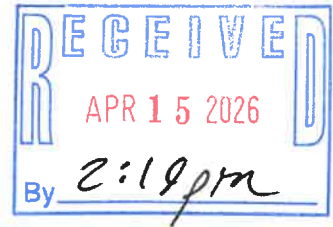


Chair of the Zoning Board of Adjustment,
City Hall Junkins Ave,
Portsmouth, NH 03801



April 10, 2026

Subject: Variance Request - Property Located at 40 Merrimac Street

Dear Zoning Board Members,

We recently purchased a property located at 10 Merrimac Street in Portsmouth. We are writing to express support for our neighbors at 40 Merrimac Street, in their efforts to secure a variance for an additional 2 feet of depth on their new deck construction proposal.

The additional 2 feet requested will not present any negative impact or disruption in the neighborhood, will enhance the property in staying consistent with the existing home structure, and will not obstruct our sightlines or otherwise present any hardships for our neighborhood.

Thank you for your time and consideration.

Sincerely,

Keri Marshall and Peter Mahar
10 Merrimac Street
Portsmouth, NH
(603) 475-3167

To: Portsmouth Zoning Board of Adjustment

Date: 4/18/2026.



Subject: Variance Request - Property Located at 40 Merrimac Street

Dear Zoning Board Members,

We are writing to express support for our neighbors at 40 Merrimac Street, in their efforts to secure a variance for the additional 2 feet of depth on their new deck construction proposal.

The additional 2 feet requested will not present any negative impact or disruptions in the neighborhood, will enhance the property in staying consistent with the existing home structure, and will not obstruct our sightlines or otherwise present any hardships for our neighborhood.

Thank you for your time and consideration.

Sincerely,

Marvin Fry

Name and Address: Marvin Fry
Unit 2
98 Miller Ave
Portsmouth, NH 03801

30 Parker Street
Portsmouth, NH 03801

May 21, 2026

Board of Adjustment
City of Portsmouth
1 Junkins Avenue, 3rd Floor
Portsmouth NH 03801

Dear Board of Adjustment Committee Members:

We are abutters to the proposed development at 181 Hill Street, and we are writing with conflicted feelings on this proposed redevelopment. If this proposed project were on a CD4 zoned lot, it would have our full backing. However, this proposed project is on a CD4L-1 zoned lot. We have concerns about the amount and the significance of the variances being requested as they essentially serve to rezone the lot to CD4. We would be willing to support the variances if they were to keep the existing density, building size, and open space of the current (already non-compliant) structures on that lot, but have concerns about increasing non-compliance.

We first want to acknowledge there are merits to this proposed project. The proposed aesthetics are more in character than other new developments in our neighborhood, and we are glad to see the parking provided. We are grateful the development team has engaged neighbors during the design process.

We are not necessarily against all the variances being requested. Rather, we have concerns about the scale to which they are asking these to be adjusted. We feel the magnitude of these variances essentially serves to rezone the lot from CD4L-1 to CD4, a much more intensive, urban zoning. We are sensitive to the rezoning of the lot via variance for the following reasons:

- **This would undermines CD4L-1 Zoning & sets new precedent for CD4L-1:** Using variances to rezone a lot undermines the work of our Planning Board, and makes one ask “What is even the point of zoning if you can just rezone via variance?” Given how past precedents are leveraged for future development, we worry that allowing the lot to rezone via variances will set poor future precedent.
- **If the city had thought it appropriate to rezone this lot, they would have done it:** We also think it’s worth noting that the Planning Board and City Council reviewed the zoning between Rock Street and Bridge Street (which includes this lot). They chose to rezone parts of the neighborhood in the Fall of 2025 ([Sept 24, 2026 City Council Minutes](#)) since they felt the zoning was not correct. We find it notable that 181 Hill Street was left as CD4L-1 during this discussion, indicating to us that even with fresh eyes, our Planning Board and City Councilors thought CD4L-1 was the correct classification for this lot. We believe the Planning Board and City Council both chose to leave this lot as CD4L-1 for good reason since CD4L-1 is supposed to provide a transition between more

urban development and the GRC zoned homes in the residential neighborhood of Islington Creek.

- **Shouldn't new construction be MORE compliant with zoning, not less than the ~175 year old buildings being knocked down?** In the application package, there are lists of non-conforming lots near this development. However, nearly all of these lots have 100+ year old buildings on them and were built before CD4L-1 zoning and GRC zoning were applied to this area. Generally, one would expect new construction to be MORE in line with zoning set forth by the Planning Board, not less compliant.
- **The Density Variance:** The existing "Three Sisters" that occupy 181 Hill Street have a total of 12 units total across *all 3 buildings* located at this site. From our understanding of CD4L-1 zoning, to be in compliance, the 181 Hill Street lot would have to have 8 units in total. We do NOT think reducing the number of units on this lot from 12 to 8 serves the public interest given housing needs in the area. However, we also fear that increasing the number of units from 12 to 16 (which 16 is the number of units proposed across the two new buildings A & B), would allow this lot to set a precedent of being 200% of the allowed density. **We would support a density variance to maintain housing supply, as the current lot is already at 150% of the allowed density by zoning.**
 - **Question of Clarification for the Board of Adjustment:** On page 5 of the [application](#), it seems there are 16 units in total proposed for this lot where there were once 12. From our understanding, CD4L-1 would allow 8 units in total on this lot. Is 181 Hill Street considered two separate lots? Otherwise, why is the variance not listed as requesting 16 units where 8 are allowed?

Again, we want to emphasize that it is not the variances themselves, but rather the magnitude and increasing non-compliance of the lot about which we are concerned. We would happily support the application if they were looking to rebuild the already non-compliant buildings that sit on this lot.

Unfortunately, we are out of state for the Memorial Day Holiday visiting family and will not be back in time to attend in person or on Zoom. We thank you for your time and service to the city.

Sincerely,
Kathryn "Kate" Waldwick
Bryn Waldwick

Re: 181 Hill St, May 26, 2026, Zoning Board of Adjustments

Dear Zoning Board of Adjustments,

May 21, 2026

The “transitional area” the applicants refer to is actually the **Islington Creek Neighborhood. What is being asked of this board is to rezone this property.** Around 2017 this property consisted of two lots. One lot got rezoned to CD5 and this lot got rezoned to CD4-L1, the most residential of the Character District Zoning. The area between Hill and Foundry St and part of Hanover St got rezoned again last year from CD5 to CD4, to be more protective of Islington Creek from overdevelopment. This property was NOT part of that rezoning NOR was it brought forward to be rezoned at either time.

The following two lots are in the process of, or have received approval to be developed (see below). Both are in Islington Creek Neighborhood. One is 361 Hanover St, **the Heinemann lot is zoned CD4.** It is one building away from this development. It is over 0.88 acres and will have 28 units in the original Heinemann Building but the former parking lot will only have **a total of 14 units** on about 0.44 acres or less which face single family homes on Rock and Hanover St. Each unit will have ground level parking. **181 Hill St is about 0.37 acres is zoned CD4-L1. 16 units are proposed vs the existing 12 units.**

A lot that is comparable to 181 Hill St in size is 94 Langdon St. Two lots were combined at this property to about 0.57 acres. It sits about three and a half blocks in Islington Creek from this development. *Three single family homes* are being developed there to match the homes across the street which are similar single family homes. 94 Langdon St has MRO zoning which follows CD4-L1 for many aspects.

It is true 181 Hill St backs up to 89/90 Foundry Place which had CD5 zoning at the time of its development. The highest of the Character District zoning. The owner of 181 Hill St split 181 Hill St and sold one lot, 89/90 Foundry Place to the developer of said property and is before you with the second lot and many variances.

The proposed building sizes of 3035sf and 5232sf are **21% and 109% respectively greater than the allowed 2500sf.** The original 3 buildings are shown to have about 11' to 12' between each building. Now it is shown as one 21' wide space between two disproportionate buildings, with some very out of character roofs.

The city boards, commissions and inspectors seem to agree that when replacing existing non-conforming buildings they should be rebuilt to be conforming. Some thoughts on becoming conforming. Less is more! Two buildings with 4 units in each could be more conforming. The parking listed states there will be 10 street level spaces and 14 spaces in 89/90 Foundry Place, which could go far with **only 8 units.** Each building could have 4 ground floor parking spaces **as the buildings at 361 Hanover St offer**, which could free up the proposed 5 ground level parking spaces for more open space to meet the actual requirement of 25% for CD4-L1. The ratio of lot area per dwelling could be closer than the proposed (1008sf vs required 3000sf). It could also allow the size of the buildings to be reduced to be much closer to 2500sf than the proposed 3035sf and 5232sf.

Creating two buildings with 4 units in each, this lot could become more conforming as the rezoning to Character Districts was supposed to do. The change from GRC (max 3-4 units) to CD4-L1 allowed for more density and it was hoped that as buildings got replaced they would become more conforming to Character Districts not REZONED to CD4 from CD4-L1 using variances. There are many lots of similar sizes in Islington Creek and yet their redevelopments have been asked for them to become more conforming to their zoning.

181 Hill St is being constructed as nonconforming. There is no hardship. It could meet most of the requirements of CD4-L1, if it was revised to meet the requirements instead of trying to force the requirements to meet the design.

Please ask this applicant to go back to the drawing board and come back with a more conforming proposal, since it was only 9 years ago this lot was rezoned from GRC zoning to the more relaxed zoning of CD4-L1. It was over 124 the “three sisters” were built and have stood the test of time in design, compatibility with the neighborhood.

Sincerely,

Elizabeth Bratter, Property Owner, 159 McDonough St

**The entire Heinemann Lot: over 0.88 acres (08/21/25 PB) Zoned CD4
Larger LOT yet more conforming, especially where it faces the GRC zoning**

Building A: (Restored Heinemann Building) 28 units

Building B: 2 units facing Rock St

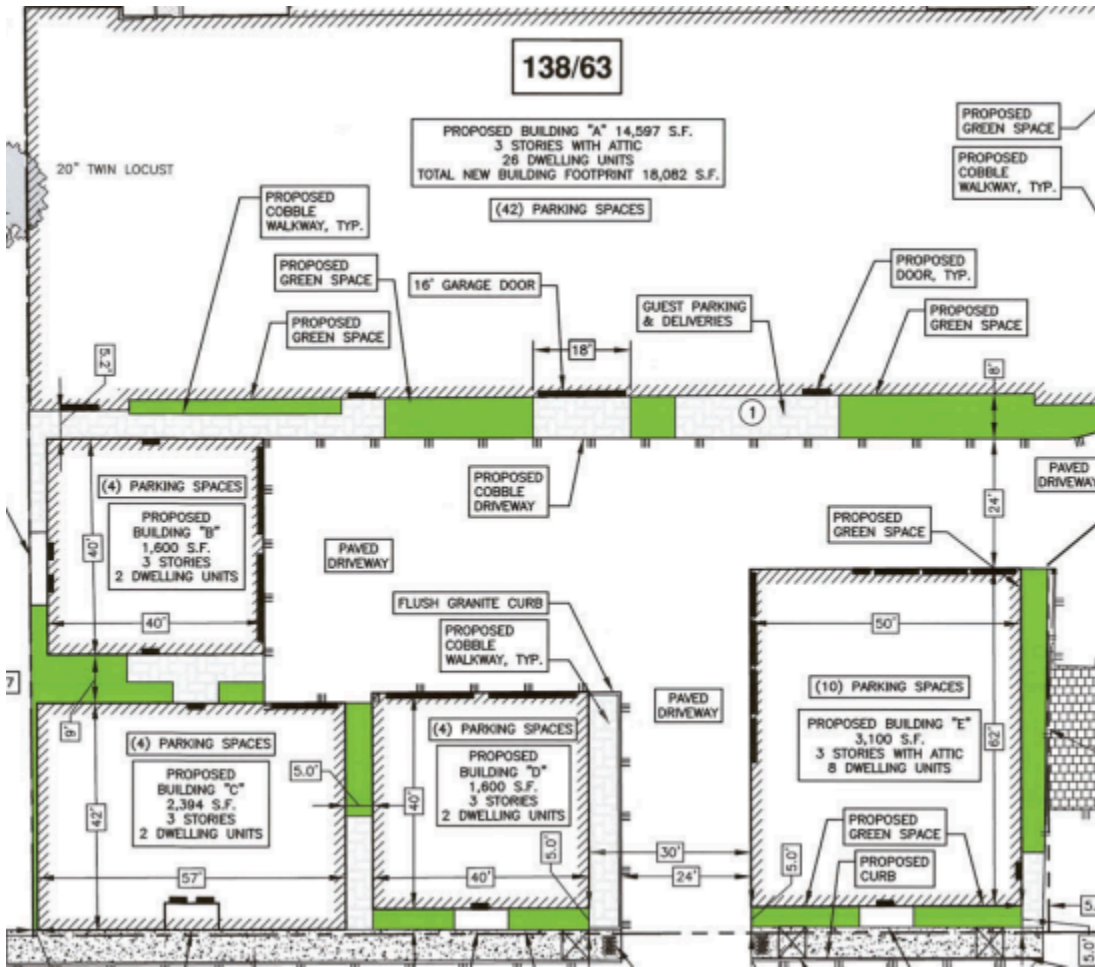
Building C 2 units facing Hanover St

Building D: 2 units facing Hanover St

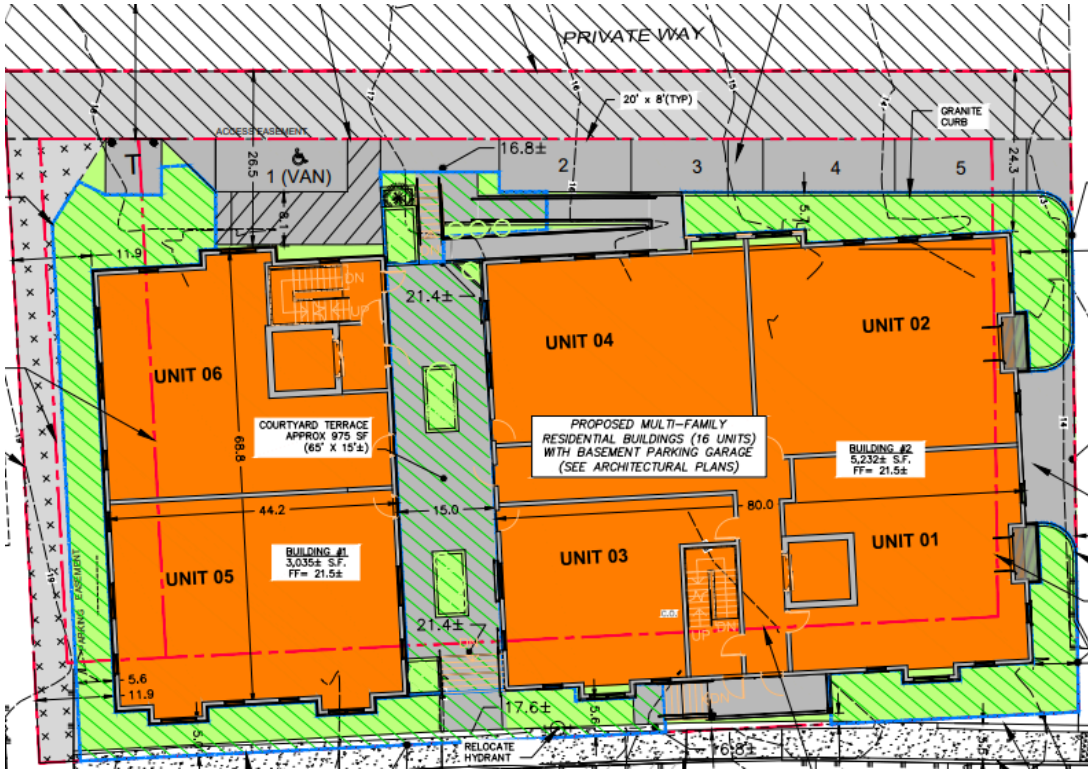
Building D: 8 units facing Hanover St

Total of 12 units along Hanover St.

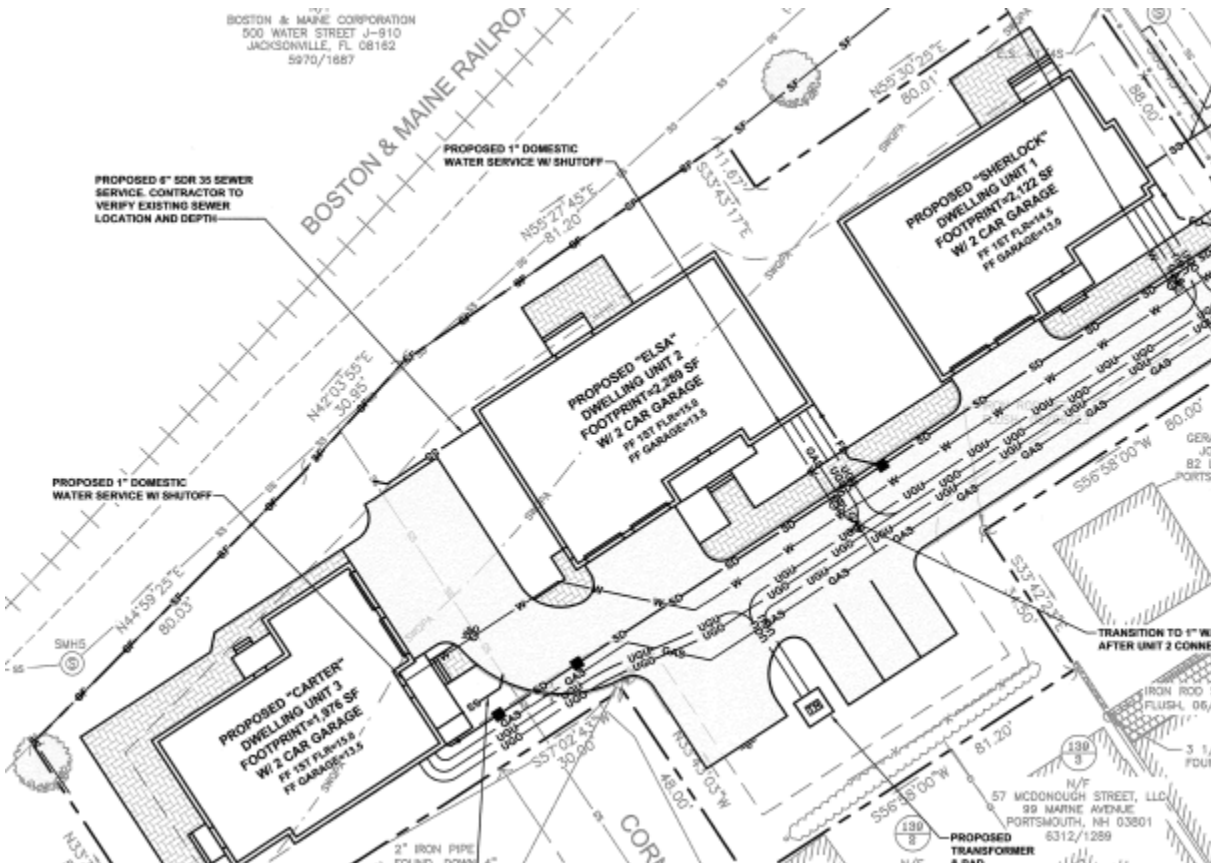
Parking ground floor



**181 Hill St 0.37 Acres, 16 units (zoned CD4-L1). Too many variances.
 Building 1-6 units, Building 2-10 Units**



**Regan Electric lots combined and made residential to match neighborhood streets.
 94 Langdon St 0.57 Acres, 3 single family homes (zoned MRO).**



May 22, 2026

Dear Members of the Portsmouth Zoning Board of Adjustment,

We are in strong support of the **Hill-Hanover {multi-family} Development** for 181 Hill Street. As natives and residents of Portsmouth for 76 years, we are proud of the intelligent and thoughtful approach our great city has taken to development through the years.

For the past 20 years, we've been fortunate to reside in Market Square and appreciate how Portsmouth has been able to consistently revitalize through smart, careful development that breathes new life into our city while respecting it's heritage.

It's in this spirit; we endorse this plan. The project's design, massing and density tremendously enhance the neighborhood, while providing an appropriate and necessary transition to adjacent development projects.

We particularly like the fact the developer listened to neighborhood input and changed his original plan to reflect two separate structures. The current design fits this storied neighborhood very well.

We also feel **Hill-Hanover's** intelligent approach to parking provides tremendous public benefit. This plan neither results in a loss of street parking, nor does it necessitate parking variances. The entire project is well thought out and considerate of its position in this neighborhood.

In summary, we fully support this development and feel it will be a tremendous asset to the neighborhood, as well as a credit to our city's planning process.

Sincerely,

George & Susan Carlisle
18 Congress St.
Portsmouth, NH 03801