

**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.

July 21, 2026

AGENDA

I. APPROVAL OF MINUTES

- A.** Approval of the June 16, 2026 meeting minutes.

II. OLD BUSINESS

- A. REQUEST TO WITHDRAW** The request of **Lonza Biologics INC (Owner)**, for property located at **34 Harvest Way** whereas relief is needed to install two illuminated wall signs and one illuminated monument sign, which requires relief from the following: 1) from Section 306.01(d) of the Pease Development Authority Ordinance to allow signs to exceed a maximum aggregate area of two (2) square feet of sign area for each linear foot of street frontage up to a maximum of 200 square feet. Said property is located on Assessor Map 305 Lot 5 and lies within the Airport Business Commercial (ABC) District. (LU-26-12) **REQUEST TO WITHDRAW**
- B. POSTPONED TO AUGUST** The request of **Hope for Tomorrow Foundation (Owner)**, for property located at **315 Banfield Road** whereas relief is needed to construct an addition to the existing school on the property, which requires the following: 1) Variance from Section 10.334 to allow the existing primary and secondary school use (Use #3.21) to be extended to another part of the remainder of the land. Said property is located on Assessor Map 266 Lot 5 and lies within the Industrial (I) District. (LU-26-41) **POSTPONED TO AUGUST**
- C.** The request of **Madison Commercial Group (Owner)**, for property located at **72 Mirona Road** whereas relief is needed to establish a 5,049 square foot Pilates/exercise studio which requires the following: 1) Special Exception from Section 10.440 Use #4.42 to allow a 5,049 square foot health club, yoga studio, or similar use where more

than 2,000 square feet are allowed by Special Exception. Said property is located on Assessor Map 253 Lot 3 and lies within the Gateway Center (G2) District. (LU-26-76)

III. NEW BUSINESS

- A. The request of **Brian and Martha Ratay (Owners)**, for property located at **475 Broad Street** whereas relief is needed to construct a detached garage which requires the following: 1) Variance from Section 10.521 to a) allow 30% building coverage where 25% is allowed; b) a 5-foot right side yard where 10 feet are required; and c) 5.5-foot rear yard where 14 feet are required. Said property is located on Assessor Map 221 Lot 96 and lies within the General Residence A (GRA) District. (LU-26-95)
- B. The request of **Jonah Goldblatt and Gabrielle Dell'Aquilo (Owners)**, for property located at **292 Wibird Street** whereas relief is needed to demolish the existing detached garage and construct a new two-story attached garage addition and enlarged rear deck, which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 31% where 25% is the maximum; b) allow a left side yard setback of 4.5 feet where 10 feet is required; and c) allow a right side yard setback of 3 feet where 10 feet is required. Said property is located on Assessor Map 149 Lot 25 and lies within the General Residence A (GRA) District. (LU-26-88)
- C. The request of **Jane M Shouse Revocable Trust (Owner)**, for property located at **555 Dennett Street** whereas relief is needed to demolish the existing detached garage and construct a new rear addition which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 27% where 25% is the maximum allowed. Said property is located on Assessor Map 161 Lot 39 and lies within the General Residence A (GRA) District. (LU-26-86)
- D. The request of **Michael J Ferrelli (Owner)**, for property located at **0 Joffre Avenue and 18 Barberry Lane** whereas relief is needed to construct a single-family home on a vacant lot which requires the following: 1) Variance from Section 10.521 to a) allow for 0 feet of street frontage where 100 feet is required; b) allow for 12,185 square feet of lot area where 15,000 square feet is required; c) allow for 12,185 square feet of lot area per dwelling where 15,000 square feet is required; and 2) Variance from Section 10.1114.31 to allow for two driveways on a single lot where one is permitted. Said properties are located on Assessor Map 233, Lot 135 and Lot 131 and lie within the Single Residence B (SRB) District. (LU-26-92)
- E. The request of **Kaitlyn O and Brendan A West (Owners)**, for property located at **315 Bartlett Street** whereas relief is needed to demolish the existing home and construct a new home on the lot which requires the following: 1) Variance from Section 10.521 to a) allow a 9.5-foot left side yard where 10 feet is required; b) a 7-foot right side yard where 10 feet is required; and c) 60 feet of street frontage where 100 feet is required. Said property is located on Assessor Map 162 Lot 12 and lies within the General Residence A (GRA) District. (LU-26-93)

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_hDrEwOknQSuvB6-vfkDXxg

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

7:00 P.M.

June 16, 2026

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

MEMBERS EXCUSED: Paul Mannle

ALSO PRESENT: Stefanie Casella, Planning Department

Chair Margeson called the meeting to order at 7:00 p.m. Alternate Mike Lucas took a voting seat for the evening.

Mr. Rossi moved to suspend the rules to take New Business, Item F, 72 Mirona Rd, out of order. Vice-Chair Mattson seconded.

Chair Margeson read the petition into the record. She said the applicant asked for it to be postponed to the July meeting. Ms. Casella said the reason for the request was that the applicant had a personal conflict that prevented him from attending the meeting.

*Mr. Rossi moved to **postpone** the petition to the July 21st meeting, seconded by Mr. Rheaume. The motion passed unanimously, 7-0.*

Old Business Petition C, extension request for 0 Melbourne St, was taken out of order (there was no motion).

Mr. Rheaume moved to grant the one-year extension, seconded by Mr. Sullivan.

Mr. Rheaume said the applicant stated financial concerns as the reason for the extension request. He said the applicant came before the Board on two separate projects and was working on both, so the financial issues were understandable. He said the usual two-year window was generous to get a permit, but in this case he thought the Board could grant the one-year additional extension. Mr. Sullivan concurred and had nothing to add.

The motion passed unanimously, 7-0.

I. APPROVAL OF MINUTES

A. Approval of the May 19, 2026 meeting minutes.

Mr. Rheume moved to approve the May 19 minutes as amended. Mr. Nies seconded.

Mr. Nies said the sentence under paragraph B, the approval of the April 21 minutes, should read a 1.3 acre lot and not 0.13 acres.

Note: Upon review of the April 21, 2026 application materials and video recording, it was determined that 0.13 is the correct lot area.

The motion passed unanimously, 7-0.

B. Approval of the May 26, 2026 meeting minutes.

Vice-Chair Mattson moved to approve the May 26 minutes as amended, seconded by Mr. Rheume.

Vice-Chair Mattson said the first sentence in the second paragraph on page 10 should read: “Vice-Chair Mattson said the applicant’s maximum building footprint was too big, there were more dwelling units per building than allowed, and the open space requirements were not met, so it seemed that the ordinance would be pushing for more like what was already there for three separate buildings.” (The word ‘like’ was substituted for the words ‘more than’).

Mr. Rheume said a sentence in the first paragraph on page 10 should be changed to read: ‘He asked if the project would end up in the allowable percent range.’ (The number ‘21.4’ was changed to ‘allowable’).

The motion passed unanimously, 6-0, with Mr. Rossi abstaining.

II. OLD BUSINESS

- A.** The request of **Portsmouth Historical Society (Owner)**, for property located at **43 Austin Street** whereas relief is needed to convert a single-family home to an office use which requires the following: 1) Variance from Section 10.440 (Use #5.10) to allow professional office space where it is not permitted. Said property is located on Assessor Map 127 Lot 27 and lies within the General Residence C (GRC) and Historic Districts. (LU-26-43)

Mr. Rheume recused himself from the following petition.

SPEAKING TO THE PETITION [Timestamp 11:42]

Emma Stratton, Executive Director of the Portsmouth Historical Society, was present. She said in 2021, the Historical Society received 43 Austin Street as a request from the owner Peter Beck, with a restriction that prohibited the Historical Society from selling the property. She said the building was beyond their means to repair and that a single-family home rental had no realistic market in a home of that size. She said a professional office use would be the only path that could attract a development partner willing to fund the work. She said Dr. Beck operated his practice out of the 43 Austin Street residence for decades, which was evidence that the building had a history of

functioning as a professional residence without impacting the neighborhood. She said they would need about 14 parking spaces on site. She reviewed the criteria.

[Timestamp 20:32] Mr. Rossi asked if a development partner was identified. Ms. Stratton said they were talking with one partner but had no signed agreement with them. She said the variance was a requirement in order to move forward with any development. Mr. Nies asked if Ms. Stratton broached the option of trying to get the terms of the trust changed. Ms. Stratton said she did by asking the Attorney General to review the terms of the trust and change it. It was further discussed. Mr. Nies asked if there was some guidance in the will on what would happen should the Society want to abandon the property. Ms. Stratton said the trust was specific in stating that if the Society does not wish to maintain or benefit from the property, there are other alternatives, like transferring to another non-profit that would have the same restrictions or transferring it to Dartmouth University for a scholarship fund. She said they wanted to explore all the options by which the Society would benefit from the property instead of passing it to another non-profit that would not have ties to Portsmouth. Mr. Nies asked if the vision was that the building would be broken up into individual professional offices. Ms. Stratton said they would want to have one tenant for the whole building in order to maintain its historic fabric. Vice-Chair Mattson asked if the Society was considering any portion of the office space. Ms. Stratton said they might in the future.

Chair Margeson opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION [Timestamp 27:42]

Jackie Crota of 99 Hanover Street said she was the trustee of the trust and had a high regard for the Portsmouth Historical Society and how they were addressing the project.

Brad Landon of 64 Austin Street said he was a member of the Portsmouth Historical Society and supported their plans to preserve the building and its use. He said his only concern was the parking issue and that he would hate to see the front lawn turned into a parking area.

Reagan Ruedig of 70 Highland Street said she was on the board of the Historical Society when they had the transfer of property request. She said it was a complicated thing if it was even in the best interests of the Society to accept the gift, but they decided that it was too much of an opportunity to turn down. She said she was a historic preservationist and went through the home many times to assess its condition, and an architect was hired to do an assessment report. She said they concluded that office use for the building made the most sense and would be least impactful.

Andrew Samonas of 296 Jones Ave said he had been working in an advisory role with the Society to preserve the property. He said they explored several options but decided that the office made the most sense for the house and the neighborhood.

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

No one else spoke. Chair Margeson asked what the status of the attached building to 43 Austin Street was. Ms. Stratton said it was privately owned. Chair Margeson asked if the parking would be in the back, and Ms. Stratton agreed.

Chair Margeson closed the public hearing.

DECISION OF THE BOARD [Timestamp 37:34]

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

Mr. Rossi said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said part of the purpose of the ordinance was the preservation of historic districts, buildings, and structures of historic interest. He said the way it was worded was historic districts and buildings and did not require that those buildings be in the Historic District, so he believed it was consistent with the intent and spirit of the ordinance. He said substantial justice would be done because the loss to the property owner that would be experienced by denial of the variance would outweigh any potential gain to the public. He said the calculus was in favor of the property owner because preserving a historic structure in that prominent location would be very much to the benefit of the public. He said it would not diminish the values of surrounding properties, noting that the property had been used in a similar fashion at points in time throughout its history, and continuing the office use in some fashion would unlikely affect the surrounding property values. He said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. He said part of the hardship was that the Society received the property through a bequest and could not sell it and had to find a way to salvage it or it would go into ruin. He said the conditions of the property would require a substantial amount of investment to make it usable, and due to the restrictions of not being able to sell it to a commercial developer, the proposal was the only viable path forward. He said the proposed use is a reasonable one. Mr. Nies concurred. He said normally he would be concerned about allowing a professional office building in a residential area, but it was such a unique property that he thought it was well justified.

Mr. Sullivan said he was familiar with the property and that everything Ms. Stratton told the Board was true. Chair Margeson said she would support the motion. She said it was a change in use because it was General Residence C, but the applicant made a compelling argument as to why it could not be used as a residential use. She said there were special conditions with the trust, and the property bordered the Mixed Residential Office (MRO) District, so the spirit and intent criterion was satisfied because it would not really change the general characteristics of the neighborhood.

The motion passed unanimously, 6-0, with Mr. Rheume recused.

- B. POSTPONE TO JULY** The request of **Lonza Biologics INC (Owner)**, for property located at **34 Harvest Way** whereas relief is needed to install two illuminated wall signs and one illuminated monument sign, which requires relief from the following: 1) from Section 306.01(d) of the Pease Development Authority Ordinance to allow signs to exceed a maximum aggregate area of two (2) square feet of sign area for each linear foot of street frontage up to a maximum of 200 square feet. Said property is located on Assessor Map

305 Lot 5 and lies within the Airport Business Commercial (ABC) District. **POSTPONE TO JULY** (LU-26-12)

DECISION

*The petition was **postponed** to the July 21st meeting per the applicant's request.*

C. 0 Melbourne Street – Extension Request (LU-24-109)

DECISION OF THE BOARD

*Mr. Rheume moved to **grant** the one-year extension, seconded by Mr. Sullivan. The motion passed unanimously, 7-0.*

D. POSTPONE TO JULY The request of **Hope for Tomorrow Foundation (Owner)**, for property located at **315 Banfield Road** whereas relief is needed to construct an addition to the existing school on the property, which requires the following: 1) Variance from Section 10.334 to allow the existing primary and secondary school use (Use #3.21) to be extended to another part of the remainder of the land. Said property is located on Assessor Map 266 Lot 5 and lies within the Industrial (I) District. **POSTPONE TO JULY** (LU-26-41)

DECISION

*The item was **postponed** to the July 21st meeting per the applicant's request.*

E. The request of **Port Hunter LLC (Owner)**, for property located at **361 Miller Avenue** whereas relief is needed to construct a detached garage with a professional office space on the second floor, which requires the following: 1) Variance from Section 10.573.20 to allow a) 6 foot side yard where 10 feet are required, and b) 10 foot rear yard where 20 feet are required; and 2) Variance from Section 10.440 Use #5.10 to allow a professional office use where it is not permitted. Said property is located on Assessor Map 131 Lot 33 and lies within the General Residence A (GRA) District. (LU-25-76)

SPEAKING TO THE PETITION [Timestamp 44:12]

Attorney Colby Gamester was present on behalf of the applicant, along with the owners Elizabeth and Tim Pesch. He said they were before the Board in July 2025 and received approval for a 24'x24' two-story garage. He said the owner's intent had always been to have a usable second floor as an office, but the City concluded that the ordinance's Home Occupation category did not fit the request and that the closest defined use in the ordinance was Professional Office. He said the proposed office would not be a commercial enterprise and would only be used by the owners. He reviewed the criteria and suggested four conditions of approval.

[Timestamp 59:12] Mr. Sullivan said there was opposition from the abutter Tim O'Brien, who also had some eye-catching photos. Attorney Gamester said he reviewed Mr. O'Brien's letter and that

the things Mr. O'Brien was concerned about were the things the applicant was trying to strip back from having to apply for the Professional Office category. He said they just wanted the opportunity for the owners to use the garage's second floor as they wished during working hours. He said the photos showed the driveway and parking situation during the process of the dilapidated garage being removed. Mr. Rossi said the dimensional relief requested was not the same as what was granted in the last variance, and he asked if it had changed because of the structure's height.

Attorney Gamester agreed and said the roof was redesigned and created more massing within the setback, but the actual perimeter of the building had not changed. Mr. Rheume asked how big the business was. Attorney Gamester said each property was owned by a different LLC, and he cited several buildings that the applicant owned. Mr. Rheume asked what the driver was for this particular property to be the choice location out of the other properties the owner owned. Attorney Gamester said the lot coverages that the other buildings had were smaller and the buildings were bigger. Mr. Rheume asked why Attorney Gamester said the properties at 263 Rockland and the Margeson Apartments were similar. Attorney Gamester said they were more commercial properties but there was an administrative function at each one. It was further discussed. Mr. Rheume asked if there would be a specific parking spot reserved for the office use. Attorney Gamester said they had not gone that far yet and had to change some of the parking calculations. Vice-Chair Mattson said Attorney Gamester mentioned the special conditions of the property but it seemed that the intensity of the use could be a negative toward granting the variance because it was already an overly intensive use. Attorney Gamester said the intent was not to over intensify, but they wanted the ability to go to the office during off-peak times of parking demand from the tenants.

[Timestamp 1:10:48] Mr. Nies asked if Attorney Gamester was suggesting that the change in the parking requirements meant that the applicant would need fewer now than last year. Attorney Gamester agreed and said they would probably move forward with a Conditional Use Permit (CUP) requesting a deviation from the parking regulations. Mr. Nies said Attorney Gamester's second condition stated that the second-floor space would not be used as a space for employees or for regular meetings with them and other members of the public. He asked what that meant and if it was possible that the public or tenants would come into the office space to meet with the landlords. Attorney Gamester said the applicant did not intend to have people driving to the lot and parking to have regular meetings and that they always met tenants at the properties. Mr. Nies said he was nervous about the vague language of a 'regular meeting'. He said if people wandered in occasionally during the week, it could be a parking problem for the neighborhood. Attorney Gamester said they were trying to pull back from the idea that the building was a service-oriented one that had clients coming to it. He said the applicant would be happy to wordsmith any condition with the Board. Mr. Nies said the Board received an email from an objecting abutter. Attorney Gamester said he was not aware of the email. He said Mr. Pesch spoke with every abutter at that time to ensure that they understood and that they did not object.

Mr. Lucas asked why the applicant could not rent office space elsewhere. Attorney Gamester said they were building the structure already and it would be more efficient. Mr. Lucas asked how the applicant differentiated from either personal gain or circumstances that would require a variance for a use when the property could already be used in a conforming method. Attorney Gamester said

finances were a part of it and the applicant wanted to consolidate their uses. Mr. Rossi said the height of the garage changed the setback requirement and asked why the location was still the appropriate one for the garage. He said Spot 1 and Spot 4 for parking were on opposite sides of the garage, with a long walkway from the main house to the garage. He said there was significant encroaching, and he asked why those two spots were separated instead of moving the garage closer to the house and conforming to the setback and having a shorter walkway. Attorney Gamester said it still related to the original granted relief. He said the tree drove the entire location and design of the garage, and the ability to pull in and out and turn around was also an issue. Mr. Rossi asked why the left side of the garage would not be accessible if it was turned. Mr. Pesche said they tried to line the garage up with the neighbor's so that it would not impact their view. Mr. Rossi said it seemed that the added height would dissatisfy the abutters to the rear and left. Attorney Gamester said the two variance requests were separate and if they were denied, there would still be a building that would be built in that location and they could figure out what that space would be used for.

Chair Margeson verified that there would be no employees for Hunter LLC, so the owner would manage their three properties from that office. She asked where the leases and agreements would be processed. Attorney Gamester said they would be processed on the computer in the office space, and the owners would meet the tenants at their properties for showings and other issues. Chair Margeson asked what was in the storage units that would be emptied. Mr. Pesch said there were leftover materials that had not been used, like a vanity, and they wanted the space to store old films and documents. It was further discussed. Chair Margeson said it was a professional office use and not just a laptop on a table. Ms. Pesch said she did business from her cell phone and needed the storage. She said she wanted it to be like a home office. It was further discussed.

Chair Margeson opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION [Timestamp 1:31:42]

No one spoke.

SPEAKING IN OPPOSITION TO THE PETITION

Tim O'Brien of 396 Miller Avenue said he was concerned about the introduction of Professional Office use into a residential neighborhood, the parking, and the broader impact on the residential character of the neighborhood. He said the most important issue was whether the applicant demonstrated the unnecessary hardship for granting a Professional Office use.

Pamela Esposito (via Zoom) of 470 Richards Avenue said the purpose of setbacks was to preserve the ability for residents to have a good quality of life, but now they had an imposing structure peering into their backyard. She said the exception would eventually outdate the owners.

Erik Stien (via Zoom) said the structure was previously approved to be much closer and it changed the character of their backyard by obstructing their light.

SPEAKING TO, FOR, OR AGAINST [Timestamp 1:41:24]

Elizabeth Pesch explained that the slab was down to protect the tree's roots during construction. She said they would do a pervious asphalt paving to improve the drainage. She said they had no problem if it were put in writing somewhere in the zoning as a covenant that the office could not be used for anything other than a home office.

Owner Tim Pesch explained how the parking would be beneficial.

Monica Kaiser said she managed several rental units and verified that the applicant's project would not involve meeting tenants at their home. She said everything was electronic and most conversations were held on the phone or on Zoom. She said she did not see it as a high traffic situation. She explained why the Professional Office use in the ordinance was very specific.

Attorney Gamester said the use was reasonable and akin to a home occupation use, and the hardship was the one created by the physical attributes and use of the property. He said the garage would be there no matter what. He said if their proposed conditions were issues, they could tighten them up.

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

DISCUSSION OF THE BOARD [Timestamp 1:51:05]

Mr. Rheume said the curtain got pulled back just a bit more every time on what was really happening. He said the applicant basically wanted a remote home office. He said he thought the term "home" had a distinct meaning and was a place where one resides and has investment in the outcomes of everything that takes place in it, and a home office is not someone's home. He said the applicant was trying to stipulate their way into creating this new item in the zoning ordinance. He said there were already four conditions and that the applicant kept saying they could be diced up. He said he would be concerned about the Board taking an action to create the new category when they had not thought about all the ramifications, and he struggled to see what was unique about the property that said it had special characteristics. He said it was already an intensively used property and in the middle of a very residential area and was not an allowed use in all the nearby zones. Mr. Rossi said he saw a property owner who got caught up in a bureaucratic vice not of their own making, coming out of the fact that the applicant did not have a residence on the property, so therefore it was not their home. He reviewed some of the restrictions that could potentially be used to refine the conditions that the applicant offered, and he said they could get refined in such a manner that functionally it would be identical to what is allowed in the district. Mr. Nies said when the Board previously considered the property, Home Occupation use was a matter of right for an accessory structure, so they did not discuss whether they were in favor of a home office or not. He said he was concerned about the building being higher, which increased some of the setback nonconformities. Chair Margeson said she would not support the application because it was not a home office and it was not the applicant's dwelling, and they had not established a hardship.

DECISION OF THE BOARD [Timestamp 2:00:12]

*Mr. Rossi moved to **deny** the variances for the petition as presented and advertised, seconded by Mr. Sullivan.*

Mr. Rossi referred to criteria 10.233.21 and .22 and said the neighborhood was not designed for office use and was strictly residential. He said granting the variances would substantially alter the character of the neighborhood by allowing a professional office. He said substantial justice was not a factor for denying the variance because it did not fail that criterion, 10.233.23. Relating to criterion 10.233.24, not diminishing the values of surrounding properties, he said that was another reason for the application's failure. He said due to the increased height of the structure and converting it to a professional office use, the encroachments on the lot line setbacks would become more significant to the surrounding properties. He said wherever the applicant put the garage would require bigger setbacks to relieve the issue of crowding and shadows and reduced light and air, so that criterion was not satisfied. He said, related to the hardship, there had not really been any special conditions of the property identified with regard to the use variance, and that a lot of the discussion focused on the value and intent to preserve the old tree and move the garage over to where it was. He said that was all covered in the first go-around with the Board and agreed with, but it had no bearing on whether a use as a professional office was something that was appropriate for the property. He said therefore those hardship aspects of the property did not provide a rationale for allowing a non-allowed use of a professional office on the property. For those reasons, he said the variance request was not approvable. Mr. Sullivan concurred. He said adding the office space over the garage sort of expanded the envelope to the point where it burst. He said there was no way he could find that the application meets the unnecessary hardship test. He said the idea of proposing conditions (or stipulations) to deal with perceived problems with the application was not a way to do that. He said conditions are not self-effectuating or enforcing and said people ten years from now would probably not know about the conditions, and even if they did, the City would have to bring a lawsuit against the property owner to make that condition actually work. He said placing a condition on the approval would not guarantee the things the property owner says will be true 5-10 years from now.

Chair Margeson asked Mr. Rossi if he accepted the additions from Mr. Sullivan. Mr. Rossi agreed

The **amended** motion was:

*Mr. Rossi moved to **deny** the variances for the petition as presented and advertised because the petition fails the criteria of the spirit of the ordinance, diminishes the values of the surrounding properties as a result of a higher structure and the impact on the nearby abutters, and the property has no hardship. There are no special conditions of the property that merit a use variance change.*

The motion to deny passed unanimously, 7-0.

- F.** The request of **Ryan Trust (Owner)**, for property located at **221 Woodbury Avenue** whereas relief is needed to subdivide the existing parcel into two parcels, for demolition of the existing one-story detached garage and construction of a new two-story detached garage on lot 1; and a new single-family residential structure on lot 2, which requires the following: 1) Variance from Section 10.521 to allow 63 feet of frontage where 100 feet is

required. Said property is located on Assessor Map 175 Lot 10 and lies within the General Residence A (GRA) District. (LU-26-57)

SPEAKING TO THE PETITION [Timestamp 2:20:54]

The owners Martin and Lisa Ryan were present. Mr. Ryan said they wanted to subdivide the lot to support their current needs. He reviewed the nearby properties that did not meet the frontage requirements and said what was proposed was common for the neighborhood. He said they also wanted a driveway that entered from Thornton Street for the new lot. He said they would remove the existing garage and build a new one for existing home. He reviewed the criteria.

[Timestamp 2:29:55] Mr. Nies said it appeared from the Staff Memo and advertised variances that Mr. Ryan did not require relief from depth for Lot 1. Mr. Ryan said a clarification was made just before submitting the application and that the Planning Department told him he only needed the frontage relief. Ms. Casella agreed. Mr. Rheume asked what drove the 63-ft width proposed for the second lot. Mr. Ryan said it was the formula and the adjustments to get the proper open space and lot sizes and try to find an equal lot on each side while still having the ell-shaped drive-thru to the back. Mr. Rheume said the two driveways were proposed to side-by-side, and he asked if Mr. Ryan considered the turning radiuses for the proposed garage. Mr. Ryan said he factored in typical vehicles and thought there might be some minor adjustments made once they got into the technical side of it to accommodate the best use of the driveway and the vehicle turning radiuses.

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 2:36:03]

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

Mr. Nies said granting the variance would not be contrary to the public interest, would observe the spirit of the ordinance, and would not affect the health, safety and welfare of the neighborhood. He said the subdivision and the eventual construction of a new house on the second lot would have spacing similar to many other properties in the area and would have no effect on the light and air of the abutters. He said it would not alter the essential characteristics of the neighborhood, which was primarily a residential area. He said the applicant addressed the traffic safety concern by having Lot 1 and Lot 2 access from Thornton Street. He said substantial justice would be done because the applicant was requesting very minor relief only on the frontage of Lot 2. He said he saw no benefit to the public by denial that would outweigh the loss to the applicant. He said granting the variance would not diminish the values of surrounding properties, noting that no evidence was presented that it would. He said it would be hard to see how a well-constructed house on a lot that complies with

the ordinance, with the exception of street frontage, would diminish the values of surrounding properties. He said the property has a few special conditions, including that it is a large corner lot made from two separate lots originally, and the existing structure on one side is very near Thornton Street and creates a large open space to the left of the property, and the applicant is proposing to use that space to subdivide the lot and create a new buildable lot. Given those special conditions, he said there is no fair and substantial relationship between the ordinance's requirement to have 100 feet of street frontage and the specific application to the property. He said it is a reasonable use to use it as a single-family residence that would be built there as well. He noted that several properties in the area had less than 100 feet of frontage and a number of them had less than 63 feet of frontage. Vice-Chair Mattson concurred. He said the proposed application would result in something more in character with the neighborhood. He said after the lot is subdivided, there would still be enough square footage for each new lot, and the existing lot is somewhat regularly shaped, so it is almost surprising that all the other dimensional requirements are able to be met except for the frontage requirement. Mr. Nies said he found that acceptable. Mr. Rheume said he would support the motion. He said Woodbury Ave had a very rhythmic pattern to it, and the one discrepancy was the applicant's property that would be filled in to complete the look of the entire street.

The motion passed unanimously, 7-0.

III. NEW BUSINESS

- A. The request of **Dan Smith Management Group LLC (Owner)**, for property located at **407 The Hill, #6-16** whereas relief is needed to convert the ground floor to a residential use, which requires the following: 1) Variance from Section 10.642 to allow residential use on the ground floor in the Downtown Overlay District where it is not permitted. Said property is located on Assessor Map 118 Lot 26-4 and lies within Character District 4-L1 (CD4-L1) and the Historic District. (LU-26-56)

SPEAKING TO THE PETITION [Timestamp 2:41:39]

Attorney Philip Hastings was present on behalf of the applicant, with the owner Jeff Deuink. Attorney Hastings said the historic home in The Hill was originally built on Deer Street in 1761 and relocated in the late 1960s. He said The Hill properties were converted into condos in 2001 and the ground floors were not used for residential purposes. He said Mr. Deuink wanted to convert his ground floor to living space. He noted that it was historically used as a single-family residence. He explained why the unique setting and location of the property and its orientation did not make it conducive for first-floor commercial uses. He reviewed the criteria.

[Timestamp 2:49:17] Mr. Rheume said he did not see anything in the package stating that the condo association weighed in on whether they accepted the requested variance application. Attorney Hastings said the association's approval was not required and that they had not objected. Mr. Deuink verified that the condo members were aware of the application. Mr. Rheume asked if the current condo documentation spoke to business uses vs. residential uses for the various condo units. Mr. Deuink said it did not and that it was more of a governance of the properties. Mr. Nies asked what business was currently conducted on the first floor. Mr. Deuink said he owned the LLC that

owned the buildings and had other real estate holdings in the State. He said all the bookkeeping was done in the office. Mr. Nies said the current businesses on The Hill did not have a lot of traffic, and the property had no sign. Mr. Deuink said a person did the bookkeeping and there were no walk-in clients. Mr. Nies said the application made frequent reference to the highest and best use, and he asked how that related to the zoning ordinance. Attorney Hastings said it went to the criteria of public interest, spirit of the ordinance, and substantial justice standards. Mr. Nies asked if Attorney Hastings could explain the special conditions of the property that indicated hardship. Attorney Hastings referred to the site plan and said the house did not have frontage on a public street, had limited visibility, and was oriented so that the front door faced the rear of the building on Garden Way. He said the building's orientation was a unique condition that was not conducive to commercial uses on the first floor. Mr. Nies said it seemed like several of the properties had first-floor businesses and pedestrian access, and he asked how the applicant's property was different from those. Attorney Hastings said it was more obscured than many of the other properties. It was further discussed. Mr. Nies said he struggled with how the special conditions distinguished it from others on The Hill. Mr. Deuink explained that only two buildings, including his, did not have road or sidewalk access. Attorney Hastings said the ordinance's provision was for the entire Downtown Overlay District (DOD) and not just The Hill, and other properties in the DOD were similarly situated. Chair Margeson asked why the space could not continue to be an office space. Attorney Hastings said it could be but the question was whether the use proposed was reasonable.

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 3:02:51]

Mr. Rheume said he was conflicted because a good portion of the square footage was being used for nonbusiness uses and The Hill overall presented some challenges. He said the spaces were not well laid out for potential business uses, but several other homes had first-floor businesses. He said if The Hill was not suited more generally for first-floor commercial, he would like to hear from the condo association about which units in their association did not fit the pattern very well and which ones they were supportive of changing over to a completely residential use. He said he would rather see a bigger strategy rather than one or two members of the association coming forward. Mr. Nies said it was difficult to understand why it was included in the DOD to begin with, but the Board was stuck with the ordinance they had, which asked for first-floor businesses in that area, but the applicant made a strong argument as to why that should not be the case. It was further discussed. Chair Margeson said the applicant said he could still use the space as an office but also made a strong argument why the rule should not be applicable to his property. She said The Hill was a walkable place, with lots of hotels and restaurants nearby.

DECISION OF THE BOARD [Timestamp 3:10:35]

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

Vice-Chair Mattson said granting the variances would not be contrary to the public interest, and the spirit of the ordinance would be observed. He said the proposed use of a single-family home must not conflict with the explicit or implicit purpose of the ordinance. He said residential uses are allowed here, just not on the first floor, so the issue was with the Overlay District. He said it would not alter the essential character of the neighborhood or threaten the public's health, safety or welfare or injure public rights. He said the historic use of the structure and some of the other structures on the parcel had been residential in use, and in the neighborhood there were other residential uses including some single-family homes. He said substantial justice would be done because the benefit to the applicant would not be outweighed by harm to the general public or other individuals. He said it would be hard to claim that being allowed to use the ground floor as a residential use would be harmful to the general public, whereas there were benefits to the applicant to do so by expanding the current use. He said granting the variances would not diminish the values of surrounding properties, noting that there had not been a compelling case made either way, but it seemed reasonable that using this home as originally built as a residential use and allowing it to continue to do so would not diminish property values. He said literal enforcement of the provisions of the ordinance would result in unnecessary hardship. He said there were special conditions of the property that distinguished it from other properties in the area. He said there were the condos on The Hill and then the structure on the bigger property, so The Hill had homes that were relocated, and homes historically used as residential homes was a special condition that distinguished it from others in the area. He said there is no fair and substantial relationship between the provision of the ordinance and the specific application to the property. He said the the issue was more the DOD, which for the sake of avoiding spot zoning needed to have some continuity. He said it made sense to activate the streetscape to avoid residential use on the ground floor and to have commercial use in the structures on the properties that face streets, but the applicant's structure was located in too much of a disadvantageous position on the parcel to be able to be used for commercial use. He said it would be a reasonable use and not inconsistent with the ordinance because other structures on the parcel still met the intent of the ordinance with the ground-floor commercial uses. Mr. Lucas concurred and had nothing to add.

Mr. Rossi said he would not support the motion. He said he did not think there was a true differentiation between the applicant's property and the others on The Hill. He likened it to chemistry and said the house was the seed that would crystalize the entire area of The Hill and defeat the purpose of having a walkable area that pedestrians can enjoy. Mr. Rheume said he also would not support the motion but could be persuaded if he had something from the condo association that agreed that the home had unique characteristics relative to the rest of The Hill and that the other condos would not be negatively impacted by what was proposed.

*The motion **failed** by a vote of 2-5, with Mr. Sullivan, Mr. Rossi, Mr. Rheume, Mr. Nies, and Chair Margeson voting in opposition.*

The motion was further discussed. Mr. Rheume said the Board should make the reasons for denial clear and come up with a different motion. Chair Margeson agreed.

The amended motion was:

*Mr. Sullivan moved to **deny** the petition based on the factual finding that the property has no special conditions that distinguish it from other properties on The Hill. He said the ordinance uses the term “area” and in his view, the area being discussed is The Hill. Mr. Rossi seconded the motion.*

Mr. Rossi said other properties similarly situated adjacent to the property had commercial space on the first floor. He said he walked through the area and noted that only one property had an “office for rent” sign and the others seemed to be occupied by commercial enterprises, therefore the nature of the property not being easily distinguished by other properties that are in close proximity to it meant that there is really not a justification of hardship that supports the use of a residential property there. Vice-Chair Mattson said he agreed with the motion, except that The Hill was a single property, so saying that it is not different enough from other structures on the same property is not how he understood the special conditions of the property being distinguishable from others in the area. Chair Margeson said she would support the motion because distinguishing it from other properties in the area and either restricting that to The Hill or to other properties in the DOD was a reasonable interpretation of that provision of the variance criteria.

*The motion to deny **failed** by a vote of 3-4, with Mr. Rheaume, Vice-Chair Mattson, Mr. Nies, and Mr. Lucas voting in opposition. (Four affirmative votes were needed for approval).*

The request was denied due to failure to receive a passing vote.

At this point in the meeting, Mr. Rheaume moved to suspend the 10:00 rule, seconded by Mr. Nies. The motion passed unanimously, 7-0.

- B.** The request of **Susan E Ingersoll (Owner)**, for property located at **46 Aldrich Road** whereas relief is needed to demolish the existing detached garage and construct a new attached garage which requires the following: 1) Variance from Section 10.521 to allow a 17.5 foot rear yard where 20 feet are required. Said property is located on Assessor Map 148 Lot 26 and lies within the General Residence A (GRA) and Historic Districts. (LU-26-65)

SPEAKING TO THE PETITION [Timestamp 3:27:22]

Project designer Justin Knowlton was present on behalf of the applicant. He said they proposed to construct a new attached garage and demolish the existing one. He noted that the new garage would be situated in a less nonconforming way. He reviewed the criteria.

[Timestamp 3:32:21] Mr. Rheaume verified that the small corner of the proposed garage was the only thing in the setback, and he asked why the applicant could not just cut a few feet further toward the road and eliminate the need for a variance. Mr. Knowlton said they wanted to keep the 24-ft depth of a garage, which was standard for a full-size vehicle and would allow room for a lawnmower since his client did not want a shed. He said if the garage were brought forward, the part of the house with a window would be impacted. Chair Margeson said the petition had to go before the Historic District Commission and the chosen materials might change because of that.

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 3:34:58]

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

Mr. Rheume said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said what was proposed was consistent with the neighborhood's characteristics. He said the applicant already had a small garage on the property that was more nonconforming and he wanted to create a garage that was a bit bigger but very modest and attached to the home. He said substantial justice would be done because the applicant wanted to keep a modernized functional single-car garage and have it attached to make it better for entry in the foul weather. He said granting the variance would not diminish the values of surrounding properties because the modest garage would be in almost the same location as before. He said what was unique about the property was the angled rear property line. He said the applicant would improve the nonconformity situation by reducing it. He said the window that could not be reasonably relocated was an existing characteristic of the home. He said the request was reasonable and that it would be a very small encroachment. Mr. Nies concurred and had nothing to add. Chair Margeson asked that a condition be placed in the motion stating that the materials may change as a result of the HDC review. Mr. Rheume and Mr. Nies agreed.

The **amended** motion was:

*Mr. Rheume moved to **grant** the variance for the petition as presented and advertised, noting that the materials may change as a result of the Historic District Commission's review but that it would not affect the fundamental characteristics of what the Board is approving. Mr. Nies seconded the motion.*

The motion passed unanimously, 7-0.

- C. The request of **Debra M Dupont (Owner)**, for property located at **911 Sagamore Avenue** whereas relief is needed to demolish the existing sunroom and construct an addition which requires the following: 1) Variance from Section 10.531 to allow a 13 foot rear yard where 20 feet are required; and 2) Variance from Section 10.334 to allow the existing single family residential use (Use #1.10) to be extended to another part of the remainder of the land. Said property is located on Assessor Map 223 Lot 33 and lies within the Waterfront Business (WB) District. (LU-26-71)

Mr. Rossi recused himself from the petition.

SPEAKING TO THE PETITION [Timestamp 3:41:06]

Attorney Monica Kaiser was present on behalf of the applicant, with her clients Shawn and Debra Dupont. She said the sunroom was really an existing deck that was previously rudimentarily enclosed and that they wanted to formally enclose that deck. She said it would have the same footprint and the stairs would be relocated to the back. She said the property was in an enclave in the Waterfront Business District and had a small residence that included the small sunroom. She said the work would not be within the various setbacks. She reviewed the criteria.

The Board had no comments. 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 3:47:53]

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

Mr. Nies said it was a small request for relatively minor relief from the zoning ordinance to modify a deck that was close to encroaching on the setback. He said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said there was no indication that the small change would affect the health, safety, and welfare of the neighborhood or public or have any effect on light and air. He said it would not alter the essential characteristics of the neighborhood. He said it was a Waterfront Business District use but most of the properties were already residential and it would not change that residential use. He said it would do substantial justice, noting that he could not identify any benefit to the public by denial that would outweigh the loss to the applicant. He said it would not diminish the values of surrounding properties because the change would not be visible to hardly anyone except the applicant, and there was no evidence presented by the abutters or anyone else that they were concerned about the value of their properties diminishing. He said there were a few special conditions, including that it was an existing longstanding single-family residence in the Waterfront Business District, and the lot was burdened by the fact that much of it is covered by the wetland buffer. He said a portion of the building encroached on the setback for the rear yard, but because of the waterfront buffer and other conditions of the property, there really was no alternative location for providing a similar benefit to the applicant of a small deck located outside the house that could be put on any other part of the property. Owing to those special conditions, he said there is no fair and substantial relationship between the purposes of the ordinance, i.e. the setback requirement, and its specific application to the property. He said the proposed use is reasonable and would not really change the property. Mr. Rheume concurred. He said the hardship criteria is reasonable. He said the expansion was really adding one season's worth of use and a few square feet of additional space. He said it is a

longstanding nonconformance and the applicant would just add a season's use of one small portion of the structure to the additional nonconformance.

The motion passed unanimously, 6-0, with Mr. Rossi recused.

- D.** The request of **1010 US Route 1 Bypass LLC (Owner)**, for property located at **1010 Route 1 Bypass** whereas relief is needed for a canopy sign which requires the following: 1) Variance from Section 10.1251.20 for a 95 sq. ft. canopy sign where 20 sq. ft. is allowed; and 2) Variance from Section 10.1241 for an animated sign where it is not allowed. Said property is located on Assessor Map 141 Lot 19 and lies within the Business (B) District. (LU-26-75)

SPEAKING TO THE PETITION [Timestamp 3:52:55]

Grant Michael of NH Signs was present on behalf of the applicant. He said the applicant did not have useful signage on the property because the few small signs they had were difficult to see from the Route One Bypass. He said a large portion of their business was for trucks and large vehicles. He said they wanted to put the signs on a canopy because there was not a good spot on the property for a freestanding sign due to height limitation, and a truck could hit a sign on the road. He said the animated signs were more altering than animated and had a cash/credit wording that toggled every 10 seconds. He said there were two canopies on the property. He reviewed the criteria.

[Timestamp 4:00:00] Mr. Rossi asked if the entire gas and diesel pricing sign was illuminated or if was just the pricing. Mr. Michael said it was just the pricing. Mr. Rossi asked if the animation and illumination applied to the entire 95 square feet or if the Board would be approving a more limited area for the illumination. Ms. Casella said the 95 square feet was for both the animated and nonanimated areas. She said if the sign would need to be defined if it was altered. Mr. Nies asked if the prices was the only thing that changed. Mr. Michael said only the credit and cash would change. He said the sign would give a cash price and then it would change to credit. Ms. Casella suggested placing a condition on the motion or clarifying the issue in the motion. Mr. Rheume asked if the fuel price signs could be set to not toggle. Mr. Michael agreed. Mr. Rheume asked how tall the canopy was. Mr. Michael said the canopy clearance was 15 feet for the trucks, so 15 feet would be the base and 18 feet would be the top off the pavement.

Chair Margeson opened the public hearing.

SPEAKING IN FAVOR OF THE PETITION

No one spoke.

SPEAKING IN OPPOSITION TO THE PETITION [Timestamp 4:05:09]

Rubin Lee of One Kane Street said he and his neighbors went before various boards about issues with the former owner of the truck stop that ranged from glaring light, excessive noise, and diesel fumes, and those issues still existed. He said the requested signage was five times larger than allowed and would be visible from his and his neighbors' properties and disruptive to their right to enjoy their properties. He said the addition of animation would exacerbate it. He said the current owner ran the business for 12 years and saw no need to erect a large sign to attract more customer.

Kira Kimic of 23 Kane Street said her home was in the direct sightline of the property. She said even dim light before bedtime caused melatonin in children to plummet and included depression and increased cancer risks, and her daughter's bedroom faced the sign. She said the ordinance prohibits animated canopy signs in that district and the sign would affect property values. She said if approved, it would set a precedent for every business on the Route 1 Bypass.

Margaret O'Donnell of 149B Dennett Street said she was speaking on behalf of her daughter, Keira O'Brien of 71 Prospect Street. She said her property abutted the Route 1 Bypass and truck stop and the animated sign would shine into the upstairs bedrooms.

Kyle Engle said he owned the property at 149 Dennett Street that had a direct view of the canopy. He asked if the portion of the sign that says "gas and diesel" would be illuminated, and if not, he asked how it would be illuminated and what the purpose was.

SPEAKING TO, FOR, OR AGAINST THE PETITION

Grant Michael said the vinyl gas and diesel signs were not illuminated and would not shine light. He said the prices were not like a spotlight but just look illuminated when someone looked at them. He said a 75-sf freestanding sign was allowed. He said his client could put up a sign that was completely illuminated and would not be on the canopy. He noted that two gas stations down the road already had toggles that alternated pricing.

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

DECISION OF THE BOARD [Timestamp 4:22:09]

Mr. Rheume suggested splitting the two variance requests and just addressing the first of the two.

*Mr. Rheume moved to **grant** the first variance from Section 10.125.20 for a 95-ft canopy sign where 20 square feet is allowed, with the following **condition**:*

- 1. The maximum amount that shall be illuminated out of the 95 square feet is 30 square feet.*

Vice-Chair Mattson seconded.

Mr. Rheume said Sign District 4 was based on the long history of the Route 1 Bypass, and during that time, there were all kinds of gas stations so there was a sort of legacy. He said the Board was judging the application by what Sign District 4 allows. He said the applicant would be allowed by right to have a 100-sf freestanding sign that could be entirely illuminated and placed anywhere on the property and most likely closer to the neighborhoods. He said the applicant made strong arguments relating to the parcel and that it was reasonable to have a balance between what the owner's right to effectively demonstrate the product that he was legally allowed to have and what was proposed. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said it had to do specifically with the parcel being in Sign District 4 and what was allowed there. He said the Route 1 Bypass had a long history of having those types of uses on it, and there was residential abutting up against the business but it was a longstanding business. He said the request did not change the area's fundamental characteristics, especially of the Route 1 Bypass Corridor. He said the applicant noted that there were other signs further down the road of various heights, sizes, and illuminations, and in general, more illuminated and taller than what was being asked for. He said a freestanding sign could be up to 20 feet higher, which was taller than what the applicant proposed, and it could be fully illuminated, so he thought the proposal was consistent with what was being done along the business corridor. He said substantial justice would be done because the canopy would be taller but below the maximum height of a freestanding sign, and there was a longstanding use of the property providing fuel services specifically for trucks, which required a certain clearance, and there was also an existing structure there, so the balance weighed in favor of the applicant. He said granting the variance would not diminish the values of surrounding properties. He said, looking at what was allowed for relief relative to the Sign District and what is allowed in the Sign District relative to overall characteristics, there are always pros and cons with any signage or light source's placement. He said what the applicant was asking for was sufficiently simple enough that it would not negatively impact property values in a general sense. He said the unique hardship the property had was its historic development as a truck stop. He said trying to position a freestanding sign with trucks coming in would be negative to the surrounding neighbors as well as negatively impactful to the vehicles taking advantage of the existing structure that has been there for many years. He said it was reasonable that the applicant was asking for a minimal amount of illumination and that the first variance and its condition should be approved. Vice-Chair Mattson concurred. He said it seemed like a lot of the neighbors' concerns were more about issues of lights and other existing conditions, like the trucks idling and floodlights, which was different than the type of illumination the applicant was asking for. He said the LED lights projected more straightforwardly and did not have the same effect. He said the long and narrow property was unique because it was by the Route 1 Bypass offramp, which gave it a bit of a buffer.

Chair Margeson said she would not support the motion due to procedural issues. She said she did not like breaking up variance applications. She said it may be problematic because she did not know if the animated sign closely related to the first variance. She said she did not think the applicant had a hardship and believed that there was another way the applicant could do what they wanted to do.

*The motion **failed** by a vote of 3-4, with Mr. Sullivan, Mr. Rossi, Mr. Nies, and Chair Margeson voting in opposition.*

The motion was further discussed.

*Mr. Nies moved to **deny** both variances as presented and advertised, seconded by Mr. Rossi, based on the criteria below.*

Mr. Nies said granting the variances would be contrary to the public interest due to the residential neighborhood near the applicant's property. He said granting a variance for an animated sign larger than allowed by the ordinance would affect the health, safety and welfare of the neighbors and would also affect their property values. He said he did not think that it was consistent with the spirit of the ordinance. He said the ordinance went through great detail on signs and he had not heard a strong argument as to why they should be changed in this case. He said he was not convinced that granting the variances would diminish the values of surrounding properties because the Board did not have any definitive specification of that, and it was unclear to him that literal enforcement of the ordinance would result in an unnecessary hardship. He said he was not sure that the property really had special conditions that distinguished it from others in the area because it was a filling and service station on the highway. He said several stations in that area all had the same layout and the challenge of getting their prices out, so he was not convinced that special conditions had been identified in a clear enough way that there was a strong unnecessary hardship that would lead the Board to believe that there is no fair and substantial relationship between the purposes of the ordinance and its specific application to the property. He said the variance application was contrary to the public interest, violated the spirit of the ordinance, and did not meet the hardship criteria. Mr. Rossi said he wanted to reinforce the notion of failure to meet the hardship criterion. He said there were several filling stations on both sides of the Route 1 Bypass and none of them had canopy signs. He said the only instance he was aware of where the Board approved an illuminated canopy sign was on Portsmouth Avenue at the Sunoco station, which was in a very industrialized area and not anywhere near a residential district. He said the applicant's station was close to a residential district, so the hardship criterion needed extra scrutiny. He said he drove on the Route 1 Bypass and often to find the lowest priced diesel in the area, and he never had any difficulty. He said he did not think there was any special aspect of the property that supported the variances as they have been written. Mr. Rheume said he would support the motion primarily because of the second variance, which he thought should be denied.

*The motion to deny **passed** by a vote of 6-1, with Vice-Chair Mattson voting in opposition.*

- E. The request of **500 Maplewood Avenue LLC (Owner)**, for property located at **500 Maplewood Avenue** whereas relief is needed for a canopy sign which requires the following: 1) Variance from Section 10.1251.20 for a 95 sq. ft. canopy sign where 20 sq. ft. is allowed; and 2) Variance from Section 10.1241 for an animated sign where it is not allowed. Said property is located on Assessor Map 142 Lot 34 and lies within the Business (B) District. (LU-26-74)

SPEAKING TO THE PETITION [Timestamp 4:44:12]

Grant Michael of NH Signs was present on behalf of the owner and said he wanted to withdraw the application. Chair Margeson read the rule into the record and said Mr. Michael was allowed to request a withdrawal.

DECISION

The applicant **withdrew** the petition.

- F. REQUEST TO POSTPONE** The request of **Madison Commercial Group (Owner)**, for property located at **72 Mirona Road** whereas relief is needed to establish a 5,049 square foot Pilates/exercise studio which requires the following: 1) Special Exception from Section 10.440 Use #4.42 to allow a 5,049 square foot health club, yoga studio, or similar use where more than 2,000 square feet are allowed by Special Exception. Said property is located on Assessor Map 253 Lot 3 and lies within the Gateway Center (G2) District.
REQUEST TO POSTPONE (LU-26-76)

DECISION OF THE BOARD

*Mr. Rossi moved to **postpone** the petition to the July 21st meeting, seconded by Mr. Rheaume. The motion passed unanimously, 7-0.*

- G.** The request of **Prescott Family Revocable Trust (Owner)**, for property located at **306 South Street** whereas relief is needed to build a chicken coop and have chickens, which requires the following: 1) Special Exception from Section 10.440 Use #17.20 to allow the keeping of farm animals where it is allowed by Special Exception. Said property is located on Assessor Map 253 Lot 3 and lies within the Single Residence B (SRB) and Historic Districts. (LU-26-64)

SPEAKING TO THE PETITION [Timestamp 4:47:18]

The owner Matt Prescott was present and said he wanted a special exception to keep a small flock of eight hens primarily as pets in his backyard. He reviewed the criteria.

[Timestamp 4:49:19] Mr. Nies verified that there would be a total of eight chickens. He asked what the coop's square footage would be. Mr. Prescott said it would be 30 square feet. Mr. Sullivan verified that it would be all hens and no roosters. Mr. Prescott said all the abutters approved.

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 4:50:56]

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

- 1. There shall be a maximum of eight laying hens, and no roosters.*

Vice-Chair Mattson seconded the motion.

Mr. Nies said the Staff Memo made a reference to the applicant not needing a building permit. Ms. Casella said it came from the fact that variances are usually vested and a building permit is not required. She said it could be mentioned in the motion that a building permit is not required.

The **amended** motion was:

*Mr. Rheume moved to **grant** the variance for the petition as presented and advertised, and the special exception is vested without issuance of a building permit because it is not needed for the construction of the chicken coop. The following **condition** applies:*

- 1. There shall be a maximum of eight laying hens, and no roosters.*

Vice-Chair Mattson seconded the motion.

Mr. Rheume said it was a special exception in that zone and would pose no hazard to the public or adjacent public on account of potential fire, explosion, or release of toxic materials. He said it would pose no detriment to property values in the vicinity or change in the essential characteristics of any area because the coop would be small. He said it would not affect other structures, parking areas, passageways, odor, smoke, gas, dust, noise, or heat. He said noise could be an issue but the Board's stipulation stated that there would be no roosters, which were usually the noisiest. He said there would be no creation of a traffic safety hazard or a substantial increase in the level of traffic congestion because the keeping of chickens would not have nothing to do with that. He said there would be no excessive demand on municipal services including water, sewer, waste disposal, police and fire protection, and schools. He said water, sewer and waste disposal could be issues but the Board's stipulation was for a maximum of eight chickens and those issues were minor compared to the other routine demands of a residential use. He said there would be no substantial increase in stormwater runoff onto adjacent properties or streets because the size and location of the coop would not result in that. Vice-Chair Mattson concurred and had nothing to add.

The motion passed unanimously, 7-0.

IV. ADJOURNMENT

The meeting adjourned at 11:55 p.m.

Submitted,

Joann Breault
BOA 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: July 15, 2026
RE: Zoning Board of Adjustment July 21, 2026

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

II. Old Business

- A. 34 Harvest Way – REQUEST TO WITHDRAW
- B. 315 Banfield Road – POSTPONED
- C. 72 Mirona Road

III. New Business

- A. 475 Broad Street
- B. 292 Wibird Street
- C. 555 Dennett Street
- D. 0 Joffre Avenue and 18 Barberry Lane
- E. 215 Bartlett Street

II. OLD BUSINESS

- A. REQUEST TO WITHDRAW** The request of **Lonza Biologics INC (Owner)**, for property located at **34 Harvest Way** whereas relief is needed to install two illuminated wall signs and one illuminated monument sign, which requires relief from the following: 1) from Section 306.01(d) of the Pease Development Authority Ordinance to allow signs to exceed a maximum aggregate area of two (2) square feet of sign area for each linear foot of street frontage up to a maximum of 200 square feet. Said property is located on Assessor Map 305 Lot 5 and lies within the Airport Business Commercial (ABC) District. (LU-26-12) **REQUEST TO WITHDRAW**

Planning Department Comments

At the April 28, 2026 meeting, the Board continued the request to the May 19th meeting, so that the applicant could provide the specific section of the Pease Development Authority Zoning Ordinance that is applicable, with the supporting rationale as to why the request is necessary. The application was postponed at the May 19th and June 16th meeting at the request of the applicant. The applicant has indicated they will be submitting a request for the Board to consider suspending the rules to allow the applicant to withdraw the application.

II. OLD BUSINESS

- B. POSTPONED** The request of **Hope for Tomorrow Foundation (Owner)**, for property located at **315 Banfield Road** whereas relief is needed to construct an addition to the existing school on the property, which requires the following: 1) Variance from Section 10.334 to allow the existing primary and secondary school use (Use #3.21) to be extended to another part of the remainder of the land. Said property is located on Assessor Map 266 Lot 5 and lies within the Industrial (I) District. (LU-26-41) **POSTPONED**

Planning Department Comments

Applicant has postponed consideration to the August BOA meeting

BY: VIEWPOINT & HAND DELIVERY

July 13, 2026

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

**RE: Variance Application of Hope for Tomorrow Foundation, Inc.
315 Banfield Road, Tax Map 266, Lot 5**

Dear Stefanie,

Please forward the following request to the Zoning Board of Adjustment. My client is seeking further postponement of the public hearing on their variance application for the property at 315 Banfield Road. Discussions have been ongoing with the City staff and legal department for the past two months that affect the merits of the application. Until those discussions have closed, it makes little sense to hold a hearing on the substance of the application. It is anticipated that all pending matters with the City should be resolved within the next month.

Sincerely,



Derek R. Durbin, Esq.

II. OLD BUSINESS

- C. The request of **Madison Commercial Group (Owner)**, for property located at **72 Mirona Road** whereas relief is needed to establish a 5,049 square foot Pilates/exercise studio which requires the following: 1) Special Exception from Section 10.440 Use #4.42 to allow a 5,049 square foot health club, yoga studio, or similar use where more than 2,000 square feet are allowed by Special Exception. Said property is located on Assessor Map 253 Lot 3 and lies within the Gateway Center (G2) District. (LU-26-76)

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Commercial multi unit building	*Establish a pilates/exercise studio	Primarily Residential
<u>Gross Floor Area</u>	5,049	5,049	
<u>Estimated Age of Structure:</u>	1990	Request(s) shown in red.	

*Health club, yoga studio, or similar use with more than 2,000 sq. ft. GFA is allowed by special exception

Other Permits/Approvals Required

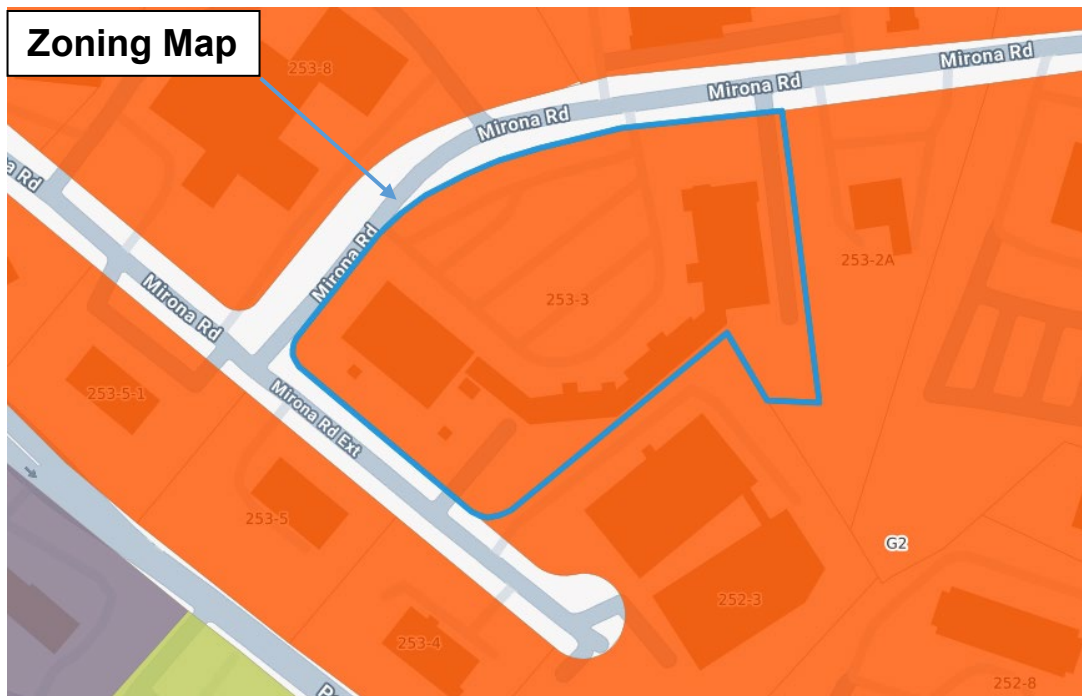
- Building Permit – Tenant Fit Up

Neighborhood Context

Aerial Map



Zoning Map



Previous Board of Adjustment Actions

November 26, 1968 –The Board **granted** the request to continue the manufacturing and sale of footwear and leather goods and factory outlet.

October 27, 1970 –The Board **granted** the request to extend present factory outlet located at 72 Mirona Road for an area of 120' x 50'.

March 7, 1978 –The Board **granted** the following: a) a Variance to extend a non-conforming retail sales use in an Industrial District; and b) a Variance to erect said 40' x 100', 2 story addition 2 ½' from the rear property line.

February 23, 1982 – The applicant **requested** the following: 1) a Variance from Article II, Section 10-213 to allow the construction of a general merchandise complex in an Industrial District; 2) a Variance from Article III, Section 10-302 to allow a front yard of 16' where 70' is required and a rear yard of 10' where 50' is required; 3) a Variance from Article III, Section 10-302(B) to allow 6 accesses and egresses where 4 accesses and egresses are permitted.

The Board voted to **grant** Variance 1 as presented and advertised.

The Board voted to **deny** Variances 2 and 3.

March 16, 1982 – The Board **granted** the following: a Variance from Article III, Section 10-302 to allow construction of an additional 22,635 s.f. of retail commercial space with a rear yard of 10' where 50' is required.

September 28, 1993 – The Board **granted** the following: a Variance from Article II, Section 10-206 to allow a 2,250 s.f. professional office to be located in a retail shopping center where professional offices are not allowed.

March 20, 2001 – The applicant **requested** the following: 1) a Variance from Article III, Section 10-304(A) to allow: a) 34.7' front yard where 70' is required, and b) 18.8% open space where 20% is the minimum required, 2) a Variance from Article XII, Section 10-204 Table 15 to allow 254 parking spaces to be provided where 282 parking spaces are required, 3) a Variance from Article XII, Section 10-1201(3)(a)(4) to allow vehicles back out onto Mirona Road, 4) a Variance from Article XII, Section 10-1201(3)(e)(2) to allow off street parking, maneuvering and traffic aisles to be located within 40' of the property line and no landscaping being provided and, 5) a Variance from Article XII, Section 10-1203(A)(2) to allow 4 loading areas to be provided where 8 loading areas are required; and 6) a Variance from Article XII, Section 10-1201(A)(2) to allow the parking spaces in the garage to be 18' in length where 19' in length is required.

The Board voted to **grant** Variances 1, 2, 3, 5, and 6 as presented and advertised. However, Variance 2 should reflect 264 parking spaces being provided. Variance 4 was withdrawn.

July 22, 2003 – The Board **granted** the following: 1) a Variance from Article III, Section 10-304(A) to allow a 30' front yard where 70' was the minimum required, and 2) a Variance from Article XIII, Section 10-1204, Table 15 to allow 188 parking spaces to be provided where 215 parking spaces were required.

February 19, 2008 – The applicant **withdrew the request for the following**: a Variance from Article XII, Section 10-1204 was requested to allow a two story addition to the existing building (51,042 sf) for 2,844 sf of retail space on the 1st floor and 2,914 sf of office space on the 2nd floor including a 2 car garage requiring a total of 216 parking spaces where 201 parking spaces are provided.

March 18, 2008 – The Board **granted** the following: a Variance from Article XII, Section 10-1204 was requested to allow 201 parking spaces to be provided where 222 parking spaces are required in conjunction with a two story (1,757 sf footprint) addition for retail and office uses and a 1,062 sf garage.

February 17, 2009 – The Board **granted** the following: a One Year Extension of the Variance granted March 18, 2008.

March 17, 2026 – The Board **granted** the following: 1) Special Exception from Section 10.440 Use #7.20 to allow Personal Services.

Planning Department Comments

The applicant is proposing to establish a Pilates and exercise studio greater than 2,000 SF. It should be noted that the history provided in this memo reflects the history of the entire property, it is not specific to the unit presented. At the June 16, 2026 meeting, the Board postponed the application at the request of the applicant. The application was updated to include a parking demand analysis that outlines shared use parking calculations for the site and concludes that existing on-site parking will adequately serve the proposed uses, including the pilates studio.

Special Exception Review Criteria

The application must meet all of the standards for a **special exception** (see Section 10.232 of the Zoning Ordinance).

1. *Standards as provided by this Ordinance for the particular use permitted by special exception;*
2. *No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials;*
3. *No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;*
4. *No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;*
5. *No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and*
6. *No significant increase of stormwater runoff onto adjacent property or streets.*

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.

BY: VIEWPOINT & HAND DELIVERY

May 20, 2026

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

**RE: Special Exception Application of Madison Commercial Group, LLC
72 Mirona Road, Portsmouth (Tax Map 253, Lot 3)**

Dear Stefanie,

Please find a copy of the following materials relative to the special exception application filed through Viewpoint for property located at 72 Mirona Road, Portsmouth:

- 1) Landowner Letter of Authorization
- 2) Narrative to Variance Application
- 3) GIS Map of Property
- 4) Floor Plans (Existing and Proposed)
- 5) Photographs of the Property

A copy of the above application materials is being delivered to the Planning Department. Should you have any questions or concerns regarding the enclosed application materials, do not hesitate to contact me at your convenience.

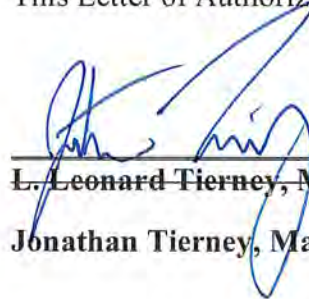
Sincerely,



Derek R. Durbin, Esq.

LANDOWNER LETTER OF AUTHORIZATION

Madison Commercial Group, LLC, record owner of property located at **72 Mirona Road**, identified on **Tax Map 253, Lot 03** (the "Property"), hereby authorizes **Durbin Law Offices PLLC**, to file any building, zoning, planning or other municipal permit applications with the City of Portsmouth for Unit #21 and Unit #22 at said Property and to appear before its land use boards. This Letter of Authorization shall be valid until expressly revoked in writing.

 5/19/26
~~L. Leonard Tierney, Manager~~
Jonathan Tierney, Manager

**CITY OF PORTSMOUTH
VARIANCE APPLICATION NARRATIVE**

**Madison Commercial Group, LLC
(Owner/Applicant)**

**72 Mirona Road
Portsmouth, NH 03801
Tax Map 253, Lot 3**

BACKGROUND

Introduction

The property at 72 Mirona Road lies within the Gateway 2 (G2) Zoning District. It is owned by Madison Commercial Group, LLC (the “Applicant”). The property is a 4+ acre lot with two large commercial buildings on it containing over 20 office suites. Some of the businesses occupy multiple suites within the building. The complex is referred to as “Madison Village”. There are a mixture of business types occupying the buildings, including a day care, retail businesses, a personal service business (esthetics), pottery studio, kickboxing/exercise studio, business offices, and a restaurant. There is a huge parking lot in front of the building accessed from Mirona Road as well as a smaller adjacent lot to the rear. In total, there are 185 (+/-) delineated parking spaces on the property.

Proposed Use

The Applicant was recently approached by a business that runs a pilates/exercise studio seeking to lease Suites 2 and 21/22 on the property. Suite 2 is a first-floor space consisting of 1,911 square feet of Gross Floor Area (“GFA”). Suite 21/22 is a second-floor space consisting of 3,138 square feet of GFA. Suite 2 is presently unoccupied but was previously used as office space for a staffing agency. Suite 21/22 is occupied and is currently being utilized as office space for the same staffing agency. The prospective lessee intends to utilize both suites as part of the pilates/exercise studio. The total GFA of the two suites combined is 5,049 square feet (+/-), which includes all ancillary spaces including administrative office space, a bathroom, changing areas, a small kitchen, a locker area, a lobby, a reception area and a mechanical room, etc., as shown on the conceptual floor plans submitted herewith.

Indoor recreational uses, such as a pilates/exercise studio, are permitted by right within the G2 Zoning District pursuant to Section 10.440 (4.40) of the Portsmouth Zoning Ordinance (the “Ordinance”). However, if the GFA of the proposed use exceeds 2,000 square feet, as is the case here when you consider the use of both suites, a **Special Exception** from the Zoning Board of Adjustment (the “Board”) is required under Section 10.440 (4.42) of the Ordinance.

SPECIAL EXCEPTION CRITERIA

10.232.20 Special exceptions shall meet all of the following standards:

10.232.21 Standards as provided by this Ordinance for the particular **use** permitted by special exception.

Indoor recreational uses occupying more than 2,000 square feet of gross floor area are permitted by special exception within the Gateway 2 Zoning District.

10.232.22 No hazard to the public or **adjacent** property on account of potential fire, explosion or release of toxic materials;

No threat of fire, explosion or release of toxic materials is presented by the proposed indoor recreational use of the premises. No hazardous, flammable or toxic materials will be stored or utilized at the premises.

10.232.23 No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of **buildings** and other **structures**, parking areas, **accessways**, odor, smoke, gas, dust, or other pollutant, noise, **glare**, heat, vibration, or unsightly **outdoor storage** of equipment, vehicles or other materials;

None of the concerns set forth in Section 10.232.23 of the Ordinance are implicated by the proposed indoor recreational use. No exterior modifications will be made to the building in which the premises are located. No exterior site modifications are being made to the property, nor will there be any outdoor storage associated with the proposed use.

10.232.24 No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;

The area surrounding the property is characterized by a mixture of both higher-intensity and lower intensity commercial uses. Overall, however, traffic on Mirona Road is free flowing at all times of the day and does not experience any traffic back-ups.

With respect to the proposed use, the Applicant commissioned Altus Engineering, Inc. do a parking demand analysis as a means for determining whether the proposed use would create any type of traffic hazard or increase in traffic congestion in the area. Altus's report is attached hereto as Exhibit A. The report concludes that that "the existing on-site parking will adequately serve the proposed pilates/exercise studio and all existing uses remaining on the site." See Pg. 6. The formula provided for in Section 10.1112.60 of the Ordinance was used to determine demand and total parking occupancy rates for the property at various times of the week. The report notes that there are 204 parking stalls on the property and that "the peak parking demand for the existing conditions is 187 total parking spaces for the site, while the proposed conditions

has a peak parking demand of 179 total parking spaces, both in the Weekday-Daytime period.”
Id. As such, Weekday-Daytime parking demand on the property will be lower by replacing the existing use with the proposed use. Weekend parking demand will be slightly higher (137 v. 124) with the proposed use, but well under what the property can accommodate, and much lower than the weekday demand.

Based on the report prepared by Altus, the Board can reasonably conclude there will be traffic congestion or substantial increase in traffic or traffic safety hazards caused by the proposed use. Anyone familiar with the property can tell you that the parking lot is half or less full most hours of the day during the week and on the weekend.

10.232.25 No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and

With respect to the demand upon municipal services, the proposed use is benign. There are uses permitted by right within the G2 Zoning District that create a greater demand upon municipal services than the proposed use. It is a low intensity use in the context of municipal services’ demand. There will be one small bathroom within the premises as well as a kitchen area and laundry room that will be used throughout the course of the day but will not create a demand which could be considered excessive upon water, sewer, waste disposal or police and fire protection. The use is not residential in nature, so it will have no impact upon the school system.

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

No building or other site modifications are being made to the property; therefore, there will be no significant increase of stormwater onto adjacent property or streets associated with the proposed use.

CONCLUSION

In conclusion, the Applicant believes that it has met the criteria for granting the special exception requested. It thanks the Board for its time, careful consideration and review of its application.

Respectfully submitted,

By: 
Derek R. Durbin, Esq.
Durbin Law Offices, PLLC
154 Maplewood Avenue
Portsmouth, NH 03801
derek@durbinlawoffices.com

Mirona Commercial Group, LLC

Assessor's Map 253, Lot 03
72 Mirona Road, Portsmouth, NH
Altus Project #5788

PARKING DEMAND ANALYSIS

(For Special Exception Permit Application)

July 9, 2026

Madison Commercial Group, LLC (owner and applicant) is proposing to convert suites #2, #21, and #22 from existing office spaces to a pilates/exercise studio. The property located at 72 Mirona Road lies within the Gateway 2 (G2) Zoning District. The proposed use of indoor recreation, which includes exercise studios is permitted by right in this district. A Special Exception is required if the proposed use exceeds 2,000 square feet. The proposed project will permit a pilates/exercise studio totaling 5,049 +/- square feet, therefore triggering the Special Exception. As part of the Special Exception application, this Parking Demand Analysis is provided to confirm that the existing on-site parking is adequate for the change of use on site and no exterior site improvements are required. No exterior improvements to the building or site are proposed with this application.

The aerial image below shows the existing property at 72 Mirona Road and the existing parking lot, which has 204 parking stalls, as confirmed by Altus Engineering on June 26, 2026.



72 Mirona Road – 2026 Aerial Image (Google Earth)

72 Mirona Road is a mixed-use site that includes multiple uses on the site. Therefore, the *Portsmouth Zoning Ordinance Article 11 Section 10.1112.60- Shared Parking* was used to analyze the total parking occupancy rates for the various weekly time periods. The table below from the Ordinance was used to determine the various occupancy rates for each use.

Parking Occupancy Rates

(A) Land Use	Weekday		Weekend		(F) Nighttime (Midnight– 6:00 AM)
	(B) Daytime (8:00 AM– 5:00 PM)	(C) Evening (6:00 PM– Midnight)	(D) Daytime (8:00 AM– 5:00 PM)	(E) Evening (6:00 PM– Midnight)	
Residential	60%	100%	80%	100%	100%
Office/ Industrial	100%	20%	10%	5%	5%
Retail/Service	60%	90%	100%	70%	5%
Hotel/Motel	70%	100%	75%	100%	100%
Restaurant	70%	100%	80%	100%	10%
Entertainment	40%	100%	80%	100%	10%
Conference/ Convention	100%	100%	100%	100%	5%
Place of Worship*	10%	5%	100%	50%	5%
Other Institutional	100%	20%	10%	10%	5%

* For a religious use that holds its principal services on a weekday, the weekday and weekend ratios shall be reversed.

Utilizing the Parking Occupancy Rates above for shared parking and applying each use to the existing uses on site (A through I) and the proposed Pilates/exercise studio (J), the totals below were determined to be required parking spaces for each time period.

A. 9 Round Kickboxing Fitness (Existing):

9 Round Kickboxing Fitness currently occupies 1,642 +/- square feet on the property and falls under a recreational use requiring 1 space / 250 square feet.

Parking Occupancy Rates = Retail/Service:

Weekday Daytime (60%) = 3.9 spaces

Weekday Evening (90%) = 5.9 spaces

Weekend Daytime (100%) = 6.6 spaces

Weekend Evening (70%) = 4.6 spaces

Nighttime (5%) = 0.3 spaces

B. Kindercare:

Kindercare currently occupies 9,965 square feet on the property and falls under a Group DayCare Use which they have a licensed capacity of 148 children. Group DayCare use requires 0.5 spaces / 1 child occupant.

Parking Occupancy Rates = Retail/Service:

Weekday Daytime (60%) = 44.4 spaces

Weekday Evening (90%) = 66.6 spaces

Weekend Daytime (100%) = 74.0 spaces

Weekend Evening (70%) = 51.8 spaces

Nighttime (5%) = 3.7 spaces

C. Merristitches:

Merristitches currently occupies 2,089 +/- square feet on the property and falls under Personal Services use requiring 1 space / 400 square feet.

Parking Occupancy Rates – Retail/Service:

Weekday Daytime (60%) = 3.1 spaces

Weekday Evening (90%) = 4.7 spaces

Weekend Daytime (100%) = 5.2 spaces

Weekend Evening (70%) = 3.7 spaces

Nighttime (5%) = 0.3 spaces

D. Firefly Pottery:

Firefly Pottery currently occupies 2,120 +/- square feet on the property and falls under Personal Services use requiring 1 spaces / 400 square feet.

Parking Occupancy Rates – Retail/Service:

Weekday Daytime (60%) = 3.2 spaces

Weekday Evening (90%) = 4.8 spaces

Weekend Daytime (100%) = 5.3 spaces

Weekend Evening (70%) = 3.7 spaces

Nighttime (5%) = 0.3 spaces

E. The Golden Egg:

The Golden Egg currently occupies 5,261 +/- square feet on the property and falls under Eating and Drinking use requiring 1 space / 100 square feet.

Parking Occupancy Rates - Restaurant:

Weekday Daytime (70% revised to 80%) = 42.1 spaces

Weekday Evening (100%) = 52.6 spaces

Weekend Daytime (80% revised to 100%) = 52.6 spaces

Weekend Evening (100%) = 52.6 spaces

Nighttime (10%) = 5.3 spaces

F. **Art of Eyebrows:**

Art of Eyebrows currently occupies 1,600 +/- square feet on the property and falls under Personal Services use requiring 1 space / 400 square feet.

Parking Occupancy Rates – Retail/Service:

Weekday Daytime (60%) = 2.4 spaces

Weekday Evening (90%) = 3.6 spaces

Weekend Daytime (100%) = 4.0 spaces

Weekend Evening (70%) = 2.8 spaces

Nighttime (5%) = 0.2 spaces

G. **Madison Resources:**

Madison Resources currently occupies 20,255 +/- square feet on the property and falls under Business/Office use requiring 1 space / 350 square feet.

Parking Occupancy Rates – Office/Industrial:

Weekday Daytime (100%) = 57.9 spaces

Weekday Evening (20%) = 11.6 spaces

Weekend Daytime (10%) = 5.8 spaces

Weekend Evening (5%) = 2.9 spaces

Nighttime (5%) = 2.9 spaces

H. **NESC Staffing:**

NESC Staffing currently occupies 3,400 +/- square feet on the property and falls under Business/Office use requiring 1 space / 350 square feet.

Parking Occupancy Rates – Office/Industrial:

Weekday Daytime (100%) = 9.7 spaces

Weekday Evening (20%) = 1.9 spaces

Weekend Daytime (10%) = 1.0 spaces

Weekend Evening (5%) = 0.5 spaces

Nighttime (5%) = 0.5 spaces

I. **The Agency Portsmouth (TAP) - To Be Removed:**

The Agency Portsmouth 1st Floor space occupies 1,911 +/- square feet, and associated 2nd floor space occupies 3,138 square feet. Total square footage equals approximately 5,049 and falls under the recreational use requiring 1 space / 250 square feet.

Parking Occupancy Rates – Office/Industrial:

Weekday Daytime (100%) = 20.2 spaces

Weekday Evening (20%) = 4.0 spaces

Weekend Daytime (10%) = 2.0 spaces

Weekend Evening (5%) = 1.0 spaces

Nighttime (5%) = 1.0 spaces

J. Pilates/Exercise Studio - Proposed:

The proposed Pilates/Exercise Studio will occupy 5,049 +/- square feet and falls under recreational use requiring 1 space / 250 square feet.

Parking Occupancy Rates – Retail/Service:

Weekday Daytime (60%) = 12.1 spaces

Weekday Evening (90%) = 18.2 spaces

Weekend Daytime (100%) = 20.2 spaces

Weekend Evening (70%) = 14.1 spaces

Nighttime (5%) = 1.0 spaces

TABLE 1: EXISTING SHARED PARKING CALCULATIONS

<u>LAND USE</u>	<u>SF:</u>	<u>Space / SF:</u>	<u>Spaces Rqd*</u>	<u>WEEKDAY (8AM-5PM)</u>		<u>WEEKDAY (6pm-MID)</u>		<u>WEEKEND (8AM-5PM)</u>		<u>WEEKEND (6pm-MID)</u>		<u>NIGHTTIME</u>	
A. Nine Round	1642	250	6.6	60%	3.9	90%	5.9	100%	6.6	70%	4.6	5%	0.3
B. Kindercare	9965*	148	74	60%	44.4	90%	66.6	100%	74.0	70%	51.8	5%	3.7
C. Merristiches	2089	400	5.2	60%	3.1	90%	4.7	100%	5.2	70%	3.7	5%	0.3
D. Firefly Pottery	2120	400	5.3	60%	3.2	90%	4.8	100%	5.3	70%	3.7	5%	0.3
E. The Golden Egg	5261	100	52.6	80%	42.1	100%	52.6	100%	52.6	100%	52.6	10%	5.3
F. Art of Eyebrows	1600	400	4	60%	2.4	90%	3.6	100%	4.0	70%	2.8	5%	0.2
G. Madison Rcrs	20255	350	57.9	100%	57.9	20%	11.6	10%	5.8	5%	2.9	5%	2.9
H. NESC Staffing	3400	350	9.7	100%	9.7	20%	1.9	10%	1.0	5%	0.5	5%	0.5
I. TAP	5049	250	20.2	100%	20.2	20%	4.0	10%	2.0	5%	1.0	5%	1.0
SPACES REQD	51381		235.5		186.9		155.7		156.5		123.6		14.4
187 spaces required (Weekday - Daytime), 204 spaces available													

TABLE 2: PROPOSED SHARED PARKING CALCULATIONS

<u>LAND USE</u>	<u>SF:</u>	<u>Space / SF:</u>	<u>Spaces Rqd*</u>	<u>WEEKDAY (8AM-5PM)</u>		<u>WEEKDAY (6pm-MID)</u>		<u>WEEKEND (8AM-5PM)</u>		<u>WEEKEND (6pm-MID)</u>		<u>NIGHTTIME</u>	
A. Nine Round	1642	250	6.6	60%	3.9	90%	5.9	100%	6.6	70%	4.6	5%	0.3
B. Kindercare	9965*	148	74	60%	44.4	90%	66.6	100%	74.0	70%	51.8	5%	3.7
C. Merristiches	2089	400	5.2	60%	3.1	90%	4.7	100%	5.2	70%	3.7	5%	0.3
D. Firefly Pottery	2120	400	5.3	60%	3.2	90%	4.8	100%	5.3	70%	3.7	5%	0.3
E. The Golden Egg	5261	100	52.6	80%	42.1	100%	52.6	100%	52.6	100%	52.6	10%	5.3
F. Art of Eyebrows	1600	400	4	60%	2.4	90%	3.6	100%	4.0	70%	2.8	5%	0.2
G. Madison Rcrs	20255	350	57.9	100%	57.9	20%	11.6	10%	5.8	5%	2.9	5%	2.9
H. NESC Staffing	3400	350	9.7	100%	9.7	20%	1.9	10%	1.0	5%	0.5	5%	0.5
J. Pilates Studio	5049	250	20.2	60%	12.1	90%	18.2	100%	20.2	70%	14.1	5%	1.0
SPACES REQD	51381		235.5		178.8		169.9		174.7		136.7		14.4
179 spaces required(Weekday - Daytime), 204 spaces available													

SUMMARY AND CONCLUSION

Tables 1 and Table 2 above summarize the shared use parking calculations for the existing and proposed conditions after the existing 5,049 s.f. of office space for The Agency Portsmouth (Item I) is converted to a Pilates/Exercise Studio (Item J). As illustrated in the tables, the peak parking demand for the existing conditions is 187 total parking spaces for the site, while the proposed conditions has a peak parking demand of 179 total parking spaces, both in the Weekday-Daytime period.

It is noted that The Golden Egg Restaurant is primarily a breakfast restaurant with operating hours from 6am – 2pm. Therefore, Altus modified the Shared Use rates to 80% weekday daytime (8am-5pm) and 100% weekend daytime for the calculations. Although little use is anticipated for the evenings, rates were not modified.

Table 2 illustrates the proposed parking demand by replacing the existing 5,049 s.f of office space with the Pilates/Exercise Studio. The Weekday-Daytime parking demand slightly decreases to 179 required parking spaces, which is still the peak time period for the combined uses. The decrease is because the Pilates/exercise studio has a lower peak demand in the weekday-daytime compared to the weekend.

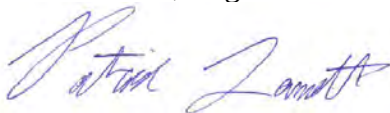
Based on a field review of the existing property at 72 Mirona Road by Altus Engineering on June 26, 2026, it was determined that there are 204 existing parking spaces on site. It was also noted during the field review that there are seven (7) existing ADA parking stalls on site. ADA requires 7 ADA parking spaces for parking lots with 201-300 parking spaces. Therefore, this Parking Demand Analysis concludes that the existing on-site parking will adequately serve the proposed pilates/exercise studio and all existing uses remaining on the site.

Attachments

A. Overall Site Plan – Existing Parking Count

ALTUS ENGINEERING, LLC

Patrick Lamott, Engineer II

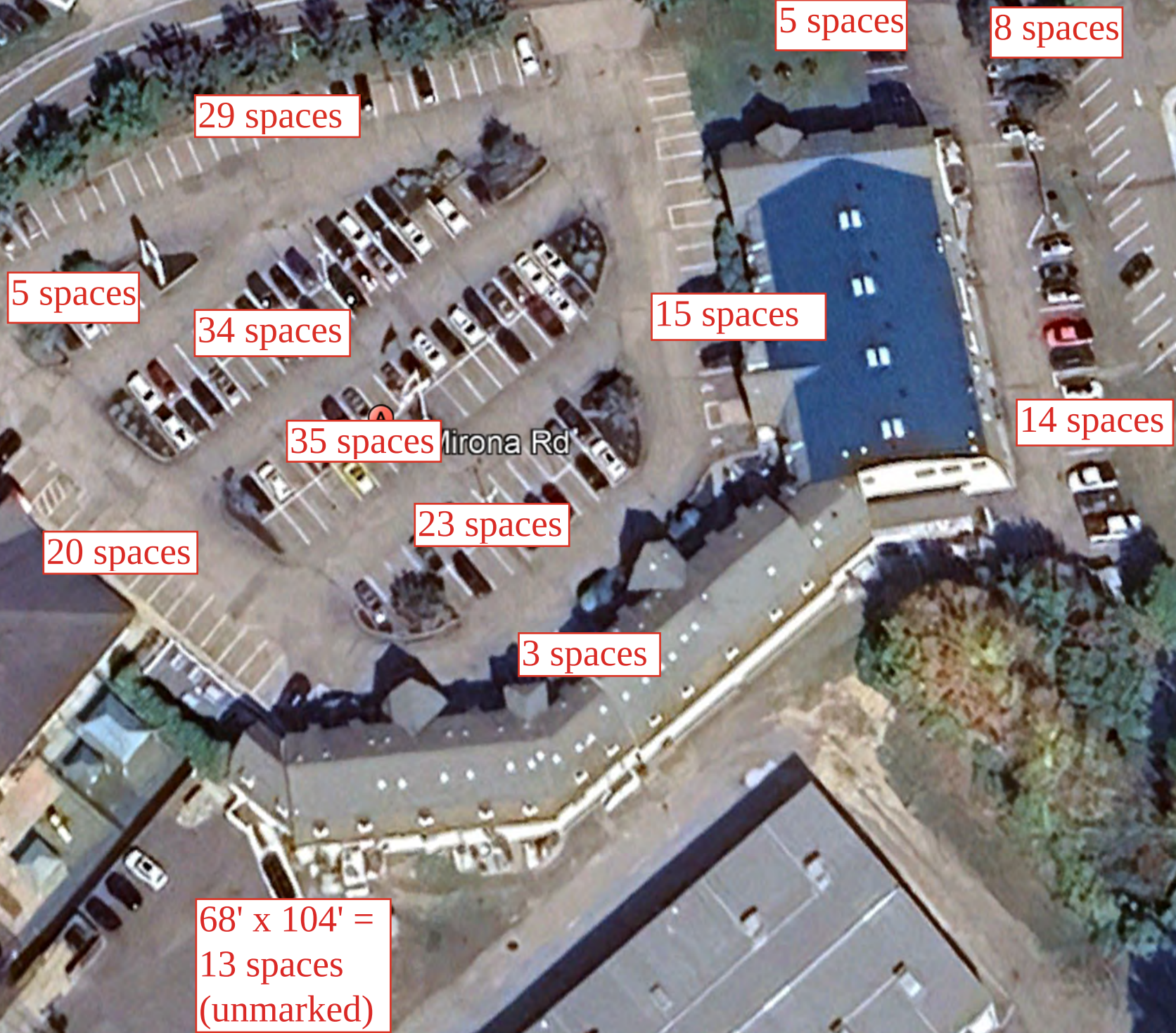


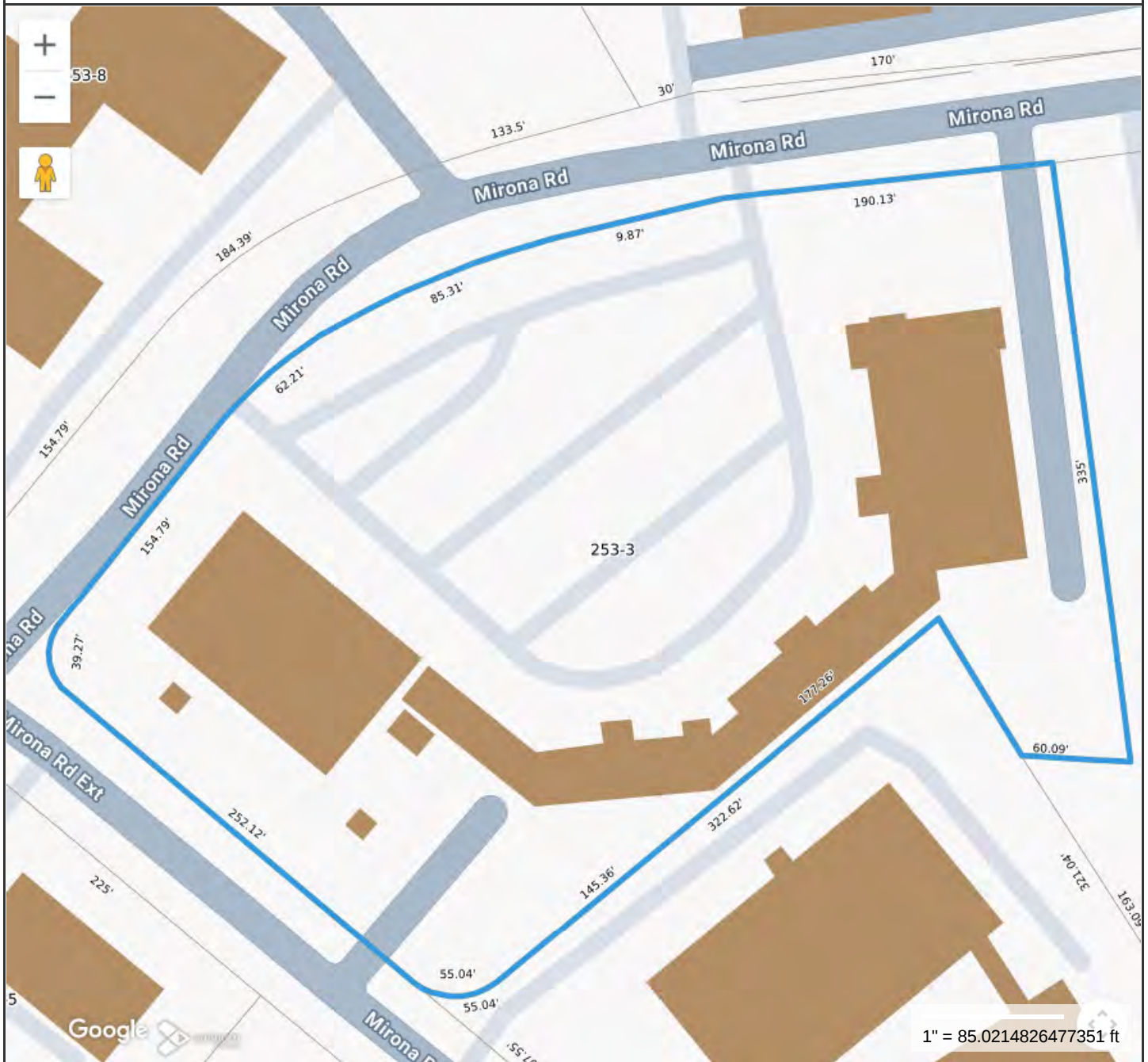
Cory Belden, PE



ATTACHMENT A - EXISTING PARKING COUNT

TOTAL
191 spaces (marked)
13 spaces (unmarked)
Total = 204 spaces
7 Handicap (7 Reqd)



**Property Information**

Property ID 0253-0003-0000
Location 72 MIRONA RD
Owner MADISON COMMERCIAL GROUP LLC



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

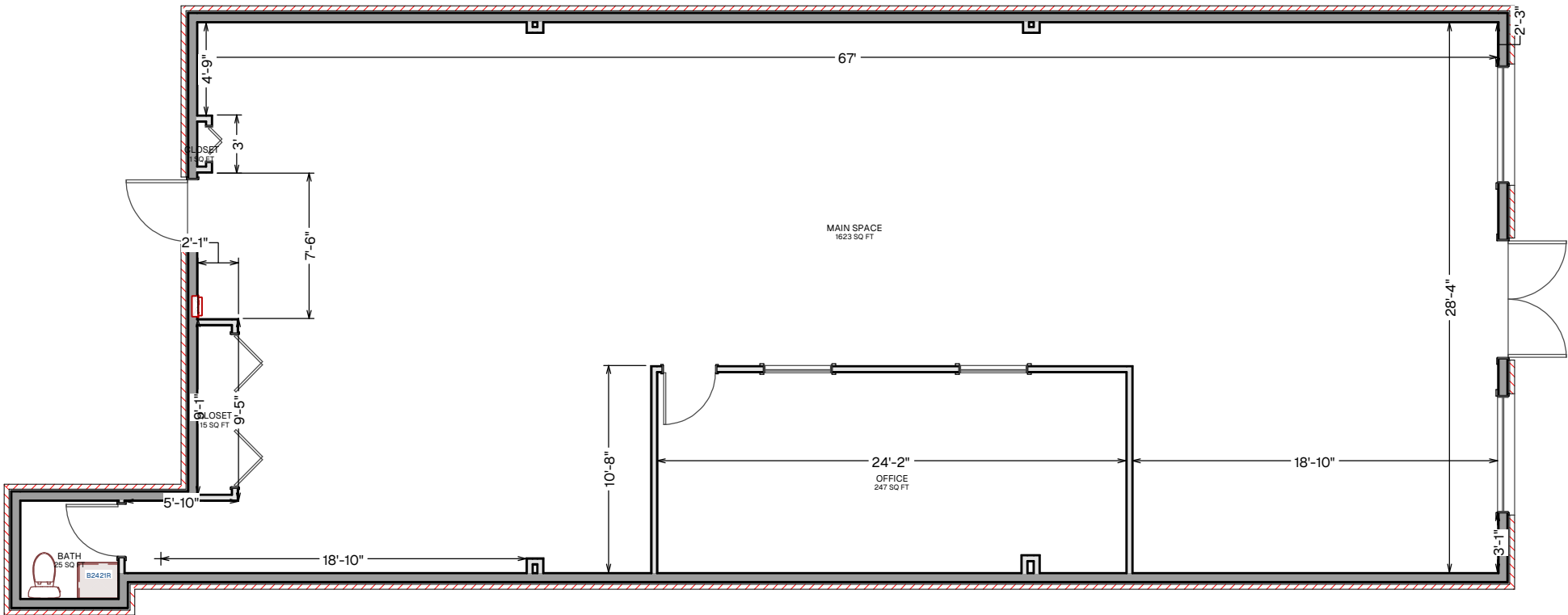
Geometry updated 03/06/2026

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

72 Mirona Way Portsmouth - NH

OWNER
The Agency Portsmouth
NH

DESIGNER/BUILDER
Build It Construction



○ Existing - 1st Floor
1/8" = 1 ft

NOTES:

05596 - 72
MIRONA RD -
PORTSMOUTH NH

DATE: 5/18/2026

REVISION: EXISTING

A101

NOT FOR CONSTRUCTION

72 Mirona Way Portsmouth - NH

OWNER
The Agency Portsmouth
NH

DESIGNER/BUILDER
Build It Construction



Existing - 2nd Floor
1/8" = 1 ft

NOTES:

05596 - 72
MIRONA RD -
PORTSMOUTH NH

DATE: 5/18/2026

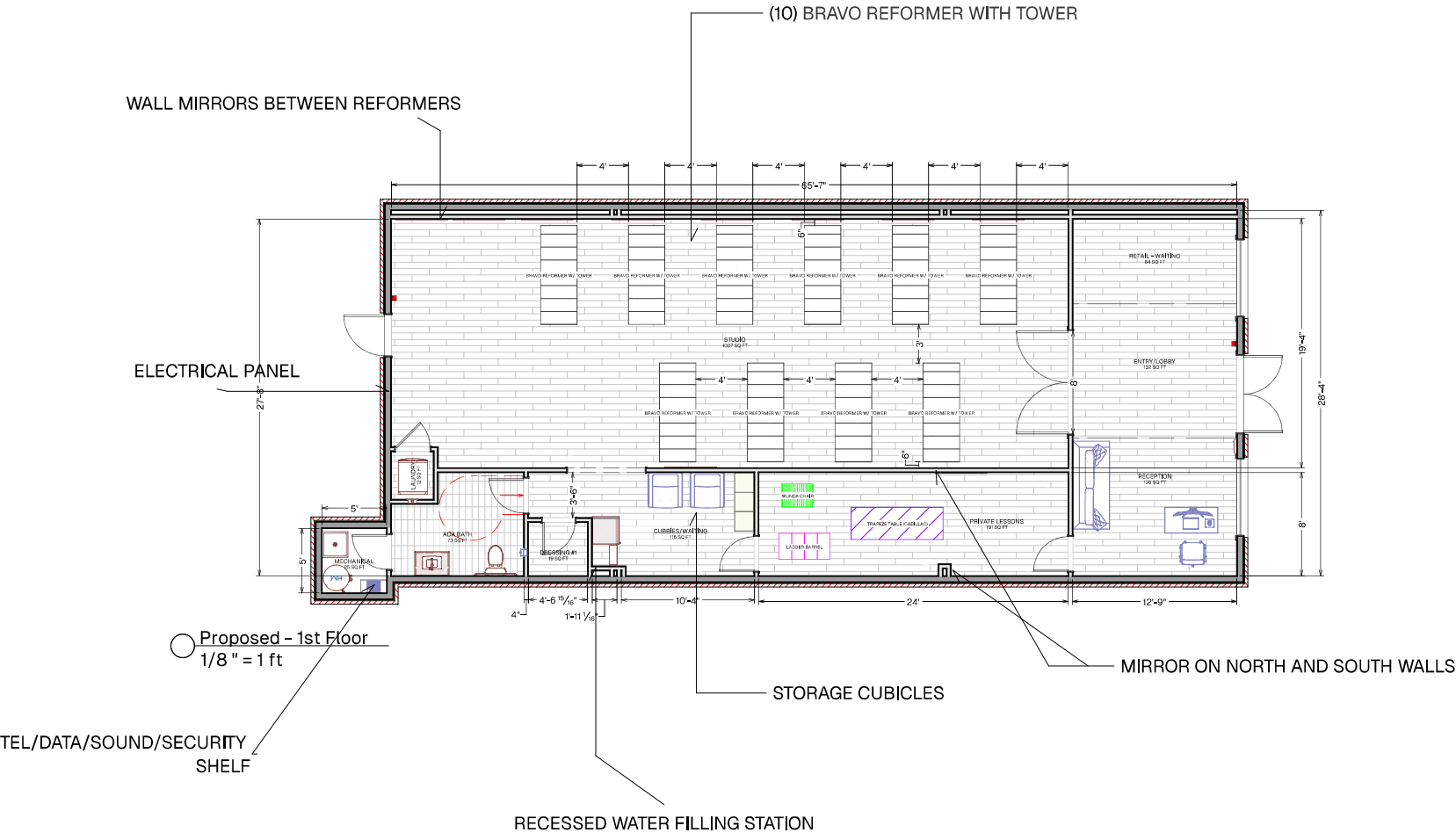
REVISION: EXISTING

A102

72 Mirona Way Portsmouth - NH

OWNER
The Agency Portsmouth
NH

DESIGNER/BUILDER
Build It Construction



NOTES:

05596 - 72
MIRONA RD -
PORTSMOUTH NH

PROPOSED 1ST
FLOOR PLAN

DATE: 5/28/2026

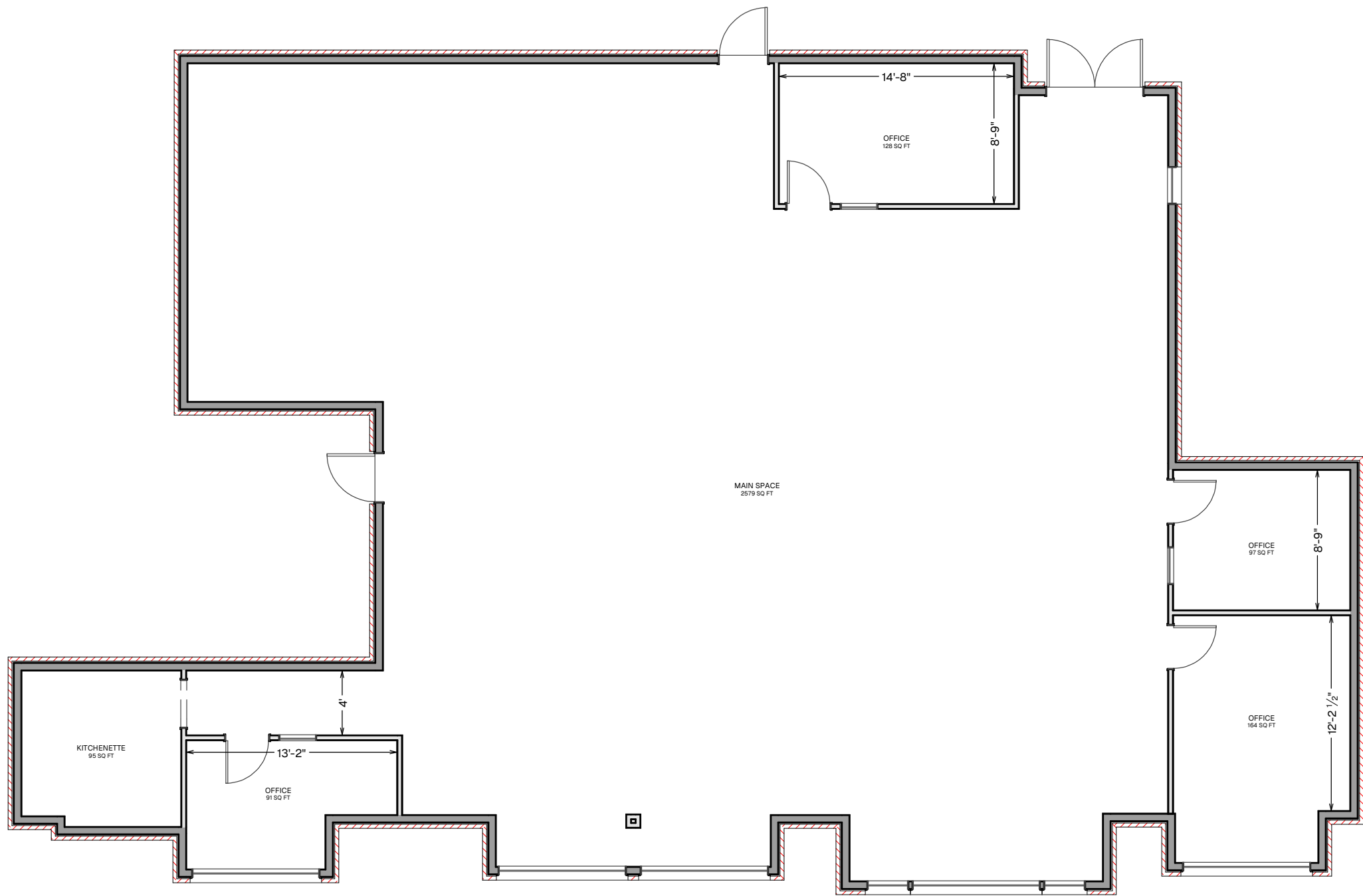
REVISION: 1

A103

72 Mirona Way Portsmouth - NH

OWNER
The Agency Portsmouth
NH

DESIGNER/BUILDER
Build It Construction



○ Proposed - 2nd Floor - Unit 21/Unit 22
1/8" = 1 ft

NOTES:

05596 - 72
MIRONA RD -
PORTSMOUTH NH
UNIT 21 / UNIT 22

DATE: 5/18/2026

REVISION: OPT 1

A104



Left Side of Building where Suites 2 and 21/22 are Located



Suites 2 and 21/22



Suite 2



Suite 2



Suite 21/22

III. NEW BUSINESS

- A. The request of **Brian and Martha Ratay (Owners)**, for property located at **475 Broad Street** whereas relief is needed to construct a detached garage which requires the following: 1) Variance from Section 10.521 to a) allow 30% building coverage where 25% is allowed; b) a 5-foot right side yard where 10 feet are required; and c) 5.5-foot rear yard where 14 feet are required. Said property is located on Assessor Map 221 Lot 96 and lies within the General Residence A (GRA) District. (LU-26-95)

Existing & Proposed Conditions

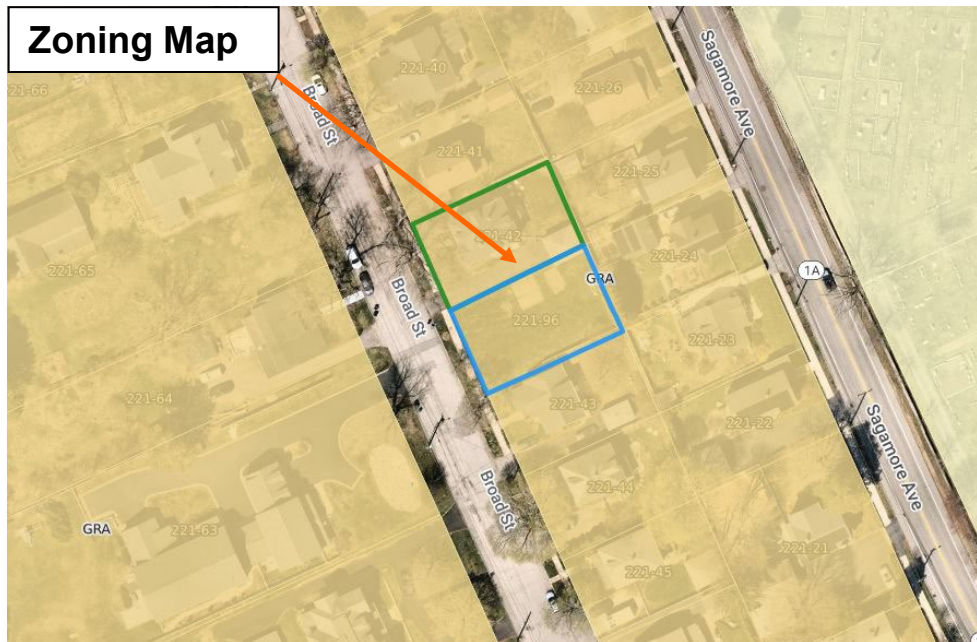
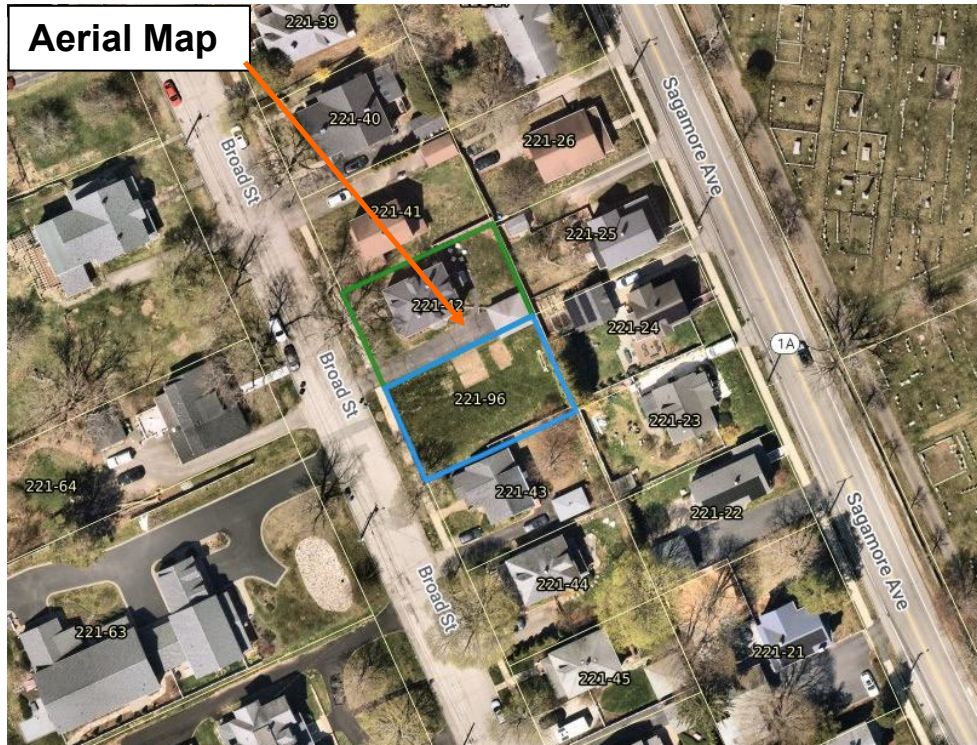
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family Residential	Detached garage	Primarily residential
<u>Lot area (sq. ft.):</u>	6,101	6,101	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	6,101	6,101	7,500 min.
<u>Lot depth (ft.):</u>	100	100	70 min.
<u>Street Frontage (ft.):</u>	60	60	100 min.
<u>Front Yard (ft.):</u>	20	20	15 min.
<u>Right Yard (ft.):</u>	Garage: 5	Garage: 5	10 min.
<u>Left Yard (ft.):</u>	Garage: >10	Garage: >10	10 min.
<u>Rear Yard (ft.):</u>	Garage: 5.5	Garage: 5.5	14* min.
<u>Height (ft.):</u>	14	14	35 max.
<u>Building Coverage (%):</u>	30	30	25 max.
<u>Open Space Coverage (%):</u>	52	52	30 min.
<u>Parking:</u>	2	>2	2
<u>Estimated Age of Structure:</u>	n/a	Variance request(s) shown in red.	

**Section 10.573.20*

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **August 20, 2024** – constructing a primary structure and detached garage on a vacant lot which requires the following: 1) Variance from Section 10.521 to allow a) 6,101 square feet of lot area where 7,500 is required, b) 6,101 square feet of lot area per dwelling unit where 7,500 is required, c) 60 feet of street frontage where 100 feet are required, d) 31% building coverage where 25% is allowed, e) 5 foot right side yard where 10 feet are required, and f) 2 foot rear yard where 20 feet are required. The Board voted to **grant** the request as presented and advertised.

Planning Department Comments

At the August 20, 2024 meeting, the applicant was granted relief to construct a primary structure and a detached garage on the existing vacant property. The applicant is under active construction and back before the Board seeking a change to the design and scale of the detached garage, constructed as a one-story traditional gabled roof, rather than a modern, taller, single plane roof. The design change means there will no longer be a back staircase and changes the relief needed for the construction of the garage. The applicant is requesting relief for the rear setback (5.5 feet), the right side yard setback (5 feet) and 30% building coverage where 25% is allowed.

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.

LU-26-95

Brian & Martha Ratay

Garage Plan Change Narrative

475 Broad Street

June 24, 2026

June 24, 2026

Garage build change – seeking new approval.

We are Brian and Martha Ratay, and we are submitting this application to the Board of Adjustments.

We appeared before you in the Summer of 2024, requesting 6 variances, in order to build a single single-family residence (our new home) along with a single car, two-story garage. You approved the project and all variances.

Due to several unforeseen items and the resulting budget impact during the construction of our new home, as well as, the significant cost of building the originally planned and approved garage, we are seeking a new approval to build a smaller garage, with two changes:

- The new garage will be one-story, rather than two-stories.
- The new garage will be a traditional gabled roof, rather than a modern, taller, single plane roof.

This also means the new garage will not include the second-floor square footage and will also not include the back staircase to access it. Beyond this, the new garage will have the same dimensions and exterior finish as originally planned.

We believe the city will find the new design more in keeping with the surrounding homes and garages and will therefore, prefer its single-story design.

As before we have spoken with all of our abutting neighbors. They are all in favor of the new design and have no issues with the changes.

Thank you.

In addition to the above, and relative to the City Zoning Ordinance, section 10.233.20, our responses to the criteria and rationale for variance authorization are as follows:

10.233.21 The variance will not be contrary to the public interest:

The requested approval is not contrary to the public interest, as the garage for the property does not impact the health, safety and/or welfare of the public. With this change, the visual environment and natural resources are better preserved for both the public and the city. The proposed one car garage is consistent with over half the lots on the same side of the Broad Street, which are identical in lot size and frontage, and therefore, complimentary to the overall neighborhood.

10.233.22 The spirit of the Ordinance will be observed:

The requested approval remains in the spirit of the Ordinance, due to the fact that the newly proposed garage is smaller in dimension and more traditional in roof design than the previously approved garage. As mentioned, it is also consistent with neighboring and surrounding homes. Additionally, it is surrounded by a 6' cedar privacy fence along the rear and right side of the property line, bordered in the rear by 6x45 ft Arborvitae Trees and on the right by a large Japanese Maple. This additional tree border is owned by either abutting neighbor and grows well over our current lot lines. We mutually maintain these trees with our neighbors. Because of this, the proposed garage will not interfere with the adjoining property's views, property use or privacy. Lastly, the proposed garage was specifically designed to minimally infringe with specific angles, door placement, structure placement and smaller privacy windows on the East (right) side.

10.233.23 Substantial justice will be done:

The requested approval will provide substantial justice as we require weather protection for at least one car and is consistent with our neighbors and surrounding homes. We have forgone our original plan to include a taller garage with office above, as well as, a larger garage with parking for two cars. Without this approval, injustice and inequity will be done.

10.233.24 The values of the surrounding properties will not be diminished:

The relief requested does not diminish surrounding properties as the proposed one car garage is consistent with over half the homes on the same side of Broad Street. In addition, the new garage design will be better in keeping with the aesthetic and layout of the neighborhood and will, therefore, elevate the properties in the surrounding neighborhood.

10.233.25 Literal enforcement of the provisions of the Ordinance would result in unnecessary hardship:

Without the approval literal enforcement would result in unnecessary hardship for us. This garage has been reduced to its minimal size and use and will only include parking for one vehicle and reasonable storage for a standard sized home.



ZONING DATA PER CITY OF PORTSMOUTH ZONING ORDINANCE
(LAST AMENDED MARCH 17, 2023, REV. NOTE #6)

ZONE: GENERAL RESIDENCE A (GRA)

REQUIREMENTS

MINIMUM LAND AREA:	7,500 SQ. FT.
PER DWELLING UNIT:	7,500 SQ. FT.
MINIMUM STREET FRONTAGE:	100 FT.
MINIMUM LOT DEPTH:	70 FT.
MINIMUM FRONT YARD:	10 FT.
MINIMUM SIDE YARD:	10 FT.
MINIMUM REAR YARD:	20 FT.
MAXIMUM BUILDING HEIGHT:	35 FT. (SLOPED ROOF)
MAXIMUM BUILDING COVERAGE:	25%
MINIMUM OPEN SPACE:	30%

PROPOSED BUILDING COVERAGE:

(INCLUDING DECKS/STEPS 18" + ABOVE GRADE)

LOT AREA:	6,101 SQ. FT.
HOUSE:	1,480 SQ. FT.
GARAGE:	568 SQ. FT.
TOTAL:	1,486 SQ. FT. (30.3%)

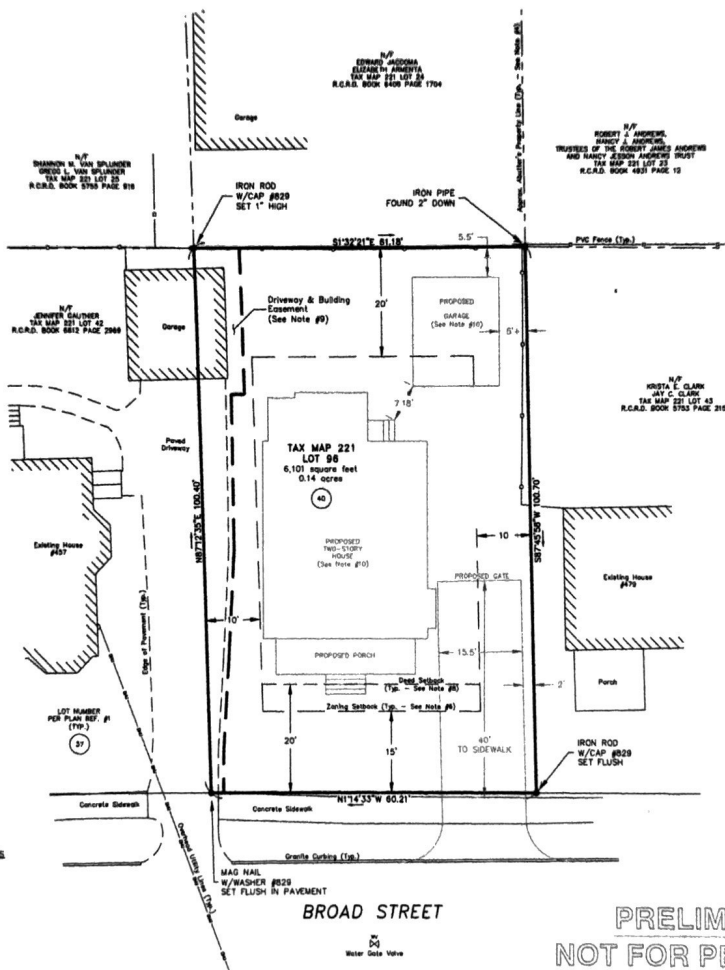
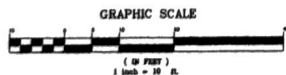
PROPOSED OPEN SPACE CALCULATION:

LOT AREA:	6,101 SQ. FT.
OPEN SPACE:	3,166 SQ. FT.
PERCENTAGE:	51.9%

GRANTED VARIANCES (REV. NOTE #1):

§15.37 - TABLE OF DIMENSIONAL STANDARDS - RESIDENTIAL AND MIXED RESIDENTIAL DISTRICTS

1. ALLOW 6,101 SQ. FT. OF LOT AREA WHERE 7,500 SQ. FT. IS REQUIRED.
2. ALLOW 6,101 SQ. FT. OF LOT AREA PER DWELLING UNIT WHERE 7,500 SQ. FT. IS REQUIRED.
3. ALLOW 60 FT. OF STREET FRONTAGE WHERE 100 FT. IS REQUIRED.
4. ALLOW 31% OF BUILDING COVERAGE WHERE 25% IS REQUIRED.
5. ALLOW 5-FOOT RIGHT SIDE YARD WHERE 10-FOOT IS REQUIRED.
6. ALLOW 2-FOOT REAR YARD WHERE 20-FOOT IS REQUIRED.



PLAN REFERENCES:

1. "PLAN OF LOTS OF LAND EXTENDING FROM SOUTH ROAD TO JONES AVENUE, PORTSMOUTH, NH," PREPARED BY A.C. MEYER, SURVEYORS, DATED AUGUST 1, 1893, AND RECORDED AT THE R.C.R.D. AS PLAN 00397.
2. "CONDOMINIUM SITE PLAN, 482 BROAD STREET, CONDOMINIUM FOR 482 BROAD STREET, LLC," PREPARED BY AMBT ENGINEERING, INC., DATED JANUARY 2018, AND RECORDED AT THE R.C.R.D. AS PLAN SHEET 1 OF 7 D-40894.
3. "STANDARD PROPERTY SURVEY FOR PROPERTY AT 457 BROAD STREET, PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE, OWNED BY THE FRANCES S. LEBEL REVOCABLE TRUST OF 2014, C/O THOMAS LEBEL," PREPARED BY NORTH EASTERLY SURVEYING, INC., DATED MAY 27, 2022, PROJECT NO. 22022.
4. "PROPOSED EASEMENT PLAN FOR PROPERTY AT 457 & 475 BROAD STREET, PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE, OWNED BY MARTHA RATAY & BRIAN RATAY," PREPARED BY NORTH EASTERLY SURVEYING, DATED 11/21/2024, ON RECORD AT THE R.C.R.D. AS PLAN NO. D-44817.

NOTES:

1. OWNERS OF RECORD:
TAX MAP 221 LOT 96
MARTHA RATAY
BRIAN RATAY
R.C.R.D. BOOK 6442 PAGE 980
DATED SEPTEMBER 28, 2022
2. TOTAL EXISTING PARCEL AREA:
TAX MAP 221 LOT 96
6,101 SQ. FT.
0.14 AC.
3. BASIS OF BEARING IS PER MAGNETIC OBSERVATION TAKEN IN MAY 2022.
4. APPROXIMATE ADJUTER'S LINES SHOWN HEREON ARE FOR REFERENCE PURPOSES ONLY AND SHALL NOT BE RELIED UPON AS BOUNDARY INFORMATION.
5. EASEMENTS OR OTHER UNWRITTEN RIGHTS MAY EXIST THAT ENCUMBER OR BENEFIT THE PROPERTY NOT SHOWN HEREON.
6. ZONING INFORMATION AND SETBACKS SHOWN HEREON ARE FOR REFERENCE PURPOSES. CONFIRM CURRENT ZONING REQUIREMENTS WITH THE CITY OF PORTSMOUTH PRIOR TO DESIGN OR CONSTRUCTION.
7. THE BOUNDARY SHOWN HEREON IS DETERMINED FROM WRITTEN RECORDS, FIELD EVIDENCE AND PARCEL TESTIMONY RECOVERED AT THE TIME OF SURVEY AND MAY BE SUBJECT TO CHANGE IF OTHER EVIDENCE BECOMES AVAILABLE.
8. LOCUS PARCEL IS "SUBJECT TO THE CONDITION THAT NO BUILDING, OR OTHER STRUCTURE, SHALL EVER BE ERECTED, OR PLACED, UPON SAID LOT WHICH SHALL, IN ANY PART BE LOCATED, OR STAND, WITHIN TWENTY (20) FEET OF THE EASTERLY SIDE LINE OF BROAD STREET." SEE REFERENCE DEED BOOK 5514 PAGE 739.
9. LOCUS PARCEL IS SUBJECT TO A DRIVEWAY AND BUILDING BUFFER EASEMENT TO THE BENEFIT OF TAX MAP 221 LOT 42. SEE PLAN REFERENCE #4 AND R.C.R.D. BOOK 6612 PAGE 297.
10. REFER TO DESIGN DOCUMENTS PREPARED BY MIGHTY ROOTS.
11. REFERENCE IS MADE TO LETTER SENT FROM THE CITY OF PORTSMOUTH PLANNING & SUSTAINABILITY DEPARTMENT, ZONING BOARD OF ADJUSTMENT, TO MARTHA & BRIAN RATAY, DATED 8/27/2024.

PURPOSE OF PLAN:

THE PURPOSE OF THIS PLAN IS TO SHOW PROPOSED IMPROVEMENTS FOR A PERMIT APPLICATION. THIS PLAN IS NOT A STANDARD BOUNDARY SURVEY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE OR ANY OTHER TITLE PURPOSE.

PROPOSED SITE PLAN

FOR PROPERTY AT
475 Broad Street
Portsmouth, Rockingham County, New Hampshire
OWNED BY
Martha Ratay
Brian Ratay
457 Broad Street, Portsmouth, NH 03801

NORTH
W EASTERLY
SURVEYING

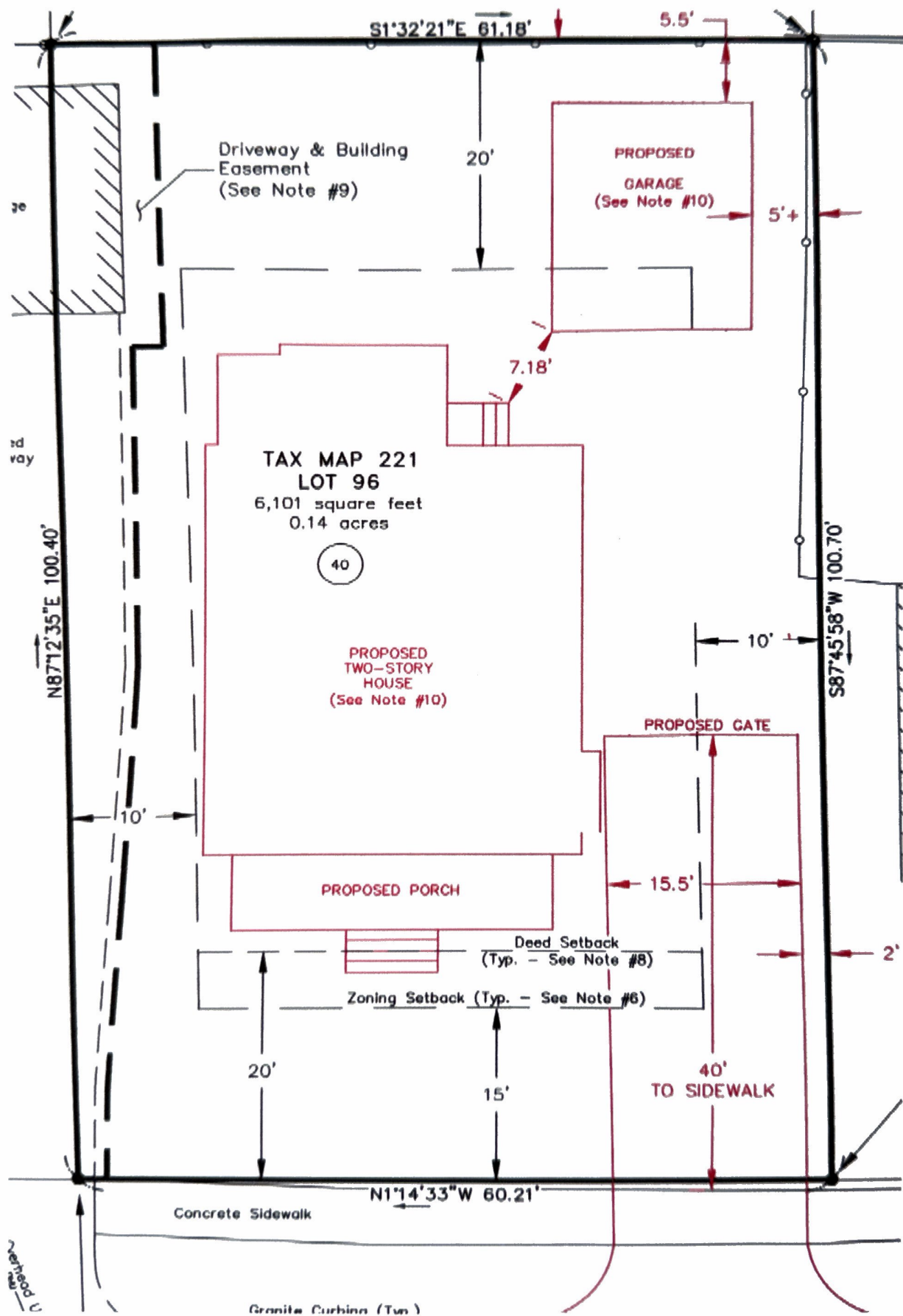
SURVEYORS IN N.H. & MAINE 1081 GOODWIN ROAD, UNIT #1
(207) 439-8333 ELIOT, MAINE 03903

SCALE:	PROJECT NO.	DATE:	SHEET:	DRAWN BY:	CHECKED BY:
1" = 10'	24-264	5/14/2024	1 OF 1	A.P.M.	P.L.A.
CREATED ON: 24-264 Site			FIELD BOOK NO. "Portsmouth #18"		

Tax Map 221 Lot 96

PRELIMINARY
NOT FOR PERMITTING
NOT FOR CONVEYANCE
NOT VALID WITHOUT STAMP

REV.	DATE	STATUS	BY	CHKD	APPRO.





CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

August 27, 2024

Martha & Brian Ratay
457 Broad Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 0 Broad Street, Portsmouth, NH (LU-24-119)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, August 20, 2024**, considered your application for constructing a primary structure and detached garage on a vacant lot which requires the following: 1) Variance from Section 10.521 to allow a) 6,101 square feet of lot area where 7,500 is required, b) 6,101 square feet of lot area per dwelling unit where 7,500 is required, c) 60 feet of street frontage where 100 feet are required, d) 31% building coverage where 25% is allowed, e) 5 foot right side yard where 10 feet are required, and f) 2 foot rear yard where 20 feet are required. Said property is shown on Assessor Map 221 Lot 96 and lies within the General Residence A (GRA) District. As a result of said consideration, the Board voted to **grant** the request as presented and advertised.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

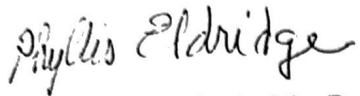
This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

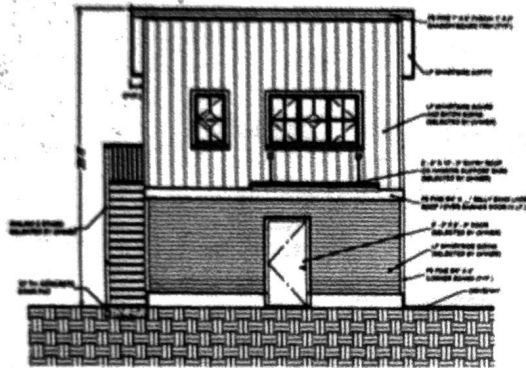
A handwritten signature in cursive script that reads "Phyllis Eldridge".

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

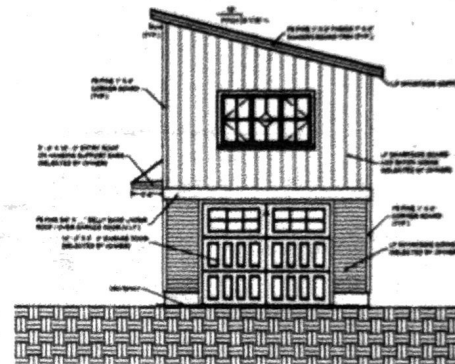
cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

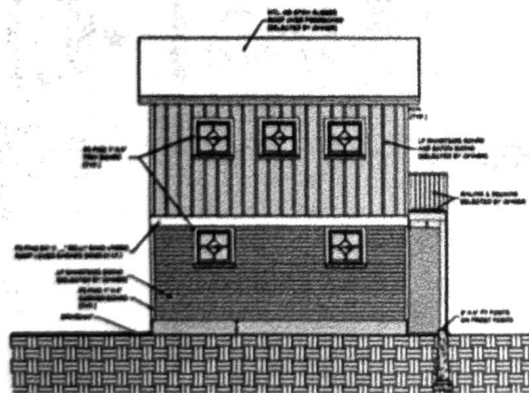
OLD - APPROVED



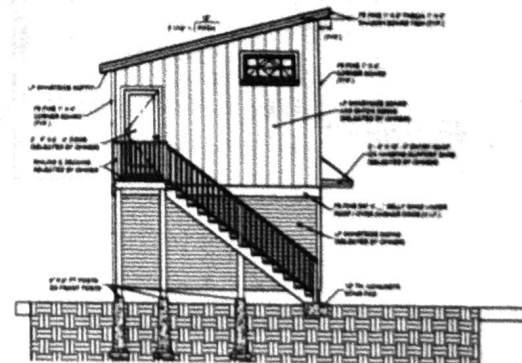
GARAGE LEFT SIDE ELEVATION



GARAGE STREET VIEW (FRONT) ELEVATION



GARAGE RIGHT SIDE ELEVATION



GARAGE REAR ELEVATION



PROJECT: RESIDENCE 101
101 ALLEN AVE.
GREENLAND, NH 03040

GARAGE ELEVATIONS

RATAY RESIDENCE
BROAD STREET
PORTSMOUTH, NH 02801

DATE:

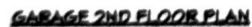
12/4/2024

SCALE:

1/4" = 1'-0"

SHEET:

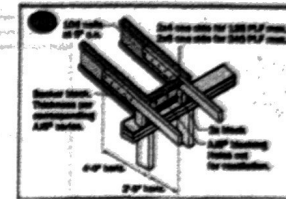
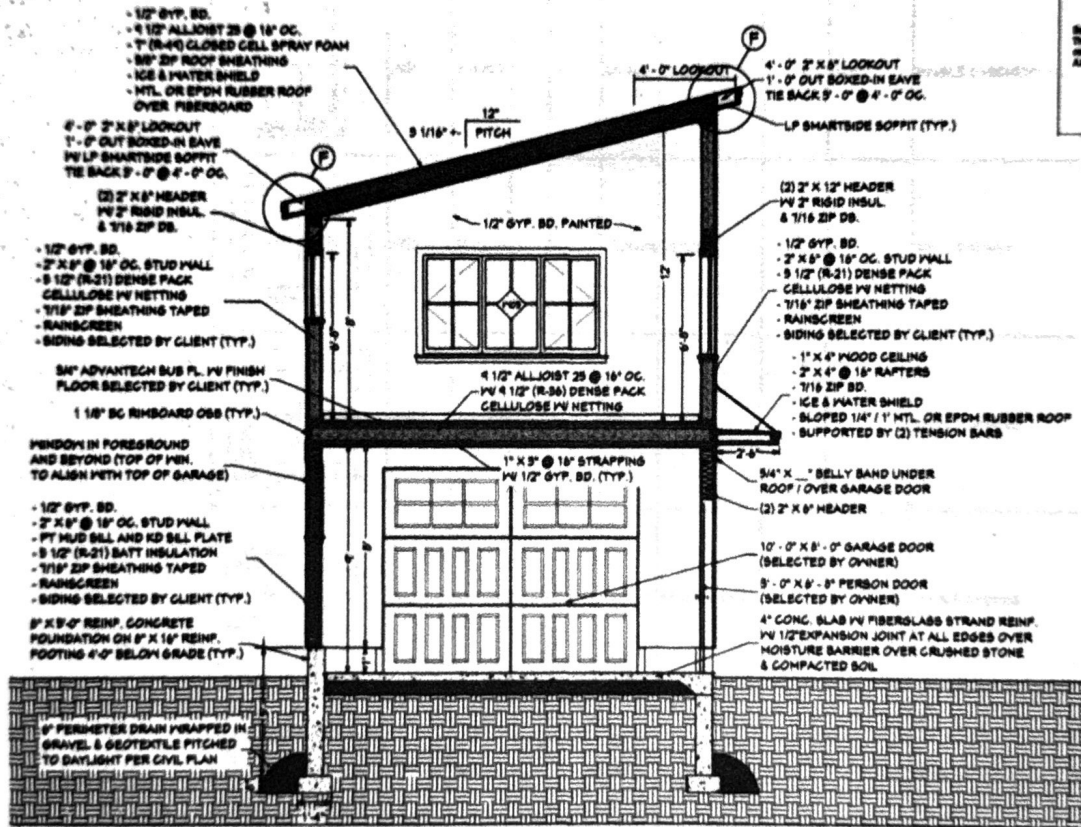
A-11



**GARAGE 2ND FLOOR
& ROOF PLAN**

**RATAY RESIDENCE
BROAD STREET
PORTSMOUTH, NH 03201**

DATE:
12/4/2024
SCALE:
3/8" = 1'-0"
SHEET:
A-10



JOIST LOOKOUT DETAIL (P)

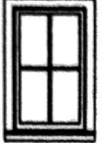
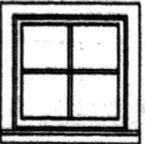
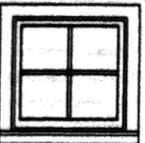
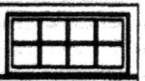
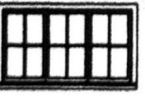
GARAGE CROSS SECTION E-E

PROVIDED BY:
NIGHTY ROOTS
13 ALDEN AVE.
GREENLAND, NH 03840

GARAGE CROSS
SECTION E-E

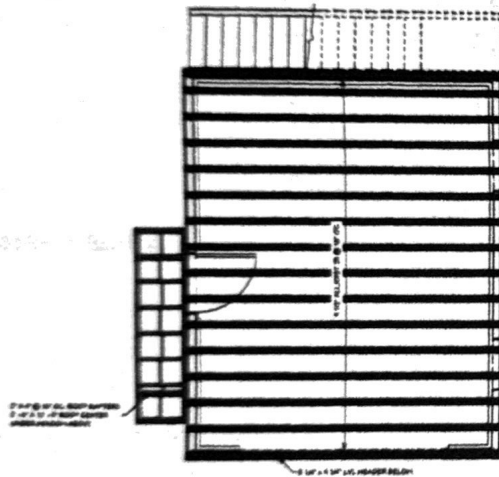
NATAY RESIDENCE
BROAD STREET
PORTSMOUTH, NH 03801

DATE:
12/4/2024
SCALE:
1/2" = 1'-0"
SHEET:
A-12

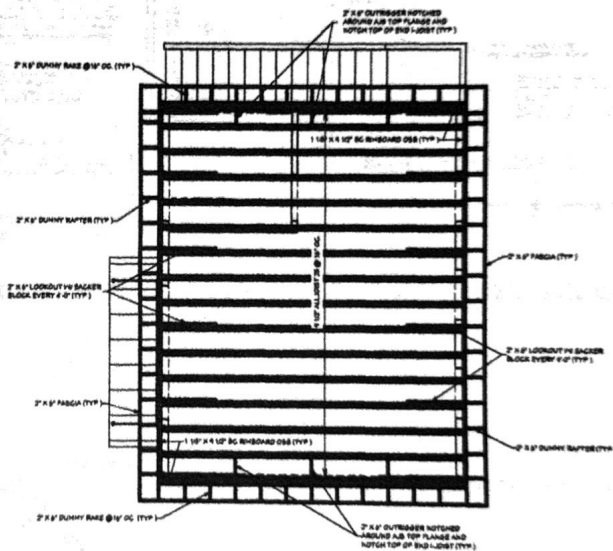
GARAGE WINDOW		ELEVATION		NUMBER		LABEL		FLOOR		FLOOR		SCHEDULE		TEMPERED		DESCRIPTION	
NO	EXT	NO	EXT	NO	EXT	NO	EXT	NO	EXT	NO	EXT	NO	EXT	NO	EXT	NO	EXT
		W01		2440SC		1		2		2440SC		28 7/8"X48 1/2"		YES		SINGLE CASEMENT-HL	
		W02		2828AW		2		1		2828AW		32"X32"				SINGLE AWNING	
		W03		2828AW		3		2		2828AW		32"X32"				SINGLE AWNING	
		W04		4020AW		1		2		4020AW		48 1/2"X34 5/8"				SINGLE AWNING	
		W05		1140TC		2		2		1140TC		68 1/8"X48 1/2"				TRIPLE CASEMENT-LHL/RHR	

GARAGE WINDOW SCHEDULE

	
PREPARED BY: NIGHTY NIGHTS 13 ALDEN AVE. GREENLAND, NH 03603	
GARAGE WINDOW SCHEDULE	
RAYAN RESIDENCE BECAD STREET FORTSMOUTH, NH 03601	
DATE:	12/4/2024
SCALE:	
SHEET:	A-13



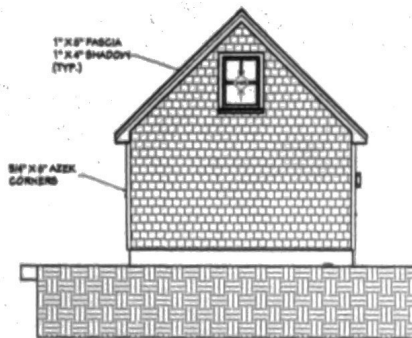
GARAGE 2ND FLOOR FRAMING PLAN



GARAGE ROOF FRAMING PLAN

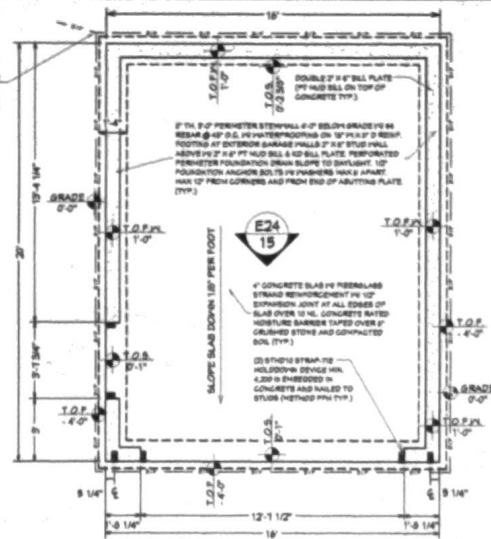
DRAWINGS PROVIDED BY: HIGHTY ROOTS 13 ALDEN AVE. GREENLAND, NH 03840	
GARAGE 2ND FLOOR & ROOF FRAMING PLANS	
KATY RESIDENCE BROND STREET PORTSMOUTH, NH 02801	
DATE:	12/4/2024
SCALE:	3/8" = 1'-0"
SHEET:	A-14

NEW - REQUESTED



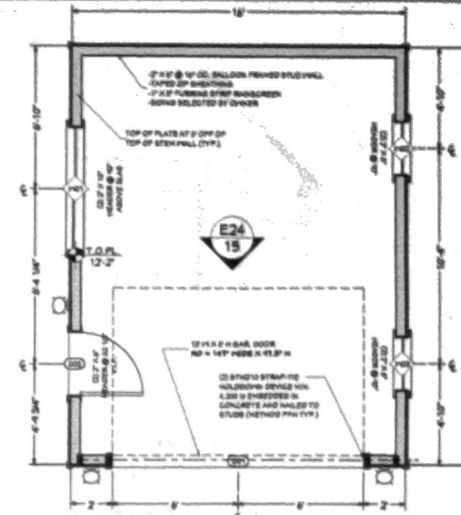
GARAGE REAR ELEVATION

SCALE: 1/4" = 1'-0"

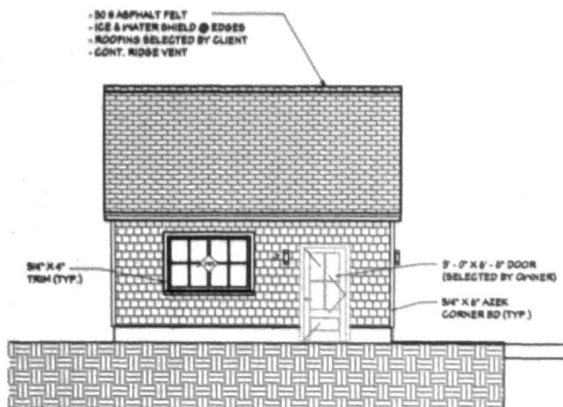


GARAGE FOUNDATION PLAN

SCALE: 3/8" = 1'-0"

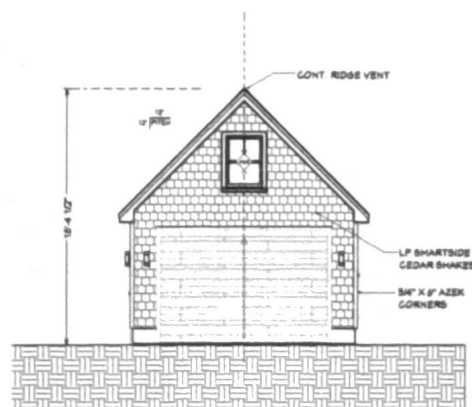


GARAGE 1ST FLOOR PLAN

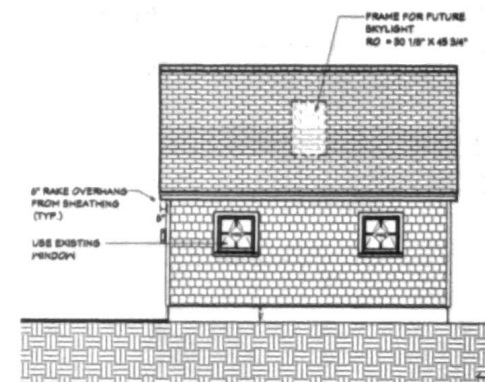


GARAGE LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"



GARAGE STREET VIEW (FRONT) ELEVATION



GARAGE RIGHT SIDE ELEVATION

SCALE: 1/8" = 1'-0"



MIGHTY ROOTS
13 ALDEN AVE.
GREENLAND, NH 03840

**GARAGE FLOOR
PLANS**

RATAY RESIDENCE
BROAD STREET
PORTSMOUTH, NH 03801

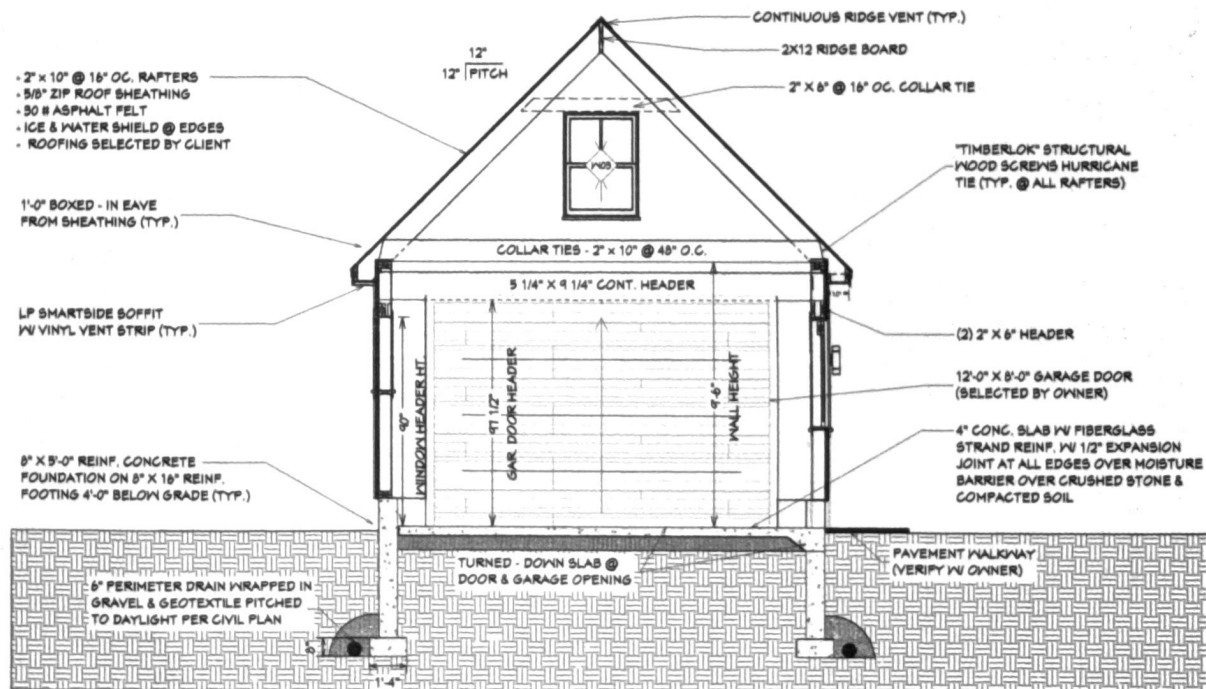
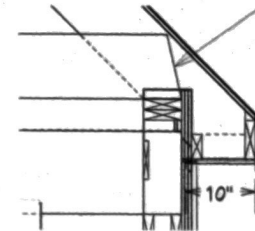
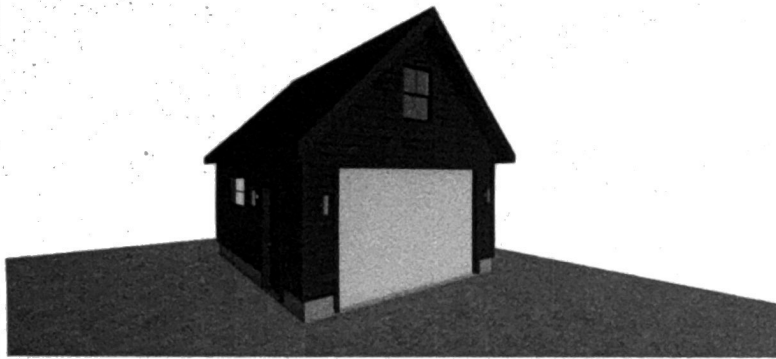
DATE:

6/17/2026

SCALE:

SHEET:

A-11



GARAGE CROSS SECTION F - F



REVISION TABLE	
NO.	DESCRIPTION

DRAWINGS PROVIDED BY:
HIGHTY ROOTS
 13 ALDEN AVE.
 GREENLAND, NH 03940

GARAGE CROSS SECTION F - F

RATAY RESIDENCE
 BRAD STREET
 FORTSMOUTH, NH 03601

DATE:
 6/17/2026

SCALE:
 1/2" = 1'-0"

SHEET:
A-12

III. NEW BUSINESS

- B.** The request of **Jonah Goldblatt and Gabrielle Dell'Aquilo (Owners)**, for property located at **292 Wibird Street** whereas relief is needed to demolish the existing detached garage and construct a new two-story attached garage addition and enlarged rear deck, which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 31% where 25% is the maximum; b) allow a left side yard setback of 4.5 feet where 10 feet is required; and c) allow a right side yard setback of 3 feet where 10 feet is required. Said property is located on Assessor Map 149 Lot 25 and lies within the General Residence A (GRA) District. (LU-26-88)

Existing & Proposed Conditions

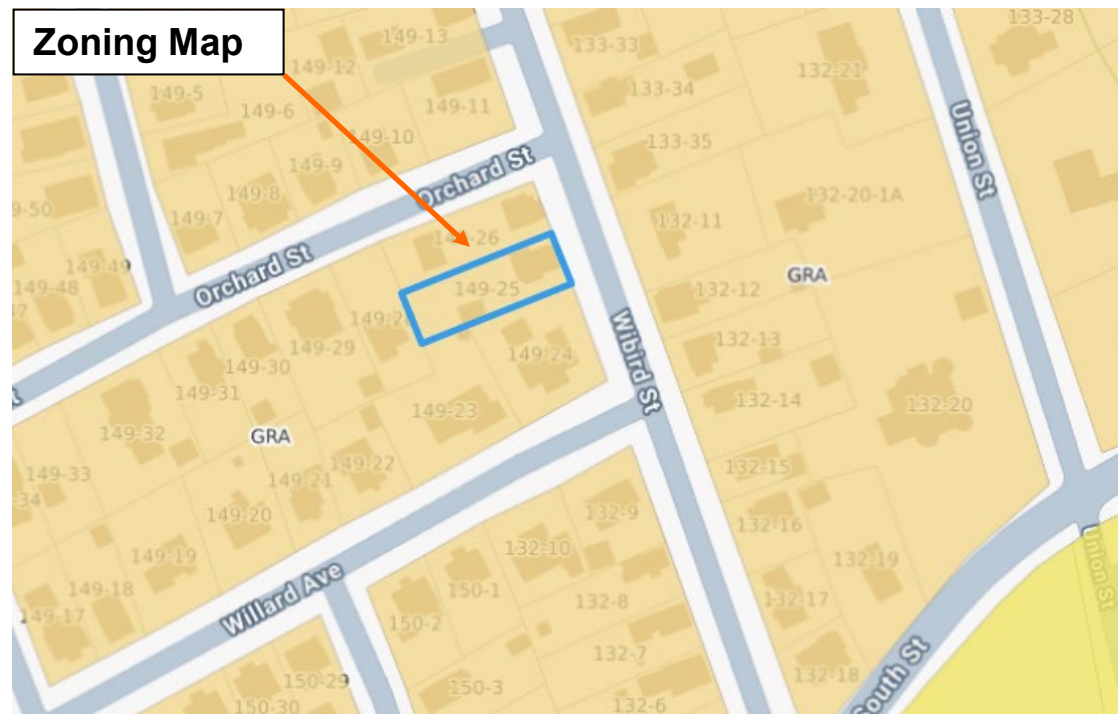
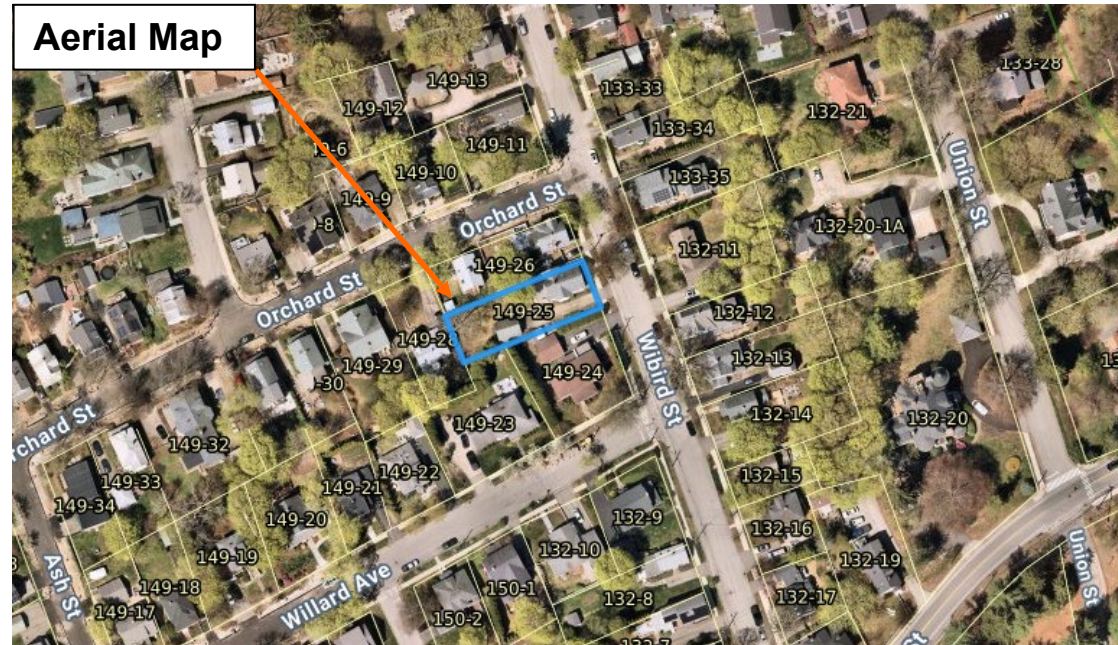
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Two-Family Residential	*Demo detached garage and construct attached garage addition and deck with conversion to Single-family Residential	Primarily Residential
<u>Lot area (sq. ft.):</u>	7,331	7,331	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,666	7,331	7,500 min.
<u>Front Yard (ft.):</u>	3	3	15 min.
<u>Right Side Yard (ft.):</u>	0	2.8*	10 min.
<u>Left Side Yard (ft.):</u>	2	4.5	10 min.
<u>Rear Yard (ft.):</u>	38	58	20 min.
<u>Building Coverage (%):</u>	25	31	25 max.
<u>Open Space Coverage (%):</u>	58	61	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Estimated Age of Structure:</u>	1899	Variance request(s) shown in red.	

*Plans provided note a 2.8' proposed right side yard setback

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

August 24, 1976 – a Special Exception to convert a single family to a two-family dwelling. The Board voted to **grant** the request as presented with the following **conditions**:

- 1) Provided the petitioner define adequate turn-around in the rear of the property in order that people can drive out of the driveway; and
- 2) That the petitioner go to the Planning Department to secure information on the proper turning radii.

Planning Department Comments

The applicant proposes to demolish the existing detached garage and to construct a new two-car garage addition to the main dwelling, to enlarge the rear deck and to renovate the interior of the dwelling from a two-family to a single-family residence. The applicant proposes to reduce impervious area and install stormwater management improvements as part of the project to address drainage.

Staff notes that the right side yard setback was noticed as 3-feet where 10-feet is required. The plans provided outline a proposed 2.8' setback for the right side yard with removal of the existing stairs. Should the Board decide to grant the requested relief, staff recommends a condition of the approval that the right side yard setback is 2.8 feet.

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

 - (c) *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.

COLBY T. GAMESTER

Attorney At Law

154 Maplewood Avenue
Portsmouth, New Hampshire 03801

(603)-427-0000
colby@gamesterlaw.com

June 24, 2026

SUBMITTED VIA VIEWPOINT

City of Portsmouth
Zoning Board of Adjustment
Attn: Beth Margeson, Chair
1 Junkins Avenue
Portsmouth, NH 03801

**Re: Variance Application of Jonah Goldblatt and Gabrielle Dell'Aquilo Goldblatt
292 Wibird Street, Portsmouth, NH (Tax Map 149, Lot 25)**

Dear Chair Margeson:

My office represents Jonah Goldblatt and Gabrielle Dell'Aquilo Goldblatt, the owners of property located at 292 Wibird Street, Portsmouth. Enclosed herewith are the following materials for submission to the Zoning Board of Adjustment for consideration at the next regularly scheduled meeting:

1. Landowner Letter of Authorization
2. Narrative to Variance Application
3. Exhibit A - Existing Conditions Plan
4. Exhibit B - Pictures of the Property
5. Exhibit C - Owners' Source Deed
6. Exhibit D - BOA Site Plan & Grading Plan
7. Exhibit E - Floors Plans and Elevations
8. Exhibit F - Drainage Memorandum

One (1) copy of this Application will be delivered this same day to the Planning Department. Should there be any questions, comments or concerns regarding the enclosed application and materials then please do not hesitate to contact me.

Kindest Regards,


Colby T. Gamester, Esq.

Enclosures

Cc: file; Clients, Altus Engineering, Portsmouth Architects; Alden Builders (all via email only)

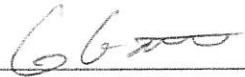
LANDOWNER LETTER OF AUTHORIZATION

We, the Undersigned, Jonah Goldblatt and Gabrielle Dell'Aquilo Goldblatt, the record owners of real property located at 292 Wibird Street, Portsmouth, New Hampshire 03801, identified on Portsmouth Tax Map 149 as Lot 25 (the "Property"), hereby authorize Gamester Law Office, and its attorneys and representatives, Altus Engineering LLC, and its representatives, Portsmouth Architects, and its representatives, and Alden Builders LLC, and its representatives, to file any document with the City of Portsmouth (the "City"), communicate and correspond with City staff and officials, and submit applications with and appear before the City's land use boards all regarding the Property. This Letter of Authorization shall be valid until expressly revoked in writing.



Jonah Goldblatt

6/19/25
Date



Gabrielle Dell'Aquilo

6/19/26
Date

**CITY OF PORTSMOUTH
ZONING BOARD OF ADJUSTMENT
NARRATIVE TO APPLICATION**

Jonah Goldblatt and Gabrielle Dell'Aquilo Goldblatt
292 Wibird Street
Portsmouth, NH 03801
Owner and Applicant

Introduction and Relevant Property & Historical Information

Jonah Goldblatt and Gabrielle Dell'Aquilo Goldblatt ("Owners" or "Applicant") are the owners of real property located at 292 Wibird Street, identified on Portsmouth Tax Map 149 as Lot 25 (the "Property"). The Property is located in the General Residence A ("GRA") zoning district, is approximately 7,331 square feet, or 0.168 acres, and contains a 2.5-story wood frame dwelling structure (recently and historically used as a two-family residence), an existing detached garage and decks and porches. The Property has 49.89 feet of frontage solely on Wibird Street.

The Property contains multiple preexisting nonconformities:

- (1) lot area of 7,331 square feet where 7,500 square feet is required;
- (2) frontage of 49.89 feet where 100 feet is required;
- (3) front yard setback of approximately 3.40 feet where 15 feet is required;
- (4) left side yard setback of approximately 2.13 feet where 10 feet is required;
- (5) right side yard setback of 0 feet where 10 feet is required; and
- (6) building coverage of approximately 25.1% where 25% is the maximum permitted.

These existing conditions can be seen on a plan entitled "Existing Conditions Plan, 292 Wibird Street, Portsmouth, NH, Tax Map 149, Lot 25" prepared by Altus Engineering and James Verra & Associates, Inc., dated May 18, 2026, which is enclosed herewith as ***Exhibit A***. These existing conditions can also be seen in pictures of the Property which are enclosed herewith as ***Exhibit B***.

The Property is a preexisting nonconforming lot of record. The lot and its structures predate the City's first enactment of zoning regulations in 1927 (when the area was zoned Single Residence) and subsequent rezoning to GRA. The size and placement of the home, and existence of the detached garage, on the narrow lot drive the preexisting nonconforming features (setbacks and coverage) of the Property and also dictate how this project both maintains certain nonconforming features and reduces nonconforming features; such as, but not necessarily limited to, the overall size and width of the house, the presence of the bay window, and the house's placement being askew to the property lines.

The current Owners acquired the Property by Warranty Deed dated April 9, 2026, recorded in Book 6698, Page 1637, which is enclosed herewith as ***Exhibit C***. The Property has maintained its essential configuration when tracing its title back to the 1800's, and per City records the home was constructed in 1899.

The Owners, who met at Boston College and have ties to the area, are excited to have found and purchased a home in Portsmouth. Jonah Goldblatt will be the fourth generation of his family to live in Portsmouth, and their daughter Eleanor will be the fifth. Jonah is an ophthalmologist with practice locations in Portsmouth, Exeter, Kittery, and Somersworth. Gabrielle works from home in the mental health sector. They are looking forward to making this Property their family home and undertaking thoughtful improvements that respect the character of the neighborhood while addressing practical needs for parking, storage, modern living space, and usable yard area.

The existing detached garage is in a state of significant deterioration. The wood framed floor system has deteriorated beyond repair due to age, moisture, and long-term wear. Numerous floor and foundation components exhibit rot, structural degradation, sinking, and loss of load-carrying capacity, creating unsafe conditions for normal use and occupancy. Given the extent of the deterioration, repair is not considered practical or feasible. The structure is no longer functional for its intended purpose and presents a safety concern.

The Owners propose to: (1) demolish the existing detached garage; (2) reduce the amount of pavement and impervious surface by shortening the driveway; (3) construct a new two-car garage addition that is integrated with the main dwelling through a mudroom infill connection, thereby "bundling" the structures to avoid a sprawling effect of multiple detached buildings on the narrow lot; (4) enlarge the rear deck to be more usable by a connection to and extension of an open-concept kitchen and living area renovation; (5) renovate the interior to convert from a two-family to a single-family residence with a modern, efficient layout; and (6) install stormwater management improvements including a proposed drywell and associated grading per the drainage memo prepared by Altus Engineering.

The new garage will feature architecture relatable to and consistent with the main house, with a height that is appropriate and modest for garage use at approximately 16.5 feet and which is narrower than a typical side-by-side double-car width so it does not require the taller roof massing that would be needed to match the existing home's roof lines. These proposed conditions result in a building coverage of 30.7% and new right and left yard setback encroachments which are more confirming than the existing conditions, which can all be seen on the "Board of Adjustment Site Plan & Grading Plan, Garage Reconstruction, 292 Wibird Street, Portsmouth, NH, Tax Map 149, Lot 25" prepared by Altus Engineering, enclosed herewith as **Exhibit D**, and the "Floor Plans and Elevations" prepared by Portsmouth Architects, enclosed herewith as **Exhibit E**. The Drainage Memorandum prepared by Altus Engineering is enclosed herewith as **Exhibit F**.

The ability to perform this work will: (A) increase usable open space and yard area for the Owners and open space for the abutters by bundling structures and reducing pavement; (B) improve the streetscape with a seamless, characterful east elevation and by removing the dilapidated visible garage; (C) provide safe, convenient indoor parking for two vehicles while still allowing driveway spaces for family and guests, thereby reducing on-street parking demand; (D) address drainage through reduced impervious area and new stormwater infrastructure; and (E) allow modernization of the home for single-family use without fundamentally altering the historic character of the main structure.

Zoning Relief Requested

In summary, the Owners seek the following variances from the Zoning Ordinance to permit the proposed garage reconstruction, mudroom infill, enlarged deck, and associated site improvements:

1. A variance from Article 10.521 – Table of Dimensional Standards in the GRA Zoning District to allow a building coverage of 30.7% as proposed, where a preexisting nonconforming building coverage of approximately 25.1% currently exists, and where a maximum building coverage of 25% is required.
2. A variance from Article 10.521 – Table of Dimensional Standards in the GRA Zoning District to allow a left side yard setback of approximately 4.40 feet, where a preexisting nonconforming setback of 2.13 feet currently exists, and where 10 feet is required.
3. A variance from Article 10.521 – Table of Dimensional Standards in the GRA Zoning District to allow a right side yard setback of 2.80 feet, where a preexisting nonconforming setback of 0 feet currently exists, and where 10 feet is required.

While the building coverage percentage increases, the compact bundled infill design and reduction in pavement actually increases overall usable open space and pervious area compared to the status quo or to what would result from a more sprawling detached garage configuration. And, these proposed setbacks remain generally within the preexisting nonconforming building envelope created by the original house and garage placement on the narrow lot.

Variance Criteria

A. Granting the variances will not be contrary to the public interest and will observe the spirit of the Ordinance.

"There are two methods of ascertaining whether granting a variance would violate an ordinance's basic zoning objectives: 1) examining whether granting the variance would alter the essential character of the neighborhood or, in the alternative, 2) examining whether granting the variance would threaten the public health, safety, or welfare." *Harborside Assoc. v. Parade Residence Hotel*, 162 N.H. 508, 514 (2011).

The zoning relief requested herein will not alter the essential character of the neighborhood, nor will it create any negative impact to the public health, safety, or welfare.

The purposes of both building coverage limits and setback requirements in the GRA District are to prevent overcrowding, protect light, air, and privacy for neighboring properties, maintain a consistent and attractive neighborhood character, ensure adequate open space and pervious area for stormwater management and aesthetic/open feel, and avoid the visual and functional impacts of overbuilding on narrow or constrained lots. The proposed project furthers these goals even while seeking relief from the numerical standards.

First and foremost, the Property currently contains a garage, and many properties in this established residential neighborhood on Wibird Street contain garages and accessory structures, often located within setbacks due to the age of the neighborhood and preexisting nonconformities. Replacing the dilapidated detached garage with a new, architecturally consistent, integrated garage addition will not alter the essential character of the neighborhood; rather, it will continue and improve upon a feature that speaks to the neighborhood's character.

The removal of the visibly deteriorating garage, as well as the exterior stair case previously serving as secondary means of egress for the two-dwelling structure, and the construction of a new garage structure that is "snugged" into the main house as shown with the proposed east elevation architecture will enhance the streetscape and improve site lines for abutters.

The use of a stacked parking garage will also offer maximum functionality as compared to other traditional two-car garages built on nonconforming lots in the area that look good, but don't function well. The proposed garage will function as a garage is supposed to, keeping cars, and its potential pollutants, inside and out of the elements, as well as off the street.

With respect to setbacks, although recent removal of structures on the abutting property to the south means more of the proposed garage will be visible from that direction, the garage is non-living space. Unlike a kitchen, living area, or bedroom window placed close to a lot line, a garage does not create direct overlook or loss of privacy into the abutting yard. It functions as a buffer that preserves and enhances privacy for both properties. The height of the proposed garage is modest (topping out at approximately 16.5 feet) and appropriate for its use; it is narrower than a typical double-car garage, so it does not require a taller roof massing that would be architecturally necessary to match the main house roof lines. The stepped-back, infill design respects the existing nonconforming building envelope and avoids creating a looming or overbearing presence.

With respect to building coverage, although the percentage increases from the preexisting 25.1% to 30.7%, the compact bundled infill design and reduction in pavement actually increases overall usable open space and pervious area compared to the current condition. This directly furthers the Ordinance's goal of meaningful open space and better stormwater management (supported by the proposed drywell and grading improvements in the Altus drainage memo). A more sprawling detached two-car garage placed farther back to minimize setback relief would consume more of the usable yard, require additional pavement, and reduce, not increase, net open space. The proposed design therefore advances the underlying purpose of the coverage standard more effectively than feasible alternatives.

The proposal reduces impervious surface, which improves drainage for the Property and surrounding properties, and incorporates a drywell for further stormwater management. These improvements serve the public interest in better neighborhood aesthetics, reduced on-street parking pressure, and improved drainage without threatening health, safety, or welfare.

B. Substantial justice will be done by granting the variance relief.

"Any loss to the individual that is not outweighed by a gain to the general public is an injustice." *New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire,*

A Handbook for Local Officials (1997); *Malachy Glen Assoc. Inc v. Town of Chichester*, 155 N.H. 102 (2007).

In this instance, the loss to the Owners if the variance relief is denied is clear and significant. As detailed earlier, the existing detached garage is in a state of significant deterioration. The Owners would be forced to either: (1) retain or attempt to repair the existing dilapidated garage in its current location which would also limit the potential use of the backyard; (2) eliminate garage parking and storage entirely, losing the benefits of indoor parking, security, and weather protection while increasing on-street parking demand; or (3) construct a more sprawling detached garage elsewhere on the narrow lot.

A traditional side-by-side two-car detached garage sized to provide reasonable maneuvering would need to be placed significantly farther back into the usable yard space to accommodate safe vehicle turning given the bay window's constraint on driveway width and geometry. That alternative would require substantially more pavement and impervious surface, consume more of the very open space the project seeks to increase, and reintroduce the sprawling multi-structure effect that the infill design successfully avoids. Alternatively, achieving adequate garage access by significantly altering the main dwelling structure itself (e.g., major modifications to accommodate width or location) would be tragic to the home's historic character and architectural integrity. The proposed integrated infill design is the configuration that allows the reasonable and typical benefit of two-car parking for a rather wide single-family home, while simultaneously increasing net open space, preserving yard usability, and maintaining privacy for abutters.

Denial would impose a substantial loss on the Owners with no corresponding gain to the public by forcing either inadequate parking, restoring a structurally unsafe garage in an even more nonconforming location, or a design that reduces open space and increases impervious coverage more than the proposed plan does. Granting relief achieves substantial justice.

C. The values of surrounding properties will not be diminished by granting the variance relief.

Granting the requested relief will not diminish the value of surrounding properties. As previously noted, many properties in the immediate Wibird Street neighborhood contain preexisting nonconforming setbacks, garages within or near setbacks, and similar lot constraints. The existing garage is visibly dilapidated and detracts from the streetscape and views for abutters. Replacing it with a new, architecturally consistent structure that is integrated into the main house in a seamless manner will improve aesthetics and property values.

The "bundled" infill approach increases usable open space rather than reducing it, benefiting the Owners and abutters alike. The garage, as non-living space, maintains and enhances privacy even where it is more visible due to the removal of structures on the southern abutter's property. Reduced impervious surface and new stormwater infrastructure will mitigate drainage issues that currently affect the Property and potentially neighboring properties. It is reasonable to conclude that the proposed improvements will have a positive, rather than negative, impact on surrounding property values.

D. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

1. There are special conditions that distinguish the Property from surrounding properties.

The Property has special conditions that distinguish it from surrounding properties and that drive the need for the requested relief. The Property is a preexisting nonconforming lot of record having narrow frontage with a relatively large house footprint for the lot's size. The original construction and placement of the house (off-center, askew and with the bay window), with the later in time additions of a three seasons room, egress stairs, and decks, created preexisting side yard nonconformities and contributed to the preexisting building coverage nonconformity of 25.1%. Even if the house could hypothetically be relocated and centered on the lot (which is neither practical nor proposed), it would still encroach into one or both side setbacks, and doing so would have precluded any reasonable garage access or addition. If this lot was vacant, then requesting this wide of a house on 49.89 of frontage could be unreasonable.

The bay window geometry specifically constrains the driveway width making it unsafe to reduce the width of the proposed garage to lesson or avoid setback relief. A traditional side-by-side two-car detached garage on this narrow lot would require placement significantly farther back into the usable yard to achieve safe maneuvering, resulting in substantially more pavement and impervious surface, greater consumption of open space (the opposite of the project's explicit goal), and reintroduction of the sprawling multi-structure effect that the infill design eliminates.

Altering the main dwelling structure itself to accommodate a garage (e.g., significant modifications to the first floor or foundation) would fundamentally and tragically transform the home's historic character and architectural integrity. The unique constraints of the narrow preexisting lot, the large off-center house with bay window influence on driveway geometry, the house being askew to the property lines, the existing detached garage, which as set forth above has deteriorated beyond repair and presents a safety concern, creating a pinch point, the preexisting coverage nonconformity, and the practical and reasonable need for a two-car garage without sacrificing the open space and privacy gains the project achieves distinguish this Property and necessitate the modest, context-sensitive relief requested. The proposed integrated infill garage addition is the only configuration that delivers reasonable two-car parking while increasing (rather than decreasing) net open space, maintaining privacy for abutters, and respecting the spirit of the existing building envelope.

2. There is no fair and substantial relationship between the general purposes of the ordinance and their specific application to the Property.

The Property was created and the main dwelling constructed well before the City's adoption of zoning regulations in 1927 (and subsequent iterations leading to the current GRA standards). The lot is a preexisting nonconforming lot of record, and the original development pattern established the nonconforming setbacks, coverage, and frontage that exist today, including the preexisting building coverage of 25.1%.

As previously stated, the purposes of setbacks and building coverage standards include creating uniform lots and building envelopes where possible, protecting light/air/privacy, preventing overcrowding, and ensuring adequate open space and pervious area. Here, strict literal application of the current 10-foot side yard and 25% coverage standards to this pre-zoning Property would be impractical and would prevent a reasonable, beneficial modernization that actually increases usable open space and improves drainage through compact infill design rather than sprawling development. The proposed garage addition and deck encroach no farther into the spirit of the existing nonconforming envelope than the original house placement already does; the stepped-back infill configuration respects that envelope while delivering clear benefits to open space, privacy, aesthetics, and stormwater management. There is no fair and substantial relationship between the Ordinance's general purposes and rigidly applying its dimensional standards to block this context-appropriate improvement on a Property that predates those standards.

3. The Proposed Use is Reasonable.

The Property is located in the GRA District and will be a single-family residential use following the proposed conversion from its recent two-family configuration. Two-car garage parking is typical and customary for single-family residences in this district and throughout the City. The Owners are requesting relief to replace a dilapidated detached garage with a new, integrated, architecturally consistent two-car garage addition that improves the Property's functionality, aesthetics, open space, privacy for abutters, and relationship to the street. The proposed use and improvements are entirely reasonable.

Proposed Stipulations

None at this time.

In conclusion, the Owners have demonstrated that the application meets the five criteria for each of the variances sought and respectfully request that the Board approve this application.

Respectfully submitted,

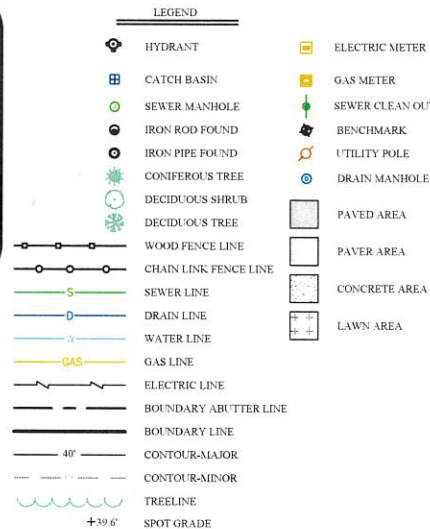
Jonah Goldblatt &
Gabrielle Dell'Aquilo Goldblatt

By and through their Attorney,



Colby T. Gamester, Esquire
154 Maplewood Avenue
Portsmouth, NH 03801
603-427-0000
colby@gamesterlaw.com

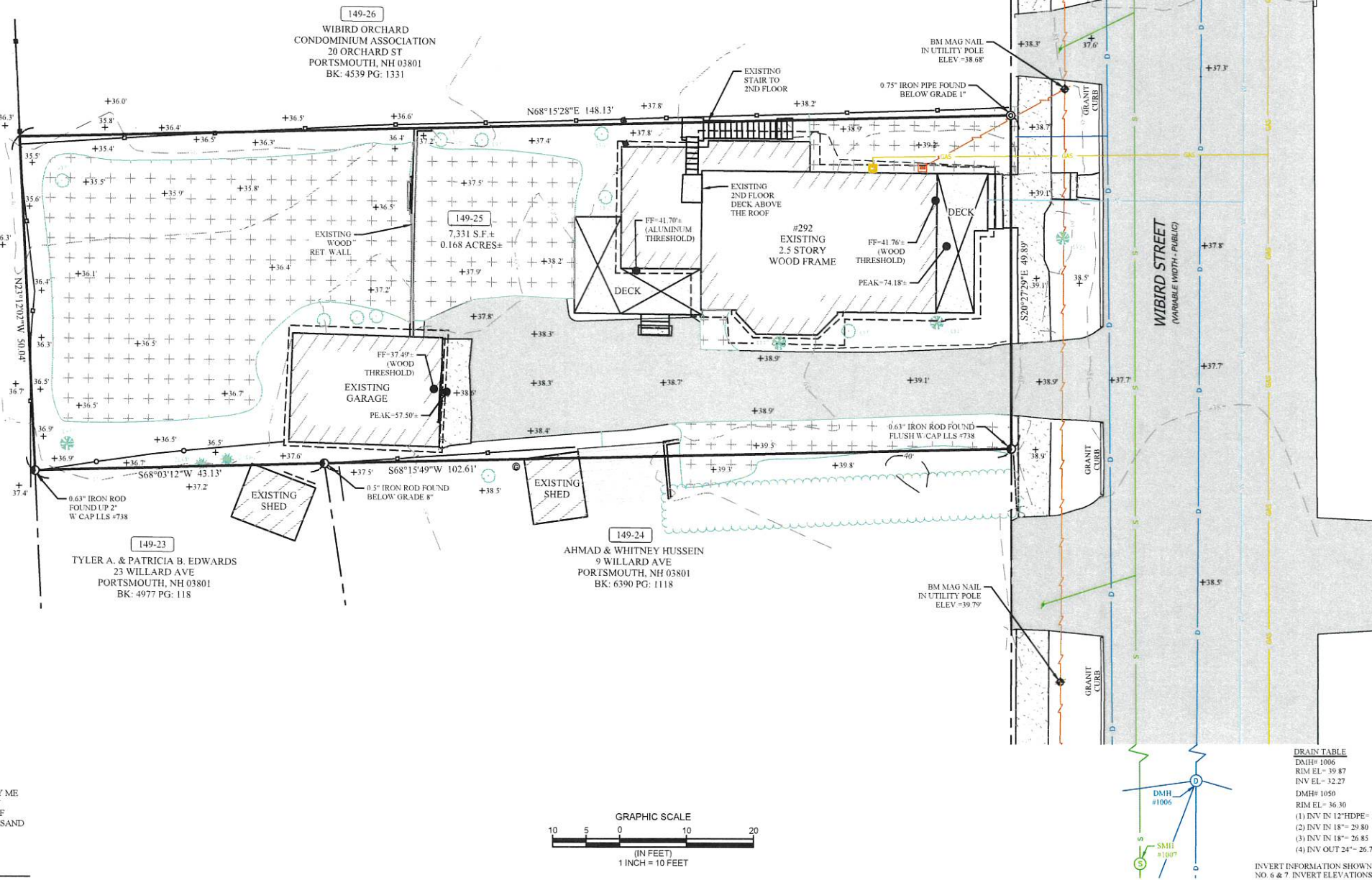
Dated: June 24, 2026

LOCUS
(1" = 500')**NOTES**

- OWNER OF RECORD: MARC GRIFFIN
ADDRESS: 1 CAMELOT WAY, PORTSMOUTH, NH 03801
DEED REFERENCE: BK. 6002 PG. 1412
TAX SHEET: LOT 149-25
- ZONED: GENERAL RESIDENCE A (GRA)
MIN. LOT AREA: 7,500 S.F. FRONT YARD SETBACK: 15'
FRONTAGE: 100' SIDE YARD SETBACK: 10'
MAX. LOT COVERAGE: 25% REAR YARD SETBACK: 20'
MAX. BUILDING HEIGHT: 35 FT (SLOPED ROOF) / 30 FT (FLAT ROOF)
MIN. OPEN SPACE: 30%
- THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF THE SUBJECT PARCEL AND THE IMPROVEMENTS THEREON FOR ENGINEERING DESIGN.
- THE LOCATION 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.
- HORIZONTAL DATUM: NAD83, VERTICAL DATUM: NAVD83, ESTABLISHED BY SURVEY GRADE GPS OBSERVATIONS, UNITS: US SURVEY FOOT.
- THE PLAN IS BASED UPON A FIELD SURVEY COMPLETED IN APRIL OF 2026 WITH TRIMBLE S5 ROBOTIC TOTAL STATION, CARLSON BRX7 RTK GPS UNITS, PANASONIC FZ-M1/100 TRIMBLE TSCT DATA COLLECTORS.
- THE 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 33015C029F, EFFECTIVE DATE 1/29/2021 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- 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.

REFERENCE PLANS

- "LOT PLAN, 280 WIBIRD ST, PORTSMOUTH, N.H." DATED AUGUST 1940, PREPARED BY JOHN W. DURGIN C.E. ON FILE WITH THIS OFFICE. JWD FILE #1259-1
- "LAND ON WILLARD AVE, PORTSMOUTH, N.H. ANNIE M. BOHAN TO ANAST A. MARINOS" DATED DECEMBER 1946, PREPARED BY JOHN W. DURGIN C.E. ON FILE WITH THIS OFFICE. JWD FILE #1259-2
- "PLAN OF LAND BELONGING TO MISS SIDNE J. MARSTON, PORTSMOUTH, N.H." DATED OCTOBER 7, 1898, PREPARED BY A. C. HOYT SURVEYOR R.C.R.D. #00115
- "PLAN OF LAND BELONGING TO JOHN F. LEAVITT, PORTSMOUTH, N.H." DATED AUGUST 10, 1898, PREPARED BY UNKNOWN, R.C.R.D. #00388
- "SUBDIVISION OF LAND FOR JOHN & LINDA ELLISON, 9 WILLARD AVENUE, PORTSMOUTH, N.H." DATED DECEMBER 1997, PREPARED BY AMBIT SURVEY CIVIL ENGINEERS & LAND SURVEYORS R.C.R.D. 12-26179
- "EXISTING CONDITIONS" DATED NOVEMBER 25, 2020, MAP PREPARED BY CITY OF PORTSMOUTH PUBLIC WORKS
- "EXISTING CONDITIONS PLAN, WILLARD AVENUE IMPROVEMENT PROJECT, WILLARD AVENUE, ORCHARD & ASH STREETS & ORCHARD COURT, PORTSMOUTH, NEW HAMPSHIRE, CMA ENGINEERS, INC." DATED DECEMBER 2, 2021, PREPARED BY JAMES VERRA & ASSOCIATES, INC. ON FILE WITH THIS OFFICE. JVA JOB #23944



DRAIN TABLE

DMH# 1006
RIM EL. = 39.87
INV EL. = 32.27
DMH# 1050
RIM EL. = 36.30
(1) INV IN 12"HDPE = 29.45
(2) INV IN 18" = 29.80
(3) INV IN 18" = 26.85
(4) INV OUT 24" = 26.75

SEWER TABLE

SMH# 1007
RIM EL. = 39.77
INV = 30.92
SMH# 1049
RIM EL. = 35.79
(1) INV IN 6" PVC = 24.77
(2) INV IN 24" PVC = 23.85
(3) INV OUT 24" PVC = 23.70

INVERT INFORMATION SHOWN HEREON WAS TAKEN FROM REFERENCE PLAN NO. 6 & 7. INVERT ELEVATIONS AND UTILITY LOCATIONS ARE APPROXIMATE AND SHOULD BE FIELD VERIFIED PRIOR TO DESIGN OR CONSTRUCTION.

133-35
DYLAN D. THOMAS
2018 FAMILY TRUST
DYLAN D. THOMAS TRUSTEE
279 WIBIRD ST
PORTSMOUTH, NH 03801
BK: 6390 PG: 1118

132-11
JOSHUA C. & AIME F.
RAYMOND
293 WIBIRD ST
PORTSMOUTH, NH 03801
BK: 4847 PG: 1464

132-12
WIENANDS 2024 FAMILY TRUST
CHRISTOPH & APRIL GUILLE
WIENANDS TRUSTEE
307 WIBIRD ST
PORTSMOUTH, NH 03801
BK: 6545 PG: 1145

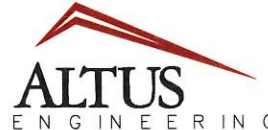
SURVEYOR:



100 GRIFFIN ROAD, UNIT C
PORTSMOUTH, N.H. 03801
603-436-3557 • 2026
www.jvasurveyors.com

JOB NO: 26-2035

ENGINEER:



133 Court Street
(603) 433-2335
Portsmouth, NH 03801
www.altus-eng.com

ISSUED FOR:

ENGINEERING REVIEW

ISSUE DATE:

05-18-2026

REVISIONS

NO. DESCRIPTION BY DATE

DRAWN BY:

CD/DK

APPROVED BY:

RMF

DRAWING FILE:

26-2035 EXCON DWG

SCALE:

22" x 34" - 1" = 10'
11" x 17" - 1" = 20'

OWNER:

MARC GRIFFIN
1 CAMELOT WAY
PORTSMOUTH, NH 03901

APPLICANT:

MARC GRIFFIN
1 CAMELOT WAY
PORTSMOUTH, NH 03901

PROJECT:

**292 WIBIRD STREET
PORTSMOUTH
NEW HAMPSHIRE
TAX MAP 149, LOT 25**

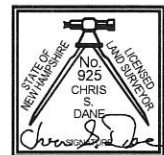
TITLE:

**EXISTING
CONDITIONS
PLAN**

SHEET NUMBER:

V-1

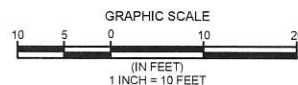
ALTUS JOB# P5763

**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)."

Chris S. Davis
LICENSED LAND SURVEYOR

5/18/2026
DATE



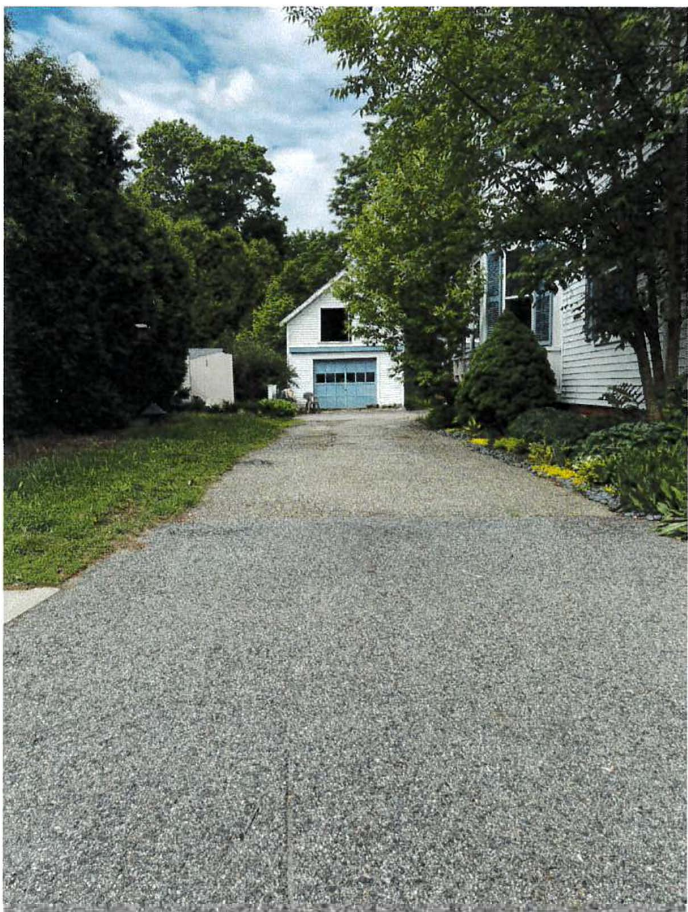
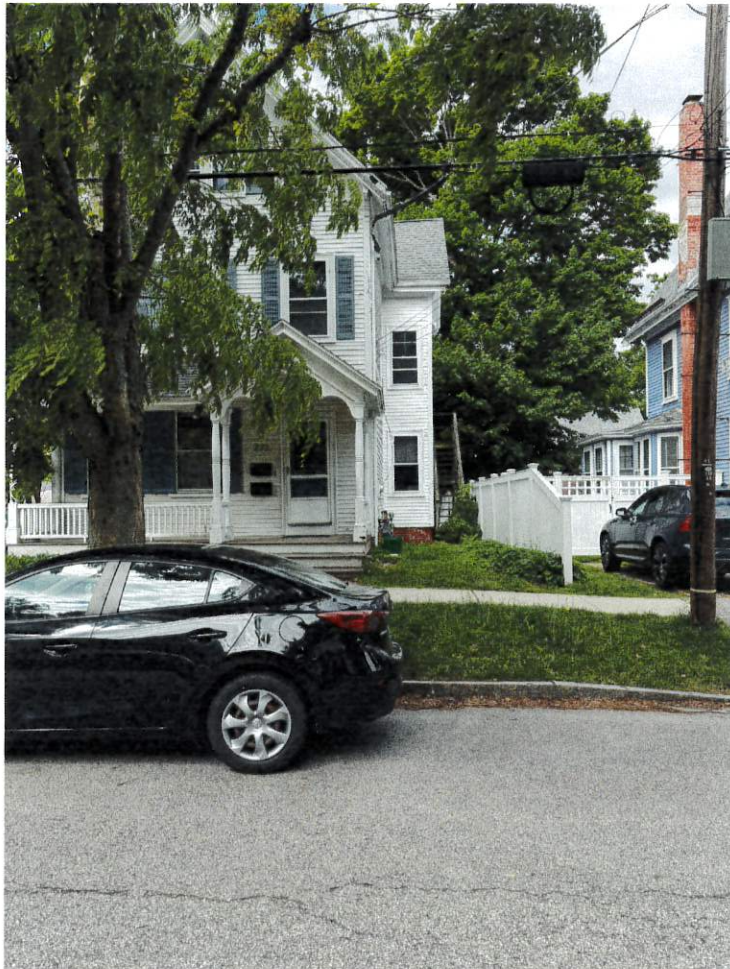
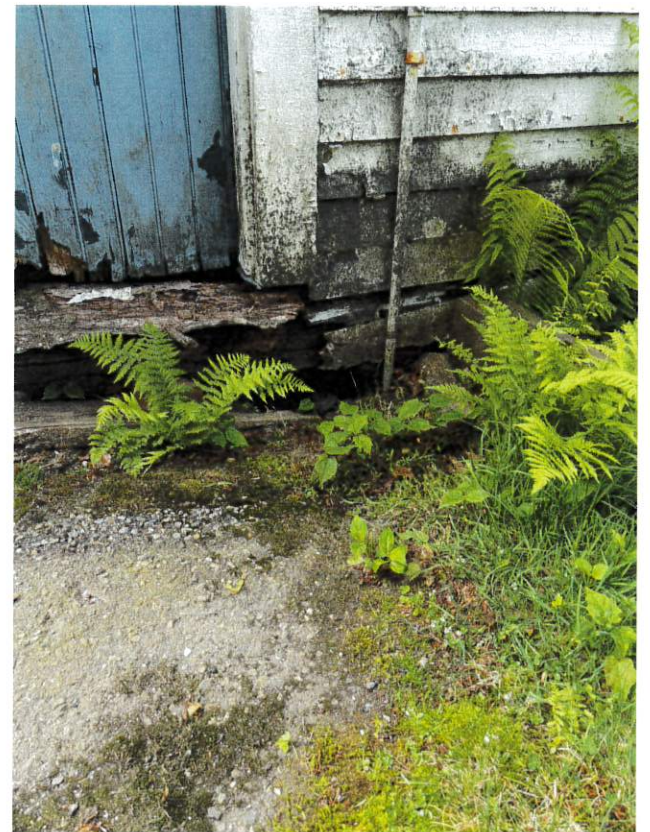


EXHIBIT B













LCHIP	ROA737861	25.00
TRANSFER TAX	RO142473	17,850.00
RECORDING		14.00
SURCHARGE		2.00

WARRANTY DEED

KNOW ALL PERSONS BY THESE PRESENTS: That **Marc Griffin**, married, of 1 Camelot Way, Berwick, ME 03901, for consideration paid grants to **Jonah Goldblatt** and **Gabrielle Dellaquila Goldblatt**, husband and wife, of 200 E 72nd Street, Apt 2B, New York, NY 10021, as Joint Tenants with Rights of Survivorship, with WARRANTY COVENANTS:

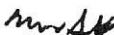
A certain lot of land with the buildings thereon, situate on the Westerly side of Wibird Street in Portsmouth, in the County of Rockingham and State of New Hampshire, more particularly bounded and described as follows, viz:

Northerly by land now or formerly of James E. Scammon and Mary Scammon, there measuring 145 feet, more or less; Easterly by Wibird Street, there measuring 50 feet, more or less; Southerly by land now or formerly of Albert Isselbacher and Flori Isselbacher, there measuring 145 feet, more or less; Westerly by land now or formerly of Annie M. Bohan, there measuring 50 feet, more or less.

Meaning and intending to describe and convey the same premises conveyed to Marc Griffin, by virtue of a Deed from Robert A. Cimini, dated May 23, 2019 and recorded at the Rockingham County Registry of Deeds in Book 6002, Page 1412.

This is not homestead property of the grantor or his spouse.

Executed this 9th day of April, 2026.

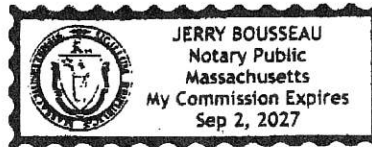


Marc Griffin

State of Massachusetts
County of Suffolk

On April 9th, 2026, before me, the undersigned officer, personally appeared the above-named, **Marc Griffin**, and proved to me through satisfactory evidence of identification, which was a driver's license, to be the person whose name is signed on the preceding or attached document, and acknowledged to me that he signed it voluntarily for its stated purpose.

Jerry Bousseau
Name: Jerry Bousseau
Title: Notary Public
My Commission Expires: 09-02-27





REFERENCE PLAN

"EXISTING CONDITIONS PLAN, TAX MAP 149, LOT 25, 292 WIBIRD STREET, PORTSMOUTH, NH", BY JAMES VERRA AND ASSOCIATES, INC., DATED MAY 18, 2026.

ZONING SUMMARY

ZONE: GRA (GENERAL RESIDENCE A) - EXISTING RESIDENCE TO BE REPLACED WITH SAME
EXISTING LOT AREA: 0.168 AC ± (7,331 S.F. ±)

DIMENSIONAL REQUIREMENTS

	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA:	7,500 S.F.	7,331 S.F. ±	7,331 S.F. ±
MIN. LOT AREA PER DWELLING UNIT:	7,500 S.F.	3,666 S.F. ± *	7,331 S.F. ±
DWELLING UNITS:	-	2	1
MIN. STREET FRONTAGE:	100'	49.89' ±	49.89' ±
MIN. LOT DEPTH:	70'	146.90' ± (AVERAGE)	146.90' ± (AVERAGE)
FRONT SETBACK:	15'	3.40' ±	3.40' ±
SIDE SETBACK (LEFT):	10'	2.13' ±	4.40' ± **
SIDE SETBACK (RIGHT):	10'	0' ±	2.8' ± **
REAR SETBACK:	20'	38.0' ±	58.0' ±
MAX. HEIGHT (SLOPED ROOF):	35'	<35'	<35' (PROP.)
MAX. BUILDING COVERAGE:	25 %	25.1 % ± (INCL. DECK & STEPS)	30.7 % ± (INCL. DECK & STEPS) **
MIN. OPEN SPACE:	30 %	58.2 % ± (4265 SF ±)	61.9 % ± (4,535 SF ±)
* EXISTING LOT OF RECORD			
** VARIANCE REQUIRED			

ENGINEER:

ALTUS
ENGINEERING

133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com



ISSUED FOR:

APPROVAL

ISSUE DATE:

JUNE 23, 2026

REVISIONS:

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	06/23/26

DRAWN BY: PUL

APPROVED BY: EDW

DRAWING FILE: 5763.DWG

SCALE:

22" x 34" - 1" = 10'
11" x 17" - 1" = 20'

APPLICANT/OWNER:

JONAH GOLDBLATT &
GABRIELLE DELLAQUILLO
200 E 72ND STREET APT. 2B
NEW YORK, NY 10021

PROJECT:

GARAGE
RECONSTRUCTION
292 WIBIRD STREET
TAX MAP 149
LOT 25
PORTSMOUTH, NH

TITLE:

BOARD OF
ADJUSTMENT
SITE PLAN

SHEET NUMBER:

C - 1

P5763

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO OBTAIN A BOARD OF ADJUSTMENT SITE PLAN APPROVAL TO REPLACE THE EXISTING GARAGE ON THE LOT WITH A SLIGHTLY LARGER GARAGE ATTACHED TO THE EXISTING SINGLE FAMILY RESIDENCE WHILE IMPROVING THE LEFT SIDE SETBACK, AND REPLACE THE EXISTING DECK WITH A SLIGHTLY LARGER DECK.
2. THERE ARE NO WETLANDS ON THE PROPERTY.
3. BUILDING COVERAGE CALCULATIONS:
EX. RESIDENCE (1,386 SF±) + EX. GARAGE (365 SF±) + EX. STEPS (84 SF±) = 1,837 SF±
1,837 SF ± / 7,331 SF = 25.1% ±
PROP. GARAGE & DECK (1,045 SF±) + EXIST. BUILDING TO REMAIN (1,204 SF±) = 2,249 SF±
2,249 SF ± / 7,331 SF = 30.7% ±
4. IMPERVIOUS COVERAGE/OPEN SPACE CALCULATIONS:
EX. BLDG COVERAGE (1,837 SF ±) + DRIVEWAY & CONCRETE (1,189 SF±) + EX. ABUTTING PATIO (23 SF±) + EX. RET. WALLS (17 SF±) = 3,066 SF± = 41.8%
THEREFORE OPEN SPACE = 58.2%
PROP. GARAGE & MUDROOM (803 SF±) + PROP. DECK (272 SF±) + PROP. DRIVEWAY (470 SF±) + EXIST. BUILDING & STEPS (1,222 SF±) + ABUTTING STRUCTURES (29 SF±) = 2,796 SF± = 38.1% ±
THEREFORE OPEN SPACE = 61.9% ±

LEGEND:

- IRON REBAR SET
- IRON ROD FOUND
- IRON PIPE FOUND
- WOOD FENCE
- CHAINLINK FENCE
- BRICK
- CONCRETE
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
- 101-03 TAX SHEET / LOT NO.
- LA LANDSCAPED AREA
- DECIDUOUS TREE
- CONIFEROUS TREE
- TREE LINE
- SHRUB
- BIR BIRCH
- MPL MAPLE
- PROPERTY LINE
- BUILDING SETBACK LINE
- EXISTING BUILDING (TBR)
- PROPOSED BUILDING
- EXISTING IMPERVIOUS
- PROPOSED IMPERVIOUS
- PROPOSED LANDSCAPED AREA

WIBIRD STREET
(VARIABLE WIDTH - PUBLIC)

EXISTING DRIVEWAY
TO BE RECONSTRUCTED.

149-28
THE AK GAFFNEY REVOCABLE
TRUST
KYLE P. & ALEXANDRA D.
HORNE TRUSTEES
42 ORCHARD ST
PORTSMOUTH, NH 03801
BK: 6676 PG: 1297

EXISTING GARAGE
TO BE REMOVED

149-23
TYLER A. & PATRICIA B. EDWARDS
23 WILLARD AVE
PORTSMOUTH, NH 03801
BK: 4977 PG: 118

EXISTING WAS SHED
REMOVED AFTER
MAY 18, 2026 SURVEY

DIGITIZED PROPOSED GARAGE
PLAN BOA. PLAN BY NORTHAM
SURVEY LLC, FEB. 20, 2026

149-24
AHMAD & WHITNEY HUSSEIN
9 WILLARD AVE
PORTSMOUTH, NH 03801
BK: 6390 PG: 1118

149-26
WIBIRD ORCHARD CONDOMINIUM
ASSOCIATION
20 ORCHARD ST
PORTSMOUTH, NH 03801
BK: 4539 PG: 1331

PROPOSED DRYWELL
RIM = 35.20±

PROPOSED DECK
FF ELEV.=41.12±

EXISTING DECK
TO BE REMOVED

EXISTING STAIRS
TO BE REMOVED

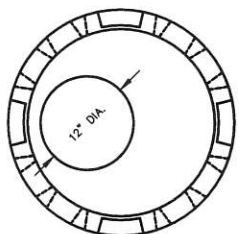
EXISTING BUILDING
FF ELEV.=41.70±

PROPOSED GARAGE
FF ELEV.=39.50±
697± SF PROPOSED ADDITION

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

REFERENCE PLAN

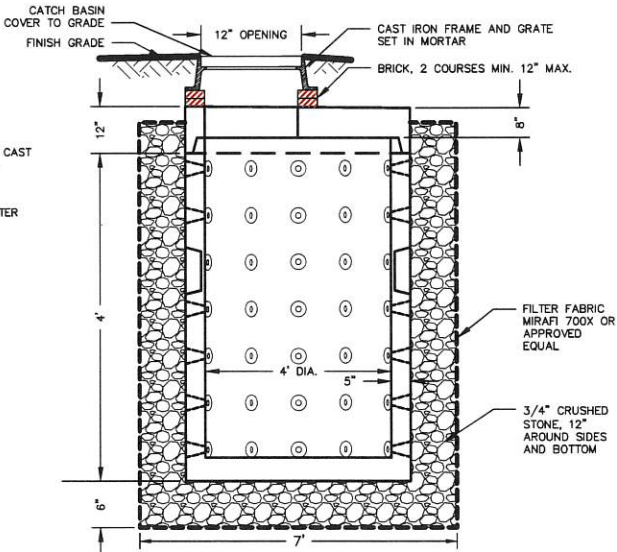
"EXISTING CONDITIONS PLAN, TAX MAP 149, LOT 25, 292 WIBIRD STREET, PORTSMOUTH, NH", BY JAMES VERRA AND ASSOCIATES, INC., DATED MAY 18, 2026.



PLAN VIEW

NOTES:

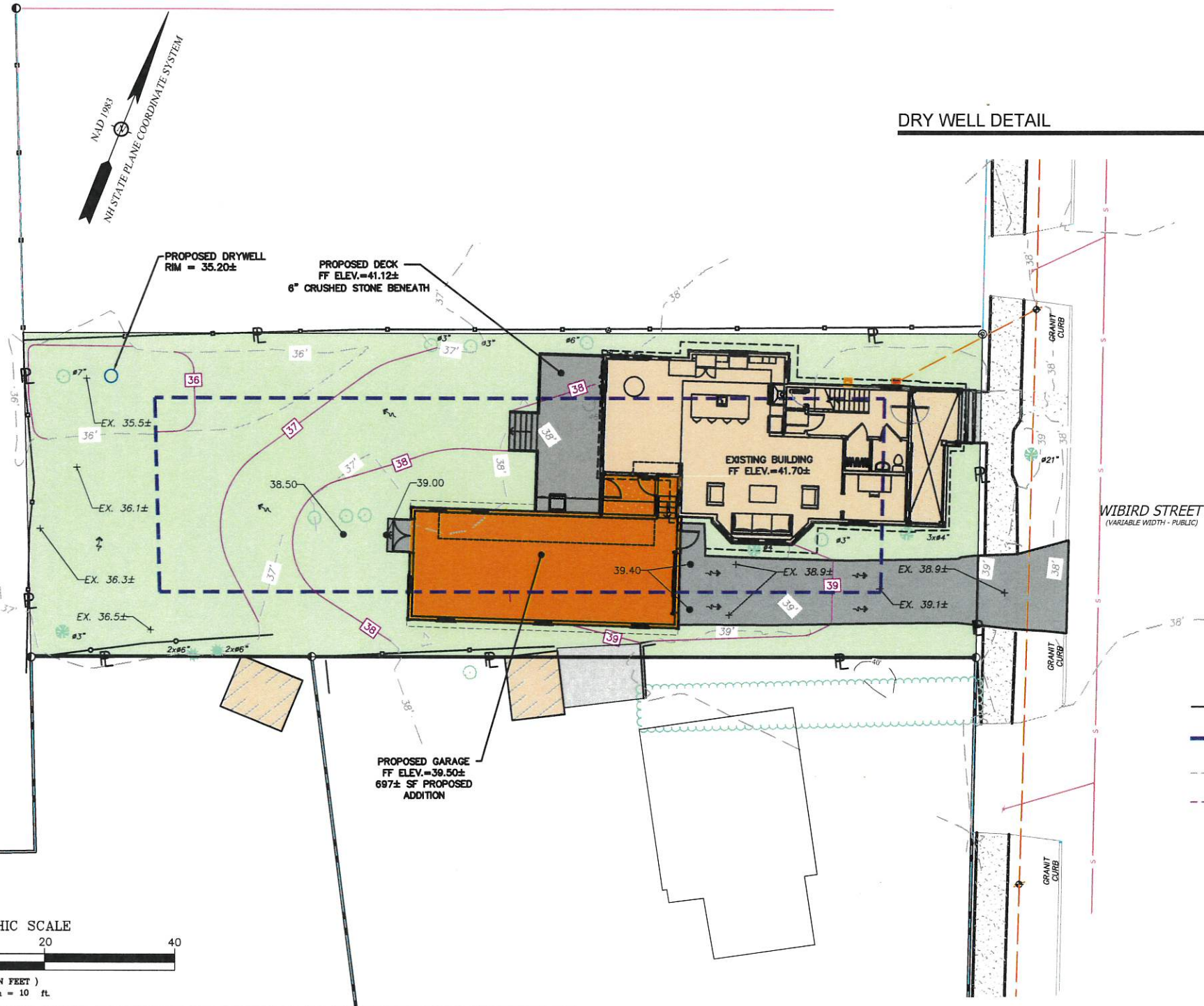
1. TO ACCOMMODATE A 48" CAST IRON FRAME AND GRATE.
2. GRATE OPENING MAY BE OFFSET OR CENTERED IN STRUCTURE TOP.
3. CONCRETE: 4,000 PSI AFTER 28 DAYS.



SECTION VIEW

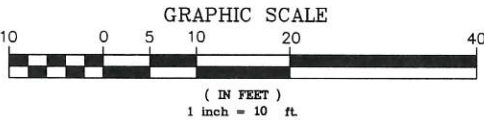
NOT TO SCALE

DRY WELL DETAIL



LEGEND:

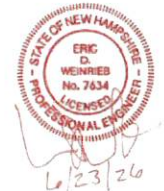
- IRON REBAR SET
- IRON ROD FOUND
- IRON PIPE FOUND
- WOOD FENCE
- CHAINLINK FENCE
- BRICK
- CONCRETE
- ROCKINGHAM COUNTY REGISTRY OF DEEDS
- TAX SHEET / LOT NO.
- LANDSCAPED AREA
- DECIDUOUS TREE
- CONIFEROUS TREE
- TREE LINE
- SHRUB
- BIR
- MPL
- PROPERTY LINE
- BUILDING SETBACK LINE
- EXISTING CONTOUR
- PROPOSED CONTOUR
- EXISTING SPOT GRADE
- PROPOSED SPOT GRADE
- PROPOSED BUILDING
- EXISTING IMPERVIOUS
- PROPOSED IMPERVIOUS
- PROPOSED LANDSCAPED AREA



ENGINEER:



133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com



ISSUED FOR:

APPROVAL

ISSUE DATE:

JUNE 23, 2026

REVISIONS

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	06/23/26

DRAWN BY:

PJL

APPROVED BY:

EDW

DRAWING FILE:

5763.DWG

SCALE:

22" x 34" - 1" = 10'
11" x 17" - 1" = 20'

APPLICANT/OWNER:

JONAH GOLDBLATT &
GABRIELLE DELLAQUILLO
200 E 72ND STREET APT. 2B
NEW YORK, NY 10021

PROJECT:

GARAGE
RECONSTRUCTION
292 WIBIRD STREET
TAX MAP 149
LOT 25
PORTSMOUTH, NH

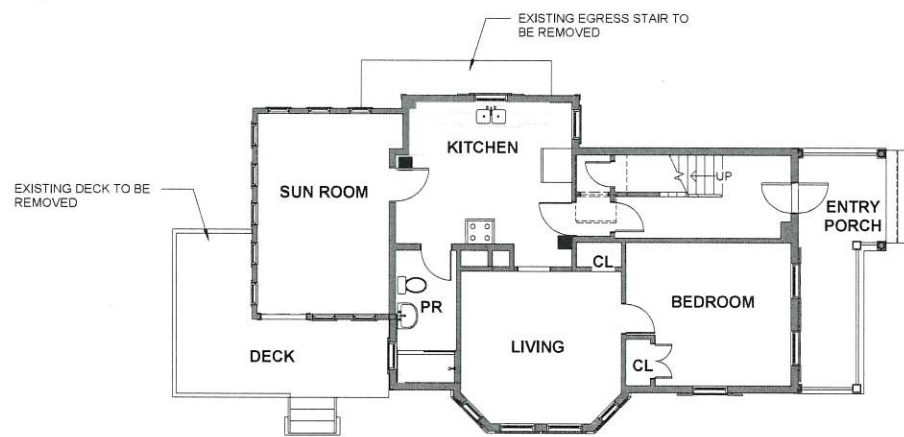
TITLE:

PRELIMINARY
GRADING PLAN

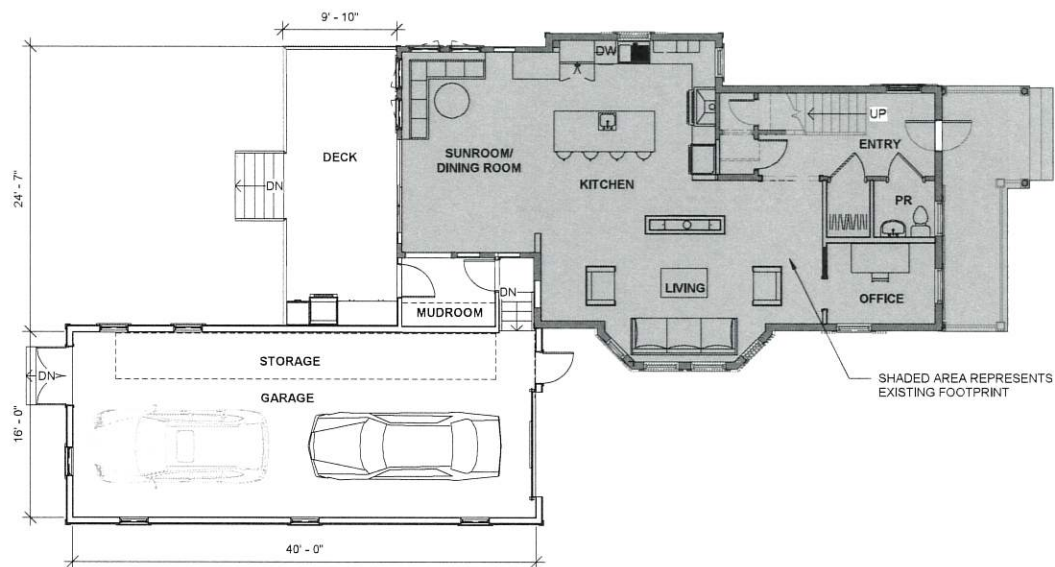
SHEET NUMBER:

C - 2

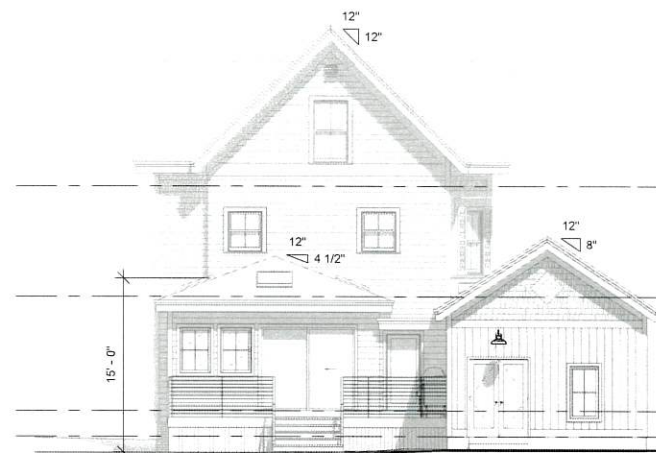
P5763



1 EXISTING FIRST FLOOR PLAN
1/8" = 1'-0"



2 PROPOSED FIRST FLOOR PLAN
1/8" = 1'-0"



3 WEST ELEVATION
1/8" = 1'-0"



4 SOUTH ELEVATION
1/8" = 1'-0"



5 EAST ELEVATION
1/8" = 1'-0"



6 NORTH ELEVATION
1/8" = 1'-0"

THIRD FLOOR
119' - 4"
(61.03' +/-)

SECOND FLOOR
109' - 10"
(41.70' +/-)

FIRST FLOOR
100' - 0"
(51.53' +/-)

GARAGE FLOOR
97' - 9 1/2"
(39.50' +/-)

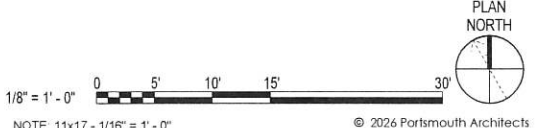
THIRD FLOOR
119' - 4"
(61.03' +/-)

SECOND FLOOR
109' - 10"
(41.70' +/-)

FIRST FLOOR
100' - 0"
(51.53' +/-)

GARAGE FLOOR
97' - 9 1/2"
(39.50' +/-)

GRAPHIC SCALE(S)



SINGLE FAMILY RENOVATION

292 WIBIRD STREET, PORTSMOUTH, NH 03801

FLOOR PLANS AND ELEVATIONS

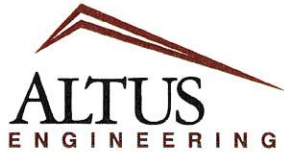
4 Market Street
Portsmouth, New Hampshire
603.430.0274



PORTSMOUTH
ARCHITECTS

A0

06/24/2026
Scale: 1/8" = 1'-0"
PA: MM / MG
Project Number: 26045



**Civil
Site Planning
Environmental
Engineering**

133 Court Street
Portsmouth, NH
03801-4413

Drainage Memorandum

Date: June 23, 2026

Project: **Tax Map 149 Lot 25
292 Wibird Street
Portsmouth, NH 03801
Altus Project No. 5763**

Prepared by: Patrick Lamott, Engineer II

A handwritten signature in blue ink that reads "Patrick Lamott".

Eric, D. Weinrieb, PE

A handwritten signature in blue ink that reads "Eric D. Weinrieb".

Altus has prepared Board of Adjustment Site Plans on behalf of the applicant, Jonah Goldblatt & Gabrielle Dellaquilo for the proposed project located on Tax Map 149 Lot 25 at 292 Wibird Street. The project proposes to demolish an existing deck and detached garage and construct an attached garage, mudroom, and expanded deck. As it exists, the lot is approximately 41.8% (3,066 square feet +/-) impervious and there is no existing drainage infrastructure on the property. The project proposes to decrease the impervious coverage by 237 square feet +/- to approximately 38.6%.

With the reduction in impervious surfaces there will be an overall reduction in stormwater runoff. The rear yard of the site is depressed with no runoff discharging from the site. Altus has visited the site after modest rainfall events and did not observe any surface water ponding. The construction of the proposed project will decrease the runoff towards the rear yard, however Altus proposes that a leaching catch basin, drywell, is installed to improve drainage on the property and mitigate runoff from the abutting properties. The proposed drywell provides the site with the ability to drain in frozen conditions and is capable of storing approximately 37.7 cubic feet of water before infiltration. The proposed wooden deck will have 6" of crushed stone beneath it to allow for infiltration. We believe the reduction in impervious coverage and installation of drainage infrastructure with the proposed project will improve the existing conditions at the property and abutting residences. Due to the reconfiguration of the structures there is a slight increase in runoff towards Wibird Street. It is Altus' opinion that the increase is de minimis and will not adversely impact the Wibird Street Right-of-way.

Please feel free to reach out if you have any questions or need additional information.

III. NEW BUSINESS

- C. The request of **Jane M Shouse Revocable Trust (Owner)**, for property located at **555 Dennett Street** whereas relief is needed to demolish the existing detached garage and construct a new rear addition which requires the following: 1) Variance from Section 10.521 to a) allow a building coverage of 27% where 25% is the maximum allowed. Said property is located on Assessor Map 161 Lot 39 and lies within the General Residence A (GRA) District. (LU-26-86)

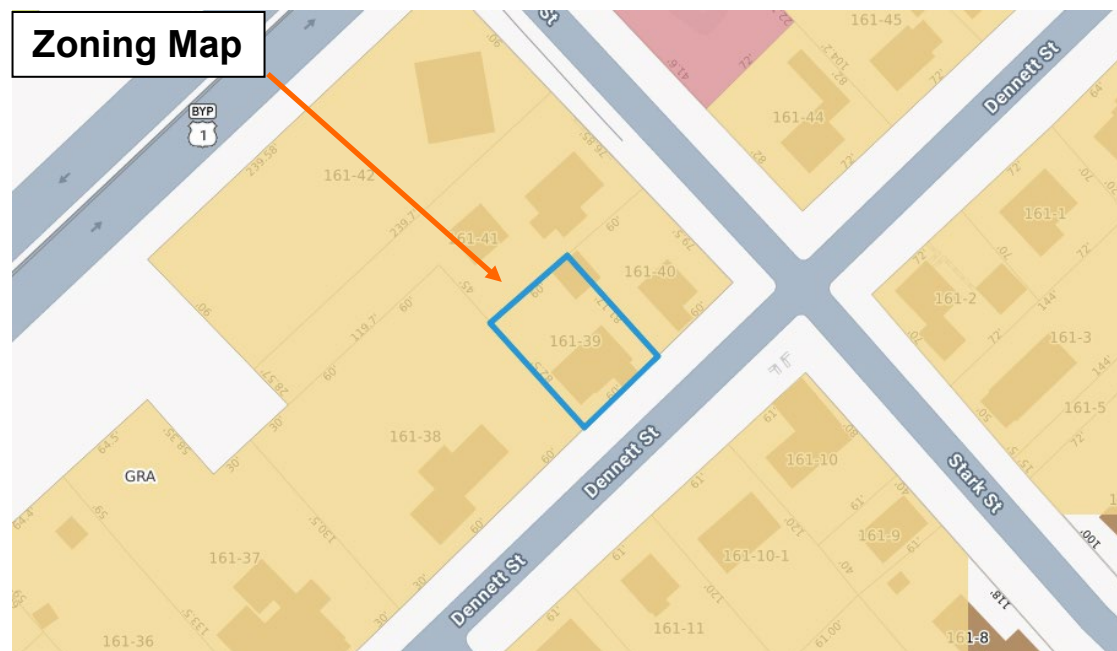
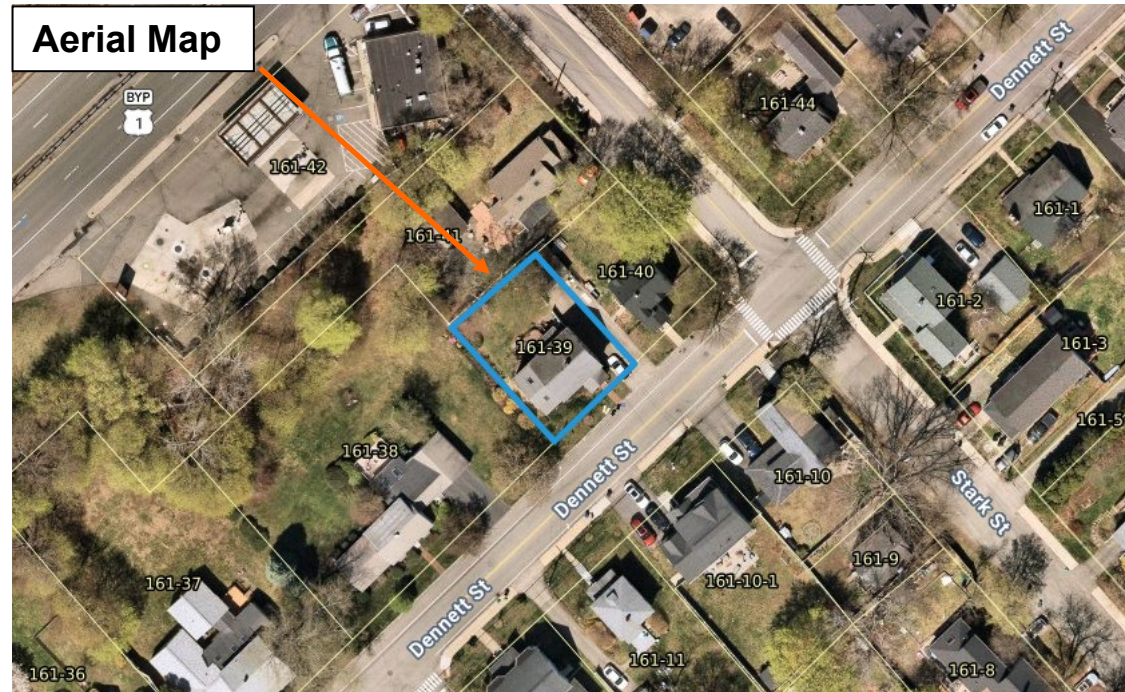
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single Family Home	*Demo existing detached garage and construct new rear addition	Primarily Residential
<u>Lot area (sq. ft.):</u>	4,792	4,792	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,792	4,792	7,500 min.
<u>Front Yard (ft.):</u>	Home:4 Garage:>15	Home:4 Garage: n/a	15 min.
<u>Right Side Yard (ft.):</u>	Garage: 0	Home: 10 Garage: n/a	10 min.
<u>Left Side Yard (ft.):</u>	Home: 12 Garage: >10	Home: 12 Garage: n/a	10 min.
<u>Rear Yard (ft.):</u>	Home: 30.5 Garage: 0	Home: 30.5 Garage: n/a	20 min.
<u>Building Coverage (%):</u>	32	27	25 max.
<u>Open Space Coverage (%):</u>	53	58	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Parking</u>	2	2	1
<u>Estimated Age of Structure:</u>	1900	Variance request(s) shown in red.	

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **October 18, 1994** – 1) a Variance from Article III, Section 10-302 to allow the construction of a 12' x 28' one-story addition with a 13' front yard where a 20' front yard is required; and 2) a Variance from Article IV, Section 10-401(5) to allow the expansion of a nonconforming building where no increase in the extent of a nonconforming building is allowed.

The Board voted to **grant** the request as presented with the following **conditions**:

- 1) The play house be moved to be in conformance with the required setbacks.

Planning Department Comments

The applicant is proposing to demolish the existing one-story detached garage that encroaches across the property line with lot 161-40. The applicant proposes to construct a rear addition in place of the existing rear deck, which requires relief for building coverage that exceeds the maximum 25% permitted in the GRA 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.

June 24, 2026

To the Chairman and Members of the Board of Adjustment

I am applying for a variance for building coverage under Section 10.521 of the Zoning Ordinance for 72 s.f. to construct a bathroom/laundry room on the 1st floor of the rear of my house. This addition will not be visible from the road and will blend in nicely with the existing house.

I have lived in my house for 41 years. It wasn't much of a house when my husband and I bought it for \$68,000 in 1985 but over the years we have continued to maintain and improve the property. We removed the aluminum siding and replaced it with vinyl, replaced all of the windows, blew insulation into the entire house, professionally removed the asbestos in the basement, repaved the driveway, replaced the roof, added a side addition to give us a tv room and an office for my husband and later added a second story to provide me with a wonderful sewing room, we rebuild the front porch and rebuilt the back deck. We also gutted the kitchen and remodeled it. My husband worked relentlessly on the landscaping and overall maintenance of the entire house, inside and out.

The house has one second floor bathroom. This was never a problem until recently, due to my recent surgeries and health concerns. Also, my washer and drier are in the basement, creating a problem for me. By adding this 1st floor bathroom/laundry room I will be able to live entirely on the first floor and will not have to worry about relocating. As we are all aware, there is no place available that would be less expensive in this City.

NOTE: I have also made arrangements with my abutter, Kevin Dolan, to demolish the garage. The property line to our abutting properties goes right down the middle of the garage. I do not know when the garage was built but it is in terrible condition, the roof leaks, it has a dirt floor, the building tilts and it creates a problem with two property owners. A Demolition Permit will be submitted at a later date. I might suggest that the Board make a stipulation with approval that the garage be demolished prior to construction of this addition.

I have the best neighbors you could possibly want and we all look out for each other. Dennett Street has developed into a very desirable neighborhood and I am proud to live here and maintain my independence. I do not want to move.

I appreciate your time and consideration of my variance request.

Sincerely,

Jane M. Shouse

555 Dennett Street Application

Variance Analysis Criteria:

1. The variance is not contrary to the public interest.

This variance is not contrary to the public interest and does not alter the essential character of the neighborhood, threaten public health, safety or welfare or otherwise injure "Public rights". This addition would allow the homeowner the ability to remain in her house and to have a first floor bathroom. The additional building coverage is in the rear of the property and cannot be seen from the street.

2. The spirit of the ordinance is observed.

It is understood why the City has set back requirements but this is a small renovation which will not impact the abutters. It will not impact light or the circulation of air. It will still allow for substantial side setbacks for the abutters.

3. Substantial justice is done.

The benefit to the applicant is not outweighed by harm to the general public or other individuals. The benefit to the applicant is essential to her being able to remain in her house for many years. There is no harm to the general public.

4. The value of surrounding properties are not diminished.

The value of surrounding properties are not diminished and, in fact, will be increased by this addition.

5. Literal enforcement of the ordinance would result in unnecessary hardship.

The restriction as applied to the property does not serve that purpose as a "fair and substantial" way. Literal enforcement of the ordinance would result in the denial of the 1st floor bathroom and the applicant/ owner being forced to sell her house and move to a more expensive and much smaller residence. This lot is one of the smaller lots in the

neighborhood and a hardship is created as adding additional building coverage is difficult within the setbacks . Not allowing the applicant to construct a 1st floor bathroom creates an unreasonable hardship to the applicant. The hardship uniqueness of the lot in relation to how everyone else is using their lots is not unreasonable. Anyone who lives here would want the ability to receive building coverage relief and have the modern conveniences of most houses. The proposed use is a reasonable one.

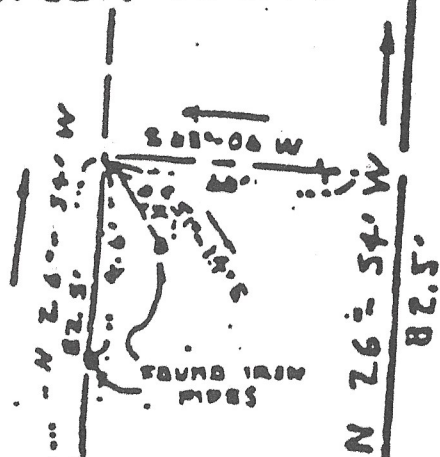


ON WES-18 1966

SEE DETAIL 'A'

N/F

RONALD F. &
ARMON M. DOW
K 2219-PG 164D



DENNETT ST.
DETAIL 'A'
NOT TO SCALE

FOUND 12" HIGH
1 1/2" DIA. IRON PIPE

FOUND 18" HIGH
1 1/2" DIA. IRON PIPE

OLD WOOD
STOCKADE FENCE

GATE

N 63° - 06' E 120.0'

60'

WOOD FRAME
GARAGE

SET
IRON ROD

NEW CHAIN
FENCE

N/F

STREET FRONT
DENNETT ST. 1966

KEVIN DOLAN
BK 6687 PG 1506

54'-54" N
26'-92" N

39'

EXISTING
PORCH

BULK HEAD

2 STORY
ADDITION
12 X 28

EXISTING
26 X 28
HOUSE

12'

10'

24'

28'

24'

FOUND 1" DIA.
IRON PIPE

1' SET BACK 12'

8 X 10
PORCH

FOUND 1" IRON PIPE

60'

60'

120.0'

S 61° - 42' W
DENNETT

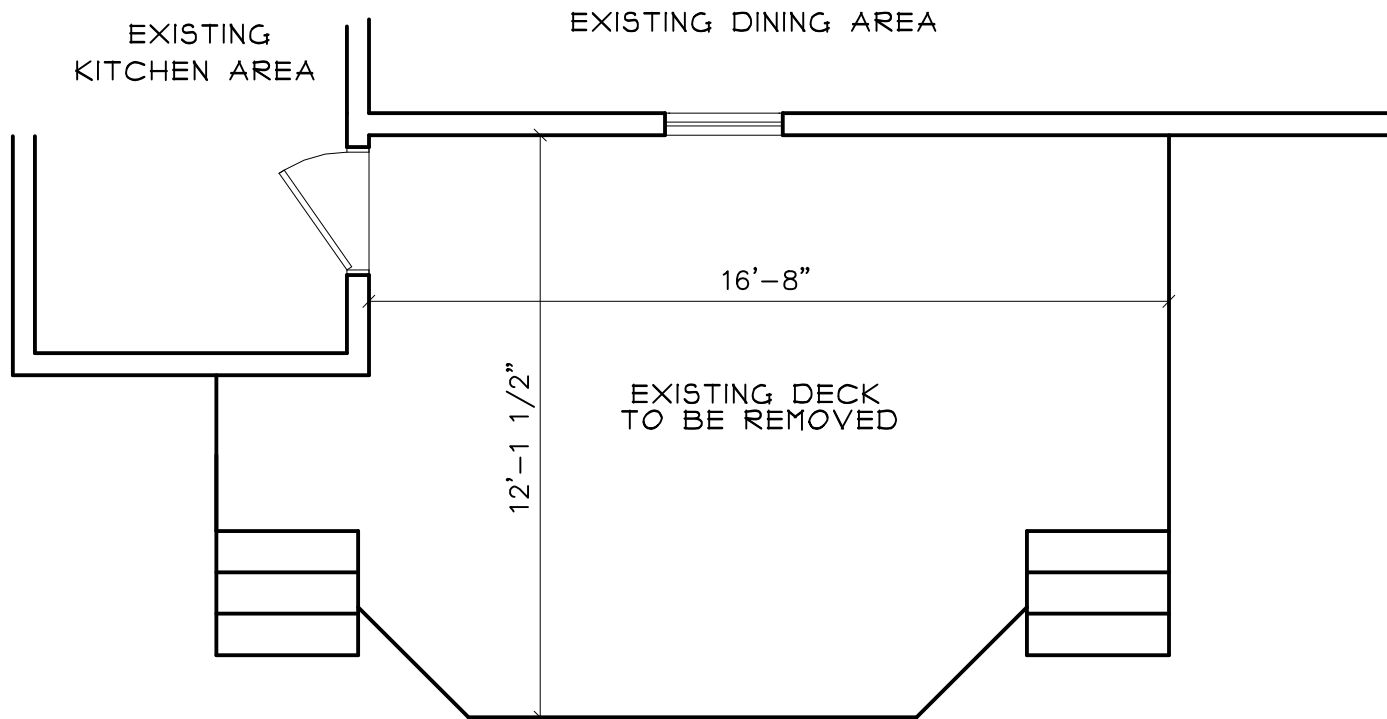
STREET



EXISTING REAR VIEW -1

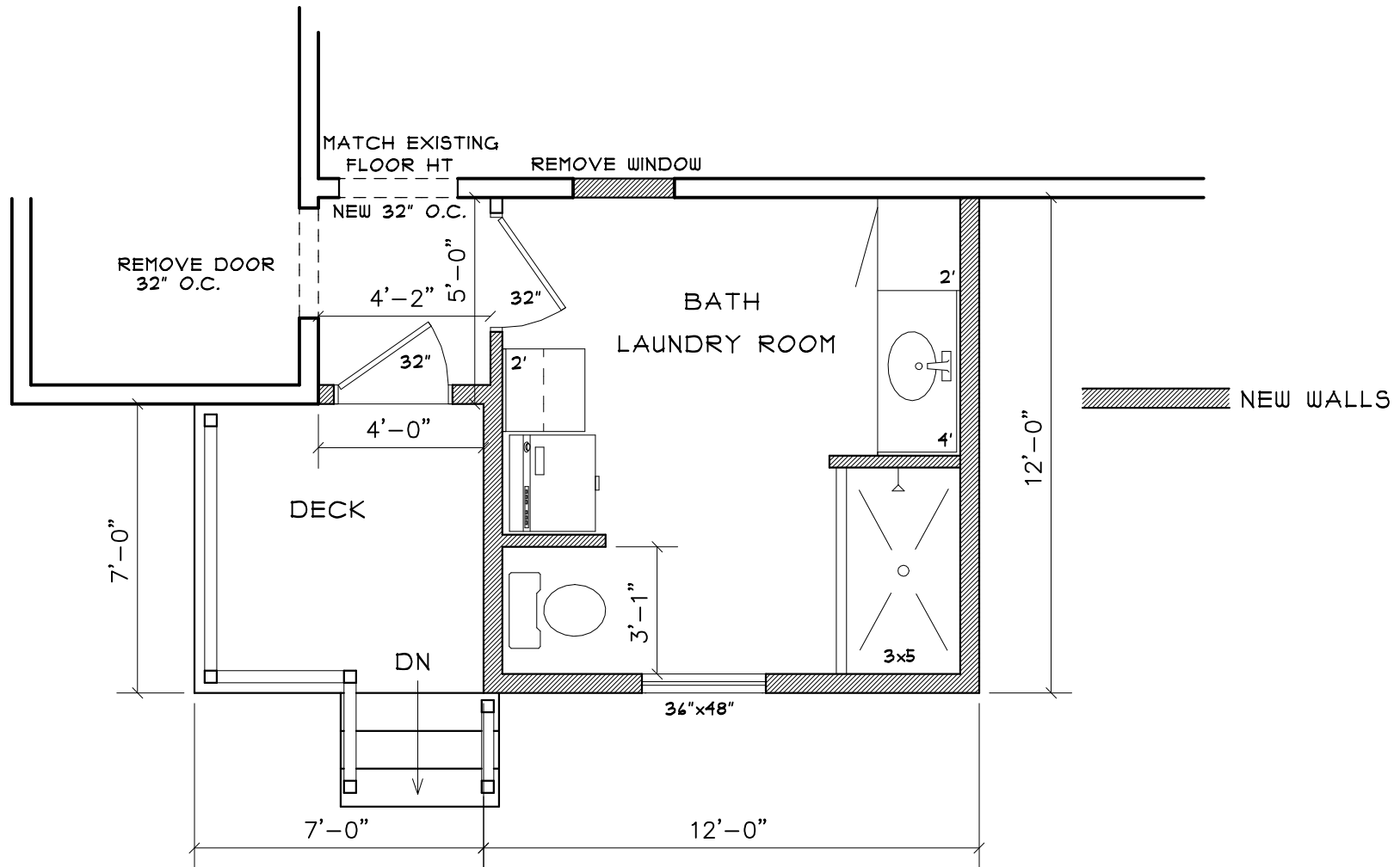


EXISTING REAR VIEW - 2



① EXISTING DECK TO BE REMOVED
SCALE 1/4"=1'0"

210.86 SQ FT

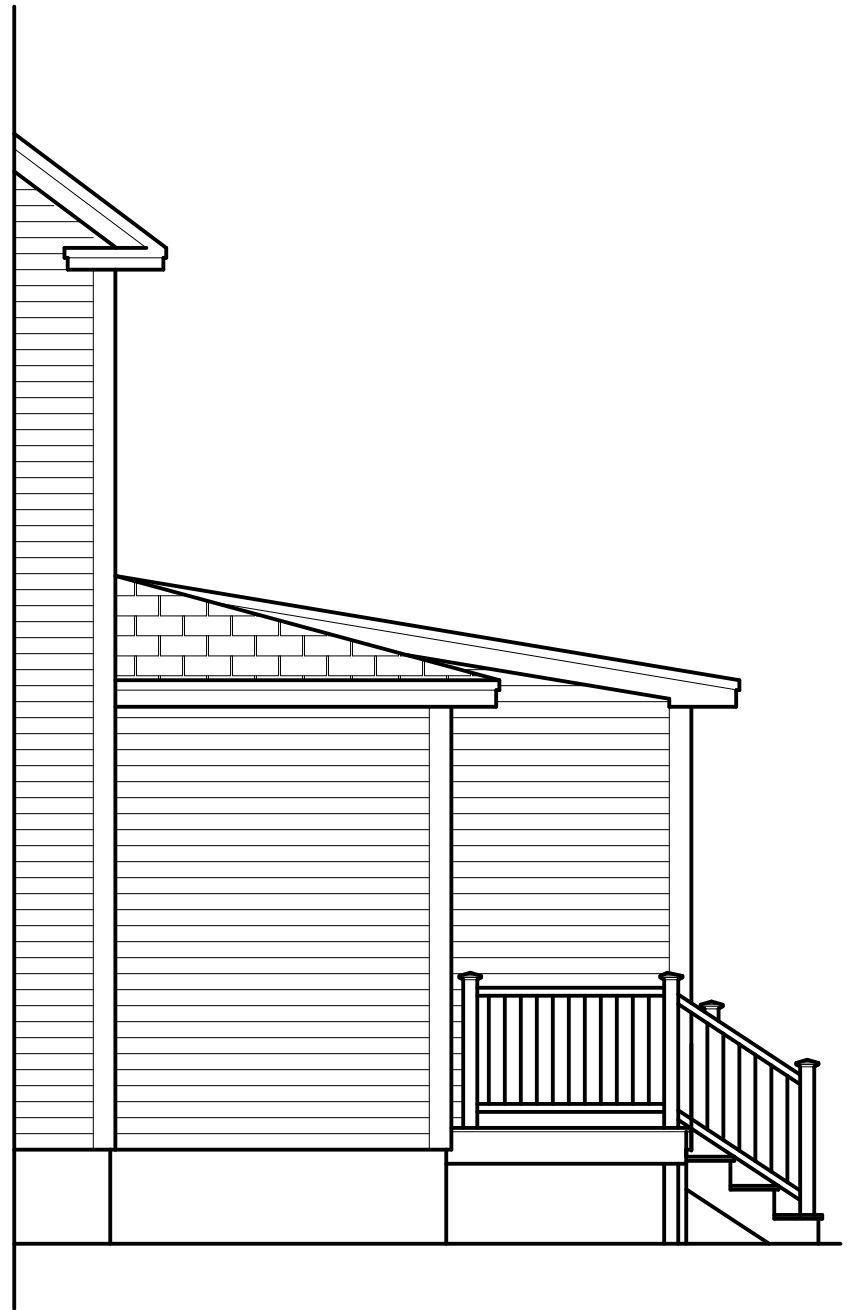
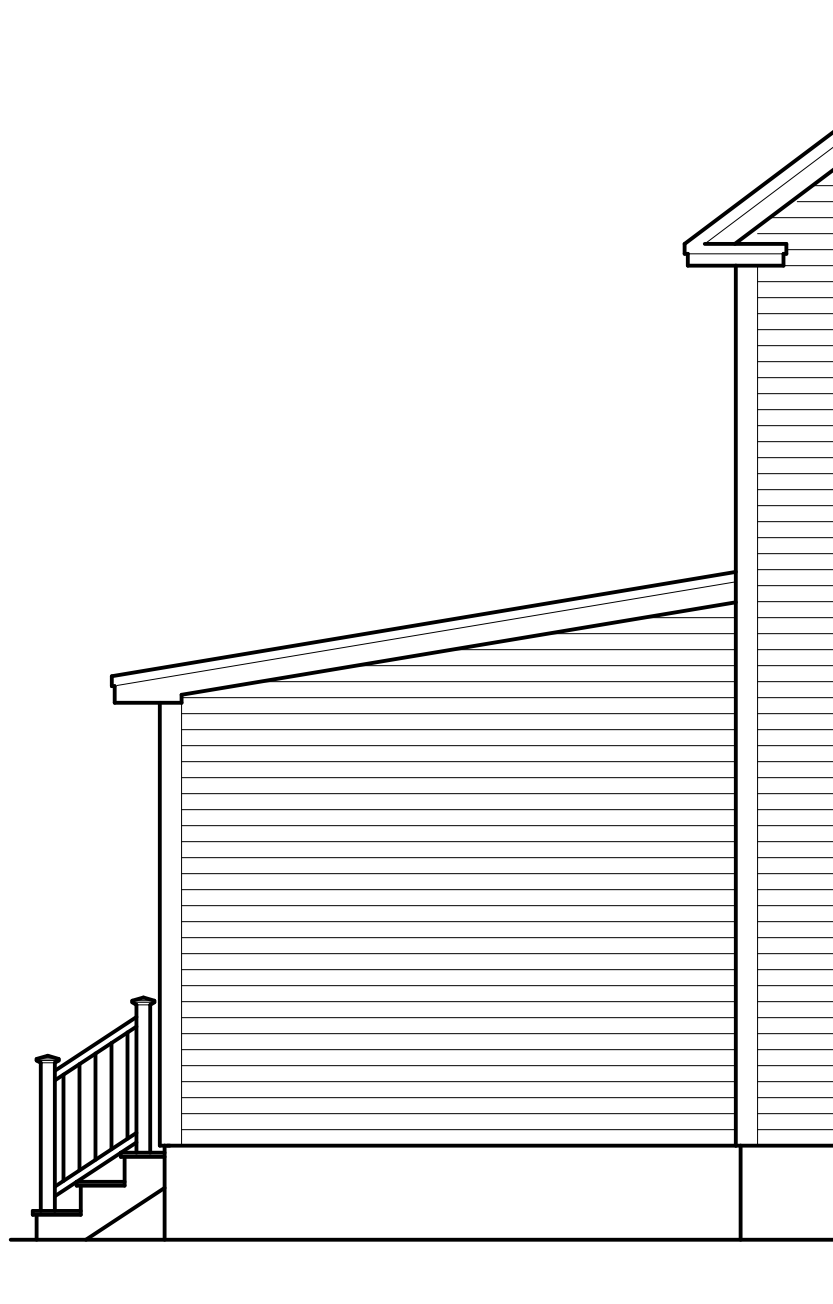


② PROPOSED FLOOR PLAN
SCALE 1/4"=1'0"

ADDITION 164 SQ FT
DECK AREA 60 SQ FT



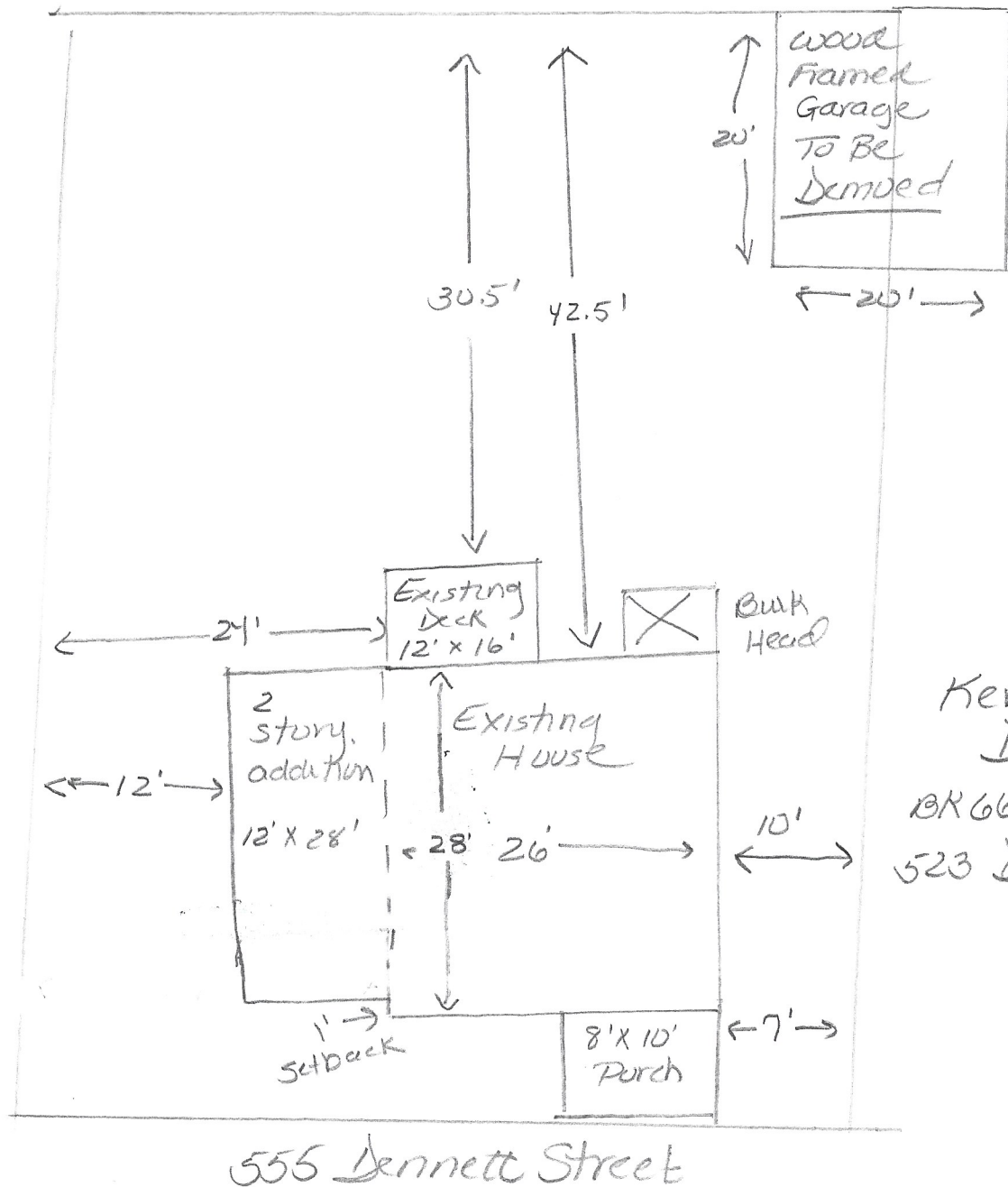
① REAR ELEVATION
SCALE 1/4"=1'0"



① SIDE ELEVATIONS
SCALE 1/4"=1'0"

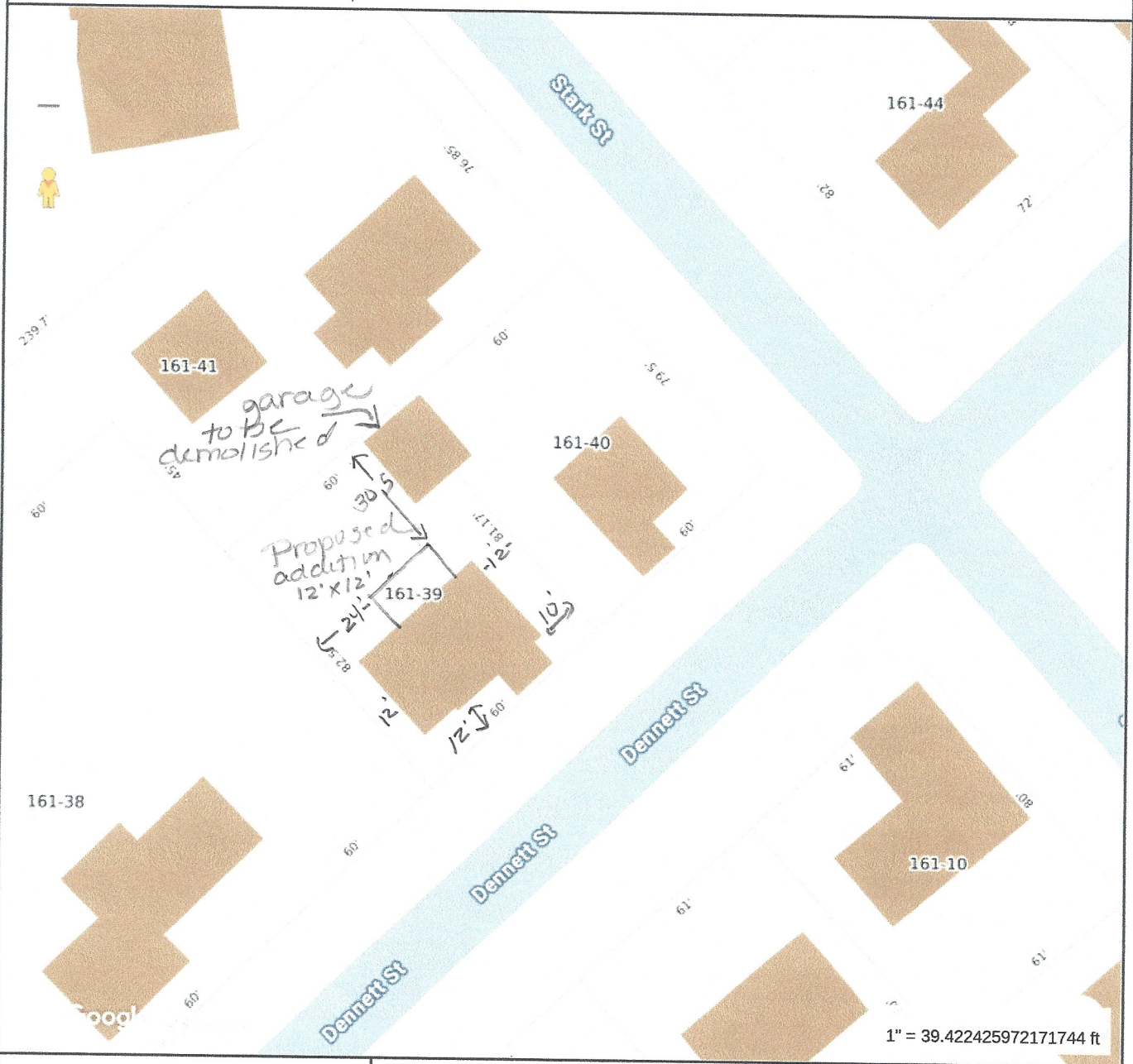
Existing Site Plan

Ramona Dow
 Book 2219 Page 1640
 571 Dennett St



Kevin
 Dolan
 BK 6687 Pg 150
 523 Dennett St

Proposed Site Plan



Property Information	
Property ID	0124-0014-0000
Location	233 VAUGHAN ST
Owner	233 VAUGHAN STREET LLC



**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 03/06/2026

Print map scale is approximate.
Critical layout or measurement activities should not be done using this resource.

II. NEW BUSINESS

- D.** The request of **Michael J Ferrelli (Owner)**, for property located at **0 Joffre Avenue and 18 Barberry Lane** whereas relief is needed to construct a single-family home on a vacant lot which requires the following: 1) Variance from Section 10.521 to a) allow for 0 feet of street frontage where 100 feet is required; b) allow for 12,185 square feet of lot area where 15,000 square feet is required; c) allow for 12,185 square feet of lot area per dwelling where 15,000 square feet is required; and 2) Variance from Section 10.1114.31 to allow for two driveways on a single lot where one is permitted. Said properties are located on Assessor Map 233, Lot 135 and Lot 131 and lie within the Single Residence B (SRB) District. (LU-26-92)

Existing & Proposed Conditions

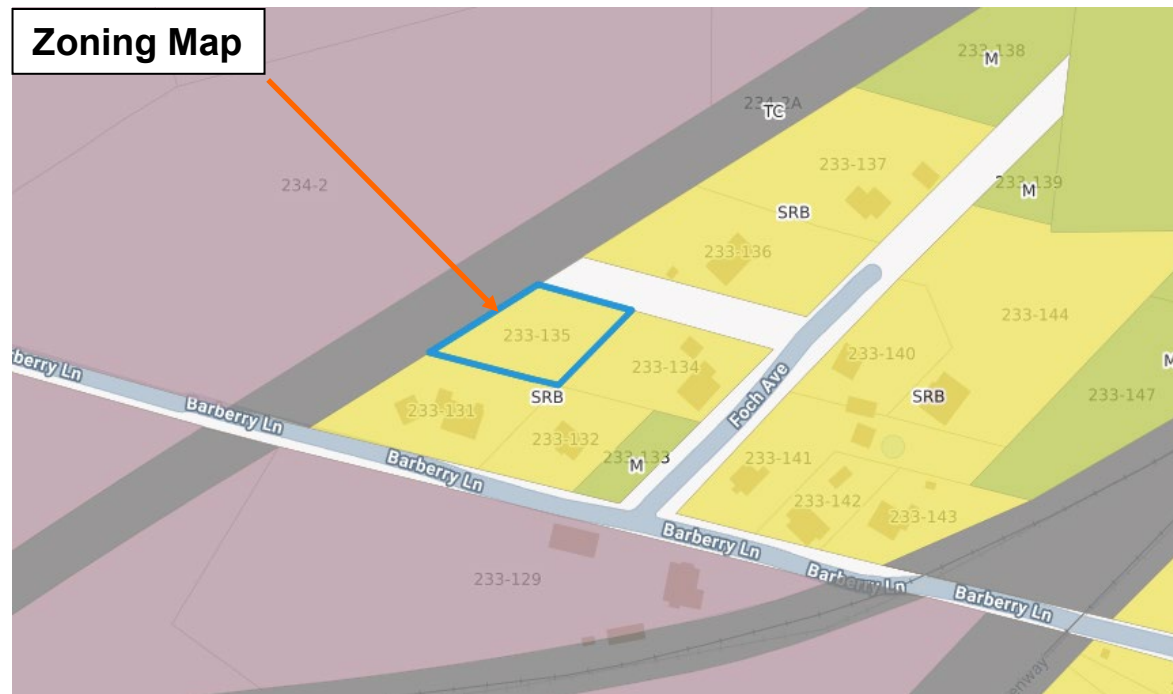
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Vacant lot	Construct new SFR on vacant lot & driveway access from 18 Barberry Lane*	Primarily Residential
<u>Lot area (0 Joffre) (sq. ft.):</u>	12,185	12,185	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	12,185	12,185	15,000 min.
<u>Frontage (ft.):</u>	0	0	100 min.
<u>Depth (ft.):</u>	>100	>100	100 min.
<u>Front Yard (ft.):</u>	N/A	>30	30 min.
<u>Right Side Yard (ft.):</u>	N/A	>10	10 min.
<u>Left Side Yard (ft.):</u>	N/A	>10	10 min.
<u>Rear Yard (ft.):</u>	N/A	>30	30 min.
<u>Building Coverage (%):</u>	N/A	<20	20 max.
<u>Open Space Coverage (%):</u>	100	>40	40 min.
<u>Height (ft.):</u>	N/A	<35	35 max.
<u>Parking</u>	0	1	1
<u>Estimated Age of Structure:</u>	1961	Variance request(s) shown in red.	

***Variance from Section 10.1114.31 to allow for two driveways on a single lot**

Other Permits/Approvals Required

- Wetland CUP / Planning Board
- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- No Previous BOA history was found.

Planning Department Comments

The applicant is proposing to construct a new single-family residential dwelling on a vacant lot that does not conform to the minimum frontage or lot area requirements. The City was unable to find evidence to suggest that Joffre Avenue was formally accepted as a public way and the abutting landowners may have rights to claim to the centerline of the paper street. The applicants plan includes the area of Joffre Avenue to the centerline of the paper street abutting the property. To provide access to the lot, the applicant is proposing a second driveway on 18 Barberry Lane with a 16' driveway easement.

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.

BY: VIEWPOINT & HAND DELIVERY

June 30, 2026

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

**RE: Revised Variance Application of J. Michael Ferrelli
Joffre Avenue, Tax Map 233, Lot 135**

Dear Stefanie,

Please find a copy of the revised variance application for the above referenced property. The enclosed materials have also been filed through Viewpoint. Please replace the materials filed on June 24, 2026 with the enclosed, and please do not hesitate to reach out should you have any questions or concerns. Included with this submission is the following:

- 1) Landowner Letter of Authorization
- 2) Narrative (Revised) to Variance Application with Exhibits
- 3) Variance Plan prepared by Ambit Engineering, Inc.
- 4) Photographs of Property
- 5) GIS Map

Sincerely,



Derek R. Durbin, Esq.

LANDOWNER LETTER OF AUTHORIZATION

J. Michael Ferrelli, record owner of property located at **Joffre Avenue, Portsmouth New Hampshire**, identified on **Tax Map 233, Lot 135** (the "Property"), hereby authorizes **Durbin Law Offices PLLC**, to file any building, zoning, planning or other municipal permit applications with the City of Portsmouth for said Property and to appear before its land use boards. This Letter of Authorization shall be valid until expressly revoked in writing.


J. Michael Ferrelli (Jun 24, 2026 08:09:50 GMT+7)

J. Michael Ferrelli

**PORTSMOUTH ZONING BOARD OF ADJUSTMENT
VARIANCE APPLICATION NARRATIVE**

**Off Joffre Avenue
Tax Map 233, Lot 135**

**J. Michael Ferrelli
(Owner/Applicant)**

INTRODUCTION

The property shown on Tax Map 233 as Lot 131 (the "Property" or "Applicant's Property") is a 12,185 square foot undeveloped lot of record located in the SRB Zoning District. The Property consists of two merged lots first shown on the "Pershing Terrace" subdivision plan of 1918, recorded in the Rockingham County Registry of Deeds as Plan 082 (the "1918 Plan"). Exhibit A. The original parcels comprising the Property are identified on the 1918 Plan as Lots 37 and 38. It is not clear from the title history exactly when the lots were merged or whether it occurred voluntarily or involuntarily. Regardless of how the merged lot came to be, the Applicant now seeks the zoning relief necessary to construct a single-family home on the Property, which does not conform to the minimum frontage or lot area requirements.

Because the City was unable to find evidence to suggest that Joffre Avenue was formally accepted as a public way, it is the City's opinion that any rights it had in the paper street reverted to the abutting landowners pursuant to RSA 231:51, who each own to the centerline. As a result, the Applicant's Property lacks frontage on a public street. To provide legal access to the Property, the Applicant is proposing a 16' wide driveway easement over abutting land he owns at 18 Barberry Lane.

In addition to lacking frontage, the Property does not conform to the 15,000 square foot minimum lot area requirement applicable to the SRB Zoning District. Based on the most recent surveyed plan of the Property prepared by Ambit Engineering, it has 12,185 square feet of area not counting any portion of the paper street. If you count the land area associated with the paper street, the Property is 14,152 square feet. The Applicant has used the more conservative lot area calculation for purposes of the lot area variances he seeks.

ZONING RELIEF SUMMARY

The Applicant seeks the following variance approvals from the Board:

Section 10.521

To allow for 0' of continuous street frontage where 100' is required and 0' exists.

To allow for 12,185 square feet of lot area where 15,000 square feet is required.

To allow for 12,185 square feet of lot area per dwelling unit where 15,000 square feet is required.

Section 10.1114.31

To allow for two driveways on a single lot where one is permitted per the standards for "General Accessway and Driveway Design" in the Site Plan Review Regulations.

VARIANCE CRITERIA

Granting the variances will not be contrary to the spirit and intent of the Zoning Ordinance or the public interest.

In the case of Chester Rod & Gun Club, Inc. v. Town of Chester, the Court noted that since the provisions of all ordinances represent a declaration of public interest, any variance will, in some measure, be contrary to the ordinance, but to be contrary to the public interest or injurious to public rights of others, "the variance must 'unduly, and in a marked degree' conflict with the ordinance such that it violates the ordinance's 'basic zoning objectives.'" Id. The Court observed that "[t]here are two methods of ascertaining whether granting a variance would violate an ordinance's basic zoning objectives: (1) examining whether granting the variance would alter the essential character of the neighborhood or, in the alternative; and (2) examining whether granting the variance would threaten the public health, safety, or welfare." Id.

The requested variances are necessary to allow the Applicant to construct a single family home on the Property. In general, the primary purpose behind minimum frontage and lot area requirements is to ensure sufficient access for emergency vehicles, provide space for utilities, and create a certain level of spacing between homes to promote and preserve consistent neighborhood aesthetics. In the present case, the lot area is an existing condition of the Property. Lot sizes vary in the surrounding neighborhood, but what is proposed, even without considering the land area associated with the paper street, is a minor deviation (18.8%) from what the Ordinance requires. Constructing a home on the Property would not overcrowd or otherwise alter the essential character of the neighborhood. Any home constructed on the Property will meet or exceed all applicable building setback standards and be a considerable distance from the homes on abutting properties. The Property is in a largely wooded area that is bordered to the west by a power line easement and a paper street to the north. The purpose behind the requirement of having one driveway per lot is to preserve sight lines and provide for the safe, efficient and orderly movement

of vehicles. The driveway easement that would be utilized to access the Property provides sufficient access for emergency vehicles and space for utilities, and there will be no impact to sight lines because the home borders public utility land at the end of a dead end street. Because there is nearly no traffic on the street, a second driveway access point does not pose any danger to vehicles or pedestrians on the road. Therefore, no public health, safety or welfare concerns are presented by granting the variances. For the foregoing reasons, the general objectives and public purposes behind the frontage, lot area and driveway requirements are met.

Substantial Justice will be done in granting the variances.

To determine whether substantial justice is done, the Board must balance the equities between the rights of a private landowner and the public interest in deciding whether to grant or deny a variance request. The “only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” New Hampshire Office of State Planning, *The Board of Adjustment in New Hampshire, A Handbook for Local Officials* (1997); [*Malachy Glen Assocs., Inc. v. Town of Chichester*, 155 N.H. 102 \(2007\)](#).

It would represent a loss to the Applicant that is not outweighed by any gain to the public for the Board to deny the variances necessary to construct a conforming single-family home on an existing lot of record that was created long before current zoning standards. The Applicant acquired the Property as a separately deeded parcel of land with the reasonable expectation that he could build a home upon it, like those surrounding it. There are no public health, safety or welfare concerns implicated by the variances and the lot itself is larger than many other SRB zoned properties throughout the City of Portsmouth. In the present case, the equitable balancing test weighs heavily in favor of the Applicant and the vested rights he has in the Property.

Surrounding property values will not be diminished by granting the variances.

The future addition of a new single-family home on the Property will not alter the essential character of the neighborhood or otherwise negatively impact abutting properties. There is sufficient land area to accommodate the use without overcrowding the Property or encroaching upon the light, air and space of abutting properties. As stated above, any house that is built on the Property will meet or exceed all applicable building setback standards and be a considerable distance from the homes on abutting properties. The Applicant has shown a conservative building envelope for the Property by omitting the land area associated with the paper street and by delineating a 30' front yard setback even though the Property technically has no “front yard” by definition. Under the circumstances, granting the variances should only preserve or enhance surrounding property values.

Literal enforcement of the provisions of the Ordinance would result in unnecessary hardship.

The Property has special conditions that distinguish it from surrounding properties. It is a deeded lot of record consisting of two merged parcels that were created long before Portsmouth adopted its first zoning map and ordinance or SRB zoning standards. As a result of the City never formally accepting or constructing Joffre Avenue, the Applicant's Property was left landlocked

where access can only be achieved through abutting land. The only way for the Applicant to make reasonable use of the land under current SRB zoning standards is by obtaining variances from the minimum lot area and frontage requirements, and to add a second driveway across his abutting lot. The Property is not vastly dissimilar in size to many of the properties that surround it and is quite a bit larger than many other SRB-zoned properties in Portsmouth. The Property abuts public utility land to the west and the homes to the north, south and east are a considerable distance away from where any home would be constructed on the Applicant's property. Because the Applicant owns the abutting parcel to the south, he is able to establish sufficient driveway access to the Property without impacting surrounding properties. Owing to these special conditions of the Property, there is no fair and substantial relationship between the purposes of the lot area and frontage requirements and their application to the Property. The proposed use is also a reasonable one. The Property will be used to construct a single-family residence in the future, which is allowed by right in the SRB Zoning District.

CONCLUSION

The Applicant thanks you for your time and consideration of the application and respectfully requests your approval of the variances being requested.

Respectfully Submitted,
J. Michael Ferrelli

June 30, 2026

By:



Derek R. Durbin, Esq.
Darcy Pesyer, Esq.
DURBIN LAW OFFICES PLLC
154 Maplewood Avenue
Portsmouth, NH 03801
(603)-287-4764
derek@durbinlawoffices.com

EXHIBIT A

082
082

PERSHING TERRACE PORTSMOUTH, N.H.

BELMONT REALTY Co.
PROVIDENCE, R.I.

Scale 1"=50' July 1918

Wm. A. Grover, Civil Engineer
Dover, N.H.

Boston & Maine RR.
Concord Division

JOFFRE AVE.

FOURTH AVE.

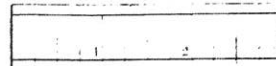
AVE.

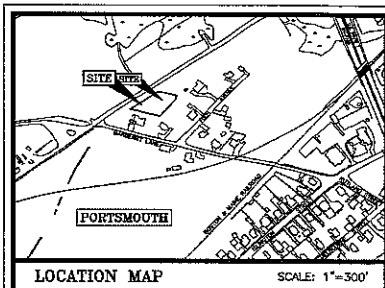
HAIG AVE.

Boston & Maine RR.
Eastern Division Railroad

BARA

AVE





PLAN REFERENCES:

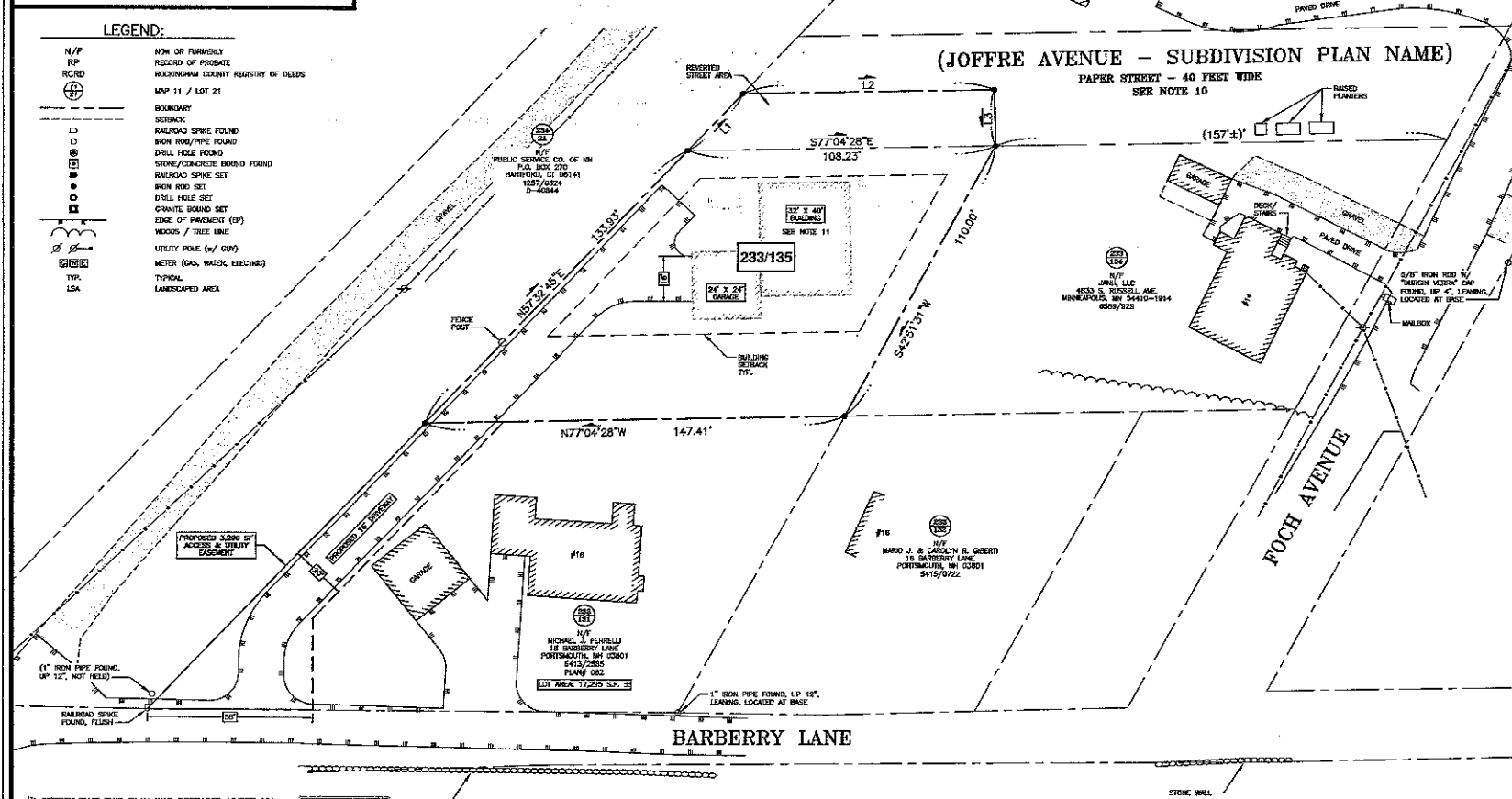
- 1) PERFORMING TERRACE PORTSMOUTH, N.H. BELMONT REALTY CO. PROVIDENCE, R.I. PREPARED BY WM. A. GORMAN CIVIL ENGINEER DOVER, N.H. SCALE: 1"=50'. DATED JULY 1918, RCD PLAN 082.
- 2) LOT LINE REVISION PERFORMING TERRACE BARBERRY LANE & FOCH AVENUE PORTSMOUTH, NEW HAMPSHIRE FOR DEANS H. LEMLEY. PREPARED BY DURHAM, VERNA AND ASSOCIATES, INC. SCALE: 1"=50'. DATED 9/25/92, R.D. PLAN D-22045.
- 3) LOT LINE REVISION PLAN LAND OF SEABY REALTY, LLC TAX MAP 234 LOTS 2, 3 & 7-7 U.S. ROUTE 1 89-PASS & BARBERRY LANE PORTSMOUTH, NEW HAMPSHIRE, SCALE: 1" = 40', DATED MARCH 12, 2014, PREPARED BY DOUGLASS SURVEY INC., RCD D-28435.
- 4) STREET REVISION AND LOT LINE RELOCATION PLAN MAP 233- LOTS 141, 143, 144, 149 & 147 FOR DENNIS COMBET, DONNA B. WILLIAM CLAGGILL, JOSEPH WINTON AND THE CITY OF PORTSMOUTH FOCH AVENUE, BARBERRY LANE AND HAWK AVENUE PORTSMOUTH, N.H. PREPARED BY AMBIT ENGINEERING, INC. SCALE: 1"=40', DATED JUNE 2001, REV. 2 DATED 11/13/01, NOT RECORDED.
- 5) EASEMENT PLAN REQUESTING NORTHERN UTILITIES, INC. DRA. UNILIT. ENERGY SYSTEMS, INC. 6 LIBERTY LANE WEST HAMPTON, NH 02842 ENCUMBERING LAND OF PUBLIC SERVICE COMPANY OF NEW HAMPSHIRE NEW ENGLAND ENERGY PO BOX 330 MANCHESTER, NH 03108, SCALE: 1 INCH = 20 FEET, DATED: OCTOBER 2010, PREPARED BY TOM SURVEY, RCD D-40844.

REQUEST FOR VARIANCE:

1. 10.521 DIMENSIONAL STANDARDS: FRONTAGE - 0 FEET FRONTAGE WHERE 100 FEET IS REQUIRED
2. 10.521 DIMENSIONAL STANDARDS: LOT AREA - 12,185 S.F. WHERE 15,000 S.F. IS REQUIRED
3. 10.521 DIMENSIONAL STANDARDS: LOT AREA PER DWELLING UNIT - 12,185 S.F. PER DWELLING UNIT WHERE 15,000 S.F. IS REQUIRED

LEGEND:

- N/F NOW OR FORMERLY
RP RECORD OF PROBABLY
RCD RECORD OF DEEDS
MAP 11 / LOT 21
BOUNDARY
SETBACK
RAILROAD SPIKE FOUND
IRON ROD/PIPE FOUND
DRILL HOLE FOUND
STONE/CONCRETE BLOCK FOUND
RAILROAD SPIKE SET
IRON ROD SET
DRILL HOLE SET
GRANITE BOUND SET
EDGE OF PAVEMENT (EP)
WOODS / TREE LINE
UTILITY POLE (w/ GUY)
METER (GAS, WATER, ELECTRIC)
TYPICAL
LANDSCAPED AREA

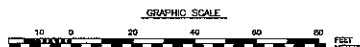
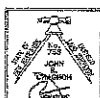


BARBERRY LANE

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRANSVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JOHN R. CHAGNON, L.L.S.

6-17-26
DATE



LENGTH TABLE

LINE	BEARING	DISTANCE
L1	N57°32'45"E	28.10'
L2	S77°04'28"W	88.48'
L3	S12°55'32"W	20.00'



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Goffe Road - Bldg 3
Portsmouth, N.H. 03801-7114
Tel: (603) 438-2252
Fax: (603) 438-2318

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 233 AS LOT 135.
- 2) OWNER OF RECORD:
J. MICHAEL FERRELLI
18 BARBERRY LANE
PORTSMOUTH, NH 03801
6413/2585
- 3) PARCEL NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0258F, EFFECTIVE DATE JANUARY 29, 2001.
- 4) EXISTING LOT AREA:
DEED AREA
12,185 S.F.
0.2797 ACRES

REVERTED AREA
14,182 S.F.
0.3249 ACRES
- 5) PARCEL IS LOCATED IN THE SINGLE RESIDENCE B (SRB) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 15,000 S.F.
MIN. LOT AREA: 100 FEET
MIN. DEPTH: 100 FEET
SETBACKS: FRONT: 30 FEET
SIDES: 10 FEET
REAR: 30 FEET

MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 20%
MINIMUM OPEN SPACE: 40%
- 8) VERTICAL DATUM IS NAVD83. BASIS OF VERTICAL DATUM IS REDUNDANT WITH GROUND OBSERVATIONS.
- 9) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED DEVELOPMENT ON ASSESSOR'S MAP 233 LOT 135 IN THE CITY OF PORTSMOUTH.
- 10) THE PUBLIC RIGHT OF WAY KNOWN AS JOFFRE AVENUE ACCESS RIGHTS UNCERTAIN.
- 11) THIS APPLICATION IS FOR THE LAND ONLY AND IS NOT INTENDED TO REPRESENT A SPECIFIC DWELLING. THE EXAMPLE SHOWN RESULTS IN THE FOLLOWING:
15% BUILDING COVERAGE
60% OPEN SPACE
DRIVEWAY EASEMENT ADDS:
12% IMPERVIOUS TO MAP 233 LOT 131
RESULTING IN:
68% OPEN SPACE FOR MAP 233 LOT 131

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	6/17/26
	REVISIONS	

VARIANCE APPLICATION PLAN TAX MAP 233 - LOT 135

OWNER:
J. MICHAEL FERRELLI
PROPERTY LOCATED AT:
JOFFRE AVENUE
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE



Area of proposed driveway ROW adjacent to 18 Barberry Lane



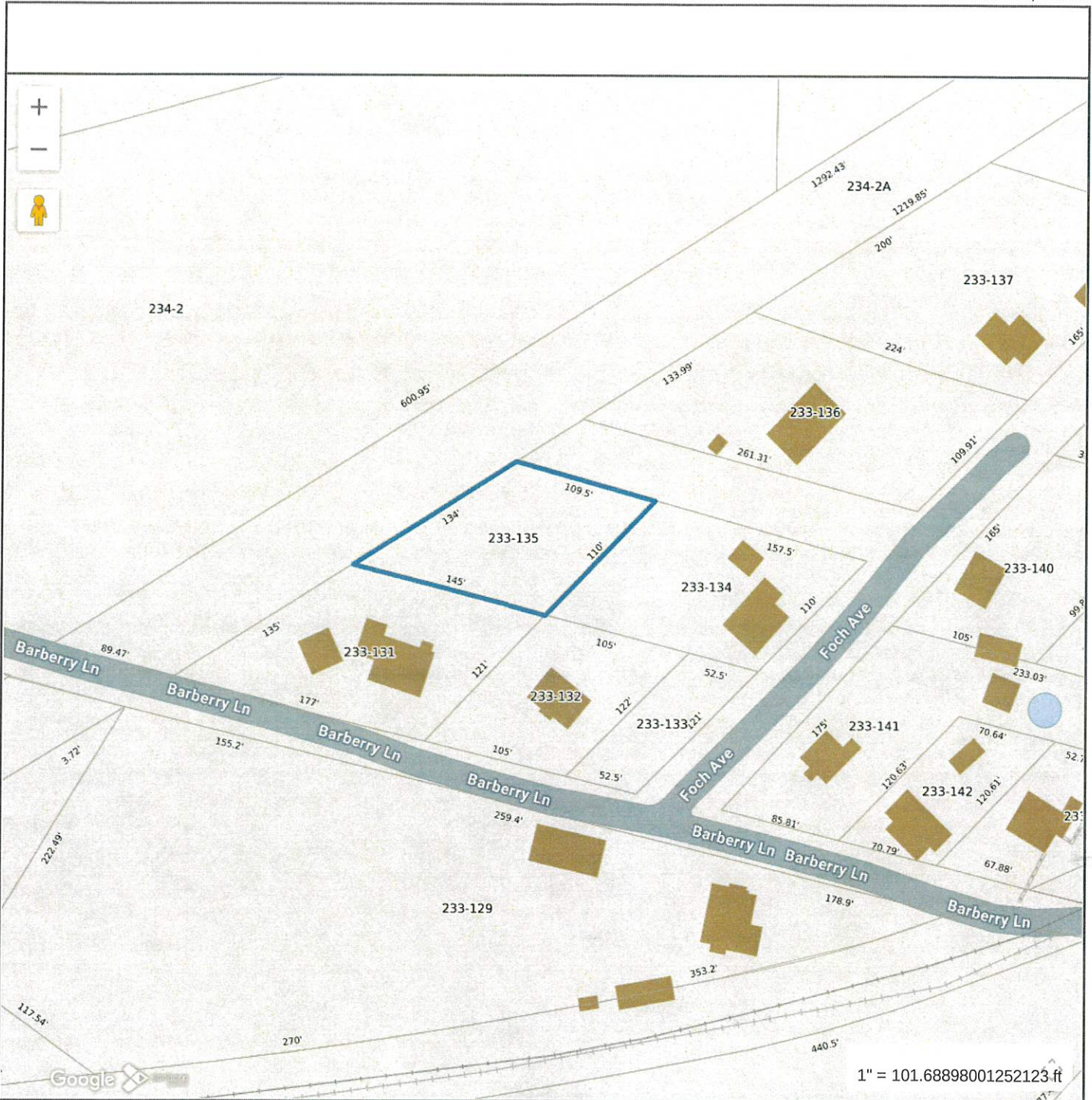
Vacant Lot – Joffre Lane



Vacant Lot – Joffre Lane



Aerial View of Vacant Lot – Google Satellite Image

**Property Information**

Property ID 0233-0135-0000
 Location JOFFRE AVE
 Owner FERRELLI J MICHAEL



**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 03/06/2026

Print map scale is approximate.
 Critical layout or measurement
 activities should not be done using
 this resource.

III. NEW BUSINESS

- E. The request of **Kaitlyn O and Brendan A West (Owners)**, for property located at **315 Bartlett Street** whereas relief is needed to demolish the existing home and construct a new home on the lot which requires the following: 1) Variance from Section 10.521 to a) allow a 9.5-foot left side yard where 10 feet is required; b) a 7-foot right side yard where 10 feet is required; and c) 60 feet of street frontage where 100 feet is required. Said property is located on Assessor Map 162 Lot 12 and lies within the General Residence A (GRA) District. (LU-26-93)

Existing & Proposed Conditions

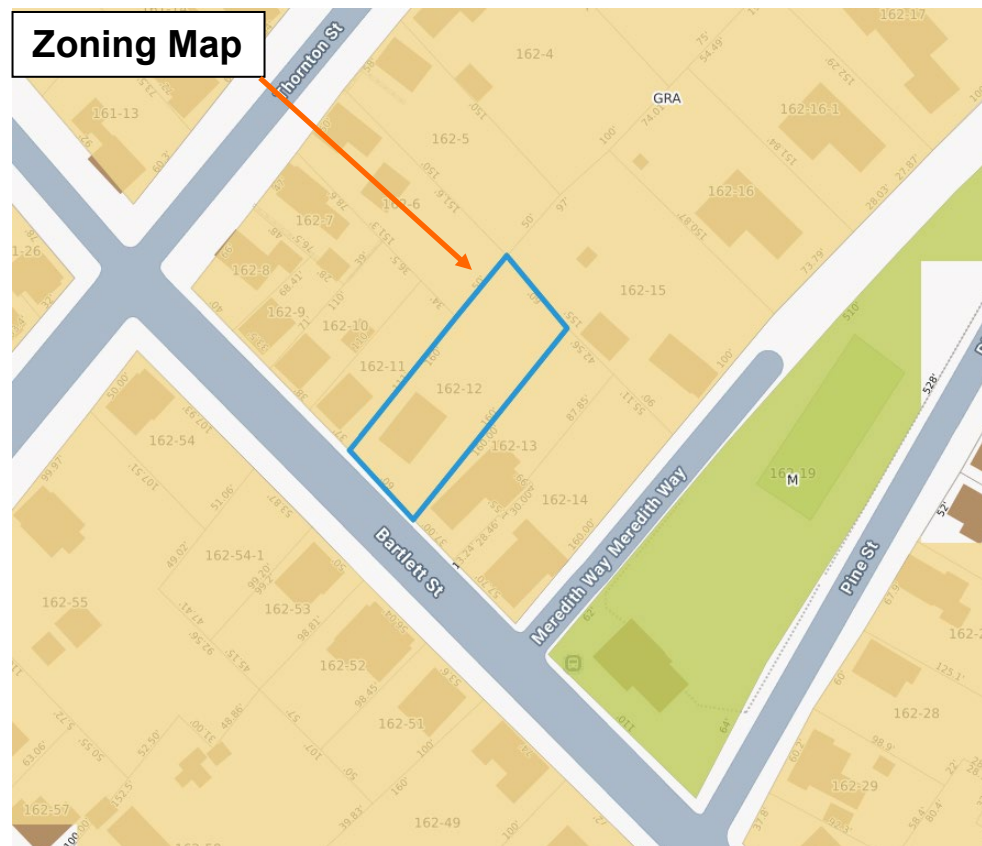
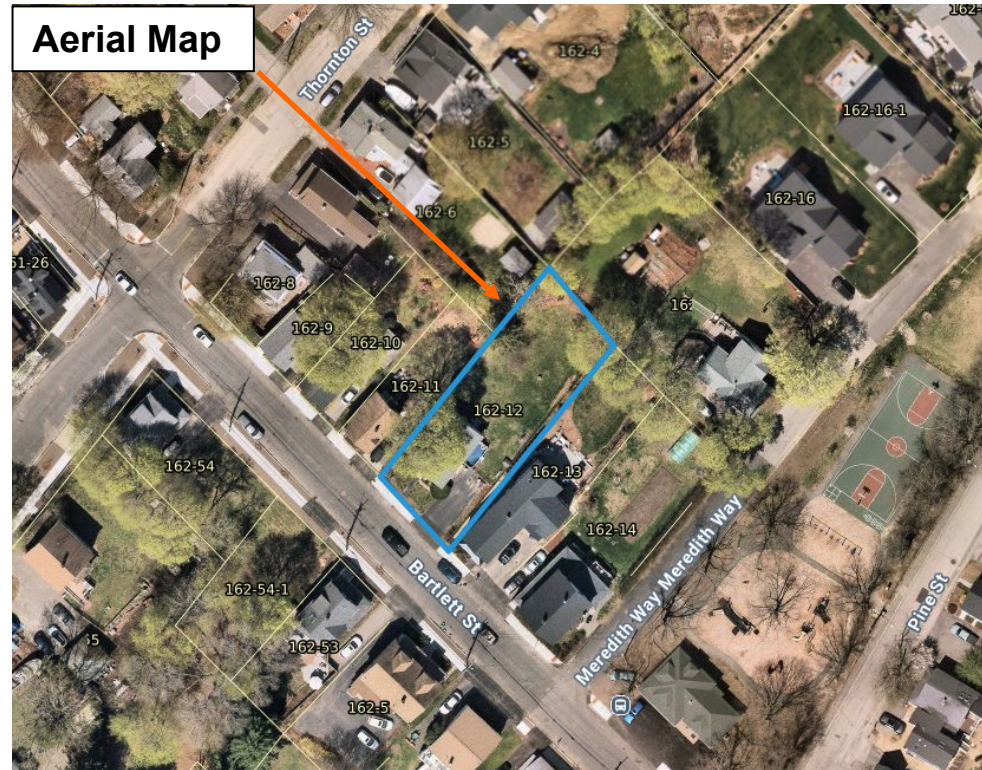
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	SFR	Demo existing home and construct new SFR	Primarily Residential
<u>Lot area (sq. ft.):</u>	9,481	9,481	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	9,481	9,481	7,500 min.
<u>Frontage (ft.):</u>	60	60	100 min.
<u>Depth (ft.):</u>	160	160	70 min.
<u>Front Yard (ft.):</u>	>11	11	11* min.
<u>Right Side Yard (ft.):</u>	>10	7	10 min.
<u>Left Side Yard (ft.):</u>	9.9	9.5	10 min.
<u>Rear Yard (ft.):</u>	>20	>20	20 min.
<u>Building Coverage (%):</u>	12	22.5	25 max.
<u>Open Space Coverage (%):</u>	75	60	30 min.
<u>Height (ft.):</u>	<35	29.5	35 max.
<u>Parking</u>	2	3	1
<u>Estimated Age of Structure:</u>	1975	Variance request(s) shown in red.	

***Section 10.573.20**

Other Permits/Approvals Required

- Building Permit

Neighborhood Context



Previous Board of Adjustment Actions

- **No Previous BOA history was found.**

Planning Department Comments

The applicant proposes to demolish the existing one-story home and to construct a new two-story home with attached garage in its place. Because the existing home is proposed to be removed to the foundation and the lot may have been held in common ownership with other lots prior to 1966, relief is required for street frontage that does not meet the minimum requirements for the GRA District per Section 10.311.

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

June 24, 2026

HAND DELIVERED

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

Re: Brendan A. & Kaitlyn O. West, Owner/Applicant
315 Bartlett Street/Map 162, Lot 12
General Residence A Zone

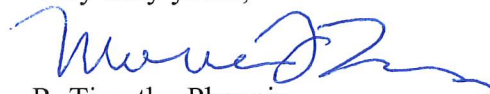
Dear Ms. Casella, Chair Margeson, and Zoning Board Members:

On behalf of Owners and Applicants, Brendan A. & Kaitlyn O. West ("West"), enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted earlier today.
- Owner's Authorization.
- 6/24/2026 – Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its July 21, 2026 meeting.

Very truly yours,



R. Timothy Phoenix
Monica F. Kieser

Encl.

cc: Brendan & Kaitlyn West
Ross Engineering, LLC
Esoteric Designs, Inc.

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

OWNER'S AUTHORIZATION

We, Brendan & Kaitlyn West, Owners/Applicants of 315 Bartlett Street, Tax Map 162/Lot 12, 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.

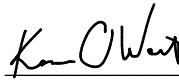
Respectfully submitted,

Date: 06/18/2026

A handwritten signature in black ink, appearing to read 'B. West', written over a horizontal line.

Brendan West

Date: 06/18/2026

A handwritten signature in black ink, appearing to read 'K. West', written over a horizontal line.

Kaitlyn West

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: June 24, 2026
RE: Brendan A. & Kaitlyn O. West, Owner/Applicant
315 Bartlett Street/Map 162, Lot 12
General Residence A Zone

Dear Chair Margeson and Zoning Board Members:

On behalf of Brendan & Kaitlyn West (“West”), we are pleased to submit this memorandum and attached exhibits in support of West’s request for relief from the Portsmouth Zoning Ordinance (“PZO” or “the Ordinance”) to be considered by the Zoning Board of Adjustment (“ZBA”) at its July 21, 2026.

I. EXHIBITS

- A. Plan Set – issued by Ross Engineering, LLC.
- B. Rockingham County Registry of Deeds:
Book 543, Page 374.
Book 6700, Page 358.
- C. Architectural Plan Set – Esoteric Residential Design, Inc.
- D. Site Photographs.
- E. Tax Map 162.

II. PROPERTY/PROJECT

315 Bartlett Street is a 9,481 square foot lot with a 59.53 linear feet of frontage (“the Property”). The lot supports a single-family residential use in a small, one-story, two-bedroom, single-family home (946 s.f.) and deck/landings (170 s.f.). **(Exhibit A)**. The lot has been described in a deed in its current configuration since 1894. **(Exhibit B)**. The existing house is 9.9. feet from the left side lot line and was constructed in 1975 according to the tax card.

West intends to remove the existing ranch home and construct a new home on the same foundation, expanding it to include an incorporated one-car garage and living space above (“the Project”). The new home will comply with height, open space, building coverage, and front and rear yard requirements and maintains the left-side yard setback to the home will remain the same. The Project requires relief to accommodate the expansion/reconstruction of the home in the left-side yard and the garage addition in the right-side yard setback.

Because the existing home is removed to the foundation and the lot may have been held in common ownership with other lots prior to 1966, relief may be required from frontage requirements to re-establish the permitted use on the same foundation after intentional demolition of the existing walls and roof. See PZO §10.311-12 and PZO §10.312.22. We question whether relief is necessary, but include the request in an abundance of caution.

III. RELIEF REQUIRED:

<u>Variance Section</u>	<u>Existing</u>	<u>Proposed</u>
<u>PZO §10.520/Table §10.521:</u> <u>Dimensional Standards</u> <u>10' Side Yard</u>	9.9' house (left) >10' deck (right)	9.9' house (left) 9.9' rear porch 6.1' sub-grade stairs (left) ¹ 7.2' garage (right)
<u>PZO §10.520/Table §10.521:</u> <u>Dimensional Standards</u> <u>100' street frontage</u>	±60' since 1894 home added in 1975	±60' new home

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.

¹ We include the request for the basement stairs on the left-side of the home in an abundance of caution. These basement egress stairs are below grade and occupy 50 square feet. Accordingly, they meet the Ordinance 5-foot setback requirement for stoops and stairs less than 3 feet high occupying less than 100 square feet. PZO 10.516.40.

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” This is accomplished by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes – The Project replaces a modest ranch on a lot that has existed since 1894 with a classically designed, code-compliant, single-family home with incorporated one-car garage.
2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – Open space, building coverage, height, and front/rear yard setbacks comply, while side yard setbacks match conditions in the area.
3. The design of facilities for vehicular access, circulation, parking and loading – No change.
4. The impact on properties on of outdoor lighting, noise, vibration, stormwater runoff and flooding – Use of the property will not change.
5. The preservation and enhancement of the visual environment – The existing outdated ranch will be replaced with tastefully designed home and incorporated one-car garage.
6. The preservation of historic districts and building and structures of historic architectural interest – The Property is not in the Historic Overlay District.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The Property is a previously developed lot and the Project is not in the vicinity of any wetlands.

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 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)

Here, the Property meets lot area requirements and contains an existing modest single-family home which will be reconstructed and expanded to include a single-car garage. The Lot size and frontage remain the same. Open space, building coverage, front and rear yard setbacks all comply while side yard setbacks are comparable to others in the area. Accordingly, the Project will neither “alter the essential character of the locality nor threaten the public health, safety or welfare.”

3. Substantial justice will be done by granting the variance.

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, L.L.C., 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. West is constitutionally entitled to the use of the lot as they see fit; including reconstruction of a code-compliant, permitted single-family home with an incorporated garage, meeting all dimensional requirements except for frontage, which cannot be changed, and side yard requirements. “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.

Because the lot meets area requirements, frontage matches the surrounding area and the lot has been developed with a home, there is no harm from reestablishing a permitted use on the Property. Similarly, the Project complies with open space, building coverage, height, and front/rear yard requirements, matches the existing dimension from the home to left side lot line, and proposes a right-side yard setback similar to others in the area. Accordingly, there is no benefit to the public from denying the variances. Conversely, West will suffer great harm from denial because they will be unable to replace the dated ranch with a new, code-compliant home

with incorporated garage. There is no benefit to public that outweighs the hardship to the applicant if the variances are denied.

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

The Project significantly improves the Property with a new, code-compliant home while complying with open space, building overage, height, and front/rear yard setbacks. Relief is required solely from frontage, which has existed since 1894 and supported a home from at least 1975. The proposed left-side side yard matches existing conditions, while the right-side yard setback proposed is common for the small lots in the area and the homes that have been expanded with garages. **(Exhibit E)**. Under these circumstances, granting a variance for the newly designed home and garage addition 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 contains sufficient lot area, but the parcel's frontage does not meet today's requirements. The parcel's depth is disproportionate to its frontage and results in a long narrow lot. These circumstances, along with the location on Bartlett Street and need to accommodate as much parking as possible, 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.

Yard setbacks and frontage exist to promote air, light, separation between neighbors, maintain sightlines and to provide space for stormwater treatment. The frontage proposed is identical to what has existed since 1984 and has long supported a modest home. The existing home, 9.9 feet from the left-side lot line, is nearly compliant so the change from the larger home is minimal. On the right side, the incorporation of the one care garage slightly intrudes on the right-side yard setback, but the Project matches neighborhood conditions and allows ample room for air, light, separation between neighbors and space for stormwater treatment. Accordingly, the purposes of these regulations are met, so there is no reason to apply the strict side setback requirements of the zoning ordinance.

c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). The Project provides a reconstructed home and garage addition, significantly improving

functionality of a modest single-family home in the GRA and enhancing one of the main throughfares into the City. Accordingly, the use is reasonable.

VI. CONCLUSION

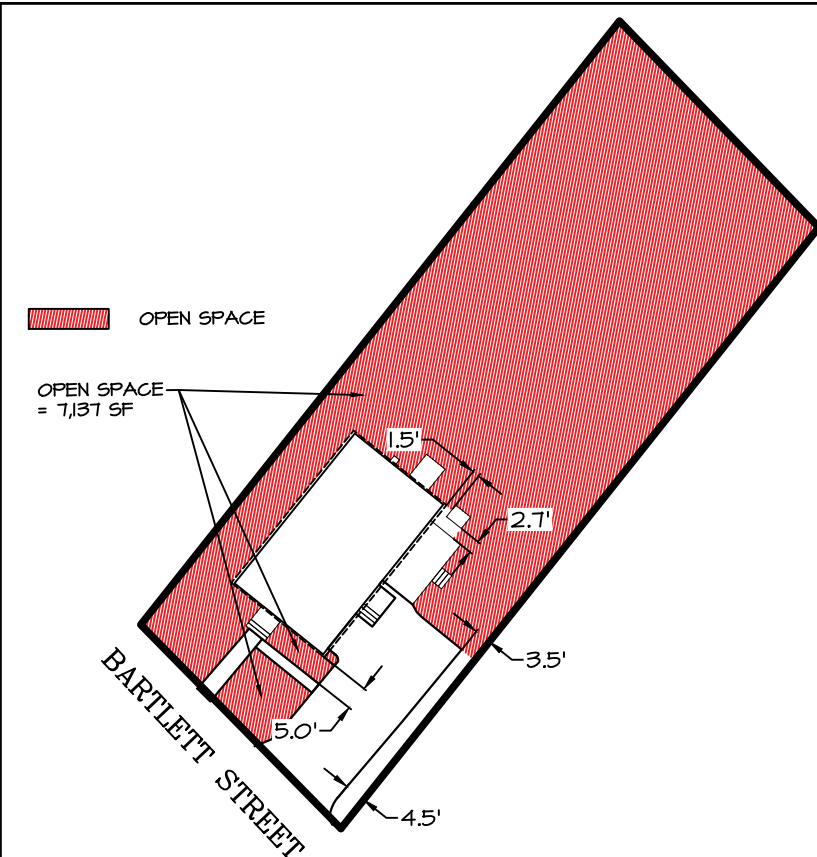
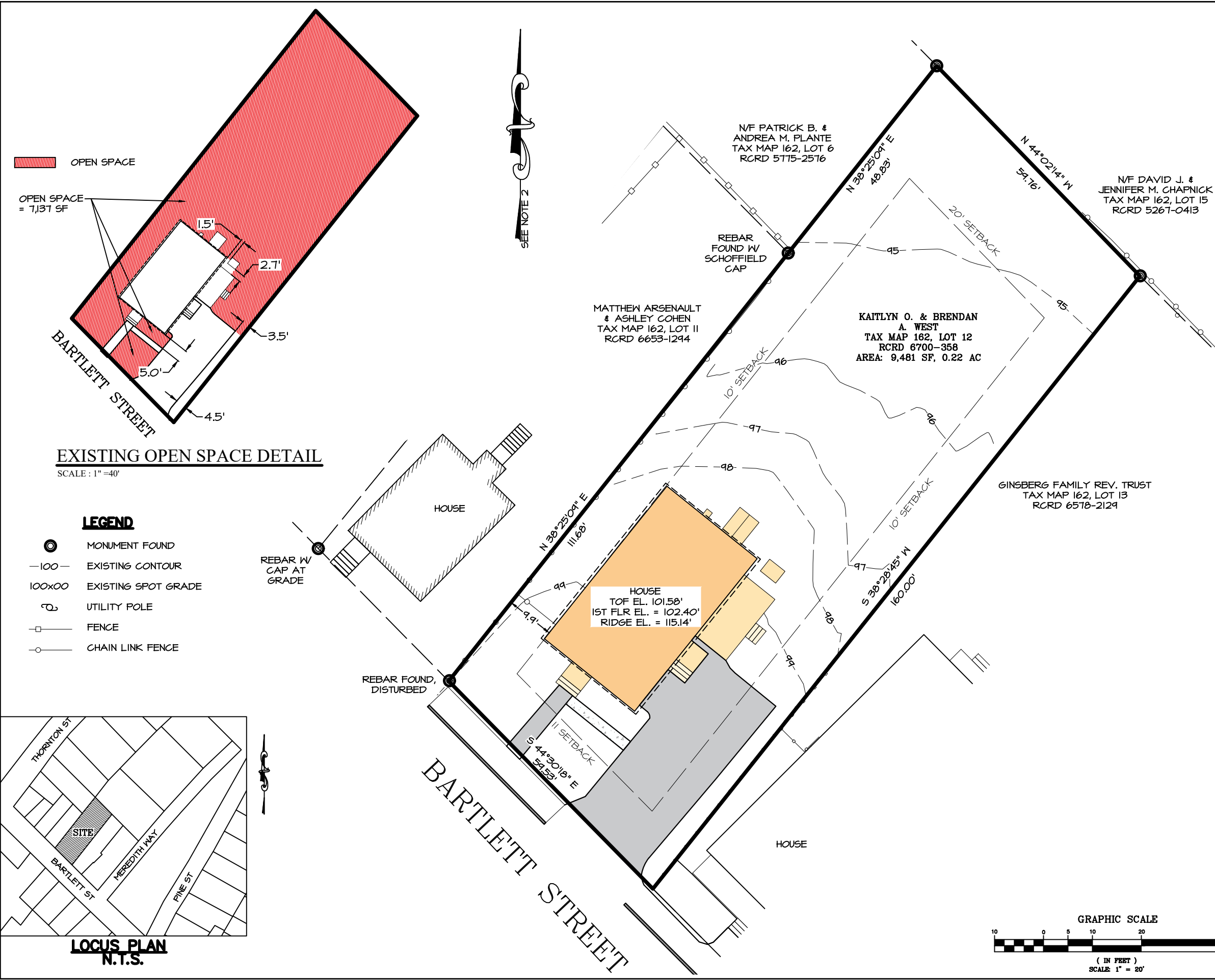
For all of the reasons stated, West respectfully requests that the Portsmouth Zoning Board of Adjustment grant all requested variances. We look forward to presenting this application at the July 21, 2026 Meeting.

Respectfully submitted,

BRENDAN & KAITLYN WEST

A handwritten signature in blue ink, appearing to read "Monica F. Kieser", is written over a horizontal line.

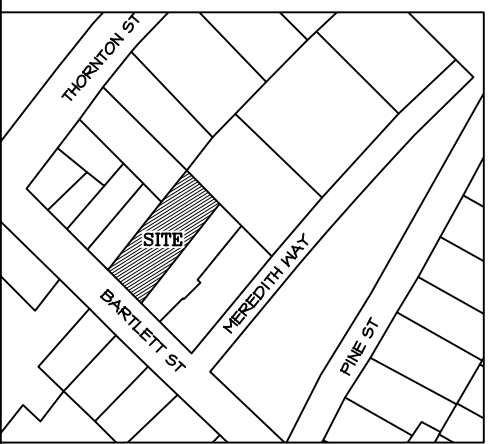
By: R. Timothy Phoenix
Monica F. Kieser



EXISTING OPEN SPACE DETAIL
SCALE: 1" = 40'

LEGEND

- MONUMENT FOUND
- EXISTING CONTOUR
- EXISTING SPOT GRADE
- UTILITY POLE
- FENCE
- CHAIN LINK FENCE



LOCUS PLAN
N.T.S.

NOTES

- OWNER OF RECORD:
KAITLYN O. & BRENDAN A. WEST
315 BARTLETT STREET
PORTSMOUTH, NH 03801
TAX MAP 162, LOT 12
RCRD: 6700-358
AREA: 9,481 SF, 0.22 ACRES
- BASIS OF BEARING HELD FROM PLAN REFERENCE #1.
- PARCEL IS IN GENERAL RESIDENCE A (GRA) ZONE:
MINIMUM LOT AREA.....7,500 SF
MIN. LOT AREA PER DWELLING UNIT.....7,500 SF
MINIMUM FRONTAGE.....100 FT
MINIMUM DEPTH.....70 FT
SETBACKS:
FRONT.....11 FT*
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....25%
MINIMUM OPEN SPACE.....30%

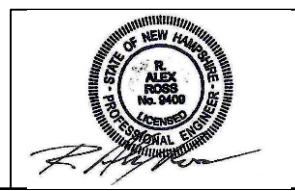
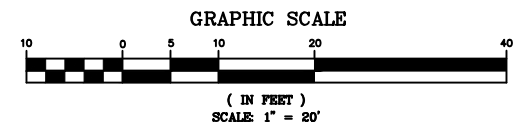
*AS PER PORTSMOUTH ZONING ORDINANCE 10.516.10, IF EXISTING PRINCIPAL BUILDINGS ON THE SAME SIDE OF THE SAME STREET, IN THE SAME ZONING DISTRICT, AND WITHIN 200 FEET OF A LOT ARE LOCATED CLOSER TO THE STREET THAN THE MINIMUM REQUIRED FRONT YARD SPECIFIED IN THIS ARTICLE, THE REQUIRED FRONT YARD FOR THE PRINCIPAL BUILDING ON SUCH LOT SHALL BE THE AVERAGE OF THE EXISTING ALIGNMENTS OF ALL SUCH PRINCIPAL BUILDINGS, ROUNDED TO THE NEAREST FOOT. FOR THE PURPOSES OF THIS PROVISION, BUILDINGS ON THE SUBJECT LOT SHALL NOT BE INCLUDED IN THE AVERAGE OF EXISTING ALIGNMENTS.

THE DISTANCE FROM THE PRINCIPAL BUILDING TO BARTLETT ST FOR ALL LOTS WITHIN 200' OF LOT 12 ARE LISTED BELOW.

TAX MAP 162, LOT 8 - 27.4'
TAX MAP 162, LOT 9 - 5.4'
TAX MAP 162, LOT 10 - 6.1'
TAX MAP 162, LOT 11 - 6.9'
TAX MAP 162, LOT 13 - 13.3'
TAX MAP 162, LOT 14 - 4.5'
AVERAGE OF LOTS = 27.4+5.4+6.1+6.9+13.3+4.5/6 = 10.6'
REQUIRED FRONT SETBACK = 11'
- THE PARCEL IS NOT WITHIN A FEMA SPECIAL HAZARD FLOOD AREA (SFHA), AS PER FLOOD INSURANCE RATE MAP #33015C0254F, PANEL 254 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.

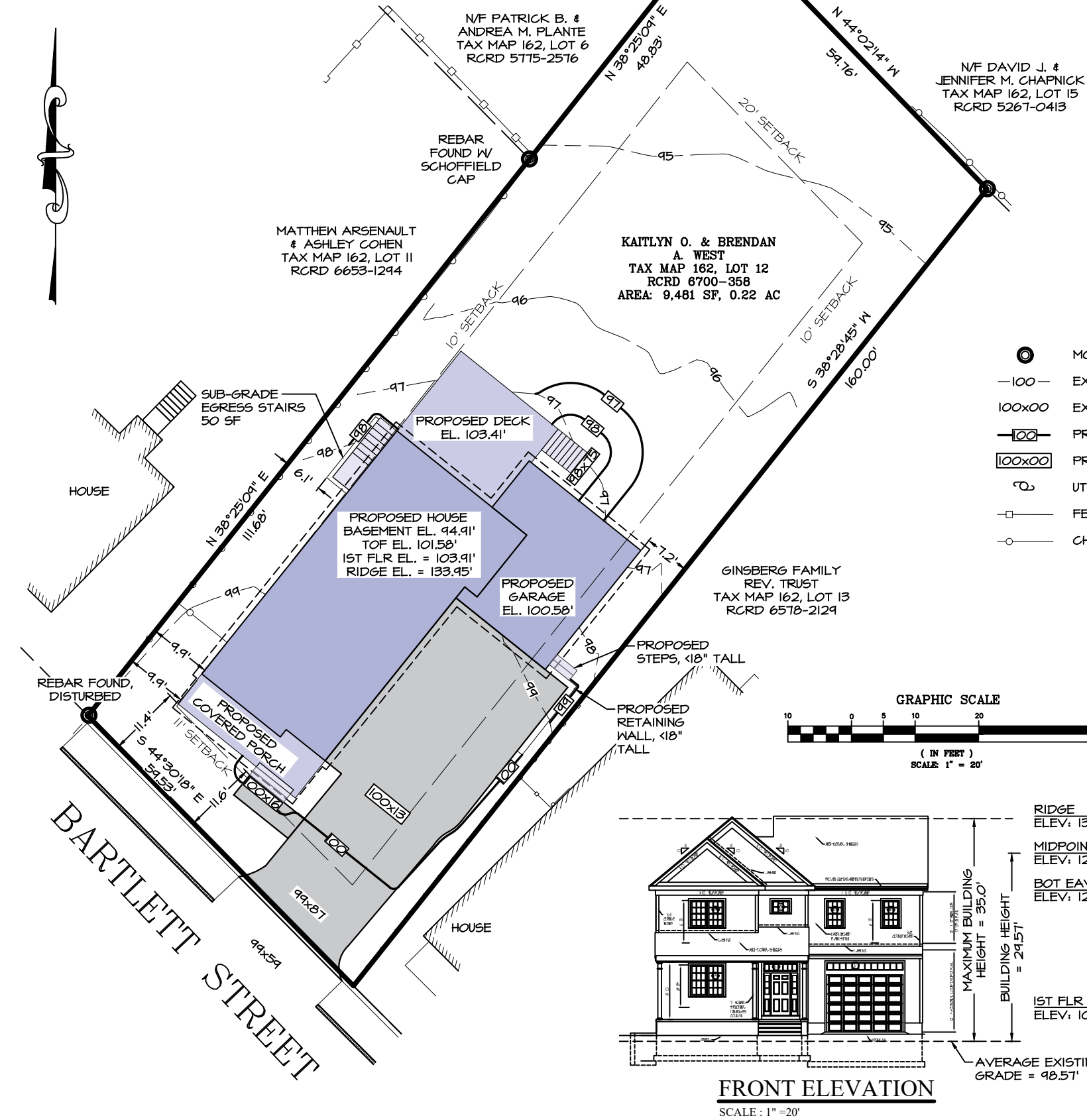
EXHIBIT A

1	6/24/2026	ZBA SUBMITTAL	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 20'		
CHECKED	A.ROSS		
DRAWN	J.G.E.		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 650 Edington St, 2nd Floor Portsmouth, NH 03801 (603) 433-7560			
CLIENT KAITLYN & BRENDAN WEST 315 BARTLETT STREET PORTSMOUTH, NH 03801			
TITLE EXISTING CONDITIONS PLAN 315 BARTLETT STREET PORTSMOUTH, NH 03801 TAX MAP 162, LOT 12			
JOB NUMBER	DWG. NO.	ISSUE	
26-046	1 OF 3	1	



VARIANCES REQUIRED

SETBACKS	REQUIRED	EXISTING	PROPOSED
LEFT SIDE PROPERTY LINE TO PORCH	10'	N/A	9.9'
LEFT SIDE PROPERTY LINE TO FOUNDATION	10'	9.9'	9.9'
RIGHT SIDE PROPERTY LINE TO GARAGE	10'	N/A	7.2'

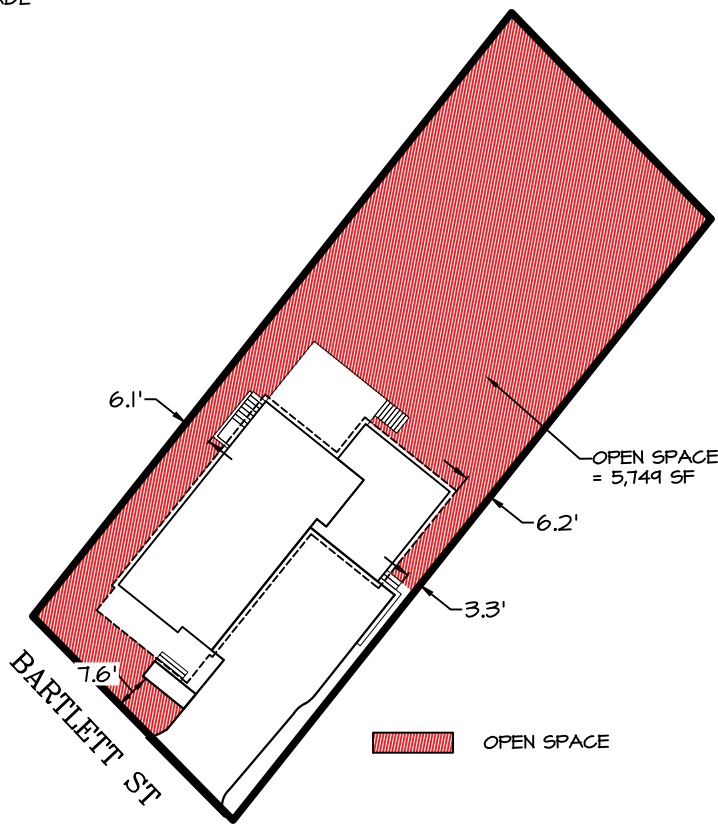


NOTES

- 1) OWNER OF RECORD:
KAITLYN O. & BRENDAN A. WEST
315 BARTLETT STREET
PORTSMOUTH, NH 03801
TAX MAP 162, LOT 12
RCRD: 6700-358
AREA: 9,481 SF, 0.22 ACRES
- 2) PARCEL IS IN GENERAL RESIDENCE A (GRA) ZONE:
MINIMUM LOT AREA.....7,500 SF
MIN. LOT AREA PER DWELLING UNIT.....7,500 SF
MINIMUM FRONTAGE.....100 FT
MINIMUM DEPTH.....70 FT
SETBACKS:
FRONT.....11 FT*
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....25%
MINIMUM OPEN SPACE.....30%
- 3) OPEN SPACE
EXISTING
SEE EXISTING OPEN SPACE DETAIL. EXISTING OPEN SPACE IS 7,137 SF.
OPEN SPACE = 7137 / 9481 = 75.3%
- PROPOSED
SEE PROPOSED OPEN SPACE DETAIL. PROPOSED OPEN SPACE IS 5,731 SF.
OPEN SPACE = 5744 / 9481 = 60.6%
- 4) BUILDING COVERAGE
EXISTING
HOUSE.....946 SF
CHIMNEY.....2 SF
BULKHEAD.....30 SF
DECKS & LANDINGS > 18".....170 SF
STAIRS > 18".....7 SF
TOTAL.....1,155 SF
BUILDING COVERAGE = 1155 / 9481 = 12.2%
- PROPOSED
HOUSE.....1179 SF
GARAGE.....443 SF
COVERED PORCH.....148 SF
DECKS.....311 SF
STAIRS > 18".....23 SF
TOTAL.....2,104 SF
BUILDING COVERAGE = 2104 / 9481 = 22.3%
- 5) AVERAGE EXISTING GRADE:
AS PER PORTSMOUTH ZONING ORDINANCE THE AVERAGE EXISTING GRADE SHALL BE THE AVERAGE GROUND LEVELS ADJOINING THE BUILDING AT ALL EXTERIOR WALLS MEASURED EVERY FIVE FEET AROUND THE PERIMETER OF THE BUILDING.
THE AVERAGE EXISTING GRADE WAS CALCULATED AS 98.57'.
- 6) BUILDING HEIGHT:
AS PER PORTSMOUTH ZONING ORDINANCE THE BUILDING HEIGHT SHALL BE THE GREATEST VERTICAL MEASUREMENT BETWEEN THE LOWER AND UPPER REFERENCE POINTS. THE LOWER REFERENCE POINT SHALL BE THE AVERAGE EXISTING GRADE OR AVERAGE FINISHED GRADE, WHICHEVER IS LOWER. THE UPPER REFERENCE POINT FOR GAMBREL, HIP, HIP-TOPPED MANSARD ROOF, OR PENTHOUSE SHALL BE THE ELEVATION MIDWAY BETWEEN THE LEVEL OF EAVES AND THE HIGHEST POINT OF THE ROOF.
AVERAGE EXISTING GRADE = 98.57'
EAVES EL. = 122.32'
RIDGE EL. = 133.95'
MIDPOINT EL. = 133.95 + 122.32 / 2 = 128.14'
BUILDING HEIGHT = 128.14' - 98.57' = 29.57'

LEGEND

- MONUMENT FOUND
- EXISTING CONTOUR
- EXISTING SPOT GRADE
- PROPOSED CONTOUR
- PROPOSED SPOT GRADE
- UTILITY POLE
- FENCE
- CHAIN LINK FENCE



PROPOSED OPEN SPACE DETAIL

SCALE: 1" = 40'

1	6/24/2026	ZBA SUBMITTAL	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 20'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 650 Idington St., 2nd Floor Portsmouth, NH 03801 (603) 433-7560			
CLIENT KAITLYN & BRENDAN WEST 315 BARTLETT STREET PORTSMOUTH, NH 03801			
TITLE SITE PLAN			
315 BARTLETT STREET PORTSMOUTH, NH 03801 TAX MAP 162, LOT 12			
JOB NUMBER	DWG. NO.	ISSUE	
26-046	2 OF 3	1	

THORNTON STREET

TAX MAP
162, LOT 8

HOUSE

TAX MAP
162, LOT 9

HOUSE

TAX MAP
162, LOT 10

HOUSE

TAX MAP
162, LOT 11

HOUSE

#315
BARTLETT ST
TAX MAP 162,
LOT 12

TAX MAP
162, LOT 13

HOUSE

TAX MAP
162, LOT 14

HOUSE

MEREDITH STREET (PUBLIC)

BARTLETT STREET

27.4'

5.4'

6.1'

6.9'

13.3'

4.5'

NOTES

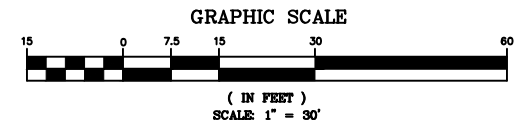
1) OWNER OF RECORD:
KAITLYN O. & BRENDAN A. WEST
315 BARTLETT STREET
PORTSMOUTH, NH 03801
TAX MAP 162, LOT 12
RCRD: 6700-358
AREA: 9,481 SF, 0.22 ACRES

2) PARCEL IS IN GENERAL RESIDENCE A (GRA) ZONE:
MINIMUM LOT AREA.....7,500 SF
MIN. LOT AREA PER DWELLING UNIT.....7,500 SF
MINIMUM FRONTAGE.....100 FT
MINIMUM DEPTH.....70 FT
SETBACKS:
FRONT.....11 FT*
SIDE.....10 FT
REAR.....20 FT
MAXIMUM BUILDING HEIGHT:
SLOPED ROOF.....35 FT
FLAT ROOF.....30 FT
MAXIMUM BUILDING COVERAGE.....25%
MINIMUM OPEN SPACE.....30%

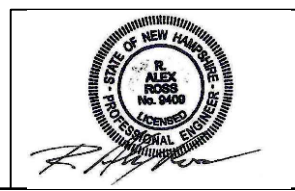
*AS PER PORTSMOUTH ZONING ORDINANCE 10.516.10, IF EXISTING PRINCIPAL BUILDINGS ON THE SAME SIDE OF THE SAME STREET, IN THE SAME ZONING DISTRICT, AND WITHIN 200 FEET OF A LOT ARE LOCATED CLOSER TO THE STREET THAN THE MINIMUM REQUIRED FRONT YARD SPECIFIED IN THIS ARTICLE, THE REQUIRED FRONT YARD FOR THE PRINCIPAL BUILDING ON SUCH LOT SHALL BE THE AVERAGE OF THE EXISTING ALIGNMENTS OF ALL SUCH PRINCIPAL BUILDINGS, ROUNDED TO THE NEAREST FOOT. FOR THE PURPOSES OF THIS PROVISION, BUILDINGS ON THE SUBJECT LOT SHALL NOT BE INCLUDED IN THE AVERAGE OF EXISTING ALIGNMENTS.

THE DISTANCE FROM THE PRINCIPAL BUILDING TO BARTLETT ST FOR ALL LOTS WITHIN 200' OF LOT 12 ARE LISTED BELOW.

TAX MAP 162, LOT 8 - 27.4'
TAX MAP 162, LOT 9 - 5.4'
TAX MAP 162, LOT 10 - 6.1'
TAX MAP 162, LOT 11 - 6.9'
TAX MAP 162, LOT 13 - 13.3'
TAX MAP 162, LOT 14 - 4.5'
AVERAGE OF LOTS = $27.4+5.4+6.1+6.9+13.3+4.5/6 = 10.6'$
REQUIRED FRONT SETBACK = 11'



1	6/24/2026	ZBA SUBMITTAL	
ISS.	DATE	DESCRIPTION OF ISSUE	
SCALE	1" = 30'		
CHECKED	A.ROSS		
DRAWN	D.D.D.		
ROSS ENGINEERING, LLC Civil/Structural Engineering & Surveying 650 Edgemoor St, 2nd Floor Portsmouth, NH 03801 (603) 433-7560			
CLIENT KAITLYN & BRENDAN WEST 315 BARTLETT STREET PORTSMOUTH, NH 03801			
TITLE SETBACK COMPARISON 315 BARTLETT STREET PORTSMOUTH, NH 03801 TAX MAP 162, LOT 12			
JOB NUMBER	DWG. NO.	ISSUE	
26-046	3 OF 3	1	



26013938 04/23/2026 12:26:52 PM
Book 6700 Page 358 Page 1 of 7
Register of Deeds, Rockingham County

Carly Ann Seavey

LCHIP	ROA738485	25.00
TRANSFER TAX	RO142598	10,050.00
RECORDING		34.00
SURCHARGE		2.00

Return to 
Kaitlyn O. West and Brendan A. West
315 Bartlett Street
Portsmouth, NH 03801

T/S: \$10,050



EXHIBIT B

FIDUCIARY DEED

KNOW ALL MEN BY THESE PRESENTS: That Robert Charles Montville, Executor of The Estate of Mary Ann Deatley AKA Mary Ann De Atley, of 315 Bartlett Street, Portsmouth, NH 03801, by power conferred by the 19th Circuit Court – Probate Division, Brentwood, and every other power, for consideration paid grant to Kaitlyn O. West and Brendan A. West, of 633 Dennett Street, Portsmouth, NH 03801 as Joint Tenants with Rights to Survivorship with FIDUCIARY COVENANTS:

A certain parcel of land, with the buildings thereon, situate in Portsmouth, County of Rockingham and State of New Hampshire, bounded and described as follows:

Beginning on Bartlett Street at the Northwest corner of the lot, at other land of Miriam V. Mullen, and thence running Easterly by land of said Mullen and by land of Helen Davis a distance of 160 feet to land of Laurence E. and Bella M. Robbins; thence turning and running Southerly by land of said Robbins, 60 feet to land of Joseph W. Geiger; thence turning and running Westerly by land of said Geiger and by land of Joseph R. and Marie C. Tosi, 160 feet to Bartlett Street; thence turning and running Northerly by and along said Bartlett Street, 60 feet, more or less, to the point of beginning.

Meaning and intending to describe and convey the same premises conveyed to Michael De Atley and Mary Ann De Atley by virtue of a deed dated July 20, 1973 and recorded in the Rockingham County Registry of Deeds at Book 2206 and Page 1960. Death Certificate for Mary Ann De Atley recorded at Book 6661, Page 1037 of the Rockingham County Registry of Deeds. Death Certificate for Michael De Atley recorded herewith.

This is not homestead property.

Executed this 13th day of April, 2026.

The Estate of Mary Ann Deatley AKA Mary Ann
De Atley

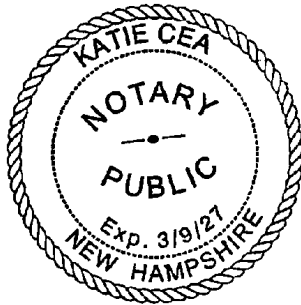
Robert Charles Montville, Executor

Robert Charles Montville, Executor

State of New Hampshire
County of Rockingham

April 13, 2026

Then personally appeared before me on this 13th day of April, 2026, the said Robert Charles Montville, Executor of The Estate of Mary Ann Deatley AKA Mary Ann De Atley and acknowledged the foregoing to be his voluntary act and deed.



[Signature]

Notary Public/Justice of the Peace
Commission expiration: 3/9/27

Know all Men by these Presents,

That S. Mary J. Wain of Portsmouth in the County of Rockingham and State of New Hampshire.

Wain
to
Lester

For and in consideration of the sum of one dollar
to me in hand before the delivery hereof, well and truly paid by

Thomas B. Lester of the same Portsmouth.

Delivered to
S. W. Emery
Mail

the receipt whereof I do hereby acknowledge, have given, granted, bargained and sold, and by these presents do give, grant, bargain, sell, alien, enfeof, convey and confirm unto the said
Thomas B. Lester and his heirs and assigns forever,

A certain parcel of lands situated in Portsmouth aforesaid, and bounded and described as follows: beginning on Bartlett street at the North west corner of the lot and running Easterly one hundred sixty feet to lands of John Beardon, thence running Southerly by lands of John Beardon fifty feet to land of Mary J. Wain, thence running by lands of Mary J. Wain, westerly, one hundred and sixty feet to Bartlett street, and thence Northerly by Bartlett street, sixty feet to the point begun at.

To have and to hold the said granted premises, with all the privileges and appurtenances to the same belonging to him the said Thomas B. Lester and his heirs and assigns, to his and their only proper use and benefit forever. And I the said Mary J. Wain for myself and my heirs, executors and administrators, do hereby covenant, grant and agree, to and with the said Thos. B. Lester and his heirs and assigns, that until the delivery hereof I am the lawful owner of the said premises, and am seized and possessed hereof in my own right in fee simple; and have full power and lawful authority to grant and convey the same in manner aforesaid; that the said premises are free and clear from all and every incumbrance whatsoever; and that I and my heirs, executors and administrators, shall and will warrant and defend the same to the said Thos. B. Lester

and his heirs and assigns, against the lawful claims and demands of any person or persons whomsoever. And I, Joseph Wain, husband of the said Mary J. Wain in consideration aforesaid, do hereby release, discharge and waive all such rights of exemption from attachment and levy or sale on execution, and such other rights whatsoever in said premises, and in each and every part thereof, as our Family Homestead, as are reserved or secured to us, or either of us, by the Statute of the State of New Hampshire, passed July 4, 1851, entitled "an Act to exempt the Homestead of Families from attachment and levy or sale on execution," or by any other Statute or Statutes of said State.

In witness whereof, we have hereunto set our hands and seals this first day of September in the year of our Lord 1894

SIGNED, SEALED AND DELIVERED IN PRESENCE OF US:

S. W. Emery
John Grant

Mary J. Wain
Joseph Wain

State of New Hampshire, Rockingham, ss.

Sept 1.

A. D. 1894.

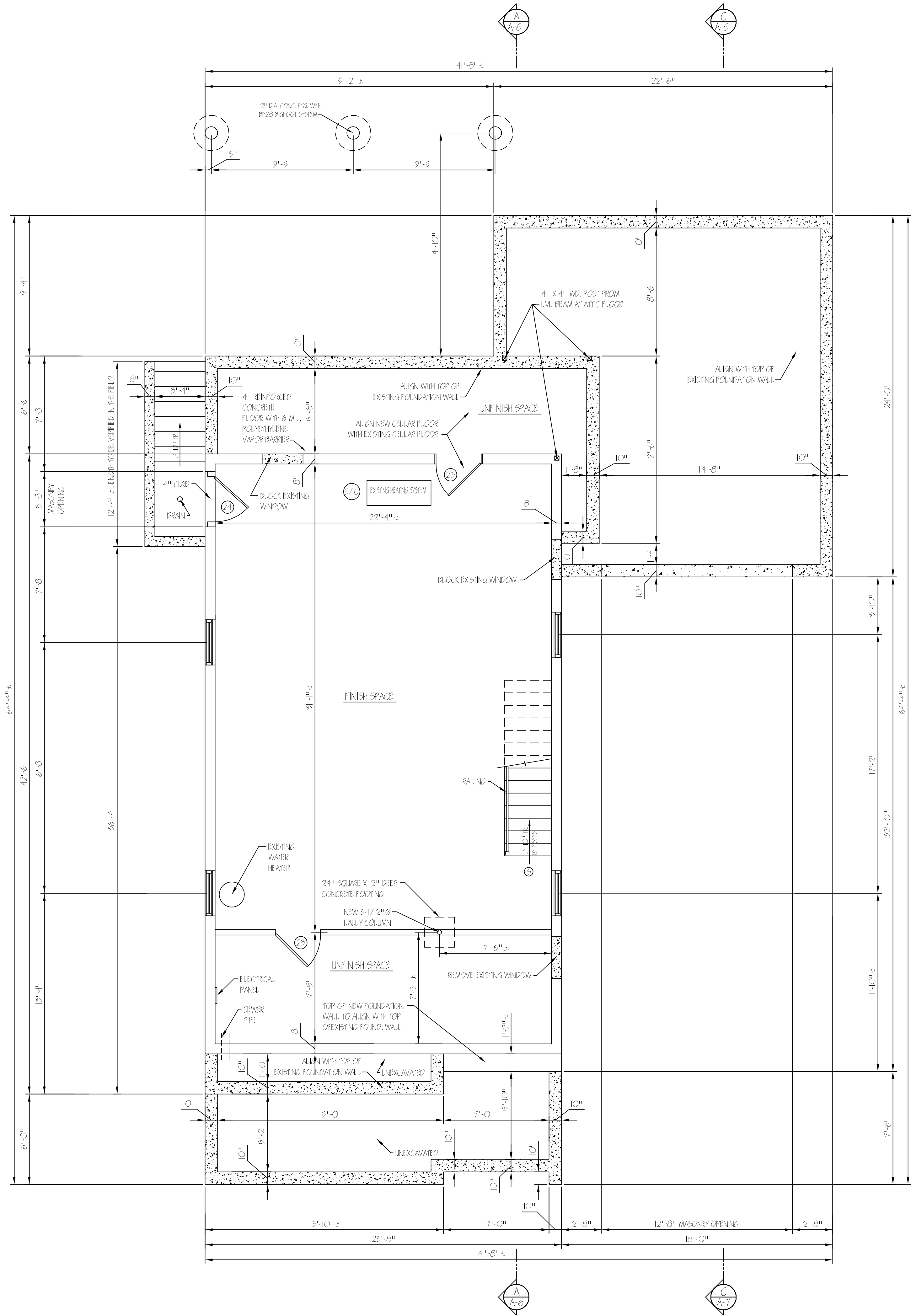
PERSONALLY appeared the above-named Mary J. Wain and Joseph Wain and acknowledged the foregoing instrument to be their voluntary act and deed. Before me,

Samuel W. Emery Justice of the Peace.

Received and Recorded, Oct. 22, 4-40 Pm 1894

William Morrell

Register.



FOUNDATION NOTES:

1. ALL FOOTINGS TO BE ON SOLID SOIL BEARINGS.
2. ALL CONCRETE TO BE 3000#.
3. ALL ANCHOR BOLTS 1/2" DIA. X 16" LONG
J-BOLTS AT 6'-0" O.C.
4. ASPHALT COAT FOUNDATION WALLS FROM FOOTING TO GRADE.
5. TOP OF FOUNDATION WALL TO BE 8" MIN. ABOVE FINISH GRADE.
6. PROVIDE DAMPROOFING AT ALL FOUNDATION WALLS.

⊙ - SMOKE DETECTOR

⊙/⊙ - SMOKE / CARBON MONOXIDE DETECTOR

— EXISTING CONCRETE FOUNDATION

— NEW CONCRETE FOUNDATION

COVERED PORCH TOP OF FOUNDATION HEIGHT NOTE:

DETERMINE THE MATERIAL USED FOR THE FINISH FLOOR SO THAT THE FINISH PORCH FLOOR IS 7-3/4" BELOW THE FOYER FLOOR

DEMOLITION NOTE:

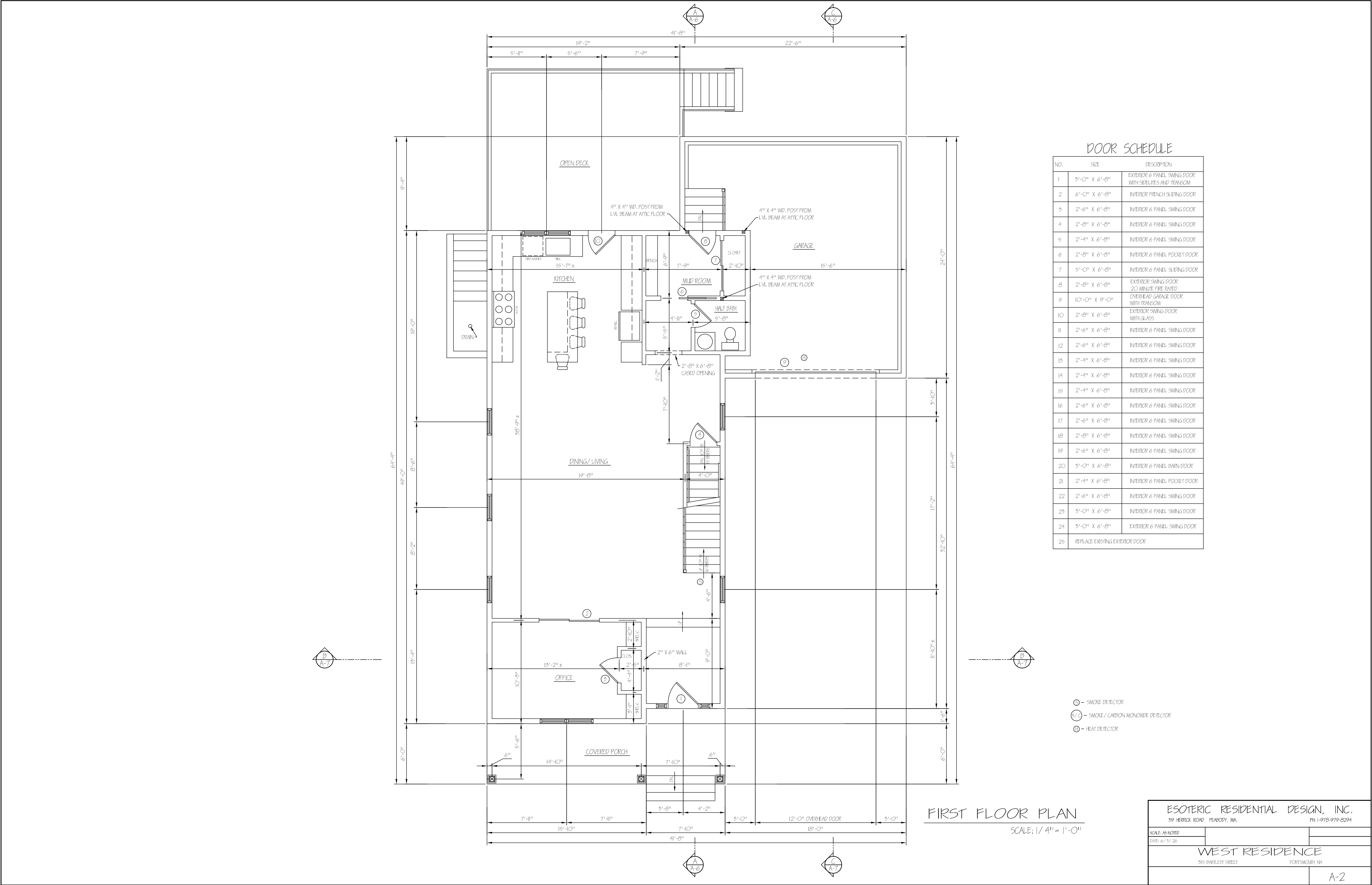
DEMOLISH ALL STRUCTURES ABOVE THE EXISTING TOP OF FOUNDATION WALL.
DEMOLISH ALL EXISTING PARTITIONS, STAIRS AND LALLY COLUMNS IN THE EXISTING CELLAR.

BASEMENT FLOOR PLAN

SCALE: 1/4" = 1'-0"

EXHIBIT C

ESOTERIC RESIDENTIAL DESIGN, INC.		
39 HERROCK ROAD PEABODY, MA. PH 1-978-979-8294		
SCALE: AS NOTED		
DATE: 6/5/26		
WEST RESIDENCE		
319 BARLETT STREET PORTSMOUTH, NH		
		A-1



DOOR SCHEDULE

NO.	SIZE	DESCRIPTION
1	3'-0" X 6'-8"	EXTERIOR 6 PANEL SWING DOOR WITH SIDELITES AND TRANSOM
2	6'-0" X 6'-8"	INTERIOR FRENCH SLIDING DOOR
3	2'-6" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
4	2'-8" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
5	2'-4" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
6	2'-8" X 6'-8"	INTERIOR 6 PANEL POCKET DOOR
7	5'-0" X 6'-8"	INTERIOR 6 PANEL SLIDING DOOR
8	2'-8" X 6'-8"	EXTERIOR SWING DOOR 20 MINUTE FIRE RATED
9	10'-0" X 9'-0"	OVERHEAD GARAGE DOOR WITH TRANSOM
10	2'-8" X 6'-8"	EXTERIOR SWING DOOR WITH GLASS
11	2'-6" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
12	2'-6" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
13	2'-4" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
14	2'-4" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
15	2'-4" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
16	2'-6" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
17	2'-6" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
18	2'-8" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
19	2'-6" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
20	3'-0" X 6'-8"	INTERIOR 6 PANEL BARN DOOR
21	2'-4" X 6'-8"	INTERIOR 6 PANEL POCKET DOOR
22	2'-6" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
23	3'-0" X 6'-8"	INTERIOR 6 PANEL SWING DOOR
24	3'-0" X 6'-8"	EXTERIOR 6 PANEL SWING DOOR
25	REPLACE EXISTING EXTERIOR DOOR	

- ① - SMOKE DETECTOR
② - SMOKE / CARBON MONOXIDE DETECTOR
③ - HEAT DETECTOR

FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"

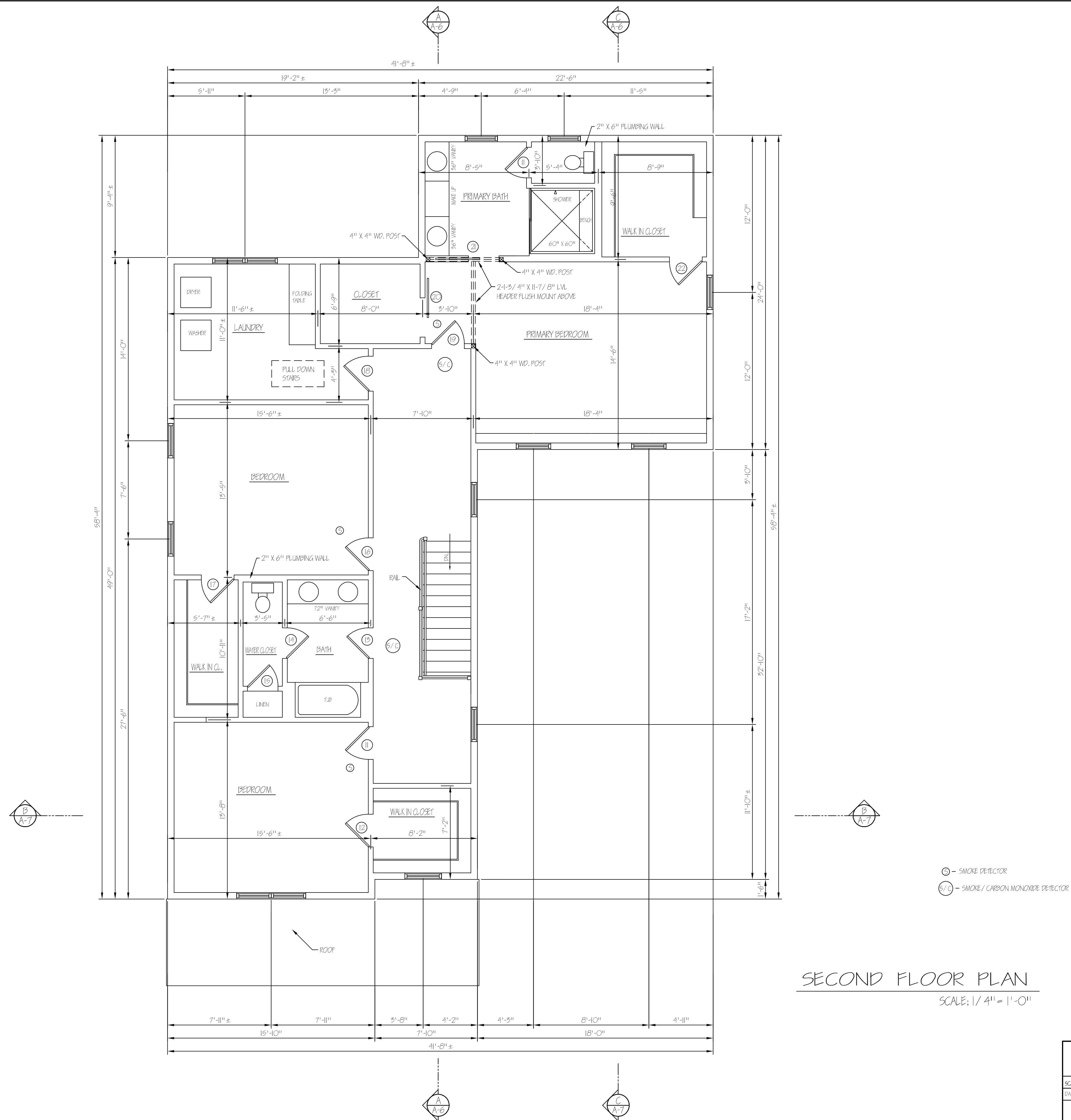
ESOTERIC RESIDENTIAL DESIGN, INC.
39 HERROCK ROAD PEABODY, MA
319 BARLETT STREET PORTSMOUTH, NH

PH 1-978-979-8294

SCALE: AS NOTED
DATE: 6/5/26

WEST RESIDENCE

A-2





FRONT ELEVATION

SCALE: 1/4" = 1'-0"

WINDOW SCHEDULE

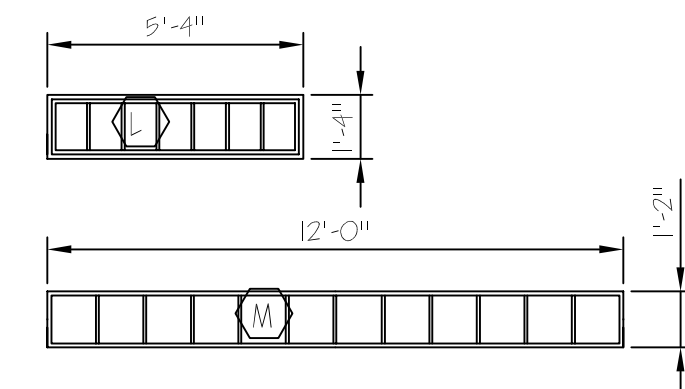
DES.	QTY.	ANDERSEN WDW. NO.	ROUGH OPENING (W x L)	DESCRIPTION
A	1	TW26410-2	5'-3-7/8" X 5'-0-7/8"	MILLED DOUBLE HUNG
B	1	TW2642-2	5'-3-7/8" X 4'-4-7/8"	MILLED DOUBLE HUNG
C	1	TW120111	2'-2-1/8" X 2'-1-7/8"	TRANSOM
**	7	TW2642	2'-8-1/8" X 4'-4-7/8"	DOUBLE HUNG
**	5	TW26410	2'-8-1/8" X 5'-0-7/8"	DOUBLE HUNG
F	4	A31	5'-0-1/2" X 2'-0-5/8"	AWNING
G	1	CW235	4'-9" X 5'-5-5/8"	CASEMENT
H	1	TW2442-2	4'-11-7/8" X 4'-4-7/8"	MILLED DOUBLE HUNG
I	1	TW24210	2'-6-1/8" X 5'-0-7/8"	DOUBLE HUNG
**	2	TW2456	2'-6-1/8" X 5'-8-7/8"	DOUBLE HUNG
K		DELETE		
L	1	TRANSOM	SEE UNIT DIMENSION BELOW	
M	1	TRANSOM	SEE UNIT DIMENSION BELOW	

* ANDERSEN 400 SERIES

** PROVIDE SAFETY GLASS AT WINDOWS E-I AT FIRST FLOOR STAIRWAY UP AND DOWN

** PROVIDE SAFETY GLASS AT WINDOW D-I AT SECOND FLOOR STAIRWAY DOWN

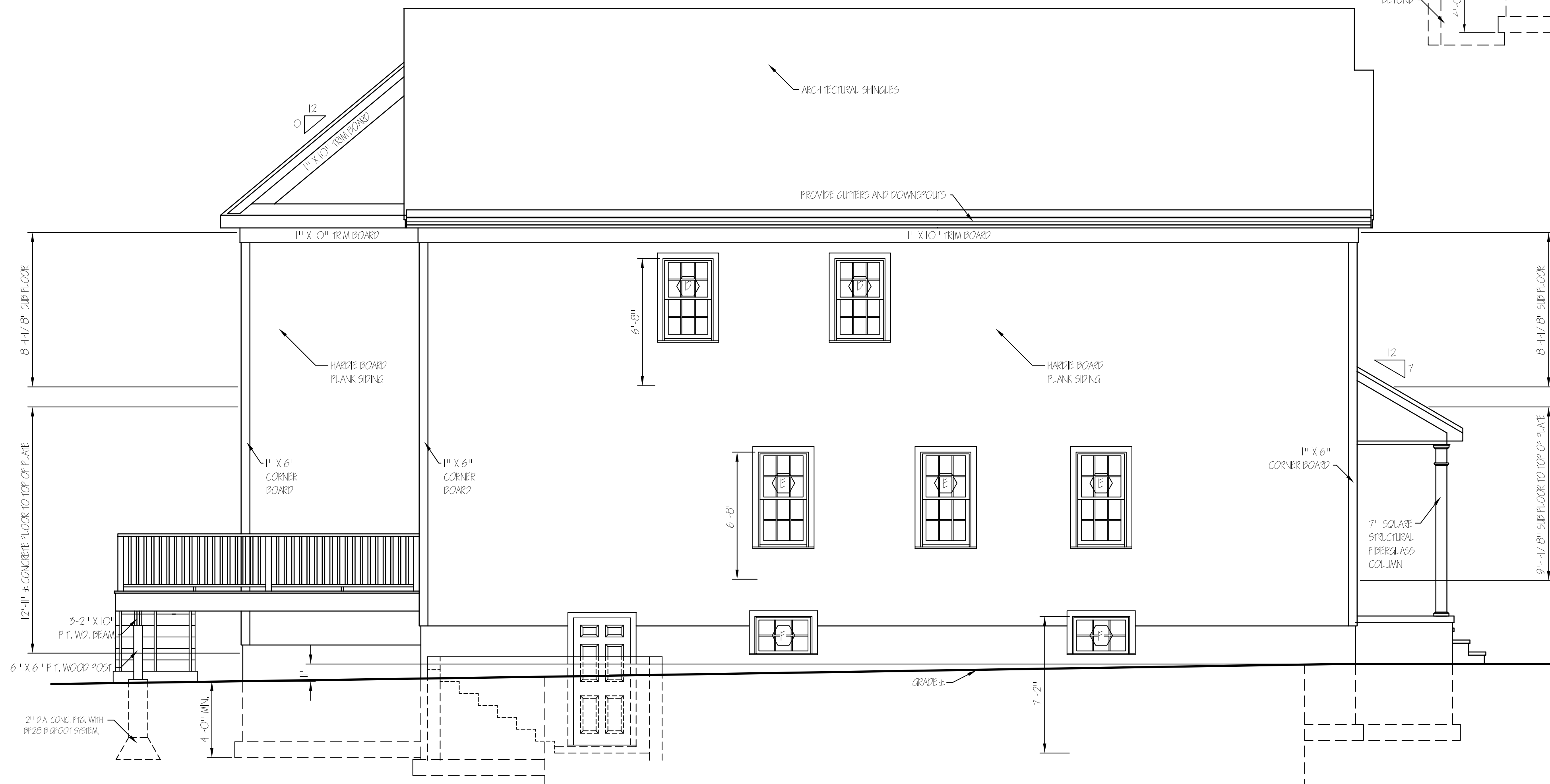
** PROVIDE SAFETY GLASS AT WINDOW J-I AT PRIMARY BATH



ESOTERIC RESIDENTIAL DESIGN, INC.
39 HERROCK ROAD PEABODY, MA PH 1-978-979-8294

SCALE: AS NOTED
DATE: 6/5/26
WEST RESIDENCE
319 BARTLETT STREET PORTSMOUTH, NH

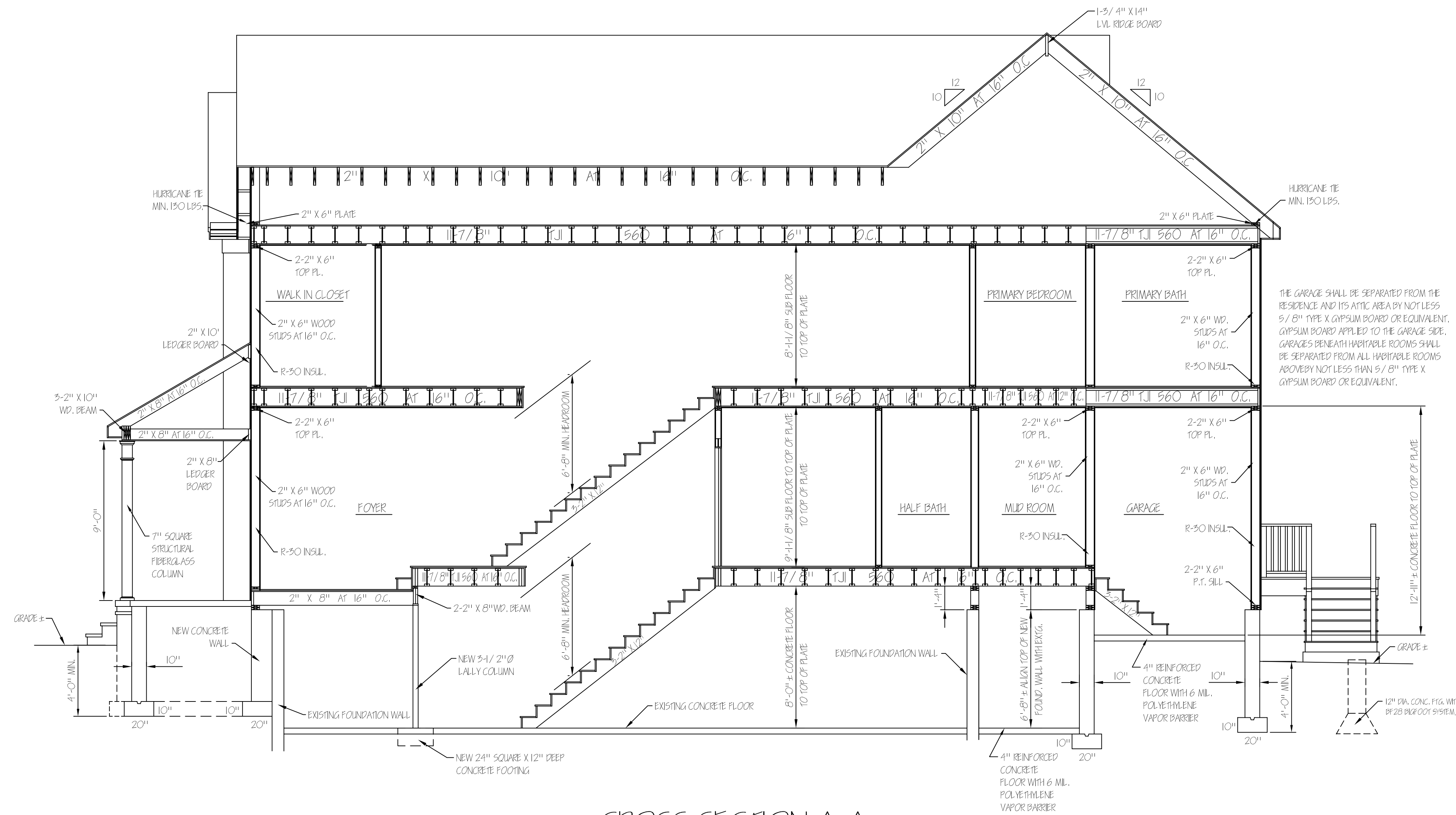
A-4



LEFT SIDE ELEVATION

SCALE: 1/4" = 1'-0"





CROSS SECTION A-A

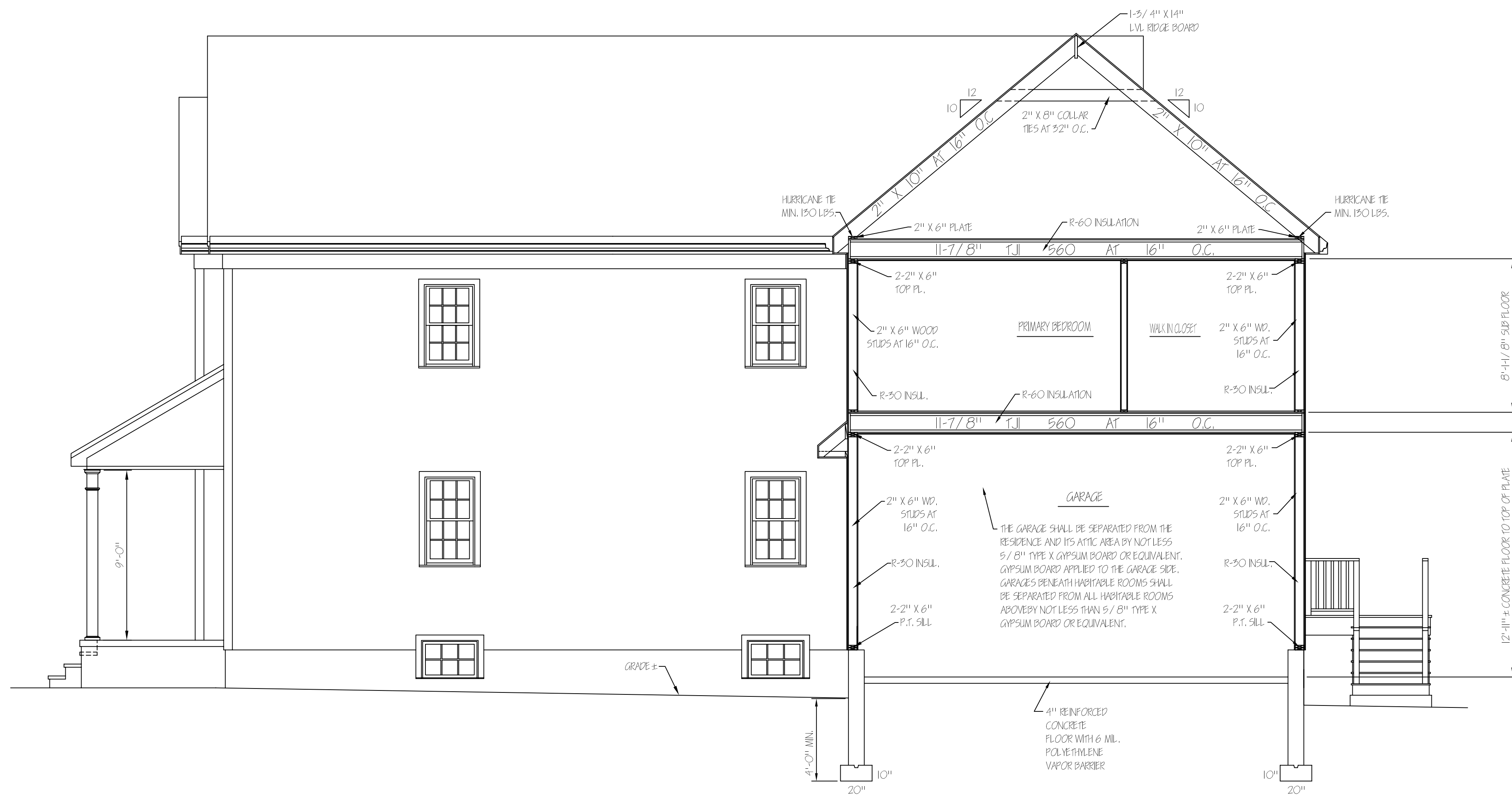
SCALE: 1/4" = 1'-0"

ESOTERIC RESIDENTIAL DESIGN, INC.
39 HERROCK ROAD PEABODY, MA. PH 1-978-979-8294

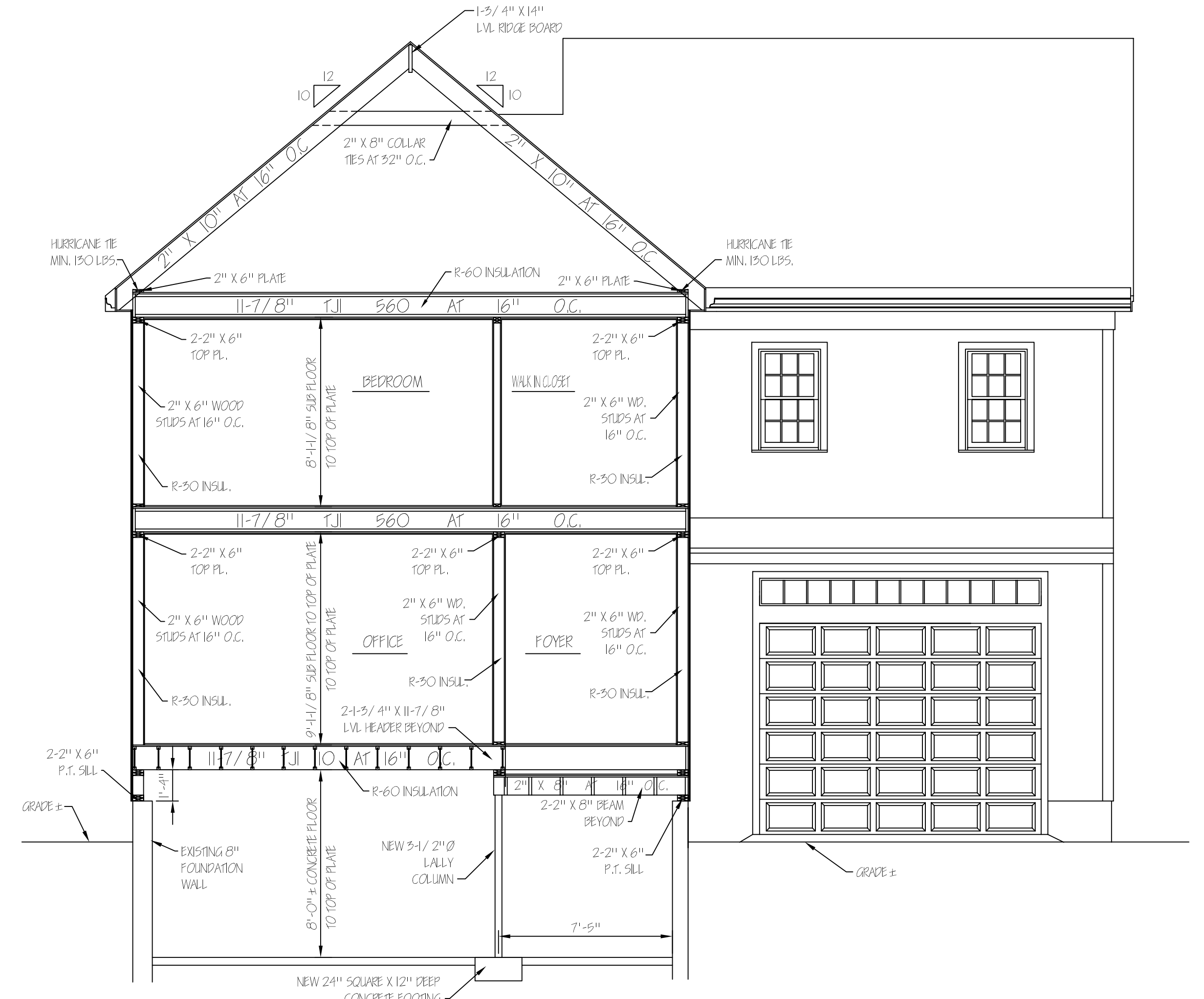
SCALE: AS NOTED
DATE: 6/5/26

WEST RESIDENCE
319 BARLETT STREET PORTSMOUTH, NH

A-6



CROSS SECTION C-C
SCALE: 1/4" = 1'-0"

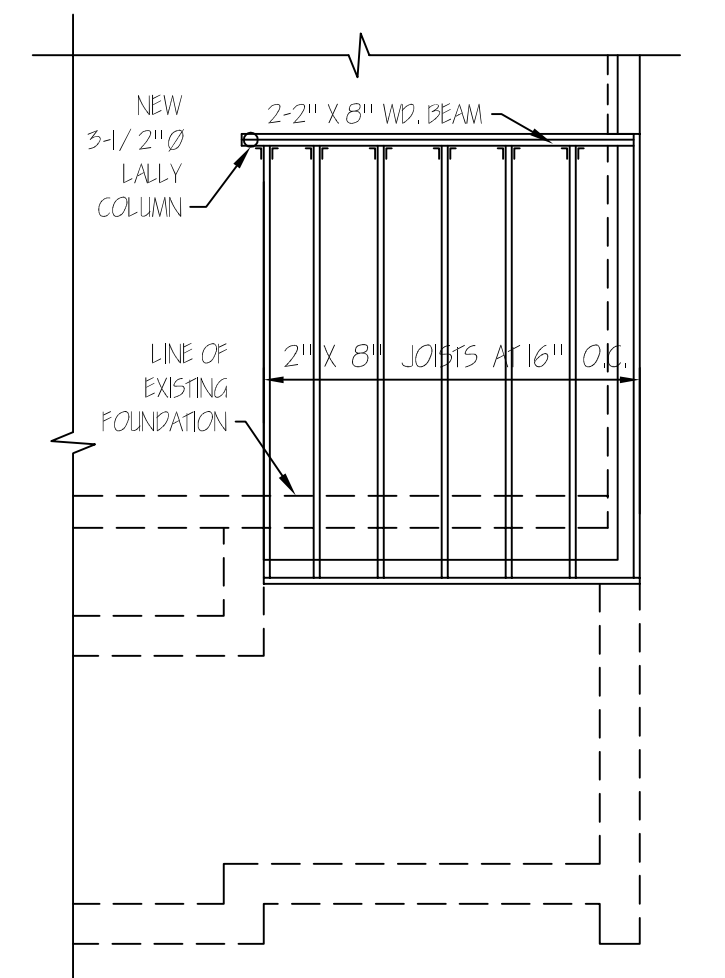


CROSS SECTION B-B
SCALE: 1/4" = 1'-0"

ESOTERIC RESIDENTIAL DESIGN, INC.		
39 HERROCK ROAD PEABODY, MA.		PH 1-978-979-8294
SCALE: AS NOTED		
DATE: 6/5/26		
WEST RESIDENCE		
319 BARLETT STREET		PORTSMOUTH, NH
		A-7

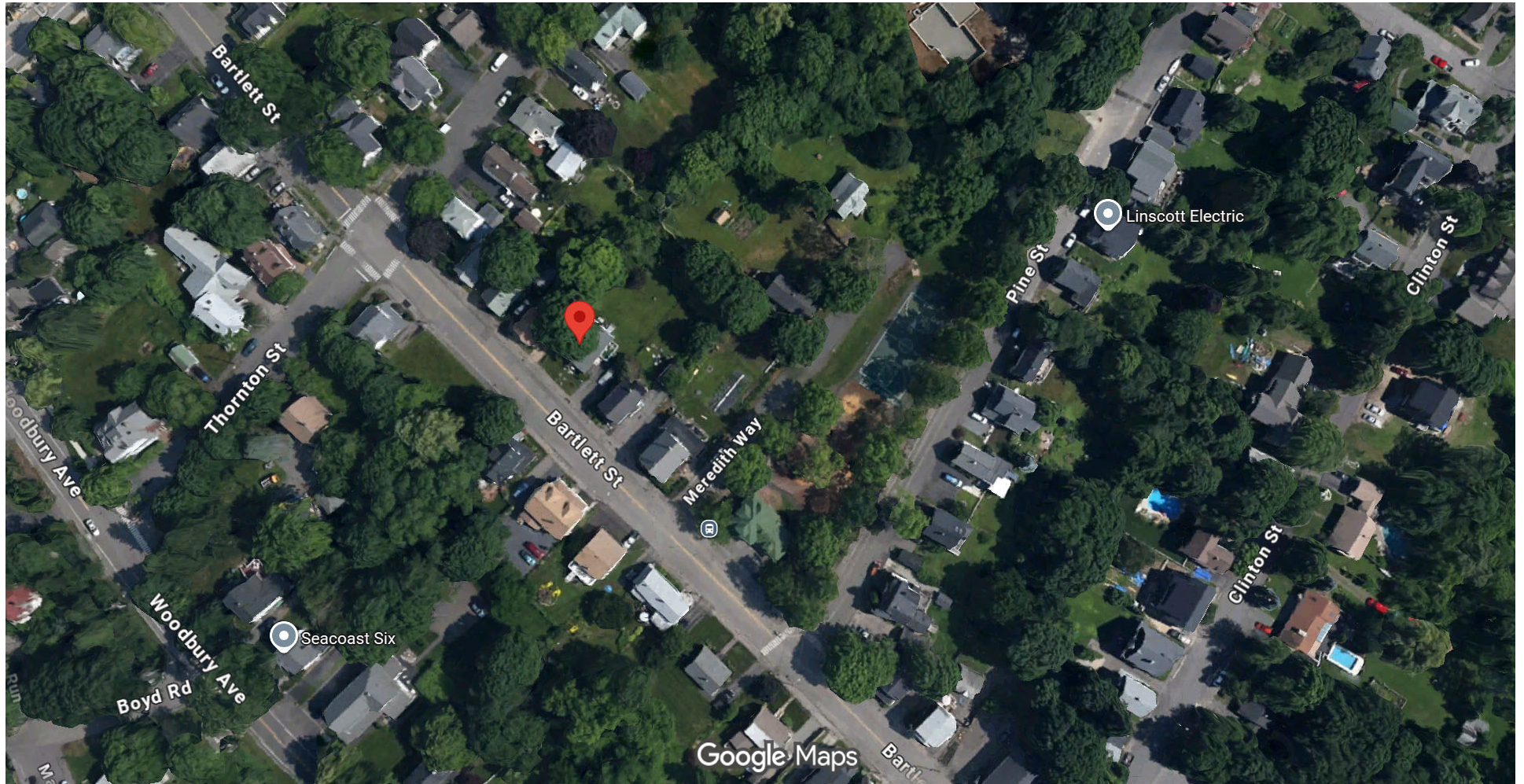


1. ALL JOISTS TO BE TJI'S UNLESS OTHERWISE NOTED
2. PROVIDE JOIST HANGERS AT ALL FLUSH FRAMED CONDITIONS
3. PROVIDE COLUMN CAPS AT ALL POST TO BEAM CONNECTIONS
4. PROVIDE COLUMN BASE CAPS AT ALL POST TO BASE CONNECTIONS
5. ALL NEW SILLS TO BE 2-2" X 6" PRESSURE TREATED





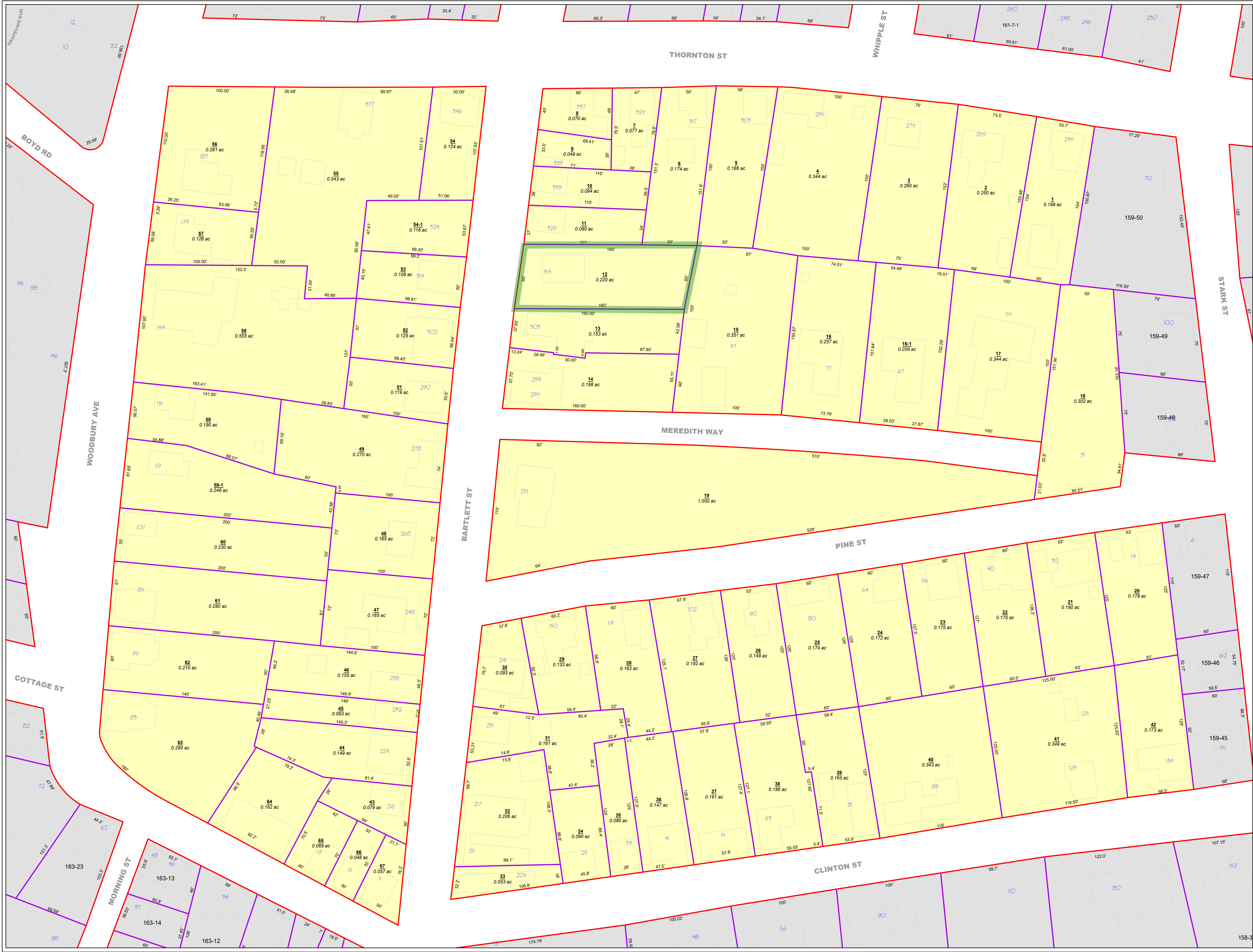
315 Bartlett St



Imagery ©2026 Google, Imagery ©2026 Airbus, Maxar Technologies, Map data ©2026 100 ft

EXHIBIT D





- Partial Legend
- See the cover sheet for the complete legend.
- 7-5A

2.56 ac

100

233-137

68'

100'

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)
- Lot or lot-unit number

Parcel area in acres (ac) or square feet (sf)

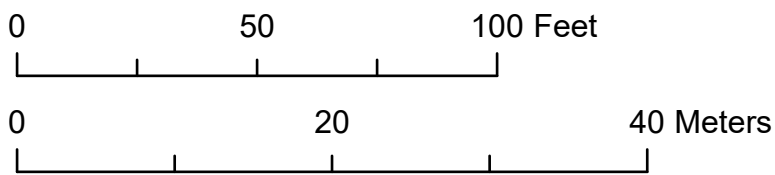
Address number

Parcel number from a neighboring map

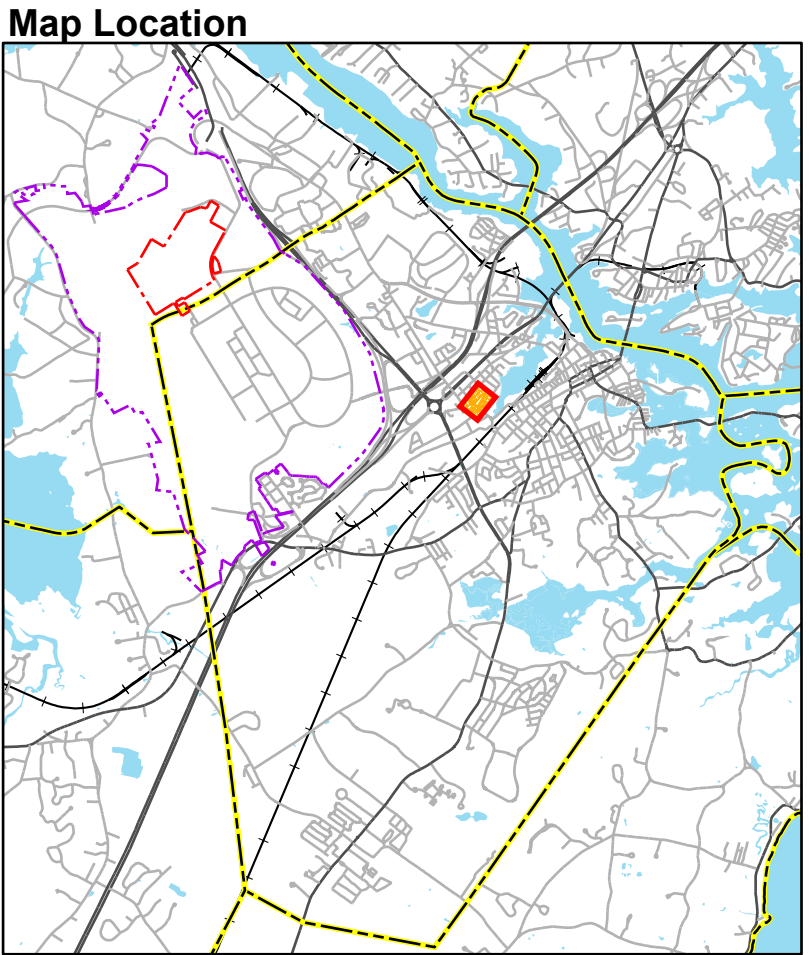
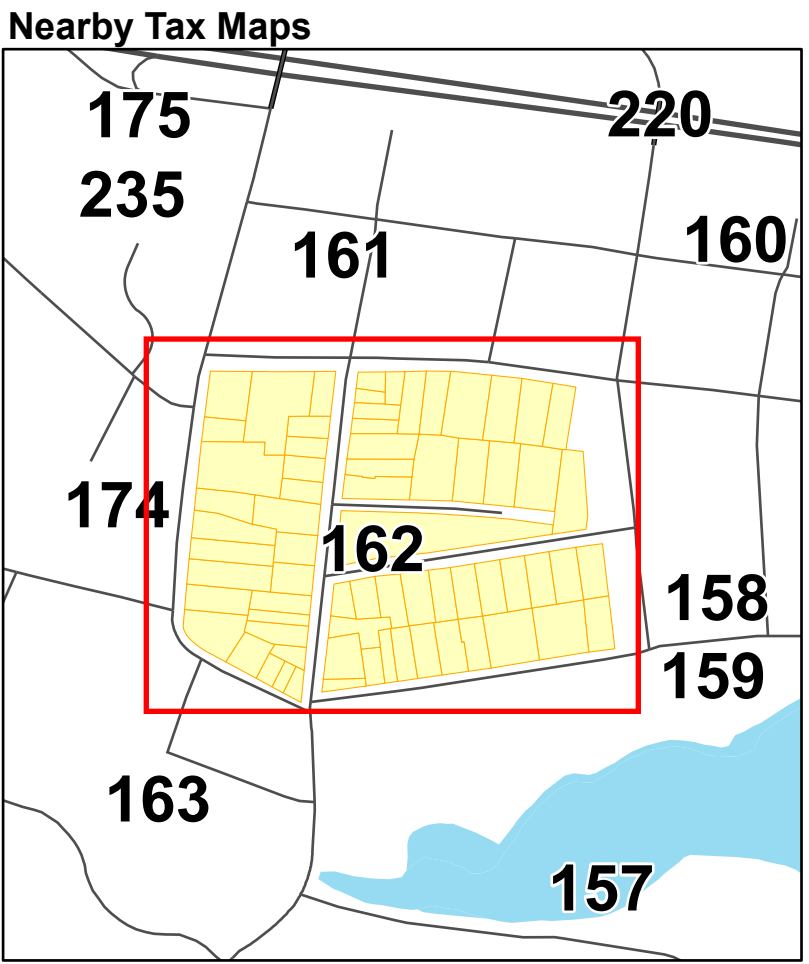
Parcel line dimension

Street name

EXHIBIT E



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.



Portsmouth, New Hampshire
2025

Tax Map 162