

To: Portsmouth Planning Board
From: Fran Berman, 349 Hanover St. #3
Re: Application from 361 Hanover Steam Factory

I live at 349 Hanover Street and I am an immediate abutter to the project seeking your approval today. My condo overlooks the site from six windows, and the choices made by this project will have a direct impact on my quality of life and the value of my property.

I have been pleased with some of the changes that this project has undergone since it was first proposed. In particular, I applaud the decision to split the new residential buildings into four smaller buildings rather than one large one. This plan creates more light and space, and it is much more in keeping with the character of the neighborhood.

Building Intensity

That being said, I remain distressed by the intensity of the development and believe that it will significantly alter the feel of this small, residential neighborhood made up of older homes and quiet streets. This latest plan has two new large, four-story buildings (Buildings C and E) as well as several additional stories above the main historic structure on the site, Building A. These buildings along Hanover Street will be an imposing presence. They are just too tall for the neighborhood.

Building E

In particular, I want to register my continued concerns about the height and scale of Building E, which will abut my building. At three stories plus a full attic, it will block out much of the light and air that I now enjoy. If Building E were to be reduced to three stories, I would be sad to lose my views which extend all the way down McDonough Street, but I would still be able to enjoy some of the light and see the sky. At four stories I fear that Building E will block the light and airiness, reducing the value of my unit and my quality of life.

Disregard for TAC Conditions for Approval

I also want to bring your attention to the applicant's disregard for the advice of the Technical Advisory Council that reviewed their project only last month.

When the TAC met on July 1, 2025 to discuss the proposal from 361 Hanover, a concern was raised by a member of the committee concerning the back right corner of Building E, where a garage door is located. In the design for that building, six cars are parked (stacked three by two) in that corner. The committee member expressed concern that cars pulling out through the rear right garage door would not be able to see a car backing out from the parking space on the other side of the fence, at 364 Hanover. In response to this concern, Steve Wilson of 361 Hanover assured the panel, "We can engineer our way around the last door at the corner." The Committee then voted to recommend approval of the application to the Planning Board, with several conditions to be satisfied prior to submission to the Planning Board: One of those conditions, number 3, states, "The back corner of Building E needs to be chamfered or relocate last garage door." That back corner and its parking spaces are represented on pages 298, 305, and 308 of your packet.

If you look at these pages, no change to the back corner of Building E has been made. Six cars are still shown parked there, and they still exit their stacked spaces directly into the same space granted to 349 Hanover as a right of way, which one of our owners must use to get in and out of her parking space. The danger pointed out by the TAC and listed as a condition to be met prior

to today's submission to the Planning Board has not been addressed. The applicant has not followed through on their promise to fix this design flaw.

I therefore ask this board to reject today's proposal, which continues to come up short in fulfilling the city's requests.



JOHN E. LYONS, JR.
ATTORNEY AT LAW
E-MAIL: JLYONS@LYONSLAW.NET

ONE NEW HAMPSHIRE AVENUE
SUITE 235
PORTSMOUTH, NH 03801

TELEPHONE: 603.431.5144
FAX: 603.431.5181
WEBSITE: WWW.LYONSLAW.NET

ANTJE S. BOURDAGES
PARALEGAL
E-MAIL: ABOURDAGES@LYONSLAW.NET

August 20, 2025

SENT VIA ELECTRONIC MAIL

Rick Chellman, Chair
Planning Board
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: Application of 361 Hanover Steam Factory LLC ("Owner"), and Hampshire Development Corporation LLC ("Applicant"), for Property located at 361 Hanover Street

Dear Chair Chellman,

361 Hanover Steam Factory LLC ("361") is on Thursday, August 21, 2025, Planning Board Agenda for Site Plan Review approval and Preliminary and Final Subdivision Approval. I represent Hill-Hanover Group LLC ("Hill-Hanover") and Hanover Place Condominium Association ("Hanover Place"), who are abutters to 361. Both Hill-Hanover and Hanover Place object to the Development as proposed by 361.

I attach a color copy of Figure # 7 which was previously submitted by 361 to the Zoning Board of Adjustment. Please note, Hill-Hanover owns the three (3) buildings located on Lot 125-14, as shown on Figure # 7. The Hanover Place Property is identified as Lot 138-64. The Properties owned by Hill-Hanover and Hanover Place are located on Hanover Street and abut a private Right of Way, in the back, known as Hill Street. The Right of Way known as Hill Street is also shown on Figure # 7 and runs from the 361 Property, behind the 4 buildings owned by my clients, to Autumn Street. The Right of Way then continues to Bridge Street. The Hill Street Right of Way is narrow. My client's tenants and owners have the legal right to park their personal vehicles along this private Right of Way. This Right of Way is also more clearly shown on the attached Plan, recorded in the Rockingham Country Registry of Deeds at Plan # D-34716.

On or about April 16, 2025, my clients filed suit to preserve their easement rights. As part of that claim, my clients requested the Court issue Preliminary Injunctive Relief to prevent interference with those easement rights. At the Hearing, the Parties entered into an Agreement dated May 21, 2025, a copy of which is attached hereto. That agreement in §5 specifically provides, "*No party shall park or obstruct the claimed easement during the pendency of this lawsuit.*" §3 specifically provides, "*The Defendants shall not degrade, alter, or diminish the pavement in the claimed easement from its current condition.*" Per the attached Notice of Bench Trial, trial is scheduled in this matter for the weeks of November 2, 2026, and November 9, 2026.

Based on my clients' easement rights, and the attached Agreement, both Hill-Hanover and Hanover Place object to any development of the 361 Property that would interfere with, obstruct, degrade, or diminish the easement.

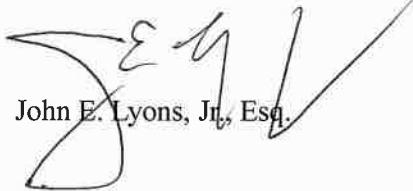
My clients will also be present at the Planning Board Meeting on Thursday, August 21, 2025, to directly assert their objections to the Development of the 361 Property.

Thank you to you and the Board for your consideration regarding this matter.

Very truly yours,

HILL-HANOVER GROUP LLC, and
HANOVER PLACE
CONDOMINIUM ASSOCIATION

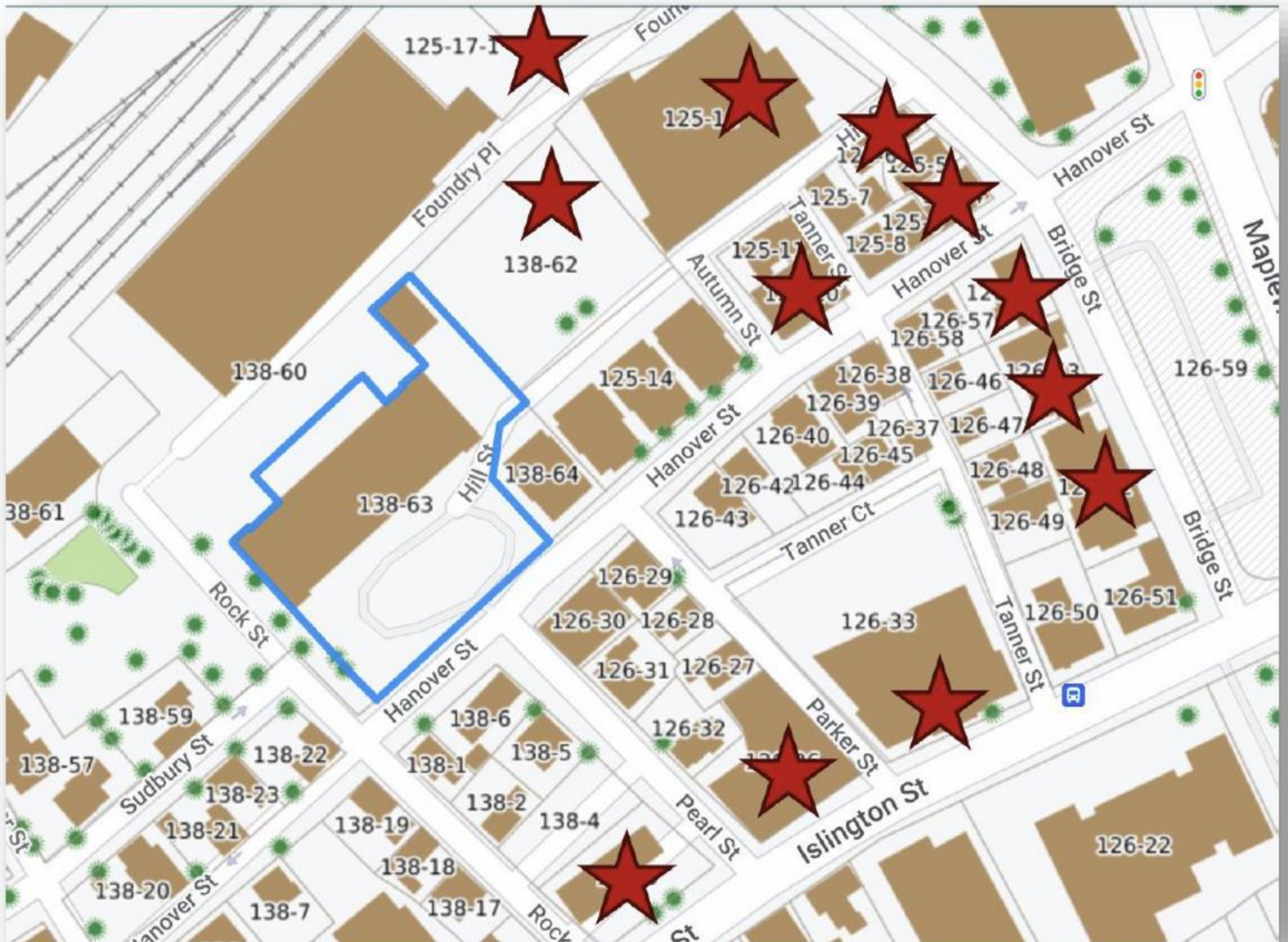
By and through its attorney,


John E. Lyons, Jr., Esq.

EXHIBITS

- 1) *Figure 7 – Properties with Existing Ground-Floor Commercial Uses, excerpt from 361 Hanover's Application to the ZBA*
- 2) *Amended Site Plan, Kearsarge Mill Condominiums, Prepared by Kimball Chase, 2007, Recorded at the RCRD at PLAN # D-34716*
- 3) *Agreement, Rockingham County Superior Court Case No. 218-2025-CV-00488*
- 4) *Notice of Bench Trial, Rockingham County Superior Court Case No. 218-2025-CV-00488*

CC: Sean O'Connell, Esq.
John K. Bosen, Esq.
Peter L. Britz
Peter M. Stith
Trevor McCourt
Bruce Sommer
Jeff Sabin
Mark DeLorenzo



THE STATE OF NEW HAMPSHIRE

ROCKINGHAM, SS.

**SUPERIOR COURT
CASE NO: 218-2025-CV-00488**

**HILL-HANOVER GROUP LLC, and
HANOVER PLACE CONDOMINIUM ASSOCIATION**

v.

**HAMPSHIRE DEVELOPMENT CORPORATION,
361 HANOVER STEAM FACTORY LLC,
KEARSARGE MILL UNIT OWNERS ASSOCIATION, and
STEVEN T. ROY AND DAVID B. ADAMS,
AS CO-TRUSTEES OF THE POWER HOUSE REALTY TRUST**

AGREEMENT

1. The Defendants agree that they shall move the bollards in or near the easement area claimed by the Plaintiffs and shall not move the bollards back into the travel lane during the pendency of this lawsuit. For clarity, the bollards will not be placed in the right of way as showing on the Kimball Chase plan D-14855.
2. The Defendants shall move the generator currently placed on their property at the “pinch point” of the claimed easement 10’ south of its current location.
3. The Defendants shall not degrade, alter or diminish the pavement in the claimed easement from its current condition.
4. The Plaintiffs agree that they, their tenants, owners, guests or invitees shall not park on the Defendants’ property.
5. No party shall park or obstruct the claimed easement during the pendency of this lawsuit.

/s/
MD/JS/JEL/SCF/SEC

HANOVER PLACE CONDOMINIUM ASSOCIATION

Dated: 05/21/2025

By: /s/ Mark DeLorenzo
Mark DeLorenzo, President, BOD
Duly Authorized

HILL-HANOVER GROUP LLC

By: /s/ Jeff Sabin
Jeff Sabin, Managing Member
Duly Authorized

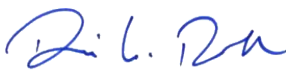
By: /s/ John E. Lyons, Jr.
John E. Lyons, Jr., Counsel for Plaintiff

**HAMPSHIRE DEVELOPMENT CORPORATION,
361 HANOVER STEAM FACTORY LLC,
KEARSARGE MILL UNIT OWNERS ASSOCIATION,
and
STEVEN T. ROY AND DAVID B. ADAMS,
AS CO-TRUSTEES OF THE POWER HOUSE
REALTY TRUST**

By: /s/ Shane C. Forsley
Shane C. Forsley, Duly Authorized

By: /s/ Sean T. O'Connell
Sean T. O'Connell, Counsel for Defendants

Approved and So Ordered



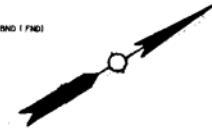
Honorable David W. Ruoff

July 14, 2025

Clerk's Notice of Decision
Document Sent to Parties
on 07/15/2025

BOUNDARY REFERENCE DATA

L1	N 68°-44'-46" E	18.00'
L2	N 25°-15'-44" W	1.80'
L3	N 68°-44'-46" E	20.00'
L4	N 25°-15'-44" W	1.80'
L5	N 68°-44'-46" E	18.00'
L6	N 68°-44'-46" E	6.05'
L7	N 68°-33'-52" E	38.74'
L8	S 68°-44'-46" W	14.00'
L9	N 68°-44'-46" E	30.75'



LOCATION MAPS NOT TO SCALE

KIMBALL CHASE
company, inc.

40 Bridge Street
Portsmouth
New Hampshire 03801
603-431-2520

Civil
Environmental
Engineers

KEARSAGE MILLS
CONDOMINIUM PLANS

DESIGNED BY _____
DRAWN BY SNF
APPROVED BY _____
DATE _____

FOR
MAYFAIR REALTY TRUST
CAMBRIDGE PORT TRUST
PORTSMOUTH, NH

SCALE 1" = 20'

PROJECT NO.

SHEET NO.

D-14855

Sheet 1 of 3

NOTES

"I certify that this survey plan shows the property lines that are the lines of existing ownerships and that the lines of streets and ways shown are those of public or private streets or ways already established and that no new lines for division of existing ownership or for new ways are shown".

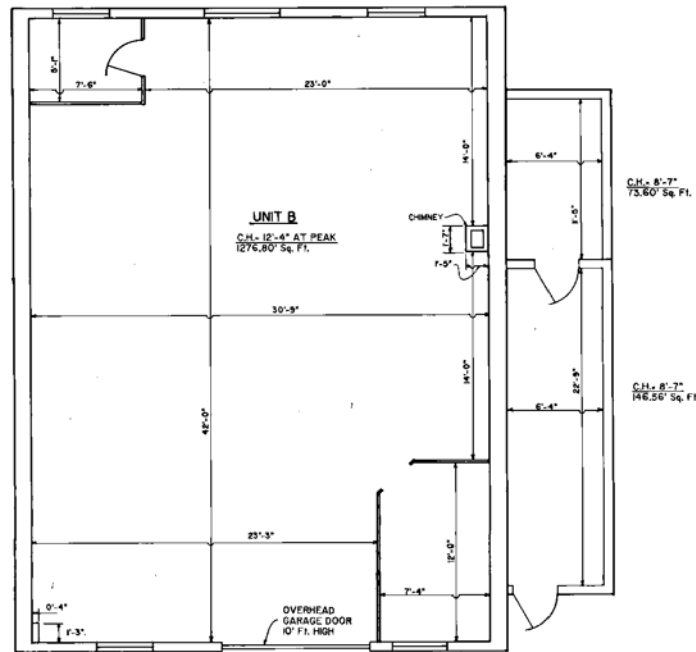
Date: 4-15-88

Barry W. Kinball
Licensed Land Surv. for
Barry W. Kinball

I, **Berry W. Kimball, Registered Land Surveyor**, hereby certify (1) that this site plan fully and accurately depicts the location and dimensions of the land and existing improvements shown thereon, the identifying numbers of the units shown thereon, and to the extent feasible, all easements appurtenant thereto; and (2) that all of said units and the Limited Common Areas shown thereon have been substantially completed and (3) that said plan complies with the provisions of RSA 356-B:20 Land V.

KIMBALL CHASE COMPANY, INC.

Betty W. Kimball, R.L.S.



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

D-14855



CERTIFICATION OF REGISTERED ENGINEER

I, Barry M. Kimball, of Kimball Chase Company, Inc., of Portsmouth, New Hampshire, do hereby certify that the 2 units depicted on the Floor Plans for Kearsage Mills Condominium Plans, Sheets 1 & 2 which plans are dated April 15, 1986, accurately depict the location, size, dimensions, and boundaries of all of the units as proposed. I also certify that the said floor plans comply with the provisions of R.S.A. Chapter 356-B:1210 (11).

KIMBALL CHASE COMPANY, INC.

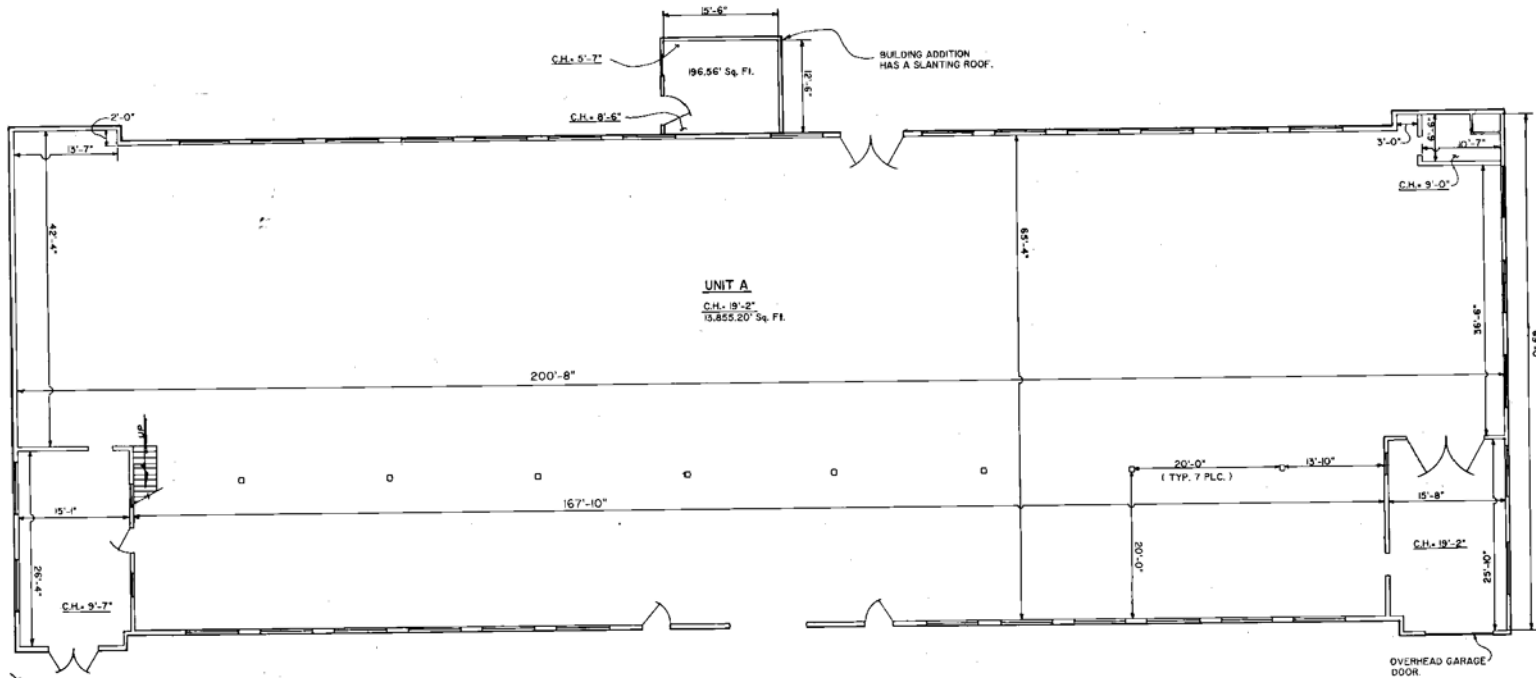
By: *Barry M. Kimball*
Civil Engineer



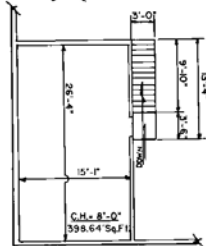
KIMBALL CHASE company, inc. <small>40 Bridge Street Portsmouth New Hampshire 03801 (603) 431-3500</small>	
KEARSAGE MILLS CONDOMINIUM PLANS	
DESIGNED BY _____ DRAWN BY <u>S.N.F.</u> APPROVED BY _____ DATE _____	FOR MAYFAIR REALTY TRUST CAMBRIDGE PORT TRUST PORTSMOUTH, NH
SCALE 1/4" = 1'-0"	
PROJECT NO. 86-1306	SHEET NO. 2 of 2

Sheet 2 of 3

Apr 17 8 16 AM '88



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



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

CERTIFICATION OF REGISTERED ENGINEER

I, Barry W. Kimball, of Kimball Chase Company, Inc., of Portsmouth, New Hampshire, do hereby certify that the 2 units depicted on the Floor Plans for Kearsage Mills Condominium Plans, Sheets 1 & 2 which plans are dated April 15, 1988, accurately depict the location, size, dimensions, and boundaries of all of the units as proposed. I also certify that the said floor plans comply with the provisions of R.S.A. Chapter 356-B:210 (11).

KIMBALL CHASE COMPANY, INC.

By: *Barry W. Kimball*
Civil Engineer



KIMBALL CHASE
company, inc.

40 Bridge Street
Portsmouth
New Hampshire 03801
603-437-0300

Old
Environmental
Engineers

**KEARSAGE MILLS
CONDOMINIUM PLANS**

DESIGNED BY _____
DRAWN BY S.W.F.
APPROVED BY _____
DATE _____

FOR
**MAYFAIR REALTY TRUST
CAMBRIDGE PORT TRUST
PORTSMOUTH, NH**

SCALE 1/8" = 1'-0"

PROJECT NO.
86-1306

SHEET NO.
- of 2

D-14855

Sheet 3 of 3

**THE STATE OF NEW HAMPSHIRE
JUDICIAL BRANCH
SUPERIOR COURT**

Rockingham Superior Court
Rockingham Cty Courthouse/PO Box 1258
Kingston NH 03848-1258

Telephone: 1-855-212-1234
TTY/TDD Relay: (800) 735-2964
<http://www.courts.nh.gov>

NOTICE OF BENCH TRIAL

FILE COPY

Case Name: **Hill-Hanover Group LLC, et al v Hampshire Development Corporation, et al**
Case Number: **218-2025-CV-00488**

The court will conduct the following events in this case at Rockingham Superior Court, 10 Route 125 Brentwood, NH 03833 – **Courtroom 2**.

<u>Event:</u>	<u>Date:</u>	<u>Time:</u>
Trial Management Conference	October 14, 2026	1:00 PM
Bench Trial	Weeks of November 02 and November 09, 2026	TBD

Trial counsel, or parties if unrepresented, shall appear at the Trial Management Conference; clients shall appear at the conference or be available for contact by telephone. Counsel and clients shall be prepared to discuss conduct of the trial and settlement.

All pre-trial motions, including motions in limine, shall be electronically filed at least fourteen days prior to the Trial Management Conference.

All witness lists and exhibit lists shall be electronically filed at the Trial Management Conference.

All pending motions shall be heard at a time set by the court.

If you will need an interpreter or other accommodations for this hearing, please contact the court immediately.

Please be advised (and/or advise clients, witnesses, and others) that it is a Class B felony to carry a firearm or other deadly weapon as defined in RSA 625.11, V in a courtroom or area used by a court.

BY ORDER OF THE COURT

August 14, 2025

Patrice D. Touma
Clerk of Court

(1146)
C: John E. Lyons, JR; Sean T. O'Connell, ESQ

From: [MV](#)
To: [Planning - Info - Shr](#)
Subject: Planning Board Meeting - Aug 21 - RE: 361 Hanover Steam Factory
Date: Wednesday, August 20, 2025 9:25:18 AM

Dear Planning Board
City of Portsmouth
1 Junkins Ave. Portsmouth NH

Regarding 361 Hanover Steam Factory LLC Review

Dear Members

I am a direct abutting neighbor to the 361 Hanover Steam Factory project. After reviewing the plans submitted by the group, I must register my disapproval on several points.

1) There is a current filed legal proceeding over a legally recorded easement and right of way through the property, between Hill Street and Hanover Street, which has not been resolved. The right of way travels along the border of 349 Hanover Street - which the diagrams show Building E on top of. How can Building E be constructed on top of this right of way? I would think there is no other choice but to deny approval of the current site plan.

2) The massive size and height of Building E, and the even larger Building C, do not fit with the character of the neighborhood. At more than 45 feet tall they are taller than any other building in the neighborhood of residential homes and small apartment buildings. Their "3 stories" are really four stories including the "attic" story. They should be resized - and Building E should not encroach on the legally recorded easement/right of way. I noticed in the most recent site plan materials posted on the portsmouthnh.gov site, all renditions of what these buildings would look like next to the current neighborhood buildings have been removed. There is no context for how out of place these buildings are in terms of their towering size.

3) There is no indication on the site plan how access from 361 Hanover to Hill Street (private street) would be controlled. Hill Street is a tiny street that cannot handle increased traffic from 361 Hanover.

Please reign in the scope of this project to better fit with its community.

Thank you.

Regards,
Mark Vangel

Property owner, 349 Hanover Street Apartment 5

30 Parker Street
Portsmouth, NH 03801

August 19, 2025

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

Re: 361 Hanover Street Development

Dear Planning Board Members:

As abutters to the proposed development at 361 Hanover, we have concerns about the updated design for this building, and are asking you to reject this proposal for the following reasons:

- **It does not meet the goals of its character district zoning.** According to Section 10.5A11, the purpose of character district zoning is to encourage development that is compatible with the established character of its surroundings and consistent with the City's goals for the preservation or enhancement of the area. Having buildings be 20 feet taller that tower over small colonial homes on Rock and Hanover street does not seem to meet that criteria. (Figures 3-6)
- **It is a drastic material change from the application the zoning board of adjustment (ZBA) reviewed and approved variances for.** The heights, massing, and number of buildings has changed from the design the ZBA approved variances for.
- **It is inconsistent to public interest and will cause irreparable harm to our neighborhood.** We believe the design in this most recent application is inconsistent to public interest, will diminish property values and reduce quality of life for others living nearby in the neighborhood. (Figures 3-6) It will create a development precedent that will ricochet through the neighborhood for years to come and will cause irreversible change to the safety and character of our neighborhood.

We sincerely question if the variances approved by the Zoning Board are still valid given how drastically different the designs are between this planning board application and the one the zoning board of adjustment approved. The number of buildings and heights of buildings have changed dramatically. The building in this new design at the intersection of Hanover and Rock Street is 48.5 feet tall to the peak of the roof (Figure 1), whereas the design approved by the zoning board was 38.5 feet tall to the peak of the roof (Figure 2, Height Source: ZBA application from Feb 19, 2025, [page 11](#)). Even that building at 38.5 feet towered over buildings in the neighborhood (Figure 3), so at 48.5 feet, our neighborhood will be dwarfed (Figure 3). The ZBA had said they agreed to waive requiring commercial for this development since they had lowered the heights, but since these heights are now pushing the max for their zoning, we question if they still would have gotten approval.

We remain hopeful that thoughtful development can occur that does not jeopardize the safety and character of our neighborhood. From what is there, it needs too much material change to meet the goals of a Character District and the North End Vision Plan's goals of being "respectful and sensitive to the surrounding context." As citizens, we have provided feedback in four separate ZBA letters, three letters to TAC, and 2 planning board meetings. We believe this current design will do irreparable harm to the neighborhood safety and character, and we cannot endorse it as is. We are imploring you as the planning board to uphold the goals of our character district zoning as written in city ordinance.

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

Sincerely,

Kathryn "Kate" Waldwick
Bryn Waldwick



Figure 1: The new design shows a massive “Building C” at the corner of Rock & Pearl street that is 48.5 ft tall to the peak of the roof. Source: Planning Board Application for August 21, 2025, [Page 299](#)



Figure 2: The design that was reviewed by the ZBA had many major differences, including the building at the corner of Rock & Pearl street being only 38.5 ft tall to the peak of the roof (the yellow building with black shutters). Source: ZBA Application for February 19, 2025, [Page 14](#)



Figure 3: The ZBA proposal with the 38.5 ft tall building on the corner of Rock and Pearl street already looms large over anything else on Hanover Street. Making this building another 10 feet taller will be horrible for the small, historic, colonials in our character district neighborhood. The next comparable building is all the way over in Portwalk Place. Source: [Page 17](#) of the ZBA application



Figure 4: Current view from Rock Street Park. Note one can see the Pearl and residential homes.



Figure 5: One can imagine the irrevocable change to the neighborhood and quality of greenspace if a towering 48.5+ feet 4 story building were next to the park.



Figure 6: Another view showing how close the proposed 4-story Buildings along Rock Street would be to residential homes and the loss of privacy.