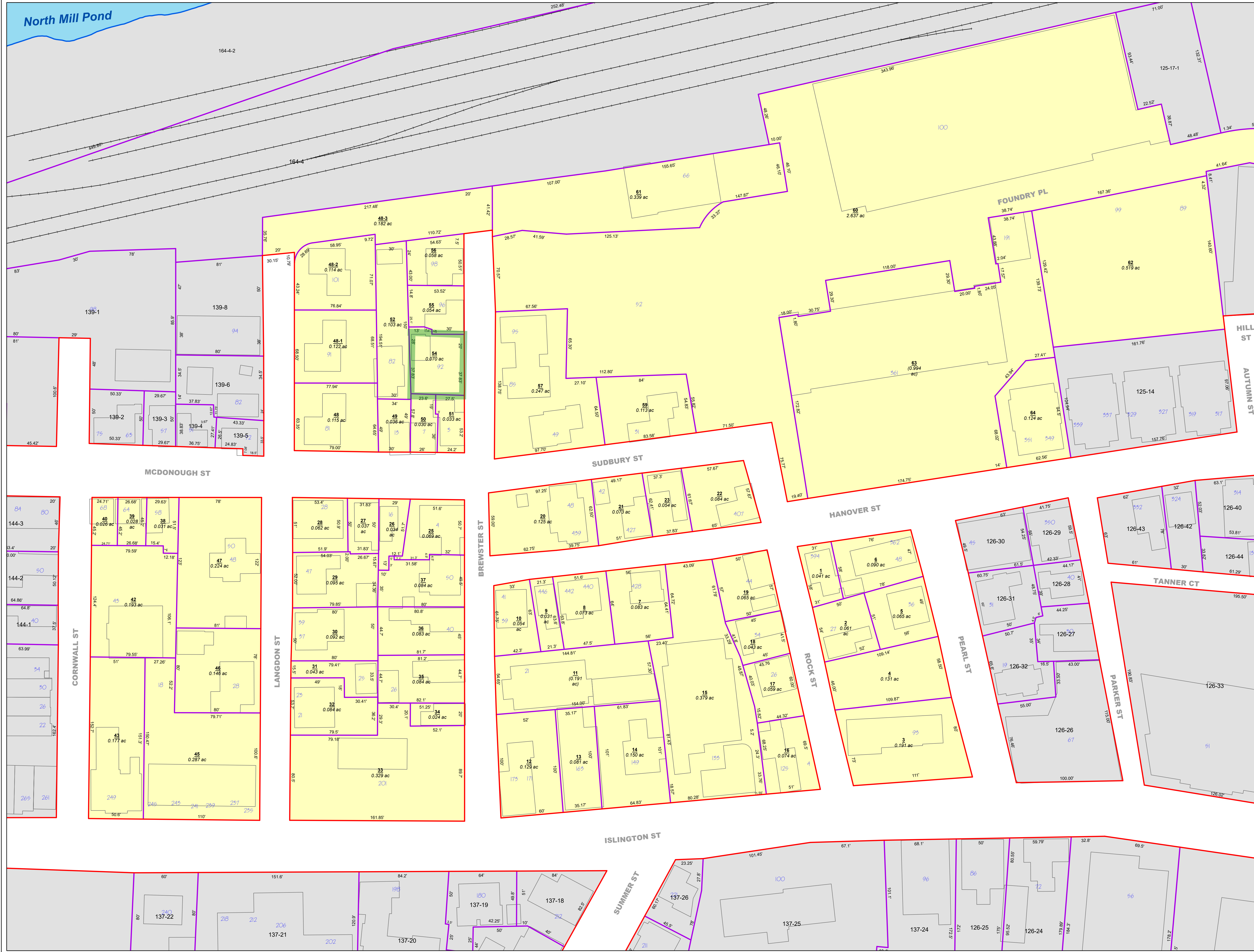


Portsmouth, New Hampshire  
Google Street View  
Nov 2024 See more dates

Image capture: Nov 2024 © 2025 Google

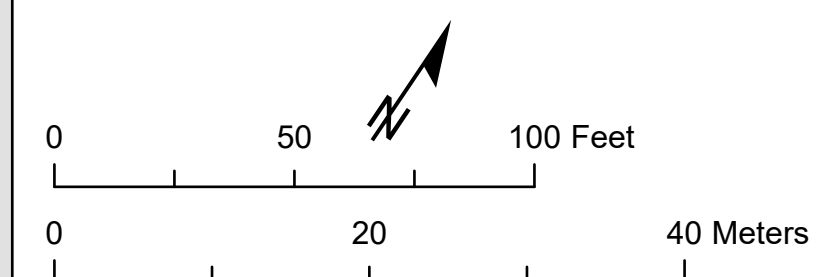




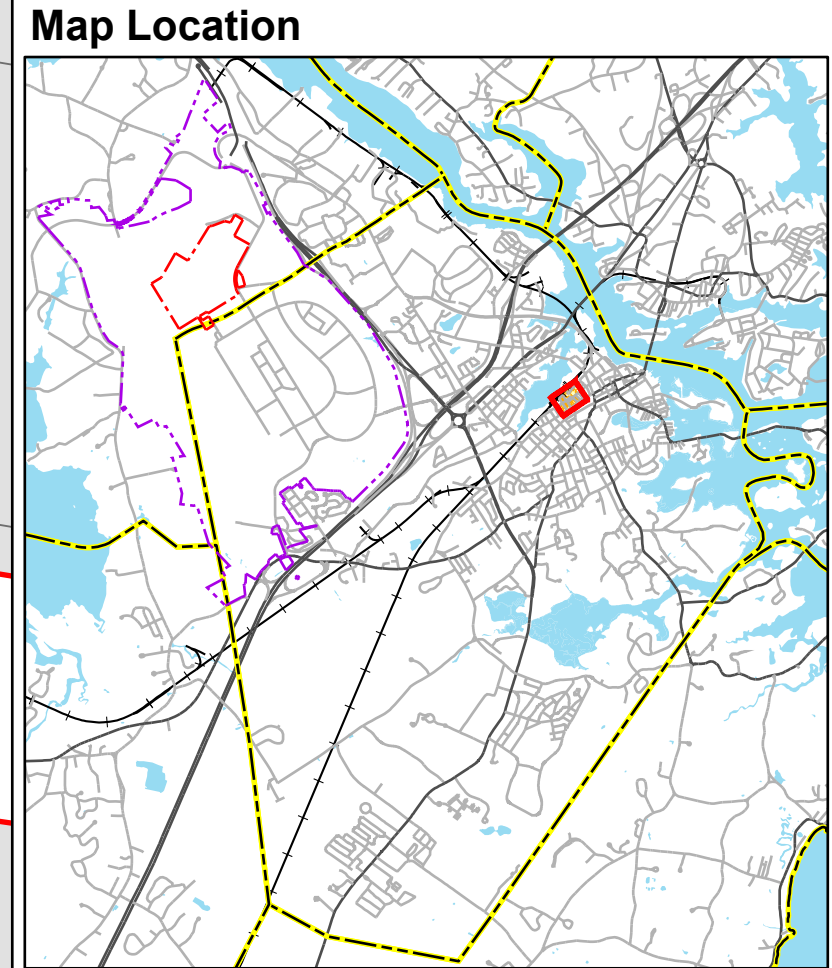
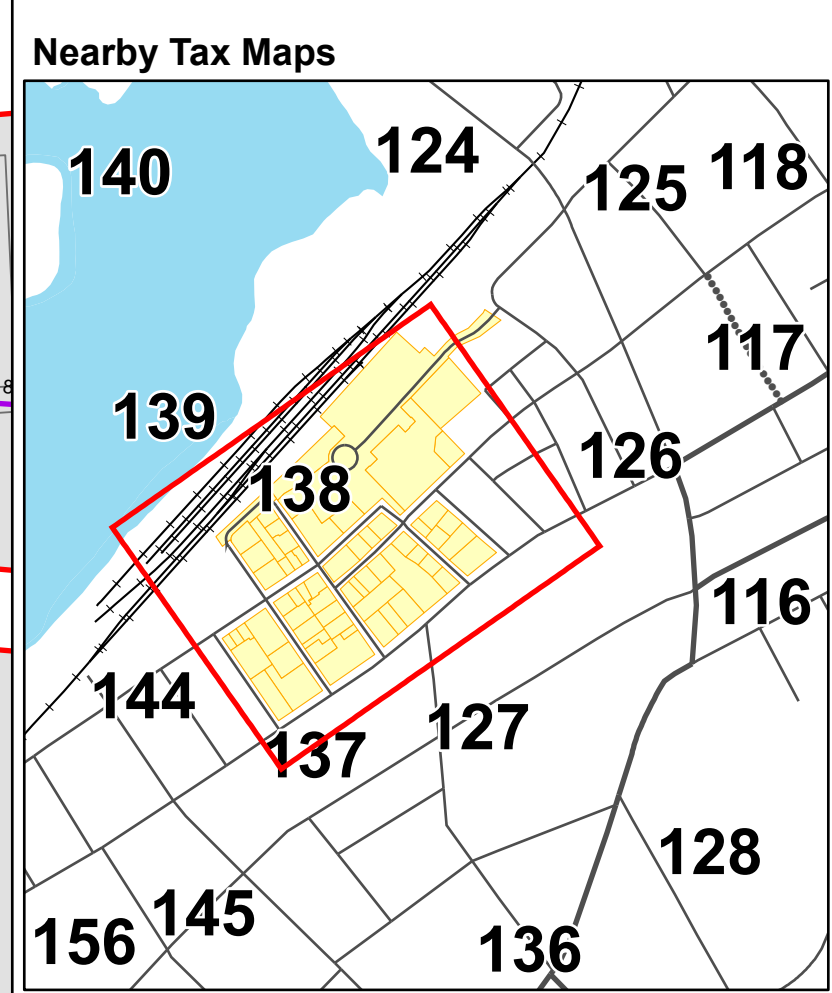


- Partial Legend**  
 See the cover sheet for the complete legend.
- 7-5A** Lot or lot-unit number
  - 2.56 ac** Parcel area in acres (ac) or square feet (sf)
  - 100** Address number
  - 233-137** Parcel number from a neighboring map
  - 68'** Parcel line dimension
  - SIMS AVE** Street name
  - Parcel/Parcel boundary
  - Parcel/ROW boundary
  - Water boundary
  - Structure (1994 data)
  - Parcel covered by this map
  - Parcel from a neighboring map (see other map for current status)

**EXHIBIT G**



*This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.*





**III. NEW BUSINESS**

**A.** The request of **Rosa Z. Delisle and Paul R. Delisle Revocable Trust (Owners)**, for property located at **408 The Hill, #6-17, (Units 1-3 )** whereas after the fact relief is needed for the expansion of the existing business into the remaining first floor units which requires the following: 1) Variance from Section 10.440, Use #7.20 to allow a personal services business to expand where it is not allowed; and 2) Variance from Section 10.331 to allow a nonconforming use to be extended, enlarged or changed where not in conformity of the Ordinance. Said property is located on Assessor Map 118 Lot 26 and lies within the Character District 4-L1 CD4-L1), Historic and Downtown Overlay Districts. (LU-25-24)

**B. Existing & Proposed Conditions**

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	3 Commercial Units, 2 Residential Units	<b>*Esthetician Business</b>	Mixed residential and commercial uses
<u>Units #1-3 Area (sq. ft.)</u>	1,000	1,000	
<u>Parking (Spaces)</u>			N/A in DOD
<u>Estimated Age of Structure:</u>	1756	<b>Variance request(s) shown in red.</b>	

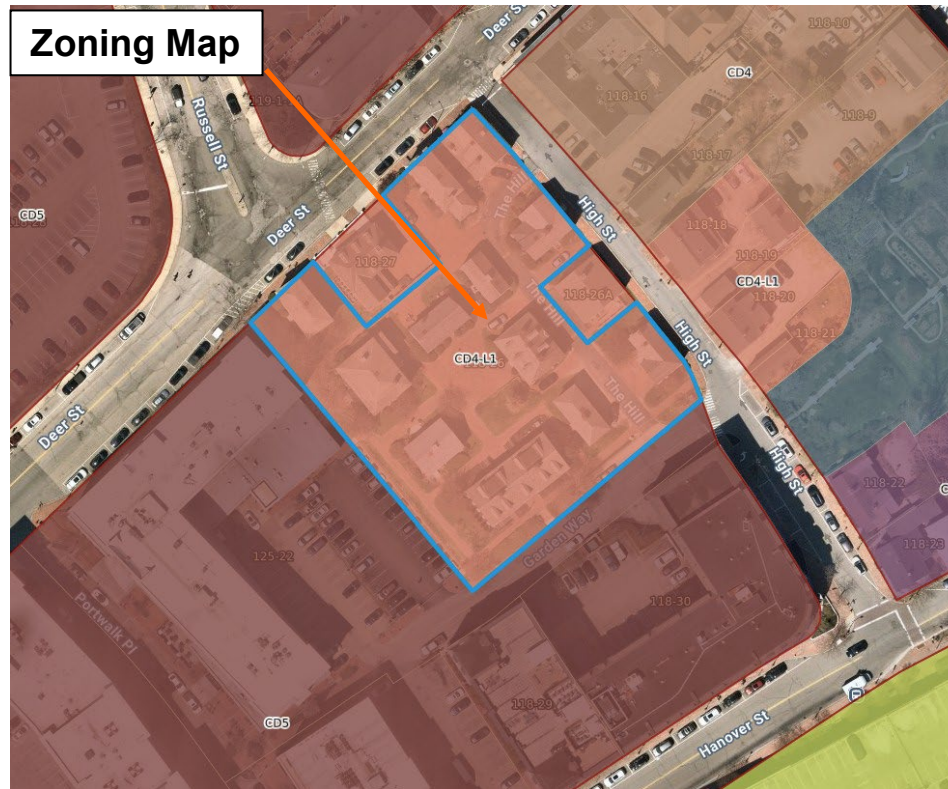
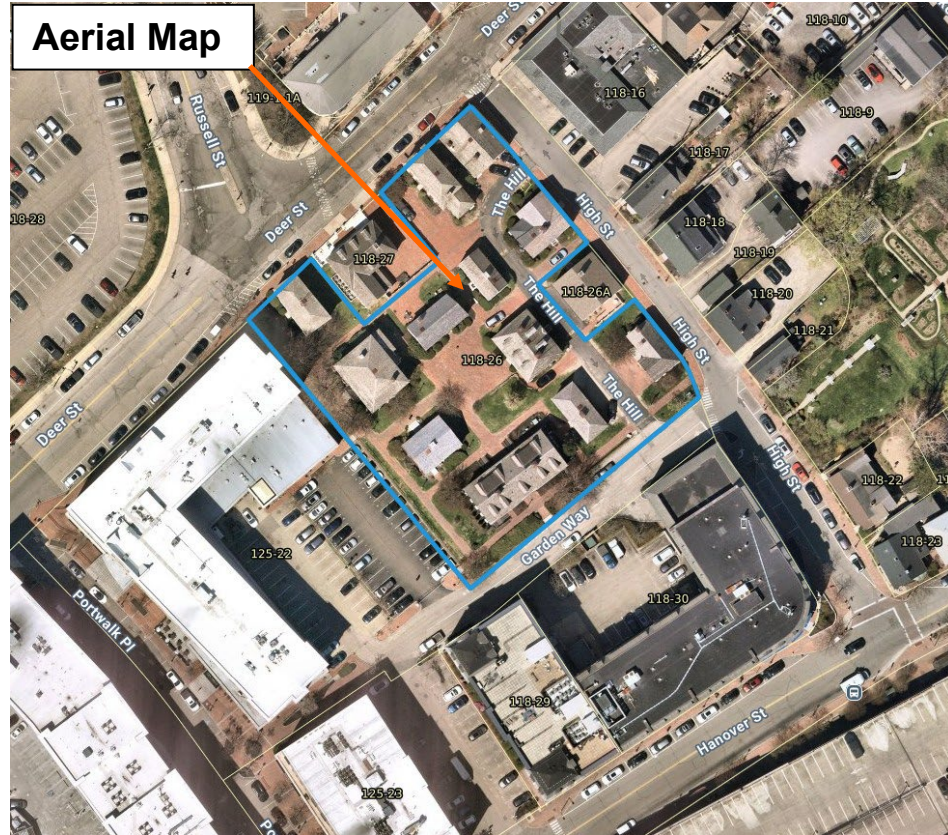
**\*Esthetician Business is considered a "personal services" use that is not a permitted use in CD4-L1**

**Other Permits/Approvals Required**

- Building Permit (Tenant Fit-Up)



### Neighborhood Context



## Previous Board of Adjustment Actions

- No previous BOA history was found.

## Planning Department Comments

The applicant is seeking a variance to permit a personal service use for Blush Skin & Soul Spa as an expansion into units 1-3 on the first floor. There are 2 existing residential apartments on the second floor of the existing mixed-use building. The applicant was permitted in 2017 for a tenant fit-up in unit 2 of the first floor as a business ownership change to an existing esthetician studio. Since that time the applicant expanded into units 1 and 3 with permission from the property owner, although without a tenant fit-up permit for the expansion. The use and expansion of a nonconforming use requires relief as it is not a permitted use in the CD4-L1 District.

## 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.

## Project Narrative & Variance Request for Blush Skin & Soul Spa

**Property Address:** 408 The Hill, Units 1-3, Portsmouth, NH

**Applicant:** Blush Skin & Soul Spa

**Prepared For:** City of Portsmouth

---

### Project Narrative

Blush Skin & Soul Spa has been a part of the Portsmouth community since **2017**, beginning as a **one-woman business in Unit 2 of 408 The Hill**. Over the years, it has grown into a **thriving wellness business**, now employing a **team of 10 professionals** who provide high-quality esthetic and massage therapy services that promote self-care and well-being for both residents and visitors.

Blush operates **seven days a week from 8:00 AM to 8:30 PM by appointment only**, ensuring a controlled and structured flow of clients throughout the day. The business's appointment-based model prevents excessive foot traffic and allows for an organized, low-impact operation.

During the **COVID-19 pandemic**, the two other tenants on the **first floor of 408 The Hill** vacated their spaces. The **landlord offered Blush Skin & Soul Spa the opportunity to expand into the entire first floor**, which allowed the business to continue growing and providing essential wellness services to the community.

I **mistakenly did not realize that additional permits were required** for this expansion. I sincerely **apologize for this oversight** and want to emphasize my commitment to **doing things the correct way**. The issue only came to my attention when the **New Hampshire State Board of Esthetics conducted a routine inspection** (their first since 2017), which led me to **discover that additional city permits were necessary**. I am now **proactively taking steps to ensure full compliance** with the City of Portsmouth.

Importantly, **no changes were made to the space** in order to operate as we currently do, and **no future changes are needed at this time**. The space remains in **its original, intended condition**, fully functional for the services provided.

Blush Skin & Soul Spa has sufficient **parking availability** for clients, with options along **High Street and Deer Street, as well as in the Hanover and Foundry garages**. These parking options ensure that customers can conveniently access the business without creating a burden on surrounding properties.

---

### Variance Analysis

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

Blush Skin & Soul Spa has long been a **positive contributor to the Portsmouth community**, supporting **local economic growth**, **participating in charitable initiatives**, and **offering a space dedicated to wellness and self-care**.

The spa operates in a **quiet, professional manner**, ensuring that it does not disrupt the character of The Hill or the surrounding businesses. The **appointment-only model** minimizes traffic and maintains a controlled flow of clients throughout the day, further reducing any potential impact on the area.

Granting the variance will allow Blush Skin & Soul Spa to **continue operating in a way that benefits the public without any negative impact**.

### **2. The spirit of the Ordinance will be observed (10.233.22).**

The purpose of zoning regulations is to **ensure compatible land use and maintain the integrity of the community**. Blush Skin & Soul Spa fully aligns with these objectives by:

- Operating within a **historically mixed-use commercial and residential district**.
- Maintaining a **professional, low-impact presence** that enhances the area.
- Contributing to **Portsmouth's vibrant small business economy**.

Since **no structural changes have been made and none are planned**, the business remains in harmony with the existing zoning intent while complying with city requirements.

### **3. Substantial justice will be done (10.233.23).**

Denying the variance would impose a **significant and unnecessary hardship** on a business that has operated successfully in this location since 2017. **There is no public benefit in forcing the business to relocate**, as it has already been successfully operating within the space for years without any issues.

Approving the variance will **allow Blush Skin & Soul Spa to continue serving the community** while ensuring all permitting requirements are met.

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

Blush Skin & Soul Spa **enhances the value of The Hill and the surrounding properties** by:

- **Maintaining a well-kept, professional space** that complements the historic nature of the area.
- **Attracting clientele who support other local businesses**, contributing to the area's economic health.
- **Operating in a quiet, appointment-based manner**, ensuring a seamless fit with the surrounding businesses and residences.

Since **no changes have been made to the building or its use**, the presence of Blush Skin & Soul Spa will not negatively impact neighboring property values.

## **5. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship (10.233.25).**

Strict enforcement of the zoning ordinance would create an **unnecessary hardship** due to the **unique conditions of this property and its history**:

- **Blush Skin & Soul Spa has successfully operated in this location for over seven years without any prior concerns.**
- **The landlord encouraged the expansion during COVID**, making it a natural and necessary progression for the business.
- **There are no reasonable alternative uses for this space that would provide the same community and economic benefits.**

Since **no changes were made to the space and none are needed**, denying the variance would create an **artificial and undue burden on the business** without serving the public interest.

---

## **Special Conditions of the Property (10.233.31 & 10.233.32)**

### **1. Historic Character & Mixed-Use Designation**

The Hill is a **unique, historically significant district** that has long supported a **mix of commercial and residential uses**. Blush Skin & Soul Spa fits seamlessly into this environment by **providing a boutique wellness service that complements the area's historic charm and professional atmosphere**.

### **2. Layout & Suitability for a Wellness Business**

- **The existing structure and interior layout** of Units 1-3 are **ideally suited for a spa environment**, with private rooms that create a peaceful, professional setting.
- The spa operates **by appointment only**, ensuring minimal foot traffic and no disruption to the surrounding area.
- Since **no structural or operational changes have been made**, the space remains fully compatible with its intended use.

### **3. Reasonable Use & Lack of Alternative Options**

- **There is no fair and substantial relationship between strict enforcement of zoning regulations and this specific property.**
- **The property cannot be reasonably used in strict conformance with the Ordinance** without causing undue hardship to an already well-established business.

Because **no changes were made and no additional modifications are needed**, the variance is necessary to ensure that Blush Skin & Soul Spa can **continue operating without unnecessary disruption**.

---

## **Conclusion**

Blush Skin & Soul Spa **respectfully requests approval of the variance** to continue operating within **units one through three on the first floor of 408 The Hill**.

This request is made **in good faith**, with a commitment to full compliance with local regulations. The business:

- **Has been a valued part of the Portsmouth business community since 2017.**
- **Employs a team of 10 professionals, supporting the local economy.**
- **Operates seven days a week from 8:00 AM to 8:30 PM by appointment only, ensuring structured client flow.**
- **Provides sufficient parking availability for clients along High Street, Deer Street, and in the Hanover and Foundry garages.**
- **Has made no changes to the space and requires no future modifications.**

I sincerely appreciate the City of Portsmouth's consideration and am committed to **resolving this matter properly**. Please let me know if any additional information is required.

**Best regards,**  
Ashley Taylor  
**Owner, Blush Skin & Soul Spa**  
603-848-0991 (cell)  
603-783-5656 (spa)  
[blushportsmouth@gmail.com](mailto:blushportsmouth@gmail.com)

blushportsmouth.com





Unit 2 (room #1)





Unit 2 (room #2)



hall way (we don't use the second floor – it's just two residential units up there)





Unit 1



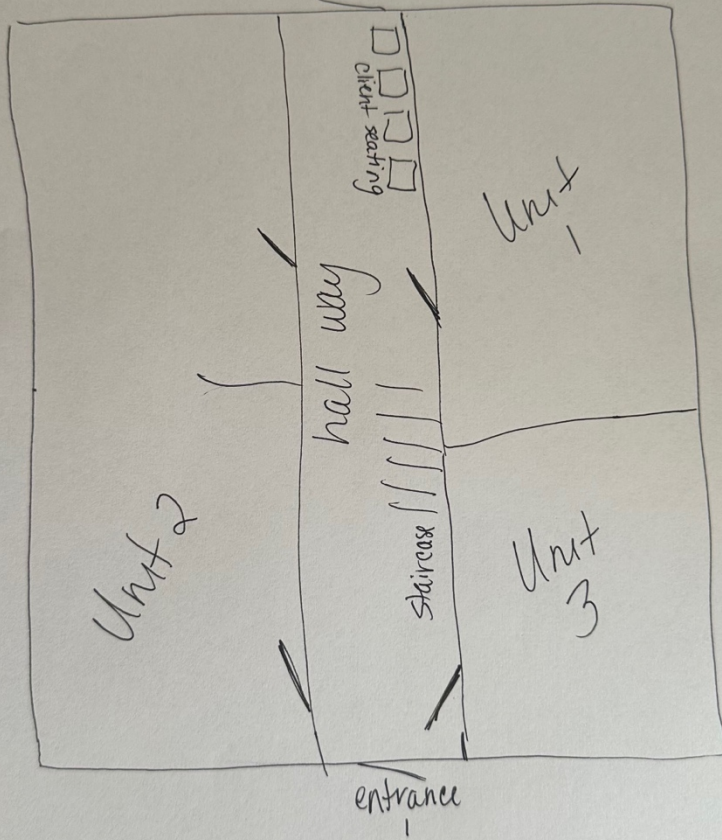
Unit 3



408 The Hill

Hill Courtyard

entrance 2



Garden Way

First floor layout

**The Hill Condo Association**  
Portsmouth, NH 03801

February 19, 2025

City of Portsmouth

Subject: Unit 408, The Hill

To Whom it may concern.

On behalf of The Hill Condo Association, this letter serves as confirmation that Blush Skin & Soul Spa has been approved by the condo association to operate within units one through three on the first floor of 408 The Hill, Portsmouth, NH.

Please let us know if any further documentation or information is required.

Sincerely,

	<small>dotloop verified 02/19/25 11:59 AM EST AKDQ-747H-XOU6-MZZD</small>
--	---

Douglas Palardy

President

The Hill Condo Association

603-501-9999