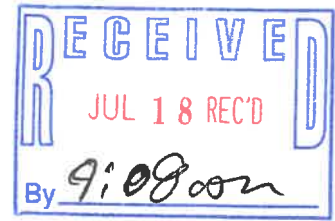


July 17th, 2025

Site Plan Review Technical Advisory Committee
City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801



Subject: Workshop held on 6/10/25 for 58 Humphreys Court

Dear Site Plan Technical Advisory Committee Members,

On behalf of the neighbors on and surrounding 58 Humphreys Court, I am writing to provide an objection to the plans presented in the workshop and to request that the Site Plan Review Technical Advisory Committee recommend that the proposed subdivision be denied.

This letter is sent unanimously on behalf of every household on Humphreys Court (other than the applicant) and includes abutters on New Castle Avenue. Our neighborhood and quality of life will be negatively impacted by the proposed development. Purchased as a single lot, and a single lot for as long as anyone can remember, the lot is not big enough or appropriate for two houses. While the applicants have concluded that the existing house does not meet their needs, it doesn't follow that they therefore need to build two houses or that two houses should be permitted.

The main concerns we have are:

- 1) The lot is not 10,000 square feet. We dispute the claim that the lot is more than 10,000 square feet. 10,000 square feet would be the minimum amount required to provide two 5,000 square foot lots. According to the City's tax assessment records the square footage of the property is 9,920 square feet for as long as available records indicate.
- 2) The applicant does not own the public street. The white lines painted by the applicant (as of July 8th, 2025) seem to indicate an attempt to reclaim approximately 85 sq ft +/- of street surface of Humphreys Court to meet the 10,000 square foot threshold. The white lines would mean the applicant owns about half of the actual street used by the residents of Humphreys Court everyday as far as anyone can remember.
- 3) Further, the lot line painting on the street absorbing the corner represents two possibilities. We don't know which one his action represents. One is the desire to absorb it into the development.
 - The 2nd possibility represented is the use of this absorbed footage for calculation purposes in a

dubious attempt to inflate his taxed area of 9920 sq ft to over the limit of 10K sq feet to allow for two lots.

As a neighborhood:

- a. We challenge this attempt as it is obviously and clearly a city street. It has been maintained and cared for by the City for numerous decades. Therefore, it falls under the provision of care and usage which indicates that it belongs to the City by default and cannot be reclaimed.
 - b. We believe that if actually physically reclaimed, altering the curve in the road would provide a sharp right angle turn which would make it difficult for emergency vehicles and City vehicles to properly navigate.
 - c. This newly created corner would also significantly narrow the road, making it unusable and unsafe for two-way traffic, as well as for children making their way to and from Little Harbor School.
 - d. Any further development of this corner decreases visibility and makes the corner less safe for walkers and bikers, especially with no sidewalk.
 - e. Even if the applicant technically owned half the road (which seems implausible), the usable lot as purchased, which is what dictates the actual space that can be developed and the burden to surrounding properties, is well under 10,000 square feet.
- 4) The proposed triangular lots are non-conforming with other divided lots. Assuming for the sake of argument that the lot is 10,000 square feet or more, the proposed triangular lots are not consistent with the City's subdivision guidelines and are not like any other lots in the vicinity (including any reasonably nearby tax map lots). The proposed subdivision and houses would negatively impact the quality of life for surrounding houses (removing trees, light, air, permeable surfaces and privacy) and relatedly decrease property values. Allowing the triangular lots sets a precedent that any corner lot can subdivide into triangles and push the houses as far into the front corners as possible, more severely burdening the neighboring houses, as is the case with the proposed development. To the extent the applicant asserts that the lot was historically two lots, it was two "square" lots, not triangles. The problem is that two square lots or roughly square lots wouldn't technically comply with certain frontage requirements. The required shape of the lots emphasizes the aggressive nature of the proposed development. The triangle lots raise many issues, including side and rear yard setbacks, with which the plans do not appear to comply (and for which the plans oddly trail off), and odd placement of fencing, among others. To the extent the applicant is actually arguing that a radial lot line with regard to a curved street front is appropriate or necessitates the triangular lots, it's just not consistent with the neighborhood or the facts, or the spirit of the subdivision ordinance. That concept was clearly intended for a cul-de-sac or more gently curving road, like the Woodlands for example, where space is planned and there is room for a backyard, not an existing, more urban neighborhood. The triangle lots are an abuse of the historical record and the concept

that lot lines should be as close to 90 degrees as possible, and not consistent with the existing neighborhood.

Additionally, to the extent the plans seek to return the property to two lots, there is no historical record of the property ever existing in the triangular lot design that is being proposed.

- 5) Division of the lot would establish a bad precedent for additional lot divisions in this already thickly-settled neighborhood. Humphreys Court is a short street where houses are already close together. Allowing the division of 58 Humphreys Court into two lots could lead to other property owners on this or adjacent streets seeking to pursue similar subdivisions.
- 6) The plan to reclaim approximately 85 square feet of existing roadway is inconsistent with its current use and would be unsafe for traffic and pedestrians.
 - a. We object to any changes in street design. The road has been maintained and cared for by the city in its current design for numerous decades. To the extent the original lot is now part of the street our view is that owner has ceded any claims to what is now the publicly maintained street. Additionally, we believe that altering the curve in the road to a sharp right-angle turn would make it difficult for emergency and city vehicles to properly navigate the street and make it unsafe for two-way traffic. This change would also narrow the road which has no sidewalks, making it less safe for pedestrians, including children making their way to and from Little Harbor School via Humphreys Court and cut through from school street.
- 7) The proposed development requires self-imposed variances. One version of the plan calls for a shared driveway at the blind curve of Humphreys Court. Not only is this disfavored by the subdivision ordinance, but it creates an additional safety issue and bottleneck at the worst possible location. It's a danger for traffic and pedestrians, including the kids going to and from Little Harbor every day. Humphreys Court already struggles with traffic and on-street parking congestion, so this makes an existing problem worse. Further, if a shared driveway is not approved, the second version of the plan calls for a driveway immediately adjacent to a neighboring property with a significant hill. Any earthwork would have to involve a sizable retaining wall, which would put the applicant in the position of needing to request a variance (among other places where variances are likely to be required). The applicant should not be able to leverage their aggressive development of the property into imposing hardships for abutters. The plans do not comply with side and rear yard setbacks as proposed. The proposed development is simply overly aggressive for this location.
- 8) The proposed development is not consistent with the stated objectives of the subdivision regulations:
 - a. Compatibility with adjacent uses and harmonious development – the triangular lots expose the aggressive nature of the development and would stand out as highly unusual in relation to any nearby lot. Two driveways and two houses, as close as possible to older, existing structures, would require significant blasting due to the bedrock and would very likely damage existing, historic homes.

- b. Avoidance of overcrowding – the subject lot has been a single lot as far as anyone can remember and surrounding properties will be adversely affected by removal of light, air and trees, and increased vehicular traffic
- c. Impedes function of natural drainage system and flood areas - we have less and less permeable surfaces in the neighborhood and see water flowing rather than being absorbed into the ground. Plans shown would significantly reduce permeable surfaces, making the problem worse. This is especially bad when there are unusual weather events such as in January 2024.
- d. Proper location and width of streets; provision for adequate traffic circulation; access for emergency apparatus - Humphreys Court is already a relatively busy street from a parking perspective. People living on New Castle Ave and Humphreys Court often park on the street. Adding a lot would add to the issue; school children going to and from Little Harbor School use the path between South School Street and Humphreys Court. Narrowing the road in the manner shown on the drawings would create a safety concern; emergency vehicles need to be able to navigate this street from either end and fire trucks and other emergency vehicles and City and utility company vehicles would be challenged to navigate this turn as well.

We respectfully request the Site Plan Review Technical Advisory Committee recommend to the Planning Board that the proposed subdivision be denied.

We would be happy to meet with you to further discuss should you be inclined.

Thank you all for your attention and consideration in this matter.

Sincerely, (and on behalf of the neighbors below)



Ben St. Jean
54 Humphreys Court
Portsmouth, NH 03801

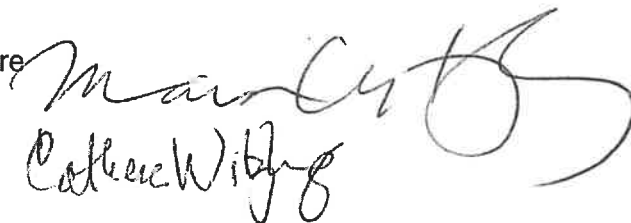
Ben & Andrea St. Jean
54 Humphreys Court
Portsmouth, NH 03801

Signatures



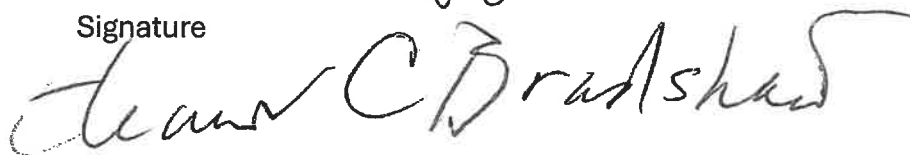
Catherine Witzling
Mara Witzling
10 Humphreys Court

Signature



Ellie Bradshaw
21 Humphreys Court

Signature



Richard and Michelle Samdperil
22 Humphreys Court

Signatures



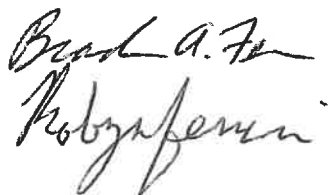
✓ Rachel Kurshan
33 Humphreys Court

Signature



44 Braden and Robyn Ferrari
Humphreys Court

Signatures



Bob and Laura Gunning
43 Humphreys Court

Signatures



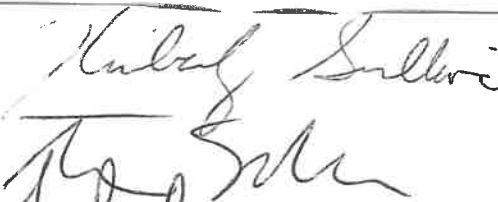
✓ Mike and Zoe Daboul
53 Humphreys Court

Signatures



Kim and Tim Sullivan
63 Humphreys Court

Signatures



Amy and Jamie Baker
75 Humphreys Court

Signatures



Kate Harmsworth-Morrissey
Whitney Warren
59 New Castle Avenue

Two handwritten signatures in black ink. The signature on the left is a stylized 'K' followed by a horizontal line. The signature on the right is a more complex, cursive-style signature with multiple loops and a horizontal line at the end.