

September 5, 2025

Mr. Peter Stith, TAC Chair
Site Plan Review Technical Advisory Committee
City of Portsmouth
1 Junkins Ave., 3rd Floor
Portsmouth, NH 03801

Subject: Objection to proposed 58 Humphreys Court subdivision

Dear Mr. Stith and Committee Members:

As an abutter and concerned resident of the Humphreys Court neighborhood I feel that I cannot in good conscience let lie all that I objected to while attending the TAC meeting on this subject on September 2nd of this week.

I ask that you please see this proposal for what it really is: a scheme. A scheme to make money on the backs of the Humphreys Court neighborhood. The proposed subdivision layout as presented at the meeting is nothing more than a form of gerrymandering to meet the required magic number of 10,000 square feet for subdivision of two lots. In order to achieve this necessary footage, land of questionable ownership or control beneath the pavement of Humphreys Court is used in calculation. Also used is the triangulation of lots that make a mockery of the towns formula to arrive at minimum lot requirements. This trickery results in an absurd mess of subdivision. I am insulted by this proposal. And you all should be too.

Thank you,

A handwritten signature in black ink, appearing to read "R. Gunning". The signature is stylized with a large "R" and a long horizontal stroke.

Bob Gunning
43 Humphreys Court
Portsmouth, NH 03801

August 25, 2025

Mr. Peter Stith, TAC Chair
Site Plan Review Technical Advisory Committee
City of Portsmouth
1 Junkins Ave., 3rd Floor
Portsmouth, NH 03801

RE: 58 Humphreys Court

Dear Mr. Stith and Committee Members:

On June 10, this Committee reviewed an application by the Robert M. Snover Trust seeking to subdivide 58 Humphreys Court into two irregularly shaped (triangular) lots. The Committee raised some questions and concerns regarding the application, and the Applicant revised its plans and resubmitted to the TAC for an August 5 review. On July 17, this group submitted a letter to TAC identifying several concerns with the proposed subdivision. The August 5 TAC review was cancelled, and we understand that the Applicant intends to return for further review at a later date.

There are a few additional items we'd like to bring to the Committee's attention in advance of the next review of this application.

1. Lot Size. In our July 17 letter, we raised a concern with the Applicant's calculation of lot size, being inconsistent with the City's assessing records and historic subdivision plans. While the City's records and plans calculate the lot area as 9,220 sf. (see enclosed 1962 lot plan), the Applicant calculates the area at 10,005 sf., a mere 5 sf. more than necessary to create two lots. While we question the inconsistency between the historic records the most recent survey, we note that regardless, the Applicant has improperly included the area beneath the public street where it rounds the corner of the lot. A picture of the street before (with survey markings) and after the recent micro-sealing project is enclosed herewith. Section 10.1530 of the Zoning Ordinance provides the following definitions:

Lot Area: "The total horizontal area included within the property lines."

Lot Line, Front: "A boundary of lot that separates the lot from a public place."

Public Place: "A streetway, park, pedestrian alleyway or community space that provides public access."

Based on these definitions, the area beneath a street is not includable in the calculation of lot area. As such, even if the Applicant's calculation of 10,005 sf. to the boundary lines shown on its survey were correct, the area beneath the paved corner of Humphreys Court shown within those boundary lines must be deducted. After doing so, the lot area falls well below the 10,000 sf. required to subdivide. The street was a visible and obvious characteristic of the lot when purchased by the Applicant.

Relatedly, since our July 17 letter, we have located a 1937 Plan, which appears to address the expansion of Humphreys Court at the corner of the property. A copy of that plan is enclosed herewith.

2. Lot Depth. Section 10.521 of the Zoning Ordinance requires a minimum lot depth of 60'. Section 10.1530 of the Zoning Ordinance defines Lot Depth as, "The average horizontal distance between the front lot line and the rear lot line as measured along both side property lines." As noted above, a "Front Lot Line" is the line along the street. A Rear Lot Line is defined as, "A boundary of a lot that is opposite and most distant from the front lot line." Neither of the proposed lots appear to provide an average lot depth of at least 60' nor does the submitted survey address this matter. Taking into account "horizontal" distance and a uniform method of measurement, it's not possible for a "triangular" lot of this size with street frontage of over 100' to have an average depth of more than 50'. Any other method of measurement would violate the text and intent of the ordinance. We urge you to ask the Applicant to provide accurate lot depth calculations for review by the Committee.
3. Setbacks and Building Area. Separate from the basic dimensional requirements, the Applicant's proposed subdivision plan shows setback lines, and the resulting buildable area on each lot. The Applicant's initial submittal included conceptual building footprints within the buildable area, but with certain encroachments into the required setbacks, which this Committee noted at the June 10 meeting. The Applicant's resubmittal omitted the conceptual buildings, presumably to avoid addressing the issue of the setback encroachments. Nonetheless, before granting a subdivision approval, the City should require the Applicant to demonstrate that the resulting lots will be developable, by showing sufficient buildable area for construction of the proposed homes, including taking into account the additional 10% setback required of corner lots due to visibility and safety concerns. If the

proposed homes cannot be built in compliance with the necessary setbacks, the subdivision should not be granted in the first place, as the Applicant is creating its own hardship, and thereby undermining any basis to request zoning relief for any setback encroachments thereafter.

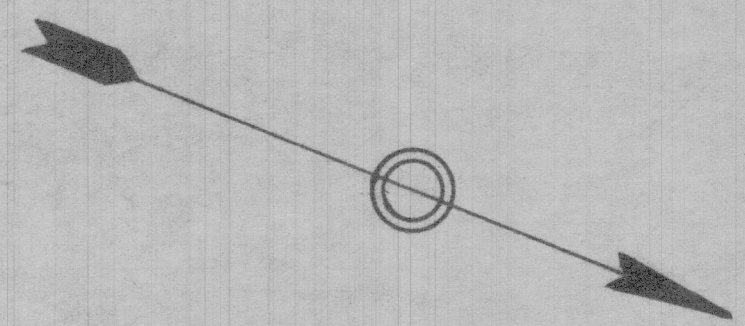
Further, the Applicant incorrectly designates the proposed diagonal dividing line between the proposed lots as a side lot line, with a required 10' setback. Per the zoning definitions cited above, the diagonal dividing line between the proposed lots is a rear lot line, at least with respect to Lot 2. Rear lot lines require a 25' setback. When this setback is imposed, there is plainly insufficient buildable area remaining for construction of any reasonable home. These issues arise due to the unusual and triangular nature of the proposed lot lines, which the subdivision regulations clearly disfavor as they cause the demonstrated burdens on the subject properties (which are not as obvious when they are under common ownership) and abutting and neighboring properties.

We appreciate your review of these threshold zoning issues. We urge you to make a recommendation to the Planning Board to deny the subdivision application for the reasons set forth herein, and in our July 17 letter.

On behalf of myself and the other residents of Humphreys Court and New Castle Avenue referenced in our July 17 letter.

Sincerely,

Ben St. Jean
54 Humphreys Court
Portsmouth, NH 03801



6

6

4



CITY - HAVEN SCHOOL

ADA N. TUCKER

JAMES P. LEE

STONE BOUND

HUMPHREYS COURT

AREA = 288.8 SQ. FT. S 79° 45' E

ADA N. TUCKER

HUMPHREYS COURT

N 14° 27' E

ADA N. TUCKER

MARY M. WOODS

WM. & RUTH J. ATWELL

LAND IN PORTSMOUTH, N.H.

ADA N. TUCKER

TO CITY OF PORTSMOUTH, N.H.

SCALE: - 1 INCH = 30 FEET

JULY 1937

John W. Duggin
CIVIL ENGINEER

FILE No. 1987-0



From: [Kristina Campbell](#)
To: [Planning - Info - Shr](#)
Subject: Brora LLC Site Review 150 Portsmouth Blvd.
Date: Thursday, September 25, 2025 1:19:20 PM

You don't often get email from kristinacampbell2019@gmail.com. [Learn why this is important](#)

Dear Planning Board Members:

The residents of Dunlin Way and the 329 Osprey Landing Apartment residents on Osprey Drive and Blue Heron Drive are extremely concerned regarding the potential for the vehicle traffic resulting from the construction of 3 six story buildings with over 270 units that will endanger the safety of our neighborhood. We have presented our concerns before this Board previously and remain very united in making sure that a breakaway gate is installed Portsmouth Blvd and Dunlin Way meet. The traffic from this new development must be directed to use Portsmouth Blvd. and Commerce Way as their means of entry and exit from this complex.

Installing breakaway gates have been used in other areas in the City, and there is no justifiable reason for not installing one in this instance. There are breakaway gates at the end of Dunlin Way where it meets Spinnaker Way. There is also one at the end of Shearwater Dr. There are other such gates around the City to protect the safety of congested neighborhoods. In the event of a rare emergency, fire, police and ambulances can easily access the needed area by opening or breaking through the gate.

The safety of many residents, especially children, is at stake here. Between the 18 private homes on Dunlin Way and Blue heron Dr. and the 329 apartments on Osprey Dr. and Blue Heron Dr. there are over a thousand residents, including many children who ride bikes, scooters, skate board, walk, run, and play on these streets. Having the potential of many cars going through this neighborhood is a recipe for disaster. The speed limit in this neighborhood is 15 mph. which indicates the safety concerns and the density of the population.

For the sake of our children the Planning Board and other City regulatory boards must require the installation of a breakaway gate at the end of Portsmouth Blvd. and Dunlin Way. There is no other alternative to insure the neighborhoods safety.

Thank you for your consideration.

Kristina & Bill Campbell
4 Dunlin Way
Portsmouth, NH 03801

From: [Richard DiPentima](#)
To: [Planning - Info - Shr](#)
Cc: [Kristina Campbell](#); [Abdallah Mohammad](#); [Dragan Vidacic](#); [Matthew Nania](#); [Carla Rogers](#); [HELEN LEE](#); [Art Nicholson](#); graeme_thom@hotmail.com
Subject: Broara LLC Site Review 150 Portsmouth Blvd.
Date: Thursday, September 25, 2025 1:02:07 PM

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

Dear Planning Board Members:

The residents of Dunlin Way and the 329 Osprey Landing Apartment residents on Osprey Drive and Blue Heron Drive are extremely concerned regarding the potential for the vehicle traffic resulting from the construction of 3 six story buildings with over 270 units that will endanger the safety of our neighborhood. We have presented our concerns before this Board previously and remain very united in making sure that a breakaway gate is installed Portsmouth Blvd and Dunlin Way meet. The traffic from this new development must be directed to use Portsmouth Blvd. and Commerce Way as their means of entry and exit from this complex.

Installing breakaway gates have been used in other areas in the City, and there is no justifiable reason for not installing one in this instance. There are breakaway gates at the end of Dunlin Way where it meets Spinnaker Way. There is also one at the end of Shearwater Dr. There are other such gates around the City to protect the safety of congested neighborhoods. In the event of a rare emergency, fire, police and ambulances can easily access the needed area by opening or breaking through the gate.

The safety of many residents, especially children, is at stake here. Between the 18 private homes on Dunlin Way and Blue heron Dr. and the 329 apartments on Osprey Dr. and Blue Heron Dr. there are over a thousand residents, including many children who ride bikes, scooters, skate board, walk, run, and play on these streets. Having the potential of many cars going through this neighborhood is a recipe for disaster. The speed limit in this neighborhood is 15 mph. which indicates the safety concerns and the density of the population.

For the sake of our children the Planning Board and other City regulatory boards must require the installation of a breakaway gate at the end of Portsmouth Blvd. and Dunlin Way. There is no other alternative to insure the neighborhoods safety.

Thank you for your consideration.

Richard and Catherine DiPentima
16 Dunlin Way
Portsmouth, Nh 03801

From: davidsrogers@comcast.net
To: [Planning - Info - Shr](#)
Subject: Osprey Landing Dunlin Way Breakaway Gate
Date: Friday, September 26, 2025 3:57:37 PM

You don't often get email from davidsrogers@comcast.net. [Learn why this is important](#)

Dear Planning Board Members:

The residents of Dunlin Way and the 329 Osprey Landing Apartment residents on Osprey Drive and Blue Heron Drive are extremely concerned regarding the potential for the vehicle traffic resulting from the construction of 3 six story buildings with over 270 units that will endanger the safety of our neighborhood. We have presented our concerns before this Board previously and remain very united in making sure that a breakaway gate is installed Portsmouth Blvd and Dunlin Way meet. The traffic from this new development must be directed to use Portsmouth Blvd. and Commerce Way as their means of entry and exit from this complex.

Installing breakaway gates have been used in other areas in the City, and there is no justifiable reason for not installing one in this instance. There are breakaway gates at the end of Dunlin Way where it meets Spinnaker Way. There is also one at the end of Shearwater Dr. There are other such gates around the City to protect the safety of congested neighborhoods. In the event of a rare emergency, fire, police and ambulances can easily access the needed area by opening or breaking through the gate.

The safety of many residents, especially children, is at stake here. Between the 18 private homes on Dunlin Way and Blue heron Dr. and the 329 apartments on Osprey Dr. and Blue Heron Dr. there are over a thousand residents, including many children who ride bikes, scooters, skate board, walk, run, and play on these streets. Having the potential of many cars going through this neighborhood is a recipe for disaster. The speed limit in this neighborhood is 15 mph. which indicates the safety concerns and the density of the population.

For the sake of our children the Planning Board and other City regulatory boards must require the installation of a breakaway gate at the end of Portsmouth Blvd. and Dunlin Way. There is no other alternative to insure the neighborhoods safety.

Thank you for your consideration.

David S. Rogers

15 Dunlin Way
Portsmouth, NH 03801
603-479-0390 (Mobile)

From: [Graeme Thom](#)
To: [Planning - Info - Shr](#)
Subject: Broara LLC Site Review 150 Portsmouth Blvd.
Date: Thursday, September 25, 2025 2:05:43 PM

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

Dear Planning Board Members:

The residents of Dunlin Way and the 329 Osprey Landing Apartment residents on Osprey Drive and Blue Heron Drive are extremely concerned regarding the potential for the vehicle traffic resulting from the construction of 3 six story buildings with over 270 units that will endanger the safety of our neighborhood. We have presented our concerns before this Board previously and remain very united in making sure that a breakaway gate is installed Portsmouth Blvd and Dunlin Way meet. The traffic from this new development must be directed to use Portsmouth Blvd. and Commerce Way as their means of entry and exit from this complex.

Installing breakaway gates have been used in other areas in the City, and there is no justifiable reason for not installing one in this instance. There are breakaway gates at the end of Dunlin Way where it meets Spinnaker Way. There is also one at the end of Shearwater Dr. There are other such gates around the City to protect the safety of congested neighborhoods. In the event of a rare emergency, fire, police and ambulances can easily access the needed area by opening or breaking through the gate.

The safety of many residents, especially children, is at stake here. Between the 18 private homes on Dunlin Way and Blue heron Dr. and the 329 apartments on Osprey Dr. and Blue Heron Dr. there are over a thousand residents, including many children who ride bikes, scooters, skate board, walk, run, and play on these streets. Having the potential of many cars going through this neighborhood is a recipe for disaster. The speed limit in this neighborhood is 15 mph. which indicates the safety concerns and the density of the population.

For the sake of our children the Planning Board and other City regulatory boards must require the installation of a breakaway gate at the end of Portsmouth Blvd. and Dunlin Way. There is no other alternative to insure the neighborhoods safety.

Thank you for your consideration.

Graeme Thom
17 Dunlin Way
Portsmouth, Nh 03801