

August 25, 2025

Mr. Peter Stith, TAC Chair  
Site Plan Review Technical Advisory Committee  
City of Portsmouth  
1 Junkins Ave., 3<sup>rd</sup> 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.

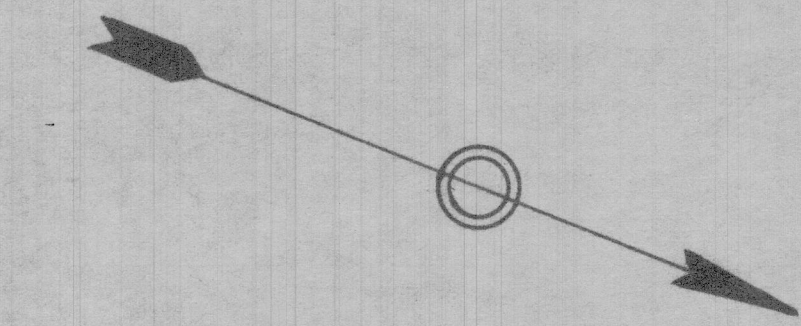
Further, the Applicant incorrectly designates the proposed diagonal dividing line between the proposed lots as a side lot line, with a required 10' setback. Per the zoning definitions cited above, the diagonal dividing line between the proposed lots is a rear lot line, at least with respect to Lot 2. 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



LOT PLAN No. 5  
PORTSMOUTH, N.H.  
SCALE: 1"=40'

JAN 26 1962

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:** Ken Goldman & Barbara Sadick <barbken@comcast.net>  
**Sent:** Monday, August 25, 2025 2:24 PM  
**To:** Planning - Info - Shr <Planning@portsmouthnh.gov>  
**Cc:** Sadick/Goldman Barbara/Ken <barbken@comcast.net>  
**Subject:** Abutter notice for 48-50 Langdon Street

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

We received an Abutter Notice about 48-50 Langdon Street. The notice states that the owners are seeking approval for subdivision of one lot into two, each with a single family dwelling and an accessory dwelling unit, thus placing four homes in the space currently occupied by one. We oppose this plan. Parking in that section of the Islington Creek Neighborhood has always been tight as many of the nearby homes do not have off-street parking. We are concerned that adding three additional homes on this lot could potentially aggravate this parking problem and negatively impact their nearby neighbors.

*Ken Goldman & Barbara Sadick  
barbken@comcast.net*