

**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.**

**March 17, 2026**

**AGENDA**

<p><b><u>PLEASE NOTE:</u> DUE TO THE LARGE VOLUME OF REQUESTS FOR MARCH, ITEMS (II. C. THROUGH F.). WILL BE HEARD AT THE MARCH 24, 2026 ZONING BOARD OF ADJUSTMENT MEETING.</b></p>
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**I. APPROVAL OF MINUTES**

- A. Approval of the February 18, 2026 meeting minutes.

**II. OLD BUSINESS**

- A. The request of **Regan Electric CO INC (Owner)** and **Chinburg Development (Applicant)**, for property located at **94 Langdon Street** and **98 Cornwall Street** whereas relief is needed to merge the lots, demolish the existing structures and construct three new single-family dwellings which requires the following: 1) Variance from Section 10.521 to allow 88 feet of frontage where 100 feet is required. Said property is located on Assessor Map 139 Lots 1 and 8 and lies within the Mixed Residential Business (MRB) District. (LU-25-175)
- B. The request of **Chase Home for Children C/O Woodman (Owners)**, for property located at **698 Middle Road** whereas relief is needed to construct a new facility on the property which requires the following: 1) Variance from Section 10.334 to allow the residential care facility use to be extended to another part of the remainder of the land, 2) Variance from Section 10.440 to allow for the construction of a new residential care facility structure. Said property is located on Assessor Map 232 Lot 45 and lies within the Single Residence B (SRB) District. (LU-25-167)

**III. NEW BUSINESS**

- A.** The request of **Kenneth J and Rebecca T Nicholson (Owners)**, for property located at **53 Pray Street** whereas relief is needed to demolish the covered porch, fence, and bulkhead and construct a three-season room with a roof deck and bulkhead in the same footprints which requires the following: 1) Variance from Section 10.521 to allow a) 6 foot front yard (bulkhead) and 15 foot front yard (structure) where 17 feet are required, b) 7 foot side yard where 30 feet are required, and c) 36% building coverage where 30% is permitted; and 2) Variance from Section 10.515.13 to allow a) a 6 foot fence where 4 feet is allowed, and b) 8 foot arbor gate where 4 feet is allowed. Said property is located on Assessor Map 102 Lot 40 and lies within the Waterfront Business (WB) and Historic Districts. (LU-26-13)
- B.** The request of **Madison Commercial Group LLC (Owner)** and **The Manchester Esthetic Services LLC, DBA Art of Eyebrows (Applicant)**, for property located at **72 Mirona Road** whereas relief is needed for a change of use from professional office to esthetic services which requires the following: 1) Special Exception from Section 10.440 Use #7.20 to allow Personal services. Said property is located on Assessor Map 253 Lot 3 and lies within the Gateway Center (G2) District. (LU-26-11)

**THE FOLLOWING ITEMS WILL BE HEARD ON TUESDAY, MARCH 24, 2026**

- C.** The request of **Gregory Sheive and Diane Lamprey (Owners)**, for property located at **893 Woodbury Avenue** whereas relief is needed to construct a 168 square foot addition to the rear of the structure which requires the following: 1) Variance from Section 10.521 to allow a) 27.5 foot rear yard where 30 feet are required, and b) 23% building coverage where 20% is maximum allowed. Said property is located on Assessor Map 219 Lot 36 and lies within the Single Residence B (SRB) District. (LU-26-8)
- D.** The request of **William and Virginia Osborn (Owners)**, for property located at **133 Miller Avenue** whereas relief is needed to demolish the existing one-story garage and construct a new two-story attached garage which requires the following: 1) Variance from Section 10.521 to allow a) a 6-foot rear yard where 20 feet is required; and b) 3-foot left side yard where 10 feet is required. Said property is located on Assessor Map 129 Lot 26 and lies within the General Residence A (GRA) District. (LU-26-21)
- E.** The request of **Emily and Michael Glynn (Owners)**, for property located at **387 Richards Avenue** whereas relief is needed for the construction of a two-story addition in place of an existing deck structure which requires the following: 1) Variance from Section 10.521 to allow a) a 4-foot left side yard where 10 feet is required. Said property is located on Assessor Map 112 Lot 17 and lies within the General Residence A (GRA) District. (LU-26-23)

- F.** The request of **John C and Janice D Carpenter (Owners)**, for property located at **614 Broad Street** whereas relief is needed to construct a front porch and rear addition to the primary dwelling, to demolish the existing detached garage and construct a new two-story garage with Accessory Dwelling Unit above which requires the following: 1) Variance from Section 10.521 to allow a) a 0.5 foot rear yard where 20 feet is required; b) 2.5 foot left side yard where 10 feet is required; and c) 34% building coverage where 25% is the maximum. Said property is located on Assessor Map 221 Lot 54 and lies within the General Residence A (GRA) District. (LU-26-24)

#### **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\\_XZf4UTQ2Q5GLkBAnScW5KQ](https://us06web.zoom.us/webinar/register/WN_XZf4UTQ2Q5GLkBAnScW5KQ)

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

**7:00 P.M.**

**February 18, 2026**

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

**MEMBERS EXCUSED:** Thomas Nies

**ALSO PRESENT:** Jillian Harris, Planning Department

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

*Mr. Mannle moved to suspend the rules in order to take the Old Business, Petition B, 698 Middle Rd out of order. Mr. Sullivan seconded. The motion **passed** unanimously, 7-0.*

*Mr. Sullivan moved to **postpone** the 698 Middle Rd petition to the March 17 meeting, seconded by Mr. Mannle. The motion **passed** unanimously, 6-0, with Chair Margeson abstaining.*

**I. APPROVAL OF MINUTES**

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

*Vice-Chair Mattson moved to **approve** the January 21 minutes as **amended**, seconded by Mr. Rheaume.*

Mr. Rheaume requested that the word ‘Board’ be changed to ‘zoning ordinance in the following sentence on page 12: “He said there was a big fence back there for several years when it was the back side of a Middle St property, but a 6’ tall batten board fence that follows the contours of the property was exactly what the Board did not want.”

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

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

*Mr. Rossi moved to **approve** the January 27 minutes as presented, seconded by Mr. Rheaume. The motion **passed** unanimously, 7-0.*

## II. OLD BUSINESS

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

### SPEAKING TO THE PETITION [Video timestamp 9:14]

Attorney Chris Drescher was present on behalf of the applicant Colbea Enterprises. He noted that they were before the Board again because two abutters had not received notification. He also said a change to the petition was made. He reviewed the petition, noting that the drive-thru was previously omitted and that the No. 5 variance requested was now 37 ft instead of the previous 34.7 ft and was an improvement. He said the address was changed to 90 Gosling St to correct the setback issue.

The Board had no questions, and 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 14:55]

*Mr. Rossi moved to **grant** the variances for the petition as presented and advertised. He said all the variances were approved at the July 15, 2025 meeting and that there were no substantive changes to the project design except for a change in address, so all the prior rationale for approval still applied. Mr. Rheaume concurred and said the motion was the reaffirmation of the Board's approval at the July 15 meeting. The motion **passed** unanimously, 7-0.*

- B. **REQUEST TO POSTPONE** The request of **Chase Home for Children C/O Woodman (Owners)**, for property located at **698 Middle Road** whereas relief is needed to construct a new facility on the property which requires the following: 1) Variance from Section 10.334 to allow the residential care facility use to be extended to another part of the remainder of the land, 2) Variance from Section 10.440 to allow for the construction of a new residential

care facility structure. Said property is located on Assessor Map 232 Lot 45 and lies within the Single Residence B (SRB) District. (LU-25-167) **REQUEST TO POSTPONE**

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

- C. The request of **Michael R and Isaac M. Roylos (Owners)** and **Christopher Cloutier (Applicant)**, for property located at **25 Sims Avenue** whereas relief is needed to create a buildable lot which requires the following: 1) Variance from Section 10.521 to allow a) 5,000 square feet of lot area where 15,000 is required, b) 5,000 square feet of lot area per dwelling unit where 15,000 is required, and c) 50 feet of frontage where 100 feet are required. Said property is located on Assessor Map 233 Lot 71 and lies within the Single Residence B (SRB) District. (LU-25-169)

**SPEAKING TO THE PETITION** [Timestamp 17:05]

Attorney Tim Phoenix was present on behalf of the applicant Christopher Cloutier, who was also present along with Bruce Scamman of Emanuel Engineering. Attorney Phoenix said they would address the concerns of the neighbors regarding stormwater runoff and ponding. He reviewed the history of the lot and past requirements for property merging. He said the applicant wanted to place a modest 946 sf home on the lot and that it would fit within the building envelope and meet setbacks. He explained why the only relief needed was for the lot frontage, lot size, and lot area per dwelling unit and said the lot would be unusable if those variances were not granted, which could result in a taking of the lot. He said most of the lots in the area did not meet the 15,000 sf minimum lot size requirement. He said they addressed the stormwater issue. He reviewed the criteria.

[Timestamp 28:39] Mr. Rheume asked if the existing home on the remaining two-thirds of the lot was not proposed for development and fully met the setback requirements. Attorney Phoenix said he had not run the numbers on that. Mr. Sullivan asked if Attorney Phoenix felt that the City's granting of the unmerging of the lots might somehow constitute a taking. Attorney Phoenix said he did not feel that way and simply meant that the City's unmerging of the lots reflect the rights of the owner and that the City went through the analysis to determine whether the lot was worthy of unmerging, so they approved it, restoring it to its original size and frontage. With respect to the taking, he said the lot would have little or much less value as a buildable lot if the variance were denied. He said the application met all the other dimensional requirements. Mr. Rossi said the Planning Board meeting minutes did not mention the purpose of the unmerging of the lots. Relative to the BOA's criteria for granting a variance, he asked if it was Attorney Phoenix's contention that the fact that those two activities happened at the Planning Board and then the City Council was an implicit statement that making this a buildable lot would not conflict with the ordinance, or an explicit statement, or any kind of statement at all. Attorney Phoenix said he could not say that those decisions implicitly or explicitly meant that the applicant could build on the lot. He said the unmerging of the lots was not dependent on what one may or may not be able to do in the future but was dependent on the fact that the lot pre-existed the zone that now made it nonconforming.

[Timestamp 34:32] Mr. Scamman said the proposed modest home would meet all the setback requirements. He said they designed a drainage basin along the drip edge around the whole house. He said there was natural ponding in the back of the lot on Essex Street but the overflow went across 140 Essex Street and then into the City's drainage system. He said the amount of stormwater would be reduced. It was further discussed. Mr. Rossi asked what the system's durability was and whether it could handle stormwater change as silt built up in it. Mr. Scammon said any drainage structure needed maintenance and that most of the water would just drip off the roof and there would not be a lot of road debris. Mr. Rossi asked if the system came with a guarantee. Mr. Scammon said the system was permitted by the State of NH and that having it in stone would make it a healthier system than open stormwater storage. Vice-Chair Mattson asked if the stormwater would increase or be the same if a home within the building envelope was built without any stormwater management. Mr. Scammon said the stormwater would definitely increase.

Chair Margeson opened the public hearing.

### **SPEAKING IN FAVOR OF THE PETITION**

No one spoke.

### **SPEAKING IN OPPOSITION TO THE PETITION [Timestamp 41:43]**

Cassy Saltus of 122 Essex Avenue said her property shared the 50-t back lot line with Lot 44 and was downhill from it. She said the house was sold, the trees were cut down, and a new house would be built on a nonconforming lot. She said the stormwater flowed downhill to her lot. She said a structure that covers 26 percent of the wooded lot would require extensive removal of woodlands from Lot 44, which would allow more stormwater to pond into her backyard.

Corey Clark of 152 Essex Ave said no on-site testing was done and that the location likely had bedrock. He said a lot of the surrounding lots were merged and were not as shown on the 1918 map. He said the lot was not currently served by municipal sewer due to the shallow bedrock. He said any connection to the sewer lines would require major utility work and digging.

Whitney Dooley of 140 Essex Ave said the requested variances were major departures from the zoning requirements and the hardship was self-created because the owner chose to unmerge the lot, knowing that it would become unconforming. She said the addition would increase stormwater toward her house. She said the applicant's stormwater study assumed ideal conditions and that there was no maintenance plan, inspection requirements, or enforcement plan.

Bill Dooley of 140 Essex Ave said a hardship was not demonstrated. He said the other nonconforming properties in the neighborhood were built long before the ordinances. He said the current owner chose to unlawfully unmerge the lot to sell the other lot and was maximizing profits.

Brett Whitmarsh of 87 Sims Ave said the trees on the applicant's property protected the neighborhood and she thought the lot was too small to build on.

Lucia Vonletkemann of 87 Sims Ave said it would take a lot of blasting to put sewer on the property. She said the flooding and ponding were egregious. She said the mature trees absorbed a lot of stormwater runoff and should not be torn down.

Steven Parsons of 160 Essex Ave said the application was not complete and had no building plans, which was a red flag. He said the lot was small but had a lot going on, including the slope, stormwater, and ledge. He said it was a self-imposed hardship by the owner.

Harry Revels of 122 Essex Ave said the stormwater study assumptions were not fact. He said his use along the shared back lot line was gone.

Angela Lambert of 65 Benson St said she would get all the stormwater runoff.

**SPEAKING TO, FOR OR AGAINST THE PETITION** [Timestamp 1:11:27]

Attorney Phoenix said Mr. Scamman was a long-experienced engineer and clearly showed that the runoff would be less. He said the back of the Saltus lot was low but the front was much higher, so water ran from the top of the property to the bottom. He said the applicant's lot legally exists and the owner has the right to recreate it because it was wrongfully merged. He said many of the nearby lots did not meet the 15,000 sf of lot area requirement. He said the proposed house itself would have a separate review by the City for a building permit. He said the lot had special conditions that had existed since 1918 and that the City inappropriately merged it with others.

Mr. Scamman said the sewer would be part of the building permit process and that the applicant's design would improve the stormwater issue.

William Dooley explained why the applicant's estimate of zero waterflow onto other properties was unrealistic. He said if the property were regraded, it would slope down more and the ponding in his yard would not have a way to get out and would flood his basement.

Mr. Sullivan asked Attorney Phoenix if he felt that the Board was obligated as a matter of law to ignore what the neighbors said about drainage. Attorney Phoenix said it was a matter of fact.

Mr. Scamman explained how the project would allow more water to be stored on the lot.

Stephen Parsons of 160 Essex Ave said he was a civil engineer with 28 years of experience and that he found many faults with the applicant's plan.

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

**DISCUSSION OF THE BOARD** [Timestamp 1:30:18]

Mr. Rossi said it hinged on the approval criterion of impact on the property values of the surrounding properties and that he had to go by what was in the report and what was stated by Mr. Scamman. He said two issues that troubled him with regard to the impact on the surrounding property values was a temporal disconnect that if the Board granted the variance, it would stay with the property forever. He said the Board had also been told that the report contains a description of how the system functions as designed and installed, but in order for it to continue to function properly, it would require maintenance and that there was no guarantee that it would continue to function properly because there was no guarantee about how anyone who owns the property would maintain the system and keep it clear of debris as well as sand or silt seeping into it from below the ground. He noted that Mr. Scamman said that without the drainage system, the installment of a house on the property would increase the runoff on the surrounding properties. He said based on the evidence and testimony by the expert who created the report, he was left to believe that it was not necessarily a durable solution to the main issue that would affect the value of the surrounding properties, so therefore he would not support the application. Mr. Mannle said he could not support it because the property was sold by the Roylos' successor six months before to a trust, so the Roylos' request was wrong and the Board had no documentation that the trust or their representatives approved the application. Mr. Rheume said the lots were now two separate ones per the City Council's decision. He said the project would create some kind of impact to the abutters but the Board was being asked for a dimensional consideration of whether the lot of that square footage and frontage was something that should be considered buildable. He said the owner could choose to cut the trees down. He said there was an area that currently collects water but the property owner could build a larger home than spans across the lots or do more landfill. He said the abutters' concerns were not things that the Board had full cognizance over and that other City groups would review those. He said it came down to the total square footage and the fact that the lot was an established lot of record going back over 100 years. He said there were many different sized lots in the neighborhood and asked if the Board could say that the applicant's lot would not meet the requirements of being a buildable lot. Mr. Sullivan said the neighbors' testimony persuaded him that they have something to be protected from. He said if the Board made the lot eligible to have a home on it, the home would bring impermeable surfaces and the negative effects on the neighborhood. He said it would be contrary to the public interest, would not do substantial justice, and would diminish the values of surrounding properties.

**DECISION OF THE BOARD** [Timestamp 1:39:17]

*Vice-Chair Mattson moved to **approve** the variances as presented and advertised. No one seconded.*

Vice-Chair Mattson said he empathized with the neighbors and that there was clearly a flooding issue, but denying the variance would not stop that issue, and new construction would improve the stormwater management. He said a new homeowner could neglect it, so it was not a guarantee but it was a guarantee that the stormwater plan would be an improvement. He said it seemed that the water pooled because it was a low point in the neighborhood. He said the lot already exists and had a buildable area of 30'x44'. Chair Margeson said the lot was involuntarily merged and was

unmerged by the City, and if the variance was not granted, there would be no reasonable use of the lot, which could technically be a taking. She said she was not convinced that building a structure on the site would add to the stormwater runoff and flooding issues, given the stormwater infrastructure improvements that were described. She said it would probably help the flooding issue. She said substantial justice may be problematic for the property because substantial justice would be done to the public by not granting the variances.

*Mr. Rossi moved to **deny** the petition, seconded by Mr. Sullivan.* [Timestamp 1:49:37]

Mr. Rossi said the application only had to fail one criterion and that it failed Criterion No 10.233.24, granting the variance will not diminish the values of surrounding properties. He said the Board was being asked to approve a permanent change in the use of the property based on mitigation of stormwater in a system that will function for a finite period of time if the property is maintained, with no obligation of the property owner to maintain the system and no guarantee that it will be maintained or that it would function even if it were properly maintained. He said that was a problem and that a case could be made that there is a loss to the public if the variance is approved, particularly to the neighbors. He said a lot of people would be affected by the stormwater.

Mr. Sullivan concurred and referred to his previous comments. The motion was further discussed.

*The motion **failed** by a vote of 4-3, with Mr. Lucas, Vice-Chair Mattson, Mr. Rheume, and Chair Margeson voting in opposition.*

[Timestamp 1:55:47] *Vice-Chair Mattson moved to **grant** the variances for the petition, seconded by Mr. Rheume.*

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 a few properties across the street were the same size and many other properties in the neighborhood were below the required square footage for the zone. He said the house would be a modest one by nature of the smaller lot and fitting within the yard setbacks. He said the ordinance stated that there was a desire for more affordable homes, and by the nature of the parcel being smaller, it would fall under that. He said substantial justice would be done because the benefit to the applicant should not be outweighed by harm to the general public or others. He said the Board heard comments from the neighbors that were concerning but that he did not know if it applied specifically to the property and the variances being requested. He said it would not change anything about the actual property because it was the same parcel that had been re-established with the same property lines. He said the flooding issues would still remain if the variances were denied. He said denying the variances would prevent an otherwise buildable lot with a decent-sized home, which would be substantial justice. He said that benefit to the applicant would not outweigh any potential harm of a future stormwater mitigation system failing from lack of maintenance. He said granting the variances would not diminish the values of surrounding properties, noting that the expert testimony was not conclusive but also could not be ignored. He said the parcel exists and any new construction of a modest single-family home would not decrease the values of surrounding properties. He said literal enforcement of the ordinance would result in unnecessary hardship due to the property's special conditions that included the legal definition of the merging and unmerging. He said despite the small lot size, there was a buildable envelope that

would meet all the yard setbacks regarding light, air, and privacy. He said the proposed use is a reasonable one, a modest single-family home in a neighborhood of modest single-family homes.

Mr. Rheume said the applicant showed that a 50'x100' lot was a buildable one and would be reviewed and approved by the City's building department and the Department of Public Works. Chair Margeson said the stormwater issues were not created by the lot but that she understood the neighbors' concerns. Mr. Rossi said the Board's purview was to decide whether "the" lot in question was a buildable lot and not whether just "a" lot of that size was a buildable lot. He said the use of the indefinite article was an important distinction.

*The motion **passed** by a vote of 4-3, with Mr. Sullivan, Mr. Rossi, and Mr. Mannle voting in opposition.*

- D.** The request of **Stewart Baker Revocable Trust (Owner)**, for property located at **20 Coffins Court** whereas relief is needed for the construction of a spiral staircase on the left side of the home and dormers on the third floor which requires the following: 1) Variance from Section 10.521 to allow a) 4 foot right side yard and a 5 foot left side yard where 10 feet are required (*approved January 21, 2026*), b) 50.5% building coverage where 35% is allowed; c) 4.5% open space where 20% is required; and d) a 6.5 foot rear yard where 20 feet is required. Said property is located on Assessor Map 135 Lot 53 and lies within the General Residence C (GRC) District. (LU-25-164)

Mr. Lucas recused himself from the petition. Chair Margeson noted that the Board approved Variance 1a at their January meeting and postponed consideration of Variances 1b and 1c until 1D could be noticed. She said therefore only Variances 1b, 1c, and 1d would be addressed.

#### **SPEAKING TO THE PETITION** [Timestamp 2:20:05]

Attorney Stephanie Johnson was present on behalf of the applicant, along with the owners, project engineer Alex Ross, and project architect. She reviewed the petition and criteria.

The Board had no comments, and 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 2:27:16]

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

Mr. Rossi said the Board had heard and considered the application in a previous meeting and that the reason it was before them now was because there was a technical issue regarding the noticing of the application at the prior meeting. On that basis, he said all the facts the Board found in the

previous discussion were still relevant, and he believed that granting the variance would be consistent with Sections 10.233.21 and .22. He said the project would observe the spirit of the ordinance because it was a small change in the footprint of the house and would not conflict with the purposes of the ordinance in terms of preserving open air, light, and space in the surrounding properties. He said substantial justice would be done because there would be no loss to the general public that would outweigh the loss to the applicant should the petition be denied. He said granting the variances would not diminish the values of surrounding properties, noting that the Board heard confirmation from the surrounding property owners that were in support of the project. He said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. He said the home was an older one and that nothing could be done about its location on the property. He said the encroachments were preexisting and impractical to change, and that the application did not add to those in a substantial way. Mr. Rheame concurred. He said the application was driven by the desire to create a screened-in porch on the back side and to move the stairs closer to the edge of the property. He said it was an open structure, however, and would not affect light and air.

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

Mr. Lucas recused himself from the following petition.

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

#### **SPEAKING TO THE PETITION [Timestamp 2:33:53]**

Attorney Tim Phoenix was present on behalf of the applicant, with the applicant's representative Mike Garrapy and the project engineer Alex Ross. Attorney Phoenix said the intent was to remove the existing home and barn in favor of a new home. He said the house and barn were not in good shape. He explained why the variances were needed. He noted that a letter from the NH Preservation Alliance about whether the barn could be preserved. He said he did not think that was possible but thought the barn could be moved off the property. He said the barn was not an issue because the house was not in the Historic District. He reviewed the criteria.

[Timestamp 2:48:16] Mr. Rossi asked if where the applicant chose to draw the new dividing line between the lots drove the requirements for the variances for the rear lot line on the Coffins Court lot. Mr. Ross said he prepared the survey plans and that the parcel on Coffins Court was an odd-

shaped one. He said the rear line was the farthest from Coffins Ct, which was shown as 22.92 feet. He said the other rear line was considered a side line. Mr. Rossi said if the line were drawn 1.6 feet farther into the Austin St lot, the variance would not be required. He asked why it was there. Mr. Ross said if they moved that line an inch, the Austin St parcel would not be conforming. He noted that in the 1980s, there was a division line between the two parcels. Mr. Rheume said the driver for the bulkhead was the 5-1/2 ft radius away from the side lot line corner, so he did not think the 18-ft rear yard setback was really needed. Mr. Ross agreed and said they wanted to cover all the bases. Mr. Rheume confirmed that the condensers were allowed to be anywhere but the front yard setback due to the recent zoning ordinance change, so no relief was necessary for that. He asked if the steps were an element that could be a setback for the Coffins Ct property. Mr. Ross agreed. Mr. Rheume asked if Mr. Ross looked at the turning radius needed to get a vehicle into the proposed garage and driveway. Mr. Ross said they went before the Technical Advisory Committee to address the issue and would return to them and the Planning Board for a full review. Vice-Chair Mattson noted that there were companies that paid for post-and-beam structures and made them compliant on a separate property. Chair Margeson said the Board had a letter from the NH Preservation Alliance stating that the barn was historically and architecturally significant, and she asked if the barn's removal would run afoul of that provision. Attorney Phoenix said it was almost impossible to save the barn and financially unfeasible to make it code compliant, but they could agree to preserve it by moving it off the property.

Chair Margeson asked why the current zoning prevented the applicant from putting a single structure on the property. Attorney Phoenix said a garage or ADU could be put on the lot but thought it was a shortsighted analysis of what was permitted under the ordinance. He said they would improve setbacks and do other positive things. It was further discussed. Chair Margeson said she thought it was a hardship problem due to the very tight area and that it was concerning to subdivide a lot and put two houses on it. She asked Attorney Phoenix to address those concerns in terms of light and air and the characteristics of the neighborhood. Attorney Phoenix said the barn would make all those issues worse and that what they planned to do would improve all those issues. Chair Margeson said there was a 'for sale' sign on the lot and asked if the applicant would buy the property. Attorney Phoenix said his client Chris Ward intended to buy all of it. Mr. Garrapy agreed. Attorney Phoenix showed how the existing home was close to the front lot line and one of the side lot lines. It was further discussed.

Chair Margeson opened the public hearing.

### **SPEAKING IN FAVOR OF THE PETITION**

No one spoke.

### **SPEAKING IN OPPOSITION TO THE PETITION [Timestamp 3:11:43]**

John Ragonese of 74 Cabot Street said his backyard was the barn at one time. He said the request before the Board was from the seller and the buyer. He said the current buyer wanted to buy the

property but it was contingent on the variances being granted. He said it was not the Board's responsibility or objective to ensure that the two parties were made whole with respect to speculative investment decisions, yet the applicants were seeking relief on that basis. He said the memo from the applicant minimized several impacts of the project. He said there were extremely tight houses in that area and that he did not think any analysis was done.

John Mayer of 68 Cabot Street said his house was 70 years older than the barn and that they invested the money to make it livable. He said if the Board approved the variance, permission would be given to the applicant to remove the barn and the house. He said the owner made the house unlivable by her renovations, and now she wanted a remedy in the form of selling the property. He said it was a self-created hardship. He said the two structures were contributing structures to the Historic District due to the National Register nomination.

Laura Stewart of 20 Coffins Ct said the project would block light and air and that the owner would need her driveway for the turning radius.

Barbara Ward of 16 Nixon Park said she was a member of the Portsmouth Advocates. She read a statement written by the Director of the Historical Society that included the following: The preservation and enhancement of historic buildings and structures are reflected citywide and are not limited to the Historic District. The barn is a contributing resource to the Downtown Portsmouth National Historic District, which means that both the NH Division of Historical Resources and the National Park Service determined that it meaningfully contributes to Portsmouth's historic fabric. Urban barns are increasingly rare and help tell an authentic story of how Portsmouth functioned, and once demolished, that story cannot be reconstructed.

Keith Smith of 30 Coffins Ct said his family would lose privacy because their bedrooms would be looking into the proposed house's bedrooms.

#### **SPEAKING TO, FOR, OR AGAINST THE PETITION [Timestamp 3:34:03]**

John Ragonese of 74 Cabot Street said the design drawings showed a level grade but that the grade was actually five feet lower on the left side of the house. He said the s-shaped lot had not been in existence for a long time because a property line adjustment was granted that made his lot nonconforming. He said the City was responsible.

Attorney Phoenix said the barn's preservation had to be balanced against people's property rights. He said the barn had been deteriorating for years, likely due to the cost of renovating it. He questioned the vagueness of the NH Preservation Alliance's letter because they did not have hard facts or an expert's opinion. He said the lot next door did not meet the 350-sf lot area requirement but people had been living there for almost 100 years. He said the project met the requirements and that what would go in there would be more dimensionally compliant with zoning.

Barbara Ward recommended that the neighbors and the owner discuss solutions.

Cynthia Smith of 30 Coffins Ct said the applicant should build a smaller home.

Attorney Phoenix said the property was for sale twice in the past few years and that no one from the NH Preservation Alliance offered to buy it.

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

#### **DISCUSSION OF THE BOARD** [Timestamp 3:48:58]

Mr. Rossi said it was important to clarify what is and what is not in the Board's purview. He said the Board was not here to facilitate the profit motive of property owners but was not here to thwart it either. He said approving the demolition of structures in town were not within the Board's purview, and preserving historic structures outside of the Historic District were also not within their purview. He suggested that people who live in such neighborhoods participate in the master plan process to make their opinions known. Vice-Chair Mattson said even if the Board denied the variance, the barn could be demolished. He said what was proposed was closer to conforming and more typical to the neighborhood than what was currently there, in terms of setbacks and the building's size and height. Mr. Rheume said the City established a Demolition Committee, which was not really supported by State law. He said there was some talk about the National Historic District but that it was very broad. He said there was a dollar value associated with the applicant's property that truly determined if something could be preserved or not. He said issues of what a rear property line was could actually be a side property line, according to the way the ordinance was written. He said the only thing in the applicant's petition that was a rear property line was the new dividing line that the applicant was creating between the two properties and that everything else was a side property line. He said the main structure was within the envelope that the applicant was allowed to build in, with the exception of a small balcony or a set of stairs.

#### **DECISION OF THE BOARD** [Timestamp 4:08:14]

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

Mr. Rheume said the Board was just one step into the process and that there would be more steps that still apply before a home is built on either property. He said currently the property was fully conforming now with a single-family home and an accessory structure. He referenced a similar case on South St where the Board had the same debate and that was also a rectangular property and had the potential to be rebuilt with a two-family structure. He said what was unique about the current applicant's property was that it was ell-shaped, which created a sense that it could have been a two-dwelling property. He said in 1976, there were two separate properties. He said now the property dictates that there is a natural parting point in the connector between the two. He said he was fine with where the property line is and that one of the two lots will have to be smaller than is allowed per the zoning ordinance. He said the fundamental point is that there is a unique hardship associated with the property. As far as historic preservation, he said he loved working with the Portsmouth Advocates but the Board has a legal obligation to uphold the rights of property owners as well, and

there was a balance there. He said the proposed home looked the same as many of the other properties along Coffins Ct, and Coffins Ct was unique and had a very narrow street. He said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said the proposal would not violate the general characteristics of the neighborhood in a significant way. He said people came to the Board to ask for some level of relief, and the zoning ordinance is very broad in its application. He said the Board recognizes that individual properties may have characteristics that lend themselves to doing something that is not strictly in compliance with the neighborhood. He said it would be tight but better than what was there now. He said the Planning Board and TAC could have significant concerns that could change what would or would not get developed in that location. He said substantial justice would be done. He said the property was tight and oddly shaped, and the applicant was trying to take advantage of that, which he thought gave the applicant the slight advantage in the balancing test. He said granting the variances would not diminish the values of surrounding properties. He said the barn has a unique historic interest and harks back in time, and he did not see that a new residential use would negatively impact surrounding property values because the home would be consistent with other things in that area. He said the property was unique because it fronts on two streets and has an ell connector that once belonged to two separate parcels. He said a lot had changed in the 150-year period, and to say that it should not change one more time did not make sense. He said the proposal was to put in a residential use that is consistent with the other residential uses in the immediate neighborhood. Mr. Sullivan concurred. He said writing a zoning ordinance to regulate everything that happens on every property everywhere in the City was difficult, particularly in Portsmouth's 400-year period. He said people built whatever they wanted during the first 325 years, but for the last 75 years, the City tried to impose regulations over all that. He said there would always be circumstances where some relief had to be afforded. He said the barn was one of the reasons why the property was unique and had to get some kind of relief.

*The motion **passed** by a vote of 4-2, with Mr. Mannle and Chair Margeson voting in opposition and Mr. Lucas recused.*

*At this point in the meeting, Vice-Chair Mattson moved to go past 10:00, seconded by Mr. Rheaume. The motion **passed** unanimously, 7-0.*

### III. NEW BUSINESS

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

**SPEAKING TO THE PETITION** [Timestamp 4:27:60 ]

The owner Alex Hussein was present and reviewed the petition. He said there was not much yard space, so he wanted to remove the rotting garage and shed and replace them with a two-story addition and attached garage. He reviewed the criteria.

[Timestamp 4:31:51 Mr. Rheume verified that there would be no windows in the garage and that the four windows at the top would be higher and smaller than normal. He said it was important because the structure would be close to the neighbor's property line. Mr. Sullivan asked Mr. Hussein what the property's special conditions were that created the unnecessary hardship. Mr. Hussein said the lot was a corner lot, so the driveway entered from the back of the property and there was no way to address the existing garage except to keep it there or move it forward. Vice-Chair Mattson asked if the vegetation around the property was maintained by Mr. Hussein. Mr. Hussein agreed and said the vegetation provided a decent amount of privacy.

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 4:35:09 ]**

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

Mr. Rossi said granting the variances would not be contrary to the public interest and would observe the spirit of the ordinance. He said the spirit of the ordinance with regard to setbacks generally pertains to light, space, and air movement between properties. He said the current condition of the property was that there is a structure to be demolished that is more encroaching on the rear yard setback than the proposed new structure, so it is an improvement over current conditions that directly affect achieving the purpose of the ordinance in a positive way. He said substantial justice would be done because there would be no loss to the public by granting the variance. He said granting the variance would not diminish the values of surrounding properties because it would be less encroachment on the rear lot line. He said the design was a pleasant one and looked like it would add to the streetscape and the neighborhood's appearance and have a positive impact on the values of surrounding properties. He said literal enforcement of the provisions of the ordinance will result in an unnecessary hardship. He said what is unique about the property is that the lot itself is somewhat of an irregular-shaped one where the front lot line and rear lot line don't run in a parallel direction and the house itself is not oriented on the same access as the rear line, so the part of the new structure that intrudes on the rear yard setback is really a point and not the entire broad side of the structure. He said those are special conditions that make the application of the setback standard somewhat inappropriate in this case. Mr. Rheume concurred. He said the hardship criteria was the most significant one because the addition was a substantial one. He said the garage's location did not make a lot of sense, but the second floor had a minimum of glass. He said the neighboring property had their driveway on the same side, which would reduce some of the impact on light and

air. He said the overall 26 percent coverage was less than what was there currently and that the applicant was also adding less structure instead of more structure.

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

- B.** The request of **Phoebe Hart LLC (Owner)** and **Blush LLC (Applicant)**, for property located at **404 The Hill, Units 8-3** whereas relief is needed for a personal service business which requires the following: 1) Variance from Section 10.440, Use #7.20 to allow a personal services business where it is not allowed. Said property is located on Assessor Map 118 Lot 26-8 and lies within the Character District 4-L1 (CD4-L1). (LU-26-6)

#### **SPEAKING TO THE PETITION** [Timestamp 4:41:55 ]

The owner Phoebe Hart was present and said she wanted to relocate her personal services business to consolidate operations into one location. She said the new location would allow five treatment rooms instead of four. She said the business would stay as an appointment-only one and that parking would not change. She said there would be no exterior changes except for painting the front door. She reviewed the criteria. She said she was also asking for three signs: a small plaque by the main door, a hanging sign for wayfinding, and a wall-mounted sign on the rear for wayfinding. She said they were modest signs and not internally illuminated.

[Timestamp 4:48:10] Mr. Sullivan asked how the applicant's property was different from the others in The Hill. Ms. Hart said she was only familiar with 408 and 404 The Hill and that the new location would be strictly commercial, unlike the previous location. She said the physical features of the property would not be different because it was already an office building. Mr. Rheume said the Board granted permission the previous year to allow 480 The Hill to continue operating contingent upon being on an appointment-only basis. He asked Ms. Hart if she would be willing to keep it as an appointment-only use, and Ms. Hart agreed.

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 4:50:21 ]

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

- 1) The use shall be limited to a by-appointment basis only.*

*Mr. Rheume seconded.*

Mr. Rossi said the history of the applicant's interaction with the Board was relevant to the current application. He said there was an extensive interrogatory session when the applicant first came before the Board regarding the nature of the business and services offered and whether they fit into the neighborhood, and the applicant satisfied the Board that it was an appropriate operation. He said it was the same operation but was just moving next door and just slightly expanding. He said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said there would be no public interest in preventing the business from operating in the neighborhood because it was already there and there would be no impact in moving it one or two doors down. He said substantial justice would be done because there would be no loss to the public by denying the application, particularly since it is a business currently in operation in almost the same location. He said granting the variance would not diminish the values of surrounding properties because it was inconceivable that continuing to operate the same business that had been successfully operated within ten years would suddenly diminish the values of surrounding properties. He said literal enforcement of the provisions of the ordinance would result in an unnecessary hardship. He said normally the hardship was based on a unique aspect of the property that differentiates it from the surrounding ones, but there was also the consideration of whether or not the strict application of the ordinance achieves any particular purpose of the ordinance, and in this case it does not. He said all the criteria were satisfied. Mr. Rheume concurred and said it was an unusual situation because in general, The Hill was a component of the CD4-L1 district, and that particular building was not different from the other buildings but was in a pocket surrounded by the CD5 district. He said there was generic parking in the area so people would not be demanding nearby parking. He said the stipulation was important and put the business in the same category as other permitted uses in The Hill, which were appointment-based or had limited hours. He said The Hill was a unique property amongst all the properties in the CD4-L1 district in terms of that.

*The motion **passed** by a vote of 6-1, with Mr. Sullivan voting in opposition.*

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

#### **SPEAKING TO THE PETITION** [Timestamp 4:58:15]

The owner Nathaniel LeGros was present along with his designer Chris Kipper and reviewed the petition. He said the new building would be in the same location and would connect to the house. He reviewed the criteria.

[Timestamp 5:04:52] Mr. Rheume asked if the mini wraparound deck over the one-story addition to the back of the house had any connection with the proposed small deck. Mr. LeGros said it did

not. Mr. Rheume asked why the existing garage couldn't be pushed up closer against the house. Mr. Le Gros said he wanted to preserve the garage at that end of the property because it mirrored the property's layout already. Regarding keeping the extension and having the space between the main house and the garage, he said he enjoyed the courtyard aspect of it and that it was consistent with the ones down Chatham Street. Mr. Rheume said it would now be a two-story garage, however. He asked why the proposed garage was longer than the existing one. Mr. LeGros said the additional seven feet was to facilitate the staircase in the back to get to the top floor, as well as a car. He said he also wanted to elaborate on the additional space at the top to have a woodworking woodshop space. Mr. Rossi said Mr. LeGros would not need any of the setback variances if he moved the addition forward a foot or two. Mr. LeGros said he would still need the side yard setbacks. He said the current open space was used as a walkway to get to the funeral home and the church and eliminated his privacy. Mr. Kipper said they worked through the ways to get a woodshop and a garage on the property and preserve the parking and courtyard vibe.

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 5:16:43]**

Mr. Rheume said if the applicant had a bigger lot and more room in the back, the design would be great, but his concern was that it would be a two-story structure up against a property line where there was a neighboring structure also up against a property line. Mr. Lucas said he walked by the property every day and believed that the design fit in with the neighborhood's character and preserved the owner's privacy. He said it was a challenging lot because it was exposed in all directions. Mr. Rossi said he did not see the property having a hardship that required building it way outside of the footprint of the building area and being so encroaching. Mr. Sullivan agreed.

### **DECISION OF THE BOARD**

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

Mr. Rossi said the reason for his motion was the hardship and whether there was something special about the property that meant it could not be used within the strict confines of the ordinance. He said it would be possible to avoid encroaching on the rear and side setbacks by adjoining the large garage right next to the existing structure without the breezeway. He said the application failed the hardship criteria. Mr. Sullivan concurred and had nothing to add. Vice-Chair Mattson said he liked the design and thought the property had unique conditions. He said the house's location on the property forced it to one side. He said it was a corner lot and that twenty feet on the side near the funeral home was needed. He said he wanted to support the project but also saw that it could be a

stretch to apply the hardship. Mr. Rheaume said he struggled with going all the way to the far end and being that intrusive into the rear setback requirement with a two-story structure. Chair Margeson said she would vote against the motion because wherever the applicant put the garage, there would be problems with the setbacks. She said it was a substantial addition but the corner lot was very irregularly-shaped and could accommodate the garage.

*The motion **failed** by a vote of 3-4, with Mr. Lucas, Mr. Mannle, Vice-Chair Mattson, and Chair Margeson voting in opposition.*

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

Vice-Chair Mattson said granting the variance would not be contrary to the public interest and would observe the spirit of the ordinance. He said a good argument was made that the addition would fit in with the character of the neighborhood despite its unique features. He said the Board's concern with the setbacks were about light, air, and privacy. He said granting the variance would not conflict with the purpose of the ordinance because it would be the same residential use but with a single-car garage and workshop addition. He said substantial justice would be done because the benefit to the applicant would not be outweighed by any harm to the general public or others. He said being within the setbacks, the property with its surrounding neighbors and location would not harm the public. He said the values of surrounding properties would not be diminished, noting that the Board heard no testimony to suggest otherwise and that the neighbors were in support. He said literal enforcement of the ordinance would result in an unnecessary hardship due to the special conditions of the property and the combination of factors, including the irregular-shaped corner lot and the existing house on it outside of the typical building envelope. He said the addition would not impose on someone's light, air, and privacy. He said the proposed use was a reasonable one. Mr. Lucas concurred and had nothing to add.

*The motion **passed** by a vote of 4-3, with Mr. Sullivan, Mr. Rossi, and Mr. Rheaume voting in opposition.*

#### **IV. ADJOURNMENT**

The meeting adjourned at 12:32 a.m.

Submitted,  
Joann Breault  
BOA Meeting Minutes Taker

## II. OLD BUSINESS

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

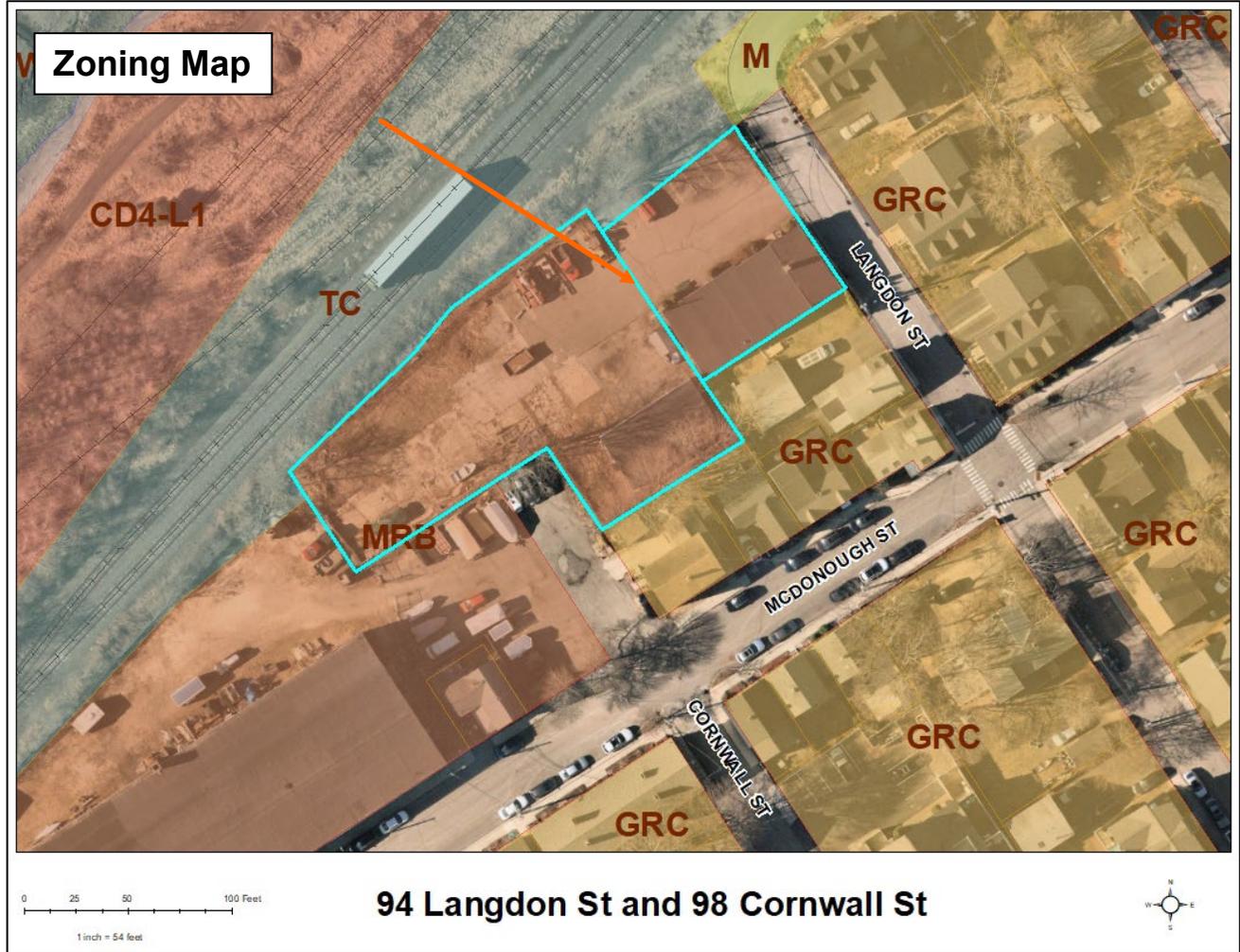
### Existing & Proposed Conditions

	<u>Existing Langdon Lot</u>	<u>Existing Cornwall Lot</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Commercial	Commercial	Construct 3 Single Family Dwellings	Mixed Use
<u>Lot area (sq. ft.):</u>	6,958	18,149	25,107	7,500 min.
<u>Lot area per dwelling unit (sq. ft.)</u>	NA	NA	8,369	7,500 min
<u>Street Frontage (ft.):</u>	88	0	<b>88</b>	100 min.
<u>Lot depth (ft.):</u>	80	71	>80	80 min.
<u>Front Yard (ft.):</u>	1	>5	10	5 min.
<u>Left Yard (ft.):</u>	1.6	>10	10.2	10 min.
<u>Right Yard/ Railroad (ft.)</u>	>15	5.3	15.4	15 min.
<u>Rear Yard (ft.):</u>	1.6	>15	20.9	15 min.
<u>Height (ft.):</u>	1 Story	1 Story	<40	40 max.
<u>Building Coverage (%):</u>	41	8.5	27.4	40 max.
<u>Open Space Coverage (%):</u>	26.5 (For both parcels)		41.5	25 min.
<u>Estimated Age of Structure:</u>	1810		<b>Variance request(s) shown in red.</b>	

### Other Permits/Approvals Required

- Building Permit
- Site Review (TAC and Planning Board)

### Neighborhood Context



## Previous Board of Adjustment Actions

### No previous history found for 94 Langdon St

#### 98 Cornwall St

**June 29, 1965** – Appeal for permission to construct a garage on your premises now located between Langdon and Cornwall Streets and the B & M right of way will be heard on July 27, 1965.

**July 27, 1965** – The Board **granted** a Variance to the terms of the Zoning Ordinance and wherein you requested to be allowed to construct a new garage within Lots #82, 83, 84, 93, 94, 95 & 103, as shown on Plan 19.

## Planning Department Comments

The applicant is requesting relief to demolish the existing commercial structures on each lot and construct 3 new single-family free-standing homes. The applicant proposes to merge the lots located at 94 Langdon St and 98 Cornwall St, which will make a conforming lot in all dimensions except for frontage. Staff recommends the Board confirm with the applicant that the rear steps and platform for Unit 1 do not exceed 18 inches in height.

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

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

## Variance Review Criteria

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

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

## 10.235 Certain Representations Deemed Conditions

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

**BY: EMAIL ONLY**

February 17, 2026

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

**RE: Revised Plan Set (LU-25-175)  
94 Langdon Street (Tax Map 139, Lot 8)  
98 Cornwall Street (Tax Map 139, Lot 1)  
Regan Electric Company, Inc. (Owner)  
Chinburg Development, LLC (Applicant)**

Dear Stefanie,

Please find a revised submission from Chinburg Development, LLC in connection with the above-mentioned variance application for properties located at 94 Langdon Street and 98 Cornwall Street. Following the original submission, at least one resident and Planning Department staff raised a concern about the applicability of a certain “view corridor” restriction contained in Section 10.5A42.40 of the Zoning Ordinance to the 96 Cornwall Street lot. To address that concern, the Applicant re-arranged the placement of the proposed dwellings to avoid having to request an additional variance. Accordingly, the relief being sought by the Applicant remains the same as contained in the original submission.

Should you have any questions or concerns, please do not hesitate to reach out to me.

Sincerely,



Derek R. Durbin, Esq.

**CITY OF PORTSMOUTH  
ZONING APPLICATION NARRATIVE**

**94 Langdon Street  
(Tax Map 139, Lot 8)  
98 Cornwall Street  
(Tax Map 139, Lot 1)**

**Regan Electric Company, Inc. (Owner)  
Chinburg Development, LLC (Applicant)**

**INTRODUCTION**

**The Property (“Lots”)**

Chinburg Development, LLC (“Chinburg” or “Applicant”) is under agreement to purchase two abutting lots of record located at 94 Langdon Street (Tax Map 139, Lot 8) (the “Langdon Lot”) and 98 Cornwall Street (Tax Map 139, Lot 1) (the “Cornwall Lot”). Both lots are owned by Regan Electric Co, Inc. (“Regan Electric”) which acquired the lots in 1992. The lots have served as the principal place of business for Regan Electric, a local electrical contracting business, since they were purchased. Each lot has one building on it both of which were constructed long before Regan Electric purchased the lots. Much of the remainder of the Property consists of a sea of pavement. The lots lie within the Mixed Residential Business (“MRB”) District. The lots are abutted to the north by the railroad tracks and North Mill Pond, to the west by industrial/commercial uses and to the south and east primarily by residential uses.

**Existing Conditions & Non-Conformities**

Langdon Lot

The Langdon Lot has 6,958 square feet of lot area. It has 88’ of continuous street frontage on Langdon Street. The existing building on the Langdon Lot is situated in close proximity to the common boundary with the property at 82 Langdon Street. In its existing condition, the Langdon Lot is lawfully non-conforming in the following respects:

<b>Provision</b>	<b>Requirement</b>	<b>Existing Condition</b>	<b>Non-Conforming Feature</b>
Lot Area	7,500 sq. ft.	6,958 sf.	Lot
Street Frontage	100’	88’	Lot
Front Yard Setback	5’	1.0’	Building
Left Yard Setback	10’	1.6’	Building
Rear Yard Setback	15’	1.6’	Building
Building Coverage	40%	41%	Building

## Cornwall Lot

The Cornwall Lot is 18,149 square feet. In its existing condition, it is non-conforming in the following respects:

Provision	Requirement	Existing Condition	Non-Conforming Feature
Street Frontage	100'	0'	Lot
Right Yard Setback	10'	5.3'	Building

The Cornwall Lot is essentially landlocked, although it is presently accessed through the Langdon Lot. While that lot has an address associated with Cornwall Street, the paved public right-of-way (“ROW”) does not carry all the way through to 98 Cornwall Street. The City Assessing Map is inaccurate, as it shows the street carrying through to 98 Cornwall Street and beyond. **Exhibit A (Assessing Map)**.

### **Zoning & Character of the “Neighborhood”**

There are only four (4) lots within the MRB Zoning District in this area of Portsmouth. **Exhibit B (Zoning Overlay Map)**. It appears that the MRB Zoning for these properties reflects the historical use of these properties more than it reflects a conscious policy decision to zone the area for mixed residential and business uses. Much of the surrounding area is zoned General Residence C (“GRC”), which only allows for residential uses. The area surrounding the Regan Lots is almost entirely comprised of higher density residential development, which is consistent with the spirit and intent of GRC Zoning.

### **Proposed Redevelopment**

Chinburg intends to merge the lots, raze the existing buildings, and construct three (3) separate colonial style single-family dwellings on the merged property. The merged property will have 25,107 square feet of total lot area. Access to the merged property will be achieved from Langdon Street. Merging the lots will bring the properties into almost complete conformance with the dimensional requirements of the Ordinance. The only non-conforming aspect of the land that will remain post-merger, which is a condition that cannot be cured, relates to the amount of continuous street frontage the new merged lot will have (88'). Otherwise, the conditions of the land will be markedly improved. The building setback encroachments referenced above will be eliminated, the merged property will conform to the lot area requirement, and building coverage and impervious surface coverage will be reduced. Impervious surface coverage will be reduced from 73.5% to 52.4% (total of both lots combined).

## SUMMARY OF ZONING RELIEF

The Applicant seeks the following variance from Section 10.521 of the Portsmouth Zoning Ordinance (the “Ordinance”): **to allow 88’ of continuous street frontage where 100’ is required in the MRB Zoning District.**

### 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.

#### Essential Character of the Neighborhood

Of the four (4) properties that lie within this MRB zoned area of Portsmouth, only one (1) complies with the 100’ frontage requirement – 135 McDonough Street. That property has a significant amount of frontage on McDonough Street. Otherwise, the Langdon Lot is the most nearly conforming property of the MRB zoned properties. The 88’ of continuous street frontage far exceeds the frontage on most, if not all surrounding GRC zoned / residential properties. *See **Exhibit B.*** The redevelopment of the land will result in abutting properties enjoying greater light, air and space than they presently do. It will also result in a use that is more consistent with most of the properties it is surrounded by and has similar or greater frontage

While not technically germane to the frontage variance being sought, the proposed homes will also be consistent in design and scale to the surrounding residential properties. Coincidentally, in 2017, Chinburg developed the single-family homes that are directly across the street to the east at 81, 91 and 101 Langdon Street. The design of the dwellings proposed on the merged property will be consistent architecturally.

For all of the reasons outlined above, granting frontage variance will not alter the essential character of the neighborhood.

## Public Health, Safety and Welfare

The proposed lot merger and redevelopment of the lots will achieve greater conformance with the requirements of the Ordinance than what exists now. The reduction in impervious surface coverage will also improve the environmental conditions of the Property. Chinburg's due diligence associated with its purchase of the land suggests that there are at least two (2) buried underground storage tanks ("USTs") on the lots. Chinburg will remove any USTs from the merged property and perform any remediation that is required by the NH DES pursuant to a Phase II Environmental Assessment. For these reasons, what is proposed will benefit the public health, safety and welfare. There is no detriment to the public health, safety or welfare with what is proposed. If approved, the merger and redevelopment of the lots will constitute a win for the City, the neighborhood, general public and Applicant alike.

### **Substantial Justice will be done in granting the variance relief sought.**

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 \(2007\)](#).

This is a rare example of an application where both the landowner and the public would only suffer a loss by denying the variances. If denied, the lots would remain in their existing non-conforming conditions. Nothing requires the owner or any future purchaser to bring the lots or the buildings thereon into conformance. They could be improved upon as they are. For this reason, there is no benefit to the public associated with denying variance. However, there is a loss to the Applicant associated with denying the variance. There is no way to cure the existing frontage non-conformity associated with the land, whether merged or un-merged. Denying the variance would merely deny the Applicant the opportunity to improve the conditions of the land in a reasonable, more conforming manner that is consistent with the character of the surrounding neighborhood. Accordingly, it would constitute a loss to the Applicant that is not outweighed by any gain to the public to deny the variance.

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

The values of surrounding properties will only benefit from new tastefully designed homes on the merged lots and from the elimination of the setback encroachments associated with the existing buildings. The redevelopment of the lots will result in more air circulation, light and space for the abutting properties than what exists. What is proposed will be a vast aesthetic and environmental improvement over what exists.

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

*The Property has special conditions that distinguish it from surrounding properties such that there is no fair and substantial relationship between the general purposes of the Ordinance provisions and their application to the Property.*

The property in this instance is comprised of two separate lots of record, both of which have unique conditions associated with them. As more specifically outlined above, the Langdon Lot is non-conforming with respect to lot area and frontage. The Cornwall Lot arguably does not have recognized street frontage or has very little of it, which renders it non-conforming in this respect as well. Both lots have structures that encroach into one or more of the yard setbacks. The lack of street frontage is a condition of both lots that cannot be changed, whether they are merged or not.

The Applicant will be taking the two lots and merging them into one more conforming lot. The merger of the two lots into one more conforming lot triggers the need for the frontage variance but the Ordinance itself, particularly Sections 10.320 and 10.330, encourage and strive landowners to bring their properties into greater conformance with the Ordinance when the opportunity exists. What is proposed by the Applicant comports with the purpose and intent of the Ordinance. For these reasons, there is no fair and substantial relationship between the general purposes of the frontage requirement and its application to this property.

*Use is reasonable*

The use of the merged lot for three detached single-family homes is permitted by right in the MRB Zoning District. Therefore, the use is per se reasonable under Section 10.440 of the Ordinance.

**CONCLUSION**

In conclusion, the Applicant has demonstrated that its application satisfies the five (5) criteria for granting the variance requested and respectfully requests the Board's approval. Thank you for your time, effort and consideration of the foregoing variances requests.

Dated: December 17, 2025  
(revised 2/17/2026)

Respectfully Submitted,

Chinburg Development, LLC

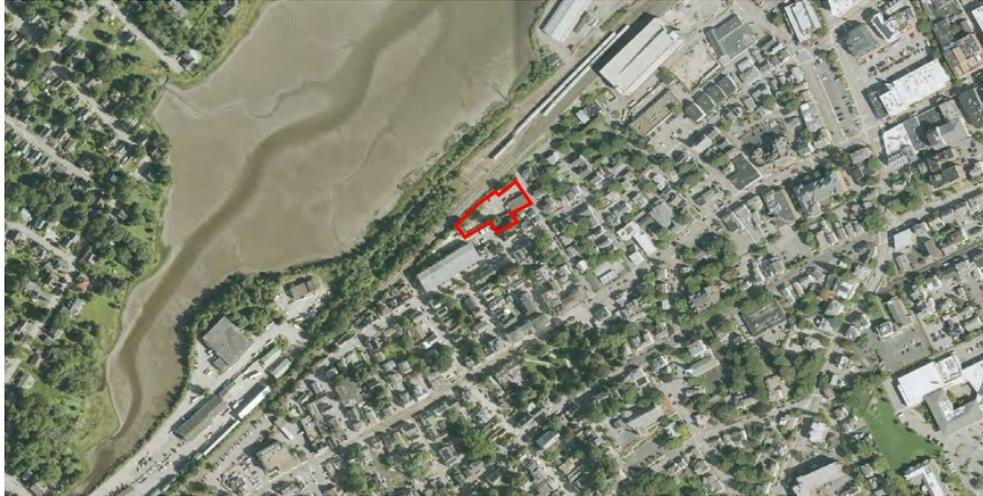
By and Through Its Attorney,



By: Derek R. Durbin, Esq.  
DURBIN LAW OFFICES PLLC  
144 Washington Street  
Portsmouth, NH 03801  
(603)-287-4764  
derek@durbinlawoffices.com



**Photos of 94 Langdon St & 98 Cornwall St**



Bird's eye view of area



Aerial view of 94 Langdon St & 98 Cornwall St

---

**Chinburg Properties**

3 Penstock Way | Newmarket, NH 03857 | 603.868.5995



View of Property from Langdon St



Garage at 98 Cornwall

---

**Chinburg Properties**

3 Penstock Way | Newmarket, NH 03857 | 603.868.5995



Northeast facing view.



View from Langdon St.

---

## Chinburg Properties

3 Penstock Way | Newmarket, NH 03857 | 603.868.5995



Current existing condition of the site.



Abutting home, (constructed by Chinburg).

---

## Chinburg Properties

3 Penstock Way | Newmarket, NH 03857 | 603.868.5995



More abutting homes (constructed by Chinburg).

---

**Chinburg Properties**

3 Penstock Way | Newmarket, NH 03857 | 603.868.5995

2/3/2026

# Sherlock

387.124.v26 GL (2/3/2026) - R2

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**Alt Window/Garage Door/Railing Color Option**

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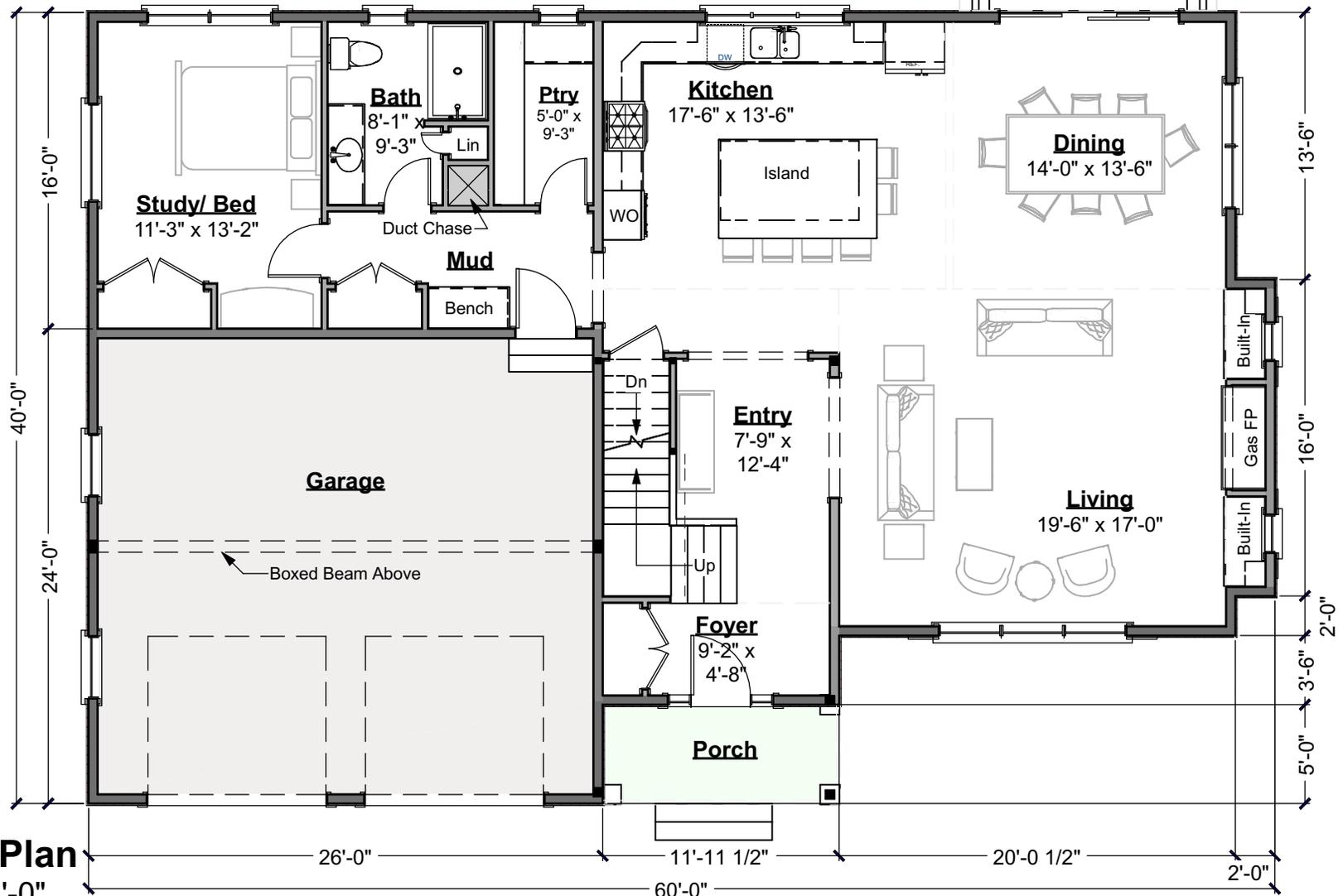


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**Living Area This Floor: 1518 sq ft**  
9 ft Ceilings +/-

**Patio** - Size TBD



## First Floor Plan

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

2/3/2026

# Sherlock

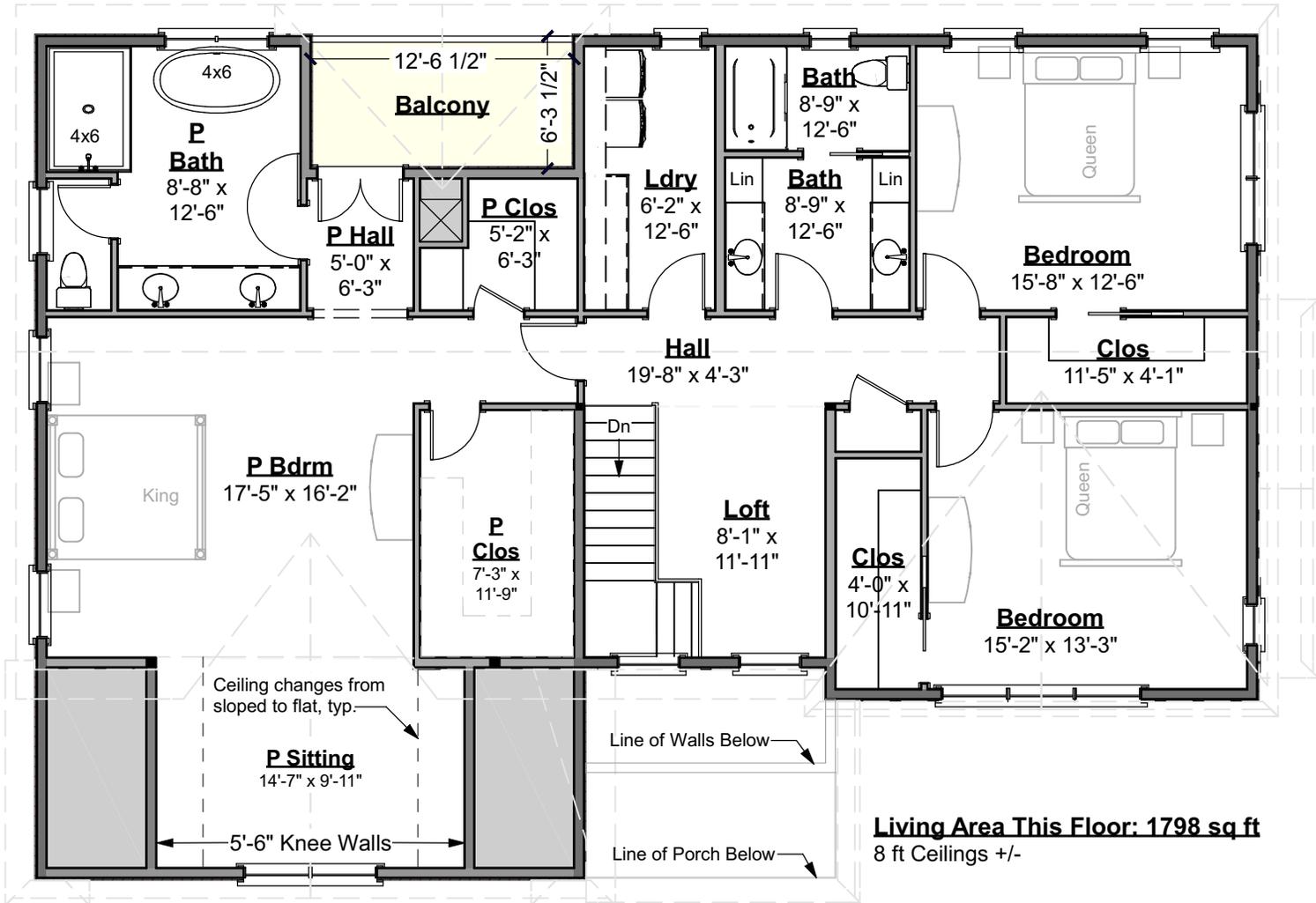
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## Second Floor Plan

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

CRS 387.124.v26 GL Sherlock

2/3/2026

# Sherlock

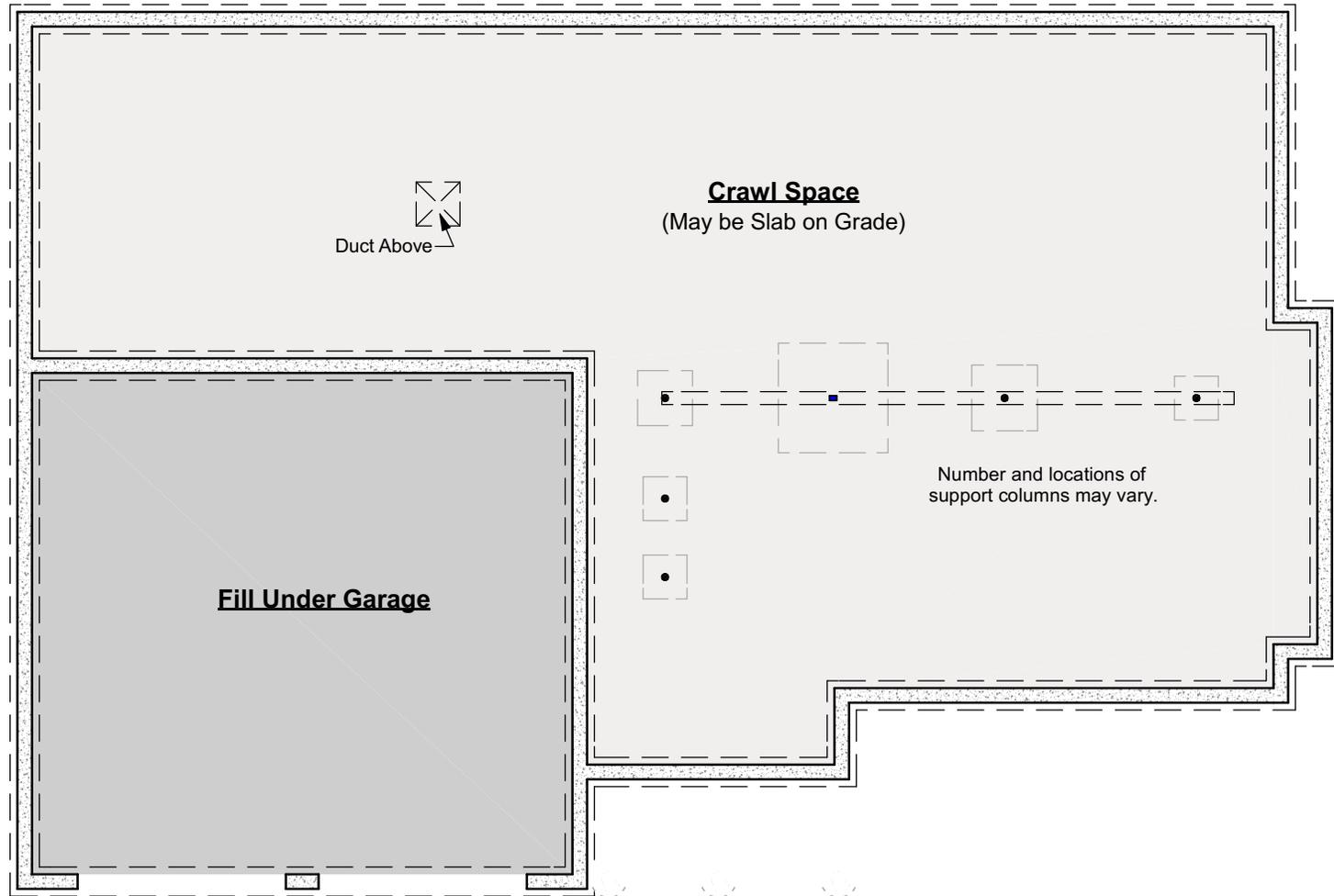
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## Foundation Plan

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

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## Front Elevation

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

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## Right Elevation

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

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## Rear Elevation

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

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## Left Elevation

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

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2/4/2026

# Elsa

1221.124.v2 GL (2/4/2026) - R2

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**Alt Window/Garage Door/Railing Color Option**

2/4/2026

# Elsa

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**Alt Window/Garage Door/Railing Color Option**

2/4/2026

# Elsa

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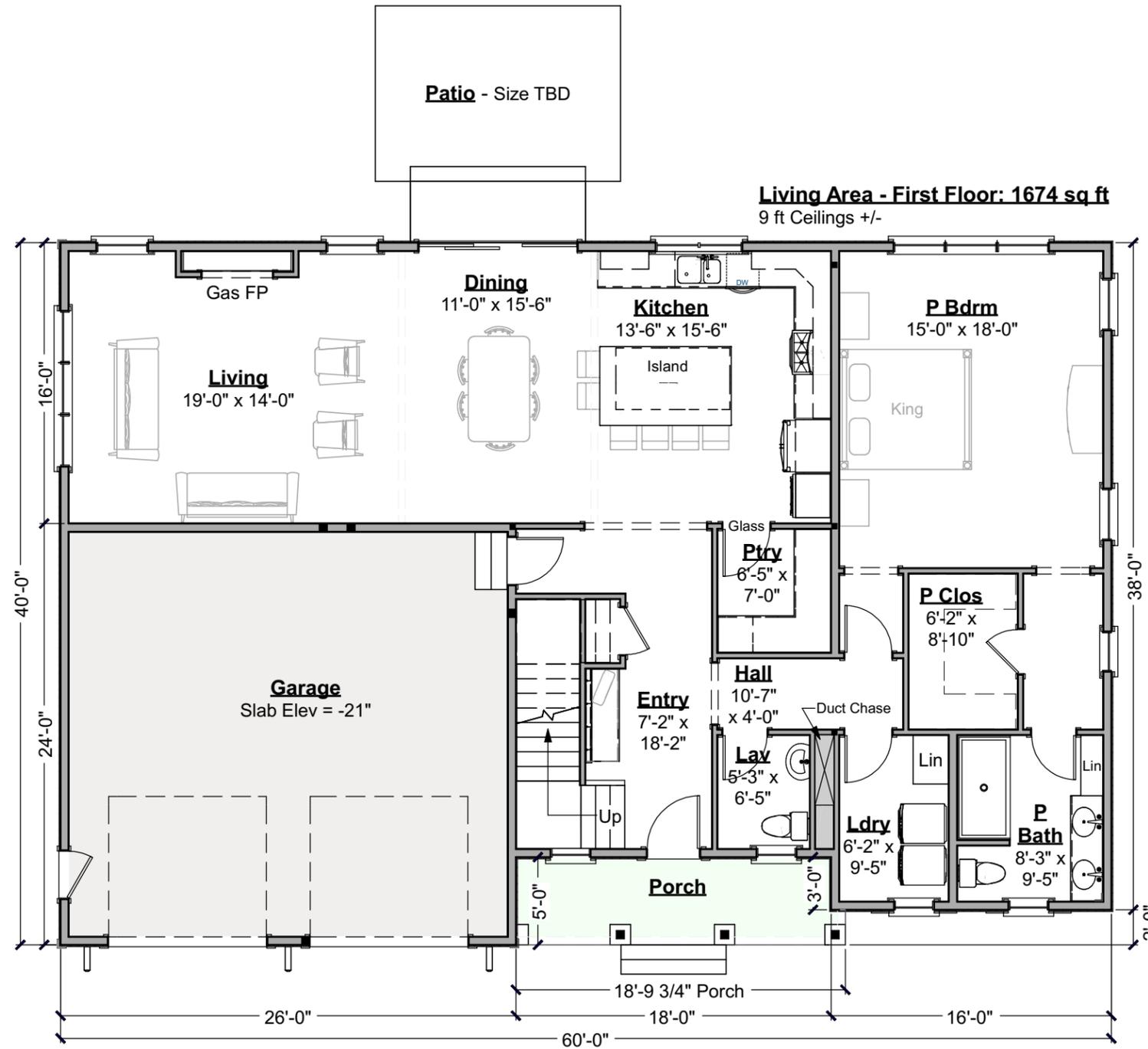
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## First Floor Plan

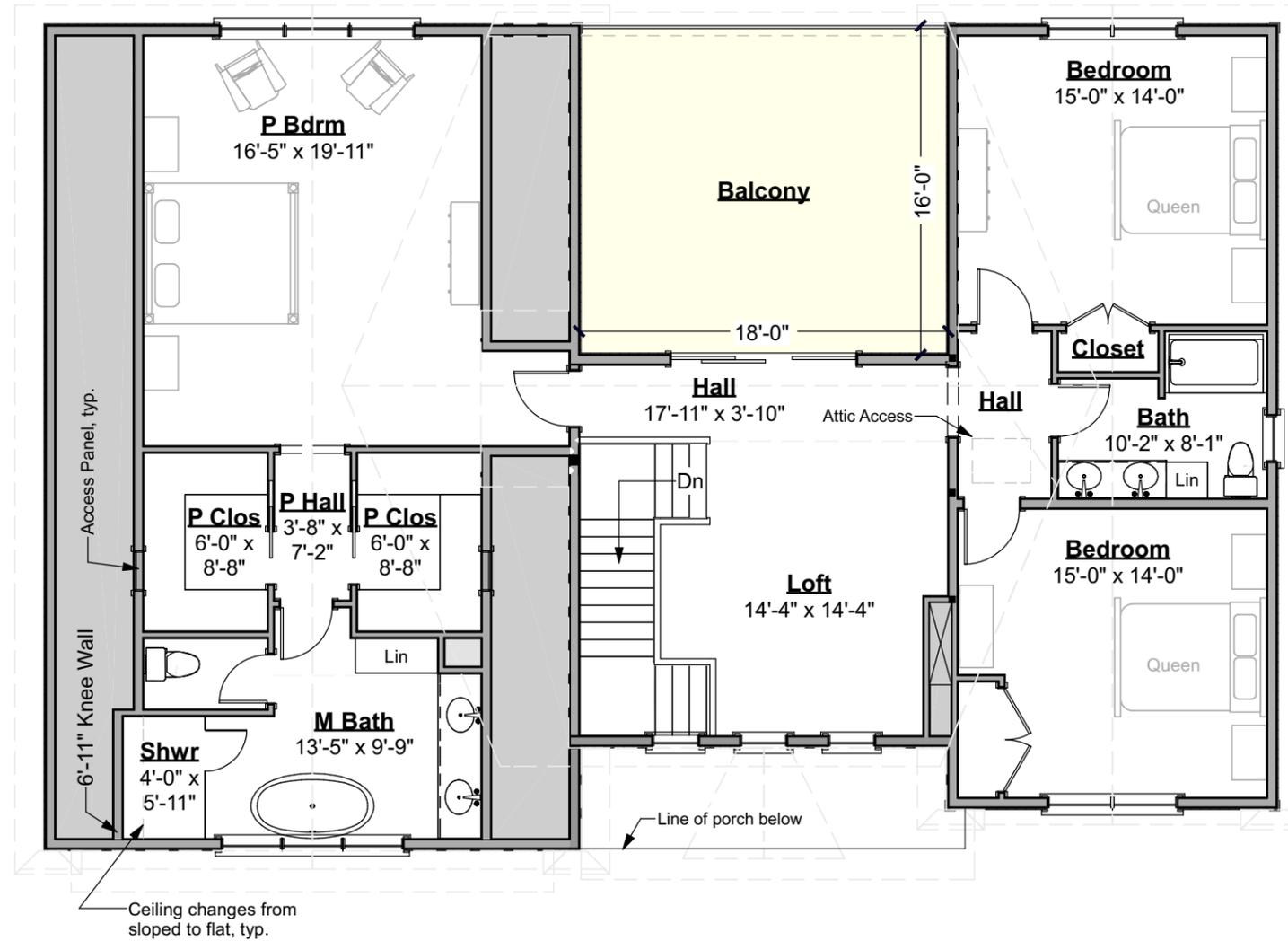
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**Living Area - Second Floor: 1684 sq ft**  
8 ft Ceilings +/-



**Second Floor Plan**  
Scale: 1/8" = 1'-0"

2/4/2026

**Elsa**

1221.124.v2 GL (2/4/2026) - R2

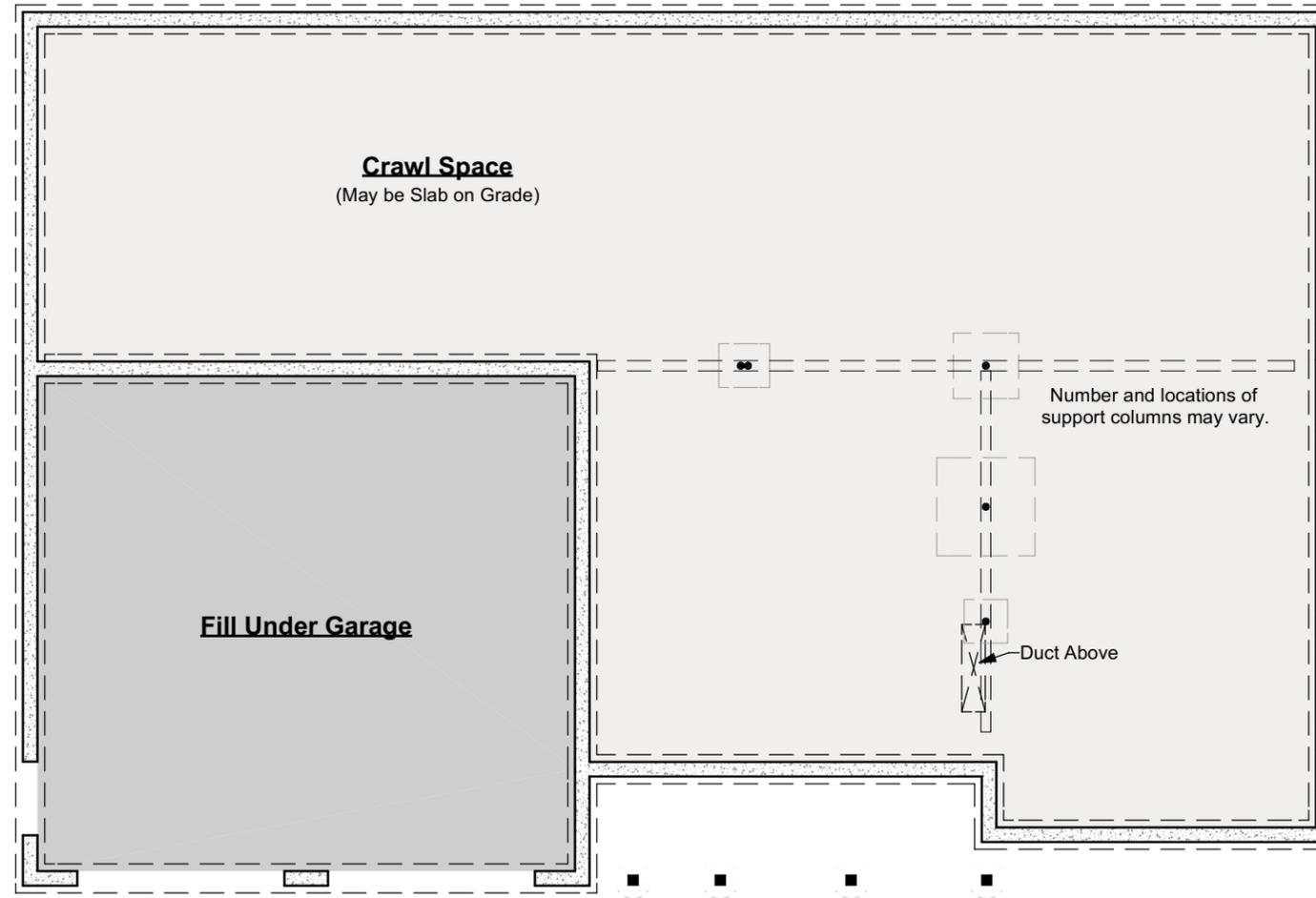
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## Foundation Plan

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

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# Elsa

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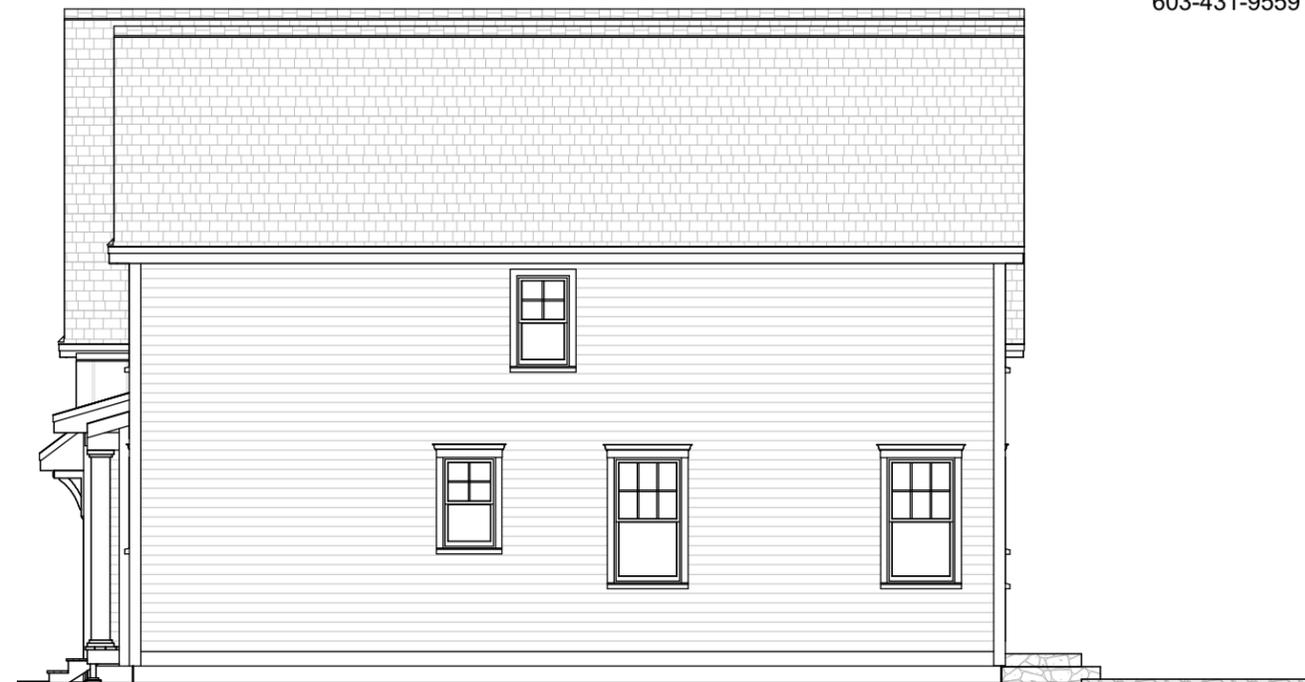


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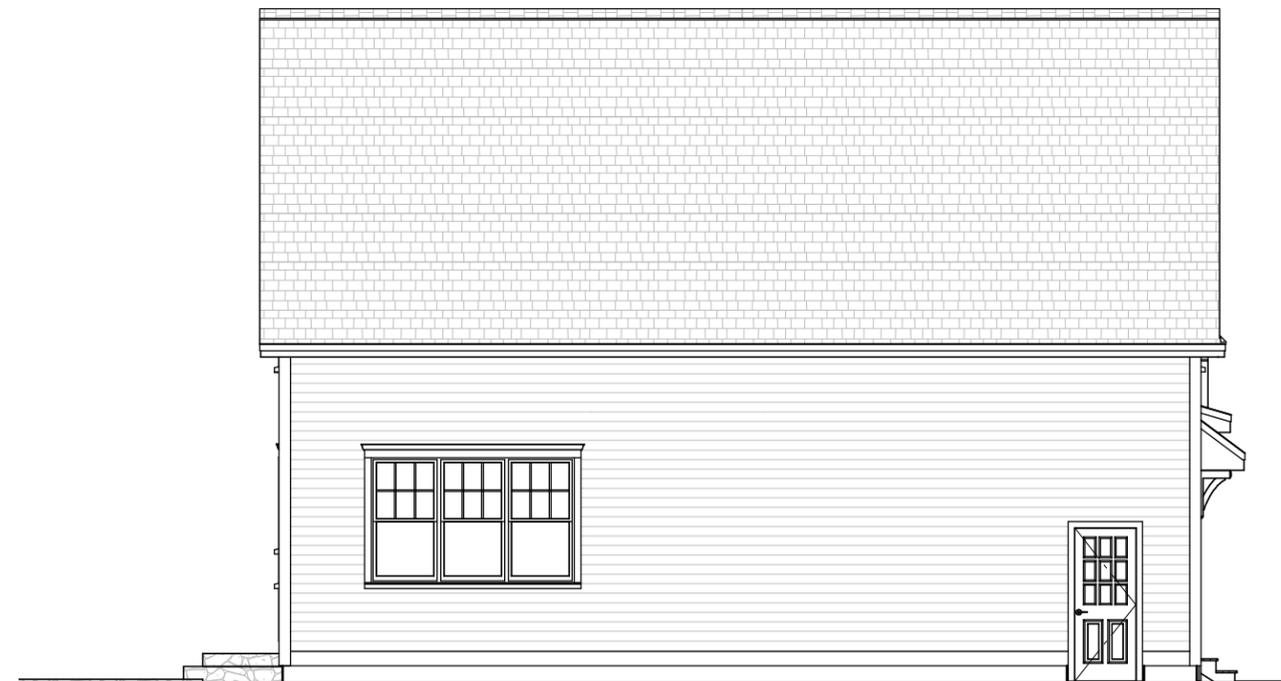
**Front**



**Right**



**Rear**



**Left**

**Elevations**  
Scale: 1/8" = 1'-0"



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2/10/2026

# Carter

1016.124.v2 GR (2/10/2026)



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2/10/2026

# Carter

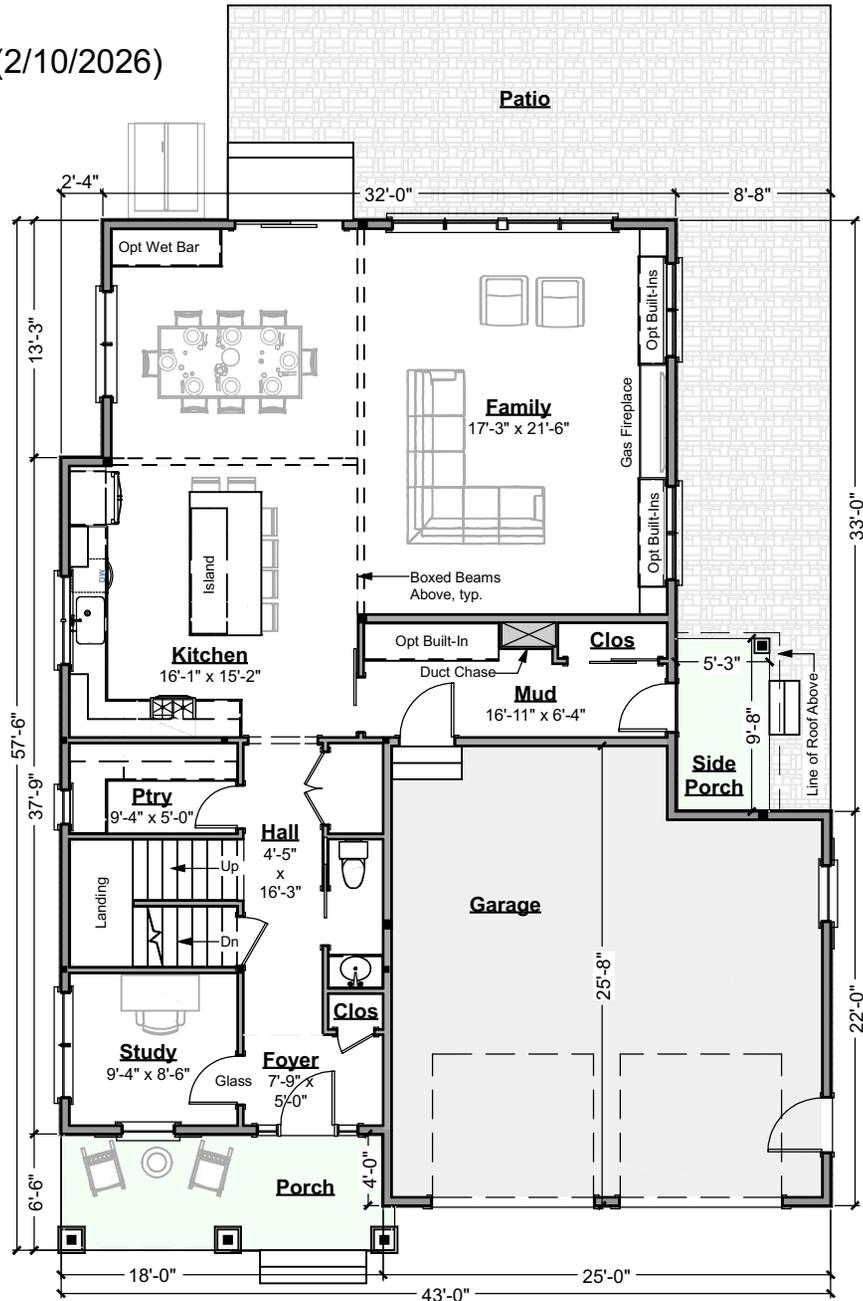
1016.124.v2 GR (2/10/2026)



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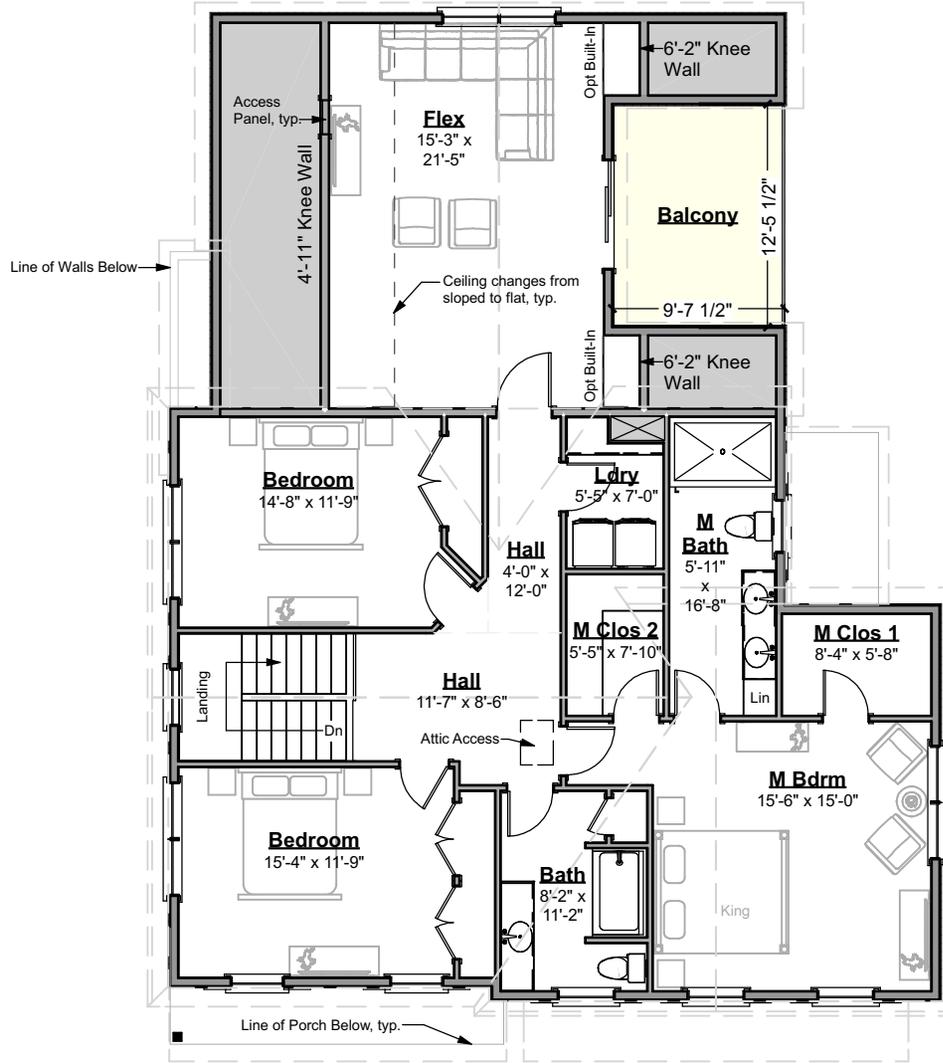
**Living Area this Floor: 1376 sq ft**  
9 ft Ceilings +/-, unless noted otherwise

**First Floor Plan**  
Scale: 3/32" = 1'-0"



**Living Area this Floor: 1688 sq ft**

8 ft Ceilings +/-



## Second Floor Plan

Scale: 3/32" = 1'-0"

2/10/2026

**Carter**

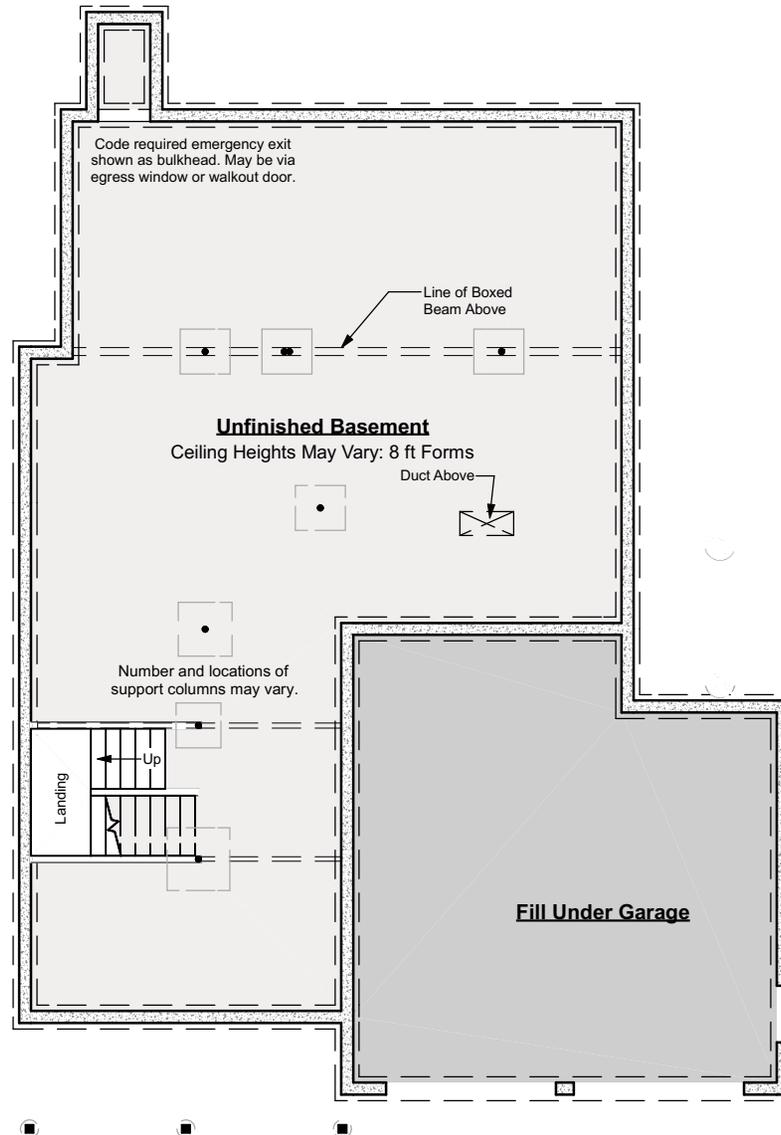
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**Foundation Plan**  
Scale: 3/32" = 1'-0"

2/10/2026

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## Front Elevation

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

2/10/2026

# Carter

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**Right Elevation**

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

2/10/2026

# Carter

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**Rear Elevation**

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

2/10/2026

# Carter

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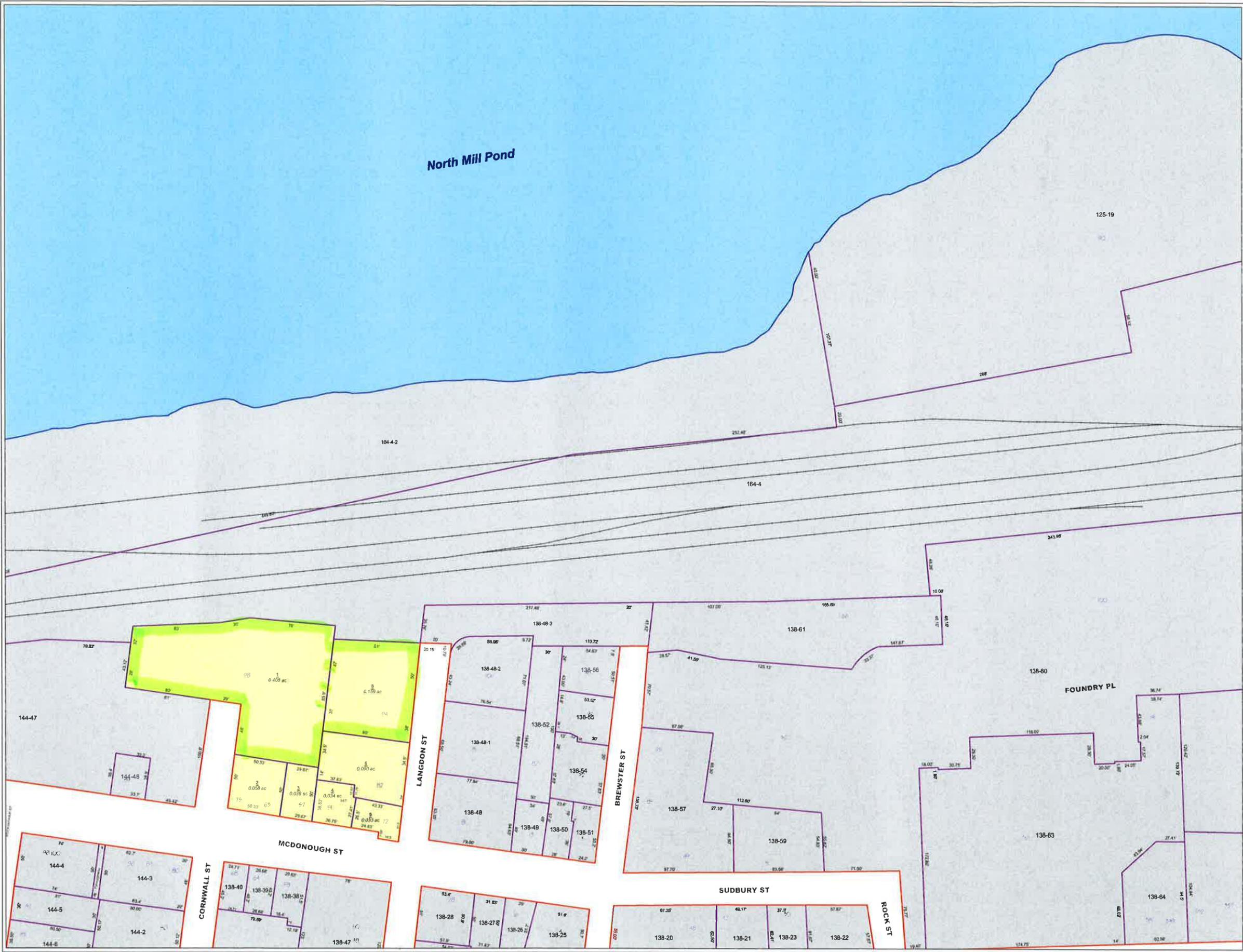
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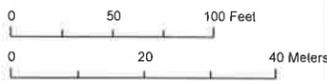
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**Left Elevation**  
Scale: 1/8" = 1'-0"



- Partial Legend**  
 See the cover sheet for the complete legend
- 7-5A Lot or lot-unit number
  - 2.56 ac Parcel area in acres (ac) or square feet (sf)
  - Address number
  - 233.137 Parcel number from a neighboring map
  - 68 Parcel line dimension
- SIMS AVE** Street name
- Parcel/Parcel boundary
  - Parcel/ROW boundary
  - Water boundary
  - Structure (1994 data)
- Parcel covered by this map
  - Parcel from a neighboring map (see other map for current status)



*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 139**



**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 10/23/2025

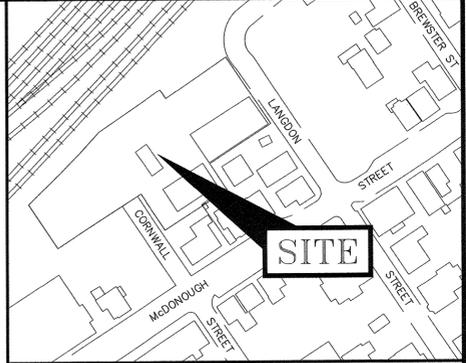
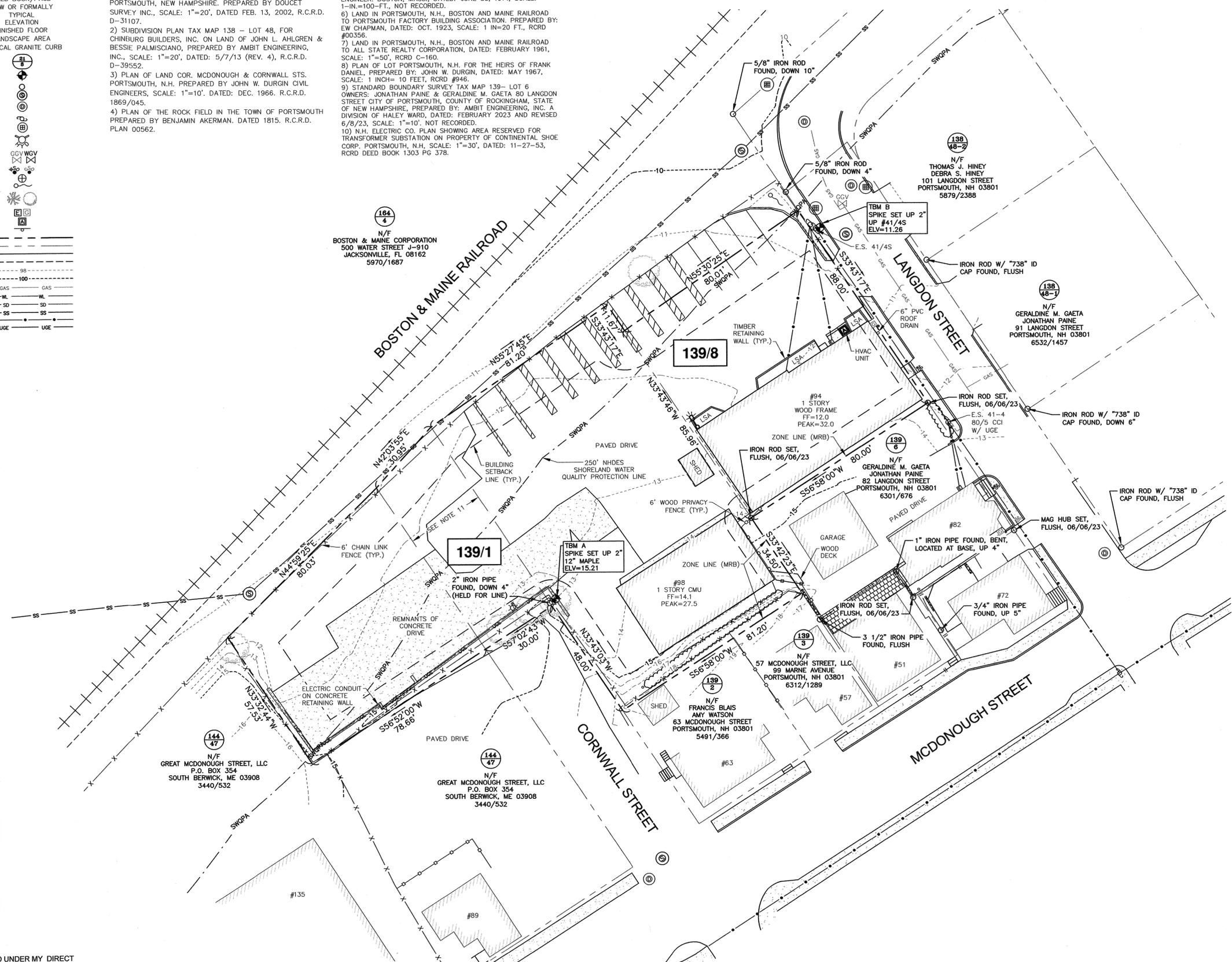
Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.

**LEGEND:**

DESCRIPTION	EXISTING
RCRD 1234/123 N/F TYP. ELV. FF LSA VGC	ROCKINGHAM COUNTY REGISTRY OF DEEDS DEED BOOK/PAGE NOW OR FORMALLY TYPICAL ELEVATION FINISHED FLOOR LANDSCAPE AREA VERTICAL GRANITE CURB
MAP 21 LOT 8 BENCHMARK IRON ROD/PIPE FOUND SEWER MANHOLE DRAIN MANHOLE UTILITY POLE CATCH BASIN HYDRANT	
GATE VALVE GAS/WATER SHUTOFF BOLLARD FLAGPOLE	
TREES	
GAS/ELECTRIC METER AIR CONDITIONER SIGN	
PROPERTY LINE APPROXIMATE EXTERIOR PROPERTY LINE EDGE OF PAVEMENT EDGE OF GRAVEL MINOR FOOT CONTOUR MAJOR FOOT CONTOUR GAS LINE WATER LINE STORM DRAIN LINE SANITARY SEWER LINE OVERHEAD UTILITY LINE UNDERGROUND ELECTRIC LINE	

**PLAN REFERENCES:**

- 1) LOT LINE REVISION PLAN FOR JOHN AHLGREN, PETER HAPPNY AND BOSTON AND MAINE CORPORATION, LANGDON STREET, MCDONOUGH STREET & BREWSTER STREET, PORTSMOUTH, NEW HAMPSHIRE. PREPARED BY DOUCET SURVEY INC., SCALE: 1"=20', DATED FEB. 13, 2002, R.C.R.D. D-31107.
- 2) SUBDIVISION PLAN TAX MAP 138 - LOT 48, FOR CHINBURG BUILDERS, INC. ON LAND OF JOHN L. AHLGREN & BESSIE PALMISCIANO, PREPARED BY AMBIT ENGINEERING, INC., SCALE: 1"=20', DATED: 5/7/13 (REV. 4), R.C.R.D. D-39552.
- 3) PLAN OF LAND COR. MCDONOUGH & CORNWALL STS. PORTSMOUTH, N.H. PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS, SCALE: 1"=10'. DATED: DEC. 1966. R.C.R.D. 1869/045.
- 4) PLAN OF THE ROCK FIELD IN THE TOWN OF PORTSMOUTH PREPARED BY BENJAMIN AKERMAN, DATED 1815. R.C.R.D. PLAN 00562.
- 5) STATION MAP-LANDS CONCORD AND PORTSMOUTH R.R. OPERATED BY THE BOSTON AND MAINE R.R., STATION 0+0 TO STATION 33+0, PREPARED BY: OFFICE OF THE VALUATION ENGINEER, BOSTON, MASS., DATED: JUNE 30, 1914, SCALE: 1"=100-FT., NOT RECORDED.
- 6) LAND IN PORTSMOUTH, N.H., BOSTON AND MAINE RAILROAD TO PORTSMOUTH FACTORY BUILDING ASSOCIATION. PREPARED BY: EW CHAPMAN, DATED: OCT. 1923, SCALE: 1 IN=20 FT., RCRD #00356.
- 7) LAND IN PORTSMOUTH, N.H., BOSTON AND MAINE RAILROAD TO ALL STATE REALTY CORPORATION, DATED: FEBRUARY 1961, SCALE: 1"=50', RCRD C-160.
- 8) PLAN OF LOT PORTSMOUTH, N.H. FOR THE HEIRS OF FRANK DANIEL, PREPARED BY: JOHN W. DURGIN, DATED: MAY 1967, SCALE: 1 IN=10 FEET, RCRD #946.
- 9) STANDARD BOUNDARY SURVEY TAX MAP 139-LOT 6 OWNERS: JONATHAN PAINE & GERALDINE M. GAETA 80 LANGDON STREET CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE, PREPARED BY: AMBIT ENGINEERING, INC. A DIVISION OF HALEY WARD, DATED: FEBRUARY 2023 AND REVISED 6/8/23, SCALE: 1"=10', NOT RECORDED.
- 10) N.H. ELECTRIC CO. PLAN SHOWING AREA RESERVED FOR TRANSFORMER SUBSTATION ON PROPERTY OF CONTINENTAL SHOE CORP. PORTSMOUTH, N.H. SCALE: 1"=30', DATED: 11-27-53, RCRD DEED BOOK 1303 PG 378.



**LOCATION MAP** SCALE: 1" = 100'

**NOTES:**

- 1) PARCELS ARE SHOWN ON THE PORTSMOUTH ASSESSOR'S MAP 139 AS LOTS 1 & 8.
- 2) OWNER OF RECORD: REGAN ELECTRIC COMPANY, INC. 94 LANGDON STREET PORTSMOUTH, NH 03801 2956/1527 & 2960/1376
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
- 4) EXISTING LOT AREAS:  

MAP 139 LOT 8	MAP 139 LOT 1	TOTAL
6,958 S.F.	18,149 S.F.	25,107 S.F.
0.1597 ACRES	0.4166 ACRES	0.5764 ACRES
- 5) PARCEL IS LOCATED IN THE MIXED RESIDENTIAL BUSINESS (MRB) ZONING DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:  

MIN. LOT AREA:	7,500 S.F.
FRONTAGE:	100 FEET
SETBACKS:	FRONT 5 FEET SIDE 10 FEET REAR 15 FEET
LOT DEPTH:	80 FEET
MAXIMUM STRUCTURE HEIGHT:	40 FEET SLOPED ROOF 30 FEET FLAT ROOF
MAXIMUM BUILDING COVERAGE:	40%
MINIMUM OPEN SPACE:	25%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF AN EXISTING CONDITIONS SURVEY OF ASSESSOR'S MAP 139 LOTS 1 & 8 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
- 9) ABUTTER INFORMATION TAKEN FROM THE CITY OF PORTSMOUTH ASSESSORS GIS WEBSITE.
- 10) ABUTTER BUILDING LOCATIONS SHOWN HEREON SHOULD BE CONSIDERED APPROXIMATE.
- 11) THE PAPER STREETS SHOWN WERE DEDICATED BY THE RECORDING OF A SUBDIVISION PLAN TITLED "PLAN OF THE ROCK FIELD IN THE TOWN OF PORTSMOUTH, DRAWN IN PART FROM ACTUAL SURVEY AND PARTLY FROM A PLAN OF MR. WILLIAM HART BY BENJAMIN AKERMAN DATED 1815" AND RECORDED AT THE ROCKINGHAM REGISTRY OF DEEDS BOOK 321, PAGE 100 ON NOVEMBER 10, 1845. PURSUANT TO NH RSA 231:51, THE CITY OF PORTSMOUTH WAS REQUIRED TO ACCEPT ITS RIGHTS IN THE PAPER STREETS BY CONSTRUCTING SAID STREETS WITH IN 20 YEARS OF THEIR DEDICATION OR ITS RIGHTS WOULD BE EXTINGUISHED. THE CITY OF PORTSMOUTH FAILED TO ACCEPT ITS RIGHTS IN SAID PORTION OF CORNWALL STREET AND ITS RIGHTS IN IT WERE EXTINGUISHED BY OPERATION OF LAW ON OR ABOUT NOVEMBER 1865. SEE POLIZZO VS. TOWN OF HAMPTON, 126 N.H. 398,399 (1985).

REV.	DATE	DESCRIPTION	BY	CHK.
1	2/18/26	CITY COMMENTS	CSA	PAY
0	12/15/25	ISSUED FOR COMMENT	RJB	PAY

**DRAWING ISSUE STATUS**

**HALEY WARD**  
ENGINEERING | ENVIRONMENTAL | SURVEYING  
200 Griffin Road, Unit 14  
Portsmouth, NH 03801  
603-430-9282  
WWW.HALEYWARD.COM

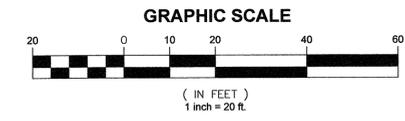
**CHINBURG BUILDERS**  
94 LANGDON STREET & 98 CORNWALL STREET  
PORTSMOUTH, NH 03801

**EXISTING CONDITIONS PLAN**

DATE	SCALE
DECEMBER 2025	1"=20'
DRAWN BY: RJB	DESIGNED BY: ---
CHECKED BY: PAY	
PROJECT No. 5010220.04	FIELD BOOK / PAGE FB 443 PG 17
DRAWING No. <b>V101</b>	REV. <b>1</b>

"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 TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

PHILLIP A. YETMAN, LLS 2/18/2026 DATE



**TABLE OF DIMENSIONAL STANDARDS:**

REGULATION	REQUIREMENT	EXISTING	PROPOSED
MIN. LOT AREA	7,500 S.F.	25,107 S.F.	25,107 S.F.
AREA PER DWELLING UNIT	7,500 S.F.	N/A	8,369 S.F.
STREET FRONTAGE	100.0 FEET	88.0 FEET	88.0 FEET <sup>1</sup>
MIN. FRONT SETBACK	5.0 FEET	1.0 FEET	10.0 FEET
MIN. SIDE SETBACK	10.0 FEET	1.6 FEET	10.2 FEET
MIN. R.R. R.O.W. SIDE SETBACK	15.0 FEET	46.7 FEET	15.4 FEET
MIN. REAR SETBACK	15.0 FEET	132.6 FEET	20.9 FEET
MAX. HEIGHT SLOPED ROOF	40.0 FEET	20 FEET	34.0 FEET
MAX. BUILDING COVERAGE	40%	18.0%	27.4%
MIN. OPEN SPACE <sup>2</sup>	25%	22.7%	41.5%

**DIMENSIONAL NOTES:**

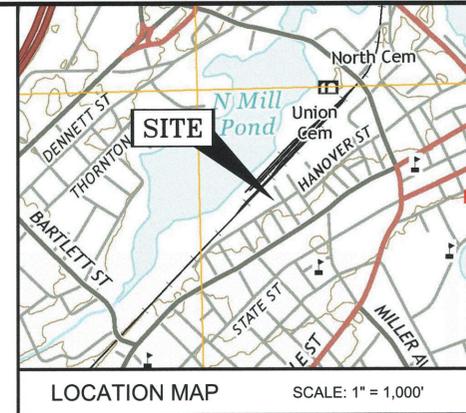
- 1) VARIANCE REQUESTED.
- 2) AREAS LESS THAN 5 FEET IN WIDTH ARE NOT CONSIDERED OPEN SPACE AND ARE EXCLUDED FROM THE CALCULATIONS
- 3) THE EXISTING DIMENSIONAL STANDARDS ARE BASED ON THE TWO PARCELS MERGED TOGETHER.

**IMPERVIOUS SURFACE AREAS:  
(TO PROPERTY LINES)**

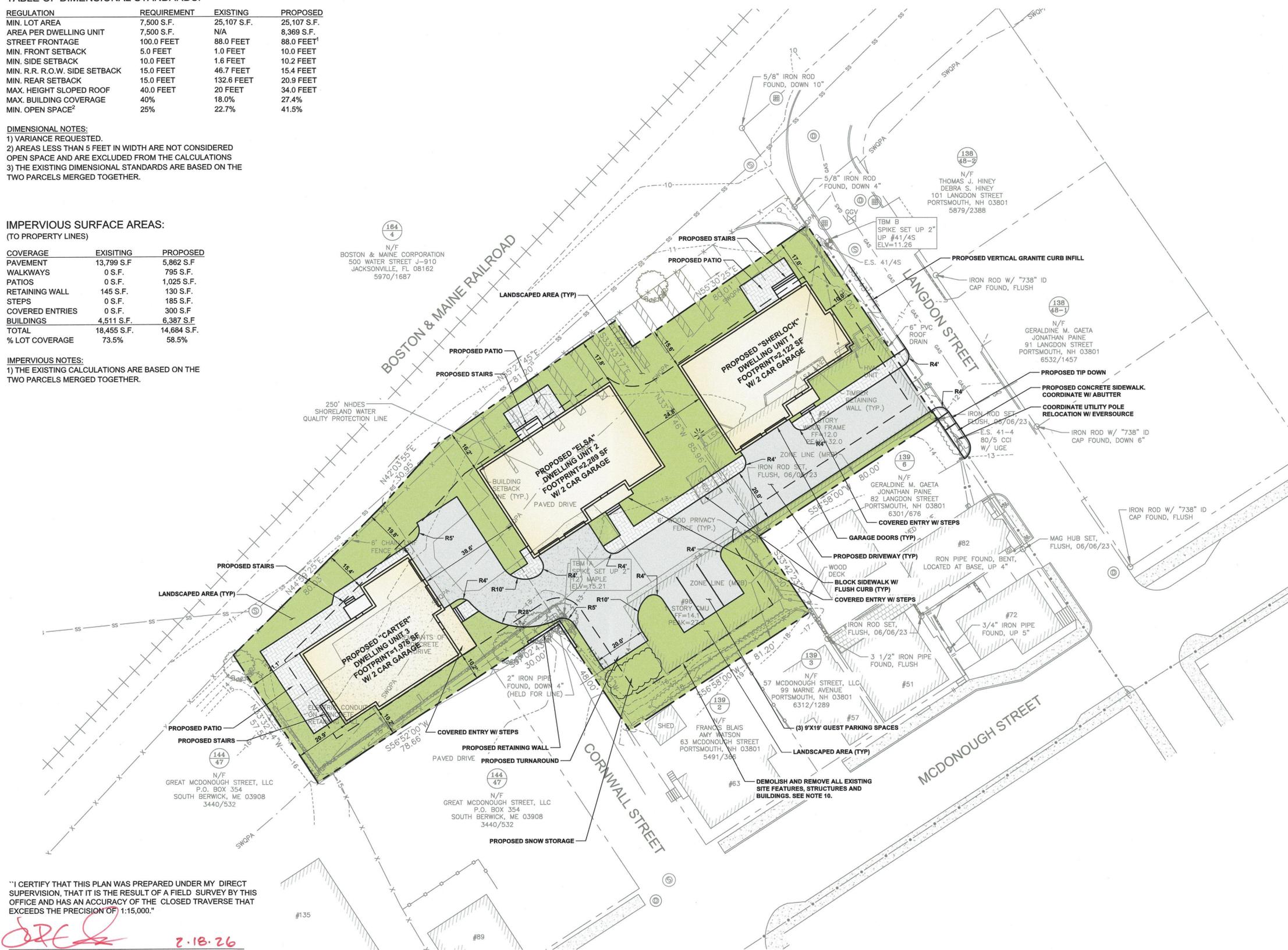
COVERAGE	EXISTING	PROPOSED
PAVEMENT	13,799 S.F.	5,862 S.F.
WALKWAYS	0 S.F.	795 S.F.
PATIOS	0 S.F.	1,025 S.F.
RETAINING WALL	145 S.F.	130 S.F.
STEPS	0 S.F.	185 S.F.
COVERED ENTRIES	0 S.F.	300 S.F.
BUILDINGS	4,511 S.F.	6,387 S.F.
<b>TOTAL</b>	<b>18,455 S.F.</b>	<b>14,684 S.F.</b>
% LOT COVERAGE	73.5%	58.5%

**IMPERVIOUS NOTES:**

- 1) THE EXISTING CALCULATIONS ARE BASED ON THE TWO PARCELS MERGED TOGETHER.



- NOTES:**
1. PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S TAX MAP 139 AS LOTS 1 & 8.
  2. OWNER OF RECORD (MAP 139, LOTS 1 & 8):  
REGAN ELECTRIC CO., INC.  
94 LANGDON STREET  
PORTSMOUTH, NH 03801
  - APPLICANT:  
CHINBURG DEVELOPMENT  
3 PENSTOCK WAY  
NEWMARKET, NH 03857
  3. PARCELS ARE NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
  4. PARCELS ARE LOCATED IN THE MIXED RESIDENTIAL BUSINESS (MRB) DISTRICT.
  5. EXISTING LOT AREA:  
LOT 1: 18,149 S.F.  
LOT 8: 6,958 S.F.  
TOTAL = 25,107 S.F.
  6. THE TWO PARCELS ARE TO BE MERGED AS PART OF THIS PROJECT.
  7. DIMENSIONAL REQUIREMENTS:  
SEE PORTSMOUTH ORDINANCE FOR REQUIREMENTS.
  8. REFER TO THE EXISTING CONDITIONS PLAN (DWG NO. V101) FOR ADDITIONAL SITE INFORMATION.
  9. THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED 3 UNIT RESIDENTIAL DEVELOPMENT ON ASSESSOR'S TAX MAP 139, LOTS 1 & 8.
  10. ALL EXISTING SITE FEATURES, STRUCTURES AND BUILDINGS ON THE SUBJECT PARCELS ARE TO BE DEMOLISHED AND REMOVED AS PART OF THIS DEVELOPMENT.
  11. PARKING CALCULATION (RESIDENTIAL)  
REQUIRED: 1 SPACE PER UNIT = 3 TOTAL  
PROVIDED: 6 GARAGE + 3 GUEST = 9 TOTAL

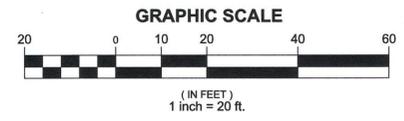


"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

*[Signature]*  
JOHN R. CHAGNON, LLS  
DATE: 2.18.26

APPROVED BY THE PORTSMOUTH ZBA BOARD

CHAIRMAN \_\_\_\_\_ DATE \_\_\_\_\_



REV.	DATE	DESCRIPTION	BY	CHK.
3	02/18/2026	ISSUED FOR ZBA	JHV	SMT
2	01/07/2026	ISSUED FOR PB CONCEPT REVIEW	SMT	JRC
1	12/17/2025	ISSUED FOR ZBA	SMT	JRC

**PERMIT PLAN**



**PROPOSED MULTIFAMILY DEVELOPMENT**  
94 LANGDON STREET & 98 CORNWALL STREET, PORTSMOUTH NH

**VARIANCE PLAN**

DATE	DECEMBER 2025	SCALE	1" = 20'
DRAWN BY	JHV	DESIGNED BY	JHV
CHECKED BY	SMT		
PROJECT No.	5010220.004		
DRAWING No.	C101		
REV.	3		

## II. OLD BUSINESS

B. The request of **Chase Home for Children C/O Woodman (Owners)**, for property located at **698 Middle Road** whereas relief is needed to construct a new facility on the property which requires the following: 1) Variance from Section 10.334 to allow the residential care facility use to be extended to another part of the remainder of the land, 2) Variance from Section 10.440 to allow for the construction of a new residential care facility structure. Said property is located on Assessor Map 232 Lot 45 and lies within the Single Residence B (SRB) District. (LU-25-167)

### Existing & Proposed Conditions

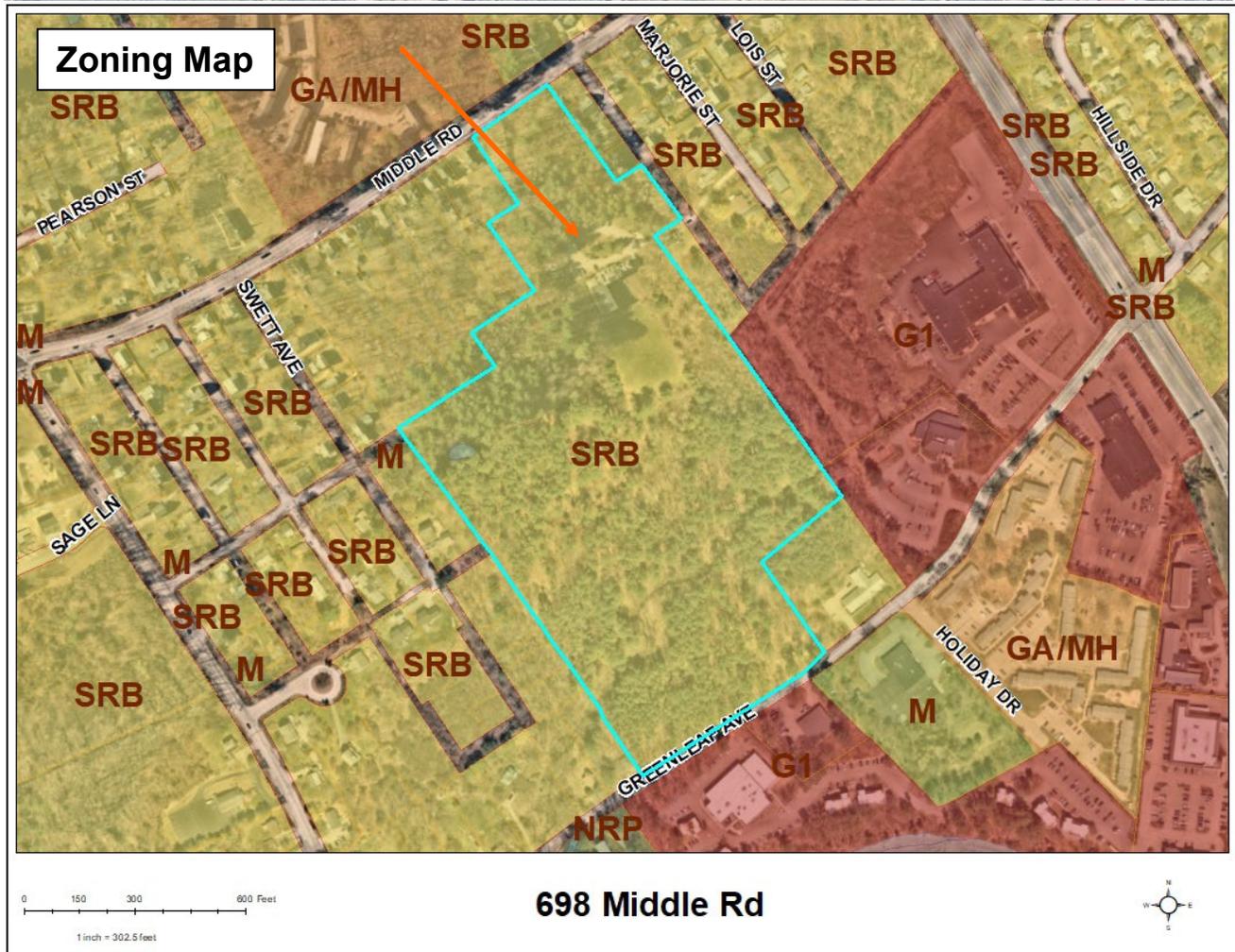
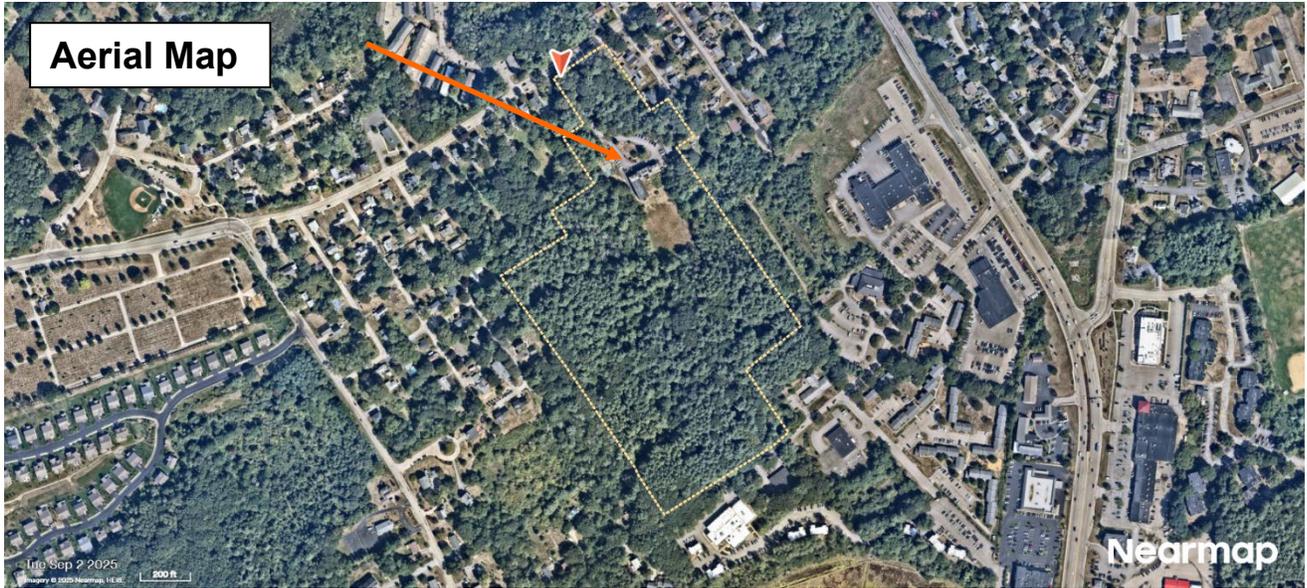
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Group Care Facility	New Building for Group Care Facility	Primarily residential
<u>Estimated Age of Structure:</u>	1917	Variance request(s) shown in red.	

\*Variance from Sections 10.440 and 10.334 to allow the current use to continue and expand on the property

### Other Permits/Approvals Required

- Building Permit

### Neighborhood Context



## Previous Board of Adjustment Actions

No previous history found

## Planning Department Comments

The property currently has one building for group care services and the proposal is to construct a new care facility to house the services. At this time, it is unclear what will happen to the existing structure. The Board may wish to explore clarifying the use of the existing facility once services are moved so it is clear to staff and the applicant if future relief will be needed. Since original application submission, the applicant has added the appraisal report to the submission package. Appraisal report can be seen as exhibit C.

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

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

## Variance Review Criteria

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

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The "unnecessary hardship" test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

  - (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.

**BY: VIEWPOINT & HAND DELIVERY**

November 19, 2025

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

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

Dear Stefanie,

Please find a copy of the following materials relative to the above referenced variance application filed through Viewpoint for property located at 698 Middle Road, Portsmouth (the "Property"):

- 1) Landowner Letter of Authorization
- 2) Narrative to Variance Application with Exhibits
- 3) Existing and Proposed Conditions Plan Set
- 4) Floor Plans and Elevations
- 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.

**CITY OF PORTSMOUTH  
VARIANCE APPLICATION NARRATIVE**

**Chase Home for Children in Portsmouth, N.H.  
(Owner/Applicant)**

**698 Middle Road  
Portsmouth, NH 03801  
Tax Map 232, Lot 45**

**INTRODUCTION / BACKGROUND**

**The Property**

The Chase Home for Children in Portsmouth, N.H (aka “Chase Home”) is a non-profit corporation founded in 1877 that owns the property at 698 Middle Road in Portsmouth (the “Property”). The Property is a 26.43 acre improved parcel of land situated within the Single Residence B (“SRB”) Zoning District. Most of the Property consists of wetlands and is encumbered by Portsmouth’s 100’ wetland buffer. **Exhibit A**. In fact, approximately 23% is encumbered by wetland and 45% is encumbered by the 100’ wetland buffer. The only developable area of the Property, which is where the existing improvements are, is at the front northwest corner of the Property along Middle Road.

The Property contains a 6,461 square foot, L-shaped, two-story brick building with a colonial revival design that houses the Chase Home (the “Chase Home Building”). There is also a one-story detached garage adjacent to the Chase Home Building. The Chase Home Building was constructed in 1916 and has served as the home for the Chase Home organization since 1917. The Chase Home provides a myriad of services to at-risk youth and their families, as more specifically discussed below. The existing use of the Property, as a *residential care facility*, is non-conforming to SRB Zoning. It predates the adoption of SRB Zoning in Portsmouth.

**Existing Use of Property**

The Chase Home has a long, rich history of providing trauma-informed residential and community-based support services to at-risk youth and their families. Through its comprehensive programs, it aims to foster a nurturing environment that promotes healing, growth, and independence for youth in need. The Chase Home has four (4) general programs through which it provides its services, as outlined and explained below:

1. Residential Treatment
2. Home-Based Treatment
3. Community Diversion
4. Independent Living

### ***Residential Treatment Services Program***

The *Residential Treatment Program* provides intensive therapeutic support and care for youth (ages 11-18) referred through the Department of Children Youth and Families (the “DCYF”) system to those who have suffered early adversity and trauma and are unable to have their needs safely met at home. The goal of the program is to help youth (and their families) develop healthy coping skills and healing relationships to ensure successful transition back to the youth’s community and family-based setting as soon as possible.

### ***Home-Based Treatment Program***

The *Home-Based Program* services youth up to 18 years of age and their families. The program provides customized behavioral management and therapeutic services to youth and their families in crisis. These services are available in the community and inside the homes where youth live with their families. The program is designed to prevent placement in the *Residential Treatment Services Program* or in the alternative, to assist youth in their transition back from the *Residential Treatment Services Program* to a community and family-based setting.

### ***Seacoast Community Diversion Program***

The *Seacoast Community Diversion Program* uses restorative justice-based principles to divert youth from the traditional juvenile justice system. The program provides therapeutic diversion, motivational interviewing, and substance abuse counseling to youth who have committed minor criminal offenses and offers support for their families. Successful completion of the 12-week restorative justice program results in the expungement of criminal offense(s), preventing youth from entering the juvenile justice system.

### ***Independent Living Program***

The Chase Home’s *Independent Living Program* provides at-risk youth ages 18-21 with supportive services designed to equip them with the skills and resources necessary to transition into independent living within the community. These young adults reside in their own independent living space (“apartment”) within the Chase Home Building and receive essential life skills training focused on building independence, self-confidence and resilience.

The Chase Home Building serves as the primary residential address for many of the youth receiving services from the organization. Most of the youth reside in the building for eight (8) months to two (2) years. However, there are instances where youth may stay for less or greater time based on their circumstances and the services they are receiving. For example, the youth in the *Independent Living Program* are typically in residence for a period of 2-4 years, as they prepare to transition into living on their own in the community.

Each youth in the building has their own bedroom. Within the Chase Home Building, there are eighteen (18) bedrooms within two (2) separate male and female youth dormitories. There are also four (4) independent living spaces on the second floor of the Chase Home Building that function as apartments for youth that are transitioning to living on their own in the community and receiving essential life skills training. In addition to the bedrooms and independent living spaces, there are shared common spaces within the Chase Home Building that are open to all residents to use. The Chase Home Building also contains office space for the staff, recreational space (basketball court and gym), a kitchen and dining area, telehealth and diversion rooms, and a family area for the residents to use.

All youth residing in the Chase Home receive services in some form, which may include the following:

- Therapeutic support and clinical care
- Administration of daily medication
- Provision of daily meals (there is a kitchen manager onsite)
- Recreation (there is a basketball court and weight room in the building)
- Education and Teaching of Daily Life Skills

In addition to the youth residents, there are approximately thirty (34) full-time and part-time staff that work within the Chase Home Building. The Chase Home Building is open and staffed 24/7.

### **Existing Chase Home Building**

The Chase Home Building has served its intended purpose and then some since 1917 and suffers from a significant degree of physical and functional obsolescence. The building is tired and needs a “head to toe” renovation to be brought up to current building code and to provide ADA accessibility, which may not be feasible due to the costs associated with such an undertaking. In the alternative, the building will need to be demolished, which is the more likely outcome. The building passes inspection every year at the State and Local level, but the organization is constantly taking a band-aid approach to repair or fit-up the building so that it can continue to provide its services without interruption. For example, the utilities and piping in the building are anticipated and require constant maintenance and repair.

There are also many aspects of the building that make it challenging for the organization to successfully carry out its programs and services. There is not sufficient space for private therapy and telehealth sessions and for families and children to meet privately. The rooms they have that are dedicated for this purpose are also disjointed and on different floors. The walls are also “thin” and lack any type of soundproofing, which is needed for the therapy and telehealth sessions that occur within the existing building. The existing building also lacks sufficient staff training, office and meeting space. Many of the staff offices have been repurposed from bedrooms and the third floor of the building was once the “children’s infirmary” and is now offices for the management team. The dormitories and bedrooms were built several decades ago and have an institutional look and feeling to them (i.e. metal doors, long dark hallways, etc.), reminiscent of a hospital. The bedrooms are isolated from staff offices, which presents safety concerns. There is only one (1)

shared dorm bathroom in each of the dormitories. Therefore, only one resident can use the bathroom at a time.

### **Proposed New Building**

Unfortunately, even if a renovation of the existing Chase Home Building is economically feasible, it would require the vulnerable youth residents to be displaced and would create a major disruption in their lives and in the continuity of services being offered to them. Accordingly, the Chase Home is proposing the construction of a new, two (2) story building on the Property while continuing to provide the same living arrangements and services it does now in the existing building without interruption. Once the new building is constructed, the youth residents will move over to the new building and begin receiving services there.

The floor plan for the proposed building calls for fourteen (14) individual bedrooms, two (2) studio units and two (2) independent, (2-bedroom) living units (20 total beds). The proposed building will be larger than the existing building to accommodate the actual living and programming-related space that is needed for the Chase Home to successfully carry out its programs and services. There will be dedicated diversion rooms, a family area, recreational areas, telehealth rooms, staff office and meeting space, laundry rooms, and larger independent living spaces with their own bathrooms. The building will also be ADA compliant, which the existing building is not.

### **Future Expansion of Existing Use**

Following construction of the new building, the Chase Home intends to evaluate whether the existing building can be rehabilitated or should be demolished. If the building is demolished, the Chase Home would like to construct a new building in approximately the same location as the existing building of an equivalent or lesser size. Regardless of whether the existing building is rehabilitated or demolished and rebuilt, the Chase Home's intention is to provide services that are mission-aligned and are consistent with the programming provided for in the existing building. This would allow the organization to provide services to more at-risk youth and families in the community. As it stands now, the need for services in the community exceeds what the Chase Home can provide.

Because the Chase Home will be relocating and expanding the existing non-conforming residential care facility use on the Property, variances are required from **Sections 10.331 and 10.334** of the Portsmouth Zoning Ordinance (the "Zoning Ordinance").

## SUMMARY OF ZONING RELIEF

The Applicant seeks the following variances from the Zoning Ordinance as determined by the City of Portsmouth:

- 1) Variance from Section 10.334 to allow the residential care facility use to be extended to another part of the remainder of the land.
- 2) Variance from Section 10.440 to allow for the construction of a new residential care facility structure.

## 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 Property is one of the largest parcels of land in Portsmouth and is uniquely situated. Because of its unique size and location, it is surrounded by a mixture of uses, including single-family residential, multi-family, condominium, commercial and municipal uses. The Property abuts three (3) different zoning districts: Gateway 1 ("G-1", Municipal ("M"), and Garden Apartment / Mobile Home Park ("GA/MH"). **Exhibit B.**

The area where the proposed building will be situated is directly abutted by single-family homes to the west and east. However, it will also be directly abutted to the north by the Riverbrook Condominium complex, which contains over seventy (70) garden style apartment units, and represents a higher intensity use than what is proposed. The remainder of the Property outside of the developable upland is surrounded by a combination of residential, commercial and municipal uses.

The abutting single-family homes to the east and west are situated a considerable distance from where the new building is proposed. At its closest point, the proposed building will be situated approximately 60'-65' from the property lines of the two nearest abutting properties to the east. However, it will be situated much further from the homes on both of these properties, which are also buffered by a relatively dense treeline and vegetation. The Chase Home intends to leave the trees and other vegetation outside of the construction envelope intact and add some supplemental landscaping for additional buffering and screening of the proposed building.

Prior to filing the foregoing Variance Application with the Board, the Chase Home invited all abutting property owners to meet with it. It held separate meetings in April and September to receive feedback and met with several individually before, between and after these meetings. It not only considered the input it received from the neighbors that met with it over the course of several months, but it made significant substantive changes to its plans from what was originally proposed. It modified the design, orientation, and location of the proposed building in response to the feedback it got. By way of example, the proposed building was originally 34' at its closest point to the nearest abutting property lines to the east. It moved the proposed building 26'-31' further away from these properties and angled it so that the bulk of the proposed building is more than 100' away. It also moved and reduced the parking areas proposed along the easterly and westerly property boundaries in response to input it received. Fast, tall growing trees were also added along the easterly boundary in response to concerns from one of the abutting property owners to the east.

The Chase Home has made a thoughtful and conscious effort with the design, location and orientation of the building and related features to minimize impacts to surrounding properties. While some level of impact can be expected with any construction of this type, the proposed building will ultimately preserve the light, air, and space of the abutting properties, as well as the general character of the area.

The proposed expansion of the *residential care facility* use of the Property will not alter the essential character of the "neighborhood" or surrounding area, which cannot be defined by one particular use. The Chase Home has existed in harmony with the surrounding area since 1917, long before Portsmouth adopted its first Zoning Ordinance and the abutting properties on Sylvester Street and several other abutting properties were developed. It intends to continue this existence and relationship with the surrounding area.

Finally, the proposed expansion of use is not detrimental to public health, safety and welfare. To the contrary, the Chase Home provides an important community service that fulfills a critical need that is beneficial to public health, safety and welfare. In addition, the proposed building will provide a safer, more functional, trauma-informed environment for the Chase Home residents that is code compliant and ADA accessible, which the existing building does not provide.

### **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 constitute a loss to the Chase Home if the variances were denied. There is no feasible alternative area of the Property to locate the proposed building and parking areas. A denial of the variances would mean that the Chase Home must either renovate the existing building or demolish and construct a new building of equivalent or lesser size in the same footprint. Either

scenario would displace the at-risk youth residents for a significant period of time and lead to an interruption of the services that the Chase Home provides. Many of the at-risk youth are already coming from unstable home environments and need stability, continuity and consistency in their lives. Even if the existing building could be renovated or re-constructed in the same footprint without displacing the youth residents, this does not cure the Chase Home's need for additional space to successfully and responsibly carry out its programs and services and meet the needs of the community. What is proposed is a reasonable solution to a very real problem that balances the interests of the public with the Chase Home's immediate and future needs. For these reasons, the loss to the Chase Home outweighs any gain to the public in denying the variances.

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

As stated above, the Property has been used as a *residential care facility* since 1917, long before zoning standards and districts were adopted in the City of Portsmouth. That use has coexisted harmoniously with the surrounding residential and other uses since that time. It is part of the fabric and character of the area. It will not devalue surrounding properties to allow the relocation and/or expansion of this use on the Property in a manner that does not alter the character of the surrounding area or otherwise intrude upon the light, air, and space of abutting properties. The bulk of the proposed building will be a considerable distance from the homes on surrounding properties (over 100') and will be buffered and screened by trees and other vegetation. A conscious effort was made, based on input received from abutting property owners, to design, locate, orient and buffer the proposed building, parking and other improvements to have minimal impact upon their properties. A residential subdivision or condominium use of the Property would have a far greater impact upon the surrounding properties than the construction of the proposed building, as the developable portion of the land could yield ten (10) or more separate lots or up to seventy-four (74) condominiums in a building up to 35' high in a building that could be closer to the property lines.

As set forth in a 68-page report prepared by licensed appraiser, Brian White, dated February 25, 2026, "granting the requested variances for the subject property to be improved with a new, high-quality, two-story Residential Care Facility building as proposed ***would not result in the diminution in value of the abutting property values in the immediate vicinity of the subject property and the proposed subject property would not change the characteristics of the neighborhood.*** In fact, the addition of the proposed subject property will add a new high-quality modern Children's Home structure to the neighborhood that very well could enhance the surrounding properties and the community as it is a major upgrade from what currently exists" (emphasis added). **Exhibit C.**

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

The Property has special conditions that distinguish it from surrounding properties. First and foremost, the existing non-conforming use of the Property as a *residential care facility* has existed on the Property since 1917. The use predates the Portsmouth Zoning Ordinance and the development of several abutting and surrounding properties. The Property is one of the largest parcels of land in Portsmouth, but much of it remains undeveloped and undisturbed due to the fact that wetlands and the 100' wetland buffer encumber a significant portion of the land, rendering much of it unbuildable. The only remaining developable area of the Property is the area where the new building is proposed. The Property is also uniquely situated, being abutted by three (3) different zoning districts and a mixture of residential, commercial, municipal uses. There is not one particular use that defines the surrounding area. As a result of these special conditions, there is no fair and substantial relationship between the general purposes of the Ordinance provisions and their strict application to the Property.

The proposed expansion of use is also reasonable for all the reasons outlined above. It is a reasonable relocation and expansion of a lawfully existing non-conforming use of the Property that preserves the character of the area and does not unreasonably intrude upon surrounding properties.

**CONCLUSION**

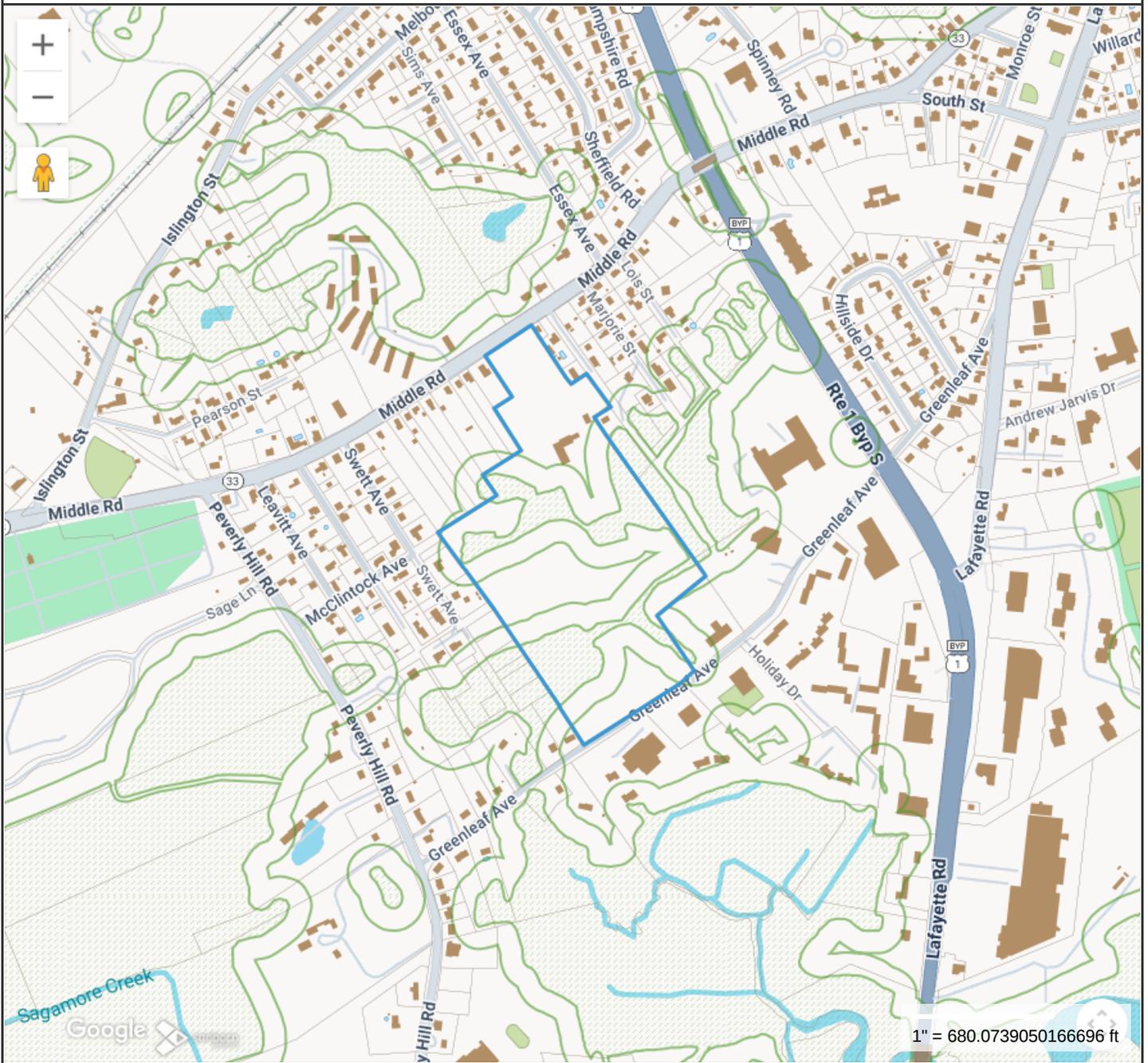
In conclusion, the Chase Home believes that it has met the criteria for granting the variances being requested. It thanks the Board for its time and careful consideration and review of its application.

Respectfully submitted,  
**The Chase Home for Children of  
Portsmouth, N.H.**



Derek R. Durbin, Esq.  
144 Washington Street  
Portsmouth, NH 03801  
derek@durbinlawoffices.com

# EXHIBIT A



**Property Information**

**Property ID** 0232-0045-0000  
**Location** 698 MIDDLE RD  
**Owner** CHASE HOME FOR CHILDREN



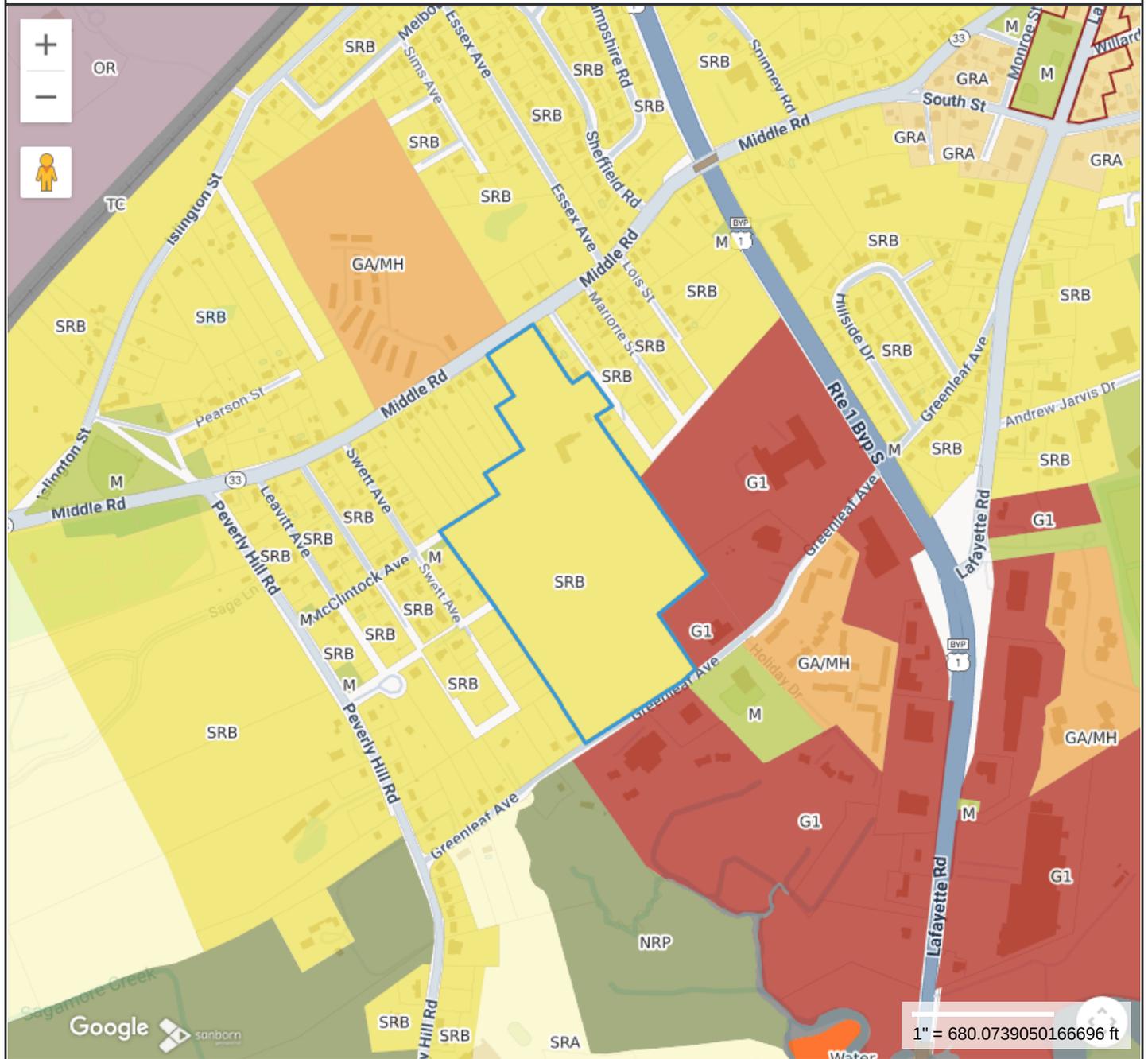
**MAP FOR REFERENCE ONLY  
NOT A LEGAL DOCUMENT**

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 10/23/2025

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

### EXHIBIT B



**Property Information**

**Property ID** 0232-0045-0000  
**Location** 698 MIDDLE RD  
**Owner** CHASE HOME FOR CHILDREN



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

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Geometry updated 10/23/2025

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

# Map Theme Legends

## Zoning

### Residential Districts

	R	Rural
	SRA	Single Residence A
	SRB	Single Residence B
	GRA	General Residence A
	GRB	General Residence B
	GRC	General Residence C
	GA/MH	Garden Apartment/Mobile Home Park

### Mixed Residential Districts

	MRO	Mixed Residential Office
	MRB	Mixed Residential Business
	G1	Gateway Corridor
	G2	Gateway Center

### Business Districts

	GB	General Business
	B	Business
	WB	Waterfront Business

### Industrial Districts

	OR	Office Research
	I	Industrial
	WI	Waterfront Industrial

### Airport Districts

	AIR	Airport
	AI	Airport Industrial
	PI	Pease Industrial
	ABC	Airport Business Commercial

### Conservation Districts

	M	Municipal
	NRP	Natural Resource Protection

### Character Districts

	CD5	Character District 5
	CD4	Character District 4
	CD4W	Character District 4-W
	CD4-L1	Character District 4-L1
	CD4-L2	Character District 4-L2

### Civic District

	Civic District
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### Municipal District

	Municipal District
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### Overlay Districts

	OLOD	Osprey Landing Overlay District
	Downtown Overlay District	
	Historic District	

City of Portsmouth



# WHITE APPRAISAL

REAL ESTATE APPRAISING & CONSULTING

Brian W. White, MAI, SRA

March 2, 2026

Derek Durbin, Esquire  
Durbin Law Offices, P.L.L.C.  
144 Washington Street  
Portsmouth, NH 03801

RE: The Variance application for the proposed Residential Care Facility building to be located at 698 Middle Road in Portsmouth, New Hampshire.

Attorney Durbin:

At your request, I have been asked to investigate the impact on the value of the surrounding properties for the proposed Residential Care Facility building to be located at 698 Middle Road in Portsmouth, New Hampshire (Map 232, Lot 45) and to prepare an analysis and opinion on the matter. I have reviewed the Portsmouth Zoning Ordinance that addresses the standards for the requested Variances. To prepare this letter, I have completed research on the proposed subject property, the neighborhood and the Portsmouth marketplace. The following letter summarizes my findings, analysis and conclusions:

**1. The Existing Development:**

The subject property is currently a large 25-acre parcel of land located at 698 Middle Road in the central portion of the City of Portsmouth, is the Single Residence B (SRB) District. The parcel is developed with the Chase Home for Children of Portsmouth, New Hampshire. The development consists of one main “L” shaped 2.5-story building that is located in the northern portion of the parcel. The 14,000 SF +/- building contains housing for 14 individuals along with living areas, lavatories, office areas and mechanical space. The property operates as a Residential Care Facility with Level 1 and Level 2 levels of care. In addition to the main building, the upland portion of the property is improved with an elongated paved driveway, two paved parking areas, a three-car garage, a greenhouse structure, a basketball court, a garden and a rear grass field. The property contains a large amount of wetlands that meander throughout the central and southern portions of the parcel. The improved portion of the parcel is located in a northern upland area that has frontage along Middle Road. There is a small southern upland area located along Greenleaf Avenue that is woodland. There is also a central upland area that is located off of Swett Avenue that contains uplands. The remainder of the parcel is wetlands or limited by wetland setbacks and has no utility for development. The existing building is visible from several neighboring single-family residences that are either located on Sylvester Street or Middle Road.

## **2. *The Proposed Development:***

The subject property is proposed for development with a new two-story residential care facility. To make space for this building, an existing wooded front area of the northern upland area will be cleared and improved with the new building. The mostly rectangular shaped building will contain 31,534 square feet of space located on the two levels of the building. The building will have a building height of 32' 1" where a maximum building height of 35' is permitted. The first-floor area will contain 17,708 square feet and the second-floor will contain 13,825 square feet of space. Each of the two levels of the building will have a combination of common space, lobby areas, mechanical space, office space, living areas, bedrooms, lavatories, stairways and an elevator. There will be three roof deck areas located off of the second-floor area of the building. The northern deck will be a boy's deck that will face Middle Road while the southern deck will be a girl's deck that will face the existing building of the development. The rear deck will be a staff deck that faces toward Sylvester Street. The existing driveway will largely remain in place with upgrades made along with the addition of two parking lot areas. The parking lots will contain 34 parking spaces. There will be extensive sidewalk areas installed on the property. These sidewalk areas will run along the driveway providing pedestrian access to Middle Road. There will be sidewalks that connect the two parking lots areas with the new building along with two rear sidewalks that will access two rear passways for the building. To the front of the building, there will be an 8' wide front walkway along with a front covered entrance. The three-car garage will be demolished and a new 502-square-foot storage shed will be constructed in its place. The subject's existing building, along with the site improvements around it, will remain in place. A row of green arborvitae trees will be installed to the rear of the new building in order to provide a natural screen from the neighboring properties located along Sylvester Street.

## **3. *Neighborhood & Abutting Properties:***

The subject property is located in the Single Residence B District (SRB). The purpose of this District is "to provide areas for single-family dwellings at low to medium densities (approximately 1 to 3 dwellings per acre), and appropriate accessory uses. The permitted uses in this zone include: Single-family dwellings, Municipally operated park and related activities, Family day care facility, Non-commercial boat landings, boat docks, boathouses and associated marine uses, Building mounted satellite dish receiver 42 inches or less, Ground mounted satellite dish receiver 42 inches or less, Farms not including the keeping of farm animals, Construction trailers, Temporary structures (up to 30 days), Manufactured housing (up to 180 days), Accessory uses, Home Occupations, Indoor storage of motor vehicles or boats as an accessory use, Outdoor storage of registered vehicles, Outdoor storage of boats owned by the residents, Outdoor storage of lobster traps, lobster buoys and associated rope. Several other uses are permitted by Special Exception including: Assisted living homes, Residential care facility (5 or fewer residents), Religious uses, Historic preservation buildings, Cemetery, Religious, sectarian or private non-profit recreational uses, Group day care facilities, Fishing boat landings, Essential to service public or private transformer station, Building mounted satellite dish receiver more than 42 inches, Ground mounted satellite dish receiver more than 42 inches, Whip antenna not more than 30' in height, Keeping of farm animals, Temporary structures (up to 90 days), Manufactured housing (more than 180 days), and Home occupations,

This area of Portsmouth contains a variety of zoning districts including Garden apartments/Mobile Home Parks (GA/MH), Gateway Corridor (G1), Municipal (M) and

Natural Resource Protection (NRP). In the areas that surround the subject property, the developed uses include single-family homes, residential condominiums (Riverbrook Condominiums), the Portsmouth Seventh-day Adventist Church, the Greenleaf Condominiums and an office/garage development. Single-family homes dominate the immediate area of the subject's proposed new residential care facility to the front of the property. There are four single-family homes located on Sylvester Street that abut the northern portion of the subject property. Several single-family homes located on both Middle Road and Swett Avenue abut the northwestern portion of the subject property. A single-family home and a couple of commercial developments abut the rear portion of the subject property along Greenleaf Avenue. It is noted that the only neighboring properties that will have obstructed views of the proposed new Residential Care Facility will be several single-family residences located on Sylvester Street and a few single-family homes located on Middle Road (710 to 746 Middle Road).

**4. *Factors that impact Value and the Application to the Subject Property:***

For the subject property, there are three potential factors that could directly impact the market value of the abutting properties. These factors are noise, view and use.

***Noise:***

It was previously noted that the development proposal will effectively relocate the existing Residential Care Facility use from the rear older 2.5-story building into a new larger two-story building. The proposed building will be approximately twice the size of the existing older structure, and it will be slightly taller at approximately 32.1'. Reportedly, the personal activities (living, dining and sleeping) for the new building will largely take place within the new building. There will be some limited seasonal use of the three second-floor deck areas that will be monitored and regulated. The existing parking areas currently contain approximately 20 parking spaces, and they are located off of the circular drive area to the front of the existing building. The new development will eliminate these parking areas creating two parking lots located off of the driveway. The new parking area will contain 35 parking spaces. All of the exterior recreational activities (basketball, gardening, greenhouse use and rear field use, will take place in those existing locations around or to the rear of the existing building. There will likely be new noises from the maintenance of the grounds that surround the new building while mowing the lawns and plowing or shoveling the snow.

The subject's new Residential Care Facility will be located to the front of the northern upland portion of the property in an area that is currently undeveloped woodland. Locating a new Residential Care Facility building in this front upland area of the parcel will likely increase the noise emitted from this area to the nearby single-family homes. These new noises will likely be from the maintenance of the exterior landscaped and paved areas that surround the new building. It should be noted that any new noise in this area shouldn't be compared to the current noise level from the woodlands that are in place. Rather, the anticipated new noise level should be compared to the typical noise level that would be emitted from any permitted use that could be constructed in that same upland area. The SRB District permits single-family uses along with a family day care use. Both of these permitted uses would likely generate exterior maintenance noises for the maintenance of the landscaped and paved areas that would be very similar to that generated by the proposed new Residential Care Facility. Additionally, it would be very likely that a single-family use would also come with additional exterior noises from the residents of the single-family homes enjoying their yard areas. This could include playing outdoors, swimming during the

summer, cookouts, gatherings around a fire pit and family gatherings. These are all typical noises from single-family homes but none of them will be taking place from the new proposed facility.

Considering all of these factors, it is reasonable to conclude that the proposed new Residential Care Facility for the subject property will be configured in such a manner that there would not be an increase in the noise level from the property that would impact the nearby residents any more than what would be emitted by a permitted single-family use.

***View:***

There are several neighboring properties that will have obstructed views of the proposed new Residential Care Facility. These single-family residences are located on Sylvester Street and on Middle Road. Some of these properties currently have distant views of the subject's existing Residential Care Facility. The proposed new Residential Care Facility will be viewed from the back-yards of several Sylvester Street residences and a few Middle Road residences. The subject's new building will also be within view of a few single-family residences that are located on the eastern side of Sylvester Street. These views will be more distant obstructed views. None of the nearby single-family abutters will have totally unobstructed views of the proposed building. It is noted that the proposed building of the subject property could be located as close as 20' (minimum side setback) from the rear property lines of a few single-family homes located on Sylvester Street. The proposed plan calls for the proposed building to be 59.8' from the side property line which is approximately three times the permitted side building setback. This is the closest point for the proposed building with the bulk of it being 100' or more from the side property line. This fact will reduce the building views as they are further setback from the Sylvester Street properties than permitted in the SRB zone. If this front upland area of the subject property were to be developed with permitted uses such as single-family homes or a family day care use, those buildings could be as close as 20' from the property sideline. Based on the prepared building renderings (See Addenda), the views of the subject's proposed new Residential Care Facility will be of a modern, high-quality, architecturally pleasing, colonial-style building. While the views from the neighboring single-family homes will change from largely being views of natural woodlands, any buyer of one of these neighboring properties would understand that the existing woodland views are likely interim views that will likely change in the future given the fact the proposed area to be developed are several acres of uplands.

It is noted that the applicant is requesting an expanded use that is only allowed by variance. For the next potential buyers of the neighboring single-family residences, the view that they will have of the subject property will be of a Residential Care Facility that has a quality design consistent with that of buildings located in the neighborhood with a building design that is typical for the area. These views, while different than what is currently in place, will be one that is fairly similar to that of comparable developments located throughout the greater Seacoast area.

***Use:***

The subject property is currently improved with a 14,000 sf +/- square foot, average condition, 2.5-story, Residential Care building that was constructed in 1917. There is an elongated paved driveway that provides access to this building, a three-car garage and several paved parking spaces. The property also has a basketball court area, a greenhouse, a garden and a rear field area. The existing Residential Care Facility is occupied by Chase

Facility will be a larger 31,534 square foot, two-story Residential Care Facility building with two new supporting parking lots. The use of the subject's proposed building will be exactly the same as the use of the existing building. The building will operate as a Residential Care Facility with Level 1 and Level 2 levels of care similar to the existing building. The building will contain housing for approximately 20 individuals along with living areas, lavatories, office areas and mechanical space. The exterior areas will be somewhat similar to what is in place for the existing building with drop-off and parking areas along with sidewalk and landscaped areas on the exterior of the building. The new Residential Care Facility use will be consistent with what typically is found in similar residential communities located throughout New Hampshire. The proposed expanded use of the subject property is one that has been in place for over 100 years. It isn't one that should be of any concern to the neighboring single-family properties as these residences have been located in the neighborhood surrounding the subject's Residential Care Facility for decades.

## 5. *Specific Standards:*

### ***A. Section 10.334 – Variance for the Expansion of a Nonconforming Use:***

The applicant is requesting a variance to expand the current nonconforming Residential Care Facility by constructing a new residential care building.

### ***B. Section 10.440 – Variance for a use that is not permitted in this District:***

The applicant is requesting a variance to construct a new Residential Care Facility in a zone that does not permit such use.

Both of these requested Variances are related to constructing and expanding a Residential Care Facility in a residential District that does not permit such a use. Residential Care Facilities are a larger category of building types that are typically made up of a variety of congregate care living facilities that include: nursing homes, assisted living facilities, supported care facilities, home for disabled individuals, group homes and children's homes. These homes typically house several individuals in a group setting that receive various levels of care from full-time and part-time staff. The newly constructed congregate care living facilities generally contain one, two or three levels and they are commonly designed to architecturally fit into the surrounding neighborhood. What makes them different is the use within the building and the size of the building. These larger residential buildings are specialized buildings that are required to assist individuals at different stages of life. These residences are typically located in or near single-family and/or multi-family zoned areas. Because the two requested variances are both related to the use of the expanded property for a larger Residential Care Facility, this analysis will concentrate on the contention that locating a larger Residential Care Facility in an area of single-family homes will result in the diminution of value of the surrounding single-family residences.

In order to determine if single-family residences experience a diminution of value because of their proximity to a larger Residential Care Facility, the appraiser first spoke with the Assessors for several Seacoast area municipalities to see if they have seen any sales data that supports such as assertion. Assessors are the valuation professionals who have access to all of the sales data within a given city or town, and they are commonly seeking external factors in the marketplace that could be causing a lowering of values for a nearby property. The appraiser has searched for comparable Residential Care Facility properties that had constructed a similar larger building in an area of residential development and found only a

few good comparables. In the Residential Care marketplace, most of these developments are one-story buildings as stairs are discouraged and one-level living is generally preferred. However, there is one three and four-story Residential Care development (RiverWoods Durham) and two three-story Residential Care developments (Langdon Place & Silver Square) located in Dover that can be used as good comparisons for the proposed subject property. RiverWoods Durham is a fairly new (Circa 2018) health center and Residential Care development that has three and four-story buildings located at 14 & 20 Stone Quarry Drive in Durham. This 350,000 square foot development is located near the intersection of Route 4 and Route 108 in an area that is a mixture of light industrial, office and single-family homes. There are several single-family homes that have a good distant view of the RiverWoods Durham development. According to Jim Rice, the former Durham Assessor, there has not been any diminution of value of any of the surrounding properties because of their view of these three and four-story buildings. Mr. Rice also stated that there have not been any tax abatements filed by any of the neighboring property owners claiming a loss in value because of their proximity to this large development. In Dover, the Langdon Place of Dover development, a 107,000 square foot Residential Care Facility, was constructed in 1997. This facility is located in an area that is otherwise dominated by single-family residences. The Residence at Silver Square is a 68,000 square foot Residential Care Facility that was constructed in 2017. This facility is located in a mixed-use area with commercial development located to the front of the property with several residential properties located to the side and rear of the property. In both of these Dover cases, there are several single-family homes that have obstructed views of these larger three-story Residential Care Facilities. I spoke with Donna Langley, the Dover Assessor, to see if she has identified any diminution of value for the properties that surround these larger developments. In both cases, she stated that she can't identify any diminution of value and that there have not been any tax abatement requests filed by any of the owners of the surrounding properties because of their obstructed views of these three-story Residential Care Facility buildings.

The appraiser has also contacted the Assessors for several municipalities that have similar Children's Homes located in New Hampshire. In addition to the subject property, there are similar facilities located in Dover, Manchester and Nashua. The appraiser contacted the Portsmouth Assessor's Office to see if they have identified any diminution in the value of the residential properties that are near the Chase Home. Charles Reese, Commercial Assessor for Portsmouth responded to my inquiry. He used their Vision software to see if there are any economic adjustments made for proximity to a facility such as the subjects (nursing homes, retirement facilities, or such) and he found none. He also stated that there have not been any abatement applications over the past five years in Portsmouth from properties that are immediately adjacent to the subject property. I spoke with Donna Langley, the Dover Assessor, about the Dover Children's Home on 207 Locust Street in Dover. This facility is located in an area that is surrounded by a combination of single-family homes, multi-family properties and a newly constructed residential townhouse condominium development. Ms. Langley indicated that she has not identified any diminution in the values of the surrounding properties because of their proximity near the Dover Children's Home. Additionally, she stated that none of the nearby property owners have filed for abatements claiming that their property values have been negatively impacted because of the Dover Children's Home. The appraiser also spoke with Bob Gagne, the City of Nashua Assessor, about the Nashua Children's Home at 125 Amherst Street and Charles Kurfehs, the Commercial Assessor for the City of Manchester, about the Webster House Children's Home at 135 Webster Street to see if they have identified any diminution in the values of the properties that surround these

two Children's Home developments. Both of these developments are located in mixed-use areas that have a combination of single-family, duplex and multi-family properties surrounding the home. Mr. Kurfehs stated that he has not seen any diminution in the value of the properties that surround the Webster House in Manchester. Mr. Gagne stated that he examined the 13 abutters to the Nashua Children's Home and found that none of them had a neighboring influence adjustment made because of their proximity to the home. Additionally, Mr. Gagne stated that none of these abutters has ever filed a complaint of negative neighboring influence. The appraiser has also conducted a search for market data that would support the assertion that there has been a diminution of value experienced by any of the properties located near these Residential Care Facilities or Children's Home developments and found none.

In order to opine on this requested relief a certain amount of common sense must be applied as there are no exactly comparable comparisons in the marketplace. Therefore, more of a global prospective must be applied to the subject's proposed relief. It is noted that the existing Chase Home for Children has not caused any identifiable diminution in the value of the surrounding residential properties over the years. There is no data showing that there is a diminution in the value of surrounding properties because of their proximity to other Children's Homes or Residential Care Facilities in the surrounding communities. Based on this information, and the appraiser's own comparable sale searches, it appears that there is no market data that identifies a diminution of value for the properties that surround a larger Children's Home development located in New Hampshire.

The views of the subject property from the abutting and surrounding properties will change but not to the extent that the general character of the area will dramatically change any more than if the front upland area of the subject property were to be developed with permitted uses (single-family and family day care) which could have two or three-story buildings just 20' from the property sideline. Any knowledgeable buyer of one of the nearby properties would understand that the front upland woodland area of the subject property is likely an interim use, given the demand for all types of developable land in the Portsmouth area, which will eventually be developed. While these property owners have enjoyed their neighboring woodland view for many years, it would be inevitable that this front upland area would be developed at some point in time.

The appraiser has examined the impact that the proposed two-story Residential Care Facility would have on neighboring properties based on a market analysis considering noise, view and use changes to the subject property and how that would impact the surrounding properties. It is concluded that there would not be an increase in the noise level from the property that would negatively affect nearby properties. The view that the next potential buyers of the neighboring properties will have will be of a high-quality modern building that will have minimal use of the yard areas located between the new building and the neighboring residences. The use of the subject property will be similar to what is found in several other residential neighborhoods throughout the Seacoast area of New Hampshire.

There could be some potential buyers of the surrounding single-family residences in the area that would prefer to not be in the area of a new Residential Care Facility development like the subject property and there will likely also be some potential buyers that would prefer to not be in the area of a single-family residence or family day care facility that locates a building within 20' of the property sideline. There will also likely be other potential buyers

of single-family homes in the area that would not be negatively impacted by being located near a new Residential Care Facility development the size of the proposed property and others may view it as a positive as the new development like the subject property as it will bring a new high-quality Children's Home development to the neighborhood. Values tend to be negatively impacted not when a few or some of the potential buyers in the marketplace view a property feature or property type as being a negative, but they tend to be negatively impacted when all or nearly all of the potential buyers in the marketplace view a property feature or a property type as being a negative. There will likely be some individual potential buyers of nearby single-family homes in the area who do not view the location near the subject's proposed Children's Home development as being a positive, but based on the data gathered and my observations, these potential buyers will not be large enough to negatively impact the market value of the surrounding properties.

It is my opinion that granting the requested variances for the subject property to be improved with a new, high-quality, two-story Residential Care Facility building as proposed would not result in the diminution in value of the abutting property values in the immediate vicinity of the subject property and the proposed subject property would not change the characteristics of the neighborhood. In fact, the addition of the proposed subject property will add a new high-quality modern Children's Home structure to the neighborhood that very well could enhance the surrounding properties and the community as it is a major upgrade from what currently exists.

Respectively submitted,

  
Brian W. White, MAI, SRA NHC#-#52

## **SCOPE OF THE APPRAISAL**

The Scope of the Appraisal is defined as “the extent of the process of collecting and reporting data”.

### **Appraisal Problem:**

The subject property is a 25-acre parcel of land located at 698 Middle Road in Portsmouth, New Hampshire (Map 232, Lot 45). The proposed Residential Care Facility building will be located on an upland area located in the northern portion of the property located near Middle Road. This area of the property is currently improved with an access driveway and woodland. There is an older existing Residential Care Facility building located to the south of the proposed building location. This 14,000 +/- square foot building was constructed in 1917 as a Residential Care Facility for use by the Chase Home for Children of Portsmouth, New Hampshire. The proposed Residential Care Facility will effectively replace the intended use of the existing building. The areas surrounding the new building will contain drive, parking and landscaped areas along with two nearby parking lots. There are several single-family homes in the surrounding area of the proposed building that will have obstructed views of the new building and the support areas.

This opinion letter will examine the marketplace to determine if there are any data or factors that indicate that if the requested variance is granted allowing for the construction of a new Residential Care Facility would result in a diminution in the values of the neighboring properties. The analysis included examining market sales data along with surveying several assessors of Seacoast area cities and towns to obtain their findings from similar developments.

### **Intended Use of the Appraisal:**

The intended use of this opinion letter is to assist in determining if there would be any diminution in the values of the properties that surround the proposed Residential Care Facility of the subject property.

### **Intended User of the Appraisal:**

This appraisal report was prepared for the exclusive use of the client as part of a variance application with the City of Portsmouth. This report is not intended for any other use. Any use of this appraisal by any other person or entity, or any reliance or decisions based on this appraisal, is the sole risk of the third party. White Appraisal accepts no responsibility for damages suffered by any third party as a result of reliance on decisions made, or actions taken based on this report.

### **Property Inspection:**

In this appraisal assignment the collection process began with obtaining data on the subject property. Initially, this was done by gathering recorded information on the subject property as follows:

1. A copy of the current tax assessment card was obtained from the City of Portsmouth Assessor’s Office.
2. Municipal data (zoning map and zoning regulations) was gathered which addresses the current zoning of the subject property.
3. Copies of the current deed for the subject property was obtained from the registry along with copies of any pertinent older deeds, easements, or recorded site plans. The

appraiser has been provided with several site and building plans along with a copy of the Variance Application.

4. The exterior areas of the subject property were viewed by Brian W. White on February 2, 2026.
5. The description of the subject's existing and proposed development is based on information from the Portsmouth Assessor's Office, site plans prepared by Haley Ward and building plans prepared by Mangel Destefan Architects, and the appraiser's physical inspection of the subject property.
6. The appraiser has familiarized himself with the Variance Request that the Applicant is requesting in order to accommodate the proposed Residential Care Facility.

**Data Research:**

Market data utilized in this report has been collected to support the appraiser's findings. Comparable sales have been identified by researching sales data published by various Multiple Listing Services, and the local municipality. These transactions have been studied and all pertinent data confirmed by checking the recorded deeds and/or by contacting a party directly involved in the sales transaction. Real Estate Brokers, property owners, and other individuals who are knowledgeable about the marketplace have been contacted in order to obtain additional comparable data regarding current asking prices, pending sales, or leases of similar properties. The transactions deemed most meaningful to this opinion letter have been utilized.

**Analyses Undertaken:**

This appraisal utilized sales of properties located in the Seacoast area that may have been impacted by their proximity to the proposed Residential Care Facility. Several local Seacoast area assessors were surveyed to obtain information on any similar studies that they may have conducted and to obtain their opinion of the matter.

**Reporting:**

The content of this opinion letter is prepared based on the requirements defined by Standard 2 of the Uniform Standards of Professional Appraisal Practice (2024-2025 USPAP), effective January 1, 2026, through December 31, 2027. The level of reporting is consistent with a Restricted Appraisal Report format.

# WHITE APPRAISAL

**REAL ESTATE APPRAISING & CONSULTING**



**Brian W. White, MAI, SRA**

## CERTIFICATION

I do hereby certify that, except as otherwise noted in this report:

1. the statements of fact contained in this report are true and correct;
2. the reported analyses, opinions and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, unbiased professional analyses, opinions and conclusions;
3. I have no present or prospective interest in the property which is the subject of this report and I have no personal interest or bias with respect to the parties involved;
4. I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment;
5. my engagement in this assignment was not contingent upon developing or reporting predetermined results;
6. my compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal;
7. my analysis, opinions, and conclusions, were developed, and this report has been prepared in conformity with the Uniform Standards of Professional Appraisal Practice;
8. Brian W. White, MAI, SRA has made a personal inspection of the property that is the subject of this report;
9. no one has provided significant real property appraisal assistance to the persons signing this certification;
10. I have not performed any services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment;
11. the reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Code of Professional Ethics & Standards of Professional Appraisal Practice of the Appraisal Institute;
12. the use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives;
13. As of the date of this report, Brian W. White, MAI, SRA, has completed the continuing education program for Designated Members of the Appraisal Institute.

Respectively submitted,

  
**Brian W. White, MAI, SRA NHC#-#52**

## Qualifications of the Appraiser

Brian W. White, MAI, SRA

### ***Professional Designations:***

Member, Appraisal Institute (**MAI**) – Awarded by the Appraisal Institute. MAI #9104  
Senior Residential Appraiser (**SRA**)

### ***Employment:***

1989 to Present      White Appraisal – Dover, NH  
President – Senior Appraiser  
Owner of White Appraisal, a commercial and residential  
real estate appraisal firm. Complete appraisals on all  
types of commercial and residential properties.  
Consulting.

1988                  Finlay Appraisal Services – Portsmouth, NH  
Senior Vice President/Chief Operations Officer  
Oversaw the operation of four appraisal offices. Completed commercial  
and residential appraisals on all types of properties.

1985                  Finlay Appraisal Services – Portsmouth, NH  
and Appraisal Services Manager – South Portland, ME. Completed  
commercial and residential appraisals on all types of properties.

### ***Education:***

Mitchell College  
Associate of Arts, Liberal Studies

University of Southern Maine  
Bachelors of Science, Business Administration  
Bus 022 Real Estate Law  
Bus 023 Real Estate Practice  
Bus 025 Real Estate Valuation

American Institute of Real Estate Appraisers  
1A-1 Real Estate Appraisal Principles  
1A-2 Basic Valuation Procedures  
1B-A Cap. Theory and Technique (A)  
1B-B Cap. Theory and Technique (B)  
2-3 Standards of Pro. Practice  
2-4 Exam #7 Industrial Valuation

Society of Real Estate Appraisers  
101 Intro. To Appraising Real Property  
102 Applied Residential Property Valuation  
201 Prin. Of Income Property Appraising  
202 Applied Income Property Valuation

### ***Recent Appraisal Institute Classes:***

Introduction to Appraising Green Buildings – 2011  
USPAP Update- 2017  
USPAP Update- 2019  
Business Practices & Ethics- 2021  
USPAP 2022/2023 Update- 2021  
Marshall & Swift Valuation – Commercial Construction Costs – 2023

**Recent Appraisal Institute Classes (Continued):**

USPAP 2024/2025 – 2024

USPSP 2026/2027 - 2025

**Recent Seminars:**

Residential Building Systems- 2021  
2021-2022 NH Market Insights- 2021  
Implications for Appraisers of Conservation Easement Appraisals- 2022  
NH's Housing Market & Covid: What a Long, Strange Road It's Been!- 2022  
Current Residential & Commercial Valuation Concerns- 2022  
Commercial Real Estate Markets in Turbulent Times- 2023  
NH in a Time of Virus: Are We in Recovery? An Economist's View- 2023  
Dealing with Atypical Properties or Assignment Conditions- 2023  
15 Takeaways from Your Colleagues Legal Misfortunes- 2023  
Basics of PV Solar Valuation - 2024  
Valuation of Small Lodging Properties – 2024  
US, NH & VT Economies – 2024  
Market Outlook for NH Commercial Real Estate – 2024  
Building Inspection – Valuation Resource for Appraisers – 2025  
A New Perspective on the Valuation of Solar Developments in NH- 2025  
Impact of Short-term Rentals on Real Property Valuation - 2025  
Economic Outlook & Real Estate Trends - 2025

**Appointments:**

Board of Directors – New Hampshire Chapter of the Appraisal  
Institute - 1991 to 1993; 2000 to 2010, 2015-2018 & 2020-2020-2023  
Vice President - New Hampshire Chapter of the Appraisal Institute – 2011-2012 & 2019  
President – New Hampshire Chapter of the Appraisal Institute – 2013 & 2014, 2024 & 2025

**Experience:**

Review Chairperson – New Hampshire Chapter of the Appraisal  
Institute – 1994 to 2010

**Licenses:**

N.H. Certified General Appraiser #NHCG -52, Expires 4/30/2027

**Partial List of Clients:**

**Banks:**

Androscoggin Bank  
Granite Bank  
First Seacoast Bank  
Sovereign Bank  
Eastern Bank  
Century Bank  
TD Bank  
Kennebunk Savings Bank  
Northeast Federal Credit Union  
Profile Bank  
Peoples United Bank  
Key Bank  
Bangor Savings Bank  
Provident Bank

**Attorneys:**

John Colliander  
Karyn Forbes  
Michael Donahue  
Richard Krans  
Simone Massy  
Samuel Reid  
Daniel Schwartz  
Robert Shaines  
William Shaheen  
Steve Soloman  
Tim Phoenix  
Ralph Woodman  
Derek Durbin  
Fred Forman

**Others:**

City of Dover  
Town of Durham  
University of New Hampshire  
Wentworth-Douglass  
The Homemakers  
Strafford Health Alliance  
Goss International  
Chad Kageleiry  
Gary Levy  
Stan Robbins  
Daniel Philbrick  
Keith Frizzell  
Chuck Cressy  
John Proulx



**State of New Hampshire**  
**OFFICE OF PROFESSIONAL LICENSURE AND CERTIFICATION**

**Real Estate Appraisers Board**

Pursuant to RSA 310:8, I - this is to certify that

**Brian W White**

is licensed to practice as a(n)

**Certified General Appraiser**

LICENSE NO. NHCg-52  
EXPIRATION DATE: 04/30/2027

# **ADDENDA**

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**PHOTOGRAPHS OF THE SUBJECT PROPERTY**



Street Scene - Front of the Subject Property  
Looking Northeast on Middle Road - (2/2026)



Street Scene - Front of the Subject Property  
Looking Southwest on Middle Road - (2/2026)

## PHOTOGRAPHS OF THE SUBJECT PROPERTY



Subject Property – Front Driveway  
Looking South from Middle Road - (2/2026)



Surrounding Properties - Front of Property  
Looking North on Middle Road - (2/2026)

**PHOTOGRAPHS OF THE SUBJECT PROPERTY**



Surrounding Properties - Front of Property  
Looking Northwest on Middle Road - (2/2026)



Surrounding Properties - Front of Property  
Looking West on Middle Road - (2/2026)

## PHOTOGRAPHS OF THE SUBJECT PROPERTY



View of 710 Middle Road from Proposed Building Location of the Subject Property  
Looking West - (2/2026)



View of 3 Sylvester Street from Proposed Building Location of the Subject Property  
Looking Northeast - (2/2026)

## PHOTOGRAPHS OF THE SUBJECT PROPERTY



View of 1 Sylvester Street from Proposed Building Location of the Subject Property  
Looking Northeast - (2/2026)



View of Middle Road from Proposed Building Location of the Subject Property  
Looking Northwest - (2/2026)

## PHOTOGRAPHS OF THE SUBJECT PROPERTY



Subject Property – Location of Proposed Building  
Looking Southeast from Driveway - (2/2026)



Subject Property – Location of Proposed Building  
Looking Northwest from Driveway Cul-de sac Area - (2/2026)

**PHOTOGRAPHS OF THE SUBJECT PROPERTY**



Subject Property – Front of the Existing Building  
Looking Southeast from Driveway – (2/2026)



Subject Property – Rear of the Existing Building  
Looking Southwest– (2/2026)

**PHOTOGRAPHS OF THE SUBJECT PROPERTY**

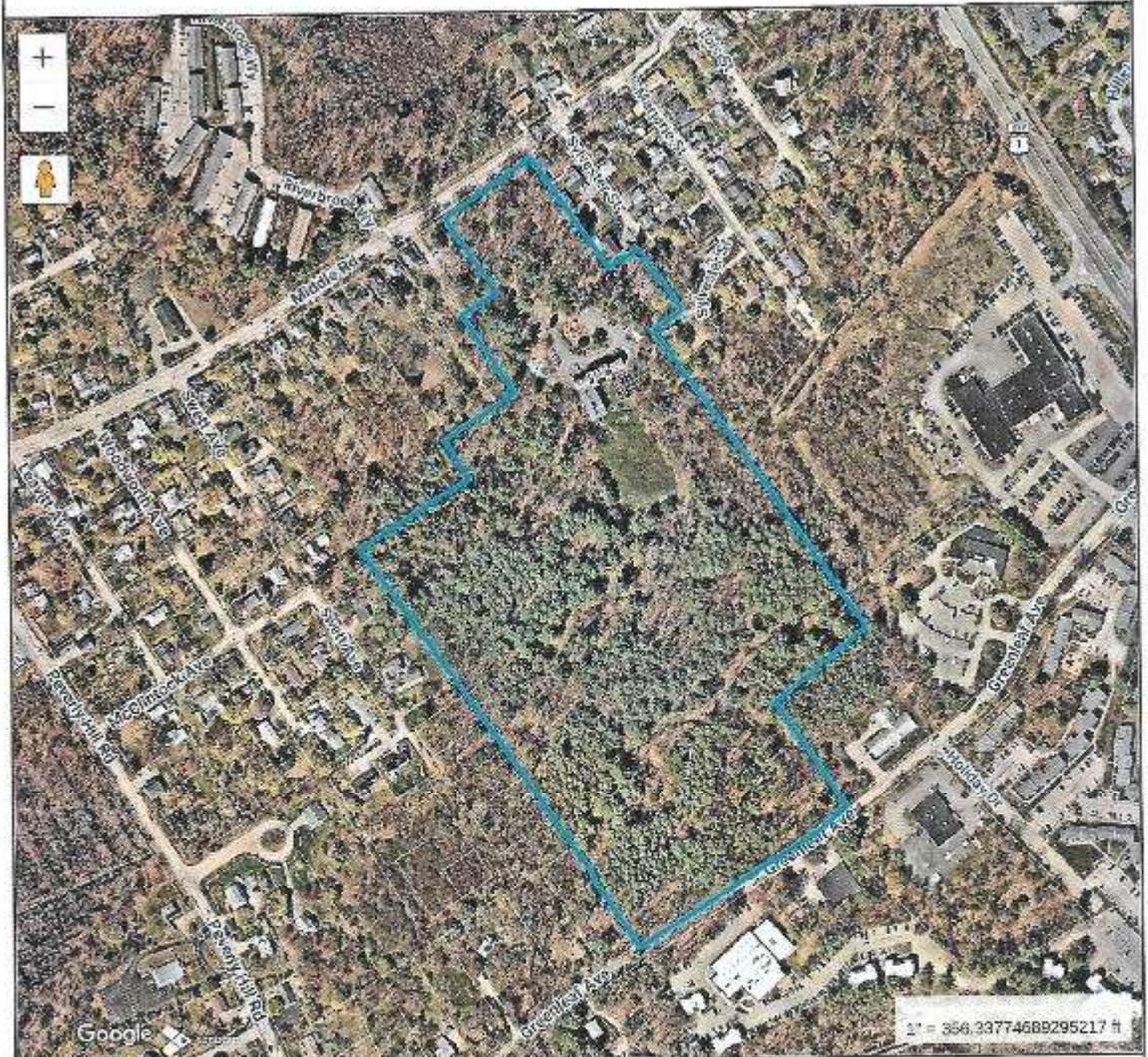


Subject Property – Rear Garden, Greenhouse & Field Area  
Looking South– (2/2026)



Subject Property – Three-bay Garage  
Looking East from Driveway Area – (2/2026)

### AERIAL VIEW



**Property Information**

Property ID: 0252-0015-0000  
 Location: 081 MIDDLE RD  
 Owner: CHASE HOME FOR CHILDREN



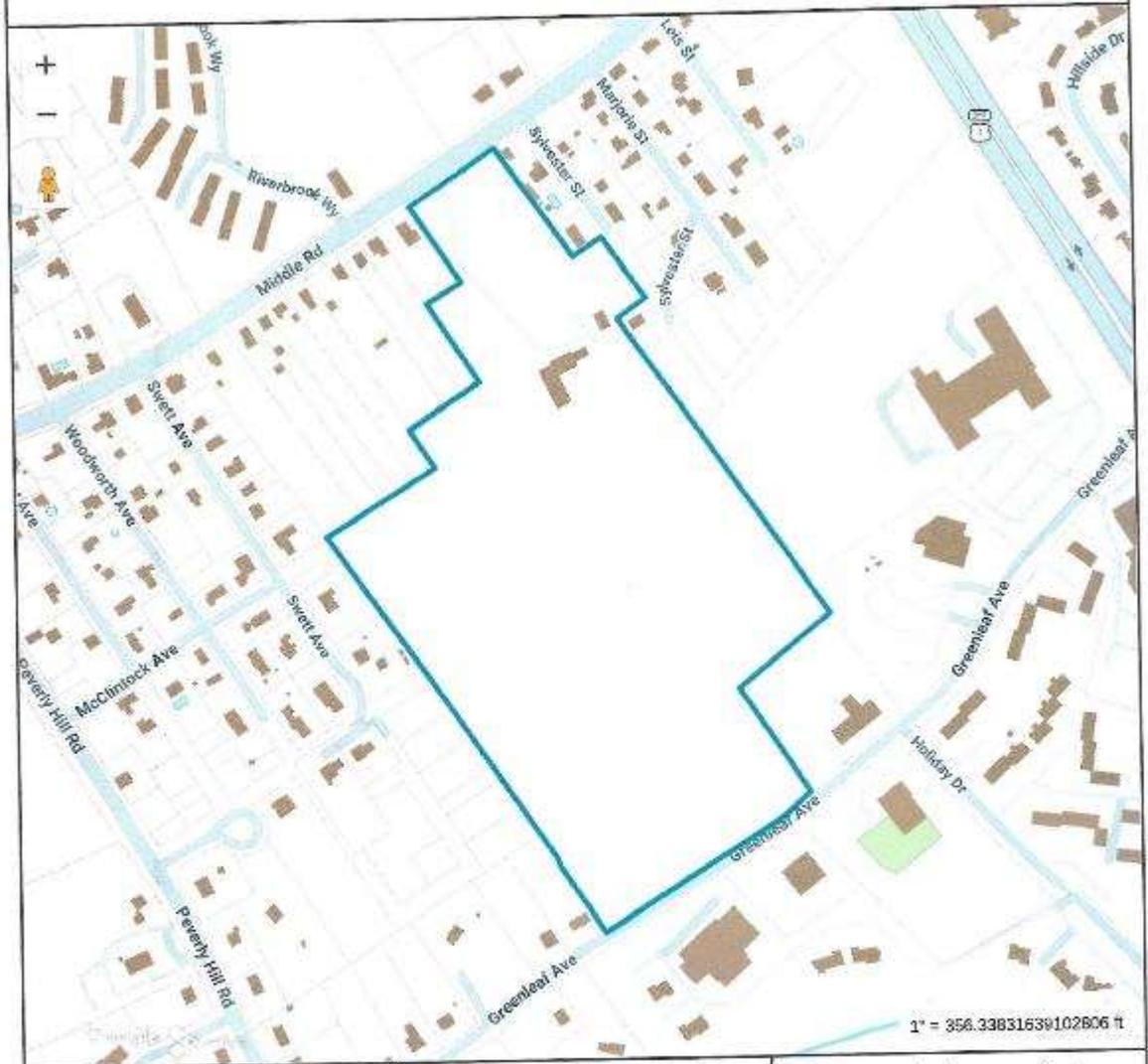
**MAP FOR REFERENCE ONLY  
 NOT A LEGAL DOCUMENT**

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 1/23/2025

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

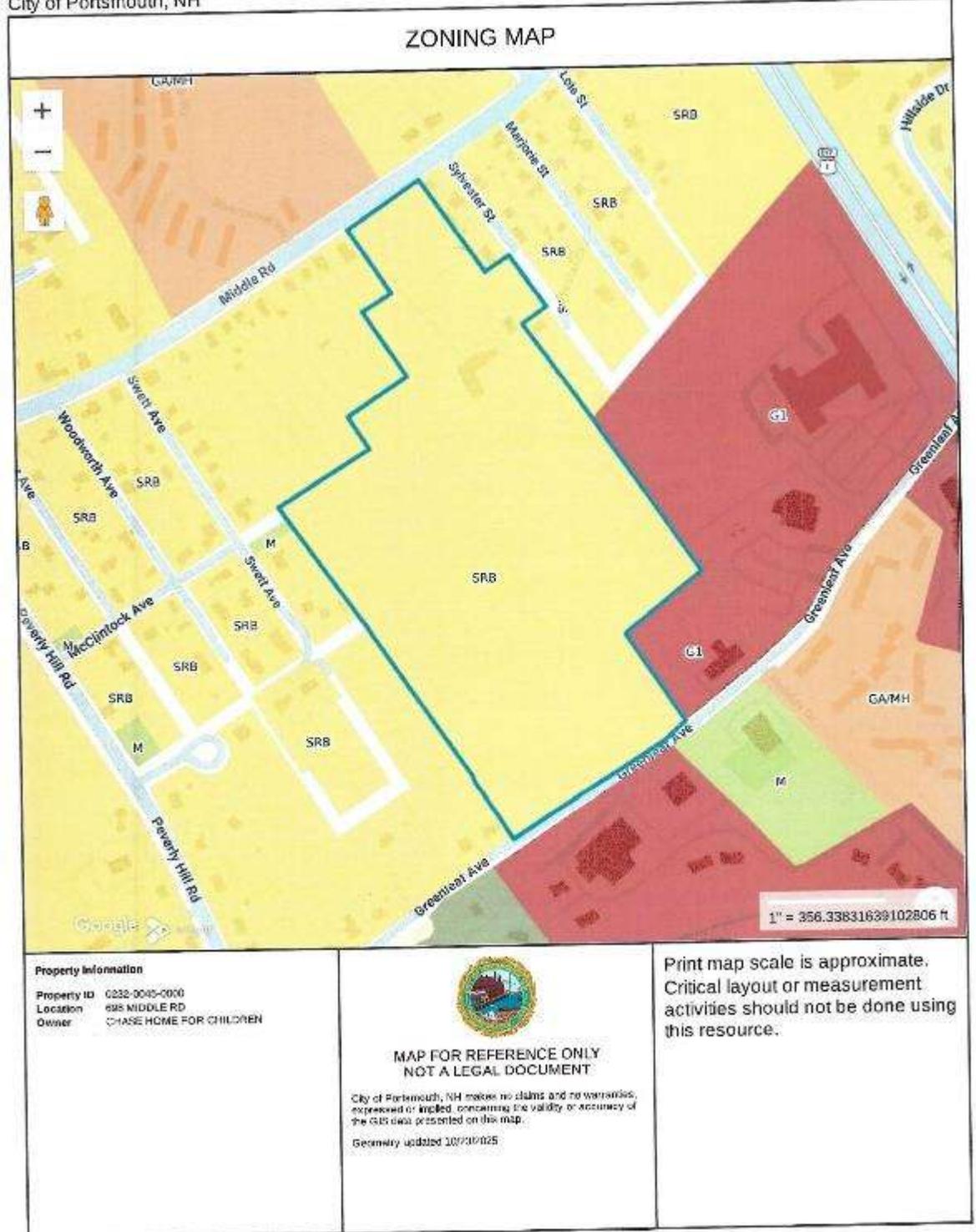
### ASSESSOR'S GIS MAP



Property Information	
Property ID	0232-0045-0000
Location	090 MIDDLE RD
Owner	CHASE HOME FOR CHILDREN

  
**MAP FOR REFERENCE ONLY**  
**NOT A LEGAL DOCUMENT**  
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 Geometry updated 10/29/2025

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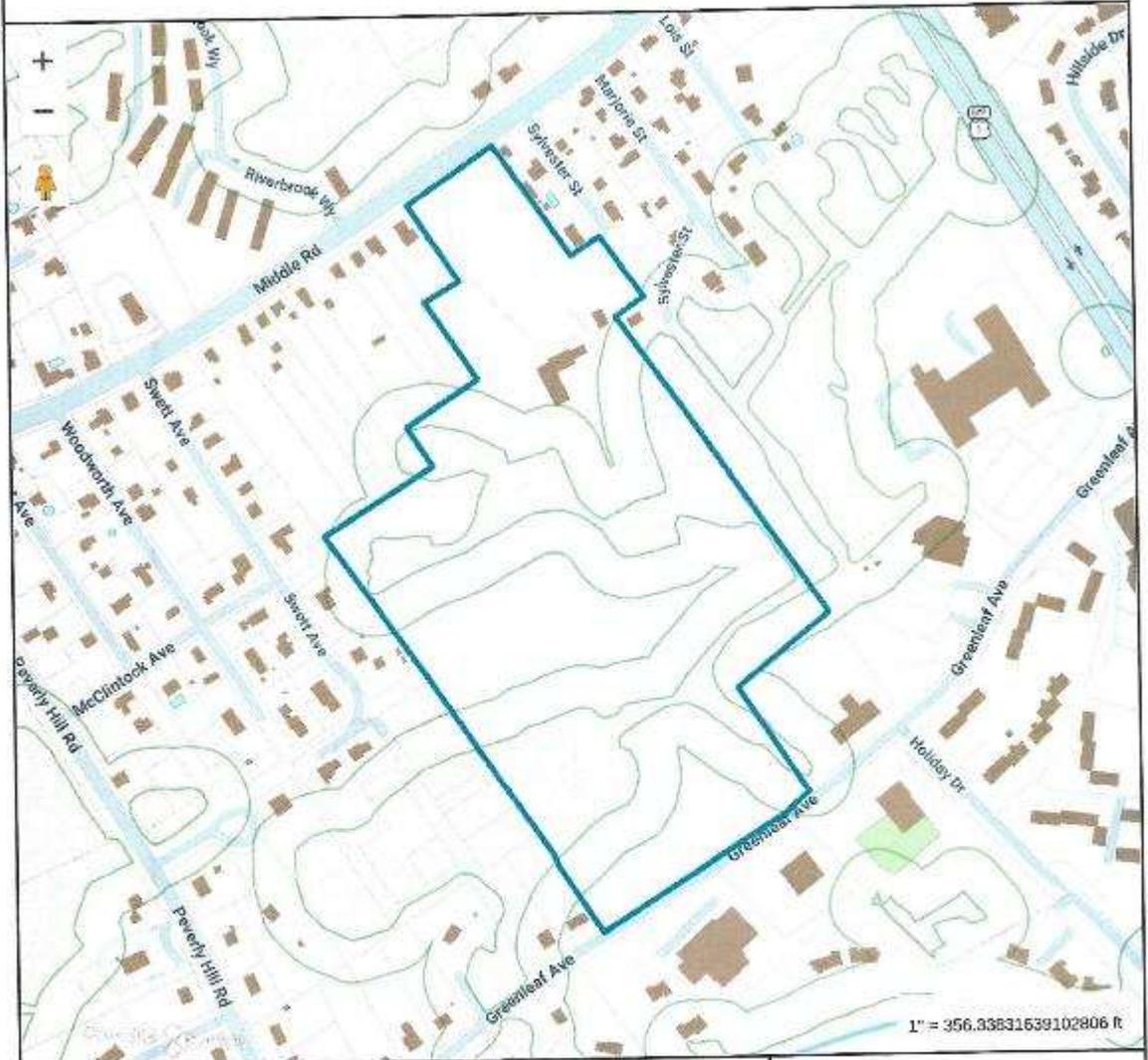


## Map Theme Legends

### Zoning

<b>Residential Districts</b>	
R	Rural
SHA	Single Residence A
SRB	Single Residence B
GPA	General Residence A
GRB	General Residence B
GRC	General Residence C
GA/MH	Garden Apartment/Mobile Home Park
<b>Mixed Residential Districts</b>	
MHO	Mixed Residential Office
MHB	Mixed Residential Business
GA	Gateway Corridor
GC	Gateway Center
<b>Business Districts</b>	
GB	General Business
B	Business
WB	Waterfront Business
<b>Industrial Districts</b>	
OR	Office Research
I	Industrial
AI	Waterfront Industrial
<b>Airport Districts</b>	
AIR	Airport
AI	Airport Industrial
PI	Phase Industrial
ABC	Airport Business Commercial
<b>Conservation Districts</b>	
M	Municipal
NRP	Natural Resource Protection
<b>Character Districts</b>	
CD3	Character District 3
CD4	Character District 4
CD4W	Character District 4-W
CD4L1	Character District 4-L1
CD4L2	Character District 4-L2
<b>Civic District</b>	
CD	Civic District
<b>Municipal District</b>	
MD	Municipal District
<b>Overlay Districts</b>	
OLCD	Osprey Landing Overlay District
DO	Downtown Overlay District
H	Historic District
City of Portsmouth	

### WETLANDS MAP



**Property Information**

Property ID 0232-0045-0000  
 Location 690 MIDDLE RD  
 Owner CHASE HOME FOR CHILDREN



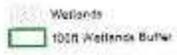
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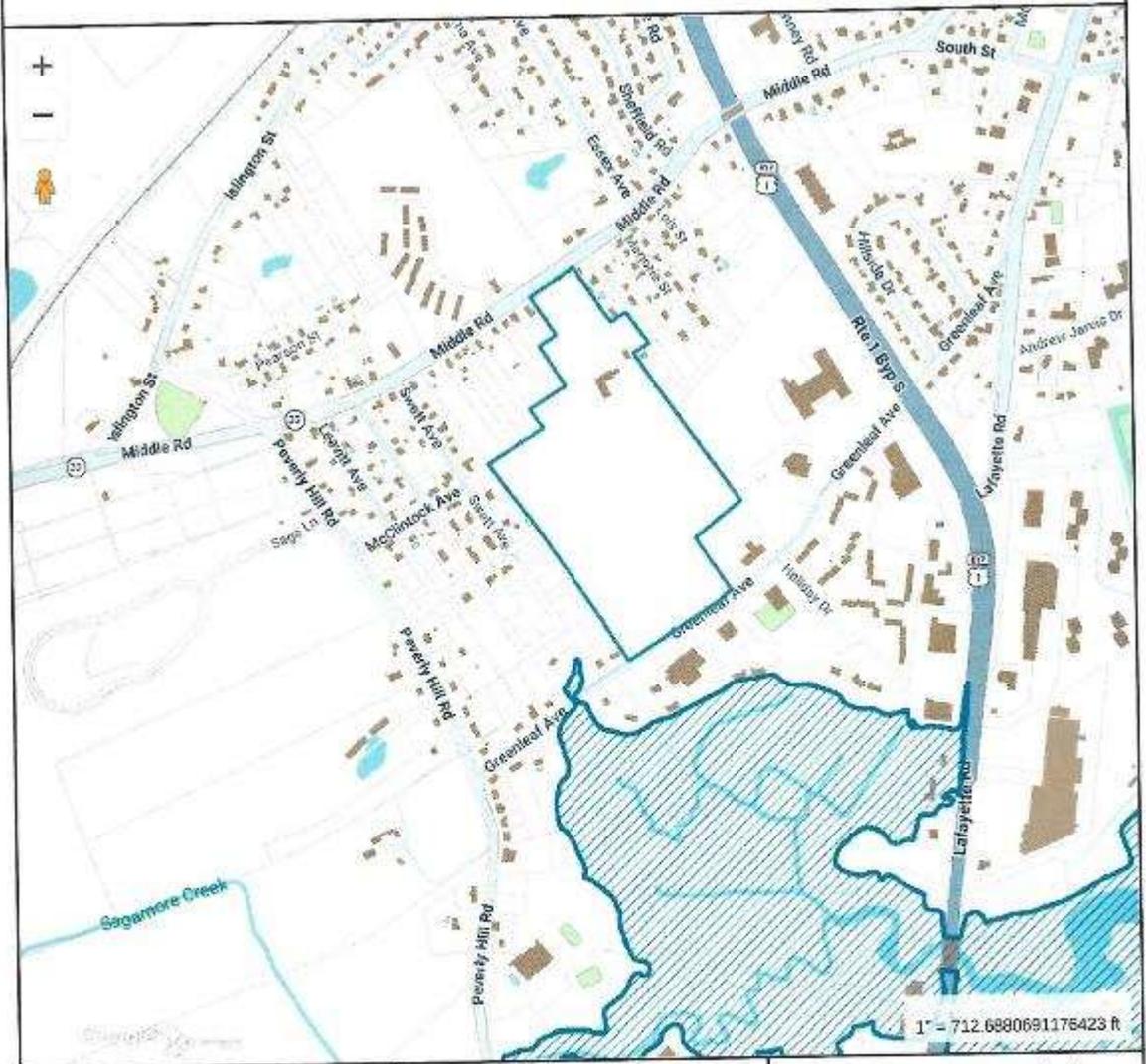
## Map Theme Legends

### Wetlands



City of Portsmouth

### FLOOD MAP



**Property Information**

Property ID 0232 0015-0000  
 Location 628 MIDDLE RD  
 Owner CHASE HOME FOR CHILDREN



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

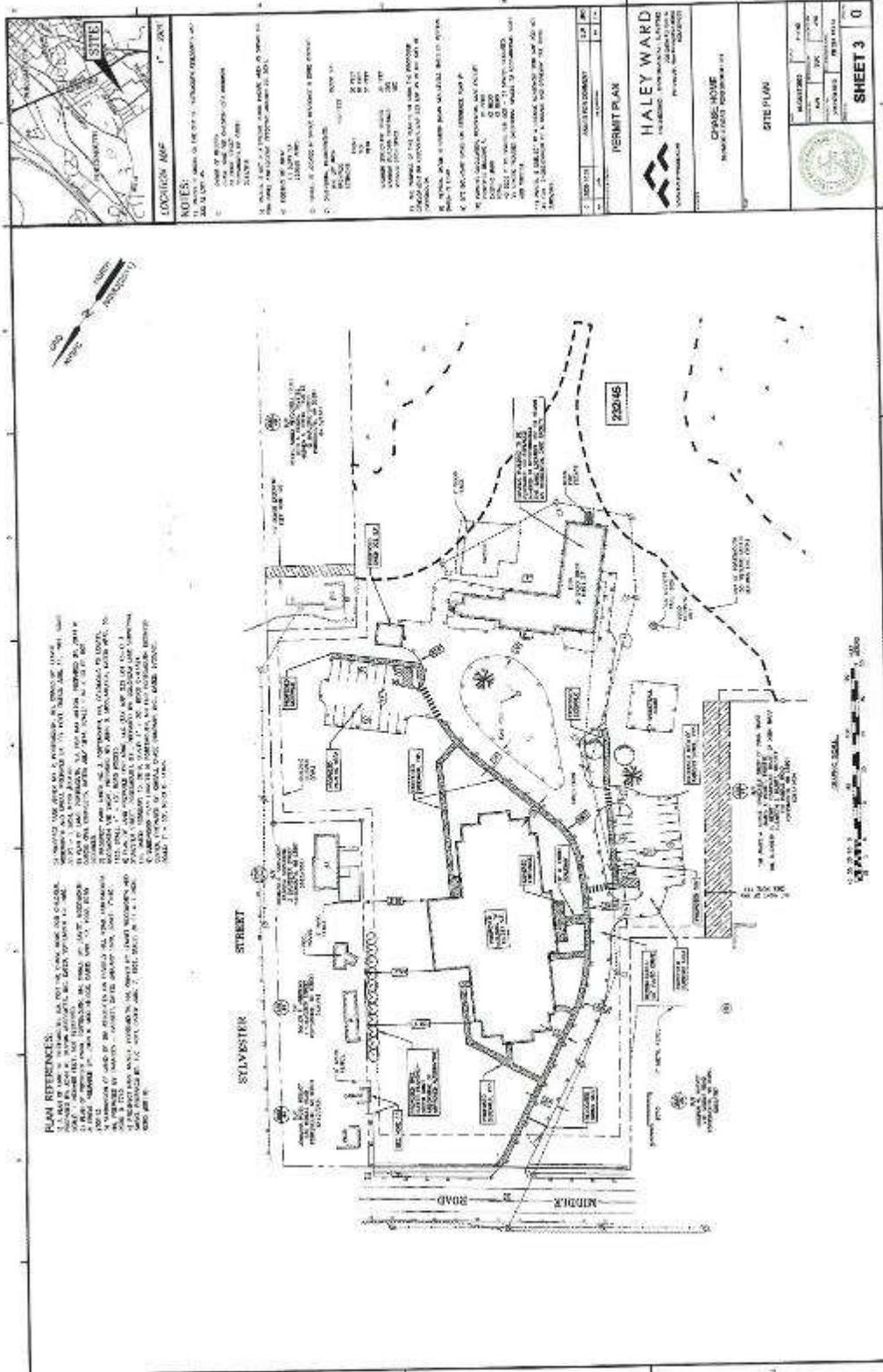
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Geometry updated 10/23/2025

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**PLAN REFERENCES:**

- 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CITY OF KANSAS CITY, MISSOURI, PLANNING AND ZONING ORDINANCES AND THE CITY OF KANSAS CITY, MISSOURI, SUBDIVISION ORDINANCES.
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**LOCATION MAP**

**NOTES:**

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**PERMIT PLAN**

**HALEY WARD**  
 ARCHITECTS, INC.  
 1000 N. W. 10TH ST., SUITE 100  
 MIAMI, FL 33136  
 PH: 305.575.1111  
 WWW.HALEYWARDARCHITECTS.COM

**CHASE HOME**  
 HERMIT PLAN

**SITE PLAN**

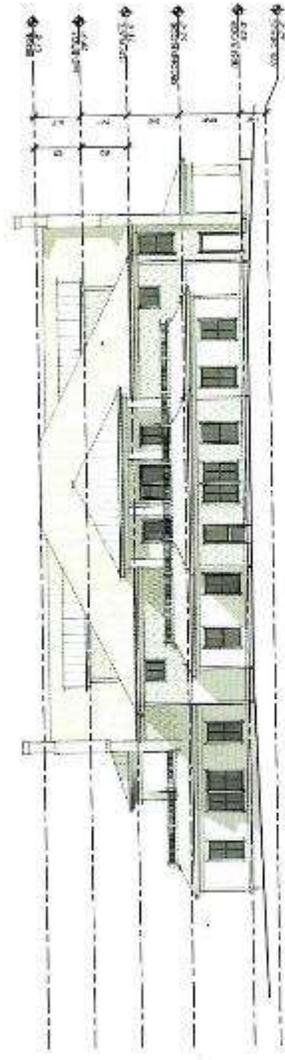
DATE	10/15/2014
SCALE	AS SHOWN
PROJECT NO.	14-0001
CLIENT	CHASE HOME
DESIGNER	HALEY WARD ARCHITECTS, INC.
CHECKED BY	[Signature]
DATE	10/15/2014

**SHEET 3** of 0

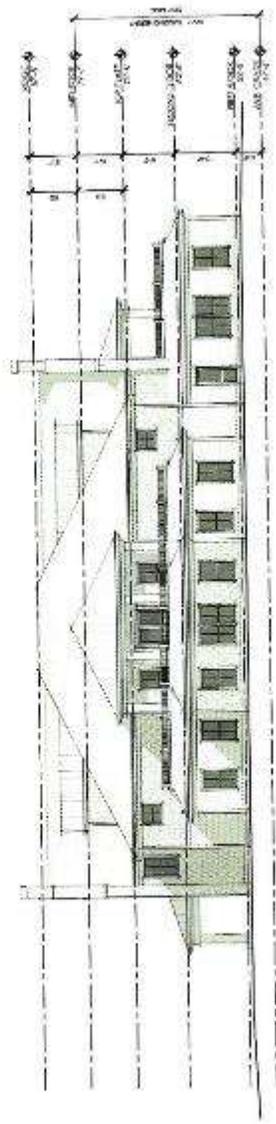






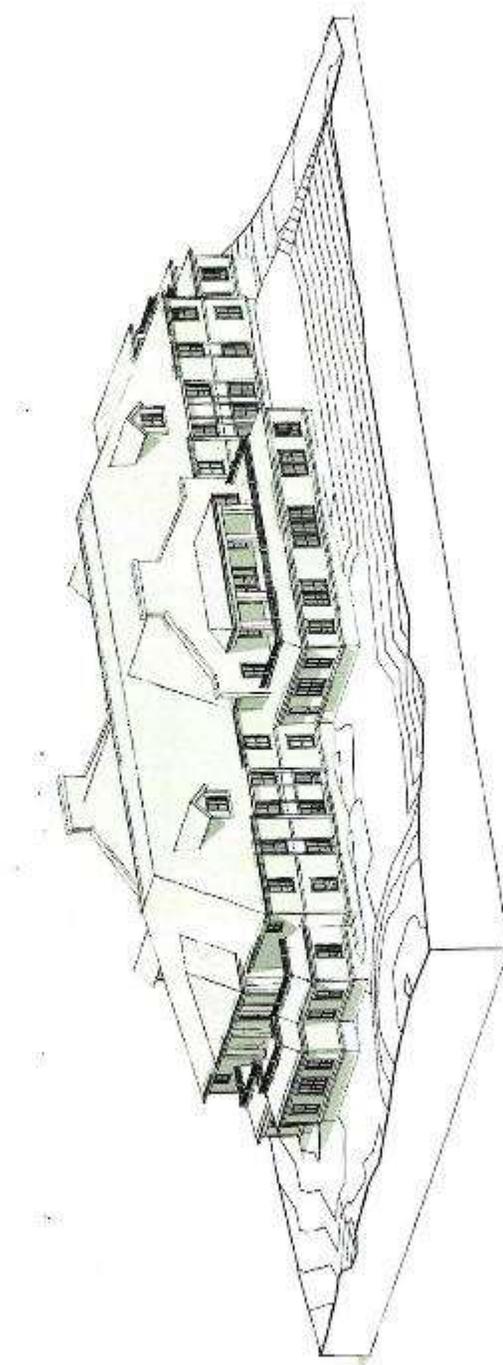


ELEVATION 2  
1/8" = 1'-0"



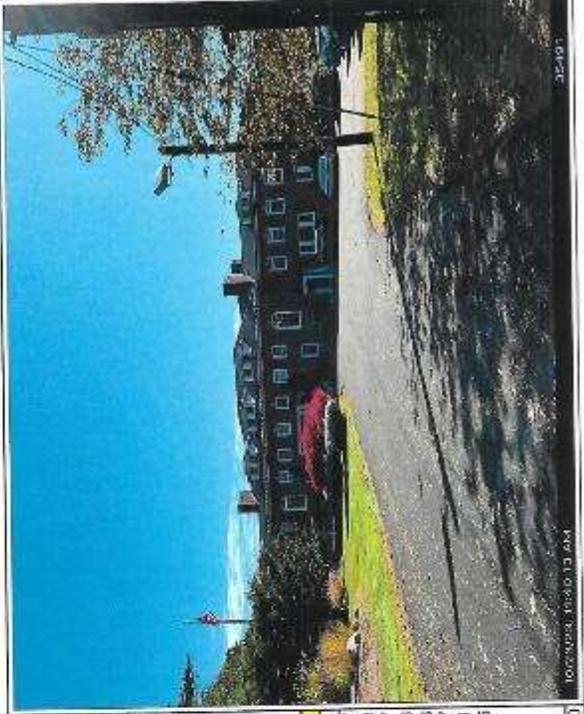
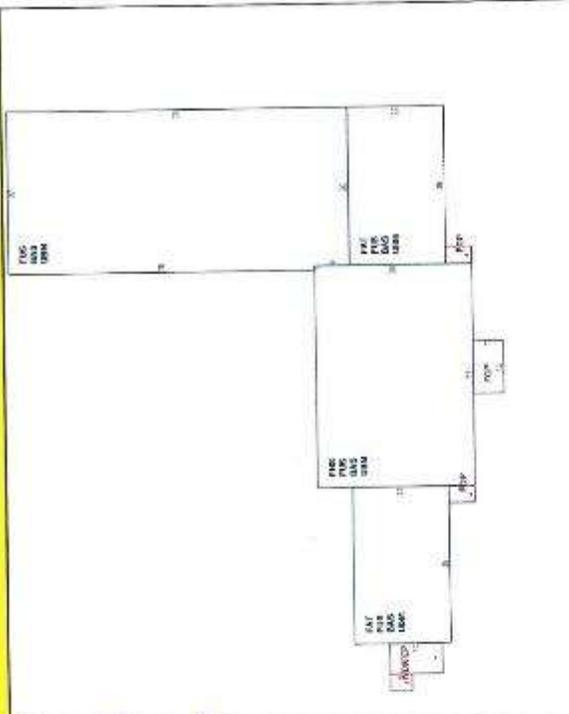
ELEVATION 1  
1/8" = 1'-0"





CURRENT OWNER		UTILITIES		STRY / ROAD		LOCATION		CURRENT ASSESSMENT								
Code	Description	Code	Description	Code	Description	Code	Description	Code	Description							
905C	EXEMPT	905C	EXEMPT	905C	EXEMPT	905C	EXEMPT	905C	EXEMPT							
9300	EXM LAND	9300	EXM LAND	9300	EXM LAND	9300	EXM LAND	9300	EXM LAND							
9300	EXEMPT	9300	EXEMPT	9300	EXEMPT	9300	EXEMPT	9300	EXEMPT							
SUPPLEMENTAL DATA		CONDO C		CONDO C		CONDO C		CONDO C								
AIR PCL ID: 0232-0045-0000-0000		INLAW Y		INLAW Y		INLAW Y		INLAW Y								
OLDDACTN: 1143		LOT SPLIT		LOT SPLIT		LOT SPLIT		LOT SPLIT								
PHOTO		2015 Reval Y		2015 Reval Y		2015 Reval Y		2015 Reval Y								
WARD		JM		JM		JM		JM								
PREC.		ExCr Appl		ExCr Appl		ExCr Appl		ExCr Appl								
1/2 HSE		Assoc Pdk#		Assoc Pdk#		Assoc Pdk#		Assoc Pdk#								
GIS ID: 35401																
RECORD OF OWNERSHIP		BK-VOL/PAGE		SALE DATE		QU / VI		SALE PRICE / VC								
CHASE HOME FOR CHILDREN		0 / 0				U / 1		0								
CHASE HOME FOR CHILDREN																
EXEMPTIONS		OTHER ASSESSMENTS		OTHER ASSESSMENTS		OTHER ASSESSMENTS		OTHER ASSESSMENTS								
Year	Code	Description	Amount	Code	Description	Number	Amount	Code	Description							
Total		0.00		ASSESSING NEIGHBORHOOD				ASSESSING NEIGHBORHOOD								
Nbrd Name		STREET INDEX NAME		Tracing		Batch		Batch								
304																
NOTES		ARTS/CRAFTS,STUDY,WORKSHOP,GYM		4/168P-TALKED TO PAUL, HE SAID WATER DAM		AGE FROM ICE DAM, 15 ROOMS & 2 HALLWAYS		SOME FRAMES REWORK, INSUL, DRYWALL & CEI								
CHASE HOME -1677 EST.GROUP HOME SPACE		FOR 25 CHILDREN AVG 16. 4/24 SOLAR HW HT		07/14- CHNG TO BRICK/MASON, CERAM TILE FL		FHW, CHNG TO LT1 WITH 3; REMOVE ATTACH		FEP & WDK1; ADD SPR1 AT 19.812; REAR								
37X78 BUILT 1970'S, UBM=LAUNDRY OFFICE.																
PERMIT RECORD		BUILDING PERMIT RECORD		BUILDING PERMIT RECORD		BUILDING PERMIT RECORD		BUILDING PERMIT RECORD								
Permit No	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Notes							
EC-25-162	07-01-2025			3,900		100		Install New 20A, 240V Circuit to								
SPR-21-85	09-15-2021			3,500	03-14-2022	100		Change existing sprinkler hos								
PMGC-21-2	09-08-2021			76,200	03-14-2022	100		48 ADA shower wheel, grab								
EC-21-224	09-08-2021			17,920	03-14-2022	100		REMODEL EXISTING BATHR								
BLDG-21-6	06-30-2021			75,000	03-14-2022	100		Institutional Remodel- Remode								
30923	06-15-2019	PL	Plumbing	4,500	01-27-2019	100		REPLACE INDIRECT WATER								
16-1729-1-	03-15-2017	IBP		15,634	04-03-2017	100		REPLACE INDIRECT WATER								
LAND LINE VALIDATION SECTION		LAND LINE VALIDATION SECTION		LAND LINE VALIDATION SECTION		LAND LINE VALIDATION SECTION		LAND LINE VALIDATION SECTION								
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size/Ad	Site Cond.	ST	ST	ST	Special Pricing	Adj Unit P	Land Value	
1	9300	CHARTBL 94	SRD	87,120	SF	24.80	1,000.0	1	0.96	304	0.530	905 Shepel Size	1.0000	12.62	1,099,300	
1	905C		SRB	890,802	SF	24.80	1,000.0	1	0.10	304	0.530	905 Shepel Size	1.0000	1.31	1,170,900	
1	905C		SRS	3,000	AC	530.00	1,000.0	0	1.08	304	0.530	905 Shepel Size	1.0000	265	800	
Total Card Land Units: 25 AC													Parcel Total Land Area: 25		Total Land Value: 2,271,000	

Element	Cd	Description	Element	Cd	Description
Style: Model	14	Apartment			
Grade	94	Commercial			
Stones	B+	B+			
Occupancy	2				
Residential Unit	1.00				
Exterior Wall 1	20	Brick/Masonry			
Exterior Wall 2	03	Gable/Hip			
Roof Structure	03	Asph/F Gls/Comp			
Roof Cover	05	Drywall/Shuct			
Interior Wall 1	11	Ceram Clay TI			
Interior Wall 2	14	Carpet			
Interior Floor 1	03	Gas			
Interior Floor 2	05	Hot Water			
Heating Fuel	01	None			
Heating Type	01	CHARTBL 94			
AC Type	9300				
Bldg Use					
Total Rooms					
Total Bedrooms					
Total Baths					
Kitchen Grd					
HeadAC					
Frame Type	00	NONE			
Baths/Plumbing	02	WOOD FRAME			
Ceiling/Wall	06	AVERAGE			
Rooms/Prms	02	CEIL & WALLS			
Wall Height	9.00	AVERAGE			
% Conn Wall					
1st Floor Use					
Class					



OB - OUTBUILDING & YARD ITEMS (1) - BUILDING EXTRA FEATURES									
Code	Description	UB	Units	Unit Price	Yr Bld	Card	% Gd	Gr Adj	Appr. Value
FGR4	GAR W/LT AVE	L	1,050	59.00	1980	A	50	C	31,000
LT1	LIGHT S-IN/W/PL	L	3	853.00	0	A	50	C	1,300
PW1	PAVING ASPHALT	L	8,000	3.00	1980	A	50	C	12,000
SPR1	SPRINKLERS-WET	S	19,812	5.30	1983	00	84	C	67,200
GEN	GENERATOR COMM	B	1	100,000.00	1983	A	84	C	64,000

BUILDING SUB-AREA SUMMARY SECTION									
Code	Description	Living Area	Floor Area	EIF Area	Unit Cost	Undsprc. Value			
RA5	First Floor	6,298	6,298	282.68	1,760.267				
FAT	Attic	396	1,594	70.67	111.938				
FEP	Porch, Enclosed	0	84	55	15,547				
FHS	Half Story, Finished	918	1,836	918	141.34				
FOP	Porch, Open	0	132	33	70.67				
FUS	Upper Story, Finished	6,298	6,298	282.68	1,760.267				
UBM	Basement, Unfinished	0	6,296	1,260	56.55				
WDK	Deck, Wood	0	20	2	28.27				
Total Gross Lnt. Lease Area		13,910	22,550	15,260		4,313,620			

EXEMPT UNDER RSA 78-B:2 (5) A Non-Contractual Transfer

QUITCLAIM DEED

KNOW ALL MEN BY THESE PRESENTS, that the CHASE HOME FOR CHILDREN, a New Hampshire charitable organization, of 698 Middle Road, Portsmouth, New Hampshire,

grants to the CHASE HOME FOR CHILDREN, a New Hampshire charitable organization, of 698 Middle Road, Portsmouth, New Hampshire,

with QUITCLAIM COVENANTS, the following described real estate:

A certain tract or parcel of land with the buildings thereon situate on Middle Road, Portsmouth, New Hampshire, bounded and described as follows:

Beginning at a point at the intersection of Middle Road and the northwesterly corner of the tract herein described, thence running along a stone wall N 73°09'35" E 94.16 feet to the end of the said stone wall; thence continuing N 73°18'05" E 30.01 feet to a point; thence continuing N 72°15'10" W along a stone wall 121.44 feet to a railroad spike; thence turning and running S 19°11'40" E 323.68 feet to an iron pin found; thence turning and running N 70°29'00" E 82.70 feet to Sylvester Street and a rebar set; thence turning and running S 19°31'00" E 180.00 feet, along Sylvester Street to an iron pin found; thence turning and running S 70°29'00" W 84.00 feet to a rebar set; thence turning and running S 19°02'45" E 132.81 feet to an iron pin found; thence turning and running S 19°37'55" E 534.90 feet to an NHHD bound found; thence turning and running S 66°46'20" W 279.82 feet to an NHHD bound found; thence turning and running S 18°49'10" E 299.04 feet to Greenleaf Avenue and an NHHD bound found; thence turning and running S 72°50'35" W 597.99 feet along Greenleaf Avenue to a bound found; thence turning and running N 16°41'50" W 200.22 feet to a rebar set and the beginning of a stone wall; thence turning and running N 09°56'20" W 26.08 feet to a point on said stone wall; thence turning and running N 18°47'50" W 64.95 feet to an iron pin found; thence turning and running N 22°54'15" W 27.49 feet to an iron pin found; thence turning and running N 19°11'25" W 326.78 feet to an iron pin found in said stone wall; thence turning and running N 17°34'45" W 116.10 feet to a point in said stone wall; thence turning and running N 21°17'45" W 73.60 feet to a point in said stone wall; thence turning and running N 19°40'00" W 212.74 feet to a point in said stone wall; thence turning and running N 18°33'10" W 108.63 feet to a drill hole set in said stone wall; thence turning and running N 73°00'45" E 316.80 feet to a rebar set; thence turning and running N 19°40'10" W 105.17 feet to a drill hole set; thence turning and running N 72°16'45" E 200.00 feet to a rebar set; thence turning and

ROCKINGHAM COUNTY SEP 19 06 PM '94  
REGISTRY OF DEEDS

3071 P0819

running N 18°08'20" W 220.50 feet to a rebar set; thence turning and running N 72°03'30" E 95.00 feet to a rebar set; thence turning and running N 18°08'15" W 215.00 feet to a tac found and the point of beginning.

Meaning and intending to combine the lots described as City Tax Map R-32, Lots 45 and 42.

Meaning and intending to describe the land with the buildings thereon shown as "A Plan of Land in Portsmouth N.H. for the Chase Home for Children" on plan dated September 10, 1990, File No. 724, Plan No. 5890 by John W. Durgin Associates, Inc. Area of parcel surveyed = 1,116,287 sq. ft. = 25.63 acres.

Signed this 13<sup>th</sup> day of September, 1994.

Chase Home for Children

By: M. Woodman, Jr.  
Ralph R. Woodman, Jr.,  
President, Board of Trustees

State of New Hampshire  
Rockingham, SS.

September 13, 1994

Personally appeared Ralph R. Woodman, Jr., duly authorized on behalf of the Chase Home for Children, known to me, or satisfactorily proven to be the person whose name is subscribed to the foregoing instrument and acknowledged that he executed the same for the purposes therein contained.

Maryann Towle  
Justice of the Peace

- 10.322 A **lawful nonconforming building or structure** that is damaged or destroyed by any cause other than the willful act of the owner or the owner's agent may be restored or reconstructed, provided that such restoration or reconstruction shall not enlarge the overall floor space or height of the **building** or cause the **building** to become more **nonconforming**. A **building permit** must be applied for within eighteen months of the damage. Nothing in this Section shall prevent the **demolition** of the remains of any **building** so damaged or destroyed.
- 10.323 Notwithstanding the preceding paragraphs, the following modifications to a **lawful nonconforming building or structure** may enlarge or expand the nonconformity, provided that the modification is the minimum necessary to comply with the applicable code:
- 10.323.10 Installation or replacement of components required for egress purposes pursuant to the **Building Code**; or
- 10.323.20 Installation or replacement of accessible egress components.
- 10.324 Any restoration, reconstruction, maintenance or repair work on a **nonconforming building or structure** in the Historic District shall comply with Section 10.630.

### Section 10.330 Nonconforming Uses

- 10.331 A **lawful nonconforming use** may continue, but may not be extended, enlarged or changed except in conformity with this Ordinance.
- 10.332 A **lot, building or structure** in which a **lawful nonconforming use** is discontinued for a period exceeding eight months, or which is superseded by a conforming use, may not again be devoted to a **nonconforming use**. Failure to use a property for a **nonconforming use** for a period of eight months shall create a presumption of abandonment of the **use**.
- 10.333 A **nonconforming use** located in a portion of a **building or structure** shall not be extended throughout other parts of the **building or structure**.
- 10.334 A **nonconforming use** of land may not be extended into any part of the remainder of a **lot** of land.
- 10.335 A **lawful nonconforming use** may be changed to another **nonconforming use**, provided that the proposed **use** is equally or more appropriate to the district than the existing **use**, and the impact on **adjacent** properties is less adverse than the impact of the existing **use**. Such determination shall be made by application for a special exception from the Board of Adjustment.
- 10.336 A **nonconforming use** of land which is incidental to or accessory to a **nonconforming use** within a **building** shall be discontinued at the same time the **nonconforming use** of the **building** is discontinued.

## Article 4 Zoning Districts and Use Regulations

Section 10.410 Establishment and Purpose of Districts  
 Section 10.420 District Location and Boundaries  
 Section 10.430 Use Regulations  
 Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts  
 Section 10.450 Table of Uses – Pease/Airport Districts  
 Section 10.460 Table of Uses – Municipal and Conservation Districts  
 Section 10.470 Uses Permitted in the Transportation Corridor District

### Section 10.410 Establishment and Purpose of Districts

The City of Portsmouth is hereby divided into the following zoning districts (the statements of purpose are for descriptive purposes and are not regulatory):

District		Purpose
<b>Residential Districts</b>		
Rural Residential	R	To provide areas for <b>single-family dwellings</b> and appropriate <b>accessory uses</b> at rural densities (up to one <b>dwelling</b> per five acres), and limited agricultural <b>uses</b> .
Single Residence A Single Residence B	SRA SRB	To provide areas for <b>single-family dwellings</b> at low to medium densities (approximately 1 to 3 <b>dwellings</b> per acre), and appropriate <b>accessory uses</b> .
General Residence A General Residence B General Residence C	GRA GRB GRC	To provide areas for <b>single-family, two-family</b> and <b>multifamily dwellings</b> , with appropriate <b>accessory uses</b> , at moderate to high densities (ranging from approximately 5 to 12 <b>dwelling units</b> per acre), together with appropriate <b>accessory uses</b> and limited services.
Garden Apartment/ Mobile Home Park	GA/MH	To provide areas for garden apartment <b>development</b> at moderate densities (up to 4 <b>dwelling units</b> per acre), and to accommodate existing developed mobile home parks.
<b>Mixed Use Districts</b>		
Mixed Residential Office	MRO	To provide areas where a limited range of business <b>establishments</b> , including <b>live/work units</b> , can be located near or <b>adjacent</b> to residential <b>development</b> , providing a transition between residential neighborhoods and commercial districts.
Mixed Residential Business	MRB	

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use Permit N = Prohibited

Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts

Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MH	MRO CD4- L1	CD4- MRB L2	CD5 CD4	GB	G1	G2	CD4- WB W	OR	I	WI	Supplemental Regulations
<b>I. Residential Uses</b>																
1.10 Single family dwelling	P	P	P	P	N	P	P	P	N	N	P	N	N	N	N	
1.20 Accessory dwelling unit																
1.21 Attached accessory dwelling unit (AADU)	AP	AP	AP	AP	N	AP	AP	AP	N	CU	CU	N	N	N	N	
1.211 Up to 750 sq. ft. GLA and entirely within an existing single-family dwelling																
1.212 Up to 750 sq. ft. GLA and in an expansion of an existing single-family dwelling	CU	CU	CU	CU	N	CU	CU	CU	N	CU	CU	N	N	N	N	10.814 (Accessory Dwelling Units)





P – Permitted AP – Administrative Approval S – Special Exception CU – Conditional Use Permit N – Prohibited

Use	R	SEA	GRA	GRC	GA	MRO	CD4- L1	MRB	CD4- L2	CD5	GB	G1	G2	B CD4- WB W	I	W1	Supplemental Regulations
1.92 Residential density incentive PUD	N	N	CU	N	N	N	N	N	N	N	N	N	N	N	N	N	
<b>2. Institutional Residence or Care Facilities</b>																	
2.10 Assisted living facility																	
2.11 Assisted living center	N	N	N	N	N	N	N	N	N	P	P	S	S	P	N	N	
2.12 Assisted living home	S	S	S	S	S	S	S	S	S	N	N	S	S	N	N	N	
2.20 Residential care facility																	
2.21 5 or fewer residents	S	S	S	S	S	S	S	S	S	N	N	S	S	S	N	N	
2.22 More than 5 residents	N	N	N	N	N	S	S	S	S	P	S	S	S	S	N	S	
<b>3. Educational, Religious, Charitable, Cultural and Public Uses</b>																	
3.10 Place of assembly																	
3.11 Religious	S	S	N	N	N	S	S	S	S	S	S	S	S	S	N	N	
3.12 Other nonprofit	N	N	N	N	N	S	S	S	S	S	S	S	S	S	N	N	
3.20 School																	
3.21 Primary or secondary	N	N	N	N	N	S	S	P	P	P	S	S	S	P	P	N	
3.30 Post-secondary	N	N	N	N	N	S	S	P	P	P	S	S	S	P	N	P	

As Amended Through May 1, 2023

4-10

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GRA		GRC		GAU		MRO		CD4-L1		MRB		CD4-L2		CD4-L3		B		G1		G2		CD4-W		WB		OR		I		WT		Supplemental Regulations		
	SRB	GRB	SRB	GRB	SRB	GRB	SRB	GRB	SRB	GRB	SRB	GRB	SRB	GRB	SRB	GRB	SRB	GRB	SRB	GRB	SRB	GRB	SRB	GRB	SRB	GRB	SRB	GRB											
3.30 Historic preservation building	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	10.821 (Historic Preservation Buildings and Museums)		
3.40 Museum	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.821 (Historic Preservation Buildings and Museums)		
3.50 Performance facility																																							
3.51 Indoor performance facility																																							
3.511 Occupancy up to 500 persons	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.592 (location)		
3.512 Occupancy more than 500	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.860 (hours of operation)		
3.52 Outdoor performance facility																																							
3.521 Occupancy up to 500 persons	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.592 (location)		
3.522 Occupancy more than 500	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.822 (yards)		
3.60 Cemetery	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	10.860 (hours of operation)		
3.70 Club, fraternal or service organization	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
3.80 Municipally operated park and related activities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	For other municipal uses see Section 10.460 (Municipal districts)		
<b>4. Recreational Uses</b>																																							
4.10 Religious, sectarian or private non-profit recreational use	N	S	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
4.20 Cinema or similar indoor amusement use with no live performance	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.825 (noise)		

As Amended Through May 1, 2023

P = Permitted AP = Administrative Approval S = Special Exception CU = Conditional Use Permit N = Prohibited

Use	R		SRA		GHA		GRC		GA/		MRO		CD4-		CD5		B		I	W1	Supplemental Regulations
	SRB	GRB	(A)	(A)	MH	L1	L1	L2	MRB	CD4-											
4.30 Indoor recreation use, such as bowling alley or arcade	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.825 (noise) 10.860 (hours of operation)
4.40 Health club, yoga studio, martial arts school, or similar use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
4.41 Up to 2,000 sq. ft. GFA*	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
4.42 More than 2,000 sq. ft. GFA	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
4.50 Outdoor recreation use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.592 (location) 10.860 (hours of operation)
4.60 Amusement park, water park or theme park	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
<b>5. Office Uses, Non-Medical</b>																					
5.10 Professional office	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.833 (Mixed Residential districts)
5.20 Business office (incl. real estate office)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.833 (Mixed Residential districts)
<b>5.30 Financial Institution</b>																					
5.31 Financial services office	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
5.32 Retail bank	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
<b>5.40 Social service campus</b>																					
5.41 Nonresidential	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.823

\*GFA = gross floor area.

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Use	R	SEA SRB	GRA GRB	GA/ (A)	MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WT	Supplemental Regulations
<b>5.42 Residential</b>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	
5.50 Media studio																		
5.51 Excluding any transmitting antenna tower	N	N	N	N	N	S	S	S	P	P	S	S	P	N	N	P	N	
5.52 Including accessory transmitting antenna tower	N	N	N	N	N	N	N	N	N	S	N	N	S	N	N	S	N	10.834
5.60 Publishing facility or similar electronic production operation	N	N	N	N	N	S	S	S	P	P	P	P	P	N	P	P	N	
5.70 Call Center	N	N	N	N	N	N	N	N	N	P	N	N	N	N	N	S	N	
<b>6. Medical Services and Health Care</b>																		
6.10 Hospital	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N
6.20 Medical offices and clinics (outpatient only)	N	N	N	N	N	S	S	S	P	P	P	P	P	N	P	N	N	
6.30 Clinics with inpatient care	N	N	N	N	N	N	N	N	N	S	S	S	N	S	N	S	N	
6.40 Ambulatory surgical center	N	N	N	N	N	N	N	N	N	S	S	S	N	S	N	S	N	
6.50 Substance abuse treatment facility	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
6.60 Psychiatric hospital for the criminally insane	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
<b>7. Services, Other Than Health Care</b>																		
7.10 Day Care																		

As Amended Through May 1, 2023

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Use	R		SRA		GRA		GRC		GA		MH		CD4-L1		MRH		CD4-L2		CD5		GB		G1		G2		CD4-W		WB		OR		I		WT		Supplemental Regulations	
	SRB	SRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB										
7.11 Family day care facility	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
7.12 Group day care facility including private preschool and kindergarten	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	10.824 (group day care facilities) 10.860 (hours of operation)
7.20 Personal services	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
7.30 Consumer services such as copy shop, bicycle repair, and pet grooming	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
7.40 Trade, craft and general service establishments, such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	All storage of materials and equipment shall be located within a building
7.50 Veterinary Care	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.832	
7.60 Laundry and dry cleaning establishments	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
7.61 Drop-off/pick-up only for items to be dry cleaned or laundered off site	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
7.62 Self-service laundry for use by the general public	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
7.63 Dry cleaning establishment with on-site cleaning facilities.	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		

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Use	R	SRA SRB	GRA GRB	CRC (A)	GA/ MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	WB	OR	I	WT	Supplemental Regulations
7.70 Undertaking establishment, funeral parlor or mortuary chapel, excluding crematorium	N	N	N	N	N	N	N	P	N	P	S	S	P	N	N	N	N	
<b>8. Retail Trade</b>																		
8.10 Convenience goods																		10,860 (hours of operation)
8.11 Convenience goods 1																		
8.111 Hours of operation between 6:00 AM and 11:00 PM	N	N	N	N	N	N	P	P	P	P	P	P	P	P	N	N	N	
8.112 24 hours per day operation	N	N	N	N	N	N	N	N	P	P	S	N	S	N	N	N	N	
8.12 Convenience goods 2																		
8.121 Hours of operation between 6:00 AM and 11:00 PM	N	N	N	N	N	N	P	S	P	P	P	P	P	N	N	N	N	
8.122 24 hours per day operation	N	N	N	N	N	N	N	N	S	S	S	N	S	N	N	N	N	
8.30 Retail sales conducted within a building																		
8.31 Not marine-related	N	N	N	N	N	N	P	S	P	P	P	P	P	P	N	N	N	
8.32 Marine-related	N	N	N	N	N	N	N	N	P	P	P	P	P	P	N	N	N	
8.40 Shopping center	N	N	N	N	N	N	N	N	P	P	P	P	P	S	N	N	N	
8.50 Retail sales, large format	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	
8.60 Fish market	N	N	N	N	N	N	N	N	P	P	P	P	P	P	P	N	N	10,860 (hours of operation)

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Use	R	SRA SRB	GRA GRB	G/A (A)	MH	MRO CD4- L1	CD4- L2	MRB	CD4	GB	G1	G2	B CD4- W	WB	OR	I	WI	Supplemental Regulations
8.70 Manufacture of goods sold at retail on the premises, such as crabs, coffee roasting and bakery goods	N	N	N	N	N	N	S	S	P	P	P	P	P	N	N	P	N	Maximum of 5 persons employed in manufacture
8.80 Sexually oriented business	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	N	N	10,930 (Sexually Oriented Businesses)
<b>9. Eating and Drinking Places</b>																		
<b>9.10 Nightclub or bar</b>																		
9.11 Occupant load less than 250	N	N	N	N	N	N	N	N	P	P	P	S	N	N	N	N	N	10,590 (location)
9.12 Occupant load from 250 to 500	N	N	N	N	N	N	N	N	S	S	S	S	N	N	N	N	N	
9.13 Occupant load greater than 500	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
9.20 Restaurant, take-out only	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	
9.30 Restaurant, fast food	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	
9.40 Restaurant, place of public assembly or function room	N	N	N	N	N	N	N	N	P	P	P	P	P	N	N	N	N	10,590 (location) 10,860 (hours of operation)
9.41 Occupant load less than 50	N	N	N	N	N	N	P	N	P	P	P	P	P	N	N	N	N	
9.42 Occupant load from 50 to 250	N	N	N	N	N	N	N	N	P	P	P	S	S	N	N	N	N	
9.43 Occupant load from 250 to 500	N	N	N	N	N	N	N	N	P	S	S	S	N	N	N	N	N	
9.44 Occupant load greater than 500	N	N	N	N	N	N	N	N	S	S	N	N	N	N	N	N	N	
9.50 Permanently moored vessel used as restaurant or bar, with occupant load less than 250	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

As Amended Through May 1, 2023





P – Permitted AP – Administrative Approval S – Special Exception CU – Conditional Use Permit N – Prohibited

Use	R	SRA SRB	GRA GRB	GRC (A)	GA MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GIB	GI	G2	B CD4- W	WB	OR	I	W1	Supplemental Regulations
12.21 With no repair, servicing or fueling facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	N	
12.22 With repair, servicing or fueling facilities	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	N	N	10.581 (lot area) 10.592 (location) 10.860 (hours of operation)
12.30 Repair of commercial marine craft and marine-related structures	N	N	N	N	N	N	N	N	N	N	N	N	N	S	N	S	P	10.581 (lot area) 10.592 (location) 10.860 (hours of operation)
12.40 Landside support facility for commercial passenger vessel	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N	N	P	
<b>13. Wholesale Trade, Warehousing and Distribution</b>																		
<b>13.10 Wholesale use</b>																		
13.11 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
13.12 Marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
13.20 Wholesale sales devoted to, and in the same establishment as, a permitted retail use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
13.21 Occupying up to 20% of gross floor area of establishment	N	N	N	N	N	N	N	N	P	P	S	N	P	N	N	N	N	

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Use	R	SRA SRB	GRA GRB	GRC (A)	GA/ MT	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	G1	G2	B CD4- W	OR	WB	WI	Supplemental Regulations
13.22 Occupying 21% to 40% of gross floor area of establishment	N	N	N	N	N	N	N	N	N	P	N	N	P	N	N	N	
13.30 Wholesale lumber yards, lumber and contractor sales																	
13.31 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
13.32 Marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	S
13.40 Warehousing or distribution of non-flammable, non-hazardous materials, not classified as a high hazard use																	
13.41 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	N
13.42 Marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	P	P
<b>14. Industrial Uses</b>																	
<b>14.10 Light Industry</b>																	
14.11 Not marine-dependent	N	N	N	N	N	N	N	N	N	S	S	S	N	N	N	P	N
14.12 Marine-dependent	N	N	N	N	N	N	N	N	N	S	N	N	N	N	N	P	P
<b>14.20 Research and development</b>																	
14.21 Not marine-dependent	N	N	N	N	N	N	N	P	N	S	S	N	S	N	S	P	N
14.22 Marine-dependent	N	N	N	N	N	N	N	N	N	S	N	N	S	N	P	P	P

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Use	R		SRA		GIR		GRC		GA/		MRO		CD4-		CD4-		CD4-		B		I	WI	Supplemental Regulations
	SRA	SRB	GRB	GRA	GRB	GRB	GRB	GRB	GRB	GRB	GRB	GRB											
<b>14.30 Food processing</b>																							
14.31 Not including seafood processing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.592 (location) 10.851 (use contained in building)
14.32 Including seafood processing	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
<b>14.40 Electronics manufacturing</b>																							
<b>14.50 General manufacturing</b>																							
14.51 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
14.52 Marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
<b>14.60 Biological or chemical laboratory</b>																							
14.61 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
14.62 Marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
<b>14.70 Recycling facility or recycling plant</b>																							
14.80 High hazard use, including other uses listed in this section but not including uses described in 14.90	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.592 (location) 10.853 (location) 10.593 (location)







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Use	R		SRA		GRC		GA		MRO		CD4		CD4		GB		GI		G2		CD4		WB		OR		I		WI		Supplemental Regulations	
	SRA	SRB	GRC	GRB	GA	GRB	(A)	MH	MRO	CD4	CD4	L2	MRB	CD4	CD4	GB	GI	G2	CD4	WB	OR	I	WI									
18.40 Cans or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
<b>19. Accessory Uses</b>																																
19.10 Accessory use to a permitted principal use, but not including any outdoor storage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	10.811 (residential accessory uses)
<b>19.20 Home occupation</b>																																
19.21 Home occupation 1	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		
19.22 Home occupation 2	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		
19.30 Concessions and services located within the principal building	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
19.40 Drive-through facility, as accessory use to a permitted principal use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	10.835 (accessory drive-through uses)	
19.50 Outdoor dining or drinking area, as accessory use to a permitted principal use	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N		
<b>20. Accessory Storage</b>																																
20.10 Indoor storage of motor vehicles or boats as an accessory use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		

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Use	R	SRA SRB	GRA GRB	G/A (A)	MH	MRO CD4- L1	CD4- L2	MRB	CD5 CD4	GB	GI	G2	B CD4- W	OR	I	WI	Supplemental Regulations
20.20 <b>Outdoor storage</b> of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one <b>commercial vehicle</b> , which shall be limited to no more than 2 axles and 6 wheels.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
20.30 <b>Outdoor storage</b> for not more than 9 consecutive months of boats owned by residents of the property:																	
20.31 Not more than one motorboat or sailboat longer than 12 feet	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
20.32 Any number of (a) motorboats or sailboats up to 12 feet in length, or (b) hand-powered craft (canoes and kayaks) without restriction as to length.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
20.40 <b>Outdoor storage</b> of lobster traps, lobster buoys and associated rope	P	P	P	P	P	P	P	P	N	P	P	P	P	P	P	P	10.811.20
20.50 <b>Outdoor storage</b> of raw or partially finished material																	
20.51 Not <b>marine-dependent</b>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S
20.52 <b>Marine-dependent</b>	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	S

P - Permitted AP - Administrative Approval S - Special Exception CU - Conditional Use Permit N - Prohibited

Use	R		SRA		GRC		GA/		MRO		CD4-		CD5		GB		GI		G2		B		I	WT	Supplemental Regulations
	SRB	GRC	SRB	GRC	(A)	MH	CD4-	L1	CD4-	L2	MRB	CD4	GB	GI	G2	CD4-	WB	OR	W						
20.60 Outdoor storage of machinery, equipment and vehicles	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
20.61 Not marine-dependent	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	
20.62 Marine-dependent (other than allowed by 20.30 or 20.40 above)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	

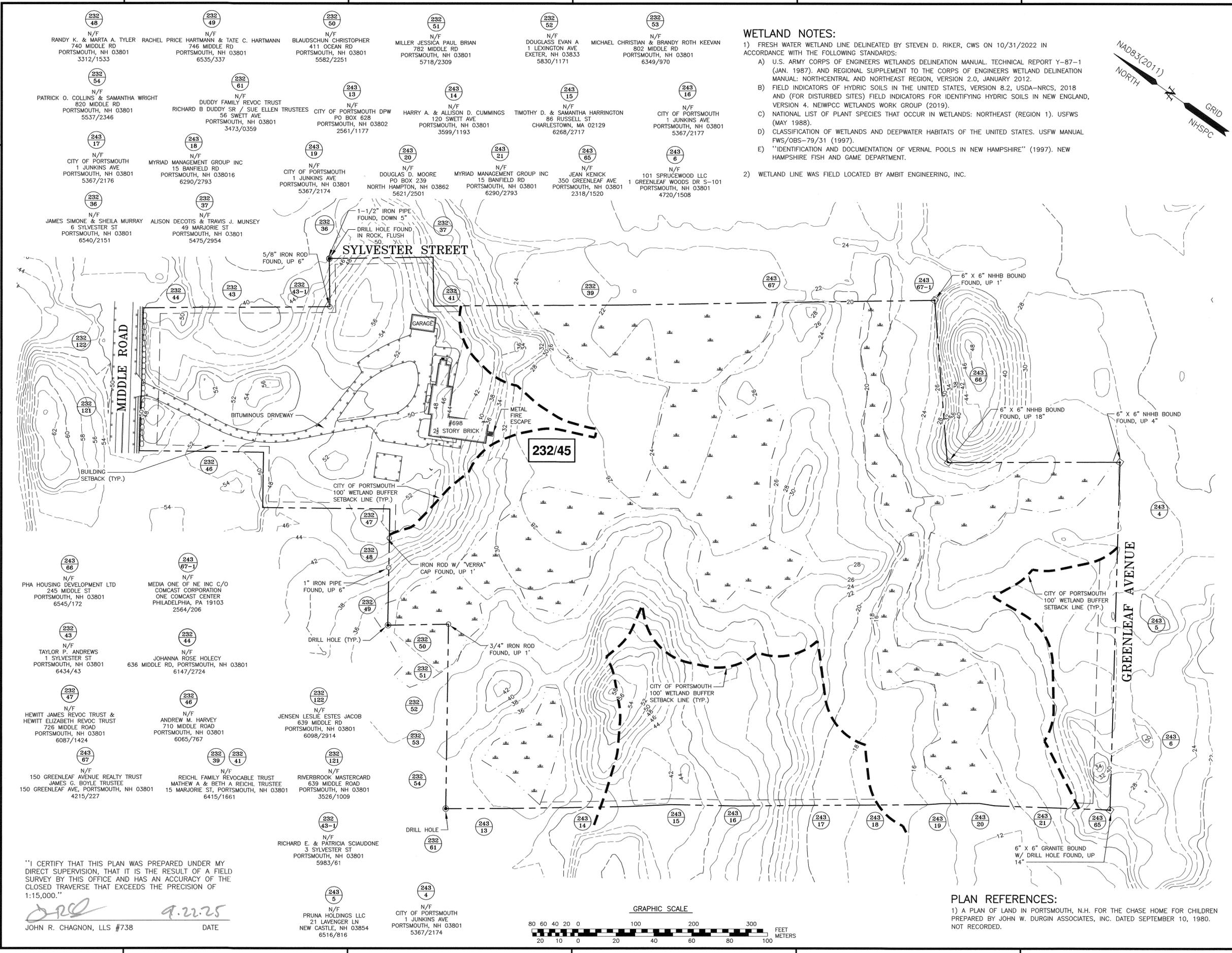
Section 10.520 Residential and Mixed Residential Districts

10.521 Table of Dimensional Standards – Residential and Mixed Residential Districts<sup>1</sup>

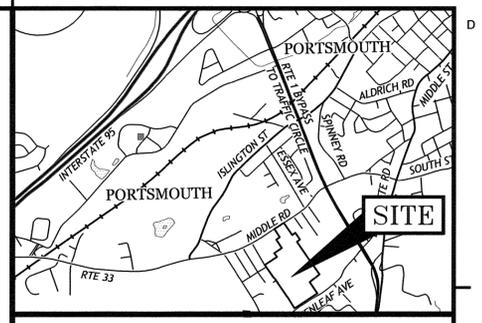
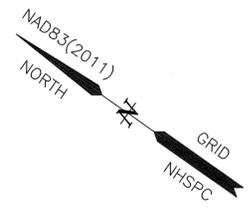
	R	SRA	SRB	GRA	GRB	GRC	GA/MH	MRO	MRB
Minimum Lot Dimensions									
<b>Lot area</b>	5 acres	1 acre	15,000 sf	7,500 sf	5,000 sf	3,500 sf	5 acres	7,500 sf	7,500 sf
<b>Lot area per dwelling unit</b>	5 acres	1 acre	15,000 sf	7,500 sf	5,000 sf	3,500 sf	10,000 sf	7,500 sf	7,500 sf
<b>Continuous street frontage</b>	NA	150'	100'	100'	80'	70'	N/A	100'	100'
<b>Depth</b>	NA	200'	100'	70'	60'	50'	N/A	80'	80'
Minimum Yard Dimensions									
<b>Front</b>	50'	30'	30' <sup>2</sup>	15'	5'	5'	30' <sup>2,4</sup>	5'	5' <sup>2</sup>
<b>Side</b>	20'	20'	10'	10'	10'	10'	2.5'	10'	10'
<b>Rear</b>	40'	40'	30'	20'	2.5'	20'	2.5'	15'	15'
Maximum Structure Dimensions									
<b>Structure height</b>									
<b>Sloped roof</b>	3.5'	3.5'	3.5'	3.5'	3.5'	3.5' <sup>3</sup>	3.5' <sup>3,4</sup>	40'	40'
<b>Flat roof</b>	3.5'	30'	30'	30'	30'	30'	3.5' <sup>3,4</sup>	30'	30'
<b>Roof appurtenance height</b>	8'	8'	8'	8'	8'	8'	8'	10'	10'
<b>Building coverage</b>	5%	10%	20%	2.5%	30%	35%	20% <sup>4</sup>	40%	40%
<b>Minimum open space</b>	7.5%	50%	40%	30%	2.5%	20%	50%	2.5%	2.5%

Notes:  
 1. See Article 5A and Article 5B for dimensional standards in Character and Gateway Neighborhood Mixed Use Districts.  
 2. See Section 10.533 for special front yard requirements on Lafayette Road.  
 3. Within the General Residence C and Garden Apartment/Mobile Home Park districts an additional 8' of height may be added to the maximum structure height in order to provide for multifamily dwellings that include vehicular parking spaces located within the residential building itself, if the additional height results in increased open space when compared to a site plan showing what open spaces would remain if required parking spaces were located in the open and in accessory structures.  
 4. See Section 10.816 for requirements within a manufactured housing park.

NA – Not Applicable NR – No Requirement



- WETLAND NOTES:**
- FRESH WATER WETLAND LINE DELINEATED BY STEVEN D. RIKER, CWS ON 10/31/2022 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
    - U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987). AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
    - FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.2, USDA-NRCS, 2018 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4. NEWPPC WETLANDS WORK GROUP (2019).
    - NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1), USFWS (MAY 1988).
    - CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES. USFW MANUAL FWS/OBS-79/31 (1997).
    - "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997). NEW HAMPSHIRE FISH AND GAME DEPARTMENT.
  - WETLAND LINE WAS FIELD LOCATED BY AMBIT ENGINEERING, INC.



- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 232 AS LOTS 45.
  - OWNER OF RECORD:  
CHASE HOME FOR CHILDREN C/O WOODMAN  
82 COURT STREET  
PORTSMOUTH, NH 03801  
3071/818
  - PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0270F. EFFECTIVE JANUARY 29, 2021.
  - EXISTING LOT AREA:  
1,115,649 S.F.  
25.5589 ACRES
  - PARCEL IS LOCATED IN SINGLE RESIDENCE B (SRB) DISTRICT.
  - DIMENSIONAL REQUIREMENTS:  
MIN. LOT AREA: 15,000 S.F.  
FRONTAGE: 100 FEET  
SETBACKS:  
FRONT 30 FEET  
SIDE 10 FEET  
REAR 30 FEET  
  
MAXIMUM STRUCTURE HEIGHT: 35 FEET  
MAXIMUM BUILDING COVERAGE: 20%  
MINIMUM OPEN SPACE: 40%
  - THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 232 LOT 45 IN THE CITY OF PORTSMOUTH.
  - VERTICAL DATUM IS NAVD88 (MEAN SEA LEVEL). BASIS OF VERTICAL DATUM AND TOPOGRAPHY FROM LIDAR DATABASE.
  - SITE BOUNDARY BASED ON REFERENCE PLAN #1.

1	2025.09.22	UPDATED TOPOGRAPHY	SJR	JRC
0	2025.04.25	ISSUED FOR COMMENT	EDS	JRC
No.	DATE	DESCRIPTION	BY	CHK.

**PERMIT PLAN**

**HALEY WARD**  
ENGINEERING | ENVIRONMENTAL | SURVEYING  
200 Griffin Rd. Unit 14  
Portsmouth, New Hampshire 03801  
603.430.9282  
WWW.HALEYWARD.COM

PROJECT  
**CHASE HOME**  
698 MIDDLE ROAD PORTSMOUTH, NH

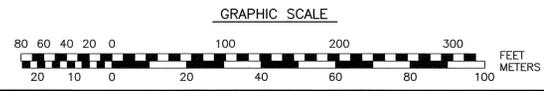
**EXISTING CONDITIONS PLAN**

DATE	2025.4.25	SCALE	1" = 80'
DRAWN BY	EDS	DESIGNED BY	EDS
CHECKED BY	JRC		
PROJECT No.	5010179.3519	FIELD BOOK & PAGE	FB 224 PG 73
SHEET No.		DWG No.	

**SHEET 1** **C1**

"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 TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

*JRC*  
JOHN R. CHAGNON, LLS #738  
DATE 9.22.25



**PLAN REFERENCES:**

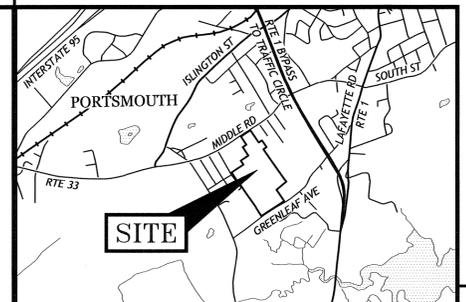
- A PLAN OF LAND IN PORTSMOUTH, N.H. FOR THE CHASE HOME FOR CHILDREN PREPARED BY JOHN W. DURGIN ASSOCIATES, INC. DATED SEPTEMBER 10, 1980. NOT RECORDED.

**LEGEND:**

- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY
- REGISTRY OF DEEDS
- RAILROAD SPIKE
- MAP 11/LOT 21
- IRON ROD FOUND
- IRON PIPE FOUND
- IRON ROD SET
- DRILL HOLE FOUND
- DRILL HOLE SET
- BOUND FOUND
- S SEWER LINE
- G GAS LINE
- D STORM DRAIN
- W WATER LINE
- UE UNDERGROUND ELECTRIC
- OE OVERHEAD ELECTRIC/WIRES
- 100 CONTOUR
- 97x3 SPOT ELEVATION
- EDGE OF PAVEMENT (EP)
- UTILITY POLE
- UTILITY POLE W/ LIGHT
- WATER SHUT OFF/CURB STOP
- GAS SHUT OFF
- GATE VALVE
- HYDRANT
- METER (GAS, WATER, ELECTRIC)
- CATCH BASIN
- TELEPHONE MANHOLE
- SEWER MANHOLE
- DRAIN MANHOLE
- EL ELEVATION
- EP EDGE OF PAVEMENT
- FF FINISHED FLOOR
- INV INVERT
- TBM TEMPORARY BENCH MARK
- TYP TYPICAL
- VGC/SGC VERTICAL/SLOPED GRANITE CURB

**PLAN REFERENCES:**

- 1) A PLAN OF LAND IN PORTSMOUTH, N.H. FOR THE CHASE HOME FOR CHILDREN, PREPARED BY: JOHN W. DURGIN ASSOCIATES, INC. DATED: SEPTEMBER 10, 1980, SCALE: 1 INCH=60 FEET, NOT RECORDED.
- 2) PLAN OF PROSPECT PARK, PORTSMOUTH, NH, OWNED BY: LEAVITT, WOODWORTH & SWEAT, PREPARED BY: JOHN N. MCCLINTOCK, DATED: APRIL 17, 1902, RCRD #00113.
- 3) SUBDIVISION OF LAND OF B&I ASSOCIATES ON PEVERLY HILL ROAD, PORTSMOUTH, NH, PREPARED BY: FRANCES J. BARRETT, DATED: JANUARY 1978, SCALE: 1"=40', RCRD D-7742.
- 4) PROSPECT PARK ANNEX, PORTSMOUTH, NH, OWNED BY: LEAVITT WOODWORTH AND SWEAT, PREPARED BY: F.C. HOYT, DATED: JUNE 7, 1902, SCALE: 30 FT = 1 INCH, RCRD #00110.
- 5) PROSPECT PARK ANNEX NO. 2, PORTSMOUTH, NH, OWNED BY: LEAVITT WOODWORTH AND SWEAT, PREPARED BY: F.C. HOYT, DATED: JUNE 11, 1902, SCALE: 30 FT = 1 INCH, RCRD #00109.
- 6) PLAN OF LAND, PORTSMOUTH, N.H. FOR MAX MILTON, PREPARED BY: JOHN W. DURGIN CIVIL ENGINEERS, DATED: JULY 1974, SCALE: 1 IN = 30 FT, NOT RECORDED.
- 7) PROSPECT PARK ANNEX NO. 3, PORTSMOUTH, NH, BELONGING TO LEAVITT, WOODWORTH AND SWEAT, PREPARED BY: JOHN N. MCCLINTOCK, DATED: APRIL 30, 1903, SCALE: 1" = 40', RCRD #00225.
- 8) PLAN OF LAND PREPARED FOR: ARNE, LLC (TAX MAP 232 LOT 43-1) 3 SYLVESTER STREET, PORTSMOUTH, N.H., PREPARED BY: BOUDREAU LAND SURVEYING, LLC, DATED: FEBRUARY 15, 2019, SCALE: 1" = 20'. RCRD D-41324.
- 9) SUBDIVISION PLAN LOCATED IN PORTSMOUTH, NH FOR PORTSMOUTH BUSINESS CENTER, PREPARED BY: KIMBALL CHASE COMPANY, INC., DATED: 6/25/85, SCALE: 1" = 50', RCRD D-14106.

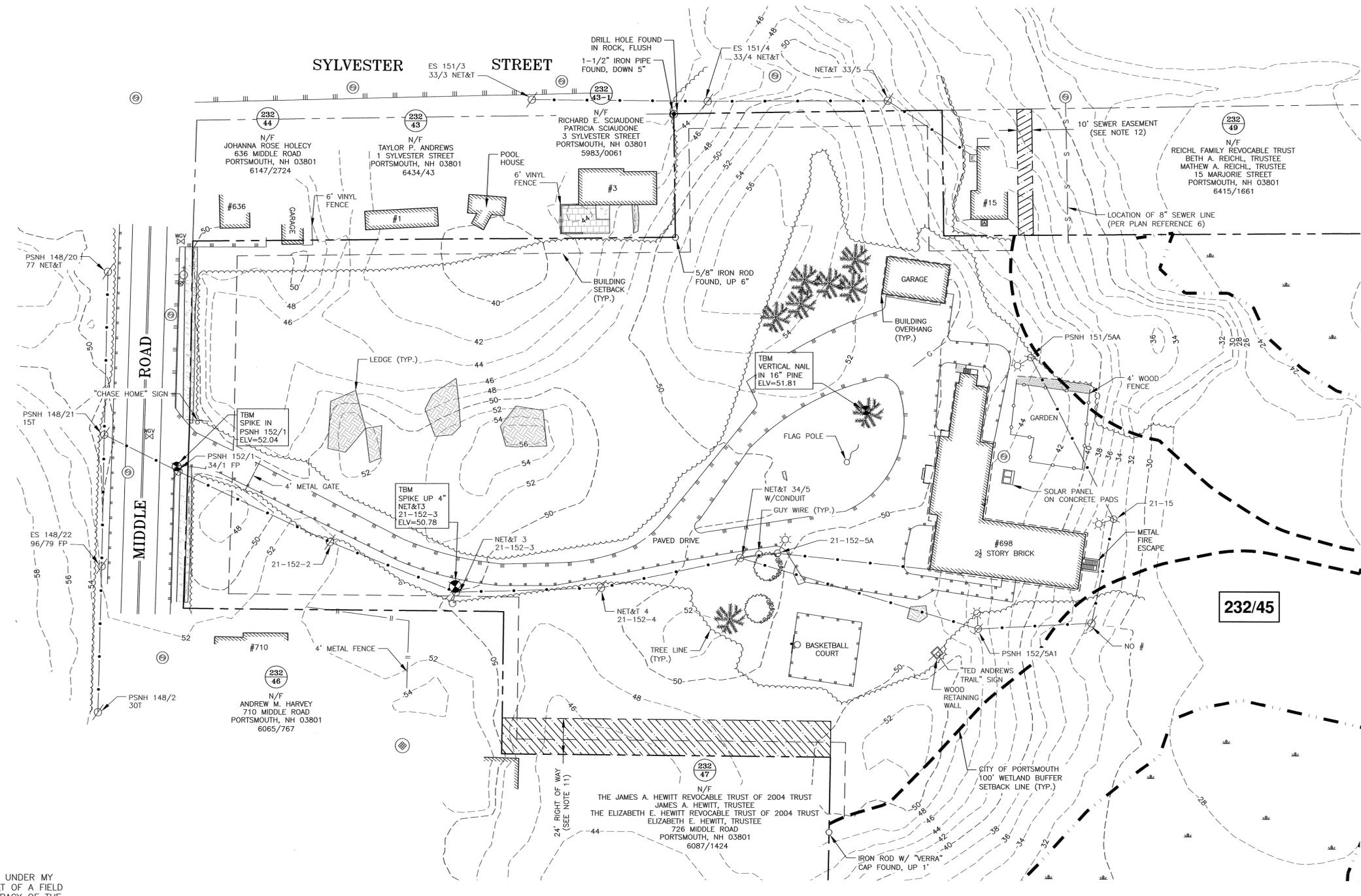


LOCATION MAP 1" = 2000'

**NOTES:**

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 232 AS LOT 45.
- 2) OWNER OF RECORD: CHASE HOME FOR CHILDREN, 82 COURT STREET, PORTSMOUTH, NH 03801, 3071/818.
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0270F. EFFECTIVE JANUARY 29, 2021.
- 4) EXISTING LOT AREA: (PER PLAN REFERENCE 1) 1,116,287 S.F. 25.63 ACRES.
- 5) PARCEL IS LOCATED IN SINGLE RESIDENCE B (SRB) DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
 

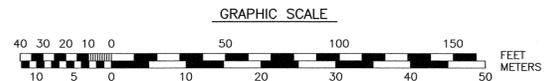
MIN. LOT AREA:	15,000 S.F.
FRONTAGE:	100 FEET
SETBACKS:	
FRONT	30 FEET
SIDE	10 FEET
REAR	30 FEET
MAXIMUM STRUCTURE HEIGHT:	35 FEET (SLOPED) 30 FEET (FLAT)
MAXIMUM BUILDING COVERAGE:	20%
MINIMUM OPEN SPACE:	40%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF A PORTION OF ASSESSOR'S MAP 232 LOT 45 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT GNSS RTK MEASUREMENTS.
- 9) BOUNDARY LINES SHOWN HEREON ARE BASED SOLELY ON PLAN REFERENCE 1.
- 10) PARCEL IS SUBJECT TO A LICENSE AGREEMENT WITH MAP 232 LOT 44 FOR ENCRoACHMENT OF A GARAGE AND DRIVEWAY. SEE RCRD 2385/922.
- 11) PARCEL IS SUBJECT TO A 24' RIGHT OF WAY IN COMMON. SEE RCRD 868/434 AND 664/132.
- 12) PARCEL IS BENEFITED BY AN EASEMENT FOR AN 8" SEWER LINE. SEE RCRD 2029/355 AND PLAN REFERENCE 6.
- 13) TOPOGRAPHY SHOWN HEREON IS COMPILED FROM ON THE GROUND MEASUREMENTS AND LIDAR.



STATE OF NEW HAMPSHIRE  
 JOHN R. CHAGNON  
 LICENSED SURVEYOR  
 No. 738

"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 TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

*John R. Chagnon*  
 JOHN R. CHAGNON, LLS 738  
 DATE: 10-8-25



0	10/8/25	ISSUED FOR COMMENT	RJB	JRC
No.	DATE	DESCRIPTION	BY	CHK.

**SITE SURVEY**

**HALEY WARD**  
 ENGINEERING | ENVIRONMENTAL | SURVEYING  
 200 Griffin Rd. Unit 14  
 Portsmouth, New Hampshire 03801  
 WWW.HALEYWARD.COM 603.430.9282

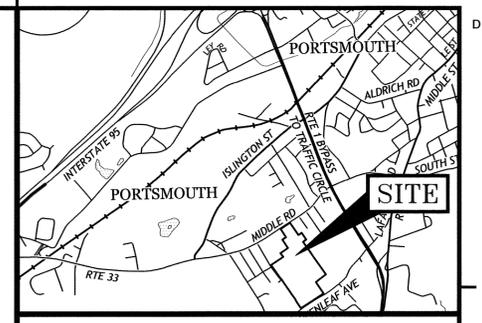
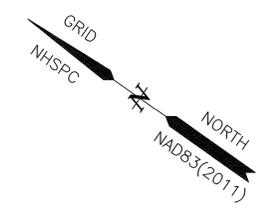
PROJECT: **CHASE HOME**  
 698 MIDDLE ROAD PORTSMOUTH, NH

**EXISTING CONDITIONS PLAN**

DATE: OCTOBER 2025	SCALE: 1" = 40'
DRAWN BY: RJB	DESIGNED BY: JRC
CHECKED BY: JRC	
PROJECT No.: 5010179.3519	FIELD BOOK & PAGE: FB 506 PG 1
SHEET No.:	DWG No.:
<b>SHEET 1</b>	<b>C3</b>

**PLAN REFERENCES:**

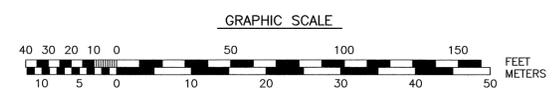
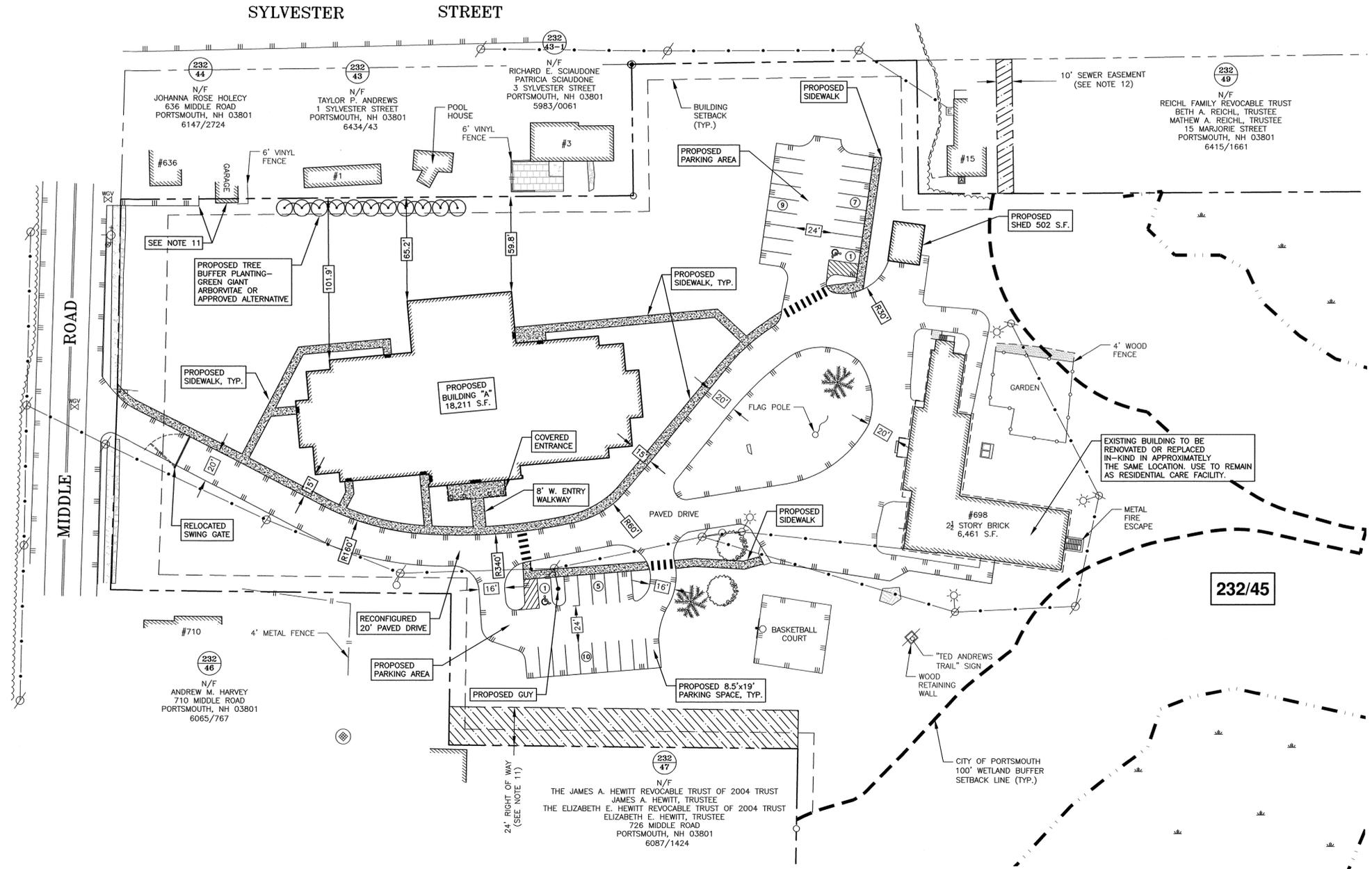
- 1) A PLAN OF LAND IN PORTSMOUTH, N.H. FOR THE CHASE HOME FOR CHILDREN, PREPARED BY: JOHN W. DURGIN ASSOCIATES, INC. DATED: SEPTEMBER 10, 1980, SCALE: 1 INCH=60 FEET, NOT RECORDED.
- 2) PLAN OF PROSPECT PARK, PORTSMOUTH, NH, OWNED BY: LEAVITT, WOODWORTH & SWEAT, PREPARED BY: JOHN N. MCCLINTOCK, DATED: APRIL 17, 1902, RCRD #00113.
- 3) SUBDIVISION OF LAND OF B&I ASSOCIATES ON PEVERLY HILL ROAD, PORTSMOUTH, NH, PREPARED BY: FRANCES J. BARRETT, DATED: JANUARY 1978, SCALE: 1"=40', RCRD D-7742.
- 4) PROSPECT PARK ANNEX, PORTSMOUTH, NH, OWNED BY: LEAVITT WOODWORTH AND SWEAT, PREPARED BY: F.C. HOYT, DATED: JUNE 7, 1902, SCALE: 30 FT = 1 INCH, RCRD #00110.
- 5) PROSPECT PARK ANNEX NO. 2, PORTSMOUTH, NH, OWNED BY: LEAVITT WOODWORTH AND SWEAT, PREPARED BY: F.C. HOYT, DATED: JUNE 11, 1902, SCALE: 30 FT = 1 INCH, RCRD #00109.
- 6) PLAN OF LAND, PORTSMOUTH, N.H. FOR MAX MILTON, PREPARED BY: JOHN W. DURGIN CIVIL ENGINEERS, DATED: JULY 1974, SCALE: 1 IN = 30 FT, NOT RECORDED.
- 7) PROSPECT PARK ANNEX NO. 3, PORTSMOUTH, NH, BELONGING TO LEAVITT, WOODWORTH AND SWEAT, PREPARED BY: JOHN N. MCCLINTOCK, DATED: APRIL 30, 1903, SCALE: 1" = 40', RCRD #00225.
- 8) PLAN OF LAND PREPARED FOR: ARNE, LLC (TAX MAP 232 LOT 43-1) 3 SYLVESTER STREET, PORTSMOUTH, N.H., PREPARED BY: BOUDREAU LAND SURVEYING, LLC, DATED: FEBRUARY 15, 2019, SCALE: 1" = 20'. RCRD D-41324.
- 9) SUBDIVISION PLAN LOCATED IN PORTSMOUTH, NH FOR PORTSMOUTH BUSINESS CENTER, PREPARED BY: KIMBALL CHASE COMPANY, INC., DATED: 6/25/85, SCALE: 1" = 50', RCRD D-14106.



LOCATION MAP 1" = 2000'

**NOTES:**

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 232 AS LOTS 45.
- 2) OWNER OF RECORD:  
CHASE HOME FOR CHILDREN C/O WOODMAN  
82 COURT STREET  
PORTSMOUTH, NH 03801  
3071/818
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0270F. EFFECTIVE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:  
1,115,649 S.F.  
25.5589 ACRES
- 5) PARCEL IS LOCATED IN SINGLE RESIDENCE B (SRB) DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:  
MIN. LOT AREA: 15,000 S.F.  
FRONTAGE: 100 FEET  
SETBACKS:  
FRONT 30 FEET  
SIDE 10 FEET  
REAR 30 FEET  
MAXIMUM STRUCTURE HEIGHT: 35 FEET  
MAXIMUM BUILDING COVERAGE: 20%  
MINIMUM OPEN SPACE: 40%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED DEVELOPMENT ON ASSESSOR'S MAP 232 LOT 45 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS NAVD88 (MEAN SEA LEVEL). BASIS OF VERTICAL DATUM IS LIDAR.
- 9) SITE BOUNDARY BASED ON REFERENCE PLAN #1.
- 10) PARKING CALCULATION; RESIDENTIAL CARE FACILITY  
PROPOSED BUILDING A: 20 BEDS  
EXISTING #698: 22 BEDS  
TOTAL: 42 BEDS  
42 BEDS X .05 SPACES PER BED = 21 SPACES REQUIRED.  
33 SPACES PROVIDED (ADDITIONAL SPACES TO ACCOMMODATE STAFF AND GUESTS).
- 11) PARCEL IS SUBJECT TO A LICENSE AGREEMENT WITH MAP 232 LOT 44 FOR ENCROACHMENT OF A GARAGE AND DRIVEWAY. SEE RCRD 2385/922.



0	2025.10.23	ISSUED FOR COMMENT	SJR	JRC
No.	DATE	DESCRIPTION	BY	CHK.

DRAWING ISSUE STATUS  
**PERMIT PLAN**

**HALEY WARD**  
ENGINEERING | ENVIRONMENTAL | SURVEYING  
200 Griffin Rd, Unit 14  
Portsmouth, New Hampshire 03801  
603.430.9282  
WWW.HALEYWARD.COM

PROJECT  
**CHASE HOME**  
698 MIDDLE ROAD PORTSMOUTH, NH

TITLE  
**SITE PLAN**

DATE AUGUST 2025	SCALE 1" = 40'	
DRAWN BY SJR	DESIGNED BY SJR	CHECKED BY JRC
PROJECT No. 5010179.3519	FIELD BOOK & PAGE FB 224 PG 73	
SHEET No.	DWG No.	
<b>SHEET 3</b>	<b>0</b>	



P:\MID\0179\_Reg\_Comm\dwg\0179\_MidReg\_03192025\_Survey\Plan\_8\_Survey\0179\_0319\_2025.dwg, 11/10/2025 2:49:53 PM

- ADMIN/HOME BASE/DIVERSION
- ADMIN/HOME BASE/DIVERSION-OPEN OFFICE
- BASE BUILDING
- CIRCULATION/Common
- INDEPENDENT LIVING
- RESIDENTIAL
- VERTICAL CIRCULATION

AREA SCHEDULE	
NAME	AREA

FIRST FLOOR	
<b>ADMIN/HOME BASE/DIVERSION</b>	
OFFICE	133 SF
OFFICE	154 SF
OFFICE	133 SF
OFFICE	133 SF
DIVERSION C.M	145 SF
DIVERSION P.C	145 SF
IT/SERVER	117 SF
SR. STAFF OFFICE	195 SF
SHARED OFFICE	274 SF
FAMILY ROOM	598 SF
CONFERENCE	367 SF
STORAGE	84 SF
BATHROOM	60 SF
CLOSET	22 SF
TRAINING	304 SF
BATHROOM	84 SF
BATHROOM	64 SF
JAN	84 SF
WAITING ROOM	252 SF
ARCHIVING	231 SF
SR. STAFF OFFICE	197 SF
OFFICE	133 SF
CONFERENCE	408 SF
STORAGE	46 SF
OFFICE	133 SF
MAIL/COPY	129 SF
OFFICE	154 SF
OFFICE	133 SF
OFFICE	154 SF
OFFICE	133 SF
OFFICE	154 SF
OFFICE	133 SF
BREAK ROOM	286 SF
OFFICE	140 SF
STORAGE	47 SF
STORAGE	45 SF

<b>ADMIN/HOME BASE/DIVERSION-OPEN OFFICE</b>	
OPEN OFFICE	795 SF
OPEN OFFICE	1465 SF

<b>BASE BUILDING</b>	
ELECTRICAL	238 SF
WATER ROOM	127 SF

<b>CIRCULATION/Common</b>	
LOBBY	1105 SF
VESTIBULE	146 SF
HALLWAY	695 SF
CORRIDOR	256 SF
CORRIDPR	136 SF
HALLWAY	107 SF

<b>INDEPENDENT LIVING</b>	
STUDIO 2	458 SF
2 BED/2 BATH UNIT	694 SF
STUDIO 1	387 SF
LAUNDRY	109 SF
VESTIBULE	63 SF
2 BED/2 BATH UNIT	765 SF
HALLWAY	316 SF

<b>RESIDENTIAL</b>	
LIVING/KITCHEN	1504 SF
GYM	582 SF
BATHROOM	64 SF
BATHROOM	64 SF

<b>VERTICAL CIRCULATION</b>	
ELV-2	59 SF
STR-3	127 SF
STAIR 1	222 SF
STAIR 2	222 SF
EMR	60 SF
	16479 SF

GROSS BUILDING AREA	
LEVEL	AREA
FIRST FLOOR	17708 SF
SECOND FLOOR	13825 SF
	31534 SF

USE GROUP	
USE GROUP	AREA
B	10988 SF
I-1	20545 SF
	31534 SF



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



■	CIRCULATION/COMMON
■	FEMALE DORM AREA
■	FEMALE DORM ROOMS
■	MALE DORM AREA
■	MALE DORM ROOMS
■	STAFF AREA
■	STAFF CIRCULATION
■	VERTICAL CIRCULATION

AREA SCHEDULE	
NAME	AREA

SECOND FLOOR CIRCULATION/COMMON	
LOBBY	833 SF

FEMALE DORM AREA	
LIVING	2158 SF

FEMALE DORM ROOMS	
BED	194 SF
BED	180 SF
LAUNDRY	182 SF
TELE-HEALTH	131 SF
BR	131 SF
MECH	131 SF
STORAGE	78 SF

MALE DORM AREA	
LIVING	2158 SF

MALE DORM ROOMS	
BED	195 SF
BED	180 SF
LAUNDRY	182 SF
TELE-HEALTH	131 SF
BR	131 SF
MECH	131 SF
STORAGE	78 SF

STAFF AREA	
MEETING	199 SF
BREAK ROOM	199 SF
BATHROOM	64 SF
BATHROOM	64 SF
OFFICE	137 SF
OFFICE	137 SF
OFFICE	137 SF
OFFICE	137 SF
OFFICE	182 SF
OFFICE	182 SF
STORAGE	66 SF
STORAGE	66 SF

STAFF CIRCULATION	
HALLWAY	682 SF

VERTICAL CIRCULATION	
STAIR 1	222 SF
STAIR 2	222 SF
ELV-2	59 SF
STR-3	212 SF
	12757 SF

GROSS BUILDING AREA	
LEVEL	AREA

FIRST FLOOR	17708 SF
SECOND FLOOR	13825 SF
	31534 SF

USE GROUP	
USE GROUP	AREA
B	10988 SF
I-1	20545 SF
	31534 SF

SECOND FLOOR (1) 2  
1/8" = 1'-0"



THE CHASE HOME - CONCEPT / SECOND FLOOR PLAN / 11.04.2025





ELEVATION B  
1/8" = 1'-0" 2



ELEVATION A  
1/8" = 1'-0" 1





ELEVATION D 2  
1/8" = 1'-0"



ELEVATION C 1  
1/8" = 1'-0"





A photograph of a white, paneled front door with a large, arched window above it. The window has a decorative, lattice-like pattern. The door is slightly ajar, revealing a glimpse of the outdoors. The wall to the right of the door is off-white and shows signs of wear, including a small hole and a red fire alarm pull station. A white vent is visible in the bottom right corner.

Our front door entrance  
gives foresight into the  
120+ years of wear and  
tear to the building



Exposed piping that has burst multiple times over the past couple years, this room has flooded and requires us to fix the pipes each time and replace furniture

This is our family room, Seacoast Diversion office Hallway and connector from those spaces to the laundry room.





Second floor independent living kitchenette is too small to be dignified and functional. we would want to expand the independent living spaces to be studio apartments.

Currently the bathrooms on the independent living floor are extremely old and outdated.

Additionally in storage spaces on this floor, there is significant water damage to the ceilings.





Our first floor kitchen is extremely outdated with a lot of utilized appliances and features like this walk in freezer and sink bays.

We currently only have a skin and sanitizer, not a working dishwasher.



We would like to be able to expand the kitchen to be a learning kitchen so that youth are able to work with our kitchen manager, staff and community culinary leaders to learn kitchen basics, healthy nutrition, and explore culinary arts.





A lot of the walls throughout our building continue to decay and get patched up and painted over. This is an example of where in our building we have not made those cosmetic changes.





Ceilings through the building have water damage and exposed piping.

We have also had the building treated in the residential areas for asbestos but still have it in other areas of the building.





The Chase Home spends tens of thousands of dollars annually to fix our old boiler that heats the entire building. Nearly every year it gives out and the youth have to shower at the YMCA because we do not have hot water.

The heating system is so outdated, it only kicks on if it reaches 40 degrees and on autumn days where it is 40 at 5am and 75 at 1pm, we can not control the heat or turn it down.



The top and middle floors are where the youth's dorms are. We would like to be able to improve safety by rebuilding to have them on the second floor on level ground.

Bats, snakes and other pests have been able to get in through our basement foundation and cracks near the back door under the old fire escape.



### III. NEW BUSINESS

- A. The request of **Kenneth J and Rebecca T Nicholson (Owners)**, for property located at **53 Pray Street** whereas relief is needed to demolish the covered porch, fence, and bulkhead and construct a three-season room with a roof deck and bulkhead in the same footprints which requires the following: 1) Variance from Section 10.521 to allow a) 6 foot front yard (bulkhead) and 15 foot front yard (structure) where 17 feet are required, b) 7 foot side yard where 30 feet are required, and c) 36% building coverage where 30% is permitted; and 2) Variance from Section 10.515.13 to allow a) a 6 foot fence where 4 feet is allowed, and b) 8 foot arbor gate where 4 feet is allowed. Said property is located on Assessor Map 102 Lot 40 and lies within the Waterfront Business (WB) and Historic Districts. (LU-26-13)

#### Existing & Proposed Conditions

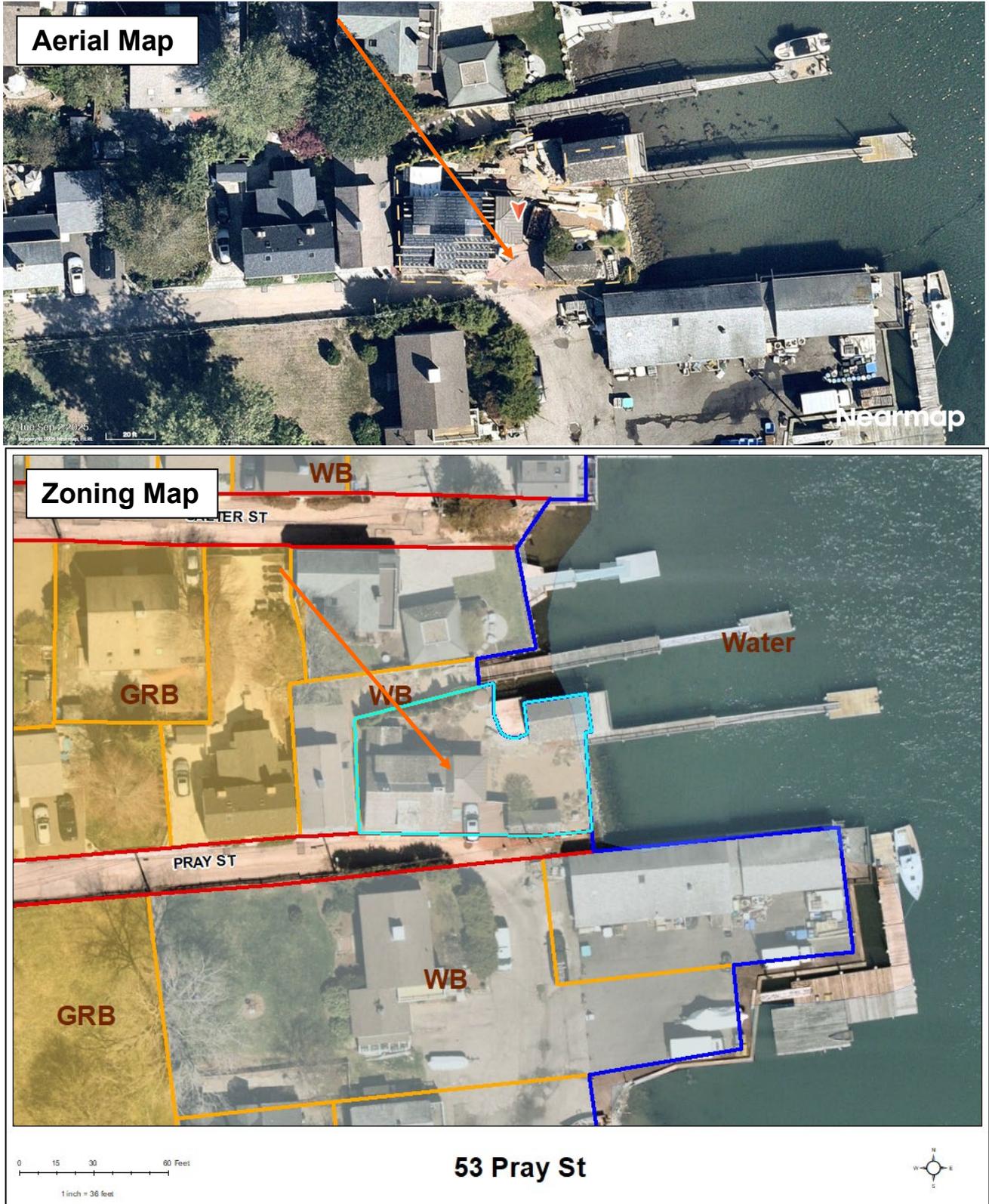
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Demolish and reconstruct sunroom with roof deck	Waterfront Business
<u>Lot area (sq. ft.):</u>	4,584	4,584	20,000 min.
<u>Front Yard (ft.):</u>	2.5	2.5 Bulkhead: 6 Sunroom: 15 Fence: 10*	17 min.
<u>Right Side Yard (ft.):</u>	7.5	Sunroom: 7	30 min.
<u>Left Side Yard (ft.):</u>	2.1	2.1	30 min.
<u>Rear Yard (ft.):</u>	3.8	3.8	20 min.
<u>Building Coverage</u>	36 (rounded from 35.7)	36	30
<u>Estimated Age of Structure:</u>	1750	Variance request(s) shown in red.	

\*6-foot fence where 4 feet is allowed and 8-foot arbor gate where 4-feet is allowed

#### Other Permits/Approvals Required

- Building Permit
- Historic District Approval

### Neighborhood Context



## Previous Board of Adjustment Actions

**November 16, 20210** – The application following was **withdrawn** to allow the expansion of a nonconforming residential use and structure in the Waterfront Business zone by constructing three additions which requires the following: 1) a Variance from Section 10.321 to allow the expansion of a nonconforming building; 2) a Variance from Section 10.331 to allow the expansion of a nonconforming use; 3) a Variance from Section 10.334 to allow a nonconforming use of land to expand into any part of the remaining land; and 4) a Variance from Section 10.531 a) to allow a 9' rear yard where 20' is required; b) to allow a 0' front yard where 30' is required for the vertical expansion of the garage; c) to allow an 18' front yard where 30' is required for the expansion of the residential structure; and d) to allow a building coverage of 32% where 31% currently exists and 30% is the maximum coverage allowed.

**December 21, 2010** – The Board **granted** the request to allow the expansion of a nonconforming residential use and structure in the Waterfront Business zone by constructing three additions which requires the following: 1) a Variance from Section 10.321 to allow the expansion of a nonconforming building; 2) a Variance from Section 10.331 to allow the expansion of a nonconforming use; 3) a Variance from Section 10.334 to allow a nonconforming use of land to expand into any part of the remaining land; and 4) a Variance from Section 10.531 a) to allow a 7' rear yard where 20' is required; b) to allow a 6' left side yard where 30' is required for the expansion of a shed dormer; c) to allow a 0' front yard where 30' is required for the vertical expansion of the garage; d) to allow an 18' right side yard where 30' is required for the expansion of the garage; and e) to allow a building coverage of 32% where 31% currently exists and 30% is the maximum coverage allowed. Th Board granted the request with the following conditions:

1) That the boathouse will not be used as a dwelling unit and no kitchen will be installed; and

2) That the pool equipment will be stored inside one of the buildings.

**September 20, 2011** – The Board **granted** the request to install a 24" x 24" x 28" compressor which requires the following: 1) a Variance from Section 10.531 to allow building coverage of 32±% where 30% is the maximum allowed. The Board voted to **grant** the request as presented and advertised except to clarify that the building coverage will now be 36±% where 35±% exists and 30% is the maximum allowed.

**October 16, 2012** –The Board **granted** the request to construct a 12'6" x 20' right side porch which requires the following: 1) a Variance from Section 10.321 and Section 10.324 to allow a lawful nonconforming building to be extended or enlarged in a manner that is not in conformity with the Zoning Ordinance; 2) a Variance from Section 10.331 to allow a lawful nonconforming use to be extended or enlarged in a manner that is not in conformity with the Zoning Ordinance; 3) a Variance from Section 10.334 to allow a nonconforming use of land to expand into part of the remainder of the lot of land; and 4) a dimensional Variance from Section 10.531 to allow a building coverage of 39.2% where 33.1% exists and 30% is the maximum allowed.

**January 21, 2026** – The Applicant withdrew the request to demolish and reconstruct the existing sunroom and roof deck, replace the existing patio and driveway, and replace an 8 foot fence which requires the following: 1) Variance from Section 10.521 to allow a 7.5 right side yard where 30 feet is required; 2) Variance from Section 10.515.13 to

allow an 8 foot fence in the front yard where 4 feet is allowed; and 3) Variance from Section 10.516.10 to allow a 6.5 foot front yard where 17 feet is required.

### **Planning Department Comments**

The applicant is requesting relief to demolish and reconstruct the enclosed porch in the existing footprint. The new porch will have a roof deck and will measure 13' 2" to the top of the handrail. The proposed fence will be 6 feet in height with an 8 foot arbor gate. The 6 foot portion of the fence, as well as the 8 foot arbor gate is within the front yard area and requires a variance as the maximum height in this area is 4 feet. The existing bulkhead is under 18 inches in height and therefore does not require a variance to be replaced in kind. As the proposed bulkhead height is still in design, this feature was included in the variance requests as a 6 foot front yard where the sunroom sits at 15 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.

# 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

February 11, 2026

HAND DELIVERED

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

Re: Kenneth & Rebecca Nicholson, Owner/Applicant  
Project location: 53 Pray Street  
Tax Map 102, Lot 40  
Waterfront Business (WB) District/Historic District Overlay

Dear Ms. Casella & Zoning Board Members:

On behalf of Kenneth & Rebecca Nicholson (“Nicholson” or “Applicant”), enclosed please find the following materials submitted through ViewPoint in support of a request for zoning relief:

- Digital Application submitted via Viewpoint today.
- Owner’s Authorization.
- 02/11/2026 – Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its March 17, 2026 meeting.

Sincerely,



R. Timothy Phoenix  
Monica F. Kieser  
Stephanie J. Johnson

Enclosures

cc: Kenneth & Rebecca Nicholson  
Eric Weinrieb, Altus Engineering, LLC (email)  
Jennifer Ramsey (email)  
Robbi Woodburn, Woodburn & Company (email)

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

## MEMORANDUM

**TO:** Portsmouth Zoning Board of Adjustment (“ZBA”)  
**FROM:** R. Timothy Phoenix, Esquire  
Monica F. Kieser, Esquire  
Stephanie J. Johnson, Esquire  
**DATE:** February 11, 2026  
**Re:** Kenneth & Rebecca Nicholson  
53 Pray Street  
Tax Map 102/Lot 40  
Waterfront Business (“WB”)/Historic District Overlay (“HD”)

Dear Chair Eldridge and Zoning Board Members:

On behalf of Applicants, Kenneth & Rebecca Nicholson (“Nicholson”), we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief from the Portsmouth Zoning Ordinance (“PZO”) for consideration by the ZBA on March 17, 2026.

### **I. EXHIBITS**

- A. Site Plan Set – Altus Engineering, Inc.
  - Existing Conditions Plan
  - Site Plan
  - Elevations
- B. Landscaping Design Plan – Woodburn & Company
- C. Architectural Plan Set – Auger Building Company
  - Existing Elevations
  - Proposed Elevations
- D. Site Photos.
- E. Conservation Commission Approval.
- F. Tax Map 102.

### **II. PROPERTY/PROJECT**

53 Pray Street is an undersized 4,356-s.f. developed lot in the Waterfront Business District (“WB”) and Historic District (“HD”) (the “Property”). The Property has a 1,191-s.f single family home and covered porch detached garage, and brick patio; it is also served by an associated boathouse and dock. The Property is located directly on the Piscataqua River next to Sanders Lobster Pound and is enclosed with a 6-foot tall perimeter fence. The undersized lot is somewhat L-shaped and application of yard setbacks results in almost no building envelope, so all existing structures are nonconforming.

Nicholson proposes to convert the existing covered porch to a three-season room with roof deck above, replace the existing bulkhead in the front yard setback, and replace the existing

6-foot fence (“the Project”). The three-season room will occupy the same footprint, raised to match the finished floor elevation of the home; the roof deck above is height-compliant. The bulkhead will also occupy the same footprint. The height of the proposed fence will match existing height, add an 8-foot arbor at the gate and increase to a permitted 8-feet in the side and rear yard. The Project includes robust landscaping, conversion of an existing patio to a pervious surface, relocation of the generator slightly farther from the resource, and a driveway upgrade.

Due to the unique shape of the existing lot and its proximity to the Piscataqua River, there is only ±6-s.f. that complies with setback requirements. Although the Project is confined to replacing nonconforming structures in the same footprint, staff have opined that relief from yard setbacks is nonetheless required along with relief for the new arbor gate.

**III. RELIEF REQUIRED**

<u>Variance Section</u>	<u>Required</u>	<u>Existing</u>	<u>Proposed</u>
<u>PZO §10.521</u> <u>Dimensional Standards</u> <ul style="list-style-type: none"> <li>• Front Yard</li> <li>• Side Yard</li> <li>• Building Coverage</li> </ul>	17' <sup>1</sup>  30'  30%	house 2.6' bulkhead 6.6' six ft. fence 10' six ft. fence 14' open porch 15.2'  open porch 7.5'  35.7%	house 2.6' bulkhead 6.6' <sup>2</sup> 6' fence 10' 8' arbor/gate 14' 3-season room with roof deck 15.2'  3-season room with roof deck 7.5'  35.7%
<u>PZO §10.515.13</u> Front yard fence height	$\leq 4'$	6' fence	6' fence 8' arbor/gate

**IV. OTHER PERMITS REQUIRED**

Historic District Commission – hearing scheduled.<sup>3</sup>  
 Conservation Commission Review – complete (**Exhibit E**).  
 DES Wetland/Shoreland Permit – pending.

<sup>1</sup> PZO §10.516.

<sup>2</sup> The existing bulkhead and the proposed replacement is less than 18” high which does not require relief; we request relief in an abundance of caution.

<sup>3</sup> A previous application to replace the fencing, porch and add a rooftop deck was approved by the Historic District Commission on May 9, 2025 (LU-25-21). The Project is substantially similar to the previously approved Project.

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 the variances 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 the variances “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives.” Id. “Mere conflict with the zoning ordinance is not enough.” Id.

Portsmouth Zoning Ordinance (“PZO”) Section 10.121 identifies the general purposes and intent of the ordinance “to promote the health, safety and general welfare of Portsmouth...in accordance with the...Master Plan.” These purposes are accomplished by regulating:

- The use of land, buildings and structures for business, industrial, residential and other purposes – The Property will continue to support a residential use in the Waterfront Business District, site of many historical homes that predate the PZO.
- The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The Project replaces existing elements in the same footprint, and does not increase the intensity of the lot’s use.
- The design of facilities for vehicular access, circulation, parking and loading – No change.
- The impact on properties on of outdoor lighting, noise, vibration, stormwater runoff and flooding – The Project does not increase the impact of the existing home on outdoor lighting, noise, vibration, and improves over existing conditions related to stormwater runoff and flooding as an impervious patio will be replaced with permeable pavers, the proposed three-season room will be raised out of the floodplain, and the existing generator and concrete pad will be relocated slightly farther from the resource.
- The preservation and enhancement of the visual environment – The Project increases the functionality of outdoor living space and improves flood compliance while maintaining the existing footprint and character of the existing single-family home. The appearance of the Property is improved by replacing the existing 6-foot wooden fence in the front of the Property with a 6-foot cedar fence with period-appropriate colonial enhancements and an 8-foot arbor with decorative gate.
- The preservation of historic districts and building and structures of historic architectural interest – The Project will be reviewed by the Historic District Commission; however the Project honors the existing home’s colonial history and enhances that history with period-appropriate design enhancements. The Historic District Commission previously approved a substantially similar project.<sup>4</sup>

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<sup>4</sup> See *Supra*, LU-25-21.

- The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The existing impervious patio will be replaced with permeable pavers and a robust landscaping plan is proposed, ensuring improved infiltration of stormwater runoff. The existing generator and concrete pad will be moved farther away from the Piscataqua River. The Project was approved by the Conservation Commission.

The intent of the WB Zone is to “to accommodate and support business uses that depend on the ocean or the Piscataqua River for transport or resources.” PZO §10.410. Built in 1750, the existing home has been used as a residence for centuries and will continue to be used as a single-family residence, thus residential use of the lot is permitted. PZO §10.331. The Property is located in the Historic District Overlay, the stated purpose of which includes maintaining “the special character of the District as reflected in the scale, mass, location and style of buildings.” PZO §10.631.20(2). Given that the Project preserves and enhances the historic features of the home without enlarging its existing footprint by upgrading portions of the existing structures on the Property, and that the intensity of the residential use of the lot will not increase, Nicholson’s proposal is reasonable. The Project improves over existing conditions through stormwater management improvements including a robust landscaping plan, decreasing impervious surfaces, and moving the existing generator and concrete pad back from the Piscataqua River. Increased flood protection is an added benefit as the proposed three-season porch will be lifted out of the floodplain and brought level with the home’s existing finished floor elevation. Additionally, the replacement of a 6-foot tall fence where only 4-foot tall fences are permitted in the front yard is reasonable given the adjacent commercial use. Therefore, granting the requested variances will not conflict with the basic zoning objectives of the PZO.

In considering whether variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives,” Malachy Glen, supra, also held: One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality... . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

Pray Street is a very narrow lane extending from Marcy Street to the Piscataqua River. **Exhibit D**. Nicholson’s home encroaches on all existing yard setbacks. **Exhibits A, D**. There is only ±6-s.f. of space available on the lot compliant with the PZO’s setback requirements. Accordingly, this proposal, which: replaces an existing porch with a floodplain-compliant three-

season porch with roof deck; slightly moves the existing generator and concrete pad away from the resource; and replaces a 6-foot fence between the home and garage with a cedar fence and 8' arbor/gate, is in keeping with the surrounding area. The related site improvements decrease impervious surfaces on the lot and incorporate of robust plantings which together improve stormwater management and strengthen the wetland buffer.

The proposed design tastefully maintains the existing neighborhood aesthetic. There will also be no threat to the public health, safety, or welfare by granting the requested variances, which will enhance the historic character of the existing home while providing more year-round living space, and added flood protection. Clearly, the variances neither alter the essential character of the locality nor threaten the public health, safety, or welfare. Accordingly, granting the variances is not contrary to the public interest and observes the spirit of the ordinance.

**3. Substantial justice will be done by granting the variances.**

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

Nicholson is constitutionally entitled to the reasonable use of their land. For all of the reasons previously stated, it is entirely reasonable to upgrade the existing porch and add a rooftop deck and improve a fence/gate. “The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). “Property” in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it.* Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (emphasis added).

The Supreme Court has held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the

regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

The variances allow Nicholson to create more outdoor living space and beautify their property with upgraded fencing, robust landscaping, a reduction in impervious surface and improved stormwater management without increasing the footprint of the existing home. The Project is visually consistent with and improves over the existing neighborhood's character and appearance while decreasing impervious surface and improving flood protection and on-site aesthetics. The Project fits the character of their existing neighborhood and honors the colonial home's original design. The Project replaces existing structures in essentially the same locations with upgraded and more functional and aesthetically pleasing elements. Thus, there is no gain to the public from denial of the variances. Conversely, Nicholson will be greatly harmed by denial of the variances because they will be unable to reasonably improve their outdoor living space and upgrade their fence for aesthetic, livability, and flood protection purposes. Accordingly, substantial justice will be done by granting the variances, while a substantial injustice will be imposed if denied.

**4. Granting the variances will not diminish surrounding property values.**

The Project maintains the footprint and perimeter of an existing nonconforming structure in a thickly settled, historic neighborhood with multiple nonconforming lots and structures and maintains screening between the Property and the adjacent commercial use. The Project improves existing conditions by elevating the structure out of the floodplain without expanding the home's footprint, while honoring the Property's colonial-era roots. Replacing the existing 6' front fence with the proposed 6' cedar fence with colonial accents and 8' arbor with decorative gate, supported by extensive landscaping, will beautify the Property, further increasing its aesthetics and value. The additional improvements move the generator farther from the resource and reduce overall impervious surfaces. Given the limited scope of the request, it is clear that granting the variances will not diminish surrounding property values.

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

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

At .105 acres, the Property is a very small, irregularly-shaped lot situated in a high-density historic neighborhood adjacent to a commercial lobster pound. The Property is

developed with a colonial-era, nonconforming structure within all yard setbacks abutting the Piscataqua River. A 6-foot fence and gate exists in the required front yard where 4-feet is allowed, shielding the Property from the commercial lobster pound. Due to the PZO's dimensional requirements, leaving only ±6-s.f. of building envelope, any change to the Property would require similar relief. These circumstances combine to create special conditions.

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

The purpose of setbacks, as well as limiting expansion of nonconforming residential structures, is to prevent overcrowding and overburdening of land, provide sightlines for pedestrians and motorists, ensure adequate light and air circulation, and provide sufficient area for stormwater treatment. None of these purposes are impaired by granting the requested variances. The nonconforming home already exists in the front, side, and rear yard setbacks. The footprint will not change and the slight increase in volume provides flood compliance. The proposed three-season room and deck are compliant with height limitations.

The proposed replacement of the existing 6' fence located behind the front of the home between the existing garage and screened-in porch requires relief due to its height and location. The proposal adds a decorative 8' arbor to enhance visual interest and improve aesthetics while conforming to the Property's colonial history but otherwise replaces an older fence with a more attractive cedar fence of the same height. The design, and indeed the Project, was approved by the Conservation Commission, and a similar proposal was approved by the Historic District Commission<sup>5</sup>.

Moreover, due to the historic character of the neighborhood, it is densely developed with multiple nearby parcels non-conforming for setbacks. See Walker v. City of Manchester, 107 N.H. 382, 386 (1966) (Hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect on the neighborhood). See also Belanger v. City of Nashua, 121 N.H. 389 (1981) (Variance proper where ordinance no longer reflects the current character of neighborhood). Balancing the clearly minimal effect upon neighbors against the reasonable request to expand outdoor living space while maintaining the existing home's footprint and improving the existing fence, there is no fair and substantial

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<sup>5</sup> Id.

relationship between the purposes of the setback requirements and their application in this instance.

c. The proposed use is reasonable.

There is no proposed expansion of the intensity of the Property's residential use. Indeed, the Project improves existing conditions by improving stormwater treatment and flood protection, upgrading the fence with historically-appropriate, colonial accents and a decorative gate, while confining the proposed three-season porch and deck to the home's existing footprint. Approval by the Conservation Commission (**Exhibit E**), and approval of a substantially similar design by the Historic District Commission on May 9, 2025, further demonstrates that the relief requested is reasonable.

V. CONCLUSION

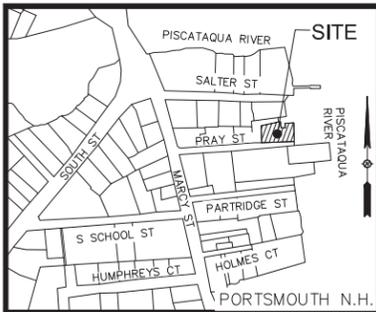
For all of the reasons stated, Nicholson respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested variances.

Respectfully submitted,

**Kenneth & Rebecca Nicholson**



By: R. Timothy Phoenix  
Monica F. Kieser  
Stephanie J. Johnson



# LOCUS

(N.T.S.)

### LEGEND:

- GUY
- IRON PIPE (AS NOTED)
- WOOD FENCE
- ▨ PAVER PATIO
- ▨ CONCRETE
- ▨ PAVED
- ▨ RETAINING WOOD WALL
- ▨ ROCK AREA
- ▨ STONE WALKWAY
- L.S.A. LANDSCAPE AREA
- UTILITY POLE
- ☆ LAMP
- OVERHEAD WIRES
- ⊠ ELECTRIC METER
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
- 101-03 TAX SHEET / LOT NO.
- ⊠ WATER VALVE
- ⊠ WATER SHUT OF GATE VALVE
- ☀ DECIDUOUS TREE
- STONE WALL
- X 51.7' SPOT GRADE
- ⊠ GAS METER
- ☀ CONIFEROUS TREE (ARBORVITAE)
- S SEWER MAIN
- D DRAIN MAIN
- G GAS LINE
- W WATER LINE
- ⊠ SEWER MANHOLE
- ⊠ HYDRANT
- ⊠ DOWNSPOUT
- THLD. THRESHOLD

### REFERENCE PLANS:

- "BOUNDARY LINE AGREEMENT PLAN TAX MAP 102 - LOTS 33 & 38." DATED JULY 6, 2010 AND PREPARED BY AMBIT ENGINEERING, INC. RCRD #D-36438.
- "PLAN OF LOT #43 PRAY STREET." DATED AUGUST 1968 AND PREPARED BY JOHN W. DURGIN. ON THIS FILE WITH THIS OFFICE, JWD FILE #2366 PLAN #456.
- "PLAN OF LAND, 445 MARCY STREET." DATED SEPTEMBER 1, 1994 AND PREPARED BY DURGIN, VERRA AND ASSOCIATES, RCRD #D-23172.
- "SUBDIVISION PLAN 445 MARCY STREET." DATED OCTOBER 13, 2022 AND PREPARED BY JAMES VERRA & ASSOCIATES, RCRD #D-43569.
- "PLAN OF LOTS, RUTH PRICE SILVA." DATED OCTOBER 2, 1980 AND PREPARED BY KIMBALL CHASE, RCRD #D-9887.
- "BOUNDARY SURVEY FOR ROBERT BYRNES AND PATRICIA TOBEY." DATED OCTOBER 13, 2004 AND PREPARED BY ALEX ROSS, RCRD #D-32044.
- "STANDARD BOUNDARY SURVEY, WESTON." DATED AUGUST 2006 AND PREPARED BY AMBIT ENGINEERING, RCRD D-34272.
- "DRIVEWAY AND ACCESS EASEMENT PLAN TAX MAP 102 - LOT 37." DATED DECEMBER 12, 2017 AND PREPARED BY AMBIT ENGINEERING, RCRD #D-40555.
- WORKSHEETS AND FIELD NOTES OF JOHN W. DURGIN. ON THIS FILE WITH THIS OFFICE, JWD FILE #2366.
- "PLAN OF PRAY STREET SHOWING LINES AS EXISTED IN 1905 AND 1939" DATED OCTOBER 13, 1939 PREPARED BY W.L. HASKELL. ON FILE WITH PORTSMOUTH DPW, FILE #T0404.
- "CITY OF PORTSMOUTH, N.H. CONSTRUCTION DRAWING FOR SEWER SYSTEM IMPROVEMENTS, CONTRACT NO. 3, E.P.A. NO. C-330196-03." LAST REVISED MAY 1, 1980 AND PREPARED BY WRIGHT, PIERCE, BARNES & WAYMAN. ON FILE WITH PORTSMOUTH DPW FILE #1841.

### SEWER TABLE

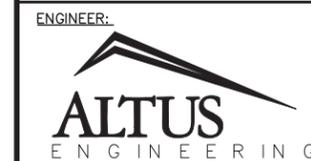
SMH# 1081  
RIM EL=10.33'  
(1) INV OUT 8"PVC= 3.35'

SMH# 1006  
RIM EL=7.7'  
(1) INV IN 8"PVC= 0.08'  
(2) INV OUT 8"PVC= 0.05'

SMH# 1003  
RIM EL=6.27'  
(1) INV IN 8"PVC= 34.70'  
(2) INV IN 8"PVC= 32.47'

### NOTES:

- OWNER OF RECORD: KENNETH J. NICHOLSON  
REBECCA T. NICHOLSON  
ADDRESS: 12 CHAPEL, NORTH HAMPTON, N.H.  
DEED REFERENCE: BK: 6597 PG: 495  
TAX SHEET / LOT: 102 / 40
- PORTSMOUTH ZONED: WATERFRONT BUSINESS (WB), OVERLAY HISTORIC DISTRICT (HD)  
MIN. LOT AREA: 20,000 S.F. FRONT YARD SETBACK: 30'  
FRONTAGE: 100' SIDE & REAR YARD SETBACK: 30' & 20'  
DEPTH: 100' LOT COVERAGE: 30%  
BUILDING COVERAGE: 20% HEIGHT: 35'  
\*THE AVERAGE ALIGNMENTS: (3.04+30)/2 = 17'  
WETLAND BUFFER: 100'  
VEGETATED BUFFER STRIP: 25' LIMITED CUT AREA: 50'  
PROTECTED SHORELAND (STATE BUFFER): 250'
- THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF THE SUBJECT PARCELS AND THE IMPROVEMENTS THEREON FOR FUTURE SITE DESIGN AND PERMITTING.
- 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: NAVD88. ESTABLISHED BY SURVEY GRADE GPS OBSERVATIONS. UNITS: US SURVEY FOOT.
- THE PLAN IS BASED UPON A FIELD SURVEY COMPLETED ON MARCH 10, 2025 WITH TRIMBLE S5 ROBOTIC TOTAL STATION, CARLSON BRX7 RTK GPS UNITS, PANASONIC FZ-M1/TRIMBLE TSC7 DATA COLLECTORS.
- THE PARCEL SHOWN HEREON LIES WITHIN ZONE AE (BFE=8 FEET) (SPECIAL FLOOD HAZARD AREA) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015C0278F EFFECTIVE DATE 1/29/2021 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- WETLANDS WERE NOT DELINEATED AT THE TIME OF THE FIELD SURVEY.
- 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.
- PRAY STREET WAS LAID OUT IN CITY OF PORTSMOUTH'S VOLUME 6 PAGE 608. FROM WATER STREET, FORMER KNOWN AS MARCY STREET, TO THE PISCATAQUA RIVER. NO WIDTH WAS PROVIDED. SEE REFERENCE PLAN #10.
- HIGHEST OBSERVABLE TIDE LINE (HOTL) WAS BASED ON LOCATION OF THE RACK (DEBRIS) LINE AS OBSERVED DURING THE FIELD SURVEY IN APRIL 2025. BASED ON THIS LOCATION, THE FIELD ELEVATION OF THE RACK LINE WAS APPROXIMATELY ELEVATION 4.8±. BASED ON RSA.483-C1, SECTION V. THE HIGH WATER MARK IS ESTABLISHED BASED ON THE 19-YEAR "NATIONAL TIDAL DATUM EPOCH" FOR PORTLAND, MAINE, CASCO BAY (NOS MAINE 841 8150). BASED ON THAT INFORMATION, THE COMPUTED ELEVATION PROVIDED BY NOAA FOR STATION 841 8150, MEAN HIGHER-HIGH WATER (MHHW) IS 4.65 FT (JANUARY 13, 2024).



ISSUED FOR: PERMITTING

ISSUE DATE: 11/11/2025

REVISIONS  
NO. DESCRIPTION BY DATE  
1 ADD HTL & NOTE 11 RMF 11/11/25

# EXHIBIT A

DRAWN BY: DK  
APPROVED BY: RMF  
DRAWING FILE: 25-2018 ALTUS 53 PRAY ST.DWG

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

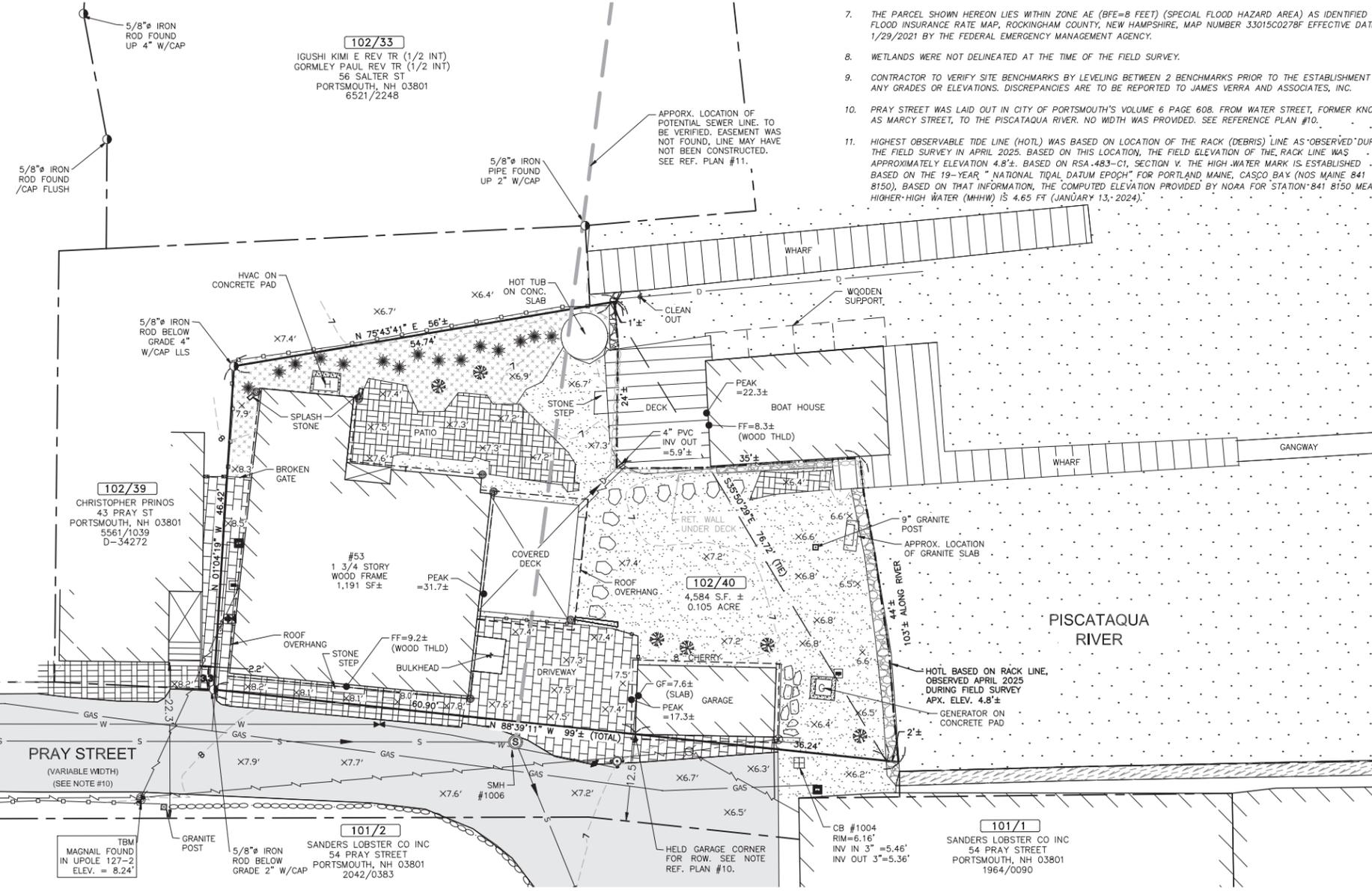
APPLICANT:  
KENNETH J. NICHOLSON  
REBECCA T. NICHOLSON  
12 CHAPEL ROAD  
NORTH HAMPTON  
NEW HAMPSHIRE

OWNER:  
KENNETH J. NICHOLSON  
REBECCA T. NICHOLSON  
12 CHAPEL ROAD  
NORTH HAMPTON  
NEW HAMPSHIRE

PROJECT:  
53 PRAY  
TAX MAP 102, LOT 40  
STREET  
PORTSMOUTH  
NEW HAMPSHIRE

TITLE:  
EXISTING  
CONDITIONS  
PLAN

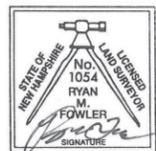
SHEET NUMBER:  
S-1



### 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)."

11/11/25  
DATE



### GRAPHIC SCALE



( IN FEET )  
1 inch = 10' ft.

**WETLANDS PERMIT APPLICATION NOTES**

- DESIGN INTENT - THIS PLAN SET IS INTENDED TO DEPICT THE AREAS OF IMPACT WITHIN THE 100-FOOT WETLAND BUFFER TO RENOVATE THE SINGLE FAMILY RESIDENCE; RECONSTRUCT THE THREE SEASON ROOM, ADD A ROOF TOP DECK ABOVE, REPLACE EXISTING PATIOS AND DRIVEWAY CONNECTION ALONG WITH LANDSCAPING & ASSOCIATED UTILITIES.
- SEE EXISTING CONDITIONS PLAN (PLAN REFERENCE 1).
- HIGHEST OBSERVABLE TIDE LINE (REFERENCE LINE) IS THE EDGE OF STONE SEAWALL. NO WORK IS PROPOSED IN THE PISCATAQUA RIVER.
- EXISTING IMPERVIOUS AREAS WITHIN THE 100' WETLAND BUFFER ARE AS FOLLOWS: EX. RESIDENCE/COVERED DECK (1,410 SF) + EX. BULKHEAD (25 SF) + EX. GARAGE (200 SF) + EX. PAVER DRIVE (345 SF) + EX. STONE & BRICK WALKS (200 SF) + EX. STEPS/CURBS/WALLS (172 SF) + PATIO (290 SF) + CONCRETE PADS (70 SF) + EX. CRUSHED STONE (±112 SF) = ±2,824 SF TOTAL (±61.6% OF THE PARCEL)
- PROPOSED IMPERVIOUS AREAS WITHIN THE 100' WETLAND BUFFER ARE AS FOLLOWS: EX. RESIDENCE/SUN PORCH/DECK (1,410 SF) + PROP. BULKHEAD (25 SF) + EX. GARAGE (200 SF) + PROP. BRICK DRIVE (345 SF) + EX. STONE & BRICK WALKS (165 SF) + EX. STEPS/CURBS/WALLS (152 SF) + PROP. EDGING (20 SF) + PROP. CRUSHED STONE (102 SF) + HVAC & EM. GENERATOR CONC. PADS (40 SF) = 2,459 SF TOTAL (±53.6% OF THE PARCEL) THEREFORE AN IMPROVEMENT.
- THE CONTRACTOR SHALL OBTAIN A "DIGSAFE" NUMBER AT LEAST 72 HOURS PRIOR TO COMMENCING CONSTRUCTION.
- EXISTING RESIDENCE IS SERVICED WITH MUNICIPAL SEWER & WATER.
- PARCEL IS LOCATED ENTIRELY WITHIN ZONE AE (BFE=8 FEET) (SPECIAL FLOOD HAZARD AREA) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015CO278F DATED 1/29/2021 BY FEDERAL EMERGENCY MANAGEMENT AGENCY.
- CITY OF PORTSMOUTH OPEN SPACE REQUIREMENT: ±917 SF (20%)  
EXISTING: 2,490 S.F.± (54.3%±)  
PROPOSED: 2,550 S.F.± (55.6%±)
- NHDES WETLANDS PERMIT APPLICATION FILE NUMBER: 2025-03073

**ZONING SUMMARY**

TAX MAP 102, LOT 40  
OWNER: REBECCA T. & KENNETH J. NICHOLSON  
12 CHAPEL ROAD  
NORTH HAMPTON, NH 03862  
ZONING DISTRICTS: WB (WATERFRONT BUSINESS), HD (OVERLAY HISTORIC DISTRICT)  
PERMITTED USES: SINGLE FAMILY DWELLING STRUCTURE PERMITTED.

DIMENSIONAL REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA:	20,000 S.F.	±4,584 SF (1.08 AC.)	±4,584 SF
MIN. LOT AREA PER DWELLING UNIT:	NO REQUIREMENT	±4,584 SF	±4,584 SF
MIN. FRONTAGE:	100'	±99'	±99'
MIN. DEPTH:	100'	±45'	±45'
FRONT SETBACK:	30' (17)*	±2'	±2' (EX. HOUSE) ±0' (EX. GARAGE)
SIDE SETBACK:	30'	±0'	±2'
REAR SETBACK:	20'	±4'	±4'
STRUCTURE HEIGHT:	35'	±25'	±25'
ROOF APPURTENANCE HT.:	10'	±5'	±5'
BUILDING COVERAGE:	30%	±35.7%	±35.7%
MIN. OPEN SPACE:	20%	±54.3%	±55.6%

\* AVERAGE OF ABUTTING PROPERTIES (3' + 30' = 33' / 2 = 16.5'). USE 17'

**LEGEND**

- EXISTING STRUCTURE TO REMAIN
- EXISTING STRUCTURE TO BE RECONSTRUCTED
- EXISTING SUMP PUMP DRAIN (TO BE REPLACED)

**REFERENCE PLANS:**

- "EXISTING CONDITIONS PLAN, 53 PRAY STREET, TAX MAP 102, LOT 40, PORTSMOUTH, NH", DATED NOVEMBER 11, 2025 AND PREPARED BY JAMES VERRA & ASSOCIATES, INC.
- SITE VISIT BY ALTUS ENGINEERING, LLC ON APRIL 28, 2025.
- ARCHITECTURAL ELEVATIONS BY AUGER BUILDING COMPANY DATED MARCH 2026.
- "PRELIMINARY LANDSCAPE PLAN", BY WOODBURN & COMPANY DATED 09-10-2025, LATEST REVISION 02-05-2026.

ENGINEER:  
**ALTUS ENGINEERING**  
133 Court Street Portsmouth, NH 03801  
(603) 433-2335 www.altus-eng.com

ERIC D. WEINREB  
No. 7634  
LICENSED PROFESSIONAL ENGINEER  
2/5/26

ISSUED FOR: APPROVAL  
ISSUE DATE: FEBRUARY 5, 2026

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	11/18/25
1	ADD ADDITIONAL DIMS. PER PLANNING DEPT.	EDW	12/01/25
2	ADD OPEN SPACE CALC. COORD. DRAWINGS	EDW	02/05/26

DRAWN BY: RLH  
APPROVED BY: EDW  
DRAWING FILE: 5673-EDW.DWG

SCALE:  
22" x 34" - 1" = 5'  
11" x 17" - 1" = 10'

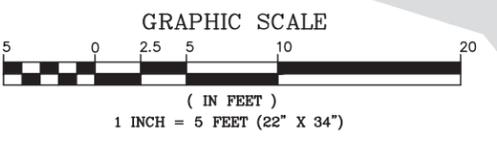
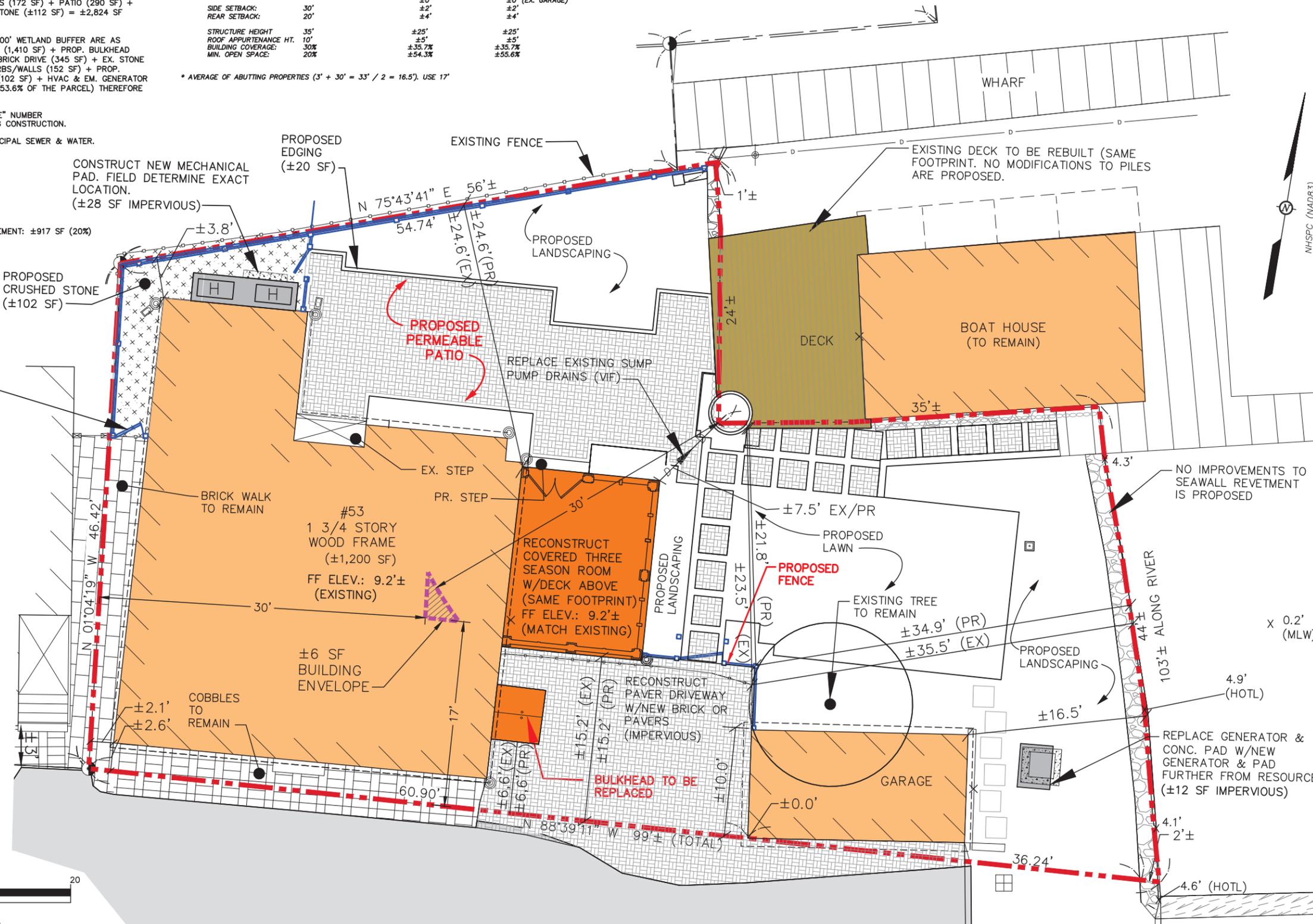
APPLICANT:  
KENNETH J. NICHOLSON  
REBECCA T. NICHOLSON  
12 CHAPEL ROAD  
NORTH HAMPTON  
NEW HAMPSHIRE 03862  
OWNER:

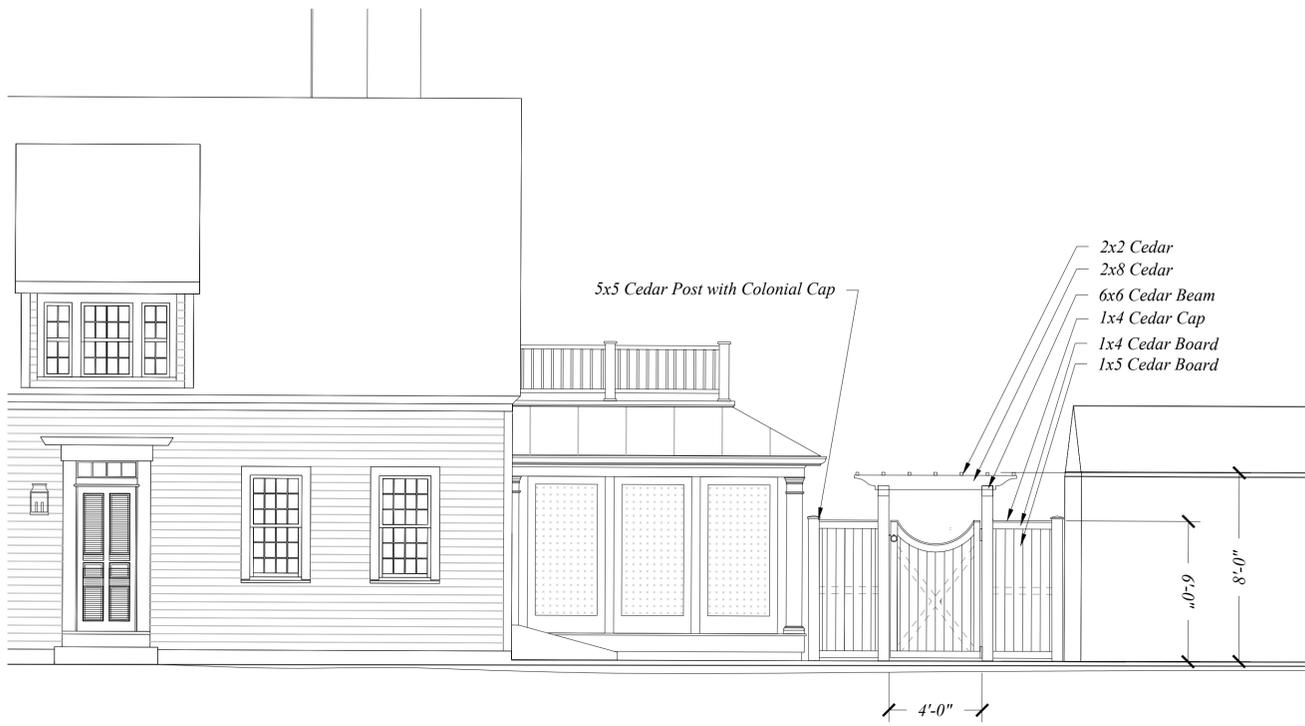
KENNETH J. NICHOLSON  
REBECCA T. NICHOLSON  
12 CHAPEL ROAD  
NORTH HAMPTON  
NEW HAMPSHIRE 03862

PROJECT:  
53 PRAY STREET  
TAX MAP 102, LOT 40  
PORTSMOUTH  
NEW HAMPSHIRE

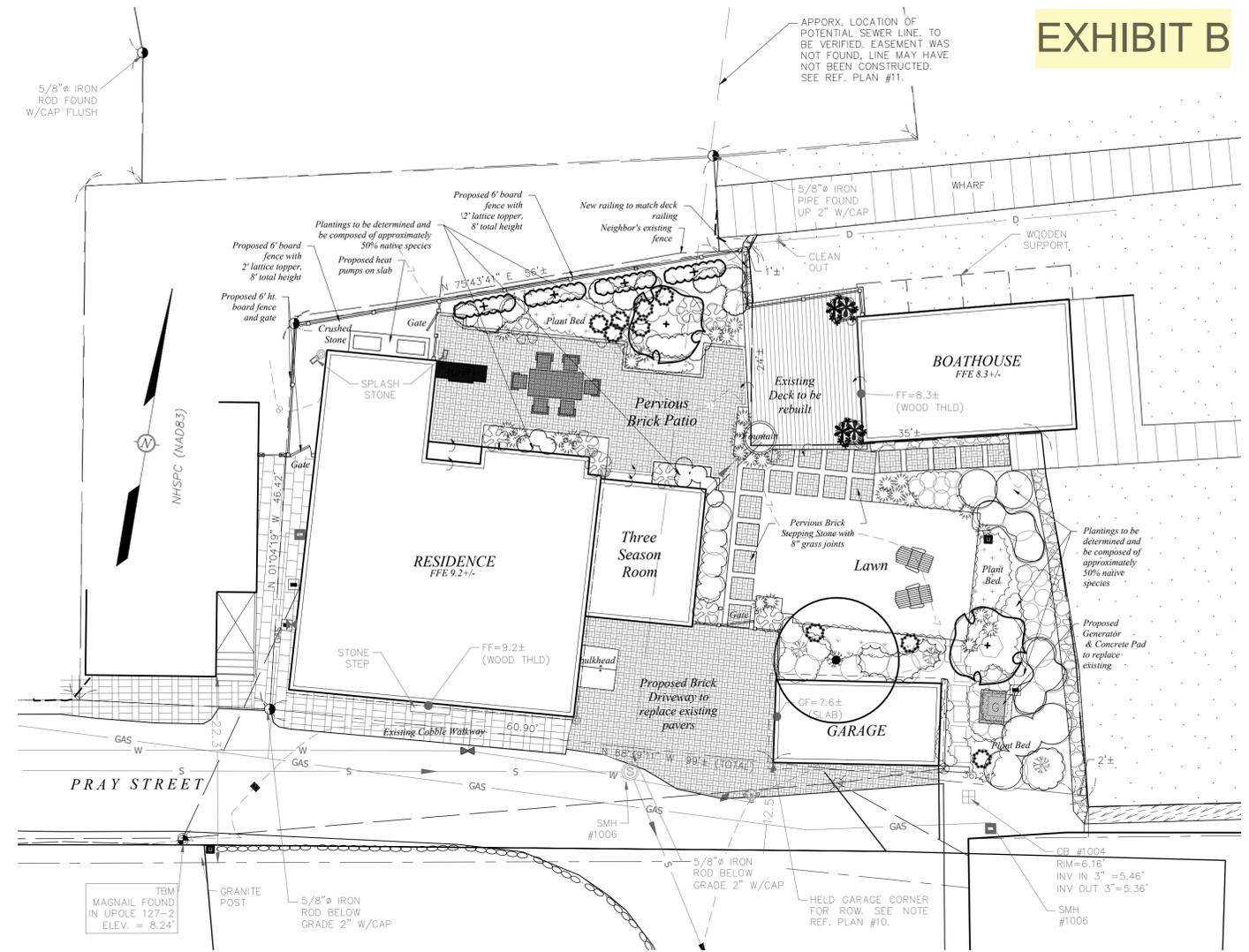
TITLE:  
BOARD OF ADJUSTMENT  
SITE PLAN

SHEET NUMBER:  
1 OF 1

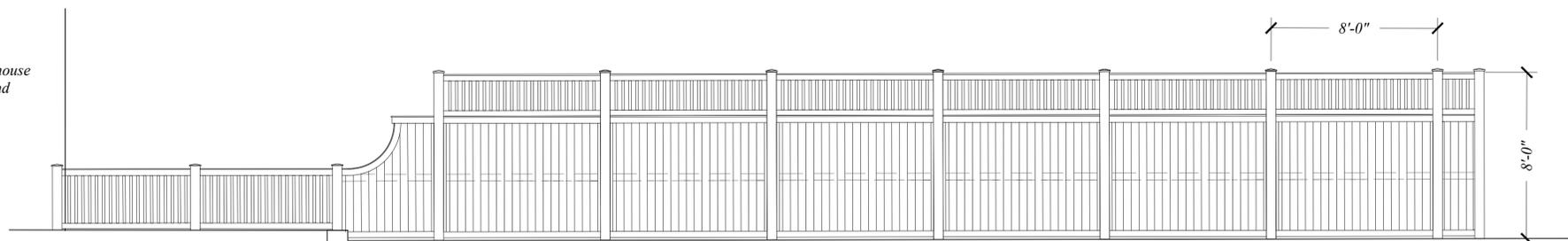




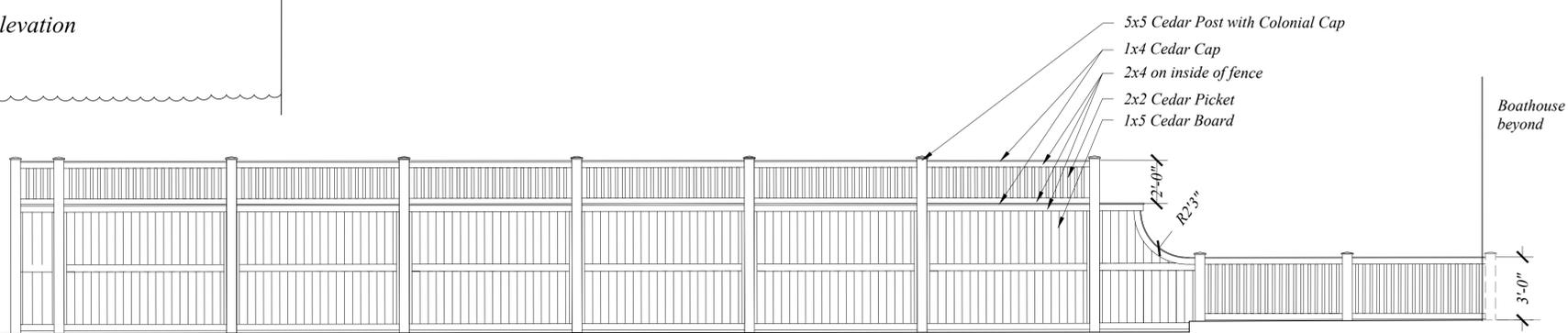
Front Gate - Elevation



0 2 5 10 20 Plan



Outside Elevation

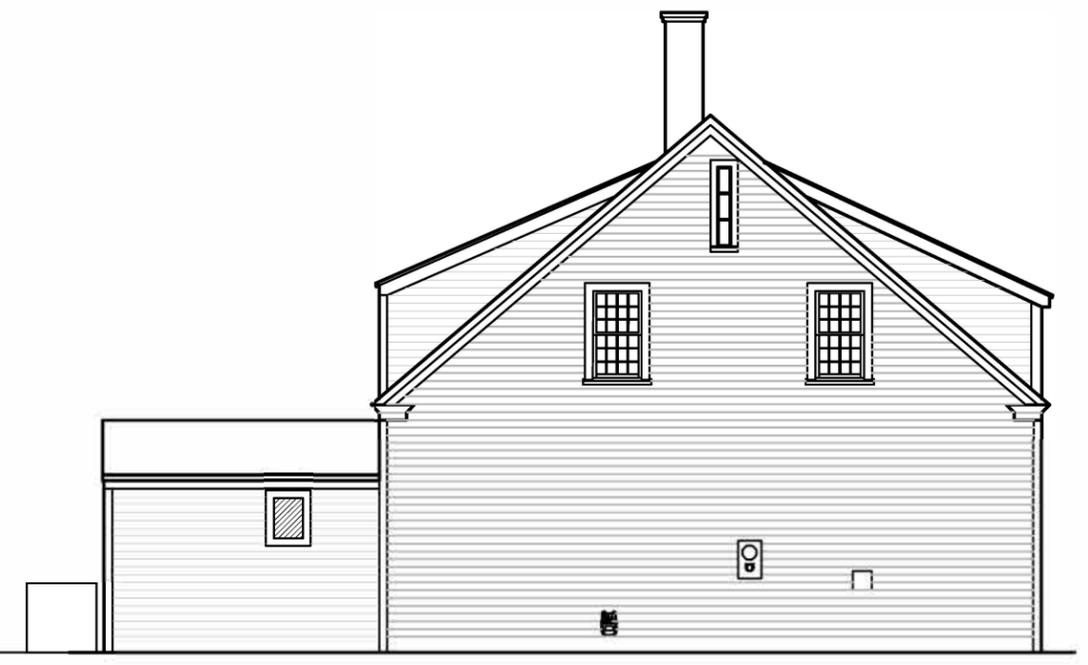
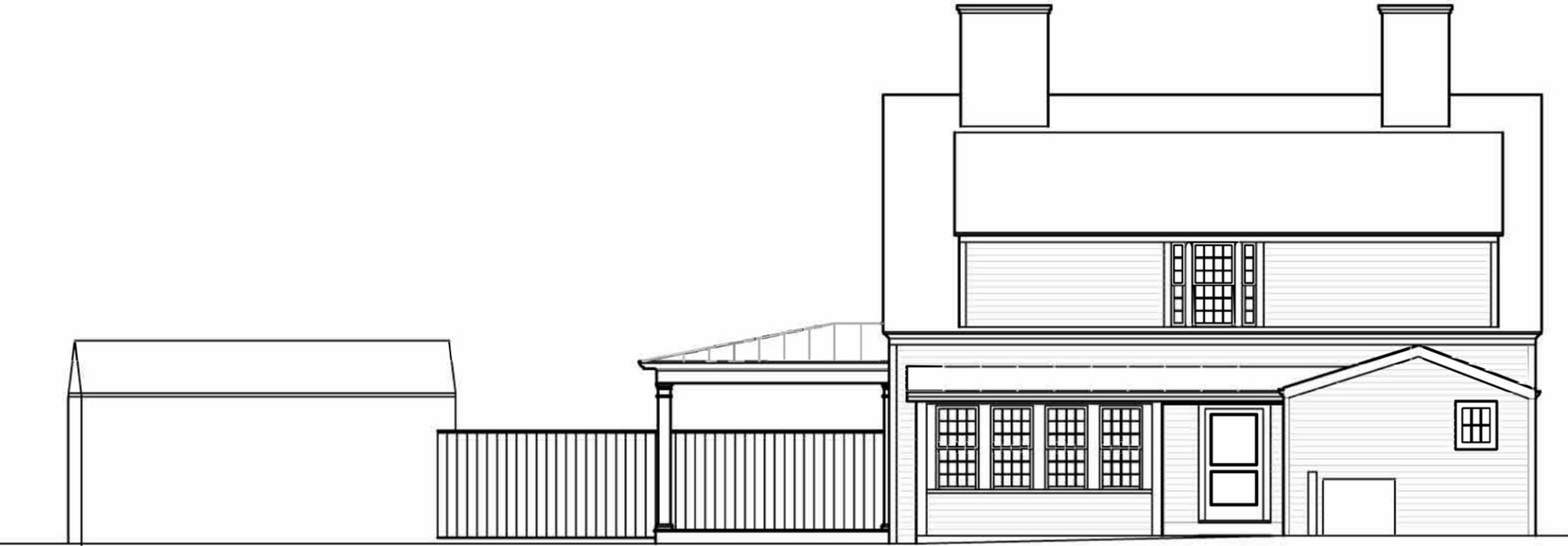
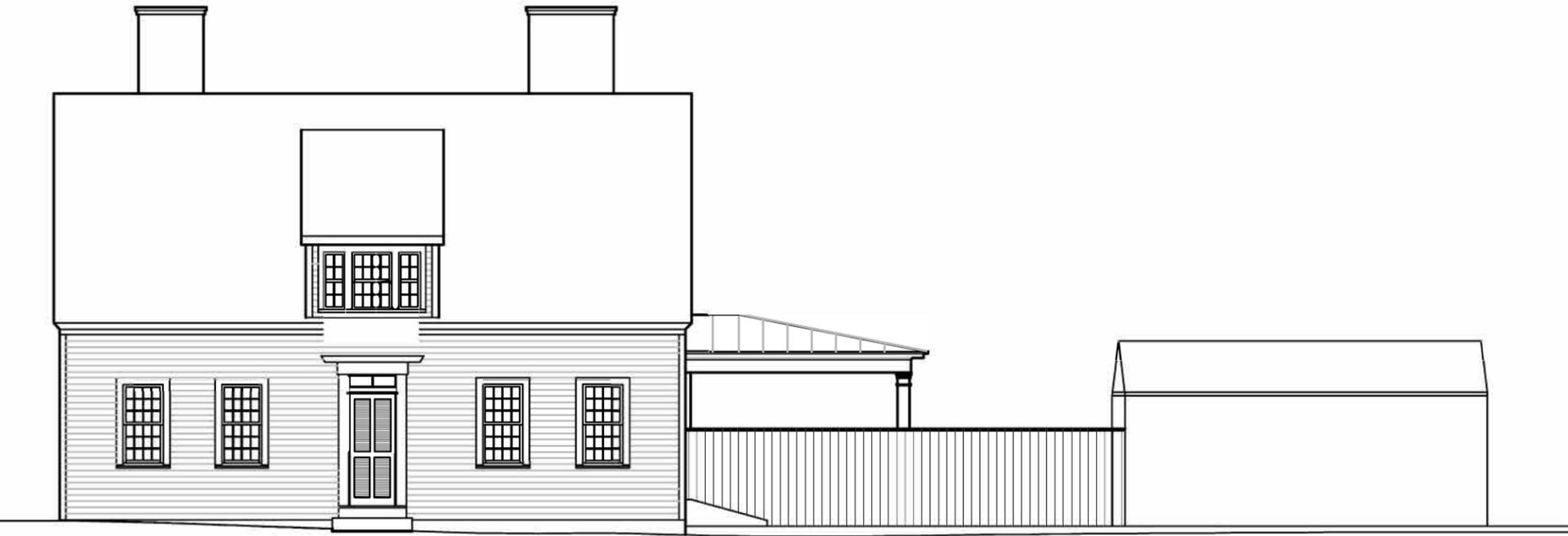


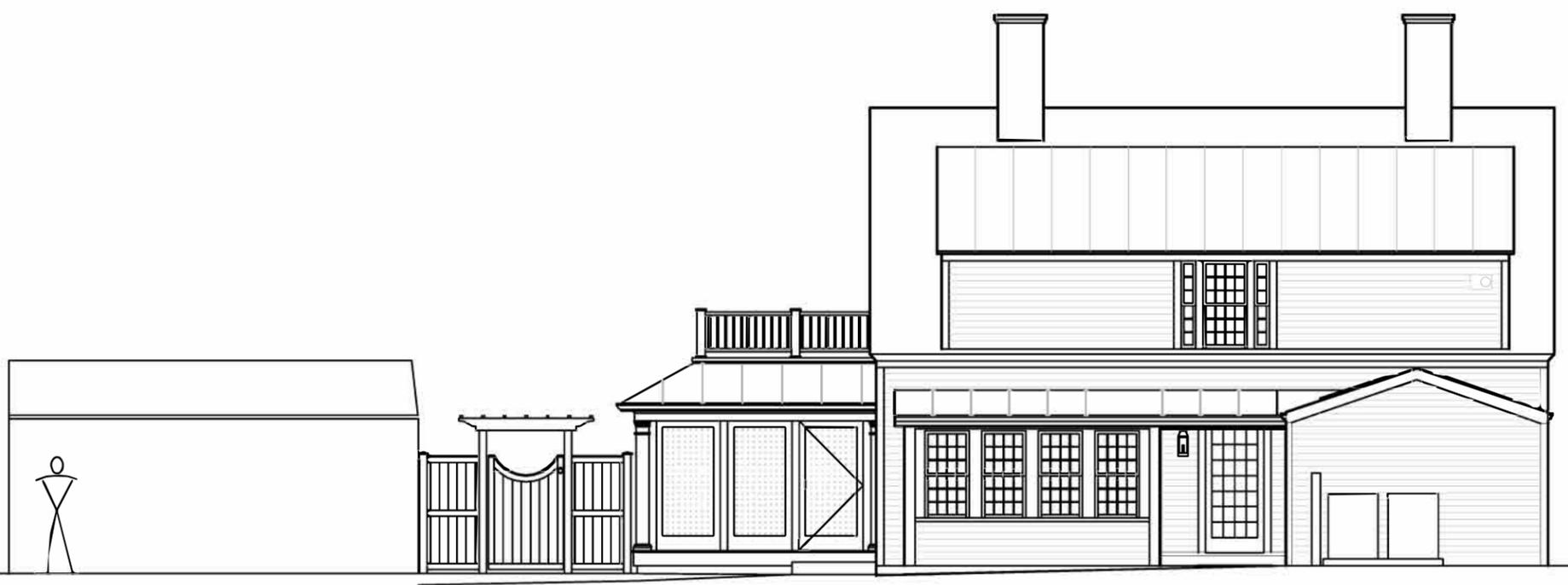
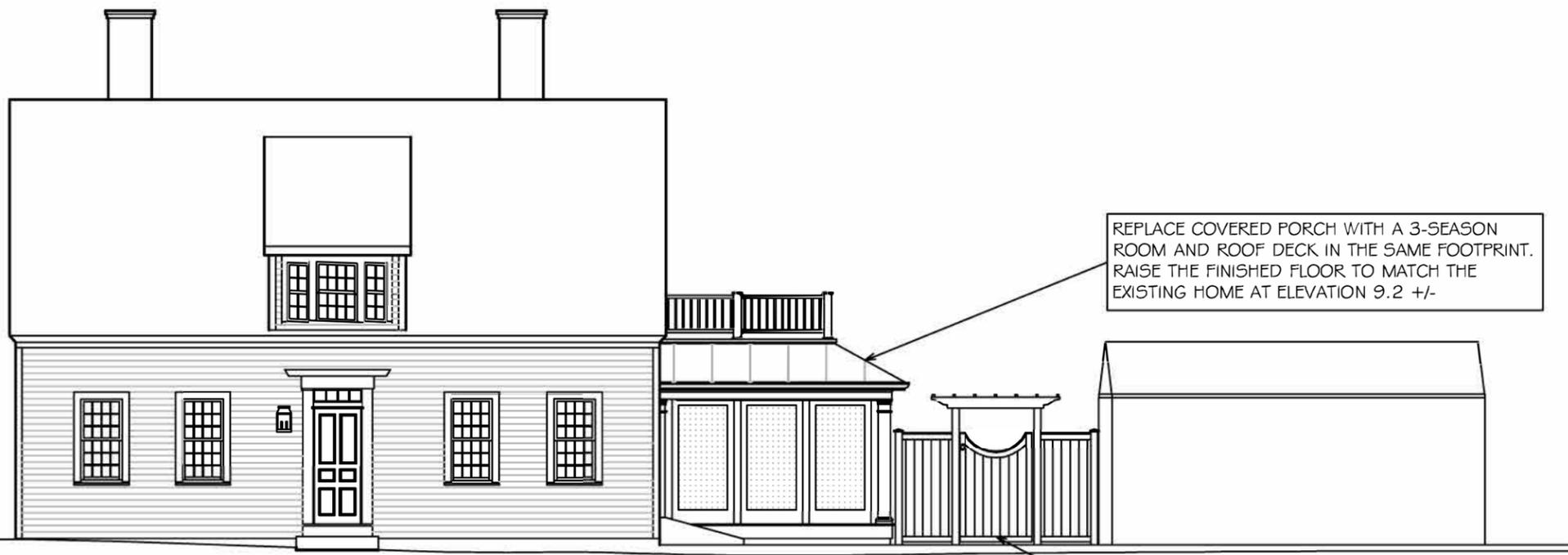
Inside Elevation

Front Gate - Proposed Cedar Fence



Drawn By:	RW
Checked By:	RW
Scale:	scale
Date:	2025-09-10 FOR REVIEW
Revisions:	2025-10-03 ISSUED TO ALTUS 2025-10-09 elevation update 2025-10-24 bulkhead, brick and plantings 2025-11-18 ISSUED FOR ZBA 2025-12-04 Heat Pumps 2026-02-03 labels and generator 2026-02-05 Heat pump spacing





11/14/25, 11:44 AM

53 Pray St - Google Maps

Google Maps

53 Pray St



Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 20 ft



Google Maps



Google Maps

**PORTSMOUTH CONSERVATION COMMISSION**

November 14, 2025

TO: DES Wetlands – Coastal Region  
222 International Drive, Suite 175  
Portsmouth, NH 03801

Attn: Permit Coordinator

RE: Minimum Impact Standard Dredge and Fill Application

MEETING DATE: November 13, 2025

CONSTRUCTION SITE: 53 Pray Street, Portsmouth, NH 03801

This Commission recommends approval of the cited project.

This Commission requests the statutory 40-day delay in order to allow for further investigation of the project. (See below)

This Commission recommends denial of the cited project for the reasons.

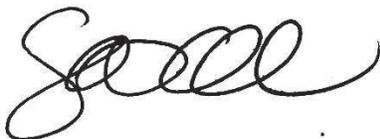
Other

*The Commission voted (6-0) to recommend approval of this application to NHDES with the following condition:*

*1. Applicant shall develop maintenance plan for property owners which should include NHDES shoreland regulations.*

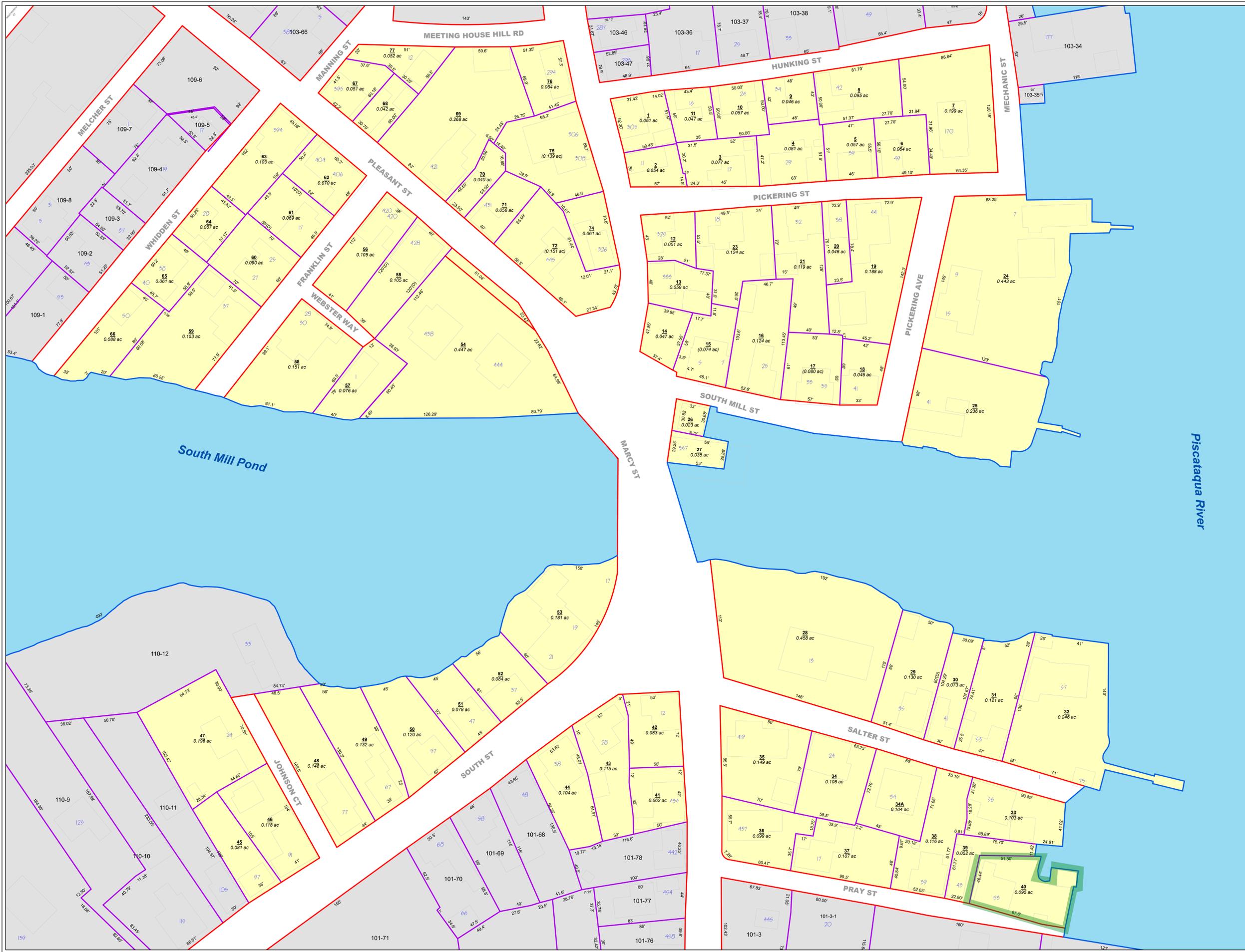
FOR THE COMMISSION:

Sincerely,



Samantha Collins, Chair  
Portsmouth Conservation Commission

cc: Peter Britz, Planning and Sustainability Director  
Eric Weinrieb, Project Manager



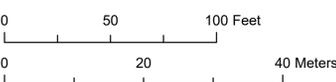
**Partial Legend**  
 See the cover sheet for the complete legend.

- 7-5A** Lot or lot-unit number
- 2.56 ac Parcel area in acres (ac) or square feet (sf)
- Address number
- 233-137 Parcel number from a neighboring map
- 68' Parcel line dimension
- Street name

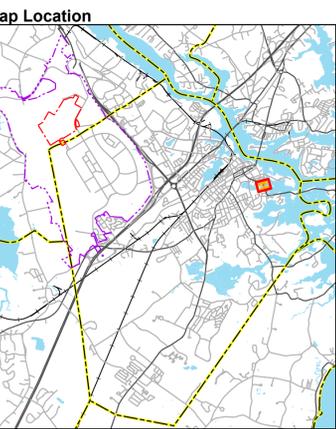
**SIMS AVE** Street name

- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1994 data)

- Parcel covered by this map
- Parcel from a neighboring map (see other map for current status)



*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.*



**III. NEW BUSINESS**

**B.** The request of **Madison Commercial Group LLC (Owner)** and **The Manchester Esthetic Services LLC, DBA Art of Eyebrows (Applicant)**, for property located at **72 Mirona Road** whereas relief is needed for a change of use from professional office to esthetic services which requires the following: 1) Special Exception from Section 10.440 Use #7.20 to allow Personal services. Said property is located on Assessor Map 253 Lot 3 and lies within the Gateway Center (G2) District. (LU-26-11)

**Existing & Proposed Conditions**

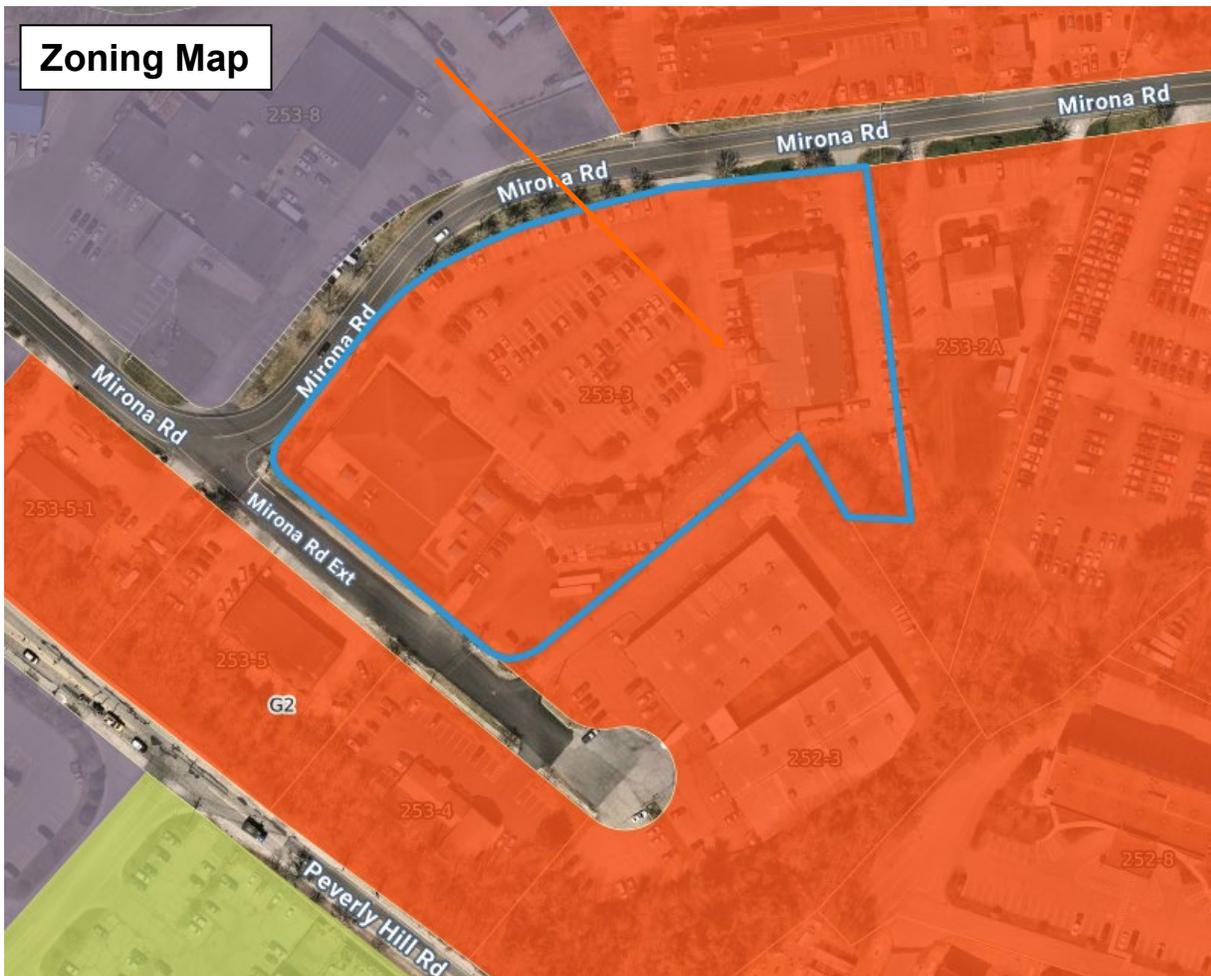
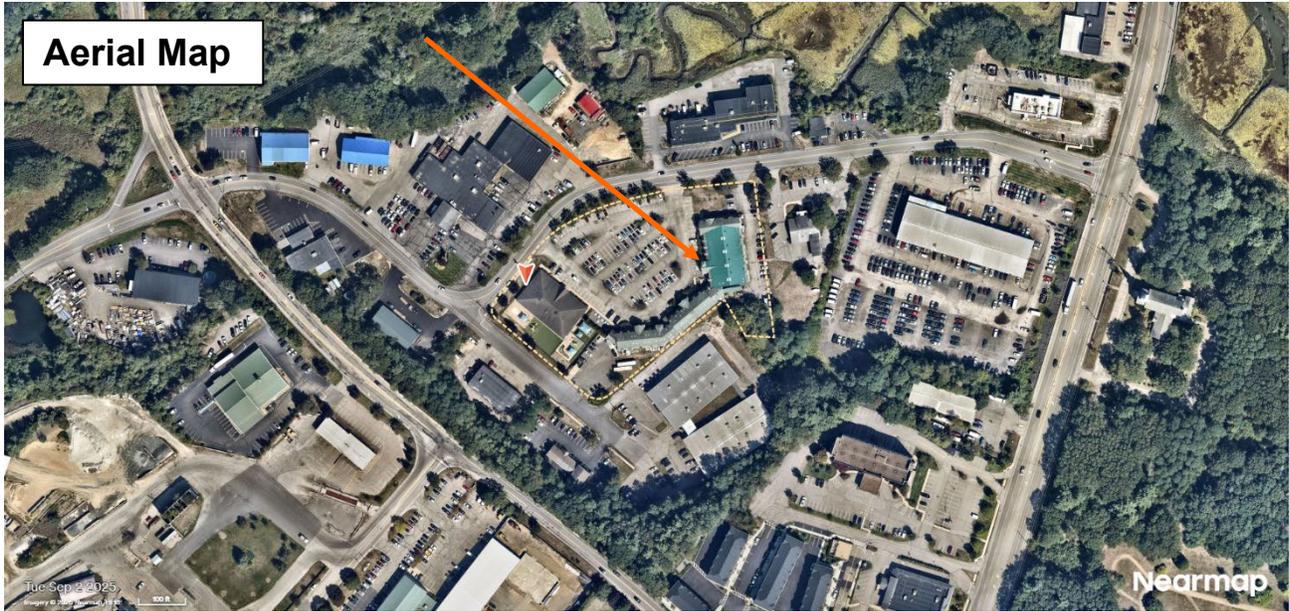
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Office Space	* <b>Esthetic Services</b>	Mixed Uses
<u>Parking:</u>	1/350 sf (Office use)	1/400 sf (Personal Services)	
<u>Estimated Age of Structure:</u>	2004	<b>Request(s) shown in red.</b>	

\*Allowed by Special Exception

**Other Permits/Approvals Required**

- Building Permit (Fit Up)

### Neighborhood Context



## 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** – 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.

The Board voted to **grant** the request as presented and advertised.

**February 23, 1982** – The Board considered the request for 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; and the Board voted to **deny** Variances 2 and 3.

**March 16, 1982** – The Board **granted** the request for 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 request for 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 Board considered the request for 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 and Variance 4 was withdrawn.

**July 22, 2003** – The Board **granted** the request for 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 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 1<sup>st</sup> floor and 2,914 sf of office space on the 2<sup>nd</sup> 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 request for 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 request for a One Year Extension of the Variance granted March 18, 2008.**

### **Planning Department Comments**

The applicant is requesting a Special Exception to establish a personal service use for an esthetician business. The project includes construction of a wall to create a 1,600 square foot space for the business to operate within.

### **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.

**City of Portsmouth, NH – Zoning Board of Adjustment**  
**10.232.20**

**Special Exception Compliance Narrative**

**Property Address:** 72 Mirona Road, Portsmouth, NH

**Tax Map/Lot:** 0253/0003/000

**Proposed Use:** Esthetic services including eyebrow threading, waxing, tinting, brow lamination, lash lifts, eyelash extensions, henna services, microblading, and facials. No retail sales floor.

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

**1. Consistency with the Spirit and Intent of the Zoning Ordinance and Gateway G2 District**

The proposed professional esthetic services constitute a low-impact, service-oriented commercial use consistent with the purpose of the Gateway G2 District. The use operates entirely indoors within an existing commercial building and aligns with the general character of professional and service businesses within the Gateway corridor.

---

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

**2. No Injury to Public Health, Safety, or Welfare**

All services will be provided within an enclosed commercial space and will comply with all applicable building, fire, life safety, and occupancy regulations. The use does not involve hazardous materials, excessive noise, odor, vibration, or late-night operations and will not create adverse impacts.

---

*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;*

**3. No Detriment to Neighboring Property Values**

The professional nature of the use is consistent with surrounding commercial operations and will not negatively affect neighboring properties or neighborhood conditions.

---

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

#### **4. Compatibility with Existing Development**

Surrounding properties are characterized by commercial and service-oriented businesses. The proposed use is similar in scale and intensity and will not generate excessive traffic or parking demand.

---

**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*

#### **5. Efficient Use of Existing Buildings and Land**

Approval will promote continued productive occupancy of an existing commercial space without structural expansion or site disturbance.

---

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

#### **6. Satisfaction of Special Exception Criteria**

The Applicant has demonstrated alignment with ordinance intent, protection of public welfare, compatibility with surrounding uses, absence of adverse impacts, and efficient use of existing development.

---

#### **Conclusion**

Based on the foregoing, the Applicant respectfully submits that the proposed esthetic services use at 72 Mirona Road meets all criteria for a Special Exception under Article 2, Section 10.233.20 of the City of Portsmouth Zoning Ordinance and requests approval by the Zoning Board of Adjustment.

City of Portsmouth, NH – Zoning Board of Adjustment  
Special Exception Written Statement

### Special Exception Compliance Statement

**Property Address:** 72 Mirona Road, Portsmouth, NH

**Tax Map/Lot:** 0253/0003/000

**Proposed Use:** Esthetic services including eyebrow threading, waxing, tinting, brow lamination, lash lifts, eyelash extensions, henna services, microblading, and facials. No retail sales floor.

#### Consistency with Gateway G2 District Purpose

The proposed professional esthetic services use supports the intent of the Gateway G2 district by providing low-impact commercial services that contribute to economic vitality and effective reuse of existing commercial space.

#### Compatibility with Surrounding Uses

The use is consistent with nearby commercial and service-oriented operations and will not generate excessive traffic, noise, odor, or other disturbances.

#### No Adverse Impact on Public Health, Safety, or Welfare

All operations will occur indoors within an existing commercial structure and comply with applicable building, fire, and occupancy regulations.

#### Efficient Use of Existing Development

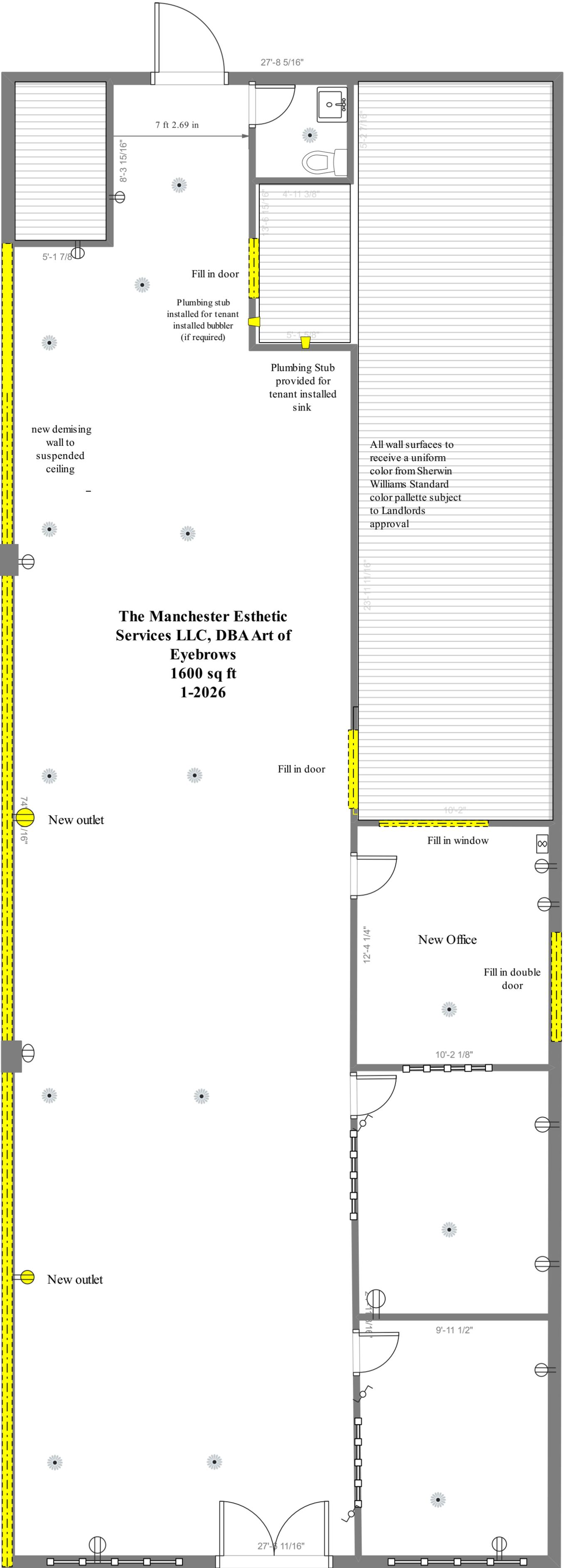
Approval promotes continued productive occupancy of existing commercial space without the need for structural expansion or zoning variances.

#### Conformance with Zoning Ordinance Intent

While not permitted by right, the professional service nature of the use aligns with the spirit of allowed commercial activities within the Gateway district.

#### Conclusion

The Applicant respectfully submits that the proposed use meets the standards for a Special Exception under Article 2, Section 10.233.20 and requests approval by the Zoning Board of Adjustment.



**The Manchester Esthetic  
Services LLC, DBA Art of  
Eyebrows  
1600 sq ft  
1-2026**

All wall surfaces to receive a uniform color from Sherwin Williams Standard color palette subject to Landlords approval

Fill in door

Fill in window

New Office

Fill in double door

new demising wall to suspended ceiling

Fill in door  
Plumbing stub installed for tenant installed bubbler (if required)

Plumbing Stub provided for tenant installed sink

New outlet

New outlet

27'-8 5/16"

7 ft 2.69 in

8'-3 15/16"

5'-1 7/8"

4'-11 3/8"

5'-1 5/8"

5'-2 7/16"

23'-11 11/16"

10'-2"

74'-10 1/16"

12'-4 1/4"

10'-2 1/8"

9'-11 1/2"

27'-6 11/16"

Existing space is 2 suites together Suite 2 & Suite 3 currently not I use, but formerly used by Madison Resources as office space. The demarcation wall would be installed down the center of the suite the long way from the pillar marking the center from side to side. Demark wall will be built up to the existing pillar and go all the way to the foreground/front of the photo.







*Lindt*  
CHOCOLATE

NATIONAL  
EMPLOYMENT

NATIONAL ENGINEERING  
SERVICE CORPORATION

DA  
CO



CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT								
MADISON COMMERCIAL GROUP LL ATTN: ACCTS PAYABLE 72 MIRONA RD SUITE 4  PORTSMOUTH NH 03801		1	Level	1	Public Sewer	1	Paved			Description	Code	Appraisec	Assessed	2229  PORTSMOUTH, NH  <b>VISION</b>
										COMMERC.	3230	4,746,500	4,746,500	
										COM LAND	3230	1,346,900	1,346,900	
<b>SUPPLEMENTAL DATA</b>										COMMERC.	3230	147,400	147,400	
Alt Prcl ID 0253-0003-0000-0000 OLDACTN 22110 PHOTO WARD 2015 Reval V JM PREC. Ex/Cr Appli 1/2 HSE  GIS ID 35692					CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli  Assoc Pid#					Total		6,240,800	6,240,800	

RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)									
MADISON COMMERCIAL GROUP LLC		3366	0269	01-06-1999	U	I	2,000,000	0	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed
									2025	3230	4,746,500	2024	3230	4,746,500	2023	3230	4,472,400
										3230	1,346,900		3230	1,346,900		3230	1,077,500
										3230	147,400		3230	147,400		3230	92,700
									Total		6,240,800	Total		6,240,800	Total		5,642,600

EXEMPTIONS				OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor										
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int										
Total			0.00															

ASSESSING NEIGHBORHOOD						APPRAISED VALUE SUMMARY						
Nbhd	Nbhd Name	STREET INDEX NAME	Tracing	Batch						Appraised Bldg. Value (Card)	4,334,000	
301										Appraised Xf (B) Value (Bldg)	412,500	
											Appraised Ob (B) Value (Bldg)	147,400
											Appraised Land Value (Bldg)	1,346,900
											Special Land Value	0
											Total Appraised Parcel Value	6,240,800
											Valuation Method	C
											Total Appraised Parcel Value	6,240,800

BUILDING PERMIT RECORD										VISIT / CHANGE HISTORY					
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments		Date	Id	Type	Is	Cd	Purpose/Result
GAS-25-13	01-28-2025			7,095	02-13-2025	100		reconnect gas piping for furnac		02-13-2025	JW	03	3	50	Building Permit
BLDG-24-3	06-11-2024			20,000	02-13-2025	100		We have an exterior covered w		07-22-2024	CR			FR	Field Review Stat Update
MECH-24-1	03-11-2024			10,930	04-11-2024	100		Remove the 80% gas furnace		05-15-2024	NS			07	Measur/Inf/Dr Info at door
MECH-23-3	10-19-2023			14,008	01-16-2024	100		<div>Replace packaged heat/		01-16-2024	JW	03	3	50	Building Permit
MECH-23-1	05-12-2023			29,930	01-16-2024	100		Remove two chimney vented g		05-04-2023	CKR	07	2	50	Building Permit
MECH-23-3	05-02-2023	MC	Mechanical	3,000	05-04-2023	100		Installed Fiat floor basin to rec		12-29-2022	JW	03	3	50	Building Permit
EC-23-109	05-01-2023	DE	Demolish	500	05-04-2023	100		wire replacement 5ton gas/ele		03-31-2022	CKR	03	3	50	Building Permit

LAND LINE VALUATION SECTION																	
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj	Special Pricing	Adj Unit P	Land Value	
1	3230	SHOPNGMALL	G2			181,645 SF	31.00	1.0000	1	0.92	301	0.260	-8% SIZE		1.0000	7.42	1,346,900
Total Card Land Units						4	AC	Parcel Total Land Area				4	Total Land Value				1,346,900

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	204	Day Care			
Model	94	Commercial			
Grade	C	C			
Stories:	1				
Occupancy	1.00				
Residential Unit					
Exterior Wall 1	25	Vinyl Siding			
Exterior Wall 2					
Roof Structure	03	Gable/Hip			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2					
Interior Floor 1	14	Carpet			
Interior Floor 2					
Heating Fuel	03	Gas			
Heating Type	04	Forced Air-Duc			
AC Type	03	Central			
Bldg Use	3230	SHOPNGMALL			
Total Rooms					
Total Bedrms					
Total Baths					
Kitchen Grd					
Heat/AC	01	HEAT/AC PKGS			
Frame Type	02	WOOD FRAME			
Baths/Plumbing	02	AVERAGE			
Ceiling/Wall	06	CEIL & WALLS			
Rooms/Prtns	02	AVERAGE			
Wall Height	12.00				
% Conn Wall					
1st Floor Use:					
Class					

MIXED USE		
Code	Description	Percentage
3230	SHOPNGMALL	100
		0
		0

COST / MARKET VALUATION		
Adj. Base Rate		127.64
RCN		1,252,021
Year Built		2004
Effective Year Built		2008
Depreciation Code		A
Remodel Rating		
Year Remodeled		
Depreciation %		16
Functional Obsol		
External Obsol		
Trend Factor		1
Condition		
Condition %		
Percent Good		84
RCNLD		1,051,700
Dep % Ovr		
Dep Ovr Comment		
Misc Imp Ovr		
Misc Imp Ovr Comment		
Cost to Cure Ovr		
Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value
SPR1	SPRINKLERS-WET	B	9,796	5.30	2007	A	84	C	1.00	43,600
LT3	W/TRIPLE LIGHT	L	1	1757.00	1990	A	50	C	1.00	900
PAV1	PAVING-ASPHALT	L	87,000	3.00	2000	A	50	C	1.00	130,500
LT2	W/DOUBLE LIGHT	L	1	1305.00	1990	A	50	C	1.00	700
FN4	FENCE-8' CHAIN	L	520	32.00	1990	A	50	C	1.00	8,300
LT1	LIGHTS-IN W/PL	L	10	853.00	1998	A	50	C	1.00	4,300
FN1	FENCE-4' CHAIN	L	80	20.00	2000	A	50	C	1.00	800

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	9,796	9,796	9,796	127.64	1,250,361	
FOP	Porch, Open	0	51	13	32.54	1,659	
Ttl Gross Liv / Lease Area		9,796	9,847	9,809		1,252,020	

CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229  PORTSMOUTH, NH  <h1 style="text-align: center;">VISION</h1>								
MADISON COMMERCIAL GROUP LL ATTN: ACCTS PAYABLE 72 MIRONA RD SUITE 4  PORTSMOUTH NH 03801		1 Level	1 Public Sewer	1 Paved		Description	Code	Appraisec	Assessed									
						COMMERC.	3230	4,746,500	4,746,500									
		<b>SUPPLEMENTAL DATA</b>				COM LAND	3230	1,346,900	1,346,900									
		Alt Prcl ID 0253-0003-0000-0000 OLDACTN 22110 PHOTO WARD PREC. 1/2 HSE GIS ID 35692	CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli  Assoc Pid#			COMMERC.	3230	147,400	147,400									
						Total		6,240,800	6,240,800									
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)										
MADISON COMMERCIAL GROUP LLC		3366 0269	01-06-1999	U	I	2,000,000	0	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed		
								2025	3230	4,746,500	2024	3230	4,746,500	2023	3230	4,472,400		
									3230	1,346,900		3230	1,346,900		3230	1,077,500		
									3230	147,400		3230	147,400		3230	92,700		
Total								6,240,800		Total		6,240,800		Total		5,642,600		
EXEMPTIONS			OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor											
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int										
			Total															
			0.00															
ASSESSING NEIGHBORHOOD										<b>APPRAISED VALUE SUMMARY</b>								
Nbhd	Nbhd Name		STREET INDEX NAME			Tracing		Batch										
301																		
NOTES																		
ARTISAN OUTLET BP CARD 2 FOR HALF OF SKETCH FUNC = FUS  2024-9 ROUND KICKBOXING																		
BUILDING PERMIT RECORD										VISIT / CHANGE HISTORY								
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments			Date	Id	Type	Is	Cd	Purpose/Result		
LAND LINE VALUATION SECTION																		
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj		Special Pricing	Adj Unit P	Land Value	
2	3230	SHOPNGMALL	GW			0.000 AC	0.00	1.0000	0	1.00		1.000			0.0000	0	0	
Total Card Land Units						0 AC	Parcel Total Land Area						4	Total Land Value				1,346,900

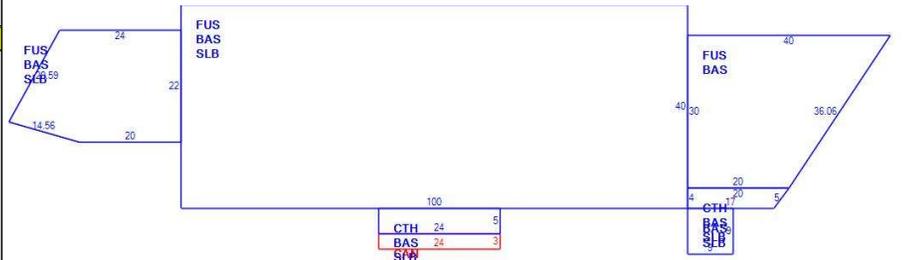


CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229  PORTSMOUTH, NH  <h1 style="text-align: center;">VISION</h1>								
MADISON COMMERCIAL GROUP LL ATTN: ACCTS PAYABLE 72 MIRONA RD SUITE 4  PORTSMOUTH NH 03801		1	1	1		Description	Code	Appraisec	Assessed									
						COMMERC.	3230	4,746,500	4,746,500									
						COM LAND	3230	1,346,900	1,346,900									
<b>SUPPLEMENTAL DATA</b>						COMMERC.	3230	147,400	147,400									
		Alt Prcl ID 0253-0003-0000-0000 OLDACTN 22110 PHOTO WARD PREC. 1/2 HSE GIS ID 35692			CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli  Assoc Pid#		Total		6,240,800	6,240,800								
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)										
MADISON COMMERCIAL GROUP LLC		3366 0269	01-06-1999	U	I	2,000,000	0	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed		
								2025	3230	4,746,500	2024	3230	4,746,500	2023	3230	4,472,400		
									3230	1,346,900		3230	1,346,900		3230	1,077,500		
									3230	147,400		3230	147,400		3230	92,700		
		Total						6,240,800		Total		6,240,800		Total		5,642,600		
EXEMPTIONS			OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor											
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int										
		Total																
		0.00																
ASSESSING NEIGHBORHOOD												APPRAISED VALUE SUMMARY						
Nbhd		Nbhd Name		STREET INDEX NAME		Tracing		Batch		Appraised Bldg. Value (Card)				4,334,000				
301										Appraised Xf (B) Value (Bldg)				412,500				
										Appraised Ob (B) Value (Bldg)				147,400				
										Appraised Land Value (Bldg)				1,346,900				
										Special Land Value				0				
										Total Appraised Parcel Value				6,240,800				
										Valuation Method				C				
										Total Appraised Parcel Value				6,240,800				
BUILDING PERMIT RECORD												VISIT / CHANGE HISTORY						
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments				Date	Id	Type	Is	Cd	Purpose/Result	
LAND LINE VALUATION SECTION																		
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj		Special Pricing	Adj Unit P	Land Value	
3	3230	SHOPNGMALL	GW			0.000 AC	0.00	1.0000	0	1.00		1.000			0.0000	0	0	
						Total Card Land Units		0 AC		Parcel Total Land Area				4		Total Land Value		1,346,900

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	16	Shop Center LO			
Model	94	Commercial			
Grade	C+	C+			
Stories:	2				
Occupancy	3.00				
Residential Unit					
Exterior Wall 1	14	Wood Shingle			
Exterior Wall 2	25	Vinyl Siding			
Roof Structure	07	Gambrel			
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2					
Interior Floor 1	05	Vinyl/Asphalt			
Interior Floor 2	14	Carpet			
Heating Fuel	03	Gas			
Heating Type	04	Forced Air-Duc			
AC Type	03	Central			
Bldg Use	3230	SHOPNGMALL			
Total Rooms					
Total Bedrms					
Total Baths					
Kitchen Grd					
Heat/AC	01	HEAT/AC PKGS			
Frame Type	02	WOOD FRAME			
Baths/Plumbing	02	AVERAGE			
Ceiling/Wall	06	CEIL & WALLS			
Rooms/Prtns	02	AVERAGE			
Wall Height	12.00				
% Conn Wall					
1st Floor Use:					
Class					

MIXED USE		
Code	Description	Percentage
3230	SHOPNGMALL	100
		0
		0

COST / MARKET VALUATION		
Adj. Base Rate		115.45
RCN		1,310,185
Year Built		1990
Effective Year Built		1994
Depreciation Code		A
Remodel Rating		
Year Remodeled		
Depreciation %		30
Functional Obsol		10
External Obsol		
Trend Factor		1
Condition		
Condition %		
Percent Good		60
RCNLD		786,100
Dep % Ovr		
Dep Ovr Comment		
Misc Imp Ovr		
Misc Imp Ovr Comment		
Cost to Cure Ovr		
Cost to Cure Ovr Comment		



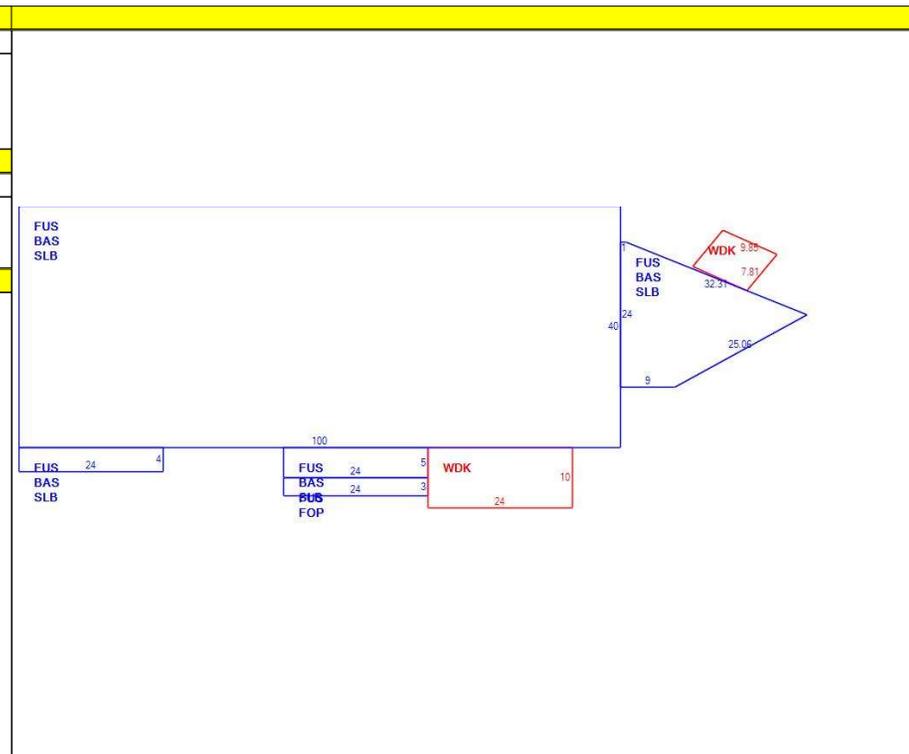
OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value
RS1	UTIL BLDG FRAME	L	81	47.00	2000	A	50	C	1.00	1,900
SPR1	SPRINKLERS-WET	B	11,335	5.30	1993	00	60	C	1.00	36,000

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	5,805	5,805	5,805	115.45	670,158	
CAN	Canopy	0	72	14	22.45	1,616	
CTH	Cathedral Ceiling	0	194	0	0.00	0	
FUS	Upper Story, Finished	5,530	5,530	5,530	115.45	638,411	
SLB	Slab	0	4,905	0	0.00	0	
Ttl Gross Liv / Lease Area		11,335	16,506	11,349		1,310,185	



CURRENT OWNER		TOPO	UTILITIES	STRT / ROAD	LOCATION	CURRENT ASSESSMENT				2229 PORTSMOUTH, NH								
MADISON COMMERCIAL GROUP LL ATTN: ACCTS PAYABLE 72 MIRONA RD SUITE 4  PORTSMOUTH NH 03801		1 Level	1 Public Sewer	1 Paved		Description	Code	Appraisec	Assessed			<b>VISION</b>						
						COMMERC.	3230	4,746,500	4,746,500									
						COM LAND	3230	1,346,900	1,346,900									
						COMMERC.	3230	147,400	147,400									
<b>SUPPLEMENTAL DATA</b>																		
Alt Prcl ID 0253-0003-0000-0000 OLDACTN 22110 PHOTO WARD PREC. 1/2 HSE GIS ID 35692						CONDO C INLAW Y/ LOT SPLIT 2015 Reval V JM Ex/Cr Appli Assoc Pid#												
						Total		6,240,800	6,240,800									
RECORD OF OWNERSHIP		BK-VOL/PAGE	SALE DATE	Q/U	V/I	SALE PRICE	VC	PREVIOUS ASSESSMENTS (HISTORY)										
MADISON COMMERCIAL GROUP LLC		3366 0269	01-06-1999	U	I	2,000,000	0	Year	Code	Assessed	Year	Code	Assessed	Year	Code	Assessed		
								2025	3230	4,746,500	2024	3230	4,746,500	2023	3230	4,472,400		
									3230	1,346,900		3230	1,346,900		3230	1,077,500		
									3230	147,400		3230	147,400		3230	92,700		
								Total		6,240,800	Total		6,240,800	Total		5,642,600		
EXEMPTIONS			OTHER ASSESSMENTS				This signature acknowledges a visit by a Data Collector or Assessor											
Year	Code	Description	Amount	Code	Description	Number	Amount	Comm Int										
		Total	0.00															
ASSESSING NEIGHBORHOOD																		
Nbhd		Nbhd Name		STREET INDEX NAME		Tracing		Batch										
301																		
NOTES																		
ARTISAN OUTLET BP				LOCATE KITCH SINK & INSTALL NEW CABINETS														
CARD 2 FOR HALF OF SKETCH				& COUNTERTOPS														
FUNC = FUS				MAY 2023 - GOLDEN EGG DINER REPLACED														
04/16- PERMITS: NEW TENANT- MADISON				CAFE NOSTIMO. NO REAL CHANGES														
RESOURCES- TO OCCUPY UNITS 2,3,4 & 5;				OTHER THAN ADDED A BRKFST COUNTER -NCIV														
CONVERT OFFICE AREA TO NEW CONF RM, RE-																		
BUILDING PERMIT RECORD																		
Permit Id	Issue Date	Type	Description	Amount	Insp Date	% Comp	Date Comp	Comments	Date	Id	Type	Is	Cd	Purpose/Result				
									11-01-2024	SW			40	Hearing No change				
LAND LINE VALUATION SECTION																		
B	Use Code	Description	Zone	Frontage	Depth	Land Units	Unit Price	Size Ad	Site	Cond.	ST Idx	S.I. Adj.	Notes- Adj	Special Pricing	Adj Unit P	Land Value		
4	3230	SHOPNGMALL	GW			0.000 AC	0.00	1.0000	0	1.00		1.000		0.0000	0	0		
Total Card Land Units						0 AC	Parcel Total Land Area						4	Total Land Value				1,346,900

CONSTRUCTION DETAIL			CONSTRUCTION DETAIL (CONTINUED)		
Element	Cd	Description	Element	Cd	Description
Style:	17	Store			
Model	94	Commercial			
Grade	C+	C+			
Stories:	2				
Occupancy	3.00				
Residential Unit					
<b>MIXED USE</b>					
			Code	Description	Percentage
Exterior Wall 1	14	Wood Shingle	3230	SHOPNGMALL	100
Exterior Wall 2	25	Vinyl Siding			0
Roof Structure	07	Gambrel			0
Roof Cover	03	Asph/F Gls/Cmp			
Interior Wall 1	05	Drywall/Sheet			
Interior Wall 2					
Interior Floor 1	05	Vinyl/Asphalt			
Interior Floor 2	14	Carpet			
Heating Fuel	03	Gas			
Heating Type	04	Forced Air-Duc			
AC Type	03	Central			
Bldg Use	3230	SHOPNGMALL			
Total Rooms					
Total Bedrms					
Total Baths					
Kitchen Grd					
Heat/AC	01	HEAT/AC PKGS			
Frame Type	02	WOOD FRAME			
Baths/Plumbing	02	AVERAGE			
Ceiling/Wall	06	CEIL & WALLS			
Rooms/Prtns	02	AVERAGE			
Wall Height	12.00				
% Conn Wall					
1st Floor Use:					
Class					
			Adj. Base Rate		108.45
			RCN		1,021,264
			Year Built		1990
			Effective Year Built		1994
			Depreciation Code		A
			Remodel Rating		
			Year Remodeled		
			Depreciation %		30
			Functional Obsol		10
			External Obsol		
			Trend Factor		1
			Condition		
			Condition %		
			Percent Good		60
			RCNLD		612,800
			Dep % Ovr		
			Dep Ovr Comment		
			Misc Imp Ovr		
			Misc Imp Ovr Comment		
			Cost to Cure Ovr		
			Cost to Cure Ovr Comment		



OB - OUTBUILDING & YARD ITEMS(L) / XF - BUILDING EXTRA FEATURES(B)										
Code	Description	L/B	Units	Unit Price	Yr Blt	Cond	% Gd	Gr	Gr Adj	Appr. Value
SPR1	SPRINKLERS-WET	B	9,368	5.30	1993	A	60	C	1.00	29,800
ELV1	ELEVATOR PASS	B	2	78011.00	1993	00	60	C	1.00	114,000

BUILDING SUB-AREA SUMMARY SECTION							
Code	Description	Living Area	Floor Area	Eff Area	Unit Cost	Undeprec Value	
BAS	First Floor	4,648	4,648	4,648	108.45	504,071	
FOP	Porch, Open	0	72	18	27.11	1,952	
FUS	Upper Story, Finished	4,720	4,720	4,720	108.45	511,879	
SLB	Slab	0	4,648	0	0.00	0	
WDK	Deck, Wood	0	314	31	10.71	3,362	
Ttl Gross Liv / Lease Area		9,368	14,402	9,417		1,021,264	

