

The Cassandra M Saltus Trust
122 Essex Ave
Portsmouth NH 03801

December 15, 2025

HAND DELIVERED

Peter Britz, Director of the Planning and Sustainability Department
Portsmouth City Hall
1 Junkins Ave
Portsmouth NH 03801

RE: Abutters Notice, Board of Adjustment Meeting December 16, 2025,
Variances requested for **25 Sims Ave, Lot 44**
Applicant: Chris Cloutier

Dear Chair and Zoning Board Members:

I am writing in opposition, as the **downhill abutter** of 25 Sims, Lot 44 (back yard property line). We currently collect water runoff from the neighboring properties, which increases each time a new home is constructed.

The Portsmouth Zoning Ordinance, Section 10.230 defines the rules for the Zoning Board of Adjustment. Section 10.232.20 states that "special exceptions" (which this would be) shall meet all of the following standards: - item 10.232.26 "**No significant increase of stormwater runoff onto adjacent property or streets**".

The area in question, Lot 44, is currently covered by woodlands, which mitigates stormwater runoff. Currently we experience ponding water on our property at 122 Essex around the low-lying area labeled wood pile storage.

Having a structure or impermeable surface that covers approximately 26% of this wooded lot would require extensive removal of woodlands from Lot 44. This in turn would allow even more stormwater runoff to pond in our back yard.

Enclosed please find the following in opposition of the subject request for zoning relief:

- Annotated portion of Exhibit A, Existing Conditions Plan with our site photographs

I urge you to **not approve** the requested variances to permit construction on Lot 44.

Thank you,

A handwritten signature in blue ink that reads "Cassandra Saltus".

Cassandra Saltus, Trustee

Encl.

**ABUTTER NOTICE
BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

Abutter: Board of Adjustment Meeting December 16, 2025
SALTUS CASSANDRA M DECLARATION OF TRUST
SALTUS CASSANDRA M TRUSTEE
122 ESSEX AVE
PORTSMOUTH, NH 03801

Note: While you have been identified as an abutter to the property indicated below, you are encouraged to read the entire notice to determine if there are other petitions in which you might have an interest.

NOTICE IS HEREBY GIVEN that the Board of Adjustment will hold Public Hearings on the following petitions on **Tuesday, December 16, 2025** starting at **7:00 pm** in the Eileen Dondero Foley Council Chambers, City Hall, Municipal Complex, 1 Junkins Avenue, Portsmouth, New Hampshire.

The request of **909 West End LLC and PWED2 LLC (Owners)**, for property located at **909 and 921 Islington Street** whereas relief is needed to construct a sign at 921 Islington Street that will be servicing the businesses located at 909 Islington Street which requires the following: 1) Variance from Section 10.1253.10 to allow a sign setback of 4 feet from a lot line where 5 feet are required, 2) Variance from Section 10.1224.90 to allow a sign advertising a product or service not provided on the lot on which the sign is located (“off premise sign”); and 3) Variance from Section 10.1252 to allow 27 square feet of sign area where 20 square feet are allowed. Said property is located on Assessor Map 172 Lots 7 & 10 and lies within the Character District 4-W (CD4-W).

The request of **Eric Brassard (Owner)**, for property located at **233 Dennett Street** whereas relief is needed to construct a detached accessory dwelling unit and garage which requires the following: 1) Variance from Section 10.521 to allow a) 4-foot left side yard where 10 feet is required. Said property is located on Assessor Map 142 Lot 7 and lies within the General Residence A (GRA) District.

The request of **R and J 2100 Corporation (Owner) and Radmoto USA (Applicant)**, for property located at **2100 Lafayette Road** whereas relief is needed for a change of use from retail bicycle shop to sales of electric mopeds and motorcycles which requires the following: 1) Special Exception from Section 10.440 Use #11.10 to allow Sales, renting or leasing of motorcycles, including accessory repair services. Said property is located on Assessor Map 267 Lot 3 and lies within the Gateway Corridor (G1) District.

The request of **Stewart Baker Revocable Trust (Owner)**, for property located at **20 Coffins Court** whereas relief is needed for the construction of a spiral staircase on the left side of the home and dormers on the third floor which requires the following: 1) Variance from Section 10.521 to allow a) 4 foot right side yard and a 5 foot left side yard where 10 feet are required, b) 50.5% building coverage where 35% is allowed; and c) 4.5% open space where 20% is required. Said property is located on Assessor Map 135 Lot 53 and lies within the General Residence C (GRC) District.

OVER

The request of **Kenneth J and Rebecca T Nicholson (Owners)**, for property located at **53 Pray Street** whereas relief is needed to demolish and reconstruct the existing sunroom and roof deck, replace the existing patio and driveway, and replace an 8 foot fence which requires the following: 1) Variance from Section 10.521 to allow a 7.5 right side yard where 30 feet is required; 2) Variance from Section 10.515.13 to allow an 8 foot fence in the front yard where 4 feet is allowed; and 3) Variance from Section 10.516.10 to allow a 6.5 foot front yard where 17 feet is required. Said property is located on Assessor Map 102 Lot 40 and lies within the Waterfront Business (WB) and Historic Districts.

The request of **Chase Home for Children C/O Woodman (Owners)**, for property located at **698 Middle Road** whereas relief is needed to construct a new facility on the property which requires the following: 1) Variance from Section 10.334 to allow the residential care facility use to be extended to another part of the remainder of the land, 2) Variance from Section 10.440 to allow for the construction of a new residential care facility structure. Said property is located on Assessor Map 232 Lot 45 and lies within the Single Residence B (SRB) District.

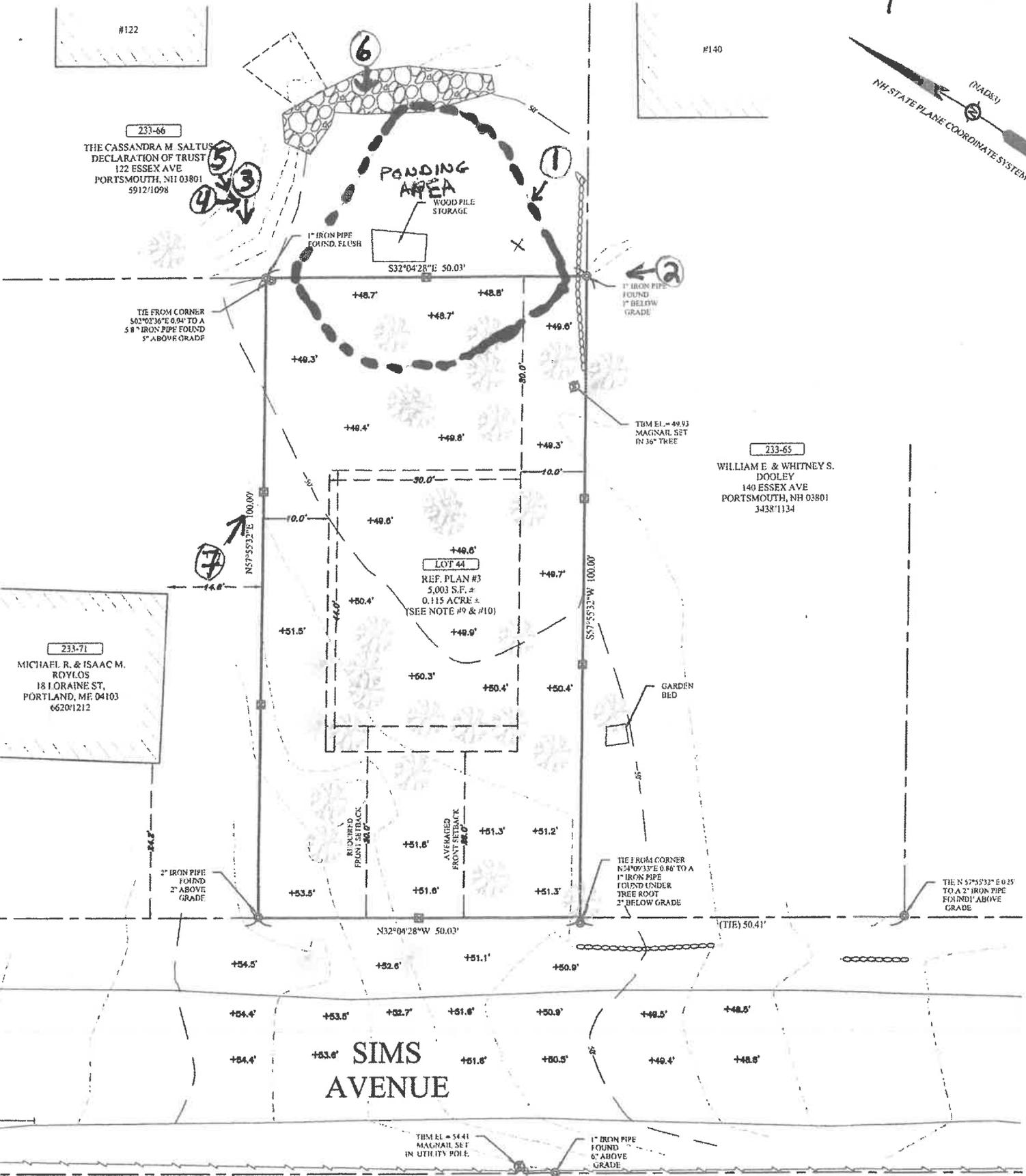
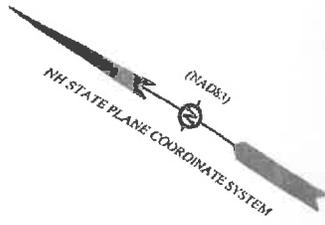
The request of **Robert M Snover Revocable Trust (Owners)**, for appeal of the administrative decision to require a variance for Section 10.1530 pertaining to the lot area of the property located at **58 Humphrey's Court**. Said property is located on Assessor Map 101 Lot 47 and lies within the General Residence B (GRB) and Historic Districts.

The request of **Robert M Snover Revocable Trust (Owners)**, for property located at **58 Humphrey's Court** whereas relief is needed to subdivide the existing parcel into two parcels which requires the following: 1) Variance from Section 10.521 to allow a) 51.8 feet of continuous street frontage where 80 feet is required, b) 4,840 square feet of lot area where 5,000 square feet are required; and c) 4,840 square feet of lot area per dwelling unit where 5,000 square feet are required. Said property is located on Assessor Map 101 Lot 47 and lies within the General Residence B (GRB) and Historic Districts.

The request of **Ben and Andrea St. Jean, Braden and Robyn Ferrari, Bob and Laura Gunning, Mike and Zoe Daboul, Tim and Kim Sullivan, and Jamie and Amy Baker (Appellants)**, for appeal of the administrative decision of a zoning determination pertaining to the side and rear lot lines of the property for a proposed subdivision located at **58 Humphrey's Court**. Said property is located on Assessor Map 101 Lot 47 and lies within the General Residence B (GRB) and Historic Districts.

✓ The request of **Michael R and Isaac M. Roylos (Owners) and Christopher Cloutier (Applicant)**, for property located at **25 Sims Avenue** whereas relief is needed to create a buildable lot which requires the following: 1) Variance from section 10.521 to allow a) 5,000 square feet of lot area where 15,000 is required, b) 5,000 square feet of lot area per dwelling unit where 15,000 is required, and c) 50 feet of frontage where 100 feet are required. Said property is located on Assessor Map 233 Lot 71 and lies within the Single Residence B (SRB) District.

EXHIBIT A Existing Conditions



#122

#140

233-66

THE CASSANDRA M. SALTUS
DECLARATION OF TRUST
122 ESSEX AVE
PORTSMOUTH, NH 03801
5912/1098

①
②
③
④
⑤

PONDING AREA
WOOD PILE STORAGE

1" IRON PIPE FOUND, FLUSH

S32°04'28"E 50.03'

1" IRON PIPE FOUND 1" BELOW GRADE

TIE FROM CORNER
S32°03'36"E 0.94' TO A
5/8" IRON PIPE FOUND
5" ABOVE GRADE

TBM EL. = 49.93
MAGNAIL SET
IN 36" TREE

233-65

WILLIAM E. & WHITNEY S.
DOOLEY
140 ESSEX AVE
PORTSMOUTH, NH 03801
3438/1134

⑦

N57°53'32"E 100.00'

LOT 44
REF. PLAN #3
5,003 S.F. ±
0.115 ACRE ±
(SEE NOTE #9 & #10)

233-71

MICHAEL R. & ISAAC M.
ROYLOS
18 LORRAINE ST.
PORTLAND, ME 04103
6620/1212

100.00' N42°55'55"S

GARDEN BED

2" IRON PIPE FOUND 2" ABOVE GRADE

TIE FROM CORNER
N24°09'33"E 0.86' TO A
1" IRON PIPE FOUND UNDER
TREE ROOT
2" BELOW GRADE

TIE N 52°53'32" E 0.25'
TO A 2" IRON PIPE FOUND
1" ABOVE GRADE

N32°04'28"W 50.03'

(TIE) 50.41'

SIMS AVENUE

TBM EL. = 54.41
MAGNAIL SET
IN UTILITY POLE

1" IRON PIPE FOUND 6" ABOVE GRADE

233-76

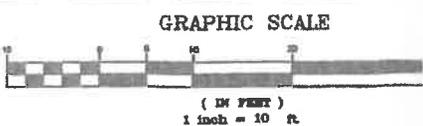
THE MARK & EMILY
BRODERICK REVOCABLE
TRUST
70 SIMS AVE
PORTSMOUTH, NH 03801
6616/1326

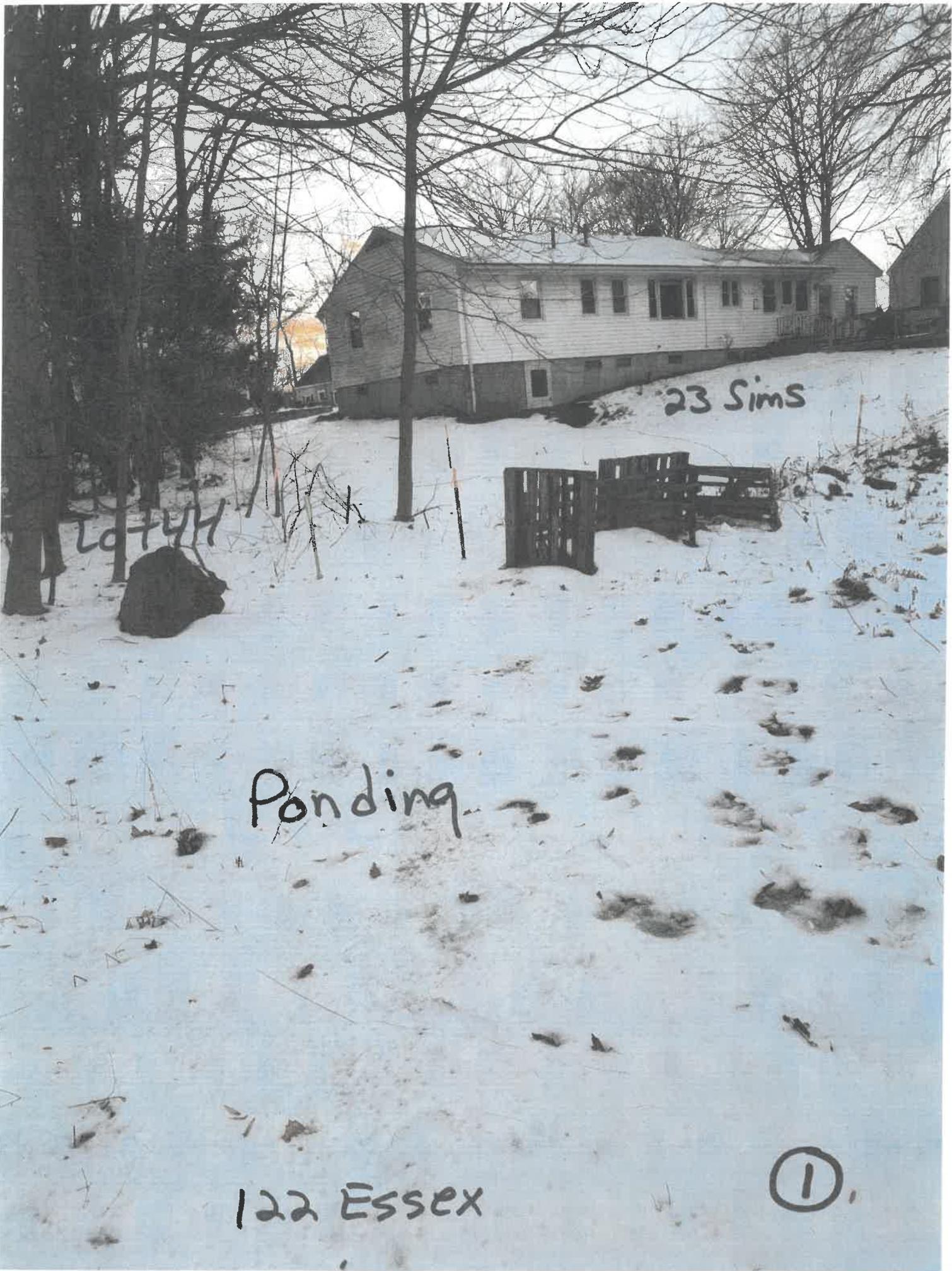
233-75

MARY & SUSAN WIALON
74 SIMS AVE
PORTSMOUTH, NH 03801
6564/1367

233-74

THE STEPHANIE J. LONG
REVOCABLE TRUST OF 2008
80 SIMS AVE
PORTSMOUTH, NH 03801
5205/639





23 Sims

Lot 4H

Ponding

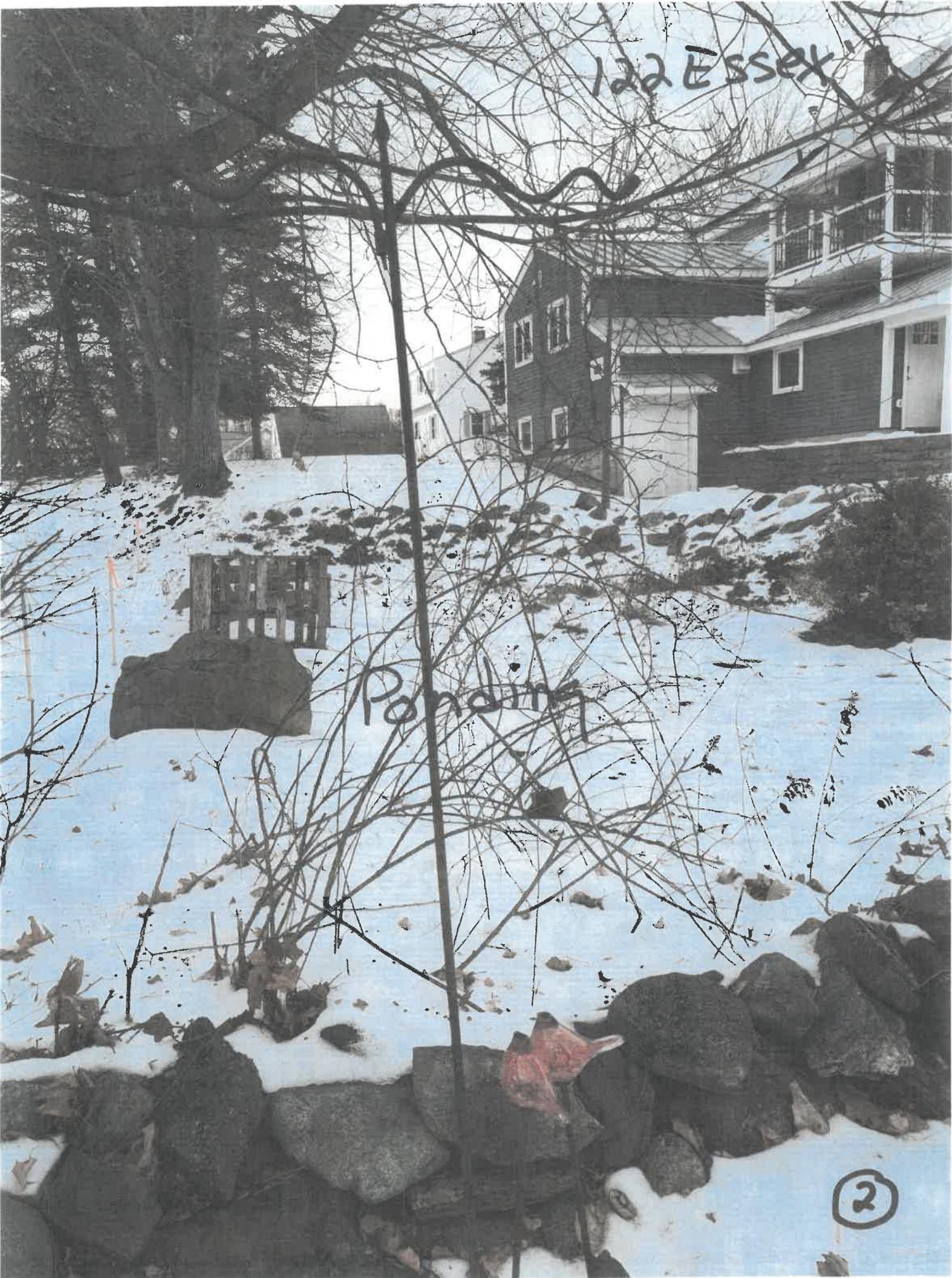
122 Essex

①

122 Essex

Ponding

2



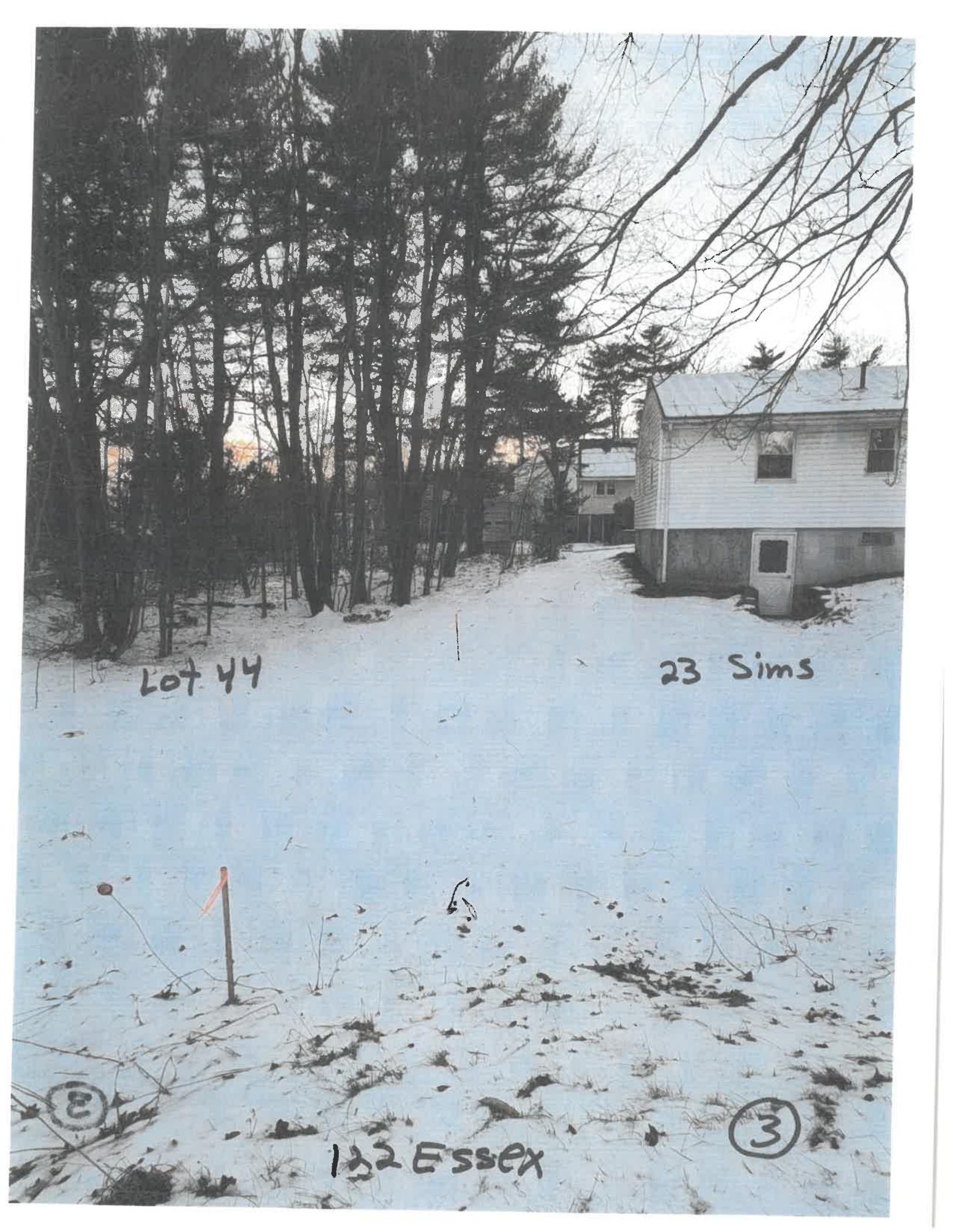
Lot 44

23 Sims

②

122 Essex

③



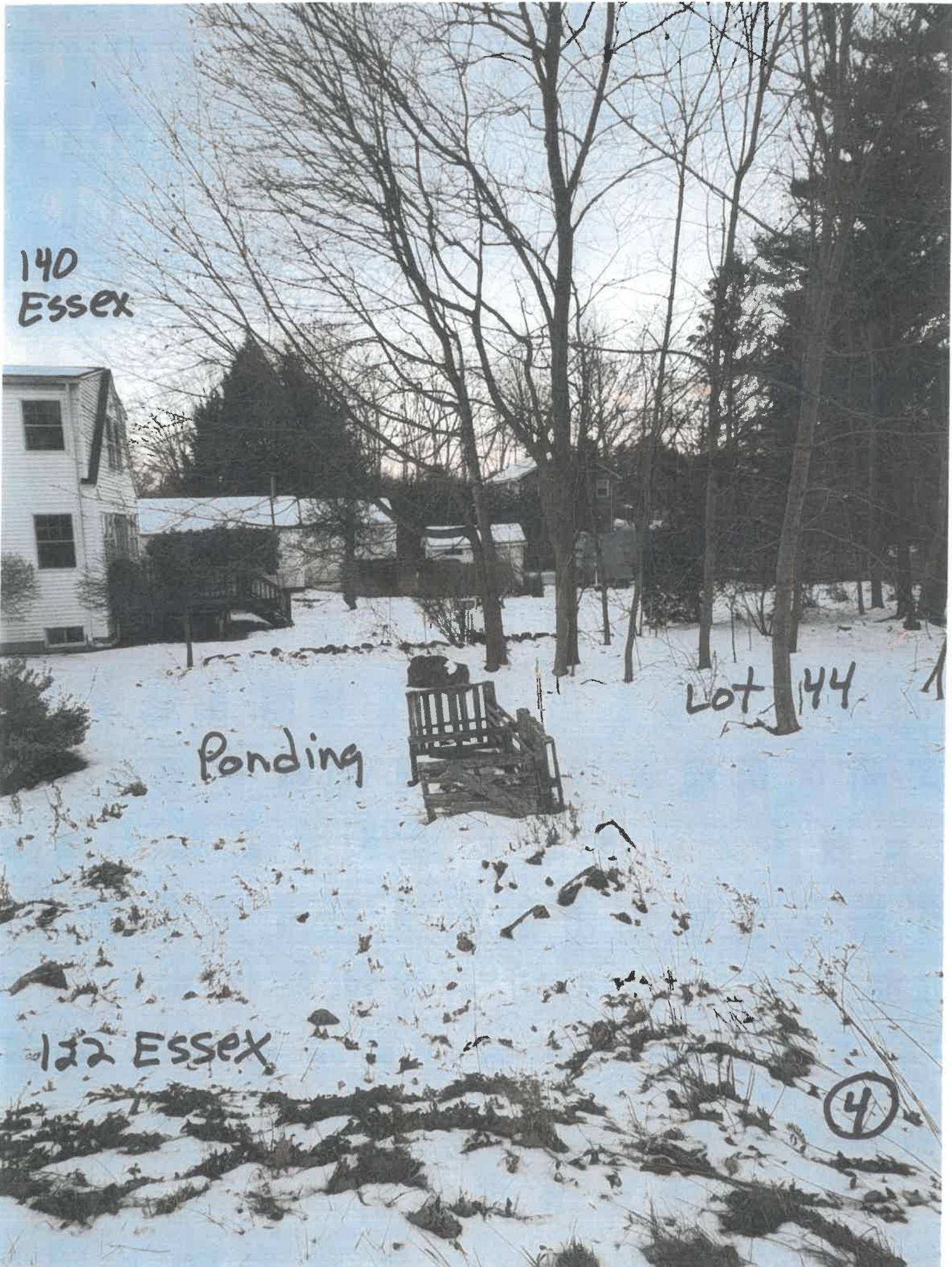
140
Essex

Ponding

Lot 44

122 Essex

4





23 Sims

5

HR 101

140 Essex

ponding

122 Essex

Lot 44

23 Sims

pending

6

122 Essex



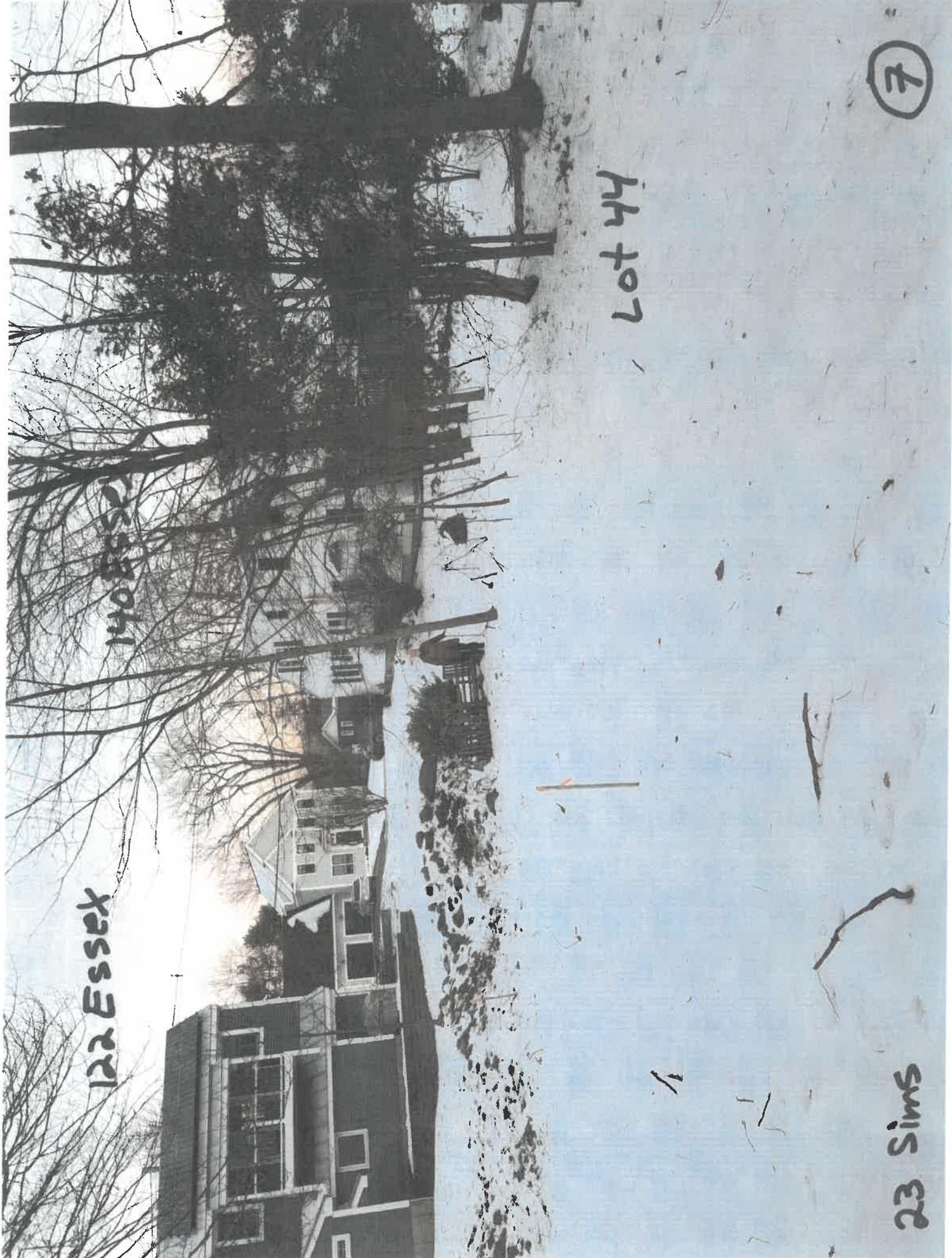
122 Essex

140 Essex

44 + 07 / Lot 44

23 Sims

7



William & Whitney Dooley
140 Essex Ave.
Portsmouth, NH 03801



Date: 12/14/2025

Portsmouth Zoning Board of Adjustment
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: Zoning Board of Adjustments Meeting December 16, 2025
Request of Michael R and Isaac M. Roylos (owners) and Christopher Cloutier (Applicant), for
property located at 25 Sims Avenue

Dear Chair and Members of the Zoning Board of Adjustment,

As a direct abutter to Lot 44, we are writing to formally **oppose** the applicant's request for variances to permit construction of a single-family residence on Lot 44, formerly merged with 25 Sims Avenue, in the SRB (Single Residence B) zoning district.

The applicant seeks the following relief:

- **Frontage variance:** 50 feet of frontage where 100 feet is required, and
- **Lot area variance:** 5,000 square feet where 15,000 square feet is required.

For the reasons outlined below, these variances do not meet the statutory criteria under RSA 674:33 and the City of Portsmouth, NH Zoning Ordinance. The proposed development would have significant negative impacts, including increased stormwater runoff directly affecting our property as a direct abutting property.

1. The Requested Variances Represent Substantial Departures from the Zoning Ordinance

The subject property is located in the **SRB (Single Residence B) zoning district**, which establishes minimum dimensional requirements intended to control density, protect neighborhood character, and safeguard public health and welfare.

Pursuant to **Article 5 – Dimensional & Intensity Regulations** of the Portsmouth Zoning Ordinance, the SRB district requires:

- **Minimum lot area:** 15,000 square feet per dwelling unit, and
- **Minimum continuous street frontage:** 100 feet.

The applicant seeks variances to allow development of a lot with **only 5,000 square feet of area and 50 feet of frontage**, representing only one third the required size lot area and a 50% reduction in frontage from what the ordinance requires. These are substantial departures from the zoning standards, not minor dimensional adjustments, and directly conflict with the ordinance's intent for low-density residential development.

2. Hardship Is Self-Created

Under RSA 674:33, I(b), a variance may only be granted if strict enforcement would cause **unnecessary hardship**.

The current owners Michael and Isaac Roylos inherited the property of 25 Sims Ave earlier this year, then voluntarily elected to unmerge Lot 44 from the home at 25 Sims Avenue, creating a nonconforming lot. They then sold the home at 25 Sims Avenue separately from lot 44. They are now seeking variances to allow building a residence on the property to complete the sale of the non-conforming lot to maximize the profit from their inheritance. The hardship is therefore **self-created**, and New Hampshire law does not permit granting a variance under these circumstances.

3. Development Will Increase Stormwater Runoff Toward the Abutter's Home

The Portsmouth Zoning Ordinance contains multiple provisions intended to prevent adverse drainage impacts and protect abutting properties from increased stormwater runoff. These include requirements that development not create hazardous, nuisance, or damaging conditions to neighboring properties and public ways, as reflected in Article 1 (Purpose) and Article 10 (Site Review and Performance Standards).

10.232.20 Special exceptions shall meet all of the following standards:

10.232.26 No significant increase of stormwater runoff onto adjacent property or streets.

Lot 44 is currently wooded, with mature vegetation and undisturbed soils that naturally intercept rainfall and promote infiltration. **Site survey elevations (Exhibit A – As provided by applicant) and photographs of the lot and surrounding area (Exhibit B)** confirm that the lot **slopes gently toward the abutting property**, where our home foundation is located and already receives a substantial amount of stormwater runoff from surrounding properties, including 25 Sims Ave. Sump pumps in the basement foundation of our home at 140 Essex Ave run frequently throughout the year to manage existing runoff which creates ponding close to our foundation. Development of Lot 44 would worsen this situation, as the property slopes downward toward the rear, directing stormwater toward the abutting areas. Development of the wooded area would also cause increased stormwater runoff volumes, faster and more concentrated runoff due to impervious surfaces, and limited opportunity for effective on-site infiltration due to the lot's small size and slope.

Based on standard stormwater engineering methodology (NRCS Curve Number analysis), runoff from a 1-inch rainfall event would increase by approximately **two to three times** compared to existing wooded conditions. This increased runoff would travel downslope toward the abutting property, increasing the risk of foundation infiltration, erosion, and drainage damage.

Such impacts are inconsistent with the zoning ordinance's purpose to protect public health, safety, welfare, and neighboring properties from adverse development impacts.

The **site survey (Exhibit A)** clearly shows the elevation drop toward our home at 140 Essex Ave, confirming that runoff will naturally follow the slope. **Photographs (Exhibit B)** demonstrate the proximity of the abutter's foundation to the flow path and subsequent ponding.

4. Variances Are Contrary to the Spirit of the Ordinance

RSA 674:33, I(d) requires that a variance **not be contrary to the public interest or the spirit of the ordinance**. Minimum lot area and frontage standards protect:

- Neighborhood character and spacing between structures

- Public health, safety, and welfare through adequate drainage
- Environmental quality, including natural stormwater infiltration

Allowing development on a lot with half the required frontage and one-third the required lot area would undermine these objectives and be contrary to the **spirit and intent of the Portsmouth Zoning Ordinance**, as well as the **public interest**, in violation of **RSA 674:33, I(d)**.

5. Granting Would Alter Neighborhood Character and Create Precedent

RSA 674:33, I(e) requires that variances **not diminish property values of surrounding parcels or impair the intent of the ordinance**.

Although there are many nonconforming properties in the neighborhood, few are on a property as small as lot 44 with dimensions of 50' x 100', and those that do exist were built in the 1940's or 1950's predating current zoning regulations.

Approving development on this undersized lot would:

- Disrupt the established pattern of homes along Sims Avenue
- Increase impervious coverage and stormwater impacts on abutting lots
- Set a precedent encouraging further undersized lot development

6. The Variances Are Not in the Public Interest

The requested relief would primarily benefit a single private property owner while increasing stormwater risk to abutting properties and weakening zoning protections designed to serve the broader community.

Conclusion

The applicant seeks approval to construct a residence on **Lot 44 with 50 feet of frontage where 100 feet is required and 5,000 square feet of lot area where 15,000 square feet is required**. The hardship is self-created, the relief requested is substantial, and post-development stormwater will concentrate downslope toward the abutter's home foundation, increasing the risk of flooding, erosion, and structural impacts.

For these reasons, the requested variances fail to meet the criteria under **RSA 674:33** and should be **denied**.

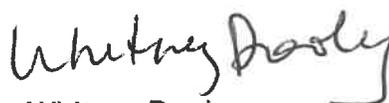
Attachments:

- **Exhibit A:** Site Survey with Elevation Markings
- **Exhibit B:** Photographs of Lot 44 and Flow Toward Abutter

Thank you for your consideration.

Respectfully submitted,


William Dooley


Whitney Dooley



LOCUST
STREET

PORTSMOUTH, NH



DETAIL "A" FRONT SETBACK CALCULATIONS



GRAPHIC SCALE
1" = 20' (AS SHOWN)
1" = 40' (AS NOTED)

NOTES

1. THIS PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO THE APPROVAL OF THE PORTSMOUTH PLANNING BOARD AND THE PORTSMOUTH CITY COUNCIL.
2. THE PORTSMOUTH PLANNING BOARD HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR SUBMITTAL TO THE PORTSMOUTH CITY COUNCIL.
3. THE PORTSMOUTH CITY COUNCIL HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR SUBMITTAL TO THE PORTSMOUTH PLANNING BOARD.
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10. THE PORTSMOUTH PLANNING BOARD HAS REVIEWED THIS PLAN AND HAS APPROVED IT FOR SUBMITTAL TO THE PORTSMOUTH CITY COUNCIL.

REFERENCE PLAN

1. THE REFERENCE PLAN IS THE PORTSMOUTH ZONING ORDINANCE, CHAPTER 100, ARTICLE 100.01, WHICH GOVERNS THE DEVELOPMENT OF THE SITE.
2. THE REFERENCE PLAN IS THE PORTSMOUTH ZONING ORDINANCE, CHAPTER 100, ARTICLE 100.02, WHICH GOVERNS THE DEVELOPMENT OF THE SITE.
3. THE REFERENCE PLAN IS THE PORTSMOUTH ZONING ORDINANCE, CHAPTER 100, ARTICLE 100.03, WHICH GOVERNS THE DEVELOPMENT OF THE SITE.
4. THE REFERENCE PLAN IS THE PORTSMOUTH ZONING ORDINANCE, CHAPTER 100, ARTICLE 100.04, WHICH GOVERNS THE DEVELOPMENT OF THE SITE.
5. THE REFERENCE PLAN IS THE PORTSMOUTH ZONING ORDINANCE, CHAPTER 100, ARTICLE 100.05, WHICH GOVERNS THE DEVELOPMENT OF THE SITE.
6. THE REFERENCE PLAN IS THE PORTSMOUTH ZONING ORDINANCE, CHAPTER 100, ARTICLE 100.06, WHICH GOVERNS THE DEVELOPMENT OF THE SITE.
7. THE REFERENCE PLAN IS THE PORTSMOUTH ZONING ORDINANCE, CHAPTER 100, ARTICLE 100.07, WHICH GOVERNS THE DEVELOPMENT OF THE SITE.
8. THE REFERENCE PLAN IS THE PORTSMOUTH ZONING ORDINANCE, CHAPTER 100, ARTICLE 100.08, WHICH GOVERNS THE DEVELOPMENT OF THE SITE.
9. THE REFERENCE PLAN IS THE PORTSMOUTH ZONING ORDINANCE, CHAPTER 100, ARTICLE 100.09, WHICH GOVERNS THE DEVELOPMENT OF THE SITE.
10. THE REFERENCE PLAN IS THE PORTSMOUTH ZONING ORDINANCE, CHAPTER 100, ARTICLE 100.10, WHICH GOVERNS THE DEVELOPMENT OF THE SITE.

EXHIBIT A

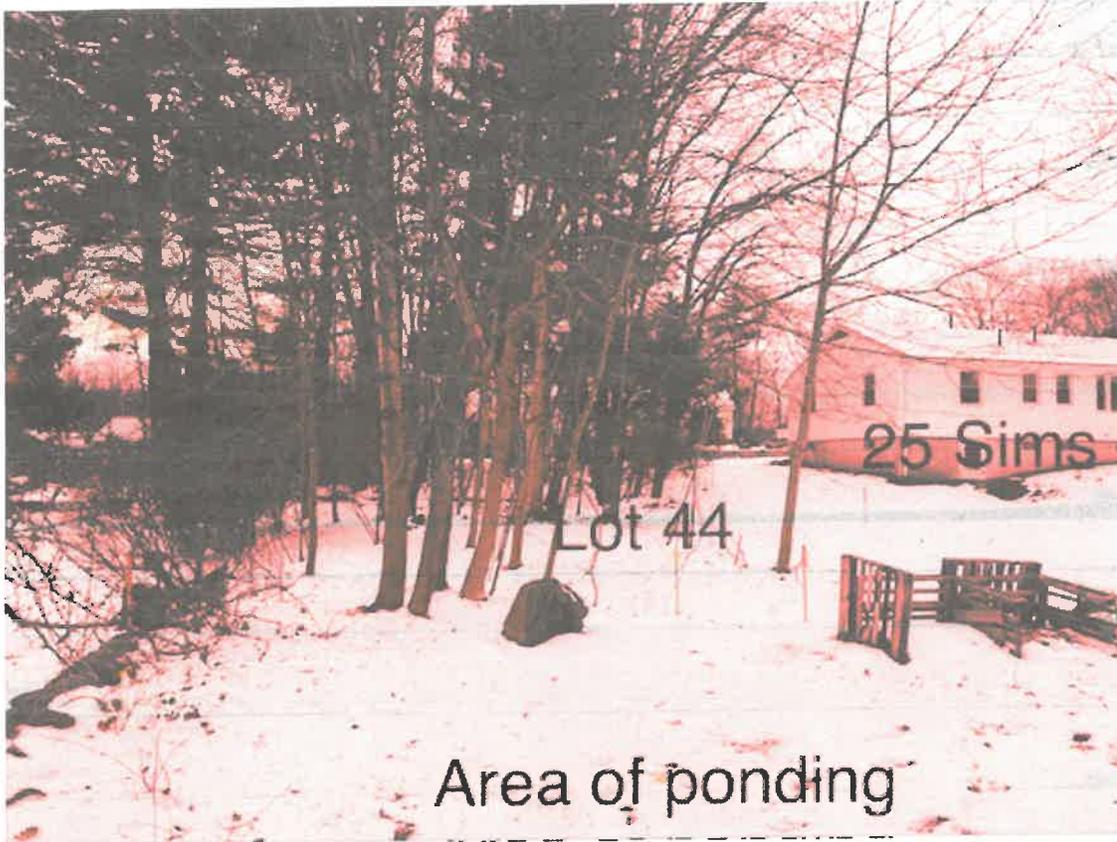
**EXISTING CONDITIONS PLAN
SIMS AVENUE
PORTSMOUTH, NEW HAMPSHIRE**

TAX MAP 233 (LOT 3)
LAND OF MICHAEL E. ROWLES AND FRANK M. BOYTON
PREPARED FOR CHRIS CLOUTIER

JVA
JAMES V. ANDERSON & ASSOCIATES, INC.
1000 MARKET STREET, SUITE 200
PORTSMOUTH, NH 03801
WWW.JVA-INC.COM

DATE	2023.08.15	BY	CHRIS CLOUTIER
PROJECT	EXISTING CONDITIONS PLAN	CHECKED BY	CHRIS CLOUTIER
SCALE	AS SHOWN	DATE	2023.08.15
SHEET 9-1			

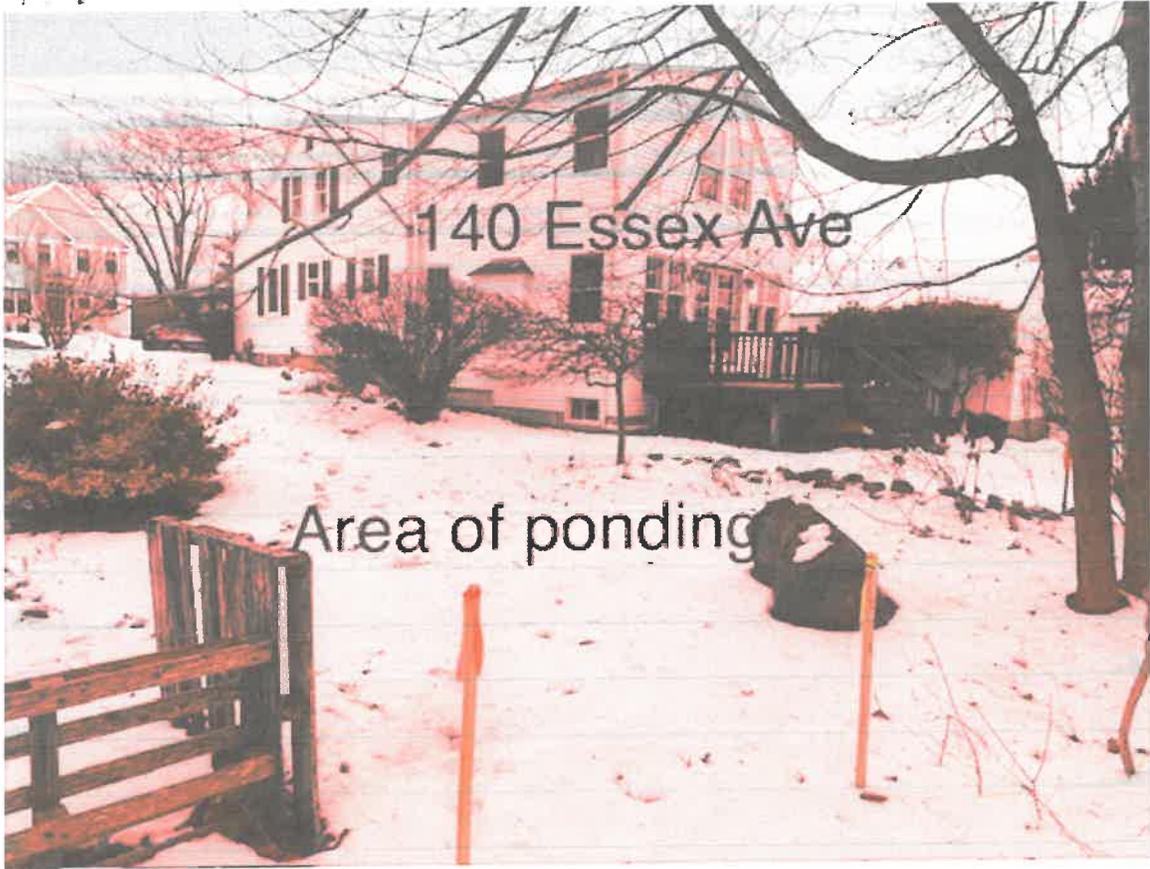
Exhibit B



Area of ponding



Area of ponding



140 Essex Ave

Area of ponding

Subject: Objection to BOA request, mtg 1/21/26, 25 Sims Ave

Good afternoon,

I'm writing to OPPOSE the request of Michael and Isaac Roylos for the property at 25 Sims Ave, Assessor map 233, lot 71. They are asking for variations that are wildly different than what the city requires to make a buildable lot. The discrepancy is huge- to disregard 60+% of the square footage requirement and 50% of the frontage requirement does not make sense on our small dead end road. It's too big an ask!

I assume the numbers the city requires are there for a reason- including to preserve the character of our small city by giving building lots a bit of space from imposing on neighbors. By a long shot, this lot is not buildable by the city standards.

I'd like my opposition to be shared at the BOA meeting scheduled for Wed, 1/21/26.

Thank you,
Chance Allen
88 Sims Ave.

Sent from my iPad

December 12, 2025

Planning & Sustainability Department
Board of Adjustment
Portsmouth NH

RE. Abutters notice from Stewart Baker Revocable Trust

Dear BOA Members,

This letter is in response to the abutters notice we received from the Board of Adjustments for the December 16, 2025 meeting. We are direct abutters to the property at 20 Coffins Court. We have spoken with the owners Laura Stewart and Evan Baker. We are in total support of their request for a variance approval for renovations and additions to their property. We believe the changes will be an asset to the value of their home and the neighborhood, as well as providing needed living space for their home. We have no objections to the request for this variance.

Thank you,

Keith Smith *Cynthia Smith*

Keith Smith & Cynthia Smith
30 Coffins Court
Portsmouth NH

Stephanie Johnson

From: Evan Baker <evanallenbaker@gmail.com>
Sent: Friday, December 12, 2025 9:23 AM
To: Alex Muentener; Laura Stewart; Tim Phoenix; Stephanie Johnson
Subject: Fwd: Home Renovation Project

Categories: Smokeball

From our neighbors at the corner of Coffins and Union

----- Forwarded message -----

From: Joe Lewinski <lewinski@icanon.com>
Date: Thu, Dec 11, 2025 at 7:15 PM
Subject: Home Renovation Project
To: <evanallenbaker@gmail.com>
Cc: Paula & Joe Lewinski <pjlewinski@gmail.com>

Hello Evan,

I am writing to offer support for your home renovation project. It looks like it will offer you many benefits and improvements in addition to enhancing your usable space.

Both Paula and I are in favor of your project.

Best of luck,

Joe Lewinski
187 Union Street & Coffins Court
Portsmouth, NH 03801

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This email has been checked for viruses by AVG antivirus software.

www.avg.com



February 13, 2026

Re: 238 Austin Street Variance Requests

Dear Chair Margeson and members of the Zoning Board of Adjustment:

The New Hampshire Preservation Alliance urges the Board to consider the preservation values of these historic buildings in your evaluation of the effect of their proposed demolition in relation to the public interest as well as the spirit and intent of the zoning ordinance. The c. 1850 house and late 19th century barn at the 238 Austin Street property are contributing structures to the Portsmouth National Register District.

As the statewide non-profit historic preservation organization, the Preservation Alliance advocates for the preservation and reuse of older buildings to prevent irreversible loss of historic resources and promote their role in enhancing community character and economic vitality.

Because of the Preservation Alliance's active barn preservation program, we were contacted by a Portsmouth constituent and, along with a historic barn specialist, conducted a site visit to determine the condition of the barn on January 19. It was determined that the barn frame is in good condition and a strong candidate for reuse, and the barn is a rare survivor of an in-town typology we believe should be considered endangered in the City of Portsmouth and across the state.

Relative to your consideration of the ZBA's hardship provision, we believe that the applicant has an opportunity to explore the re-use of these structures instead of demolition. Please let me know if the N.H. Preservation Alliance can be a resource to help support the city's zoning goals and help connect advocates with specialists that are creative with reuse of historic structures.

Respectfully submitted,

Jennifer Goodman
N.H. Preservation Alliance, Executive Director
jg@nhpreservation.org
603-224-2281 Ext. 101
Sent by email