

**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.

May 27, 2025

AGENDA

I. OLD BUSINESS

- A. The request of **Mezansky Family Revocable Trust (Owners)**, for property located at **636 Lincoln Avenue** whereas relief is needed to demolish an existing detached garage and to construct an addition to the primary structure which requires the following: 1) Variance from Section 10.521 to a) allow a 2 foot left side yard setback where 10 feet is required; b) allow a 12.5 foot rear yard setback where 20 feet is required; c) allow 39% building coverage where 25% is the maximum allowed; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 148 Lot 17 and lies within the General Residence A (GRA) District. (LU-25-27)

II. NEW BUSINESS

- A. The request of **Jeannette MacDonald (Owner)**, for property located at **86 Farm Lane** whereas relief is needed to subdivide the existing property into 3 separate lots. The proposed parent lot requires the following: 1) Variance from Section 10.521 to allow a) 28-foot rear yard setback where 30 feet is required; and b) 23-foot secondary front yard where 30 feet is required. Proposed lot 1 requires the following: 2) Variance from Section 10.521 to allow a) 10,664 s.f. of lot area where 15,000 s.f. is required; b) 10,664 s.f. of lot area per dwelling unit where 15,000 s.f. is required; and c) 75 feet of continuous street frontage where 100 feet is required. Proposed lot 2 requires the following: 3) Variance from Section 10.521 to allow a) 11,250 s.f. of lot area where 15,000 s.f. is required; b) 11,250 s.f. of lot area per dwelling unit where 15,000 s.f. is required; and c) 75 feet of continuous street frontage where 100 feet is required. Said property is located on Assessor Map 236 Lot 74 and lies within the Single Residence B (SRB) District. (LU-25-67)

- B.** The request of **Giri Portsmouth 505 Inc (Owner)**, for property located at **505 US Route 1 Bypass** whereas relief is needed to develop additional parking and an Electric Vehicle Charging Station which requires the following: 1) Variance from Section 10.5B83.10 for off-street parking spaces to be located between the principal building and a street or within any required perimeter buffer area; 2) Variance from Section 10.1113.20 for off-street parking spaces located in a front yard, or between a principal building and a street (including on a corner lot). Said property is located on Assessor Map 234 Lot 5 and lies within the Gateway Corridor (G1) District. (LU-25-66)

- C.** The request of **Troy Allan & Colleen Elizabeth Blanchard (Owners)**, for property located at **205 Broad Street** whereas relief is needed to demolish an existing screened porch and construct an addition with a first floor deck which requires the following: 1) Variance from Section 10.521 to a) allow a front yard setback of 7 feet where 15 feet is required; b) allow a rear yard setback of 10 feet where 20 feet is required; c) allow building coverage of 46% where 25% is allowed; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 130 Lot 16 and lies within the General Residence A (GRA) District. (LU-25-68)

- D.** The request of **Wendy M Freedman (Owner)**, for property located at **911 South Street #3** whereas relief is needed to demolish an existing deck and construct a 100 s.f. addition which requires the following: 1) Variance from Section 10.521 to allow a side yard setback of 5 feet where 10 feet is required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 132 Lot 19 C and lies within the General Residence A (GRA) District. (LU-25-59)

III. 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_X3i99tOySLSHsI3MfpHAIA



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

MEMORANDUM

TO: Zoning Board of Adjustment
FROM: Jillian Harris, Principal Planner
DATE: May 21, 2025
RE: Zoning Board of Adjustment May 27, 2025

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

I. Old Business

- A. 636 Lincoln Avenue

II. New Business

- A. 86 Farm Lane
- B. 505 U.S. Route 1 Bypass
- C. 205 Broad Street
- D. 911 South Street #3

I. OLD BUSINESS

- A.** The request of **Mezansky Family Revocable Trust (Owners)**, for property located at **636 Lincoln Avenue** whereas relief is needed to demolish an existing detached garage and to construct an addition which requires the following: 1) Variance from Section 10.521 to a) allow a 2 foot left side yard setback where 10 feet is required; b) allow a 12.5 foot rear yard setback where 20 feet is required; c) allow 39% building coverage where 25% is the maximum allowed; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 148 Lot 17 and lies within the General Residence A (GRA) District. (LU-25-27)

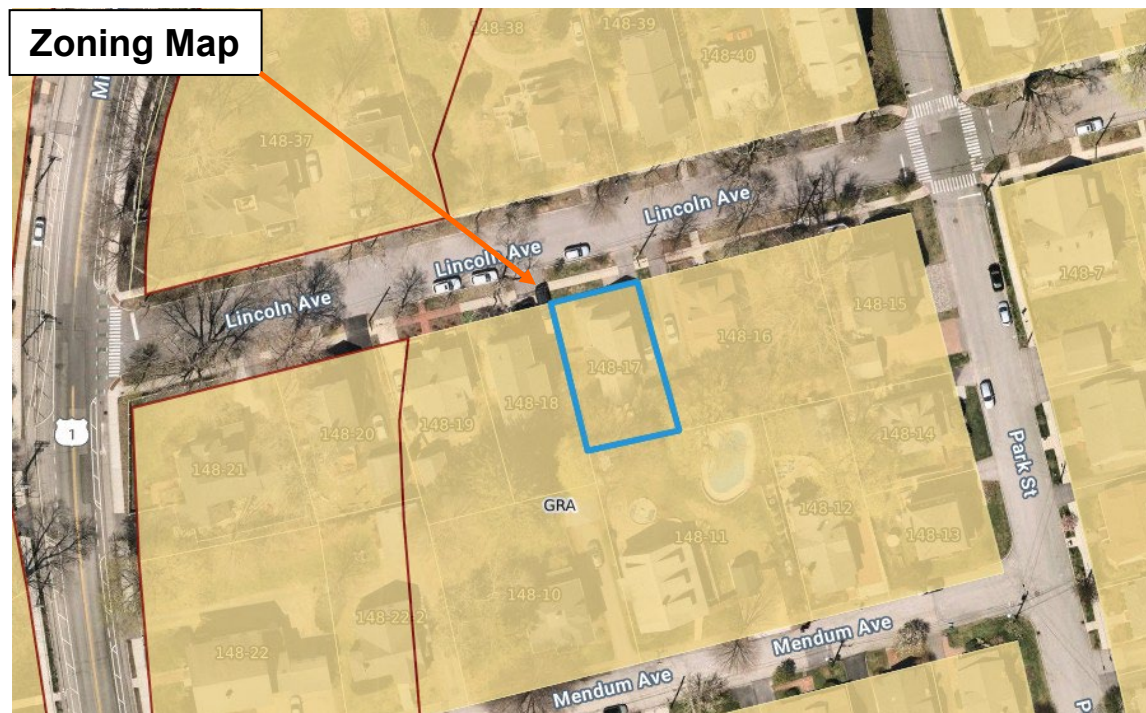
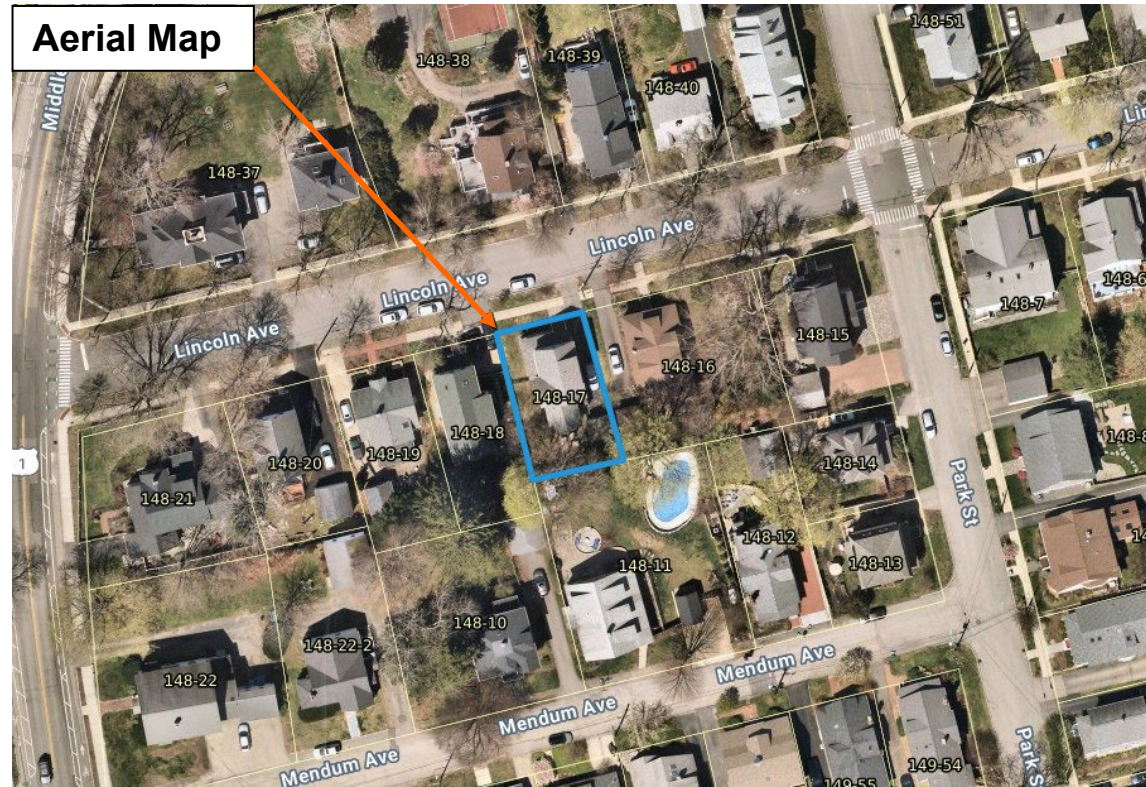
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Demo Garage and Construct Rear Addition to Primary	Primarily Residential
<u>Lot area (sq. ft.):</u>	4,250	4,250	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,250	4,250	7,500 min.
<u>Lot depth (ft.):</u>	85	85	100 min.
<u>Street Frontage (ft.):</u>	50	50	70 min.
<u>Front Yard (ft.):</u>	10	10	15 min.
<u>Right Side Yard (ft.):</u>	Primary Structure: 10.6	Primary:10.6 Addition: >10	10 min.
<u>Left Side Yard (ft.):</u>	Garage: 0	Addition:2	10 min.
<u>Rear Yard (ft.):</u>	Garage: 2 Primary: 22.8	Addition: 12.5	20 min.
<u>Building Coverage (%):</u>	36.3	39	25 max.
<u>Open Space Coverage (%):</u>	55	52	30 min.
<u>Parking</u>	<2	2	2
<u>Estimated Age of Structure:</u>	1913	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **October 16, 2012** - A Variance from Section 10.321 and Section 10.324 to allow a lawful nonconforming building to be extended or enlarged in a manner that is not in conformity with the Zoning Ordinance. A Variance from Section 10.521 to allow a building coverage of 38.4%± where 36.8%± exists and 25% is the maximum allowed. The Board voted to **grant** the request as advertised and presented.

Planning Department Comments

The applicant is requesting to demolish an existing detached garage and to construct a one-story addition to the existing home to expand the living area. The addition is proposed to blend with the design of the primary structure and will require relief for rear and side yard setbacks, building coverage and for an extension/enlargement of an existing non-conforming structure.

Variance Review Criteria

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

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

10.235 Certain Representations Deemed Conditions

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

**Portsmouth, NH - Board of Adjustment
636 Lincoln Ave. – Request for Variance**

Date: 05.12.25

Revised from submitted application 02.20.25 on Viewpoint.

Chairman of the Board of Adjustment
C/O Planning Department City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

RE: Request for variance of setbacks on both the left and rear property lines. Additionally, we are requesting lot coverage relief where current lot coverage is 36.3% of an additional 2.3% for a total of 38.6% where 25% is allowed.

To The Board of Adjustment Members,

Please find this statement addressing the requirements for a variance on the proposed project located at 636 Lincoln Ave.

Overview:

The existing single-family structure was purchased by Michael and Samantha Mezansky July of 2021 as a home to raise a family in and be part of our community. They now have two children and are indeed actively involved in pre-school, friends and family who live locally. We are proposing an addition to the house to make it more family friendly for modern living. The addition will include a mudroom entry, bathroom and a playroom/ office off the kitchen that can double as a guest space.

Per Section 10.322 – In order to comply to current building codes, we are not able to build the structure without expanding the gross footprint. We are proposing removing an existing dilapidated garage that sits on the left property line and just off the rear property line. Then we would add a structure to the house two feet off the left property line and 12'-10" off the back property line to make the addition less non-conforming than existing conditions.

Per Section 10.322 – We are proposing that the addition will be single story with a hip roof to balance the front porch design and stay lower than the previous addition off the back roofline, thus, keeping the main ridge height as the highest roof plane. The current property is 36.3% lot coverage and we are requesting 38.6% lot coverage where 25% is allowed.

Keeping in mind the 5 Criteria:

Per Section 10.322.21 – *The new structure would be in staying within the character of the neighborhood.*

- The houses in the neighborhood are a mix of New Englanders, Bungalows, Multi-family, Victorians and Four Squares. This variety is what creates a beautiful and unique Portsmouth. Many of the houses in the neighborhood have done additions that are similar in function and design to this proposed project.

Per Section 10.322.22 – *It would improve the safety and health of the homeowners and the neighborhood.*

- Currently, the garage is not only an eyesore but is unsafe for the kids to be in. It is built out of cinderblock and has a definitive mold / must issue. Granting the variance would observe the spirit of the Ordinance.

Per Section 10.322.23 – *Substantial justice is done.*

- No harm will be done to the neighborhood or community should this application be granted.

Per Section 10.233.24 – *The value of the surrounding properties is not diminished.*

- The neighborhood would improve with this proposed structure introduced into the neighborhood. Over the last ten years, a lot of work has been done to the houses in this neighborhood and they will be joining the ranks of updated homes bringing them into modern family living.

Per Section 10.233.25 – *Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.*

- The lot is a modest .10 acre (4,250 sf) and the homeowners need to make every square inch work for them with two small children. When we applied for the April ZBA meeting, the Portsmouth Map Geo had the acreage as .13 then we were informed later that the acreage did not align with the Map Geo lot size or the property Deed in the Accessor's office. With this confusion we have been moved back another month to this May meeting. We are requesting lot coverage relief for a modest 2.3% while we try to improve the use of this small lot.
- The current garage sits on the back and left side property line in proximity to the direct abutter. We can provide some relief by removing the existing garage and trading that footprint for living space.
- The existing home is a series of defined rooms. With this addition we are proposing a plan that creates an updated floor plan for family living while still being able to work from home.
- We have explored doing an addition off to the right side of the property, but the proximity to that neighbor felt invasive given the interior layout of both homes, the design was out of balance with the existing home design and the

driveway is currently located on the left side of the property and they really need a mudroom directly off the parking area.

With all due respect to the board, we request that you grant this variance for the Mezansky family.

Respectfully submitted,

Amy Dutton
Amy Dutton Home
9 Walker Street
Kittery, Maine 03904
amy@amyduttonhome.com
207-337-2020

PHOTOS OF PROPERTY:

FRONT ELEVATION:



FRONT LEFT SIDE:



FRONT RIGHT SIDE:



BACK RIGHT SIDE:

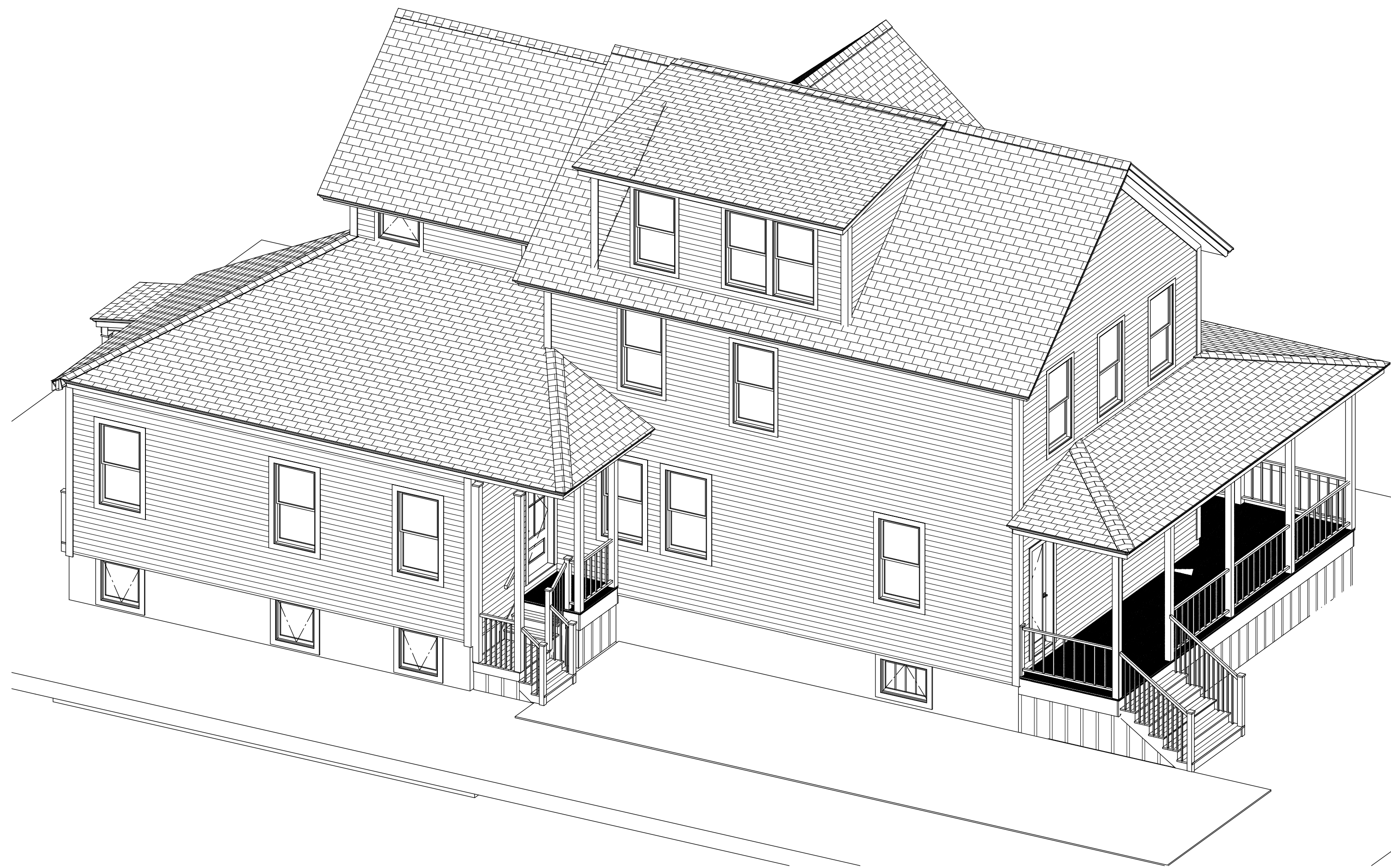


GARAGE FRONT:



GARAGE RIGHT SIDE:





@AMY DUTTON HOME
DRAWINGS USED EXPRESSIVELY FOR
DESIGN ONLY FOR NOTED CLIENT. ALL
STRUCTURAL ENGINEERING PROVIDED BY
OTHER.

Building contractor / home owner to review and verify all
dimensions, specs and connections before construction
begins.
ELECTRICAL SYSTEM CODE: IEC 2017
MECHANICAL SYSTEM CODE: IMC 2015
PLUMBING SYSTEM CODE: 2021 Uniform Plumbing Code

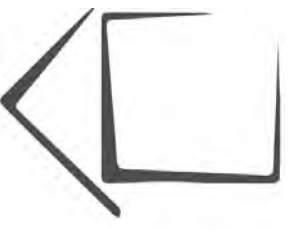
DIM DISCLAIMER

BUILDING CONTRACTOR/HOME OWNER
TO REVIEW AND VERIFY ALL DIMENSIONS,
SPECS, AND CONNECTIONS BEFORE
CONSTRUCTION BEGINS.

OVERVIEW

SCALE: NTS

Layout Page Table		
Label	Page Number	Title
O-1	1	OVERVIEW
S-1	2	SITE PLAN
G-1	3	GENERAL NOTES
G-2	4	GENERAL NOTES
G-3	5	GENERAL NOTES
R-1	6	RENOVATION PLAN
A-1	7	FOUNDATION
A-2	8	FIRST FLOOR
A-3	9	SECOND FLOOR
A-4	10	ELEVATIONS
A-5	11	ELEVATIONS
A-6	12	ELEVATIONS



Revision Table

Number Date Description

OVERVIEW

CLIENT: MEZANSKY RESIDENCE
636 Lincoln Ave
Portsmouth, NH 03801

CONTACT: ABRIGO HOME
PO BOX 1564
PORTSMOUTH, NH 03801
207.345.6050

DATE:

5/12/2025

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HOME 2022

SCALED FOR:
24" X 36"

SCALE:

SEE SCALE
ON DRAWINGS

SHEET:

O-1

CALCULATIONS

ZONING MAXIMUMS:
front setback: 15'
rear setback: 20'
side setbacks: 10'
lot coverage: 25%

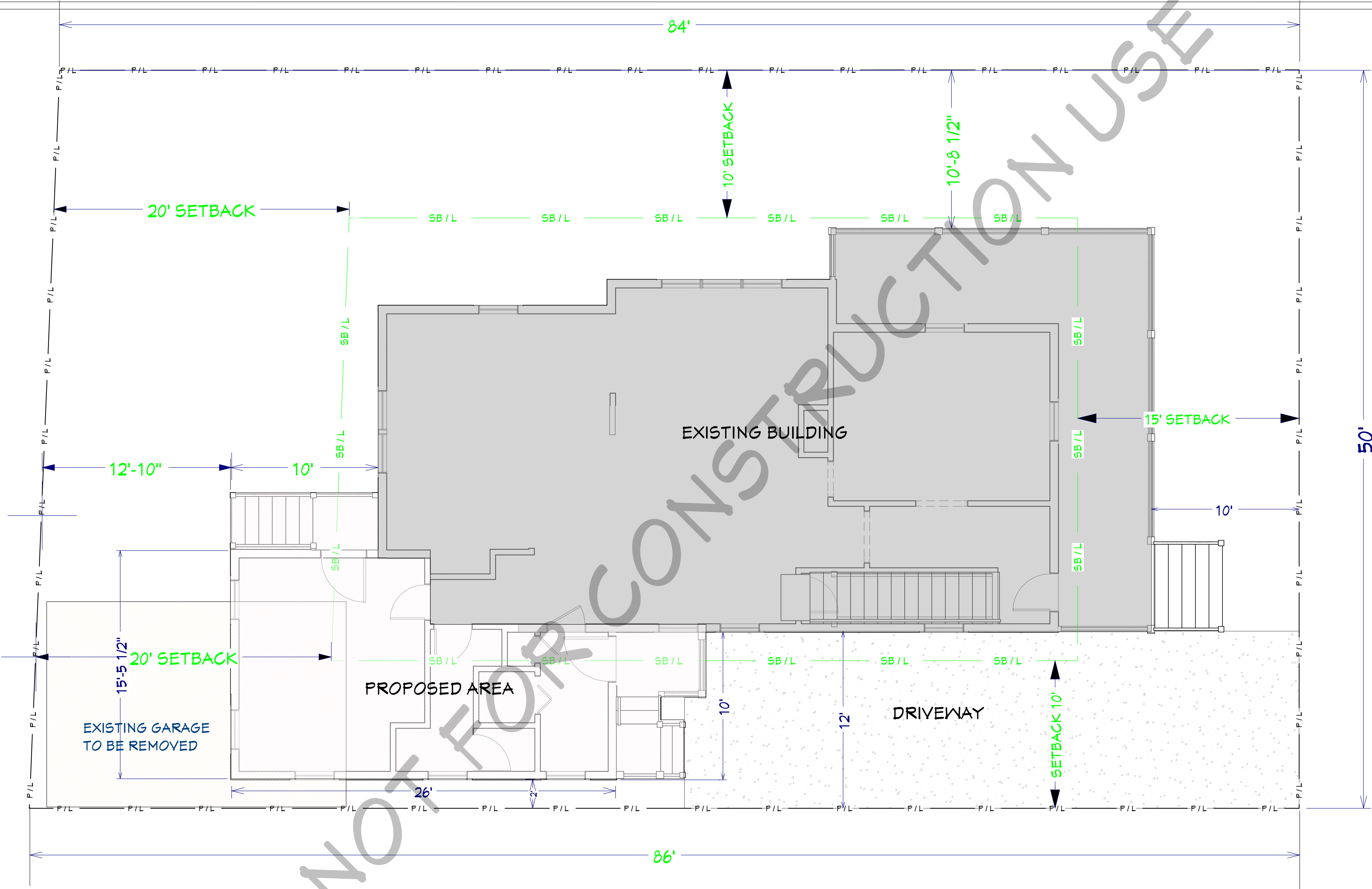
EXISTING CONDITIONS:
LOT SIZE: 0.10 ACRES
FRONT/REAR HEIGHT:
31.7' EXISTING RIDGE HT FROM FRONT GRADE
29' 6" EXISTING RIDGE HT FROM BACK GRADE
LIVABLE SF: 2,402 SF
FIRST FLOOR 966 SF (675 + 291)
SECOND FLOOR 930 SF (675 + 255)
TREE QUARTER STORY 506 SF
GROSS SF: 4,115 SF
FIRST FLOOR 966 SF
SECOND FLOOR 930 SF
TREE QUARTER STORY 675 SF
BASEMENT 711 SF
CRAWL SPACE 255 SF
PORCH (246 + 24) 270 SF
GARAGE 308 SF
AREA OF FOOTPRINT: 1,544 SF
First Floor (966sf) + Porch (270sf) + Garage (308sf)
EXISTING SETBACKS:
FRONT: 10'
REAR: 2'
LEFT: 0'
RIGHT: 10'-8"
EXISTING LOT COVERAGE: 36.3%
EXISTING PARCEL AREA: 4,250 SF

PROPOSED CONDITIONS:
FRONT/REAR HEIGHT:
19' PROPOSED RIDGE HT FROM FRONT GRADE
19' PROPOSED RIDGE HT FROM BACK GRADE
LIVABLE SF: 2,753 SF
FIRST FLOOR 1,317 SF (966 + 351)
SECOND FLOOR 930 SF
TREE QUARTER STORY 506 SF
GROSS SF: 4,592 SF
FIRST FLOOR 1,317 SF
SECOND FLOOR 930 SF
TREE QUARTER STORY 675 SF
BASEMENT 1,092 SF (711 + 351)
CRAWL SPACE 255 SF
FRONT PORCH 246 SF
BACK AND ENTRY PORCH 77 SF
AREA OF FOOTPRINT: 1,640 SF
PROPOSED SETBACKS:
FRONT: 10'
REAR: 12'-10"
LEFT: 2'
RIGHT: 10'-8"
PROPOSED LOT COVERAGE: 38.6%
EXISTING PARCEL AREA: 4,250 SF

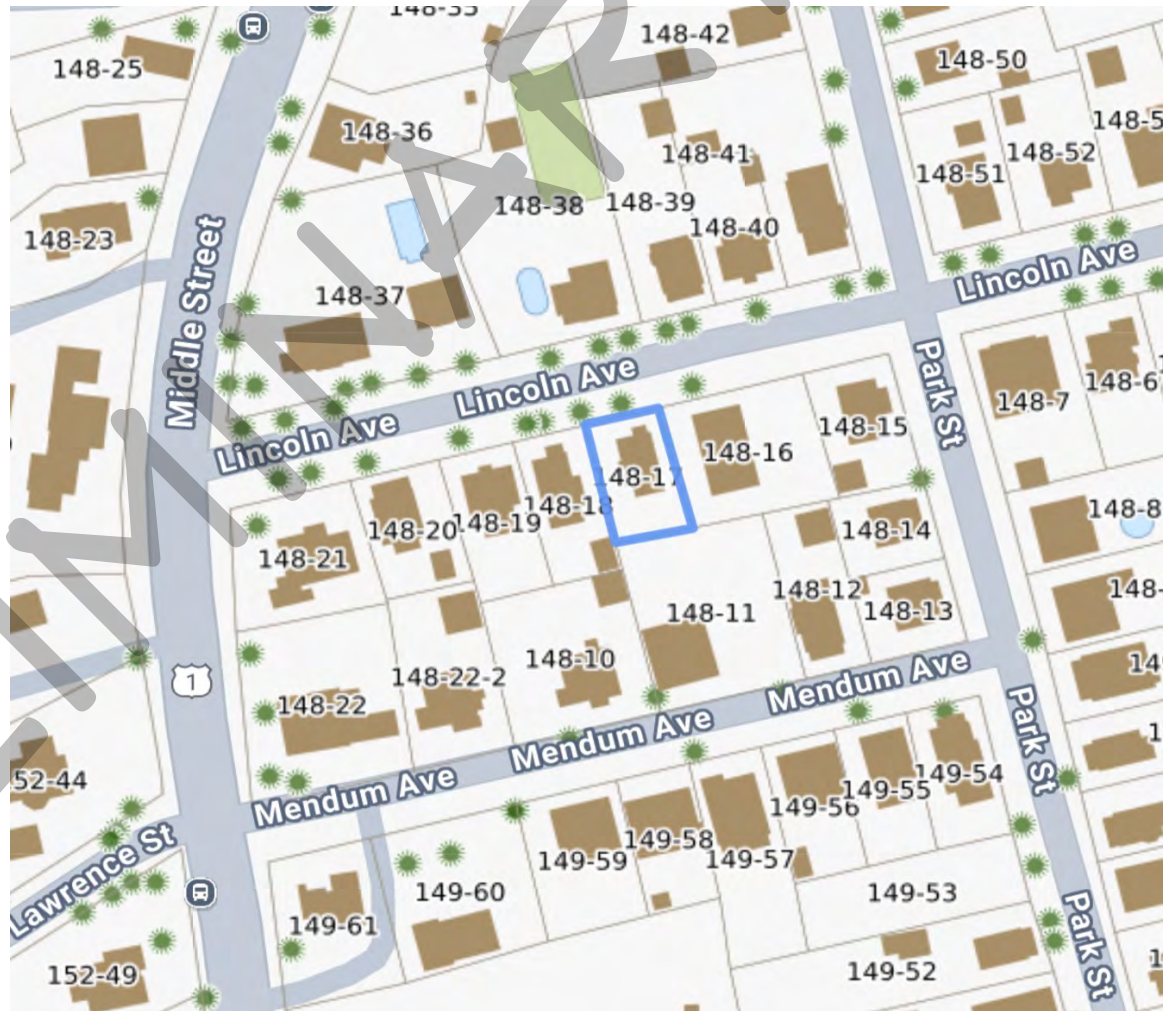
DRIVEWAY: 482 SF

CAD BLOCK GUIDE

- EXISTING FOOTPRINT (1,236 SQFT)
- EXISTING GARAGE TO BE REMOVED (308 SF)
- PROPOSED ADDITION (428 SQFT)
LIVING: 351 SF + PORCHES (77 SF)



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



SITE LOCATION



MAP VIEW

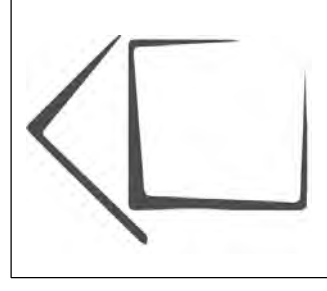
MEASUREMENTS PROVIDED BY CITY OF PORTSMOUTH, MAP GEO



SITE PLAN



EXISTING CONDITION PHOTO



Revision Table	
Number	Description

SITE PLAN

CLIENT:
MEZANSKY RESIDENCE
636 Lincoln Ave
Portsmouth, NH 03801

CONTACT:
ABRIGO HOME
PO BOX 1564
PORTSMOUTH, NH 03801
207.345.6050

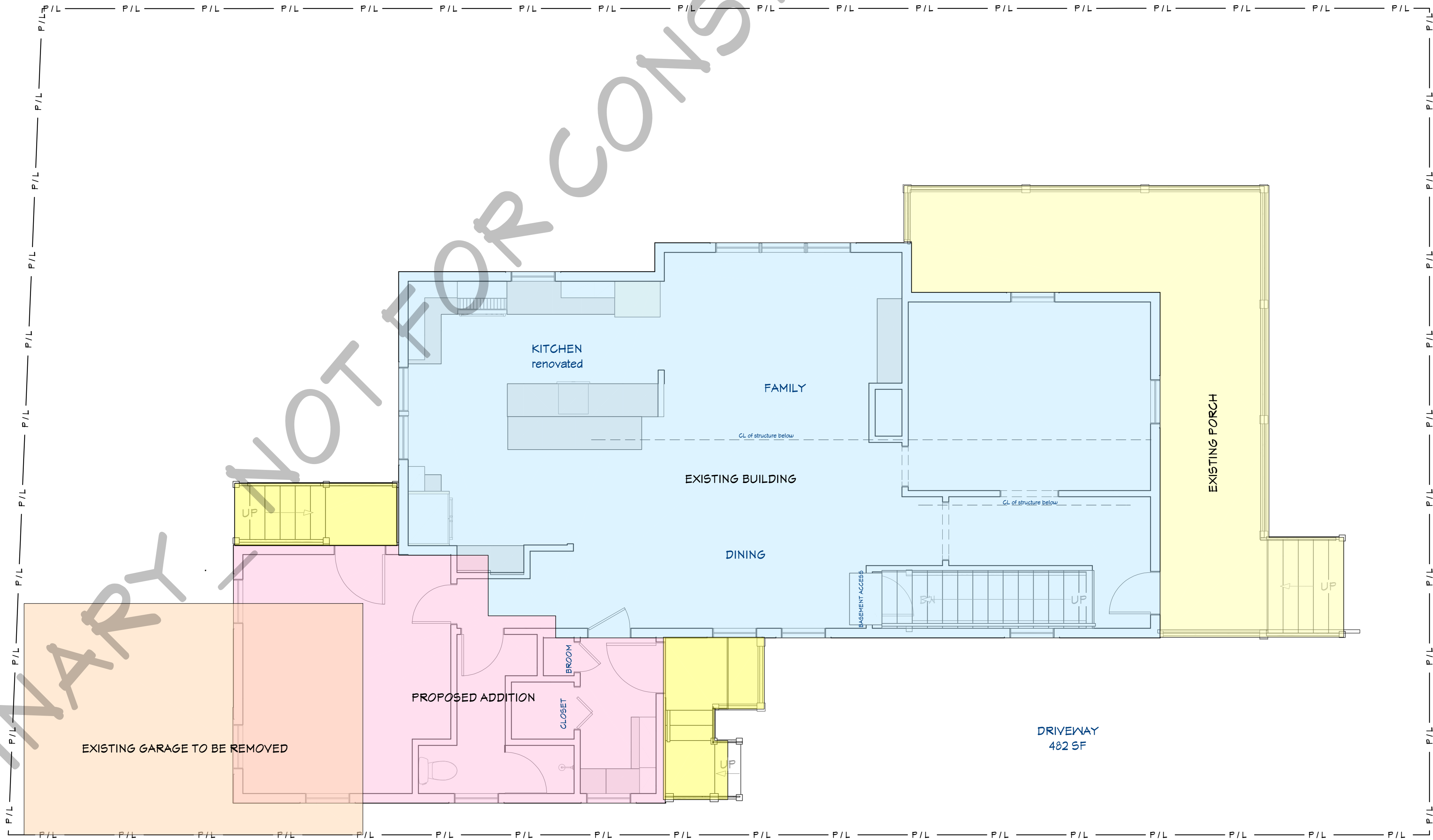
DATE:
5/12/2025
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24" X 36"
SCALE:
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SHEET:

DEMOLITION NOTES

- GENERAL NOTES
1. PROVIDE SELECTIVE DEMOLITION TO REMOVE EX. FLOOR, WALLS, CEILING, WINDOWS AND ROOF SYSTEMS IDENTIFIED. CONFIRM EXACT LOCATION W/ DESIGNER AND CIVIL ENGINEER PRIOR TO SELECTIVE DEMOLITION COMMENCEMENT. CONSULT WITH DESIGN PROFESSIONAL FOR ALL REQUIRED TEMPORARY SHORING AND SUPPORTS.
 2. CUT EXISTING FOUNDATION TO LOCATION IDENTIFIED AND PREPARE FOR NEW FOUNDATION WALL.
 3. EXISTING FOUNDATION WALL TO BE CUT AND REMAIN IN PLACE. REMOVE SILL PLATES OR OTHER LUMBER AND CUT BACK ANCHOR BOLTS TO TOP OF WALL. FILL VOID WITH SAND AND/ OR SOILS CONSISTENT WITH SURROUNDING MATERIALS.

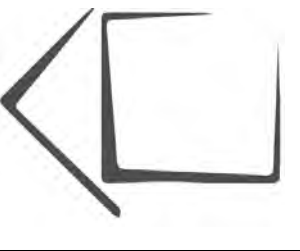
CAD BLOCK GUIDE

- EXISTING FOOTPRINT (966 SQFT)
- EXISTING FRONT PORCH (246 SQFT)
- EXISTING GARAGE TO BE REMOVED (308 SQFT)
EXISTING BACK PORCH TO BE REMOVED (24 SQ FT)
- PROPOSED ADDITION (351 SQFT)
- PROPOSED NEW PORCHES (11 SQ FT)



RENOVATION PLAN

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



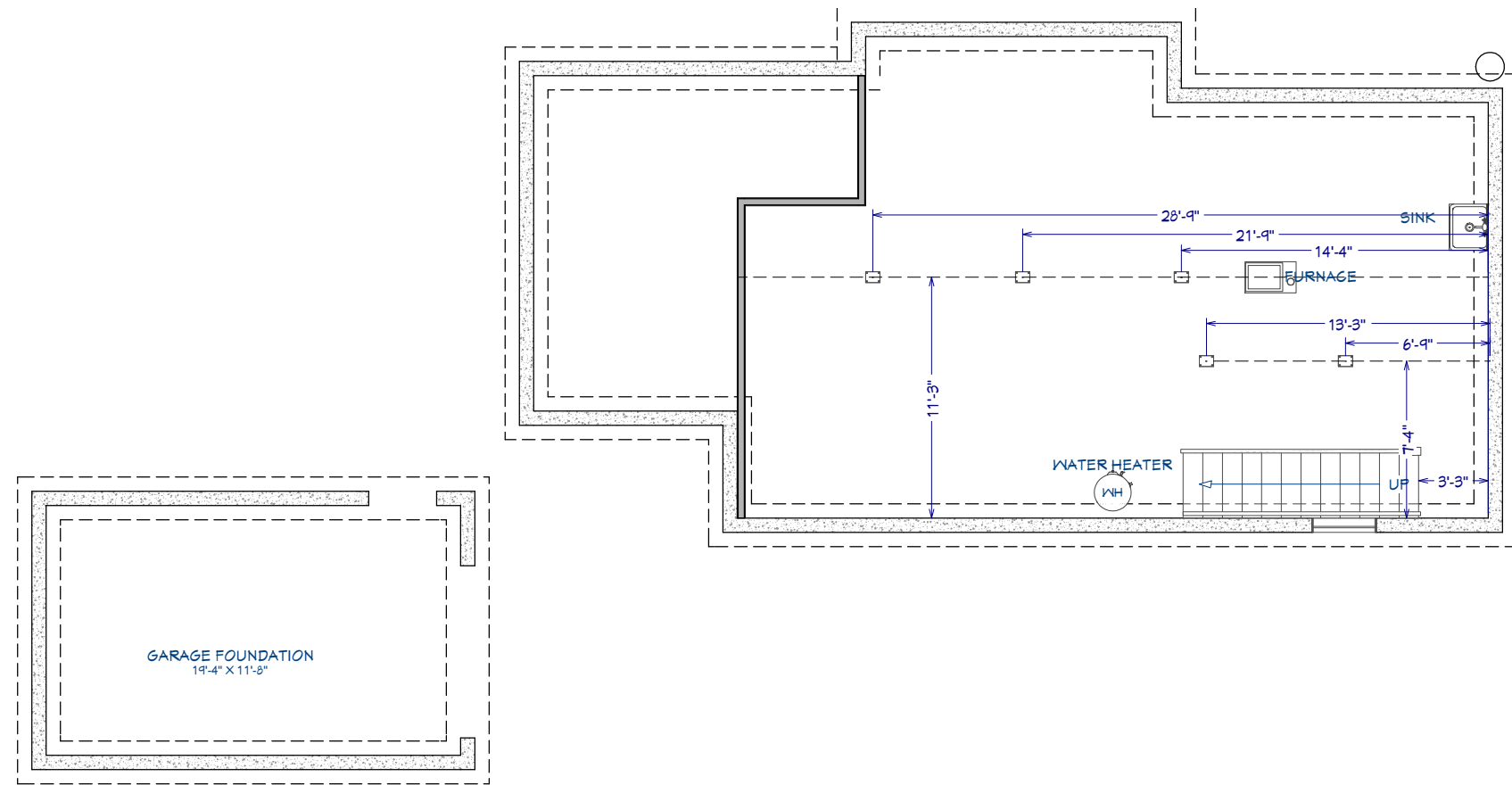
Revision Table	
Number	Date

RENOVATION PLAN

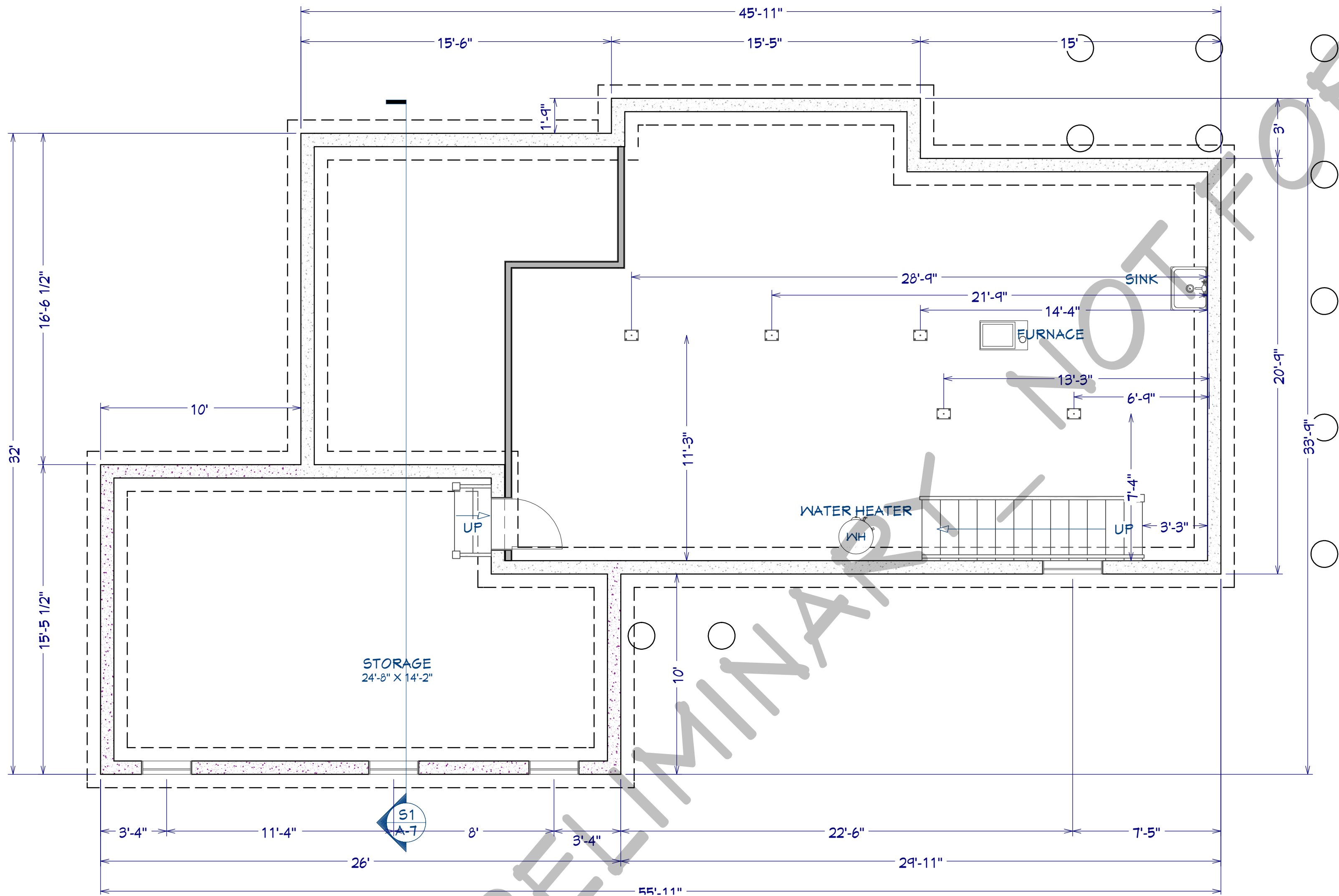
CLIENT: MEZANSKY RESIDENCE
636 Lincoln Ave
Portsmouth, NH 03801

CONTACT: ABRIGO HOME
PO BOX 1564
PORTSMOUTH, NH 03801
207.345.6050

DATE:
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SHEET:
R-1



EXISTING FOUNDATION PLAN
SCALE: 1/8" = 1'-0"



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

WALL SCHEDULE		
2D SYMBOL	WALL TYPE	TOTAL LENGTH
	NEW SIDING-6	108'-6"
	NEW INTERIOR-4	54'-9 11/16"
	SIDING-6	448'-8 15/16"
	INTERIOR-4	210'-5 3/8"
	NEW 8" CONCRETE STEM WALL	61'-5 1/16"
	INTERIOR RAILING	85'-0 1/2"
	GLASS SHOWER	11'-5 1/4"
	DEMO INTERIOR-4	1'-11 7/8"
	EXISTING 8" CONCRETE STEM WALL	138'

Revision Table	
Number	Date

FOUNDATION

CLIENT: MEZANSKY RESIDENCE
636 Lincoln Ave
Portsmouth, NH 03801

CONTACT: ABRIGO HOME
PO BOX 1564
PORTSMOUTH, NH 03801
207.345.6050

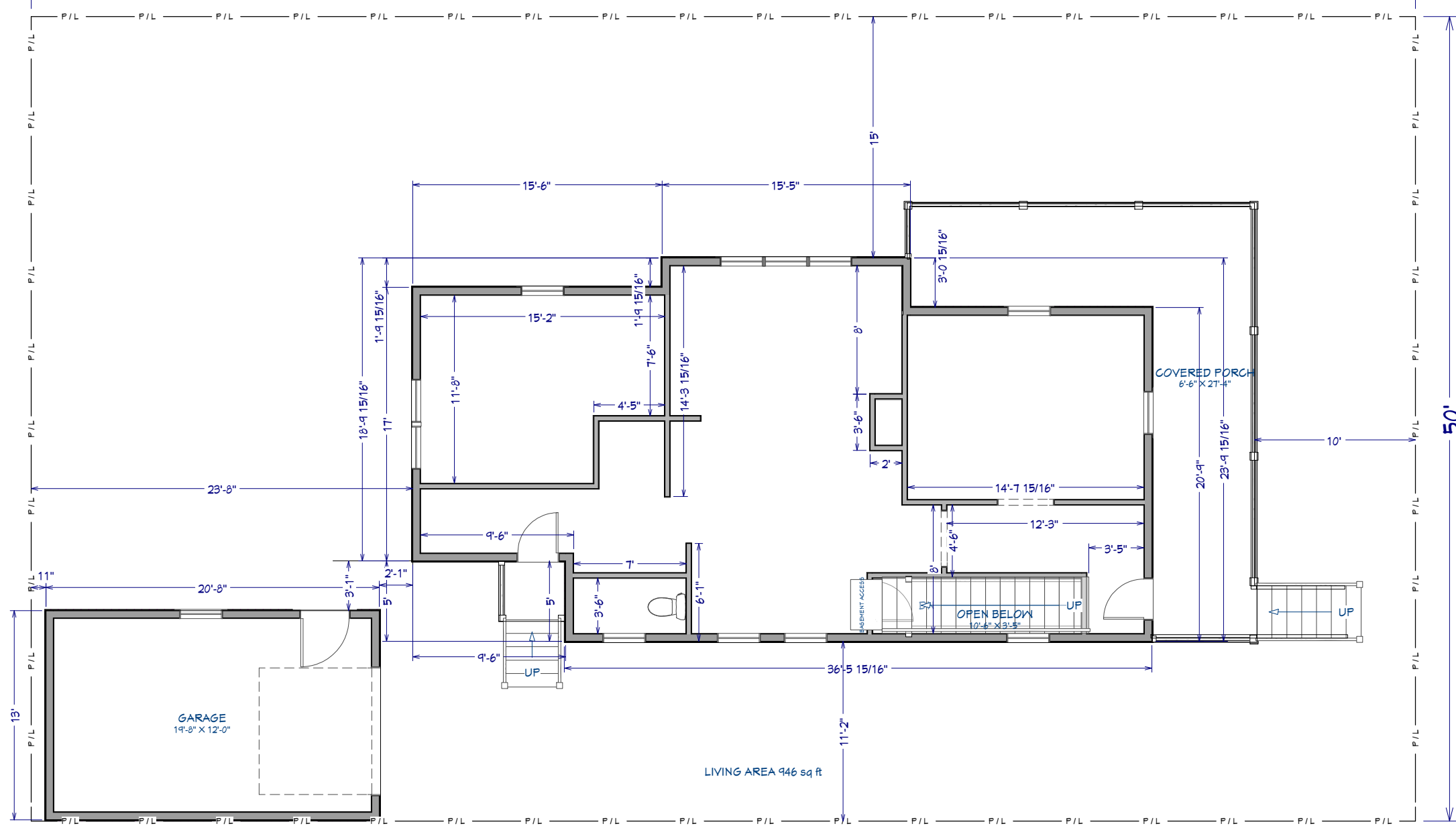
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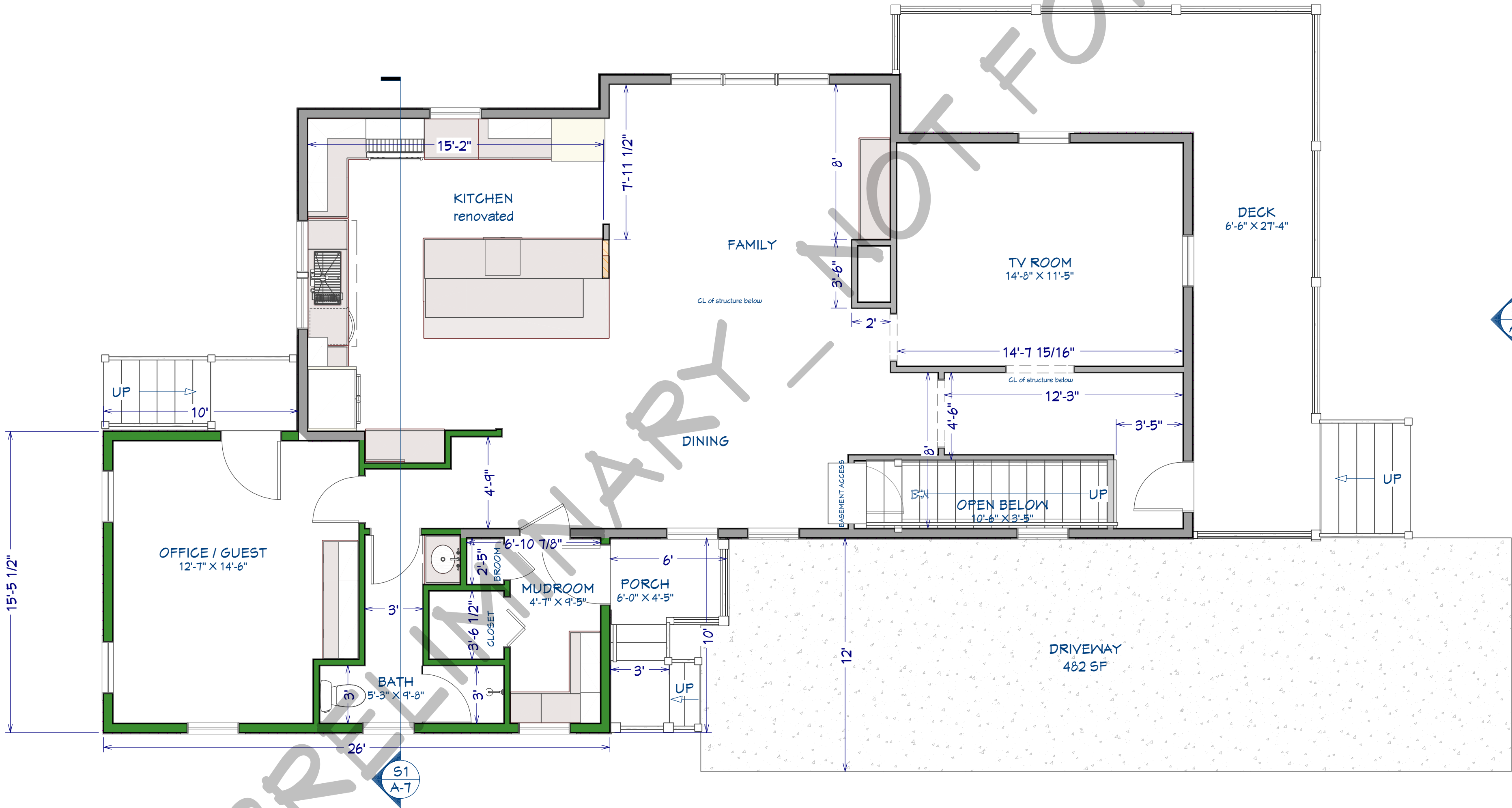
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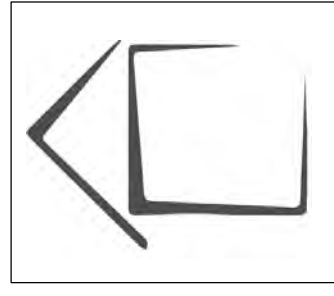


EXISTING FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



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

WALL SCHEDULE		
2D SYMBOL	WALL TYPE	TOTAL LENGTH
	NEW, SIDING-6	108'-6"
	NEW, INTERIOR-4	54'-9 11/16"
	SIDING-6	448'-8 15/16"
	INTERIOR-4	210'-5 3/8"
	NEW 8" CONCRETE STEM WALL	61'-5 1/16"
	INTERIOR RAILING	85'-0 1/2"
	GLASS SHOWER	11'-5 1/4"
	DEMO, INTERIOR-4	1'-11 7/8"
	EXISTING 8" CONCRETE STEM WALL	138'



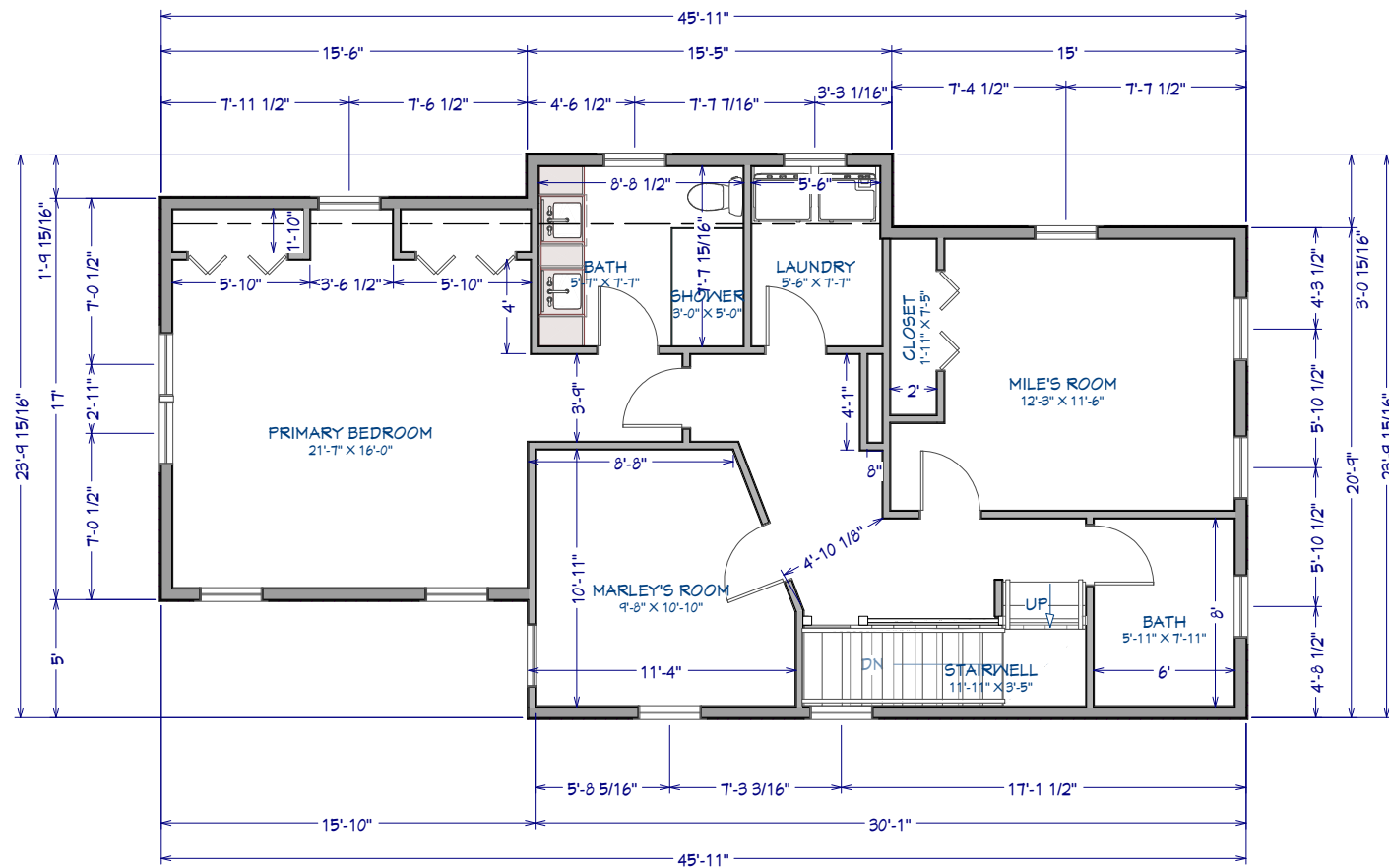
Revision Table	
Number	Date

FIRST FLOOR

CLIENT: MEZANSKY RESIDENCE
636 Lincoln Ave
Portsmouth, NH 03801

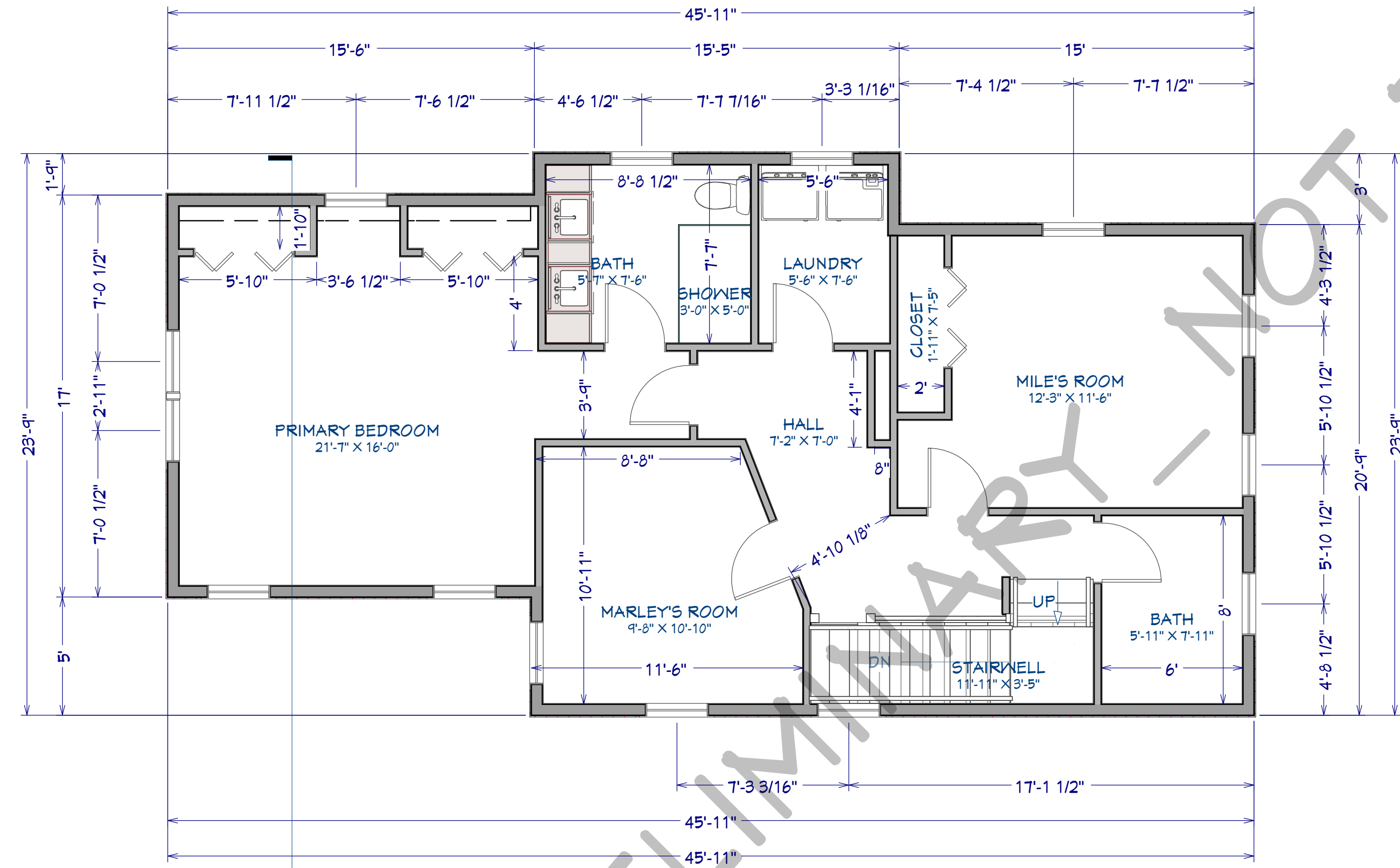
CONTACT: ABRIGO HOME
PO BOX 1564
PORTSMOUTH, NH 03801
207.345.6050

DATE: 5/12/2025
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SCALE: SEE SCALE ON DRAWINGS
SHEET: A-2



EXISTING SECOND FLOOR PLAN

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

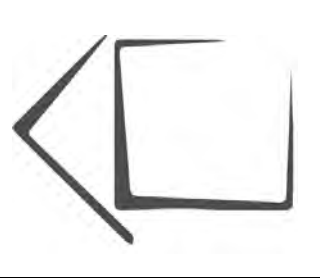


SECOND FLOOR PLAN REMAIN AS IS

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

WALL SCHEDULE

WALL SCHEDULE		
2D SYMBOL	WALL TYPE	TOTAL LENGTH
	NEW, SIDING-6	108'-6"
	NEW, INTERIOR-4	54'-4 11/16"
	SIDING-6	448'-8 15/16"
	INTERIOR-4	210'-5 3/8"
	NEW 8" CONCRETE STEM WALL	61'-5 1/16"
	INTERIOR RAILING	85'-0 1/2"
	GLASS SHOWER	11'-5 1/4"
	DEMO, INTERIOR-4	1'-11 7/8"
	EXISTING 8" CONCRETE STEM WALL	138'



Revision Table	
Number	Description

SECOND FLOOR

CLIENT:
MEZANSKY RESIDENCE
636 Lincoln Ave
Portsmouth, NH 03801

CONTACT:
ABRIGO HOME
PO BOX 1564
PORTSMOUTH, NH 03801
207.345.6050

DATE:

5/12/2025

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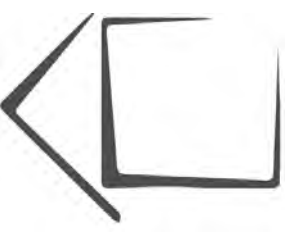
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24" X 36"

SCALE:

SEE SCALE
ON DRAWINGS

SHEET:

A-3



Revision Table	
Number	Description

ELEVATIONS

CLIENT:
MEZANSKY RESIDENCE
636 Lincoln Ave
Portsmouth, NH 03801

CONTACT:
ABRIGO HOME
PO BOX 1564
PORTSMOUTH, NH 03801
207.345.6050

DATE:

5/12/2025

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SCALED FOR:
24" X 36"

SCALE:

SEE SCALE
ON DRAWINGS

SHEET:

A-4



EXISTING FRONT VIEW



EXISTING FRONT ELEVATION

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

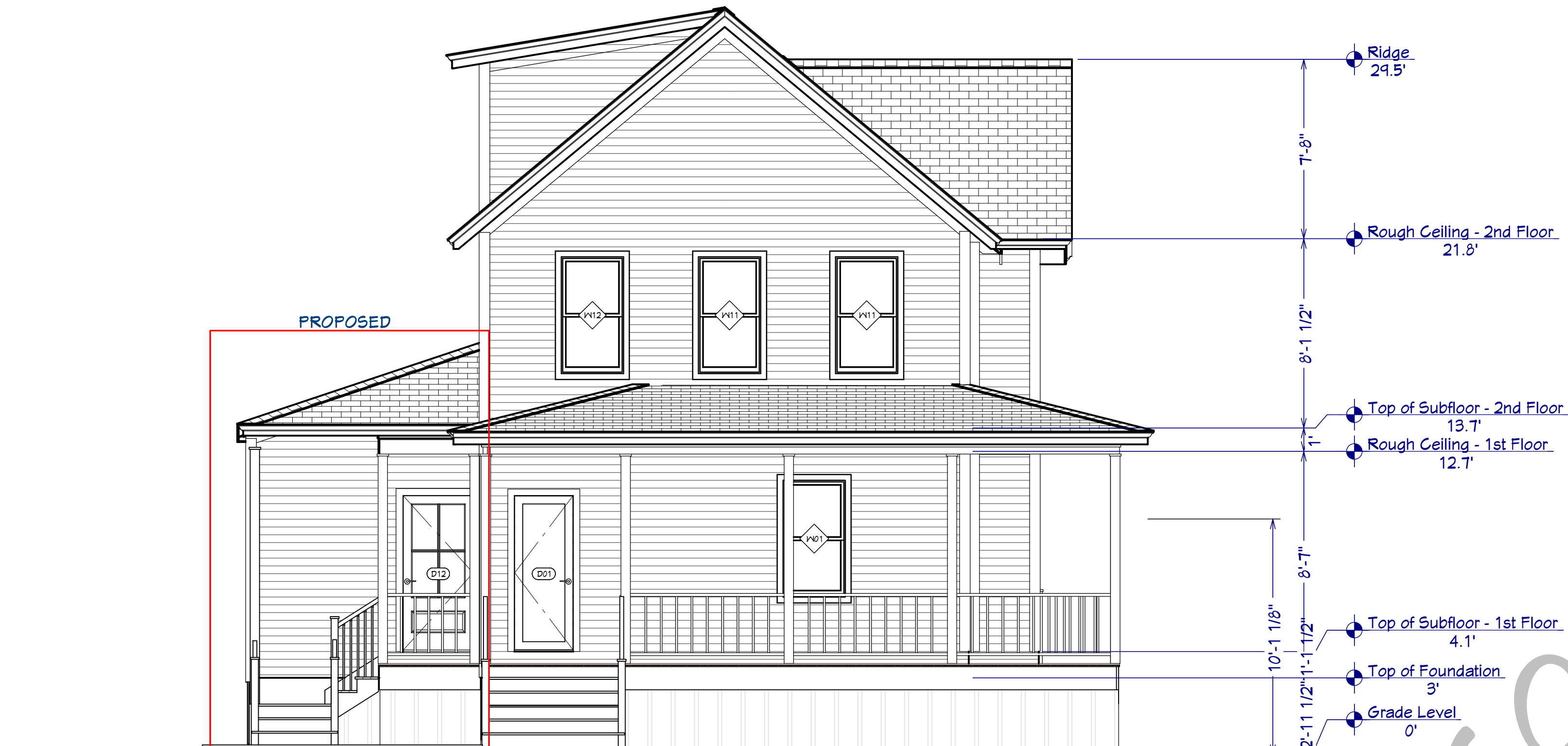


EXISTING REAR VIEW



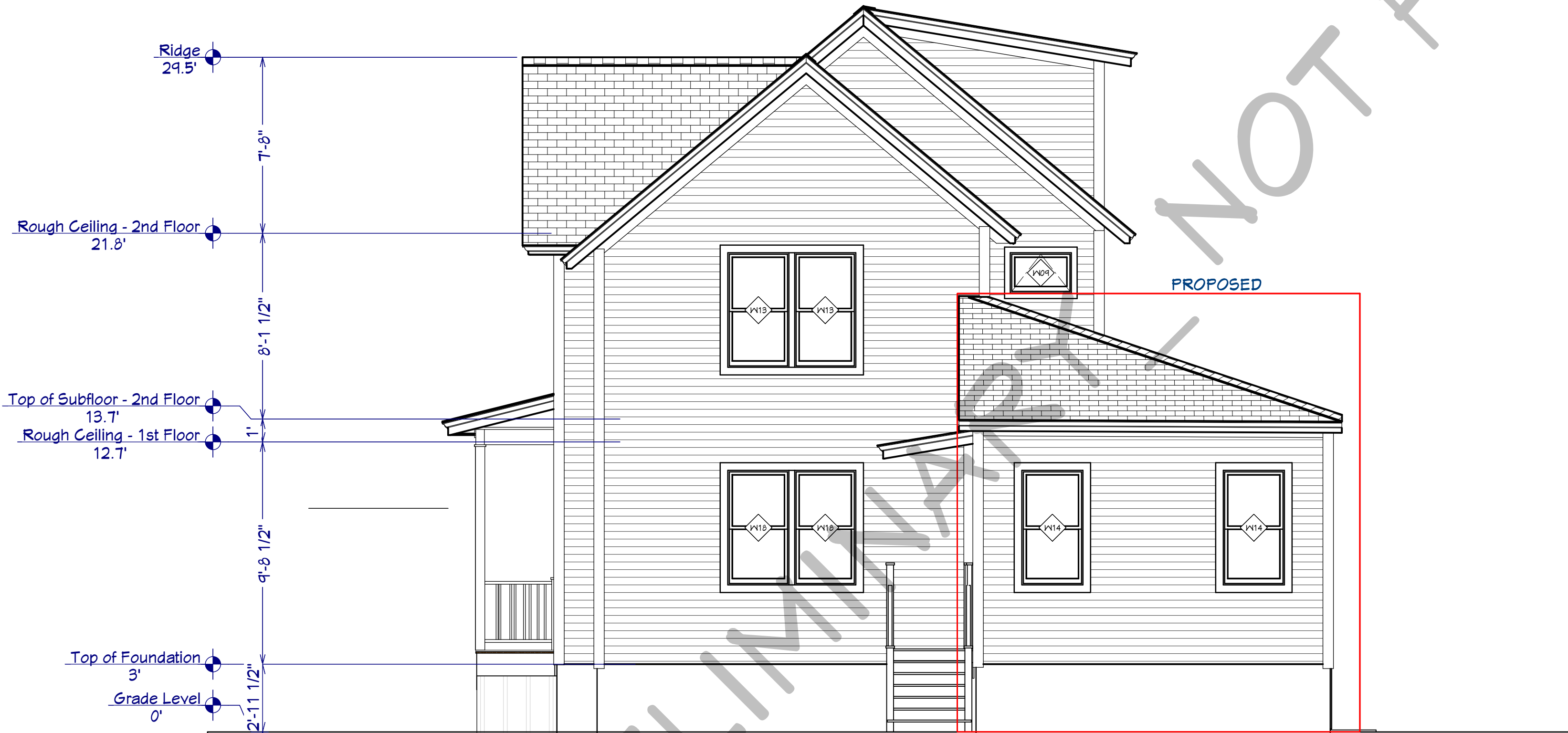
EXISTING REAR ELEVATION

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



PROPOSED FRONT ELEVATION

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



PROPOSED REAR ELEVATION

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

ELEVATIONS

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



EXISTING RIGHT ELEVATION | SIDE VIEW

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



EXISTING RIGHT SIDE

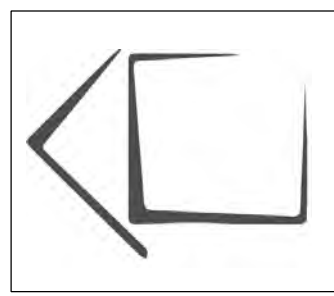


PROPOSED RIGHT ELEVATION | SIDE VIEW

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

ELEVATIONS

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



Revision Table	
Number	Description

ELEVATIONS

CLIENT:
MEZANSKY RESIDENCE
636 Lincoln Ave
Portsmouth, NH 03801

CONTACT:
ABRIGO HOME
PO BOX 1564
PORTSMOUTH, NH 03801
207.345.6050

DATE:
5/12/2025
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SCALED FOR: 24" X 36"
SCALE:
SEE SCALE ON DRAWINGS
SHEET:
A-5



EXISTING LEFT ELEVATION | SIDE VIEW

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



EXISTING LEFT SIDE

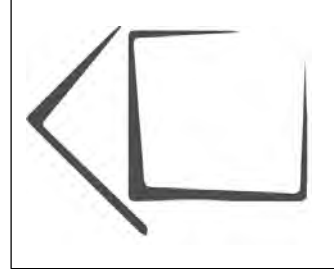


PROPOSED LEFT ELEVATION | SIDE VIEW

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

ELEVATIONS

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



Revision Table	
Number	Description

ELEVATIONS

CLIENT:
MEZANSKY RESIDENCE
636 Lincoln Ave
Portsmouth, NH 03801

CONTACT:
ABRIGO HOME
PO BOX 1564
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207.345.6050

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5/12/2025

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HOME 2022

SCALED FOR:
24" X 36"

SCALE:
SEE SCALE
ON DRAWINGS

SHEET:
A-6

March 24, 2025

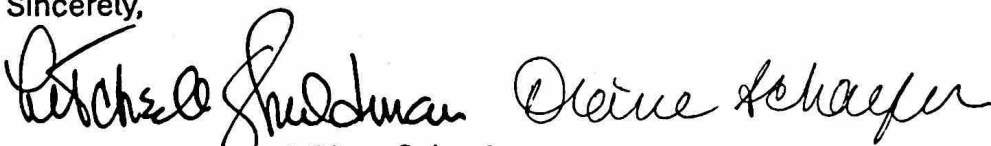
Phyllis Eldridge, Chair
Zoning Board of Adjustment
Portsmouth Planning Department
1 Junkins Ave.
Portsmouth, NH 03801

Dear Members of the Zoning Board of Adjustment,

We are writing today to support the request of Samantha and Michael Mezansky, 636 Lincoln Ave., to remove their existing garage and add an addition per architectural plans created by Amy Dutton and shared with us on March 22.

As the Mezansky's next door neighbor, we will be most impacted by the construction since the exterior renovations will be on our side of their house. We were pleased to see the design is in keeping with the character of our early 1900s neighborhood and that the old garage will be torn down. Since the new structure will be moved off the property line, we'll have better access to the side of our garage. Our homes are situated a block of many nonconforming lots and we would support the granting of a variance to allow the Mezansky renovation project to go forward.

Sincerely,

Handwritten signatures of Mitchell Shuldman and Diane Schaefer in black ink.

Mitchell Shuldman & Diane Schaefer
620 Lincoln Ave.
Portsmouth, NH 03801
603-828-9364
Dschaefer7@comcast.net
mshuldman@comcast.net

Portsmouth, NH Board of Adjustment
Neighbor Letter in Support of Addition by Homeowner

Date: March 24, 2025

Chairman of the Board of Adjustment
C/O Planning Department City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801
Planning@cityofportsmouth.com

To The Chairman of the Board of Adjustment,

Please find this letter in support of the removal of the existing garage and proposed addition to 636 Lincoln Ave.

Keeping in mind the 5 Criteria:

1. The new structure would be staying within the character of the neighborhood.
2. It would improve the safety and health of the neighbors.
3. It would eliminate a dangerous existing structure due to poor building practices.
4. The surrounding properties would improve because they are willing to move the structure away from property lines.
5. The lot is small and non-conforming. Conforming to setbacks is not possible in order to create a viable project for their growing young family.

We encourage the Portsmouth Board of Adjustment to grant the variance to the Mezansky Residence.

Submitted respectfully,

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

Karen Dawson
648 Lincoln Ave.
Portsmouth, NH 03801

Portsmouth, NH Board of Adjustment
Neighbor Letter in Support of Addition by Homeowner

Date: March 24, 2025

Chairman of the Board of Adjustment
C/O Planning Department City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801
Planning@cityofportsmouth.com

To The Chairman of the Board of Adjustment,

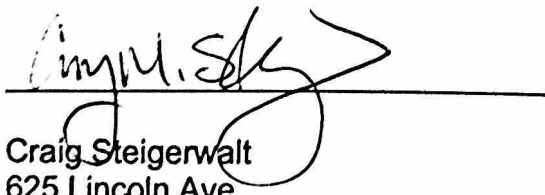
Please find this letter in support of the removal of the existing garage and proposed addition to 636 Lincoln Ave.

Keeping in mind the 5 Criteria:

1. The new structure would be staying within the character of the neighborhood.
2. It would improve the safety and health of the neighbors.
3. It would eliminate a dangerous existing structure due to poor building practices.
4. The surrounding properties would improve because they are willing to move the structure away from property lines.
5. The lot is small and non-conforming. Conforming to setbacks is not possible in order to create a viable project for their growing young family.

We encourage the Portsmouth Board of Adjustment to grant the variance to the Mezansky Residence.

Submitted respectfully,



Craig Steigerwalt
625 Lincoln Ave.
Portsmouth, NH 03801

II. NEW BUSINESS

- A.** The request of **Jeannette MacDonald (Owner)**, for property located at **86 Farm Lane** whereas relief is needed to subdivide the existing property into 3 separate lots. The proposed parent lot requires the following: 1) Variance from Section 10.521 to allow a) 28-foot rear yard setback where 30 feet is required; and b) 23-foot secondary front yard where 30 feet is required. Proposed lot 1 requires the following: 2) Variance from Section 10.521 to allow a) 10,664 s.f. of lot area where 15,000 s.f. is required; b) 10,664 s.f. of lot area per dwelling unit where 15,000 s.f. is required; and c) 75 feet of continuous street frontage where 100 feet is required. Proposed lot 2 requires the following: 3) Variance from Section 10.521 to allow a) 11,250 s.f. of lot area where 15,000 s.f. is required; b) 11,250 s.f. of lot area per dwelling unit where 15,000 s.f. is required; and c) 75 feet of continuous street frontage where 100 feet is required. Said property is located on Assessor Map 236 Lot 74 and lies within the Single Residence B (SRB) District. (LU-25-41)

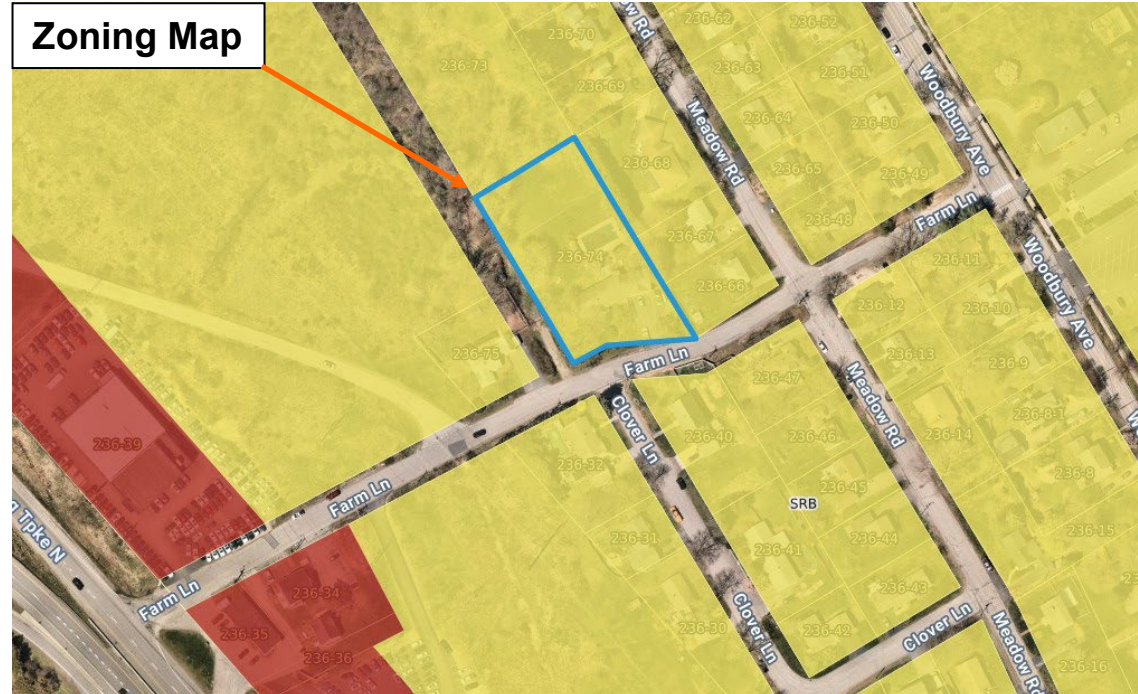
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Residential	3-lot Subdivision	Primarily Residential
<u>Lot area (sq. ft.):</u>	Parent Lot: 39,846	Parent Lot: 15,997 Lot 1: 10,664 Lot 2: 11,250	15,000 min.
<u>Lot area per dwelling unit (sq. ft.):</u>	Parent Lot: 39,846	Parent Lot: 19,730 Lot 1: 10,664 Lot 2: 11,250	15,000 min.
<u>Lot depth (ft.):</u>	>100	Parent Lot: 122 Lot 1: 150 Lot 2: 150	100 min.
<u>Street Frontage (ft.):</u>	162.3	Parent Lot: 162.3 Lot 1: 75 Lot 2: 75	100 min.
<u>Primary Front Yard (Farm Ln) (ft.):</u>	>30	>30	30 min.
<u>Secondary Front Yard (Longmeadow Ln) (ft.):</u>	>30	23	30 min.
<u>Right Yard (ft.):</u>	9.9	9.9	10 min.
<u>Rear Yard (ft.):</u>	>30	28	30 min..
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	<20	18.5	20 max.
<u>Open Space Coverage (%):</u>	<30	64.3	30 min.
<u>Parking:</u>	>2	>2	2
<u>Estimated Age of Structure:</u>	1953	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Subdivision and Site Plan Approval – TAC / Planning Board
- City Council Acceptance of ROW

Neighborhood Context



Previous Board of Adjustment Actions

- **June 25, 2024** - Subdivide the existing property into 3 separate lots. Proposed lots 1 and 2 require the following: 1) Variance from Section 10.521 to allow a) 0 feet of continuous street frontage where a 100 feet is required, b) 13,125 square feet of lot area per dwelling where 15,000 square feet are required; and 2) Variance from Section 10.512 to allow the creation of a lot without access to a public street or an approved private street for future construction of a structure. The proposed remaining parent lot requires the following: 1) Variance from Section 10.521 to allow a 14 foot rear yard where 30 feet is required. **Application was withdrawn by applicant.**
- **April 22, 2025** - Subdivide the existing property into 3 separate lots. The proposed parent lot requires the following: 1) Variance from Section 10.521 to allow a) 28-foot rear yard setback where 30 feet is required; and b) 23-foot secondary front yard where 30 feet is required. Proposed lots 1 and 2 require the following: 2) Variance from Section 10.521 to allow a) 13,125 s.f. of lot area where 15,000 s.f. is required; b) 13,125 s.f. of lot area per dwelling unit where 15,000 s.f. is required; and c) 75 feet of continuous street frontage where 100 feet is required. Said property is located on Assessor Map 236 Lot 74 and lies within the Single Residence B (SRB) District. **Application was withdrawn by applicant.**

Planning Department Comments

The applicant proposes to subdivide the existing 0.91 Acre property into 3 lots. The existing lots primary front yard is along Farm Lane and has a secondary front yard located along the portion of Longmeadow Lane that is currently shown as a paper street. The applicant proposes to construct a 22' wide paved street with a modified alignment that brings the right-of-way into a portion of the front two lots and closer to the existing residential structure. The proposed lot configuration and ROW requires relief for lot area, lot area per dwelling unit and frontage on the newly proposed back lots and for rear and secondary setbacks on the existing parent lot for the existing structure. Please note that the parcel numbers as labeled on the plan set have not been assigned by the assessor and are not to be considered final.

If granted approval, staff recommends the following stipulations for consideration:

- 1) **Approval is contingent upon Planning Board approval of the Subdivision and City Council acceptance of fee simple ownership of the new right-of-way area, as proposed.**
- 2) **The Subdivision layout may change as a result of TAC and Planning Board review if it does not increase the Zoning relief required.**

Variance Review Criteria

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

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

10.235 Certain Representations Deemed Conditions

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

BY: VIEWPOINT & HAND DELIVERY

April 23, 2025

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

**RE: Variance Application of Jeannette MacDonald aka Jeannette McMaster
86 Farm Lane, Tax Map 236, Lot 74**

Dear Stefanie,

Please find the following submission materials in connection with Jeannette McMaster's variance application for property located at Farm Lane, Portsmouth:

- 1) Landowner Letter of Authorization.
- 2) Narrative to Variance Application (including Exhibits).
- 3) Subdivision Plan.
- 4) Photographs of Property.

The application and related materials have been submitted via Viewpoint. A copy of the materials is being delivered to the Planning Department. Should you have any questions or concerns, please do not hesitate to contact me at your convenience.

Sincerely,



Derek R. Durbin, Esq.

LANDOWNER LETTER OF AUTHORIZATION

Jeannette MacDonald a/k/a Jeannette McMaster, record owner of the property located at 86 Farm Lane, Tax Map 236, Lot 74, Portsmouth, NH (the “Property”), hereby authorizes **Durbin Law Offices, PLLC** to file any zoning, planning or other municipal permit applications with the City of Portsmouth for said Property and to appear before its land use boards. This Letter of Authorization shall be valid until expressly revoked in writing.

Jeannette McMaster
Jeannette McMaster (Mar 25, 2024 15:21 EDT)

March 25, 2024

Jeannette MacDonald a/k/a Jeannette McMaster






Landowner Authorization Form -3-25-2024

Final Audit Report

2024-03-25

Created:	2024-03-25
By:	Derek Durbin (derek@durbinlawoffices.com)
Status:	Signed
Transaction ID:	CBJCHBCAABAAgkBwkRm3OhToQAUHoVNNUiQow0YiBEjz

"Landowner Authorization Form -3-25-2024" History

-  Document created by Derek Durbin (derek@durbinlawoffices.com)
2024-03-25 - 6:34:24 PM GMT- IP address: 71.233.191.66
-  Document emailed to Jeannette McMaster (jemac86@gmail.com) for signature
2024-03-25 - 6:34:27 PM GMT
-  Email viewed by Jeannette McMaster (jemac86@gmail.com)
2024-03-25 - 7:20:51 PM GMT- IP address: 174.168.230.244
-  Document e-signed by Jeannette McMaster (jemac86@gmail.com)
Signature Date: 2024-03-25 - 7:21:30 PM GMT - Time Source: server- IP address: 174.168.230.244
-  Agreement completed.
2024-03-25 - 7:21:30 PM GMT

**CITY OF PORTSMOUTH
VARIANCE APPLICATION NARRATIVE**

**Jeannette MacDonald a/k/a Jeannette McMaster
(Owner/Applicant)**

**86 Farm Lane
Tax Map 236, Lot 74**

INTRODUCTION

Existing Conditions

The Property at 86 Farm Lane is a 39,846 *square foot*¹ property with a single-family home on it that Jeannette McMaster and her family reside in. The Property has been owned by different members of the McMaster family since it was created and first sold in the 1950s to her father, Samuel McMaster.

The Property is zoned Single-Family Residence B. It is significantly larger than most of the properties surrounding it. Of the properties that immediately surround 86 Farm Lane, the majority are 125' x 75' (9,375 sf.) or smaller lots that have 75' of continuous street frontage. **Exhibit A**. The Property has 162' of continuous street frontage on Farm Lane. In addition, it has 244' of frontage on a paper street colloquially referred to as Long Meadow Lane.

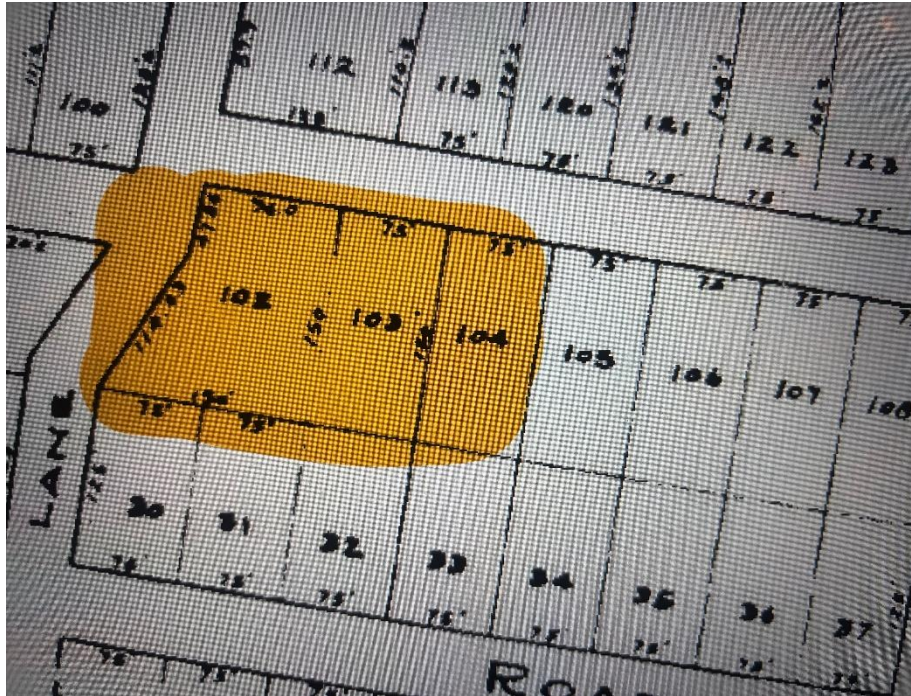
Paper Street

The City has taken the position that the paper street is a public street by virtue of having installed public utilities in it. The City bases its position on the common law theory of "implied acceptance". Mrs. McMaster disagrees with the City's position and claims ownership of the land to the centerline of the paper street in accordance with RSA 231:51. **Exhibit B**. It is important to note that the City has never maintained the easement area and the public has never utilized it for access. Mrs. McMaster and the abutting property owners at 88 Farm Lane (TM 274-75) have utilized and have installed vegetation, fencing and driveways within the paper street. In a prior letter from Robert Sullivan, Esq. City Attorney, to Norman Axler, Planning Director, Attorney Sullivan determined that the City had not accepted the unpaved portion of the paper street. **Exhibit C**. Mrs. McMaster contends that her lot area is actually 45,980 square feet (not 39,846 sq. ft.), which is more than 3x the lot area requirement for the SRB Zoning District.

¹ The Applicant claims that she has 45,980 sq. ft of total lot area. See "Paper Street discussion herein.

Subdivision Plan of 1954

The Property is comprised of what were once three (3) distinct lots identified as Lots 102, 103 and 104 on a recorded subdivision plan from 1954. **Exhibit D**. Lots 102 and 103 were merged either voluntarily or involuntarily, while Lot 104 was annexed to the Applicant's lot as part of a lot line adjustment approved by the City in 2007.



Proposed Conditions

The Applicant is proposing a subdivision of the Property into three (3) separate single-family home lots. Proposed Lot 236-74, which contains the family homestead, would be approximately 15,997 sf. in size. Proposed Lots 236-74-1 and 236-74-2 would have 10,664 sf. and 11,250 sf. of lot area respectively.² The three (3) proposed lots are configured similarly to those shown in the 1954 Subdivision Plan but slightly modified to allow the initial section of the proposed ROW to into a portion of the front two (2) lots to avoid potential impacts to the abutting property owners' driveway, hedges and fence which are situated either within the westerly portion of the paper street. Approximately 10' of the proposed ROW extending through Lots 236-74 and 236-71-1 would be unpaved shoulder area. The constructed or paved portion of the ROW would be approximately 22' in width and would provide public street access to the newly created lots.

² The lot area, setback, building coverage and open space calculations shown on the subdivision plan assumes that any area shown as part of the proposed public ROW will be conveyed in fee simple title to the City, although it remains possible that the City would only require an easement in all or a portion of the ROW. Accordingly, the resulting lot areas, setbacks, building coverages and open spaces associated with each proposed lot may be greater than represented. Conservative figures have been utilized for purposes of the foregoing variance requests.

SUMMARY OF ZONING RELIEF

The Applicant seeks the following variances* from Article 10.521 of the Portsmouth Zoning Ordinance (the “Ordinance”), as identified by proposed lot number:

Proposed Lot 236-74

1. To allow a 28’ rear yard setback where 30’ is required.
2. To allow a 23’ secondary front yard setback where 30’ is required.³

Proposed Lot 236-74-1

3. To allow 10,664 sf. of lot area where 15,000 sf. is required.
4. To allow 10,664 sf. of lot area per dwelling unit where 15,000 sf. is required.
5. To allow 75’ of continuous street frontage where 100’ is required.

Proposed Lot 236-74-2

6. To allow 11,250 sf. of lot area where 15,000 sf. is required.
7. To allow 11,250 sf. of lot area per dwelling unit where 15,000 sf. is required.
8. To allow 75’ of continuous street frontage where 100’ is required.

*It is assumed that a (+/-) applies to all dimensional relief indicated above.

³ The Applicant has listed a 23’ secondary front yard setback as one of the variances sought for Proposed Lot 236-74 out of an abundance of caution; however, a variance may not be required based on the definition for “yard, front” contained in Section 10.1530 of the Ordinance, *[a] yard extending across the full width of a lot between the street right of way line and nearest point of any building. Front yard dimensions are to be measured from the street where a plan of the street is on file with the Rockingham County Registry of Deeds or in City records, or in the absence of such plan, from a line 25 feet from and parallel to the center line of the traveled way.*

VARIANCE CRITERIA

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

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

Lot Area Variances

The purpose of the SRB Zoning District is "to provide areas for **single-family dwellings** at low to medium densities (approximately 1 to 3 **dwellings** per acre), and appropriate **accessory uses**." P.Z.O. at Section 10.410. The primary purpose behind the 100' minimum street frontage requirement is to promote the SRB goal of providing low to medium residential density. The implementation of lot area and frontage standards are two of the most often utilized mechanisms for controlling density. In this case, most of the surrounding properties have less than the minimum street frontage and lot area required by the Ordinance.

In the case of *Belanger v. Nashua*, the NH Supreme Court opined: "[w]hile we recognize the desired interrelationship between the establishment of a plan for community development and zoning, we believe that municipalities must also have their zoning ordinances reflect the current character of neighborhoods." 121 N.H. 389 (1981). In the present case, the frontage and lot area requirements associated with SRB zoning do not reflect the character of the neighborhood, which was established with the recording of the 1954 subdivision plan prepared by John W. Durgin.

Notwithstanding, the SRB goal of preserving low to medium density is served by granting the variances necessary to allow the subdivision of the Property into three (3) lots. Proposed Lots 236-74-1 and 236-74-2 are larger than most surrounding properties, a majority of which are 125' x 75' or 100' x 75', consistent with the original layout of the neighborhood.

Setback Variances (Proposed Lot 236-74)

The rear yard setback variance requested for proposed Lot 236-74 is a minor 2' deviation from what the Ordinance requires and is associated with a very small bump out to the rear of Jeannette's house. The bulk of the house is situated outside of the 30' setback. The bump-out will not impose in any way upon the light, air and space of the lot immediately to the rear.

To the extent that a variance is needed, the request for secondary front yard setback relief is also a benign request which is only necessitated by the creation of a new public ROW along the westerly boundary of the Property. The reality is that it is the side yard of the Property, as the front of the existing house faces Farm Lane. The left side of the existing house will only encroach into the secondary front yard by 7' and will not have any detrimental impact upon the newly created streetscape or the light, air and space of abutting properties.

For the foregoing reasons, granting the variances requested will not alter the essential character of the neighborhood or otherwise represent a threat to public health, safety or welfare.

Substantial Justice will be done in granting the variances.

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

There would be no public interest served by denying the variances, but it would constitute a loss to the Applicant when considering that the Property arguably has 3x the land area required by the Ordinance while most of the surrounding lots do not comply with the lot area and frontage requirements and are dimensioned similarly to Proposed Lots 236-74-1 and 236-74-2. It should also be noted that many properties in the immediate neighborhood also have structures that encroach into the building setbacks. The character of the neighborhood contrasts with how it is zoned. For these reasons, denying the variances would constitute a loss to the Applicant that is not outweighed by any gain to the public.

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

It would be illogical to conclude that surrounding property values could be negatively affected by granting the variances necessary to subdivide the Property into three (3) single-family homes lots. When evaluating whether surrounding property values would be diminished by granting the variance, the Board must consider the context of the surrounding neighborhood. The area is characterized by substandard single-family home lots that are less than 10,000 square feet in size and do not comply with the 100' continuous street frontage requirement. Many of these lots also have structures that encroach into one or more of the applicable setbacks.

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

The Property is distinguishable from surrounding properties based on its size and the amount and type of street frontage it has. It has 3-4x the lot area of most of the surrounding properties. It has 162' of continuous street frontage on Farm Lane and an additional 244' along the paper street referred to as Long Meadow Lane. In total, it has 406' of *non-continuous* street frontage. Most surrounding properties are under 10,000 square feet in size and have around 75' of street frontage. In part, the decision rendered by the NH Supreme Court in the case of *Belanger* stands for the proposition that the Board must consider the character of surrounding properties and the overall lack of conformity as part of its hardship analysis.

In addition to the special conditions cited to above, the City treats the Property as a "corner lot" which renders the existing home non-conforming with respect to the secondary front yard setback to Long Meadow Lane, a condition of the Property which exists and should not require a variance. The only new setback non-conformity proposed relates to a small bump out in the rear of the house which only encroaches into the setback by 2'. When considering the special conditions of the Property, there is no fair and substantial relationship between the general purpose of the Ordinance provisions and their application to the Property.

The proposed use is reasonable. Single-family home lots are permitted and encouraged in the SRB zoning district. The proposed lots will be used for residential purposes consistent with the objectives of the Ordinance.

CONCLUSION

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

Respectfully Submitted

April 23, 2025

Jeannette MacDonald aka
Jeannette McMaster



By: Derek R. Durbin, Esq.
DURBIN LAW OFFICES PLLC
144 Washington Street,
Portsmouth, NH 03801
derek@durbinlawoffices.com

EXHIBIT A

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

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

Geometry updated 09/26/2024

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

TITLE XX TRANSPORTATION

CHAPTER 231 CITIES, TOWNS AND VILLAGE DISTRICT HIGHWAYS

Discontinuance of Class IV, V and VI Highways

Section 231:51

231:51 Dedicated Ways. – Any street, lane or alley within this state which has been dedicated to public use by being drawn or shown upon a plan of lands platted by the owner, and the sale of lots in accordance with such plan, may be released and discharged from all public servitude by vote of the governing body of a city or town if such street, lane, or alley has not been opened, built, or used for public travel within 20 years from such dedication.

Source. 1913, 121:1. PL 79:5. RL 95:5. 1945, 188:1, part 9:7. RSA 238:7. 1981, 87:1. 1989, 131:1, eff. July 16, 1989.



EXHIBIT C

COPY

City of Portsmouth, New Hampshire 03801

CITY HALL . . . 126 DANIEL STREET

Legal Department

603-431-2000

Ext. 203 / 204

October 7, 1982

MEMO #82-11

TO: NORMAN AXLER, PLANNING DIRECTOR

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY

RE: BETTY'S DREAM

You have referred to me three questions concerning the above project which I answer as follows:

I. The first question is: Is the Betty's Dream project subject to local zoning regulations? In answer to this first question the applicable facts are contained in a letter to you from Housing Consultant Robert J. Obenland dated September 13, 1982, copy of which has been supplied to me, and a letter from Susan Avery, Planning Director for the New Hampshire Developmental Disabilities Council to Attorney Gerald Taube, a copy of which was received by me on September 24, 1982. These documents indicate that Betty's Dream is a non-profit corporation which proposes to construct a housing project in Portsmouth for the purpose of housing persons with developmental disabilities in accordance with a State plan to provide such services.

As you are aware, within the last two years, the Supreme Court of New Hampshire has decided two cases; Region 10 Client Management, Inc. v. Town of Hampstead, 120 N.H. 885 (1980) and Northern New Hampshire Mental Health Housing, Inc. v. Town of Conway at 121 N.H. 811 (1981), the effect of which cases is to emasculate local zoning control over land use which effectuates a State purpose. In those two cases, local zoning ordinances were specifically overridden to allow for housing of developmentally-impaired individuals and for mentally ill individuals. The Betty's Dream application is not precisely analogous to either Region 10 Client Management application or the Northern New Hampshire Mental Health Housing, Inc. application. However, it is very similar in most material aspects. The housing for developmentally-impaired people

proposed by Betty's Dream is being done under contract with a State agency, New Hampshire Developmental Disabilities Council, pursuant to carrying out a State plan which New Hampshire has become obligated to adopt as a result of the acceptance of federal money for this purpose. As I read the two cited cases, I note that they are written in extremely broad fashion. I note, for example, that in the Northern New Hampshire Mental Health Housing, Inc. case, although the town proved numerous distinctions between the housing for the mentally ill which was proposed for Conway, and the earlier proposal that the Supreme Court had upheld in the Town of Hampstead (Region 10), the Supreme Court summarily dismissed each such distinction. It becomes quite clear in reading the language of the Northern New Hampshire case that the Supreme Court considers the concept embodied in Region 10 to be a broad restriction on local zoning control over land use. A very logical extension of these cases goes beyond housing for any type of disabled person or any type of handicapped person and goes, in fact, to any State purpose whatsoever. On the basis of the foregoing, it is my opinion that the Zoning Ordinance of the City of Portsmouth simply does not apply to Betty's Dream project.

II. The second question which I have been asked concerning the Betty's Dream project is whether or not so-called Longmeadow Road, which is the 100 foot long tarred access point to the New England Fishing Gear property is a "street" within the meaning of Section 10-302 of the Zoning Ordinance such as the frontage requirements of the Subdivision Regulations would be met and further, whether or not the said Longmeadow Road "shall have been accepted or opened, or otherwise received the legal status of a public street" such that the City can grant a building permit under the provisions of RSA 36:26. The definition of "street" in the Zoning Ordinance is quite broad and it is plain that if Longmeadow Road meets the definition of a "public street" as contemplated by RSA 36:26, then perforce, it is a street in terms of the Zoning Ordinance. Therefore, it is only necessary to analyze the RSA 36:26 question alone. This statute requires that Longmeadow Road be a "public street". The statute has been interpreted such that the term "public street" means "streets and highways as defined in RSA 231:1. Blevens v. City of Manchester, 103 N.H. 285 (1961). By recodification of the highway laws, this statute is now identified as RSA 229:1. The applicable portion of this law reads as follows:

"...roads which have been dedicated to the public use and accepted by the city or town in which such roads are located or, roads which have been used as such for public travel other than travel to and from a toll bridge or ferry for twenty years prior to 1968..."


To satisfy the provisions of RSA 36:26, Longmeadow Road must come within this provision. In the case of Betty's Dream, Inc. and Longmeadow Road it appears that the twenty year provision is not met. However, the entirety of Longmeadow Road from Woodlawn Circle through to Farm Lane was apparently dedicated to the City of Portsmouth for public use by the recording in 1954 of a plan identified as "Plan of Lots, Portsmouth, N.H. for Paul C. and Orville Badger, John W. Durgin, Civil Engineers", which plan was recorded in the Rockingham County Registry of Deeds in Plat Book 66 at page 15 and the subsequent sale of at least two lots from that plan. This recording constitutes a dedication of the street property pursuant to RSA 231:51. RSA 229:1 would then require that the property underlying the road be accepted in some fashion or another by the municipality in order for the public servitude to arise. On this question of acceptance I have examined City records to determine whether or not there was ever a formal acceptance by the City Council of Longmeadow Road, and I find that no such formal acceptance has ever occurred. However, the statutory provisions and the case law allow that dedication of a road to public servitude may be accepted by implication as well as by express act of the City. See Stevens v. Nashua, 46 N.H. 192 (1865). On the question of such acceptance I discussed the matter with Keith Noyes of the City Engineering Department and with a long-time resident of Woodlawn Circle residing in the area of Longmeadow Road. I am informed by both of these people that at least since 1958 the tarred portion of Longmeadow Road has been at all times utilized as a public highway by citizens of the City. Mr. Noyes states that to the best of his investigation the City has treated approximately the first 100 feet of Longmeadow Road from Woodlawn Circle as being a public highway from that time to the present. Snow plowing, for example, has been done for that time. The 100 feet roughly corresponds to that portion of Longmeadow Road which is now tarred. On the basis of the foregoing, I am of the opinion that the RSA 36:26 requirement that Longmeadow Road be a public street before a building permit could be issued for Betty's Dream has been met and that perforce, that portion of Longmeadow Road is also a street within the meaning of our local Zoning Ordinance such that frontage requirements are satisfied.

III. The third question which I have been asked is a request to determine the status of the non-tarred portion of Longmeadow Road as indicated on the 1954 plan. This is a far more open question than that answer under II. To begin with, it is quite clear that whatever dedication occurred as a result of the recording of the 1954 plan and the sale of lots thereon, occurred not only to the tarred portion of Longmeadow Road, but to the entire Longmeadow Road going through from Woodlawn Circle to Farm Lane. As I noted earlier, no portion of Longmeadow Road was at any time expressly accepted by the municipality. Therefore, whether or not an acceptance has ever occurred of the dirt portions of Longmeadow Road is a question of fact to be determined basically by an answer to the question of whether or not such dirt portion was "built or used for public travel within twenty years from such dedication", RSA 231:51. I am informed

by Mr. Noyes that Public Works does not consider the dirt portion of Longmeadow Road to have been accepted by the municipality; it is not maintained or plowed by the City. However, I understand that on numerous occasions since 1958, various individuals have been observed using the dirt portion of Longmeadow Road for one purpose or another. The use of this dirt portion of the road could be sufficient to maintain some form of servitude less than acceptance of the dirt portion as a public highway. I believe that the case which governs the answer to this question is Young v. Prenderville, 112 N.H. 190. This case stands for the proposition that indefinite and occasional public use of such a paper street as the dirt portion of Longmeadow Road after its dedication is insufficient to constitute public acceptance of the street. It seems, therefore, that whereas the municipality and the public-at-large has treated the tarred portion of Longmeadow Road as having been accepted virtually since its dedication, neither the municipality nor the public-at-large have made the same use of the dirt portion of Longmeadow Road.

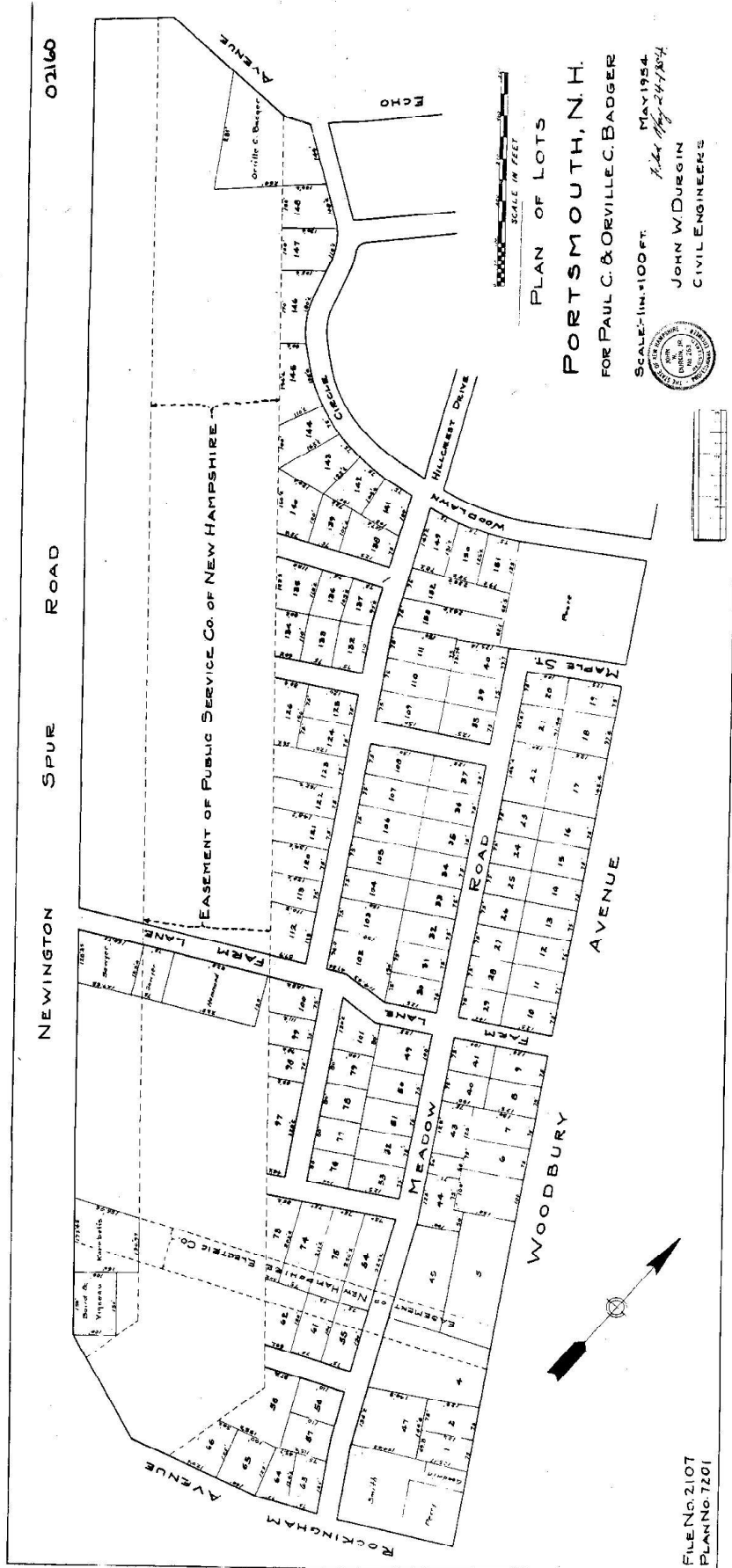
Therefore, it is my opinion as indicated in II herein that while the tarred portion of Longmeadow Road has been accepted and is thus a public street within the meaning of RSA 36:26 and a public highway generally, the dirt portion of Longmeadow Road has not been subject to acceptance. This being true, RSA 231:51 comes into operation and the dirt portion of Longmeadow Road is thus discharged from public servitude because twenty years have passed since its dedication without it being open, built, or used for public travel.

I note for the benefit of those individuals who live in the area of Longmeadow Road, however, that simply because Longmeadow Road does not rise to the level of a public street or highway does not mean that individuals who have been using that property for some particular purpose for sufficient length of time, do not have some interest to continue such use of the property. This, however is a question to be decided between those individuals and the current owner of the property underlying the dedicated portion of Longmeadow Road. It is not subject matter in which the City should be involved.



Robert P. Sullivan,
City Attorney

RPS:bh



FILE NO. 2107
PLAN NO. 7201

F



Front View from Farm Lane (South Elevation View)



Front View from Farm Lane (South Elevation View)



View of Rear Yard from South
(showing portion of paper street formerly known as Longmeadow Lane)



**Alternate View of Rear Yard from South
(showing paper street formerly known as Longmeadow Lane)**



View of Rear Yard from West



II. NEW BUSINESS

- B.** The request of **Giri Portsmouth 505 Inc (Owner)**, for property located at **505 US Route 1 Bypass** whereas relief is needed to develop additional parking and an Electric Vehicle Charging Station which requires the following: 1) Variance from Section 10.5B83.10 for off-street parking spaces to be located between the principal building and a street or within any required perimeter buffer area; 2) Variance from Section 10.1113.20 for off-street parking spaces located in a front yard, or between a principal building and a street (including on a corner lot). Said property is located on Assessor Map 234 Lot 5 and lies within the Gateway Corridor (G1) District. (LU-25-66)

Existing & Proposed Conditions

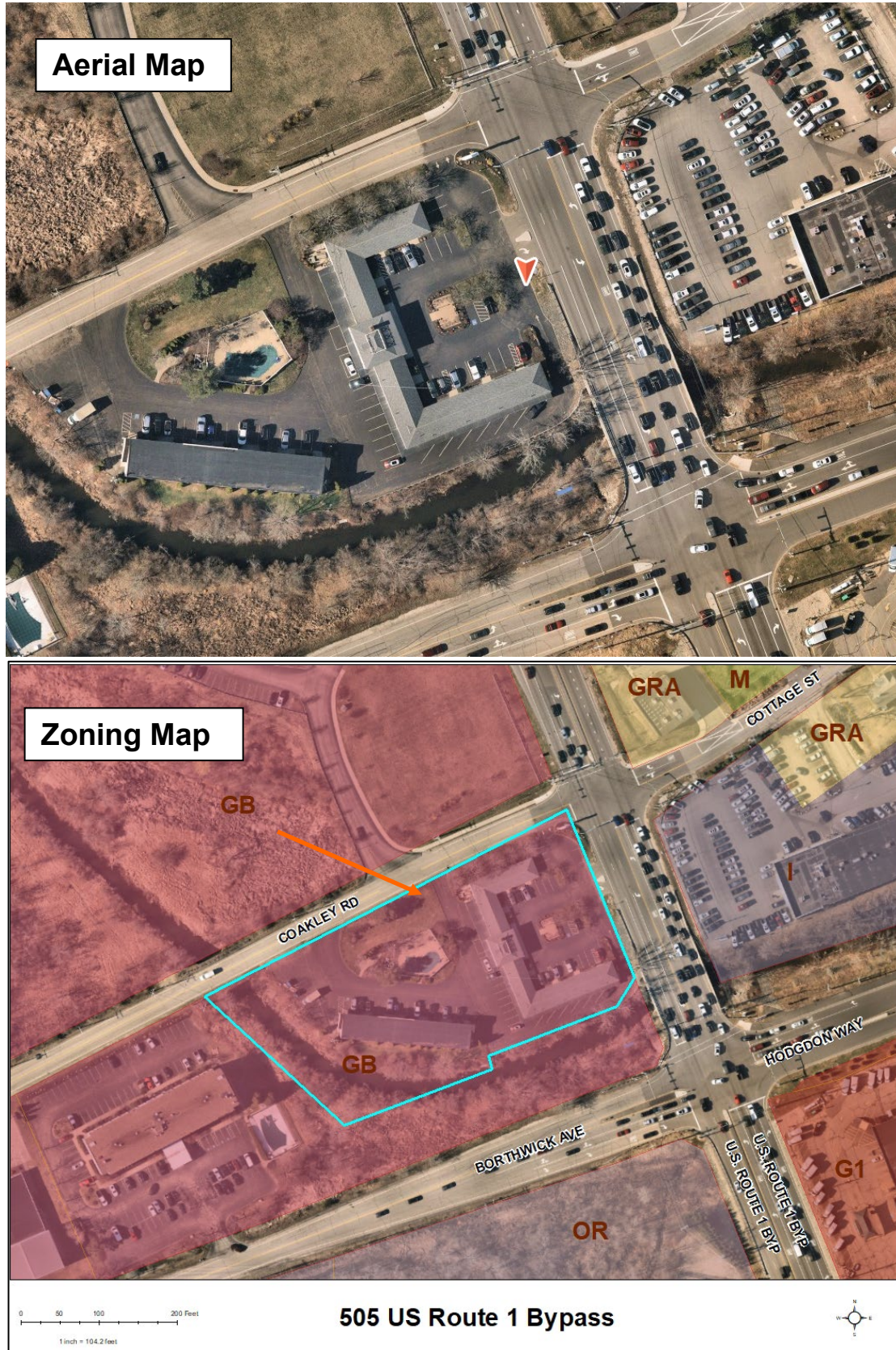
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Hotel	EV Parking* and Charging Equipment	Primarily Business
<u>Distance between EV Charging equipment and front lot line</u>	N/A	11	10 min.
<u>Parking</u>	57	64	70
<u>Estimated Age of Structure:</u>	1955	Variance request(s) shown in red.	

*Relief needed for off-street parking spaces to be located between the principal building and the street or any required perimeter buffer area

Other Permits/Approvals Required

- Conditional Use Permit (Planning Board)
- Site Review (TAC and Planning Board)
- Wetland Conditional Use Permit (Conservation Commission and Planning Board)

Neighborhood Context



Previous Board of Adjustment Actions

- January 25, 1983 – The Board **granted** a Variance to allow a free-standing sign 7' x 12', 30' in height to be erected 30' from the front property line where 35' is required, and 4' from the right-side property line where 35' is required with the following conditions:
 - 1) That the large lighted sign over the main part of the motel be removed
 - 2) That no other sign be put in that place; and
 - 3) That no signs be allowed on the pole but the 7' x 12' sign
- July 17, 2001 – The Board **granted** the following: A Variance from Article IX, Section 10-908 Table 14 to allow a 146 s.f. freestanding sign with a 6.6'± front yard set back where 20' is required; 8.2' right side yard setback where 20' are required; and a height of 30' where 20' is the maximum with the following conditions:
 - 1) That the message not be flashing or fast scrolling; and
 - 2) That the existing roof sign be removed; and
 - 3) That the application meets the approval of the Building Inspector
- January 23, 2024 – Demolishing the existing structure and constructing a new hotel with a drive thru restaurant which requires the following: 1) Special Exception from 10.440 Use #10.40 hotel where it is permitted by Special Exception; 2) Variance from Section 10.1113.20 to allow parking spaces between the principal building and a street; 3) Variance from Section 10.1113.41 for parking located 1 foot from the lot line where 40 feet is required; 4) Variance from Section 10.575 to allow dumpsters to be located 1 foot from the lot line where 10 feet is required; 5) Variance from Section 10.835.32 to allow 1 foot between the lot line and drive-thru and bypass lanes where 30 feet is required for each; and 6) Variance from Section 10.835.31 to allow 37 feet between the menu and speaker board and the front lot line where 50 feet is required. The Board voted to deny the request for the 5 Variances and postponed consideration of the Special Exception.
- February 21, 2024 – **The applicant withdrew the above application.**
- April 30, 2024 - Demolishing the existing structure and constructing a new hotel with a drive thru restaurant which requires the following: 1) Special Exception from 10.440 Use #10.40 hotel where it is permitted by Special Exception; 2) Variance from Section 10.835.32 to allow 5 feet between the lot line and drive-thru and bypass lanes where 30 feet is required for each; 3) Variance from Section 10.835.31 to allow 18 feet between the menu and speaker board and the front lot line where 50 feet is required; 4) Variance from Section 10.5B22.20 to allow up to 60 feet in building height within 50 feet of the street right-of-way line whereas up to 45 feet is permitted; 5) Variance from Section 10.5B34.70 to allow up to 60 feet in building height whereas 50 feet is permitted; 6) Variance from Section 10.5B34.60 to allow a 30 foot setback for a small commercial building whereas a maximum of 20 feet is permitted; 7)

Variance from Section 10.5B33.20 to allow less than 75 percent front lot line buildout whereas a minimum of 75 percent is required for commercial buildings. **Application was withdrawn by applicant.**

Planning Department Comments

The project proposes the installation of four (4) EV charging stations, for a total of eight (8) charging spaces with one (1) ADA space in the existing parking lot of the Port Inn and Suites. The EV Chargers will be Level 3 chargers that will be publicly accessible for both hotel guests and the general public. The project will include EV Charging support equipment on a concrete pad. There will also be removal of a section of asphalt and stabilization of the area with grass near Hodgson Brook. The addition of the EV parking spaces requires relief for the parking to be located between the principal building and a street.

Variance Review Criteria

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

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

10.235 Certain Representations Deemed Conditions

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

April 23, 2025

55 Walkers Brook Drive, Suite 100, Reading, MA 01867
Tel: 978.532.1900

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

Re: **Variance Request from Section 10.5B83.10 and Section 10.1113.20 of the City of Portsmouth, New Hampshire Zoning Ordinance**
Coakley Road EV Charging 1, LLC Electric Vehicle Charging Station Development
Port Inn and Suites
505 US-1 Bypass, Portsmouth, NH 03801

Dear City of Portsmouth Zoning Board of Adjustment,

Weston & Sampson Engineers, Inc. (Weston & Sampson) is submitting this variance request and supporting documentation to be filed with the City of Portsmouth Zoning Board of Adjustment, for the above-mentioned project on behalf of New Leaf Energy d/b/a Coakley Road EV Charging 1, LLC (the Applicant). The project parcel is located at 505 US-1 Bypass (Map-Lot 0234-0005-0000) in Portsmouth, New Hampshire, and is owned by GIRI PORTSMOUTH 505 LLC. The project parcel is located in the Gateway Corridor (G1) zoning district. The proposed project involves the installation of electric vehicle (EV) charging stations with associated electric equipment at an existing commercial property.

The site is bounded by Coakley Road to the north, Borthwick Avenue to the south, and US Route-1 and a car dealership to the east. Hodgson Brook runs southeasterly along the southern boundary of the site. Another commercial hotel property is located to the east of the project property and on the other side of Hodgson Brook.

The project proposes the installation of four (4) EV charging stations, for a total of eight (8) charging spaces with one (1) ADA space in the existing parking lot of the Port Inn and Suites. The EV Chargers will be Level 3 chargers that will be publicly accessible for both hotel guests and the general public. The strategic location allows for easy access to US-1, US-4, and I-95. The abutting I-95 corridor can see over 100,000 travelers per day pass through Portsmouth and serves as a primary connection between the states of Maine and New Hampshire into Massachusetts and the rest of Southern New England.

The project is classified in the City of Portsmouth, New Hampshire Zoning Ordinance, adopted December 21, 2009 ("the Ordinance"), as an Accessory Use - "EV Fueling Space B". The project is permitted in the G1 zoning district via a Conditional Use Permit (CUP) granted by the Planning Board according to Section 10.440 Table of Uses Accessory Use 19.70 EV Fueling Space B in the Ordinance. The project involves the addition of five (5) or more parking spaces and involves a modification of the previously approved site plan for the motel; thus, an Amended Site Plan Review is required.

Hodgson Brook and its associated wetland resource areas are located near the property site according to the City of Portsmouth Wetland Buffers Layer on the publicly available GIS site. The Hodgson Brook wetland areas extend partially onto the project site and the 100-foot wetland buffer extends onto the project site. The proposed project is within the 100-foot wetland buffer. The proposed project includes ground disturbance within the 100-foot wetland buffer; thus, a Wetland CUP is required.

The Wetland CUP and Amended Site Plan Review and CUP will be submitted to the Technical Advisory Committee (TAC), Portsmouth Planning Board, and Conservation Commission pending Zoning Board Variance approval.

The applicant is requesting ZBA variance to Section 10.5B83.10 and Section 10.1113.20 which are listed below:

Section 10.5B83.10

Required **off-street parking** spaces shall not be located between a **principal building** and a **street** or within any required perimeter buffer area.

Section 10.1113.20

Required **off-street parking** spaces shall not be located in any required **front yard**, or between a **principal building** and a **street** (including on a **corner lot**). This restriction shall not apply to required **off-street parking** for a **single-family dwelling** (including the combination of a **single-family dwelling** and an **accessory dwelling unit**) or **two-family dwelling**.

The project proposes the EV charging in an area that is already paved/impervious and is currently being used for parking (though the area is not striped). Please see the site photos included in Attachment D. The project is proposed on land that is already developed and requires limited development in open space (i.e., approximately 173 sf of development for the transformer/concrete equipment pads). Please note, the project proposes to return some area that is currently asphalt pavement back to grassed area, increasing the natural buffer for Hodgson Brook. This variance request is essentially a request to formally be able to use the area for parking.

The Port Inn and Suites is currently at a parking deficit as the site does not meet the parking requirements listed in the City of Portsmouth Zoning Ordinance for a commercial business of its size. The proposed project includes the addition of eight (8) EV charging spaces which will bring the site more into conformance with the current parking requirements. The current parking capacity at the Port Inn and Suites parking lot is 57 spaces. With the removal of one (1) space and the addition of eight (8) EV charging spaces the total number of parking spaces will be 64.

Filing Details

Following this filing, the applicant will prepare a Wetland CUP Application with the Conservation Commission and Planning Board and a Site Plan Amendment and CUP with the Planning Board. In support of this Variance Request, we have attached one (1) physical copy of the following supporting materials (application package was also submitted online via ViewPoint Cloud):

- Attachment A: Variance or Special Exception Application Instructions
- Attachment B: Project Narrative & Analysis Criteria Response
- Attachment C: Design Plans
- Attachment D: Site Photos
- Attachment E: Owner Authorization Form
- Fee Checks
 - o As estimated by ViewPoint Cloud online permitting system and paid online

Should you have any further questions or require any additional information, please feel free to contact us by phone at (978) 532-1900 or by email at mauser@wseinc.com.

Sincerely,
WESTON & SAMPSON ENGINEERS, INC.



Rebecca Mauser-Hoye, PE, CEA
Project Manager

cc: Jonathan Salsman, PE – New Leaf Energy



westonandsampson.com

100 International Drive, Suite 152
Portsmouth, NH 03801
tel: 603.431.3937

Variance Request

April 2025

**PORT INN AND SUITES
505 US-1, PORTSMOUTH, NH
ELECTRIC VEHICLE CHARGING
STATION**

PREPARED FOR:
NEW LEAF ENERGY

SUBMITTED TO:
City of Portsmouth Zoning Board of Adjustment







Attachment A - Variance or Special Exception Application Instructions / Checklist

VARIANCE OR SPECIAL EXCEPTION APPLICATION INSTRUCTIONS

This application shall be used for an application to the Zoning Board of Adjustment for a Variance or Special Exception, as described in the following section of the Zoning Ordinance:

- **Section 10.230 Zoning Board of Adjustment**

-  1. A complete application including the **online land use application form**, the required application fee, and one (1) original copy of all supporting documents, plans, and exhibits must be received by the Planning Department prior to the **published deadline**. Hard copies of plans/exhibits should be 8 ½" x 11" in size, 11" x 17" plans may be used only if the document would otherwise be unreadable.

Hard copy application transmitted to City of Portsmouth on 04/23/2025
-  2. **View Point Cloud** is the software that powers the City of Portsmouth's online application center. In order to complete an online land use application, you must create an account for the site. When you register for the first time, you'll need to access your email account in order to activate your View Point account.
-  3. The person completing the online application should be the primary point of contact for the project and must provide authorization from the property owner. All automatic notifications from View Point on the application's status, approvals, and staff comments will be sent to this person's email address. Only this person can add additional information to the application once it's been submitted. **A single electronic file** including all plans, documents, and exhibits must be uploaded to the online application in **PDF format** in order for the application to be considered complete. Please combine all files into one single file prior to uploading.
-  4. If the project will need multiple land use approvals from different boards, a single online land use application record should be used for all of the approvals. It is recommended that the applicant confer with Planning Department staff about

project contacts for multiple land use approvals prior to submitting the application.

Project will require, BOA Variance, Wetland CUP, Amended Site Plan Review, CUP

- ☒ 5. Submission deadlines are available from the Planning Department and online -- **www.cityofportsmouth.com/planportsmouth/land-use-applications-forms-and-fees** (meeting schedule).

Project submitted on April 23, 2025 deadline for the May 20th BOA Meeting

- ☒ 6. The Planning Department reserves the right to refuse applications which do not meet the minimum requirements. The Planning Department may also require additional information and/or exhibits as needed to illustrate the scope of the project.

Acknowledged

- ☒ 7. The following information is required for applications requesting **dimensional relief**:

- ☒ • Valuation of New Construction (for non-residential projects) [ViewPoint Cloud Application Form](#)

- N/A • Total Number of Dwelling Units (for residential projects)

No dwelling units proposed, not a residential project

- ☒ • Lot area [ViewPoint Cloud Application Form](#)

- ☒ • Description of proposed project [See Cover Letter & Project Narrative \(Attachment B\)](#)

- ☒ • Description of existing land use [See Cover Letter & Project Narrative \(Attachment B\)](#)

- ☒ • Project representatives – names and contact information [See Project Narrative \(Attachment B\)](#)

- ☒ • Description and dimensions of existing ~~and proposed buildings~~ (including building footprint, total gross floor area, and height) [See Project Narrative \(Attachment B\)](#)

- ☒ • Existing and proposed front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line) [See Project Narrative \(Attachment B\)](#)

- ☒ • Site Plan(s) showing existing and proposed conditions including:

- Abutting street(s) and street names [See Design Plans \(Attachment C\)](#)
- Driveways / accessways
- Dimensions (size and height) of structures
- Dimensions and location of parking spaces

- ☒ • Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size) [See Design Plans \(Attachment C\)](#)

- ☒ • Labeled photo(s) of existing conditions [See Site Photo Log \(Attachment D\)](#)

- ☒ • Building plans and elevations of any *proposed* structures or additions

See Design Plans,
Detail Sheets
(Attachment C)

- N/A • ~~Interior floor plans for any renovations or expansion to existing structures~~

No renovations or expansions to existing structures are proposed

- ☒ • Written statement explaining how the request complies with the requirements of the **Zoning Ordinance** as provided in Article 2 (see Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions). [See Project Narrative \(Attachment B\)](#)

☒ 8. In addition, for applications requesting **dimensional relief**, the following information may be required by the Planning Department: [See Project Narrative \(Attachment B\)](#)

- Existing and proposed number of parking spaces
- Existing and proposed number of loading spaces
- Existing and proposed lot area covered by surface parking and driveways
- Existing and proposed other impervious area
- Whether any of the proposed work is located in a wetland area or wetland buffer area

N/A • Number of new hotel rooms No new hotel rooms proposed

N/A • New restaurant gross floor area No restaurant proposed

N/A 9. The following information is required for applications requesting relief from **land use** requirements: Not requesting relief from land use requirements

- Valuation of New Construction (for non-residential projects)
- Total Number of Dwelling Units (for residential projects)
- Lot area
- Description of existing and proposed land uses
- Location and gross floor area of the area devoted to the existing and proposed land uses
- Existing and proposed number of parking spaces
- Project representatives – names and contact information
- Written statement explaining how the request complies with the requirements of the **Zoning Ordinance** as provided in Article 2 (see Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions).
- Site Plan showing dimensions and location of parking spaces including the scale (the scale is the ratio of the drawing's size relative to the actual size)
- Interior floor plans and/or exterior site plans showing the location of the proposed use(s)
- Labeled photo(s) of existing conditions

N/A 10. In addition, for applications requesting **land use** relief, the following information may be required by the Planning Department:

Not requesting relief from land use requirements

- Existing and proposed number of loading spaces
- Number of new hotel rooms
- New restaurant gross floor area

The Applicant is encouraged to consider the following when completing the application:

- Provide neat and clearly legible plans and copies [See Design Plans \(Attachment C\)](#)
- Use of color or highlights is encouraged in order to identify pertinent areas on plans
- Applicants are encouraged to review the application with a member of the Planning Department staff prior to submittal [A preliminary meeting was conducted on April 7, 2025](#)
- All applicants are encouraged to discuss the project with impacted neighbors

For additional information on application requirements and the Zoning Board of Adjustment review and approval process, please refer to the City of Portsmouth Zoning Ordinance (see Article 2, Section 10.230) and the Zoning Board of Adjustment Rules and Regulations or contact the Planning Department directly at (603) 610-7216.

City of **PORTSMOUTH** [Home](#) >

PLANNING & SUSTAINABILITY

City Hall	1 Junkins Ave, 3rd Floor
Hours	Monday 8 AM – 6 PM Tuesday – Thursday 8 AM – 4:30 PM Friday 8 AM – 1 PM
Phone	(603) 610-7216
Fax	(603) 427-1593

Attachment B - Project Narrative

Introduction

Coakley Road EV Charging 1, LLC (the Applicant) proposes the installation of four (4) electric vehicle chargers, for a total of eight (8) EV charging spaces with one (1) ADA space and associated electric equipment at an existing commercial property. The project limit of work encompasses approximately 0.14 acres of the approximately 2.56-acre site, located at 505 US-1 Bypass, Portsmouth, New Hampshire (Map-Lot 0234-0005-0000). The project site is located in the Gateway Corridor (G1) zoning district. The property is not located within any overlay districts according to the publicly available mapping layers on the Portsmouth GIS site.

Hodgson Brook and its associated wetland resource areas are located near the property site according to the City of Portsmouth Wetland Buffers layer on their GIS site. The Hodgson Brook wetland areas extend partially onto the project site and the 100-foot wetland buffer extends onto the site.

The property currently includes two motel buildings, impervious bituminous concrete driveway and parking spaces, and a grassed median that also includes a concrete recreational pool area. The site is bounded by Coakley Road to the north, Borthwick Avenue to the south, and US Route-1 and a car dealership to the east. Hodgson Brook runs southeasterly along the southern boundary of the site. Another commercial hotel property is located to the east of the project property and on the other side of Hodgson Brook.

This Board of Adjustment (BOA) Variance Request was submitted online via ViewPoint Cloud with the required supporting documentation on April 23, 2025. One (1) hard copy of the Variance Request Application Package was transmitted to the City of Portsmouth Code Official on April 23, 2025. The following Variance Request and documentation is hereby submitted to the Code Official as required by Section 10.233 of the City of Portsmouth, New Hampshire Zoning Ordinance adopted December 21, 2009 ("the Ordinance") in accordance with Section IV and Section V of the Board of Adjustment Rules and Regulations for the City of Portsmouth New Hampshire adopted August 20, 1996.

This application package includes a Variance Request and related attachments. The Variance Request was submitted electronically through the City's application site, ViewPoint Cloud, and the Variance Request Application Package was uploaded as a single PDF document attachment as required. One (1) physical copy of the Variance Request application package was delivered to the City of Portsmouth Code Official on April 23, 2025. The application package attachments can be referenced in the cover letter included in this package.

Proposed Project

The project parcel is owned by GIRI PORTSMOUTH 505 LLC. The project is classified in the City of Portsmouth, New Hampshire Zoning Ordinance, adopted December 21, 2009 (the "Zoning Ordinance"), as an Accessory Use - "EV Fueling Space B". The project is permitted in the G1 zoning district via a Conditional Use Permit (CUP) granted by the Planning Board according to Section 10.440 Table of Uses Accessory Use 19.70 EV Fueling Space B in the Zoning Ordinance.

As currently designed, the proposed project includes the installation of four (4) EV charging stations, for a total of eight (8) charging spaces with one (1) ADA space in the existing parking lot of the Port Inn and Suites. The EV chargers will be Level 3 chargers that will be publicly accessible for both hotel guests and the general public. The project will involve the installation of EV charging towers, trenching for electric utility, and installation of required electrical equipment such as transformers and associated equipment pads and overhead utility poles.

The proposed project will not change the traffic flow in or out of the site. The project is proposed in an area that is currently paved/impervious and is currently being used for parking (though the area is not striped). Please see the site photos included in Attachment D. The project is proposed on land that is already developed and requires limited development in open space (i.e., approximately 173 sf of development for the transformer/concrete equipment pads). Please note, the project proposes to return an area that is currently

asphalt pavement back to grassed area, increasing the natural buffer for Hodgson Brook. The project is proposed within the 100-foot wetland buffer.

The name of the Site Owner is:

GIRI PORTSMOUTH 505 INC.
2300 Crown Colony Drive, Suite 203
Quincy, MA 02169
Contact: Ashish Sangani

The name of the Project Developer & Applicant is:

Coakley Road EV Charging 1 LLC
55 Technology Drive, Suite 102
Lowell, MA 01851
Contact: Ilan Gutherz
Phone: (978) 483-0037
Email: igutherz@newleafenergy.com

The name and contact information of the Engineer authorized to represent the Project Developer:

Weston & Sampson Engineers, Inc.
100 International Drive, #152
Portsmouth, NH 03801
Contact: Rebecca Mauser-Hoye, P.E., CEA
Phone: (603) 570-6308
e-mail: mauserr@wseinc.com

Project Schedule

The following is an estimated schedule related to permitting and construction of this project.

Construction: August 2025 – October 2025

The developer is planning to start construction following receipt of all permits as early as July/August 2025 with a construction completion date of October 2025.

Variance or Special Exception Application Instructions

Required information from the Zoning Board of Adjustment Variance Application:

- Valuation of New Construction (for non-residential projects): Approximately \$250,000
- Lot Area = 2.36 acres

Table 1 Existing Buildings Dimensional Information:

Requirements	Building 1 ¹	Building 2 ²
Building Footprint ³	~9,000sf (estimated)	~6,000sf (estimated)
Total Gross Floor Area	20,593 sf	14,148 sf
Total Living Area	13,367 sf	7,960 sf
Building Height	2 stories	2 stories

1. Building 1 according to Tax Assessor Sheet
2. Building 2 according to Tax Assessor Sheet
3. Building footprints estimated using Google Earth. Please note building footprints will not be changed as part of this project.

Table 2 Dimensional Relief Information:

Dimension	Existing	Proposed
Number of Parking Spaces	57	Removal of 1 space Addition of 8 EV (with 1 ADA) Spaces Total Spaces = 64
Number of Loading Spaces	0	0

Note: The existing and proposed area covered by surface parking and driveways was not estimated as the proposed project will not significantly change the amount of surface parking and driveway cover area. The project will actually return approximately 958.5 square feet of paved surface back to grass cover.

Note: The other impervious area on site has not been estimated as the proposed project will not significantly alter the impervious area. Approximately 173 square feet of concrete equipment pads are proposed in existing grass cover.

Compliance with Bylaws

On behalf of the developer, Weston & Sampson has developed a set of plans (Attachment C) that are intended to meet requirements set forth in the Ordinance for the G1 zoning district in which the project is proposed. Below is a summary of the dimensional aspects of the project as required by the Variance or Special Exception Application Instructions:

Table 3 Dimensional and Density Regulations:

Requirements	Existing	Proposed
Minimum Frontage	Unchanged	Unchanged
Front Yard Setback ^{1 2}	8' 3"	10'
Minimum Side Yard Setback	Unchanged	Unchanged
Minimum Rear Yard Setback	Unchanged	Unchanged
Maximum Building Height	Unchanged	Unchanged

1. Existing setbacks measured from the property line to the closest motel building onsite. Please consider that the Port Inn & Suites was constructed in 1955 and thus may not comply with the current lot standards in the G1 zoning district.
2. Proposed setbacks measured from the property line to the nearest structure which is the transformer concrete equipment pad. Please note the proposed electrical equipment will be screened with a vegetative buffer.

Provisions of the Ordinance relative to the project, followed by an analysis of the project's compliance with applicable provisions (in underlined font), are listed below. The outlined regulations represent an analysis primarily applicable to Section 10.230 Zoning Board of Adjustment portion of the Ordinance, however, there are additional provisions that were analyzed under Section IV and V of the Board of Adjustment Rules and Regulations for the City of Portsmouth New Hampshire.

City of Portsmouth, New Hampshire Zoning Ordinance Section 10.230 Zoning Board of Adjustment

10.231 Powers

The Board shall have all powers granted by State law to Zoning Boards of Adjustment

Acknowledged.

10.232 Special Exceptions

10.232.10 The Board shall hear and decide requests for special exceptions as provided for in this Ordinance. The Board shall grant requests for special exceptions which are in harmony with the general purpose and intent of this Ordinance and meet the standards of Subsection 10.232.20. Appropriate conditions of the sort set forth in Subsection 10.232.30 may be placed on special exception approvals when necessary to meet the standards of Subsection 10.232.20. The Board shall deny requests for special exceptions that do not meet the standards of this Section.

The proposed project is not applying for special exception; thus, this section is not applicable.

10.233 Variances

10.233.10 The Board may authorize upon appeal in specific cases a variance from the terms of this Ordinance.

Acknowledged.

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

10.233.21 The variance will not be contrary to the public interest;

The project site is a privately owned commercial property that includes a hotel as well as recreation and parking areas for the patrons of the hotel. The proposed EV chargers will be accessible to both the hotel patrons and the general public. The property is in a heavily commercialized area with the abutting properties being car dealerships and another hotel. The proposed location for the EV chargers is near Coakley Road, and on the other side of Coakley Road is an empty lot and Hodgson Brook. It is the opinion of the applicant that the addition of EV chargers will not be contrary to the public interest and will not significantly alter the character of the general area.

10.233.22 The spirit of the Ordinance will be observed;

It is the opinion of the applicant that the proposed project is not in opposition to the ordinances which variances are being requested from.

Section 10.5B83.10 states, "required **off-street parking** spaces shall not be located between a **principal building** and a **street** or within any required perimeter buffer area". The existing property already has off-street parking that is located between the principal building and the street. The project proposes the EV charging in an area that is currently being used for parking (though the area is not striped). The existing property already has impervious asphalt drives and parking spaces within the wetland buffer.

The proposed EV charging project will have limited impacts to the amount of impervious onsite. The majority of the project will only formalize the parking spaces located along the western edge of pavement. The project is proposed on land that is already developed and requires limited development in open space (i.e., approximately 173 sf of development for the transformer/equipment pads). The project proposes to return an area that is currently asphalt pavement back to grassed area, increasing the natural buffer for Hodgson Brook and within the wetland buffer. The proposed project will bring the hotel more into conformance with the City of Portsmouth's parking requirements.

Section 10.1113.20 states, "required **off-street parking** spaces shall not be located in any required **front yard**, or between a **principal building** and a **street** (including on a **corner lot**).

This restriction shall not apply to required off-street parking for a single-family dwelling (including the combination of a single-family dwelling and an accessory dwelling unit) or two-family dwelling". The same justifications for Section 10.5B83.10 can be implemented regarding this section of the Ordinance.

10.233.23 Substantial justice will be done;

Substantial justice is defined as ensuring fairness and avoiding unnecessary hardship while upholding the general purpose and intent of the zoning regulations. It is the opinion of the applicant that the proposed project does not impose hardship on any abutters or natural resources and still upholds the general purpose and intent of the City of Portsmouth's Zoning Ordinance. The proposed project will not cause loss or hardship to the general public, and in fact, will provide more easily accessible EV charging stations to hotel guests and the general public, with ease of access from US-1, US-4, and I-95.

10.233.24 The values of surrounding properties will not be diminished; and

It is the opinion of the applicant that the values of the surrounding properties will not be diminished by the proposed project. The project property is located in a heavily commercialized area, and the abutters to the property include car dealerships and another hotel. The proposed EV chargers as an accessory use to the Port Inn & Suites Hotel will not diminish the abutting properties.

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

Literal enforcement of Zoning Ordinance Sections 10.5B83.10 and 10.1113.20 would result in unnecessary hardship. If the ordinance were to be strictly implemented, it would mean that the existing parking located on the property could not be utilized.

10.233.30 For purposes of section 10.233.25, "unnecessary hardship" means that one of the following conditions exists:

10.233.31 Owing to special conditions of the property that distinguish it from other properties in the area, (a) no fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and (b) the proposed use is a reasonable one. (Under this provision, an unnecessary hardship shall be deemed to exist only if both elements of the condition are based on the special conditions of the property.)

It is the opinion of the applicant that the unnecessary hardship applicable to this project complies with 10.233.31(a) that "no fair and substantial relationship exists between the general public purposes of the Ordinance provision and the specific application of that provision to the property". It is the opinion of the applicant that the purpose of the aforementioned ordinances does not have a fair or substantial relationship to the benefit of the general public in this situation.

It is also the opinion of the applicant that 10.233.31(b) is applicable to the project in that the proposed use is a reasonable one.

10.233.32 Owing to special conditions of the property that distinguish it from other properties in the area, 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. (Under this provision,

an unnecessary hardship shall not be deemed to exist if any reasonable use, including an existing use, is permitted under the Ordinance.)

Not applicable.

10.233.40 The definition of “unnecessary hardship” set forth in Section 10.233.30 shall apply whether the provision of the Ordinance from which a variance is sought is a restriction on use, a dimensional or other limitation on a permitted use, or any other requirement of the Ordinance.

Acknowledged.

10.233.50 Where this Ordinance contains a more stringent requirement or higher standard than is reflected by existing conditions, it shall be deemed that the intent of the Ordinance is to promote compliance with such requirement or conformance to such standard rather than a continuation of existing conditions. Accordingly, whether surrounding properties violate a provision or standard for which a variance is requested shall not be a factor in determining whether “the spirit of the Ordinance would be observed” by the granting of a variance, as required by Section 10.233.22.

It is the opinion of the applicant that denying the zoning variance from the aforementioned ordinances will not bring the site any more into conformance with the ordinances. However, allowing the zoning variance will allow the site to come more into conformance with the City of Portsmouth’s parking requirements.

10.233.60 Because “special conditions of the property that distinguish it from other properties in the area” must be present for a variance to be granted (Section 10.233.30), the existence in the surrounding area of conditions that are similar to the proposed nonconformity shall not be a basis for the granting of a variance.

Acknowledged.

10.233.70 The Board may attach to a variance any conditions that it deems necessary to ensure that the variance satisfies the criteria set forth in Section 10.233.20.

Acknowledged.

10.234 Procedures for Variances, Special Exceptions and Appeals from Decisions of the Code Official

10.234.10 Requests for variances and special exceptions must be made by persons authorized by state law.

Acknowledged.

10.234.20 Appeals from decisions or orders of the Code Official may be made by any person within 30 days after the date on which the written decision was actually filed.

Acknowledged.

10.234.30 Requests for variances and special exceptions and appeals from decisions of the Code Official shall be in writing on forms prescribed by the Board of Adjustment. Such requests and appeals shall refer to the specific provisions of the Ordinance involved and shall set forth the interpretation claimed and reasons why the request of appeal should be granted.

Acknowledged.

10.234.40 Requests for variances and special exceptions shall include layout or plot plans conforming to the Board's rules and regulations.

Acknowledged, design plans have been included in Attachment C of this application package.

10.234.50 In any case in which the Board of Adjustment is required to give notice of a public hearing in accordance with the provisions of State law, all persons owning property within 300 feet of the property involved in the appeal or request shall be given notice in the manner set forth by State law, provided that failure to give notice beyond statutory requirement shall not give rise to any right of appeal or protest. The requirements of this paragraph shall not apply in Character Districts 4 and 5 (CD4 and CD5) and the Downtown Overlay District.

Acknowledged.

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.

Acknowledged.

10.236 Expiration of Approvals

Variances and special exceptions shall expire unless a building permit is obtained within a period of two years from the date granted. The Board may, for good cause shown, extend such period by as much as one years if such extension is requested and acted upon prior to the expiration date. No other extensions may be requested.

Acknowledged.

10.237 Outstanding Violations

No variance or special exception may be granted for premises on which outstanding violations of this Ordinance exist, unless the effect of such variance or special exception would be to remedy all such violations.

Acknowledged, the proposed project property does not hold any outstanding violations.

Board of Adjustment Rules and Regulations for the City of Portsmouth New Hampshire

Section IV: Applicant's Responsibilities

1. All applications for Variances and Special Exceptions must be submitted to the Code Official prior to the published deadline. Submissions which fail to meet this requirement shall not be considered until the next month's regular meeting. In the case of Appeals from an Administrative Decision, the appeal shall be filed no later than 30 days from the date of the action which is being appeals.

Acknowledged, this Zoning Board of Adjustment Variance Request Application Package was submitted to the Code Official prior to the published deadline of April 23, 2025, to make it onto the May 20, 2025, Zoning Board of Adjustment meeting.

2. An Applicant shall be one of the following:
 - a. The owner of record to the property, or
 - b. The holder of a valid purchase and sales agreement for the purchase of the subject property, or
 - c. The holder of a valid option for the purchase of the subject property.

Acknowledged: the owner of the subject property has authorized New Leaf Energy d/b/a Coakley Road EV Charging 1, LLC and Weston & Sampson Engineers, Inc. to act as the applicant for the proposed project. The Owner Authorization Form is included in Attachment E.

3. All applications shall include a completed form entitled "City of Portsmouth Board of Adjustment Application" which shall be signed by the owner of record to the property.

The online land use application form was completed on the City's online application system, ViewPoint Cloud, as required by the Variance or Special Exception Application Instructions.

4. All applications shall include a written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2.

Please see above for a written analysis of how the request complies with Article 2 of the Zoning Ordinance.

5. It is the obligation of the applicant to submit adequate plans and exhibits in accordance with the terms of the Zoning Ordinance for all applications for Administrative Appeals, Variances and Special Exceptions.

Design plans and other required exhibits have been submitted in this application package.

6. Minimum requirements for adequate plans and exhibits shall include the following, unless waived by the Code Official:

- ☒ Name of Owner(s) **(See Project Narrative)**
- ☒ Name of Applicant(s) **(See Project Narrative)**
- ☒ Title of petition (i.e. Variance / Special Exception) **(See Cover Letter)**
- ☒ Scale of all drawings and plans (the scale is the specific ratio of the drawings relative to the actual size) **(See Attachment C)**
- ☒ Labeled photo(s) of existing conditions **(See Attachment D)**
- ☒ Building plans and elevations of any *proposed* structures **(See Attachment C)**
- ☒ Site Plan(s) showing existing and proposed conditions including: **(See Attachment C)**

- ☒ Front, side, and rear setback / yard dimensions (this is the distance from a structure and the lot line)
- ☒ Lot dimensions
- ☒ Abutting street(s) and street names
- ☒ Driveways / accessways
- ☒ Dimensions (size and height) of structures
- ☒ Dimensions and location of parking spaces

7. The Code Official is authorized by the Board of Adjustment to refuse applications which do not meet these minimum requirements.

Acknowledged.

8. The Code Official may also require additional information and/or exhibits as needed to illustrate the scope of the project.

Acknowledged, please contact Weston & Sampson Engineers, Inc at the email address or phone number listed on the cover letter to request additional information or exhibits as needed.

9. In the case of conversions or renovations to an existing structure, interior floor plans shall be furnished by the applicant.

Not applicable, the project is not a conversion or renovation to an existing structure.

10. Public Hearings shall not be scheduled, advertised or held until such time as the "minimum requirements for adequate plans" have been submitted.

Acknowledged.

11. Any application that includes plans or exhibits deemed inadequate or requiring more detailed information may be postponed until such time as adequate plans or exhibits are received by the Board.

Acknowledged.

12. The Board may postpone any application requiring more information prior to any action being taken.

Acknowledged.

13. The Applicant shall submit an original and eleven (11) copies of any plans, exhibits, or supporting documents.

Acknowledged, one (1) physical copy of this Board of Adjustment Variance Request Application Package has been transmitted to the City of Portsmouth Code Official at the advice of Jillian Harris, Principal Planner for the City of Portsmouth.

14. The Applicant shall provide electronic files in Portable Document Format (PDF) of all submittals. An Applicant may request a waiver from this requirement. The request should be made in writing to the Planning Director and should explain why the Applicant is unable to provide electronic files.

Acknowledged, a PDF copy of this application package has been submitted to the City of Portsmouth's online permitting system (ViewPoint Cloud).

15. The Applicant or a designated representative of the applicant must appear before the Board at the time of the public hearing on the application.

Acknowledged, the Applicant and a representative of the applicant will appear before the Board at the time of the public hearing.

Section V: Fee Schedule

1. All application fees for appeals for a Variance or a Special Exception are set by the City Council.

Acknowledged.

2. All postage costs for abutter notices and a proportionate share of the advertising of the legal notice shall be paid for by the applicant.

Acknowledged, the applicant will reimburse the City of Portsmouth for postage and legal ad expenses.

Attachment C - Site Plans

PERMIT SET

PORT INN AND SUITES
505 US-1, PORTSMOUTH, NH 03801
ELECTRIC VEHICLE CHARGING STATION

THIS DOCUMENT IS PROVIDED BY NEW LEAF ENERGY, INC. TO FACILITATE THE SALE OF THE ELECTRIC CHARGING STATION PROJECT REPRESENTED HEREIN. REPRODUCTION, RELEASE OR UTILIZATION FOR ANY OTHER PURPOSE, WITHOUT PRIOR WRITTEN CONSENT IS STRICTLY PROHIBITED.

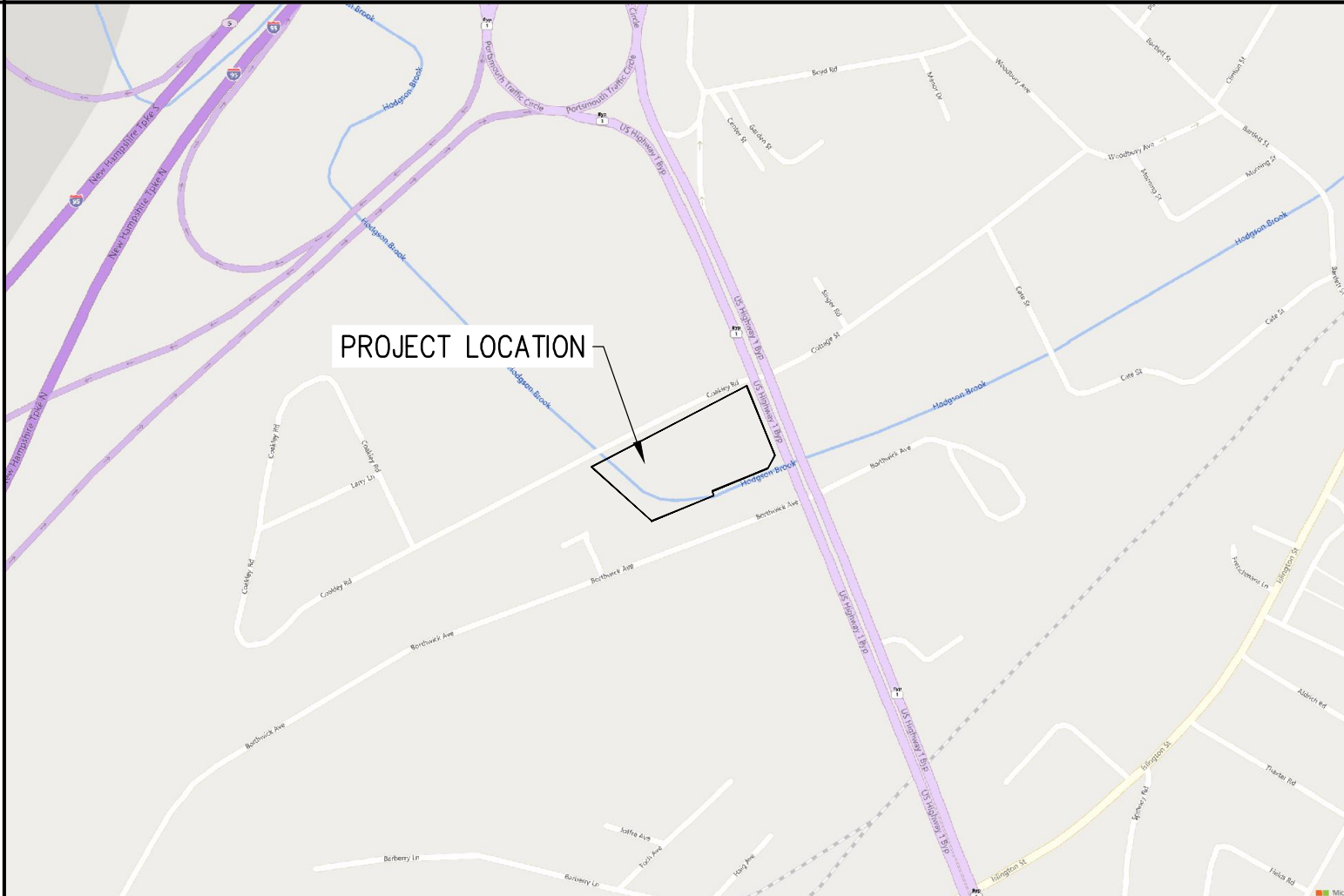


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NOT FOR
CONSTRUCTION



Weston & Sampson Engineers, Inc.
150 Dow Street, Tower 4, Suite 350
Manchester, NH 03101
978.532.1900 800.SAMPSON
www.westonandsampson.com

GENERAL NOTES		PROJECT SCOPE		LOCATION MAP		DRAWING LIST					
<div>1. AS CONTAINED HEREIN, "CONTRACTOR" IS ASSUMED TO BE THE EPC PROVIDER HIRED BY THE SYSTEM/PROJECT OWNER.</div> <div>2. WHEN THERE IS A CONFLICT BETWEEN THESE GENERAL NOTES AND THE DRAWINGS, THE DRAWINGS SHALL GOVERN.</div> <div>3. ALL WORK SHALL CONFORM TO THE MINIMUM STANDARDS OF THE FOLLOWING: LOCAL BUILDING CODE, LOCAL ELECTRICAL CODE, ANY OTHER REGULATING AGENCIES WHICH HAVE AUTHORITY OVER ANY PORTION OF THE WORK AND THOSE CODES AND STANDARDS LISTED IN THESE DRAWINGS.</div> <div>4. THESE DRAWINGS SHALL NOT BE USED FOR CONSTRUCTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DEVELOPING A CONSTRUCTION LEVEL DESIGN AND ASSOCIATED DRAWINGS AND DETAILS.</div> <div>5. COORDINATE THESE DRAWINGS WITH SPECIFICATIONS AND MANUFACTURER INSTALLATION AND OPERATION MANUALS.</div> <div>6. UNLESS OTHERWISE NOTED, THE DESIGN REPRESENTED ON THESE PLANS IS BASED ON THE INFORMATION AND CRITERIA LISTED IN THE "BASIS OF DESIGN" SECTION. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY SUCH INFORMATION IN PREPARATION OF THE CONSTRUCTION DESIGN.</div> <div>7. THE EXISTING CONDITIONS REPRESENTED ON THESE PLANS ARE BASED ON PUBLICLY AVAILABLE INFORMATION AND THE SITE DISCOVERY SUMMARIZED IN THESE DRAWINGS. IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO VERIFY THE ACCURACY OF SUCH INFORMATION AND SUPPLEMENT WITH ANY ADDITIONAL REQUIRED INFORMATION.</div> <div>8. UNLESS INDICATED AS EXISTING (E), ALL PROPOSED MATERIALS AND EQUIPMENT SHALL BE CONSIDERED TO BE NEW.</div> <div>9. ALL EQUIPMENT AND COMPONENTS SHALL BE MOUNTED IN COMPLIANCE WITH THE MANUFACTURER'S REQUIREMENTS, CONSTRUCTION DETAILS, AND/OR PRUDENT INDUSTRY STANDARDS.</div> <div>10. TO THE EXTENT THAT TREES AND OTHER FEATURES AFFECT THE SYSTEM'S INSTALLATION, THEY WILL BE REMOVED AN REPLACED WITH LIKE-KIND WHEN POSSIBLE. IF NOT POSSIBLE CONTRACTOR TO DISCUSS SOLUTIONS WITH SITE OWNER</div>		<div>THIS PROJECT CONSISTS OF THE INSTALLATION OF AN ELECTRIC VEHICLE CHARGING STATION PER THE SYSTEM DESCRIPTION, BELOW. THE CHARGERS WILL BE INSTALLED AS SHOWN IN THE SITE PLANS ATTACHED. THE ELECTRIC VEHICLE CHARGING STATION WILL BE INTERCONNECTED WITH ITS OWN SEPARATE ELECTRICAL SERVICE.</div>				SHEET NUMBER			SHEET TITLE		
						T-1.0			TITLE PAGE		
						SURVEY					
						1 OF 1			LIMITED ALTA/NSPS LAND TITLE SURVEY		
						CIVIL					
						C-1.0			OVERALL PLAN		
						C-2.0			SITE PREPARATION AND DEMOLITION PLAN		
						C-2.1			SITE PLAN		
						C-5.0			CIVIL DETAILS		
						C-5.1			CIVIL DETAILS		
ELECTRICAL						<div>IT IS A VIOLATION OF LAW FOR ANY PERSON TO ALTER ANY DOCUMENT WHICH BEARS THE SEAL OF A PROFESSIONAL ENGINEER, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER.</div>					
E-0.0			ELECTRICAL NOTES								
E-1.0			AC SINGLE LINE DIAGRAM								
E-2.0			PLAN DETAILS								
E-3.0			ELECTRICAL SCHEDULES								
		SYSTEM DESCRIPTION		AERIAL VIEW							
NUMBER OF CHARGING STATIONS		4									
NUMBER OF CHARGING SPACES (TOTAL)		8									
ACCESSIBLE CHARGING SPACES		1									
*REFER TO ELECTRICAL DRAWINGS FOR SYSTEM SPECIFICATIONS.											
APPLICABLE CODES AND STANDARDS		PROJECT DIRECTORY				BASIS OF DESIGN					
ALL WORK SHALL COMPLY WITH THE CURRENT EDITIONS OF THE FOLLOWING CODES AS ADOPTED BY AUTHORITY HAVING JURISDICTION: NH STATE BUILDING CODE NH STATE ELECTRICAL CODE NH FIRE PREVENTION REGULATIONS AMERICAN INSTITUTE OF STEEL CONSTRUCTION (AISC 360) AMERICAN CONCRETE INSTITUTE AMERICANS WITH DISABILITIES ACTS DESIGN STANDARDS (ADADS) 2010 ADA DESIGN STANDARDS U.S. ACCESS BOARD DESIGN RECOMMENDATIONS FOR ACCESSIBLE ELECTRIC VEHICLE CHARGING STATIONS TECHNICAL ASSISTANCE DOCUMENT MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD) UL (UNDERWRITERS LABORATORIES, INC.) STANDARDS CITY OF PORTSMOUTH ZONING BYLAWS		<div>SYSTEM / PROJECT OWNER COAKLEY ROAD EV CHARGING 1, LLC</div> <div>LAND OWNER / HOST GIRI PORTSMOUTH 505 INC.</div> <div>AUTHORITY HAVING JURISDICTION CITY OF PORTSMOUTH 1 JUNKINS AVE, PORTSMOUTH, NH 03801</div> <div>UTILITY EVERSOURCE</div>		<div>APPLICANT FIRM: CONTACT: PHONE:</div> <div>COAKLEY ROAD EV CHARGING 1, LLC JONATHAN SALSMAN, PE (800) 818-5249</div> <div>CIVIL ENGINEER FIRM: CONTACT: PHONE:</div> <div>WESTON & SAMPSON ENGINEERS, INC. JEFFREY W. SANTACRUCE, PE PTOE (978) 532-1900</div> <div>ELECTRICAL ENGINEER FIRM: CONTACT: PHONE:</div> <div>LIG CONSULTANTS TONY MORREALE, PE (508) 381-3371</div>		ALTA/NSPS LAND TITLE SURVEY: NORTHEAST SURVEY CONSULTANTS FEBRUARY 7, 2025					
						PORT INN AND SUITES 505 US-1 PORTSMOUTH, NH 03801					
						PROJECT NUMBER: ENG24-1702					
						<div>REV DATE DRAWN CHECKED RELEASE LABEL</div> <div>0 04/23/25 RWG JWS ISSUED FOR PERMITTING</div> <div>1 05/09/25 RWG JWS REVISED FOR PERMITTING</div>					
						<div>SCALES STATED ON DRAWINGS ARE VALID ONLY WHEN PLOTTED ARCH D 24" X 36"</div> <div>T-1.0</div> <div>TITLE PAGE</div>					

The following exceptions are derived from a commitment for title insurance prepared by the Stewart Title Guaranty Company, commitment #2392151, commitment date 8-7-2024.

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the commitment is created after the commitment date. The commitment is not affected. **(not a survey matter)**

2. Any facts, rights, interests, or claims which are not shown by the public records but which could be ascertained by an inspection of said land or by making inquiry of persons in the neighborhood. **(not a survey matter)**

3. Discrepancies, conflicts in boundary lines, shortages in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records. **(see Significant Observations for any such matters found by this survey)**

4. Liens for taxes and assessments, which become due and payable subsequent to the date of the commitment. **(not a survey matter)**

5. **UNINSURED INTERESTS IN A CONDOMINIUM UNIT:** Covenants, conditions, restrictions, reservations, easements, or assessments, options, powers of attorney, and limitations on title, created by or for the State of the insured premises or set forth in the Master Deed or Declaration of Condominium, in the related By-Laws, in the Declaration of Condominium, in the Rules and Regulations, in the Covenants, Conditions and Restrictions or as the same may have been lawfully amended, and in any instrument creating the estate or interest insured by this policy. **(not a survey matter)**

6. Any inaccuracy in the area, square footage, or acreage of land described in the Original A. The Company does not insure the area, square footage, or acreage of the land. **(not a survey matter)**

7. Water and sewer easements referred to or set forth in instruments recorded in the Rockingham County Registry of Deeds in Book 1314, Page 221. **(plotted)**

8. Utility Easement granted to New Hampshire Electric Cooperative and New England Telephone & Telegraph Company by instrument recorded at Book 1318, Page 452 of the Rockingham County Registry of Deeds. **(not plottable due to vague description)**

9. The conditions of the easement proceedings instituted by the United States of America for the purpose of establishing a perpetual drainage easement as set forth in an instrument recorded in the Rockingham County Registry of Deeds in Book 1533, Page 216 and Book 3107, Page 950. **(plotted)**

10. Utility Easement to the State of New Hampshire as evidenced by instrument recorded at Book 1318, Page 452 of the Rockingham County Registry of Deeds. **(not plottable due to vague description; generally covers need to install traffic signals on locus; generally area impacted is called out)**

11. Terms and conditions of Cable Television Installation and Service Agreement as set forth in an instrument recorded in the Rockingham County Registry of Deeds in Book 2769, Page 204. **(plotted)**

12. Notes, rights of way, rights, easements, restrictions, covenants, conditions and other matters depicted on a Plan recorded in the Rockingham County Registry of Deeds in Plan Number D-30041. **(said plan was used in the preparation of this survey)**

13. Commercial Mortgage, Security Agreement and Assignment of Leases and Rents from Gateway Mall, Inc. to the State of New Hampshire, dated July 1, 1989, in the original principal amount of \$5,912,000.00, recorded with said Registry at Book 6015, Page 2244. **(not a survey matter)**

- 1: The ALTA/NSPS certification given hereon is limited to the proposed facility and access and ~~does not cover the entire locus parcel.~~
- 2: Field notes by EDM Total Station are dated 11/15/2021.
- 3: The horizontal datum of this plan is the New Hampshire Coordinate System North American Datum 1983 (2011), the vertical datum is North American Vertical Datum 1988, both are based on RTK GPS observations taken on 11/15/2021.
- 4: According to Federal Emergency Management Agency maps, the entire locus parcels are located in areas designated as "Zone X" (areas of minimal flooding, no shading). Community Panel No. 33015C 0259 F – Effective Date: 1/29/2021.
- 5: A copy of the zoning letter was not provided to the surveyor, all zoning information given hereon is taken from the City of Portsmouth website. The locus parcel and all abutting parcels are located in the Gateway Corridor (G1) zoning district.
- 6: All existing utility structures shown hereon are from observed field evidence only, this plan may not depict the exact location of underground utilities & does not show all of the utilities which exist within the premises surveyed. Please contact dig-safe at 1-888-336-3333 for excavation.
- 7: The time of day the survey was performed was observed evidence of active earth moving work. At the time of the survey there was no observed evidence of building construction or building additions.
- 8: As allowed under Section 3.5(v) and 3.6 of the 2021 ALTA/NSPS Minimum Standards and Detail Requirements, this survey meets the maximum allowable Relative Positional Precision due to the size and configuration of the surveyed property, and the relief, vegetation and improvements on the property.
- 9: No wetland delineations were observed or provided to the surveyor.
- 10: Distance to nearest intersecting street (Borthwick Avenue) is 93±.

None found.

To: Cookley Road EV Charging 1, LLC Stewart Title Guaranty Company:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 2, 3, 4, 5, 6a, 11a, 13, 16, 18 & 19 of Table A thereof. The fieldwork was completed on 1/17/2025.

2-7-2025
Date of map or plat

234-5	ASSESSOR'S ID
N/F	NOW OR FORMERLY
IPF/IRFO	IRON PIPE OR ROD FOUND
CIRFO	CAPPED ROD FOUND
▲	CALCULATED POINT
◆	TEMPORARY BENCHMARK (TBM)
♂	UTILITY POLE
+	GUY WIRE ANCHOR
☆	LIGHT POLE
⌚	ELECTRIC BOX
☑	TELECOM. BOX
●	PIPE INLET OR OUTLET
田	CATCH BASIN
⊗	MANHOLE
⊗	GAS METER
▲	SIGN POST
● (S)	TREE
◇	BUSH

- | | |
|-------------|-----------------------|
| ————— | LOCUS PROPERTY LINE |
| ————— | ABUTTERS LINE |
| ————— | EASEMENT LINE |
| ——— OHW ——— | OVERHEAD WIRES |
| - - - - - | CONTOUR LINE |
| ————— | WHITE PAINT LINE |
| ————— | YELLOW PAINT LINE |
| - | APPROX. EDGE OF WATER |

PORTSMOUTH, NH

COAKLEY ROAD EV CHARGING 1, LLC

SHEET NO.

1

OF

SURVEYOR:	GEB	ENGINEER:
-----------	-----	-----------

DRAFTING: JDG DESIGN:

FIELD WORK:	MAK	ESL	HORZ. SCALE:
-------------	-----	-----	--------------

PROJECT NUMBER:	24-346	VERT. SCALE:
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DRAWING NAME:	24-346.DWG	DATE:	2-7-2025
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1

ROUTE 1

BYPASS

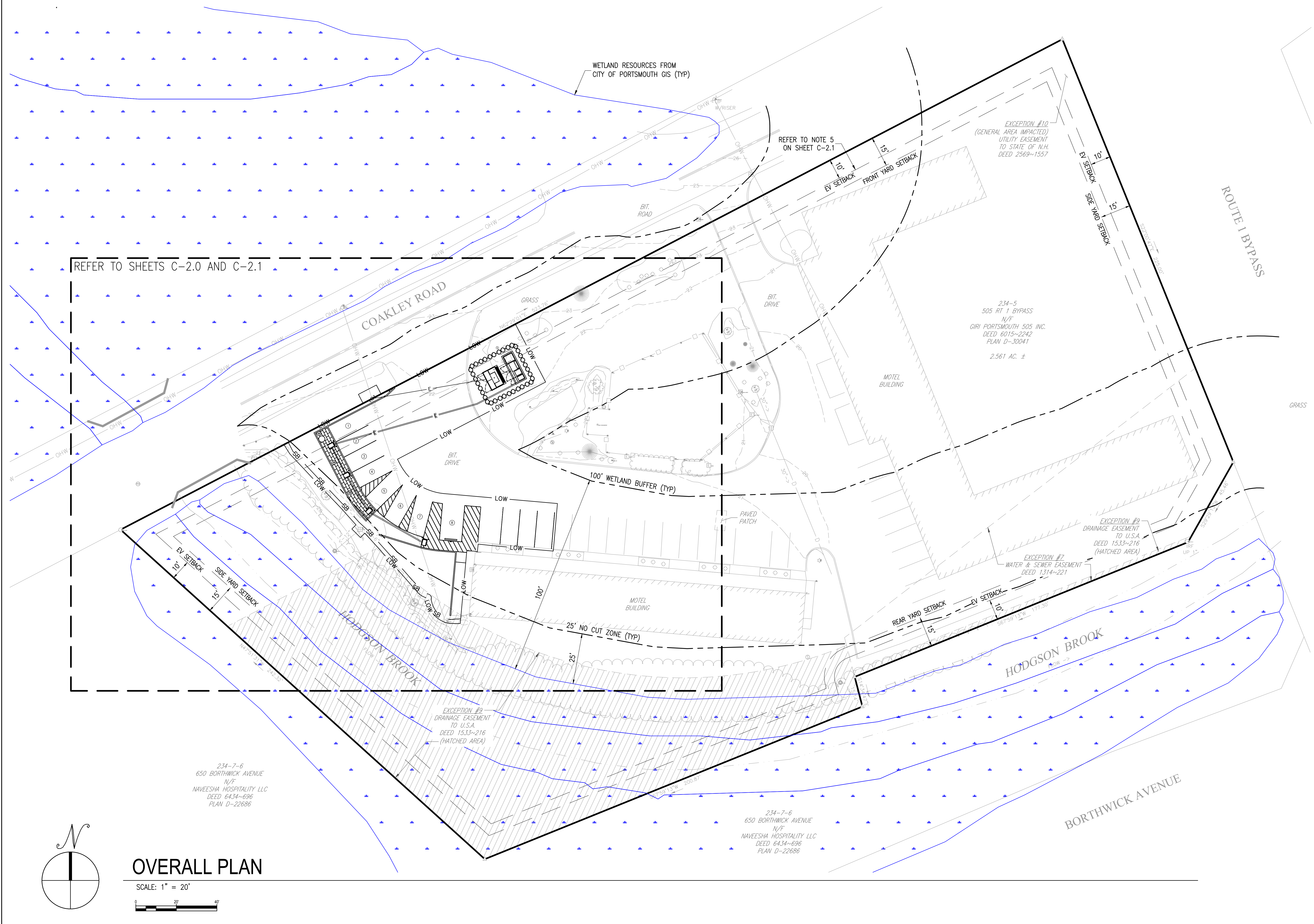
NORTHEAST

SURVEY

CONSULTANTS

3 FERRY STREET
STUDIO 1 EAST

HAMPTON, MA 01027
(413) 203-5144



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PORT INN AND SUITES
505 US-1
PORTSMOUTH, NH 03801

PROJECT NUMBER:
ENG24-1702

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL
0	04/23/25	RWG	JWS	ISSUED FOR PERMITTING
1	05/09/25	RWG	JWS	REVISED FOR PERMITTING

SCALES STATED ON DRAWINGS ARE VALID ONLY WHEN PLOTTED ARCH D 24" X 36"

C-1.0
OVERALL PLAN

1. ALL VEGETATIVE SURFACES THAT BECOME DISTURBED FROM THE WORK SHALL BE STABILIZED WITH GRASS COVER. ALL PAVED SURFACES THAT BECOME DISTURBED FROM THE WORK SHALL BE RESTORED TO MATCH EXISTING CONDITION, UNLESS OTHERWISE SHOWN.
2. COORDINATE ANY REQUIRED REMOVAL OF EXISTING SITE FEATURES (CURBING & TREES ETC) WITH LANDOWNER.
3. CONTRACTOR SHALL BE RESPONSIBLE FOR PROVIDING TEMPORARY CONSTRUCTION FENCING AND GATES TO PROTECT WORK AREA AND MATERIAL/EQUIPMENT STORAGE. THE LOCATION OF FENCING/GATES SHALL BE COORDINATED WITH THE OWNER/ENGINEER PRIOR TO INSTALLATION. PRIVACY SLATS, IF REQUIRED BY OWNER, SHALL BE PROVIDED. SUFFICIENT SUPPORTS/BALLASTS SHALL BE PROVIDED TO ACCOUNT FOR WINDS LOADS PARTICULARLY THOSE ASSOCIATED WITH PRIVACY SLATS.



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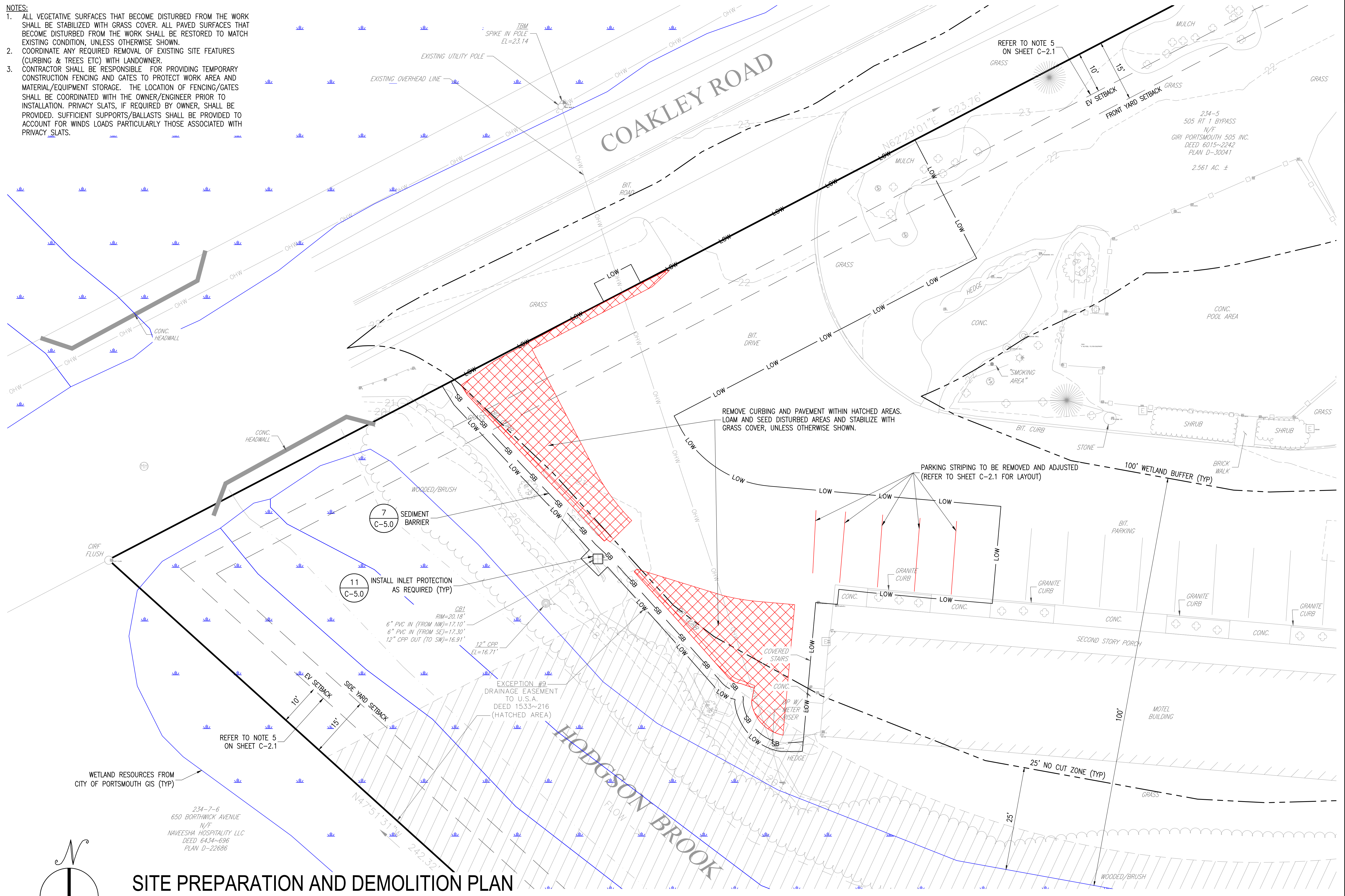
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505 US-1
PORTSMOUTH, NH 03801

PROJECT NUMBER
ENG24-1702

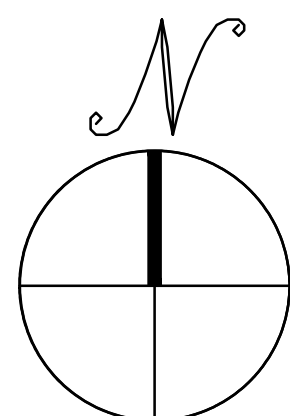
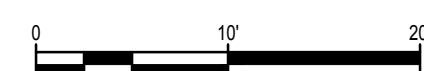
SCALES STATED ON DRAWINGS
 ARE VALID ONLY WHEN PLOTTE
 ARCH D 24" X 36"

C-2.0



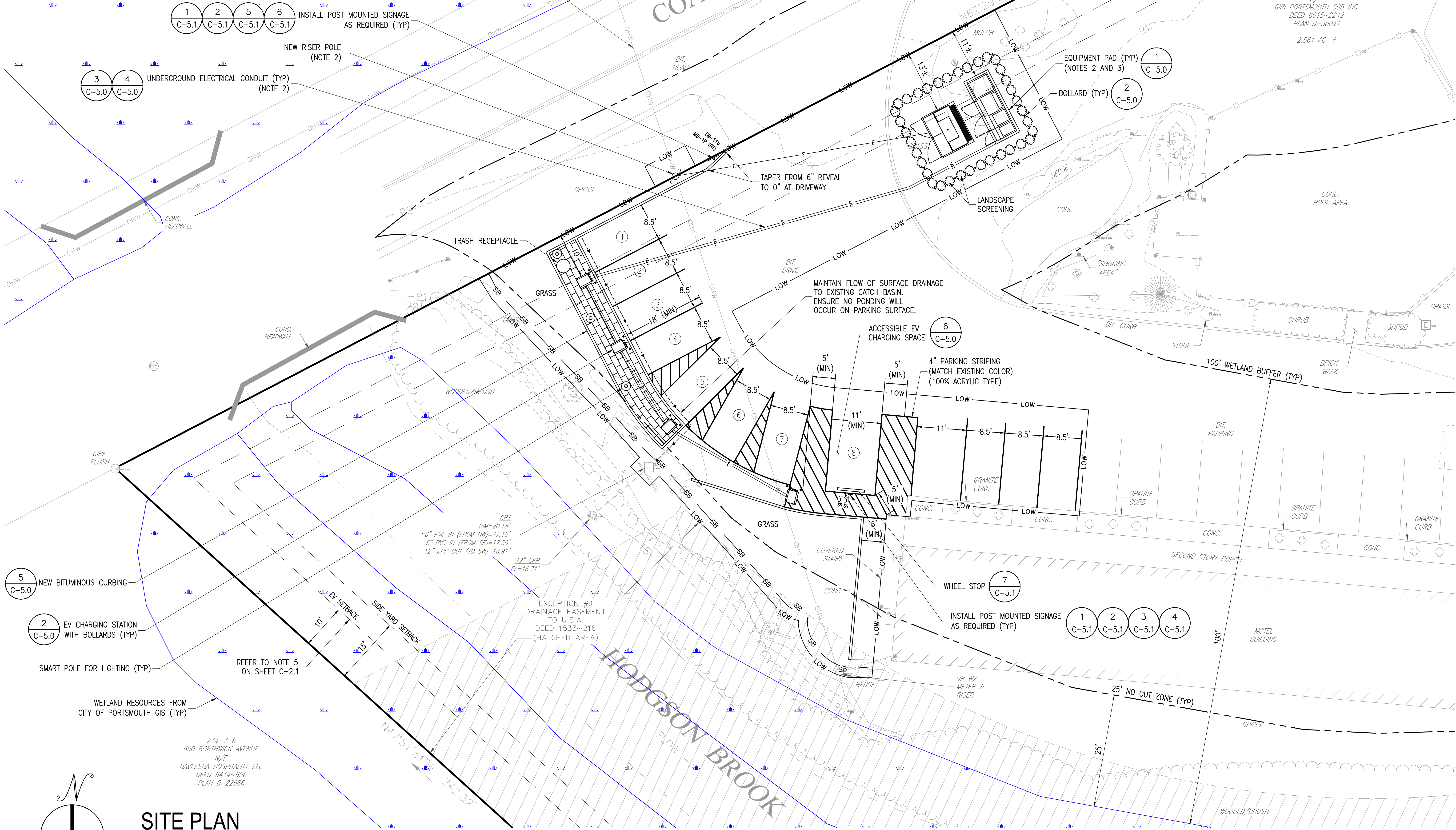
SITE PREPARATION AND DEMOLITION PLAN

SCALE: 1" = 10'



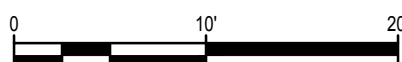
NOTES:

1. ALL VEGETATIVE SURFACES THAT BECOME DISTURBED FROM THE WORK SHALL BE STABILIZED WITH GRASS COVER. ALL PAVED SURFACES THAT BECOME DISTURBED FROM THE WORK SHALL BE RESTORED TO MATCH EXISTING CONDITION, UNLESS OTHERWISE SHOWN.
2. REFER TO ELECTRICAL DRAWINGS FOR FURTHER INFORMATION.
3. REFER TO STRUCTURAL DRAWINGS FOR FURTHER INFORMATION.
4. COORDINATE ANY REQUIRED REMOVAL OF EXISTING SITE FEATURES (CURBING & TREES ETC) WITH LANDOWNER.
5. PER SECTION 10.843.34 OF THE CITY OF PORTSMOUTH, NEW HAMPSHIRE ZONING ORDINANCE – EXCEPT FOR EV FUELING SPACE, ALL ABOVE GROUND EV CHARGING SUPPORT EQUIPMENT SHALL BE SET BACK 10 FEET FROM ALL LOT LINES.



SITE PLAN

SCALE: 1" = 10'



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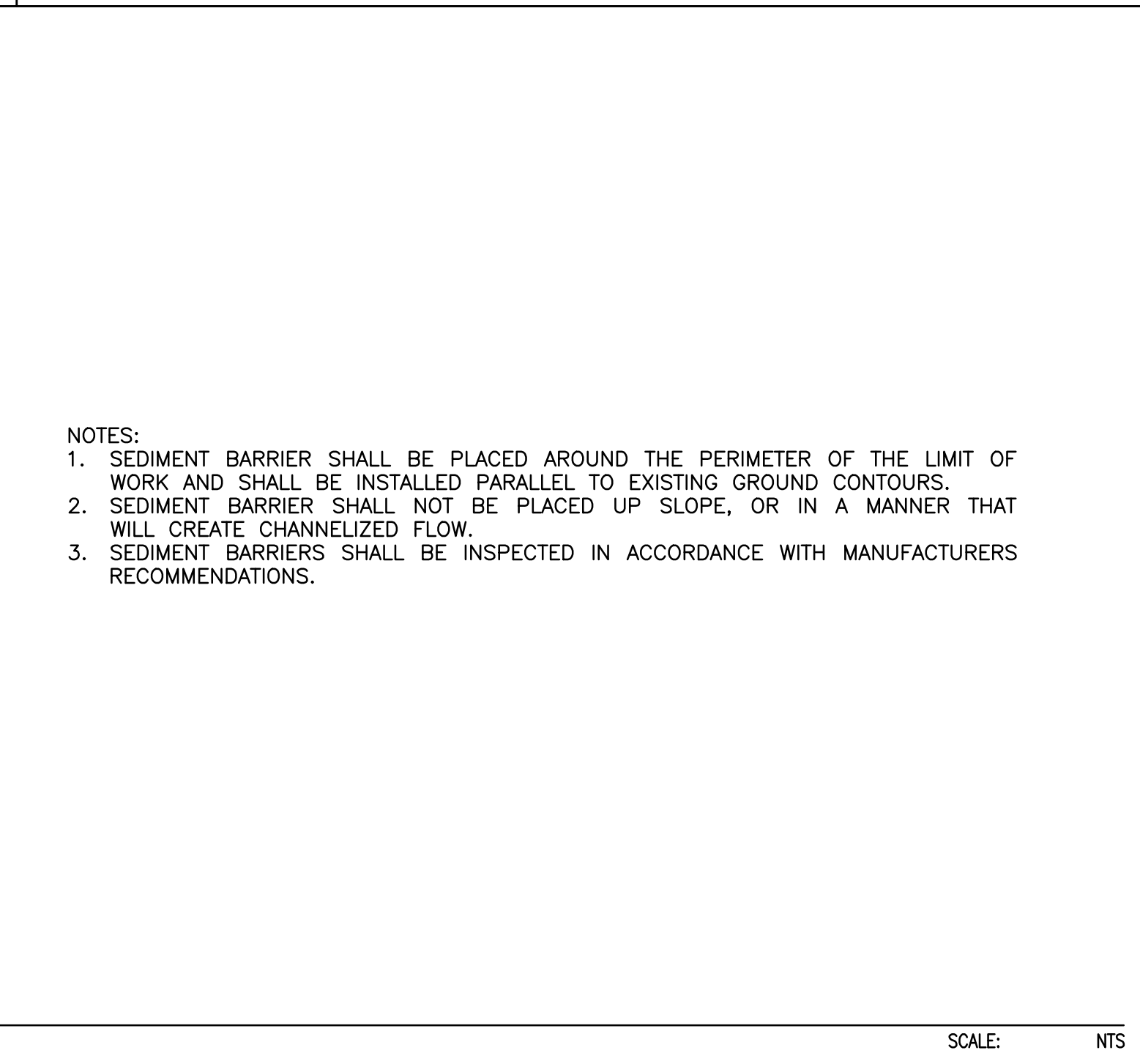
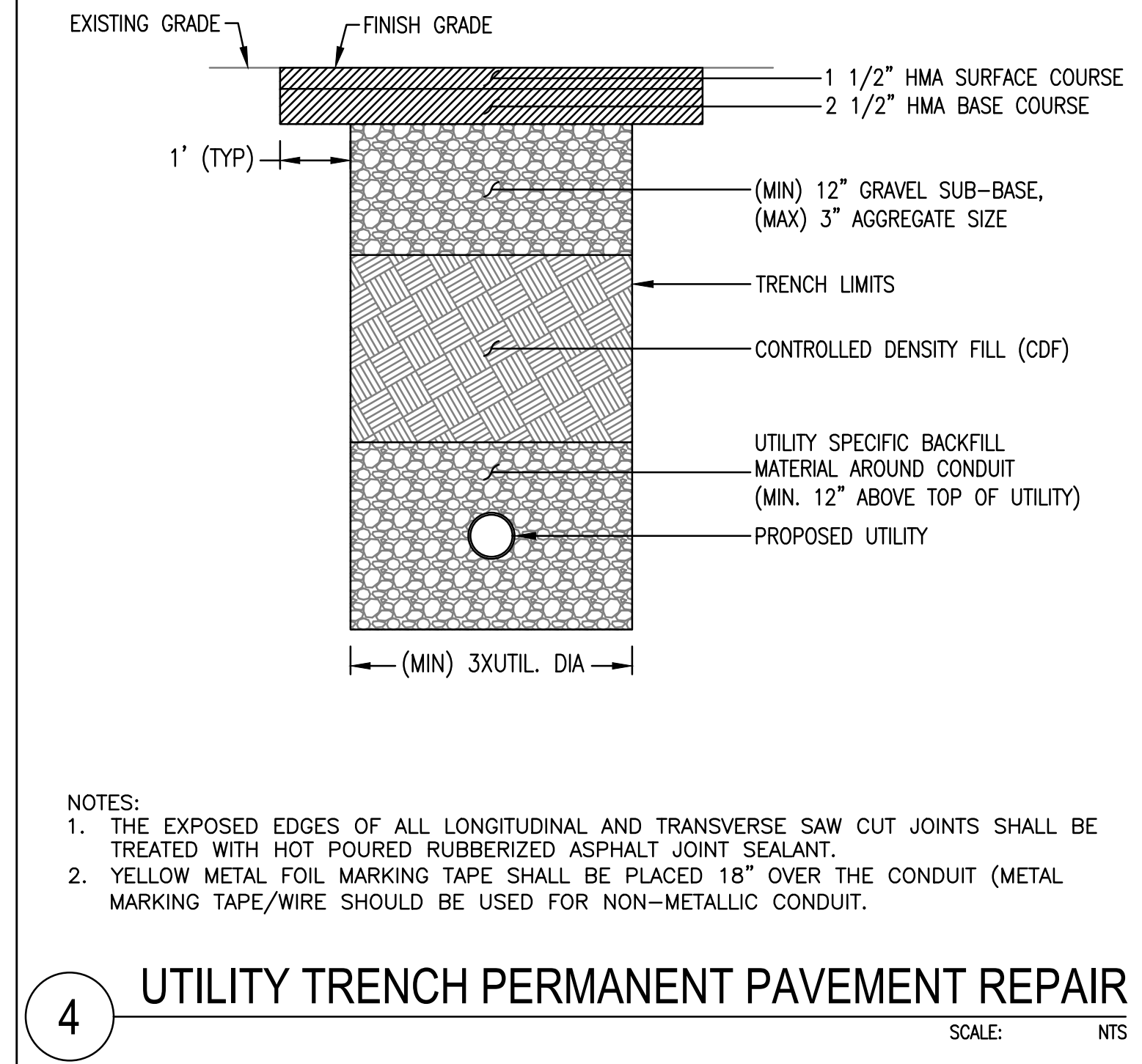
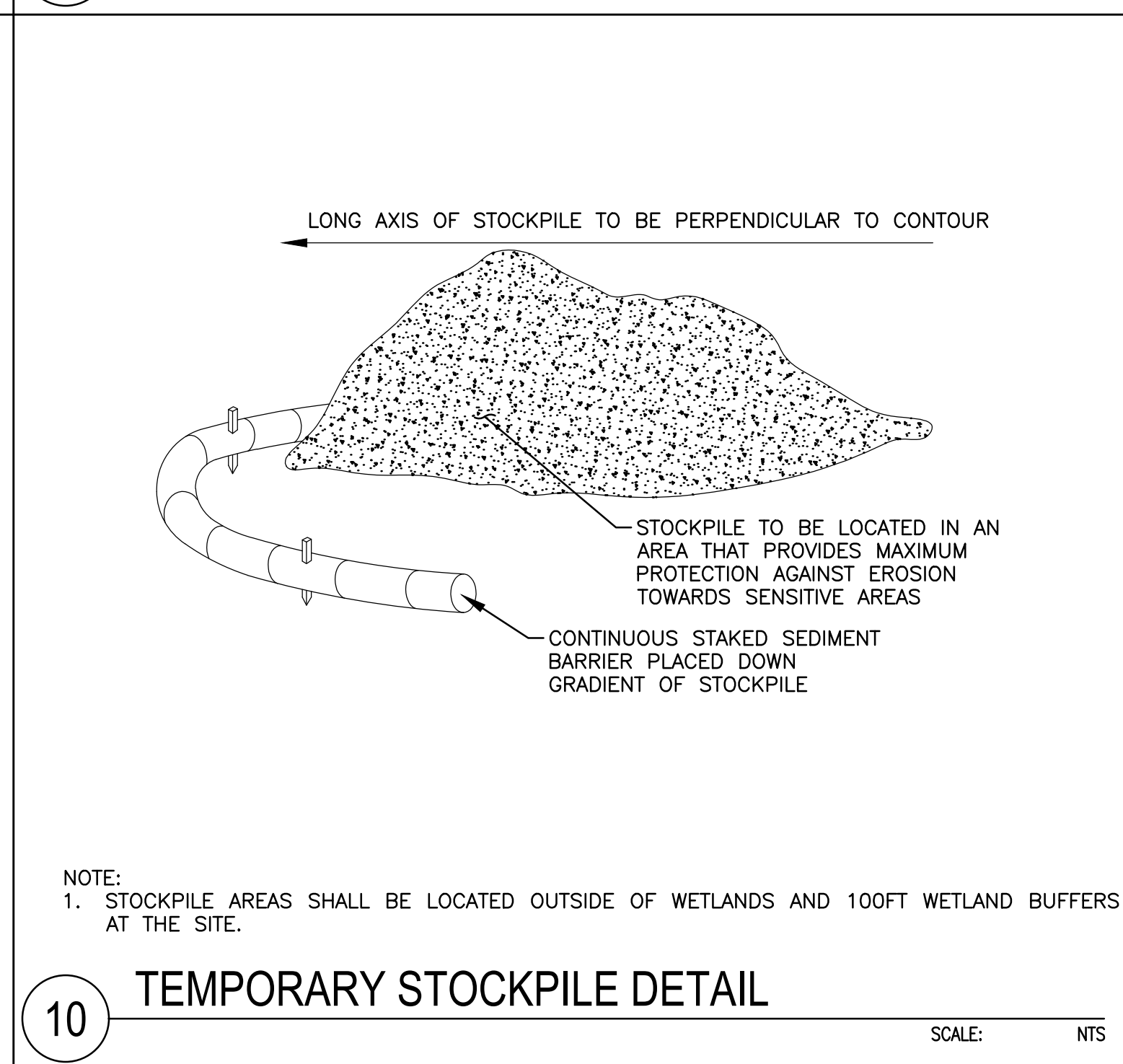
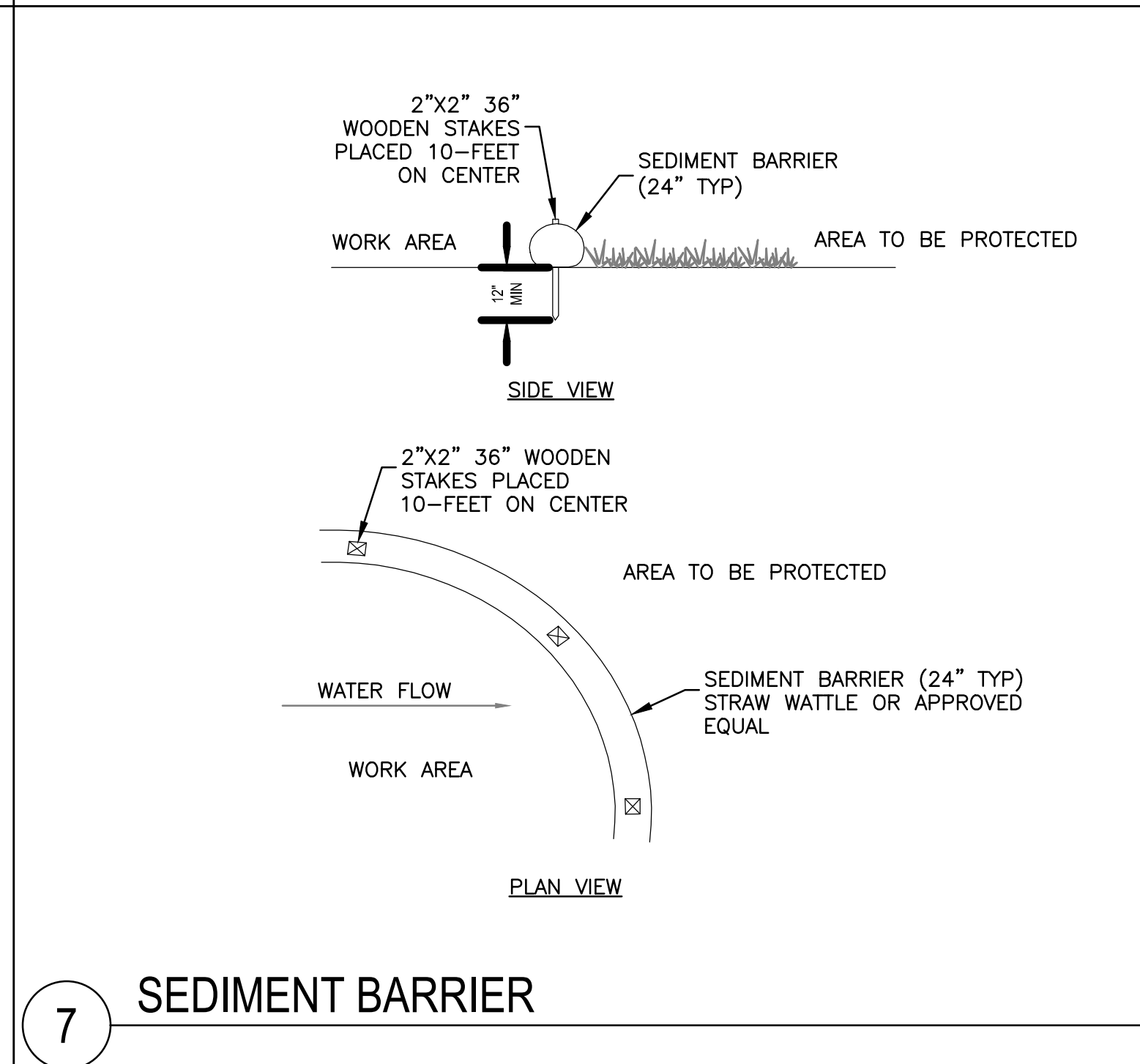
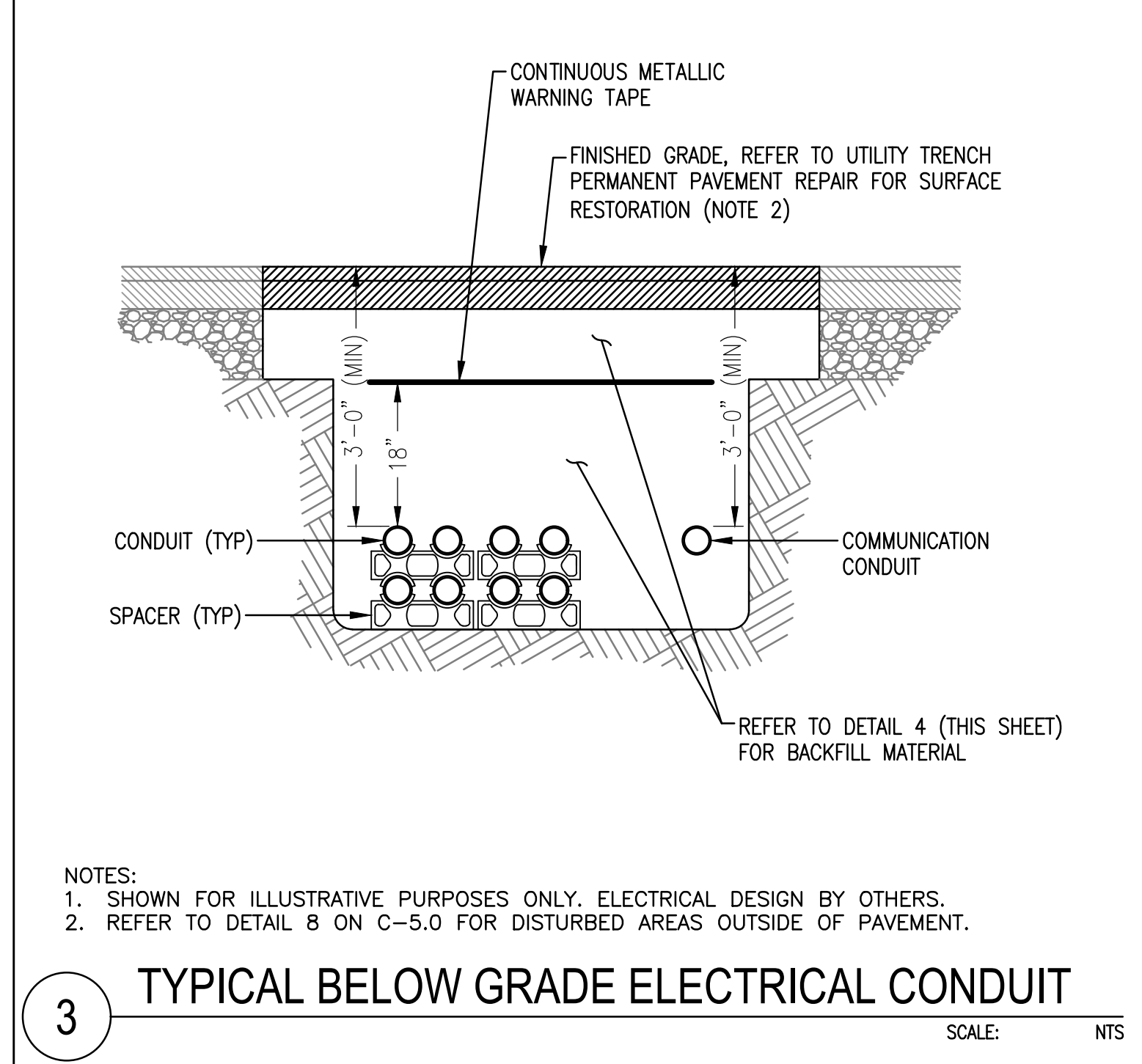
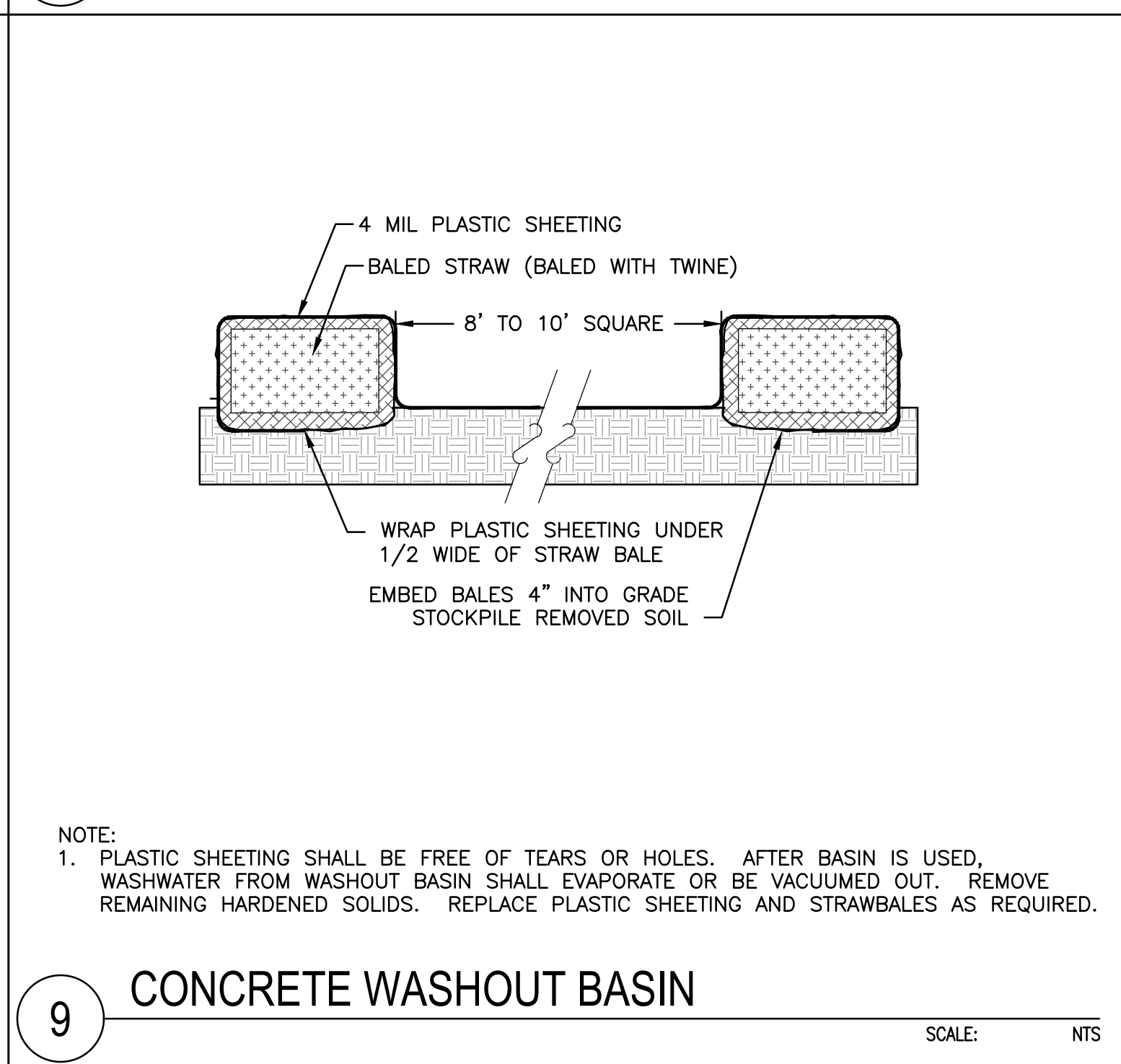
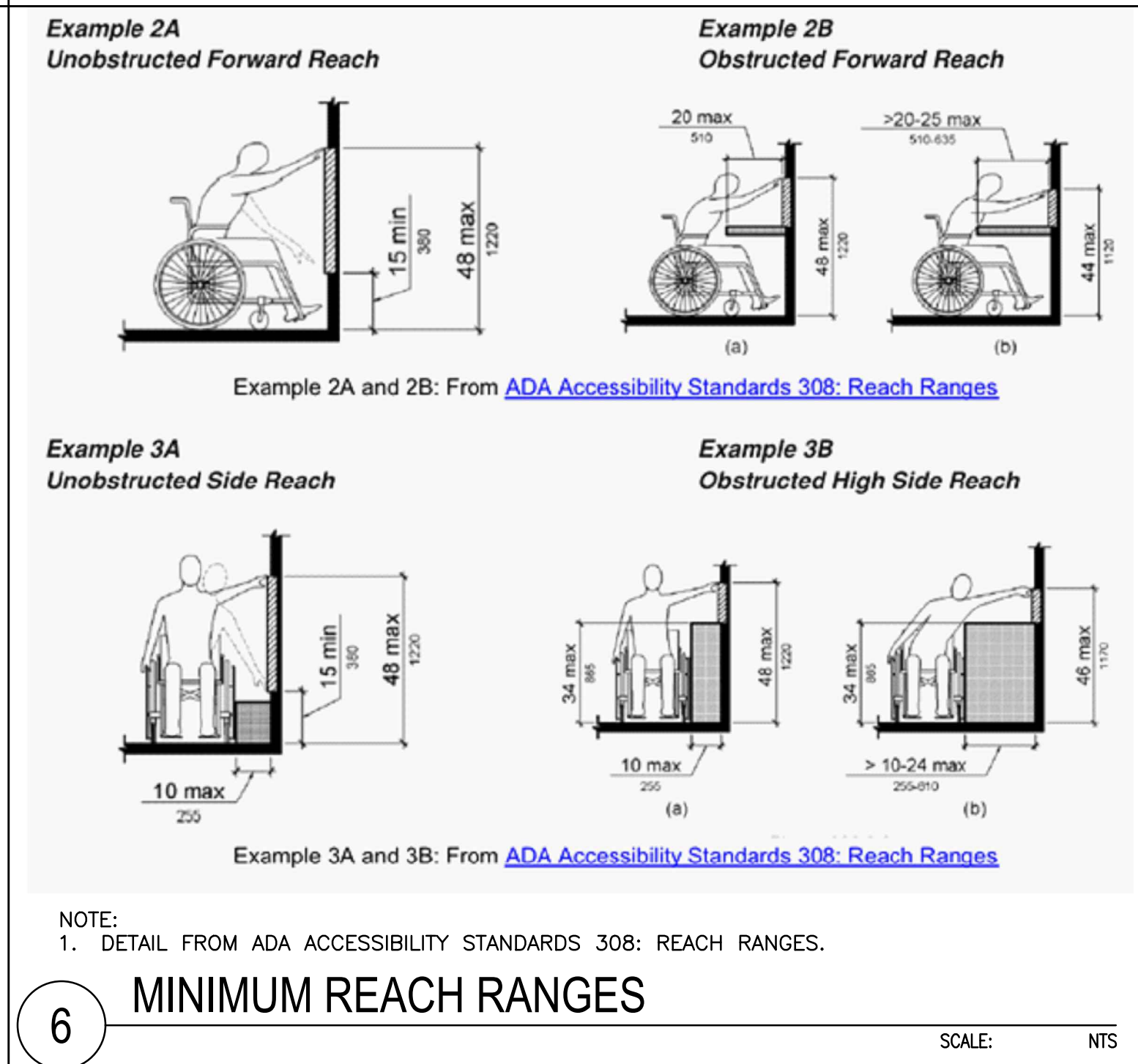
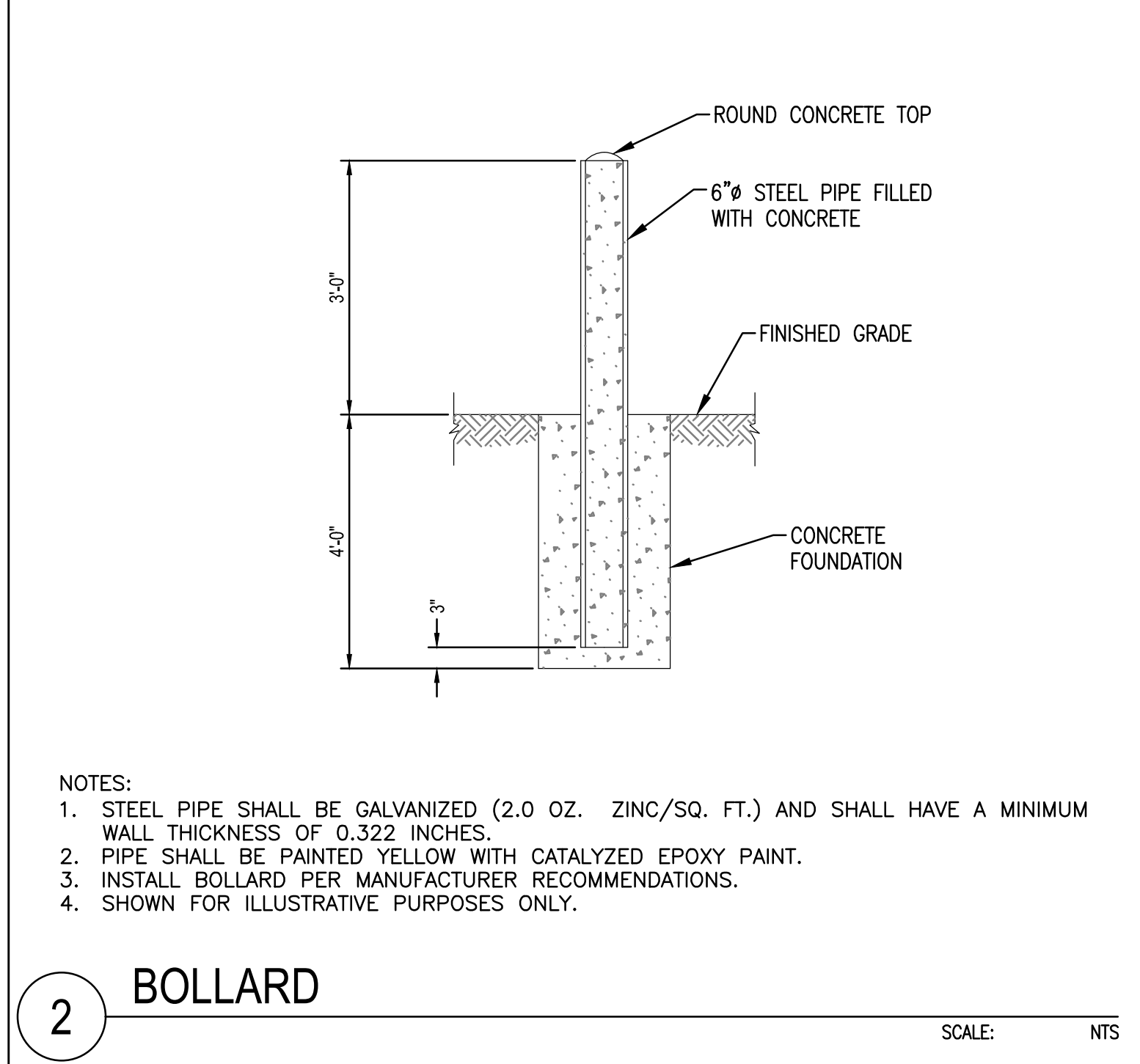
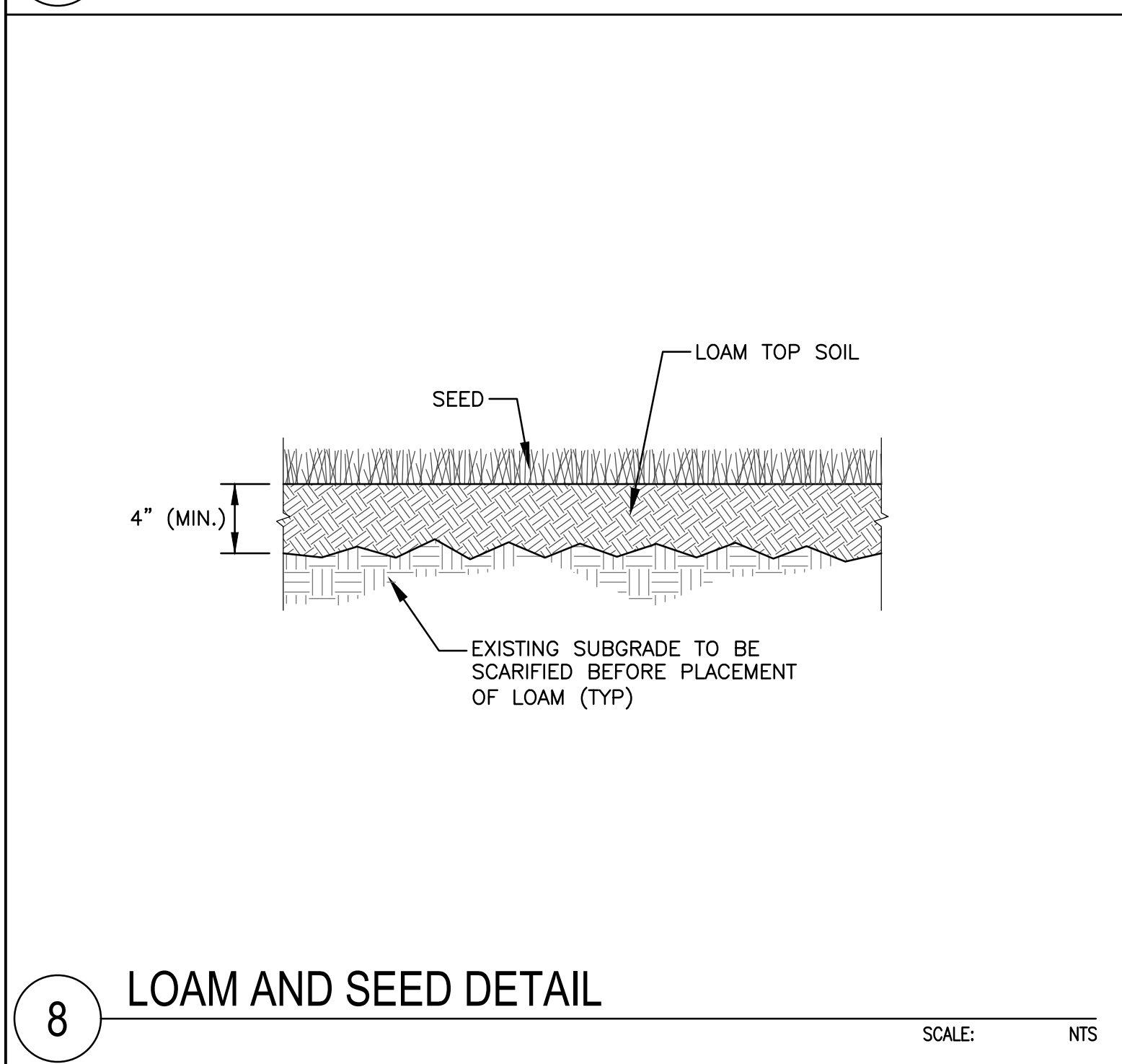
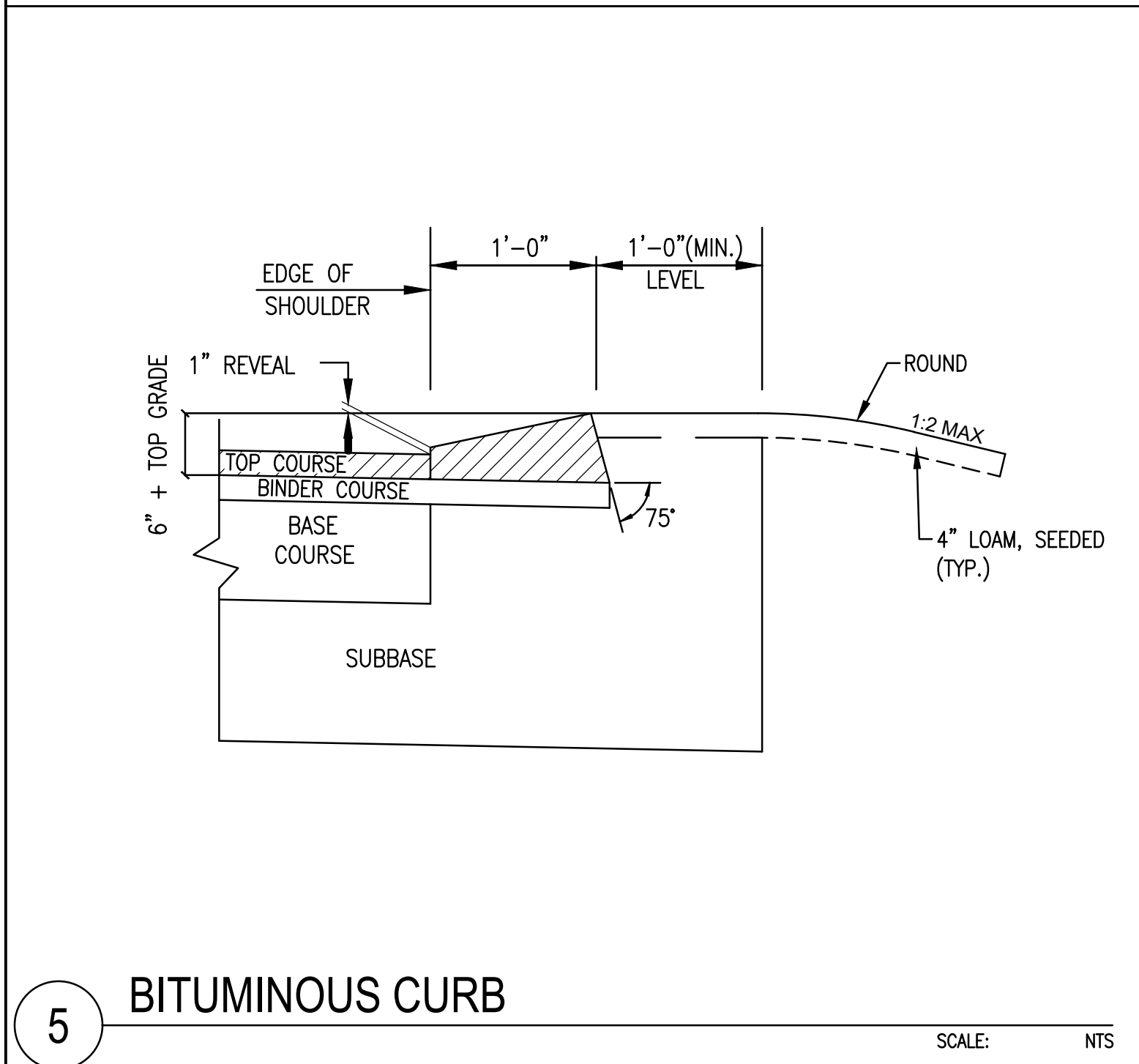
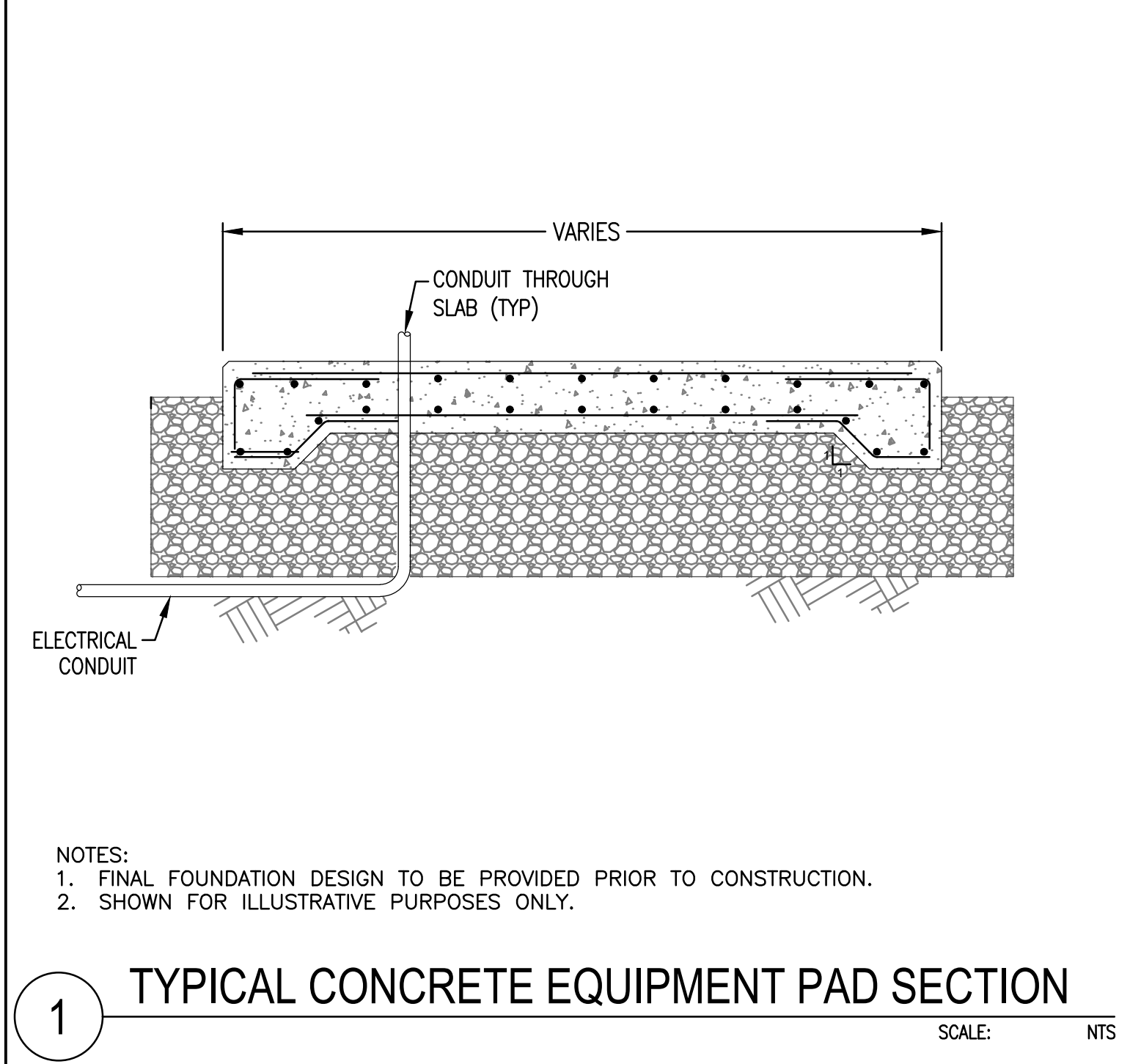
PORT INN AND SUITES
505 US-1
PORTSMOUTH, NH 03801

PROJECT NUMBER:
ENG24-1702

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL
0	04/23/25	RWG	JWS	ISSUED FOR PERMITTING
1	05/09/25	RWG	JWS	REVISED FOR PERMITTING

SCALES STATED ON DRAWINGS
ARE VALID ONLY WHEN PLOTTED
ARCH D 24" X 36"

C-2.1
SITE PLAN



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PORT INN AND SUITES
505 US-1
PORTSMOUTH, NH 03801

PROJECT NUMBER:
ENG24-1702

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL	ISSUED FOR PERMITTING	REVISED FOR PERMITTING
0	04/23/25	RWG	JWS			
1	05/09/25	RWG	JWS			

SCALES STATED ON DRAWINGS ARE VALID ONLY WHEN PLOTTED ARCH D 24" X 36"

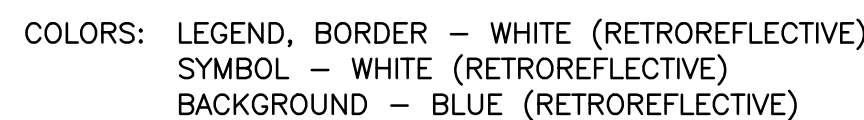
C-5.0
CIVIL DETAILS



SCALE: NTS



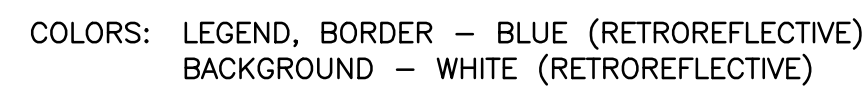
SCALE: NTS



NOTES:

1. DETAIL FROM MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
2. SUBMIT SIGN SPECIFICATIONS TO ENGINEER FOR APPROVAL PRIOR TO INSTALLATION.

SCALE: NTS



NOTES:

1. SIGN FROM U.S. ACCESS BOARD'S "DESIGN RECOMMENDATIONS FOR ACCESSIBLE ELECTRIC VEHICLE CHARGING STATIONS".
2. SUBMIT SIGN SPECIFICATIONS TO ENGINEER FOR APPROVAL PRIOR TO INSTALLATION.

SCALE: NTS



* See page IA-13-2 for symbol design

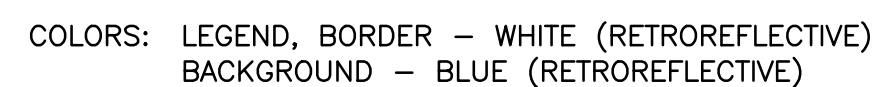
COLORS: LEGEND, BACKGROUND — BLUE (RETROREFLECTIVE)
SYMBOL, BORDER — WHITE (RETROREFLECTIVE)

IA-13-1

NOTES:

1. DETAIL FROM MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
2. SUBMIT SIGN SPECIFICATIONS TO ENGINEER FOR APPROVAL PRIOR TO INSTALLATION.

SCALE: NTS



NOTES:

1. DETAIL FROM MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES (MUTCD).
2. SUBMIT SIGN SPECIFICATIONS TO ENGINEER FOR APPROVAL PRIOR TO INSTALLATION.

SCALE: NTS



NOTES:

1. DETAIL IS SHOWN FOR ILLUSTRATIVE PURPOSES ONLY.
2. INSTALL WHEEL STOP PER MANUFACTURER RECOMMENDATIONS.



SCALE: NTS

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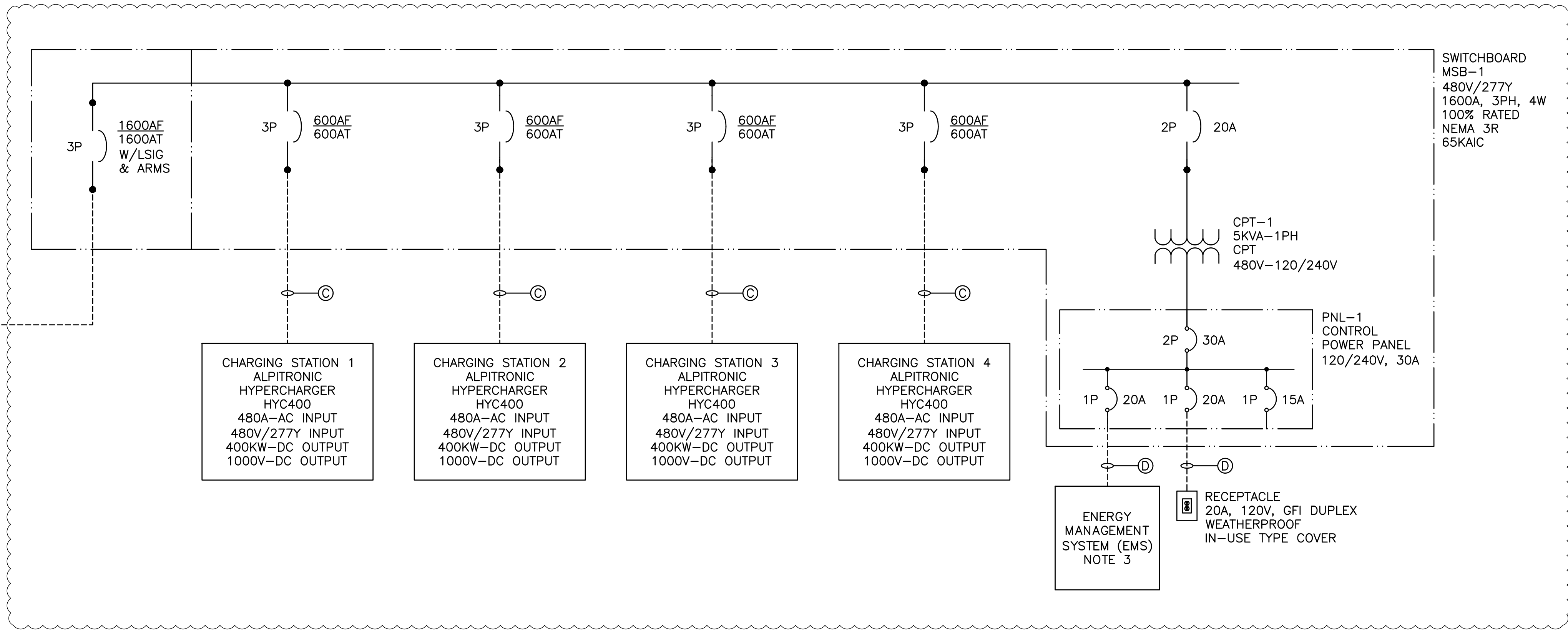
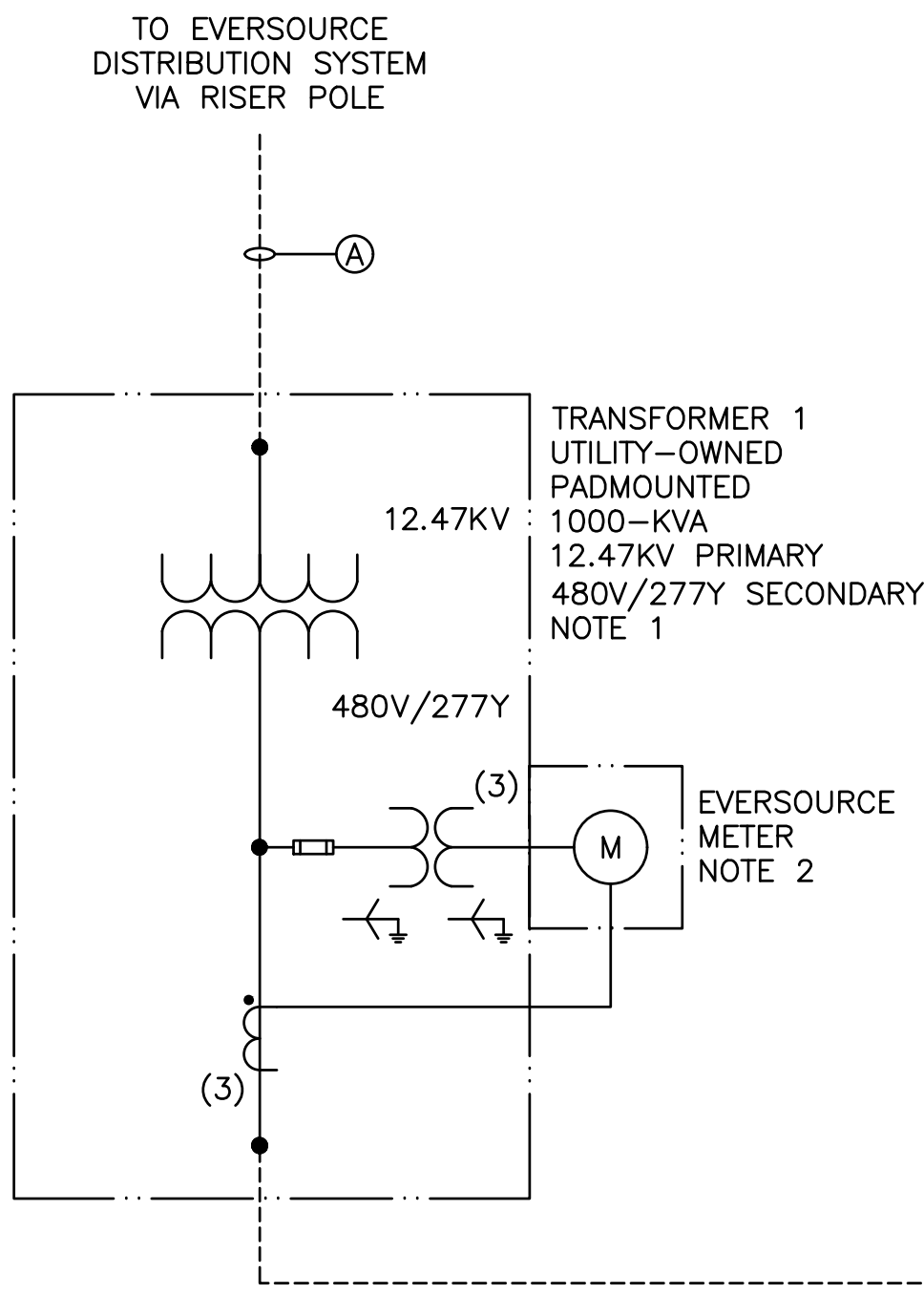
PROJECT NUMBER:
ENG24-1702

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL
0	04/23/25	RWG	JWS	ISSUED FOR PERMITTING
1	05/09/25	RWG	JWS	REVISED FOR PERMITTING

SCALES STATED ON DRAWINGS
ARE VALID ONLY WHEN PLOTTED
ARCH D 24" X 36"

C-5.1

CIVIL DETAILS



CABLE AND CONDUIT SCHEDULE

ID	VOLTAGE	SETS	CABLE	CONDUIT
A	15KV	TBD	CABLE SIZED & INSTALLED BY EVERSOURCE	(1) 4" PVC
B	600V	5	(4) 500 KCMIL CU	(5) 4" PVC
C	600V	2	(3) 500 KCMIL CU, (1) #1 AWG GND	(2) 3" PVC
D	600V	1	(1) #12 AWG CU (PH), (1) #12 AWG CU (N), (1) #10 AWG CU (G)	(1) 3/4" PVC

ONELINE DIAGRAM

SCALE: NTS

NOTES

- CONTRACTOR TO INSTALL ALL SECONDARY CONDUIT AND CABLE. EVERSOURCE TO TERMINATE CABLES ON TRANSFORMER.
- CONTRACTOR TO VERIFY EXACT METER LOCATION WITH UTILITY. TELECOMMUNICATION LINE OR WIRELESS SERVICE TO BE PROVIDED TO UTILITY REVENUE METERING.
- PER NEC 625.42 (A), AN ENERGY MANAGEMENT SYSTEM (EMS) WILL BE UTILIZED (MOBILITY HOUSE LLC'S CHARGEPILOT CONTROLLER OR EQUIVALENT). EMS TO BE CONNECTED TO THE EV CHARGERS VIA ETHERNET AND COMMUNICATE WITH CHARGERS THROUGH OPEN CHARGE POINT PROTOCOL (OCPP). USING THE PROGRAMMED UTILITY AND EQUIPMENT CAPACITY LIMITS, THE EMS MANAGES AND OPTIMIZES THE POWER DISTRIBUTION TO ENSURE THAT THE CHARGERS DO NOT OVERLOAD THE SOURCE OR THE EQUIPMENT.

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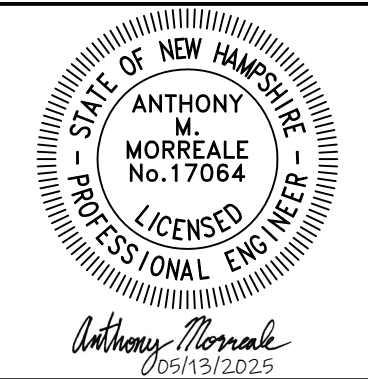


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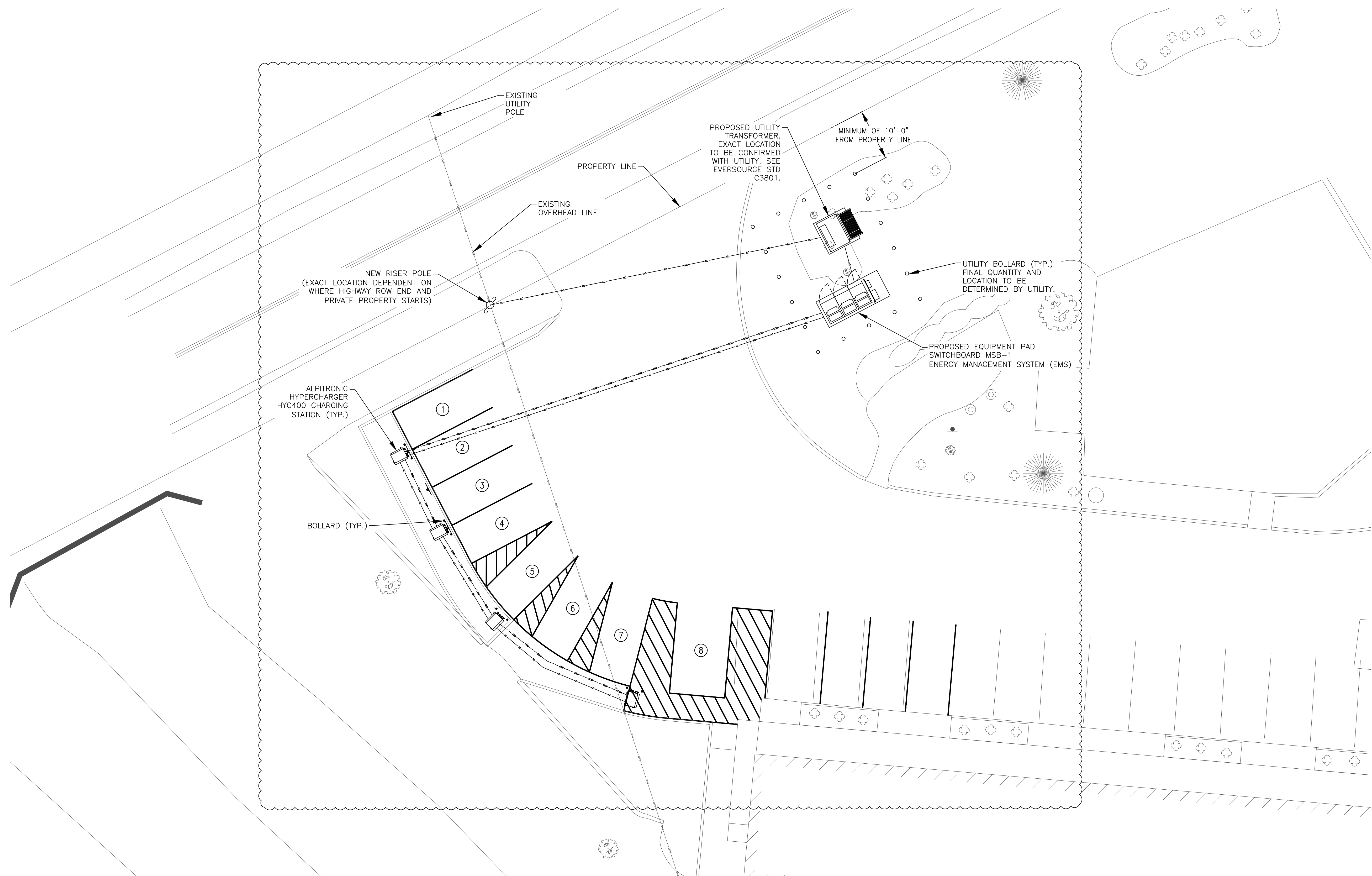
EV CHARGING STATION
505 US-1
PORTSMOUTH, NH 03801

PROJECT NUMBER:
XXX-XXX

REV	DATE	DRAWN	CHECKED	RELEASE LEVEL	INTERCONNECTION DRAWINGS	UPDATED TX & SERVICE SIZE	MOVED METERING	UPDATED NUMBER OF CHARGERS	ISSUED FOR PERMIT	ISSUED FOR PERMIT - REV 1
A	07/16/2024	KRC	AMM							
B	01/15/2025	AMM	KRC							
C	02/20/2025	NPC	AMM							
D	03/04/2025	NPC	AMM							
E	05/12/2025	KRC	AMM							

SCALES STATED ON DRAWINGS
ARE VALID ONLY WHEN PLOTTED
ASCH 9 24" X 36"

E-1.0
AC SINGLE LINE DIAGRAM



Scale: 1"=10'

A horizontal scale bar with alternating black and white segments. The segments are labeled 0, 5', 10', and 20' from left to right. The bar is divided into four equal segments, each representing 5 feet.

E-2.0

PLAN DETAILS

NO.	EQUIPMENT	EQUIPMENT TO	EQUIPMENT FROM	VOLTAGE (V)	EQUIPMENT KVA	CURRENT (A)	FULL LOAD CURRENT MULTIPLIED BY 1.25	OVERCURRENT PROTECTIVE DEVICE SIZE	MAXIMUM ONE WAY LENGTH (FT)	CONDUCTOR SIZE	NEUTRAL SIZE	CONDUCTOR MATERIAL	GROUND SIZE	GROUND CONDUCTOR MATERIAL	WIRE AMPACITY	DERATED CONDUCTOR AMPACITY	CONDUCTOR INSULATION TYPE	VOLTAGE DROP (%)	CONDUIT SIZE
1	1600A SWITCHBOARD	MSB-1	XFMR-1	480	1596.21	1920.0	-	1600	25	5 X #500	#500	CU	-	-	1900	1786	XHHW-2	0.10%	(5) 4"
2	POWER CABINET 1	CS-1	MSB-1	480	399.05	480	600	700	50	2 X #500	-	CU	#1	CU	760	714.4	XHHW-2	0.13%	3"
3	POWER CABINET 2	CS-2	MSB-1	480	399.05	480	600	700	50	2 X #500	-	CU	#1	CU	760	714.4	XHHW-2	0.13%	3"
4	POWER CABINET 3	CS-3	MSB-1	480	399.05	480	600	700	45	2 X #500	-	CU	#1	CU	760	714.4	XHHW-2	0.11%	3"
5	POWER CABINET 4	CS-4	MSB-1	480	399.05	480	600	700	45	2 X #500	-	CU	#1	CU	760	714.4	XHHW-2	0.11%	3"
6	ENERGY MANAGEMENT SYSTEM	EMS-1	PNL-1	120	0.25	1.2	1.5	20	15	#12	#12	CU	#12	CU	25	23.5	XHHW-2	0.05%	3/4"
7	RECEPTACLE	RECP-1	PNL-1	120	0.2	1.0	1.3	20	15	#12	#12	CU	#12	CU	25	23.5	XHHW-2	0.04%	3/4"

SWITCHBOARD MSB-1												
VOLTAGE: 480/277 V		PHASE: 3P	WIRE: 4W	BUS: 1600 A		MAIN: 1600A		SHORT CIRCUIT 65 KA		LOCATION: -		
CIRCUIT	DESCRIPTION	TRIP AMPS	POLES	PHASE LOADS (VA)			VA	POLES	TRIP AMPS	DESCRIPTION	CIRCUIT	
				A	B	C						
1	CHARGING STATION 1	600	3	399052.8	798105.6			399052.8	3	600	CHARGING STATION 2	2
						798105.6						
							798105.6					
3	CHARGING STATION 3	600	3	399052.8	798105.6			399052.8	3	600	CHARGING STATION 4	4
						798105.6						
							798105.6					
5	CPT/PANELBOARD	20	2	5000	2886.8			-	-	-	-	-
-	-	-	-	-		2886.8		-	-	-	-	-
						0		-	-	-	-	-
TOTAL CONNECTED PHASE LOAD (VA)					1599098.0	1599098.0	1596211.2					
TOTAL CONNECTED LOAD (VA)					1601211.2							
LIMITED MAXIMUM LOAD (VA)					1000000							

PANEL PNL-1											
VOLTAGE: 120/240 V		PHASE: 1P	WIRE: 3W	BUS: 100 A		MAIN: 30A		SHORT CIRCUIT 30 KA		LOCATION: -	
CIRCUIT	DESCRIPTION	TRIP AMPS	POLES	PHASE LOADS (VA)				POLES	TRIP AMPS	DESCRIPTION	CIRCUIT
				VA	A	B	VA				
1	ENERGY MANAGEMENT (EMS)	20	1	1000	1000		-	1	20	SPARE	2
3	RECEPTACLE	20	1	200		400	200	1	20	LIGHTING	4
5	SPARE	20	1	-	0		-	-	-	SPACE	6
7	SPARE	20	1	-		0	-	-	-	SPACE	8
9	SPARE	20	1	-	0		-	-	-	SPACE	10
TOTAL PHASE CONNECTED LOAD (VA)					1000	400					
TOTAL PANEL CONNECTED CURRENT (A)					11.67						

ELECTRICAL EQUIPMENT SCHEDULE		
REF ID	QUANTITY	DESCRIPTION
MSB-1	1	SWITCHBOARD, 480V, 1600A BUS, 1600A LSG BREAKER, SERVICE ENTRANCE RATED, WITH ARMS AND INTERNAL CP/PANELBOARD
EMS	1	MOBILITY HOUSE LLC'S CHARGEPILOT CONTROLLER OR EQUIVALENT ENERGY MANAGEMENT SYSTEM
REC-P	1	20A, 120V, GF1 DUPLEX WEATHERPROOF IN-USE TYPE COVER
CS-XX	4	ALPITRONIC HYPERCHARGER HVC400 CHARGING STATION

THIS DOCUMENT IS PROVIDED BY NEW LEAF ENERGY, INC. TO FACILITATE THE SALE OF THE ELECTRIC CHARGING STATION PROJECT REPRESENTED HEREIN. REPRODUCTION, RELEASE OR UTILIZATION FOR ANY OTHER PURPOSE, WITHOUT PRIOR WRITTEN CONSENT IS STRICTLY PROHIBITED.

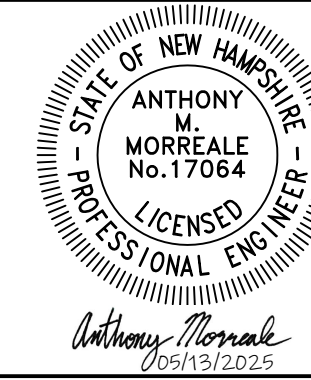


55 TECHNOLOGY DRIVE, SUITE 102
LOWELL, MA 01851
PHONE: (888) 898-6273
FAX: (888) 843-6778
WWW.NEWLEAFENERGY.COM

LIG Consultants

510 CHAPMAN STREET, SUITE 202
CANTON, MA 02021
PHONE: (508) 381-3371
FAX: (774) 206-2155
WWW.LIGCONSULTANTS.COM

NOT FOR
CONSTRUCTION



IT IS A VIOLATION OF LAW FOR ANY PERSON TO ALTER ANY DOCUMENT WHICH BEARS THE SEAL OF A PROFESSIONAL ENGINEER, UNLESS THEY ARE ACTING UNDER THE DIRECTION OF A LICENSED PROFESSIONAL ENGINEER.

EV CHARGING STATION
505 US-1
PORTSMOUTH, NH 03801

PROJECT NUMBER:
XXX-XXX

REV	DRAWN	CHECKED	RELEASE LEVEL
A	03/04/2025	NPC	AMM ISSUED FOR PERMIT
B	05/12/2025	KRC	AMM ISSUED FOR PERMIT – REV 1

SCALES STATED ON DRAWINGS
ARE VALID ONLY WHEN PLOTTED
ARCH D 24" X 36"

E-3.0

ELECTRICAL SCHEDULES

Attachment D - Site Photo Log

Board of Adjustment Variance Request
Port Inn and Suites Electric Vehicle Charging Station
Portsmouth, NH
Attachment D – Site Photo Log



1. Looking north from the existing hotel parking spaces toward Coakley Road and the pool / recreation area onsite.



2. Looking southeast at the proposed project area for EV charging.

Board of Adjustment Variance Request
Port Inn and Suites Electric Vehicle Charging Station
Portsmouth, NH
Attachment D – Site Photo Log



3. Looking northwest at the proposed project area for EV charging.



4. Wide view looking west at the proposed project area.

Board of Adjustment Variance Request
Port Inn and Suites Electric Vehicle Charging Station
Portsmouth, NH
Attachment D – Site Photo Log



5. Looking north towards entrance/exit to Port Inn and Suites on Coakley Road.



6. Looking south at the proposed project area from the northern side of Coakley Road.

Board of Adjustment Variance Request
Port Inn and Suites Electric Vehicle Charging Station
Portsmouth, NH
Attachment D – Site Photo Log



7. Looking south at the proposed project area from the northern side of Coakley Road.



8. Looking northeast up Coakley Road towards US-1 from the general area of the proposed project.

Board of Adjustment Variance Request
Port Inn and Suites Electric Vehicle Charging Station
Portsmouth, NH
Attachment D – Site Photo Log



9. Looking northeast up Coakley Road towards US-1 from the northern side of Coakley Road.



10. Looking southwest down Coakley Road away from US-1 from the northern side of Coakley Road.

Attachment E - Owner Authorization Form

OWNER AUTHORIZATION FOR INDIVIDUAL

I, ASHISH SANGANI

by my signature below, hereby authorize Coakley Road EV Charging 1, LLC to
(name of applicant)

submit Planning Board/Zoning Board of Adjustment/Planning Division applications and applicable materials for presentation to City of Portsmouth Planning Department/Portsmouth Zoning Board of Adjustment/Portsmouth Planning Board for the proposed development at:

505 US-1 Portsmouth, NH

(address of site)



(Signature)

4/9/25

(Date)

II. NEW BUSINESS

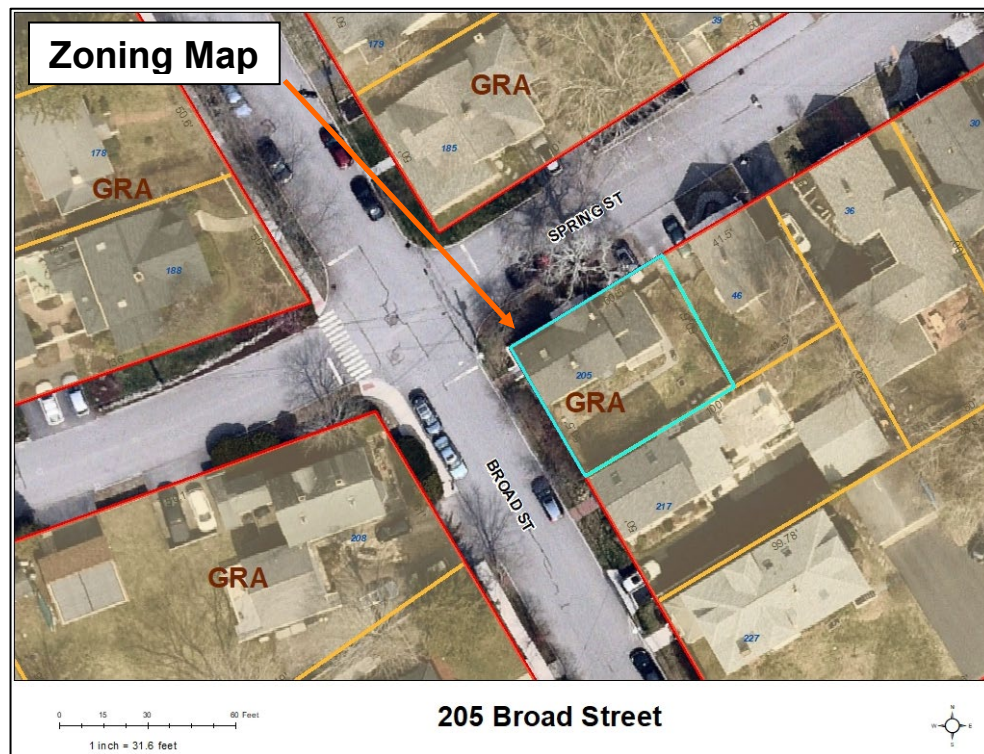
- C. The request of **Troy Allan & Colleen Elizabeth Blanchard (Owners)**, for property located at **205 Broad Street** whereas relief is needed to demolish an existing screened porch and construct an addition with a first floor deck which requires the following: 1) Variance from Section 10.521 to a) allow a front yard setback of 7 feet where 15 feet is required; b) allow a rear yard setback of 10 feet where 20 feet is required; c) allow building coverage of 46% where 25% is allowed; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 130 Lot 16 and lies within the General Residence A (GRA) District. (LU-25-68)

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Add 1-story addition and deck	Primarily residential uses
<u>Lot area (sq. ft.):</u>	3,025	3,025	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,025	3,025	7,500 min.
<u>Street Frontage (ft.):</u>	110	110	100 min.
<u>Lot depth (ft.):</u>	60	60	70 min.
<u>Front Yard (ft.):</u>	5	5	15 min.
<u>Secondary Front Yard (ft.):</u>	0	7	15 min.
<u>Right Yard (ft.):</u>	25	11	10 min.
<u>Rear Yard (ft.):</u>	12.3'	10	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%)</u>	35.5	46	25 max.
<u>Open Space Coverage (%)</u>	>30	51.7	30 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1900	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



205 Broad Street

Previous Board of Adjustment Actions

- **October 16, 1996** - The board **granted** a Variance from Article III, Section 10-32(A) to allow a 10'6" x 5'6" two story addition, a 21' x 8' deck and an 11' x 5'6" deck with: a) an 11'6" rear yard set back where 20' is the minimum required; and b) a building coverage of 34.2% where 25% is the maximum allowed.
- **January 21, 1997** - The Board **granted** a request to amend a previously approved deck by adding a roof over the deck, with the stipulation that the deck cannot be further enclosed without receiving additional approval from this board.
- **May 25, 2021** – Enclosing an existing porch and add dormers which requires the following: 1) Variances from Section 10.521 to allow a) a 5' primary front yard where 15 feet is required; and b) a 0' secondary front yard where 15 feet is required. 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. The Board voted to **grant** the request with the following **conditions**:
 - 1) That the current building coverage be recognized as 35-1/2 percent, based on the survey.

Planning Department Comments

The applicant is proposing to demolish an existing screened porch and to construct an attached garage addition with basement living space and first floor living space and a deck above. The proposed addition requires relief for front and rear setbacks, expansion of a nonconforming structure and building coverage.

Variance Review Criteria

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

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

April 23, 2025

HAND DELIVERED

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

Re: Troy & Colleen Blanchard, Owner/Applicant
205 Broad Street
Tax Map 130/Lot 16
GRA Zone

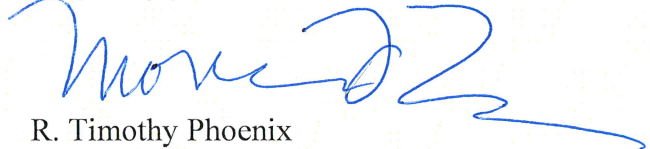
Dear Ms. Casella & Zoning Board Members:

On behalf of Troy & Colleen Blanchard, enclosed please find the following in support of a request for zoning relief:

- See Viewpoint Land Use Application uploaded today.
- Owner Authorization.
- 4/23/2025 – Memorandum and exhibits in support of Zoning Relief

We look forward to presenting this application to the Planning Board at its May 20, 2025 meeting.

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Troy & Colleen Blanchard
Design Worth Calling Home, LLC
HaleyWard Engineering

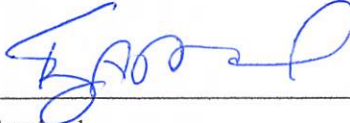
DANIEL C. HOEFLE	ALEC L. MCEACHERN	PETER V. DOYLE	STEPHEN H. ROBERTS In Memoriam
R. TIMOTHY PHOENIX	KEVIN M. BAUM	MONICA F. KIESER	OF COUNSEL:
LAWRENCE B. GORMLEY	JACOB J.B. MARVELLEY	CHRISTOPHER P. MULLIGAN	SAMUEL R. REID
R. PETER TAYLOR	GREGORY D. ROBBINS	KAREN W. OLIVER	JOHN AHLGREN

AUTHORIZATION

The undersigned, Troy and Colleen Blanchard owners of the property located at 205 Broad Street, Portsmouth, New Hampshire and further identified as Portsmouth Tax Map 130, Lot 16 (the "Property"), hereby authorize Hoefle, Phoenix, Gormley and Roberts, PLLC, to file documents and appear before the Portsmouth Planning Board and/or Zoning Board of Adjustment on their behalf in all matters relating to municipal land use approvals for the Property.

Dated:

4/20/21



Troy Blanchard

Dated:

4/20/21



Colleen Blanchard

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: April 23, 2025
RE: Troy & Colleen Blanchard, Owners/Applicants
205 Broad Street
Tax Map 130/Lot 16
Zoning District General Residence A (“GRA”)

Dear Chair Eldrige and Zoning Board Members:

On behalf of the Owners/Applicants, Troy & Colleen Blanchard (“Blanchard”), we are pleased to submit this Memorandum and the attached exhibits in support of Zoning Relief to be considered by the ZBA at its May 20, 2025 meeting.

I. EXHIBITS

- A. Plan Set – Haley Ward.
- B. Architectural Plan Set – by Design Worth Calling Home.
- C. Site Photographs.
 - Satellite view.
 - Street views.
- D. Tax Map 130.

II. PROPERTY/PROJECT

205 Broad Street is a 3,025 s.f. lot at the corner of Broad and Spring Streets improved with a single-family home located on the Spring Street and Broad Street lot lines and a rear screened porch (the “Property”). **(Exhibit A)**. There is no parking on the lot. Instead, a gravel area in the Spring Street public right-of-way accommodates one parking spot for the residence. **(Exhibit C)**. In 2021, Blanchard dormered the third floor and converted a side porch to a mudroom, obtaining relief from this Board for work in the Broad and Spring Street yard setbacks. Blanchard now intends to remove the rear screened porch and construct a garage addition at the rear of the home which will wrap around the right side of the home and accommodate a basement office with first floor deck above (“the Project”). **(Exhibit B)**. In addition to the garage and a basement office with deck above, the latter of which is proposed in a largely compliant location on the right side of the home, the Project will provide conditioned space on the first floor of the home to accommodate a family room and laundry area.

III. **RELIEF REQUIRED**

The following relief is required:

1. Portsmouth Zoning Ordinance §10.321 – Expansion of a Nonconforming Structure to permit construction of an addition in the Spring Street front and the rear yard setbacks.
2. Portsmouth Zoning Ordinance §10.521 – Table of Dimensional Standards – to permit a front setback of 7.4 ft. (Spring St.) for a garage addition where 7.4’ exists to the porch and 15 ft. is required, and a rear yard setback of 10.3 ft. where 12.3 ft. exists and 20 ft. is required.
3. Portsmouth Zoning Ordinance §10.521 – Table of Dimensional Standards – to permit building coverage of 45.9% where 34.9% exists and 25% is required.

IV. **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 the variances 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 intent of the GRA Zone is to “provide areas for single-family, two family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre), together with appropriate accessory uses and limited services.” PZO §10.410 (emphasis added). The Project meets the intent of the GRA Zone, permitting the improvement of an existing single-family residence, importantly creating on-site parking, with no increase in density. The Property, like other in the neighborhood, is nonconforming with respect to yard setbacks and building coverage. **(Exhibit D)**. This proposal provides a garage addition in roughly the same location as the existing second story porch. Given these factors, granting the requested variances will not conflict with the basic zoning objectives of the PZO.

In considering whether variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives,” Malachy Glen, *supra*, also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to determine 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)

There will be no threat to the public health, safety or welfare by granting the requested variances, which will accommodate on-site interior parking (where none exists today) and provide additional livable space within an existing home. The dimensional relief is limited, enhances an existing building by filling in the screened porch and providing parking with setbacks consistent with the surrounding area. Clearly, the requested variances do not alter the essential character of the locality. Accordingly, the requested variances are not contrary to the public interest and observe the spirit of the ordinance.

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

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

Blanchard is constitutionally entitled to the use of the lot as they see fit, subject to the effect upon the expansion restrictions and 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.

The existing home is located on the Spring Street lot line with the screened porch approximately 7.4 ft. from the Spring Street lot line. There is no parking available on the lot. The requested variances match the distance to the Spring Street lot line, provide non-existent interior parking at a similar distance from the rear lot line, so the public will not be negatively affected if the variances are granted. The Project also provides additional conditioned space within the proposed building perimeter. Given no harm to the public, Blanchard will be greatly harmed by denial of any of the variances as they will be unable to improve their home with a sorely needed garage. For these reasons, substantial justice will be done by granting each variance while a substantial injustice will be done by denying any of them.

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

The proposal will provide on-site parking and a basement office, renovate the nonconforming home by repurposing an existing rear screened porch as conditioned space and providing an office/deck in a compliant location on the right side of the home. The result will be a clear improvement, increasing the value of Blanchard's home. The limited scope of the requested relief maintains consistency with the surrounding neighborhood, which includes many expanded homes. Accordingly, granting the variances will likely increase the value of the surrounding properties, but certainly 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.

At 3,025 s.f., the Property is very small, less than half the size of a compliant 7,500 lot, yet must comply with the same dimensional requirements as the surrounding lots, most of which are significantly larger. The Property is also subject to two front yard setbacks. The resulting square-shaped building envelope is located in the middle of the lot and cannot be accessed from the existing curb cut on Spring Street, permitting no garage addition without relief. These circumstances combine to create special conditions.

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

The purpose of expansion restrictions, yard setbacks, and building coverage is to prevent overbulking or overcrowding of land and to maintain air, light, sightlines for pedestrians and

motorists, space for abutters, and separation for stormwater treatment. None of these purposes are impaired by granting the requested variances. The screened porch already exists in the Spring Street front and rear yards with the proposed addition matching the dimension to the Spring Street lot line while providing on-site interior parking. Additional space exists between the lot line and the traveled portion of Spring Street to preserve existing sightlines, improved by moving a car onto the lot. A garage addition in the same location as the existing screened porch is an excellent use of space on a lot which currently accommodates no parking on the lot and results in minimal difference in the rear yard setback. The increase in building coverage from wrapping the addition around the right side of the home is directly related to the very small lot and mitigated by the proposed stormwater “drip strips” on the rear and side of the addition. Accordingly, there is no fair and substantial relationship between the purposes of the ordinance and its application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the GRA Zone. Blanchard proposes to repurpose an underutilized rear screened porch to include a garage and office on the ground level and additional conditioned space on the first floor of the home. The neighborhood overall is similarly densely developed with multiple nearby parcels non-conforming for setbacks and/or coverage. Accordingly, the proposed use is reasonable and denial of the variances will result in an unnecessary hardship.

V. **CONCLUSION**

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

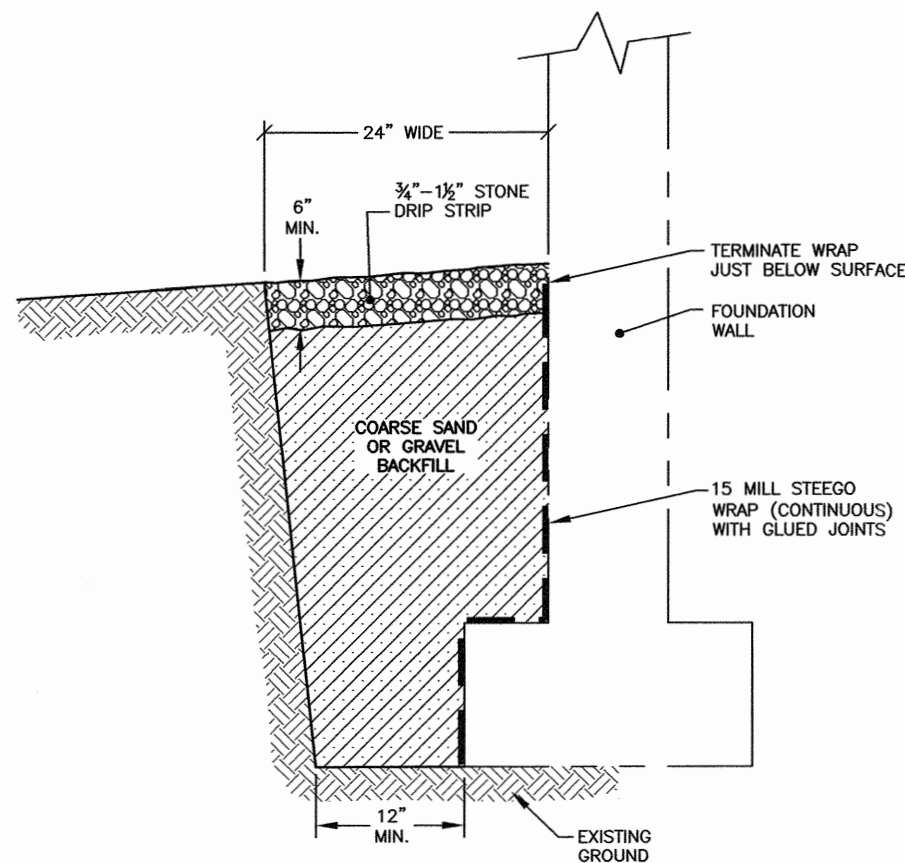
Respectfully submitted,
Troy and Colleen Blanchard



By: R. Timothy Phoenix
Monica F. Kieser

BUILDING COVERAGE AREA		
	EXISTING	PROPOSED
RESIDENCE	792	1,315
PORCH	207	0
DECK	15	27
STAIRS	42	47
TOTAL (S.F.)	1,056	1,389
LOT AREA (S.F.)	3,025	3,025
BUILDING COVERAGE (%)	34.9%	45.9%

IMPERVIOUS COVERAGE AREA		
	EXISTING	PROPOSED
RESIDENCE	792	1,315
PORCH	207	0
DECK	15	27
STAIRS	42	47
WALKWAY	230	0
GRAVEL PARKING	18	60
RETAINING WALL	0	11
TOTAL (S.F.)	1,304	1460
LOT AREA (S.F.)	3,025	3,025
IMPERVIOUS COVERAGE (%)	43.1%	48.3%

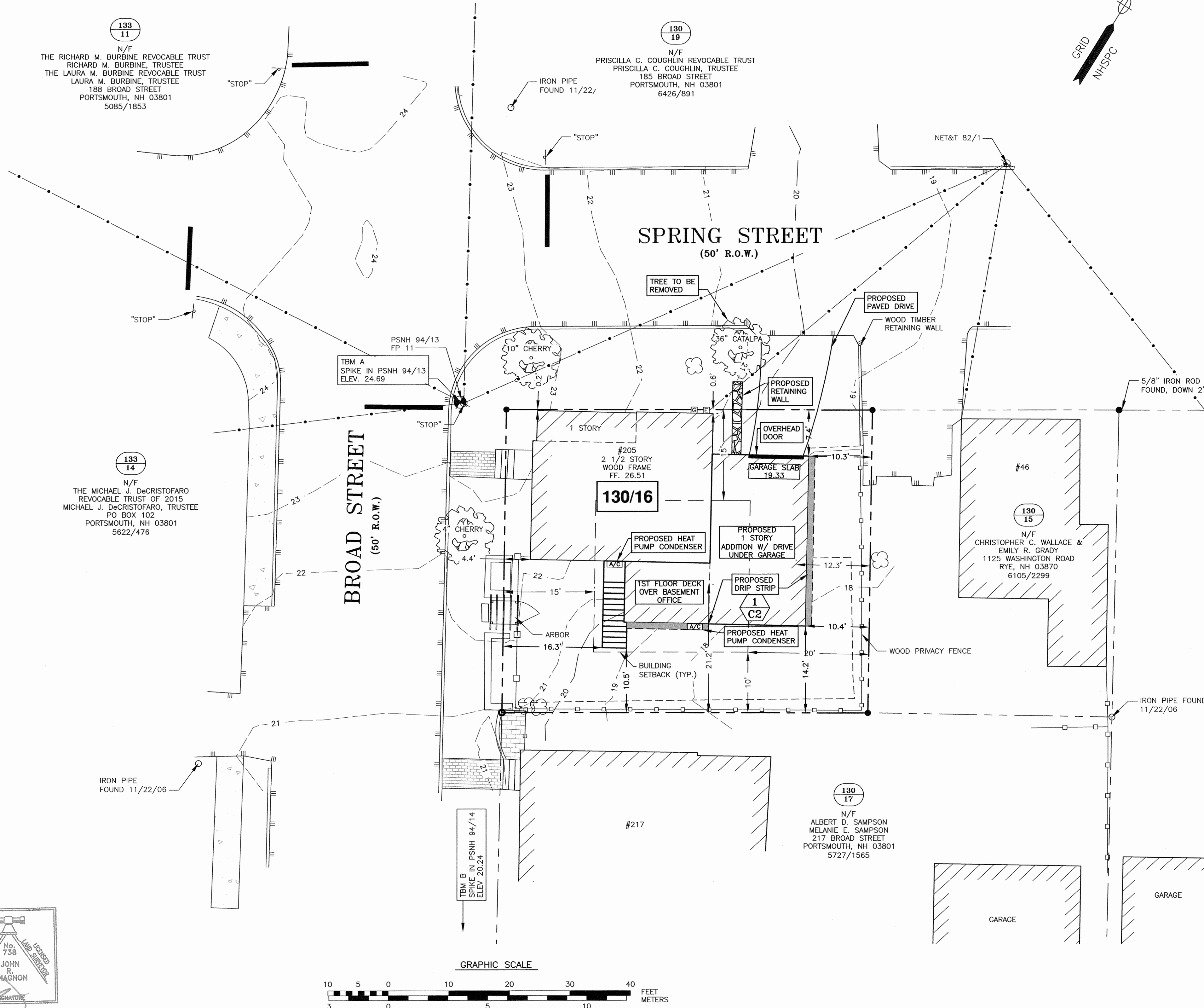
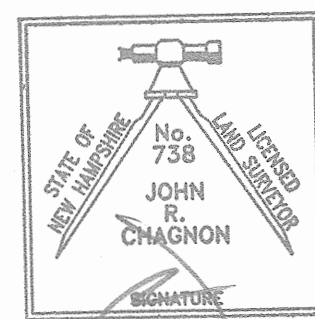


1 C2 STONE DRIP APRON
(UNDER BUILDING DRIP LINE) NTS

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

JOHN R. CHAGNON, LLS

DATE



- NOTES:
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 130 AS LOT 16.
 - OWNERS OF RECORD:
TROY ALLAN BLANCHARD
COLLEEN ELIZABETH BLANCHARD
205 BROAD STREET
PORTSMOUTH, N.H. 03801
6026/2578
 - PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
 - EXISTING LOT AREA:
3,025 S.F.
0.0694 ACRES
 - PARCEL IS LOCATED IN GENERAL RESIDENCE A (GRA) ZONE.
 - DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 7,500 S.F.
FRONTAGE: 100 FEET
SETBACKS: FRONT 15 FEET
SIDE 10 FEET
REAR 20 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 25%
MINIMUM OPEN SPACE: 30%
 - THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED RENOVATIONS ON TAX MAP 130 LOT 16 IN THE CITY OF PORTSMOUTH.
 - VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS ($\pm 0.2'$).

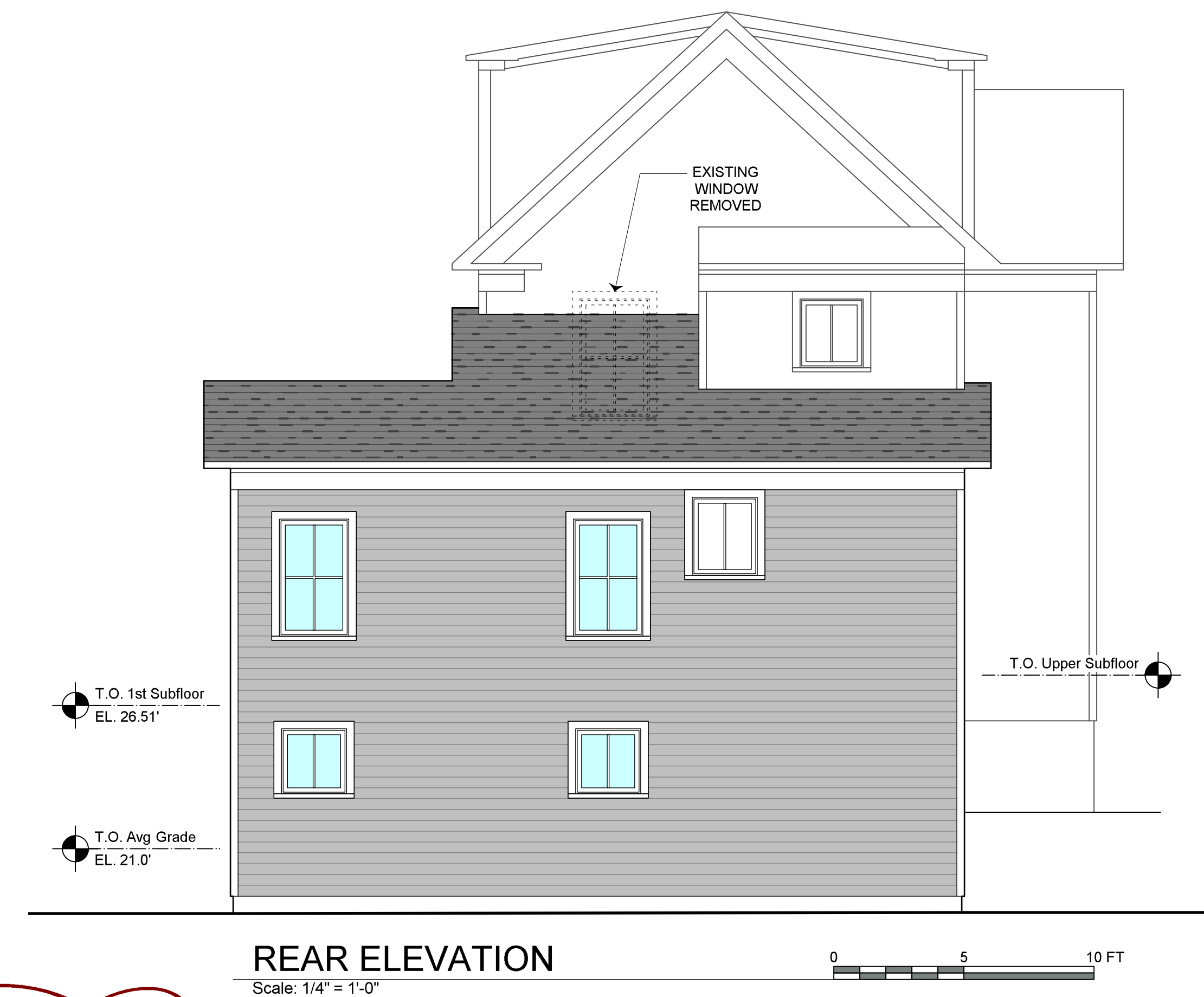
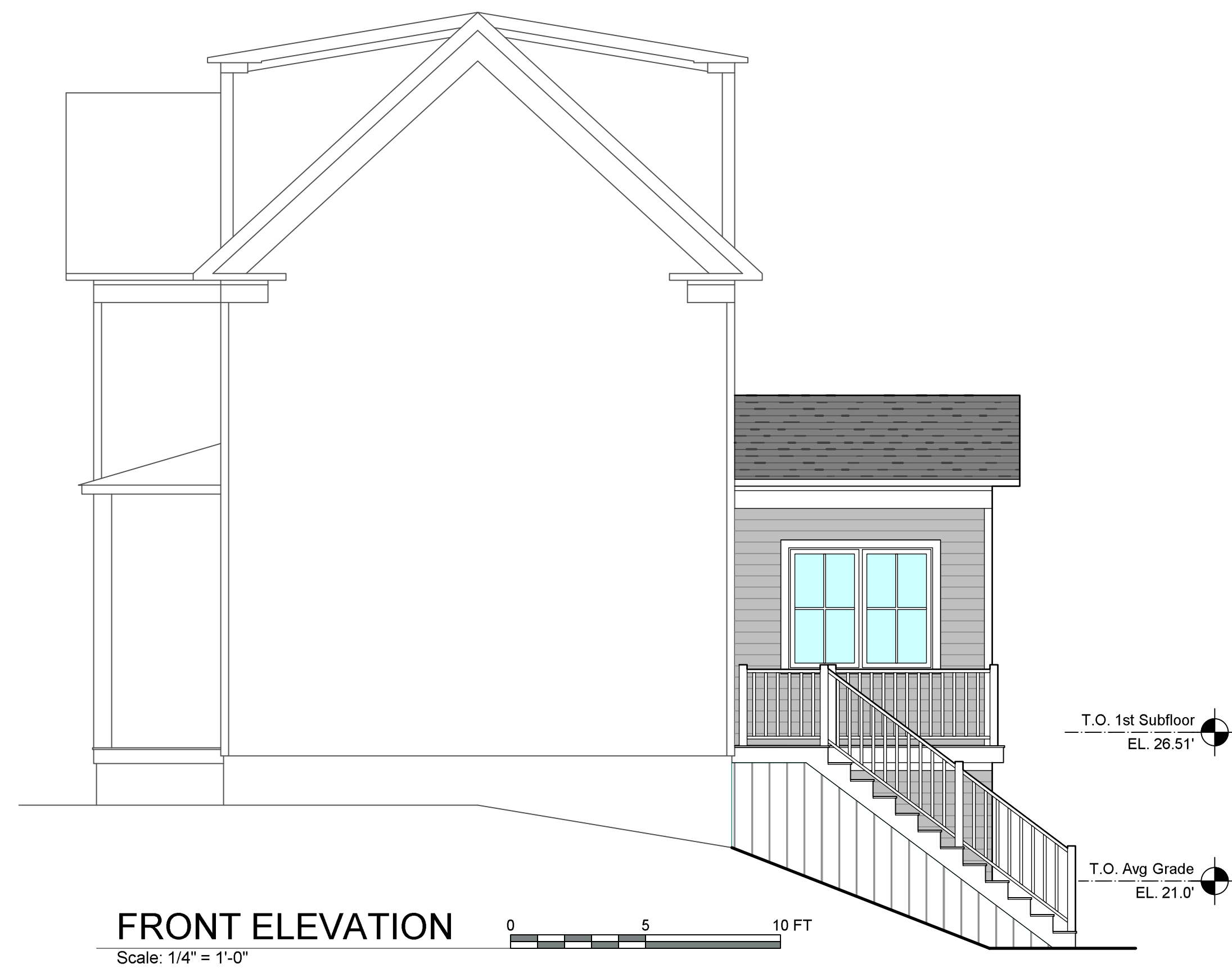
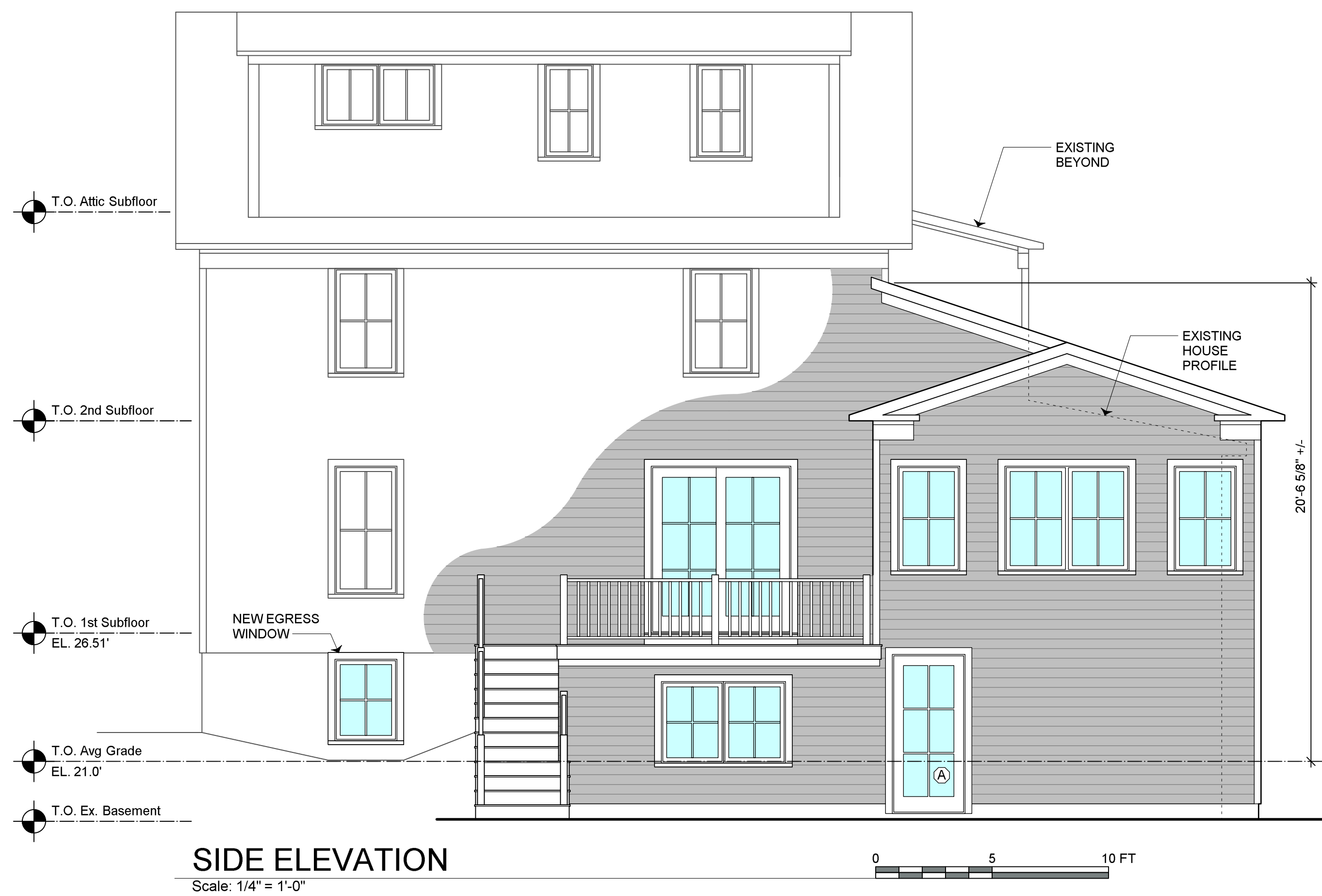
BLANCHARD
RESIDENCE
205 BROAD STREET
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
2	ADD RETAINING WALL	3/14/25
1	ISSUED FOR APPROVAL	3/14/25
0	ISSUED FOR COMMENT	2/13/25

REVISIONS	

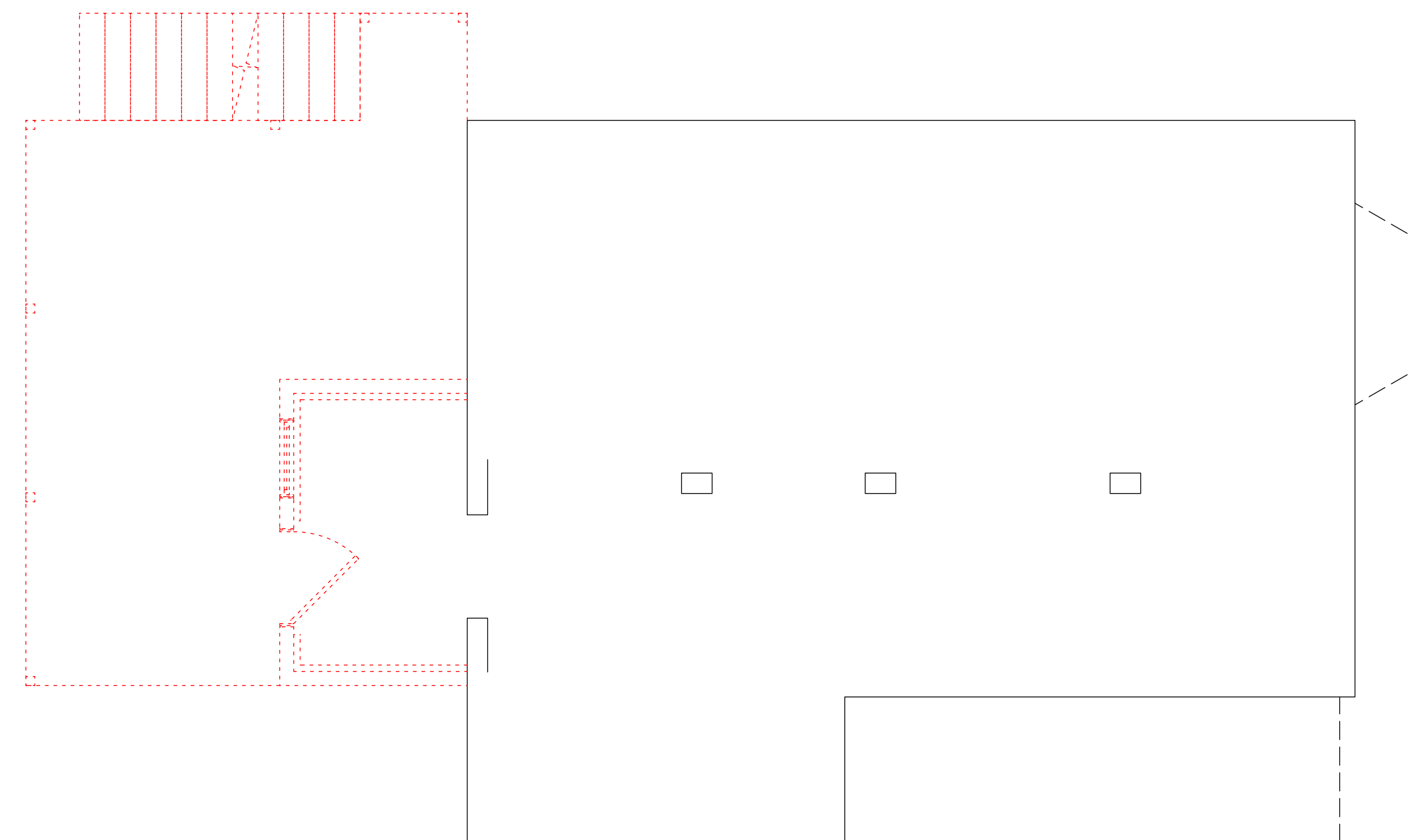
SCALE: 1" = 10' FEBRUARY 2025

VARIANCE APPLICATION PLAN C2



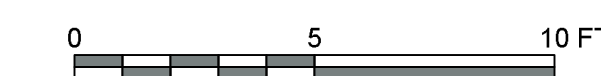
Blanchard Residence

205 Broad St, Portsmouth, NH

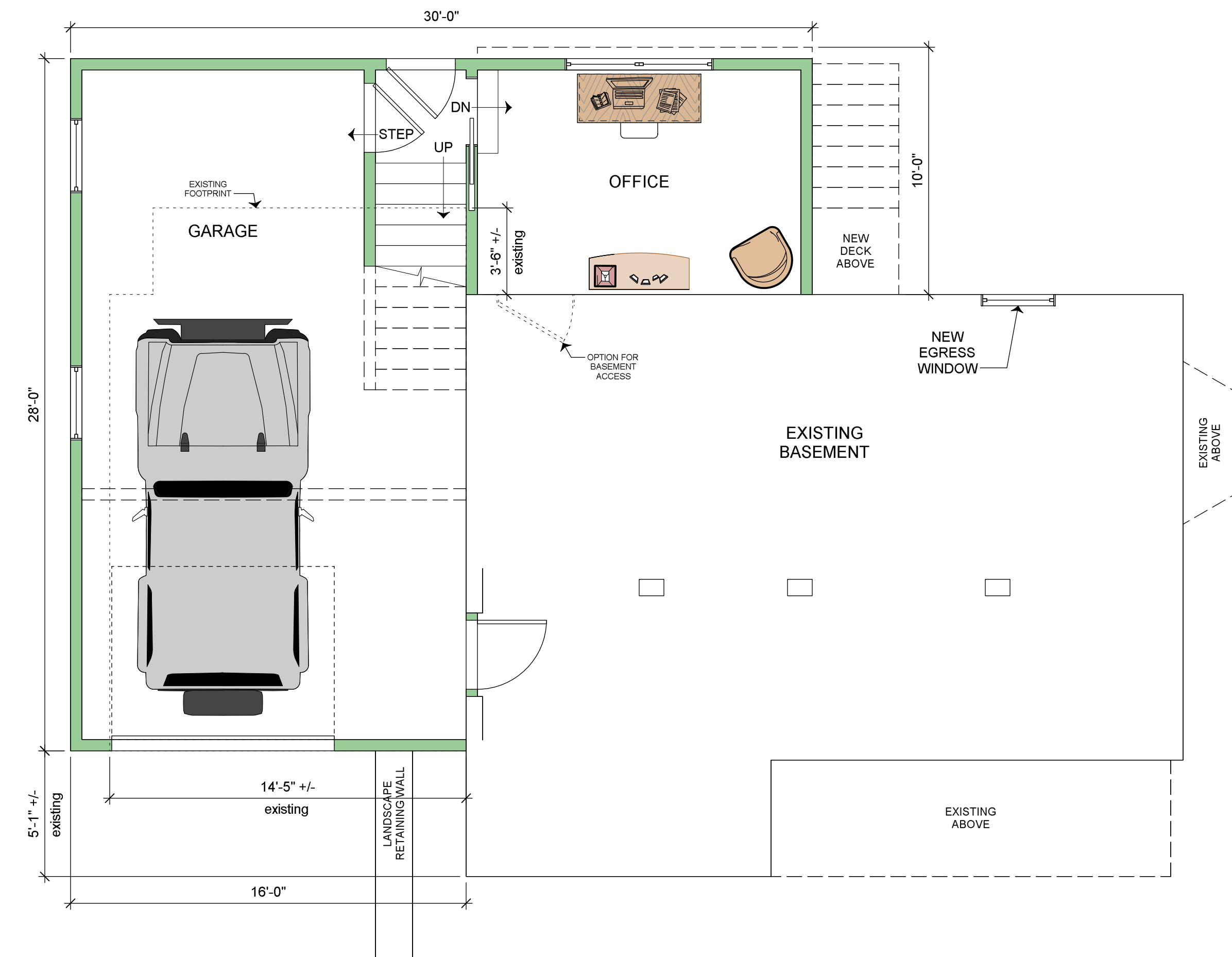


BASEMENT DEMO PLAN

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

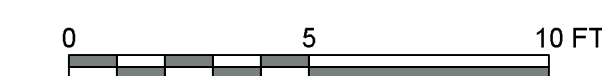


— EXISTING WALL TO REMAIN
- - - EXISTING TO BE REMOVED



PROPOSED BASEMENT PLAN

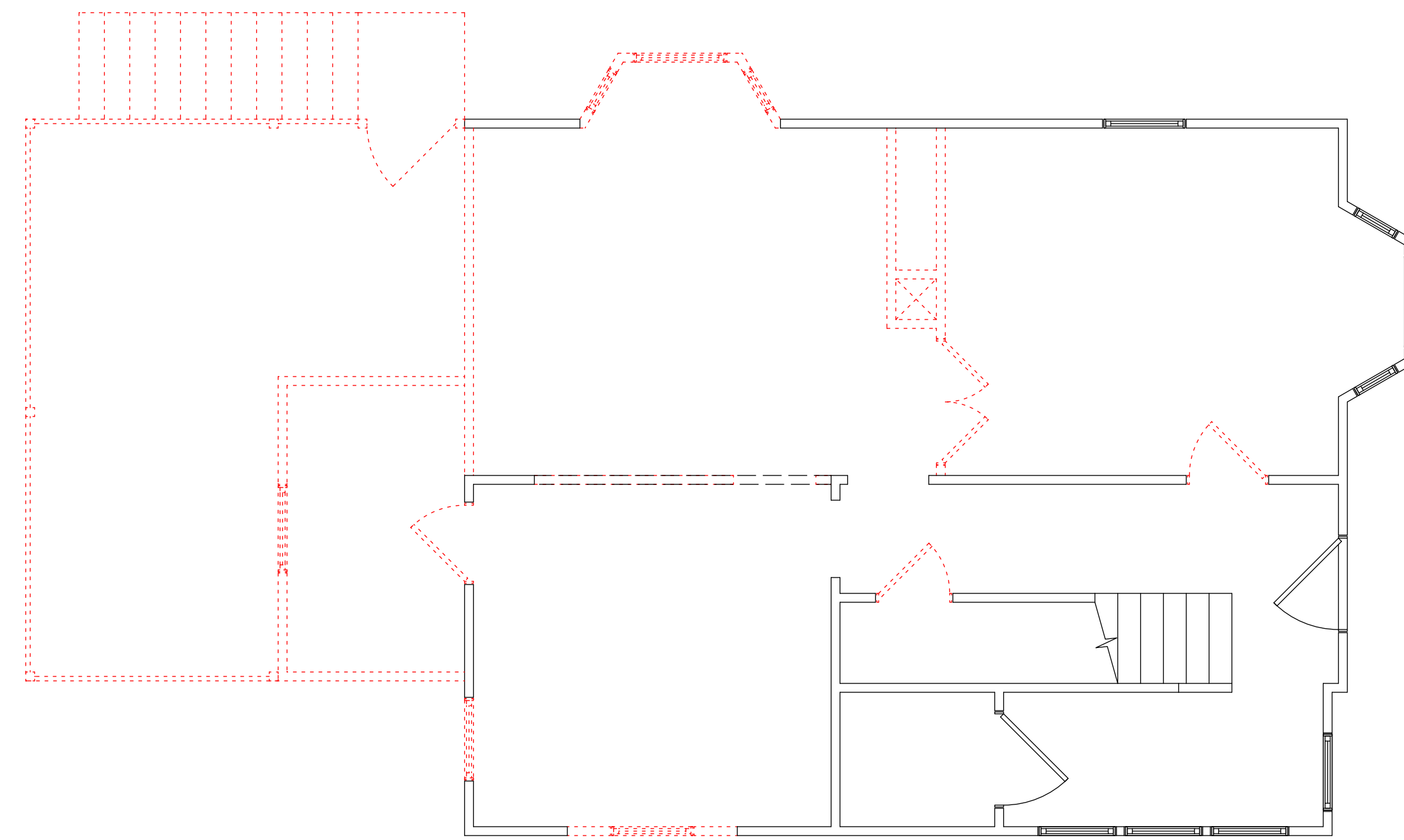
Scale: 1/4" = 1'-0"



— EXISTING WALL TO REMAIN
— NEW PROPOSED STUD WALL

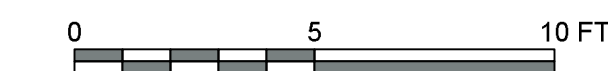
Blanchard Residence

205 Broad St, Portsmouth, NH

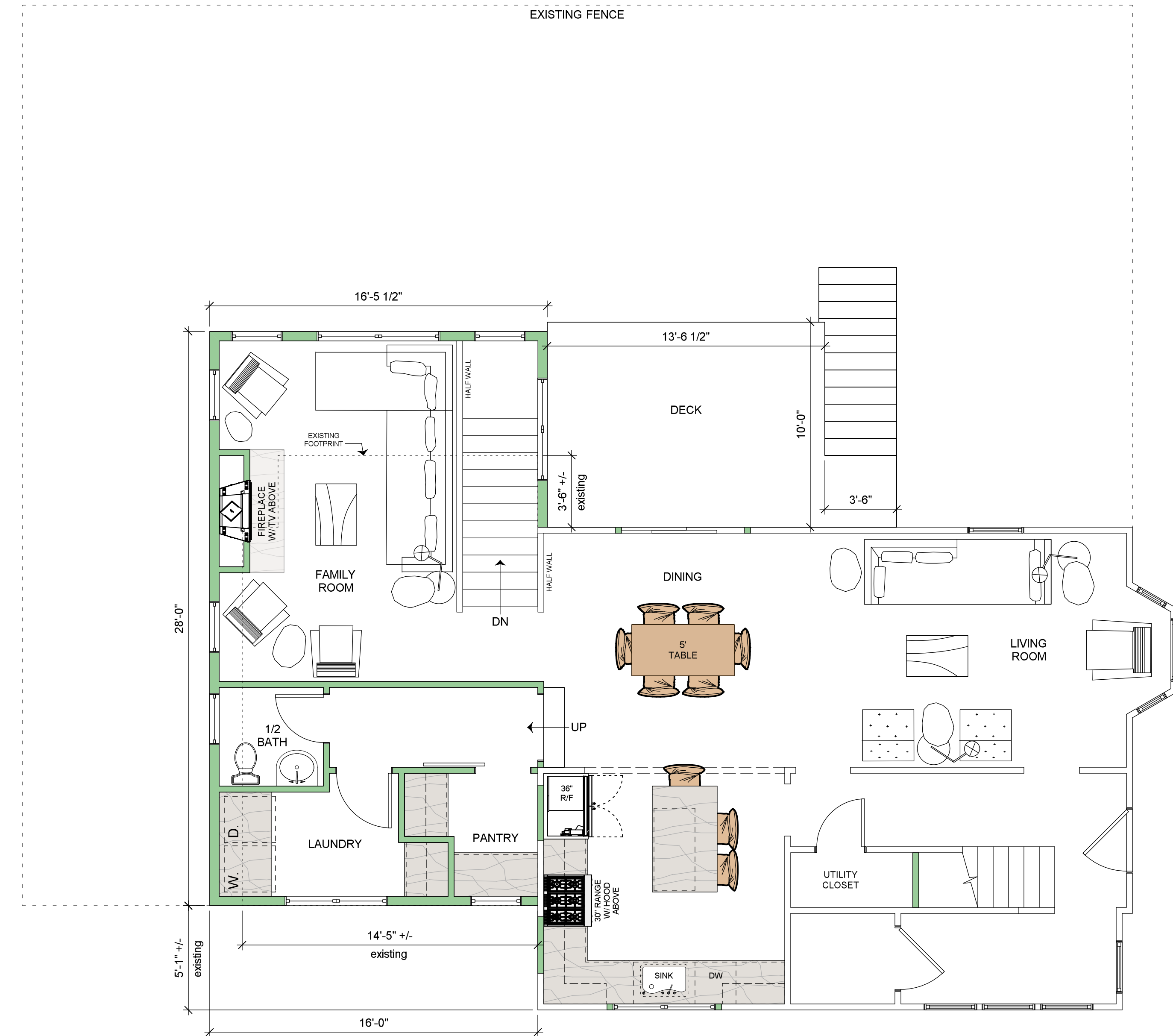


FIRST FLOOR DEMO PLAN

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

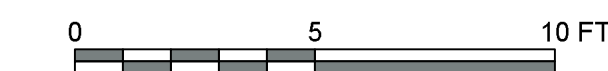


EXISTING WALL TO REMAIN
EXISTING TO BE REMOVED



PROPOSED FIRST FLOOR PLAN

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



EXISTING WALL TO REMAIN
NEW PROPOSED STUD WALL

Blanchard Residence

205 Broad St, Portsmouth, NH

205 Broad St



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

EXHIBIT C

Google Maps

205 Broad St

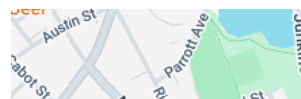


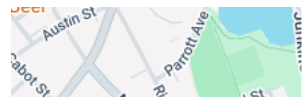
Image capture: Nov 2024 © 2025 Google

Google Maps

45 Spring St



Image capture: Nov 2024 © 2025 Google

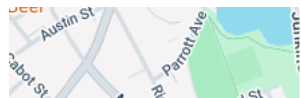


Google Maps

46 Spring St



Image capture: Nov 2024 © 2025 Google



II. NEW BUSINESS

- D.** The request of **Wendy M Freedman (Owner)**, for property located at **911 South Street #3** whereas relief is needed to demolish an existing deck and construct a 100 s.f. addition which requires the following: 1) Variance from Section 10.521 to allow a side yard setback of 5 feet where 10 feet is required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 132 Lot 19 C and lies within the General Residence A (GRA) District. (LU-25-59)

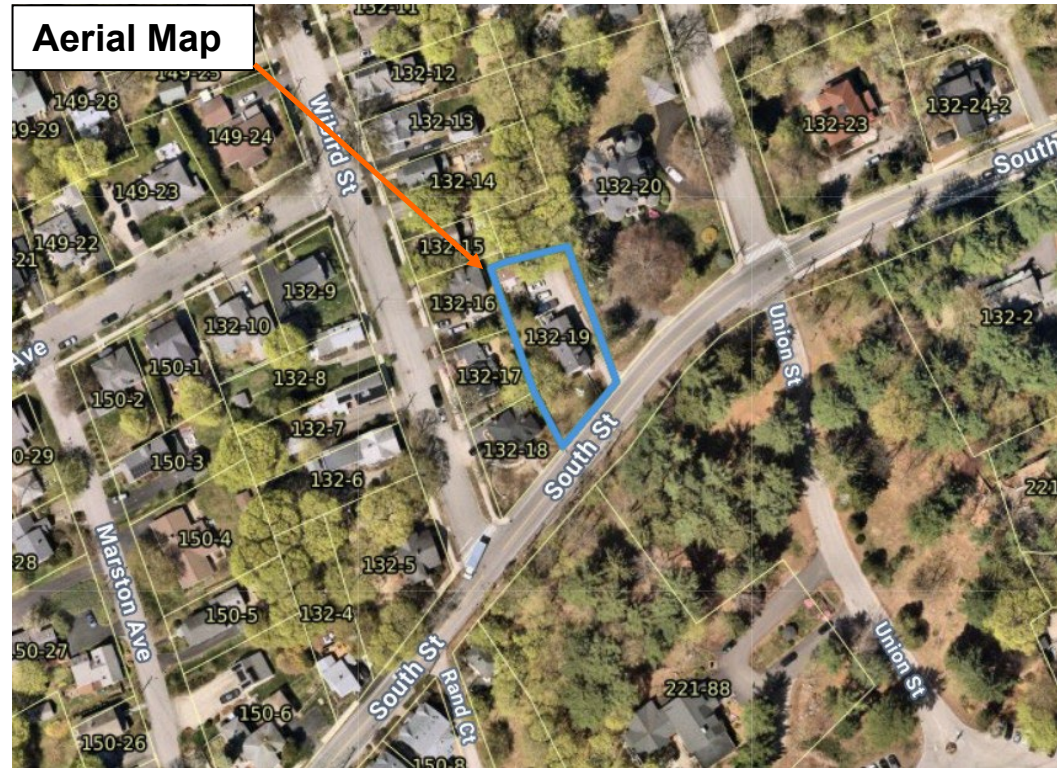
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family Condo	Addition	Primarily Residential
<u>Lot area (sq. ft.):</u>	11,550	11,550	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	11,550	11,550	7,500 min.
<u>Lot depth (ft.):</u>	154	154	100 min.
<u>Street Frontage (ft.):</u>	85	85	70 min.
<u>Front Yard (ft.):</u>	>15	>15	15 min.
<u>Right Side Yard (ft.):</u>	>10	>10	10 min.
<u>Left Side Yard (ft.):</u>	3	Addition: 5	10 min.
<u>Rear Yard (ft.):</u>	Existing Dwelling: 5	5	20 min.
<u>Building Coverage (%):</u>	20.7	21.6	25 max.
<u>Open Space Coverage (%):</u>	63.7	62.8	30 min.
<u>Parking</u>	>6	>6	6
<u>Estimated Age of Structure:</u>	1900	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **May 7, 1985** – A Variance from Article II, Section 10-205(3)(b)(1) to allow the conversion of a barn to one dwelling unit with exterior changes being proposed where no exterior changes except for egress are allowed. The Board voted to grant the request with the following conditions:
 - 1) That windows be placed only on the southernly and easterly sides of the barn.

Planning Department Comments

The applicant is requesting to remove an existing deck and to construct a 10' x 10' 1-story addition in its place for additional living space. The applicant is requesting relief for side yard setback and expansion of a nonconforming structure.

Variance Review Criteria

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

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

10.235 Certain Representations Deemed Conditions

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

Additional Narrative for 911 South Street #3 Addition

Statements in response to 10.233.20

I am requesting a variance to build a 10x10 foot single story room within current set backs. My building is on the back corner of the lot. My proposed addition does not encroach toward the two corners of the lot where my building is within the setbacks. The proposed addition would sit within the current length of the house. The added dimension or "bump out" would extend 10' out into the lot on the side of the building that is set 150' back from the lot line. The 100SF addition would be on pilings (helical) and since there would not be a foundation there is no impermeable surface being added to the property. The addition is to include a half bathroom set back into the main house so the toilet and sink will be on an interior wall.

I plan to use this space as an office, spare bedroom and in the future as I age in place it will provide an option for single floor living.

10.233.21 The Variance will not be contrary to the public interest;

-This small, one story room is in keeping with the diminutive scale of the building. It does not impede views or access to any part of the land. The set backs within which the house sits are not affected by the proposed addition.

10.233.22 The Spirit of the Ordinance will be observed

I believe the spirit of the ordinance will be observed in the granting of this variance because this addition is not excessive or frivolous. The only set back that will be affected currently measures 150'. The set back will become 140' after the proposed addition.

10.233.23 Substantial justice will be done

-A variance for this project will be fair and reasonable. The lot provides adequate square footage to build an addition in the size that is proposed.

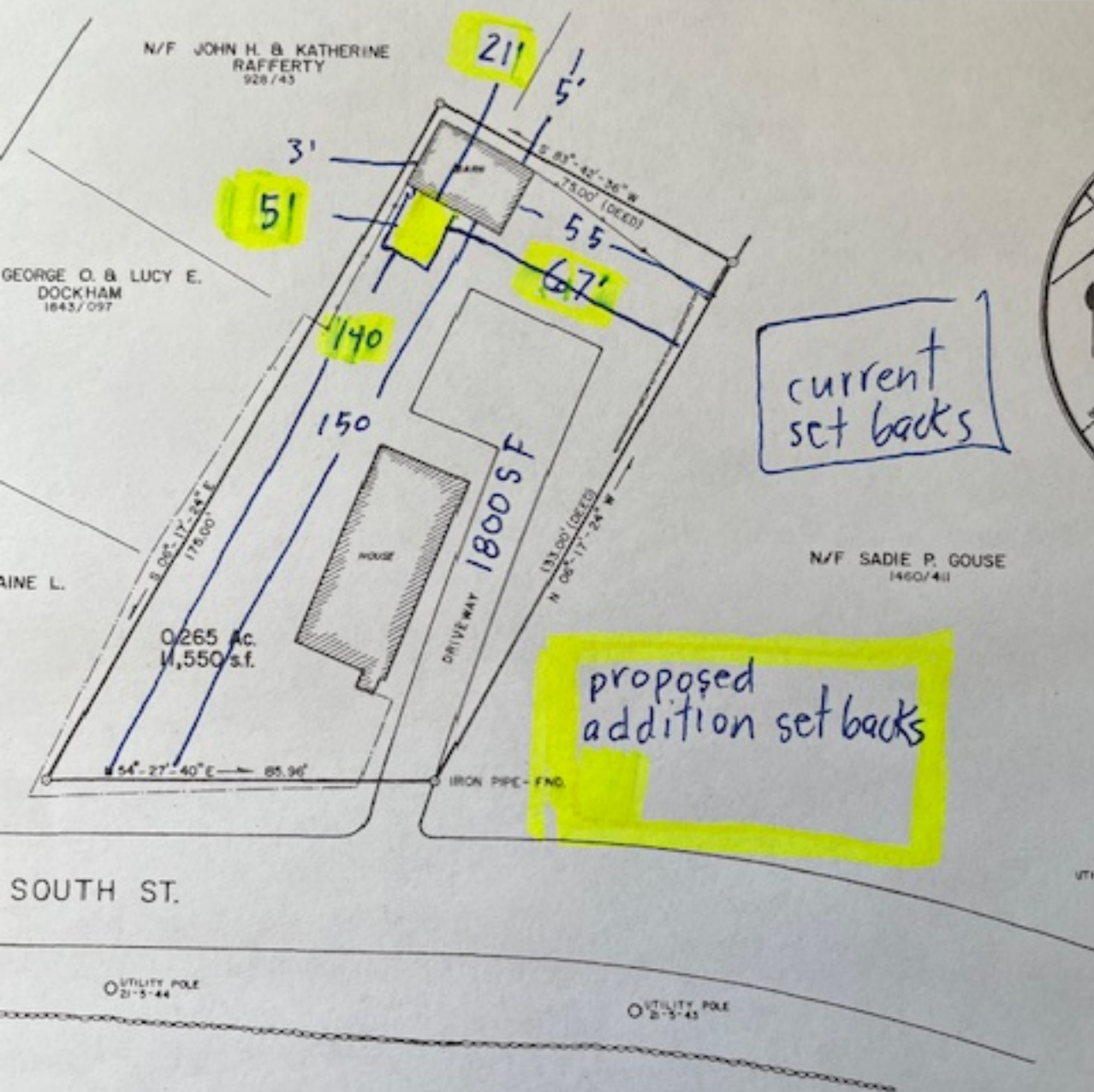
10.233.24 The values of surrounding properties will not be diminished.

-The addition will not hinder any views or access to surrounding spaces and only affects the front side of the house where there is adequate yard space. The addition will enhance the look of my building which could contribute to a nicer overall appearance of the surrounding properties.

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

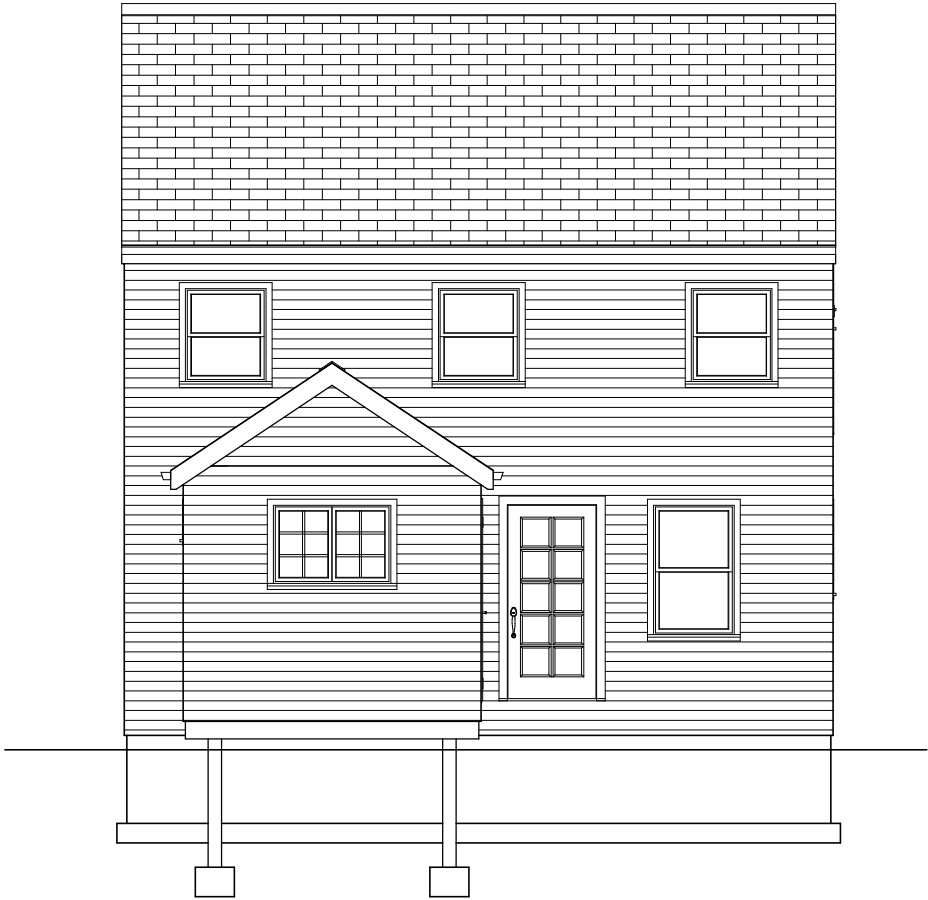
-The lot meets requirements for this addition were it not within the setbacks. Literal enforcement of the provisions of the Ordinance would leave no option to add square footage to my home on a lot where there is enough room to do so.

Aug 7, 1944

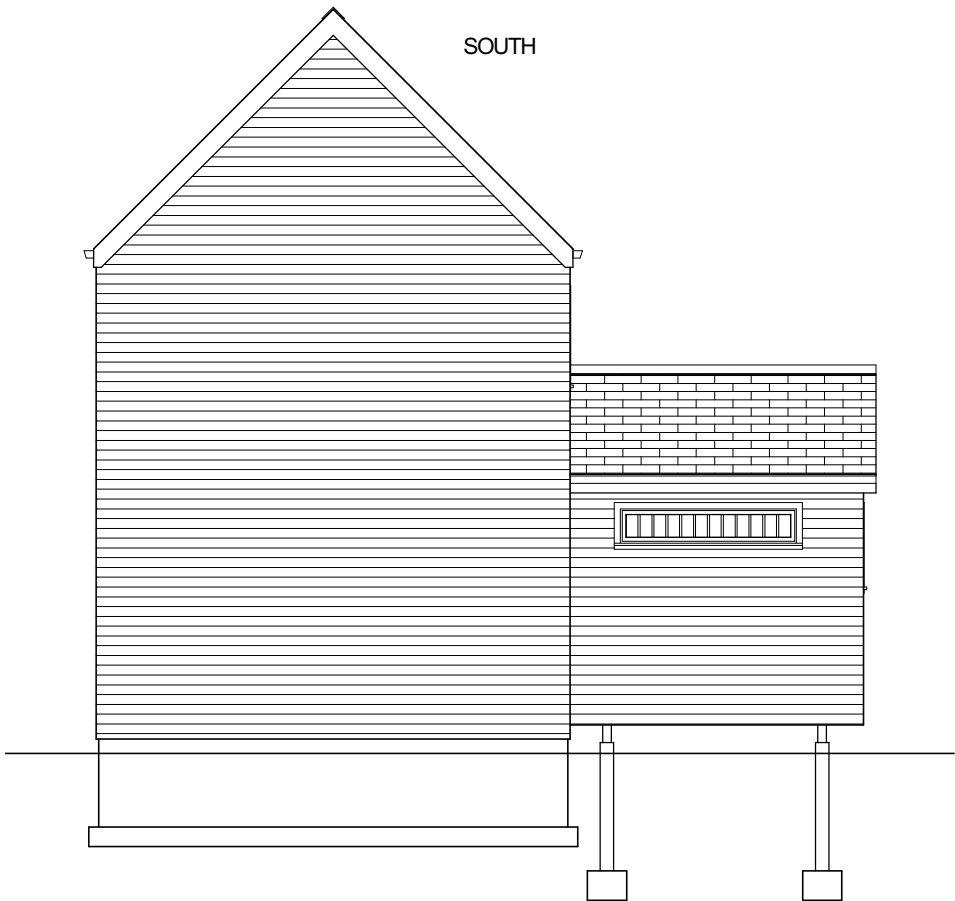


NOTES:

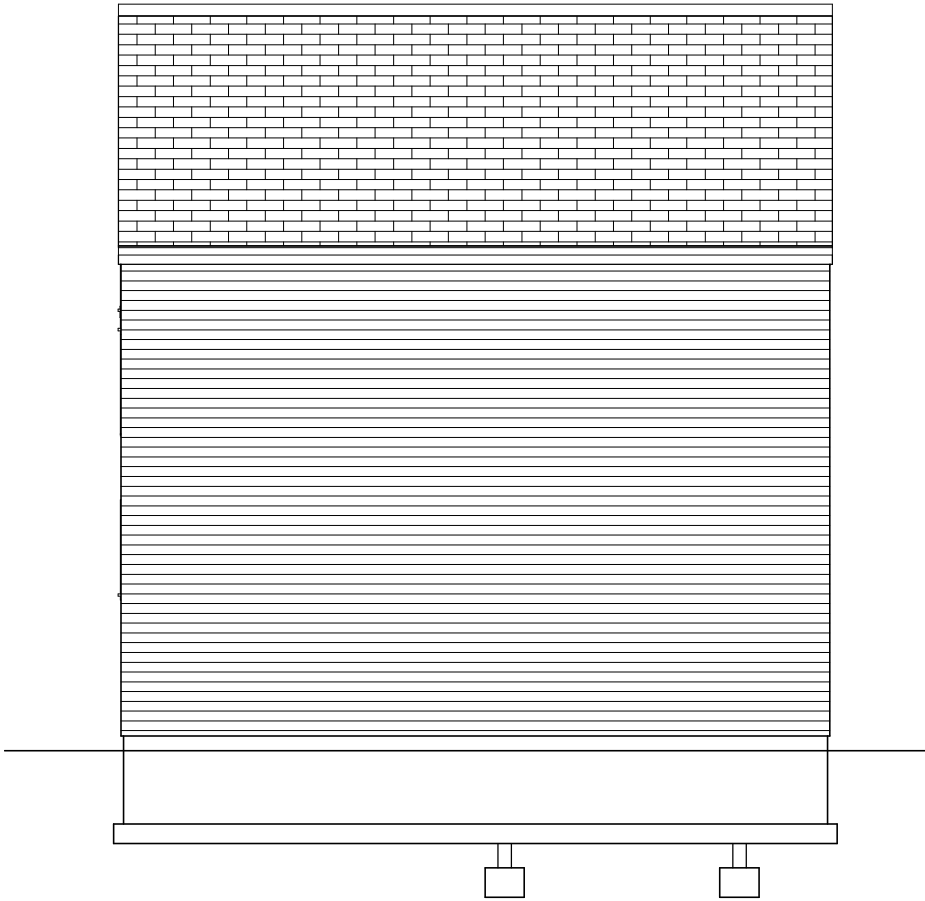
1. THIS PLAN DOES NOT CREATE A SUBDIVISION OF LAND. APPROVED FOR RECORDING PURPOSES ONLY.
2. THIS PLAN DIFFERS FROM THE CITY TAX MAPS, WHICH ARE CONTROLLING FOR ALL MUNICIPAL PURPOSES. THE PLANNING BOARD MAKES NO REPRESENTATION AS TO THE ACCURACY OF THIS PLAN.



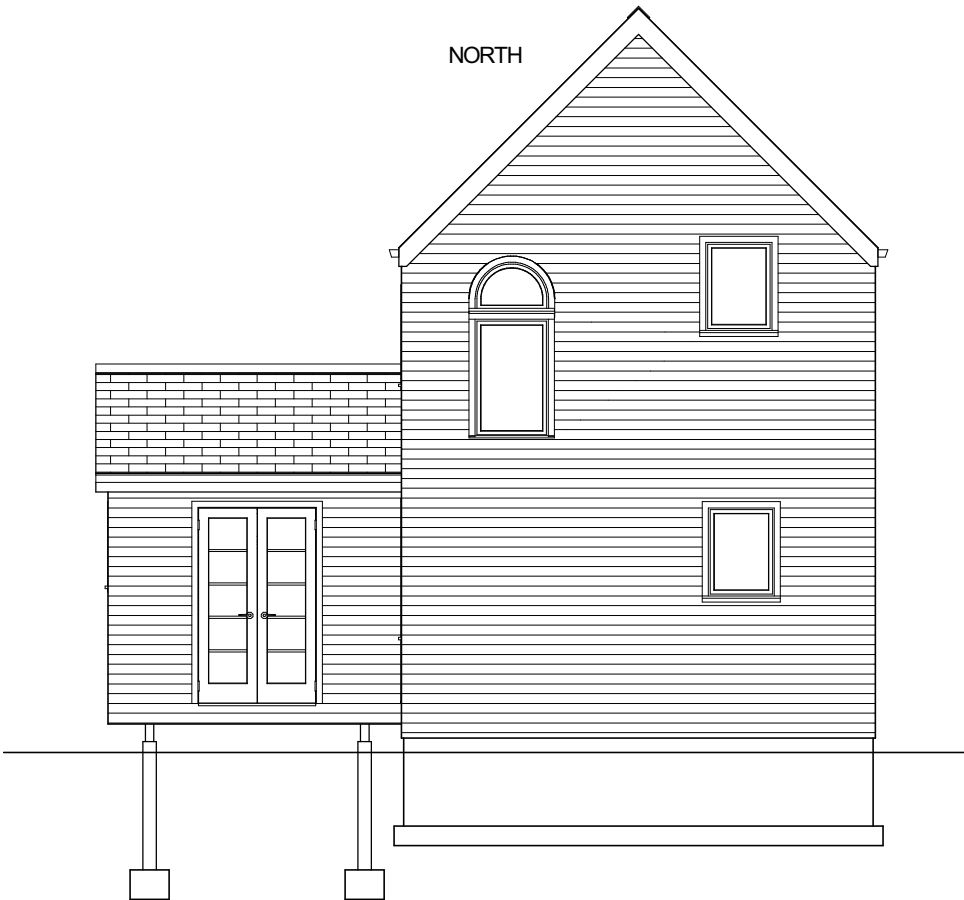
SOUTH



WEST



NORTH



EAST

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NO.	DESCRIPTION	BY	DATE

SHEET TITLE:

Addition

PROJECT DESCRIPTION:

Wendy Freedman
911 South St.
Portsmouth, NH

DRAWINGS PROVIDED BY:

Great Island Builders
PO Box 383
New Castle, NH 03854
603-661-3755

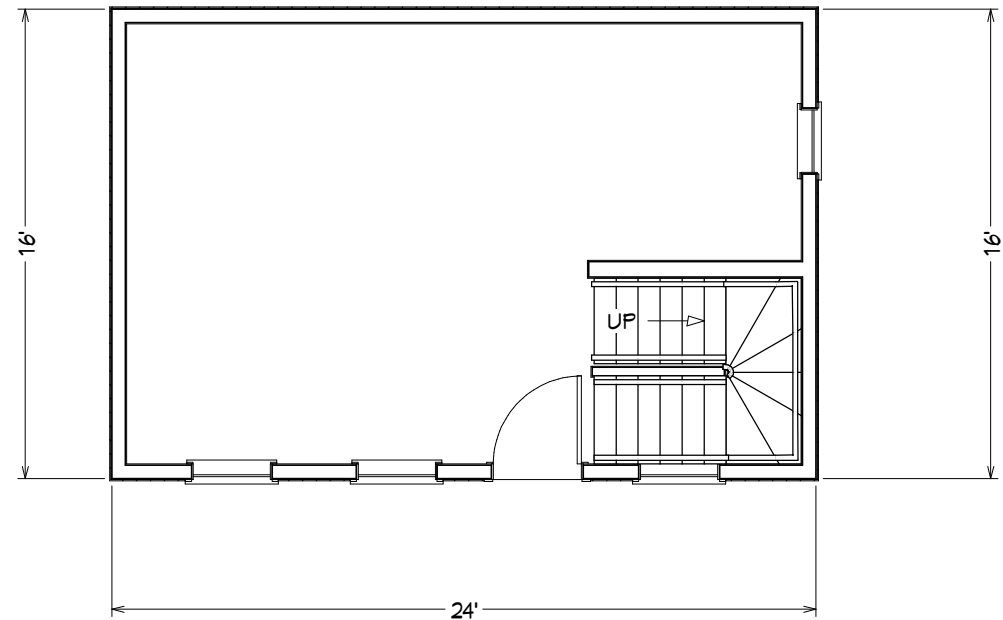


DATE:

SCALE:

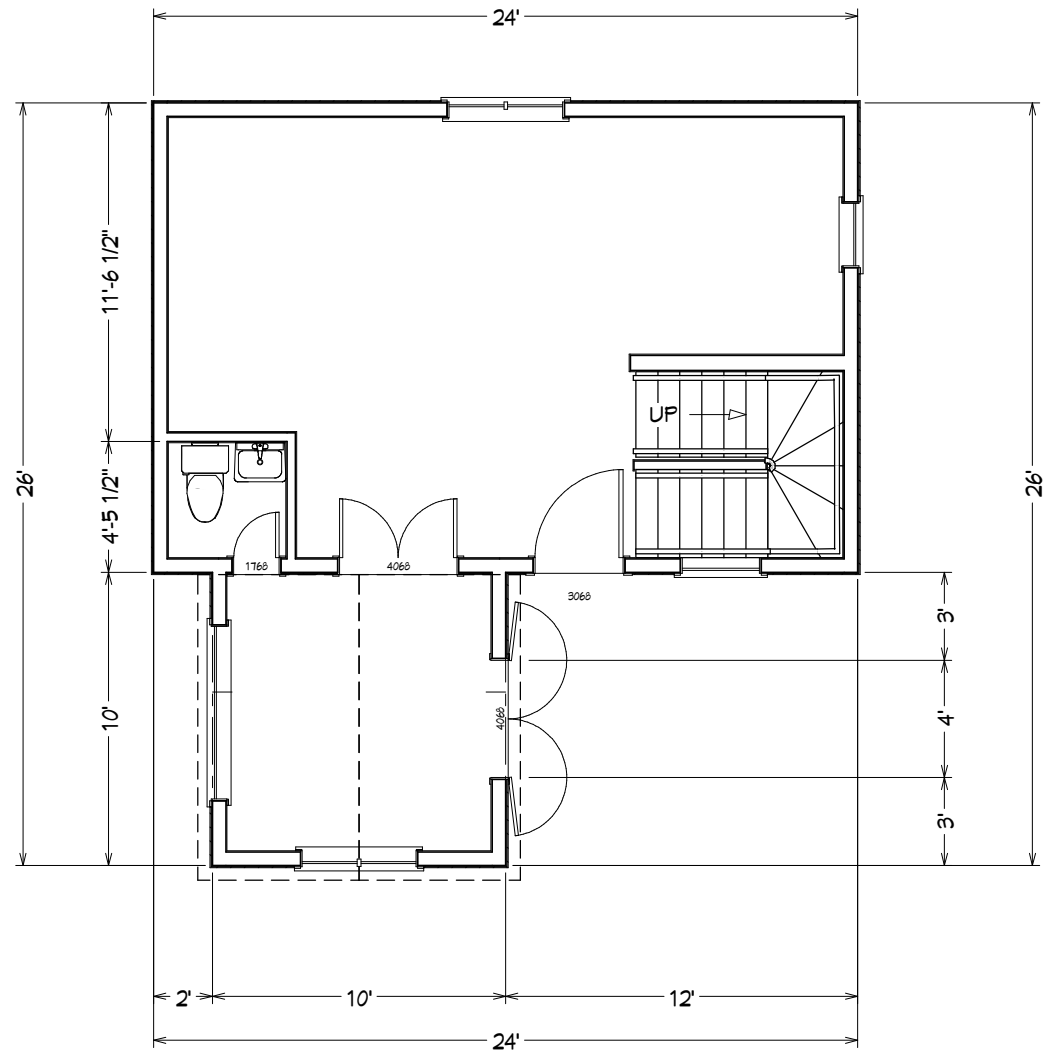
SHEET:

A-2



LIVING AREA
384 SQ FT

EXISTING



LIVING AREA
484 SQ FT

PROPOSED

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NO.	DESCRIPTION	BY	DATE

SHEET TITLE:
Addition

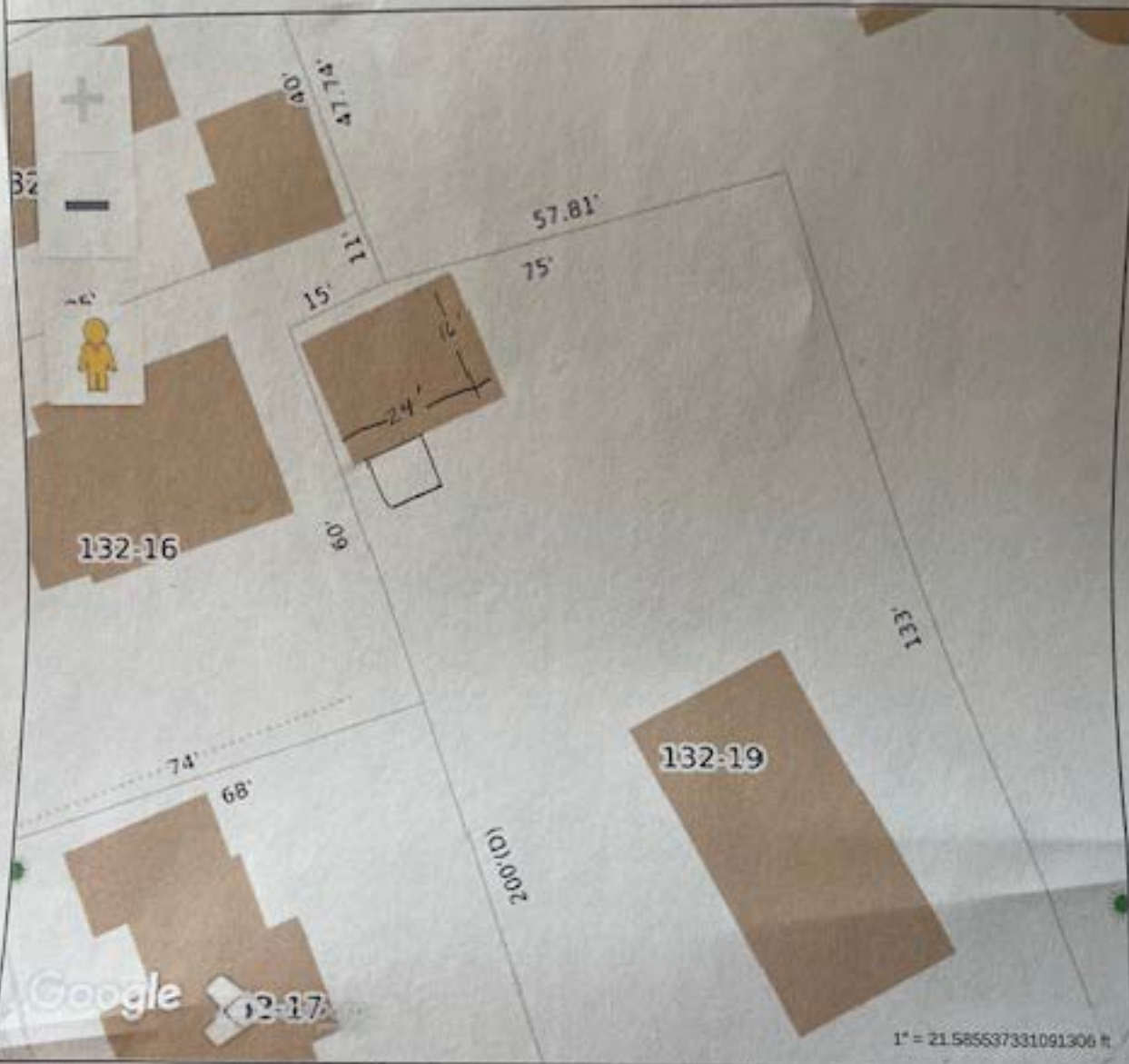
PROJECT DESCRIPTION:
Wendy Freedman 911 South St. Portsmouth, NH

DRAWINGS PROVIDED BY:
Great Island Builders PO Box 383 New Castle, NH 03854 603-661-3755
GB

DATE:

SCALE:
3/8 = 1'

SHEET:
A-1



MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

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

Geometry updated 06/25/2024

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











911 Condominium Association
911 South Street, Portsmouth NH, 03801

Notice of agreement to allow Wendy Freedman, owner of Unit 3, 911 South Street, Portsmouth NH to move forward with building/zoning application to add a single story addition to her building.

This addition will not impact the other units in any way, including parking and property access. Enlarging it will not provide additional space for more than two inhabitants.

This agreement will be signed by two of the three units, as outlined in the condominium documents which requires $\frac{2}{3}$ agreement to approve requested changes.

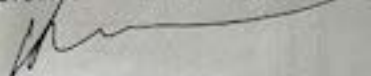
Unit #1
Bull/LaFlamme

Print:

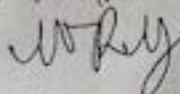
~~Matthew J. Bull~~ Honore LaFlamme

Sign:

~~Matthew J. Bull~~



Unit #2
Miletkov
Print:
Sign:

MIHAIL MILETKOV


Unit #3
Freedman, Condominium Association President
Print: Wendy Freedman
Sign:





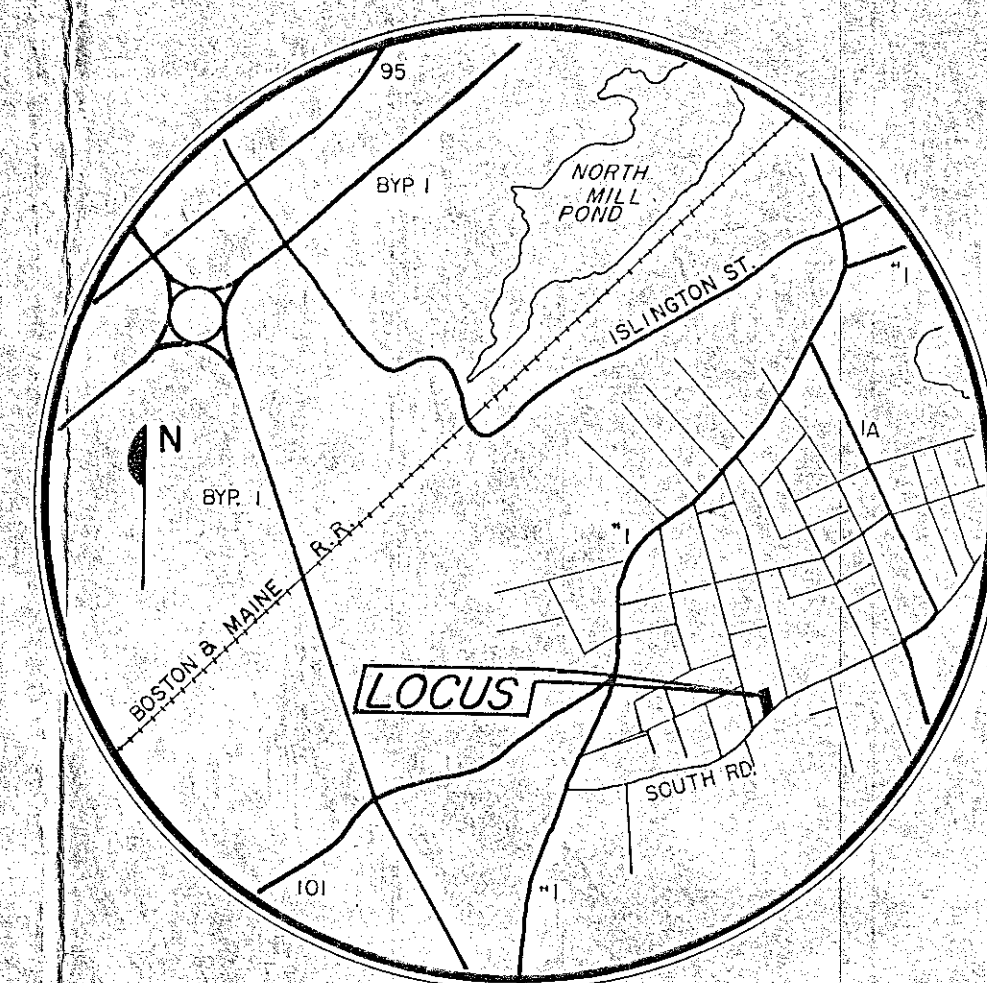
ALL BEARINGS
MAGNETIC AS OF
FEBURARY 29, 1984

N/F JOHN H. & KATHERINE
RAFFERTY
928/43

N/F GEORGE O. & LUCY E.
DOCKHAM
1843/097

N/F WILLIAM J. & ALAINE L.
BLACK
2241/1168

N/F SADIE P. GOUSE
1460/411



SOUTH ST.

UNION ST.

UTILITY POLE
21-5-44

UTILITY POLE
21-5-43

UTILITY POLE
6-75
2" Ø IRON PIPE - END

APPROVED BY THE CITY OF PORTSMOUTH
PLANNING BOARD:

CHAIRMAN Ed Warren Clarke

SECRETARY _____

DATE Aug 6, 1984

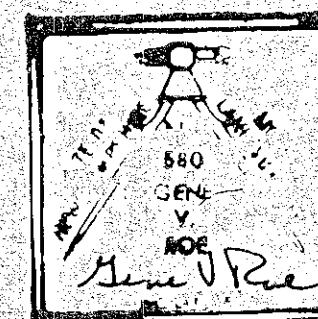
BAR SCALE 1" = 20'
20 0 10 20 30 40 60

NOTES:

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2. THIS PLAN DIFFERS FROM THE CITY TAX MAPS, WHICH ARE CONTROLLING FOR ALL MUNICIPAL PURPOSES. THE PLANNING BOARD MAKES NO REPRESENTATION AS TO THE ACCURACY OF THIS PLAN.
3. RANDOM TRAVERSE ERROR OF CLOSURE IS LESS THAN 1 PART IN 10,000.

LEGEND:

- 4' HIGH HURRICANE FENCE
- 6' HIGH WOOD FENCE
- STONE WALL



REVISED JULY 23, 84
PLAN No. 84-107

ROCKINGHAM COUNTY REGISTRY
OF DEEDS
FILED: August 7, 1984
RECORDING #: D-12694

CONDOMINIUM
PLAN OF LAND

FOR

MICHAEL NEWBURG

IN

PORTSMOUTH, N.H.

by

Seacoast Engineering Associates, Inc.

73 DANIEL ST.

PORTSMOUTH, N.H.

DRAWN BY: C.A. JACOBS

CHECKED BY: G.V. ROE

DATE: MARCH 6, 1984

SCALE: 1" = 20'