REGULAR MEETING
BOARD OF ADJUSTMENT
EILEEN DONDERO FOLEY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE

Members of the public also have the option to join the meeting over Zoom
*(See below for more details)**

7:00 P.M. **February 18, 2026**

AGENDA

I. APPROVAL OF MINUTES

A. Approval of the January 21, 2026 meeting minutes**.**

B. Approval of the January 27, 2026 meeting minutes.

II. OLD BUSINESS

A. The request of **Colbea Enterprises LLC (Owners)**, for property located at **1980 Woodbury Avenue** whereas relief is needed to demolish and redevelop an existing gas station and convenience store which requires the following: 1) Special Exception from Section 10.440, Use #8.122 to allow a convenience goods 2 use with 24 hours per day operation; 2) Variance from Section 10.5B33.20 to allow for a front lot line build out of 0% where a minimum of 75% is required for a commercial building; 3) Variance from Section 10.5B34.60 to allow for a front setback from the lot line of 27 feet on Woodbury Avenue and 36.5 feet on Gosling Road where a maximum of 20 feet is required; 4) Variance from Section 10.5B83.10 to allow for parking spaces to be located between the principal building and the street; and 5) Variance from Section 10.843.33 to allow for pump islands to be located within 37 feet of the lot lines where 40 feet is required. Said property is located on Assessor Map 239 Lot 11 and lies within the Gateway Corridor (G1) District. (LU-25-39)

B. **REQUEST TO POSTPONE** 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. (LU-25-167) **REQUEST TO POSTPONE**

C. 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. (LU-25-169)

D. 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 (*approved January 21, 2026*), b) 50.5% building coverage where 35% is allowed; c) 4.5% open space where 20% is required; and d) a 6.5 foot rear yard where 20 feet is required. Said property is located on Assessor Map 135 Lot 53 and lies within the General Residence C (GRC) District. (LU-25-164)

E. The request of **Lisa Paige Reyes (Owner)** and **Chris Ward (Applicant)**, for property located at **238 Austin Street** whereas relief is needed to demolish the existing structures, subdivide the lot and construct a new home on each lot which requires the following for the proposed Austin Street Lot: 1) Variance from Section 10.521 to allow a) 49.75 feet of frontage where 70 feet is required; and b) an 8.5 foot right side yard where 10 feet is required. The following is required for the proposed Coffins Court Lot: 1) Variance from Section 10.521 to allow a) 2,884 sq.ft. of lot area where 3,500 sq.ft. is required, b) 2,884 sq.ft. of lot area per dwelling unit where 3,500 sq.ft. is required, c) a 5.5 ft. side yard where 10 feet is required; and d) an 18 foot rear yard where 20 feet is required. Said property is located on Assessor Map 135 Lot 61 and lies within the General Residence C (GRC) District. (LU-25-177)

III. NEW BUSINESS

A. The request of **Ahmad and Whitney Hussein (Owners)**, for property located at **9 Willard Avenue** whereas relief is needed to demolish the existing detached garage and shed and construct a new two-story addition with attached garage which requires the following: 1) Variance from Section 10.521 to allow a) a 7.5 foot rear yard where 20 feet is required; and b) 26.5% building coverage where 25% is the maximum. Said property is located on Assessor Map 149 Lot 24 and lies within the General Residence A (GRA) District. (LU-26-1)

B. The request of **Phoebe Hart LLC (Owner)** and **Blush LLC (Applicant)**, for property located at **404 The Hill, Units 8-3** whereas relief is needed for a personal service business which requires the following: 1) Variance from Section 10.440, Use #7.20 to allow a personal services business where it is not allowed. Said property is located on

Assessor Map 118 Lot 26-8 and lies within the Character District 4-L1 (CD4-L1). (LU-26-6)

C. The request of **Nathaniel J LeGros (Owner)**, for property located at **140 Summer Street** whereas relief is needed to demolish the existing one-story detached garage and construct a new two-story attached garage which requires the following: 1) Variance from Section 10.521 to allow a) a 4 foot right side yard where 10 feet is required, b) a 4 foot rear yard where 20 feet is required; and c) 39% building coverage where 35% is allowed. Said property is located on Assessor Map 137 Lot 2 and lies within the General Residence C (GRC) District. (LU-26-7)

IV. ADJOURNMENT

**Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

https://us06web.zoom.us/webinar/register/WN_QKRpQd3yQdKqVK95ovGjXA

MINUTES OF THE
BOARD OF ADJUSTMENT MEETING
EILEEN DONDERO FOLEY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE

7:00 P.M. **January 21, 2026**

MEMBERS PRESENT: Beth Margeson, Vice Chair; David Rheaume; Paul Mannle; Jeffrey Mattson; Thomas Nies; Thomas Rossi; Robert Sullivan; Mike Lucas, Alternate

MEMBERS EXCUSED: None.

ALSO PRESENT: Stefanie Casella, Planning Department

Vice-Chair Margeson called the meeting to order at 7:00 p.m. She introduced the two new Board members, Robert Sullivan and Alternate Mike Lucas.

I. ELECTION OF OFFICERS

*Mr. Rheaume moved to elect Vice-Chair Margeson as 2026 Chair and Mr. Mattson as 2026 Vice Chair. Mr. Nies seconded. The motion **passed** unanimously, 7-0.*

Chair Margeson said the applicant's representative for Old Business Petition D, 25 Sims Avenue, asked to postpone the petition to the February meeting. She asked for a motion to suspend the rules.

*Mr. Rheaume moved to **suspend** the rules to take Old Business Petition D, 25 Sims Avenue, out of order. Mr. Nies seconded. The motion **passed** unanimously, 7-0.*

Chair Margeson read the petition into the record.

*Mr. Rossi moved to **postpone** the petition to the February meeting, seconded by Mr. Mannle.*

Mr. Rossi said the request was a reasonable one that the Board could easily accommodate.

*The motion **passed** unanimously, 7-0.*

II. APPROVAL OF MINUTES [Video timestamp 9:34]

A. Approval of the **December 16, 2025** meeting minutes.

*Mr. Nies moved to **approve** the minutes as amended, seconded by Mr. Mannle.*

The following amendments to the December 16 minutes were requested:

Page 3:

134 Pleasant Street: Mr. Rheaume requested that the phrase at the end of the sentence be changed to "and the bank building moved to a new front building". The sentence now reads: "He said the location of the business was also changed because the back building was converted to a new front building, which influenced where the drive-thru would go, and the bank building moved to a new front building."

Page 4:

In the first paragraph, the sentence now reads: "He said one **thing** that the Board had to be clear about was the appeal stating that the applicant's variance application and testimony at the public hearing demonstrated that the applicant satisfied the three other criteria. He said that assertion was based on the letter from the Planning Department back to the appellant, **which** not mention the other three criteria as being insufficient. He said it was not the practice of the Board to enumerate every single deficiency in an application, and the fact that the Planning Department was silent about three of the criteria should not **imply** that the Board felt that those criteria were satisfied.

In the first paragraph, the sentence **"**Vice-Chair Margeson said she believed that the Planning Staff erred" was omitted. The word "Court" was replaced by the word "Code". The sentence now reads: " She said the appeal of an administrative Code Official should have been raised at the initial hearing."

Page 6:

At the top of the page, the sentence "He said the applicant noted that other properties had houses close together, which was true in the older sections of Dennett Street where there was more open space between the houses" was changed to the following: "He said the applicant noted that other properties had houses close together, which was true in the older sections of Dennett Street where there was less space between the houses but less applicable to the area around the applicant."

The following sentence had the word "unique" added to it. The sentence now reads: "He said the property was not an exceptionally narrow one and did not have a unique geometric pattern."

Page 9: The following sentence had the word 'court' changed to 'code' so that it now reads: "He discussed how code appeals of administrative officers were handled."

Page 13:

The word “count” was replaced by “county”. The sentence now reads: “Mr. Rheaume said Exhibit C, the old plan, looked like it was recorded at the Rockingham County Deeds.”

Chair Eldridge was recused, so Acting Chair Margeson closed the public hearing instead of Chair Eldridge.

Page 14:

In the following sentence, the word ‘overtaking’ was replaced by ‘taking: “He said it seemed like an illegal taking.”

The term “Register of Deeds” was changed to “Registry of Deeds” in the following sentence: “ Mr. Rheaume said the appellant showed that there is information at the Rockingham County Registry of Deeds indicating that the property was as represented in the plan.”

Page 17:

The Parking and Traffic Safety Committee was correctly named and the word ‘calming’ was added. The sentence now reads: “He said a two-family home was allowed by right. He said traffic concerns could be taken care of by the Parking and Traffic Safety Committee using traffic calming tools, and so on.”

The word ‘would’ was replaced with ‘could’ and the word ‘and’ was replaced with ‘or’ in the following sentence: “He said there could be a common parcel with two homes on it or two lots, one conforming and one not.”

*The motion **passed** unanimously, 7-0.*

III. OLD BUSINESS

A. **WITHDRAWN** 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. **WITHDRAWN** (LU-25-166)

The petition was **withdrawn** by the applicant.

B. 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 2 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). (LU-25-134)

SPEAKING TO THE PETITION [Timestamp 19:37]

Mike Leary of Sundance Sign Company was present on behalf of the applicant. He said the sign would be on the PWED2 property and that a 2-ft setback was needed to get as close to 909 West End as possible. He said the size of the sign needed to be increased to 27 square feet to allow for more visibility and for the street address to be seen from the street. He reviewed the criteria.

[Timestamp 24:15] Mr. Rheaume asked Ms. Casella if the sign's square footage applied to the 921 Islington St property or to the 909 property that it was serving. As Ms. Casella researched it, Mr. Rheaume asked the applicant what the client would do about any business that occurred at 921 Islington St if the square footage did apply to that property. He noted that the applicant could not have a freestanding sign without returning to the Board. Mr. Leary said his client expected to return for a variance for signage at 921 Islington St when the building was renovated. Mr. Nies said there were several signs on the site and asked if those would be removed. Mr. Leary said the only thing that would be removed would be the multi-hanging structure on 909 Islington St and the Louie's temporary sign. He said the old gas station sign might be removed eventually. Ms. Casella said the square footage applied to the 921 Islington St parcel but believed that there were some exceptions for freestanding signs. It was further discussed. Ms. Casella said the purpose of the Sign Ordinance was to ensure that each property conforms to what is set forth in the ordinance, therefore it was done by a property-by-property basis, and whatever was on that property assessed against the regulations. Mr. Rossi said that, according to the ordinance, there is a limit of total sign area of 20 square feet. He said the variance requested was for 27 square feet, which only pertained to the proposed sign. He said the old Ambit gas station sign would have to be added to the 27 square feet to calculate the total signage. Ms. Casella said the freestanding signs did not count toward the aggregate area of the property. It was further discussed. Mr. Rossi said the freestanding Ambit sign was not included in that area. Ms. Casella said the applicant did not add that onto their site plan and suggested stipulating that it be removed prior to the installation of the freestanding sign. Chair Margeson asked what would happen if the two properties fell under different ownership in the future. Mr. Leary said he did not know. Chair Margeson asked what current businesses were at 921 Islington St. Mr. Leary said there were none. She asked if the expectation was that those properties would be developed and would need a sign. Mr. Leary agreed. She asked if they could be added to the sign, and Mr. Leary said that was not the plan. Chair Margeson said the previous issue was that the 2-ft setback was due to the narrow strip of land. Mr. Rheaume noted that the applicant proposed to place a sidewalk along the 909 Islington St property. Chair Margeson asked what the justification

was for the sign going from 20 sf to 27 square feet. Mr. Leary said the multi-tenant sign was hard to read by motorists, so having a larger header would direct them more positively to their location. Chair Margeson verified that the sign top was 12 feet above grade, and Louie's would be part of that sign but was not part of the submission. She said seven businesses were being advertised, and she asked if there was a potential for more businesses to be added for the 909 Islington St property. Mr. Leary said any additional information would be in the same square footage. He said the radio station's name would not be on the sign and that the sign was only for the 909 Islington St property. Mr. Nies said he was unclear about where the primary driveway was for 921 Islington St because the sign appeared to be set up so that it was close to the primary driveway for 909 Islington St, even though it was on the 921 Islington St property, and that related to the allowed size for the sign. He explained why it was a confusing situation. Chair Margeson asked where the primary driveway for 921 Islington St was. Mr. Leary said it was to the left of that property. Mr. Nies said it meant that the sign was unlikely to be at the primary driveway for 921 Islington St and should be limited to different sizes, and it should be made clear that when the applicant returned for approval for a sign for 921 Islington St, the sign would have to be a smaller freestanding sign, even though it could be at the primary driveway. He said the Board would essentially be allowing the sign, if it passed, to be a bigger sign even though it was not near the primary driveway on 921 Islington St. Mr. Rossi asked if Louie's restaurant intended to have a different sign, and Mr. Leary agreed.

Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Margeson closed the public hearing.

DISCUSSION OF THE BOARD [Timestamp 42:25]

Mr. Nies said the location and setback of the sign made sense but was concerned about the sign's size because it was 35 percent larger than authorized and the applicant may return for a request for 921 Islington Street. Vice-Chair Mattson said the driving factor for the sign's size was the number of tenants on the property. He said it had such a narrow frontage of just the driveway with the seven or so tenants set back. He said the sign would not tower down and would not be in a pedestrian's way, and it would not block sight lines of vehicles. Other than the sign pollution concept, he said it would be for safety reasons to have the sign be that size. Mr. Rheaume said he appreciated the applicant's further clarification and that it was part of a plan to improve the pedestrian access for 909 Islington St and other businesses in the area. He said he was not very concerned about the sign's size because it was a complicated area due to all the multiple entrances. He said the proposed size was partially driven by putting the address and the Chinburg name on it to help people know what the address was. He said whatever business went into the old gas station would have to do their signage needs as a separate variance request and that wall signage or other signage methods were available to them. Mr. Rossi asked if the applicant would have to return for a freestanding sign. Ms. Casella said there were some freestanding signs that were permitted but there were other

ways that the applicant could do it. She said the permitted square footage for a freestanding sign by a driveway was 10 square feet with a maximum of a 5-ft height.

The Board discussed whether to consider the variances together or separately and decided to take Variances 1 and 2 together and Variance 3 on its own.

DECISION OF THE BOARD [Timestamp 51:08]

*Mr. Nies moved to **grant** Variances 1 and 2 as presented and advertised, seconded by Mr. Mannle.*

Mr. Nies said the location made perfect sense for the sign, given the driveway and the way the property was constructed. He said granting the variances would not be contrary to the public interest, would not have an adverse effect on the neighborhood's health, safety, and welfare, and would not alter the essential characteristics of the neighborhood. He said it was a commercial area with signs to allow people to find the properties. He said it would not affect the light and air because it was a relatively modest sign and it would expose and enhance the commercial character in the area and minimize the number of signs by grouping them all in one spot. He said the sign would protect the public from hazardous and distracting displays, which was one of the goals of the Sign Ordinance. He said it would do substantial justice because there would be no benefit to the public that would outweigh any harm to the applicant. He said there were multiple businesses, so it would be a benefit to the public to know where the businesses were so they could get there. He said granting the variances would not diminish the values of surrounding properties because it was a commercial strip and signs were common. He said the applicant's property had special conditions, including a long driveway that went back to a large area that would have a lot of commercial and other businesses. He said the street frontage included an access driveway that limited the potential sign locations, which was why locating the sign on an adjacent lot with a 2-ft setback made sense. He said owing to these conditions, there would be no fair and substantial relationship between the strict enforcement of the ordinance and its application to the property. Mr. Mannle concurred and had nothing to add.

*The motion **passed** 6-1, with Mr. Sullivan voting in opposition.*

*[Timestamp 54:56] Mr. Rheaume moved to **grant** Variance 3 as presented and advertised. Vice-Chair Mattson seconded.*

Mr. Rheaume said it was actually 909 Islington St at the top of the sign that was putting the sign over the limit. He said the applicant could make the other signs potentially smaller but he didn't think what was asked for was out of character for the area. He said the area needed that kind of signage to help people know where they were going because it could get confusing. He said the relief the applicant asked for was reasonable. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said the neighborhood had several businesses and current signage, much of it quite wanting. He said the previous signs were difficult to read and confusing, so the situation would be improved. He said the sizes asked for were

reasonable and in accordance with other businesses that were there. He said substantial justice would be done because the applicant was just asking for that extra five square feet to help people find the businesses they needed to, and he did not think the public would think that was unacceptable. He said granting the variance would not diminish the values of surrounding properties, noting that it was a sign-heavy area and the applicant owned a few other properties there. He said what distinguished the property from others was a series of old mill buildings that took up a fair amount of sign space. He said there was an opportunity to provide a bit of extra square footage for the address. He said the sign would end up on a very narrow strip of land because there was no other way the applicant could place signage information. He noted that wall signs were not an option. He said those were special conditions and that the use would be a reasonable one. Vice-Chair Mattson concurred. He said a sign has to be big enough to read, otherwise it defeats the purpose. He said the proposed sign was not egregiously big but was big enough to ensure that it would do its job.

Mr. Sullivan said he would vote against granting the variance. He said he agreed with what everyone said in support of the sign, in terms of all the variance elements except for the hardship. Due to the constraints in the frontage, he said not allowing the sign would not create a hardship for the tenants or not allow the business to have proper identification for the drivers on Islington Street because those things were done property-by-property, and the sign would be on 921 Islington Street, yet the tenants were on 909 Islington Street. He said the hardship was not a hardship on the lot for which the sign variance was requested but was on a different lot, therefore the hardship element has not been satisfied. Mr. Nies explained why he thought a condition should be stipulated stating that any additional freestanding sign on 921 Islington Street shall comply with the sign area restrictions for other freestanding signs shown on the table in Section 10.1251.30.

The motion makers Mr. Rheaume and Vice-Chair Mattson agreed with the condition, but Mr. Rheaume said he would rephrase it. He **amended** his motion and the condition as follows.

*Mr. Rheaume moved to **grant** Variance 3 with the following **condition**:*

1. *The applicant must seek relief from the Board of Adjustment for any additional freestanding sign on the 921 Islington Street property, Lot 172-10.*

*Vice-Chair Mattson seconded. The motion **passed** 4-3, with Mr. Sullivan, Mr. Rossi, and Chair Margeson voting in opposition.*

C. 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. (LU-25-164)

SPEAKING TO THE PETITION [Timestamp 1:07:40]

Stephanie Johnson was present on behalf of the applicant. She reviewed the petition and criteria and said the neighbors supported the project.

[Timestamp 1:13:14] Mr. Rheaume said he could not find a dimension in the site plan that indicated that the dormering did not go into the rear setback. Ms. Johnson said it did not. Mr. Rheaume noted that the dormers were good-sized ones and extended the length of the roof, and he wanted to ensure that they did not encroach into the setback. The applicant's representative Britini Rotunda of Maugel DeStefano Architects said the front of the dormer was set back four feet from the structure and the 20-ft line at the back was at 4'6 and a half inches but they had it at 4'9", so it was not in the rear foot setback. Mr. Rheaume said it looked like the stairwell was being moved farther away and into its own footprint, and he asked why. Ms. Rotunda said the patio enclosure couldn't happen if the stairs were not moved. Mr. Rheaume asked Ms. Casella why it was not considered a new footprint that was being built within the 20-ft setback, noting that it was a larger expansion of an existing use and the Board had no request for relief for the rear setback. Ms. Casella said it was an error. Mr. Rheaume asked what drove the need for such a large dormer on one side of the home. Ms. Rotunda said it was the very steep stair to the attic and there was a cavity on the outside of the wall that they were using to grow that stairway. Chair Margeson said the variance request probably should be readvertised due to the rear yard setback. She said the rear patios would be enclosed, which would be a further encroachment into the rear yard setback and was not part of the variance request. Ms. Rotunda said there would be a screen, not a structural enclosure. Ms. Casella asked if there was a current deck above the porch, Ms. Rotunda agreed. Mr. Rheaume asked when the porch was put in. Ms. Johnson said it was built in the 1990s. It was further discussed. Ms. Casella said the area would be more nonconforming to the rear yard setback.

The Board decided to bifurcate the petition and vote on only Variance 1A. [Timestamp 1:27:17]

*Mr. Rheaume moved to **continue** the public hearing on Variance 1A and postpone consideration and votes on Variances 1B and 1C to the February meeting and to also request that they be readvertised. Mr. Sullivan seconded. The motion **passed** unanimously, 7-0.*

Chair Margeson opened the public hearing related to Variance 1A.

SPEAKING IN FAVOR OF THE PETITION

John Ragonese of 74 Cabot Street said he was in favor of the petition.

SPEAKING IN OPOSITION OR SPEAKING TO, FOR, OR AGAINST THE PETITION

No one else spoke, and Chair Margeson closed the public hearing.

DECISION OF THE BOARD [Timestamp 1:29:52]

*Mr. Rheaume moved to **grant** Variance 1A, seconded by Mr. Sullivan.*

Mr. Rheaume said it was for a variance for the 4-ft right side yard to allow a dormer to be constructed. He said the one on the interior was allowed by right, but the one in question was a substantial one on the outside edge and within the setback. He said the applicant was taking advantage of an existing stairwell to make the third floor a more usable space, which was driving the fact that the dormer had to be substantial to accommodate that and still meet ingress/egress codes. He said architecturally keeping the symmetry on the two dormers, considering the constraint within the property, made sense. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said the homes were closely spaced, but dormering out was a common factor in that neighborhood as well as in many two-story New Englanders throughout the City. He said it was a way to get additional vertical living space. He said it was a large dormer and close to a neighboring property line and structure, but there were good reasons why there was a need for it to be in that location and to be that size. He said granting the variance would do substantial justice because the general public would not really observe a significant problem with the additional dormering being there and being closer to the property line, and the benefit to the applicant would substantially outweigh that. He said the values of surrounding properties would not be diminished because a dormer on a third floor was common and would not affect the neighboring properties. He noted that the Board had written and verbal confirmation from neighbors stating that they were not concerned about it. He said one of the special conditions is that the small home is on a small lot and butts up against one side of the lot. He said any type of expansion into a higher floor would trigger some need for relief. He said there were unique justifications for the larger dormer, noting that the existing stairwell needed to be taken advantage of to realistically add on the additional height. He said it was a residential use in a residential area as well as a reasonable request. Mr. Sullivan concurred and had nothing to add.

*The motion **passed** unanimously, 7-0.*

D. 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. (LU-25-169)

DECISION OF THE BOARD

The petition was **postponed** to the February meeting (see page 1).

E. **POSTPONE TO FEBRUARY** 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. **POSTPONE TO FEBRUARY** (LU-25-167)

The petition was **postponed** to the February meeting.

IV. NEW BUSINESS

A. The request of **Howard Family Holding Trust (Owner)**, for property located at **53A Chevrolet Avenue** whereas relief is needed to allow a 5-foot high and 6-foot high fence, after-the-fact, which requires the following: 1) Variance from Section 10.515.13 to exempt a 5-foot high and 6-foot high fence in the front yard where up to 4 feet is allowed. Said property is located on Assessor Map 147 Lot 18-1A and lies within the General Residence A (GRA) District. (LU-25-145)

SPEAKING TO THE PETITION [Timestamp 1:36:48]

The owner Doug Howard was present. He said last summer the developer said he was notified by the City that the side yard fence had to be cut down to four feet. Mr. Howard said the 6-ft fence was on the property when he bought it and then he installed a 5-ft fence. He said the City recognizes private streets and that his property faced the private street. He said the address did not face Chevrolet Avenue because the lot was a corner one. He said the fence was offset 11 feet from the street on one end and seven feet on the other end. He reviewed the criteria.

[Timestamp 1:40:27] Mr. Rheaume said the applicant's home was part of a condominium association and that the Board had letters of support from the other three condo owners. He asked how the City discovered the issue. Mr. Howard said he bought the property in October 2024 and did not find out until August 2025 that a partial bond on the developer was being held. Mr. Rheaume asked if it was a private way or simply a common driveway that connected the four condo units. Ms. Casella said it was technically a private way but the lot line went straight down the center, so it was not a public property. She said it was technically considered a front yard. Mr. Sullivan said Chevrolet Avenue is a public way half the way or so to the border of the old Public Works garage property and then it was private beyond that. It was further discussed. Ms. Casella said the issue had to do with the rights of Chevrolet Ave vs. the private driveway and that the address was Chevrolet Avenue. She said the fence was where it was and that it did not need to be complicated. She said there was a difference between how the ordinance recognizes the front yard and how a resident uses their property. It was further discussed.

Chair Margeson opened the public hearing.

SPEAKING IN FAVOR OF THE APPLICATION [Timestamp 1:52:25]

Barbara Abdoo of 53B Chevrolet Ave said her house was attached to the applicant's unit and that she was in favor of the petition.

SPEAKING IN OPPOSITION OR SPEAKING TO, FOR, OR AGAINST THE PETITION

No one else spoke, and Chair Margeson closed the public hearing.

DECISION OF THE BOARD [Timestamp 1:53:10]

*Mr. Rossi moved to **grant** the variance for the petition as presented and advertised, seconded by Mr. Mannle.*

Mr. Rossi said granting the variance would not be contrary to the public interest and the spirit of the ordinance would be observed. He said the spirit of the ordinance was to prevent people from facing large barriers while they are walking along a roadway or driving on a street. He said in this case, what is technically the front yard is actually a roadway that has no sidewalk, whether it's a private or public roadway. He said it would not have much pedestrian traffic and a 6-ft fence would not present any particular barrier. He said the house orientation is such that one is not really looking at the front of the house from that vantage, therefore the fence is not contrary to the public interest or the spirit of the ordinance. He said substantial justice would be done because there would be no loss to the public by allowing the fence to remain in place. He said it was a variance request after the fact, but there was no deliberate intent to work around the zoning ordinance. He said there was a good balance of interest in favor of the property owner and that he could not see any benefit to the public by denying the applicant the right to have the fence and achieve the privacy that he wanted. He said granting the variance would not diminish the values of surrounding properties. He said it was part of a condo association and the Board was presented with either verbal or written testimony by the other condo owners stating that they did not feel that the fence diminished the value of their property. He said literal enforcement of the ordinance would result in unnecessary hardship. He said there was a unique characteristic to the property, including confusion about what is the practical front yard in terms of the visual aspect of the property vs. the technical front yard based on an interpretation of the ordinance. He said in that case, a strict interpretation of the ordinance really does not achieve the purposes of the ordinance, nor does it support avoiding a disruption in the character or anything of that nature. He said therefore the hardship criteria with the unique orientation of the house relative to what the ordinance envisioned was satisfied. Mr. Mannle concurred. He said the applicant was perfectly right in saying that the developer should have done the process. Mr. Mannle said the zoning had no nuance and that it was up to the Board to apply it. He said the applicant was just trying to make his house livable.

Mr. Rheaume said he would not support the motion. He said he had empathy for the homeowner but was not convinced that the Board would allow it if it was not already built. He said it was a condo association and was not sure how the driveway was set up as a common driveway. He said even if it were a public street between the duplex and the one on the opposite side, it would still make the lot a corner lot. He said a corner lot has two front yards. He said the applicant would still be faced with having a front yard on Chevrolet Ave, and the limit for that would be a 4-ft fence. He said he

understood the privacy issue but thought it could be worked around. He said there was a big fence back there for several years when it was the back side of a Middle St property, but a 6' tall batten board fence that follows the contours of the property was exactly what the Board did not want. He said there was not enough hardship demonstrated.

*The motion **passed** 4-3, with Mr. Rheaume, Mr. Sullivan, and Chair Margeson voting in opposition.*

B. The request of **Alexandre T and Lauren M LePage (Owners)**, for property located at **53 McNabb Court** whereas relief is needed to demolish a one-story enclosed porch and reconstruct with a three-story addition and to construct an open front porch on the front of the home, which requires the following: 1) Variance from Section 10.521 to allow a) 6.5 foot front yard setback where 15 feet is required, b) 4.5 foot right yard setback where 10 feet is required, c) 9 foot left yard setback where 10 feet is required, and d) 29% Building Coverage where 25% is allowed. Said property is located on Assessor Map 112 Lot 57 and lies within the General Residence A (GRA) District. (LU-25-170)

SPEAKING TO THE PETITION [Timestamp 2:09:00]

The owner Alexander LePage was present. He said they wanted to demolish the one-story enclosed porch and replace it with a 3-story addition because they had two children and needed more room. He said it was a dead-end street and that the other three circa 1920 homes were renovated except for his. He reviewed the criteria and said his neighbors supported the project.

[Timestamp 2:14:05] Regarding the 15-ft setback, Mr. Rheaume asked if Mr. LePage discussed with City Staff the option of using the provision of Section 10.516.10 of the ordinance, which was the front yard exception for existing alignments. He said his neighbor was much closer to the street than Mr. LePage's house was, and if that provision were used, a front yard setback variance would not be needed. Mr. LePage said he did not meet with any City planners. Mr. Rheaume said it would be to Mr. LePage's benefit to use the exception, but since he was asking for the 15-ft setback, he asked if the dormers would be within the 15-ft setback. Mr. LePage agreed. Mr. Rheaume confirmed that the applicant was only extending the existing porch the whole width of the house and not making it any deeper than before. Mr. Nies said the front yard setback on the applicant's packet table indicated that the stairs were being moved farther away from the front yard line. Mr. LePage said the porch was 4'6", and they planned to revise it and return for another variance request, but for now that was what he was requesting. Ms. Casella said if Mr. LePage wanted to return, he could contact the Planning Department and they would walk him through the procedure.

Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Margeson closed the public hearing.

DECISION OF THE BOARD [Timestamp 2:18:58]

*Mr. Nies moved to **grant** the variances for the petition as presented and advertised, seconded by Mr. Mannle.*

Mr. Nies said three of the four houses had already done renovations similar to what Mr. LePage was proposing to do and that they looked great. He said the small lot was less than half the size of what was required in the district, so any additions would result in getting close or exceeding the allowed lot coverage. He said the applicant was asking for a modest setback in building coverage relief that was similar to the other homes on the street. He said granting the variance would not be contrary to the public interest. He said it would result in a small increase in building coverage but not enough to affect the health, safety, and welfare of the neighborhood. He said it would have no effect on light and air and would not alter the essential characteristics of the neighborhood. He said it would observe the spirit of the ordinance because the house would remain a single-family residence and would still have extensive open space. He said the building coverage has increased and the setback has changed, but only to a minimal amount. He said granting the variance would do substantial justice, noting that he could not see any benefit to the public by denying the request that would outweigh the harm to the applicant. He said it was a small lot, a small house, and a growing family, and the benefit in having a more usable space to the applicant clearly outweighed the impact on the public. He said he doubted that anyone walking down the avenue would even know the changes had occurred. He said there was no evidence presented that granting the variance would diminish the values of surrounding properties. If anything, he said it would make the house more consistent with the other three properties immediately abutting the property. He said the special conditions included that the lot was small and at the end of a courtyard and not obvious to anyone passing by on Lincoln Street, and making improvements to it would probably wind up infringing on some of the setbacks. For those reasons, he said the property has special conditions that distinguish it from others in the area, and as a result, there is no fair and substantial relationship between the purpose of the ordinance and its application to this specific property. Mr. Mannle concurred. He said the public in this case were the neighbors, and they supported it.

Mr. Rheaume said it was not an insubstantial addition to the property because the applicant was going up another two stories in the back. He said the main thing the property had going for it was the fact that the house was on a narrow but somewhat deeper lot and was shoved over to one side. He said the applicant was up against an empty and very deep lot that went out to South Street, so some of the concerns the Board usually had with light and air were mitigated. He said most of what the applicant was proposing to put on the back side of the house was within the buildable envelope, but there was a portion that intruded on the side and the dormer on that side went a good long length. He said what set the applicant's request apart was that he had the good fortune of having a neighbor who had a deep, empty lot where there was currently no structure.

*The motion **passed** unanimously, 7-0.*

V. ADJOURNMENT

The meeting adjourned at 9:26 p.m.

Submitted,
Joann Breault
BOA Minutes Taker

MINUTES OF THE
BOARD OF ADJUSTMENT MEETING
EILEEN DONDERO FOLEY COUNCIL CHAMBERS
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE
PORTSMOUTH, NEW HAMPSHIRE

7:00 P.M. **January 27, 2026**

MEMBERS PRESENT: Beth Margeson, Chair; Jeffrey Mattson, Vice Chair; Members David Rheaume, Paul Mannle, Thomas Nies, Thomas Rossi, Robert Sullivan; Mike Lucas, Alternate

MEMBERS EXCUSED: None.

ALSO PRESENT: Stefanie Casella, Planning Department

Chair Margeson called the meeting to order at 7:00 p.m. She stated that New Business Petition C, 238 Austin Street, was postponed to the February meeting.

Chair Margeson asked for a motion to suspend the rules to take New Business Petition E, Langdon Street and 98 Cornwall Street, out of order. Mr. Rheaume abstained from the vote.

Chair Margeson read it into the record. *It was voted to postpone the petition to the March meeting, 7-0, with Mr. Rheaume abstained. (Note: there was no motion or second).*

I. OLD BUSINESS

Mr. Sullivan stated that he was not present at the meetings for the following requests for rehearing but that he reviewed the videos and records of the proceedings and felt that he was qualified to vote on them.

A. 58 Humphrey's Court – Request for rehearing (**Admin Appeal Abutters**)

Chair Margeson read the request for rehearing into the record. [Video timestamp 6:08] The request of **Robert M Snover Revocable Trust (Owners of 58 Humphrey's Ct)** to appeal the decision by the BOA to grant the request of **Abutting appellants (Owners of 54, 44, 43, 53, 63, and 75 Humphrey's Ct)** 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. (LU-25-165)

Mr. Sullivan discussed what the Statute required and said the main issue was to allow the Board to correct any perceived errors it sees in its proceedings before a court will correct them. Mr. Rheaume said he believed his motion ended up being the successful one. He said the Board had a lot of discussion and that the part that the appellant was restating was the thing that the Board felt most at

peace with their decision. He said the Board was not able to close the loop on the side yards, but it was quite thorough and they had a good conviction in the decision that the 10-ft line that the Planning Department and Staff had established was the rear property line was in fact incorrect. He said all the appellant did was reinstate his original argument and what the Board was considering and did not really say how there was an error, other than something about the Notice of Decision not being written correctly. He said he did not see where there was an error that the Board made on that aspect. Mr. Nies said he was confused about the Notice of Decision and thought it could be clearer. Vice-Chair Mattson said he would not be in favor of a rehearing based on how the Board behaved during the meeting but understood if that was the best way to address the ambiguity of the Notice of Decision. Mr. Rossi said the Board deliberated all the issues brought forward and made a decision. He said the appellant was questioning whether it was the right decision and not questioning the way the Board made the decision, so he did not see any grounds for the appeal and would not be in favor of granting a rehearing. Chair Margeson said it was clear that the Planning Department's interpretation was not upheld by the Board. It was further discussed. Mr. Rossi said the Board was talking about a hypothetical lot that did not exist, and he would be loath to spend the Board's time on a rehearing for that. Chair Margeson said she would be against a rehearing. Mr. Sullivan said he would also be against holding a rehearing but said there was another option in that a Board member could make a motion to grant or deny a rehearing but also move to clarify a motion or decision. It was further discussed. Mr. Rheaume said what was written did not sound like the motion he made. Vice-Chair Mattson said he would prefer to have a clarification of the Notice of Decision instead of a rehearing because the Notice would not require a rehearing and was consistent with how the Board meant it. It was further discussed.

DECISION OF THE BOARD [Timestamp 24:28]

Mr. Mannle moved to direct the Planning Staff to clarify or rewrite the Notice of Decision for Humprey's Court. Mr. Nies seconded the motion.

Vice-Chair Mattson said he was in favor of the motion but thought it might be useful to have it specific to the fact that the Board was granting the appellant's appeal but that it did not mean that they agreed with it. It was further discussed. Mr. Rheaume said the situation was so muddied that the cleanest way would be to grant a rehearing to see if the Board could be able to work through the side line issues on the fictitious case and give the Planning Department staff some direction for that in the future and ensure that the Notice of Decision sent out is crystal clear. Mr. Nies said Mr. Rheaume's motion was very clear and that the Board did not take a stance on how the lot should be measured. He said if the Notice of Decision was edited to reflect the motion that was on record, he would be satisfied.

[Timestamp 33:33] Ms. Casella clarified that the Board was talking about a rehearing request from the abutters of 58 Humphrey's Court that determines what a side and rear lot line is, i.e. an appeal, so what was written in the Action Sheet and should be the same as the minutes and Letter of Decision read: 'The Board voted to grant the appellant's appeal of the zoning determination by the Planning Director Peter Britz regarding the classification of the rear lot lines for the proposed subdivision at 58 Humphrey's Court. Further, the BOA makes no determination on the classification of side lot lines for the proposed subdivision." Mr. Rossi said that was a clear communication of what the Board did.

*Mr. Mannle **withdrew** his motion, and Mr. Nies concurred.*

The **amended** motion was:

*Mr. Sullivan moved to **deny** the request for rehearing, seconded by Mr. Mannle.*

Mr. Sullivan said that, based on the previous discussion, the record was sufficiently clear. Mr. Mannle concurred and had nothing to add.

*The motion **passed** unanimously, 7-0.*

B. 58 Humphrey's Court – Request for rehearing (**Admin Appeal Owners**)

Chair Margeson read the request for rehearing into the record. [Timestamp 37:27] The request of **Abutting appellants (Owners of 54, 44, 43, 53, 63, and 75 Humphrey's Ct)** to appeal the decision by the BOA to uphold the request of **Robert M Snover Revocable Trust (Owners),** for property located at 58 Humphrey's Court 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. (LU-26-2)

DECISION OF THE BOARD

*Mr. Rossi moved to **deny** the request for rehearing, seconded by Vice-Chair Mattson.*

Mr. Rossi said he found that no new matters or facts were raised in the appeal that would have a bearing on the Board's decision or his view of the Board's decision, therefore he did not see a justification for a rehearing. Vice-Chair Mattson concurred. He said he did not vote in favor of the motion being appealed but did not believe that the Board made an error in the outcome. Mr. Nies, Mr. Rheaume, and Mr. Sullivan agreed. (Reference timestamp 39:28 for the lengthy discussion).

*The motion **passed** unanimously, 7-0.*

C. 58 Humphrey's Court – Request for rehearing (**Variances**)

[Timestamp 44:10] Chair Margeson read the request into the record. The request of **Robert M Snover Revocable Trust (Owners of 58 Humphrey's Ct)** to appeal the decision by the BOA to deny 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. (LU-25-168)

Chair Margeson said the only variance that the Board voted on was Variance No. 1, the variance from Section 10.521 to allow 51.8 feet of continuous street frontage where 80 feet is required. She said zoning requests B and C were determined to be moved. Mr. Rossi said the appellant made the

argument that the Board did not constrain themselves to defining the neighborhood as being those properties that are within the same zoning district as the property in question. He said he found it interesting that land use attorneys came before the Board and, depending on the needs of their clients, said the Board should only compare the request to things in the same zone, or at other times made the argument that even though they were in one zone, the properties that are in a different zone constitute the neighborhood. He said that even within the zone, the property was not unique. He said there were two other corner lots that were quite large and had similar arguments to make, so he did not think that there was any new consideration in the appeal.

DECISION OF THE BOARD

*Mr. Rossi moved to **deny** the request for rehearing, seconded by Mr. Mannle.*

Mr. Rossi said the grounds for the appeal was based on what the property was for the Board to consider as part of the neighborhood and whether one can look across the zoning districts in this area that one might consider to be the neighborhood. He said it was the rightful discretion of the Board to do that, and many times land use attorneys relied on the Board to do that in transitional areas. He said therefore he did not think that it was a legal error on the part of the Board to do that. He said looking strictly within the zone, there are similar properties, therefore the basis of the ruling that the Board originally made about hardship and the non-uniqueness of the property would stand even within that zone. He said he found no basis to grant the appeal for the rehearing. Mr. Mannle concurred and had nothing to add.

*The motion **passed** 6-1, with Chair Margeson voting in opposition.*

II. NEW BUSINESS [Timestamp 50:30]

A. The request of **Rigz Enterprises LLC (Owner)**, for property located at **822 US Route 1 Bypass** whereas relief is needed to place a new sign on an existing pole which requires the following: 1) Variance from Section 10.1253.10 to allow a sign setback of 2.5 feet from a lot line where 20 feet are required. Said property is located on Assessor Map 160 Lot 29 and lies within the Business and General Residence A (GRA) Districts. (LU-25-179)

SPEAKING TO THE PETITION

Rigz General Manager Dennis Stoddard of 11 Steam Mill, York, ME, was present on behalf of the owner. He said they wanted to build a new tobacco and beverage place on the current lot. He said the location of the existing sign pole had been the same for several years and was not an issue in the past. He said the sign was almost 23 feet from the roadside. He reviewed the criteria.

[Timestamp 55:28] Mr. Rheaume asked if the intent was to restore the two additional signs that were shown in the plan and looked like they had been removed. Mr. Stoddard said there was no intent to do so. Mr. Rheaume said the sign appeared to be facing in the westerly direction but it would be on both sides and identical on both sides. Mr. Stoddard agreed. Mr. Rheaume asked if it would be an LED display sign and not a changeable one. Mr. Stoddard agreed and said the sign would change once a day and would have no motion or animation. Mr. Sullivan verified that, other

than its location on the existing pole, the sign would comply in every other respect with the requirements of the zoning.

Chair Margeson opened the public hearing. [Timestamp 58:05]

SPEAKING IN FAVOR OF THE PETITON OF AGAINST THE PETITION

No one spoke.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Tony Coviello of 341 Dennett Street said he was not a direct abutter but that the property looked out at the rear of his property and others. He said the property and others had come before boards before and were allowed to have the buildings pushed back, which he thought was disappointing. He said lights were colored now instead of white. He said the sign on the property as shown on Zoom appeared to be smaller than the one proposed now, and dimly lit. He said the proposed light seemed to be glaring and gaudy and the pole much taller. He said he wished the sign were more in character with the intent of the zoning ordinance and that any illumination on the sign would follow the business hours. He hoped the 1994 hours of operation stayed with the property.

Dave Grazbowski said he did the site work on the property. He said the pole was the existing one and was the same height and on the same concrete base and that the only change was that they installed new conduit for power to get to the pole.

Mr. Nies said the zoning ordinance had standards for lights, including when they can be on and the intensity of illumination, and he asked if the sign would comply with that. Mr. Grabowski agreed. He said the lights of the building were lowered downward and that the lights on the existing pole would be changed to a flat LED.

Dennis Stoddard said the sign's brightness would be less than the 1,500 nits, which was mandated by the ordinance. He said they would ensure that it met the brightness requirement. He said sign's light would shut off when the store closed.

Tony Coviello said he found an image from Google Maps that showed the sign that was there and that the top portion was the only part illuminated. He said the new sign was not dimmed and that it would be seen from the back of his house. He said he was only asking that the new sign be more in line with what was there before.

No one else spoke, and Chair Margeson closed the public hearing.

DISCUSSION OF THE BOARD [Timestamp 1:06:41]

Mr. Rossi said he was sympathetic to the property owners on Dennett Street, but the variance request was not related to the illumination of the sign. He said no variance was being requested for what the property owner was allowed by right, and the variance only pertained to the setback of the sign pole from the street, so that was what the Board needed to confine their deliberations to. Mr. Rheaume said the abutter was correct in that the sign that was previously on the light pole was to one side of it toward the bypass, so it was probably even more egregious than what the applicant was asking for today. He said there were other signs in the past that were even larger but they were all eliminated. He said the ordinance called for a maximum illumination and an internal illumination sign of a maximum of 5,000 nits. He said he agreed that the new LED signs could have different images on them and seemed to project more light, but that was not the issue before the Board.

Mr. Sullivan said the abutter Tony Coviello was a good friend of his, so he asked to recuse himself from the petition. Chair Margeson said she would grant it. Alternate Mr. Lucas took a voting seat.

DECISION OF THE BOARD [Timestamp 1:12:21]

*Vice-Chair Mattson moved to **grant** the variance for the application as presented and advertised, seconded by Mr. Mannle.*

Vice-Chair Mattson said he appreciated the concerns of the abutter, but the variance was only about how far back from the lot line the sign was being proposed and not its size. He said allowing it to be closer to the lot line would push it further away from the residential property, so that would be a benefit to the abutter. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said the sign pole was already in that location and there was previously a sign there for several years. He said the purpose of the ordinance was to not have signs so imposing on the street that they interfered with traffic safety. He said the sign would not alter the essential characteristics of the neighborhood that had multiple gas stations and signs and would not threaten the public's health, safety, or welfare. He said substantial justice would be done because the benefit to the applicant would not be outweighed by any potential harm to the public. He said he did acknowledge that there could be some concerns from the public by the illumination of the signs at night, but the variance was not regarding that and was only related to the sign's location relative to the property line. He said forcing the applicant to put the sign somewhere else could harm the general public even more. He said granting the variance would not diminish the values of surrounding properties. He said allowing the variance would be less impactful to the residential neighborhood on Dennett Street. He said literal enforcement of the ordinance would result in unnecessary hardship. He said the special conditions of the property that distinguished it from others in the area was that the sign pole was already in that location. He said the property's frontage was a one-way lane of travel and someone had to go under a bridge as they approached the property, so allowing the sign to be closer to the street would allow it to be read from vehicles sooner. He said it was a special condition of the property, in combination with the existing sign pole being there, and that the proposed use was a reasonable one and consistent with that type of business. Mr. Mannle concurred and had nothing to add.

*The motion **passed** unanimously, 7-0, with Mr. Sullivan recused and Alternate Mr. Lucas voting.*

B. The request of **Three Hundred Seventy One Lowell Avenue Realty LLC and TMK Lavergne LLC (Owners)** and **Convenient MD (Applicant)**, for property located at **1303 Woodbury Avenue** whereas relief is needed for a change of use from retail to medical office and striping on existing pavement for additional parking which requires the following: 1) Variance from Section 10.5B83.10 to locate parking between the principal building and the street; 2) Variance from Section 10.1113.20 to locate parking between the principal building and the street; and 3) Variance from Section 10.1113.31 to permit parking within 100 feet of a residential zone. Said property is located on Assessor Map 217 Lot 1 and lies within the Gateway Corridor (G1) District. (LU-25-174)

SPEAKING TO THE PETITION [Timestamp 1:18:26]

Attorney Chris Mulligan was present on behalf of the owner Convenient MD, along with the Convenient MD's Director of Real Estate David Sanderson. He said the proposal was to relocate Convenient MD's primary care medical office facility from Woodbury Ave to the existing Rite Aid facility on the site. He said to do that, parking relief was needed because the site did not have sufficient parking for Convenient MD's expected parking load. He said there was about 3,400 sf of additional vacant space and that they did not know what tenant would take that space. He said the current site had 39 spaces and that they proposed to add 10 more spaces, for a total of 49 spaces. He further explained the parking needed. He discussed the context of the area. He said the three single-family homes across from the site would be the most impacted by the proposal because the applicant wanted to put the additional parking in what was now a permitted loading zone, but it was between the building and Granite Street and within 100 feet of a residential zone. He noted that there would be a landscape buffer to shield the parking. He said there would be parking for customers and that the additional 10 spaces would be for employee parking. He said clients using the site would be there only by appointment. He reviewed the criteria.

[Timestamp 1:32] Mr. Rheaume said he did not see a delineation in the package of the spots within the 100-ft setback. He asked Attorney Mulligan to point it out and also asked how many spots were in the buffer zone currently. Attorney Mulligan said there were about six spaces in the buffer. Mr. Rheaume said he saw three street fronts instead of two. He said the parking space request was based on the 250 square feet of floor area, which was true for medical reasons, but he said other potential uses could go in that space that could require more parking. He asked if the applicant decided to put a limit on what kinds of businesses could go in there. Attorney Mulligan said it was a good question for the owner. He said the ultimate parking load on the site would be dependent on what the use finally was, and if they had too much or not enough parking to accommodate that use, they would need a conditional use permit from the Planning Board. He said the applicant's need would swallow up 90 percent of the parking on the lot as it was now, so they had to increase. Mr. Rheaume asked if the applicant felt that a stipulation was necessary to restrict the hours associated with the use of the parking spaces in the 100-ft setback and if 7:30 to 5:00 on Mondays and Fridays was a good range. Mr. Sanderson said their primary care hours were 7:30 to 5:00 and that employees would be a little early in the morning and late in the evening. Mr. Nies asked how far from the zone it was. Attorney

Mulligan said it roughly 60 feet to the far side of the street. Mr. Nies said the zoning ordinance stated that when a zoning boundary follows the street, it is assumed to be the center of the street. Vice-Chair Mattson asked if the loading zone would be eliminated, and Attorney Mulligan agreed. Chair Margeson asked what the plans were for the drive-thru at the former Ride Aid. Attorney Mulligan said it would be determined but it was possible that the tenant who took over that portion of land would have a use for the drive-thru. Chair Margeson verified that by putting the parking in the area that was devoted to the drive-thru, the drive-thru would be utilized, so there would now be parking that would actually exit into the drive-thru lane. Ms. Casella said Section 10.422.10 of the ordinance stated that where a boundary is shown as following a street, road, or utility, the boundary shall be the center line unless otherwise indicated.

Chair Margeson opened the public hearing.

SPEAKING TO, FOR, OR AGAINST THE PETITION

No one spoke, and Chair Margeson closed the public hearing.

DISCUSSION OF THE BOARD [Timestamp 1:45:02]

Mr. Rheaume said the property had issues with the fact that it was bounded by streets on all sides. He said previously the Board granted relief for parking spaces to within the 100-ft setback and the Board had a rough idea where that was. He said the applicant had been honest in saying that all ten new spots proposed were clearly within that 100-ft setback from the neighboring property and were all between the primary building and Granite Street. He said one of his concerns was the future tenant and the fact that almost one-third of the total square of the area could be for some other use. He said the applicant was not in control of the fact that the drive-thru still exists, which could change a lot of factors, and the Planning Board would look at how that would affect circulation and traffic. He said most of the uses were not more intensive, and it was just an unknown that the Board would be approving something that might have to come back for more parking and the Board did not know where that parking would be. Mr. Nies said it was an unusual property because of its location and being fronted on three sides by streets, so any parking would be between the building and a street. He said he was more comfortable with the location because it was between 50-60 feet from the zoning boundary, but it was probably closer to 75-80 feet until one got to a residential lot. He said he understood the concern about the unoccupied property, but the parking requirements were not before the Board at this time. He said he was comfortable with the request as presented. Mr. Rheaume noted that the hours of operation that were previously granted were for a pharmacy use and that he was concerned that the use would be 24 hours a day and there would be parking close to a residential neighborhood off-hours, but the applicant said that would not be the case. He said it should probably be stipulated.

DECISION OF THE BOARD [Timestamp 1:50:25]

*Mr. Nies moved to **grant** the variance for the application as presented and advertised, with the following **condition**:*

1. *The hours of use for the striped 10 parking spots added by this variance shall be limited from 6 am to 7 pm.*

Vice-Chair Mattson seconded.

Mr. Nies said it was a well-screened area of the property and the trees along Granite Street would make the building almost invisible to see from across the street. He said the project would have no impact on the residential areas. He said granting the variances would not be contrary to the public interest because although the site was within the 100-ft buffer, it was clearly 70-80 feet from any of the residential properties. He said the neighborhood's health, safety or welfare would not be affected, nor light and air, and it would not alter the essential characteristics of the neighborhood. He said it was an unusual lot due to its location and was isolated from other commercial properties by the highway. He said granting the variances would observe the spirit of the ordinance. He said it provided a buffer between the parking and the residential lots and was close to 80 feet to the residential properties. He said substantial justice would be done because there would be no benefit to the public that would outweigh the loss to the applicant by denying the variances. He said it would either require additional impervious surfaces, which would be a harm to the public in order to accommodate the increased parking needs, or it would bar the use of the building for this type of facility, which would be a loss to the owner or applicant. He said there was no evidence that granting the variances would diminish the values of surrounding properties. He said it had been a commercial use for a long time. He said the property had special conditions, including that it was an existing commercial property in a Gateway Overlay District, which was not unusual, but it had roads on three sides and was isolated from the rest of the District by a major highway, and it also abutted a residential district. He said it was an existing structure that had a loading zone, which provided a logical way to increase parking. He said the roads on three sides limited where parking could be placed, so that justified having it between a road and a building. He said owing to these special conditions, there was no fair and substantial relationship between the purpose of the ordinance and its specific application to the property. Vice-Chair Mattson concurred. He said a big component was the privacy evergreen screening that would separate the parking from the residential area. He said it also had existing asphalt where vehicles would either park or be driven to and from, so parking would be less noisy. He said having more parking would not hurt the situation with the uncertainty of the future potential adjacent tenant.

Mr. Rheaume said he would support the motion. He said his reservations about the uncertainty associated with the unused portion of the building would be an issue for the property owner, and the drive-thru would be something that would go before the Planning Board. He said he appreciated the condition included in the motion because it was a fair one that would ensure that the new parking close to the residential neighborhood was used during reasonable times.

*The motion **passed** unanimously, 7-0.*

C. POSTPONED TO FEBRUARY The request of **Lisa Paige Reyes (Owner)** and **Chris Ward (Applicant)**, for property located at **238 Austin Street** whereas relief is needed to demolish the existing structures, subdivide the lot and construct a new home on each lot which requires the following for the proposed Austin Street Lot: 1) Variance from Section 10.521 to allow a) 49.75 feet of frontage where 70 feet is required; and b) an 8.5 foot right side yard where 10 feet is required. The following is required for the proposed Coffins Court Lot: 1) Variance from Section 10.521 to allow a) 2,884 sq.ft. of lot area where 3,500 sq.ft. is required, b) 2,884 sq.ft. of lot area per dwelling unit where 3,500 sq.ft. is required, c) a 5.5 ft. side yard where 10 feet is required; and d) an 18 foot rear yard where 20 feet is required. Said property is located on Assessor Map 135 Lot 61 and lies within the General Residence C (GRC) District. **POSTPONED TO FEBRUARY** (LU-25-177)

*The petition was **postponed** to the February 17 meeting.*

D. The request of **Bretta Heilbut (Owner)**, for property located at **21 Elwyn Avenue** whereas relief is needed to demolish the existing one-story detached garage and construct a new two-story garage which requires the following: 1) Variance from Section 10.521 to allow a) a 6 foot left side yard where 10 feet is required, b) a 5 foot rear yard where 19 feet is required; and c) 34.5% Building Coverage where 25% is allowed. Said property is located on Assessor Map 113 Lot 28 and lies within the General Residence A (GRA) District. (LU-25-176)

SPEAKING TO THE PETITION [Timestamp 2:08:06]

Attorney Derek Durbin was present on behalf of the owner, along with the owner Bretta Heilbut and the project designer Matt Beebe. Attorney Durbin said they proposed to demolish the detached garage and replace it with a two-story garage. He said the existing garage was more like a shed and too small to fit a modern vehicle. He said the new garage would be in the same location but two feet wider and taller, and the footprint would be 96 sf larger but there would be an additional footprint due to the external stairs they proposed. Mr. Nies asked what the dimensions of the existing garage were. Attorney Durbin said it was 12x20 feet. Attorney Durbin then reviewed the criteria.

[Timestamp 2:18:18] Mr. Sullivan addressed the hardship criteria and asked whether the property was not being reasonably used today. Attorney Durbin said it was not being reasonably used in conformance with the ordinance. He said they wanted to replace and increase the nonconforming structure but nothing could be done without requesting relief. He said the structure would need to be demolished in any case. Mr. Rheaume said the applicant's argument was that the existing garage was inadequate for a modern vehicle. He said he Googled a standard one-car garage and that it was shown as 12x20'. He asked what was so restrictive about the current size of the garage that it would not be able to be worked in its current footprint. The designer Matt Beebe said the biggest restriction of the existing garage besides its state of disrepair was that it was built on the dirt and the slab was pouring between the walls, so the structure was slowly rotting into the ground. He said its interior height was such that anything other than a small vehicle would not work and that it was

more like a shed. He said typically when garages are designed, the focus is on 12 feet of width for a vehicle, but allowances had to be made for the width of the door and room to open doors, get cars in and out, and have some room for other items like lawn tools or sleds. He said he had never designed a garage that was only 20 feet deep. Mr. Rheaume asked why the applicant could not start with the opposite corner closer to the side lines and move the new footprint into the other direction, which would be more encroaching upon the allowed building area instead of the setbacks. Mr. Beebe said the distance between the garage and the house was now less than four feet, so if that was brought forward, the kitchen windows would be encroached upon. Mr. Rheaume asked why the stairs were not placed on the interior side of the structure. Mr. Beebe said they considered putting the stairs on the patio side, but the roof design would need a dormer to get the stairs up there, and he thought that might make the building seems heavier and taller.

Chair Margeson opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

No one spoke.

SPEAKING IN OPPOSITION TO THE PETITION [Timestamp 2:26:40]

Bill Aralkelian of 18 Kent Street said he was a rear abutter and would be negatively affected by the proposed structure. He said the two-car garage would increase the degree of nonconformity by further reducing the rear setback to five feet and the side yard setback to six feet. He said a true hardship was not demonstrated, noting that the structure's form, size, height and placement was a design preference and not a zoning hardship and would not be in character with the established pattern of the immediate neighborhood that had mostly single-story garages. He said his property would have increased dominance, loss of light and sky exposure, and reduced privacy due to the height and proximity of the structure and location of stairs. He asked the Board to deny the request.

Cliff Hodgdon of 10 Kent Street said he was the back corner abutter. He suggested that the applicant design the garage to be only 22 feet long and move the stairs to the side of the yard on the inside so that they were not close to anyone's property line.

Bill Aralkelian of 18 Kent Street read a letter from David and Sandy Mikolaities of 19 Kent Street that outlined the reasons why they were opposed to the petition and noted that all five criteria were not met. They wrote that the applicant could have made a better attempt to meet the spirit and intent of the ordinance and that there was no hardship. It also was noted that the applicant received three variances for the primary residences in 2020 and that the applicant knew what they were allowed to do on the lot. when they bought the property. Mr. Aralkelian submitted the letter to the Board.

SPEAKING TO, FOR, OR AGAINST THE PETITION [Timestamp 2:39:55]

Attorney Durbin said the project had reached out to both objecting abutters, only to get comments at the last minutes as well as a submission that showed a superimposed structure that was out of scale

with what was proposed. He showed the Board a photo and depiction of what the proposed structure would really look like. He noted that there was a significant grade change that minimized the proposed structure's increase in height. He said a significant part of the increase in building coverage was associated with the external stairs, which was not the same as an enclosed structure. He said the actual increase in footprint would be 96 square feet, which was a minor difference over what exists. He said the 5-ft grade change on the lot distinguished the property from others. He said there were other two-story garages in the area. He said the applicant was willing to move the stairs to the right side of the garage and shrink the garage length by a foot or two.

Bill Aralkelian of 18 Kent Street said the scale from the picture he submitted was unknown but he guessed it was a 19-ft structure and a 6-ft fence. He said he did reach out to the designer beforehand but was told that it was probably too late to change anything for the meeting.

Barbara Jenny (via Zoom) of 94 Pleasant Street said she was in favor of the petition. She said she used to live in the neighborhood, where she built a two-car garage and art studio up against the property lines. She said the Arts and Cultural Committee's report was incorporated into the master plan. She said arts added vitality to the City, increased property values in the neighborhood, and allowed affordable live/work housing for artists. Chair Margeson asked what Ms. Jenny's association with the project was. Ms. Jenny said the designer was her husband but that she was speaking to the fact of supporting arts in the City.

No one else spoke, and Chair Margeson closed the public hearing.

DISCUSSION OF THE BOARD [Timestamp 2:48:35]

Vice-Chair Mattson said the proposed garage could be pushed farther away to avoid the side line setback and that it could perhaps even attach to the primary dwelling. He said typically in a garage with a floor above, the floor was within the roofline and not a full second story, which the proposal had but it was a taller structure than existing. He said the applicant had the grade factor in the rear, which would work in their favor. He noted that the rear and left lot abutters also had garages close to the property line. He said a lot of what drove the request for relief was the undersized lot but was not sure that it constituted a hardship, considering that the other lots were also undersized. Mr. Rheaume said his concern was that the applicant was asking for more and more relief in every possible dimension. He said people would be going up and down the stairs and staring into people's properties. He said the current garage was a little short but still usable, yet the applicant was adding another story to the proposed garage, seemingly for the purpose of an art studio but could be used for something different in the future. He said the Board's granting was in perpetuity. He said the proposed garage was a much taller structure, and in spite of the grade change, would be much more visible and much closer to the back property line. He said the applicant made a good argument that the increase in lot coverage was not substantial, but Mr. Rheaume said his concern was the encroachment on the setbacks. He said he would rather not stipulate things like the applicant offered to do. He said the applicant could come back with a new design if it did not involve Fisher v. Dover. Mr. Sullivan said if the Board voted that night, it would have significant and lasting effects on the

applicant. He said the Board could ask the applicant if he would agree to continue the matter to allow him to modify his application for the reasons stated by Mr. Rheaume. Mr. Rossi said the Board was asked to make a judgment on this variance for this particular design. He said if the Board made a negative judgment, the applicant could return with a new design. He said it was not up to the Board to anticipate what the design might or should be, and if the design was significantly different, it would clear the Fisher v. Dover hurdle and the new application could be considered with no prejudice. It was further discussed. Mr. Mannle said he preferred to deny the variance so that the applicant could return with a different application in which the stairs and garage were changed so that Fisher v. Dover would not apply. The Board discussed tabling or continuing the application. Mr. Rheaume said he wanted to see something better out of the applicant. Chair Margeson agreed and said the Board should either grant or deny the variance.

DECISION OF THE BOARD [Timestamp 3:03:09]

*Mr. Rheaume moved to **deny** the requested variances, seconded by Mr. Sullivan.*

Mr. Rheaume said the petition failed the hardship criteria and what was unique about the property. He said there were several other undersized lots in the area and the setbacks were being encroached upon in new ways. He said there was not sufficient uniqueness about the scenario. He said the applicant was asking for a substantial increase in vertical height and did not have enough justification for it. He said the variance request also failed being in compliance with the ordinance related to the general characteristics of the neighborhood. He said the ordinance was trying to keep garage structures in the area to a minimal size, and he did not think that there was enough of a characteristic established to indicate that there is a strong correlation in this neighborhood that says that this type of construction and these types of setbacks and garages of this size are a character of the neighborhood and in keeping with the neighborhood. He said the application failed the hardship and spirit of intent criteria. Mr. Sullivan concurred. He said that, based on the abutters' comments, he doubted whether the applicant met any of the criteria. He said he mentioned Fisher v. Dover because it seemed unlikely that the applicant would return with a proposal that did not contain a two-story garage, so anything the applicant came back with would have a Fisher v. Dover problem.

*The motion **passed** by a vote of 5-2, with Mr. Nies and Vice-Chair Mattson voting in opposition.*

E. REQUEST TO POSTPONE The request of **Regan Electric CO INC (Owner)** and **Chinburg Development (Applicant)**, for property located at **94 Langdon Street** and **98 Cornwall Street** whereas relief is needed to merge the lots, demolish the existing structures and construct three new single-family dwellings which requires the following: 1) Variance from Section 10.521 to allow 88 feet of frontage where 100 feet is required. Said property is located on Assessor Map 139 Lots 1 and 8 and lies within the Mixed Residential Business (MRB) District. **REQUEST TO POSTPONE** (LU-25-175)

DECISION OF THE BOARD

The petition was postponed to the March meeting.

III. ADJOURNMENT

The meeting adjourned at 10:07 p.m.

Submitted,
Joann Breault
BOA Meeting Minutes Taker

City of Portsmouth
Planning Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH
(603)610-7216

MEMORANDUM

TO: Zoning Board of Adjustment
FROM: Jillian Harris, Principal Planner
DATE: February 11, 2026
RE: Zoning Board of Adjustment February 18, 2026

The agenda items listed below can be found in the following analysis prepared by City Staff:

II. Old Business

A. 1980 Woodbury Avenue

B. 698 Middle Road – REQUEST TO POSTPONE

C. 25 Sims Avenue

D. 20 Coffins Court

E. 238 Austin Street

III. New Business

A. 9 Willard Avenue

B. 404 The Hill, Units 8-3

C. 140 Summer Street

II. OLD BUSINESS

A. The request of **Colbea Enterprises LLC (Owners)**, for property located at **1980 Woodbury Avenue** whereas relief is needed to demolish and redevelop an existing gas station and convenience store which requires the following: 1) Special Exception from Section 10.440, Use #8.122 to allow a convenience goods 2 use with 24 hours per day operation; 2) Variance from Section 10.5B33.20 to allow for a front lot line build out of 0% where a minimum of 75% is required for a commercial building; 3) Variance from Section 10.5B34.60 to allow for a front setback from the lot line of 27 feet on Woodbury Avenue and 36.5 feet on Gosling Road where a maximum of 20 feet is required; 4) Variance from Section 10.5B83.10 to allow for parking spaces to be located between the principal building and the street; and 5) Variance from Section 10.843.33 to allow for pump islands to be located within 37 feet of the lot lines where 40 feet is required. Said property is located on Assessor Map 239 Lot 11 and lies within the Gateway Corridor (G1) District. (LU-25-39)

Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	Gas Station and Convenience Store	**Gas Station and Convenience Store* Site Redevelopment**	Mixed Uses	
Lot area (sq. ft.):	38,399	38,399	10,000 (*Sec. 10.5B42.40*)	min.
Street Frontage (ft.):	375.2	375.2	100 (*Sec. 10.5B32.30*)	min.
Lot depth (ft.):	200	200	NR	min.
Primary Front Yard (Gosling Rd.) (ft.)	>20	36.5	0-20	max.
Secondary Front Yard (Woodbury Ave) (ft.):	10.4	27	0-20	max.
Rear Yard (ft.):	>15	45.9	15	min.
Right Side Yard (ft.):	13	10.7	10	min.
Height (ft.):	18.4	21	40	max.
Building Coverage (%):	19.3	24.1	70	max.
Building Footprint (SF):	7,402	5,500	10,000	max
Open Space Coverage (%):	19	20.7	10	min.
Front Lot Line Build Out (%)	9	0	75	min.
Pump Islands setback (ft.)	23	37	40	min.

	Existing	Proposed	Permitted / Required
Parking	19	27**	18 min.
Estimated Age of Structure:	1995	Variance request(s) shown in red.	

*Special Exception for Convenience Goods 2 use 24 hours per day in the G1 District.

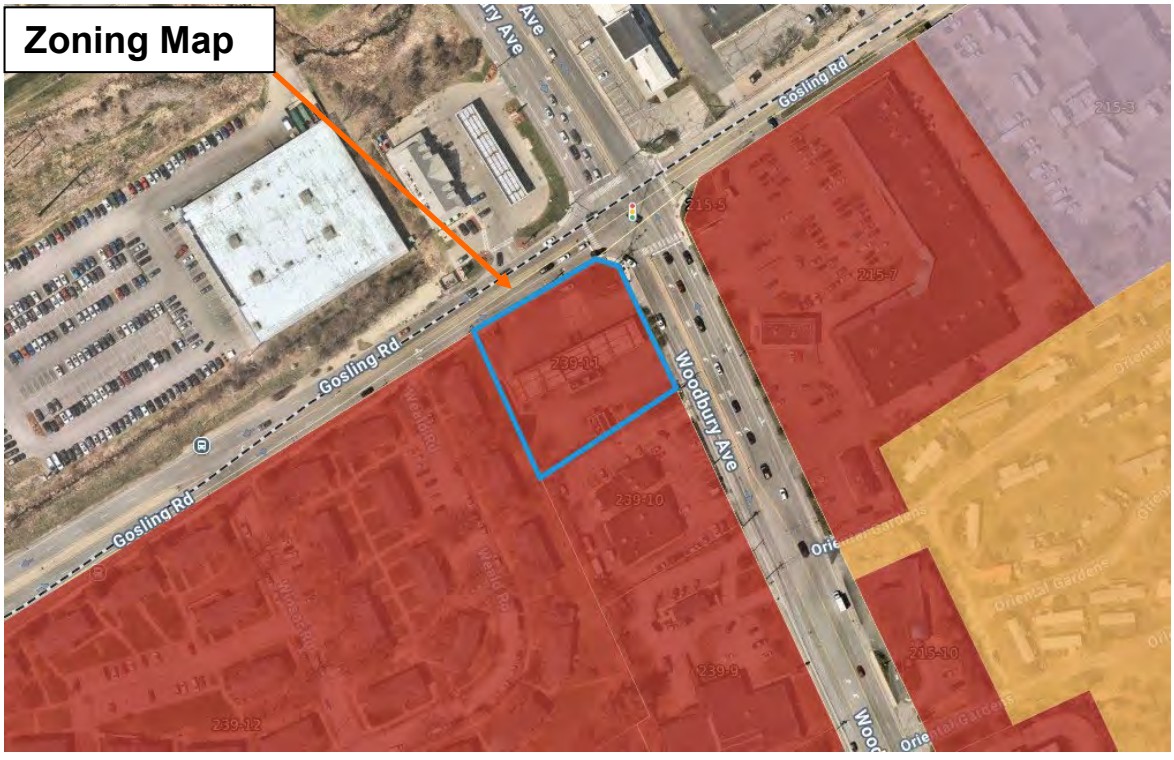
** Variance from Section 10.5B83.10 to allow for parking spaces to be located between the principal building and the street.

Other Permits/Approvals Required

- TAC / Planning Board Site Plan Review

Neighborhood Context





Previous Board of Adjustment Actions

- **July 18, 1995** – 1) A Special Exception as allowed in Article II, Section 10-206(17) to construct an entire new gasoline service station facility with a 40' x 45' convenience store, a 36' x 175.85' canopy and a 10' x 24' storage building, and 2) a Variance from Article II, Section 10-302 to allow the canopy: a) a 67.3' front yard where 70' is the minimum required, b) a 14.3' right side yard where the minimum is 30', and; c) a 9.2' left yard where the minimum is 30', 3) a Variance from Article II, Section 10-402(1) to allow the storage building a 6' rear yard where 10' is the minimum required, 4) a Variance from Article II, Section 10-206 to allow the outdoor storage of two 1000 gallon propane tanks where such use is not allowed, and; 5) a Variance from Article IX, Section 10-901 to allow: a) a 72.3 s.f. freestanding sign at the corner of Gosling Road and Woodbury Avenue with a 10' setback where 35' is required, and; b) a 72.3 s.f. freestanding sign abutting Gosling Road on the right side of the property with 0' front and 25'± side yards where 35' is the minimum required. The Board voted to **grant** the request for a Special Exception and Variances #2 and #3 as advertised and presented. The Board voted to **grant** the request for Variance #5 with the **stipulation**:

    - That the 72.3 s.f. freestanding sign abutting Gosling Road on the right of the property be maintained with a 5' front yard rather than a 0' front yard.

  The Board voted to **deny** the request for Variance #4 as advertised and presented.

- **April 22, 2025** – The board voted to **grant** a Special Exception from Section 10.440, Use #8.122 to allow a convenience goods 2 use with 24 hours per day operation

- **July 15, 2025** - 1) Variance from Section 10.5B33.20 to allow for a front lot line build out of 0% where a minimum of 75% is required for a commercial building; 2) Variance from Section 10.5B34.60 to allow for a front setback from the lot line of 27 feet on Woodbury Avenue and 53.5 feet on Gosling Road where a maximum of 20 feet is required; 3) Variance from Section 10.5B83.10 to allow for parking spaces to be located between the principal building and the street; 4) Variance from Section 10.835.31 to allow outdoor service facilities to be located within 34.5 feet and 40.5 of a lot line where 50 feet is required; 5) Variance from Section 10.835.32 to allow for drive-through lanes, bypass lanes and stacking lanes to be located within 13 feet of the property line where 30 feet is required; 6) Variance from Section 10.843.33 to allow for pump islands to be located within 34.5 feet of the lot lines where 40 feet is required; 7) Variance from Section 10.1251.10 to allow for an aggregate sign area of 309 s.f. where a maximum of 223.5 s.f. is allowed; 8) Variance from Section 10.1251.20 to allow a 134 s.f. freestanding sign where a maximum of 100 s.f. is allowed; and 9) Variance from Section 10.1253.10 to allow for a freestanding sign at a height of 26.5 feet where a maximum of 20 feet is allowed. Said property is shown on Assessor Map 239 Lot 11 and lies within the Gateway Corridor (G1) District.

    - As a result of said consideration, the Board voted to **grant** Variances 1, 2, 3, and 6 as presented and advertised only.

- The Board voted to **deny** Variances 4 and 5 as presented and advertised, because the request was not consistent with the spirit of the ordinance and failed to meet the hardship criterion.
- The Board voted to **deny** Variances 7, 8, and 9 as presented and advertised, because the special conditions of the property don't support the variances, so it failed the hardship criterion.

Planning Department Comments

The applicant is requesting to redevelop the existing gas station and convenience store site at the intersection of Woodbury Ave. and Gosling Rd. on the Newington town line. The applicant has preliminary approval for an address change to a Gosling Road address as part of the site redevelopment process.

The Board granted a Special Exception for a Convenience Goods 2 use operating 24 hours per day at the April 22, 2025 meeting and the following variances at the July 15, 2025 meeting:

1) Variance from Section 10.5B33.20 to allow for a front lot line build out of 0% where a minimum of 75% is required for a commercial building;
2) Variance from Section 10.5B34.60 to allow for a front setback from the lot line of 27 feet on Woodbury Avenue and 53.5 feet on Gosling Road where a maximum of 20 feet is required;
3) Variance from Section 10.5B83.10 to allow for parking spaces to be located between the principal building and the street; and
6) Variance from Section 10.843.33 to allow for pump islands to be located within 34.5 feet of the lot lines where 40 feet is required.

Variances related to a drive-through, outdoor service facilities and signage were denied at that meeting and the applicant subsequently re-designed the site to eliminate those elements. Since that time, it has come to the attention of Planning Staff that there was a noticing issue related to the Town of Newington abutting properties for the previous application. The application is being brought back before the Board as a new application to allow for any abutters who were not properly noticed for the prior meetings to make public comment.

If the Board decides to grant approval of the requested variances, staff recommends the following condition for consideration:

1. The design and location of the buildings may change as a result of Planning Board review and approval.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a) The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR
   Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

NEW HAMPSHIRE 200

February 11, 2026

Portsmouth Zoning Board of Adjustment
Planning and Sustainability Department
1 Junkins Ave, 3rd Floor
Portsmouth, NH 03801

via ViewPoint Cloud

RE: Zoning Board of Adjustment Resubmittal
1980 Woodbury Avenue – Colbea Enterprises, LLC – Tax Map 239 Lot 11
LU-25-39

Dear Board Members,

On behalf of our client, Colbea Enterprises, LLC, please find a Variance Application submission relative to the above-referenced project. These submitted variances were approved at the July 15, 2025, Zoning Board of Adjustment (ZBA) meeting. Since that date, the applicant has been informed of a noticing issue related to abutters in the Town of Newington as this property is located on the Portsmouth-Newington border.

During the review of this project, City Planning Staff noted that a rear setback was not depicted on the submitted plans (the plan that the Zoning Board previously reviewed had shown two 10-foot side setbacks). In discussions with City Staff, given that the site currently has an address of 1980 Woodbury Avenue, the westerly property line should have shown a 15' rear setback instead of the 10' side setback as previously shown. With this configuration, a small portion of the building was within the setback area. To avoid requesting an additional variance for the proposed design, the owner/applicant has initiated a change of the site address to 90 Gosling Road. With this change, the southerly property line (opposite Gosling Road) would be classified as the rear lot line and the westerly property line (opposite Woodbury Avenue) would remain a side setback (as shown on the prior plan). With this modification, the building now complies with rear and side setback requirements, and we have revised the plan to reflect one 10-foot side setback along the westerly lot line and one 15-foot rear setback along the southerly lot line. This revision is administrative in nature and does not result in any changes to the building footprint, site layout, parking configuration, or overall design.

TFMoran, Inc.
48 Constitution Drive, Bedford, NH 03110
T(603) 472-4488 www.tfmoran.com

TFMoran, Inc. Seacoast Division
170 Commerce Way–Suite 102, Portsmouth, NH 03801
T(603) 431-2222

Zoning Board of Adjustment Submittal **February 11, 2026**
1980 Woodbury Avenue – Colbea Enterprises, LLC – Tax Map 239 Lot 11
TFM Project #46077.16

There are no new variances being requested as a result of this resubmittal. At the request of City Staff, we are requesting to be on the agenda for February 18th to provide the opportunity for any abutters who were not properly noticed for the prior meeting to make public comment, should they choose. The following materials are included in this submission:

- **Special Exception Written Statement (1 copy);**
- **Variance Request Written Statements (1 copy of each);**
- **Existing Conditions Plan (1 copy at 11"x17"); and**
- **Variance Plan titled "Proposed Gas Station and Convenience Store, 1980 Woodbury Avenue, Portsmouth New Hampshire, dated March 19, 2025", last revised on January 22, 2026 (1 copy at 11"x17").**

Project Description

The project proposes the redevelopment of a gas station and convenience store located at 1980 Woodbury Avenue. The existing Tax Map 239 Lot 11 is approximately 0.8815 acres and is located within the Gateway Corridor Mixed Residential District (G1). The site is located at the intersection of Woodbury Avenue and Gosling Road at the Portsmouth-Newington town line.

The existing site contains a 1,787 s.f. convenience store, centered between eight fueling islands (16 total fueling stations) with a canopy above both the convenience store and fueling islands. The canopy is 18.4' tall and set back 10.4' from the front property line along Woodbury Avenue.

The proposed project is to construct a single story, 4,580 s.f. convenience store and six fueling islands (twelve total fueling stations). The six fueling islands will be located underneath a canopy located 27.4' from the front property line along Woodbury Avenue. The canopy and convenience store will both have a height of less than 40'. A total of 27 parking spaces are proposed, 10 of which, including two accessible spaces, are located along the front of the convenience store, 12 spaces at the fueling stations, and 5 spaces to the side of the convenience store. Associated improvements include but are not limited to access, grading, utilities, stormwater management system, lighting, and landscaping.

The applicant received a Special Exception for the proposed use, Convenience Store 2, within the Gateway Corridor Mixed Residential District. The Board also voted to grant variances from the following sections.

Variance Request #1
Requirement: Portsmouth Zoning Ordinance ("PZO") Section 10.5B33.20, to allow for a Front Lot Line build out of 0 feet where a minimum of 127.5 feet would be the required 75% build out as required by the PZO for commercial and mixed-use buildings.

Variance Request #2
Requirement: Portsmouth Zoning Ordinance ("PZO") Section 10.5B34.60, to allow for a Front Setback from the lot line of 27.4 feet where a maximum of 20 feet is required.

Variance Request #3

Zoning Board of Adjustment Submittal **February 11, 2026**
1980 Woodbury Avenue – Colbea Enterprises, LLC – Tax Map 239 Lot 11
TFM Project #46077.16

Requirement: Portsmouth Zoning Ordinance ("PZO") Section 10.5B83.10, to allow for parking spaces to be located between the principal building and the street.

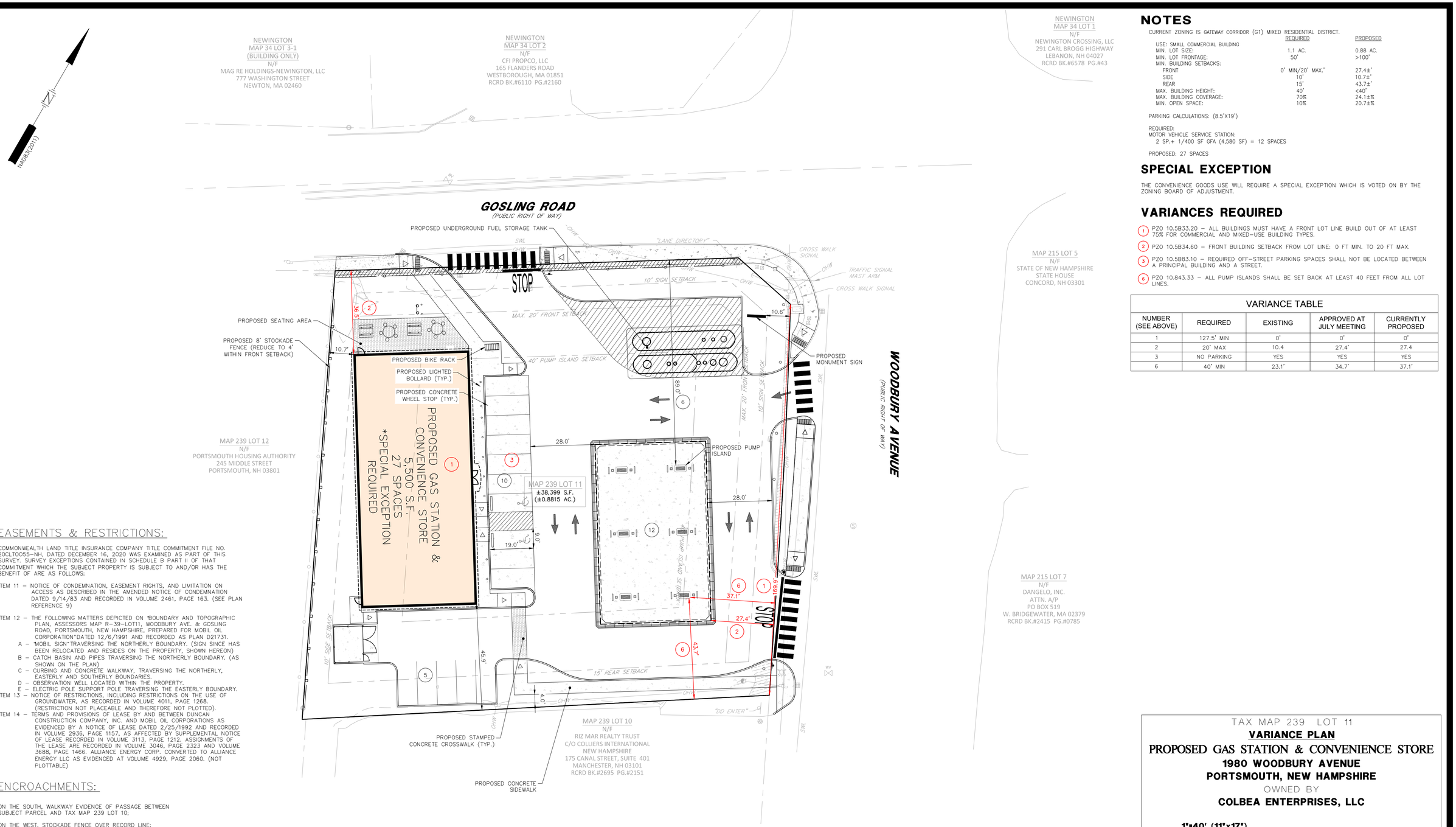
Variance Request #6
Requirement: Portsmouth Zoning Ordinance ("PZO") Section 10.843.33, to allow for fuel pumps to come within 28 feet of the required 40-foot setback from the applicable lot lines.

We appreciate your consideration of these matters and look forward to presenting this project to you in the near future.

If you have any questions or concerns, please do not hesitate to contact us.

Respectfully,
TFMoran, Inc.

Jason Cook
Civil Project Engineer



NOTES

CURRENT ZONING IS GATEWAY CORRIDOR (G1) MIXED RESIDENTIAL DISTRICT.

	REQUIRED	PROPOSED
USE: SMALL COMMERCIAL BUILDING		
MIN. LOT SIZE:	1.1 AC.	0.88 AC.
MIN. LOT FRONTAGE:	50'	>100'
MIN. BUILDING SETBACKS:		
FRONT	0' MIN/20' MAX.*	27.4±'
SIDE	10'	10.7±'
REAR	15'	43.7±'
MAX. BUILDING HEIGHT:	40'	<40'
MAX. BUILDING COVERAGE:	70%	24.1±%
MIN. OPEN SPACE:	10%	20.7±%

PARKING CALCULATIONS: (8.5'X19')

REQUIRED:
MOTOR VEHICLE SERVICE STATION:
2 SP.+ 1/400 SF GFA (4,580 SF) = 12 SPACES

PROPOSED: 27 SPACES

SPECIAL EXCEPTION

THE CONVENIENCE GOODS USE WILL REQUIRE A SPECIAL EXCEPTION WHICH IS VOTED ON BY THE ZONING BOARD OF ADJUSTMENT.

VARIANCES REQUIRED

1. PZO 10.5B33.20 – ALL BUILDINGS MUST HAVE A FRONT LOT LINE BUILD OUT OF AT LEAST 75% FOR COMMERCIAL AND MIXED-USE BUILDING TYPES.
2. PZO 10.5B34.60 – FRONT BUILDING SETBACK FROM LOT LINE: 0 FT MIN. TO 20 FT MAX.
3. PZO 10.5B83.10 – REQUIRED OFF-STREET PARKING SPACES SHALL NOT BE LOCATED BETWEEN A PRINCIPAL BUILDING AND A STREET.
6. PZO 10.843.33 – ALL PUMP ISLANDS SHALL BE SET BACK AT LEAST 40 FEET FROM ALL LOT LINES.

VARIANCE TABLE

NUMBER (SEE ABOVE)	REQUIRED	EXISTING	APPROVED AT JULY MEETING	CURRENTLY PROPOSED
1	127.5' MIN	0'	0'	0'
2	20' MAX	10.4	27.4'	27.4
3	NO PARKING	YES	YES	YES
6	40' MIN	23.1'	34.7'	37.1'

EASEMENTS & RESTRICTIONS:

COMMONWEALTH LAND TITLE INSURANCE COMPANY TITLE COMMITMENT FILE NO. 20CLT0055-NH, DATED DECEMBER 16, 2020 WAS EXAMINED AS PART OF THIS SURVEY. SURVEY EXCEPTIONS CONTAINED IN SCHEDULE B PART II OF THAT COMMITMENT WHICH THE SUBJECT PROPERTY IS SUBJECT TO AND/OR HAS THE BENEFIT OF ARE AS FOLLOWS:

ITEM 11 – NOTICE OF CONDEMNATION, EASEMENT RIGHTS, AND LIMITATION ON ACCESS AS DESCRIBED IN THE AMENDED NOTICE OF CONDEMNATION DATED 9/14/83 AND RECORDED IN VOLUME 2461, PAGE 163. (SEE PLAN REFERENCE 9)

ITEM 12 – THE FOLLOWING MATTERS DEPICTED ON "BOUNDARY AND TOPOGRAPHIC PLAN, ASSESSORS MAP R-39-LOT11, WOODBURY AVE. & GOSLING ROAD, PORTSMOUTH, NEW HAMPSHIRE, PREPARED FOR MOBIL OIL CORPORATION" DATED 12/6/1991 AND RECORDED AS PLAN D21731.
- A – "MOBIL SIGN" TRAVERSING THE NORTHERLY BOUNDARY. (SIGN SINCE HAS BEEN RELOCATED AND RESIDES ON THE PROPERTY, SHOWN HEREON)
- B – CATCH BASIN AND PIPES TRAVERSING THE NORTHERLY BOUNDARY. (AS SHOWN ON THE PLAN)
- C – CURBING AND CONCRETE WALKWAY, TRAVERSING THE NORTHERLY, EASTERLY AND SOUTHERLY BOUNDARIES.
- D – OBSERVATION WELL LOCATED WITHIN THE PROPERTY.
- E – ELECTRIC POLE SUPPORT POLE TRAVERSING THE EASTERLY BOUNDARY.

ITEM 13 – NOTICE OF RESTRICTIONS, INCLUDING RESTRICTIONS ON THE USE OF GROUNDWATER, AS RECORDED IN VOLUME 4011, PAGE 1268. (RESTRICTION NOT PLACEABLE AND THEREFORE NOT PLOTTED).

ITEM 14 – TERMS AND PROVISIONS OF LEASE BY AND BETWEEN DUNCAN CONSTRUCTION COMPANY, INC. AND MOBIL OIL CORPORATIONS AS EVIDENCED BY A NOTICE OF LEASE DATED 2/25/1992 AND RECORDED IN VOLUME 2936, PAGE 1157, AS AFFECTED BY SUPPLEMENTAL NOTICE OF LEASE RECORDED IN VOLUME 3113, PAGE 1212. ASSIGNMENTS OF THE LEASE ARE RECORDED IN VOLUME 3046, PAGE 2323 AND VOLUME 3688, PAGE 1466. ALLIANCE ENERGY CORP. CONVERTED TO ALLIANCE ENERGY LLC AS EVIDENCED AT VOLUME 4929, PAGE 2060. (NOT PLOTTABLE)

ENCROACHMENTS:

ON THE SOUTH, WALKWAY EVIDENCE OF PASSAGE BETWEEN SUBJECT PARCEL AND TAX MAP 239 LOT 10;

ON THE WEST, STOCKADE FENCE OVER RECORD LINE;

ON THE NORTH, OVERHEARD UTILITY WIRE OVER RECORD LINE;

ON THE NORTH, UTILITY POLE SUPPORT WIRE OVER RECORD LINE;

ON THE NORTH, LANE DIRECTORY SIGN OVER RECORD LINE;

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48 Constitution Drive, Bedford, N.H. 03110

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This plan is not effective unless signed by a duly authorized officer of TFMoran, Inc.

DIG SAFE
CONTACT DIG SAFE 72 BUSINESS HOURS PRIOR TO CONSTRUCTION

THIS PLAN IS A PRELIMINARY CONCEPTUAL DESIGN FOR SITE LOCATION FEASIBILITY AND DISCUSSION PURPOSES ONLY. ADDITIONAL PERMITS, WAIVERS, AND VARIANCE MAY BE REQUIRED UPON FURTHER DESIGN, REVIEW, AND COORDINATION WITH THE CITY.

HORIZONTAL SCALE 1"=20'
20 10 0 20

REV	DATE	DESCRIPTION	DR	CK
3	2/11/2026	REVISED PER ADDRESS CHANGE REQUEST	JKC	CRR
2	2/11/2026	REVISED PER ADDRESS CHANGE REQUEST	JKC	CRR
1	4/28/2025	REVISED PER ZONING BOARD COMMENTS	JKC	CRR

TAX MAP 239 LOT 11

VARIANCE PLAN

PROPOSED GAS STATION & CONVENIENCE STORE

1980 WOODBURY AVENUE
PORTSMOUTH, NEW HAMPSHIRE

OWNED BY

COLBEA ENTERPRISES, LLC

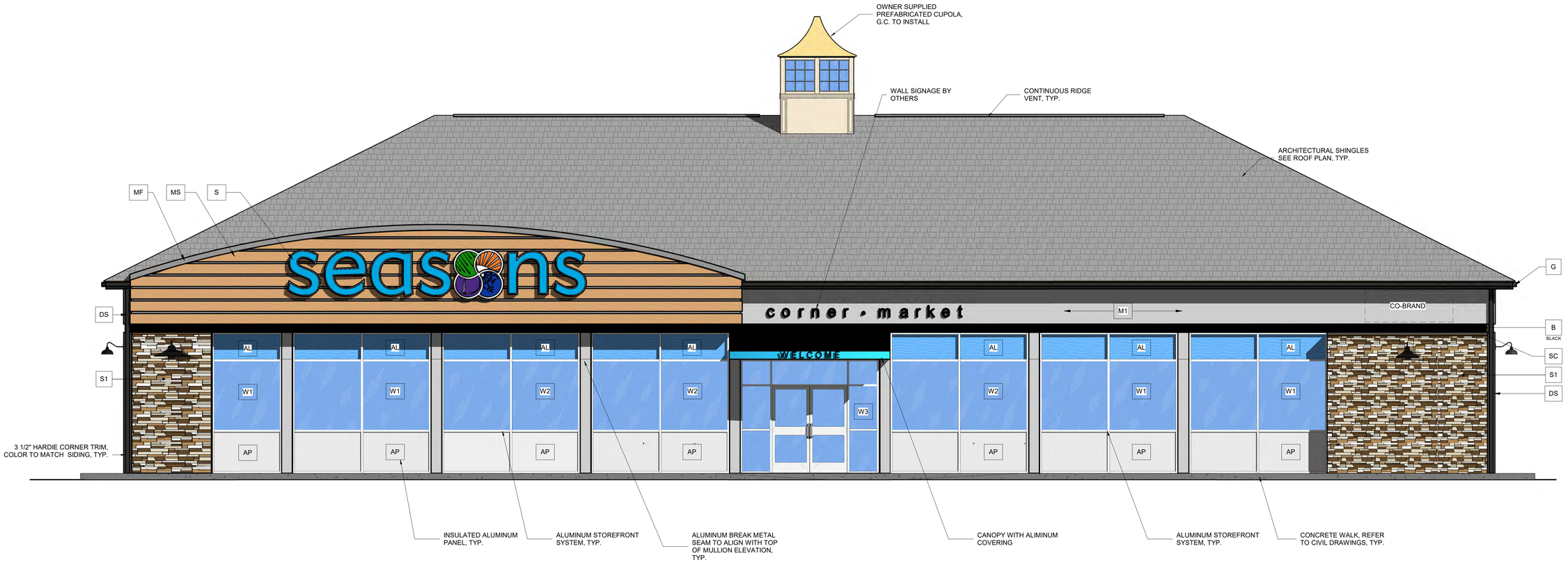
1"=40' (11"x17")
SCALE: 1"=20' (22"X34")

MARCH 19, 2025

Seacoast Division
TFM
Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists
170 Commerce Way, Suite 102
Portsmouth, NH 03801
Phone (603) 431-2222
Fax (603) 431-0910
www.tfmoran.com

FILE	DR	JKC	FB	–	C-01
46077.16	CK	CRR	CASE	46077-16 VARIANCE PLAN (FEB ZBA)	

Feb 11, 2026 - 5:39pm
F:\MSC Projects\46077 - Woodbury Ave - Portsmouth\46077-16 Colbea Ent LLC - 1980 Woodbury Ave, Portsmouth, NH\Design\Exhibits\46077-16 Variance Plan (Feb ZBA).dwg



1 / A207 FRONT ELEVATION

1/4" = 1'-0"

NOTES:

1. REFER TO A601 FOR MATERIAL CALL OUT SPECIFICATION.

2. G.C. IS TO PROVIDE POWER & INSTALL OWNER UED LED ROPE LIGHT (LIGHT WRAPS 4 SIDES OF BUILDING). REFER TO REFLECTED CEILING PLAN FOR ADDITIONAL INFORMATION.

3. ALUMINUM STOREFRONT SYSTEM IS TO BE TEMPERED AS REQUIRED BY CODE, REFER TO "STOREFRONT MATERIAL SPECIFICATIONS" ON SHEET A601 FOR ADDITIONAL INFORMATION.

4. PROVIDE AND INSTALL (2) 8" x 16" SCREENED ALUMINUM VENTS ON BACK SIDE OF SEASONS' ARCH LOCATED AS HIGH AS POSSIBLE.

5. THE GUARDRAIL SYSTEM, COLUMNS, STL PLATES, STL SADDLES, FASCIA BOARDS AND WOOD BEAM AT THE EXTERNAL BASEMENT ACCESS STAIRS SHALL BE PAINTED BLACK

HFA
HARRISON FRENCH & ASSOCIATES, LTD
t 508.528.0770
31 Hayward Street
Franklin, Massachusetts 02038
www.hfa-ae.com

STIPULATION FOR REUSE
THIS DRAWING WAS PREPARED FOR USE ON A PROJECT LOCATED IN PORTSMOUTH, NEW HAMPSHIRE. HARRISON FRENCH & ASSOCIATES ISSUE DATE ON 09/10/25 AND IT IS NOT INTENDED FOR USE ON ANY OTHER PROJECT SITE OR AT A LATER TIME WITHOUT THE EXPRESS WRITTEN CONSENT OR EXAMPLE ON ANOTHER PROJECT OF HARRISON FRENCH & ASSOCIATES. LICENSED ARCHITECTS AND ENGINEERS RETAIN COPYRIGHTS TO THEIR DRAWINGS. REPRODUCTION OF THIS DRAWING FOR CONSTRUCTION PURPOSES IS NOT AUTHORIZED AND MAY BE CONTRARY TO LAW.

COLBEA ENTERPRISES, LLC

1980 WOODBURY AVE
PORTSMOUTH, NH 03801

JOB NUMBER: 41-25-20000

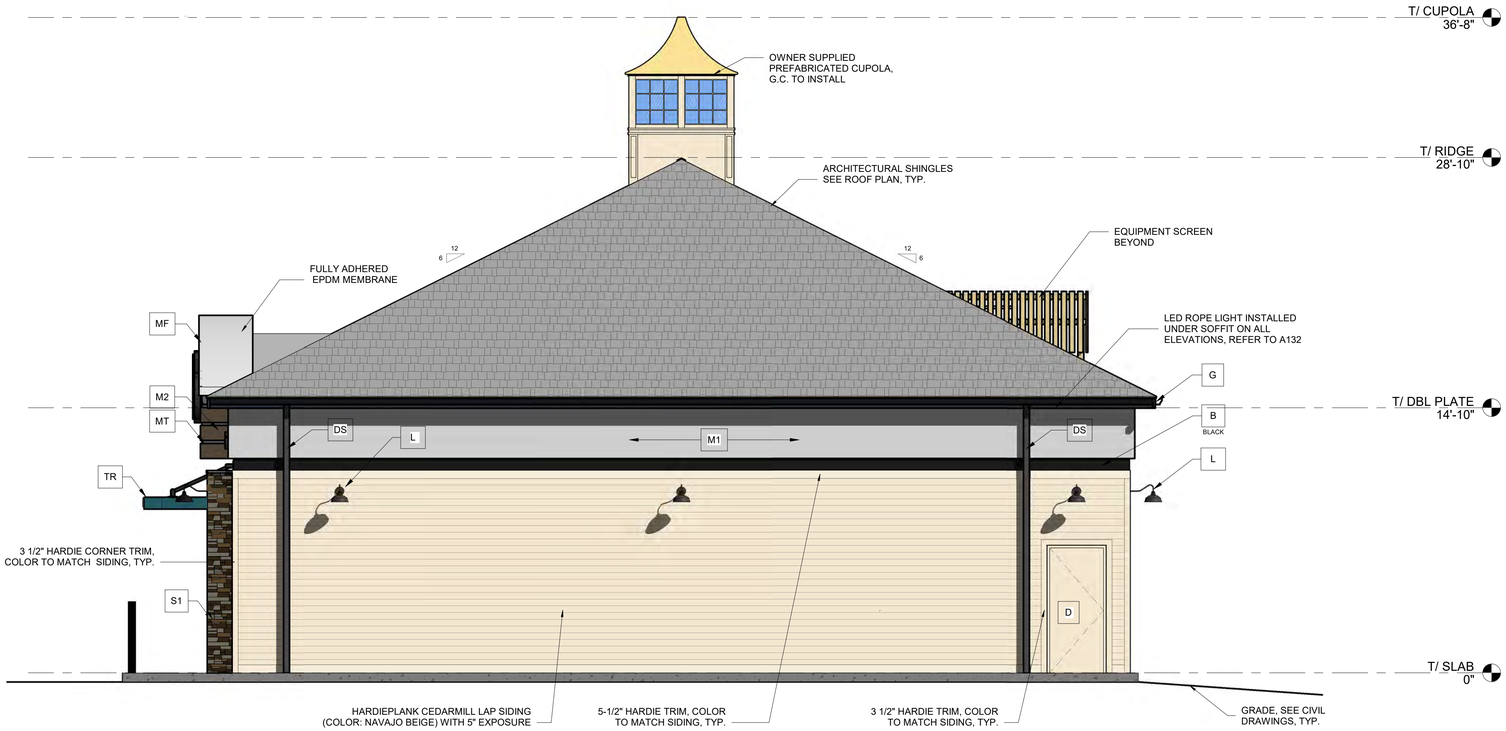
ISSUE BLOCK		
1	PB PLANS	11/25/25

CHECKED BY:	HAL
DRAWN BY:	MJDC
DOCUMENT DATE:	08/15/25

RENDERED EXTERIOR ELEVATIONS FRONT

SHEET: A207

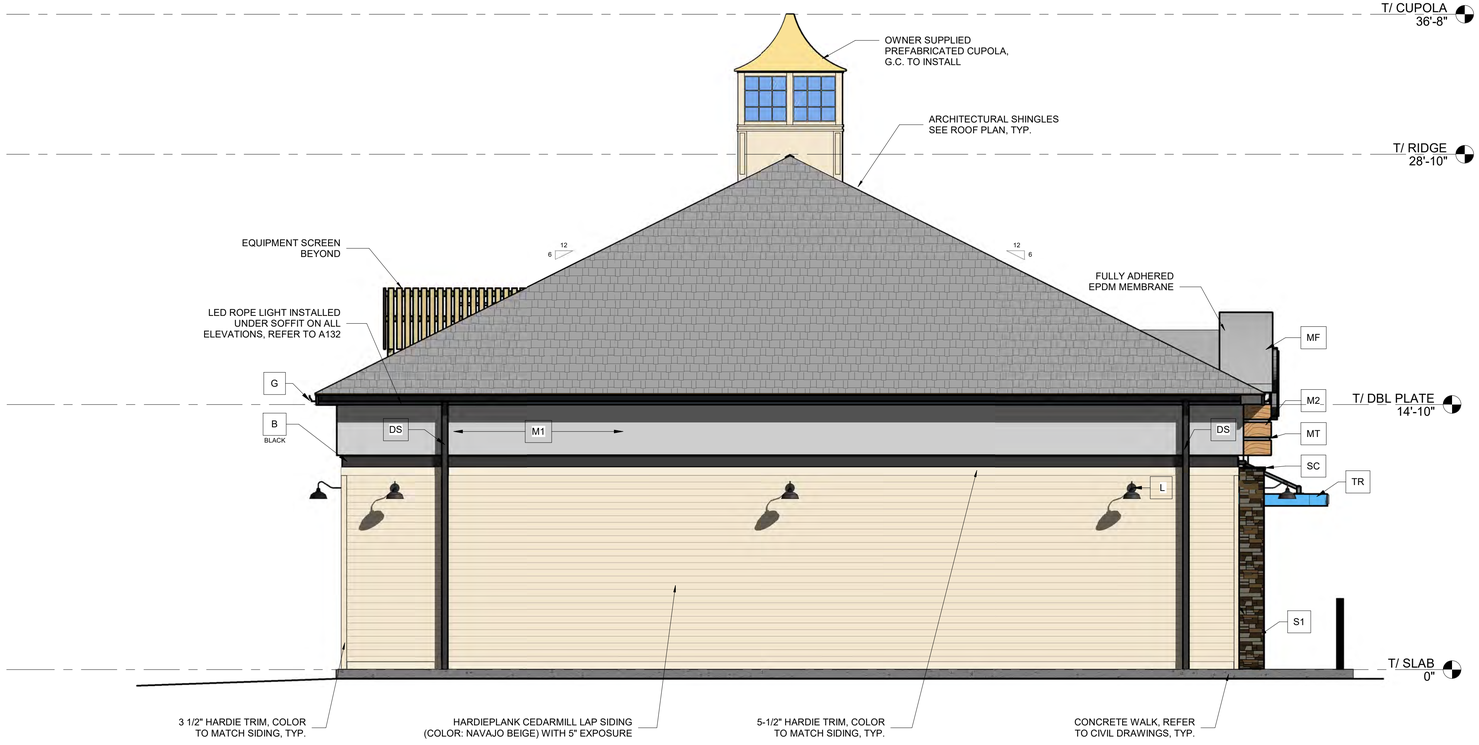
11/25/2025 1:14:13 PM
C:\Users\michael.carpio\Documents\2022 Revit Projects\41-25-20000_Colbea Enterprises_Portsmouth, NH_Service Bay Addition_ARCH_LHFA_Michael.DalCarpio.rvt
A201 RENDERED EXTERIOR ELEVATIONS FRONT



1
A205

RIGHT ELEVATION

1/4" = 1'-0"



2
A205

LEFT ELEVATION

1/4" = 1'-0"

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JOB NUMBER: 41-25-20000

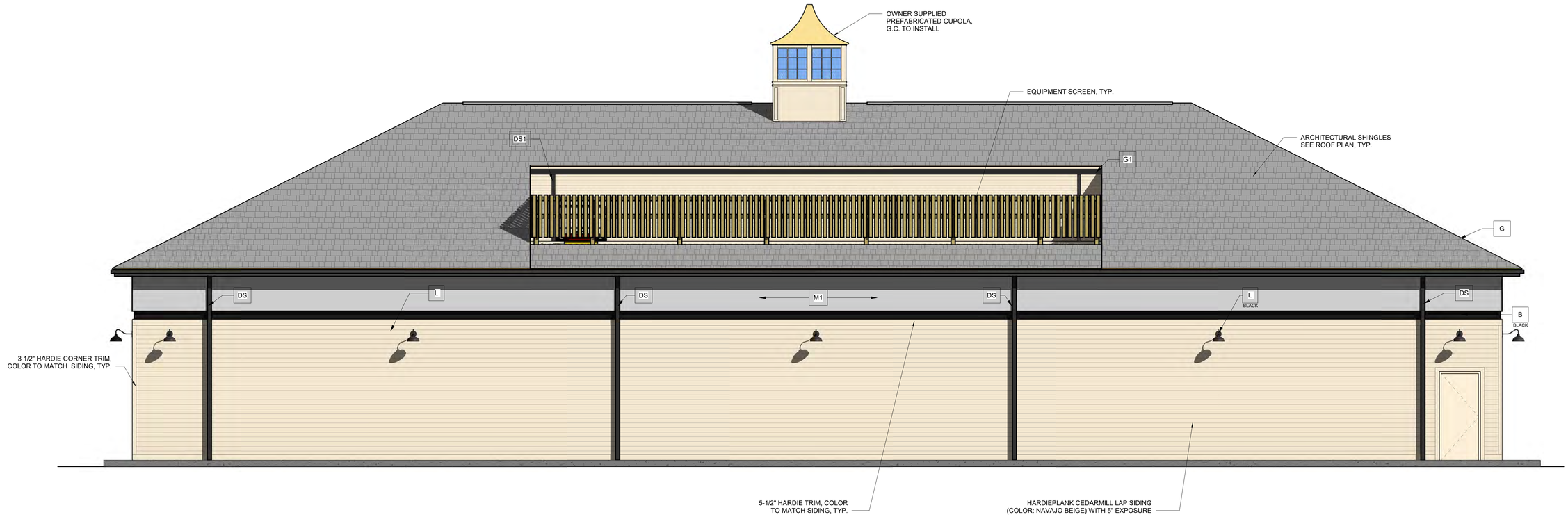
ISSUE BLOCK		
1	PB PLANS	11/25/25

CHECKED BY:	HAL
DRAWN BY:	MJDC
DOCUMENT DATE:	08/15/25

RENDERED EXTERIOR ELEVATIONS LEFT & RIGHT

SHEET:
A205

11/25/2025 1:16:31 PM
C:\Users\michael.carpini\Documents\2022 Revit Projects\41-25-20000_Colbea Enterprises_Portsmouth, NH_Service Bay Addition_ARCH_HFA_HFA Michael.DallCarpini.rvt
A205-RENDERED EXTERIOR ELEVATIONS LEFT & RIGHT



1
A206

REAR ELEVATION

1/4" = 1'-0"

HFA
HARRISON FRENCH
& ASSOCIATES, LTD

t 508.528.0770

31 Hayward Street
Franklin, Massachusetts 02038
www.hfa-ae.com

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COLBEA ENTERPRISES, LLC

1980 WOODBURY AVE
PORTSMOUTH, NH 03801

JOB NUMBER: 41-25-20000

ISSUE BLOCK		
1	PB PLANS	11/25/25

CHECKED BY:	HAL
DRAWN BY:	MJDC
DOCUMENT DATE:	08/15/25

RENDERED EXTERIOR ELEVATIONS REAR

SHEET:
A206

11/25/2025 2:33:26 PM
C:\Users\michael.carpio\Documents\2022 Revit Projects\41-25-20000_Colbea Enterprises_Portsmouth, NH_Service Bay Addition_ARCH_LHFA_Michael.DalCarpio.rvt
A206 RENDERED EXTERIOR ELEVATIONS REAR

II. OLD BUSINESS

B. REQUEST TO POSTPONE 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. (LU-25-167) **REQUEST TO POSTPONE**

Planning Department Comments

The applicant has requested to postpone the application. Per Section VII of the Board of Adjustment Rules and Regulations, the application will be re-advertised prior to the next public hearing.

DURBIN LAW

Derek R. Durbin, Esq.
603.287.4764
derek@durbinlawoffices.com

BY: EMAIL / HAND DELIVERY

February 3, 2026

City of Portsmouth
Attn: Stefanie Casella, Planner
Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

RE: Continuance Request
Variance Application of Chase Home for Children of Portsmouth, N.H.
698 Middle Road, Tax Map 232, Lot 45

Dear Stefanie,

Please find a request to continue the public hearing on the above referenced variance application that is scheduled to be heard by the Zoning Board of Adjustment at 7pm on February 18, 2026. The Applicant is in the process of revising the materials it previously submitted as part of its variance application. Unfortunately, the revised materials will not be completed by the February 6, 2026 submission deadline. As such, the Applicant is respectfully requesting that its application be postponed for an additional month. It understands that the City will have to re-notice abutters once the updated application materials are ready, and that it will be responsible for the additional fees.

Sincerely,

Derek R. Durbin, Esq.

II. OLD BUSINESS

C. 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. (LU-25-169)

Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	Vacant Lot	Buildable Lot	Primarily residential	
Lot area (sq. ft.):	5,000	5,000	15,000	min
Lot area per dwelling unit (sq. ft.)	5,000	5,000	15,000	min.
Frontage (ft.)	50	50	100	min.
Depth	100	100	100	min.
		Variance request(s) shown in red.		

Other Permits/Approvals Required

- Building Permit
- Driveway Permit

Neighborhood Context





Previous Board of Adjustment Actions

No previous BOA history found

Planning Department Comments

The subject parcel was recently restored as a result of an involuntary lot merger. The applicant is requesting relief to create a buildable lot. Currently, the applicant has not proposed plans for a structure. Should a structure be proposed, it will need to conform to the dimensional requirements outlined in the Zoning Ordinance. Please note that the aerial imagery and the zoning map parcels do not yet reflect the restoration of the merged lots.

At the January 21, 2026 meeting, the Board postponed the application, at the request of the applicant, to the February meeting.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a) The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR
   Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC
ATTORNEYS AT LAW
127 Parrott Avenue | Portsmouth, NH, 03801
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

November 19, 2025

HAND DELIVERED

Stefanie Casella, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Owners: Michael & Isaac Roylos
Applicant: Chris Cloutier
Property: 25 Sims Avenue
Tax Map 233, Lot 71[1]
Single Residence B District

Dear Ms. Casella & Zoning Board Members:

On behalf of the Roylos Family and Chris Cloutier enclosed please find the following in support of a request for zoning relief:

- See Viewpoint Land Use Application uploaded today.
- Owner Authorization.
- 11/19/2025 – Memorandum and exhibits in support of Zoning Relief

We look forward to presenting this application to the Planning Board at its December 16, 2025 meeting.

Very truly yours,

R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Chris Cloutier
Emmanuel Engineering/JVA

[1] Note that the lot at issue, known as Lot 44, was recently unmerged and does not yet have its own lot number.

DANIEL C. HOEFLE | ALEC L. MCEACHERN | PETER V. DOYLE | STEPHEN H. ROBERTS 2007-2023
R. TIMOTHY PHOENIX | KEVIN M. BAUM | MONICA F. KIESER | OF COUNSEL:
LAWRENCE B. GORMLEY | JACOB J.B. MARVELLEY | STEPHANIE J. JOHNSON | SAMUEL R. REID
R. PETER TAYLOR | GREGORY D. ROBBINS | KAREN W. OLIVER | JOHN AHLGREN

dotloop signature verification: dtlp.us/cmNU-xGC6-a8jB

OWNER'S AUTHORIZATION

I, Michael R. Roylos and Isaac M. Roylos, Owners/Applicants of Sims Avenue, Tax Map 233/Lot 71, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent us before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Date: Michael Roylos dotloop verified 11/16/25 9:33 AM EST N99M-BNZN-MTK1-0NLR

Michael R. Roylos

Date: Isaac Roylos dotloop verified 11/14/25 7:41 PM EST B1WX-SFHN-FMI1-OZG0

Isaac M. Roylos

dotloop signature verification: dtlp.us/BhRu-0Me5-4orR

APPLICANT AUTHORIZATION

I, Christopher Cloutier, Applicant of Sims Avenue, Tax Map 233/Lot 71, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before any and all Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Chris Cloutier

dotloop verified
11/17/25 12:24 PM EST
RMER-EUYL-6PJ0-DCFW

Christopher Cloutier

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: November 19, 2025
RE: Owners: Michael & Isaac Roylos
Applicant: Chris Cloutier
Property: 25 Sims Avenue
Tax Map 233, Lot 71[1]
Single Residence B District

Dear Chair Eldridge and Members of the Zoning Board of Adjustment ("ZBA"):

On behalf of Owner Michael & Isaac Roylos and Applicant Chris Cloutier ("Cloutier"), we are pleased to submit this Memorandum and exhibits in support of a requested variance from the Portsmouth Zoning Ordinance ("PZO" or "Ordinance").

I. EXHIBITS

A. Existing Conditions Plan – Ambit Engineering,
B. Site Photographs.
   - Satellite View
C. Deed.
D. Rockingham County Registry of Deeds, Plan 0241.
E. City Council Decision to Unmerge.
F. Lot 44 in Context.
G. Tax Map 233.

II. PROPERTY

Lot 44 is the historic designation for the southeasterly third of 25 Sims Avenue. **(Exhibits A, C, and D)**. Lot 44 is a 5,003 s.f. undeveloped parcel with 50.03' feet of frontage located in the Single Residence B District. **(Exhibit A, B)**. Lot 44 was acquired by the Roylos family as a single lot in 1965. **(Exhibit C, D)**. It was subsequently involuntarily merged by the City of Portsmouth with Lots 42 and 43, the lot upon which the Roylos home was constructed. Upon request of the Roylos Family and in consultation with the Planning Board, the City Council restored Lot 44 to its previously unmerged status as a nonconforming lot. **(Exhibit E)**. Cloutier plans to construct a home within the building envelope. Cloutier consulted with City

[1] Note the lot at issue, known as Lot 44, was recently unmerged and does not yet have its own Lot number.

Staff, who opined that relief is required to establish a home on a lot with insufficient area and frontage.

III. RELIEF REQUIRED

Variance Section/Requirement	Existing	Proposed
PZO §10.520/Table §10.521: Dimensional Standards		
15,000 s.f. Lot area	5,000 s.f.	5,000 s.f.
15,000 s.f. Lot area/dwelling unit	5,000 s.f./dwelling	5,000 s.f./dwelling
100 ft. Frontage	50’	50’

IV. ADDITIONAL PERMITS REQUIRED

- Driveway Permit
- Building Permit

V. VARIANCE REQUIREMENTS

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA’s analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.” Id. “Mere conflict with the zoning ordinance is not enough.” *Id.*

The purpose of the Portsmouth Zoning Ordinance as set forth in PZO §10.121 is “to promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan… [by] regulating”:

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The proposal requests variance for lot size/lot size per dwelling unit for a single-family home on a 5000 s.f. lot where 15000 s.f. is required. The

lot, size, which is consistent with many other lots in the area (see **Exhibit F**) is a prior nonconforming condition that cannot be changed.

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The proposal is to build a home within the existing building envelope.
3. The design of facilities for vehicular access, circulation, parking and loading The lot can accommodate off-street parking for a residential use.
4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – Stormwater management will be evaluated in conjunction with the issuance of a building permit, which requires stormwater be managed on-site. Lighting noise and vibration will be no different than any other single-family home in the neighborhood.
5. The preservation and enhancement of the visual environment – The establishment of a residential use in a residential zone will not detract from the visual environment.
6. The preservation of historic districts, and buildings and structures of historic or architectural interest – The Property is not in the Historic District.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – There are not wetlands on site and Lot 44 is not within the wetland buffer.

Based upon the foregoing, the variances do not "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives." Malachy Glen, supra, which also held:

> One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality…. Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The Property is located in a thickly settled area of the City with many lots that are nonconforming size with insufficient frontage. **(Exhibit F)**. Accordingly, variances for lot size which cannot be met and is consistent with other lots in the neighborhood will neither "alter the essential character of the locality," which is significantly single-family nor "threaten the public health, safety or welfare."

3. Substantial justice is done by granting the variances.

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice." Malachy Glen, supra at 109.

The Roylos family is constitutionally entitled to the use of the lot as they see fit, including selling the lot, subject to the effect of establishing a permitted use on an undersized lot. "The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions." N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that "no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978).

"Property" in the constitutional sense has been interpreted to mean not the tangible property itself, but rather the right to possess, use, enjoy **and dispose** of it. Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (emphasis added). The Supreme Court has held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

A municipality's ordinance must reflect the current character of the neighborhood, See Belanger v. City of Nashua, 121 N.H. 389, 393 (1981) (upholding reversal of use variance denial where current character of neighborhood had evolved since its original classification as single-family residential). Here, the vast majority of conforming lot are nonconforming as to lot size while many also fail to comply with frontage requirements. **(Exhibit F).**

Granting the requested variances creates opportunity for sorely needed single-family homes. There is no harm to any neighbor or the general public from granting the variances to establish a permitted residential use and certainly no harm to the public who benefits from an increase in housing stock. Conversely, Roylos and Cloutier will be greatly harmed by denial as Roylos will be deprived of their constitutional right to dispose of their property and Cloutier will lose the opportunity to reasonably develop the Property, requesting only relief for conditions (lot size and frontage) that cannot under any circumstances be met. Accordingly, there is no benefit to the public from granting the variance that outweighs the harm to the owner from denial.

4. Granting the variance will not diminish surrounding property values.

The City Council recognized that the merger of Lot 44 was done without action or consent by the Owner and had to be remedied by restoration of the lot to its pre-merger status. The establishment of a permitted residential use within the building envelope on a nonconforming lot of record, among other lots similarly situated and developed, will not diminish surrounding property values.

5. Denial of the variances results in an unnecessary hardship.

a. Special conditions distinguish the property/project from others in the area.

The Property, having been set out before zoning, is small and narrow. It was further merged for decades without the owner's consent and has just been restored. Because there is no way to make the lot, thus the Project comply with the SRB lot size, frontage, and lot size per dwelling unit requirements, special conditions exist.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

Lot area and density limits, exist in order to: prevent overburdening/overcrowding of the land; permit areas for stormwater management; and allow for adequate light, air, and sightlines. The establishment of a permitted single-family home on a lot existing for over a century, within its building envelope, provides sorely needed single-family housing. Accordingly, there is no fair and substantial relationship between the general public purposes of the Ordinance, the lot size and frontage are consistent with other lot in the area, and compliance is impossible.

c. The proposed use is reasonable.

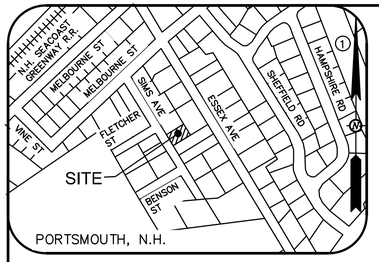
If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential uses are permitted in the SRB Zone. We note also that the New Hampshire Supreme Court case of Walker v. City of Manchester, 107 NH 382 (1966) held that a hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect upon the neighborhood. We note that while Walker does not limit or distinguish its analysis based on the underlying cause of the surrounding nonconformity (pre-existing, result of variances, or a planned unit development), a number of nonconforming lots are as they existed on the 1918 Plan. **(Compare Exhibit D to Exhibit G)**. Accordingly, the proposed use is reasonable and denial would create an unnecessary hardship for Roylos and Cloutier.

VI. CONCLUSION

For all the reasons stated, The Roylos Family and Chris Cloutier respectfully request that the Portsmouth Zoning Board of Adjustment the requested relief. We look forward to presenting this application at the December 16, 2025 ZBA Meeting.

Respectfully submitted,
Chris Cloutier

By: _____
R. Timothy Phoenix, Esquire
Monica F. Kieser, E



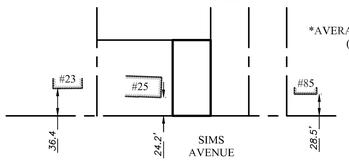
LOCUS
(N.T.S.)

LEGEND

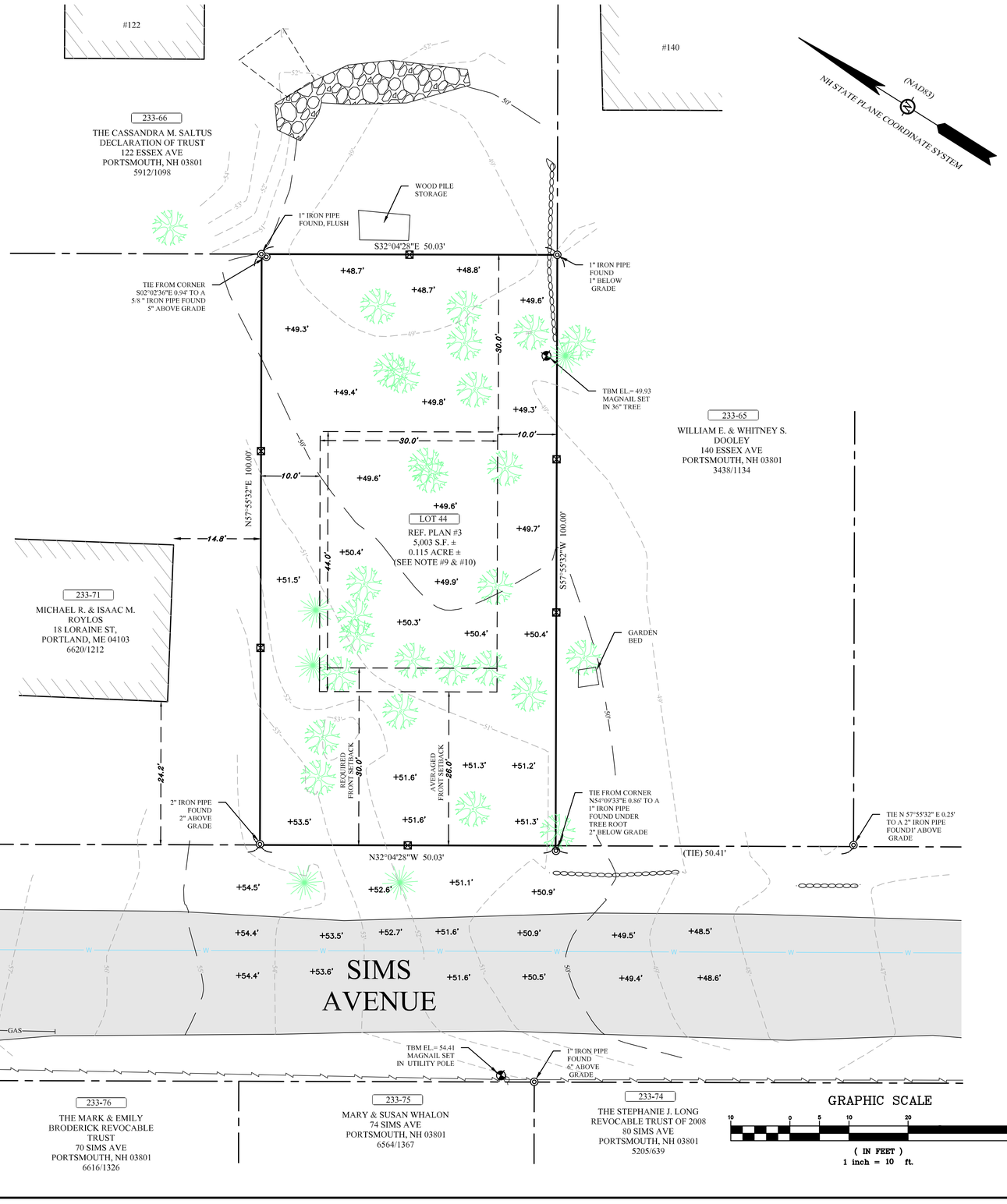
- STONE AREA
- PAVEMENT AREA
- CONTOUR MINOR LINE
- CONTOUR MAJOR LINE
- BOUNDARY LINE
- OVERHEAD WIRE LINE
- BOUNDARY ABUTTERS LINE
- SETBACK LINE
- 6" DI WATER LINE
- GAS LINE
- CONIFEROUS TREE
- DECIDUOUS TREE
- UTILITY POLE
- BENCHMARK
- IRON PIPE FOUND
- WOODEN STAKE SET
- +53.5' SPOT GRADE ELEVATION

DETAIL "A" FRONT SETBACK CALCULATIONS

NOT TO SCALE



*AVERAGE FRONT SETBACK =
(24.2+28.5)/2 = 26'



GRAPHIC SCALE
10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft.

NOTES:

1. OWNER OF RECORD: MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
   ADDRESS: 18 LORAINE ST, PORTLAND, MAINE 04103
   DEED REFERENCE: BK: 6620 PG: 1214
   TAX SHEET / LOT: 233 / 71
2. ZONED: SRB - SINGLE RESIDENCE B.

   MIN. LOT AREA: 15,000 S.F. — FRONT YARD SETBACK: 30' *
   CONTINUOUS STREET FRONTAGE: 100' — SIDE & REAR YARD SETBACK: 10' & 30'
   DEPTH: 100'
   BUILDING COVERAGE: 20%
   MIN OPEN SPACE: 40%
   HEIGHT: 35'
   *AVERAGE FRONT YARD SETBACK: 26' SEE DETAIL "A" FOR CALCULATIONS
3. THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF THE SUBJECT PARCELS AND THE IMPROVEMENTS THEREON.
4. OCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS OF RECORD, AND PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
5. ZONTAL DATUM: NAD83, VERTICAL DATUM: NAVD88. ESTABLISHED BY SURVEY GRADE GPS OBSERVATIONS. UNITS: US SURVEY FOOT.
6. PLAN IS BASED UPON A FIELD SURVEY COMPLETED IN JULY OF 2023 WITH TRIMBLE S5 ROBOTIC TOTAL STATION, CARLSON BRX7 RTK GPS UNITS, PANASONIC FZ-M1/TRIMBLE TSC7 DATA COLLECTORS.
7. PARCEL SHOWN HEREON LIES WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015C0259F EFFECTIVE DATE 1/29/2021 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
8. CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC.
9. LOT # 44 AS SHOWN ON PLAN RCRD C-15324 WAS SHOWN ON PORTSMOUTH, N.H. TAX MAP AS PART OF TAX MAP 233 LOT 71. IT IS SHOWN ON OTHER GIS MAPS AS #35 SIMS AVE.
10. LOTS #42, #43 AND #44, AS SHOWN PLAN RCRD C-15324, WERE INVOLUNTARILY MERGED BY THE CITY OF PORTSMOUTH. LOT #44 WAS UNMERGED FROM LOTS #42 & #43 BY VOTE OF PORTSMOUTH CITY COUNCIL ON APRIL 7,2025, PURSUANT TO NH RSA 674:39. SEE ITEM #12 IN PORTSMOUTH CITY MEMORANDUM ENTITLED "ACTIONS TAKEN AT PORTSMOUTH CITY COUNCIL MEETING HELD ON APRIL 7, 2025." AS A RESULT OF SAID UNMERGED, LOTS #42 & #43 REMAIN MERGED AS A SINGLE LOT AND LOT #44 IS A SEPARATE AND SINGLE LOT.

REFERENCE PLAN:

1. "SUBDIVISION PLAN FOR RUTH P. MERCER, PORTSMOUTH, N.H." DATED APRIL 18, 1986. PREPARED BY EMERY ENGINEERING. R.C.R.D. C-15324.
2. "PLAN OF LAND OF DONALD R. & LEE D. PEARL, SIMS AVENUE, PORTSMOUTH, N.H." DATED JANUARY 1979. PREPARED BY MOULTON ENGINEERING CO. R.C.R.D. C-8574.
3. "DANIELS PARK, PORTSMOUTH, N.H. BELMONT REALTY CO. PROVIDENCE R.I." DATED JUNE 1918. PREPARED BY C.A. THAYER, ENGINEER. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #702. R.C.R.D. BK 1 PG 166 PLAN #58
4. "PLAN OF LOT #58 DANIELS PARK, PORTSMOUTH, N.H." DATED AUGUST 1973. PREPARED BY JOHN W. DURGIN C.E. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #L-493.
5. "LOT LINE REVISION, PORTSMOUTH, N.H. FOR ALFRED & IRENE BOUTOTE." DATED JULY 1979. PREPARED BY JOHN W. DURGIN ASSOCIATES, INC. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #4655. R.C.R.D. C-8851.
6. "PLAN OF LOT, PORTSMOUTH, N.H. FOR GEO. B & MARIE R. UNDERWOOD." DATED OCTOBER 1972 & REVISED AUGUST 1977. PREPARED BY JOHN W. DURGIN C.E. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #3215.
7. "PLAN OF LOTS, PORTSMOUTH, N.H. FOR CALLEOPE APOSTOLAKES." DATED NOVEMBER 1972. PREPARED BY JOHN W. DURGIN C.E. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #4291. R.C.R.D. C-3494.
8. WORKSHEETS AND FIELD NOTES OF JOHN W. DURGIN. ON THIS FILE WITH THIS OFFICE, JWD FILE #441.

EXISTING CONDITIONS PLAN
SIMS AVENUE
PORTSMOUTH, NEW HAMPSHIRE

TAX MAP 233 LOT 71
LAND OF: MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
PREPARED FOR: CHRIS CLOUTIER

No.	DATE:	REVISION DESCRIPTION	BY	APPR.

SURVEYOR'S CERTIFICATION

"I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS AN ERROR OF CLOSURE OF GREATER ACCURACY THAN ONE PART IN FIFTEEN THOUSAND (1:15,000)."

LICENSED LAND SURVEYOR — 11/19/2025 DATE

STATE OF NEW HAMPSHIRE — No. 10541 — RYAN M. FOWLER — LICENSED LAND SURVEYOR — SIGNATURE

JAMES VERRA & ASSOCIATES, INC.
100 GRIFFIN WAY, UNIT C
PORTSMOUTH, N.H., 03801
603-436-3557 - ©2025
www.jvasurveyors.com

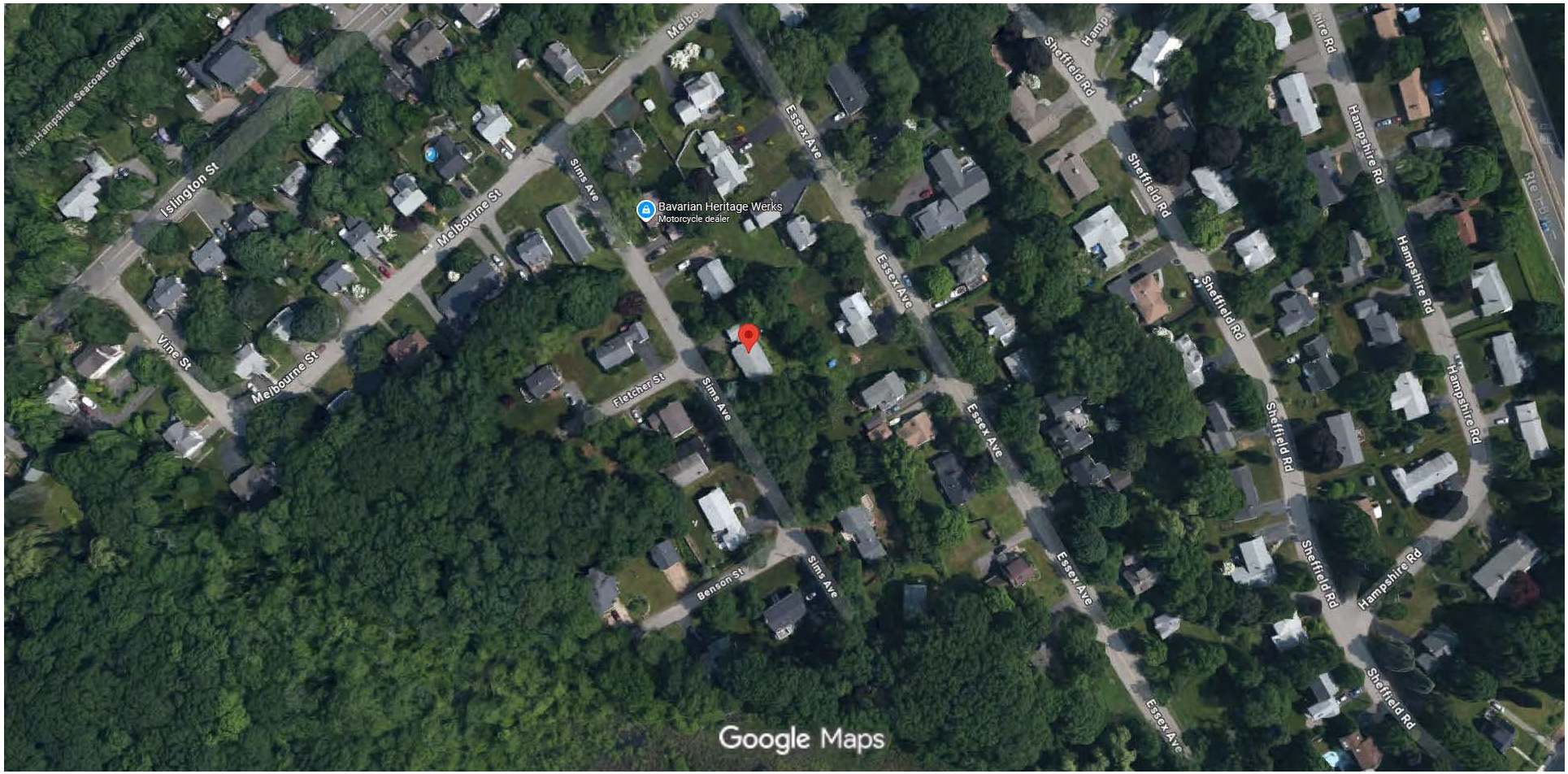
DATE: 11/19/2025	JOB NO. 25-2079
DRWN BY: DK	CHK'D BY: RMF
DWG NAME: 25-2079 EXCON.DWG	SCALE: 1" = 10'

SHEET: V-1

J:\2025 PROJECTS\25-2079 CLOUTIER SIMS AVE LOT 44 PORTSMOUTH NH_DWG\25-2079 EXCON.dwg 2025-11-19

Google Maps

25 Sims Ave



Imagery ©2025 Google, Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 100 ft

25014535 05/15/2025 11:53:39 AM
Book 6620 Page 1214 Page 1 of 2
Register of Deeds, Rockingham County



Return to:
Noucas Law Office
500 Market Street, Suite 8
Portsmouth, NH 03801

LCHIP	ROA706645	25.00
RECORDING		14.00
SURCHARGE		2.00

FIDUCIARY DEED

THAT, I, **MICHAEL R. ROYLOS,** of 18 Loraine Street, Portland, Maine, duly appointed as the Executor of the Estate of Annette Roylos, deceased, whose Estate was duly admitted to probate in the Probate Court for the County of Rockingham, New Hampshire, (Docket No. 318-2024-ET-00773) by the power conferred by law, and every other power, grant to **MICHAEL R. ROYLOS,** of 18 Loraine Street, Portland, Maine, and **ISAAC M. ROYLOS,** of 6421 SW 78th Street, Gainesville, Florida, as tenants-in-common, each having an undivided one-half interest, the following real estate located in Portsmouth, County of Rockingham, and State of New Hampshire, described as follows:

A certain tract of land, situate on the northeasterly side of Sims Avenue in Portsmouth, County of Rockingham, and State of New Hampshire, more particularly bounded and described as follows:

Beginning at a point on the southwesterly side of Sims Avenue at the westerly corner of land now or formerly of Warren O. Teague, et al; thence in a general northwesterly direction by Sims Avenue, fifty (50) feet to land now or formerly of Bernard F. Woods; thence in a general northeasterly direction by land of Woods, one hundred (100) feet to a point at land now or formerly of Michael Zymaris, et al; thence turning and running in a general southeasterly direction by land of Michael Zymaris, fifty (50) feet, more or less, to a point at land now or formerly of said Teague; thence turning and running in a general southwesterly direction by land of said Teague, one hundred (100) feet, more or less, to the point of beginning.

Said tract of land is otherwise identified as Lot #44 on the Plan of Daniels Park, made by C. A. Thayer, C.E. dated June 1918 and recorded in the Rockingham County Registry of Deeds, Book of Plans No. 1, Page 166 and on Plan 58 of the Portsmouth City Assessor's Plans.

Lots #42, #43 and #44, as shown on the above-described Plan of Daniels Park, were involuntarily merged by the City of Portsmouth. Lot #44 was unmerged from Lots #42 and #43

by vote of the Portsmouth City Council on April 7, 2025, pursuant to NH RSA 674:39. See Item #12 in Portsmouth City Memorandum entitled "Actions Taken at Portsmouth City Council Meeting Held on April 7, 2025." As a result of said unmerger, Lots #42 and #43 remain merged as a single lot and Lot #44 is a separate and single lot.

Meaning and intending to describe and convey the same premises conveyed to Sophie C. Roylos and Annette Roylos by Warranty Deed of Raymond L. Miller and Virginia D. Miller dated May 15, 1965, and recorded in the Rockingham County Registry of Deeds at Book 1766, Page 084.

Said Sophie C. Roylos having predeceased on February 13, 2013, and her death certificate being recorded herewith.

This property is conveyed subject to any and all mortgages, liens or other encumbrances of record.

This conveyance is exempt from the real estate transfer tax pursuant to NH RSA 78-B:2(XI).

WITNESS my hand this 12th day of May, 2025.

Estate of Annette Roylos

Witness

By _____
Michael R. Roylos, Executor

STATE OF NEW HAMPSHIRE
COUNTY OF ROCKINGHAM

May 12, 2025

Then personally appeared the above-named, **MICHAEL R. ROYLOS,** in said capacity and acknowledged the foregoing instrument to be his free act and deed. Before me,

_____
Notary Public/Justice of the Peace

TERRI L. KIRBY
Notary Public - New Hampshire
My Commission Expires
June 15, 2027

NOTARY PUBLIC STATE OF NEW HAMPSHIRE

1766 084

1766 084

Know all men by these presents

THAT, We, Raymond L. Miller and Virginia D. Miller both

of Portsmouth, Rockingham County, State of New Hampshire, for consideration paid, grant to Sophie C. Roylos and Annette Roylos both

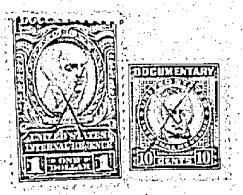
of Portsmouth, Rockingham County, State of New Hampshire, as joint tenants, with rights of survivorship/ and not as tenants in common, with WARRANTY COVENANTS,

A certain tract of land, situate on the northeasterly side of Simes Avenue in Portsmouth, County of Rockingham, and State of New Hampshire, more particularly bounded and described as follows:

Beginning at a point on the southwesterly side of Simes Avenue at the westerly corner of land now or formerly of Warren O. Teague, etal; thence in a general northwesterly direction by Simes Avenue, fifty (50) feet to land now or formerly of Bernard F. Woods; thence in a general northeasterly direction by land of Woods, one hundred (100) feet to a point at land now or formerly of Michael Zymaris, etal; thence turning and running in a general southeasterly direction by land of Michael Zymaris, fifty (50) feet, more or less, to a point at land now or formerly of said Teague; thence turning and running in a general southwesterly direction by land of said Teague, one hundred (100) feet, more or less, to the point of beginning.

Said tract of land is otherwise identified as Lot 44 on Plan 58 of the Portsmouth City Assessor's Plans.

Being the same premises which we acquired by Warranty Deed of Henry J. Robbins, dated February 17, 1958, recorded in Rockingham County Registry of Deeds, Book 1459, Page 195.



We, Raymond L. and Virginia D. Miller, being husband and wife, ~~xxxxxxxxxxxxxxxxxxxxxxxxxxxxxxxx~~ our respective release to said Grantees all/rights of dower/curtesy and homestead and other interest therein.

WITNESS our hands and seals this 15 day of May, 1965

Witness:

Connie J. Bryan (CTA) — Raymond L. Miller

Virginia D. Miller

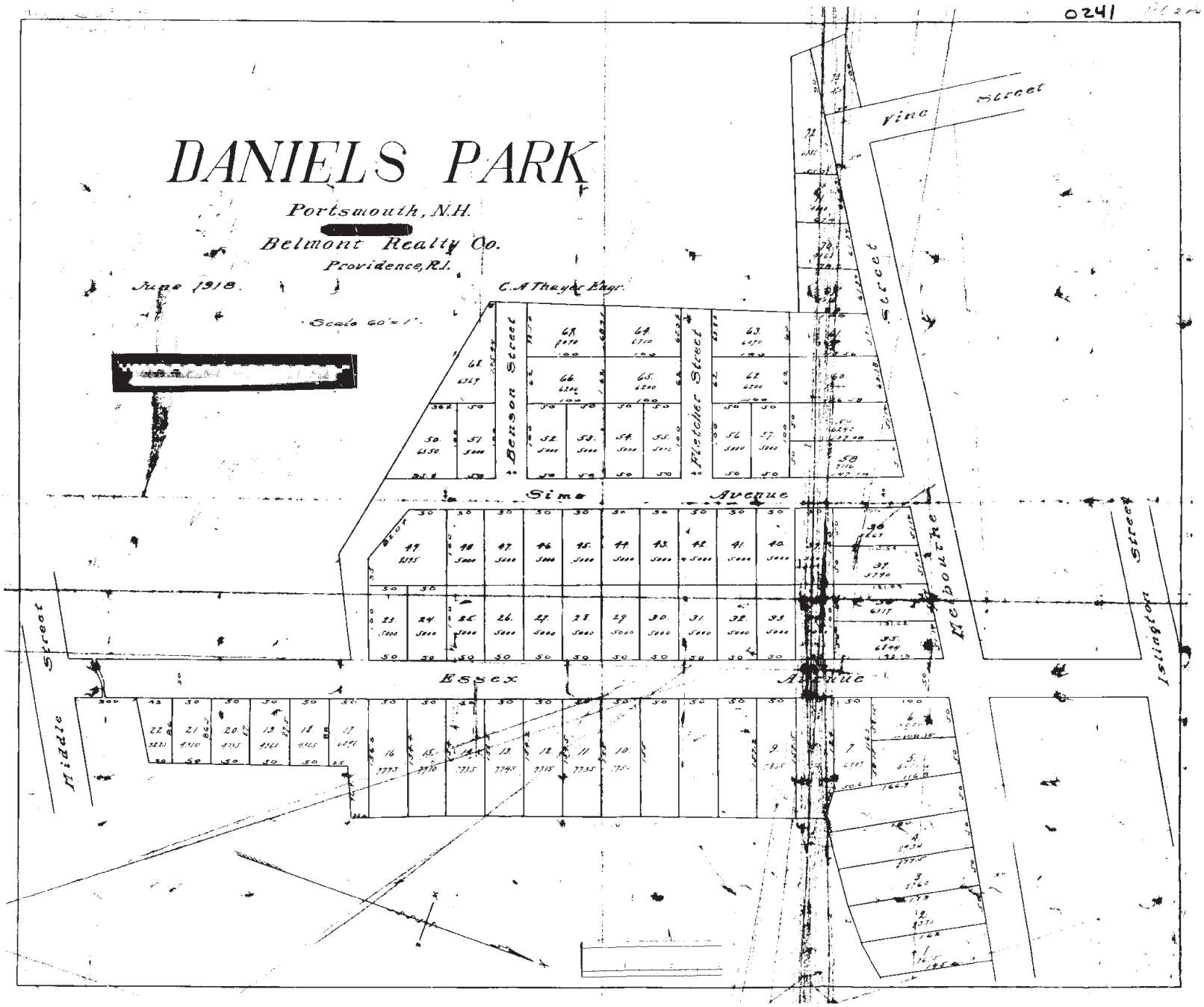
The State of New Hampshire

Rockingham, ss. May 15 1965

Then personally appeared the above named Raymond L. Miller and Virginia D. Miller and acknowledged the foregoing instrument to be their voluntary act and deed, before me

Connie J. Bryan
~~Notary Public~~ Justice of the Peace.

REC'D & RECORDED MAY 17 1965 9:38 AM


DANIELS PARK
Portsmouth, N.H.
Belmont Realty Co.
Providence, R.I.
June 1918.
C.A. Thuyk Engr.
Scale 60' = 1".
Vine Street
Benson Street
Fletcher Street
Sims Avenue
Essex Avenue
McDonough Street
Middle Street
Islington Street

CITY COUNCIL MEETING

MUNICIPAL COMPLEX PORTSMOUTH, NH
DATE: MONDAY, APRIL 7, 2025 TIME: 7:00PM

Councilor Tabor moved to close the Non-Public Session and seal the minutes of the meeting. Seconded by Councilor Moreau and voted.

III. CALL TO ORDER

Mayor McEachern called the meeting to order at 7:07 p.m.

IV. ROLL CALL

PRESENT: Mayor McEachern, Councilors Tabor, Cook, Denton, Blalock, Bagley and Moreau

ABSENT: Assistant Mayor Kelley and Councilor Lombardi

V. INVOCATION

Mayor McEachern asked for a moment of silent prayer.

VI. PLEDGE OF ALLEGIANCE

Mayor McEachern led in the Pledge of Allegiance to the Flag.

MAYOR'S AWARD

1. Recognition of Everett Eaton

Mayor McEachern recognized Everett for his 25 years of service to the Economic Development Commission. He presented Everett with the gift of a door stop for keeping a lot of doors open over the years and guiding the city through many things.

2. Recognition of Andrea Amico

Mayor McEachern recognized Andrea for her leadership and work over the years regarding PFAS and the impact it has on communities.

VII. ACCEPTANCE OF MINUTES *(There are no minutes on for acceptance this evening)*

VIII. RECOGNITIONS AND VOLUNTEER COMMITTEE REPORTS

1. Mary Loane – Mayor's Blue Ribbon Housing Committee

Ms. Loane said the Committee was created to expand housing units in the city. She spoke to the committee about the process and the review of a number of lots. She indicated the overall quality of life was a large concern for them when reviewing lots. Ms. Loane said the Committee is recommending that the city investigate the lower lot of City Hall because of the opportunities available with that parcel. She urged the city to continue its path to bring more residents and housing to the city.

Brian Goetz said this is important to the closeness of the reservoir. He said homes would change the character of the reservoir and said that this is a valuable piece of land and access to the reservoir. He said this goes beyond the price tag.

With no further speakers, Mayor McEachern declared the public hearing closed.

Councilor Blalock said that is a big impact on the city drinking water.

Councilor Cook thanked City Manager Conard and staff for protecting the area and our drinking water. She is concern about federal funs being secured but she feels it is important to support the Resolution.

Mayor McEachern said this is important and where Portsmouth gets its water.

On a unanimous roll call 7-0, motion passed.

XI. CITY MANAGER'S ITEMS WHICH REQUIRE ACTION

A. CITY MANAGER CONARD

1. Report Back and Recommendation from the Planning Board Regarding 25 Sims Avenue

City Manager Conard said the Planning Board reviewed and the applicant initial request was denied because they wanted to merge all three lots, but the new request is to unmerge 1 lot.

Councilor Cook moved to unmerge Lot 44. Seconded by Councilor Bagley and voted.

2. Below Market Rate Housing Trust

City Manager Conard spoke to the new Below Market Rate Housing Trust. She reported that SoBow Square and the City are both contributing $250,000.00 to this Trust. She stated as part of the review, the city consulted with the Charitable Trust Division of the Attorney General's Office who provided guidance on the appropriate way to handle the investment of public versus private money.

Councilor Tabor moved to authorize the City Manager to execute the Below Market Rate Housing Trust as presented. Seconded by Councilor Moreau.

Councilor Moreau said a great deal of time was put into this and she is pleased with the result.

Motion passed.

3. Friends of Lafayette House PILOT Agreement

City Manager Conard said Assessor Lentz recommended entering into the PILOT Agreement and the Legal Department worked to create the agreement.

Councilor Blalock moved to authorize the City Manager to enter into a PILOT agreement with the Friends of Lafayette House in the amount of $3,500.00. Seconded by Councilor Denton and voted.

PLANNING BOARD
PORTSMOUTH, NEW HAMPSHIRE

EILEEN DONDERO FOLEY COUNCIL CHAMBERS
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE

7:00 PM Public Hearings begin **March 20, 2025**

MEMBERS PRESENT: Rick Chellman, Chairman; Anthony Coviello**,** Vice-Chair; Karen Conard, City Manager; Joseph Almeida, Facilities Manager; Beth Moreau, City Councilor; Members Paul Giuliano, Andrew Samonas**,** William Bowen, Ryann Wolf, and Alternate Frank Perier

ALSO PRESENT: Peter Stith, Planning Department Manager

MEMBERS ABSENT: None.

I. APPROVAL OF MINUTES

A. Approval of the **February 20, 2025** meeting minutes.

B. Approval of the **February 27, 2025** Work Session minutes.

*Vice-Chari Coviello moved to approve both sets of minutes as presented, seconded by Mr. Almeida. The motion **passed** with all in favor.*

*Vice-Chair Coviello moved to take Section VI. Other Business, Items B, 581 Lafayette Road, and Item A, Co-living Amendments, out of order to bring forward for discussion. Ms. Conard seconded. The motion **passed** with all in favor.*

II. PUBLIC HEARINGS – NEW BUSINESS

A. The request of **96 State Street LLC (Owner),** for property located at **96 State Street** requesting a parking Conditional Use Permit from Section 10.1112.14 to allow zero (0) parking spaces where thirty (30) are required. Said property is located on Assessor Map 107 Lot 52 and lies within the Character District 4 (CD-4) and Historic District. (LU-25-28)

SPEAKING TO THE PETITION

[Timestamp 30:36] Attorney Darcy Peyser was present on behalf of the applicant and reviewed the petition. She said the Conditional Use Permit was necessary to allow the applicant to expand and convert the upper second and third floors to a residential use. She said the second floor would be occupied by the restaurant owner and the third floor would be occupied by restaurant employees. She noted that the Historic District Commission (HDC) approved drawings in

more residential looking, with lower profiles. He said they received variances from the BOA that included eliminating the commercial use on the first floor and allowing duplex and rowhouse apartments. He said the Heinemann Building now had 27 residential units and all the necessary parking and there were four additional buildings, which he further described. He reviewed the parking. He said they would return to TAC for a formal review on April 1.

Vice-Chair Coviello moved that the Board accept the application for Design Review and schedule a public hearing at the April 17, 2025 Planning Board meeting. Ms. Conard seconded.

[Timestamp 1:47:59] Mr. Bowen said in the earlier version, a few spaces were below market rate, and he asked if the design change would impact that number. Mr. Wilson said they wound up with some smaller, more affordable units. He said when they went to TAC, they had proposed a multi-modal way that would have allowed a vertical expansion, and that they also found out that it needed to be a modal way for all forms of transportation, which he further explained. Mr. Bowen said the answer was that there would not be any units below market rate. Vice-Chair Coviello asked if a gate blocked the non-multi modal way and if people were allowed to walk through there. Mr. Wilson said the intention was to have a gate allowing limited access for vehicles, but the sidewalk leading to the property would allow pedestrians. Vice-Chair Coviello said there would then be a gate to prevent vehicles other than the residents' vehicles to get there. Mr. Wilson said the building next to them had the right to use their driveway to get to Hanover Street. He said the traffic going through there was untethered so they did not feel that it was good for the residences. He said the traffic study would preclude them from having traffic cut through. Vice-Chair Coviello said pedestrians would then not walk through that area. Mr. Wilson said they would use the property's sidewalk. Chair Chellman told the Board to be prepared to discuss pedestrian and vehicular circulation and multi modal issues at the next meeting. Mr. Perier asked how close the building heights would be to the Rock Street buildings. Mr. Wilson explained why he thought it would be a 33-ft average elevation, with the building set up 1-12 feet off the sidewalk and that the elevations were similar to others in the area. It was further discussed.

*The motion **passed** by a vote of 8-0, with members Councilor Moreau and Mr. Samonas abstaining.*

V. CITY COUNCIL REFERRALS

A. 25 Sims Avenue – Involuntary Merger Reversal (RIML-25-1)

[Timestamp 1:57:40] Mr. Stith said the property used to be three lots and the applicant was requesting to unmerge one of the lots. He said the applicant's aunt owned the property and built a house that crossed two of the houses in the 1960s, and then the third lot was bought. He said the City Assessor merged them all and that the applicant asked that the part of the property that was vacant, the third lot, be unmerged. He said the assessor recommended that the lot be unmerged. He said the City Council referred it to the assessor and the Planning Board for a report back. It was further discussed.

*Ms. Conard moved that the Board recommend that the City Council restore Lot 44 only. Councilor Moreau seconded. The motion **passed** with all in favor.*

Partial Legend

See the cover sheet for the complete legend.

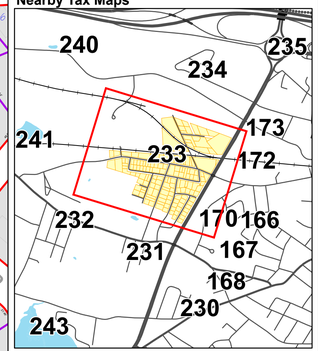
- **7-5A** Lot or lot-unit number
- *2.56 ac* Parcel area in acres (ac) or square feet (sf)
- 88 Address number
- 233-137 Parcel number from a neighboring map
- 68' Parcel line dimension
- SIMS AVE Street name
- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1994 data)
- Parcel covered by this map
- Parcel from a neighboring map (see other map for current status)

0 50 100 200 300 Feet

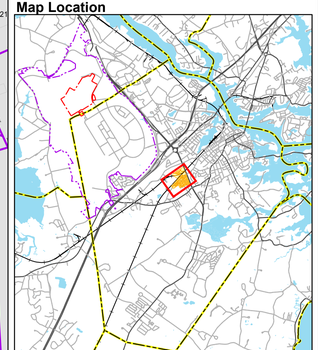
0 20 40 80 Meters

This map is for assessment purposes only. It is not intended for legal description or conveyance.
Parcels are mapped as of April 1.
Building footprints are 2006 data and may not represent current structures.
Streets appearing on this map may be paper (unbuilt) streets.
Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

Nearby Tax Maps



Map Location



Portsmouth, New Hampshire
2025

Tax Map 233

Partial Legend

See the cover sheet for the complete legend.

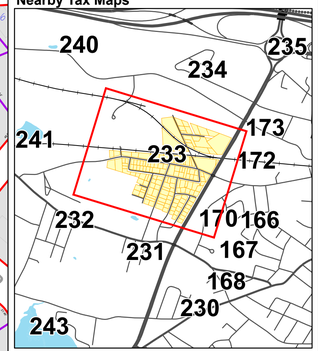
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0 50 100 200 300 Feet

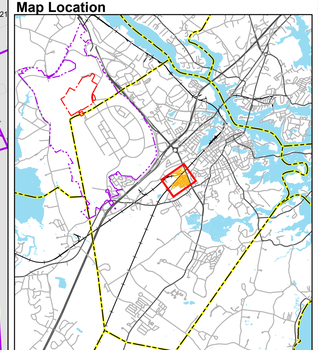
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Parcels are mapped as of April 1.
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Nearby Tax Maps



Map Location



Portsmouth, New Hampshire
2025

Tax Map 233

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC
ATTORNEYS AT LAW
127 Parrott Avenue | Portsmouth, NH, 03801
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

January 30, 2026

HAND DELIVERED & Uploaded to LU-25-169

Stefanie Casella, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Owners: Michael & Isaac Roylos
Applicant: Chris Cloutier
LU-25-169
Property: 25 Sims Avenue, Tax Map 233, Lot 71[1]
Single Residence B District

Dear Ms. Casella & Zoning Board Members:

The ZBA continued the aforementioned matter to February 18, 2026 at our request so that we might properly respond to advanced public input opposing the Project based on stormwater management concerns. On Cloutier's behalf, enclosed please find a stormwater management plan set and a drainage analysis completed by Emanuel Engineering **(Exhibit H)**.

Exhibit H proposes a dimensionally compliant, modest 946 s.f. single-family home with an engineered pervious drip edge to capture roof runoff. The drainage analysis of pre-development and post development conditions demonstrates *decreased* peak flows of stormwater for a 2-year, 10,-year, 25-year, and 50-year storm event. Accordingly, no abutting lot will be adversely affected by the Project. We look forward to presenting this application to the Planning Board at its February 18, 2026 meeting.

Very truly yours,

Monica F. Kieser
R. Timothy Phoenix

[1] Note that the lot at issue, known as Lot 44, was recently unmerged and does not yet have its own lot number.

DANIEL C. HOEFLE | ALEC L. MCEACHERN | PETER V. DOYLE | STEPHEN H. ROBERTS In Memoriam
R. TIMOTHY PHOENIX | KEVIN M. BAUM | MONICA F. KIESER | OF COUNSEL:
LAWRENCE B. GORMLEY | JACOB J.B. MARVELLEY | CHRISTOPHER P. MULLIGAN | SAMUEL R. REID
R. PETER TAYLOR | GREGORY D. ROBBINS | KAREN W. OLIVER | JOHN AHLGREN

OWNER
MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
18 LORAINE STREET
PORTLAND, ME 04103

APPLICANT
CHRIS CLOUTIER
50 LOVELL STREET
PORTSMOUTH, NH 03801

CIVIL ENGINEER
EMANUEL ENGINEERING, INC.
100 GRIFFIN ROAD, UNIT C
PORTSMOUTH, NH 03801

LAND SURVEYOR
JAMES VERRA & ASSOCIATES, INC.
100 GRIFFIN ROAD, UNIT C
PORTSMOUTH, NH 03801

ATTORNEY
HOEFLE PHOENIX GORMLEY & ROBERTS, PLLC
127 PARROTT AVE
PORTSMOUTH, NH 03801

STORMWATER MANAGEMENT PLAN FOR CHRIS CLOUTIER

PORTSMOUTH, NH TAX MAP 233 LOT 44
25 SIMS AVENUE (SITE)
PORTSMOUTH, NH 03801



PROJECT LOCUS PLAN
1" = 1,000 '

PROJECT DRAWING SET:		ORIGINAL DATE	REVISION DATE
G1	COVER SHEET	01/30/26	
V1	EXISTING CONDITIONS PLAN	11/19/25	
C1	SITE PLAN	01/30/26	
C2	STORMWATER MANAGEMENT PLAN	01/30/26	
SW1	PRE-DEVELOPMENT CONDITIONS	01/30/26	
SW2	POST-DEVELOPMENT CONDITIONS	01/30/26	
D1	NOTES	01/30/26	
D2	DETAILS	01/30/26	

ISS.	DATE:	DESCRIPTION OF ISSUE:	CHK.
1	01/30/2026	FOR APPROVAL	

DRAWN: NMD | DESIGN: NMD
CHECKED: JJM | CHECKED: JJM

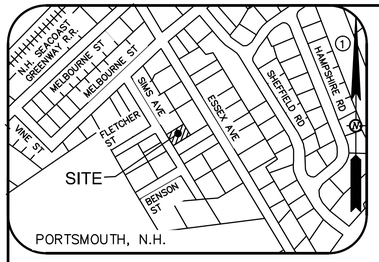
CIVIL & STRUCTURAL CONSULTANTS, LAND PLANNERS
100 GRIFFIN ROAD, UNIT C, PORTSMOUTH, NH 03801
603-772-4400 | EMANUELENGINEERING.COM ©2025

CLIENT:
CHRIS CLOUTIER
50 LOVELL STREET
PORTSMOUTH, NH 03801

SEAL:
STATE OF NEW HAMPSHIRE
BRUCE D. SCAMMAN
No. 11236
LICENSED PROFESSIONAL ENGINEER
1/29/26

TITLE:
COVER
FOR
MICHAEL R. ROYLOS AND
ISAAC M. ROYLOS
25 SIMS AVE (SITE)
PORTSMOUTH, NH 03801

PROJECT:	SCALE:	SHEET:
26-1004	AS SHOWN	G1



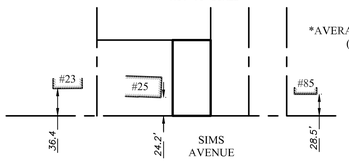
LOCUS
(N.T.S.)

LEGEND

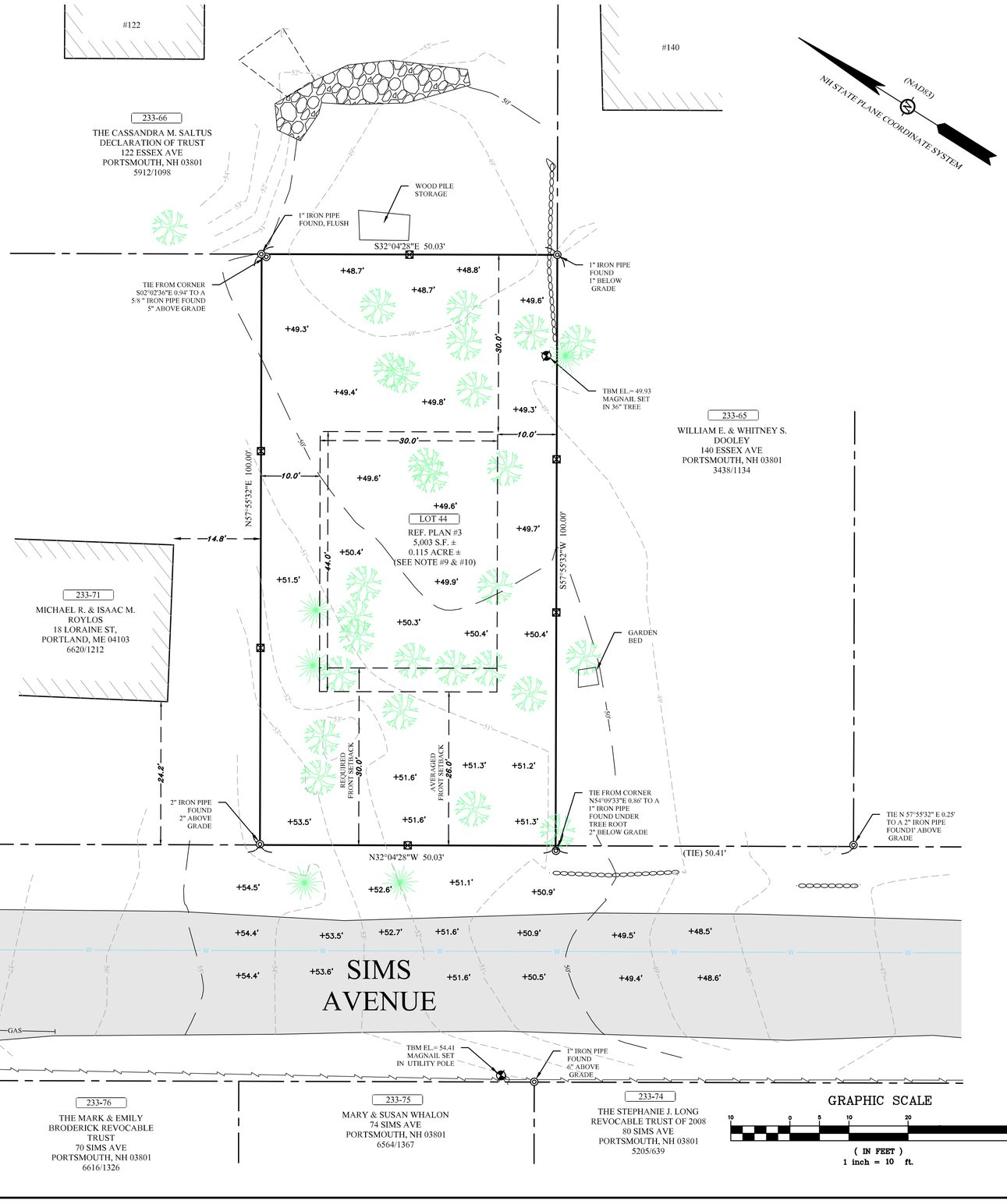
- STONE AREA
- PAVEMENT AREA
- CONTOUR MINOR LINE
- CONTOUR MAJOR LINE
- BOUNDARY LINE
- OVERHEAD WIRE LINE
- BOUNDARY ABUTTERS LINE
- SETBACK LINE
- 6" DI WATER LINE
- GAS LINE
- CONIFEROUS TREE
- DECIDUOUS TREE
- UTILITY POLE
- BENCHMARK
- IRON PIPE FOUND
- WOODEN STAKE SET
- +53.5' SPOT GRADE ELEVATION

DETAIL "A" FRONT SETBACK CALCULATIONS

NOT TO SCALE



*AVERAGE FRONT SETBACK =
(24.2+28.5)/2 = 26'



GRAPHIC SCALE
10 0 5 10 20 40
(IN FEET)
1 inch = 10 ft.

NOTES:

1. OWNER OF RECORD: MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
   ADDRESS: 18 LORAINE ST, PORTLAND, MAINE 04103
   DEED REFERENCE: BK: 6620 PG: 1214
   TAX SHEET / LOT: 233 / 71
2. ZONED: SRB - SINGLE RESIDENCE B.

   MIN. LOT AREA: 15,000 S.F. — FRONT YARD SETBACK: 30' *
   CONTINUOUS STREET FRONTAGE: 100' — SIDE & REAR YARD SETBACK: 10' & 30'
   DEPTH: 100'
   BUILDING COVERAGE: 20%
   MIN OPEN SPACE: 40%
   HEIGHT: 35'
   *AVERAGE FRONT YARD SETBACK: 26' SEE DETAIL "A" FOR CALCULATIONS
3. THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF THE SUBJECT PARCELS AND THE IMPROVEMENTS THEREON.
4. OCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS OF RECORD, AND PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
5. ZONTAL DATUM: NAD83, VERTICAL DATUM: NAVD88. ESTABLISHED BY SURVEY GRADE GPS OBSERVATIONS. UNITS: US SURVEY FOOT.
6. PLAN IS BASED UPON A FIELD SURVEY COMPLETED IN JULY OF 2023 WITH TRIMBLE S5 ROBOTIC TOTAL STATION, CARLSON BRX7 RTK GPS UNITS, PANASONIC FZ-M1/TRIMBLE TSC7 DATA COLLECTORS.
7. PARCEL SHOWN HEREON LIES WITHIN ZONE X (AREA OF MINIMAL FLOOD HAZARD) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015C0259F EFFECTIVE DATE 1/29/2021 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
8. CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC.
9. LOT # 44 AS SHOWN ON PLAN RCRD C-15324 WAS SHOWN ON PORTSMOUTH, N.H. TAX MAP AS PART OF TAX MAP 233 LOT 71. IT IS SHOWN ON OTHER GIS MAPS AS #35 SIMS AVE.
10. LOTS #42, #43 AND #44, AS SHOWN PLAN RCRD C-15324, WERE INVOLUNTARILY MERGED BY THE CITY OF PORTSMOUTH. LOT #44 WAS UNMERGED FROM LOTS #42 & #43 BY VOTE OF PORTSMOUTH CITY COUNCIL ON APRIL 7,2025, PURSUANT TO NH RSA 674:39. SEE ITEM #12 IN PORTSMOUTH CITY MEMORANDUM ENTITLED "ACTIONS TAKEN AT PORTSMOUTH CITY COUNCIL MEETING HELD ON APRIL 7, 2025." AS A RESULT OF SAID UNMERGED, LOTS #42 & #43 REMAIN MERGED AS A SINGLE LOT AND LOT #44 IS A SEPARATE AND SINGLE LOT.

REFERENCE PLAN:

1. "SUBDIVISION PLAN FOR RUTH P. MERCER, PORTSMOUTH, N.H." DATED APRIL 18, 1986. PREPARED BY EMERY ENGINEERING. R.C.R.D. C-15324.
2. "PLAN OF LAND OF DONALD R. & LEE D. PEARL, SIMS AVENUE, PORTSMOUTH, N.H." DATED JANUARY 1979. PREPARED BY MOULTON ENGINEERING CO. R.C.R.D. C-8574.
3. "DANIELS PARK, PORTSMOUTH, N.H. BELMONT REALTY CO. PROVIDENCE R.I." DATED JUNE 1918. PREPARED BY C.A. THAYER, ENGINEER. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #702. R.C.R.D. BK 1 PG 166 PLAN #58
4. "PLAN OF LOT #58 DANIELS PARK, PORTSMOUTH, N.H." DATED AUGUST 1973. PREPARED BY JOHN W. DURGIN C.E. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #L-493.
5. "LOT LINE REVISION, PORTSMOUTH, N.H. FOR ALFRED & IRENE BOUTOTE." DATED JULY 1979. PREPARED BY JOHN W. DURGIN ASSOCIATES, INC. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #4655. R.C.R.D. C-8851.
6. "PLAN OF LOT, PORTSMOUTH, N.H. FOR GEO. B & MARIE R. UNDERWOOD." DATED OCTOBER 1972 & REVISED AUGUST 1977. PREPARED BY JOHN W. DURGIN C.E. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #3215.
7. "PLAN OF LOTS, PORTSMOUTH, N.H. FOR CALLEOPE APOSTOLAKES." DATED NOVEMBER 1972. PREPARED BY JOHN W. DURGIN C.E. ON THIS FILE IN THIS OFFICE, JWD FILE #441, PLAN #4291. R.C.R.D. C-3494.
8. WORKSHEETS AND FIELD NOTES OF JOHN W. DURGIN. ON THIS FILE WITH THIS OFFICE, JWD FILE #441.

EXISTING CONDITIONS PLAN
SIMS AVENUE
PORTSMOUTH, NEW HAMPSHIRE

TAX MAP 233 LOT 71
LAND OF: MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
PREPARED FOR: CHRIS CLOUTIER

No.	DATE:	REVISION DESCRIPTION	BY	APPR.

SURVEYOR'S CERTIFICATION

"I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS AN ERROR OF CLOSURE OF GREATER ACCURACY THAN ONE PART IN FIFTEEN THOUSAND (1:15,000)."

LICENSED LAND SURVEYOR — 11/19/2025 DATE

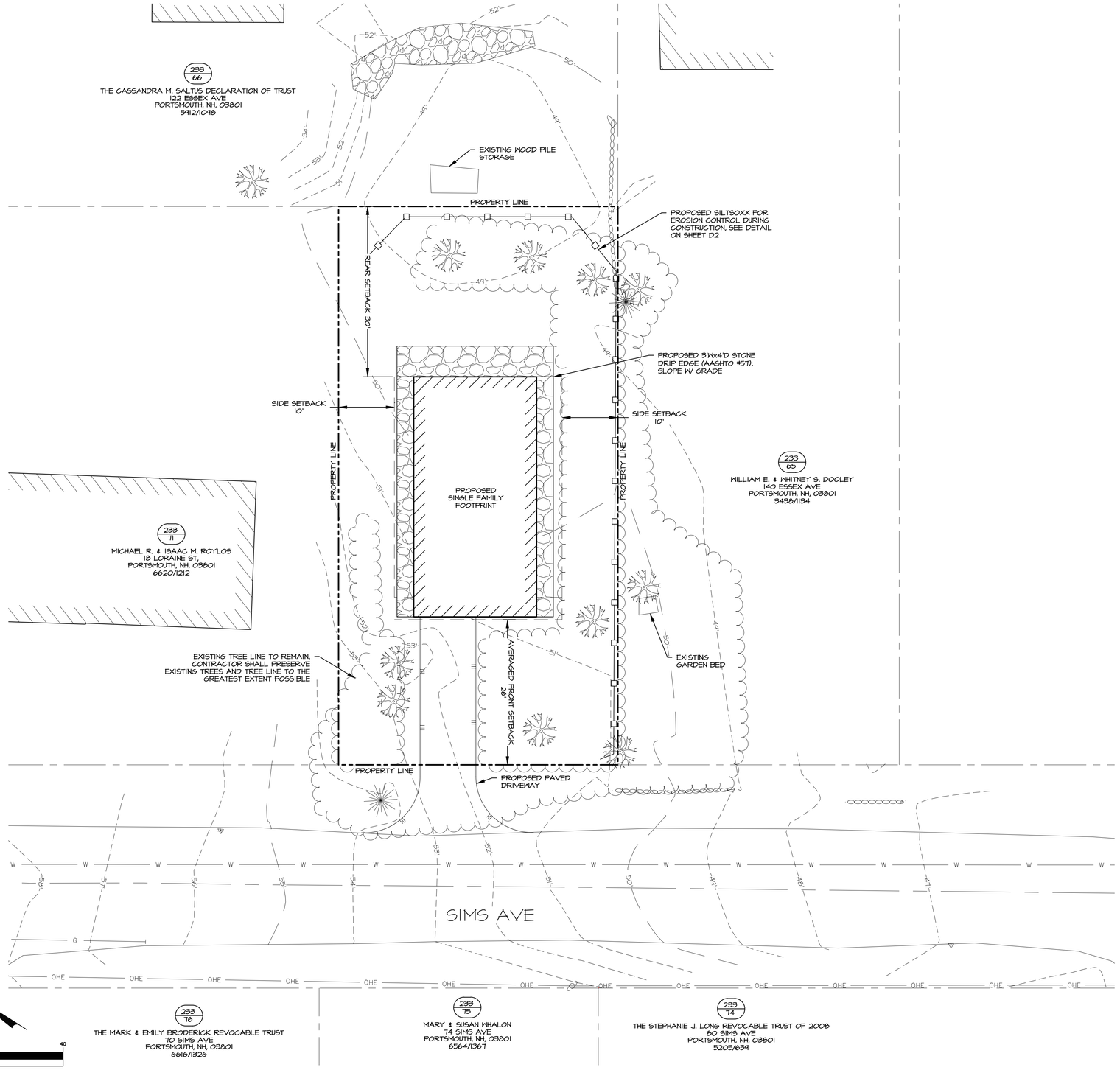
STATE OF NEW HAMPSHIRE — No. 10541 — RYAN M. FOWLER — LICENSED LAND SURVEYOR — SIGNATURE

JAMES VERRA & ASSOCIATES, INC.
100 GRIFFIN WAY, UNIT C
PORTSMOUTH, N.H., 03801
603-436-3557 - ©2025
www.jvasurveyors.com

DATE: 11/19/2025	JOB NO. 25-2079
DRWN BY: DK	CHK'D BY: RMF
DWG NAME: 25-2079 EXCON.DWG	SCALE: 1" = 10'

SHEET: V-1

J:\2025 PROJECTS\25-2079 CLOUTIER SIMS AVE LOT 44 PORTSMOUTH NH_DWG\25-2079 EXCON.dwg 2025-11-19



GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)

1 inch = 10 ft.

ZONING NOTES:

1. ZONED SRB - SINGLE RESIDENCE B.
   MIN. LOT AREA: 15,000 SF
   CONTINUOUS STREET FRONTAGE: 100'
   DEPTH: 100'
   BUILDING COVERAGE: 20%
   PROPOSED BUILDING COVERAGE:18.9% (946 SF)
   MIN OPEN SPACE: 40%
   HEIGHT: 35'

   AVERAGE FRONT YARD SETBACK: 26' (SEE SHEET V-1 DETAIL "A")
   SIDE AND BACK SETBACK: 10' & 30'

LEGEND

(TYP)	TYPICAL
	PROPERTY LINE
III	EDGE OF PAVEMENT (EOP)
OHE	OVERHEAD UTILITIES
W	WATER LINE
G	GAS LINE
	UTILITY POLE
	STONE WALL
	TREE LINE
	TREE

NOTES:

1. OWNER OF RECORD:
   TAX MAP 233, LOT 44
   MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
   18 LORAINE ST,
   PORTLAND, MAINE 04103
   RCRD BK6620 PG1214
2. THE INTENT OF THIS PLAN IS TO SHOW THE PROPOSED SITE AND ANY SETBACK REQUIREMENTS PER THE CITY OF PORTSMOUTH SITE PLAN REGULATIONS.
3. PARCEL IS ZONED SINGLE RESIDENCE B (SRB) PER THE 2026 PORTSMOUTH MAPGEO ONLINE DATABASE.
4. PARCEL IS NOT IN A FLOOD HAZARD ZONE; REFERENCE FLOOD INSURANCE RATE MAP 33015C0254F, DATED JANUARY 29, 2021.
5. SOILS WERE OBTAINED BY EEI ON 01/26/2026 USING THE NRCS ONLINE DATABASE.
6. NO FORMAL WETLAND DELINEATION WAS PERFORMED AS PART OF THIS PLAN PREPARATION. BASED ON FIELD OBSERVATIONS, NO APPARENT WETLAND RESOURCES ARE PRESENT WITHIN THE PROJECT AREA.
7. PROPERTY TO BE SERVICED BY CITY WATER AND SEWER.
8. ALL CONSTRUCTION SHOULD COMPLY WITH FEDERAL, STATE, AND LOCAL STANDARDS AND REGULATIONS.
9. THIS PLAN WAS PREPARED WITH ON-SITE FIELD SURVEY AND EXISTING PLANS. THE CONTRACTOR SHOULD NOTIFY EMANUEL ENGINEERING, INC. DURING CONSTRUCTION IF ANY DISCREPANCY TO THE PLAN IS FOUND ON SITE.
10. BEFORE ANY EXCAVATION, DIG SAFE AND ALL UTILITY COMPANIES SHOULD BE CONTACTED 72 HOURS BEFORE COMMENCING BY THE CONTRACTOR. CALL DIG SAFE @ 811 OR 1-888-DIG-SAFE.
11. ALL UTILITIES SHALL BE LOCATED UNDERGROUND EXCEPT AS NOTED ON PLAN APPROVED BY THE PLANNING BOARD.
12. SETBACKS APPLY TO THE SIDING (EXTERIOR WALLS) OF THE HOUSE. ROOF OVERHANGS NOT TO EXCEED 3 FEET.

ISS.	DATE:	DESCRIPTION OF ISSUE:	CHK.
1	01/30/2026	FOR APPROVAL	

DRAWN: NMD | DESIGN: NMD
CHECKED: JJM | CHECKED: JJM

CIVIL & STRUCTURAL CONSULTANTS, LAND PLANNERS
100 GRIFFIN ROAD, UNIT C, PORTSMOUTH, NH 03801
603-772-4400 | EMANUELENGINEERING.COM ©2025

CLIENT:

CHRIS CLOUTIER
50 LOVELL STREET
PORTSMOUTH, NH 03801

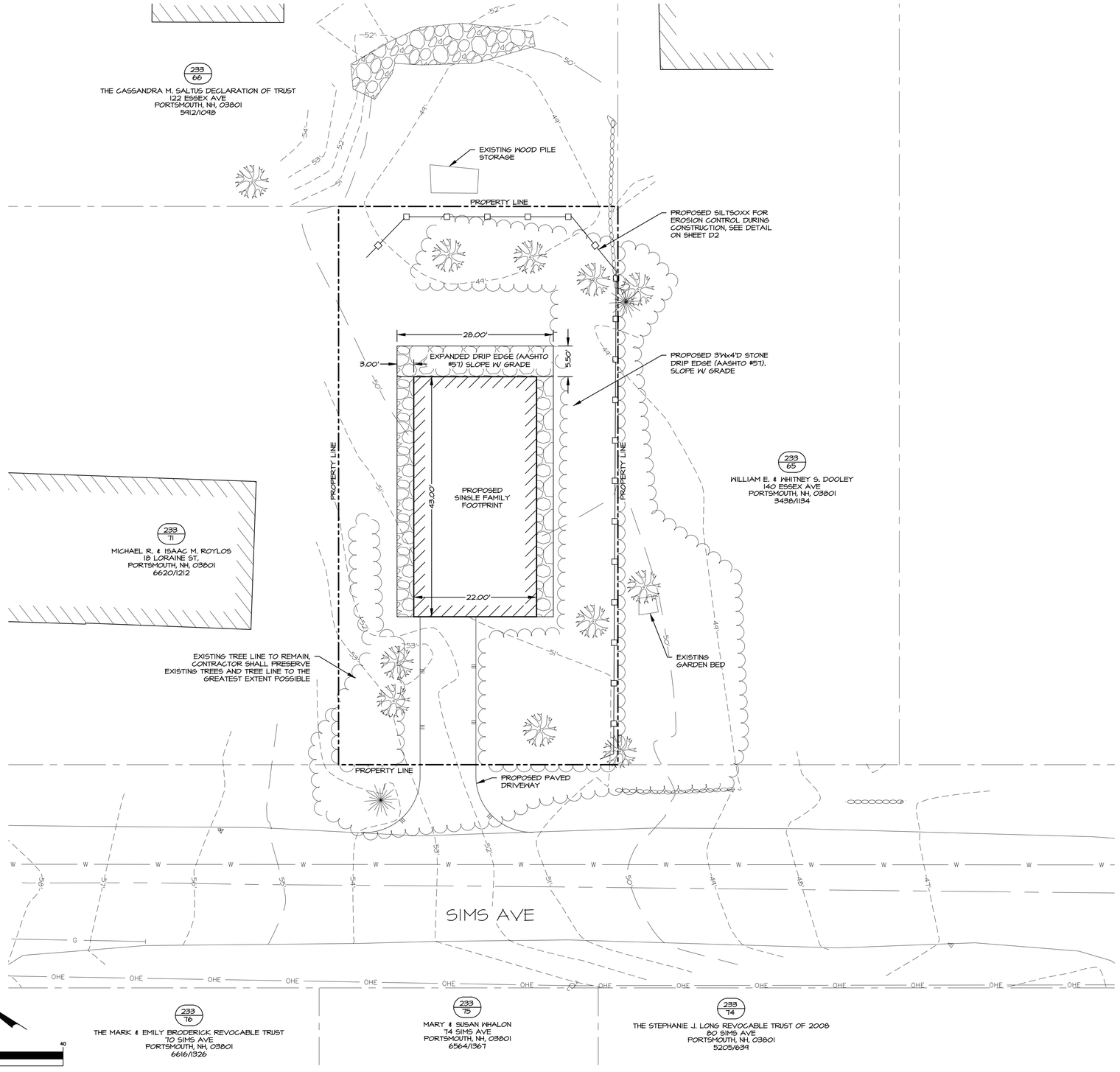
SEAL:

STATE OF NEW HAMPSHIRE
BRUCE D. SCAMMAN
No. 11236
LICENSED PROFESSIONAL ENGINEER
1/29/26

TITLE:

SITE PLAN
FOR
MICHAEL R. ROYLOS AND
ISAAC M. ROYLOS
25 SIMS AVE (SITE)
PORTSMOUTH, NH 03801

PROJECT:	SCALE:	SHEET:
26-1004	1"=10'	C1



GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)

1 inch = 10 ft.

SOIL INFORMATION:

THE FOLLOWING SOIL DATA HAS BEEN COMPILED FROM THE NRCS SOIL MAP SURVEY DATABASE.

1. ENTIRE SITE IS URBAN LAND-CANTON COMPLEX (799).

   DRAINAGE CLASS = WELL DRAINED
   Ksat VALUE = 2.0 - 6.0
   DEPTH TO WATER TABLE = >80"
   HYDROLOGIC SOIL GROUP: A

2. NO FORMAL WATER TABLE INVESTIGATION WAS PERFORMED AS PART OF THIS PLAN PREPARATION.

LEGEND

(TYP)	TYPICAL
	PROPERTY LINE
III	EDGE OF PAVEMENT (EOP)
OHE	OVERHEAD UTILITIES
W	WATER LINE
G	GAS LINE
	UTILITY POLE
	STONE WALL
	TREE LINE
	TREE

NOTES:

1. OWNER OF RECORD:
   TAX MAP 233, LOT 44
   MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
   18 LORAINE ST,
   PORTLAND, MAINE 04103
   RCRD BK6620 PG1214
2. THE INTENT OF THIS PLAN IS TO SHOW THE PROPOSED CONDITIONS AND HOW STORMWATER IS MANAGED AND REDUCED ON THIS SITE.
3. PARCEL IS ZONED SINGLE RESIDENCE B (SRB) PER THE 2026 PORTSMOUTH MAPGEO ONLINE DATABASE.
4. PARCEL IS NOT IN A FLOOD HAZARD ZONE; REFERENCE FLOOD INSURANCE RATE MAP 33015C0259F, DATED JANUARY 29, 2021.
5. SOILS WERE OBTAINED BY EEI ON 01/26/2026 USING THE NRCS ONLINE DATABASE.
6. NO FORMAL WETLAND DELINEATION WAS PERFORMED AS PART OF THIS PLAN PREPARATION. BASED ON FIELD OBSERVATIONS, NO APPARENT WETLAND RESOURCES ARE PRESENT WITHIN THE PROJECT AREA.
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ISS.	DATE:	DESCRIPTION OF ISSUE:	CHK.
1	01/30/2026	FOR APPROVAL	

DRAWN: NMD | DESIGN: NMD
CHECKED: JJM | CHECKED: JJM

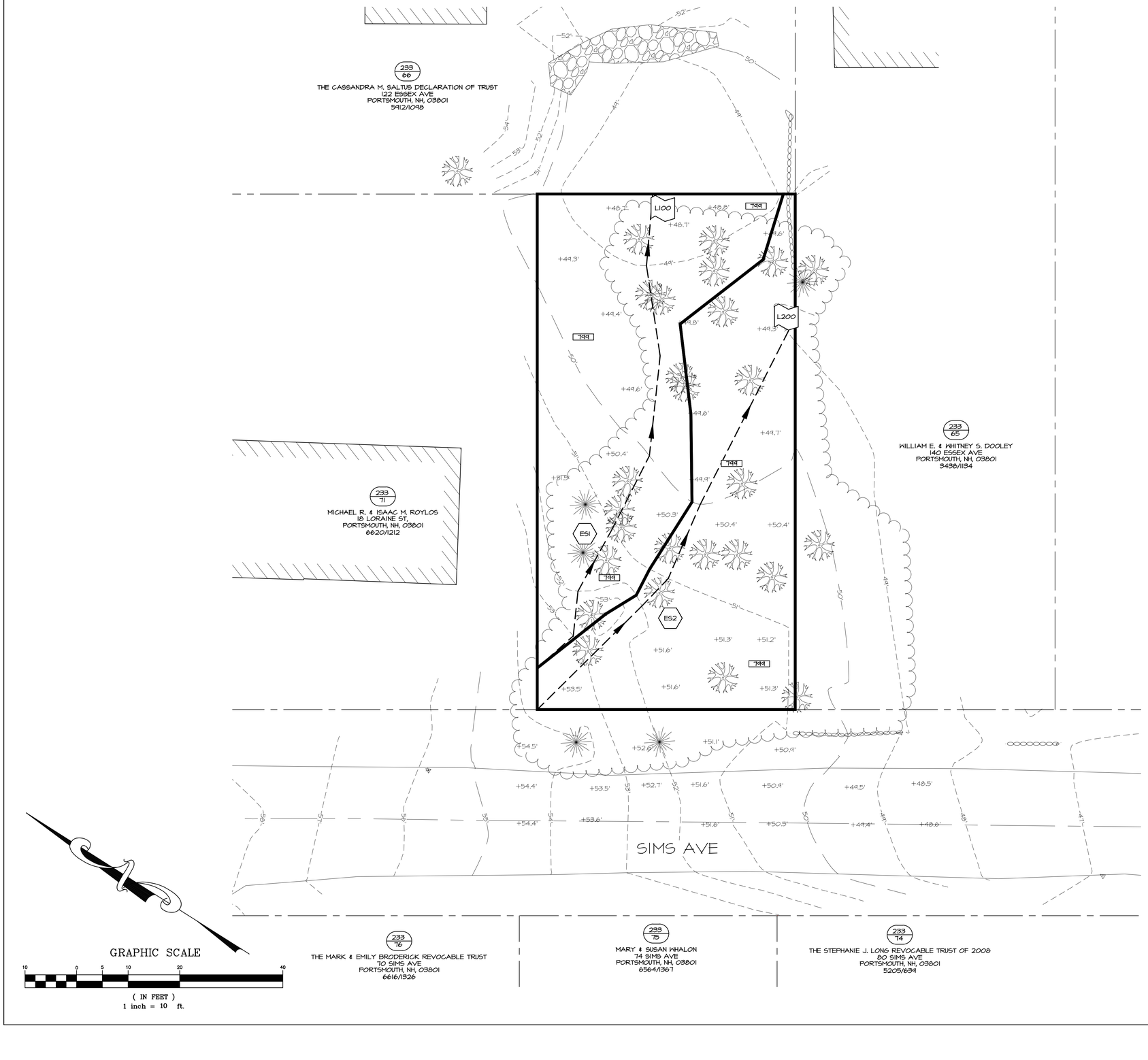
EEI
CIVIL & STRUCTURAL CONSULTANTS, LAND PLANNERS
100 GRIFFIN ROAD, UNIT C, PORTSMOUTH, NH 03801
603-772-4400 | EMANUELENGINEERING.COM ©2025

CLIENT:
CHRIS CLOUTIER
50 LOVELL STREET
PORTSMOUTH, NH 03801

SEAL:
STATE OF NEW HAMPSHIRE
BRUCE D. SCAMMAN
No. 11236
LICENSED PROFESSIONAL ENGINEER
1/29/26

TITLE:
STORMWATER MANAGEMENT PLAN
FOR
MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
25 SIMS AVE (SITE)
PORTSMOUTH, NH 03801

PROJECT:	SCALE:	SHEET:
26-1004	1"=10'	C2



GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)

1 inch = 10 ft.

SOIL INFORMATION:

THE FOLLOWING SOIL DATA HAS BEEN COMPILED FROM THE NRCS SOIL MAP SURVEY DATABASE.

1. ENTIRE SITE IS URBAN LAND-CANTON COMPLEX (799).

   DRAINAGE CLASS = WELL DRAINED
   Ksat VALUE = 2.0 - 6.0
   DEPTH TO WATER TABLE = >80"
   HYDROLOGIC SOIL GROUP: A

2. NO FORMAL WATER TABLE INVESTIGATION WAS PERFORMED AS PART OF THIS PLAN PREPARATION.

LEGEND

- Tc FLOW LINE
- SUBCATCHMENT BOUNDARY
- ES1 — SUBCATCHMENT LABEL
- EP01 — POND LABEL
- L100 — LINK LABEL
- XXX — SOIL TYPE

NOTES:

1. OWNER OF RECORD:
   TAX MAP 233, LOT 44
   MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
   18 LORAINE ST,
   PORTLAND, MAINE 04103
   RCRD BK6620 PG1214
2. THE INTENT OF THIS PLAN IS TO ANALYZE HOW STORMWATER BEHAVES ON THE EXISTING LOT.
3. PARCEL IS ZONED SINGLE RESIDENCE B (SRB) PER THE 2026 PORTSMOUTH MAPGEO ONLINE DATABASE.
4. PARCEL IS NOT IN A FLOOD HAZARD ZONE; REFERENCE FLOOD INSURANCE RATE MAP 33015C0259F, DATED JANUARY 29, 2021.
5. SOILS WERE OBTAINED BY EEI ON 01/26/2026 USING THE NRCS ONLINE DATABASE.
6. NO FORMAL WETLAND DELINEATION WAS PERFORMED AS PART OF THIS PLAN PREPARATION. BASED ON FIELD OBSERVATIONS, NO APPARENT WETLAND RESOURCES ARE PRESENT WITHIN THE PROJECT AREA.
7. PROPERTY TO BE SERVICED BY CITY WATER AND SEWER.
8. ALL CONSTRUCTION SHOULD COMPLY WITH FEDERAL, STATE, AND LOCAL STANDARDS AND REGULATIONS.
9. THIS PLAN WAS PREPARED WITH ON-SITE FIELD SURVEY AND EXISTING PLANS. THE CONTRACTOR SHOULD NOTIFY EMANUEL ENGINEERING, INC. DURING CONSTRUCTION IF ANY DISCREPANCY TO THE PLAN IS FOUND ON SITE.
10. BEFORE ANY EXCAVATION, DIG SAFE AND ALL UTILITY COMPANIES SHOULD BE CONTACTED 72 HOURS BEFORE COMMENCING BY THE CONTRACTOR. CALL DIG SAFE @ 811 OR 1-888-DIG-SAFE.
11. ALL UTILITIES SHALL BE LOCATED UNDERGROUND EXCEPT AS NOTED ON PLAN APPROVED BY THE PLANNING BOARD.
12. SETBACKS APPLY TO THE SIDING (EXTERIOR WALLS) OF THE HOUSE. ROOF OVERHANGS NOT TO EXCEED 3 FEET.
13. PRE-DEVELOPMENT DRAINAGE AREA CALCS:
    DRAINAGE ANALYSIS TOTAL AREA = 5004 SF

    DRAINAGE ANALYSIS IMPERVIOUS = 0 SF
    DRAINAGE ANALYSIS % IMPERVIOUS = 0.00%

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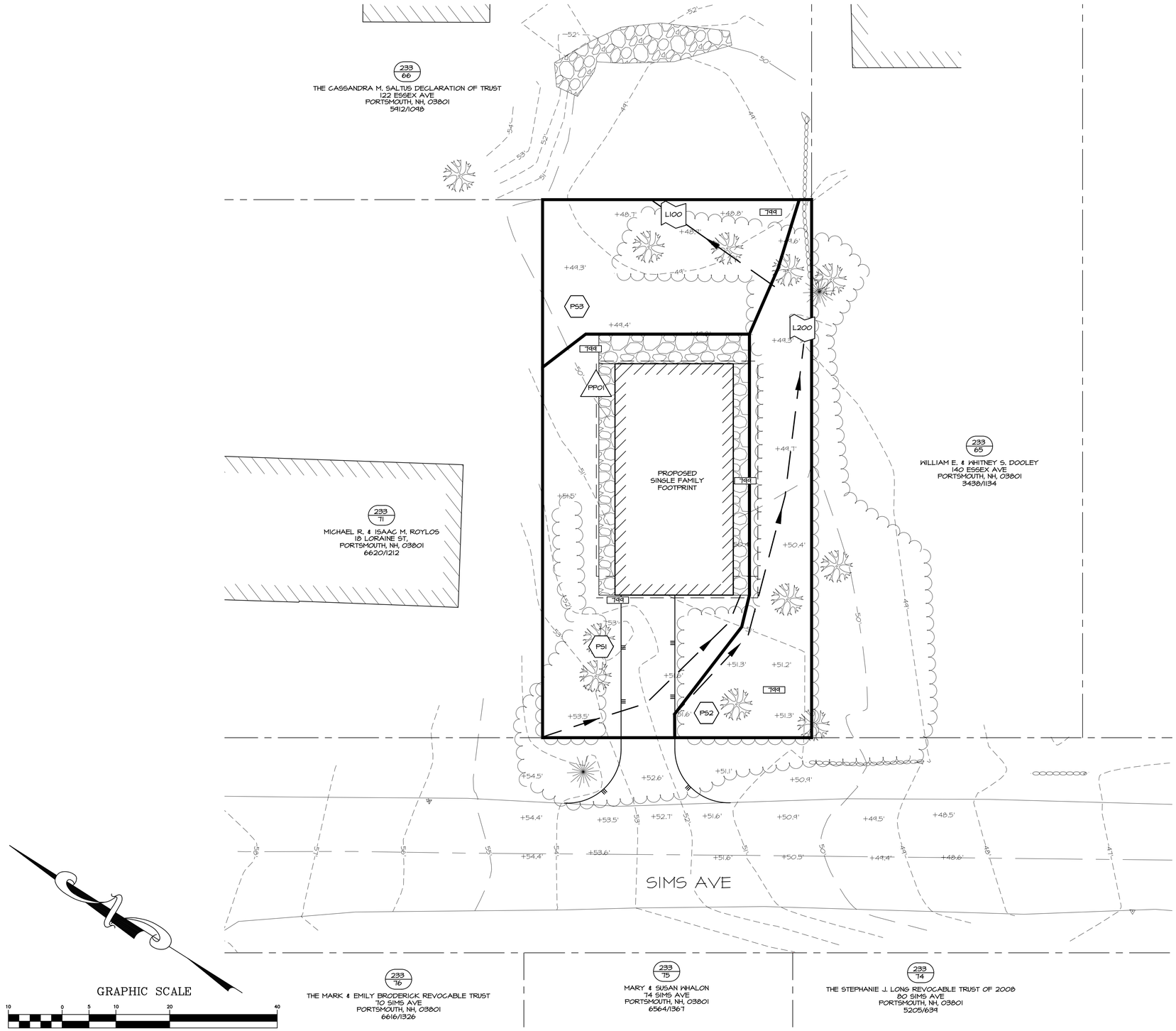
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PORTSMOUTH, NH 03801

SEAL:
STATE OF NEW HAMPSHIRE
BRUCE D. SCAMMAN
No. 11236
LICENSED PROFESSIONAL ENGINEER
1/29/26

TITLE:
PRE-DEVELOPMENT CONDITIONS
FOR
MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
25 SIMS AVE (SITE)
PORTSMOUTH, NH 03801

PROJECT:	SCALE:	SHEET:
26-1004	1"=10'	SW1



GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)

1 inch = 10 ft.

SOIL INFORMATION:

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1. ENTIRE SITE IS URBAN LAND-CANTON COMPLEX (799).

   DRAINAGE CLASS = WELL DRAINED
   Ksat VALUE = 2.0 - 6.0
   DEPTH TO WATER TABLE = >80"
   HYDROLOGIC SOIL GROUP: A

2. NO FORMAL WATER TABLE INVESTIGATION WAS PERFORMED AS PART OF THIS PLAN PREPARATION.

LEGEND

- Tc FLOW LINE
- SUBCATCHMENT BOUNDARY
- ES1 — SUBCATCHMENT LABEL
- EP01 — POND LABEL
- L100 — LINK LABEL
- XXX — SOIL TYPE

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   PORTLAND, MAINE 04103
   RCRD BK6620 PG1214
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11. ALL UTILITIES SHALL BE LOCATED UNDERGROUND EXCEPT AS NOTED ON PLAN APPROVED BY THE PLANNING BOARD.
12. SETBACKS APPLY TO THE SIDING (EXTERIOR WALLS) OF THE HOUSE. ROOF OVERHANGS NOT TO EXCEED 3 FEET.
13. POST-DEVELOPMENT DRAINAGE AREA CALCS:
    DRAINAGE ANALYSIS TOTAL AREA = 5,004 SF

    DRAINAGE ANALYSIS IMPERVIOUS = 1,211 SF
    DRAINAGE ANALYSIS % IMPERVIOUS = 24.2%

    BUILDING COVERAGE: 18.9% (946 SF)

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SEAL:

STATE OF NEW HAMPSHIRE
BRUCE D. SCAMMAN No. 11238 LICENSED PROFESSIONAL ENGINEER
1/29/26

TITLE:

POST-DEVELOPMENT CONDITIONS

FOR
MICHAEL R. ROYLOS AND
ISAAC M. ROYLOS
25 SIMS AVE (SITE)
PORTSMOUTH, NH 03801

PROJECT:	SCALE:	SHEET:
26-1004	1"=10'	SW2

EROSION AND SEDIMENTATION CONTROL - CONSTRUCTION PHASING AND SEQUENCING:

1. SEE "EROSION AND SEDIMENTATION CONTROL GENERAL NOTES" WHICH ARE TO BE AN INTEGRAL PART OF THIS PROCESS.
2. INSTALL SILT FENCING AND/OR HAY BALE BARRIERS AS PER DETAILS AND AT SEDIMENT MIGRATION.
3. CONSTRUCT TREATMENT SWALES , LEVEL SPREADERS AND DETENTION STRUCTURES AS DEPICTED ON DRAWINGS.
4. INSTALL TEMPORARY GRAVEL CONSTRUCTION ENTRANCE(S) AS PER DETAIL AND AT LOCATIONS SHOWN ON THE DRAWINGS. MAINTAIN (TOP DRESS) REGULARLY TO PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC STREETS.
5. STRIP AND STOCKPILE TOPSOIL. STABILIZE PILES OF SOIL CONSTRUCTION MATERIAL.
6. ROUGH GRADE SITE. INSTALL CULVERTS AND ROAD DITCHES.
7. FINISH GRADE AND COMPACT SITE.
8. RE-SPREAD AND ADD TOPSOIL TO ALL ROADSIDE SLOPES. TOTAL TOPSOIL THICKNESS TO BE A MINIMUM OF FOUR TO SIX INCHES.
9. STABILIZE ALL AREAS OF BARE SOIL WITH MULCH AND SEEDING.
10. RE-SEED PER EROSION AND SEDIMENTATION CONTROL GENERAL NOTES.
11. SILT FENCING AND HAY BALES TO REMAIN AND BE MAINTAINED FOR TWENTY FOUR MONTHS AFTER CONSTRUCTION TO ENSURE ESTABLISHMENT OF ADEQUATE SOIL STABILIZATION AND VEGETATIVE COVER. ALL SILT FENCING, HAY BALES AND TRAPPED SILT ARE THEN TO BE REMOVED FROM THE SITE AND PROPERLY DISPOSED OF.
12. PERIMETER CONTROLS SHALL BE INSTALLED PRIOR TO EARTH MOVING OPERATIONS.
13. PONDS AND SWALES SHALL BE INSTALLED EARLY ON IN THE CONSTRUCTION SEQUENCE - BEFORE ROUGH GRADING THE SITE.
14. ALL DITCHES AND SWALES SHALL BE STABILIZED PRIOR TO DIRECTING RUNOFF TO THEM.
15. ALL ROADWAYS AND PARKING LOTS SHALL BE STABILIZED WITHIN 72 HOURS OF ACHIEVING FINISHED GRADE.
16. ALL CUT AND FILL SLOPES SHALL BE SEEDED/LOAMED WITHIN 72 HOURS OF ACHIEVING FINISH GRADE.
17. ALL EROSION CONTROLS SHALL BE INSPECTED WEEKLY AND AFTER EVERY HALF-INCH OF RAINFALL.
18. BUOYANCY CALCULATIONS HAVE NOT BEEN PERFORMED. THE CONTRACTOR IS RESPONSIBLE FOR PROVIDING ANCHORAGE FOR ALL TANKS WHERE REQUIRED.

WINTER CONSTRUCTION NOTES (OCTOBER 15 TO MAY 1):

1. ALL PROPOSED VEGETATED AREAS WHICH DO NOT EXHIBIT A MINIMUM OF 85% VEGETATIVE GROWTH BY OCTOBER 15TH, OR WHICH ARE DISTURBED AFTER OCTOBER 15TH, SHALL BE STABILIZED BY SEEDING AND INSTALLING EROSION CONTROL BLANKETS ON SLOPES GREATER THAN 3:1, AND SEEDING AND PLACING 3 TO 4 TONS OF MULCH PER ACRE, SECURED WITH ANCHORED NETTING, ELSEWHERE. THE INSTALLATION OF EROSION CONTROL BLANKETS OR MULCH AND NETTING SHALL NOT OCCUR OVER ACCUMULATED SNOW OR ON FROZEN GROUND AND SHALL BE COMPETED IN ADVANCE OF THAW OR SPRING MELT EVENT.
2. ALL DITCHES OR SWALES WHICH DO NOT EXHIBIT A MINIMUM OF 85% VEGETATIVE GROWTH BY OCTOBER 15TH, OR WHICH ARE DISTURBED AFTER OCTOBER 15TH, SHALL BE STABILIZED TEMPORARILY WITH STONE OR EROSION CONTROL BLANKETS APPROPRIATE FOR THE DESIGN FLOW CONDITIONS.
3. AFTER OCTOBER 15TH, INCOMPLETE ROAD OR PARKING SURFACES, WHERE WORK HAS STOPPED FOR THE WINTER SEASON, SHALL BE PROTECTED WITH A MINIMUM OF 3 INCHES OF CRUSHED GRAVEL PER NHDOT ITEM 304.3.

ROCK INFILTRATION AREA MAINTENANCE:

THE ROCK INFILTRATION AREA SHOULD BE CHECKED AT LEAST ANNUALLY AND AFTER EVERY MAJOR STORM. IF THE ROCK HAS BEEN DISPLACED, UNDERMINED, OR DAMAGED, IT SHOULD BE REPAIRED IMMEDIATELY. THE CHANNEL IMMEDIATELY BELOW ANY OUTLET SHOULD BE CHECKED TO SEE THAT EROSION IS NOT OCCURRING. THE DOWNSTREAM CHANNEL SHOULD BE KEPT CLEAR OF OBSTRUCTIONS SUCH AS; FALLEN TREES, DEBRIS, AND SEDIMENT THAT COULD CHANGE FLOW PATTERNS AND/OR TAIL WATER DEPTHS ON THE PIPES. REPAIRS MUST BE CARRIED OUT IMMEDIATELY TO AVOID ADDITIONAL DAMAGE TO THE OUTLET PROTECTION APRON.

EROSION AND SEDIMENTATION CONTROL - GENERAL NOTES:

1. CONDUCT ALL CONSTRUCTION IN A MANNER AND SEQUENCE THAT CAUSES THE LEAST PRACTICAL DISTURBANCE OF THE PHYSICAL ENVIRONMENT, BUT IN NO CASE SHALL EXCEED 5 ACRES AT ANY ONE TIME BEFORE DISTURBED AREAS ARE STABILIZED. SEE ENV-WQ 1505.03.
2. ALL EROSION AND SEDIMENTATION CONTROL MEASURES IN THE PLAN SHALL MEET THE DESIGN BASED ON NEW HAMPSHIRE STORMWATER MANUAL, VOLUMES 1-3; DATED DECEMBER 2008, PREPARED BY NHDES.
3. AN AREA SHALL BE CONSIDERED STABLE IF ONE OF THE FOLLOWING HAS OCCURRED:
   - BASE COURSE GRAVELS HAVE BEEN INSTALLED IN AREAS TO BE PAVED.
   - A MINIMUM OF 85% VEGETATED GROWTH HAS BEEN ESTABLISHED.
   - A MINIMUM OF 3" OF NON-EROSIVE MATERIAL SUCH AS STONE OR RIP RAP HAS BEEN INSTALLED.
   - EROSION CONTROL BLANKETS HAVE BEEN PROPERLY INSTALLED.
4. ALL AREAS SHALL BE STABILIZED WITHIN 45 DAYS OF INITIAL DISTURBANCE.
5. SEE WINTER CONSTRUCTION NOTES IF SCHEDULE AND DATES ARE APPLICABLE.
6. ALL DITCHES, SWALES AND PONDS MUST BE STABILIZED PRIOR TO DIRECTING FLOW TO THEM.
7. ALL GROUND AREAS OPENED UP FOR CONSTRUCTION WILL BE STABILIZED IN THE SHORTEST PRACTICAL TIME. ALL SOILS FINISH GRADED MUST BE STABILIZED WITHIN SEVENTY TWO HOURS OF DISTURBANCE.
8. EMPLOY TEMPORARY EROSION AND SEDIMENTATION CONTROL DEVICES AS DETAILED ON THIS PLAN AS NECESSARY UNTIL ADEQUATE STABILIZATION HAS BEEN ASSURED.
9. TEMPORARY & LONG TERM SEEDING: USE SEED MIXTURES, FERTILIZER, LIME AND MULCHING AS RECOMMENDED (SEE SEEDING AND STABILIZATION NOTES).
10. STRAW OR HAY BALE BARRIERS AND SILTATION FENCING TO BE SECURELY EMBEDDED AND STAKED AS DETAILED. WHEREVER POSSIBLE A VEGETATED STRIP OF AT LEAST TWENTY FIVE FEET IS TO BE KEPT BETWEEN SILT FENCE AND ANY EDGE OF WET AREA.
11. SEEDED AREAS WILL BE FERTILIZED AND RE-SEEDED AS NECESSARY TO ENSURE VEGETATIVE ESTABLISHMENT.
12. SEDIMENT BASIN(S), IF REQUIRED, TO BE CHECKED AFTER EACH SIGNIFICANT RAINFALL AND CLEANED AS NEEDED TO RETAIN DESIGN CAPACITY.
13. STRAW BALE AND/OR SILT FENCE BARRIERS WILL BE CHECKED REGULARLY AND AFTER EACH SIGNIFICANT RAINFALL. NECESSARY REPAIRS WILL BE MADE TO CORRECT UNDERMINING OR DETERIORATION OF THE BARRIER AS WELL AS CLEANING, REMOVAL AND PROPER DISPOSAL OF TRAPPED SEDIMENT.
14. TREATMENT SWALES WILL BE CHECKED WEEKLY AND REPAIRED WHEN NECESSARY UNTIL ADEQUATE VEGETATIVE COVER HAS BEEN ESTABLISHED.
15. THE PROJECT IS TO BE MANAGED IN A MANNER THAT MEETS THE REQUIREMENTS AND INTENT OF RSA 430:53 AND CHAPTER AGR 3800 RELATIVE TO INVASIVE SPECIES.
16. TEMPORARY WATER DIVERSION (SWALES, BASINS, ETC.) MUST BE USED AS NECESSARY UNTIL AREAS ARE STABILIZED.

SEEDING AND STABILIZATION FOR LOAMED SITE:

1. FOR TEMPORARY & LONG TERM SEEDINGS (BY SEPTEMBER 15 OF THE SAME YEAR OF DISTURBANCE) USE ASWAY'S SOIL CONSERVATION GRASS SEED OR EQUAL.
2. COMPONENTS: ANNUAL RYE GRASS, PERENNIAL RYE GRASS, WHITE CLOVER, 2 FESCUES, SEED AT A RATE OF 100 POUNDS PER ACRE.
3. FERTILIZER & LIME:
   NITROGEN (N) 50 LBS/ACRE, PHOSPHATE (P205) 100 LBS/ACRE, POTASH (K20) 100 LBS/ACRE, LIME 2000 LBS/ACRE.
4. MULCH: HAY OR STRAW 1.5-2 TONS/ACRE.
5. GRADING AND SHAPING:
   SLOPES SHALL NOT BE STEEPER THAN 2:1; 3:1 SLOPES OR FLATTER ARE PREFERRED. WHERE MOWING WILL BE DONE, 3:1 SLOPES OR FLATTER ARE RECOMMENDED.
6. SEED BED PREPARATION
   - SURFACE AND SEEPAGE WATER SHOULD BE DRAINED OR DIVERTED FROM THE SITE TO PREVENT DROWNING OR WINTER KILLING OF THE PLANTS.
   - STONES LARGER THAN 4 INCHES AND TRASH SHOULD BE REMOVED BECAUSE THEY INTERFERE WITH SEEDING AND FUTURE MAINTENANCE OF THE AREA. WHERE FEASIBLE, THE SOIL SHOULD BE TILLED TO A DEPTH OF ABOUT 4 INCHES TO PREPARE A SEEDBED AND MIX FERTILIZER AND LIME INTO THE SOIL. THE SEEDBED SHOULD BE LEFT IN A REASONABLY FIRM AND SMOOTH CONDITION. THE LAST TILLAGE OPERATION SHOULD BE PERFORMED ACROSS THE SLOPE WHEREVER PRACTICAL.

STABILIZATION CONSTRUCTION ENTRANCE SPECIFICATIONS:

1. STONE FOR A STABILIZED CONSTRUCTION ENTRANCE SHALL BE 3 INCH STONE (MINIMUM), RECLAIMED STONE, OR RECYCLED CONCRETE EQUIVALENT.
2. THE LENGTH OF THE STABILIZED ENTRANCE SHALL NOT BE LESS THAN 75 FEET (OR 50 FEET WITH A 3 TO 6 INCH MOUNTABLE BERM).
3. THE THICKNESS OF THE STONE FOR THE STABILIZATION ENTRANCE SHALL NOT BE LESS THAN 6 INCHES.
4. THE WIDTH OF THE ENTRANCE SHALL NOT BE LESS THAN THE FULL WIDTH OF THE ENTRANCE WHERE INGRESS OR EGRESS OCCURS OR 10 FEET, WHICH EVER IS GREATER.
5. GEOTEXTILE FILTER CLOTH SHALL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING THE STONE.
6. ALL SURFACE WATER THAT IS FLOWING TO OR DIVERTED TOWARDS THE CONSTRUCTION ENTRANCE SHALL BE PIPED BENEATH THE ENTRANCE. IF PIPING IS IMPRACTICAL, A BERM WITH 5:1 SLOPES THAT CAN BE CROSSED BY VEHICLES MAY BE SUBSTITUTED FOR THE PIPE.
7. THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION THAT WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING OF ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, WASHED, OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED PROMPTLY.
8. WHEELS SHALL BE CLEANED TO REMOVE MUD PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS-OF-WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.

FILTREXX LAND IMPROVEMENT SYSTEMS INSPECTION & MAINTENANCE:

1. CONSULT FILTREXX SNIPP CUT SHEETS FOR ALL FILTREXX PRODUCTS PRIOR TO INSTALLATION AND FOR MAINTENANCE GUIDELINES. HTTP://WWW.FILTREXX.COM/DESIGN_CUT_SHEETS.HTM
2. ROUTINE INSPECTION SHOULD BE CONDUCTED WITHIN 24 HRS OF A RUNOFF EVENT OR AS DESIGNATED BY THE REGULATING AUTHORITY. UNITS SHOULD BE REGULARLY INSPECTED TO MAKE SURE THEY MAINTAIN THEIR SHAPE AND ARE PRODUCING ADEQUATE HYDRAULIC FLOW-THROUGH, DITCH/CHANNEL EROSION CONTROL, AND SEDIMENT REMOVAL.
3. IF PONDING BECOMES EXCESSIVE, ADDITIONAL CHECK DAMS, LEVEL SPREADERS, OR SEDIMENT CONTROL UNITS FOR SEDIMENT REMOVAL MAY BE REQUIRED.
4. SEDIMENT ACCUMULATION SHOULD BE REMOVED ONCE IT REACHES THE HEIGHT OF THE CHECK DAM OR UNIT. ALTERNATIVELY, ANOTHER UNIT MAY BE INSTALLED SLIGHTLY UPSLOPE, ON TOP OF THE EXISTING ONE. THIS PROCESS IS NOT CONSIDERED A SOIL DISTURBING ACTIVITY.
5. STORM DEBRIS ACCUMULATION BEHIND CHECK DAMS, LEVEL SPREADER, SEDIMENT CONTROL UNIT, ETC. SHOULD NEVER BE HIGHER THAN THE SIDES OF THE CHECK DAM/UNIT. STORM RUNOFF OVERFLOW SHALL MAINTAIN THE UNITS IN A FUNCTIONAL CONDITION AT ALL TIMES AND IT SHALL BE ROUTINELY INSPECTED.
6. IF A UNIT HAS BEEN DAMAGED, IT SHALL BE REPAIRED, OR REPLACED IF BEYOND REPAIR.
7. THE CONTRACTOR SHALL REMOVE SEDIMENT AT THE BASE OF THE UPSLOPE SIDE OF UNITS WHEN ACCUMULATION HAS REACHED 1/2 OF THE EFFECTIVE HEIGHT OF THE SOXX, OR AS DIRECTED BY THE ENGINEER.
8. AS AN ALTERNATIVE, ANOTHER SOXX UNIT MAY BE INSTALLED ADJACENT AND PARALLEL TO THE UPSLOPE SIDE OF THE ORIGINAL TO INCREASE SEDIMENT STORAGE CAPACITY. SOXX SEDIMENT BACKUP IN CENTER OF THE DITCH/CHANNEL SHALL REMAIN LOWER THAN THE SIDES.
9. IF SOXX UNIT BECOMES CLOGGED WITH DEBRIS AND SEDIMENT, IMMEDIATE REMOVAL OF DEBRIS AND SEDIMENT SHOULD BE CONDUCTED TO ASSURE PROPER DRAINAGE AND WATER FLOW THROUGH THE DITCH OR CHANNEL. STORM RUNOFF OVERFLOW OF THE SOXX UNIT IS ACCEPTABLE.
10. SOXX UNITS SHALL BE MAINTAINED UNTIL DISTURBED AREA AROUND THE DEVICE HAS BEEN PERMANENTLY STABILIZED AND CONSTRUCTION ACTIVITY HAS CEASED.
11. THE FILTERMEDIATM MAY BE DISPERSED ON SITE ONCE DISTURBED AREA HAS PERMANENTLY STABILIZED, CONSTRUCTION ACTIVITY CEASED, OR DETERMINED BY THE ENGINEER.
12. PERMANENT VEGETATED FILTER STRIPS WILL BE LEFT INTACT.

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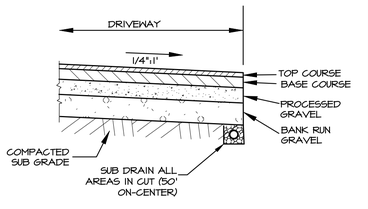
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BRUCE D. SCAMMAN No. 11236 LICENSED PROFESSIONAL ENGINEER
1/29/26

TITLE:
NOTES
FOR
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ISAAC M. ROYLOS
25 SIMS AVE (SITE)
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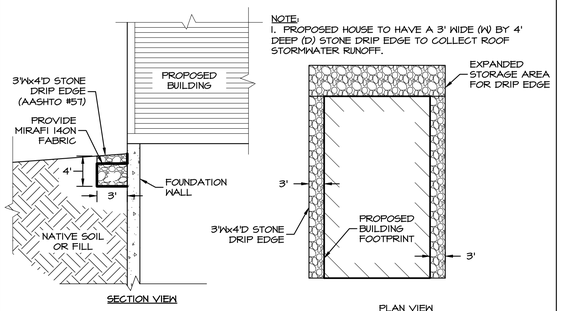
PROJECT:	SCALE:	SHEET:
26-1004	AS SHOWN	D1



PAVEMENT COMPONENTS:
MATERIALS AND PLACEMENT METHODS SHOULD MEET CURRENT NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION (NHDOT) REQUIREMENTS.

DRIVEWAY & PARKING AREA:
1-1/2" ASPHALT WEARING SURFACE, NHDOT ½" NOMINAL MAXIMUM AGGREGATE SIZE
2-1/2" ASPHALT BASE, NHDOT ¾" NOMINAL MAXIMUM AGGREGATE SIZE
6" CRUSHED GRAVEL BASE, NHDOT TYPE 304.3
12" GRAVEL SUB BASE, NHDOT TYPE 304.2

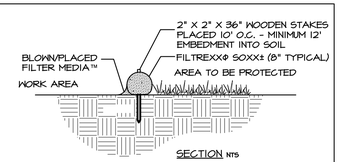
PAVED DRIVEWAY SECTION
N.T.S.



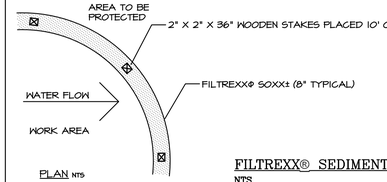
NOTE:
1. PROPOSED HOUSE TO HAVE A 3' WIDE (W) BY 4' DEEP (D) STONE DRIP EDGE TO COLLECT ROOF STORMWATER RUNOFF.

DRIP EDGE DETAIL
NOT TO SCALE

NOTES:
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100 GRIFFIN ROAD, UNIT C, PORTSMOUTH, NH 03801
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CLIENT:
CHRIS CLOUTIER
50 LOVELL STREET
PORTSMOUTH, NH 03801

SEAL:
STATE OF NEW HAMPSHIRE
BRUCE D. SCAMMAN
No. 11236
LICENSED PROFESSIONAL ENGINEER
1/29/26

TITLE:
DETAILS
FOR
MICHAEL R. ROYLOS AND
ISAAC M. ROYLOS
25 SIMS AVE (SITE)
PORTSMOUTH, NH 03801

PROJECT:	SCALE:	SHEET:
26-1004	AS SHOWN	D2

EMANUELENGINEERING.COM

STORMWATER CALCULATIONS

Michael R. Roylos and Isaac M. Roylos

25 Sims Avenue (Site)

Portsmouth, NH 03801

01/30/2026

EEI Project # 26-1004

Prepared For: Chris Cloutier
50 Lovell Street
Portsmouth, NH 03801

Prepared By: Emanuel Engineering, Inc.
Nick DiBartholomeo, EIT
100 Griffin Road, Unit C
Portsmouth, NH 03801

_____

Bruce Scamman, PE
Emanuel Engineering

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Stormwater Narrative

Existing Conditions

The Michael R. Roylos and Isaac M. Roylos site is shown on Portsmouth Tax Map 233, Lot 44, located at 25 Sims Avenue, Portsmouth NH 03801. The existing lot covers an area of 0.115 acres. The subject area contains woodlands and grass. Surrounding the residence are residential abutters.

The intent of this project is to build a residential home and the associated stormwater Best Management Practices (BMP) to ensure no excess stormwater collects on the abutter's property. The lot is currently vacant with no private septic and drinking water systems. The proposed lot will be connected to city sewer and drinking water. City drinking water runs along Sims Avenue. The sewer tie-in is at the end of the street.

To manage additional runoff from increased impervious surfaces, proposed drainage measures include a drip edge for the building and a stone infiltration storage area. The parcel is bounded:

- North: Residential lots
- East: Residential lots
- West: Sims Avenue
- South: Residential lots

Approximately 0.115 acres (100%) of the site analyzed for drainage are grass and undisturbed woodlands. The existing impervious cover is 0.0% (0.0 acres).

The site has two (2) primary stormwater discharge points, one leading to the Northeast abutter Tax Map 233 Lot 66 (Link L100), the other leading to the Southern abutter Tax Map 233 Lot 65. While there are no wetlands present on the property, the abutters have observed ponding at the low point between the lot in question and the Northeast abutting lot. The site's high point is on the Northwest corner of the lot and drains towards the northeast and south. An increase in impervious cover is proposed, which will be mitigated with a drip edges along the proposed building and a stone infiltration storage area to ensure the post development stormwater conditions decrease from the existing conditions.

Site specific soils were obtained from the NRCS online database. The property is determined to be a single soil series of Urban land-Canton complex. Based on the results of this database, the soils are:

- Well drained
- Ksat Value = 2.0 – 6.0
- Depth to Water Table = >80"
- Hydrologic Soil Group: A

Proposed Development

Proposed developments for Tax map 233, Lot 44 include:

- 946 square-foot residential home
- ±412 square feet of stone drip edges along the residential home, including the expanded drip edge located behind the proposed home

The proposed impervious cover including driveway and building will increase to 24.2% (± 0.028 acres). Proposed building cover on the lot is 18.9%

Drainage Analysis and Design

Purpose:

1. Analyze pre-development runoff flows through the site.
2. Evaluate the impact of the proposed development on drainage patterns and flows.

Goals:

1. Design a stormwater treatment system to adequately handle post-development peak flow and volume.
2. Minimize or eliminate erosion and sedimentation during construction and after construction.

Method:

The stormwater runoff analysis followed the City of Portsmouth's Site Plan Review Regulations, requiring design for a 2-year, 10-year, 25-year, and 50-year 24-hour storm event. The analysis was performed in accordance with NH DES requirements using the U.S. Soil Conservation Service's TR-20 procedure (basis for TR-55).

As described in TR-55, this method calculates storm runoff, peak discharge rates, hydrographs, and required storage volumes. Rainfall is converted to runoff using a curve number (CN) based on soils, vegetation, impervious cover, interception, and surface storage. Runoff is then transformed into a hydrograph using unit hydrograph theory and routed based on travel time.

All modeling was completed using HydroCAD software. HydroCAD applies a S1 (3-point) smoothing factor to the IDF storm curves. This is a 3-point smoothing algorithm to compensate for irregularities that are often present in the IDF curve. This procedure preserves the 5-minute, 1-hour, and 24-hour intensities, but uses a log-log interpolation for all intermediate intensities. If the Storm Duration is different than 24-hours, the intensity for the specified duration is preserved *in addition* to the three standard durations. This is shown on the top right of the drainage analysis. An example is shown as "…24-hr **S1** 1-in Rainfall=1.00""

Multiple Best Management Practices (BMPs) and Low Impact Development (LID) strategies were evaluated during the design of this project. The primary BMPs incorporated into the final design include roof drip edges around the buildings, a stone infiltration storage area, and Silt Soxx erosion control barriers to prevent sediment transport to the off-site wetland. A stabilized gravel construction entrance shall be installed to reduce sediment track-out from construction vehicles. Due to the need to raise portions of the roadway to meet design and regulatory requirements, the existing drainage patterns were maintained by directing surface runoff to the same discharge area as the current conditions.

Several additional BMPs were evaluated but not included in the design. Erosion control blankets were reviewed; however, they were determined to be unnecessary because proposed slopes do not exceed thresholds where blankets provide measurable benefit.

The proposed roof drip edges are classified as a Tier 2 Stormwater Control Measure (SCM), meeting pollutant removal requirements under Env-Wq 1500.

Pre-Development Runoff

The pre-development site was modeled as a 0.115-acre area where stormwater modeling and calculations for Portsmouth Tax Map 233, Lot 44 were performed. The subject area flows into two different abutter lots. Two subcatchment area was needed to model an accurate stormwater flow diagram and are shown on sheet SW1 – Pre Development Drainage Plan included in this report. Please note that due to well drained soils and a small lot area, peak flow rates of 0.00 CFS and low volumes are present across all design storm events.

Subcatchment ES1
Location: North portion of lot.
Land cover type Grass, and woodlands.
Hydrologic Soil Groups (HSG): A
Discharges to: Map 233 Lot 66 northeastern abutter.

Subcatchment ES2
Location: South portion of lot.
Land cover type Grass, and woodlands.
Hydrologic Soil Groups (HSG): A
Discharges to: Map 233 Lot 65 southern abutter.

The stormwater calculations were modeled with good grass cover and good woodlands. The attached HydroCAD worksheets outline specific details on the flow, volumes, times, and flow conditions.

Post-Development Runoff

The post-development site was modeled as a 0.115-acre area which has been divided into three (3) subcatchment areas and one (1) pond area, shown on sheet SW2 – Post Development Drainage Plan included in this report. Please note that due to well drained soils and a small lot area, peak flow rates of 0.00 CFS and low volumes are present across all design storm events

Subcatchment PS1
Location: Northwest portion of lot, along Sims Avenue.
Land cover type: Impervious roof, impervious driveway, grass and woodlands.
Hydrologic Soil Groups (HSG): A
Discharges to: Stone drip edge, Pond PP01.

Subcatchment PS2
Location: Southern portion of lot, along Sims Avenue.
Land cover type: Impervious driveway, grass and woodlands.
Hydrologic Soil Groups (HSG): A
Discharges to: Map 233 Lot 65 southern abutter.

Subcatchment PS3
Location: Northeast corner of lot.
Land cover type: Grass and woodlands.
Hydrologic Soil Groups (HSG): A
Discharges to: Map 233 Lot 66 northeastern abutter.

Pond PP01
Location: Drip edge with extended storage on the perimeter of the residential house for subcatchment PS1.
Description: 3 feet wide x 4 feet deep stone drip edge on two sides of the building (±412 total square feet). The expanded drip edge becomes 5.5 feet wide x 4 feet deep along the back of the building. The intent of the stone drip edge is for stormwater to pass through the AASHTO #57 stone and Mirafi 140N filter fabric, then exfiltrate to the ground within. Any large storm event that exceeds the rate of exfiltration will overflow out the top at a reduced flow and volume to the Northen abutters.
Discharges to: Exfiltrates within and/or overflows and Map 223 Lot 66 Abutter, Link L100.

The stormwater calculations were modeled with good grass cover, good woodlands, and impervious roof. The attached HydroCAD worksheets outline specific details on the flow, volumes, times, and flow conditions.

The proposed development on the site increased the impervious area by +/-1,211 square feet from predevelopment. This included both driveway and house. Building coverage increases by 18.9%

The post-development HydroCAD stormwater flow calculations indicate decreased peak flows for the 2-year, 10-year, 25-year, and 50-year events across the site. A decrease in both post-development peak flow rate and runoff volume is demonstrated for all storm events.

Please note that due to well drained soils and a small lot area, peak flow rates of 0.00 CFS and low volumes are present across all design storm events

The storm-water flow summaries are detailed in the HydroCAD calculations showing the net decrease in runoff at each point of discharge. Each point of discharge has been subtotaled to compare the pre-development and post-development discharges from the same geographical areas of the parcel and shown on the Stormwater Summary sheet as Link L100 and Link L200.

Extreme Precipitation Tables

Extreme Precipitation Tables

Northeast Regional Climate Center

Data represents point estimates calculated from partial duration series. All precipitation amounts are displayed in inches.

Metadata for Point	
Smoothing	Yes
State	
Location	
Latitude	43.063 degrees North
Longitude	70.779 degrees West
Elevation	10 feet
Date/Time	Tue Jan 27 2026 12:16:20 GMT-0500 (Eastern Standard Time)

Extreme Precipitation Estimates

	5min	10min	15min	30min	60min	120min		1hr	2hr	3hr	6hr	12hr	24hr	48hr		1day	2day	4day	7day	10day	
1yr	0.26	0.40	0.50	0.65	0.82	1.04	**1yr**	0.70	0.98	1.21	1.56	2.03	2.66	2.93	**1yr**	2.36	2.82	3.23	3.95	4.56	**1yr**
2yr	0.32	0.50	0.62	0.81	1.02	1.30	**2yr**	0.88	1.18	1.52	1.94	2.49	3.22	3.58	**2yr**	2.85	3.44	3.94	4.69	5.34	**2yr**
5yr	0.37	0.58	0.73	0.98	1.25	1.61	**5yr**	1.08	1.47	1.89	2.43	3.14	4.08	4.59	**5yr**	3.61	4.41	5.05	5.95	6.72	**5yr**
10yr	0.41	0.65	0.82	1.11	1.45	1.89	**10yr**	1.25	1.72	2.23	2.89	3.76	4.88	5.54	**10yr**	4.32	5.33	6.10	7.12	8.00	**10yr**
25yr	0.48	0.76	0.97	1.33	1.77	2.34	**25yr**	1.53	2.14	2.78	3.63	4.75	6.19	7.12	**25yr**	5.48	6.84	7.82	9.05	10.08	**25yr**
50yr	0.53	0.86	1.10	1.54	2.07	2.75	**50yr**	1.79	2.52	3.29	4.32	5.67	7.41	8.60	**50yr**	6.56	8.27	9.45	10.84	12.01	**50yr**
100yr	0.59	0.96	1.24	1.77	2.41	3.25	**100yr**	2.08	2.98	3.90	5.16	6.78	8.88	10.40	**100yr**	7.86	10.00	11.41	13.00	14.32	**100yr**
200yr	0.67	1.10	1.42	2.04	2.82	3.83	**200yr**	2.43	3.51	4.61	6.13	8.09	10.64	12.58	**200yr**	9.42	12.10	13.79	15.59	17.08	**200yr**
500yr	0.80	1.31	1.71	2.48	3.47	4.76	**500yr**	2.99	4.37	5.76	7.71	10.24	13.52	16.19	**500yr**	11.97	15.57	17.72	19.84	21.57	**500yr**

Lower Confidence Limits

	5min	10min	15min	30min	60min	120min		1hr	2hr	3hr	6hr	12hr	24hr	48hr		1day	2day	4day	7day	10day	
1yr	0.23	0.36	0.44	0.59	0.73	0.88	**1yr**	0.63	0.87	0.92	1.33	1.67	2.23	2.52	**1yr**	1.98	2.42	2.87	3.17	3.89	**1yr**
2yr	0.31	0.49	0.60	0.81	1.00	1.19	**2yr**	0.86	1.16	1.37	1.82	2.34	3.06	3.46	**2yr**	2.71	3.33	3.83	4.56	5.09	**2yr**
5yr	0.35	0.54	0.67	0.92	1.17	1.40	**5yr**	1.01	1.37	1.61	2.12	2.73	3.80	4.21	**5yr**	3.36	4.05	4.73	5.56	6.26	**5yr**
10yr	0.39	0.59	0.74	1.03	1.33	1.60	**10yr**	1.15	1.57	1.81	2.39	3.06	4.39	4.89	**10yr**	3.88	4.70	5.47	6.44	7.23	**10yr**
25yr	0.44	0.67	0.83	1.19	1.56	1.90	**25yr**	1.35	1.86	2.10	2.76	3.54	4.72	5.94	**25yr**	4.18	5.71	6.70	7.85	8.73	**25yr**
50yr	0.48	0.73	0.91	1.31	1.77	2.17	**50yr**	1.53	2.12	2.35	3.08	3.94	5.33	6.86	**50yr**	4.72	6.60	7.80	9.11	10.08	**50yr**
100yr	0.54	0.81	1.02	1.47	2.02	2.47	**100yr**	1.74	2.42	2.63	3.42	4.36	5.99	7.93	**100yr**	5.30	7.63	9.09	10.60	11.64	**100yr**
200yr	0.59	0.89	1.13	1.64	2.29	2.82	**200yr**	1.98	2.76	2.94	3.79	4.81	6.71	9.17	**200yr**	5.94	8.82	10.58	12.35	13.47	**200yr**
500yr	0.69	1.03	1.32	1.92	2.73	3.37	**500yr**	2.35	3.30	3.41	4.33	5.48	7.81	11.10	**500yr**	6.91	10.68	12.94	15.13	16.31	**500yr**

Upper Confidence Limits

	5min	10min	15min	30min	60min	120min		1hr	2hr	3hr	6hr	12hr	24hr	48hr		1day	2day	4day	7day	10day	
1yr	0.28	0.44	0.54	0.72	0.89	1.08	**1yr**	0.77	1.06	1.26	1.74	2.21	2.99	3.16	**1yr**	2.65	3.04	3.59	4.38	5.06	**1yr**
2yr	0.34	0.52	0.64	0.86	1.07	1.27	**2yr**	0.92	1.24	1.48	1.96	2.51	3.43	3.70	**2yr**	3.04	3.56	4.09	4.84	5.65	**2yr**
5yr	0.40	0.62	0.76	1.05	1.34	1.62	**5yr**	1.15	1.58	1.88	2.53	3.25	4.35	4.96	**5yr**	3.85	4.77	5.38	6.37	7.15	**5yr**
10yr	0.47	0.72	0.89	1.24	1.61	1.97	**10yr**	1.39	1.93	2.28	3.10	3.94	5.35	6.19	**10yr**	4.73	5.95	6.80	7.83	8.75	**10yr**
25yr	0.57	0.87	1.09	1.55	2.04	2.57	**25yr**	1.76	2.51	2.95	4.06	5.13	7.81	8.32	**25yr**	6.91	8.00	9.11	10.32	11.40	**25yr**
50yr	0.67	1.02	1.27	1.82	2.45	3.12	**50yr**	2.12	3.05	3.59	4.99	6.29	9.79	10.41	**50yr**	8.66	10.01	11.37	12.70	13.94	**50yr**
100yr	0.79	1.19	1.49	2.15	2.95	3.80	**100yr**	2.55	3.72	4.36	6.14	7.72	12.25	13.04	**100yr**	10.84	12.54	14.19	15.66	17.06	**100yr**
200yr	0.92	1.38	1.75	2.54	3.54	4.64	**200yr**	3.06	4.53	5.32	7.56	9.48	15.37	16.34	**200yr**	13.60	15.72	17.74	19.29	20.88	**200yr**
500yr	1.14	1.70	2.18	3.17	4.51	6.02	**500yr**	3.89	5.88	6.91	9.99	12.46	20.78	22.04	**500yr**	18.39	21.19	23.83	25.42	27.29	**500yr**

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Northeast Regional Climate Center

Pre-Development Drainage Areas

STORMWATER ANALYSIS AREA WORKSHEET

EMANUEL ENGINEERING INC.

JOB: 26-1004
DATE: 1/30/2026
ENGINEER: NMD

PRE-DEVELOPMENT DRAINAGE AREAS (ALL AREAS IN SQUARE FEET

SOIL TYPE	*CN #*	*SOIL GROUP*	*SUBCAT ES1 Area*	*SUBCAT ES2 Area*	***Total Area***		
Grass (Good)	39	A	1,205	0	**1,205**		
Woods (Good)	30	A	1,406	2,393	**1,406**		
Impervious, Roof	98	A	0	0	**0**		
Impervious, Road	98	A	0	0	**0**		
			2,611	**2,393**	**5,004**	**0.115**	**acres**
				Total Impervious:	**0**	**0.000**	**acres**
				% Impervious:	**0.00**		

Post-Development Drainage Areas

STORMWATER ANALYSIS AREA WORKSHEET

EMANUEL ENGINEERING INC.

JOB: 26-1004
DATE: 1/30/2026
ENGINEER: NMD

POST-DEVELOPMENT DRAINAGE AREAS (ALL AREAS IN SQUARE FEET

SOIL TYPE	*CN #*	*SOIL GROUP*	*SUBCAT PS1 Area*	*SUBCAT PS2 Area*	*SUBCAT PS3 Area*	***Total Area***		
Grass (Good)	39	A	1,183	31	783	**1,183**		
Woods (Good)	30	A	503	962	331	**503**		
Impervious, Roof	98	A	946	0	0	**946**		
Impervious, Road	98	A	265	0	0	**265**		
			2,897	**993**	**1,114**	**5,004**	**0.115**	**acres**
					Total Impervious:	**1,211**	**0.028**	**acres**
					% Impervious:	**24.20**		

Summary Table (Peak Discharge & Volume)

STORMWATER/DRAINAGE SUMMARY

EMANUEL ENGINEERING INC.

JOB: 26-1004

DATE: 1/30/2026

ENGINEER: NMD

AREAS TAKEN FROM EXISTING CONDITIONS & PROPOSED GRADING

PEAK FLOWS FROM HYDROCAD

Subcatchment Area/Drainage Structure	1-Inch Storm 1.0"		2-Year Storm 3.22"		10-Year Storm 4.88"		25-Year Storm 6.19"		50-Year Storm 7.41"	
	Pre (CFS)	Post (CFS)	Pre (CFS)	Post (CFS)	Pre (CFS)	Post (CFS)	Pre (CFS)	Post (CFS)	Pre (CFS)	Post (CFS)
Link L100	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Link L200	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
FLOW TOTALS (CFS)	*0.00*	*0.00*	*0.00*	*0.00*	*0.00*	*0.00*	*0.00*	*0.00*	*0.00*	*0.00*
Net Increase/(Decrease)		**0.00**		**0.00**		**0.00**		**0.00**		**0.00**

VOLUMES FROM HYDROCAD

Subcatchment Area/Drainage Structure	1-Inch Storm 1.0"		2-Year Storm 3.22"		10-Year Storm 4.88"		25-Year Storm 6.19"		50-Year Storm 7.41"	
	Pre (AF)	Post (AF)	Pre (AF)	Post (AF)	Pre (AF)	Post (AF)	Pre (AF)	Post (AF)	Pre (AF)	Post (AF)
Link L100	0.000	0.000	0.000	0.000	0.000	0.000	0.001	0.001	0.003	0.001
Link L200	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.000	0.001	0.001
FLOW TOTALS (CFS)	*0.000*	*0.000*	*0.000*	*0.000*	*0.000*	*0.000*	*0.001*	*0.001*	*0.004*	*0.002*
Net Increase/(Decrease)		**0.000**		**0.000**		**0.000**		**0.000**		**-0.002**

Web Soil Survey Report

United States Department of Agriculture

NRCS

Natural Resources Conservation Service

A product of the National Cooperative Soil Survey, a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local participants

Custom Soil Resource Report for Rockingham County, New Hampshire



January 23, 2026

Preface

Soil surveys contain information that affects land use planning in survey areas. They highlight soil limitations that affect various land uses and provide information about the properties of the soils in the survey areas. Soil surveys are designed for many different users, including farmers, ranchers, foresters, agronomists, urban planners, community officials, engineers, developers, builders, and home buyers. Also, conservationists, teachers, students, and specialists in recreation, waste disposal, and pollution control can use the surveys to help them understand, protect, or enhance the environment.

Various land use regulations of Federal, State, and local governments may impose special restrictions on land use or land treatment. Soil surveys identify soil properties that are used in making various land use or land treatment decisions. The information is intended to help the land users identify and reduce the effects of soil limitations on various land uses. The landowner or user is responsible for identifying and complying with existing laws and regulations.

Although soil survey information can be used for general farm, local, and wider area planning, onsite investigation is needed to supplement this information in some cases. Examples include soil quality assessments (http://www.nrcs.usda.gov/wps/portal/nrcs/main/soils/health/) and certain conservation and engineering applications. For more detailed information, contact your local USDA Service Center (https://offices.sc.egov.usda.gov/locator/app?agency=nrcs) or your NRCS State Soil Scientist (http://www.nrcs.usda.gov/wps/portal/nrcs/detail/soils/contactus/?cid=nrcs142p2_053951).

Great differences in soil properties can occur within short distances. Some soils are seasonally wet or subject to flooding. Some are too unstable to be used as a foundation for buildings or roads. Clayey or wet soils are poorly suited to use as septic tank absorption fields. A high water table makes a soil poorly suited to basements or underground installations.

The National Cooperative Soil Survey is a joint effort of the United States Department of Agriculture and other Federal agencies, State agencies including the Agricultural Experiment Stations, and local agencies. The Natural Resources Conservation Service (NRCS) has leadership for the Federal part of the National Cooperative Soil Survey.

Information about soils is updated periodically. Updated information is available through the NRCS Web Soil Survey, the site for official soil survey information.

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How Soil Surveys Are Made

Soil surveys are made to provide information about the soils and miscellaneous areas in a specific area. They include a description of the soils and miscellaneous areas and their location on the landscape and tables that show soil properties and limitations affecting various uses. Soil scientists observed the steepness, length, and shape of the slopes; the general pattern of drainage; the kinds of crops and native plants; and the kinds of bedrock. They observed and described many soil profiles. A soil profile is the sequence of natural layers, or horizons, in a soil. The profile extends from the surface down into the unconsolidated material in which the soil formed or from the surface down to bedrock. The unconsolidated material is devoid of roots and other living organisms and has not been changed by other biological activity.

Currently, soils are mapped according to the boundaries of major land resource areas (MLRAs). MLRAs are geographically associated land resource units that share common characteristics related to physiography, geology, climate, water resources, soils, biological resources, and land uses (USDA, 2006). Soil survey areas typically consist of parts of one or more MLRA.

The soils and miscellaneous areas in a survey area occur in an orderly pattern that is related to the geology, landforms, relief, climate, and natural vegetation of the area. Each kind of soil and miscellaneous area is associated with a particular kind of landform or with a segment of the landform. By observing the soils and miscellaneous areas in the survey area and relating their position to specific segments of the landform, a soil scientist develops a concept, or model, of how they were formed. Thus, during mapping, this model enables the soil scientist to predict with a considerable degree of accuracy the kind of soil or miscellaneous area at a specific location on the landscape.

Commonly, individual soils on the landscape merge into one another as their characteristics gradually change. To construct an accurate soil map, however, soil scientists must determine the boundaries between the soils. They can observe only a limited number of soil profiles. Nevertheless, these observations, supplemented by an understanding of the soil-vegetation-landscape relationship, are sufficient to verify predictions of the kinds of soil in an area and to determine the boundaries.

Soil scientists recorded the characteristics of the soil profiles that they studied. They noted soil color, texture, size and shape of soil aggregates, kind and amount of rock fragments, distribution of plant roots, reaction, and other features that enable them to identify soils. After describing the soils in the survey area and determining their properties, the soil scientists assigned the soils to taxonomic classes (units). Taxonomic classes are concepts. Each taxonomic class has a set of soil characteristics with precisely defined limits. The classes are used as a basis for comparison to classify soils systematically. Soil taxonomy, the system of taxonomic classification used in the United States, is based mainly on the kind and character of soil properties and the arrangement of horizons within the profile. After the soil

scientists classified and named the soils in the survey area, they compared the individual soils with similar soils in the same taxonomic class in other areas so that they could confirm data and assemble additional data based on experience and research.

The objective of soil mapping is not to delineate pure map unit components; the objective is to separate the landscape into landforms or landform segments that have similar use and management requirements. Each map unit is defined by a unique combination of soil components and/or miscellaneous areas in predictable proportions. Some components may be highly contrasting to the other components of the map unit. The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The delineation of such landforms and landform segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, onsite investigation is needed to define and locate the soils and miscellaneous areas.

Soil scientists make many field observations in the process of producing a soil map. The frequency of observation is dependent upon several factors, including scale of mapping, intensity of mapping, design of map units, complexity of the landscape, and experience of the soil scientist. Observations are made to test and refine the soil-landscape model and predictions and to verify the classification of the soils at specific locations. Once the soil-landscape model is refined, a significantly smaller number of measurements of individual soil properties are made and recorded. These measurements may include field measurements, such as those for color, depth to bedrock, and texture, and laboratory measurements, such as those for content of sand, silt, clay, salt, and other components. Properties of each soil typically vary from one point to another across the landscape.

Observations for map unit components are aggregated to develop ranges of characteristics for the components. The aggregated values are presented. Direct measurements do not exist for every property presented for every map unit component. Values for some properties are estimated from combinations of other properties.

While a soil survey is in progress, samples of some of the soils in the area generally are collected for laboratory analyses and for engineering tests. Soil scientists interpret the data from these analyses and tests as well as the field-observed characteristics and the soil properties to determine the expected behavior of the soils under different uses. Interpretations for all of the soils are field tested through observation of the soils in different uses and under different levels of management. Some interpretations are modified to fit local conditions, and some new interpretations are developed to meet local needs. Data are assembled from other sources, such as research information, production records, and field experience of specialists. For example, data on crop yields under defined levels of management are assembled from farm records and from field or plot experiments on the same kinds of soil.

Predictions about soil behavior are based not only on soil properties but also on such variables as climate and biological activity. Soil conditions are predictable over long periods of time, but they are not predictable from year to year. For example, soil scientists can predict with a fairly high degree of accuracy that a given soil will have a high water table within certain depths in most years, but they cannot predict that a high water table will always be at a specific level in the soil on a specific date.

After soil scientists located and identified the significant natural bodies of soil in the survey area, they drew the boundaries of these bodies on aerial photographs and

identified each as a specific map unit. Aerial photographs show trees, buildings, fields, roads, and rivers, all of which help in locating boundaries accurately.

Soil Map

The soil map section includes the soil map for the defined area of interest, a list of soil map units on the map and extent of each map unit, and cartographic symbols displayed on the map. Also presented are various metadata about data used to produce the map, and a description of each soil map unit.

Custom Soil Resource Report
Soil Map



Map Scale: 1:462 if printed on A portrait (8.5" x 11") sheet.

N

Meters
0 5 10 20 30

Feet
0 20 40 80 120

Map projection: Web Mercator Corner coordinates: WGS84 Edge tics: UTM Zone 19N WGS84

MAP LEGEND

Area of Interest (AOI)
- Area of Interest (AOI)

Soils
- Soil Map Unit Polygons
- Soil Map Unit Lines
- Soil Map Unit Points

Special Point Features
- Blowout
- Borrow Pit
- Clay Spot
- Closed Depression
- Gravel Pit
- Gravelly Spot
- Landfill
- Lava Flow
- Marsh or swamp
- Mine or Quarry
- Miscellaneous Water
- Perennial Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Severely Eroded Spot
- Sinkhole
- Slide or Slip
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Wet Spot
- Other
- Special Line Features

Water Features
- Streams and Canals

Transportation
- Rails
- Interstate Highways
- US Routes
- Major Roads
- Local Roads

Background
- Aerial Photography

MAP INFORMATION

The soil surveys that comprise your AOI were mapped at 1:24,000.

Warning: Soil Map may not be valid at this scale.

Enlargement of maps beyond the scale of mapping can cause misunderstanding of the detail of mapping and accuracy of soil line placement. The maps do not show the small areas of contrasting soils that could have been shown at a more detailed scale.

Please rely on the bar scale on each map sheet for map measurements.

Source of Map: Natural Resources Conservation Service
Web Soil Survey URL:
Coordinate System: Web Mercator (EPSG:3857)

Maps from the Web Soil Survey are based on the Web Mercator projection, which preserves direction and shape but distorts distance and area. A projection that preserves area, such as the Albers equal-area conic projection, should be used if more accurate calculations of distance or area are required.

This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.

Soil Survey Area: Rockingham County, New Hampshire
Survey Area Data: Version 28, Sep 9, 2025

Soil map units are labeled (as space allows) for map scales 1:50,000 or larger.

Date(s) aerial images were photographed: Jun 19, 2020—Sep 20, 2020

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Map Unit Legend

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
799	Urban land-Canton complex, 3 to 15 percent slopes	0.5	100.0%
Totals for Area of Interest		**0.5**	**100.0%**

Map Unit Descriptions

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. If included in the database for a given area, the contrasting minor components are identified in the map unit descriptions along with some characteristics of each. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description includes general facts about the unit and gives important soil properties and qualities.

Soils that have profiles that are almost alike make up a *soil series*. Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into *soil phases*. Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A *complex* consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

An *association* is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An *undifferentiated group* is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include *miscellaneous areas*. Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Rockingham County, New Hampshire

799—Urban land-Canton complex, 3 to 15 percent slopes

Map Unit Setting

National map unit symbol: 9cq0
Elevation: 0 to 1,000 feet
Mean annual precipitation: 42 to 46 inches
Mean annual air temperature: 45 to 48 degrees F
Frost-free period: 120 to 160 days
Farmland classification: Not prime farmland

Map Unit Composition

Urban land: 55 percent
Canton and similar soils: 20 percent
Minor components: 25 percent
Estimates are based on observations, descriptions, and transects of the mapunit.

Description of Canton

Setting

Parent material: Till

Typical profile

H1 - 0 to 5 inches: gravelly fine sandy loam
H2 - 5 to 21 inches: gravelly fine sandy loam
H3 - 21 to 60 inches: loamy sand

Properties and qualities

Slope: 3 to 8 percent
Depth to restrictive feature: More than 80 inches
Drainage class: Well drained
Runoff class: Low
Capacity of the most limiting layer to transmit water (Ksat): High (2.00 to 6.00 in/hr)
Depth to water table: More than 80 inches
Frequency of flooding: None
Frequency of ponding: None
Available water supply, 0 to 60 inches: Low (about 5.3 inches)

Interpretive groups

Land capability classification (irrigated): None specified
Land capability classification (nonirrigated): 2e
Hydrologic Soil Group: A
Ecological site: F144AY034CT - Well Drained Till Uplands
Hydric soil rating: No

Minor Components

Udorthents

Percent of map unit: 5 percent
Hydric soil rating: No

Squamscott and scitico

Percent of map unit: 4 percent
Landform: Marine terraces

Hydric soil rating: Yes

Boxford and eldridge

Percent of map unit: 4 percent
Hydric soil rating: No

Walpole

Percent of map unit: 4 percent
Landform: Depressions
Hydric soil rating: Yes

Scituate and newfields

Percent of map unit: 4 percent
Hydric soil rating: No

Chatfield

Percent of map unit: 4 percent
Hydric soil rating: No

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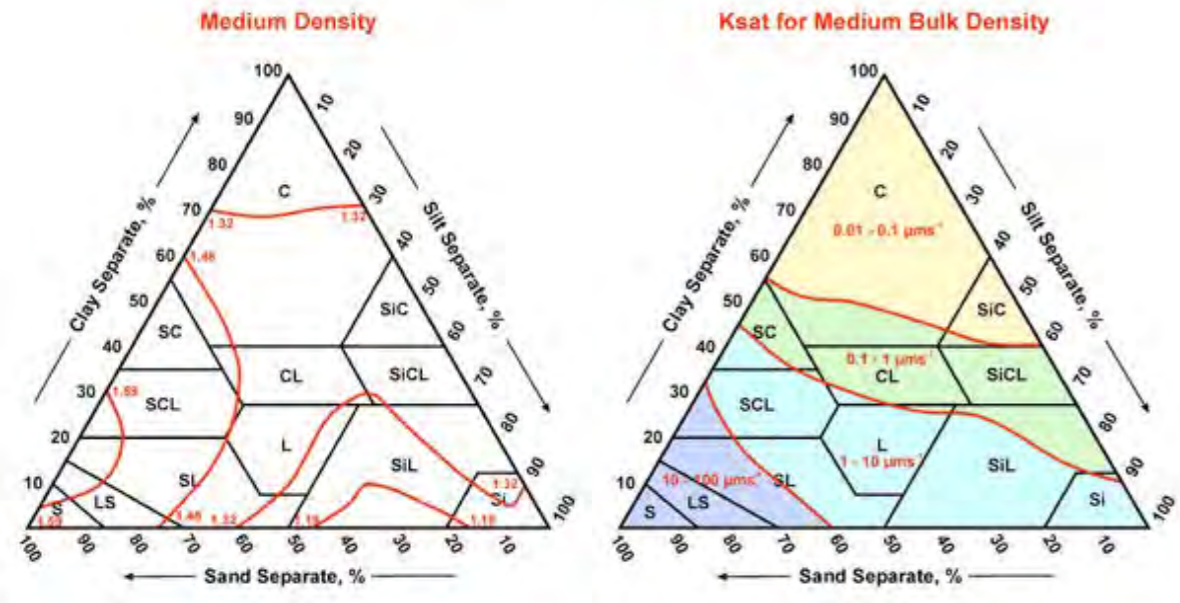
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Ksat Values (New Hampshire Soils)

K_{sat} VALUES
FOR
NEW HAMPSHIRE SOILS
(Including Hydrologic and DES Soil Lot Sizing Groups)



From: **Guide for Estimating Ksat from Soil Properties** (**Exhibit 618-9**). (http://soils.usda.gov/technical/handbook/contents/part618ex.html)

Sponsored by the Society of Soil Scientists of Northern New England
SSSNNE Special Publication No. 5
September, 2009

K_{sat} VALUES FOR NEW HAMPSHIRE SOILS

ABOUT THE SOCIETY OF SOIL SCIENTISTS OF NORTHERN NEW ENGLAND

The Society of Soil Scientists of Northern New England (SSSNNE) is a non-profit professional organization of soil scientists, both in the private and public sectors, which is dedicated to the advancement of soil science. The Society fosters the profession of soil classification, mapping and interpretation, and encourages the dissemination of information concerning soil science. With the intent of contributing to the general human welfare, the Society seeks to educate the public on the wise use of soils and the associated natural resources.

INTRODUCTION

The publication "K_{sat} Values for New Hampshire Soils" is designed to assist soil scientists, engineers, and other professionals by assembling tables of existing data for all soil series currently on the state soil legend with regard to K_{sat} values and hydrologic groupings (Hyd.Grp.). The need for this information has become more important since the adoption by the New Hampshire Department of Environmental Services of the revised Alteration of Terrain rules for stormwater management. Additional information has been provided for each soil series with regard to landform, temperature regime (Temp.), soil textures, NHDES Soil Lot Size Groupings (Group), whether the soil is a Spodosol (Spodosol?) and other information which will be valuable to a variety of soil information users.

The data for each soil series has been sorted 3 ways for ease of searching:

Table A-Sorted by Numerical Legend
Table B-Sorted by Soil Series Name
Table C-Sorted by NHDES Soil Group for Establishing Lot Size

The report represents cumulative efforts by private soil scientists and NHDES staff with assistance from the USDA Natural Resource Conservation Service.

Comments or inquires on the information in this publication may be directed to the Board of Directors at the following address:

Society of Soil Scientists
of Northern New England
PO Box 76
Durham, NH 03824

SATURATED HYDRAULIC CONDUCTIVITY (K_{SAT})

K_{sat} refers to the ease with which pores in a saturated soil transmit water. The estimates presented here are expressed in terms of inches per hour (NRCS official data presents K_{sat} in both micrometers per second and inches per hour). K_{sat} values are based on soil characteristics observed in the field, particularly structure, consistence, porosity, and texture. (USDA NRCS, Web Soil Survey)

Saturated flow occurs when the soil water pressure is positive; that is, when the soil matric potential is zero (satiated wet condition). In most soils this situation takes place when about 95 percent of the total pore space is filled with water. The remaining 5 percent is filled with entrapped air. Saturated hydraulic conductivity cannot be used to describe water movement under unsaturated conditions. (Soil Survey Manual, 1993)

It is commonly known that soil features (and thus data) for a certain soil series name may be slightly different from one county soil survey to the next and the range in characteristics (via the Typical Pedon) may be slightly different. For example – a Marlow soil (series) in Carroll County may have a higher sand content in its B horizon as opposed to a Marlow soil (series) in Coos County; resulting in a slightly different Ksat range for the B horizon.

The K_{sat} data for this publication was obtained from the USDA-NRCS Soil Data Mart using the Typical Pedon from the county that best reflected the soil and/or had the most acres of that soil. This data is presented in B and C horizons only as it is assumed that the topsoil (A or A_p horizon) will be removed in typical construction practices.

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HYDROLOGIC SOIL GROUPS

Hydrologic group is a group of soils having the same runoff potential under similar storm and cover conditions.

Hydrologic groups are used in equations that estimate runoff from rainfall. These estimates are needed for solving hydrologic problems that arise in planning stormwater management, watershed protection, and flood-prevention projects and for planning or designing structures for the use, control, and disposal of water.

Classifications assigned to soils were based on the use of rainfall-runoff data from small watersheds and infiltrometer plots. From these data, relationships between soil properties and hydrologic groups were established. Assignment of soils to hydrologic groups is based on the relationship between soil properties and hydrologic groups. Wetness characteristics, permeability after prolonged wetting, and depth to very slowly permeable layers are properties that assist in estimating hydrologic groups. Minimum annual steady ponded infiltration rate for a bare ground surface determines the hydrologic soil groups.

Soil properties that influence runoff potential are those that influence the minimum rate of infiltration for a bare soil after prolonged wetting and when not frozen. These properties are depth to a seasonally high water table, intake rate and permeability after prolonged wetting, and depth to a very slowly permeable layer. (The influence of ground cover is treated independently, not in hydrologic soil groups.).

The soils in the United States are placed into four groups, A, B, C, and D, and three dual classes, *A/D, B/D,* and *C/D.* In the definitions of the classes, infiltration rate is the rate at which water enters the soil at the surface and is controlled by the surface conditions. Transmission rate is the rate at which water moves in the soil and is controlled by soil properties. Definitions of the classes are as follows:

Group A- Saturated hydraulic conductivity is very high or in the upper half of high and internal free water occurrence is very deep. Soils in this group have low runoff potential when thoroughly wet. Water is transmitted freely through the soil. Group A soils typically have less than 10 percent clay and more than 90 percent sand or gravel and have gravel or sand textures. Some soils having loamy sand, sandy loam, loam or silt loam textures may be placed in this group if they are well aggregated, of low bulk density, or contain greater than 35 percent rock fragments. The limits on the diagnostic physical characteristics of group A are as follows. The saturated hydraulic conductivity of all soil layers exceeds 40.0 micrometers per second (5.67 inches per hour). The depth to any water impermeable layer is greater than 50 centimeters [20 inches]. The depth to the water table is greater than 60 centimeters [24 inches]. Soils that are deeper than 100 centimeters [40 inches] to a water impermeable layer are in group A if the saturated hydraulic conductivity of all soil layers within 100 centimeters [40 inches] of the surface exceeds 10 micrometers per second (1.42 inches per hour).

Group B- Saturated hydraulic conductivity is in the lower half of high or in the upper half of moderately high and free water occurrence is deep or very deep. Soils in this group have moderately low runoff potential when thoroughly wet. Water transmission through the soil is unimpeded. Group B soils typically have between 10 percent and 20 percent clay and 50 percent to 90 percent sand and have loamy sand or sandy loam textures. Some soils having loam, silt loam, silt, or sandy clay loam textures may be placed in this group if they are well aggregated, of low bulk density, or contain greater than 35 percent rock fragments. The limits on the diagnostic physical characteristics of group B are as follows. The saturated hydraulic conductivity in the least transmissive layer between the surface and 50 centimeters [20 inches] ranges from 10.0 micrometers per second (1.42 inches per hour) to 40.0 micrometers per second (5.67 inches per hour). The depth to any water impermeable layer is greater than 50 centimeters [20 inches]. The depth to the water table is greater than 60 centimeters [24 inches]. Soils that are deeper than 100 centimeters [40 inches] to a water impermeable layer or water table are in group B if the saturated hydraulic conductivity of all soil layers within 100 centimeters [40 inches] of the surface exceeds 4.0 micrometers per second (0.57 inches per hour) but is less than 10.0 micrometers per second (1.42 inches per hour).

Group C- Saturated hydraulic conductivity is in the lower half of moderately high or in the upper half of moderately low and internal free water occurrence is deeper than shallow. Soils in this group have moderately high runoff potential when thoroughly wet. Water transmission through the soil is somewhat restricted. Group C soils typically have between 20 percent and 40 percent clay and less than 50 percent sand and have loam, silt loam, sandy clay loam, clay loam, and silty clay loam textures. Some soils having clay, silty clay, or sandy clay textures may be placed in this group if they are well aggregated, of low bulk density, or contain greater than 35 percent rock fragments. The limits on the diagnostic physical characteristics of group C are as follows. The saturated hydraulic conductivity in the least transmissive layer between the surface and 50 centimeters [20 inches] is between 1.0 micrometers per second (0.14 inches per hour) and 10.0 micrometers per second (1.42 inches per hour). The depth to any water impermeable layer is greater than 50 centimeters [20 inches]. The depth to the water table is greater than 60 centimeters [24 inches]. Soils that are deeper than 100 centimeters [40 inches] to a restriction or water table are in group C if the saturated hydraulic conductivity of all soil layers within 100 centimeters [40 inches] of the surface exceeds 0.40 micrometers per second (0.06 inches per hour) but is less than 4.0 micrometers per second (0.57 inches per hour). .

Group D- Saturated hydraulic conductivity is below the upper half of moderately low, and/or internal free water occurrence is shallow or very shallow and transitory through permanent. Soils in this group have high runoff potential when thoroughly wet. Water movement through the soil is restricted or very restricted. Group D soils typically have greater than 40 percent clay, less than 50 percent sand, and have clayey textures. In some areas, they also have high shrink-swell potential. All soils with a depth to a water impermeable layer less than 50 centimeters [20 inches] and all soils with a water table within 60 centimeters [24 inches] of the surface are in this group, although some may have a dual classification, as described in the next section, if they can be adequately drained. The limits on the physical diagnostic characteristics of group D are as follows. For soils with a water impermeable layer at a depth between 50 centimeters and 100 centimeters [20 and 40 inches], the saturated hydraulic conductivity in the least transmissive soil layer is less than or equal to 1.0 micrometers per second (0.14 inches per hour). For soils that are deeper than 100 centimeters [40 inches] to a restriction or water table, the saturated hydraulic

conductivity of all soil layers within 100 centimeters [40 inches] of the surface is less than or equal to 0.40 micrometers per second (0.06 inches per hour).

Dual hydrologic soil groups-Certain wet soils are placed in group D based solely on the presence of a water table within 60 centimeters [24 inches] of the surface even though the saturated hydraulic conductivity may be favorable for water transmission. If these soils can be adequately drained, then they are assigned to dual hydrologic soil groups *(A/D, B/D,* and *C/D)* based on their saturated hydraulic conductivity and the water table depth when drained. The first letter applies to the drained condition and the second to the undrained condition. For the purpose of hydrologic soil group, adequately drained means that the seasonal high water table is kept at least 60 centimeters [24 inches] below the surface in a soil where it would be higher in a natural state.

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TABLE A

NUMERICAL LEGEND

Soil Series	legend number	Ksat low - B in/hr	Ksat high - B in/hr	Ksat low - C in/hr	Ksat high - C in/hr	Hyd. Grp.	Group	Land Form	Temp.	Soil Textures	Spodosol ?	Other
Occum	1	0.6	2.0	6.00	20.0	B	2	Flood Plain (Bottom Land)	mesic	loamy	no	loamy over loamy sand
Suncook	2	6.0	20.0	6.00	20.0	A	1	Flood Plain (Bottomland)	mesic	sandy	no	occasionally flooded
Lim	3	0.6	2.0	6.00	20.0	C	5	Flood Plain (Bottom Land)	mesic	loamy	no	
Pootatuck	4	0.6	6.0	6.00	20.0	B	3	Flood Plain (Bottom Land)	mesic	loamy	no	single grain in C
Rippowam	5	0.6	6.0	6.00	20.0	C	5	Flood Plain (Bottom Land)	mesic	loamy	no	
Saco	6	0.6	2.0	6.00	20.0	D	6	Flood Plain (Bottom Land)	mesic	silty	no	strata
Hadley	8	0.6	2.0	0.60	6.0	B	2	Flood Plain (Bottom Land)	mesic	silty	no	strata of fine sand
Winooski	9	0.6	6.0	0.60	6.0	B		Flood Plain (Bottom Land)	mesic	silty over loamy	no	
Merrimac	10	2.0	20.0	6.00	20.0	A	1	Outwash and Stream Terraces	mesic	gravelly sand	no	loamy cap
Gloucester	11	6.0	20.0	6.00	20.0	A	1	Sandy Till	mesic	sandy-skeletal	no	loamy cap
Hinckley	12	6.0	20.0	20.00	100.0	A	1	Outwash and Stream Terraces	mesic	sandy-skeletal	no	
Sheepscot	14	6.0	20.0	6.00	20.0	B	3	Outwash and Stream Terraces	frigid	sandy-skeletal	yes	gravelly coarse sand
Searsport	15	6.0	20.0	6.00	20.0	D	6	Outwash and Stream Terraces	frigid	sandy	no	organic over sand
Saugatuck	16	0.06	0.2	6.00	20.0	C	5	Outwash and Stream Terraces	mesic	sandy	yes	ortstein
Colton, gravelly	21	6.0	20.0	20.00	100.0	A	1	Outwash and Stream Terraces	frigid	sandy-skeletal	yes	gravelly surface
Colton	22	6.0	20.0	20.00	100.0	A	1	Outwash and Stream Terraces	frigid	sandy-skeletal	yes	
Masardis	23	6.0	20.0	6.00	20.0	A	1	Outwash and Stream Terraces	frigid	sandy-skeletal	yes	slate, loamy cap
Agawam	24	6.0	20.0	20.00	100.0	B	2	Outwash and Stream Terraces	mesic	loamy over sandy	no	loamy over sand/gravel
Windsor	26	6.0	20.0	6.00	20.0	A	1	Outwash and Stream Terraces	mesic	sandy	no	
Groveton	27	0.6	2.0	0.60	6.0	B	2	Outwash and Stream Terraces	frigid	loamy	yes	loamy over sandy
Madawaska	28	0.6	2.0	6.00	20.0	B	3	Outwash and Stream Terraces	frigid	loamy over sandy	yes	sandy or sandy-skeletal
Woodbridge	29	0.6	2.0	0.00	0.6	C	3	Firm, platy, loamy till	mesic	loamy	no	sandy loam in Cd
Unadilla	30	0.6	2.0	2.00	20.0	B	2	Terraces and glacial lake plains	mesic	silty	no	silty over gravelly
Hartland	31	0.6	2.0	0.20	2.0	B	2	Terraces and glacial lake plains	mesic	silty	no	very fine sandy loam
Boxford	32	0.1	0.2	0.00	0.2	C	3	Silt and Clay Deposits	mesic	fine	no	silty clay loam
Scitico	33	0.0	0.2	0.00	0.2	C	5	Silt and Clay Deposits	mesic	fine	no	
Wareham	34	6.0	20.0	6.00	20.0	C	5	Outwash and Stream Terraces	mesic	sandy	no	
Champlain	35	6.0	20.0	20.00	100.0	A	1	Outwash and Stream Terraces	frigid	gravelly sand	no	
Adams	36	6.0	20.0	20.00	99.0	A	1	Outwash and Stream Terraces	frigid	sandy	yes	
Melrose	37	2.0	6.0	0.00	0.2	C	3	Sandy/loamy over silt/clay	frigid	loamy over clayey	no	silty clay loam in C
Eldridge	38	6.0	20.0	0.06	0.6	C	3	Sandy/loamy over silt/clay	mesic	sandy over loamy	no	
Millis	39					C	3	Firm, platy, sandy till	frigid	loamy	yes	loamy sand in Cd
Canton	42	2.0	6.0	6.00	20.0	B	2	Loose till, sandy textures	mesic	loamy over sandy	no	loamy over loamy sand
Montauk	44	0.6	6.0	0.06	0.6	C	3	Firm, platy, sandy till	mesic	loamy	no	loamy sand in Cd
Henniker	46	0.6	2.0	0.06	0.6	C	3	Firm, platy, sandy till	frigid	loamy	no	loamy sand in Cd
Madawaska, aquentic	48	0.6	2.0	6.00	20.0	B	3	Outwash and Stream Terraces	frigid	loamy over sandy	yes	sandy or sandy-skeletal
Whitman	49	0.0	0.2	0.00	0.2	D	6	Firm, platy, loamy till	mesic	loamy	no	mucky loam
Hermon	55	2.0	20.0	6.00	20.0	A	1	Sandy Till	frigid	sandy-skeletal	yes	loamy cap
Becket	56	0.6	2.0	0.06	0.6	C	3	Firm, platy, sandy till	frigid	loamy	yes	gravelly sandy loam in Cd
Waumbeck	58	2.0	20.0	6.00	20.0	B	3	Loose till, sandy textures	frigid	sandy-skeletal	yes	very cobbly loamy sand
Charlton	62	0.6	6.0	0.60	6.0	B	2	Loose till, loamy textures	mesic	loamy	no	fine sandy loam
Paxton	66	0.6	2.0	0.00	0.2	C	3	Firm, platy, loamy till	mesic	loamy	no	
Sutton	68	0.6	6.0	0.60	6.0	B	3	Loose till, loamy textures	mesic	loamy	no	
Berkshire	72	0.6	6.0	0.60	6.0	B	2	Loose till, loamy textures	frigid	loamy	yes	fine sandy loam
Marlow	76	0.6	2.0	0.06	0.6	C	3	Firm, platy, loamy till	frigid	loamy	yes	fine sandy loam in Cd
Peru	78	0.6	2.0	0.06	0.6	C	3	Firm, platy, loamy till	frigid	loamy	yes	
Thorndike	84	0.6	2.0	0.60	2.0	C/D	4	Friable till, silty, schist & phyllite	frigid	loamy-skeletal	yes	less than 20 in. deep
Hollis	86	0.6	6.0	0.60	6.0	C/D	4	Loose till, bedrock	mesic	loamy	no	less than 20 in. deep
Winnecook	88	0.6	2.0	0.60	2.0	C	4	Friable till, silty, schist & phyllite	frigid	loamy-skeletal	yes	20 to 40 in. deep
Chatfield	89	0.6	6.0	0.60	6.0	B	4	Loose till, bedrock	mesic	loamy	no	20 to 40 in. deep
Hogback	91	2.0	6.0	2.00	6.0	C	4	Loose till, bedrock	frigid	loamy	yes	less than 20 in. deep
Lyman	92	2.0	6.0	2.00	6.0	A/D	4	Loose till, bedrock	frigid	loamy	yes	less than 20 in. deep
Woodstock	93	2.0	6.0	2.00	6.0	C/D	4	Loose till, bedrock	frigid	loamy	no	less than 20 in. deep
Rawsonville	98	0.6	6.0	0.60	6.0	C	4	Loose till, bedrock	frigid	loamy	yes	20 to 40 in. deep
Tunbridge	99	0.6	6.0	0.60	6.0	C	4	Loose till, bedrock	frigid	loamy	yes	20 to 40 in. deep

Soil Series	legend number	Ksat low - B in/hr	Ksat high - B in/hr	Ksat low - C in/hr	Ksat high - C in/hr	Hyd. Grp.	Group	Land Form	Temp.	Soil Textures	Spodosol ?	Other
Ondawa	101	0.6	6.0	6.00	20.0	B	2	Flood Plain (Bottom Land)	frigid	loamy	no	loamy over loamy sand
Sunday	102	6.0	20.0	6.00	20.0	A	1	Flood Plain (Bottomland)	frigid	sandy	no	occasionally flooded
Winooski	103	0.6	6.0	0.60	6.0	B	3	Flood Plain (Bottom Land)	mesic	silty	no	very fine sandy loam
Podunk	104	0.6	6.0	6.00	20.0	B	3	Flood Plain (Bottom Land)	frigid	loamy	no	loamy to coarse sand in C
Rumney	105	0.6	6.0	6.00	20.0	C	5	Flood Plain (Bottom Land)	frigid	loamy	no	
Hadley	108	0.6	2.0	0.60	6.0	B	2	Flood Plain (Bottom Land)	mesic	silty	no	strata of fine sand, occ flooded
Limerick	109	0.6	2.0	0.60	2.0	C	5	Flood Plain (Bottom Land)	mesic	silty	no	
Scarboro	115	6.0	20.0	6.00	20.0	D	6	Outwash and Stream Terraces	mesic	sandy	no	organic over sand, non stony
Finch	116					C	3	Outwash and Stream Terraces	frigid	sandy	yes	cemented (ortstein)
Sudbury	118	2.0	6.0	2.00	20.0	B	3	Outwash and Stream Terraces	mesic	sandy	no	loam over gravelly sand
Telos	123	0.6	2.0	0.02	0.2	C	3	Firm, platy, silty till, schist & phyllite	frigid	loamy	yes	channery silt loam in Cd
Chesuncook	126	0.6	2.0	0.02	0.2	C	3	Firm, platy, silty till, schist & phyllite	frigid	loamy	yes	channery silt loam in Cd
Allagash	127	0.6	2.0	6.00	20.0	B	2	Outwash and Stream Terraces	frigid	loamy over sandy	yes	loamy over sandy
Elliottsville	128	0.6	2.0	0.60	2.0	B	4	Friable till, silty, schist & phyllite	frigid	loamy	yes	20 to 40 in. deep
Hitchcock	130	0.6	2.0	0.06	0.6	B	3	Terraces and glacial lake plains	mesic	silty	no	silt loam to silt in C
Burnham	131	0.2	6.0	0.02	0.2	D	6	Firm, platy, silty till, schist & phylitte	frigid	loamy	no	organic over silt
Dartmouth	132	0.6	2.0	0.06	0.6	B	3	Terraces and glacial lake plains	mesic	silty	no	thin strata silty clay loam
Monson	133	0.6	2.0	0.60	2.0	D	4	Friable till, silty, schist & phyllite	frigid	loamy	yes	less than 20 in. deep
Maybid	134	0.0	0.2	0.00	0.2	D	6	Silt and Clay Deposits	mesic	fine	no	silt over clay
Shapleigh	136					C/D	4	Sandy Till	mesic	sandy	yes	less than 20 in. deep
Monadnock	142	0.6	2.0	2.00	6.0	B	2	Loose till, sandy textures	frigid	loamy over sandy, sandy-skeletal	yes	gravelly loamy sand in C
Acton	146	2.0	20.0	2.00	20.0	B	3	Loose till, sandy textures	mesic	sandy-skeletal	no	cobbly loamy sand
Vassalboro	150					D	6	Organic Materials - Freshwater	frigid	peat	no	deep organic
Success	154	2.0	6.0	6.00	20.0	A	1	Sandy Till	frigid	sandy-skeletal	yes	cemented
Canterbury	166	0.6	2.0	0.06	0.6	C	3	Firm, platy, loamy till	frigid	loamy	no	loam in Cd
Sunapee	168	0.6	2.0	0.60	6.0	B	3	Loose till, loamy textures	frigid	loamy	yes	
Waskish	195					D	6	Organic Materials - Freshwater	frigid	peat	no	deep organic
Ondawa	201	0.6	6.0	6.00	20.0	B	2	Flood Plain (Bottom Land)	frigid	loamy	no	occ flood, loamy over l. sand
Sunday	202	6.0	20.0	6.00	20.0	A	1	Flood Plain (Bottomland)	frigid	sandy	no	frequently flooded
Fryeburg	208	0.6	2.0	2.00	6.0	B	2	Flood Plain (Bottom Land)	frigid	silty	no	very fine sandy loam
Charles	209	0.6	100.0	0.60	100.0	C	5	Flood Plain (Bottom Land)	frigid	silty	no	
Warwick	210	2.0	6.0	20.00	100.0	A	1	Outwash and Stream Terraces	mesic	loamy-skeletal	no	loamy over slate gravel
Naumburg	214	6.0	20.0	6.00	20.0	C	5	Outwash and Stream Terraces	frigid	sandy	yes	
Boscawen	220	6.0	20.0	20.00	100.0	A	1	Outwash and Stream Terraces	frigid	sandy-skeletal	no	loamy cap
Bemis	224	0.6	0.2	0.00	0.2	C	5	Firm, platy, loamy till	cryic	loamy	no	
Bice	226	0.6	6.0	0.60	6.0	B	2	Loose till, loamy textures	frigid	loamy	no	sandy loam
Lanesboro	228	0.6	2.0	0.06	0.2	C	3	Firm, platy, silty till, schist & phyllite	frigid	loamy	no	channery silt loam in Cd
Poocham	230	0.6	2.0	0.20	2.0	B	3	Terraces and glacial lake plains	mesic	silty	no	silt loam in C
Buxton	232	0.1	0.6	0.00	0.2	C	3	Silt and Clay Deposits	frigid	fine	no	silty clay
Scantic	233	0.0	0.2	0.00	0.2	D	5	Silt and Clay Deposits	frigid	fine	no	
Biddeford	234	0.0	0.2	0.00	0.2	D	6	Silt and Clay Deposits	frigid	fine	no	organic over clay
Buckland	237	0.6	2.0	0.06	0.2	C	3	Firm, platy, loamy till	frigid	loamy	no	loam in Cd
Elmridge	238	2.0	6.0	0.00	0.2	C	3	Sandy/loamy over silt/clay	mesic	loamy over clayey	no	
Brayton	240	0.6	2.0	0.06	0.6	C	5	Firm, platy, silty till, schist & phyllite	frigid	loamy	no	
Lyme	246	0.6	6.0	0.60	6.0	C	5	Loose till, sandy textures	frigid	loamy	no	
Millsite	251	0.6	6.0	0.60	6.0	C	4	Loose till, bedrock	frigid	loamy	no	20 to 40 in. deep
Macomber	252	0.6	2.0	0.60	2.0	C	4	Friable till, silty, schist & phyllite	frigid	loamy-skeletal	yes	20 to 40 in. deep
Lombard	259	0.6	6.0	2.00	20.0	C/D	2	Weathered bedrock, phyllite	frigid	loamy	no	very channery
Sunapee var	269	0.6	2.0	0.60	6.0	B	3	Loose till, loamy textures	frigid	loamy	yes	frigid dystrudept
Chatfield Var.	289	0.6	6.0	0.60	6.0	B	3	Loose till, bedrock	mesic	loamy	no	mwd to swpd
Greenwood	295					A/D	6	Organic Materials - Freshwater	frigid	hemic	no	deep organic
Catden	296					A/D	6	Organic Materials - Freshwater	mesic	sapric	no	deep organic
Lovewell	307	0.6	2.0	0.60	2.0	B	3	Flood Plain (Bottom Land)	frigid	silty	no	very fine sandy loam
Quonset	310	2.0	20.0	20.00	100.0	A	1	Outwash and Stream Terraces	mesic	sandy-skeletal	no	shale
Deerfield	313	6.0	20.0	20.00	100.0	B	3	Outwash and Stream Terraces	mesic	sandy	no	single grain in C

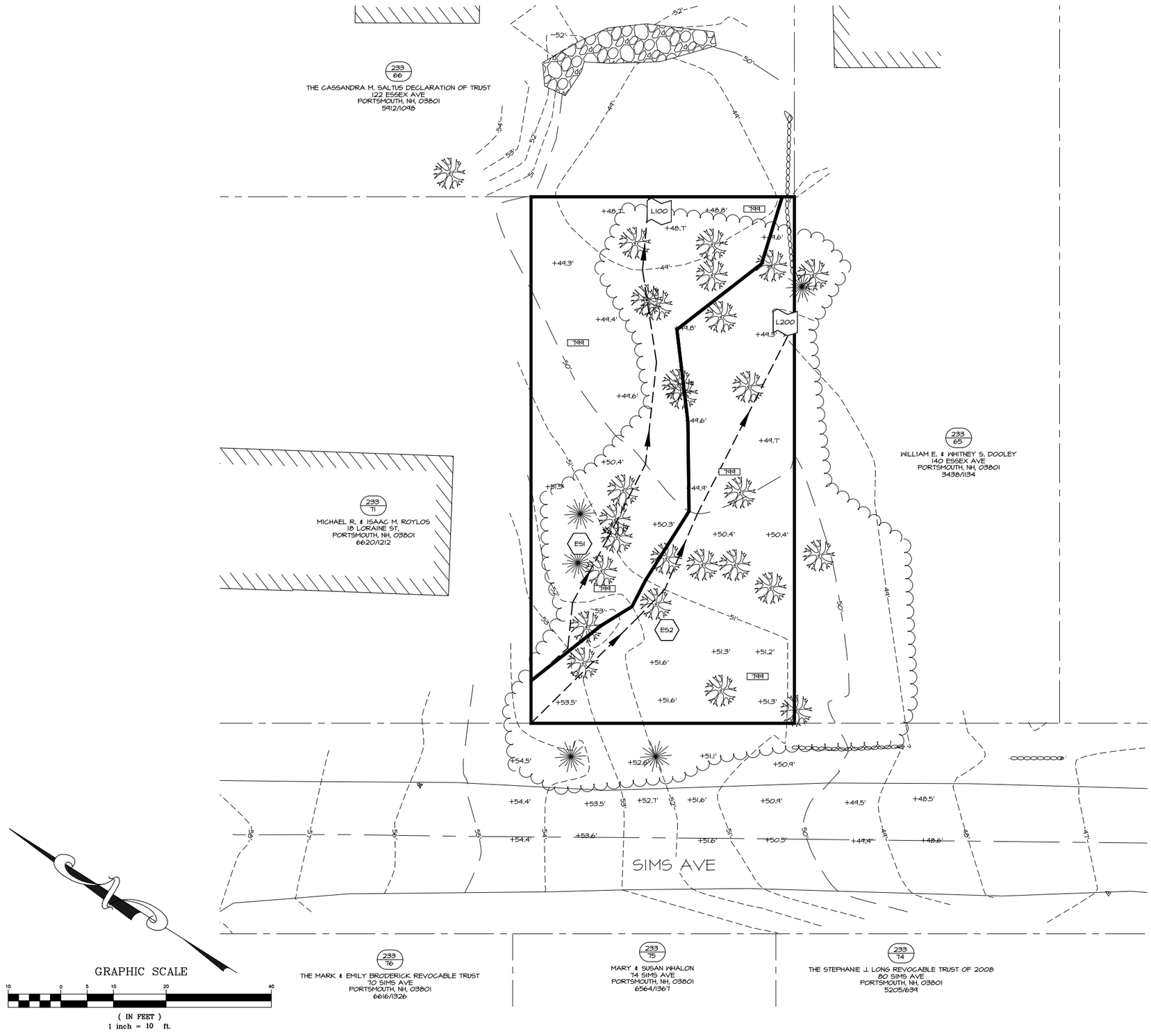
Soil Series	legend number	Ksat low - B in/hr	Ksat high - B in/hr	Ksat low - C in/hr	Ksat high - C in/hr	Hyd. Grp.	Group	Land Form	Temp.	Soil Textures	Spodosol ?	Other
Pipestone	314					B	5	Outwash and Stream Terraces	mesic	sandy	yes	
Mashpee	315	6.0	20.0	6.00	20.0	B	5	Outwash and Stream Terraces	mesic	sandy	yes	
Bernardston	330	0.6	2.0	0.06	0.2	C	3	Firm, platy, silty till, schist & phyllite	mesic	loamy	no	channery silt loam in Cd
Roundabout	333	0.2	2.0	0.06	0.6	C	5	Terraces and glacial lake plains	frigid	silty	no	silt loam in the C
Pittstown	334	0.6	2.0	0.06	0.2	C	3	Firm, platy, silty till, schist & phyllite	mesic	loamy	no	channery silt loam in Cd
Elmwood	338	2.0	6.0	0.00	0.2	C	3	Sandy/loamy over silt/clay	frigid	loamy over clayey	no	
Stissing	340	0.6	2.0	0.06	0.2	C	5	Firm, platy, silty till, schist & phyllite	mesic	loamy	no	
Cardigan	357	0.6	2.0	0.60	2.0	B	4	Friable till, silty, schist & phyllite	mesic	loamy	no	20 to 40 in. deep
Kearsarge	359	0.6	2.0	0.60	2.0	B	4	Friable till, silty, schist & phyllite	mesic	loamy	no	less than 20 in. deep
Dutchess	366	0.6	2.0	0.60	2.0	B	2	Friable till, silty, schist & phyllite	mesic	loamy	no	very channery
Dixfield	378	0.6	2.0	0.06	0.6	C	3	Firm, platy, loamy till	frigid	loamy	yes	fine sandy loam in Cd
Timakwa	393			6.00	100.0	D	6	Organic Materials - Freshwater	mesic	sandy or sandy-skeletal	no	organic over sand
Chocorua	395			6.00	20.0	D	6	Organic Materials - Freshwater	frigid	sandy or sandy-skeletal	no	organic over sand
Ipswich	397					D	6	Tidal Flat	mesic	hemic/sapric	no	deep organic
Suncook	402	6.0	20.0	6.00	20.0	A	1	Flood Plain (Bottomland)	mesic	sandy	no	frequent flooding
Metallak	404	6.0	100.0	6.00	100.0	B	3	Flood Plain (Bottom Land)	frigid	loamy over sandy	no	sandy or sandy-skeletal
Medomak	406	0.6	2.0	0.60	2.0	D	6	Flood Plain (Bottom Land)	frigid	silty	no	organic over silt
Haven	410	0.6	2.0	20.00	100.0	B	2	Outwash and Stream Terraces	mesic	loamy over sandy	no	loamy over sand/gravel
Duane	413	6.0	20.0	6.00	20.0	B	3	Outwash and Stream Terraces	frigid	sandy-skeletal	yes	cemented (ortstein)
Moosilauke	414	6.0	20.0	6.00	20.0	C	5	Loose till, sandy textures	frigid	sandy	no	
Grange	433	0.6	2.0	0.60	2.0	C	5	Outwash and Stream Terraces	frigid	co. loamy over sandy (skeletal)	no	
Swanton	438	2.0	6.0	0.00	0.2	C	5	Sandy/loamy over silt/clay	frigid	co. loamy over clayey	no	
Shaker	439	2.0	6.0	0.00	0.2	C	5	Sandy/loamy over silt/clay	mesic	co. loamy over clayey	no	
Chichester	442	0.6	2.0	2.00	6.0	B		Loose till, sandy textures	frigid	loamy over sandy	no	loamy over loamy sand
Newfields	444	0.6	2.0	0.60	2.0	B	3	Loose till, sandy textures	mesic	loamy over sandy	no	sandy or sandy-skeletal
Scituate	448	0.6	2.0	0.06	0.2	C	3	Firm, platy, sandy till	mesic	loamy	no	loamy sand in Cd
Metacomet	458	0.6	2.0	0.06	0.6	C	3	Firm, platy, sandy till	frigid	loamy	no	loamy sand in Cd
Pennichuck	460	0.6	2.0	0.60	2.0	B	4	Friable till, silty, schist & phyllite	mesic	loamy-skeletal	no	20 to 40 in. deep
Gilmanton	478	0.6	2.0	0.06	0.6	C	3	Firm, platy, loamy till	frigid	loamy	no	fine sandy loam in Cd
Ossipee	495			0.20	2.0	D	6	Organic Materials - Freshwater	frigid	loamy	no	organic over loam
Natchaug	496			0.20	2.0	D	6	Organic Materials - Freshwater	mesic	loamy	no	organic over loam
Pawcatuck	497			20.00	100.0	D	6	Tidal Flat	mesic	sandy or sandy-skeletal	no	organic over sand
Abenaki	501	0.6	2.0	6.00	99.0	B	2	Outwash and Stream Terraces	frigid	loamy over sandy-skeletal	no	loamy over gravelly
Cohas	505	0.6	2.0	0.60	100.0	C	5	Flood Plain (Bottom Land)	frigid	co. loamy over sandy (skeletal)	no	
Hoosic	510	2.0	20.0	20.00	100.0	A	1	Outwash and Stream Terraces	mesic	sandy-skeletal	no	slate, loamy cap
Ninigret	513	0.6	6.0	6.00	20.0	B	3	Outwash and Stream Terraces	mesic	loamy over sandy	no	sandy or sandy-skeletal
Leicester	514	0.6	6.0	0.60	20.0	C	5	Loose till, loamy textures	mesic	loamy	no	
Au Gres	516					B	5	Outwash and Stream Terraces	frigid	sandy	yes	single grain, loose
Machias	520	2.0	6.0	6.00	20.0	B	3	Outwash and Stream Terraces	frigid	sandy or sandy-skeletal	yes	strata sand/gravel in C
Stetson	523	0.6	6.0	6.00	20.0	B	2	Outwash and Stream Terraces	frigid	sandy-skeletal	yes	loamy over gravelly
Caesar	526	20.0	100.0	20.00	100.0	A	1	Outwash and Stream Terraces	mesic	coarse sand	no	
Scio	531	0.6	2.0	0.60	2.0	B	3	Terraces and glacial lake plains	mesic	silty	no	gravelly sand in 2C
Belgrade	532	0.6	2.0	0.06	2.0	B	3	Terraces and glacial lake plains	mesic	silty	no	strata of fine sand
Raynham	533	0.2	2.0	0.06	0.2	C	5	Terraces and glacial lake plains	mesic	silty	no	
Binghamville	534	0.2	2.0	0.06	0.2	D	5	Terraces and glacial lake plains	mesic	silty	no	
Suffield	536	0.6	2.0	0.00	0.2	C	3	Sandy/loamy over silt/clay	mesic	silty over clayey	no	deep to clay C
Squamscott	538	6.0	20.0	0.06	0.6	C	5	Sandy/loamy over silt/clay	mesic	sandy over loamy	yes	
Raypol	540	0.6	2.0	6.00	100.0	D	5	Outwash and Stream Terraces	mesic	co. loamy over sandy (skeletal)	no	
Walpole	546	2.0	6.0	6.00	20.0	C	5	Outwash and Stream Terraces	mesic	sandy	no	
Peacham	549	0.6	2.0	0.00	0.2	D	6	Firm, platy, silty till, schist & phylitte	frigid	loamy	no	organic over loam
Skerry	558	0.6	2.0	0.06	0.6	C	3	Firm, platy, sandy till	frigid	loamy	yes	loamy sand in Cd
Plaisted	563	0.6	2.0	0.06	0.6	C	3	Firm, platy, silty till, schist & phyllite	frigid	loamy	yes	channery silt loam in Cd
Howland	566	0.6	2.0	0.06	0.2	C	3	Firm, platy, silty till, schist & phyllite	frigid	loamy	yes	silt loam, platy in Cd
Monarda	569	0.2	2.0	0.02	0.2	D	5	Firm, platy, silty till, schist & phyllite	frigid	loamy	no	
Bangor	572	0.6	2.0	0.60	2.0	B	2	Friable till, silty, schist & phyllite	frigid	loamy	yes	silt loam

Soil Series	legend number	Ksat low - B in/hr	Ksat high - B in/hr	Ksat low - C in/hr	Ksat high - C in/hr	Hyd. Grp.	Group	Land Form	Temp.	Soil Textures	Spodosol ?	Other
Dixmont	578	0.6	2.0	0.60	2.0	C	3	Friable till, silty, schist & phyllite	frigid	loamy	yes	silt loam, platy in C
Cabot	589	0.6	2.0	0.06	0.2	D	5	Firm, platy, silty till, schist & phyllite	frigid	loamy	no	
Westbrook	597			0.00	2.0	D	6	Tidal Flat	mesic	loamy	no	organic over loam
Mundal	610	0.6	2.0	0.06	0.6	C	3	Firm, platy, loamy till	frigid	loamy	yes	gravelly sandy loam in Cd
Croghan	613	20.0	100.0	20.00	100.0	B	3	Outwash and Stream Terraces	frigid	sandy	yes	single grain in C
Kinsman	614	6.0	20.0	6.00	20.0	C	5	Outwash and Stream Terraces	frigid	sandy	yes	
Salmon	630	0.6	2.0	0.60	2.0	B	2	Terraces and glacial lake plains	frigid	silty	yes	very fine sandy loam
Nicholville	632	0.6	2.0	0.60	2.0	C	3	Terraces and glacial lake plains	frigid	silty	yes	very fine sandy loam
Pemi	633	0.6	2.0	0.06	0.6	C	5	Terraces and glacial lake plains	frigid	silty	no	
Pillsbury	646	0.6	2.0	0.06	0.2	C	5	Firm, platy, loamy till	frigid	silty	no	
Ridgebury	656	0.6	6.0	0.00	0.2	C	5	Firm, platy, loamy till	mesic	loamy	no	
Canaan	663	2.0	20.0	2.00	20.0	C	4	Weathered Bedrock Till	frigid	loamy-skeletal	yes	less than 20 in. deep
Redstone	665	2.0	6.0	6.00	20.0	A	1	Weathered Bedrock Till	frigid	fragmental	yes	loamy cap
Sisk	667	0.6	2.0	0.00	0.6	C	3	Firm, platy, loamy till	cryic	loamy	yes	sandy loam in Cd
Surplus	669	0.6	2.0	0.00	0.6	C	3	Firm, platy, loamy till	cryic	loamy	yes	mwd, sandy loam in Cd
Glebe	671	2.0	6.0	2.00	6.0	C	4	Loose till, bedrock	cryic	loamy	yes	20 to 40 in. deep
Saddleback	673	0.6	2.0	0.60	2.0	C/D	4	Loose till, bedrock	cryic	loamy	yes	less than 20 in. deep
Ricker	674	2.0	6.0	2.00	6.0	A	4	Organic over bedrock (up to 4" of mineral)	cryic	fibric to hemic	no	well drained, less than 20 in. deep
Houghtonville	795	0.6	6.0	0.60	6.0	B	2	Loose till, loamy textures	frigid	loamy	yes	cobbly fine sandy loam
Matunuck	797			20.00	100.0	D	6	Tidal Flat	mesic	sandy	no	organic over sand
Meadowsedge	894					D	6	Organic Materials - Freshwater	frigid	peat	no	deep organic
Bucksport	895					D	6	Organic Materials - Freshwater	frigid	sapric	no	deep organic
Colonel	927	0.6	2.0	0.06	0.6	C	3	Firm, platy, loamy till	frigid	loamy	yes	loam in Cd
Pondicherry	992			6.00	20.0	D	6	Organic Materials - Freshwater	frigid	sandy or sandy-skeletal	no	organic over sand
Wonsqueak	995			0.20	2.0	D	6	Organic Materials - Freshwater	frigid	loamy	no	organic over loam
Glover	NA	0.6	2.0	0.60	2	D	4	Friable till, silty, schist & phyllite	frigid	loamy	no	less than 20 in. deep

no longer recognized

organic materials

Pre-Development Subcatchment Plan



GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 inch = 10 ft.

SOIL INFORMATION:

THE FOLLOWING SOIL DATA HAS BEEN COMPILED FROM THE NRCS SOIL MAP SURVEY DATABASE.

1. ENTIRE SITE IS URBAN LAND-CANTON COMPLEX (799),

   DRAINAGE CLASS = WELL DRAINED
   Ksat VALUE = 2.0 - 6.0
   DEPTH TO WATER TABLE = >80"
   HYDROLOGIC SOIL GROUP: A

2. NO FORMAL WATER TABLE INVESTIGATION WAS PERFORMED AS PART OF THIS PLAN PREPARATION.

LEGEND

- Tc FLOW LINE
- SUBCATCHMENT BOUNDARY
- ES1 — SUBCATCHMENT LABEL
- EP01 — POND LABEL
- L100 — LINK LABEL
- XXX — SOIL TYPE

NOTES:

1. OWNER OF RECORD:
   TAX MAP 233, LOT 44
   MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
   18 LORAINE ST,
   PORTLAND, MAINE 04103
   RCRD BK6620 PG1214
2. THE INTENT OF THIS PLAN IS TO ANALYZE HOW STORMWATER BEHAVES ON THE EXISTING LOT.
3. PARCEL IS ZONED SINGLE RESIDENCE B (SRB) PER THE 2026 PORTSMOUTH MAPGEO ONLINE DATABASE.
4. PARCEL IS NOT IN A FLOOD HAZARD ZONE; REFERENCE FLOOD INSURANCE RATE MAP 33015C0259F, DATED JANUARY 29, 2021.
5. SOILS WERE OBTAINED BY EEI ON 01/26/2026 USING THE NRCS ONLINE DATABASE.
6. NO FORMAL WETLAND DELINEATION WAS PERFORMED AS PART OF THIS PLAN PREPARATION. BASED ON FIELD OBSERVATIONS, NO APPARENT WETLAND RESOURCES ARE PRESENT WITHIN THE PROJECT AREA.
7. PROPERTY TO BE SERVICED BY CITY WATER AND SEWER.
8. ALL CONSTRUCTION SHOULD COMPLY WITH FEDERAL, STATE, AND LOCAL STANDARDS AND REGULATIONS.
9. THIS PLAN WAS PREPARED WITH ON-SITE FIELD SURVEY AND EXISTING PLANS. THE CONTRACTOR SHOULD NOTIFY EMANUEL ENGINEERING, INC. DURING CONSTRUCTION IF ANY DISCREPANCY TO THE PLAN IS FOUND ON SITE.
10. BEFORE ANY EXCAVATION, DIG SAFE AND ALL UTILITY COMPANIES SHOULD BE CONTACTED 72 HOURS BEFORE COMMENCING BY THE CONTRACTOR. CALL DIG SAFE @ 811 OR 1-888-DIG-SAFE.
11. ALL UTILITIES SHALL BE LOCATED UNDERGROUND EXCEPT AS NOTED ON PLAN APPROVED BY THE PLANNING BOARD.
12. SETBACKS APPLY TO THE SIDING (EXTERIOR WALLS) OF THE HOUSE. ROOF OVERHANGS NOT TO EXCEED 3 FEET.
13. PRE-DEVELOPMENT DRAINAGE AREA CALCS:
    DRAINAGE ANALYSIS TOTAL AREA = 5004 SF

    DRAINAGE ANALYSIS IMPERVIOUS = 0 SF
    DRAINAGE ANALYSIS % IMPERVIOUS = 0.00%

ISS.	DATE:	DESCRIPTION OF ISSUE:	CHK.
1	01/30/2026	FOR APPROVAL	

DRAWN: NMD | DESIGN: NMD
CHECKED: JJM | CHECKED: JJM

EEI
CIVIL & STRUCTURAL CONSULTANTS, LAND PLANNERS
100 GRIFFIN ROAD, UNIT C, PORTSMOUTH, NH 03801
603-772-4400 | EMANUELENGINEERING.COM ©2025

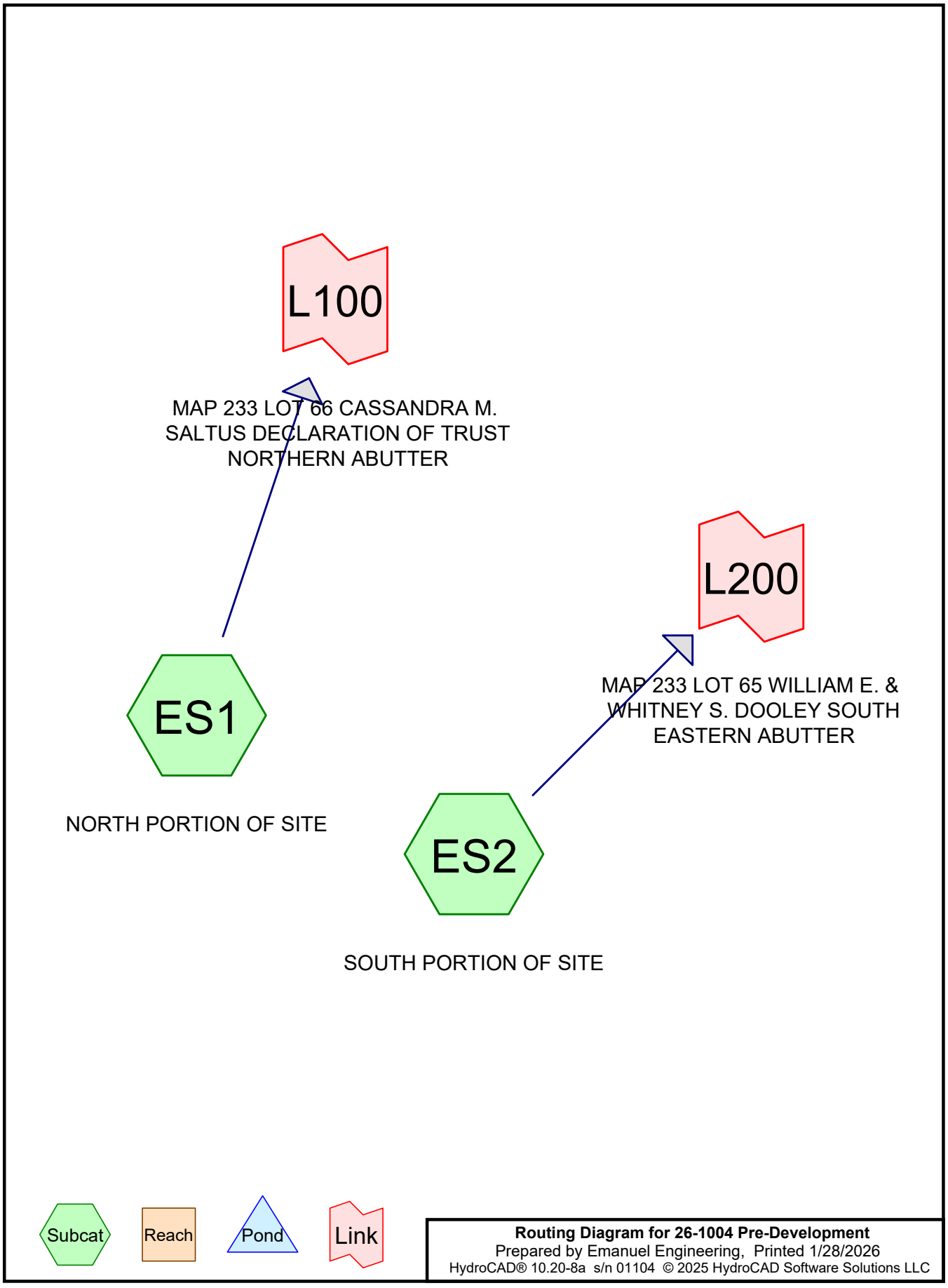
CLIENT:
CHRIS CLOUTIER
50 LOVELL STREET
PORTSMOUTH, NH 03801

SEAL:
STATE OF NEW HAMPSHIRE
BRUCE D. SCAMMAN No. 11238
LICENSED PROFESSIONAL ENGINEER
1/29/26

TITLE:
PRE-DEVELOPMENT CONDITIONS
FOR
MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
25 SIMS AVE (SITE)
PORTSMOUTH, NH 03801

PROJECT:	SCALE:	SHEET:
26-1004	1"=10'	SW1

Pre-Development Drainage Analysis



Routing Diagram for 26-1004 Pre-Development
Prepared by Emanuel Engineering, Printed 1/28/2026
HydroCAD® 10.20-8a s/n 01104 © 2025 HydroCAD Software Solutions LLC

Project Notes

Copied 4 events from NH-Portsmouth 24-hr S0P storm

Rainfall Events Listing (selected events)

Event#	Event Name	Storm Type	Curve	Mode	Duration (hours)	B/B	Depth (inches)	AMC
1	10-yr	NH-Portsmouth 24-hr S0P	10-yr	Default	24.00	1	4.88	2

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.028	39	>75% Grass cover, Good, HSG A (ES1)
0.087	30	Woods, Good, HSG A (ES1, ES2)
0.115	**32**	**TOTAL AREA**

Soil Listing (all nodes)

Area (acres)	Soil Group	Subcatchment Numbers
0.115	HSG A	ES1, ES2
0.000	HSG B	
0.000	HSG C	
0.000	HSG D	
0.000	Other	
0.115		**TOTAL AREA**

Ground Covers (all nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.028	0.000	0.000	0.000	0.000	0.028	>75% Grass cover, Good	ES1
0.087	0.000	0.000	0.000	0.000	0.087	Woods, Good	ES1, ES2
0.115	**0.000**	**0.000**	**0.000**	**0.000**	**0.115**	**TOTAL AREA**	

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

SubcatchmentES1: NORTH PORTION OF Runoff Area=2,611 sf 0.00% Impervious Runoff Depth=0.05"
Flow Length=99' Slope=0.0485 '/' Tc=14.9 min CN=34 Runoff=0.00 cfs 0.000 af

SubcatchmentES2: SOUTH PORTION OF Runoff Area=2,393 sf 0.00% Impervious Runoff Depth=0.00"
Flow Length=92' Slope=0.0533 '/' Tc=13.5 min CN=30 Runoff=0.00 cfs 0.000 af

Link L100: MAP 233 LOT 66 CASSANDRAM. SALTUS DECLARATIONOF Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Total Runoff Area = 0.115 ac Runoff Volume = 0.000 af Average Runoff Depth = 0.03"
100.00% Pervious = 0.115 ac 0.00% Impervious = 0.000 ac

Summary for Subcatchment ES1: NORTH PORTION OF SITE

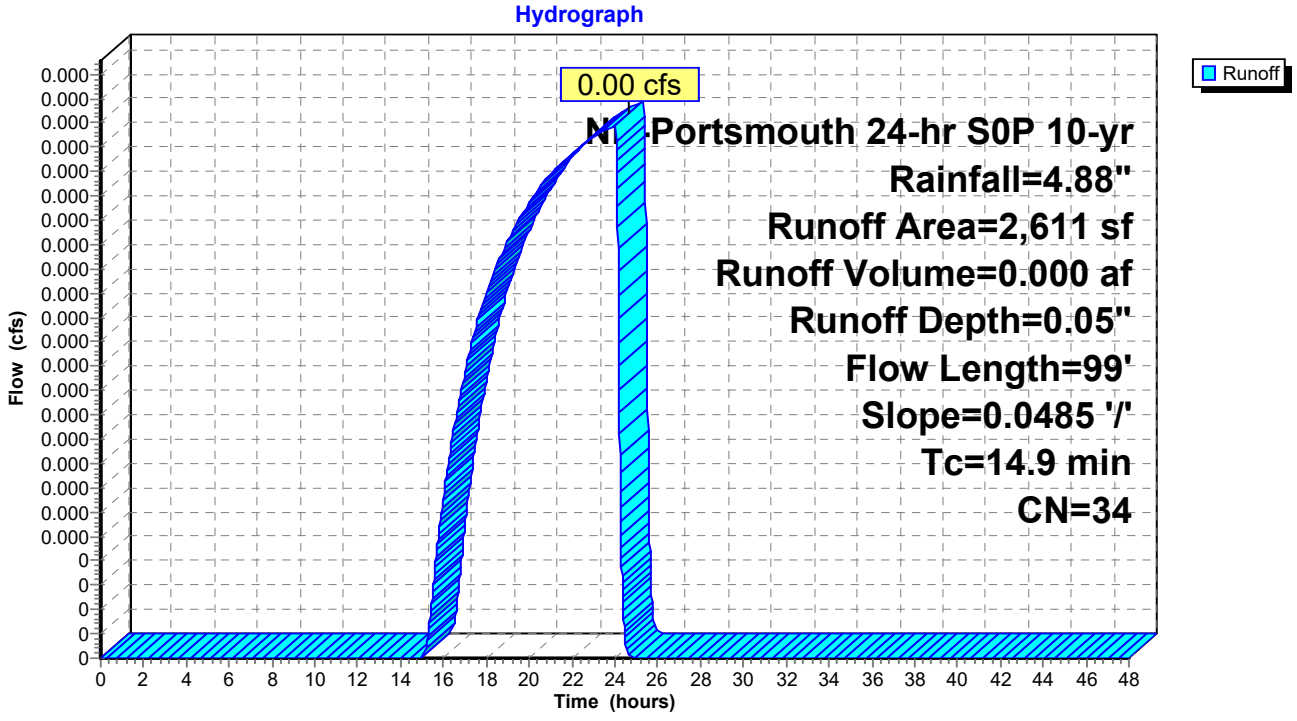
Runoff = 0.00 cfs @ 23.99 hrs, Volume= 0.000 af, Depth= 0.05"
Routed to Link L100 : MAP 233 LOT 66 CASSANDRA M. SALTUS DECLARATION OF TRUST NORTHERN ABU

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
NH-Portsmouth 24-hr S0P 10-yr Rainfall=4.88"

Area (sf)	CN	Description
1,205	39	>75% Grass cover, Good, HSG A
1,406	30	Woods, Good, HSG A
2,611	34	Weighted Average
2,611		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
14.9	99	0.0485	0.11		**Sheet Flow, First 100' - Woods** Woods: Light underbrush n= 0.400 P2= 3.22"

Subcatchment ES1: NORTH PORTION OF SITE



Summary for Subcatchment ES2: SOUTH PORTION OF SITE

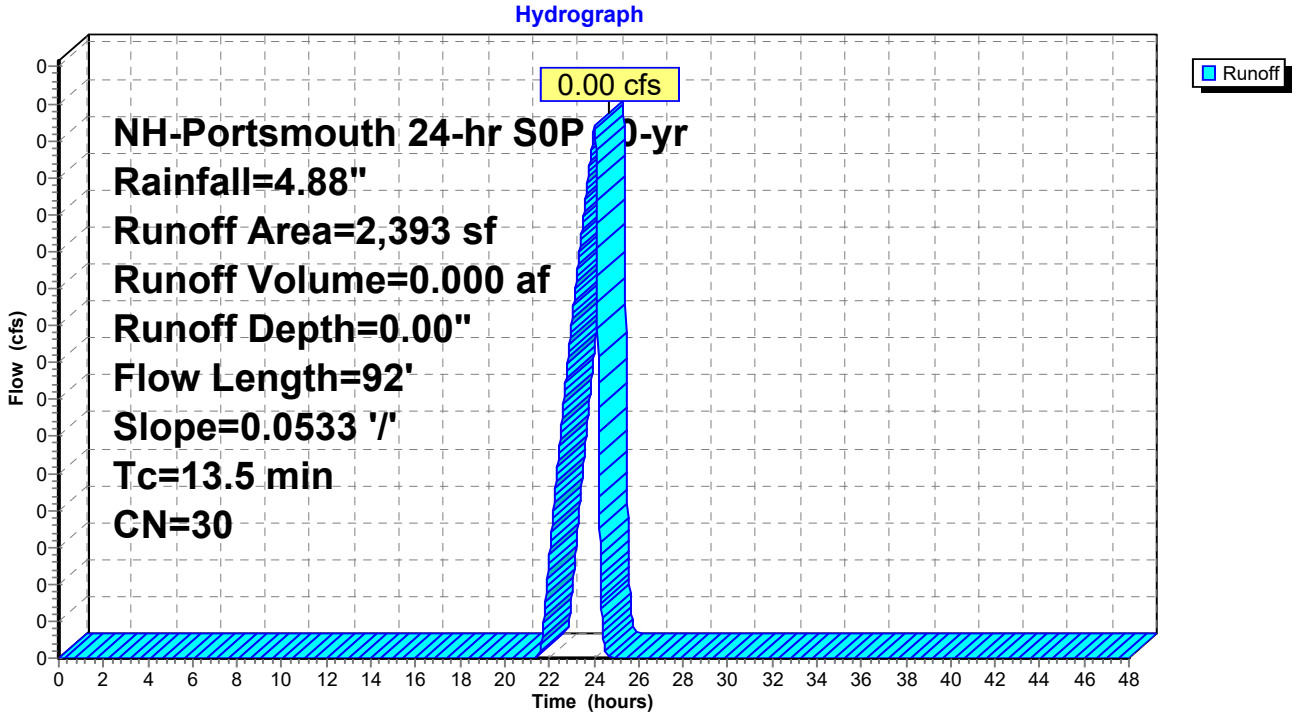
Runoff = 0.00 cfs @ 24.04 hrs, Volume= 0.000 af, Depth= 0.00"
Routed to Link L200 : MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH EASTERN ABUTTER

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
NH-Portsmouth 24-hr S0P 10-yr Rainfall=4.88"

Area (sf)	CN	Description
2,393	30	Woods, Good, HSG A
2,393		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
13.5	92	0.0533	0.11		**Sheet Flow, First 100' - Woods** Woods: Light underbrush n= 0.400 P2= 3.22"

Subcatchment ES2: SOUTH PORTION OF SITE

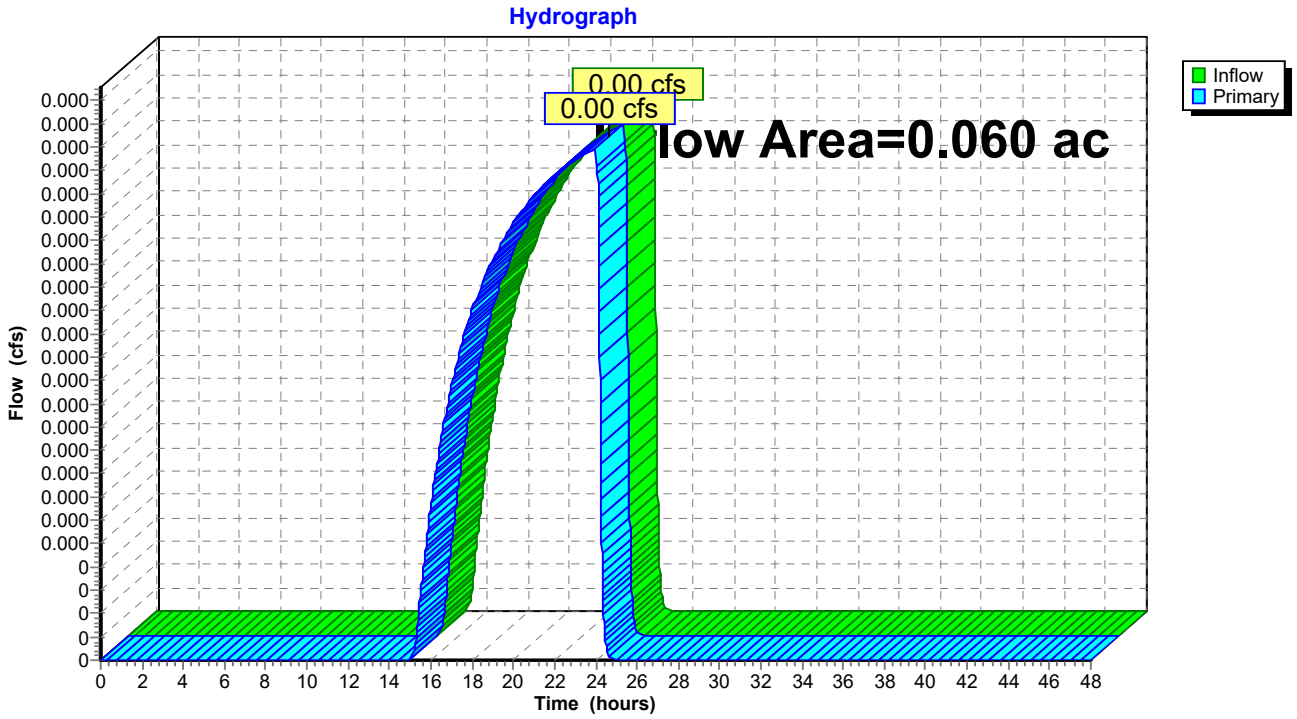


mary for Link L100: MAP 233 LOT 66 CASSANDRA M. SALTUS DECLARATION OF TRUST NORTHERN A

Inflow Area = 0.060 ac, 0.00% Impervious, Inflow Depth = 0.05" for 10-yr event
Inflow = 0.00 cfs @ 23.99 hrs, Volume= 0.000 af
Primary = 0.00 cfs @ 23.99 hrs, Volume= 0.000 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link L100: MAP 233 LOT 66 CASSANDRA M. SALTUS DECLARATION OF TRUST NORTHERN ABUTTI

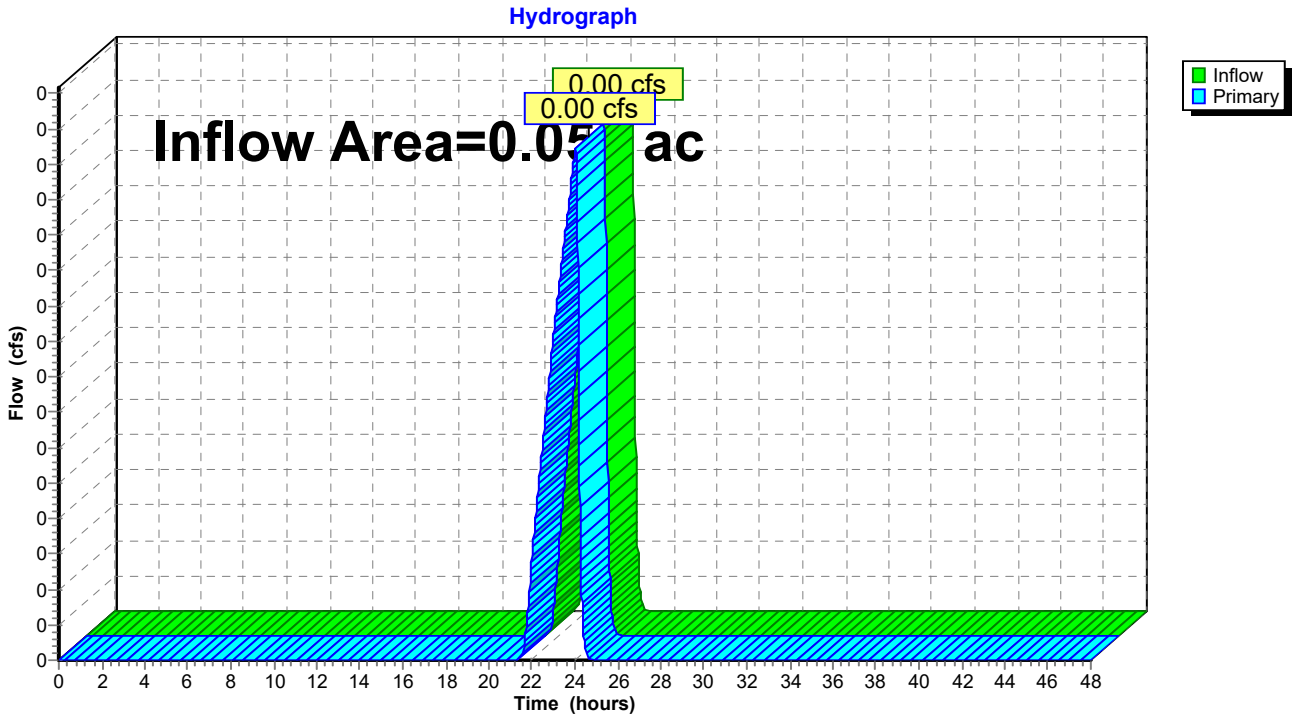


Summary for Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH EASTERN ABUT

Inflow Area = 0.055 ac, 0.00% Impervious, Inflow Depth = 0.00" for 10-yr event
Inflow = 0.00 cfs @ 24.04 hrs, Volume= 0.000 af
Primary = 0.00 cfs @ 24.04 hrs, Volume= 0.000 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH EASTERN ABUTTER



Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

SubcatchmentES1: NORTH PORTION OF Runoff Area=2,611 sf 0.00% Impervious Runoff Depth=0.00"
Flow Length=99' Slope=0.0485 '/' Tc=14.9 min CN=34 Runoff=0.00 cfs 0.000 af

SubcatchmentES2: SOUTH PORTION OF Runoff Area=2,393 sf 0.00% Impervious Runoff Depth=0.00"
Flow Length=92' Slope=0.0533 '/' Tc=13.5 min CN=30 Runoff=0.00 cfs 0.000 af

Link L100: MAP 233 LOT 66 CASSANDRAM. SALTUS DECLARATIONOF Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Total Runoff Area = 0.115 ac Runoff Volume = 0.000 af Average Runoff Depth = 0.00"
100.00% Pervious = 0.115 ac 0.00% Impervious = 0.000 ac

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

SubcatchmentES1: NORTH PORTION OF Runoff Area=2,611 sf 0.00% Impervious Runoff Depth=0.00"
Flow Length=99' Slope=0.0485 '/' Tc=14.9 min CN=34 Runoff=0.00 cfs 0.000 af

SubcatchmentES2: SOUTH PORTION OF Runoff Area=2,393 sf 0.00% Impervious Runoff Depth=0.00"
Flow Length=92' Slope=0.0533 '/' Tc=13.5 min CN=30 Runoff=0.00 cfs 0.000 af

Link L100: MAP 233 LOT 66 CASSANDRAM. SALTUS DECLARATIONOF Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Total Runoff Area = 0.115 ac Runoff Volume = 0.000 af Average Runoff Depth = 0.00"
100.00% Pervious = 0.115 ac 0.00% Impervious = 0.000 ac

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

SubcatchmentES1: NORTH PORTION OF Runoff Area=2,611 sf 0.00% Impervious Runoff Depth=0.05"
Flow Length=99' Slope=0.0485 '/' Tc=14.9 min CN=34 Runoff=0.00 cfs 0.000 af

SubcatchmentES2: SOUTH PORTION OF Runoff Area=2,393 sf 0.00% Impervious Runoff Depth=0.00"
Flow Length=92' Slope=0.0533 '/' Tc=13.5 min CN=30 Runoff=0.00 cfs 0.000 af

Link L100: MAP 233 LOT 66 CASSANDRAM. SALTUS DECLARATIONOF Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Total Runoff Area = 0.115 ac Runoff Volume = 0.000 af Average Runoff Depth = 0.03"
100.00% Pervious = 0.115 ac 0.00% Impervious = 0.000 ac

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

SubcatchmentES1: NORTH PORTION OF Runoff Area=2,611 sf 0.00% Impervious Runoff Depth=0.25"
Flow Length=99' Slope=0.0485 '/' Tc=14.9 min CN=34 Runoff=0.00 cfs 0.001 af

SubcatchmentES2: SOUTH PORTION OF Runoff Area=2,393 sf 0.00% Impervious Runoff Depth=0.09"
Flow Length=92' Slope=0.0533 '/' Tc=13.5 min CN=30 Runoff=0.00 cfs 0.000 af

Link L100: MAP 233 LOT 66 CASSANDRAM. SALTUS DECLARATIONOF Inflow=0.00 cfs 0.001 af
Primary=0.00 cfs 0.001 af

Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Total Runoff Area = 0.115 ac Runoff Volume = 0.002 af Average Runoff Depth = 0.17"
100.00% Pervious = 0.115 ac 0.00% Impervious = 0.000 ac

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

SubcatchmentES1: NORTH PORTION OF Runoff Area=2,611 sf 0.00% Impervious Runoff Depth=0.54"
Flow Length=99' Slope=0.0485 '/' Tc=14.9 min CN=34 Runoff=0.00 cfs 0.003 af

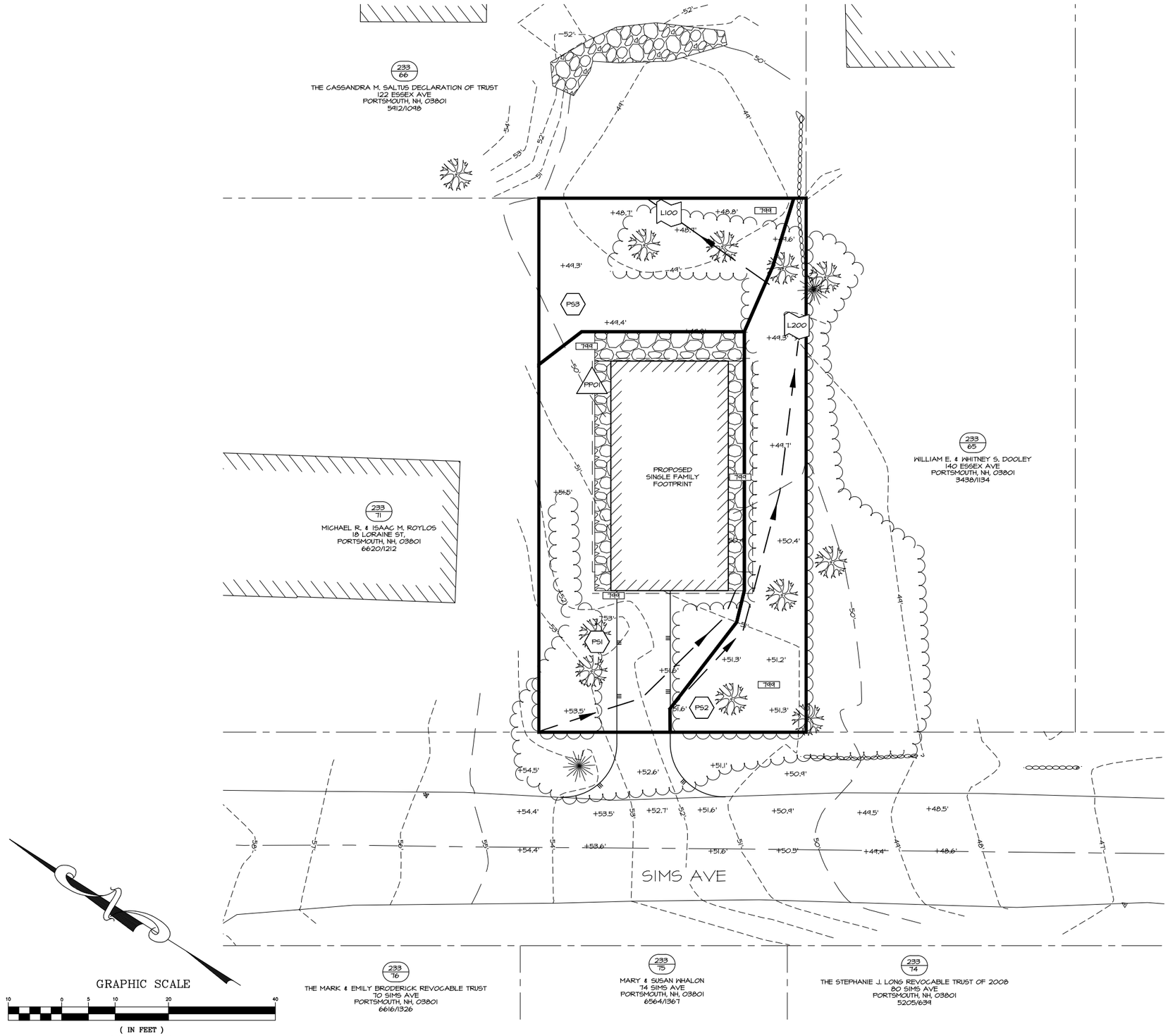
SubcatchmentES2: SOUTH PORTION OF Runoff Area=2,393 sf 0.00% Impervious Runoff Depth=0.29"
Flow Length=92' Slope=0.0533 '/' Tc=13.5 min CN=30 Runoff=0.00 cfs 0.001 af

Link L100: MAP 233 LOT 66 CASSANDRAM. SALTUS DECLARATIONOF Inflow=0.00 cfs 0.003 af
Primary=0.00 cfs 0.003 af

Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH Inflow=0.00 cfs 0.001 af
Primary=0.00 cfs 0.001 af

Total Runoff Area = 0.115 ac Runoff Volume = 0.004 af Average Runoff Depth = 0.42"
100.00% Pervious = 0.115 ac 0.00% Impervious = 0.000 ac

Post-Development Subcatchment Plan



GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)

1 inch = 10 ft.

SOIL INFORMATION:

THE FOLLOWING SOIL DATA HAS BEEN COMPILED FROM THE NRCS SOIL MAP SURVEY DATABASE.

1. ENTIRE SITE IS URBAN LAND-CANTON COMPLEX (799),

   DRAINAGE CLASS = WELL DRAINED
   Ksat VALUE = 2.0 - 6.0
   DEPTH TO WATER TABLE = >80"
   HYDROLOGIC SOIL GROUP: A

2. NO FORMAL WATER TABLE INVESTIGATION WAS PERFORMED AS PART OF THIS PLAN PREPARATION.

LEGEND

- Tc FLOW LINE
- SUBCATCHMENT BOUNDARY
- ES1 — SUBCATCHMENT LABEL
- EP01 — POND LABEL
- L100 — LINK LABEL
- XXX — SOIL TYPE

NOTES:

1. OWNER OF RECORD:
   TAX MAP 233, LOT 44
   MICHAEL R. ROYLOS AND ISAAC M. ROYLOS
   18 LORAINE ST,
   PORTLAND, MAINE 04103
   RCRD BK6620 PG1214
2. THE INTENT OF THIS PLAN IS TO ANALYZE HOW STORMWATER IS MANAGED ON THE PROPOSED LOT.
3. PARCEL IS ZONED SINGLE RESIDENCE B (SRB) PER THE 2026 PORTSMOUTH MAPGEO ONLINE DATABASE.
4. PARCEL IS NOT IN A FLOOD HAZARD ZONE; REFERENCE FLOOD INSURANCE RATE MAP 33015C0259F, DATED JANUARY 29, 2021.
5. SOILS WERE OBTAINED BY EEI ON 01/26/2026 USING THE NRCS ONLINE DATABASE.
6. NO FORMAL WETLAND DELINEATION WAS PERFORMED AS PART OF THIS PLAN PREPARATION. BASED ON FIELD OBSERVATIONS, NO APPARENT WETLAND RESOURCES ARE PRESENT WITHIN THE PROJECT AREA.
7. PROPERTY TO BE SERVICED BY CITY WATER AND SEWER.
8. ALL CONSTRUCTION SHOULD COMPLY WITH FEDERAL, STATE, AND LOCAL STANDARDS AND REGULATIONS.
9. THIS PLAN WAS PREPARED WITH ON-SITE FIELD SURVEY AND EXISTING PLANS. THE CONTRACTOR SHOULD NOTIFY EMANUEL ENGINEERING, INC. DURING CONSTRUCTION IF ANY DISCREPANCY TO THE PLAN IS FOUND ON SITE.
10. BEFORE ANY EXCAVATION, DIG SAFE AND ALL UTILITY COMPANIES SHOULD BE CONTACTED 72 HOURS BEFORE COMMENCING BY THE CONTRACTOR. CALL DIG SAFE @ 811 OR 1-888-DIG-SAFE.
11. ALL UTILITIES SHALL BE LOCATED UNDERGROUND EXCEPT AS NOTED ON PLAN APPROVED BY THE PLANNING BOARD.
12. SETBACKS APPLY TO THE SIDING (EXTERIOR WALLS) OF THE HOUSE. ROOF OVERHANGS NOT TO EXCEED 3 FEET.
13. POST-DEVELOPMENT DRAINAGE AREA CALCS:
    DRAINAGE ANALYSIS TOTAL AREA = 5,004 SF

    DRAINAGE ANALYSIS IMPERVIOUS = 1,211 SF
    DRAINAGE ANALYSIS % IMPERVIOUS = 24.2%

    BUILDING COVERAGE: 18.9% (946 SF)

ISS.	DATE:	DESCRIPTION OF ISSUE:	CHK.
1	01/30/2026	FOR APPROVAL	

DRAWN: NMD | DESIGN: NMD
CHECKED: JJM | CHECKED: JJM

EEI
CIVIL & STRUCTURAL CONSULTANTS, LAND PLANNERS
100 GRIFFIN ROAD, UNIT C, PORTSMOUTH, NH 03801
603-772-4400 | EMANUELENGINEERING.COM ©2025

CLIENT:
CHRIS CLOUTIER
50 LOVELL STREET
PORTSMOUTH, NH 03801

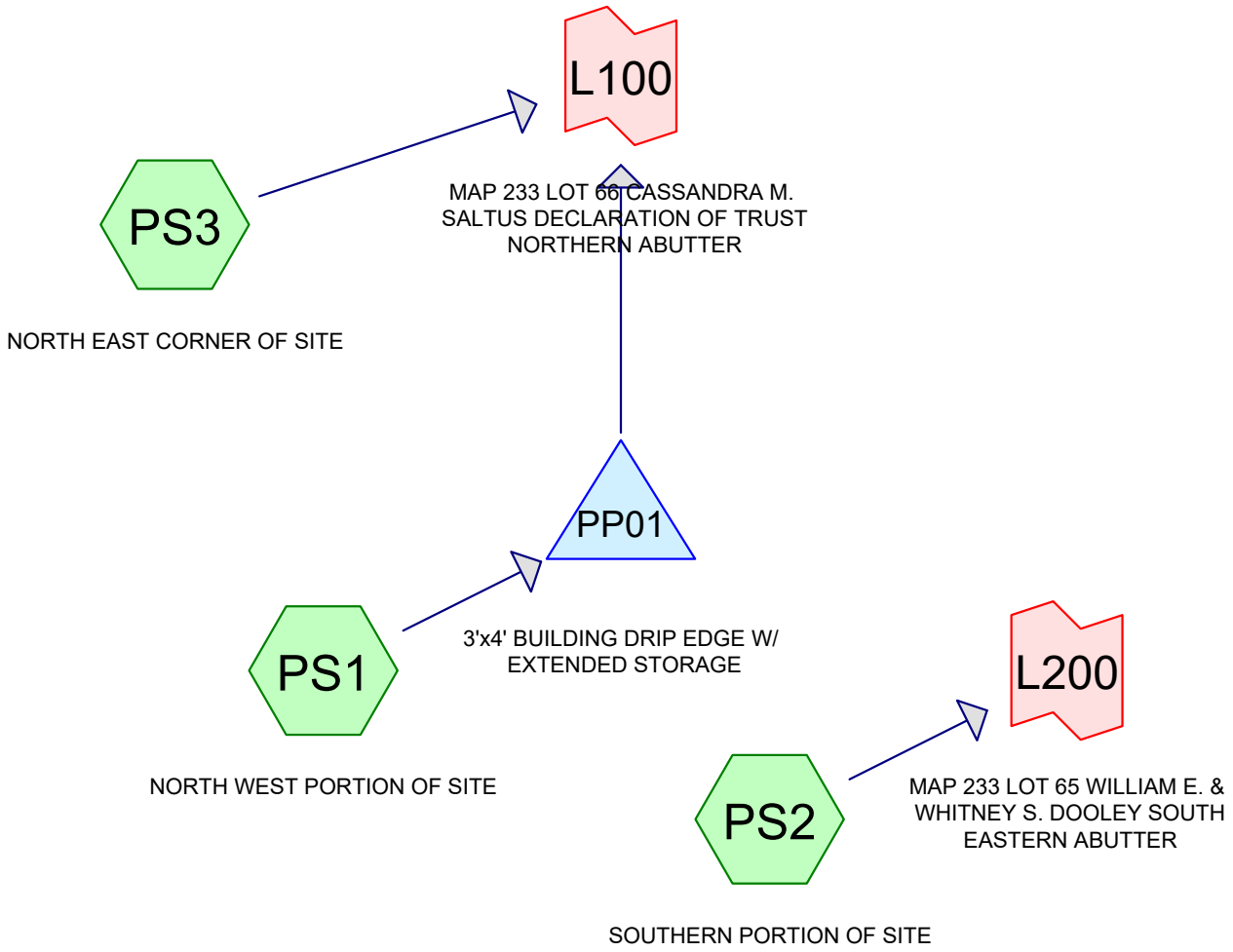
SEAL:

STATE OF NEW HAMPSHIRE
BRUCE D. SCAMMAN
No. 11238
LICENSED PROFESSIONAL ENGINEER
1/29/26

TITLE:
POST-DEVELOPMENT CONDITIONS
FOR
MICHAEL R. ROYLOS AND
ISAAC M. ROYLOS
25 SIMS AVE (SITE)
PORTSMOUTH, NH 03801

PROJECT:	SCALE:	SHEET:
26-1004	1"=10'	SW2

Post-Development Drainage Analysis



Subcat Reach Pond Link

Routing Diagram for 26-1004 Post-Development
Prepared by Emanuel Engineering, Printed 1/29/2026
HydroCAD® 10.20-8a s/n 01104 © 2025 HydroCAD Software Solutions LLC

Project Notes

Copied 4 events from NH-Portsmouth 24-hr S0P storm

Rainfall Events Listing (selected events)

Event#	Event Name	Storm Type	Curve	Mode	Duration (hours)	B/B	Depth (inches)	AMC
1	10-yr	NH-Portsmouth 24-hr S0P	10-yr	Default	24.00	1	4.88	2

Area Listing (all nodes)

Area (acres)	CN	Description (subcatchment-numbers)
0.046	39	>75% Grass cover, Good, HSG A (PS1, PS2, PS3)
0.006	98	Paved parking, HSG A (PS1)
0.022	98	Roofs, HSG A (PS1)
0.041	30	Woods, Good, HSG A (PS1, PS2, PS3)
0.115	**50**	**TOTAL AREA**

Soil Listing (all nodes)

Area (acres)	Soil Group	Subcatchment Numbers
0.115	HSG A	PS1, PS2, PS3
0.000	HSG B	
0.000	HSG C	
0.000	HSG D	
0.000	Other	
0.115		**TOTAL AREA**

Ground Covers (all nodes)

HSG-A (acres)	HSG-B (acres)	HSG-C (acres)	HSG-D (acres)	Other (acres)	Total (acres)	Ground Cover	Subcatchment Numbers
0.046	0.000	0.000	0.000	0.000	0.046	>75% Grass cover, Good	PS1, PS2, PS3
0.006	0.000	0.000	0.000	0.000	0.006	Paved parking	PS1
0.022	0.000	0.000	0.000	0.000	0.022	Roofs	PS1
0.041	0.000	0.000	0.000	0.000	0.041	Woods, Good	PS1, PS2, PS3
0.115	**0.000**	**0.000**	**0.000**	**0.000**	**0.115**	**TOTAL AREA**	

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment PS1: NORTH WEST Runoff Area=2,897 sf 41.80% Impervious Runoff Depth=1.36"
Flow Length=39' Tc=6.9 min CN=62 Runoff=0.08 cfs 0.008 af

Subcatchment PS2: SOUTHERN PORTION OF Runoff Area=993 sf 0.00% Impervious Runoff Depth=0.00"
Flow Length=75' Slope=0.0330 '/' Tc=13.9 min CN=30 Runoff=0.00 cfs 0.000 af

Subcatchment PS3: NORTH EAST CORNER Runoff Area=1,114 sf 0.00% Impervious Runoff Depth=0.09"
Flow Length=29' Slope=0.0390 '/' Tc=6.0 min CN=36 Runoff=0.00 cfs 0.000 af

Pond PP01: 3'x4' BUILDING DRIP EDGE W/ Peak Elev=48.65' Storage=80 cf Inflow=0.08 cfs 0.008 af
Discarded=0.01 cfs 0.008 af Primary=0.00 cfs 0.000 af Outflow=0.01 cfs 0.008 af

Link L100: MAP 233 LOT 66 CASSANDRA M. SALTUS DECLARATION OF Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Total Runoff Area = 0.115 ac Runoff Volume = 0.008 af Average Runoff Depth = 0.81"
75.80% Pervious = 0.087 ac 24.20% Impervious = 0.028 ac

Summary for Subcatchment PS1: NORTH WEST PORTION OF SITE

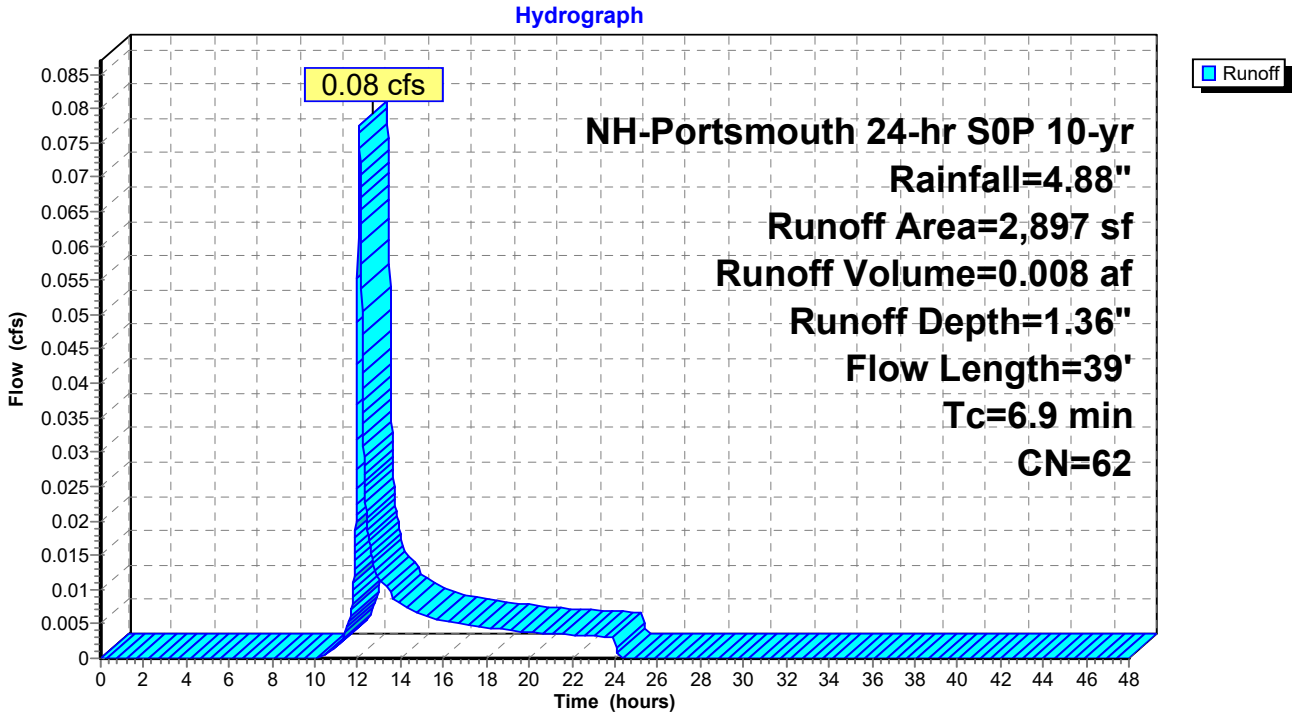
Runoff = 0.08 cfs @ 12.06 hrs, Volume= 0.008 af, Depth= 1.36"
Routed to Pond PP01 : 3'x4' BUILDING DRIP EDGE W/ EXTENDED STORAGE

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
NH-Portsmouth 24-hr S0P 10-yr Rainfall=4.88"

Area (sf)	CN	Description
1,183	39	>75% Grass cover, Good, HSG A
503	30	Woods, Good, HSG A
265	98	Paved parking, HSG A
946	98	Roofs, HSG A
2,897	62	Weighted Average
1,686		58.20% Pervious Area
1,211		41.80% Impervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
3.2	18	0.0770	0.09		**Sheet Flow, First 100' - Woods** Woods: Light underbrush n= 0.400 P2= 3.22"
0.3	3	0.1330	0.18		**Sheet Flow, First 100' - Grass** Grass: Short n= 0.150 P2= 3.22"
0.0	2	0.0312	0.75		**Sheet Flow, First 100' - Driveway** Smooth surfaces n= 0.011 P2= 3.22"
0.7	4	0.0250	0.10		**Sheet Flow, First 100' - Grass** Grass: Short n= 0.150 P2= 3.22"
2.0	8	0.0500	0.07		**Sheet Flow, First 100' - Woods** Woods: Light underbrush n= 0.400 P2= 3.22"
0.7	4	0.0250	0.10		**Sheet Flow, First 100' - Grass** Grass: Short n= 0.150 P2= 3.22"
6.9	39	Total			

Subcatchment PS1: NORTH WEST PORTION OF SITE



Summary for Subcatchment PS2: SOUTHERN PORTION OF SITE

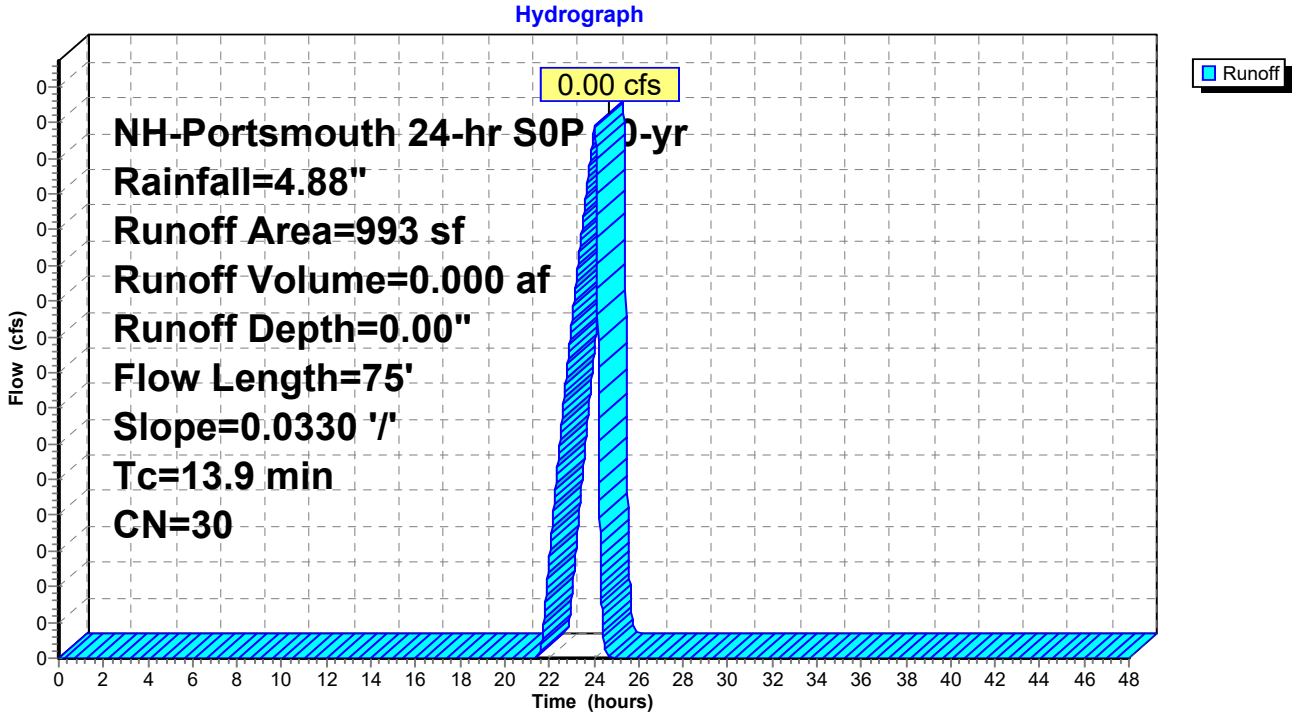
Runoff = 0.00 cfs @ 24.04 hrs, Volume= 0.000 af, Depth= 0.00"
Routed to Link L200 : MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH EASTERN ABUTTER

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
NH-Portsmouth 24-hr S0P 10-yr Rainfall=4.88"

Area (sf)	CN	Description
31	39	>75% Grass cover, Good, HSG A
962	30	Woods, Good, HSG A
993	30	Weighted Average
993		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
13.9	75	0.0330	0.09		**Sheet Flow, First 100' - Woods** Woods: Light underbrush n= 0.400 P2= 3.22"

Subcatchment PS2: SOUTHERN PORTION OF SITE



Summary for Subcatchment PS3: NORTH EAST CORNER OF SITE

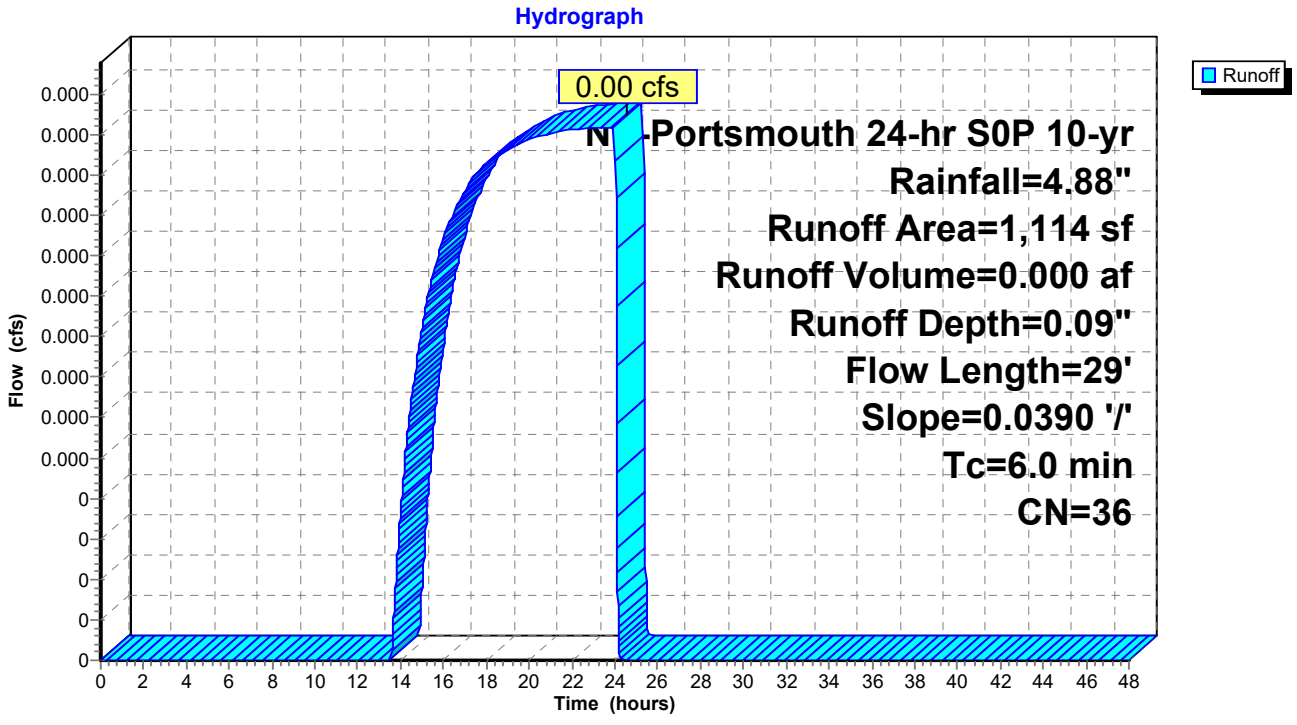
Runoff = 0.00 cfs @ 23.94 hrs, Volume= 0.000 af, Depth= 0.09"
Routed to Link L100 : MAP 233 LOT 66 CASSANDRA M. SALTUS DECLARATION OF TRUST NORTHERN ABU

Runoff by SCS TR-20 method, UH=SCS, Weighted-CN, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
NH-Portsmouth 24-hr S0P 10-yr Rainfall=4.88"

Area (sf)	CN	Description
783	39	>75% Grass cover, Good, HSG A
331	30	Woods, Good, HSG A
1,114	36	Weighted Average
1,114		100.00% Pervious Area

Tc (min)	Length (feet)	Slope (ft/ft)	Velocity (ft/sec)	Capacity (cfs)	Description
5.1	23	0.0390	0.08		**Sheet Flow, First 100' - Woods** Woods: Light underbrush n= 0.400 P2= 3.22"
0.8	6	0.0390	0.13		**Sheet Flow, First 100' - Grass** Grass: Short n= 0.150 P2= 3.22"
0.1					**Direct Entry, 6 minutes minimum**
6.0	29	Total			

Subcatchment PS3: NORTH EAST CORNER OF SITE



Summary for Pond PP01: 3'x4' BUILDING DRIP EDGE W/ EXTENDED STORAGE

Inflow Area = 0.067 ac, 41.80% Impervious, Inflow Depth = 1.36" for 10-yr event
Inflow = 0.08 cfs @ 12.06 hrs, Volume= 0.008 af
Outflow = 0.01 cfs @ 11.95 hrs, Volume= 0.008 af, Atten= 88%, Lag= 0.0 min
Discarded = 0.01 cfs @ 11.95 hrs, Volume= 0.008 af
Primary = 0.00 cfs @ 0.00 hrs, Volume= 0.000 af
Routed to Link L100 : MAP 233 LOT 66 CASSANDRA M. SALTUS DECLARATION OF TRUST NORTHERN ABU

Routing by Dyn-Stor-Ind method, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs
Peak Elev= 48.65' @ 13.57 hrs Surf.Area= 412 sf Storage= 80 cf

Plug-Flow detention time= 68.5 min calculated for 0.008 af (100% of inflow)
Center-of-Mass det. time= 68.5 min (988.9 - 920.4)

Volume	Invert	Avail.Storage	Storage Description
#1	48.00'	494 cf	**3'x4' deep Drip Edge w/ Extended Storage (Prismatic)** Listed below (Recalc 1,648 cf Overall x 30.0% Voids

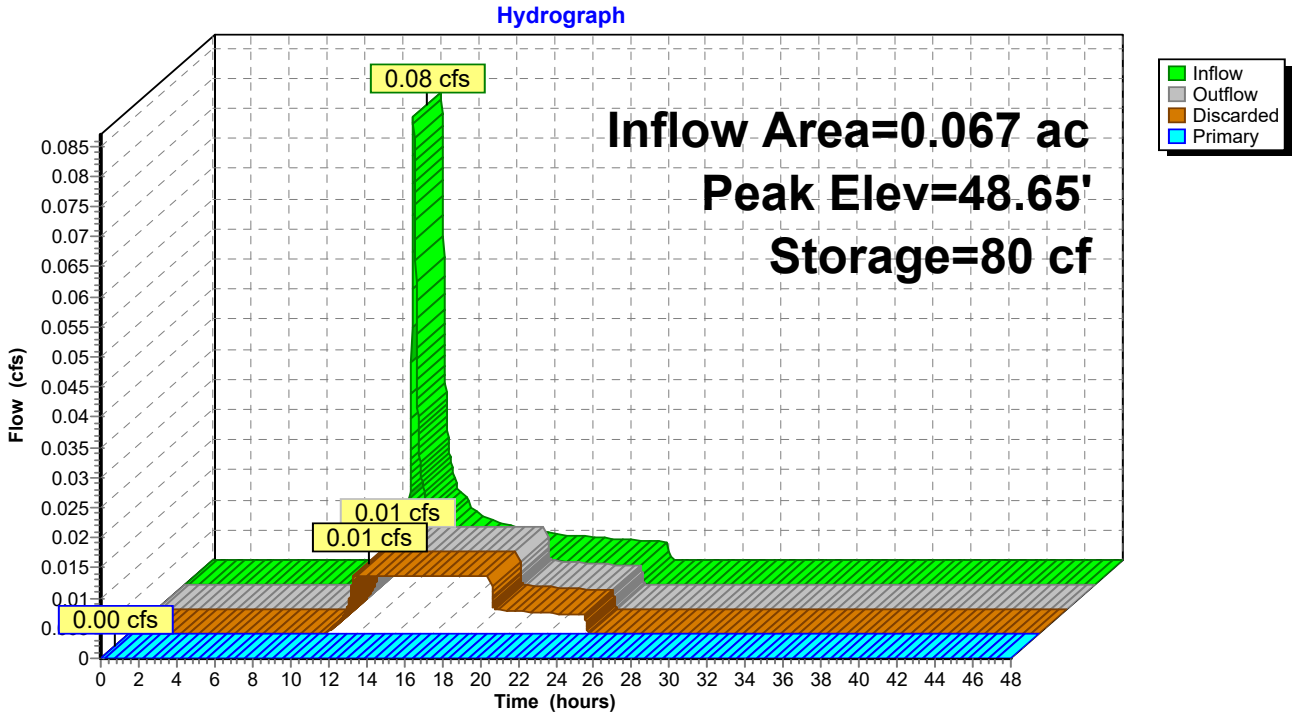
Elevation (feet)	Surf.Area (sq-ft)	Inc.Store (cubic-feet)	Cum.Store (cubic-feet)
48.00	412	0	0
52.00	412	1,648	1,648

Device	Routing	Invert	Outlet Devices
#1	Discarded	48.00'	**1.000 in/hr Exfiltration over Surface area** Phase-In= 0.01'
#2	Primary	51.99'	**35.0' long x 20.0' breadth Broad-Crested Rectangular Weir** Head (feet) 0.20 0.40 0.60 0.80 1.00 1.20 1.40 1.60 Coef. (English) 2.68 2.70 2.70 2.64 2.63 2.64 2.64 2.63

Discarded OutFlow Max=0.01 cfs @ 11.95 hrs HW=48.04' (Free Discharge)
↑—**1=Exfiltration** (Exfiltration Controls 0.01 cfs)

Primary OutFlow Max=0.00 cfs @ 0.00 hrs HW=48.00' TW=0.00' (Dynamic Tailwater)
↑—**2=Broad-Crested Rectangular Weir** (Controls 0.00 cfs)

Pond PP01: 3'x4' BUILDING DRIP EDGE W/ EXTENDED STORAGE

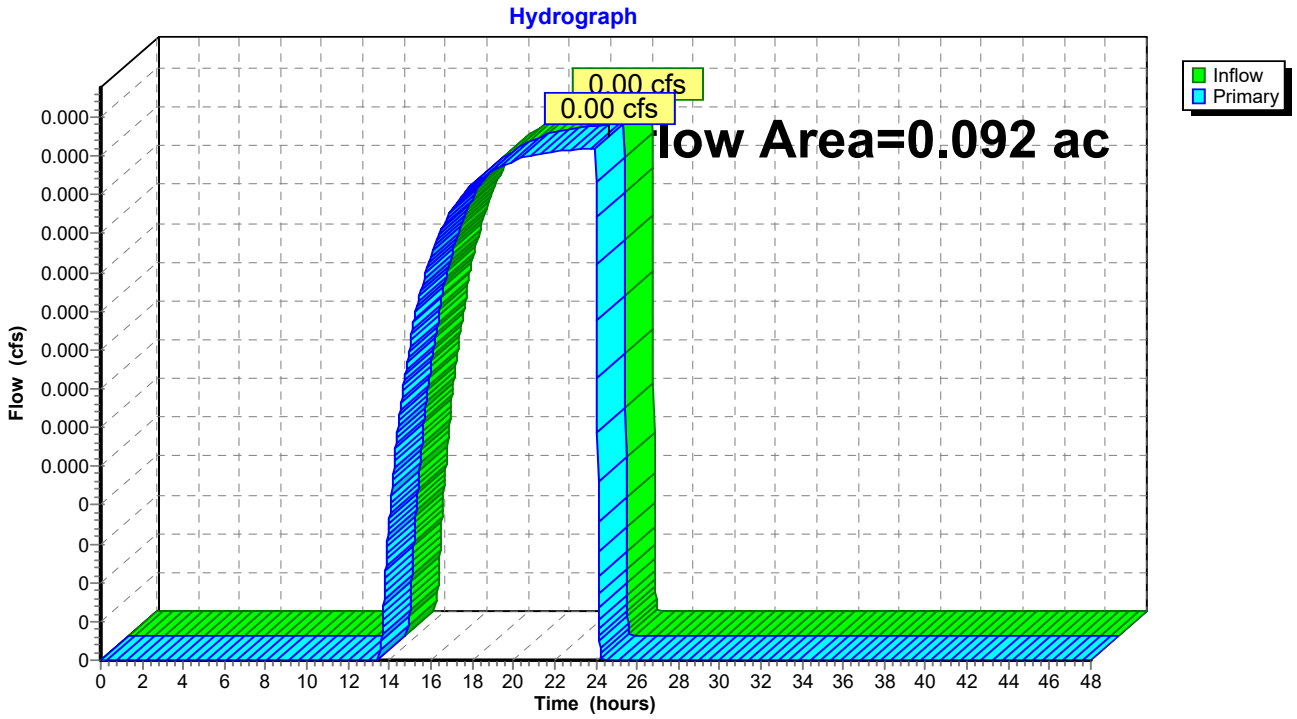


mary for Link L100: MAP 233 LOT 66 CASSANDRA M. SALTUS DECLARATION OF TRUST NORTHERN A

Inflow Area = 0.092 ac, 30.19% Impervious, Inflow Depth = 0.03" for 10-yr event
Inflow = 0.00 cfs @ 23.94 hrs, Volume= 0.000 af
Primary = 0.00 cfs @ 23.94 hrs, Volume= 0.000 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link L100: MAP 233 LOT 66 CASSANDRA M. SALTUS DECLARATION OF TRUST NORTHERN ABUTTI

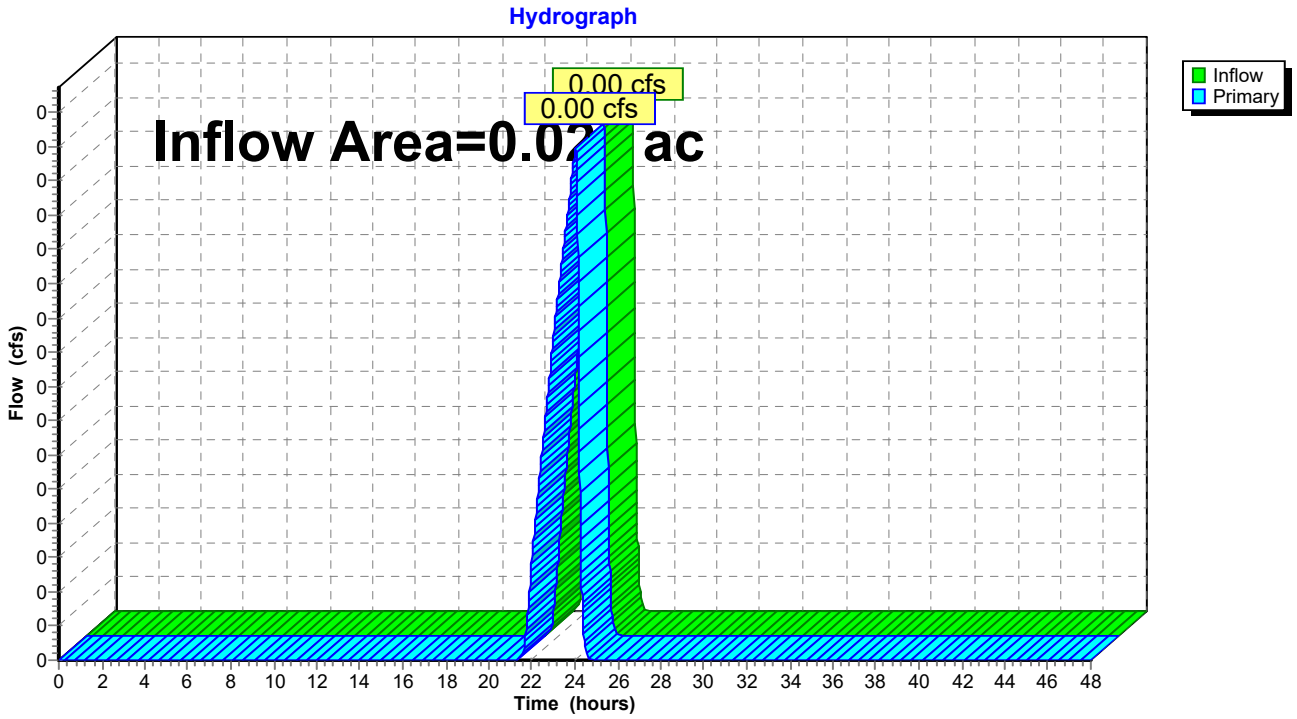


Summary for Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH EASTERN ABUT

Inflow Area = 0.023 ac, 0.00% Impervious, Inflow Depth = 0.00" for 10-yr event
Inflow = 0.00 cfs @ 24.04 hrs, Volume= 0.000 af
Primary = 0.00 cfs @ 24.04 hrs, Volume= 0.000 af, Atten= 0%, Lag= 0.0 min

Primary outflow = Inflow, Time Span= 0.00-48.00 hrs, dt= 0.01 hrs

Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH EASTERN ABUTTER



Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment PS1: NORTH WEST Runoff Area=2,897 sf 41.80% Impervious Runoff Depth=0.00"
Flow Length=39' Tc=6.9 min CN=62 Runoff=0.00 cfs 0.000 af

Subcatchment PS2: SOUTHERN PORTION OF Runoff Area=993 sf 0.00% Impervious Runoff Depth=0.00"
Flow Length=75' Slope=0.0330 '/' Tc=13.9 min CN=30 Runoff=0.00 cfs 0.000 af

Subcatchment PS3: NORTH EAST CORNER Runoff Area=1,114 sf 0.00% Impervious Runoff Depth=0.00"
Flow Length=29' Slope=0.0390 '/' Tc=6.0 min CN=36 Runoff=0.00 cfs 0.000 af

Pond PP01: 3'x4' BUILDING DRIP EDGE W/ Peak Elev=48.00' Storage=0 cf Inflow=0.00 cfs 0.000 af
Discarded=0.00 cfs 0.000 af Primary=0.00 cfs 0.000 af Outflow=0.00 cfs 0.000 af

Link L100: MAP 233 LOT 66 CASSANDRA M. SALTUS DECLARATION OF Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Total Runoff Area = 0.115 ac Runoff Volume = 0.000 af Average Runoff Depth = 0.00"
75.80% Pervious = 0.087 ac 24.20% Impervious = 0.028 ac

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment PS1: NORTH WEST Runoff Area=2,897 sf 41.80% Impervious Runoff Depth=0.49"
Flow Length=39' Tc=6.9 min CN=62 Runoff=0.02 cfs 0.003 af

Subcatchment PS2: SOUTHERN PORTION OF Runoff Area=993 sf 0.00% Impervious Runoff Depth=0.00"
Flow Length=75' Slope=0.0330 '/' Tc=13.9 min CN=30 Runoff=0.00 cfs 0.000 af

Subcatchment PS3: NORTH EAST CORNER Runoff Area=1,114 sf 0.00% Impervious Runoff Depth=0.00"
Flow Length=29' Slope=0.0390 '/' Tc=6.0 min CN=36 Runoff=0.00 cfs 0.000 af

Pond PP01: 3'x4' BUILDING DRIP EDGE W/ Peak Elev=48.08' Storage=10 cf Inflow=0.02 cfs 0.003 af
Discarded=0.01 cfs 0.003 af Primary=0.00 cfs 0.000 af Outflow=0.01 cfs 0.003 af

Link L100: MAP 233 LOT 66 CASSANDRA M. SALTUS DECLARATION OF Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Total Runoff Area = 0.115 ac Runoff Volume = 0.003 af Average Runoff Depth = 0.28"
75.80% Pervious = 0.087 ac 24.20% Impervious = 0.028 ac

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment PS1: NORTH WEST Runoff Area=2,897 sf 41.80% Impervious Runoff Depth=1.36"
Flow Length=39' Tc=6.9 min CN=62 Runoff=0.08 cfs 0.008 af

Subcatchment PS2: SOUTHERN PORTION OF Runoff Area=993 sf 0.00% Impervious Runoff Depth=0.00"
Flow Length=75' Slope=0.0330 '/' Tc=13.9 min CN=30 Runoff=0.00 cfs 0.000 af

Subcatchment PS3: NORTH EAST CORNER Runoff Area=1,114 sf 0.00% Impervious Runoff Depth=0.09"
Flow Length=29' Slope=0.0390 '/' Tc=6.0 min CN=36 Runoff=0.00 cfs 0.000 af

Pond PP01: 3'x4' BUILDING DRIP EDGE W/ Peak Elev=48.65' Storage=80 cf Inflow=0.08 cfs 0.008 af
Discarded=0.01 cfs 0.008 af Primary=0.00 cfs 0.000 af Outflow=0.01 cfs 0.008 af

Link L100: MAP 233 LOT 66 CASSANDRA M. SALTUS DECLARATION OF Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Total Runoff Area = 0.115 ac Runoff Volume = 0.008 af Average Runoff Depth = 0.81"
75.80% Pervious = 0.087 ac 24.20% Impervious = 0.028 ac

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment PS1: NORTH WEST Runoff Area=2,897 sf 41.80% Impervious Runoff Depth=2.22"
Flow Length=39' Tc=6.9 min CN=62 Runoff=0.13 cfs 0.012 af

Subcatchment PS2: SOUTHERN PORTION OF Runoff Area=993 sf 0.00% Impervious Runoff Depth=0.09"
Flow Length=75' Slope=0.0330 '/' Tc=13.9 min CN=30 Runoff=0.00 cfs 0.000 af

Subcatchment PS3: NORTH EAST CORNER Runoff Area=1,114 sf 0.00% Impervious Runoff Depth=0.34"
Flow Length=29' Slope=0.0390 '/' Tc=6.0 min CN=36 Runoff=0.00 cfs 0.001 af

Pond PP01: 3'x4' BUILDING DRIP EDGE W/ Peak Elev=49.48' Storage=183 cf Inflow=0.13 cfs 0.012 af
Discarded=0.01 cfs 0.012 af Primary=0.00 cfs 0.000 af Outflow=0.01 cfs 0.012 af

Link L100: MAP 233 LOT 66 CASSANDRA M. SALTUS DECLARATION OF Inflow=0.00 cfs 0.001 af
Primary=0.00 cfs 0.001 af

Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH Inflow=0.00 cfs 0.000 af
Primary=0.00 cfs 0.000 af

Total Runoff Area = 0.115 ac Runoff Volume = 0.013 af Average Runoff Depth = 1.38"
75.80% Pervious = 0.087 ac 24.20% Impervious = 0.028 ac

Time span=0.00-48.00 hrs, dt=0.01 hrs, 4801 points
Runoff by SCS TR-20 method, UH=SCS, Weighted-CN
Reach routing by Dyn-Stor-Ind method - Pond routing by Dyn-Stor-Ind method

Subcatchment PS1: NORTH WEST Runoff Area=2,897 sf 41.80% Impervious Runoff Depth=3.11"
Flow Length=39' Tc=6.9 min CN=62 Runoff=0.17 cfs 0.017 af

Subcatchment PS2: SOUTHERN PORTION OF Runoff Area=993 sf 0.00% Impervious Runoff Depth=0.29"
Flow Length=75' Slope=0.0330 '/' Tc=13.9 min CN=30 Runoff=0.00 cfs 0.001 af

Subcatchment PS3: NORTH EAST CORNER Runoff Area=1,114 sf 0.00% Impervious Runoff Depth=0.69"
Flow Length=29' Slope=0.0390 '/' Tc=6.0 min CN=36 Runoff=0.00 cfs 0.001 af

Pond PP01: 3'x4' BUILDING DRIP EDGE W/ Peak Elev=50.57' Storage=317 cf Inflow=0.17 cfs 0.017 af
Discarded=0.01 cfs 0.017 af Primary=0.00 cfs 0.000 af Outflow=0.01 cfs 0.017 af

Link L100: MAP 233 LOT 66 CASSANDRA M. SALTUS DECLARATION OF Inflow=0.00 cfs 0.001 af
Primary=0.00 cfs 0.001 af

Link L200: MAP 233 LOT 65 WILLIAM E. & WHITNEY S. DOOLEY SOUTH Inflow=0.00 cfs 0.001 af
Primary=0.00 cfs 0.001 af

Total Runoff Area = 0.115 ac Runoff Volume = 0.019 af Average Runoff Depth = 2.01"
75.80% Pervious = 0.087 ac 24.20% Impervious = 0.028 ac

II. OLD BUSINESS

D. 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 (*approved January 21, 2026*), b) 50.5% building coverage where 35% is allowed; c) 4.5% open space where 20% is required; and d) a 6.5 foot rear yard where 20 feet is required. Said property is located on Assessor Map 135 Lot 53 and lies within the General Residence C (GRC) District. (LU-25-164)

Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required	
Land Use:	Single Family Residential Home	Construct Dormers and Spiral Staircase	Primarily Residential	
Lot area (sq. ft.):	2,036	2,036	3,500	min.
Front Yard (ft.):	0	0	5	max.
Left Yard (ft.):	Existing Stairs:1.5	Spiral Stairs: 5 Existing Stairs:1.5	10	min.
Right Yard (ft.)	4.1	4*	10	min.
Rear Yard (ft.):	6.9	6.9	20	min.
Height (ft.):	35	35	35	max.
Building Coverage (%):	49.6	50.5	35	max.
Open Space Coverage (%):	5.3	4.5	20	min.
Estimated Age of Structure:	1880	Variance request(s) shown in red.		

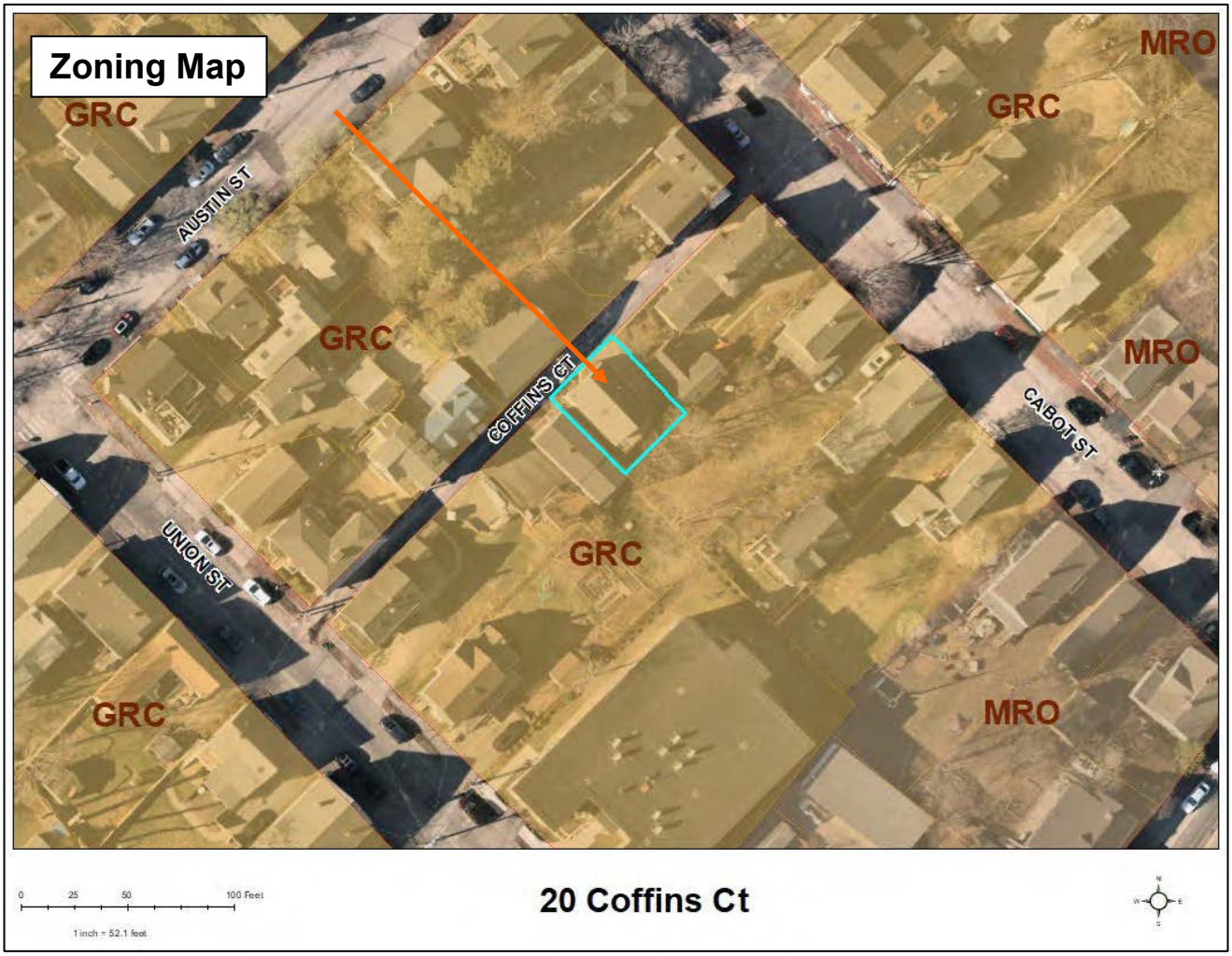
*Approved at the January 21, 2026 BOA Meeting

Other Permits/Approvals Required

- Building Permit

Neighborhood Context





Previous Board of Adjustment Actions

- **January 21, 1992** – The Board **granted** a Special Exception from Article II, Section 10-205(11) to allow a home occupation (Home Health Agency) to be established.
- **January 21, 2026** – The Board granted a 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, for construction of a spiral staircase on the left side of the home and dormers on the third floor.

Planning Department Comments

The applicant is requesting relief to construct dormers and a spiral staircase. The livable area will not expand beyond the existing footprint of the home. The new staircase will result in an increase in building coverage and decrease in open space.

At the January 21, 2026 meeting, the Board approved a 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. The Board postponed consideration of Variances 1b and 1c to the February meeting to allow for noticing of Variance 1d) a 6.5-foot rear yard where 20 feet is required.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a) The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR
   Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC
ATTORNEYS AT LAW
127 Parrott Avenue | Portsmouth, NH, 03801
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

January 29, 2026

HAND DELIVERED

Stephanie Casella, Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Laura Stewart & Evan Baker, Owner/Applicant
Project location: 20 Coffins Court
Tax Map 135, Lot 53
General Residence C (GRC) District

Dear Ms. Casella & Zoning Board Members:

On behalf of Laura Stewart & Evan Baker ("Stewart & Baker" or "Applicant"), enclosed please find the following Revised Memorandum and Exhibits in support of a request for zoning relief.

We look forward to presenting this application to the Zoning Board at its February 18, 2026 meeting.

Sincerely,

Stephanie J. Johnson
R. Timothy Phoenix
Enclosure

cc: Laura Stewart & Evan Baker (email)
Ross Engineering, LLC (email)
Maugel DeStefano Architects (email)

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS
R. PETER TAYLOR
ALEC L. MCEACHERN
KEVIN M. BAUM
JACOB J.B. MARVELLEY
GREGORY D. ROBBINS
PETER V. DOYLE
MONICA F. KIESER
STEPHANIE J. JOHNSON
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

REVISED MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: Stephanie J. Johnson, Esquire
R. Timothy Phoenix, Esquire
DATE: January 29, 2026
Re: Laura Stewart & Evan Baker
20 Coffins Court
Tax Map 135/Lot 53
General Residence C ("GRC")

Dear Chair Eldridge and Zoning Board Members:

On behalf of the Applicant, Laura Stewart and Evan Baker ("Stewart & Baker"), we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief from the Portsmouth Zoning Ordinance ("PZO") to allow installation of a spiral staircase in the rear of the home to improve outdoor access between the first and second floor decks and enable Stewart & Baker to screen in the first floor deck (the "Project")[1]. Although the Project is largely confined to the home's existing footprint, relief is necessary because the existing home encroaches on side, front, and rear setbacks. The Project as proposed encroaches on the left side and rear yard setbacks, increases building coverage on the lot by 0.8%, and reduces open space by 0.7%, requiring additional relief.

I. EXHIBITS

A. Site Plan Set – Ross Engineering, LLC.
- Existing Conditions Plan
- Site Plan
- Elevations

B. Architectural Plan Set – Maugel DeStefano Architects.
- Elevations – South and West
- Elevations – North and East
- Sections & Perspectives

C. Site Photos.

D. Tax Map 135.

[1] Stewart & Baker applied for zoning relief to permit dormers to be installed on the third floor of their home, requiring relief as the right side of their home is 4.1' away from the lot line, encroaching on the required 10' setback. The Board of Adjustment (the "Board") granted their variance to permit the dormers on January 21, 2026. Relief for the spiral staircase was continued to the February 18, 2026 meeting after it was determined that the application neglected to request rear setback relief for the spiral staircase.

II. PROPERTY/PROJECT

20 Coffins Court is an undersized 2,036-s.f. lot containing a five-bedroom, two-bathroom single family home with 1,559-s.f. of living area ("the Property"). Due to the size constraints of the existing lot, Stewart & Baker propose to remove the existing spiral staircase between their first and second floor decks and replace it with a spiral staircase situated to the left side of the existing decks, encroaching on the required left side yard and rear yard setbacks. The proposed spiral staircase will also marginally increase building coverage from 49.6% to 50.3% and decrease open space on the lot from 5.3% to 4.5%, requiring relief. Moving the spiral staircase outside of the existing decks will allow Stewart & Baker to screen in the first-floor deck. Screening in the existing deck does not require relief. Relief is required to enable Stewart & Baker to improve the functionality of the outdoor space in a manner that blends in with the neighborhood and increases the Property's value.

III. RELIEF REQUIRED

Variance Section	Required	Existing	Proposed
PZO §10.521 Dimensional Standards			
• Left Side Yard	10'	1.5' Deck	1.5' Deck 5.8' Spiral Staircase
• Rear Yard	20'	6.9' Deck	6.9' Deck 6.9' Spiral Staircase
• Building Coverage	30%	49.6%	50.3%
• Open Space	20%	5.3%	4.5%

IV. VARIANCE REQUIREMENTS

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting the variances are not contrary to the public interest and are consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting the

variances "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." Id.

Portsmouth Zoning Ordinance ("PZO") Section 10.121 identifies the general purposes and intent of the ordinance "to promote the health, safety and general welfare of Portsmouth…in accordance with the…Master Plan." These purposes are accomplished by regulating:

- The use of land, buildings and structures for business, industrial, residential and other purposes – The Property will continue to support a residential use in a residential zone.
- The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The Project is largely contained within the existing home's footprint, unnoticeably increasing building area and imperceptibly reducing open space on the lot, and encroaching no more into the setbacks than the existing structures on the Property.
- The design of facilities for vehicular access, circulation, parking and loading – No change.
- The impact on properties on of outdoor lighting, noise, vibration, stormwater runoff and flooding – The Project does not increase the impact of the existing home on outdoor lighting, noise, vibration, stormwater runoff or flooding as it makes use of the home's existing footprint. The Project improves the aesthetics and livability of the home.
- The preservation and enhancement of the visual environment – The Project increases safety and functionality of existing outdoor space while maintaining the character of the existing single-family home, rather than tearing it down and replacing it with a modern structure out of character with the surrounding neighborhood.
- The preservation of historic districts and building and structures of historic architectural interest – As previously noted, the Project preserves the existing home, noted in tax records to have been built in 1880, rather than replacing it with a modern structure that would clash with the existing neighborhood's aesthetic.
- The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The existing driveway and lower-level patio are made from permeable pavers, ensuring infiltration of stormwater runoff, offsetting the Project's negligible decrease in open space and scant increase in lot coverage.

The intent of the GRC Zone is to "provide areas for single-family, two family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre), together with appropriate accessory uses and limited services." PZO §10.410. The Project meets the intent of the GRC Zone. The proposed spiral staircase provides additional usability and safety via outdoor ingress and egress between the existing first and second floor decks at the rear of the property without increasing the encroachment of the existing home. Moving the spiral staircase from its current location within the two decks will enable Stewart & Baker to screen in the first-floor deck, providing

them with an outdoor space free from insects and other pests. Given these factors, granting the requested variances will not conflict with the basic zoning objectives of the PZO.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives," Malachy Glen, supra, also held:

> One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality… . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

Coffins Court is a very narrow lane connecting Union Street and Cabot Street. See Exhibit D. Stewart & Baker's home encroaches on existing setbacks. Exhibits A, D. Four of the nine lots with frontage on Coffins Court are undersized: 37 Coffins Court (single-family home, 2,178-s.f.); 45 Coffins Court (two-family home, 1,306-s.f.), 179 Union Street (three-family home, 2,613-s.f.), and 74 Cabot Street (single-family home, 3,485-s.f.). Id. This proposal simply relocates an existing spiral staircase at the rear of the structure outside of the existing decks and is in keeping with the surrounding area. The proposed design is tasteful and maintains the existing neighborhood aesthetic. Granting the variances reasonably permits a safer means of outdoor ingress and egress between the existing first and second floor decks. Clearly, the variances neither alter the essential character of the locality nor threaten the public health, safety, or welfare. Accordingly, granting the variances is not contrary to the public interest and observes the spirit of ordinance.

3. Substantial justice will be done by granting the variances.

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice." Malachy Glen, supra at 109.

Stewart & Baker are constitutionally entitled to the reasonable use of their land. For all of the reasons previously stated, it is entirely reasonable to relocate an existing spiral staircase to a more suitable location without disturbing the Property's original footprint. The proposed staircase is wider than the existing one, making it safer to use. By moving the staircase outside of the existing decks, they can fully screen in the first-floor deck, preventing insects and other

animals from entering. "The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions." N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that "no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). "Property" in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it*. Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (emphasis added).

The Supreme Court has held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

The variances allow a safer and more functional spiral staircase to be built in a more suitable location without increasing the footprint of the existing home. The Project is visually consistent with the existing neighborhood's character and appearance. Stewart & Baker have lived in the home for over twenty years. As long-time Portsmouth residents, rather than proposing a replacement home that would stand out, the Project continues to fit the character of the existing neighborhood, honoring their home's original design and aesthetics while improving functionality of their outdoor space. The addition of a spiral staircase at the rear of the property results in an imperceptible expansion of the existing structure's rear and left side yard encroachment and unnoticeable increase in building coverage (0.7%) and decrease in open space (0.8%). Thus, there is no gain to the public from denial of the variances. Conversely, Stewart & Baker will be greatly harmed by denial of any of the variances because they will be unable to reasonably improve the functionality and safety provided by the exterior staircase connecting their existing decks. Accordingly, substantial justice will be done by granting the variances, while a substantial injustice will be imposed upon Stewart & Baker if denied.

4. Granting the variances will not diminish surrounding property values.

The Project provides a small increase in volume within the existing home's perimeter in a thickly settled neighborhood with multiple nonconforming structures. The proposed staircase encroaches less than the existing deck on the left side of the lot and no more than the existing decks in the rear of the lot. Given the limited scope of the request and its imperceptible effect on building coverage and open space, it is clear that granting the variances will not diminish surrounding property values. The neighbor located behind their property at 54 Cabot Street (**Exhibit D**) supports the requested relief.

5. Denial of the variances results in an unnecessary hardship.

a. Special conditions distinguish the property from others in the area.

The Property, at .05 acres, is a very small lot situated in a high-density residential neighborhood. The Property is developed with a 145-year-old, nonconforming structure within the front, side, and rear setbacks. The existing deck and stairs leading to the lower-level patio are entirely within the left side and rear yard setbacks. Any change to the Property would require similar relief. Additionally, the Property is located in a densely developed area with many other homes that do not comply with front, side, or rear yard requirements. These circumstances combine to create special conditions.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The purpose of setbacks is to prevent overcrowding and overburdening of land, provide sightlines for pedestrians and motorists, ensure adequate light and air circulation, and provide sufficient area for stormwater treatment. None of these purposes are impaired by granting the requested variances. The nonconforming home already exists in the front, side, and rear yard setbacks and the proposed spiral staircase, although located within the left side and rear yard setbacks, does not encroach any further into the rear yard than the existing decks, and is more conforming with the left side yard setback than the existing deck and stairs leading to the lower patio. No expansion beyond the existing footprint is proposed here.

Moreover, the overall neighborhood is similarly densely developed with multiple nearby nonconforming lots and structures. See Walker v. City of Manchester, 107 N.H. 382, 386 (1966) (Hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect on the neighborhood). See also Belanger v. City of

Nashua, 121 N.H. 389 (1981) (Variance proper where ordinance no longer reflects the current character of neighborhood). Balancing the clearly minimal effect upon neighbors against the reasonable request to improve functionality and safety of the outdoor spiral staircase connecting the first and second floor decks at the rear of the Property, there is no fair and substantial relationship between the purposes of the setback, lot coverage, and open space requirements and their application in this instance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential use is permitted in the GRC Zone. The Project improves the functionality and safety of an outdoor staircase. The resulting increase in setback encroachment, decrease in open space, and increase in lot coverage is so miniscule as to be unnoticeable.

V. CONCLUSION

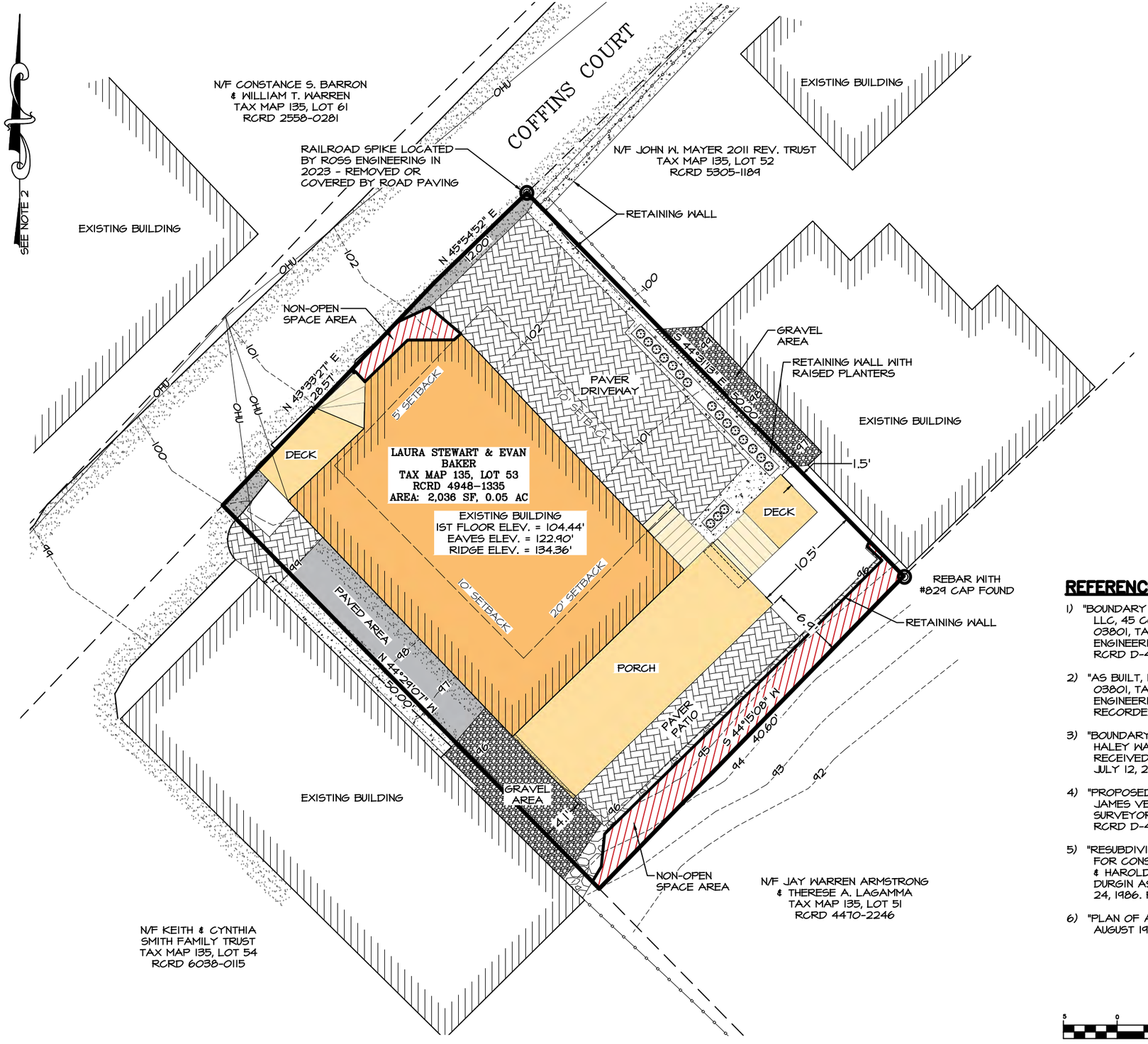
For all of the reasons stated, Stewart & Baker respectfully request that the Portsmouth Zoning Board of Adjustment grant the requested variances.

Respectfully submitted,

Laura Stewart & Evan Baker

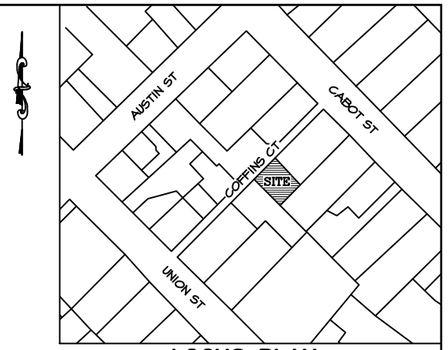
By: Stephanie J. Johnson
R. Timothy Phoenix

EXHIBIT A



LEGEND

- 100 — EXISTING CONTOUR
- MONUMENT FOUND
- UTILITY POLE
- OHU — OVERHEAD UTILITIES
- FENCE
- PAVERS
- CONCRETE



LOCUS PLAN
N.T.S.

NOTES

1) OWNER OF RECORD:
LAURA STEWART & EVAN BAKER
TAX MAP 135, LOT 53
20 COFFINS COURT
PORTSMOUTH, NH 03801
RCRD: 4948-1335
AREA: 2,036 SF, 0.05 ACRES

2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.

3) PARCEL IS IN THE GENERAL RESIDENCE C (GRC) ZONE:
MINIMUM LOT AREA.....3,500 SF
MIN. LOT AREA PER DWELLING UNIT.....3,500 SF
MINIMUM FRONTAGE.....70 FT
MINIMUM DEPTH.....50 FT
SETBACKS:
FRONT.....5 FT
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....35%
MINIMUM OPEN SPACE.....20%

4) THE PARCEL IS NOT WITHIN A FEMA SPECIAL FLOOD HAZARD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0254F, PANEL 254 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.

REFERENCE PLANS

1) "BOUNDARY SURVEY FOR WE3 INVESTMENTS LLC, 45 COFFINS CT, PORTSMOUTH, NH 03801, TAX MAP 135, LOT 55" BY ROSS ENGINEERING, LLC. DATED 6/19/2025. RCRD D-45113

2) "AS BUILT, 167 UNION ST, PORTSMOUTH, NH 03801, TAX MAP 135, LOT 68" BY ROSS ENGINEERING, LLC. DATED 9/27/2023. NOT RECORDED.

3) "BOUNDARY WORKSHEET - 179 UNION ST" BY HALEY WARD ENGINEERING. NOT DATED. RECEIVED BY ROSS ENGINEERING ON JULY 12, 2024.

4) "PROPOSED SITE DEVELOPMENT PLANS" BY JAMES VERRA AND ASSOCIATES, LAND SURVEYORS. DATED MARCH 19, 2020. RCRD D-42277

5) "RESUBDIVISION OF LAND PORTSMOUTH, N.H. FOR CONSTANCE S. & WILLIAM T. WARREN & HAROLD C. SWEETSER" BY JOHN W. DURGIN ASSOCIATES, INC. DATED AUGUST 24, 1986. RCRD D-14875

6) "PLAN OF ANNIE OLIVER ESTATE" DATED AUGUST 19, 1941. RCRD 048

GRAPHIC SCALE
5 0 5 10 20
(IN FEET)
SCALE: 1" = 10'

ISS.	DATE	DESCRIPTION OF ISSUE	
3	1/27/2026	ZBA SUBMITTAL	
2	11/14/2025	ZBA SUBMITTAL	
1	9/5/2025	FOR REVIEW	

SCALE 1" = 10'
CHECKED A.ROSS
DRAWN D.D.D. & J.G.E.

ROSS ENGINEERING, LLC
Civil/Structural Engineering & Surveying
650 Islington St, 2nd Floor
Portsmouth, NH 03801
(603) 433-7560

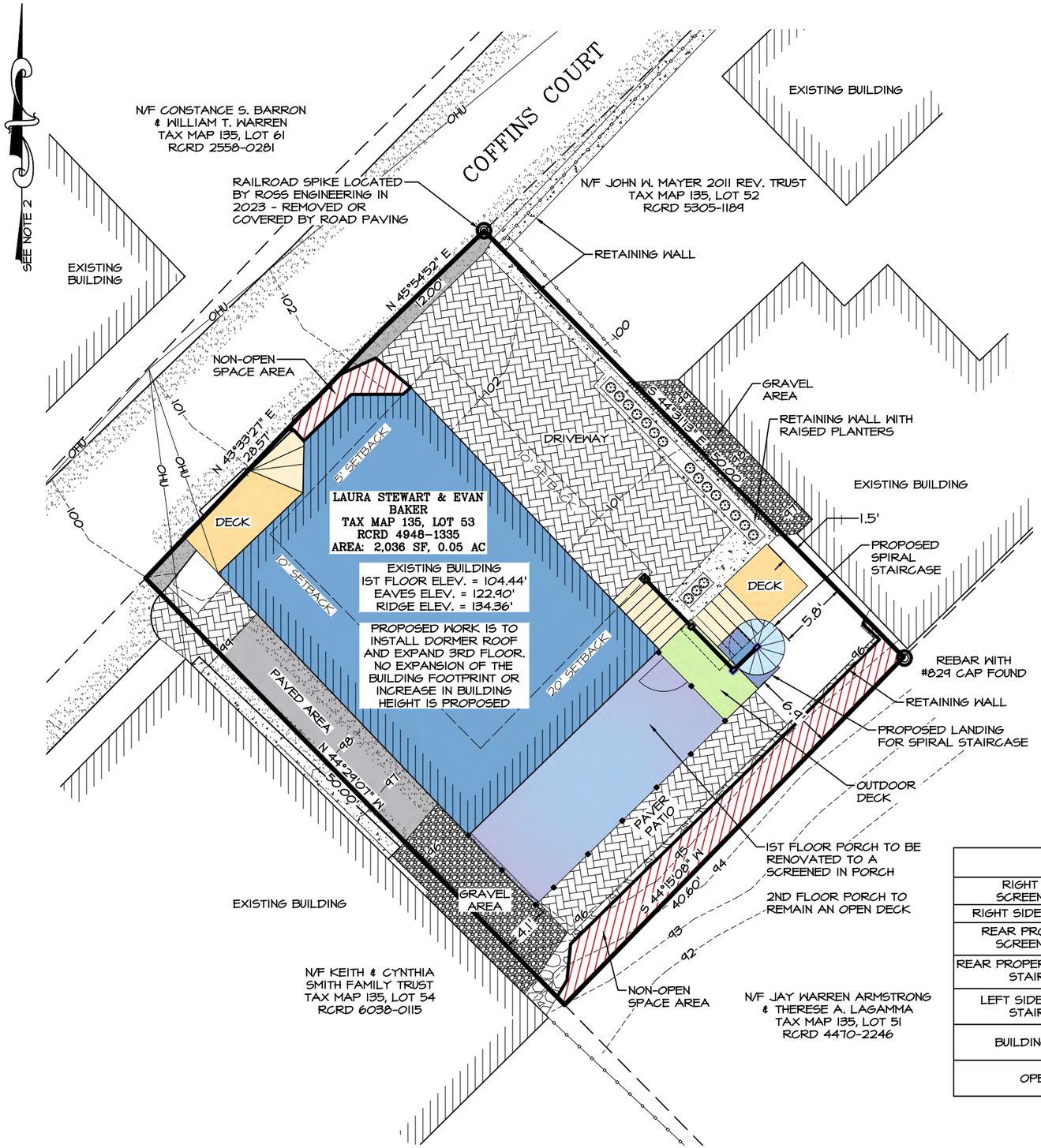
CLIENT
LAURA STEWART
20 COFFINS COURT
PORTSMOUTH, NH 03801

TITLE

EXISTING CONDITIONS PLAN

20 COFFINS COURT PORTSMOUTH, NH 03801 TAX MAP 135, LOT 53

JOB NUMBER 24-044 | DWG. NO. 1 OF 3 | ISSUE 3



NOTES

1) OWNER OF RECORD:
LAURA STEWART & EVAN BAKER
TAX MAP 135, LOT 53
20 COFFINS COURT
PORTSMOUTH, NH 03801
RCRD: 4948-1335
AREA: 2,036 SF, 0.05 ACRES

2) PARCEL IS IN THE GENERAL RESIDENCE C (GRC) ZONE:
MINIMUM LOT AREA.....3,500 SF
MIN. LOT AREA PER DWELLING UNIT.....3,500 SF
MINIMUM FRONTAGE.....70 FT
MINIMUM DEPTH.....50 FT
SETBACKS:
FRONT.....5 FT
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....35%
MINIMUM OPEN SPACE.....20%

3) BUILDING COVERAGE
EXISTING
HOUSE.....701 SF
PORCH.....210 SF
DECK.....63 SF
STAIRS > 18".....35 SF
TOTAL.....1009 SF
BUILDING COVERAGE = 1009 / 2036 = 49.6%

PROPOSED
HOUSE.....701 SF
PORCH.....210 SF
DECK.....63 SF
STAIRS & LANDINGS > 18".....50 SF
TOTAL.....1024 SF
BUILDING COVERAGE = 1024 / 2036 = 50.3%

4) OPEN SPACE
EXISTING
BUILDING COVERAGE.....1009 SF
STAIRS < 18".....15 SF
ASPHALT.....126 SF
PAVERS.....474 SF
GRAVEL.....66 SF
RETAINING WALL.....107 SF
NON-OPEN SPACE AREA.....132 SF
TOTAL.....1929 SF
OPEN SPACE = 2036 - 1929 = 107 SF
OPEN SPACE = 107 / 2036 = 5.3%

PROPOSED
BUILDING COVERAGE.....1024 SF
STAIRS < 18".....15 SF
ASPHALT.....126 SF
PAVERS.....474 SF
GRAVEL.....66 SF
RETAINING WALL.....107 SF
NON-OPEN SPACE AREA.....132 SF
TOTAL.....1944 SF
OPEN SPACE = 2036 - 1944 = 92 SF
OPEN SPACE = 92 / 2036 = 4.5%

5) GRADE PLANE:
AS PER PORTSMOUTH ZONING ORDINANCE GRADE PLANE IS DEFINED AS FOLLOWS; A REFERENCE PLANE REPRESENTING THE AVERAGE OF FINISHED GROUND LEVELS ADJOINING THE BUILDING AT ALL EXTERIOR WALLS. WHEN THE FINISHED GROUND LEVEL SLOPES AWAY FROM EXTERIOR WALLS, THE REFERENCE PLANE SHALL BE ESTABLISHED BY THE LOWEST POINTS WITHIN THE AREA BETWEEN THE BUILDING AND THE LOT LINE OR, WHEN THE LOT LINE IS MORE THAN 6 FEET FROM THE BUILDING, BETWEEN THE BUILDING AND A POINT 6 FEET FROM THE BUILDING.

THE GRADE PLANE WAS DETERMINED BY THE AVERAGE ELEVATION OF POINTS BETWEEN THE PERIMETER OF THE BUILDING AND 6' AWAY FROM THE BUILDING. THE GRADE PLANE WAS CALCULATED AS 98.95'.

6) BUILDING HEIGHT:
BUILDING HEIGHT FOR A GAMBREL, HIP, HIP-TOPPED MANSARD ROOF, OR PENTHOUSE IS THE VERTICAL DISTANCE BETWEEN THE ELEVATION OF MIDWAY BETWEEN THE LEVEL OF THE EAVES AND THE HIGHEST POINT OF THE ROOF AND THE GRADE PLANE. THE LEVEL OF THE EAVES SHALL MEAN THE HIGHEST LEVEL WHERE THE PLANE OF THE ROOF INTERSECTS THE PLANE OF THE OUTSIDE WALL ON A SIDE CONTAINING THE EAVES, BUT AT NO TIME SHALL THIS LEVEL BE LOWER THAN THE FLOOR LEVEL OF THE UPPERMOST STORY OR ATTIC. THE BUILDING HEIGHT WAS CALCULATED TO BE 29.68'.

RIDGE EL. = 134.36'
LOWEST LEVEL OF EAVES = 122.90'
MIDWAY ELEVATION = 122.9 + 134.36' / 2 = 128.63'
GRADE PLANE = 98.95'

BUILDING HEIGHT = 128.63 - 98.95 = 29.68'

LEGEND

- 100 — EXISTING CONTOUR
- MONUMENT FOUND
- UTILITY POLE
- OHU — OVERHEAD UTILITIES
- FENCE
- PAVERS
- CONCRETE

DIMENSIONAL REGULATIONS TABLE

ITEM	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUESTED
RIGHT SIDELINE TO SCREENED IN PORCH	10 FT	4.1 FT	4.1 FT	YES
RIGHT SIDELINE TO BUILDING	10 FT	4.1 FT	4.1 FT	YES
REAR PROPERTY LINE TO SCREENED-IN PORCH	20 FT	6.9 FT	6.9 FT	YES
REAR PROPERTY LINE TO SPIRAL STAIRS/LANDING	20 FT	N/A	6.9 FT	YES
LEFT SIDELINE TO SPIRAL STAIRS/LANDING	20 FT	N/A	5.8 FT	YES
BUILDING COVERAGE	35% MAX	49.6%	50.3%	YES
OPEN SPACE	20% MIN	5.3%	4.5%	YES

GRAPHIC SCALE
5 0 5 10 20
(IN FEET)
SCALE: 1" = 10'

R. ALEX ROSS No. 9408 LICENSED PROFESSIONAL ENGINEER - STATE OF NEW HAMPSHIRE

ISS.	DATE	DESCRIPTION OF ISSUE
3	1/27/2026	ZBA SUBMITTAL
2	11/14/2025	ZBA SUBMITTAL
1	9/5/2025	FOR REVIEW

SCALE 1" = 10'
CHECKED A.ROSS
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ROSS ENGINEERING, LLC
Civil/Structural Engineering & Surveying
650 Islington St, 2nd Floor
Portsmouth, NH 03801
(603) 433-7560

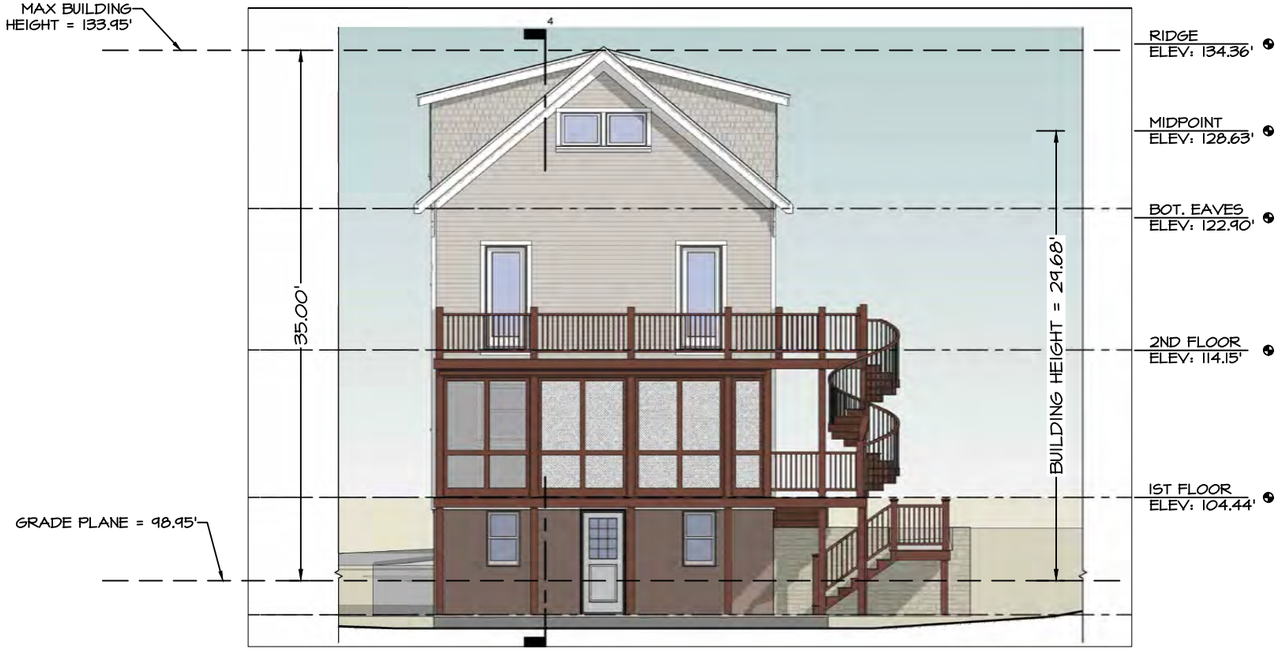
CLIENT
LAURA STEWART
20 COFFINS COURT
PORTSMOUTH, NH 03801

TITLE

SITE PLAN

20 COFFINS COURT
PORTSMOUTH, NH 03801
TAX MAP 135, LOT 53

JOB NUMBER 24-044 | DWG. NO. 2 OF 3 | ISSUE 3



PROPOSED NORTH ELEVATION

Scale : 1"=5'

NOTES

1) GRADE PLANE:
AS PER PORTSMOUTH ZONING ORDINANCE GRADE PLANE IS DEFINED AS FOLLOWS; A REFERENCE PLANE REPRESENTING THE AVERAGE OF FINISHED GROUND LEVELS ADJOINING THE BUILDING AT ALL EXTERIOR WALLS. WHEN THE FINISHED GROUND LEVEL SLOPES AWAY FROM EXTERIOR WALLS, THE REFERENCE PLANE SHALL BE ESTABLISHED BY THE LOWEST POINTS WITHIN THE AREA BETWEEN THE BUILDING AND THE LOT LINE OR, WHEN THE LOT LINE IS MORE THAN 6 FEET FROM THE BUILDING, BETWEEN THE BUILDING AND A POINT 6 FEET FROM THE BUILDING.

THE GRADE PLANE WAS DETERMINED BY THE AVERAGE ELEVATION OF POINTS BETWEEN THE PERIMETER OF THE BUILDING AND 6' AWAY FROM THE BUILDING. THE GRADE PLANE WAS CALCULATED AS 98.95'.

2) BUILDING HEIGHT:
BUILDING HEIGHT FOR A GAMBREL, HIP, HIP-TOPPED MANSARD ROOF, OR PENTHOUSE IS THE VERTICAL DISTANCE BETWEEN THE ELEVATION OF MIDWAY BETWEEN THE LEVEL OF THE EAVES AND THE HIGHEST POINT OF THE ROOF AND THE GRADE PLANE. THE LEVEL OF THE EAVES SHALL MEAN THE HIGHEST LEVEL WHERE THE PLANE OF THE ROOF INTERSECTS THE PLANE OF THE OUTSIDE WALL ON A SIDE CONTAINING THE EAVES, BUT AT NO TIME SHALL THIS LEVEL BE LOWER THAN THE FLOOR LEVEL OF THE UPPERMOST STORY OR ATTIC. THE BUILDING HEIGHT WAS CALCULATED TO BE 29.68'.

RIDGE EL. = 134.36'
LOWEST LEVEL OF EAVES = 122.90'
MIDWAY ELEVATION = 122.9 + 134.36' / 2 = 128.63'
GRADE PLANE = 98.95'

BUILDING HEIGHT = 128.63 - 98.95 = 29.68'

GRAPHIC SCALE

5 0 5 10 20

(IN FEET)
SCALE: 1" = 10'

ISS.	DATE	DESCRIPTION OF ISSUE
3	1/27/2026	ZBA SUBMITTAL
2	11/14/2025	ZBA SUBMITTAL
1	9/5/2025	FOR REVIEW

SCALE 1" = 10'
CHECKED A.ROSS
DRAWN D.D.D. & J.G.E.

ROSS ENGINEERING, LLC
Civil/Structural Engineering
& Surveying
650 Islington St, 2nd Floor
Portsmouth, NH 03801
(603) 433-7560

CLIENT
LAURA STEWART
20 COFFINS COURT
PORTSMOUTH, NH 03801

TITLE

ELEVATIONS

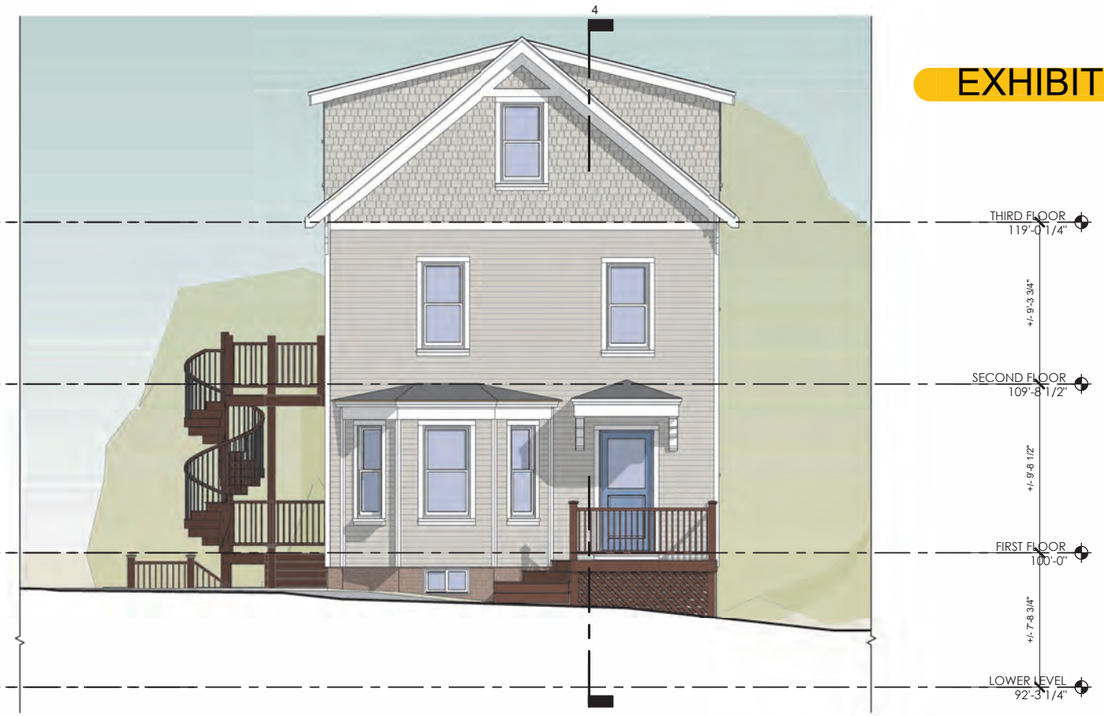
20 COFFINS COURT
PORTSMOUTH, NH 03801
TAX MAP 135, LOT 53

JOB NUMBER	DWG. NO.	ISSUE
24-044	3 OF 3	3

EXHIBIT B



PROPOSED WEST ELEVATION 4
1/4" = 1'-0"



PROPOSED SOUTH ELEVATION 2
1/4" = 1'-0"



EXISTING WEST ELEVATION 3
1/4" = 1'-0"



EXISTING SOUTH ELEVATION 1
1/4" = 1'-0"

SCHEMATIC DESIGN

BAKER RESIDENCE

20 COFFINS COURT, PORTSMOUTH NH

ELEVATIONS

SEPTEMBER 23, 2025

Project #25039

Shaping the Exceptional / 22 Ladd Street Portsmouth, NH 03081 / 603 431 8701

MAUGEL DESTEFANO ARCHITECTS

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PROPOSED EAST ELEVATION 4
1/4" = 1'-0"

PROPOSED NORTH ELEVATION 2
1/4" = 1'-0"



EXISTING EAST ELEVATION 3
1/4" = 1'-0"

EXISTING NORTH ELEVATION 1
1/4" = 1'-0"

SCHEMATIC DESIGN

BAKER RESIDENCE

20 COFFINS COURT, PORTSMOUTH NH

ELEVATIONS

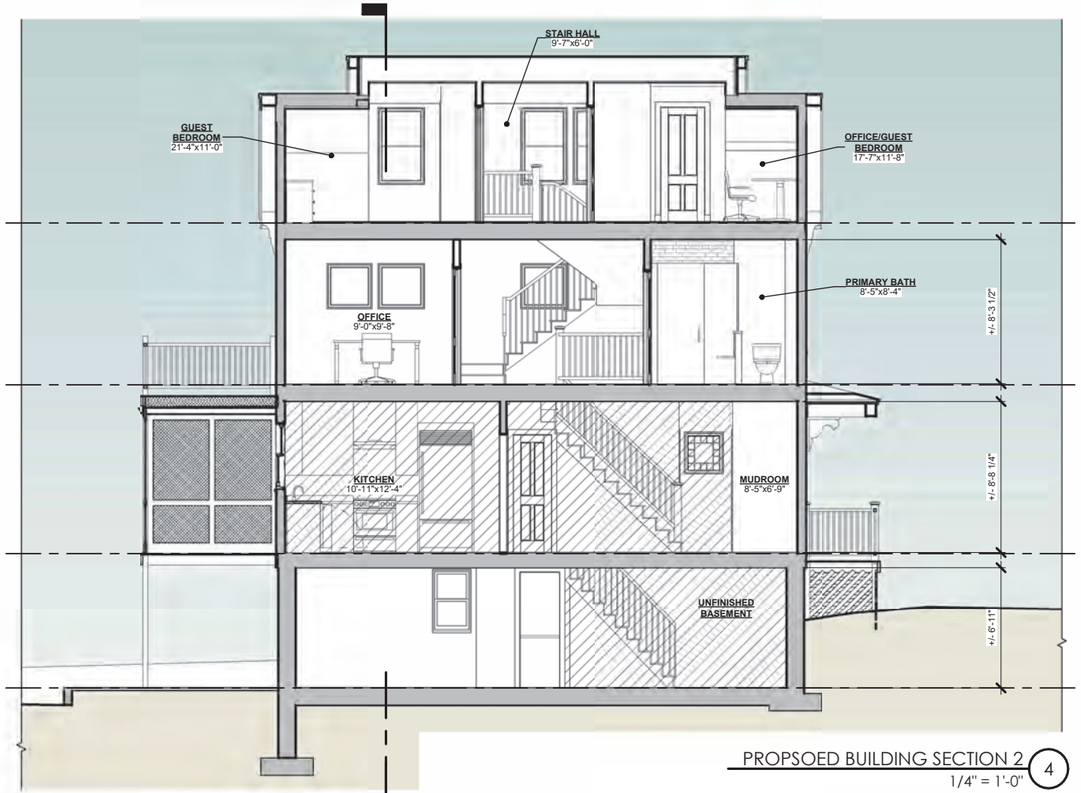
SEPTEMBER 23, 2025

Shaping the Exceptional / 22 Ladd Street Portsmouth, NH 03081 / 603 431 8701

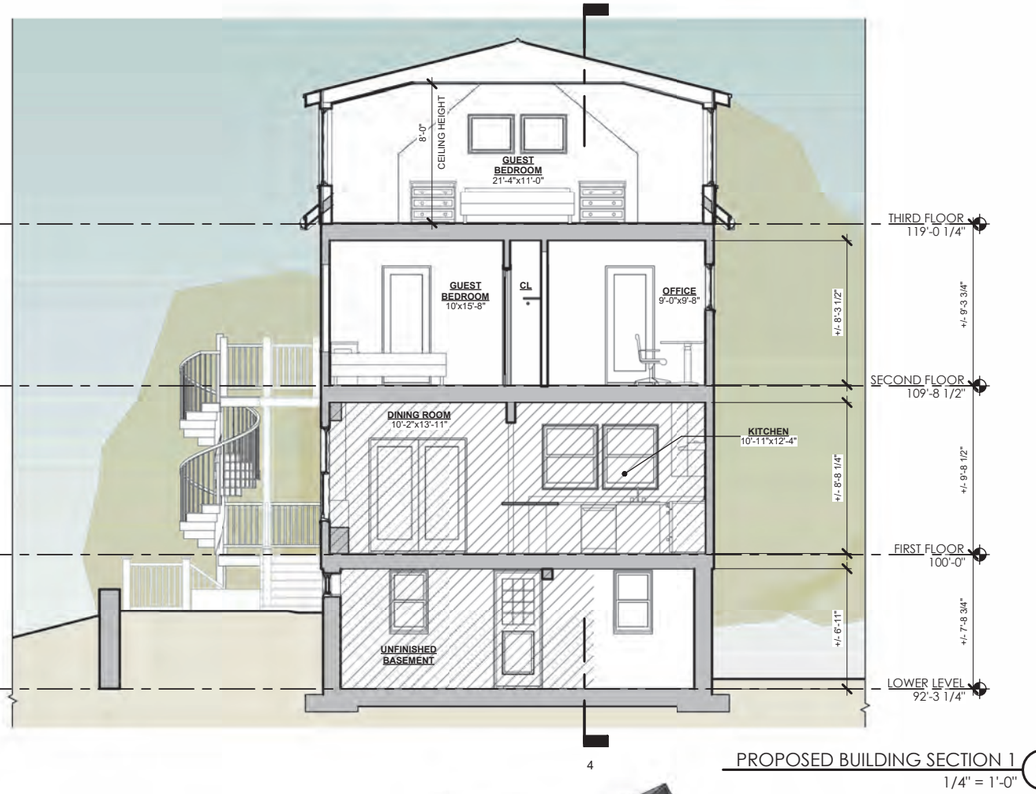
Project #25039

MAUGEL DESTEFANO ARCHITECTS

© 2024



PROPSOED BUILDING SECTION 2 (4)
1/4" = 1'-0"



PROPOSED BUILDING SECTION 1 (2)
1/4" = 1'-0"



BACKYARD PERSPECTIVE (3)



STREET PERSPECTIVE (1)

SCHEMATIC DESIGN

BAKER RESIDENCE

20 COFFINS COURT, PORTSMOUTH NH

SECTIONS & PERSPECTIVES

SEPTEMBER 23, 2025

Shaping the Exceptional / 22 Ladd Street Portsmouth, NH 03081 / 603 431 8701

Project #25039

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EXHIBIT C







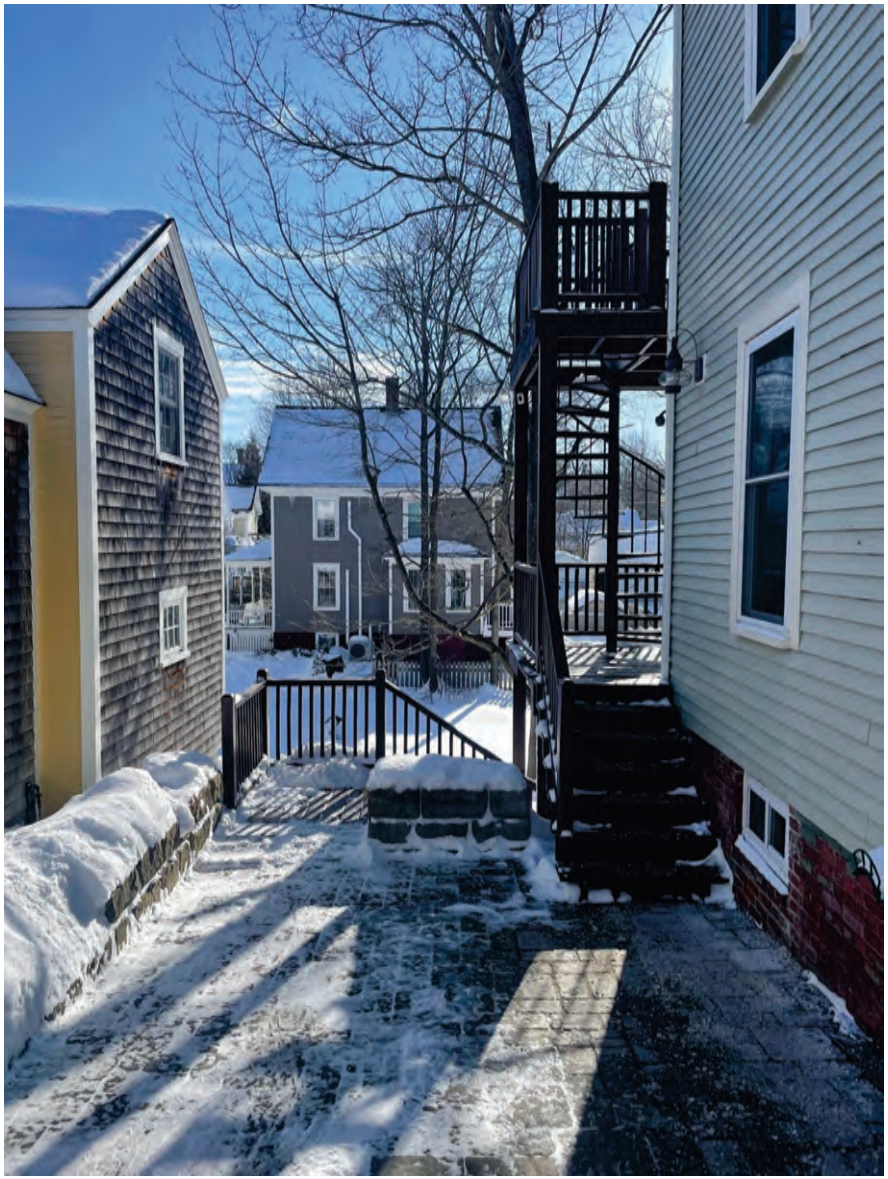








EXHIBIT D



Partial Legend

See the cover sheet for the complete legend.

7-5A	Lot or lot-unit number
2.56 ac	Parcel area in acres (ac) or square feet (sf)
3.3	Address number
233-137	Parcel number from a neighboring map
48	Parcel line dimension
SIMS AVE	Street name

Parcel/Parcel boundary
Parcel/ROW boundary
Water boundary
Structure (1994 data)
Parcel covered by this map
Parcel from a neighboring map (see other map for current status)

0 50 100 Feet
0 20 40 Meters

This map is for assessment purposes only. It is not intended for legal description or conveyance.
Parcels are mapped as of April 1.
Building footprints are 2006 data and may not represent current structures.
Streets appearing on this map may be paper (unbuilt) streets.
Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

Nearby Tax Maps

Map Location

Portsmouth, New Hampshire
2025

Tax Map 135

Subject Property

Other Nonconforming Lots

CABOT ST

AUSTIN ST

COFFIN'S CT

MIDDLE ST

BROAD ST

MERRIMAC ST

HIGHLAND ST

UNION ST

MADISON ST

LOVELL ST

WIBIRD ST

CHAUNCEY ST

Partial Legend

See the cover sheet for the complete legend.

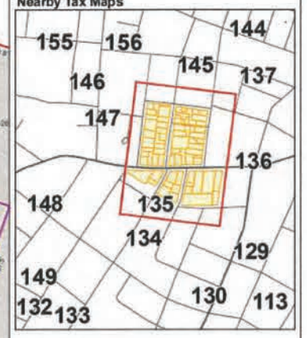
- 7-5A — Lot or lot-unit number
- 2.56 ac — Parcel area in acres (ac) or square feet (sf)
- 83 — Address number
- 203-137 — Parcel number from a neighboring map
- 68' — Parcel line dimension
- SIMS AVE — Street name
- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1994 data)
- Parcel covered by this map
- Parcel from a neighboring map (see other map for current status)

0 50 100 Feet

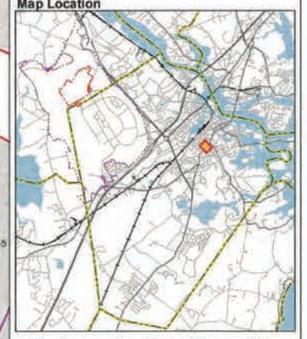
0 20 40 Meters

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Parcels are mapped as of April 1.
Building footprints are 2006 data and may not represent current structures.
Streets appearing on this map may be paper (unbuilt) streets.
Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

Nearby Tax Maps



Map Location



Portsmouth, New Hampshire
2025

Tax Map 135

II. OLD BUSINESS

E. The request of **Lisa Paige Reyes (Owner)** and **Chris Ward (Applicant),** for property located at **238 Austin Street** whereas relief is needed to demolish the existing structures, subdivide the lot and construct a new home on each lot which requires the following for the proposed Austin Street Lot: 1) Variance from Section 10.521 to allow a) 49.75 feet of frontage where 70 feet is required; and b) an 8.5 foot right side yard where 10 feet is required. The following is required for the proposed Coffins Court Lot: 1) Variance from Section 10.521 to allow a) 2,884 sq.ft. of lot area where 3,500 sq.ft. is required, b) 2,884 sq.ft. of lot area per dwelling unit where 3,500 sq.ft. is required, c) a 5.5 ft. side yard where 10 feet is required; and d) an 18 foot rear yard where 20 feet is required. Said property is located on Assessor Map 135 Lot 61 and lies within the General Residence C (GRC) District. (LU-25-177)

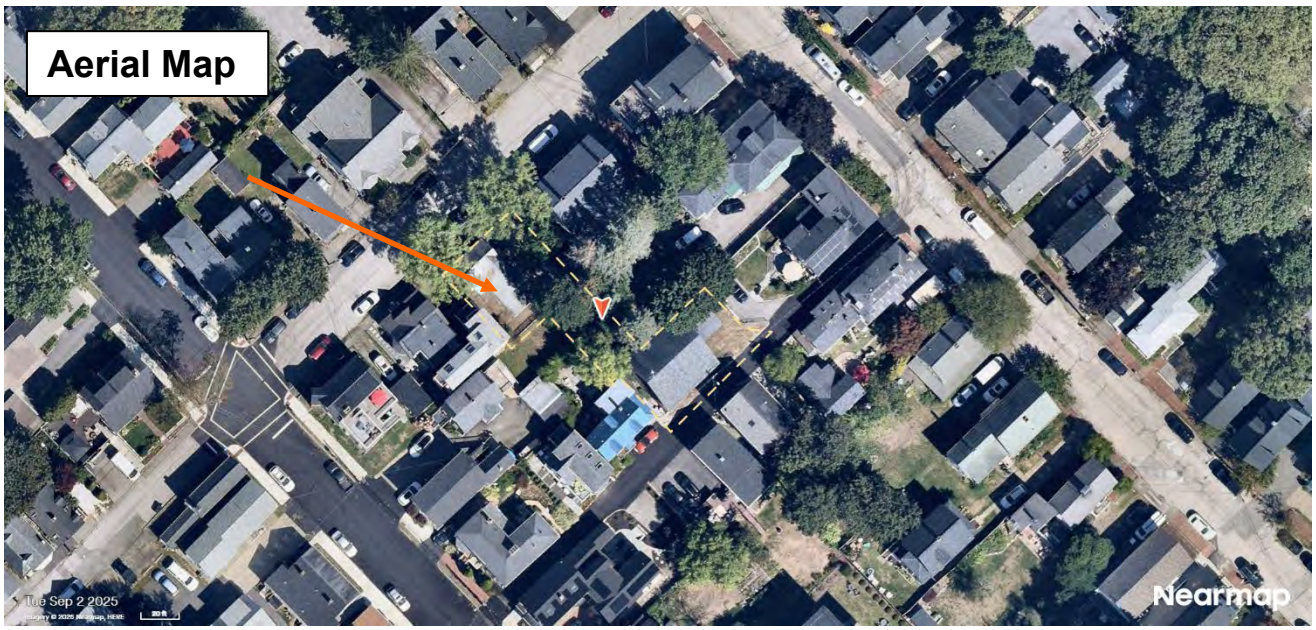
Existing & Proposed Conditions

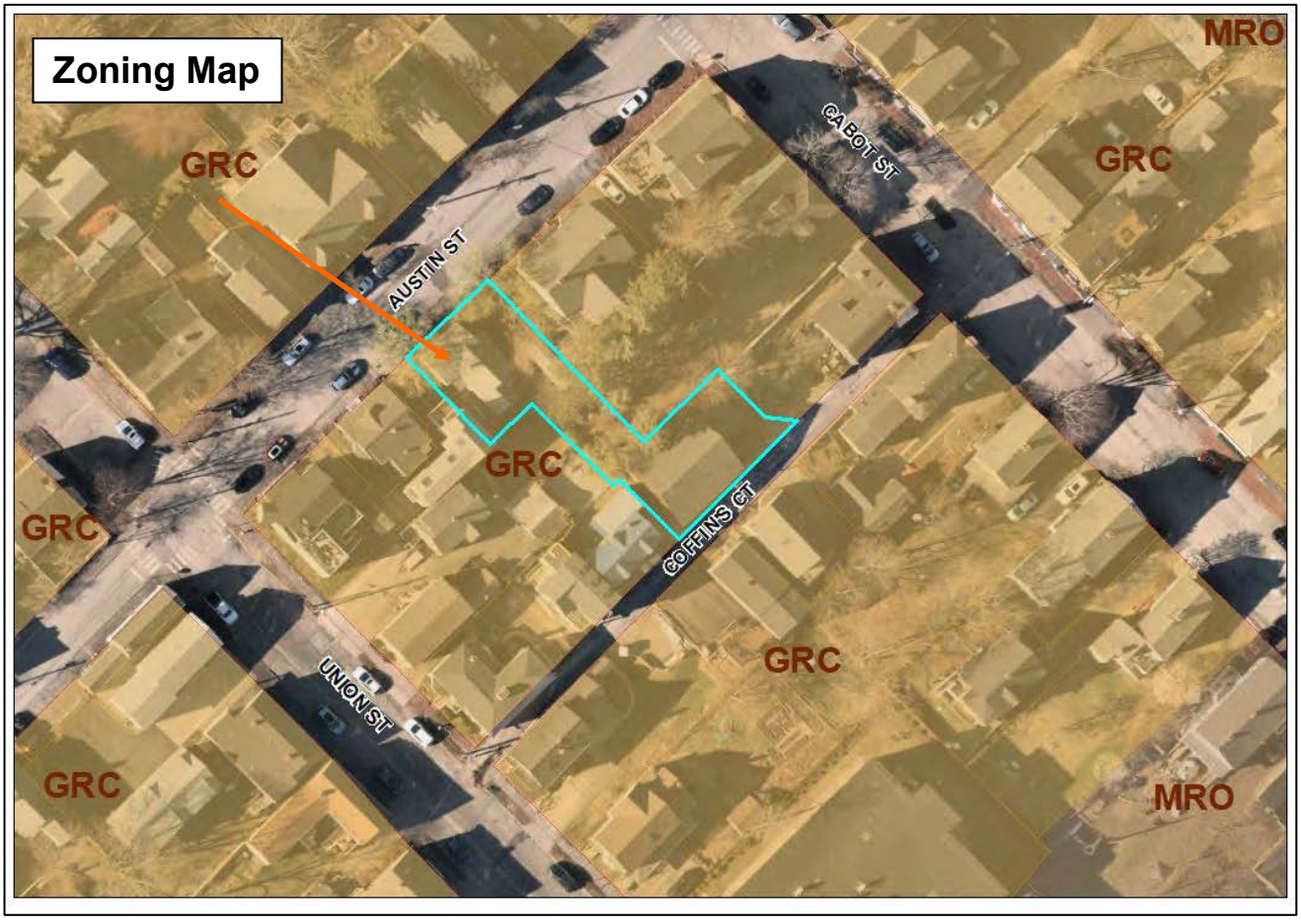
	Existing	Proposed Lot 61 (Austin St)	Proposed Lot 61-1 (Coffins Ct)	Permitted / Required
Land Use:	Single Family Residential Home and Barn	Single Family Home	Single Family Home	Primarily Residential
Lot area (sq. ft.):	6,384	3,500	2,884	3,500 min.
Lot area per dwelling unit(sq. ft.):	6,384	3,500	2,884	3,500 min
Street Frontage (ft.):	Austin St: 49.75 Coffins Ct:75.36	49.75	75.36	70 min.
Lot depth (ft.):	135.23	87.16	53	50 min.
Front Yard (ft.):	Austin St: 3.5 Coffins Ct: 2.8	5	5	5 max.
Left Yard (ft.):	Shed:3.1 Barn: 2.3	10	10	10 min.
Right Yard (ft.)	House: 3.2 Barn: 9.95	8.5	10	10 min.
Side Yard (ft)	House: 8.6 Barn: 1.7	10	5.5	10 min
Rear Yard (ft.):	N/A	>20	18	20 min.
Height (ft.):	House: 14 Barn: 22.5	27	26	35 max.
Building Coverage (%):	40.6	33.3	34.9	35 max.
Open Space Coverage (%):	40.9	58.4	50.7	20 min.
Parking	2	2	2	1 min.
Estimated Age of Structure:	1850	Variance request(s) shown in red.		

Other Permits/Approvals Required

- Subdivision Review (TAC and Planning Board)
- Building Permit

Neighborhood Context





Previous Board of Adjustment Actions

February 18, 1986 – The Board **granted** the re-subdivision of two existing undersized lots [238 Austin Street and 74 Cabot Street] for property located at 74 Cabot Street - a Variance from Article III, Section 10-302 is requested to allow a decrease in lot area from 6,971 s.f. to 3, 298 s.f. and lying in a district where a minimum lot area of 10,000 s.f. is required.

June 17, 1997 – The Board **granted** a Variance from Article III, Section 10-302(A) to allow an 8' x 26' combination shed and screened porch to be constructed in the same location as an existing structure that will be demolished with a 1' side yard where 10' is the minimum required with the following **condition**:

1) A minimum side yard of 3' be maintained rather than 1' side yard that was advertised.

January 18, 2000 – The Board **granted** a Variance from Article III, Section 10-302 to allow a 12' x 20' two story addition to an existing barn to be used as a second dwelling on the lot after the demolition of the 12' x 18' two story addition with: a) an 18' front yard where 5' is the minimum required, b) an 18' rear yard where 20' is the minimum required; and c) 46% building coverage where 35% is the maximum allowed with the following **conditions**:

1) The existing footprint be used when constructing the new addition.

December 19, 2000 –The Board **granted** an extension of time for an additional one year time period on approval granted at the January 18, 2000 meeting. The new expiration date is January 18, 2002.

Planning Department Comments

The applicant is requesting relief to demolish all existing structures on the site, subdivide the lot into two new lots, and construct a single-family home on each new lot. Relief is needed for the subdivision, as the proposed lots do not meet the minimum requirements, and dimensional requirements for construction of the new structures.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a) The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC
ATTORNEYS AT LAW
127 Parrott Avenue | Portsmouth, NH, 03801
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | www.hpgrlaw.com

December 17, 2025

HAND DELIVERED

Stefanie Casella, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Owners: Lisa Reyes
Applicant: Chris Ward
Property: 238 Austin Street
Tax Map 135, Lot 61
General Residence C District

Dear Ms. Casella & Zoning Board Members:

On behalf of the Lisa Reyes ("Owner") and Chris Ward ("Applicant") enclosed please find the following in support of a request for zoning relief:

- Viewpoint Land Use Application uploaded today.
- Owner & Applicant Authorizations.
- 12/17/2025 – Memorandum and Exhibits in support of Zoning Relief

We look forward to presenting this application to the Zoning Board at its January 21, 2026 meeting.

Very truly yours,

R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Chris Ward
Garrepy Group, LLC (via email)
Ross Engineering, LLC (via email)
Technical Illustrations (via email)

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
R. PETER TAYLOR
ALEC L. MCEACHERN
KEVIN M. BAUM
JACOB J.B. MARVELLEY
GREGORY D. ROBBINS
PETER V. DOYLE
MONICA F. KIESER
CHRISTOPHER P. MULLIGAN
KAREN W. OLIVER
STEPHEN H. ROBERTS In Memoriam
OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

Docusign Envelope ID: D11888AC-E905-417C-8DBC-0941FFEF836D

OWNER'S AUTHORIZATION

I, Lisa Reyes, Owner of 238 Austin Street, Tax Map 135/Lot 61, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Date: 12/15/2025

Signed by:
Lisa Paige Reyes
C6F7BB9133A04EF...
Lisa Reyes

APPLICANT'S AUTHORIZATION

I, Christopher Ward, Applicant of 238 Austin Street, Tax Map 135, Lot 61, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC to represent me before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

Date: 12/16/20

Christopher Ward

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: December 17, 2025
RE: Owners: Lisa Reyes
Applicant: Chris Ward
Property: 238 Austin Street
Tax Map 135, Lot 61
General Residence C District

Dear Chair Eldridge and Members of the Zoning Board of Adjustment ("ZBA"):

On behalf of Owner Lisa Reyes ("Owner") and Applicant Chris Ward ("Applicant"), we are pleased to submit this Memorandum and exhibits in support of a an application for relief from the Portsmouth Zoning Ordinance ("PZO" or "Ordinance") to be considered by the ZBA at its January 21, 2026 meeting.

I. EXHIBITS

A. Plan Set – Ross Engineering, LLC.
- Existing Conditions Plan
- Proposed Conditions Plan
- Overlay Plan
- Neighborhood Building Coverage

B. Architectural Plans – Technical Illustrations.
- Austin Street Elevation & Floor Plan
- Coffins Court Elevation & Floor Plan

C. Site Photographs.
- Satellite Views
- Street Views

D. Tax Map 135.

II. PROPERTY

238 Austin Street is a 6,384 square foot "S" shaped parcel with double frontage: 49.75 linear feet of frontage on Austin Street and 75.36 linear feet of frontage on Coffins Court ("the Property"). **(Exhibit A)**. The Property is developed with a small home, shed, and dilapidated barn. **(Exhibit A, C)**. The existing home, shed, and barn do not conform to yard setbacks, or building coverage **(Exhibits A and C)**. Applicant plans to remove the existing structures, subdivide the lot, and construct a new home on each lot largely within the applicable building

envelope while improving building coverage and open space ("the Project"). The Project is a clear benefit given it provides two new homes where two structures have historically existed, greatly improving on existing nonconforming aspects. While the Property is oversized with double frontage, relief from lot size/density is required for the coffins Court lot and relief from frontage is required for the Austin Street lot to maintain the existing 49.75 feet of frontage. Relief is also required to accommodate bulkheads in yard setbacks. Importantly, the subdivided lots accommodate homes while providing compliant building coverage, and open space, and setbacks are only required for bulkhead egress.

III. RELIEF REQUIRED

Ordinance	**Existing**	**Proposed**	
PZO §10.520/Table §10.521 Dimensional Standards		Austin Lot	Coffins Lot
3,500 s.f. Lot area	6,384 s.f.	3,500 s.f. compliant	2,884 s.f.
3,500 s.f. Lot area/dwelling	6,384 s.f./dwelling	3,500 s.f./dwelling compliant	2,884 s.f./dwelling
70 ft. Frontage	49.75' on Austin 75.36' on Coffins	49.75' Austin	75.36' Coffins compliant
35% Building Coverage	40.5% overall	33.3% compliant	35% compliant
Front Yard 5'	house 3.5' barn 2.8'	compliant	compliant
Side Yard 10'	barn 1.7' & 2.3' shed 3.1' house 3.2'	bulkhead 8.7' [1] AC 9.1' house compliant	bulkhead 5.6' AC unit 9.0' house compliant[2]
Rear Yard 20'	compliant	compliant	bulkhead 18.4'

[1] If a bulkhead protrudes into the setback but is less than 18" tall, relief is not required. PZO §10.515.12. We request the relief in an abundance of caution.
[2] Steps may protrude into a side or rear yard setback per PZO §10.516.40.

IV. ADDITIONAL PERMITS REQUIRED

- Subdivision Approval
- Driveway Permit
- Building Permit

V. VARIANCE REQUIREMENTS

1. **The variances will not be contrary to the public interest.**
2. **The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives." Id. "Mere conflict with the zoning ordinance is not enough." *Id.*

The purpose of the Portsmouth Zoning Ordinance as set forth in PZO §10.121 is "to promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan… [by] regulating:"

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The proposal provides two single-family homes where single-family homes are permitted by right.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The irregular "S" shaped lot has long existed and accommodated two nonconforming structures. Creating two lots cures the odd shape of the lot, allowing more efficient use of the land for its permitted use. The Austin Street lot will comply in all respects except for continuous frontage on Austin Street – which has remained 49.75 feet for decades. The requested lot size/lot size per dwelling unit for the single-family home on Coffins provides a permitted single-family home on a lot with area similar to others in the area **(Exhibits A, D)**, but with compliant frontage. Each home will be more conforming as to setbacks, building coverage and open space.
3. The design of facilities for vehicular access, circulation, parking and loading – Both lots will provide compliant parking.
4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding – The Project provides a permitted residential use and offers an improvement in stormwater management by providing new structures that more nearly conform to yard setbacks.

5. The preservation and enhancement of the visual environment – The newly constructed homes will improve the visual environment compared to the dated and obsolete structures that exist today.
6. The preservation of historic districts, and buildings and structures of historic or architectural interest – The Property is not in the Historic District.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – No wetlands on site/nearby.

Additionally, the General Residence C district is zoned for higher densities according to the zoning ordinance.

> To provide areas for single-family, twofamily and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre), together with appropriate accessory uses and limited services.

Based upon the foregoing, the variances do not "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives." Malachy Glen, supra, which also held:

> One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality…. Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

The Property is an oddly shaped, oversized lot that has long existed in a thickly settled area and supported a modest home and large dated barn – a use that is no longer compatible in the area. While corner lots are common, this is the only "through lot" in the area. The existing structures significantly violate setbacks while the Project proposes two homes centered on respective lots, meeting building coverage and open space requirements while greatly improving setbacks – needed to accommodate bulkheads only. The Property is located in an area with many other lots which do not conform to current zoning requirements for frontage, lot size, and lot area/dwelling unit. **(Exhibits A, D)**. Accordingly, establishing permitted residential use on two smaller lots among similar developed lots in the neighborhood will neither "alter the essential character of the locality," which is significantly single-family nor "threaten the public health, safety or welfare."

3. Substantial justice is done by granting the variances.

If "there is no benefit to the public that would outweigh the hardship to the applicant" this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508 (2011). That is, "any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice." Malachy Glen, supra at 109.

The Owner is constitutionally entitled to the use of the lot as she sees fit, including selling the lot to Applicant for subdivision, subject to the effect of establishing permitted uses in more compliant structures on lots of insufficient size or frontage. "The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions." N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that "no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people." Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978).

"Property" in the constitutional sense has been interpreted to mean not the tangible property itself, but rather the right to possess, use, enjoy **and dispose** of it. Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (emphasis added). The Supreme Court has held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

A municipality's ordinance must reflect the current character of the neighborhood, See Belanger v. City of Nashua, 121 N.H. 389, 393 (1981) (upholding reversal of use variance denial where current character of neighborhood had evolved since its original classification as single-family residential). Here, the vast majority of conforming lot are nonconforming as to lot size, frontage, building coverage and/or yard setback requirements. **(Exhibits A, D).**

The existing structures have presented too daunting a renovation project for the last two owners. Granting the requested variances creates opportunity for sorely needed single-family homes centered on more traditionally configured lots in keeping with the area. The Project provides greater yard setbacks, increasing abutters access to air, light, space, and separation, improving stormwater management. Each lot will meet the requirements for building coverage

and open space. The variance for frontage on Austin Street results in no change "on the ground" while the removal of the barn in favor of a new home provides a more open and visually appealing streetscape on Coffins Court.

There is no harm to any neighbor or the general public from granting the variances to establish a permitted residential use and certainly no harm to the public who benefits from an increase in housing stock. Conversely, Owner and Applicant will be greatly harmed by denial as Owner will be deprived of her constitutional right to dispose of their property and Applicant will lose the opportunity to reasonably develop the Property. Accordingly, there is no benefit to the public from granting the variance that outweighs the harm to the owner from denial.

4. Granting the variance will not diminish surrounding property values.

The creation of an additional lot to support a permitted use on a lot similar to those in the area will not negatively affect any abutter. The Project removes two dated and obsolete structures while providing new, attractive housing with improved setbacks and stormwater treatment. Providing greater access to air, light, space, and improved stormwater management improves over existing conditions. The Project also increases open space and reduces building coverage even as it adds a single-family home. The benefits are clear and supported by expert testimony. **(Exhibit D)**. Accordingly granting the variances will not diminish surrounding property values.

5. Denial of the variances results in an unnecessary hardship.

a. Special conditions distinguish the property/project from others in the area.

The Property is one of the largest on the block and is oddly shaped. It is the only "through lot" in the area. Its configuration of frontage on two streets connected by a narrower corridor prevents it from being utilized more efficiently. The Property contains two significantly nonconforming structures that are obsolete. These factors combine to create special conditions distinguishable from other properties in the area.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

Lot area, frontage, density limits, and setbacks exist in order to: prevent overburdening/overcrowding of the land; provide sight lines, air, light, and space; and ensure separation between properties to treat stormwater. The Project demonstrates that the Property

can be subdivided into two smaller lots that largely comply with the ordinance and match the surrounding area. The new lots can support new homes that are far more conforming than what currently exists, ensuring adequate air, light, space, and separation so stormwater is managed on each lot. This is a significant improvement compared to existing conditions. Additionally, the Project improves building coverage and open space overall and ensures compliant building coverage and open space on each individual lot, unlike many properties in the area. For these reasons, there is no fair and substantial relationship between the general public purposes of the Ordinance, the lot size, density, frontage, and setbacks proposed are consistent with other lot in the area.

c. The proposed use is reasonable.

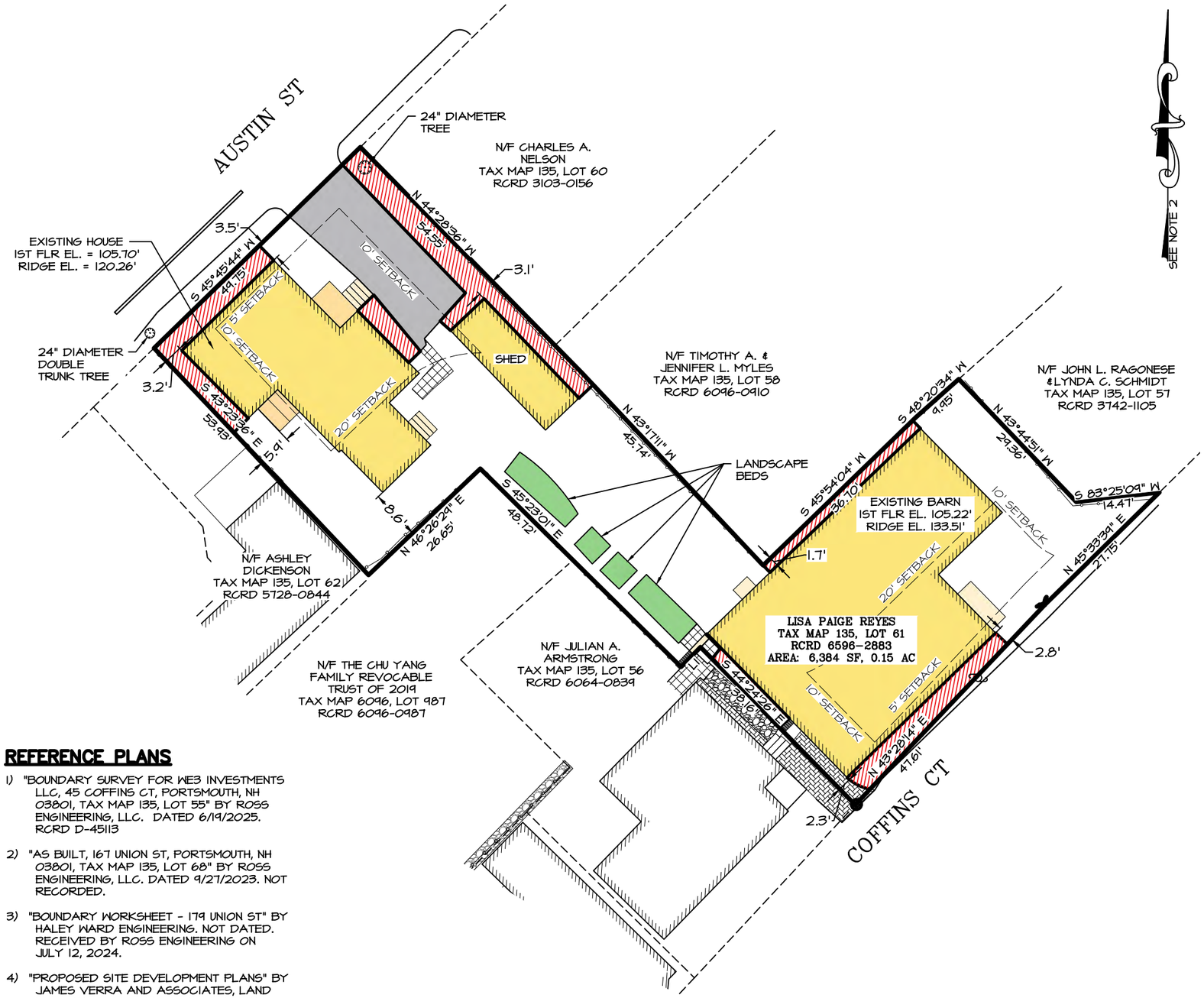
If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Residential uses are permitted in the GRC Zone. We note also that the New Hampshire Supreme Court case of Walker v. City of Manchester, 107 NH 382 (1966) held that a hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect upon the neighborhood. We note that while Walker does not limit or distinguish its analysis based on the underlying cause of the surrounding nonconformity (pre-existing, result of variances, or a planned unit development), much of the area is nonconforming for area, density, frontage, building coverage/open space and setbacks **(Exhibit A, D)**. Accordingly, the proposed use is reasonable, and denial would create an unnecessary hardship for Owner and Applicant.

VI. CONCLUSION

For all the reasons stated, Owner and Applicant respectfully request that the Portsmouth Zoning Board of Adjustment grant the requested relief. We look forward to presenting this application at the January 21, 2026 ZBA Meeting.

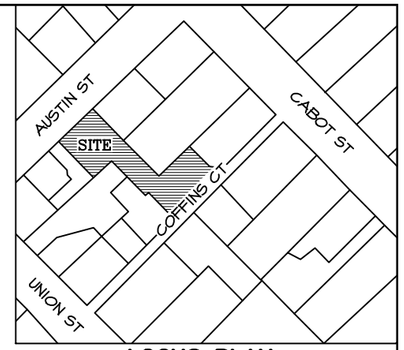
Respectfully submitted,
Chris Ward

By: _____
R. Timothy Phoenix, Esquire
Monica F. Kieser, E



LEGEND

- MONUMENT FOUND
- UTILITY POLE
- WOODEN FENCE
- CHAIN LINK FENCE
- NON-OPEN SPACE



LOCUS PLAN
N.T.S.

NOTES

1) OWNER OF RECORD:
LISA PAIGE REYES
TAX MAP 135, LOT 61
236 AUSTIN ST
PORTSMOUTH, NH 03801
RCRD: 6596-2883
AREA: 6,384 SF, 0.15 ACRES

2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.

3) PARCEL IS IN THE GENERAL RESIDENCE C (GRC) ZONE:

MINIMUM LOT AREA	3,500 SF
MIN. LOT AREA PER DWELLING UNIT	3,500 SF
MINIMUM FRONTAGE	70 FT
MINIMUM DEPTH	50 FT
SETBACKS:	
FRONT	5 FT
SIDE	10 FT
REAR	20 FT
MAXIMUM BUILDING HEIGHT:	
SLOPED ROOF	35 FT
FLAT ROOF	30 FT
MAXIMUM BUILDING COVERAGE	35%
MINIMUM OPEN SPACE	20%

4) THE PARCEL IS NOT WITHIN A FEMA SPECIAL FLOOD HAZARD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0259F, PANEL 259 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.

5) BUILDING COVERAGE

HOUSE	778 SF
BARN	1554 SF
SHED	190 SF
DECK > 18"	31 SF
STAIRS > 18"	12 SF
BULKHEAD	26 SF
TOTAL	2591 SF

COVERAGE = 2591 / 6384 = 40.6%

6) OPEN SPACE

BUILDING COVERAGE	2591 SF
STAIRS < 18"	28 SF
WALKWAY	42 SF
RETAINING WALL	6 SF
COBBLESTONE	38 SF
RAMP	27 SF
ASPHALT	379 SF
NON-OPEN SPACE	664 SF
TOTAL	3775 SF

OPEN SPACE = 6384 - 3775 = 2609 SF
OPEN SPACE = 2609 / 6384 = 40.9%

REFERENCE PLANS

1) "BOUNDARY SURVEY FOR WE3 INVESTMENTS LLC, 45 COFFINS CT, PORTSMOUTH, NH 03801, TAX MAP 135, LOT 55" BY ROSS ENGINEERING, LLC. DATED 6/19/2025. RCRD D-45113

2) "AS BUILT, 167 UNION ST, PORTSMOUTH, NH 03801, TAX MAP 135, LOT 68" BY ROSS ENGINEERING, LLC. DATED 9/27/2023. NOT RECORDED.

3) "BOUNDARY WORKSHEET - 179 UNION ST" BY HALEY WARD ENGINEERING. NOT DATED. RECEIVED BY ROSS ENGINEERING ON JULY 12, 2024.

4) "PROPOSED SITE DEVELOPMENT PLANS" BY JAMES VERRA AND ASSOCIATES, LAND SURVEYORS. DATED MARCH 19, 2020. RCRD D-42277

5) "RESUBDIVISION OF LAND PORTSMOUTH, N.H. FOR CONSTANCE S. & WILLIAM T. WARREN & HAROLD C. SWEETSER" BY JOHN W. DURGIN ASSOCIATES, INC. DATED AUGUST 24, 1986. RCRD D-14875

6) "PLAN OF ANNIE OLIVER ESTATE" DATED AUGUST 19, 1941. RCRD 048

LENGTH TABLE

	BEARING	DISTANCE
L1	N 44°36'59" E	4.80'

GRAPHIC SCALE
10 0 10 20 40
(IN FEET)
SCALE: 1" = 20'

R. ALEX ROSS No. 9400 LICENSED PROFESSIONAL ENGINEER - STATE OF NEW HAMPSHIRE

ISS.	DATE	DESCRIPTION OF ISSUE
1	12/17/2025	ZBA SUBMITTAL

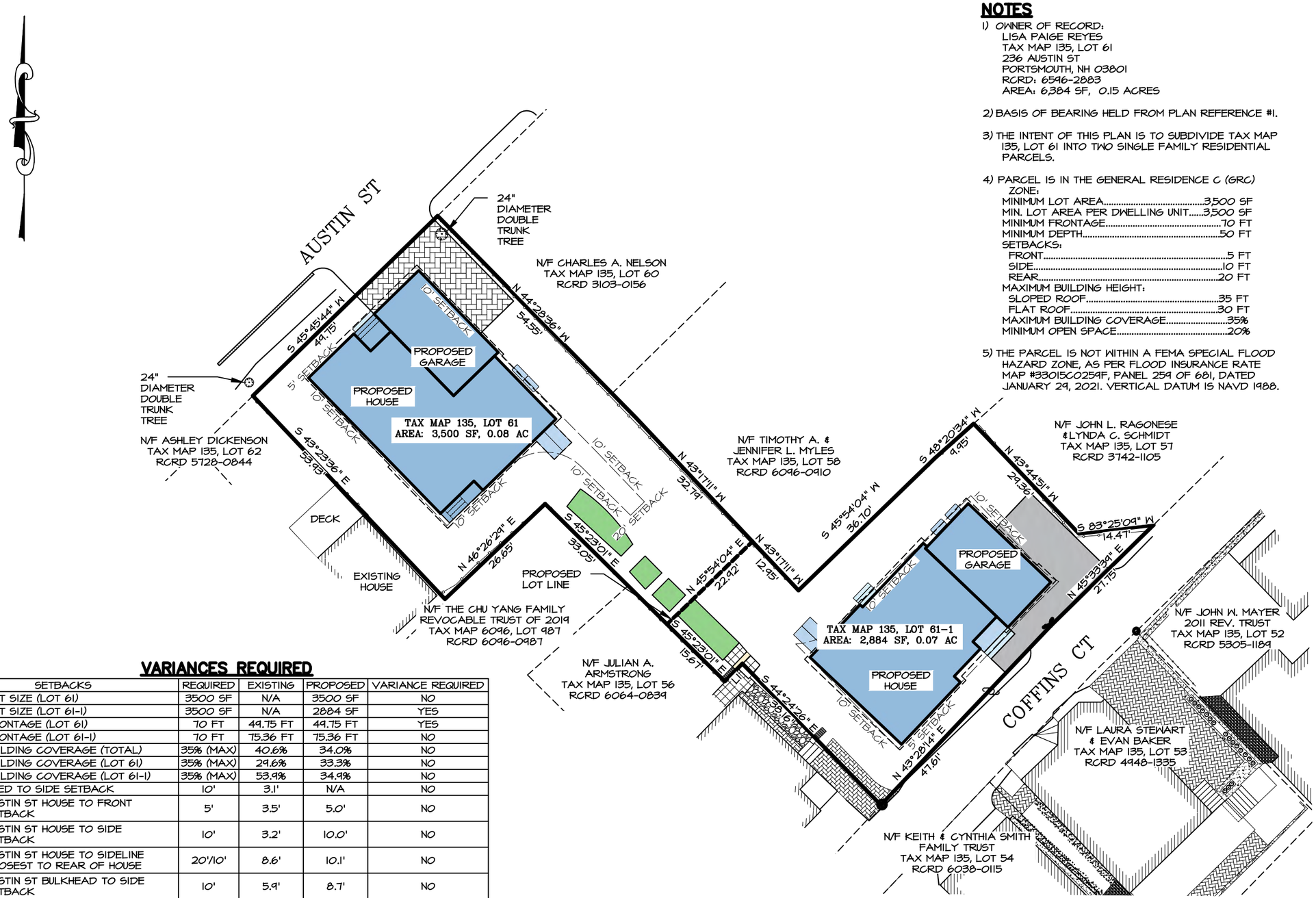
SCALE 1" = 20'
CHECKED A.ROSS
DRAWN D.D.D.

ROSS ENGINEERING, LLC
Civil/Structural Engineering
& Surveying
650 Islington St, 2nd Floor
Portsmouth, NH 03801
(603) 433-7560

CLIENT
WARD DEVELOPMENT
MIKE GARREPY & CHRIS WARD

TITLE
EXISTING CONDITIONS PLAN
238 AUSTIN ST
PORTSMOUTH, NH 03801
TAX MAP 135, LOT 61

JOB NUMBER	DWG. NO.	ISSUE
25-089	1 OF 6	1



NOTES

1) OWNER OF RECORD:
LISA PAIGE REYES
TAX MAP 135, LOT 61
236 AUSTIN ST
PORTSMOUTH, NH 03801
RCRD: 6596-2883
AREA: 6,384 SF, 0.15 ACRES

2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.

3) THE INTENT OF THIS PLAN IS TO SUBDIVIDE TAX MAP 135, LOT 61 INTO TWO SINGLE FAMILY RESIDENTIAL PARCELS.

4) PARCEL IS IN THE GENERAL RESIDENCE C (GRC) ZONE:
- MINIMUM LOT AREA....3,500 SF
- MIN. LOT AREA PER DWELLING UNIT....3,500 SF
- MINIMUM FRONTAGE....70 FT
- MINIMUM DEPTH....50 FT
- SETBACKS:
  - FRONT....5 FT
  - SIDE....10 FT
  - REAR....20 FT
- MAXIMUM BUILDING HEIGHT:
  - SLOPED ROOF....35 FT
  - FLAT ROOF....30 FT
- MAXIMUM BUILDING COVERAGE....35%
- MINIMUM OPEN SPACE....20%

5) THE PARCEL IS NOT WITHIN A FEMA SPECIAL FLOOD HAZARD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0259F, PANEL 259 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.

6) COMBINED BUILDING COVERAGE
EXISTING
- HOUSE....778 SF
- BARN....1554 SF
- SHED....190 SF
- DECK > 18"....31 SF
- STAIRS > 18"....12 SF
- BULKHEAD....26 SF
- TOTAL....2591 SF
- COVERAGE = 2591 / 6384 = 40.6%

PROPOSED
- HOUSE & ATTACHED GARAGE....2099 SF
- PORCH....20 SF
- STAIRS > 18"....3 SF
- BULKHEAD....50 SF
- TOTAL....2172 SF
- COVERAGE = 2172 / 6384 = 34.0%

7) COMBINED OPEN SPACE
EXISTING
- BUILDING COVERAGE....2591 SF
- STAIRS < 18"....28 SF
- WALKWAY....42 SF
- RETAINING WALL....6 SF
- COBBLESTONE....38 SF
- RAMP....27 SF
- ASPHALT....379 SF
- NON-OPEN SPACE....664 SF
- TOTAL....3775 SF
- OPEN SPACE = 6384 - 3775 = 2609 SF
- OPEN SPACE = 2609 / 6384 = 40.9%

PROPOSED
- BUILDING COVERAGE....2172 SF
- STAIRS < 18"....27 SF
- AC PAD....18 SF
- COBBLESTONE....38 SF
- RETAINING WALL....6 SF
- WALKWAY....15 SF
- PERVIOUS PAVER DRIVEWAY....258 SF
- ASPHALT....249 SF
- NON-OPEN SPACE....45 SF
- TOTAL....2878 SF
- OPEN SPACE = 6384 - 2878 = 3506 SF
- OPEN SPACE = 3506 / 6384 = 54.9%

VARIANCES REQUIRED

SETBACKS	REQUIRED	EXISTING	PROPOSED	VARIANCE REQUIRED
LOT SIZE (LOT 61)	3500 SF	N/A	3500 SF	NO
LOT SIZE (LOT 61-1)	3500 SF	N/A	2884 SF	YES
FRONTAGE (LOT 61)	70 FT	49.75 FT	49.75 FT	YES
FRONTAGE (LOT 61-1)	70 FT	75.36 FT	75.36 FT	NO
BUILDING COVERAGE (TOTAL)	35% (MAX)	40.6%	34.0%	NO
BUILDING COVERAGE (LOT 61)	35% (MAX)	29.6%	33.3%	NO
BUILDING COVERAGE (LOT 61-1)	35% (MAX)	53.9%	34.9%	NO
SHED TO SIDE SETBACK	10'	3.1'	N/A	NO
AUSTIN ST HOUSE TO FRONT SETBACK	5'	3.5'	5.0'	NO
AUSTIN ST HOUSE TO SIDE SETBACK	10'	3.2'	10.0'	NO
AUSTIN ST HOUSE TO SIDELINE CLOSEST TO REAR OF HOUSE	20'/10'	8.6'	10.1'	NO
AUSTIN ST BULKHEAD TO SIDE SETBACK	10'	5.9'	8.7'	NO
COFFINS CT BUILDING TO FRONT SETBACK	5'	2.8'	5.2'	NO
COFFINS CT BUILDING TO SIDE SETBACK	10'	2.3'	10.2'	NO
COFFINS CT BUILDING TO SIDELINE CLOSEST TO REAR OF BUILDING	20'/10'	1.7'	10.2'	NO
COFFINS CT BULKHEAD TO SIDELINE CLOSEST TO REAR OF BUILDING	20'/10'	N/A	5.6'	YES
COFFINS CT BULKHEAD TO PROPOSED REAR LINE	20'	N/A	18.4'	YES

LENGTH TABLE

	BEARING	DISTANCE
L1	N 44°36'59" E	4.80'

GRAPHIC SCALE
10 0 5 10 20 40
(IN FEET)
SCALE: 1" = 20'

LEGEND

- MONUMENT FOUND
- UTILITY POLE
- WOODEN FENCE
- CHAIN LINK FENCE

ISS.	DATE	DESCRIPTION OF ISSUE
1	12/17/2025	ZBA SUBMITTAL

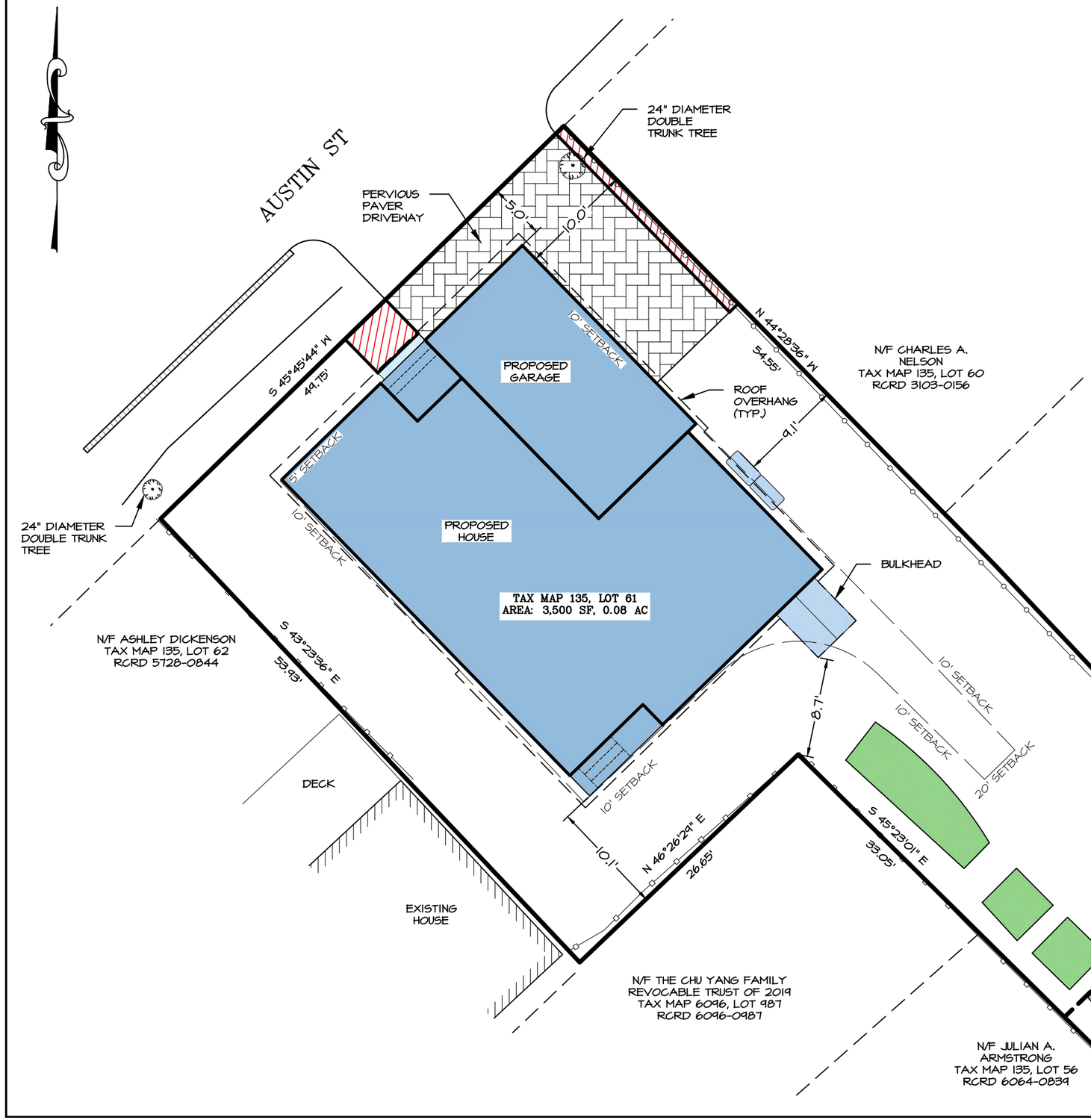
SCALE 1" = 20'
CHECKED A.ROSS
DRAWN D.D.D.

ROSS ENGINEERING, LLC
Civil/Structural Engineering & Surveying
650 Islington St, 2nd Floor
Portsmouth, NH 03801
(603) 433-7560

CLIENT
WARD DEVELOPMENT
MIKE GARREPY & CHRIS WARD

TITLE
SUBDIVISION PLAN
238 AUSTIN ST
PORTSMOUTH, NH 03801
TAX MAP 135, LOT 61

JOB NUMBER 25-089 | DWG. NO. 2 OF 6 | ISSUE 1



NOTES

1) PROPOSED LOT 61 AREA IS 3,500 SF

2) PARCEL IS IN THE GENERAL RESIDENCE C (GRC) ZONE:

MINIMUM LOT AREA	3,500 SF
MIN. LOT AREA PER DWELLING UNIT	3,500 SF
MINIMUM FRONTAGE	70 FT
MINIMUM DEPTH	50 FT
SETBACKS:	
FRONT	5 FT
SIDE	10 FT
REAR	20 FT
MAXIMUM BUILDING HEIGHT:	
SLOPED ROOF	35 FT
FLAT ROOF	30 FT
MAXIMUM BUILDING COVERAGE	35%
MINIMUM OPEN SPACE	20%

3) LOT 61 BUILDING COVERAGE

EXISTING

HOUSE	778 SF
SHED	190 SF
DECK > 18"	31 SF
STAIRS > 18"	12 SF
BULKHEAD	26 SF
TOTAL	1037 SF

COVERAGE = 1037 / 3500 = 29.6%

PROPOSED

HOUSE & ATTACHED GARAGE	1140 SF
BULKHEAD	25 SF
TOTAL	1165 SF

COVERAGE = 1165 / 3500 = 33.3%

4) LOT 61 OPEN SPACE

EXISTING

BUILDING COVERAGE	1037 SF
STAIRS < 18"	16 SF
WALKWAY	27 SF
ASPHALT	379 SF
NON-OPEN SPACE	435 SF
TOTAL	1894 SF

OPEN SPACE = 3500 - 1894 = 1606 SF

OPEN SPACE = 1606 / 3500 = 45.9%

PROPOSED

BUILDING COVERAGE	1165 SF
STAIRS < 18"	4 SF
AC PAD	9 SF
PERVIOUS PAVER DRIVEWAY	258 SF
NON-OPEN SPACE	21 SF
TOTAL	1457 SF

OPEN SPACE = 3500 - 1457 = 2043 SF

OPEN SPACE = 2043 / 3500 = 58.4%

LEGEND

- MONUMENT FOUND
- UTILITY POLE
- WOODEN FENCE
- CHAIN LINK FENCE
- NON-OPEN SPACE

GRAPHIC SCALE

5 0 2.5 5 10 20

(IN FEET)

SCALE: 1" = 10'

ISS.	DATE	DESCRIPTION OF ISSUE
1	12/17/2025	ZBA SUBMITTAL

SCALE 1" = 10'

CHECKED A.ROSS

DRAWN D.D.D.

ROSS ENGINEERING, LLC
Civil/Structural Engineering & Surveying
650 Islington St, 2nd Floor
Portsmouth, NH 03801
(603) 433-7560

CLIENT
WARD DEVELOPMENT
MIKE GARREPY & CHRIS WARD

TITLE

SITE PLAN

238 AUSTIN ST
PORTSMOUTH, NH 03801
TAX MAP 135, LOT 61

JOB NUMBER	DWG. NO.	ISSUE
25-089	3 OF 6	1

NOTES

1) PROPOSED LOT 61-1 AREA IS 2,884 SF

2) PARCEL IS IN THE GENERAL RESIDENCE C (GRC) ZONE:
- MINIMUM LOT AREA....3,500 SF
- MIN. LOT AREA PER DWELLING UNIT....3,500 SF
- MINIMUM FRONTAGE....70 FT
- MINIMUM DEPTH....50 FT
- SETBACKS:
  - FRONT....5 FT
  - SIDE....10 FT
  - REAR....20 FT
- MAXIMUM BUILDING HEIGHT:
  - SLOPED ROOF....35 FT
  - FLAT ROOF....30 FT
- MAXIMUM BUILDING COVERAGE....35%
- MINIMUM OPEN SPACE....20%

3) LOT 61-1 BUILDING COVERAGE

EXISTING

BARN	1554 SF
TOTAL	1554 SF

COVERAGE = 1554 / 2884 = 53.9%

PROPOSED

HOUSE & ATTACHED GARAGE	959 SF
PORCH	20 SF
STAIRS >18"	3 SF
BULKHEAD	25 SF
TOTAL	1007 SF

COVERAGE = 1007 / 2884 = 34.9%

4) LOT 61-1 OPEN SPACE

EXISTING

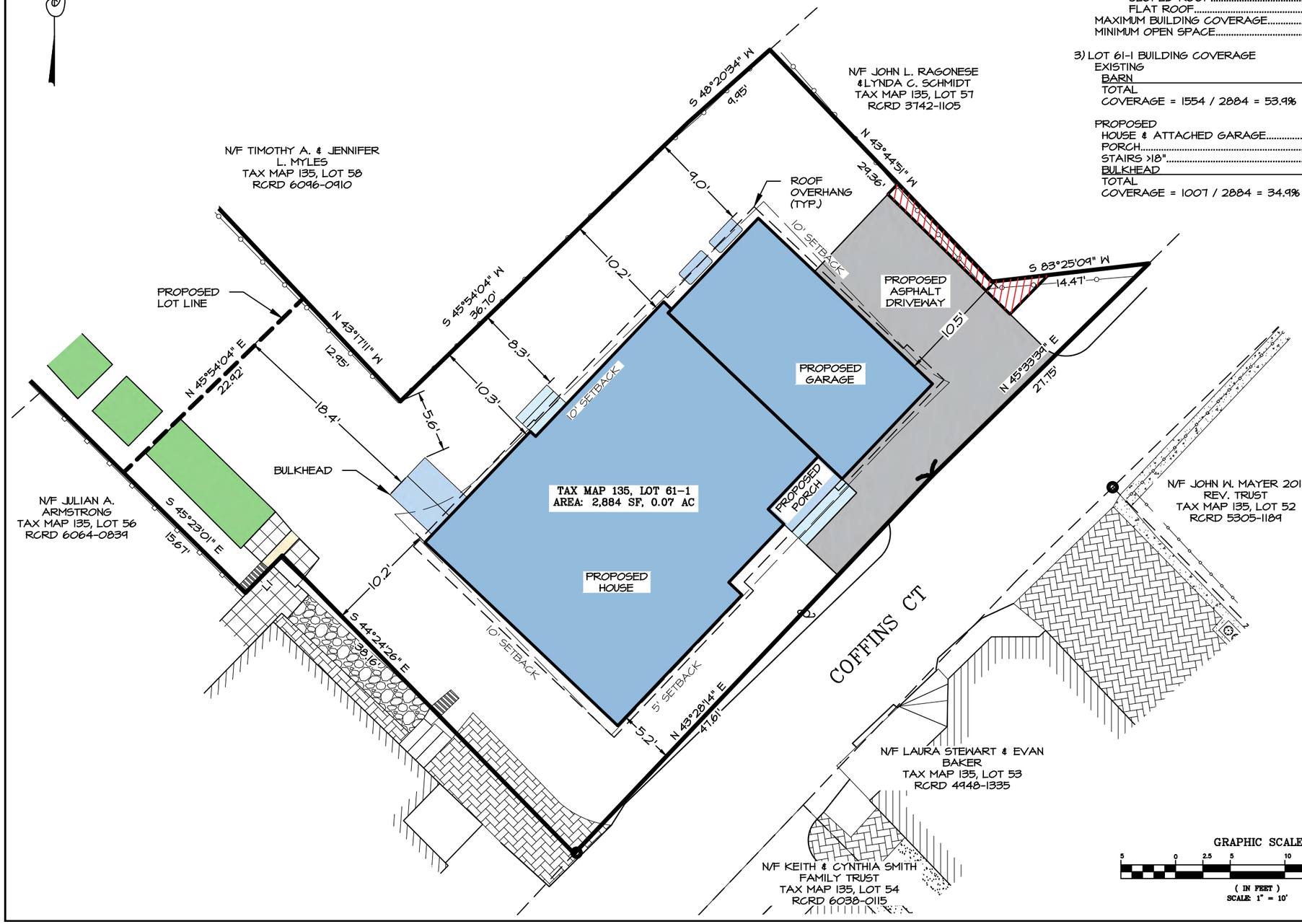
BUILDING COVERAGE	1554 SF
STAIRS < 18"	12 SF
WALKWAY	15 SF
RETAINING WALL	6 SF
COBBLESTONE	38 SF
RAMP	27 SF
NON-OPEN SPACE	229 SF
TOTAL	1881 SF

OPEN SPACE = 2884 - 1881 = 1003 SF
OPEN SPACE = 1003 / 2884 = 34.8%

PROPOSED

BUILDING COVERAGE	1007 SF
STAIRS < 18"	23 SF
AC PAD	9 SF
COBBLESTONE	38 SF
RETAINING WALL	6 SF
WALKWAY	15 SF
ASPHALT	299 SF
NON-OPEN SPACE	24 SF
TOTAL	1421 SF

OPEN SPACE = 2884 - 1421 = 1463 SF
OPEN SPACE = 1463 / 2884 = 50.7%



LENGTH TABLE

	BEARING	DISTANCE
L1	N 44°36'54" E	4.80'

LEGEND

- MONUMENT FOUND
- UTILITY POLE
- WOODEN FENCE
- CHAIN LINK FENCE
- NON-OPEN SPACE

GRAPHIC SCALE

5 0 2.5 5 10 20

(IN FEET)
SCALE: 1" = 10'

P. ALEX ROSS No. 9400 LICENSED PROFESSIONAL ENGINEER - STATE OF NEW HAMPSHIRE

ISS.	DATE	DESCRIPTION OF ISSUE
1	12/17/2025	ZBA SUBMITTAL

SCALE: 1" = 10'
CHECKED: A.ROSS
DRAWN: D.D.D.

ROSS ENGINEERING, LLC
Civil/Structural Engineering & Surveying
650 Islington St, 2nd Floor
Portsmouth, NH 03801
(603) 433-7560

CLIENT
WARD DEVELOPMENT
MIKE GARREPY & CHRIS WARD

TITLE

SITE PLAN

238 AUSTIN ST
PORTSMOUTH, NH 03801
TAX MAP 135, LOT 61

JOB NUMBER	DWG. NO.	ISSUE
25-089	4 OF 6	1

19 LOTS WERE REVIEWED
17 LOTS ARE NONCONFORMING

BUILDING COVERAGE > 35%



1	12/17/2025	ZBA SUBMITTAL	
ISS.	DATE	DESCRIPTION OF ISSUE	

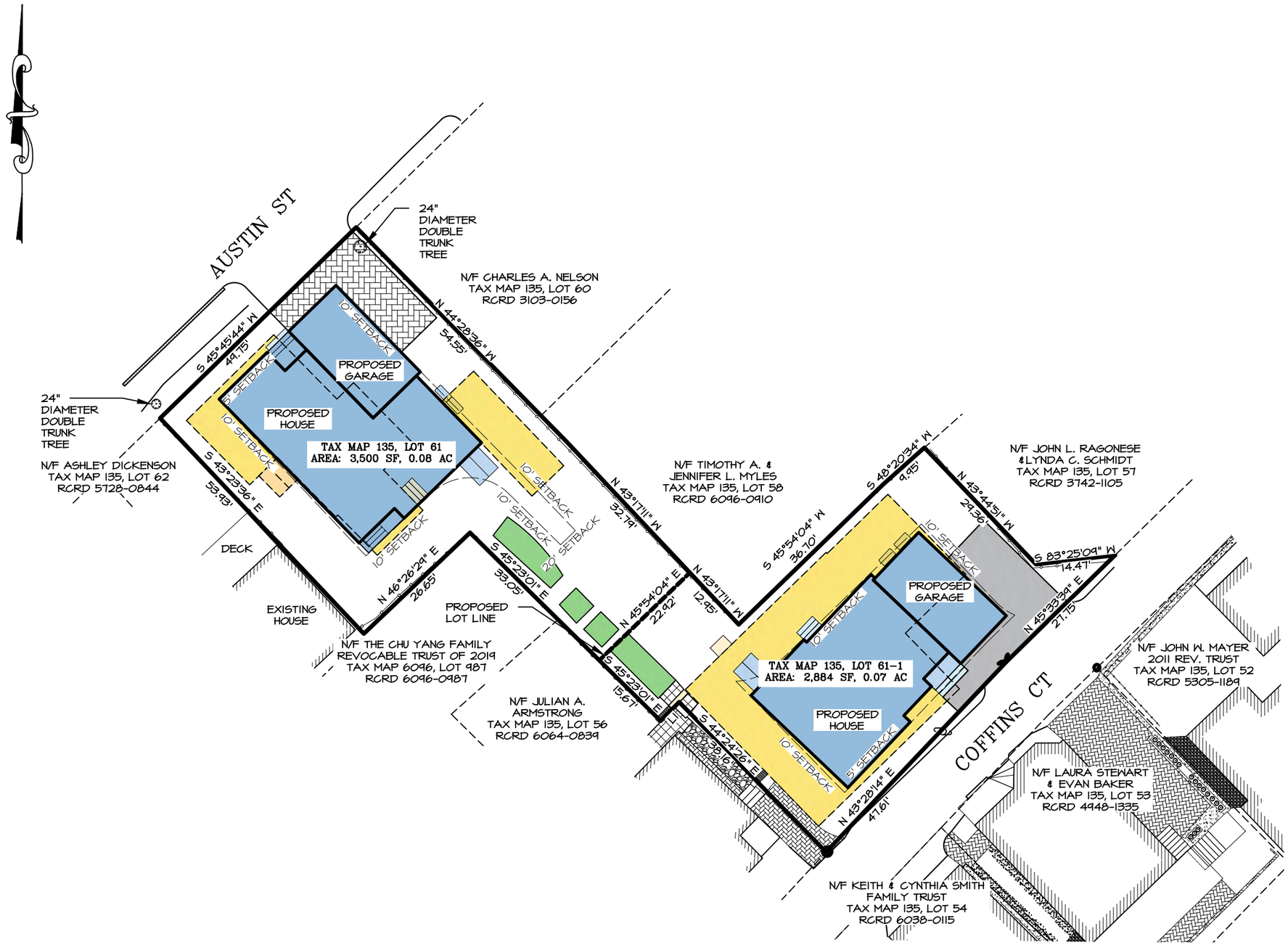
SCALE NTS
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DRAWN D.D.D.

ROSS ENGINEERING, LLC
Civil/Structural Engineering
& Surveying
650 Islington St, 2nd Floor
Portsmouth, NH 03801
(603) 433-7560

CLIENT
WARD DEVELOPMENT
MIKE GARREPY & CHRIS WARD

TITLE
NEIGHBORHOOD BUILDING COVERAGE
238 AUSTIN ST
PORTSMOUTH, NH 03801
TAX MAP 135, LOT 61

JOB NUMBER	DWG. NO.	ISSUE
25-089	5 OF 6	1



LENGTH TABLE

	BEARING	DISTANCE
L1	N 44°36'54" E	4.80'

GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
SCALE: 1" = 20'

LEGEND

- MONUMENT FOUND
- UTILITY POLE
- WOODEN FENCE
- CHAIN LINK FENCE

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DRAWN: D.D.D.

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& Surveying
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Portsmouth, NH 03801
(603) 433-7560

CLIENT
WARD DEVELOPMENT
MIKE GARREPY & CHRIS WARD

TITLE

OVERLAY PLAN

238 AUSTIN ST
PORTSMOUTH, NH 03801
TAX MAP 135, LOT 61

JOB NUMBER: 25-089
DWG. NO.: 6 OF 6
ISSUE: 1

R. ALEX ROSS No. 9408 - STATE OF NEW HAMPSHIRE - PROFESSIONAL ENGINEER - LICENSED



RIGHT SIDE ELEVATION

1/4"=1'-0"



REAR ELEVATION

1/4"=1'-0"



LEFT SIDE ELEVATION

1/4"=1'-0"



FRONT ELEVATION

1/4"=1'-0"

AUSTIN STREET

1. THESE PLANS ARE BUILT TO FOLLOW THE IRC 2021 BUILDING CODE AND STATE FIRE CODE AS ADMINISTERED BY THE TOWN OF PORTSMOUTH, NH.

2. ALL DIMENSIONS ARE FRAMING DIMENSIONS, CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO EXCAVATION.

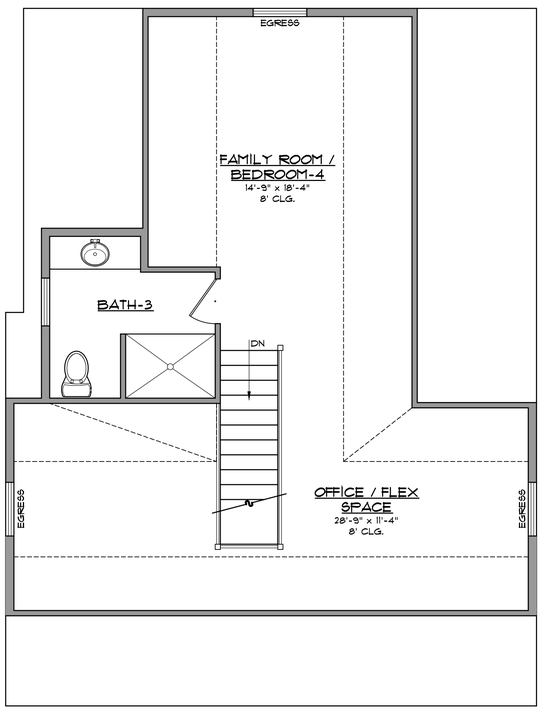
3. DO NOT SCALE DRAWING, WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

PROJECT:
238 Austin Street (Coffins Ct.) ZBA
Portsmouth, NH 03801

E-mail: tech-ill2@comcast.net
Phone: 603-964-1300
Fax: 603-580-1414
Technical Illustrations
ARCHITECTURAL DRAFTING SERVICE
196 Bunker Hill Ave.
Stratham, NH 03885

DATE: 12-16-25
REVISED:
DWG. NO. 1

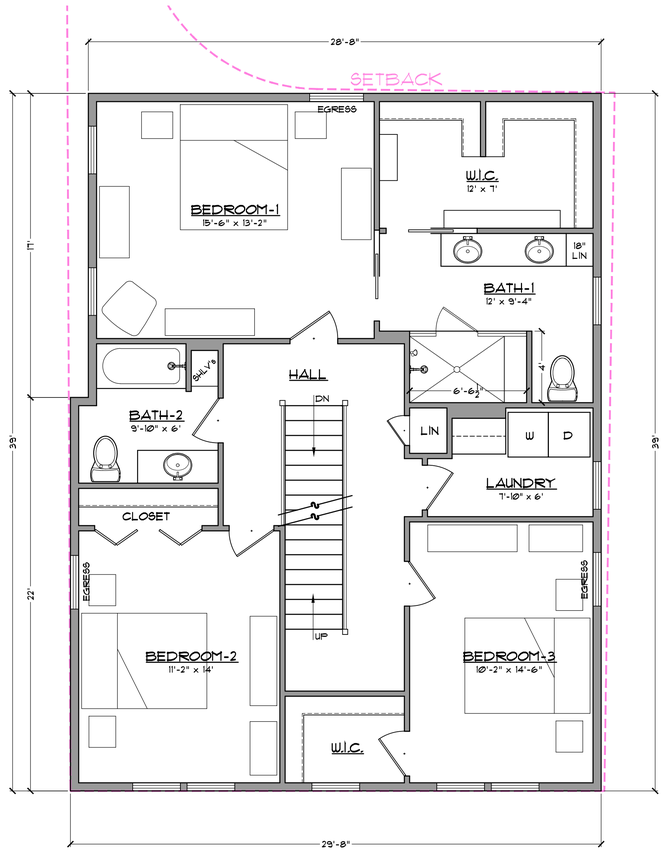
C:\TI-INC\2025\Austin Street80



THIRD FLOOR PLAN

¼"=1'-0"

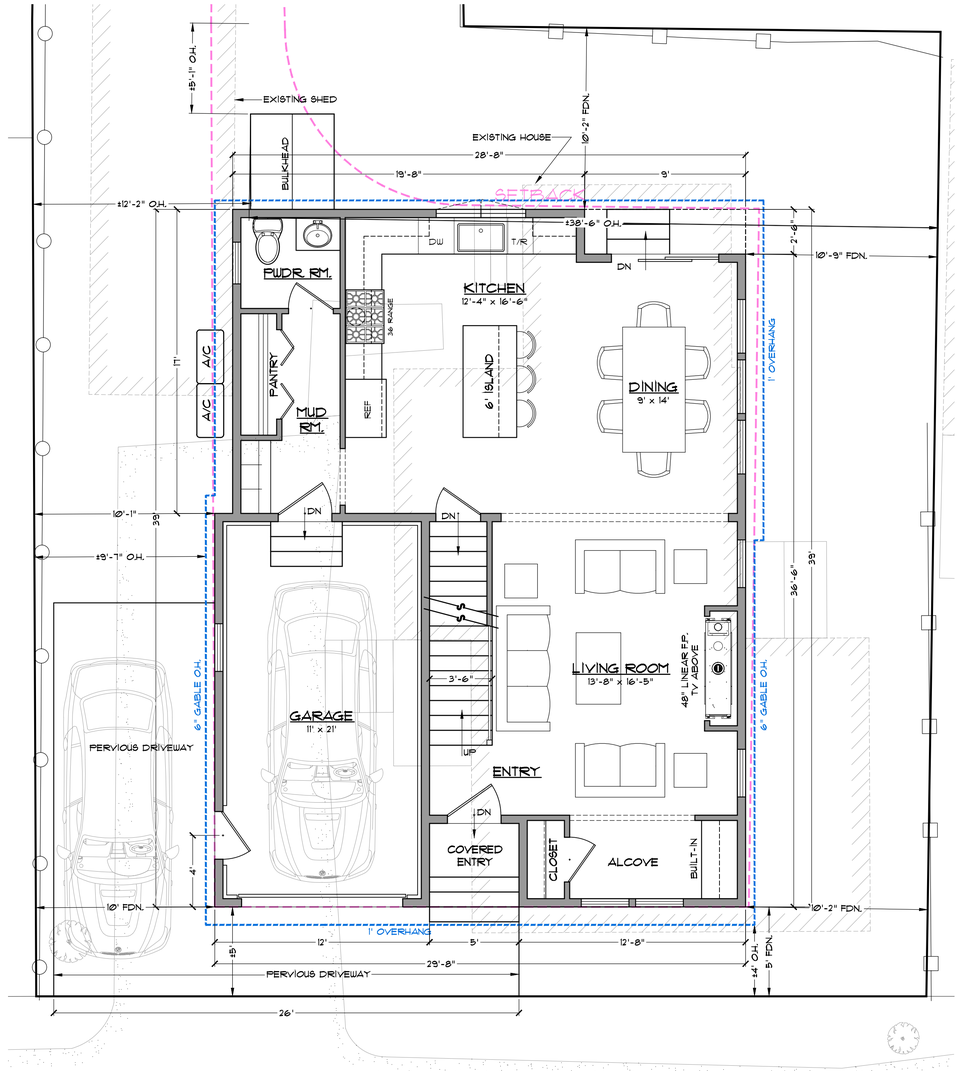
HEATED = 712 S.F.



SECOND FLOOR PLAN

¼"=1'-0"

HEATED = 1,100 S.F.



FIRST FLOOR PLAN

¼"=1'-0"

HEATED = 843 S.F.
GARAGE = 250 S.F.

S.F. TOTALS	
FIRST FLOOR	= 843 S.F.
SECOND FLOOR	= 1,100 S.F.
THIRD FLOOR	= 712 S.F.
TOTAL	= 2,655 S.F.

AUSTIN ST.

EXISTING IMPERVIOUS COVERAGE = 1,432 S.F.
PROPOSED IMPERVIOUS COVERAGE 1,271 S.F.

FIRE PREVENTION PLAN

- (S) SMOKE DETECTOR
- (S/CO) SMOKE / CARBON MONOXIDE DETECTOR
- (H) HEAT DETECTOR

1. THESE PLANS ARE BUILT TO FOLLOW THE IRC 2021 BUILDING CODE AND STATE FIRE CODE AS ADMINISTERED BY THE TOWN OF PORTSMOUTH, NH.

2. ALL DIMENSIONS ARE FRAMING DIMENSIONS, CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO EXCAVATION.

3. DO NOT SCALE DRAWING, WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

PROJECT:
238 Austin Street (Coffins Ct.) ZBA
Portsmouth, NH 03801

E-mail: tech-1112@comcast.net
Phone: 603-964-1300
Fax: 603-580-1414
Technical Illustrations
ARCHITECTURAL DRAFTING SERVICE
196 Bunker Hill Ave.
Stratham, NH 03885

DATE: 12-16-25
REVISED:
DWG. NO. 3

C:\TI-INC\2025\Austin Street\80



RIGHT SIDE ELEVATION

1/4"=1'-0"



REAR ELEVATION

1/4"=1'-0"



LEFT SIDE ELEVATION

1/4"=1'-0"



FRONT ELEVATION

1/4"=1'-0"

1. THESE PLANS ARE BUILT TO FOLLOW THE IRC 2021 BUILDING CODE AND STATE FIRE CODE AS ADMINISTERED BY THE TOWN OF PORTSMOUTH, NH.

2. ALL DIMENSIONS ARE FRAMING DIMENSIONS. CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO EXCAVATION.

3. DO NOT SCALE DRAWING, WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

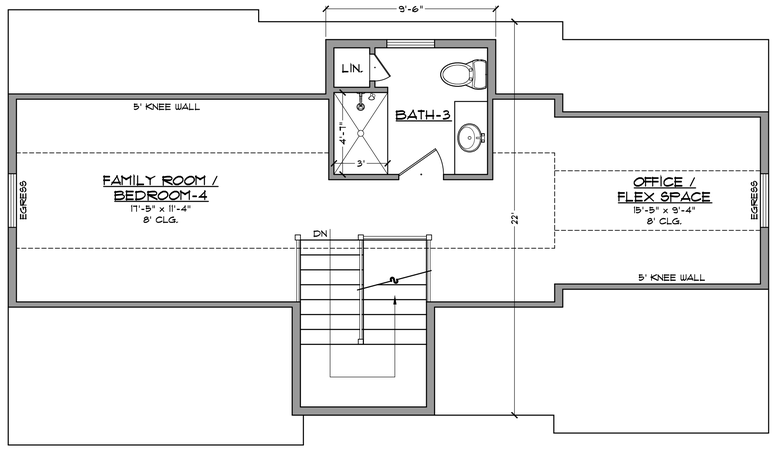
COFFINS COURT

PROJECT:
238 Austin Street (Coffins Ct.) ZBA
Portsmouth, NH 03801

E-mail: tech-ill2@comcast.net
Phone: 603-964-1300
Fax: 603-580-1414
Technical Illustrations
ARCHITECTURAL DRAFTING SERVICE
196 Bunker Hill Ave. Stratham, NH 03885

DATE: 12-16-25
REVISED:
DWG. NO. 1

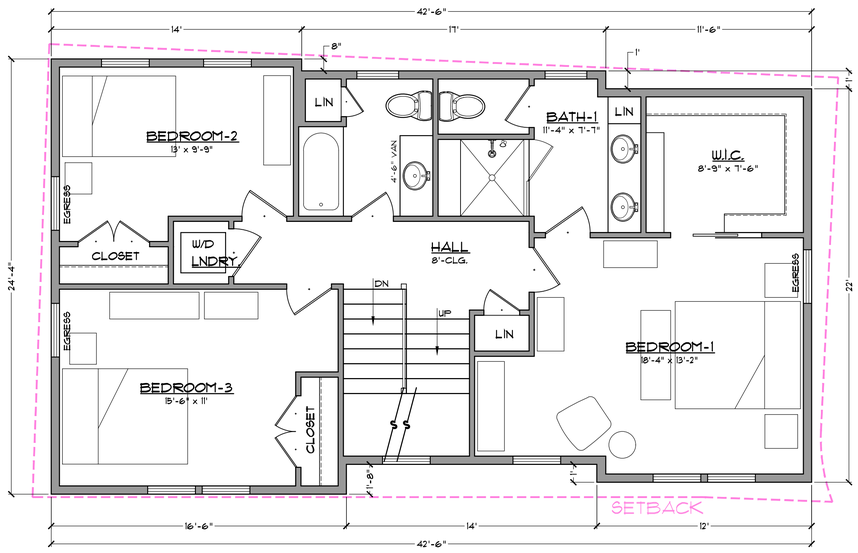
C:\TI-INC\2025\Coffins Court\BD



THIRD FLOOR PLAN

1/4"=1'-0"

HEATED = 486 S.F.

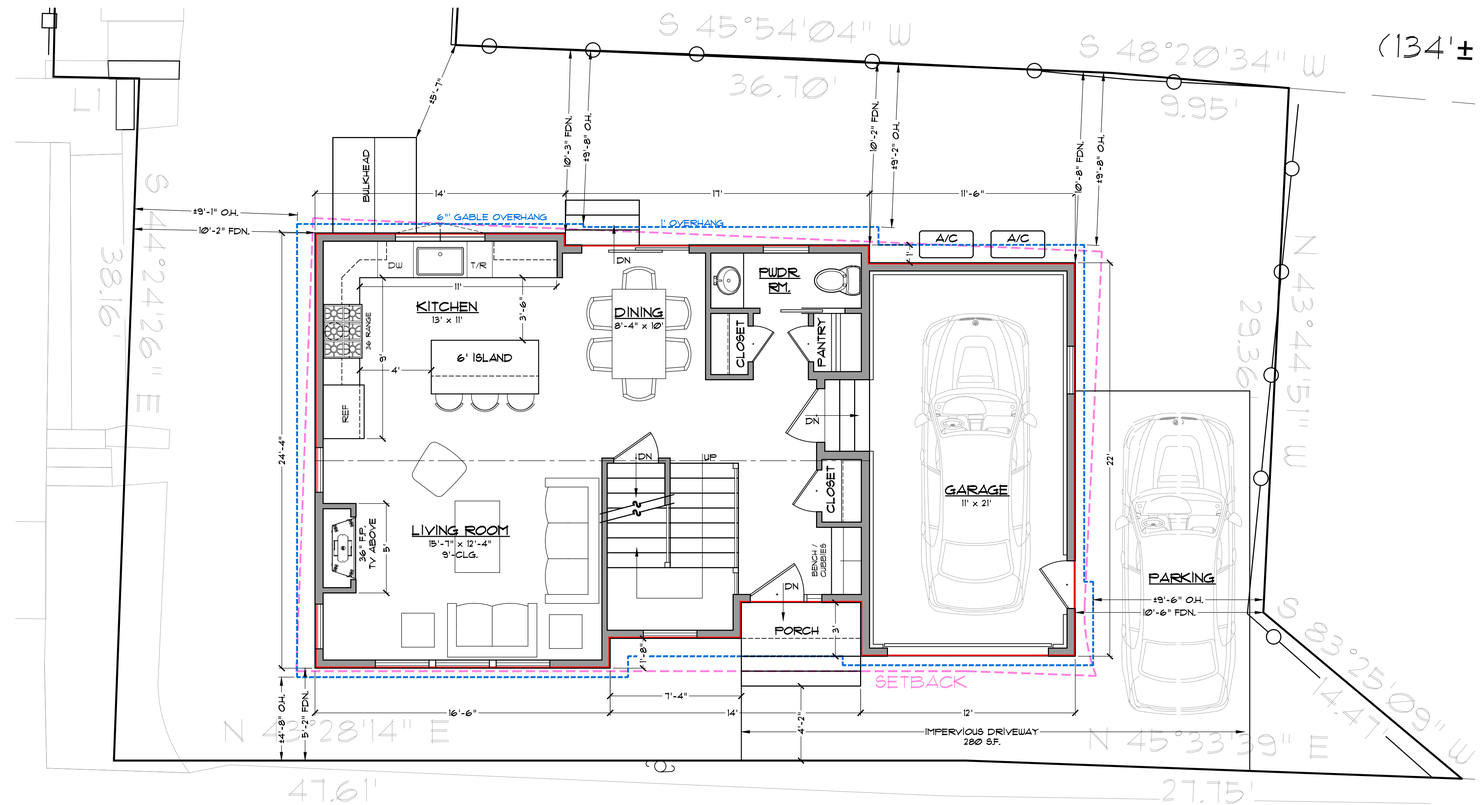


SECOND FLOOR PLAN

1/4"=1'-0"

HEATED = 912 S.F.

60 S.F. DEDUCT FOR STAIRS



FIRST FLOOR PLAN

1/4"=1'-0"

HEATED = 695 S.F.
GARAGE = 265 S.F.
TOTAL = 960 S.F.

COFFINS CT.

S.F. TOTALS	
FIRST FLOOR	= 695 S.F.
SECOND FLOOR	= 912 S.F.
THIRD FLOOR	= 486 S.F.
TOTAL	= 2,093 S.F.

EXISTING IMPERVIOUS COVERAGE = 1,554 S.F.
PROPOSED IMPERVIOUS COVERAGE = 1,408 S.F.
STRUCTURE = 1,128 S.F.
DRIVEWAY = 280 S.F.

FIRE PREVENTION PLAN

- (S) SMOKE DETECTOR
- (S/CO) SMOKE / CARBON MONOXIDE DETECTOR
- (H) HEAT DETECTOR

1. THESE PLANS ARE BUILT TO FOLLOW THE IRC 2021 BUILDING CODE AND STATE FIRE CODE AS ADMINISTERED BY THE TOWN OF PORTSMOUTH, NH.

2. ALL DIMENSIONS ARE FRAMING DIMENSIONS. CONTRACTOR SHALL VERIFY ALL DIMENSIONS PRIOR TO EXCAVATION.

3. DO NOT SCALE DRAWING. WRITTEN DIMENSIONS TAKE PRECEDENCE OVER SCALED DIMENSIONS.

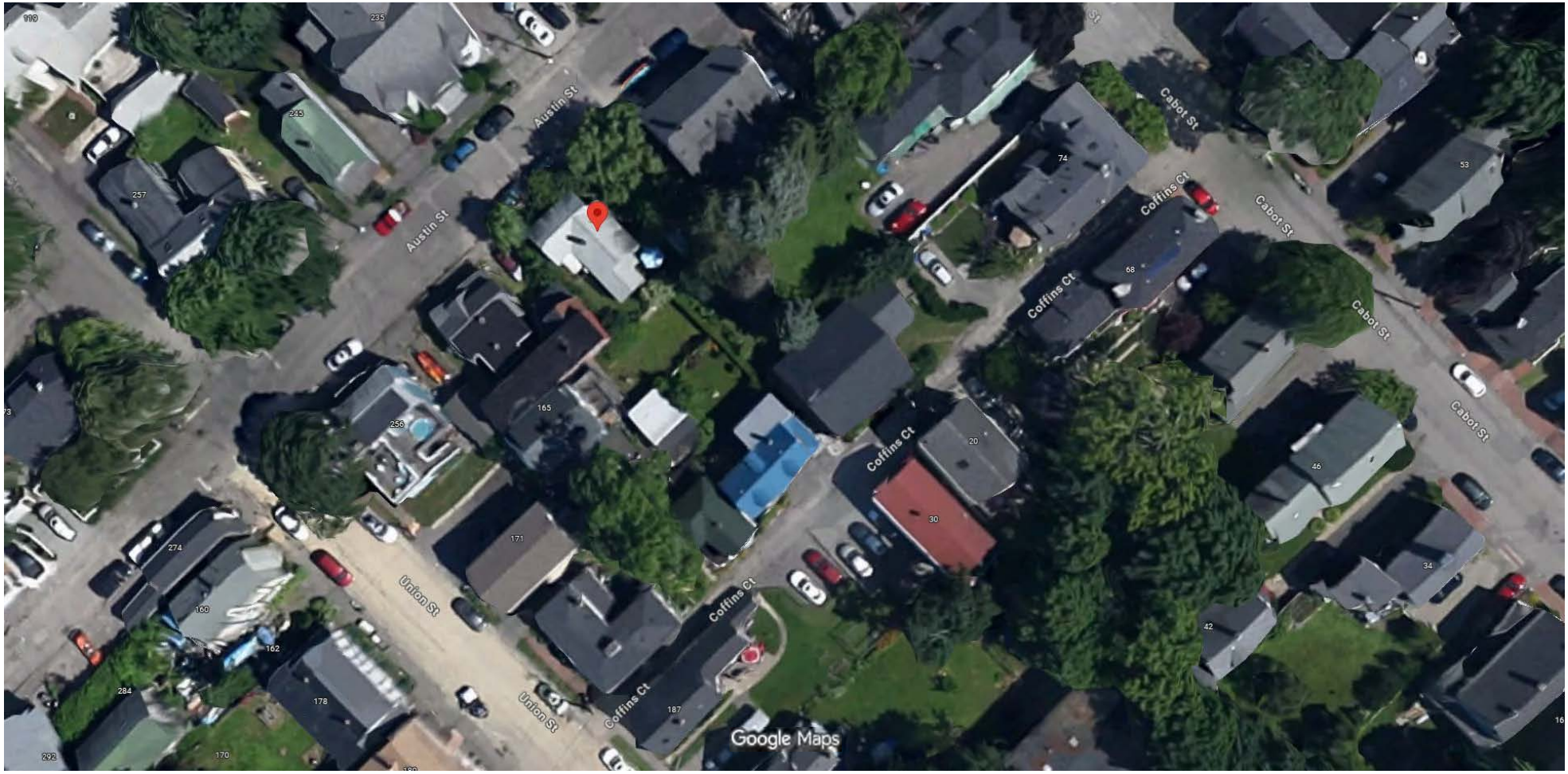
PROJECT:
238 Austin Street (Coffins Ct.) ZBA
Portsmouth, NH 03801

E-mail: tech-1112@comcast.net
Phone: 603-964-1300
Fax: 603-580-1414
Technical Illustrations
ARCHITECTURAL DRAFTING SERVICE
196 Bunker Hill Ave.
Stratham, NH 03885

DATE: 12-16-25
REVISED:
DWG. NO. 3

C:\TI-INC\2025\Coffins Court\80

Google Maps 238 Austin St



Imagery ©2025 Google, Imagery ©2025 Airbus, Map data ©2025 20 ft

LOT LINES ARE APPROXIMATE

Google Maps 238 Austin St



Image capture: Nov 2024 © 2025 Google



Partial Legend

See the cover sheet for the complete legend.

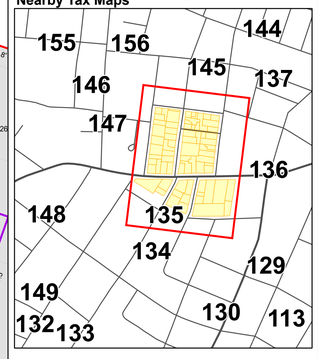
- **7-5A** Lot or lot-unit number
- *2.56 ac* Parcel area in acres (ac) or square feet (sf)
- Address number
- 233-137 Parcel number from a neighboring map
- 68' Parcel line dimension
- SIMS AVE Street name
- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1994 data)
- Parcel covered by this map
- Parcel from a neighboring map (see other map for current status)

0 50 100 Feet

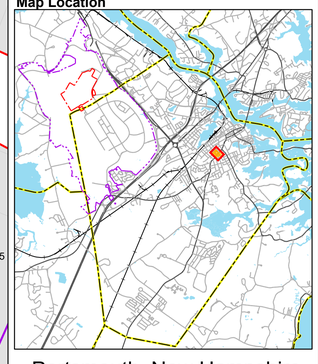
0 20 40 Meters

This map is for assessment purposes only. It is not intended for legal description or conveyance.
Parcels are mapped as of April 1.
Building footprints are 2006 data and may not represent current structures.
Streets appearing on this map may be paper (unbuilt) streets.
Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

Nearby Tax Maps



Map Location



Portsmouth, New Hampshire
2025

Tax Map 135

Docusign Envelope ID: AE66158D-8CE5-420D-AFDD-86DE88779D4A

December 18, 2025

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

Re: 238 Austin Street (Coffins Court) - Variance Proposal.
Map 135, Lot 61
General Residence "C" District

Dear Board Members:

The firm of Hoefle, Phoenix, Gormley & Roberts, PLLC has requested my professional opinion on the granting variances for the subject property from the Portsmouth Zoning Ordinance (PZO) and their impact on surrounding property values.

As a New Hampshire real estate licensee and Broker, I have spent over 18 years working in the Seacoast area real estate market. My residence is in downtown Portsmouth, NH, and our local LandVest office, of which I am the Managing Broker, is located on 56 State Street, Portsmouth – less than 1 mile from the subject property. As such, I have reviewed the survey plans, the neighborhood building coverage exhibit prepared by Ross Engineers and the architectural plans for the proposed subdivision. I have also visited the subject property and toured the neighborhood.

The existing condition of the property is somewhat derelict. An empty home void of siding fronts on Austin Street that was the subject of an attempted, yet failed, renovation. The house sits empty, gutted to the studs. To the side of the house sits an old shed. To the "rear' of the property sits an old, dilapidated barn that fronts on Coffins Court. The barn sits close to the road and very close to the abutting property lines – almost covering the entirety of the lot along Coffins Court. The barn sits empty yet appears to be structurally unsound.

The uses in the immediate area are a mix of single-family, duplex, and multi-family homes found on conforming and nonconforming lots of record. On Austin Street: directly abutting the parcel to the north is a two-unit residential structure; to the south, is a single-family home and directly across the street at 235 Austin Street appears a 4-unit, multi-family. The proposed lot on Coffins Court lot is surrounded by single family homes.

The proposed plan is to remove to the existing structures, subdivide the existing lot, and construct two new, code compliant, modest homes, largely located within the applicable building envelopes. The result is that it greatly improves yard setbacks, open space, and overall coverage.

Docusign Envelope ID: AE66158D-8CE5-420D-AFDD-86DE88779D4A

The proposed homes are in keeping with the neighborhood in size and architectural style, provide covered garage space and off-street driveway parking.

The relief required for the proposed plan are variances to the PZO Section 10.520/Table 10.521 for creating a lot that is 2,884 sf in size where 3,500 sf is required (Coffins Ct. Lot) and to allow for the Austin Street lot to have 49.75 ft of frontage where 70 ft is required (note that the 49.75 feet is existing). Additionally, side and rear building setbacks are requested for minor intrusions for bulkheads and HVAC units (if applicable). The proposed homes are to be located otherwise entirely withing the required building setbacks and the lots will meet the building coverage and open space requirements.

The removal of the existing structures alone would be a vast improvement to the property and the neighborhood. The addition of two new code compliant homes on both Austin Street and Coffins Court, located within the building setbacks would add further improvement and value to the property.

It is my professional opinion, based on my review of the application and two decades of experience working in the local real estate market, that the Board's granting of these variances to allow for two lots to be created and two homes to be built, will not diminish the value of surrounding properties.

Sincerely,

DocuSigned by:
James (Jim) Nadeau
2BF276421E7E4CA...

12/18/2025

James Nadeau – Lic. #063742
Managing Broker, Portsmouth, NH
LandVest/Christie's International Real Estate

III. NEW BUSINESS

A. The request of **Ahmad and Whitney Hussein (Owners),** for property located at **9 Willard Avenue** whereas relief is needed to demolish the existing detached garage and shed and construct a new two-story addition with attached garage which requires the following: 1) Variance from Section 10.521 to allow a) a 7.5 foot rear yard where 20 feet is required; and b) 26.5% building coverage where 25% is the maximum. Said property is located on Assessor Map 149 Lot 24 and lies within the General Residence A (GRA) District. (LU-26-1)

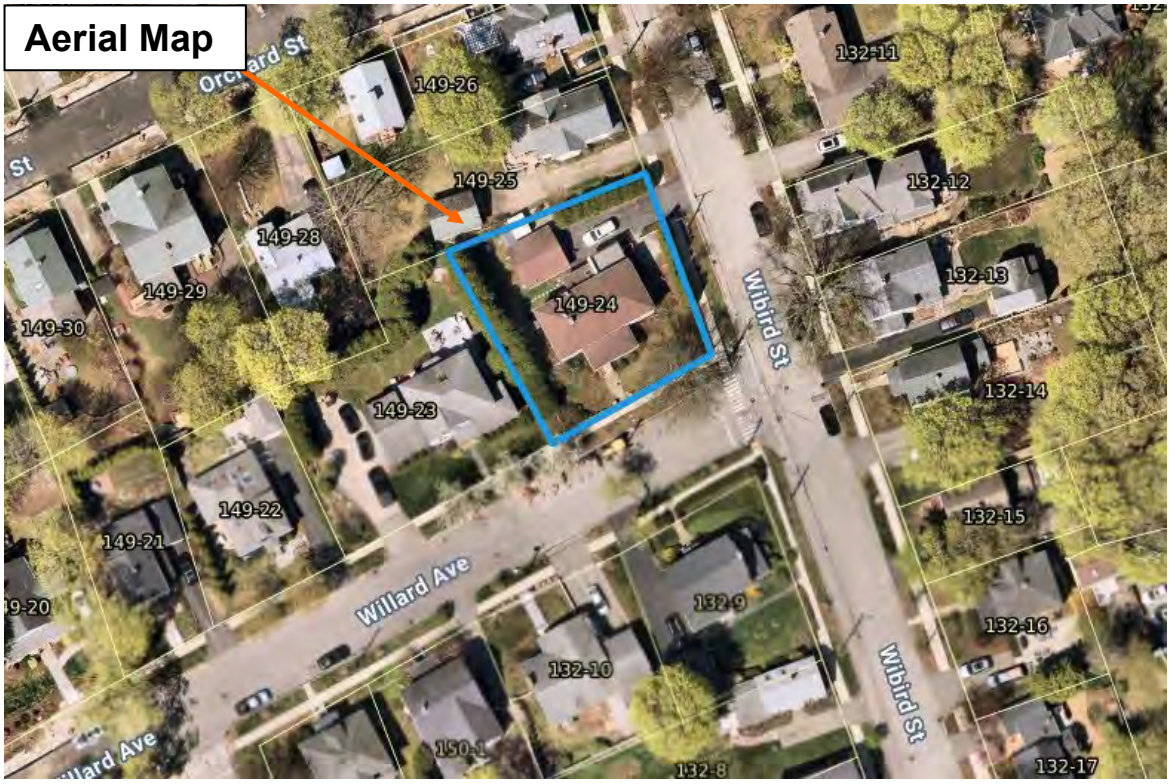
Existing & Proposed Conditions

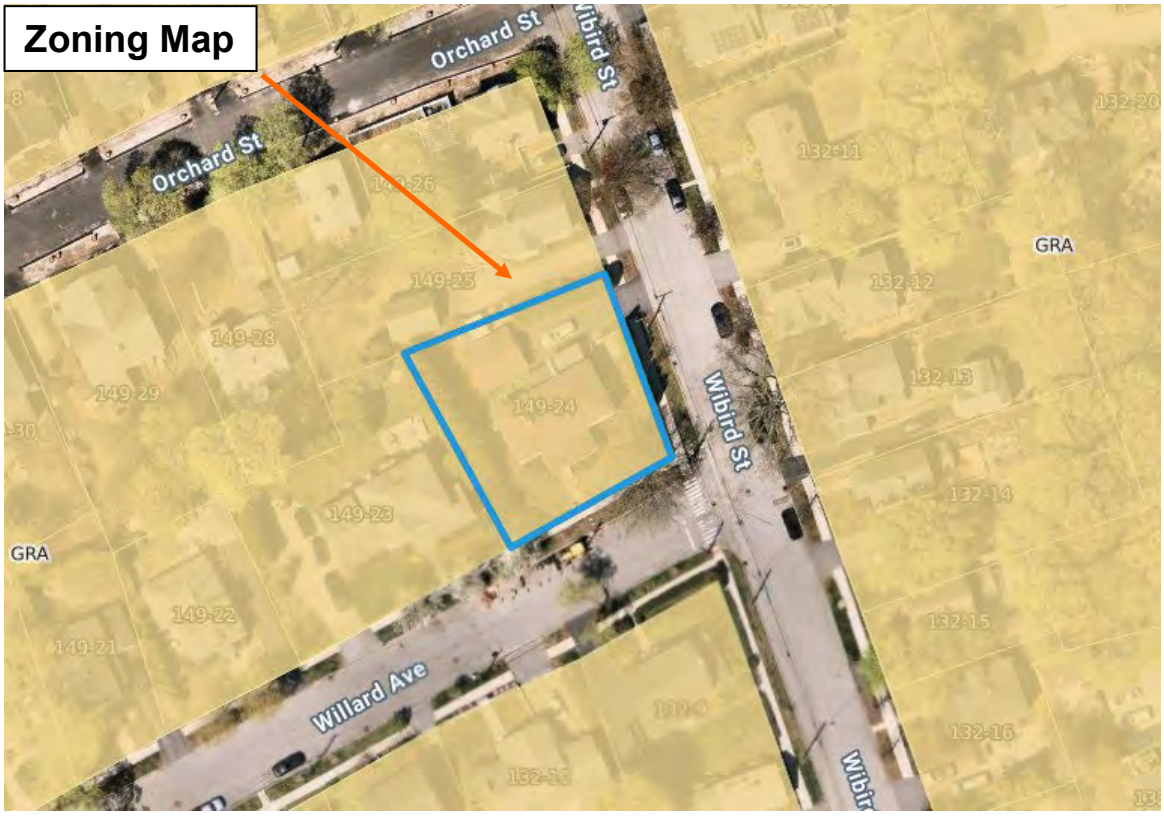
	Existing	Proposed	Permitted / Required	
Land Use:	Single Family Residential Home	Demo Garage & Shed and construct addition	Primarily Residential	
Lot area (sq. ft.):	9,395	9,395	7,500	min.
Primary Front Yard (ft.):	15	15	15	min.
Secondary Front Yard (ft.)	>15	>15	15	min.
Left Yard (ft.):	20	20	10	min.
Rear Yard (ft.):	Shed: 0 House: >20	7.5 (Addition)	20	min.
Height (ft.):	35	35	35	max.
Building Coverage (%):	27.1	26.5	25	max.
Open Space Coverage (%):	59.2	67.2	30	min.
Estimated Age of Structure:	1935	Variance request(s) shown in red.		

Other Permits/Approvals Required

- Building Permit

Neighborhood Context





Previous Board of Adjustment Actions

- No previous BOA history found.

Planning Department Comments

The applicant is requesting relief to demolish the existing detached garage and shed on the site and construct an addition to include an attached garage with living space above. Relief is needed for dimensional requirements including rear setback and building coverage.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a) The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR
   Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

Dear City of Portsmouth,

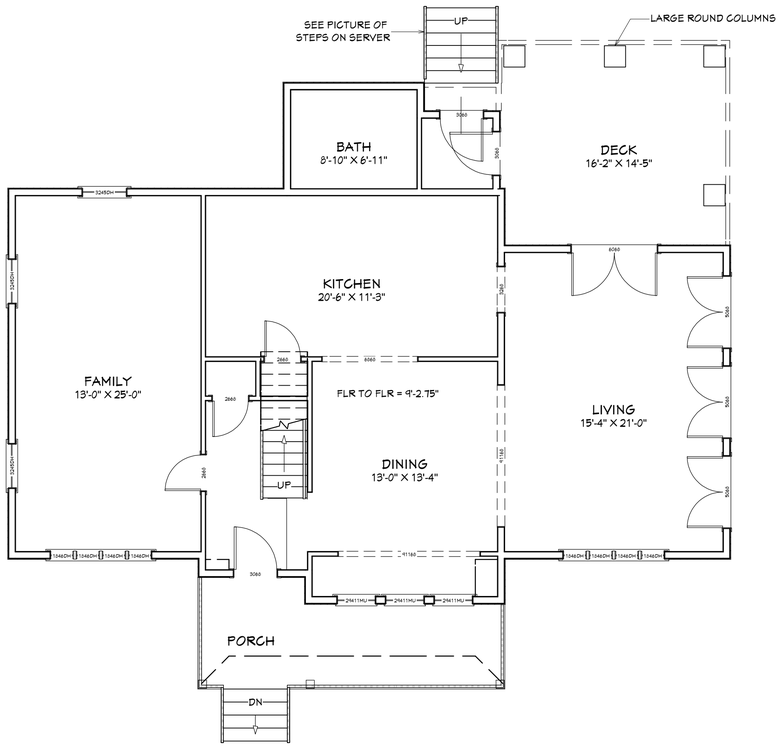
My wife, Whitney Hussein, and myself, Alex Hussein, are requesting an approval for a variance on a renovation project we would like to pursue at 9 Willard Ave, Portsmouth, NH. Whitney and I are long time residents of the Portsmouth community, dating back to 2012. We bought our first multi-family in 2020 on Wibird Street, prior to having children and fell in love with the Little Harbor School District & Community. In March of 2022, as we had two children and outgrew the multi-family, we knew we had to raise our growing family in that neighborhood and jumped at the opportunity to purchase our current residence, 9 Willard Ave.

The existing house has a detached garage and storage area that is currently 4.9' feet from the property line. That detached garage was converted into a 'Bonus Room' by a previous owner and has not been maintained sufficiently over the years to the point where it is currently only used as storage for our kids' toys and equipment. The detached garage is also set deep into the driveway and backyard. Our proposal will knock down that structure, creating significantly more space for a backyard and move it forward to attach to the existing house. The proposed attached garage will make the existing structure of 4.9' feet from the property line to 7.8' feet from the property line, increasing the distance from that property by roughly 3 feet.

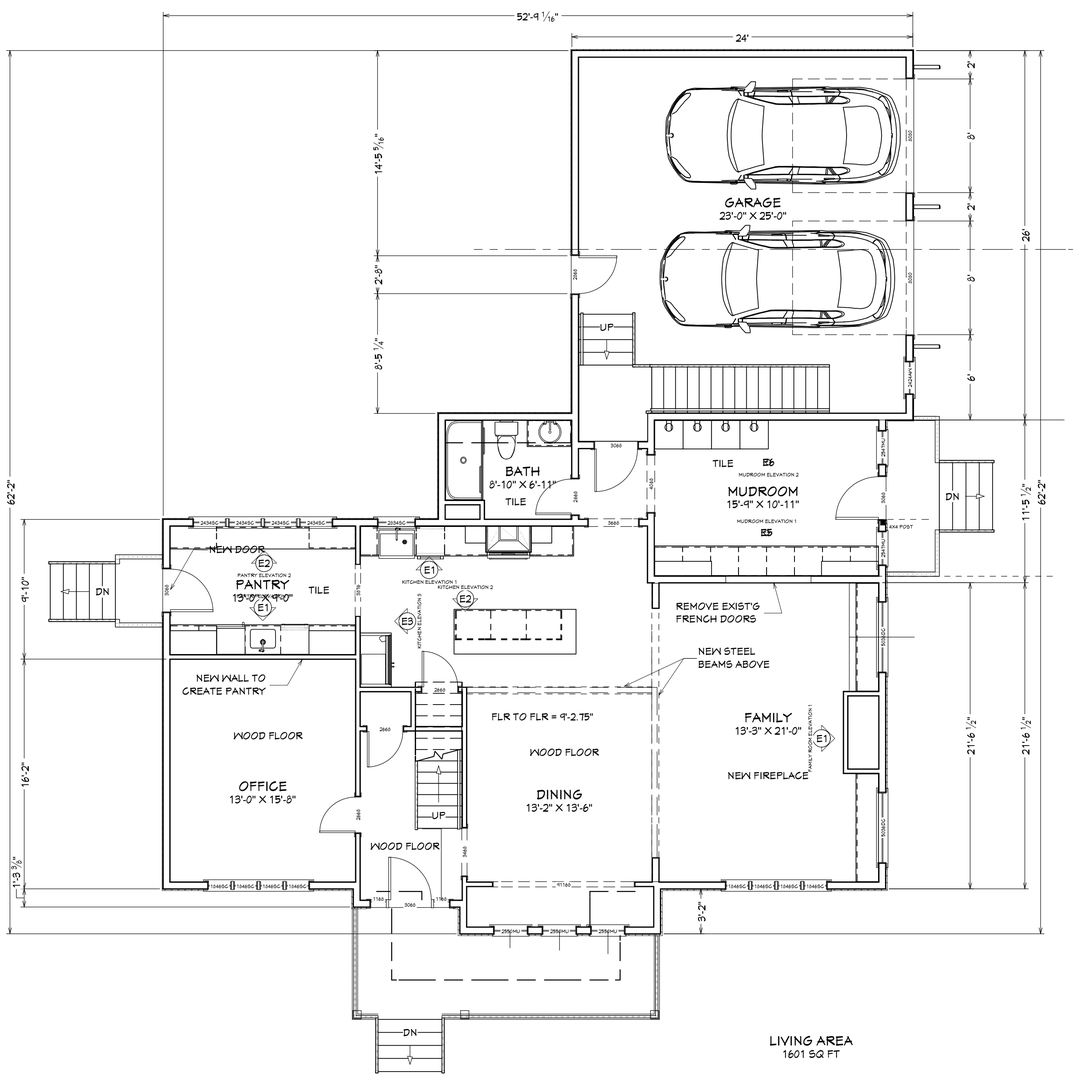
With 3 young kids(6, 4 & 1) and our oldest being a Kindergarten student at Little Harbor, this house will be our forever home. Our kids love to be outside and with the existing detached garage, there is limited space in the yard where they can be contained without wandering towards the sidewalk or street. Removing the detached garage allows us to almost triple our backyard for the kids to play while containing them in a safe area where they can't wander to the street. We will also be adding a bonus room above the garage that will give additional space for our growing family.

We truly love the Portsmouth community and feel these improvements will not only benefit our family, but also the neighborhood as a whole, while improving the conditions and adding an additional three feet of space between the property line.

Thank you very much,
Alex & Whitney Hussein



FIRST FLOOR PLAN - EXISTING
3/16 in = 1 ft



FIRST FLOOR PLAN - PROPOSED
3/16 in = 1 ft

REVISION TABLE			
NUMBER	DATE	REVISED BY	DESCRIPTION

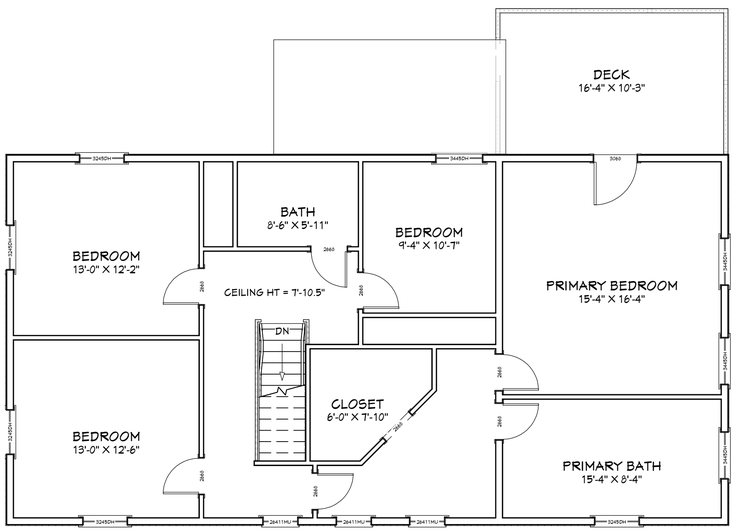
DRAWINGS PROVIDED BY:
MIGHTY ROOTS
13 ALDEN AVE.
GREENLAND, NH 03840

HUSSEIN RESIDENCE
9 WILLARD ST.
PORTSMOUTH, NH. 03801

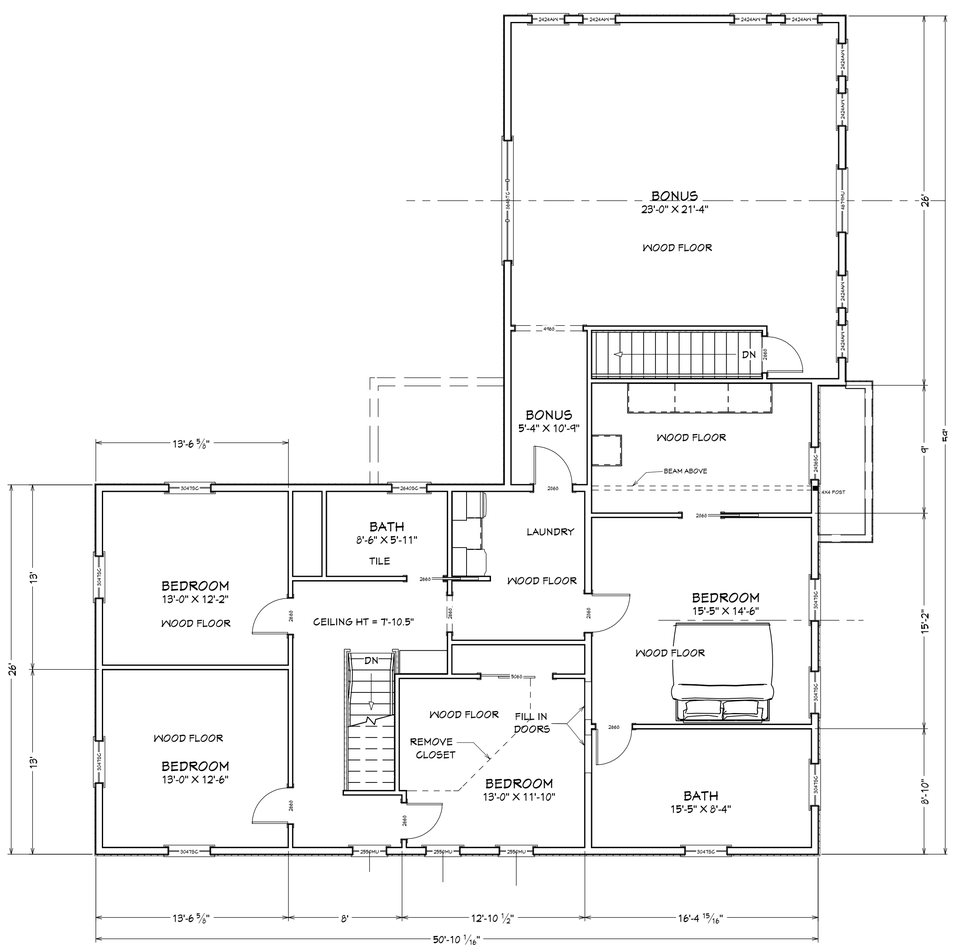
DATE:
11/6/2025

SCALE:
3/16" = 1'-0"

SHEET:
A-1



SECOND FLOOR PLAN - EXISTING
3/16 in = 1 ft



LIVING AREA
2028 SQ FT

SECOND FLOOR PLAN - PROPOSED
3/16 in = 1 ft

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

DRAWINGS PROVIDED BY:
MIGHTY ROOTS
13 ALDEN AVE.
GREENLAND, NH 03840

HUSSEIN RESIDENCE
9 WILLARD ST.
PORTSMOUTH, NH. 03801

DATE:
11/6/2025

SCALE:
1/2" = 1'-0"

SHEET:
A-2



SOUTH ELEVATION - PROPOSED



SOUTH ELEVATION - EXISTING

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

DRAWINGS PROVIDED BY:
MIGHTY ROOTS
13 ALDEN AVE.
GREENLAND, NH 03840

HUSSEIN RESIDENCE
9 WILLARD ST.
PORTSMOUTH, NH. 03801

DATE:
11/6/2025

SCALE:
1" = 1'-0"

SHEET:
A-3



EAST ELEVATION - PROPOSED



EAST ELEVATION - EXISTING

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

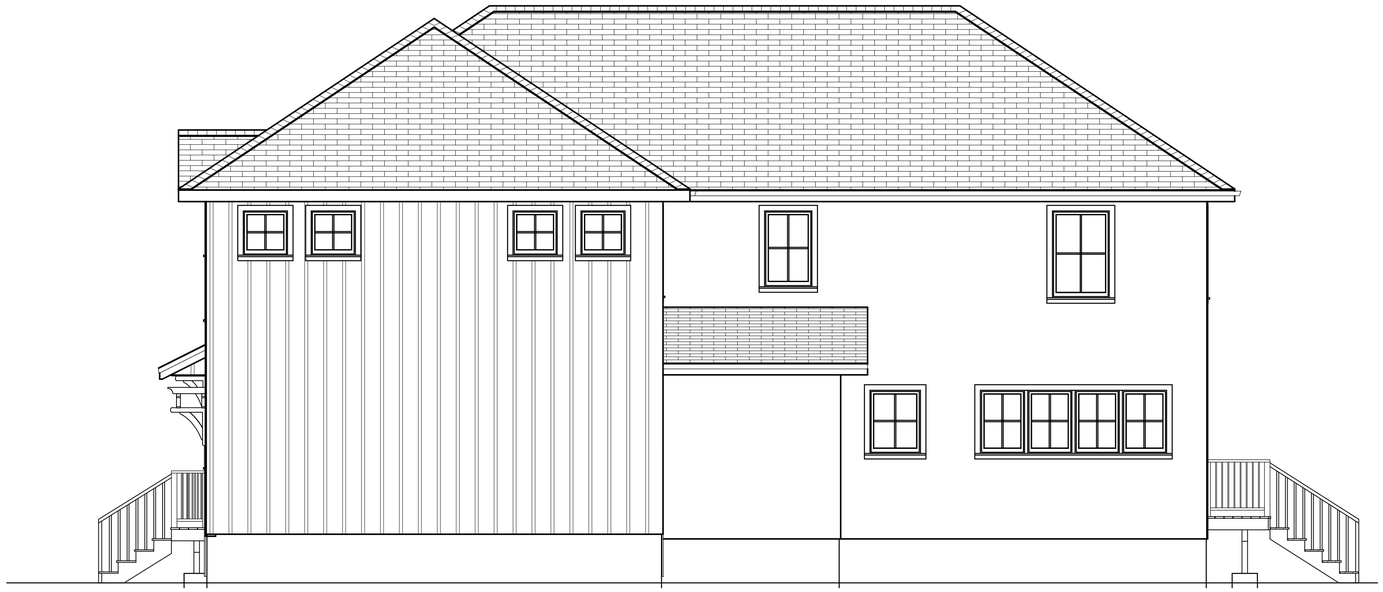
DRAWINGS PROVIDED BY:
MIGHTY ROOTS
13 ALDEN AVE.
GREENLAND, NH 03840

HUSSEIN RESIDENCE
9 WILLARD ST.
PORTSMOUTH, NH. 03801

DATE:
11/6/2025

SCALE:
1/2" = 1'-0"

SHEET:
A-4



NORTH ELEVATION - PROPOSED



NORTH ELEVATION - EXISTING

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

DRAWINGS PROVIDED BY:
MIGHTY ROOTS
13 ALDEN AVE.
GREENLAND, NH 03840

HUSSEIN RESIDENCE
9 WILLARD ST.
PORTSMOUTH, NH. 03801

DATE:
11/6/2025

SCALE:

SHEET:
A-5



WEST ELEVATION - PROPOSED



WEST ELEVATION - EXISTING

REVISION TABLE

NUMBER	DATE	REVISED BY	DESCRIPTION

DRAWINGS PROVIDED BY:
MIGHTY ROOTS
13 ALDEN AVE.
GREENLAND, NH 03840

HUSSEIN RESIDENCE
9 WILLARD ST.
PORTSMOUTH, NH. 03801

DATE:
11/6/2025

SCALE:

SHEET:
A-6

NAD83 (2011)

ABUTTERS LIST:

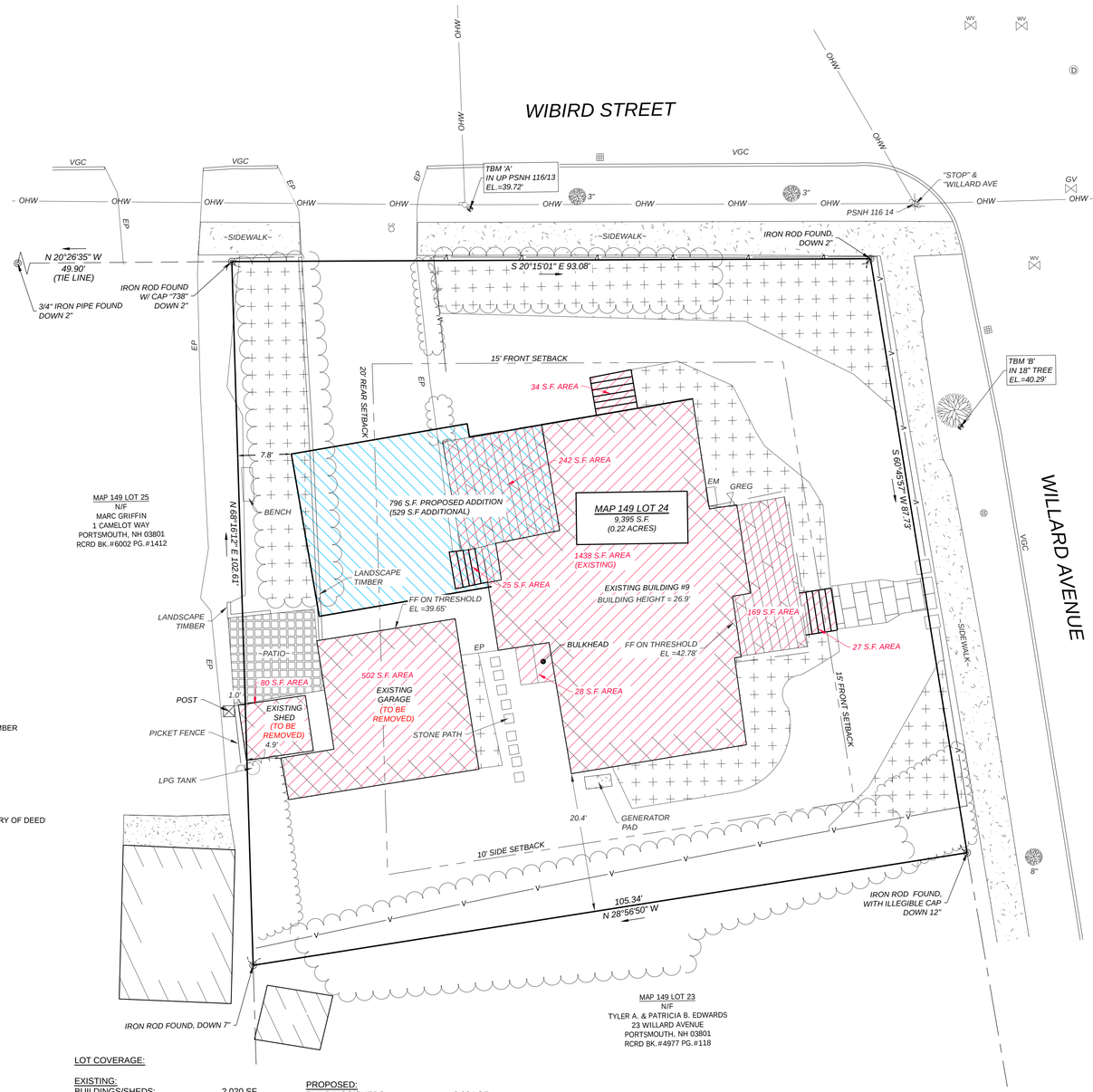
MAP 132 LOT 9
N/F
OG LIVING TRUST
ROBERT A. JR & NICOLE S TT LAMBERT
115 SOUTH STREET
PORTSMOUTH, NH 03801
RCRD BK.#6609 PG.#1802

MAP 132 LOT 10
N/F
PAUL T. RICARD
12 WILLARD AVENUE
PORTSMOUTH, NH 03801
RCRD BK.#5813 PG.#1763

MAP 132 LOT 13
N/F
TODD A. MILNE REVOCABLE TRUST
TODD A. MILNE TRUSTEE
315 WIBIRD STREET
PORTSMOUTH, NH 03801
RCRD BK.#5296 PG.#1543

MAP 132 LOT 12
N/F
WIENANDS 2024 FAMILY TRUST
C. WIENANDS & A. G. TT WIENANDS
307 WIBIRD STREET
PORTSMOUTH, NH 03801
RCRD BK.#6545 PG.#1145

MAP 132 LOT 11
N/F
JOSHUA C. & AIME F. RAYMOND
293 WIBIRD STREET
PORTSMOUTH, NH 03801
RCRD BK.#4847 PG.#1464



LEGEND:

MAP 137 LOT 11	ASSESSORS MAP AND LOT NUMBER
BK. PG.	BOOK / PAGE
CONC.	CONCRETE
EM	ELECTRIC METER
EP	EDGE OF PAVEMENT
FF	FINISHED FLOOR
GREG	GAS REGULATOR
LPG	LIQUEFIED PETROLEUM GAS
N/F	NOW OR FORMERLY
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEED
S.F.	SQUARE FEET
TBM	TEMPORARY BENCHMARK
VGC	VERTICAL GRANITE CURB
	IRON PIPE/ROD FOUND
	GUY WIRE
	UTILITY POLE
	DRAIN MANHOLE
	CATCH BASIN
	CATCH BASIN ROUND
	POST
	DECIDUOUS TREE
	CLEAN OUT
	SEWER MANHOLE
	GAS VALVE
	GAS REGULATOR
	WATER GATE VALVE
	SIGN
OHW	OVERHEAD WIRE
V	PICKET FENCE
	ROOF OVERHANG
	BOUNDARY LINE
	SETBACK LINE
	SHRUB LINE
	TREE LINE
	CONCRETE
	BRICK
	WOODEN DECK
	SLATE PATIO
	LANDSCAPING

LOT COVERAGE:

EXISTING:
BUILDINGS/SHEDS: 2,020 SF
STAIRS/BULKHEADS: 114 SF
DECKS: 411 SF

TOTAL: 2,545 SF

TOTAL LOT AREA: 9,395 SF

LOT COVERAGE RATIO:
TOTAL STRUCTURAL COVERAGE/TOTAL LOT AREA
= LOT COVERAGE RATIO

EXISTING:
2,545 SF / 9,395 SF = 0.2708 = 27.1%

PROPOSED:
BUILDINGS/SHEDS: 2,234 SF
STAIRS/BULKHEADS: 89 SF
DECKS: 169 SF

TOTAL: 2,492 SF

TOTAL LOT AREA: 9,395 SF

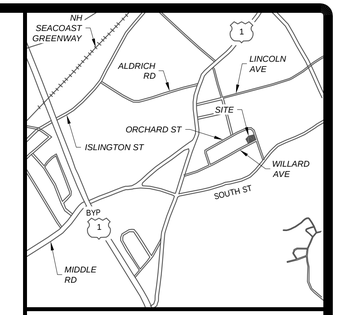
LOT COVERAGE RATIO:
TOTAL STRUCTURAL COVERAGE/TOTAL LOT AREA
= LOT COVERAGE RATIO

PROPOSED:
2,492 SF / 9,395 SF = 0.2652 = 26.5%

10 5 0 10
Graphic Scale in Feet

PLAN REFERENCES:

1. "SUBDIVISION OF LAND FOR JOHN & LINDA ELLISON" PREAPRED BY AMBIT SURVEY. DATED DECEMBER 1997. RECORDED IN THE R.C.R.D. AS PLAN D-26179.



LOCUS

NOTES:

1. SUBJECT PARCEL: TAX MAP 149 LOT 24
9 WILLARD AVE
PORTSMOUTH, NH
NS PROJECT #1801

2. OWNER OF RECORD: AHMAD & WHITNEY HUSSEIN
9 WILLARD AVE
PORTSMOUTH, NH 03801
R.C.R.D. BOOK 6390, PAGE 1118

3. PARCEL AREA: 9,395 S.F. OR 0.22 AC

4. THE PURPOSE OF THIS PLAN IS TO SHOW EXISTING CONDITIONS OF THE SUBJECT PARCEL.

5.

DIMENSIONAL REQUIREMENTS:	ZONE: GENERAL RESIDENCE A (GRA)	EXISTING	PROPOSED
MIN LOT AREA:	7,500 S.F. PER DWELLING UNIT		
CONTINUOUS FRONTAGE:	100'		
MIN LOT DEPTH:	70'		
MIN FRONT SETBACK:	15'		
MIN SIDE SETBACK:	10'		
MIN REAR SETBACK:	20'		
MAX BUILDING HEIGHT:	35' (SLOPED ROOF)		
MIN OPEN SPACE:	30%	59.2%	67.2%
MAX BUILDING COVERAGE:	25%	27.1%	26.5%

ZONING INFORMATION SHOWN HEREON IS PER THE CITY OF PORTSMOUTH ZONING ORDINANCE DATED DECEMBER 21, 2009 LAST REVISED MAY 5, 2025. ADDITIONAL REGULATIONS APPLY, THE LAND OWNER IS RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE TOWN, STATE, AND FEDERAL REGULATIONS.

6. FLOOD HAZARD ZONE: "X" WITH NO BASE FLOOD ELEVATION, PER FIRM MAP #33015C0259F, WITH AN EFFECTIVE DATE OF 01/29/2021.

7. THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE UNWRITTEN RIGHTS, DETERMINE THE EXTENT OF OWNERSHIP, OR DEFINE THE LIMITS OF TITLE.

8. FIELD SURVEY COMPLETED BY NORTHAM SURVEY IN SEPTEMBER 2025 USING A TRIMBLE S5 TOTAL STATION WITH A TRIMBLE TSC5 DATA COLLECTOR, A TRIMBLE R12 GPS RECEIVER AND A SOKKIA B31 AUTO LEVEL.

9. HORIZONTAL DATUM IS NAD83(2011) NEW HAMPSHIRE STATE PLANE COORDINATES PER STATIC GPS OBSERVATIONS.

10. THE VERTICAL DATUM IS NAVD88 PER STATIC GPS OBSERVATIONS.

11. EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.

12. WETLANDS WERE NOT DELINEATED IN PART OF THIS SURVEY. NORTHAM SURVEY RECOMMENDS JURISDICTIONAL WETLANDS ARE DELINEATED BY A CERTIFIED WETLAND SCIENTIST PRIOR TO DEVELOPMENT.

PURSUANT TO NEW HAMPSHIRE RSA 676:18 III

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION. THIS SURVEY CONFORMS TO THE ACCURACY REQUIREMENTS OF AN URBAN SURVEY OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS.
I FURTHER CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND IS CORRECT TO THE BEST OF MY PROFESSIONAL KNOWLEDGE. RANDOM TRAVERSE SURVEY BY TOTAL STATION WITH A PRECISION GREATER THAN 1:15,000.

STATE OF NEW HAMPSHIRE — No. 1052 — ERIC J SALOVITCH — LICENSED LAND SURVEYOR — SIGNATURE

LICENSED LAND SURVEYOR

FEBRUARY 02, 2026
DATE

SITE PLAN
FOR
AHMAD & WHITNEY HUSSEIN
OF
TAX MAP 149 LOT 24
9 WILLARD AVE
PORTSMOUTH, NH
ROCKINGHAM COUNTY

SCALE: 1"=10' (22x34) 1"=20' (11x17)

JOB NO.	1801	DATE:	2026-01-30
DRAWN BY:	EEC JIR	DRAWING:	1801 SURVEY.DWG
CHECKED BY:	EJS	SHEET:	1 OF 1

NO.	DATE	DESCRIPTION	BY
4	FEB. 02, 2026	UPDATED SETBACKS	PJN
3	JAN. 27, 2026	OPEN SPACE CALCULATED	EEC
2	2025-11-11	PROPOSED FOUNDATION + MISC.	EEC
1	2025-10-30	UPDATE TO SETBACKS	JIR

NORTHAM SURVEY LLC
750 Central Ave, Ste N, Dover, NH 03820 | (603) 953-3164 | www.northamsurvey.com

10.233.20 In order to authorize a variance, the Board must find that the variance meets all of the following criteria

10.233.21 The variance will not be contrary to the public interest

Response: This variance will decrease lot coverage compared to the existing while also reducing the amount the structure is over the set back compared to the existing.

10.233.22 The spirit of the ordinance will be observed

Response: The proposed will improve the existing lot coverage from the existing while also improving the space between the setback line.

10.233.23 Substantial justice will be done

Response: The proposed variance should not negatively impact the public or neighbors in relation to the street, public sidewalks or neighbors as it is improving the lot coverage compared to the existing as well as improving the space between the existing structure and property line.

10.233.24 The values of surrounding properties will not be diminished

Response: While maintaining the character of the house, we will be improving the property and those around it by reducing the lot coverage, increasing the distance between the proposed structure and the property line of the affected setback line compared to the existing structure and the property line. It will also improve the current property value in-line with other homes in the neighborhood.

10.233.25 Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship

Response: The existing structure creates unnecessary challenges with young kids in a neighborhood where children are constantly outside, enforcement of the provisions would result in a shallow, narrow lot where the children are playing in an uncontained area where there is direct access to the street, given how the existing structure is set up.

III. NEW BUSINESS

B. The request of **Phoebe Hart LLC (Owner) and Blush LLC (Applicant),** for property located at **404 The Hill, Units 8-3** whereas relief is needed for a personal service business which requires the following: 1) Variance from Section 10.440, Use #7.20 to allow a personal services business where it is not allowed. Said property is located on Assessor Map 118 Lot 26-8 and lies within the Character District 4-L1 (CD4-L1). (LU-26-6)

Existing & Proposed Conditions

	Existing	Proposed	Permitted / Required
Land Use:	Commercial Office	*Esthetician Business	Mixed residential and commercial uses
Units #8-3 Area (sq. ft.)	1,580	1,580	
Parking (Spaces)			N/A in DOD
Estimated Age of Structure:	1810	Variance request(s) shown in red.	

*Esthetician Business is considered a “personal services” use that is not a permitted use in CD4-L1

Other Permits/Approvals Required

- Building Permit (Tenant Fit-Up)
- Sign Permit

Neighborhood Context





Previous Board of Adjustment Actions

- No previous BOA history found.

Planning Department Comments

The applicant is seeking a variance to permit a personal service use for Blush Skin & Soul Spa in a new building on the Hill. The applicant was permitted for the business in 2017 and 2025 for a tenant fit-up at 408 The Hill. The new use of 404 The Hill requires relief as it is not a permitted use in the CD4-L1 District.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a) The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR
   Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

Project Narrative & Variance Request

Property Address: 404 The Hill, Portsmouth, NH
Applicant: BLUSH, LLC (DBA Blush Skin & Soul Spa)
Prepared For: City of Portsmouth, NH

Project Narrative

Blush Skin & Soul Spa has been an established part of the Portsmouth community since 2017, providing appointment-only esthetic and massage therapy services focused on wellness and self-care. The business currently operates in the neighboring building at **408 The Hill** and has demonstrated a consistent, low-impact operating model that is compatible with the character of The Hill.

The applicant has entered into a lease-to-own agreement for **404 The Hill** with the intent of creating a **permanent home** for Blush Skin & Soul Spa. The proposed project represents a **modest expansion of one additional treatment room**, while allowing for a **phased and orderly transition** over time. The existing operation at 408 The Hill will continue during this transition period to ensure operational stability and minimal disruption.

Blush operates strictly by appointment, with staggered scheduling that controls the flow of clients throughout the day. This model minimizes foot traffic, noise, and parking demand, resulting in a quiet and professional use that is well suited to the surrounding mixed-use and historic context.

No exterior alterations, additions, or site changes are proposed as part of the variance request. Two wallmounted business signs and one hanging sign are submitted concurrently for review under Article 12 of the Zoning Ordinance for the CD4-L1 district.

Interior use of the building will be phased as existing tenants complete their leases, allowing for a gradual transition that does not intensify use or alter the character of the neighborhood.

Variance Analysis

1. The variance will not be contrary to the public interest (10.233.21)

The proposed use is a low-impact, appointment-only wellness spa that already operates successfully in the immediate vicinity. The request adds only one treatment room overall and does not materially increase traffic, noise, or activity beyond existing conditions.

The phased transition ensures continuity and avoids sudden changes to site activity. Granting the variance will not adversely affect public health, safety, or welfare and will allow a compatible professional service to operate responsibly within an existing commercial building.

---

2. The spirit of the Ordinance will be observed (10.233.22)

The intent of the zoning ordinance is to promote compatible land uses while preserving the character of Portsmouth's neighborhoods. The proposed use aligns with this intent by:

- Maintaining a professional, service-oriented commercial use
- Preserving the existing structure with no exterior modifications related to the variance
- Supporting adaptive reuse consistent with surrounding properties

The phased approach respects the existing pattern of development on The Hill and allows for a smooth transition without disruption.

---

3. Substantial justice will be done (10.233.23)

Granting the variance allows reasonable and productive use of the property while supporting a locally established business seeking long-term stability. Denial would prevent a modest and compatible use despite the suitability of the building and the minimal impact of the proposed operations.

Approval achieves fairness by allowing the property to be used in a manner consistent with its context, without harm to the public or surrounding properties.

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4. The values of surrounding properties will not be diminished (10.233.24)

The proposed use will not diminish surrounding property values. The applicant's intent to owner-occupy the building and invest in its long-term care is expected to enhance stability and maintenance.

The quiet, appointment-based nature of the business ensures compatibility with neighboring commercial and residential uses and contributes positively to the character of the area.

---

5. Literal enforcement of the provisions of the Ordinance would result in unnecessary hardship (10.233.25)

Strict enforcement of the zoning ordinance would prevent the applicant from using the property for a reasonable and appropriate purpose that is consistent with its location, layout, and surrounding uses.

The hardship is not self-created. The applicant is seeking to formalize and bring into compliance a compatible use through the proper approval process rather than operate without authorization. Without the variance, the property cannot be reasonably utilized for the intended low-impact commercial purpose.

Special Conditions of the Property

1. Historic and Mixed-Use Context

The Hill is a historically significant area characterized by a blend of residential and professional uses. The proposed spa use is consistent with this context and has already been successfully integrated into the immediate area.

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2. Layout and Suitability

- The building's interior configuration is well suited to private treatment rooms and quiet professional services.
- The appointment-only operating model ensures minimal foot traffic and controlled use.
- No structural changes are required to support the proposed operations.

---

3. Reasonable and Phased Use

The proposed variance allows for a reasonable, phased transition that avoids intensification of use and preserves neighborhood character. The total level of activity will remain consistent with existing operations, and the transition will occur gradually as conditions allow.

Conclusion

Blush Skin & Soul Spa respectfully requests approval of the variance to allow wellness-based personal services at **404 The Hill**, enabling the creation of a permanent home for the business while allowing for a **measured and responsible transition**.

This request is made in good faith and with a commitment to full compliance with all City of Portsmouth regulations. The proposed use:

- Operates by appointment only
- Adds one treatment room overall
- Allows for a phased transition without increased impact
- Preserves the character of The Hill

Thank you for your consideration. Please let me know if any additional information is required.

Ashley Stearns
Owner, Blush, LLC DBA Blush Skin & Soul Spa
603-848-0991 blushportsmouth@gmail.com
blushportsmouth.com

404 The Hill (Current Photos)

Exterior:

Would like to paint just the door an antique rose/pink color. The proposed door color change is cosmetic only and does not alter architectural features or building



Office 1





Office 2




3

Office 3



Office 4




Office 5



Hallway Waiting Area, First Floor



Hallway Waiting Area Second Floor





Storage area at the end of hallway on second floor. One wall with a door will be built here to separate that space from client facing area. Space will continue to be storage, and also have a washer/dryer.



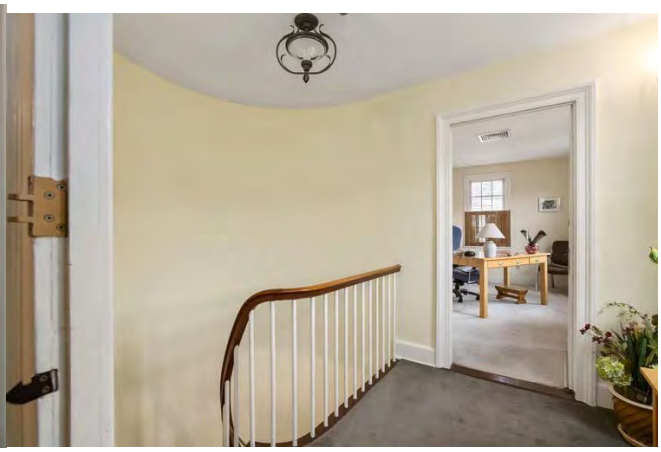


Entrance/Staircase Landing First Floor

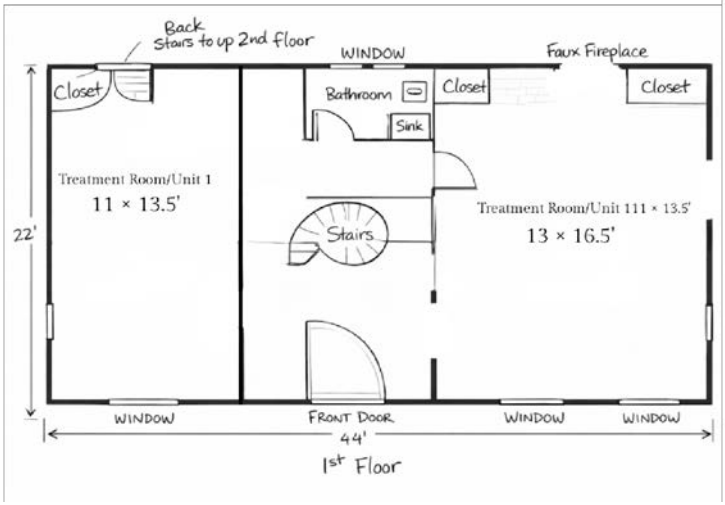


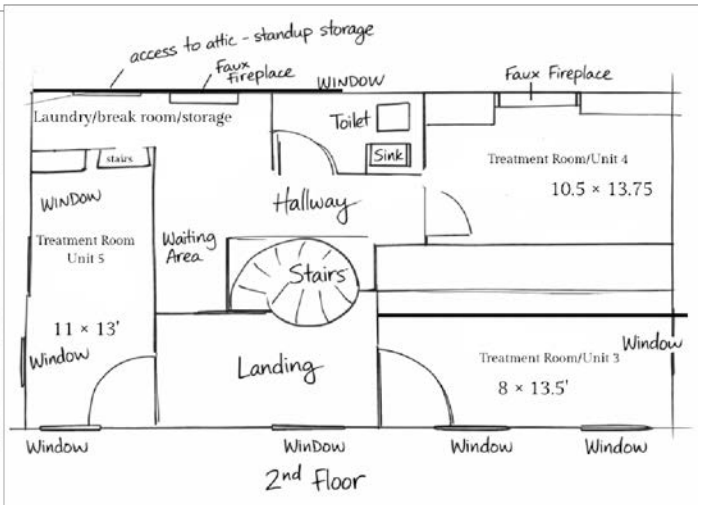
Staircase Landing Second Floor



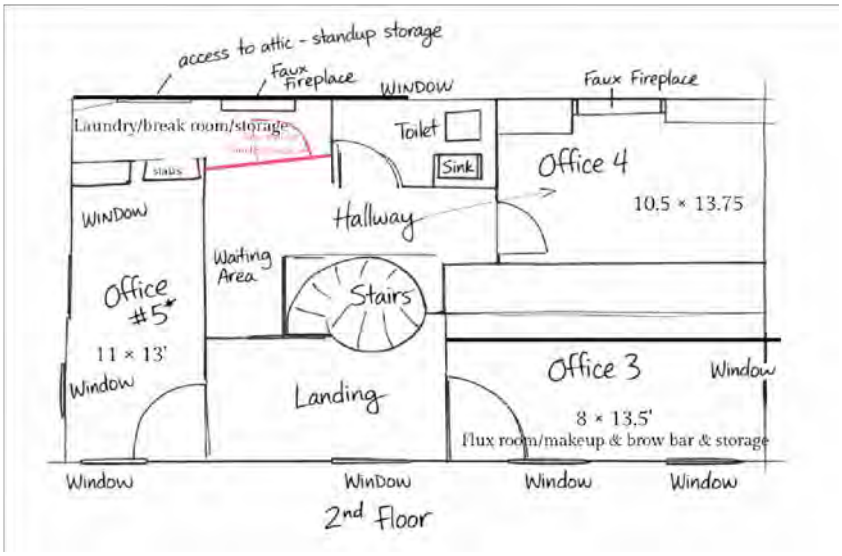


Current Layout:





The only interior change will be the additional of one wall to create a laundry/storage space, see red lines below.



Proposed sign mockups & exterior door color:
Conceptual – Not to Survey Scale

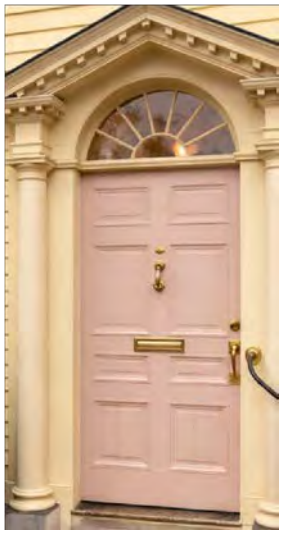
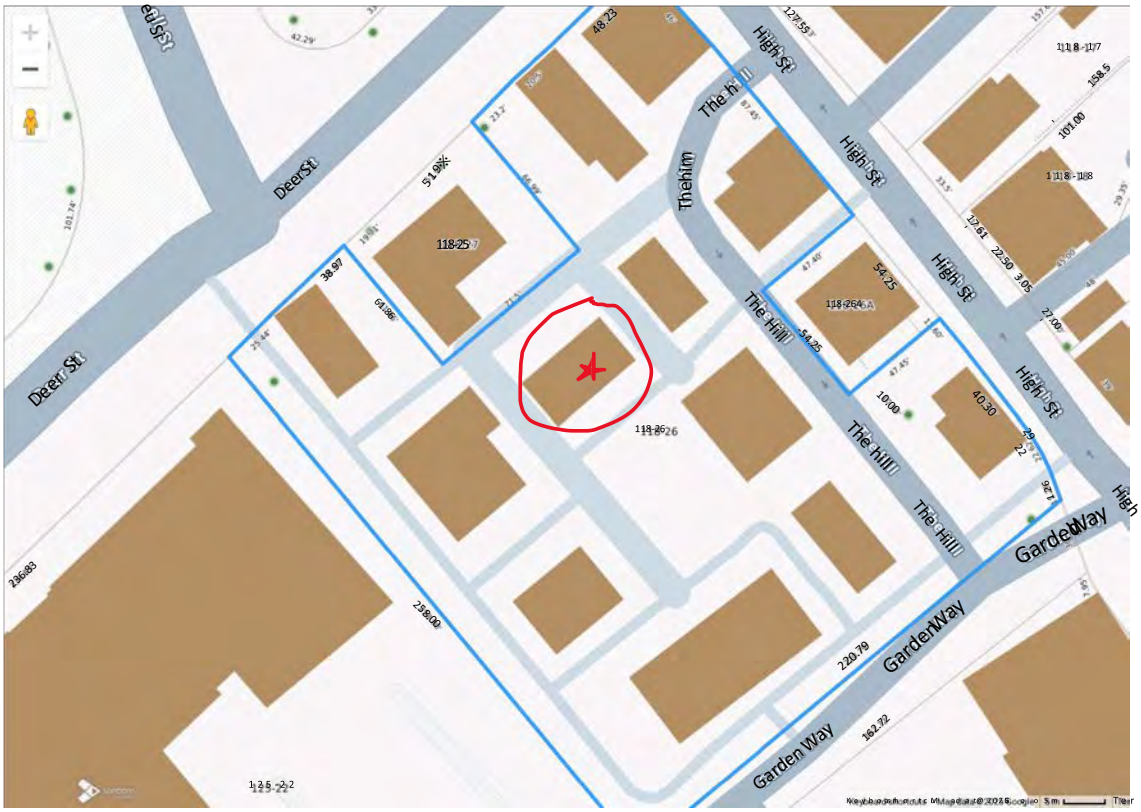




Photo of building from deer street angle to show the neighboring fence:



Site plan:



III. NEW BUSINESS

C. The request of **Nathaniel J LeGros (Owner),** for property located at **140 Summer Street** whereas relief is needed to demolish the existing one-story detached garage and construct a new two-story attached garage which requires the following: 1) Variance from Section 10.521 to allow a) a 4 foot right side yard where 10 feet is required, b) a 4 foot rear yard where 20 feet is required; and c) 39% building coverage where 35% is allowed. Said property is located on Assessor Map 137 Lot 2 and lies within the General Residence C (GRC) District. (LU-26-7)

Existing & Proposed Conditions

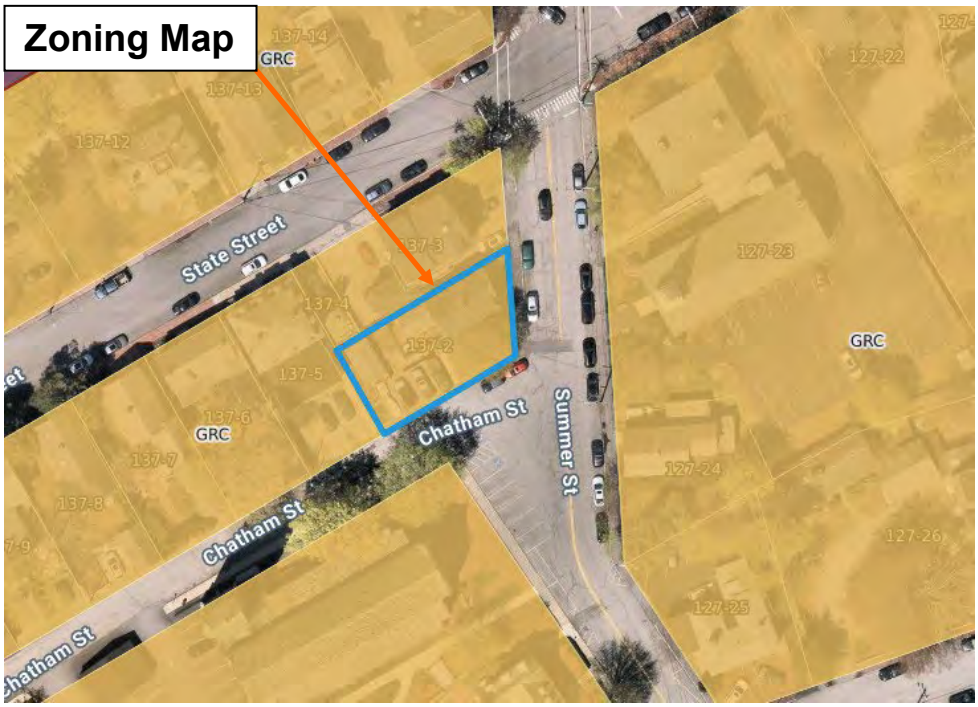
	Existing	Proposed	Permitted / Required	
Land Use:	Two-Family Residential Home	Demo Garage & construct 2-story attached garage	Primarily Residential	
Lot area (sq. ft.):	4,792	4,792	3,500	min.
Primary Front Yard (ft.):	3	3	5	min.
Secondary Front Yard (ft.)	>5	Garage: 17	5	min.
Right Yard (ft.):	House: 2 Garage: 4	House: 2 Garage: 4	10	min.
Rear Yard (ft.):	Garage: 4	Garage: 4	20	min.
Height (ft.):	Garage: one-story	Garage: 20	35	max.
Building Coverage (%):	34.3	39	35	max.
Open Space Coverage (%):	43.9	35	20	min.
Parking	5	5	2	
Estimated Age of Structure:	1900	Variance request(s) shown in red.		

Other Permits/Approvals Required

- Building Permit

Neighborhood Context





Previous Board of Adjustment Actions

- **June 16, 2015 –** The construction of a 27'± long third floor dormer which requires relief from the following: 1) a Variance from Section 10.321 to allow a lawful nonconforming structure to be extended or structurally altered without conforming to the requirements of the Ordinance; and 2) a Variance from Section 10.521 to allow a 3.5'± right side yard setback where 10' is required.

  The Board voted to **grant** the request as presented with the following **conditions:**

  1) That the proposed dormer be located approximately the same distance from the front of the house as that of the gabled dormer on the opposite side of the house in order to create a balanced appearance from the front.

  Note found in file: Mr. Grey relocated the dormer onto left rooftop and not on the right rooftop as described in his approval from the Board of Adjustment. As such, the addition no longer impacts zoning, thus nullifying the need for a variance. That said, the variances will remain active until two years after the approval date.

Planning Department Comments

The applicant is requesting relief to demolish the existing one-story detached garage and to construct a two-story garage attached to the main house, that will include a connector with a rooftop deck above. Relief is needed for dimensional requirements including rear setback, side yard setback and building coverage.

Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
   (a) The property has special conditions that distinguish it from other properties in the area.
   AND
   (b) Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.
   OR
   Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

CITY OF PORTSMOUTH REQUEST FOR VARIANCE

January 21, 2026

Property
140 Summer St
Map/Lot 137-2
Zoning GRC
Lot Area 0.11 Acres
Existing Land Use: Residential
Total Number of Dwelling Units: 2

Applicant
Nathaniel LeGros (Property Owner)
140 Summer St
Portsmouth, NH 03801

Designer
Chris Kiper / Reflective DesignWorks
109 Mill Lane
York, ME 03909

Dear Members of the Zoning Board of Adjustment,

My name is Nathaniel LeGros, and I am requesting dimensional relief from the zoning ordinance for the property located at 140 Summer Street. Specifically, I am seeking approval to reconstruct and modestly expand the existing garage by approximately 225 square feet, while maintaining its primary location relative to the existing structure.

I am currently employed as an air traffic controller at the Nashua ARTCC and commute daily in order to live in Portsmouth, the community I consider my permanent home. Outside of my professional career, I am a violin maker, furniture maker, aspiring small-boat builder, and lifelong woodworker. My long-term intent is to remain in Portsmouth and transition into these pursuits locally while continuing to maintain and invest in this 170-year-old home.

The proposed improvements are intended to enhance the functional use of the property while preserving and improving the character of both the site and the surrounding neighborhood.

Description of Proposed Project

The project would entail demolishing the existing garage which is already in need of repair. The new two-story garage would be similar in width, but extend toward the street in order to accommodate a full-size truck and stairs on the lower level. The upper level would provide space for my woodworking shop. The new garage would be connected to the existing house with a one-story structure that would provide a clean room for painting, a conditioned ½ bathroom, and rooftop deck. The driveway would be reconfigured to maintain open space coverage, and provide parking for four vehicles.

Please find the following materials enclosed in support of the Request for Variance:

1. Written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2.

2. Drawing Package which includes:
    a. Existing / Proposed Site Plan
    b. Labelled photos of existing structures
    c. Perspective drawing of existing and proposed structures
    d. Rendering of proposed structure
    e. Floor plans of proposed structure
    f. Elevations of proposed structure

3. Letters of Support from Neighbors

Please place this matter on the February 18, 2026 hearing agenda.

Thank you for your time and attention, and please reach out with any questions if you need anything further.

Respectfully,

Nathaniel LeGros
140 Summer St
Portsmouth, NH 03801

Written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2

Section 10.521 – Dimensional Relief: Setbacks

The proposed garage would be located primarily within the footprint of the existing garage, which already lies within the required 20-foot rear setback and extends into the 10-foot side setback. As a corner lot with existing nonconforming conditions shared by neighboring properties, maintaining the location of accessory structures within these setbacks preserves the established development pattern of the area.

Reorienting the garage to strictly comply with setbacks would disrupt the historic layout and visual cohesion of the corner, resulting in a structure that would be more visually prominent and inconsistent with adjacent properties.

Section 10.521 – Dimensional Relief: Building Coverage

The existing building coverage on the lot is approximately 34.3%. The proposed project would increase coverage to approximately 39.0%, exceeding the 35% maximum by 4.0%.

The increase in coverage results from connecting the garage to the house and elongating the footprint to accommodate an interior stair and modern vehicle dimensions. These changes improve safety, usability, and accessibility while consolidating functions that currently occur outdoors. Importantly, the project preserves on-site parking and avoids increased reliance on street parking.

Section 10.233.21 – The Variance Will Not Be Contrary to the Public Interest

The intersection of Chatham and Summer Streets is a highly trafficked area used by neighborhood residents, local businesses, and visitors to nearby institutions including Farrell Funeral Home, Corpus Christi Parish, and Redemption Hill Church.

Providing adequate indoor workshop space allows project work to occur within enclosed structures rather than in the driveway, reducing noise and visual impacts on the surrounding area. Maintaining the existing nonconforming orientation of the structures preserves the familiar appearance of this prominent corner and avoids introducing new disruptions to the streetscape.

Section 10.233.22 – The Spirit of the Ordinance Will Be Observed

The intent of the GRC district setback requirements is to provide light, air, privacy, and usable yard space. Due to the unique orientation of 140 Summer Street—perpendicular to neighboring homes and located on a corner lot—strict adherence to the literal setback lines does not achieve these goals in a meaningful way.

Utilizing the already constrained rear and side setbacks allows the property to function in a manner consistent with neighboring homes while preserving usable open space elsewhere on the lot that more effectively serves the ordinance's intent.

Section 10.233.23 – Substantial Justice Will Be Done

140 Summer Street occupies a visually prominent position at the top of Chatham Street, adjacent to the Immaculate Conception Church and its landscaped grounds. It is the first residence encountered when traveling up Summer Street and down Chatham Street.

Granting the requested variance allows the property to be improved in a way that enhances its appearance, reduces outdoor disturbance during sensitive events such as funerals and weddings, and creates a cohesive courtyard-like garden space that complements the surrounding architecture and landscape.

Section 10.233.24 – Property Values Will Not Be Diminished

The proposed garage replacement will introduce a well-designed, architecturally compatible structure that improves the function and appearance of the property. These improvements are expected to support—and potentially enhance—surrounding property values by reinforcing the quality and character of this corner location.

Section 10.233.25 – Unnecessary Hardship

Pursuant to Section 10.233.32, the property is subject to special conditions that distinguish it from others in the area. As a corner lot with a perpendicular orientation to neighboring homes, 140 Summer Street is already nonconforming with respect to rear

and side setbacks. As a result, the functional “rear,” “side,” and “front” yards do not align with how those spaces are typically intended to be used.

Strict enforcement of the ordinance would require the garage to be placed in a location that is visually awkward, eliminates existing on-site parking, and increases reliance on street parking in an already busy area. The requested variance is therefore necessary to enable a reasonable and functional use of the property consistent with its surroundings.

LEGROS GARAGE ADDITION

140 SUMMER STREET, PORTSMOUTH, NH

PROPERTY INFORMATION

MAP/LOT/ID:	137-2
ZONING DISTRICT:	GRC
LOT SIZE:	0.11 ACRES (4,792 SF)
SETBACKS	
FRONT:	5 FT
REAR:	20 FT
SIDE:	10 FT
MAX BUILDING COVERAGE:	35%
MIN OPEN SPACE:	20%

DRAWING LIST

0.1	COVER
0.2	SITE PLAN
0.3	EXISTING PHOTOS
0.4	PROPOSED PERSPECTIVE + ROOF PLAN
0.5	PROPOSED RENDERING
1.1	FLOOR PLANS
2.1	ELEVATIONS
2.2	ELEVATIONS

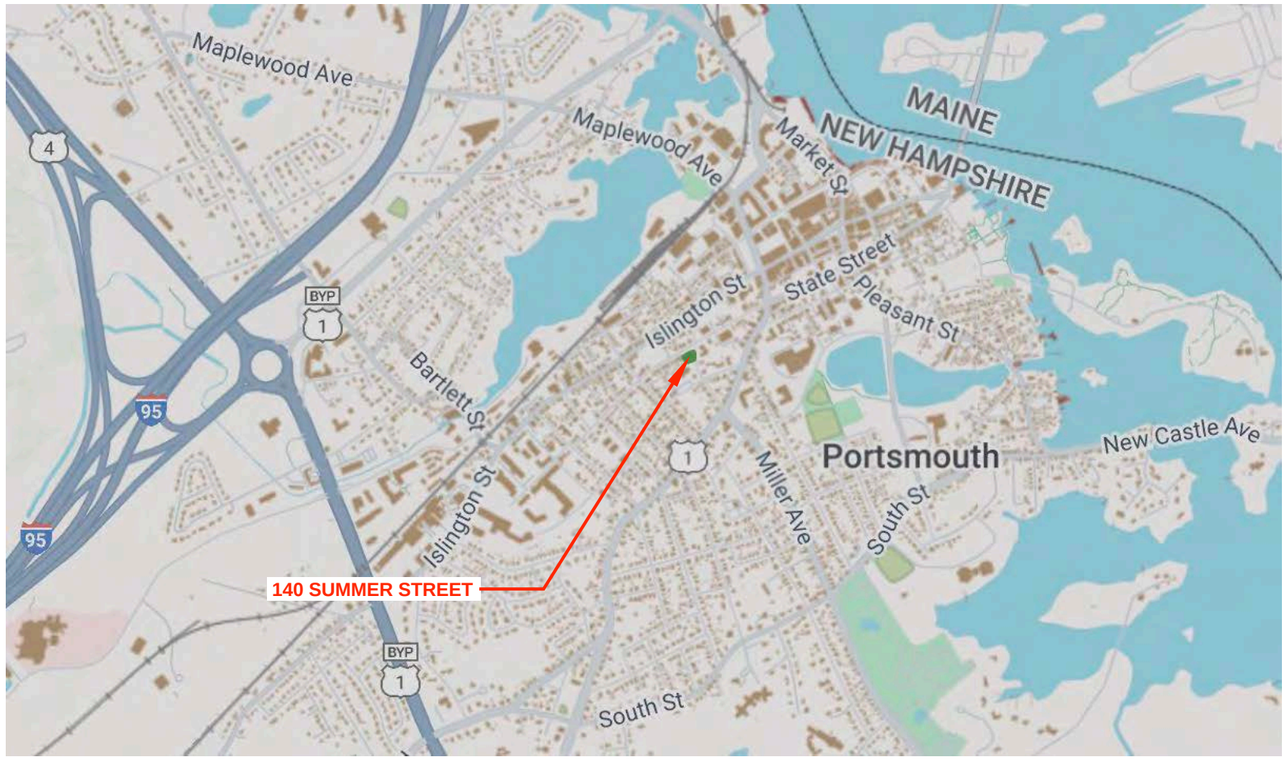
PROJECT SUMMARY

CONSTRUCTION OF ATTACHED, WOOD-FRAMED, UNCONDITIONED TWO-STORY GARAGE, AND ONE-STORY “CONNECTOR” TO EXISTING HOUSE. SLIGHT RELOCATION AND REPAVING OF DRIVEWAY. SMALL HARDSCAPE PATIO AND LANDSCAPE PLANTINGS.

GARAGE TO INCLUDE STAIRS, LOWER LEVEL VEHICLE AND TOOL STORAGE, AND UPPER LEVEL WORKSHOP WITH EXTERIOR DOOR TO ROOF TOP DECK.

“CONNECTOR” TO INCLUDE A ROOF TOP DECK, AN INSULATED, HEATED HALF BATHROOM AND FRENCH DOORS OPENING TO AN EXTERIOR LANDSCAPED COURTYARD.

PROJECT LOCATION



RDW

REFLECTIVEDESIGNWORKS.COM

YORK, ME | 207-977-4286

PROJECT

LEGROS ADDITION

LOCATION
140 SUMMER ST
PORTSMOUTH, NH

NORTH

SHEET
11 X17

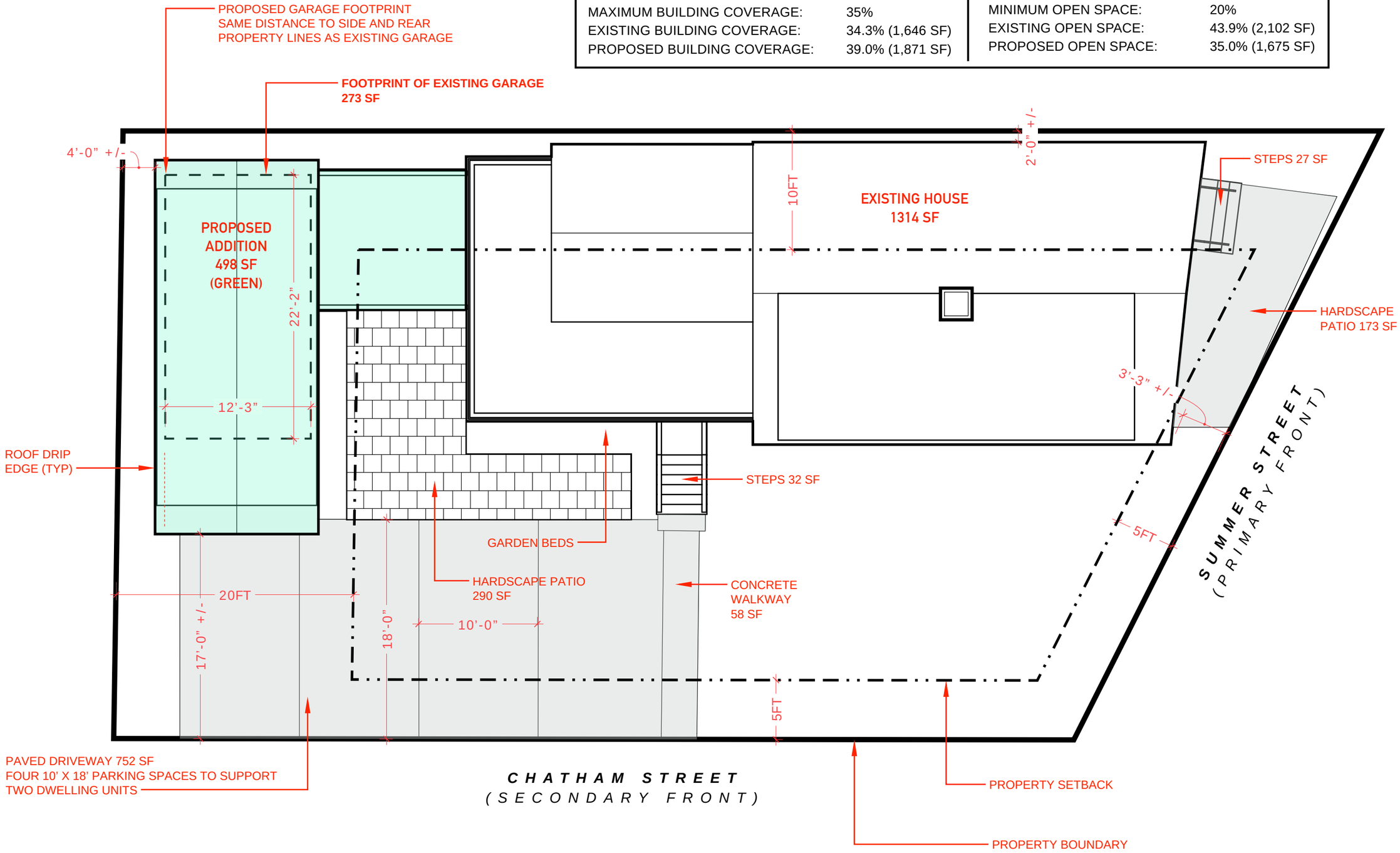
PHASE
PERMITTING

DATE
20 JAN 2026

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PARCEL AREA: 0.11 ACRES (4,792 SF)

MAXIMUM BUILDING COVERAGE:	35%	MINIMUM OPEN SPACE:	20%
EXISTING BUILDING COVERAGE:	34.3% (1,646 SF)	EXISTING OPEN SPACE:	43.9% (2,102 SF)
PROPOSED BUILDING COVERAGE:	39.0% (1,871 SF)	PROPOSED OPEN SPACE:	35.0% (1,675 SF)



1 **PROPOSED SITE PLAN**
SCALE 1/8" = 1'-0"

RDW
REFLECTIVEDESIGNWORKS.COM
YORK, ME | 207-977-4286

PROJECT

LEGROS ADDITION

LOCATION
140 SUMMER ST
PORTSMOUTH, NH

NORTH

SHEET
11 X17

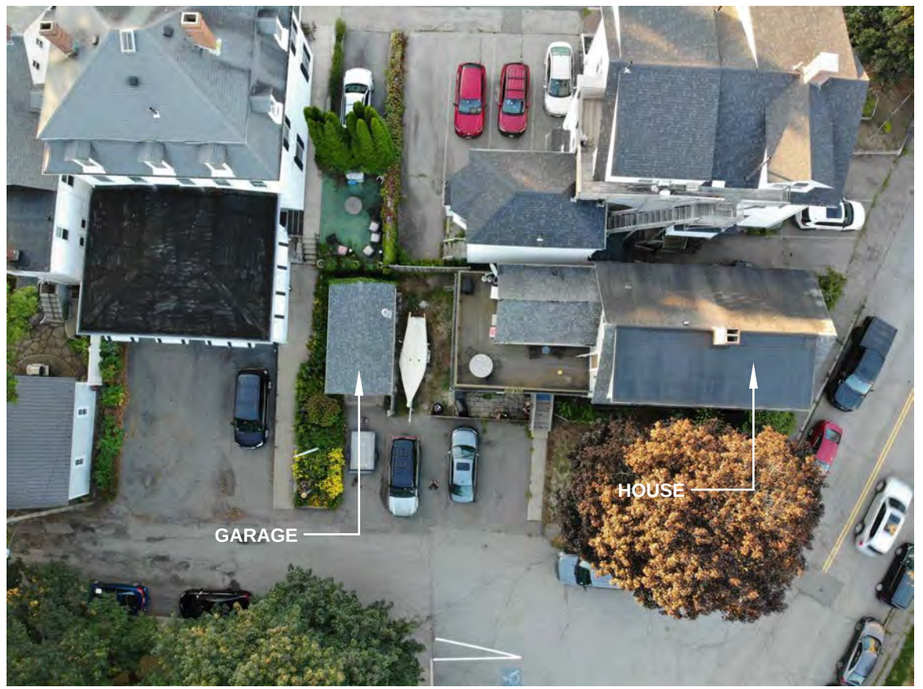
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1 EXISTING HOUSE AND GARAGE - CHATHAM ST



2 EXISTING HOUSE AND GARAGE - AERIAL



3 EXISTING HOUSE - SUMMER ST



4 EXISTING HOUSE AND GARAGE - STREET CORNER

RDW

REFLECTIVEDESIGNWORKS.COM

YORK, ME | 207-977-4286

PROJECT

LEGROS ADDITION

LOCATION
140 SUMMER ST
PORTSMOUTH, NH

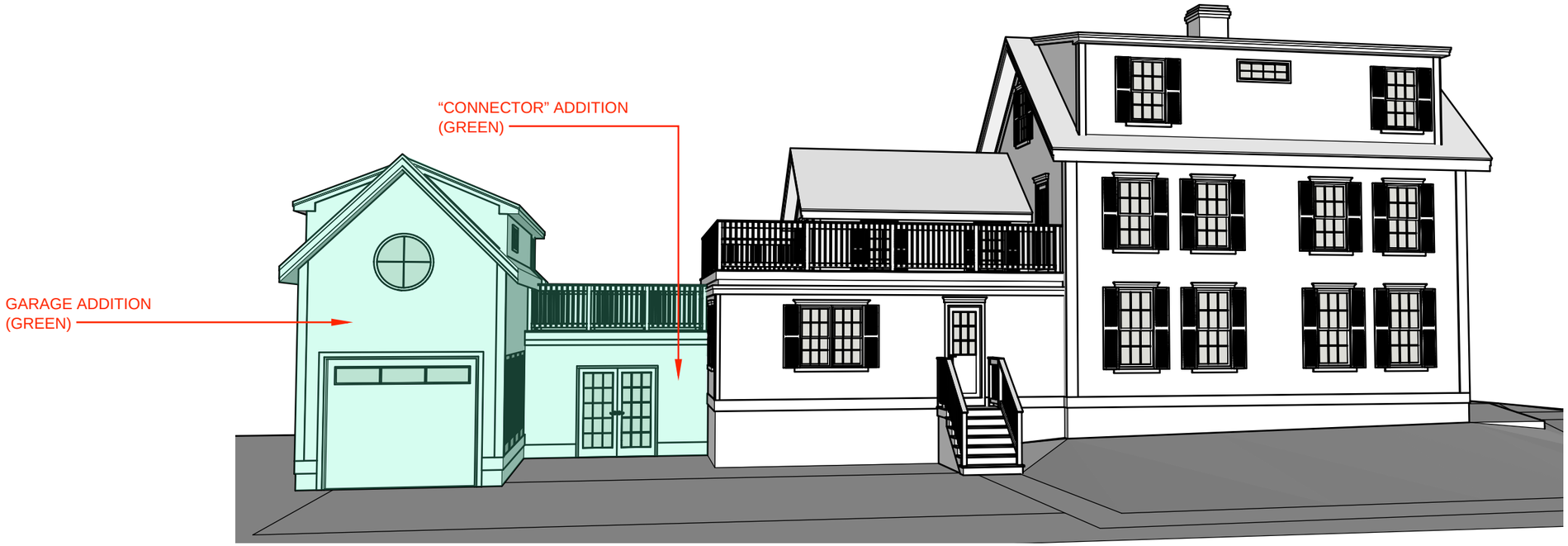
NORTH

SHEET
11 X17

PHASE
PERMITTING

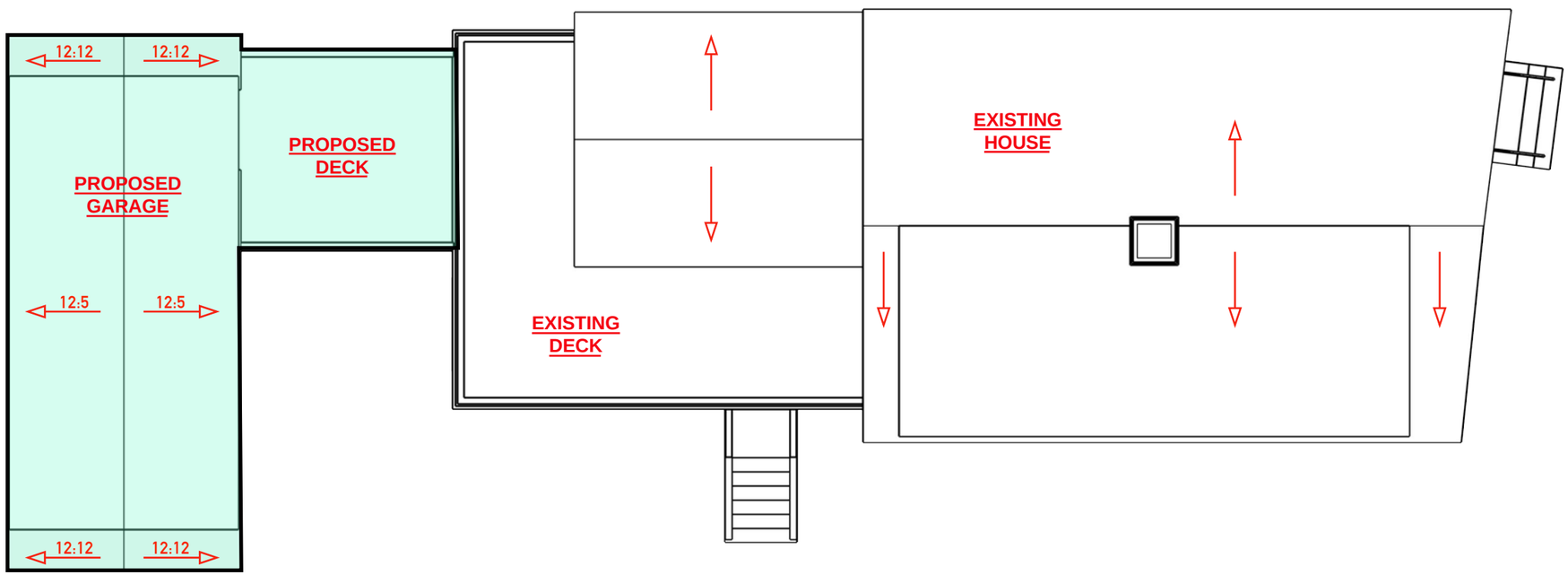
DATE
20 JAN 2026

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1 PROPOSED ADDITION PERSPECTIVE

NOT TO SCALE



2 PROPOSED ADDITION - ROOF PLAN

SCALE 1/8" = 1'-0"

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PROJECT

LEGROS ADDITION

LOCATION

140 SUMMER ST
PORTSMOUTH, NH

NORTH

SHEET

11 X17

PHASE

PERMITTING

DATE

20 JAN 2026

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0.4



1 PROPOSED CONCEPT - CHATHAM ST

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PROJECT

LEGROS ADDITION

LOCATION
140 SUMMER ST
PORTSMOUTH, NH

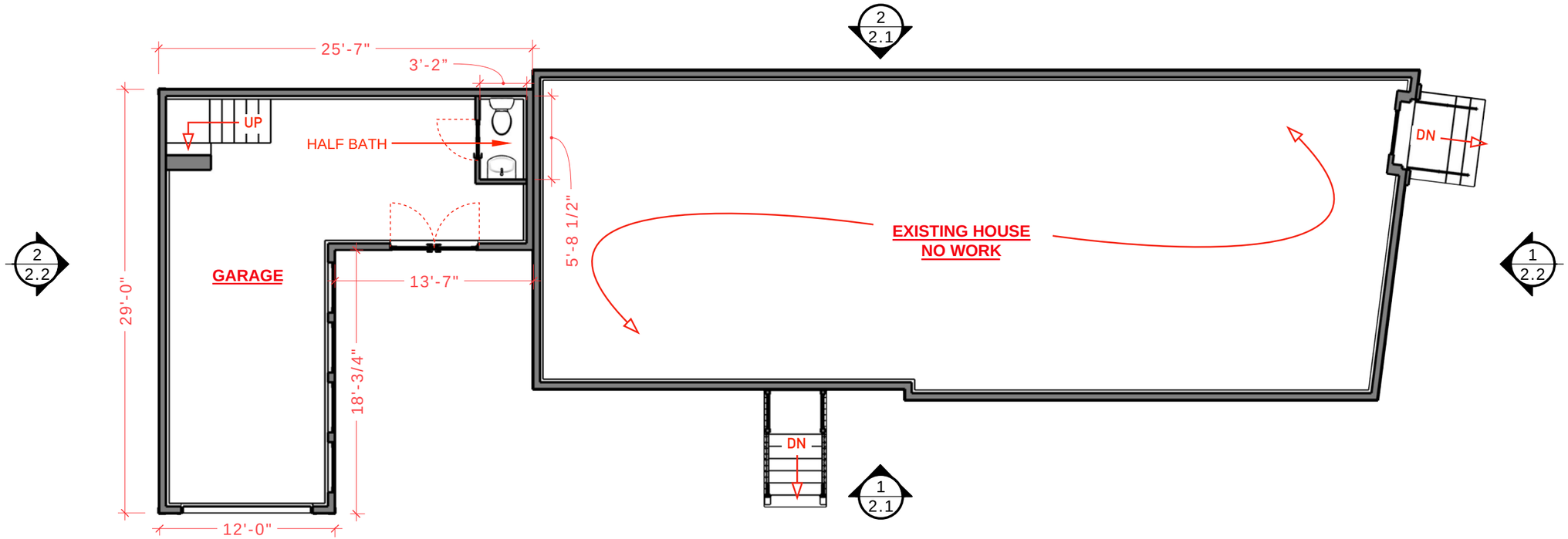
NORTH

SHEET
11 X17

PHASE
PERMITTING

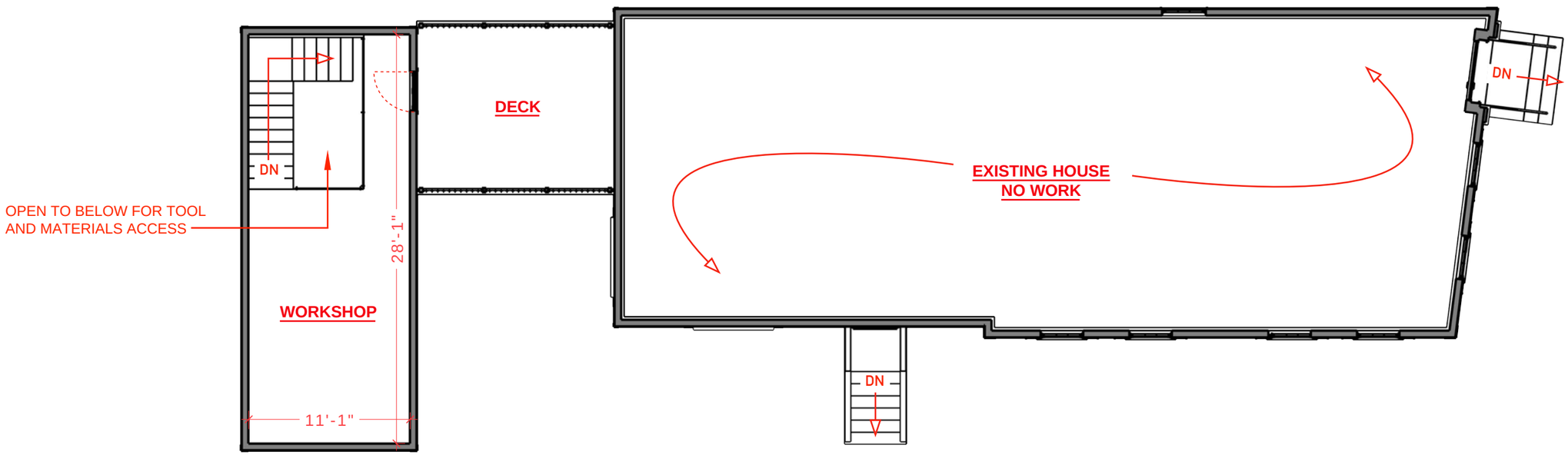
DATE
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1 PROPOSED FIRST FLOOR PLAN

SCALE 1/8" = 1'-0"



2 PROPOSED SECOND FLOOR PLAN

SCALE 1/8" = 1'-0"

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PROJECT

LEGROS ADDITION

LOCATION

140 SUMMER ST
PORTSMOUTH, NH

NORTH

SHEET

11 X17

PHASE

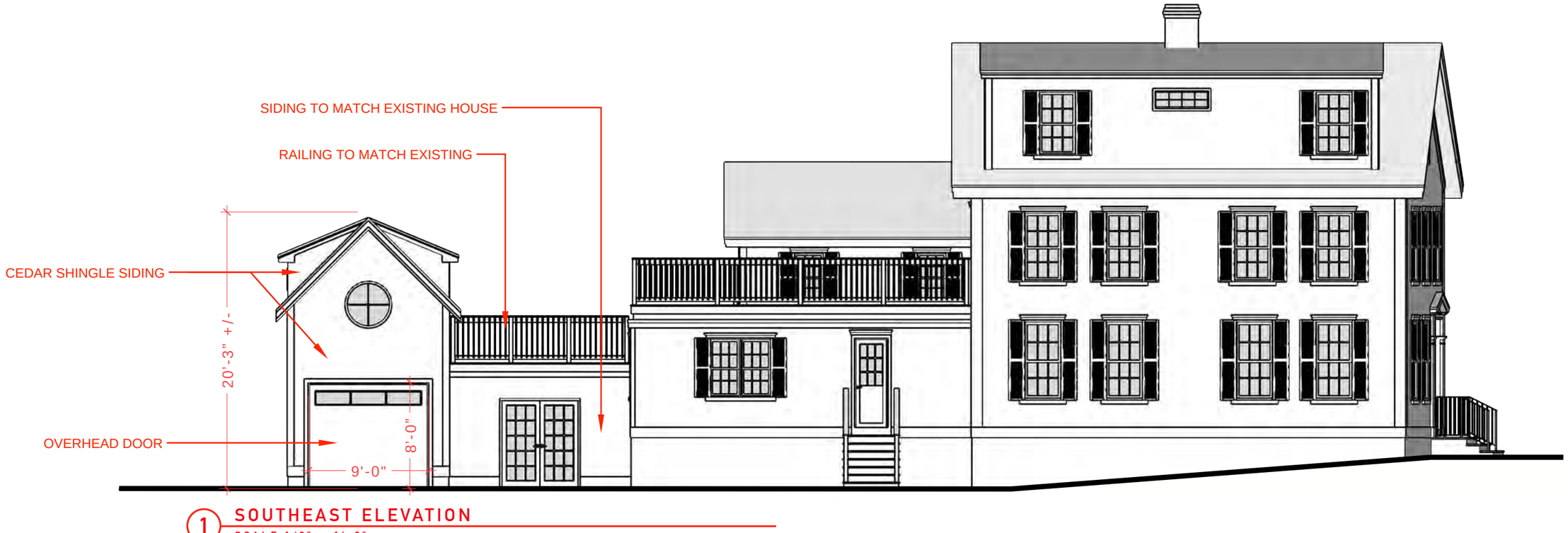
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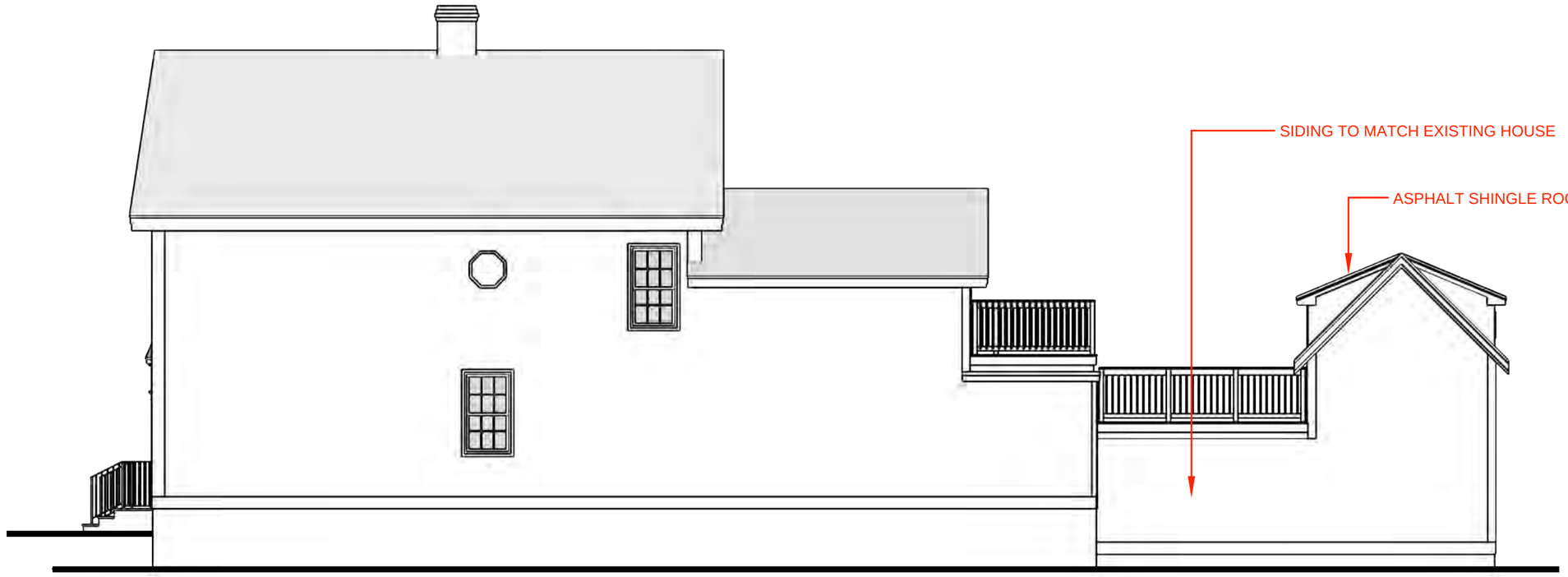
20 JAN 2026

PAGE

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1 SOUTHEAST ELEVATION
SCALE 1/8" = 1'-0"



2 NORTHWEST ELEVATION
SCALE 1/8" = 1'-0"

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LEGROS ADDITION

LOCATION
140 SUMMER ST
PORTSMOUTH, NH

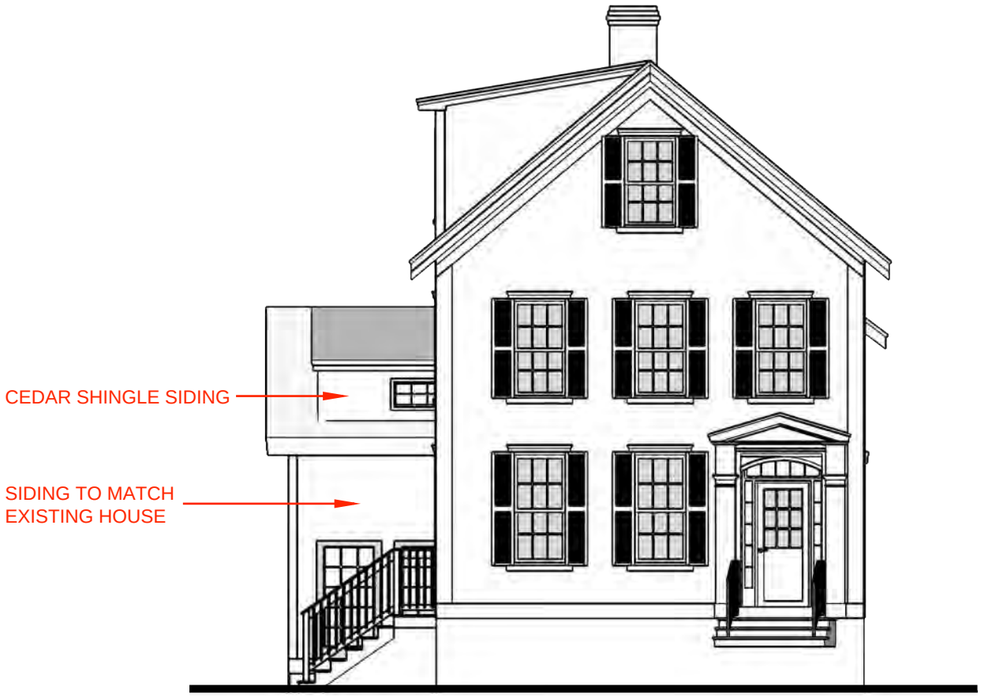
NORTH

SHEET
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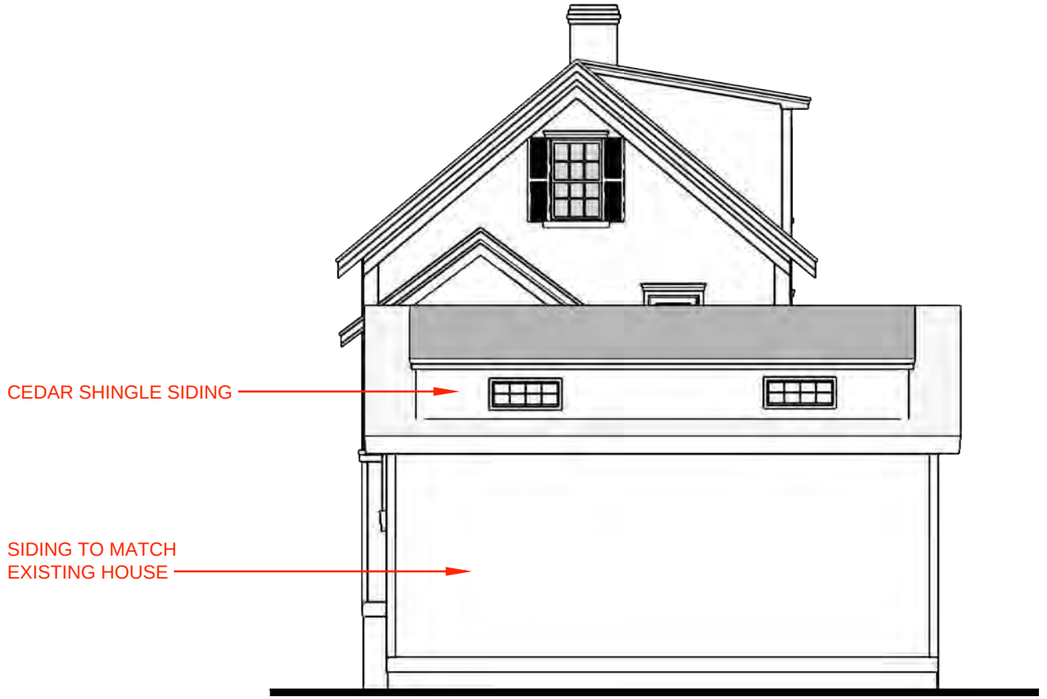
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PERMITTING

DATE
20 JAN 2026

PAGE
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1 NORTHEAST ELEVATION
SCALE 1/8" = 1'-0"



2 SOUTHWEST ELEVATION
SCALE 1/8" = 1'-0"

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PORTSMOUTH, NH

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DATE
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PAGE
2.2

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

January 21, 2026

Support for Variance Request for property at 140 Summer St.

Dear Zoning Board Members,

I am writing to express my support for the variance request submitted by Nathaniel LeGros for property located at 140 Summer St.

I have reviewed Nathaniel LeGros' variance request in detail and believe that the proposed project is well conceived and will be a positive addition to our neighborhood. I am confident that he will take necessary steps to ensure the project is completed in a timely and efficient manner with minimal disruption to the neighborhood.

Nathaniel has my approval for this request, I hope that he'll have yours as well.

Thank you for your time and consideration.

Sincerely,

Rev. Gary Beliveau
Pastor, Corpus Christi Parish
Immaculate Conception Church
98 Summer St
Portsmouth, NH 03801

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

January 21, 2026

Support for Variance Request for property at 140 Summer St.

Dear Zoning Board Members,

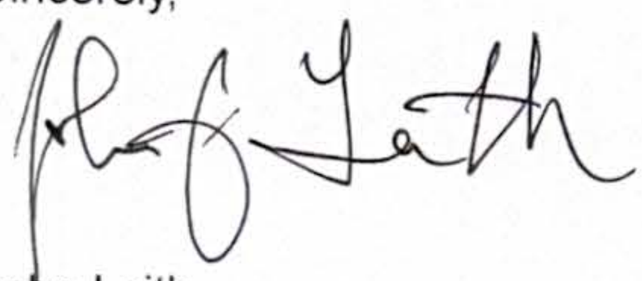
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Nathaniel has my approval for this request, I hope that he'll have yours as well.

Thank you for your time and consideration.

Sincerely,



John Leith
Farrell Funeral Home
684 State St
Portsmouth, NH 03801

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

January 21, 2026

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Nathaniel has my approval for this request, I hope that he'll have yours as well.

Thank you for your time and consideration.

Sincerely,

Susan Cerro
119 Summer St
Portsmouth, NH 03801

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

January 21, 2026

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Thank you for your time and consideration.

Sincerely,

Thomas and Longi Schladenhauffen
708 State St
Portsmouth, NH 03801

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

January 21, 2026

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Thank you for your time and consideration.

Sincerely,

Mark Griffin
728 State St
Portsmouth, NH 03801

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

January 21, 2026

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Thank you for your time and consideration.

Sincerely,

Victoria ~~Willingham~~ Smith and Robert Bowser
692 State St
Portsmouth, NH 03801