

**From:** [Mark A. McNabb](#)  
**To:** [Peter M. Stith](#); [Peter L. Britz](#); [chellman@tndengineering.com](mailto:chellman@tndengineering.com); [Karen S. Conard](#); [Trevor McCourt](#)  
**Cc:** [Marie Bodi](#); [tracy.kozak@arcove.com](mailto:tracy.kozak@arcove.com); [John Chagnon](#)  
**Subject:** RE: Downtown Overlay District (DOD)  
**Date:** Monday, March 10, 2025 10:00:11 AM

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Thanks for the feedback.

We also request the Planning Board eliminate the maximum building footprint downtown. The definition of maximum building footprint in the Zoning Ordinances has been ignored and never enforced and it should be done away with. As you know, the definition requires maximum building footprint to be calculated past lot lines for connected buildings, which makes no sense. Enforcing it for me and prohibiting me from merging and combining JJ Newberry should not be treated differently than everyone else.

The maximum building footprint downtown is set by the lot coverage and open space. To have a lot coverage and open space and then negate that with a maximum building footprint (that has never been enforced) should be dealt with along with the next zoning change.

Mark

Mark A. McNabb  
President

T: 603.427.0725

3 Pleasant Street, Suite 400 | Portsmouth, NH 03801 [www.mcnabbgroup.com](http://www.mcnabbgroup.com)

-----Original Message-----

From: Peter M. Stith <[pmstith@portsmouthnh.gov](mailto:pmstith@portsmouthnh.gov)>  
Sent: Monday, March 10, 2025 8:19 AM  
To: Mark A. McNabb <[house@mcnabbgroup.com](mailto:house@mcnabbgroup.com)>; Peter L. Britz <[plbritz@portsmouthnh.gov](mailto:plbritz@portsmouthnh.gov)>; [chellman@tndengineering.com](mailto:chellman@tndengineering.com); Karen S. Conard <[kconard@portsmouthnh.gov](mailto:kconard@portsmouthnh.gov)>; Trevor McCourt <[tmccourt@portsmouthnh.gov](mailto:tmccourt@portsmouthnh.gov)>  
Cc: Marie Bodi <[marie@mcnabbgroup.com](mailto:marie@mcnabbgroup.com)>; [tracy.kozak@arcove.com](mailto:tracy.kozak@arcove.com); John Chagnon <[jchagnon@haleyward.com](mailto:jchagnon@haleyward.com)>  
Subject: RE: Downtown Overlay District (DOD)

Mark,

The Planning Board will have a work session on March 27th to continue discussion of zoning amendments and I think it would be appropriate to continue their discussion on this.

Thanks,

Peter Stith, AICP  
Planning Manager  
Planning & Sustainability Department  
City of Portsmouth

1 Junkins Avenue  
Portsmouth, NH 03801  
603.610.4188  
www.portsmouthnh.gov

-----Original Message-----

From: Mark A. McNabb <house@mcnabbgroup.com>

Sent: Saturday, March 8, 2025 5:29 AM

To: Peter L. Britz <plbritz@portsmouthnh.gov>; Peter M. Stith <pmstith@portsmouthnh.gov>;  
chellman@tndengineering.com; Karen S. Conard <kconard@portsmouthnh.gov>; Trevor McCourt  
<tmccourt@portsmouthnh.gov>

Cc: Marie Bodi <marie@mcnabbgroup.com>; tracy.kozak@arcove.com; John Chagnon  
<jchagnon@haleyward.com>

Subject: Downtown Overlay District (DOD)

Peter -

It never made any sense for the City to carve out the small area at the end of Sheafe Street or across the street where Rosa Restaurant is located from the Downtown Overlay District. I own both of those properties and want them in the DOD. The DOD should also include both sides of Court Street especially considering the Zone is CD4 (downtown character zone) and there is municipal parking. I would like the Citizens Bank property located at 134 Pleasant Street sitting on top of municipal parking in the DOD.

I bring this up now because hopefully the Planning Board will forward a proposed co-living zone to the City Council, and it is an opportunity to change other long running zoning inconsistencies at the same time. I know we have discussed before the carve outs of DOD on Sheafe Street and State Street never made any zoning sense. I'm sure the decision at the time was political from someone who didn't want their property in the DOD.

If you are unable or unwilling to clean up the DOD boundaries now, can you please address my request so it can be debated and hopefully rectified. Thanks.

Mark

<<https://www.mcnabbgroup.com/>>

Mark A. McNabb

President

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