

Re: 94 Langdon/98 Cornwall St  
Zoning Board of Adjustments  
Date: January 27, 2026

Dear Members of the Zoning Board of Adjustments,

It is most interesting that the property listed is for 94 Langdon St AND 98 Cornwall St. is ONLY requesting a variance for 10.521 to allow a variance for 88' of frontage where 100' are required. They have failed to include a variance from 10.5A42.40 regarding View Corridors. These View Corridors were established including Cornwall St while it existed as a "paper street".

**Please do NOT move this project forward until this zoning ordinance has been addressed as well.**

The argument was brought up that Cornwall St is a paper street. It is remarkable that the street address for the proposed project includes 98 Cornwall St. The existing property had a fence facing Cornwall St which by choice but it exited onto Langdon St. The address was not likely used for mail since there has been no box there but the address was never relinquished. It should also be remembered that Cornwall St is plowed by the City of Portsmouth on that end. That end of Cornwall, including its parking spaces, were included in the Portsmouth Pilot Parking Program in Islington Creek. One could argue that it is a paper street by name only but it is similar to Cabot St and Salem St. which dead end at the RR tracks.



105 Bartlett St was a new build and had to comply with this ordinances. This project is as well.

This property could move the proposed structure to include the View Corridor (see next graphic below) , providing more privacy for the end home and thereby making it a more valuable unit. The existing parking lot at 135 McDonough St, of which part seems to be owned by the city, could easily be screened with shrubs or trees. The end home could be allowed to exit onto Cornwall St if desired, making it even more private and valuable.

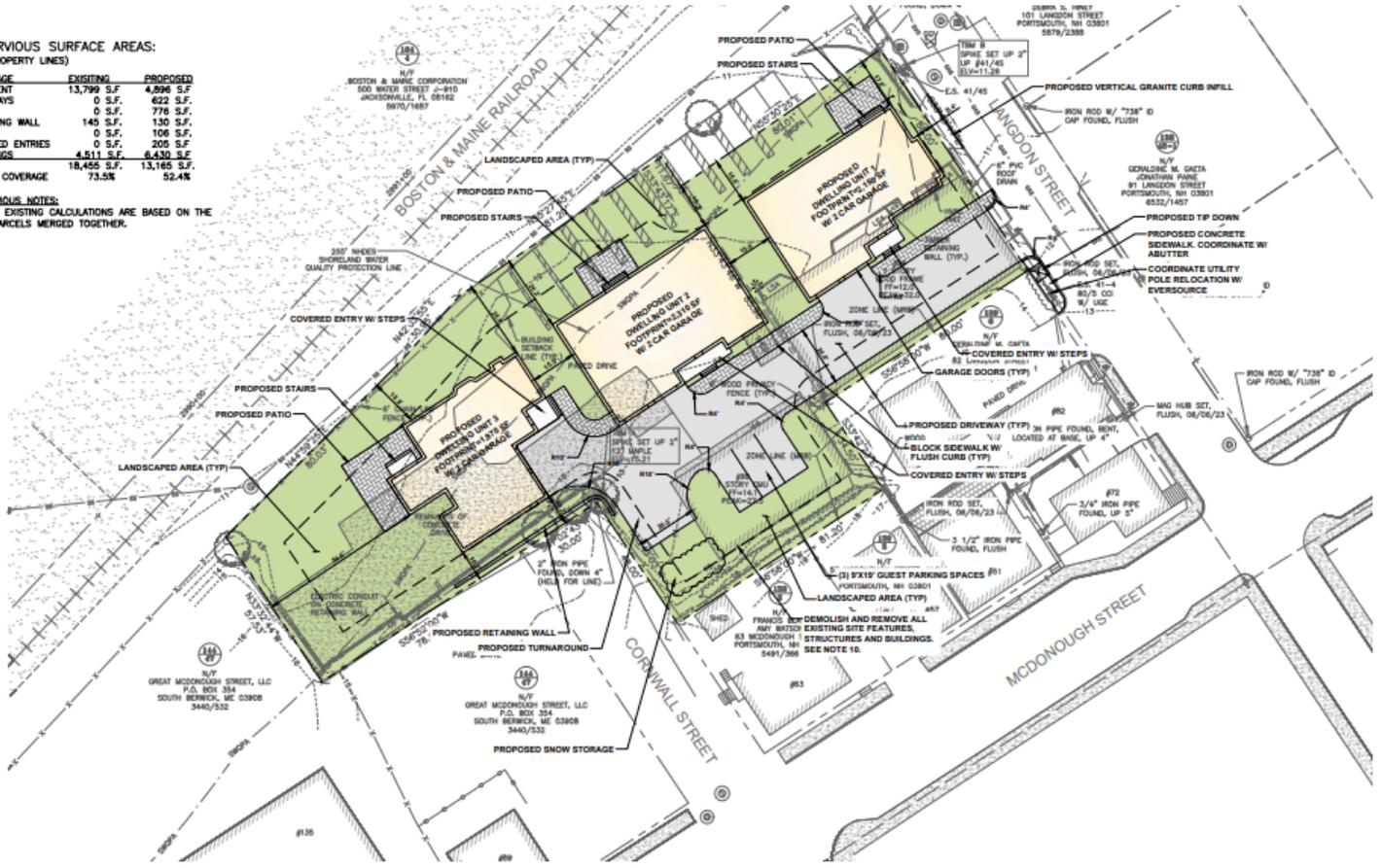
**PERVIOUS SURFACE AREAS:**

(PROPERTY LINES)

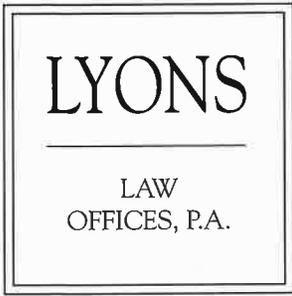
VERGE	EXISTING	PROPOSED
VEHICULAR	13,799 S.F.	4,896 S.F.
LKWAYS	0 S.F.	622 S.F.
TDS	0 S.F.	776 S.F.
TANNING WALL	145 S.F.	130 S.F.
EPS	0 S.F.	106 S.F.
VERED ENTRIES	0 S.F.	205 S.F.
LANDINGS	4,511 S.F.	6,430 S.F.
TOTAL	18,455 S.F.	13,165 S.F.
LOT COVERAGE	73.5%	52.4%

**PERVIOUS NOTES:**

THE EXISTING CALCULATIONS ARE BASED ON THE 0 PARCELS MERGED TOGETHER.



Sincerely,  
 Elizabeth Bratter, Property Owner  
 159 McDonough St



JOHN E. LYONS, JR.  
ATTORNEY AT LAW  
E-MAIL: JLYONS@LYONSLAW.NET  
ONE NEW HAMPSHIRE AVENUE  
SUITE 235  
PORTSMOUTH, NH 03801  
TELEPHONE: 603.431.5144  
FAX: 603.431.5181  
WEBSITE: WWW.LYONSLAW.NET

ANTJE S. BOURDAGES  
PARALEGAL  
E-MAIL: ABOURDAGES@LYONSLAW.NET

December 15, 2025

**SUBMITTED VIA E-MAIL**

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

**RE: Chase Home/698 Middle Road – Request for Variances set out in Section 10.334 and Section 10.440 of the City of Portsmouth’s Zoning Ordinance**

Dear Chair Eldridge,

I represent Taylor P. Andrews and Rosalie P. Andrews, who own property at 1 Sylvester Street, City of Portsmouth, County of Rockingham, State of New Hampshire (collectively, “Andrews”). This property directly abuts real property located at 698 Middle Road, City of Portsmouth, County of Rockingham, State of New Hampshire, and owned by Chase Home (“Chase Home”).

My clients are opposed to the Variances Application filed by the Chase Home as to the City of Portsmouth’s Zoning Ordinance Section 10.334, requesting an expansion of a nonconforming use; and Section 10.440, to allow for the construction of a new residential care structure.

The identity of any applicant, whether for-profit or not-for-profit is irrelevant in analyzing any application for Variance. Even a non-profit with a mission related to children, and with a well-known group of Trustees, must still meet all legal requirements as to the expansion and over-intensification of a nonconforming use, to say nothing for approval of a variance. Additionally, every property owner has the right, without prejudice, to protect their property and insist all legal and zoning standards are met relating to a nonconforming use.

The Chase Home is located in the Single Residence B (“SRB”) Zoning District and is nestled among single family residences as shown on a portion of Tax Map 232, Lot 45, attached hereto as **Exhibit 1**. The Andrews Lot is shown on the attached Tax Map as Lot 43. As a nonconforming use, the Chase Home consists of a 6,461 square foot building located on the back of the Lot and as close to the wetlands as possible. The existing building in its current location is screened from all residences in the area by woodlands and marsh. See **Exhibit 2**.

The Proposal before the Board, as demonstrated on **Exhibit 3**, calls for the construction of a new 18,211 square foot building, two new parking areas, sidewalks and other improvements. This would result in a building approximately three times larger than the existing nonconforming use. The massing of this new dramatically expanded nonconforming use is demonstrated by **Exhibit 4**, which is the existing Chase Home, compared to **Exhibit 5**, which is the new proposed building. It is also significant to note that in its Application, the Chase Home indicates, at this time, it does not yet know what it is going to do with the existing building. This certainly gives the Andrews pause (as it should this Board) that there may be a nonconforming use with buildings containing 24,672 square feet.

As noted, the Proposal also calls for the construction of two new parking lots and sidewalks, all of which are an extensive and unreasonable expansion of the nonconforming use. Lighting will need to be installed in the parking lots, along the new buildings and sidewalks.

Perhaps the most dramatic depiction of the extreme over-intensification of the Chase Home Lot is demonstrated by **Exhibit 6**. The area in which the nonconforming use is to be unreasonably expanded is depicted in green, which will result in the wooded area before deforested and the new building, parking lots, and sidewalks clearly visible from the single family residences, which must be protected in an SRB District.

There is a proposal and attempt to buffer the Andrews Lot with some arborvitaes. Clearly, given the extreme over-intensification of this nonconforming use, including the sizing and massing of the 18,221 square foot building directly behind the Andrews Property, along with parking lots, will overwhelm any attempt to screen the Andrews Property from this Project.

The Board of Adjustment, under New Hampshire law, must apply the Substantial Change Doctrine when analyzing an expansion of a nonconforming use. The expansion is only permitted if the Proposal does not constitute a substantial change in the nature or degree of the nonconforming use. When the proposed expansion increases the intensity, volume, or external impacts of the use in a manner that is more detrimental to the surrounding neighborhood, it must be denied. The Applicant carries the burden of demonstrating that the enlargement does not intensify the nonconformity, does not create additional adverse effects, and does not amount to a new or different use.

The New Hampshire Supreme Court in *Seabrook v. Tra-sea Corp*, 119 NH 937 (1979) found that a lawful nonconforming use may be continued but may not be expanded if the expansion constitutes a substantial change in the nature or degree of the use. In *New London Land Use Ass'n v. New London Zoning Bd. of Adjustment*, 130 NH 510 (1988), the Court made it clear the Board of Adjustment's inquiry must focus on whether the Proposal increases the intensity or nonconforming use in a way that is more detrimental to the neighborhood. Finally, in *Hampton v. Brust*, 122 NH 463 (1982), the Court made it clear the burden is on the Applicant to show the proposed expansion does not materially intensify or alter the existing nonconformity.

Based on the facts set out above, there is no escaping that the Chase Home Proposal materially and significantly increases the intensity of the nonconforming use. Because the Proposal involves both relocation and material increase in bulk, intensity and operational impact, it constitutes a substantial change in the degree of the nonconforming use and must therefore be denied, regardless of the criteria necessary to establish a variance.

It should also be noted that the Zoning Ordinance in Section 10.321 that a lawful nonconforming building or structure may be maintained or repaired but not extended, reconstructed, or enlarged unless such extension, reconstruction, or enlargement conforms to all the regulations of the district in which it is located.

Furthermore, Section 10.331 provides a lawful, nonconforming use may continue but may not be extended, enlarged, or changed except in conformity with this Ordinance.

Finally, at issue in this Application, Section 10.334 provides a nonconforming use of land may not be extended into any part of the remainder of a lot of land. Clearly, the Zoning Ordinance makes it clear a massive over-intensification, as proposed herein, of a nonconforming use is not permissible. If this over-intensification was allowed, as proposed in this Application, it would in essence render the provisions of the Zoning Ordinance dealing with nonconforming uses meaningless and open the floodgates for other such Applications.

Additionally, because the Applicant is not able to satisfy the Substantial Change Doctrine, the request for the Variances must fail. However, even if the criteria to establish a variance as to Sections 10.334 and 10.440 was at issue, the Applicant would fail as follows:

- a. The Application for Variances is clearly contrary to the spirit and intent of the Ordinance as set out above, specifically allowing a substantial change that increases the intensity of a nonconforming use in the SRB District inherently violates the spirit and intent of the Ordinance in a marked degree. See *Chester Rod & Gun Club Inc. v. Town of Chester*, 152 NH 577 (2005). This Application specifically subverts the purpose of the SRB designation to maintain a low-density residential character (*15 Land Use Planning and Zoning § 24.12*).
- b. The Variances will be contrary to the public interest in that it allows for a massive over-intensification of an existing nonconformance in an SRB District designated to maintain a low density residential character.
- c. The value of surrounding properties, and particularly the Andrews Property, will be diminished. See the letters from Cathy Youngs; Maureen Carey; and Christine Linden, all attached as **Exhibit 7**, which clearly indicate that the value of the Andrews Property will be diminished. Rosalie Powell Andrews is a real estate agent and has also submitted a letter of opinion, attached as **Exhibit 8**, setting out the value of her Lot will be diminished.

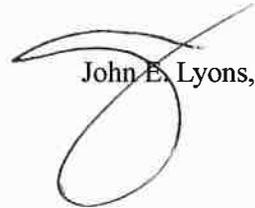
- d. Substantial justice will not be done as the over-intensification will substantially, significantly, and negatively impact the value of the Andrews Property.
- e. There is no unnecessary hardship as there is a fair and substantial relationship between the general public purposes of the Ordinance's provisions at issue and the Application of that provisions to the Property at issue when specifically dealing with an over-intensification of a nonconforming use. Additionally, the proposed use and over-intensification are not reasonable for the reasons set out above.

Based on all the above, Andrews respectfully requests this Board to deny the Application for Variances as filed by the Chase Home. Both Counsel herein and the Andrews will be present at the Board Hearing to set out in further detail why the Application fails to meet New Hampshire's Substantial Change Doctrine and if necessary why the variance criteria have not been met related to this request.

This letter and attached materials are being submitted in opposition of the Application for Variances as to the Project and owned by Chase Home.

Thank you to you and the Board for your consideration regarding this matter.

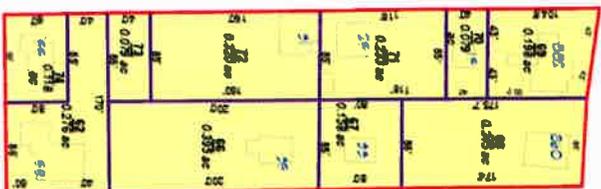
Very truly yours,



John E. Lyons, Jr., Esq.

JEL/dhb  
*Enclosures*

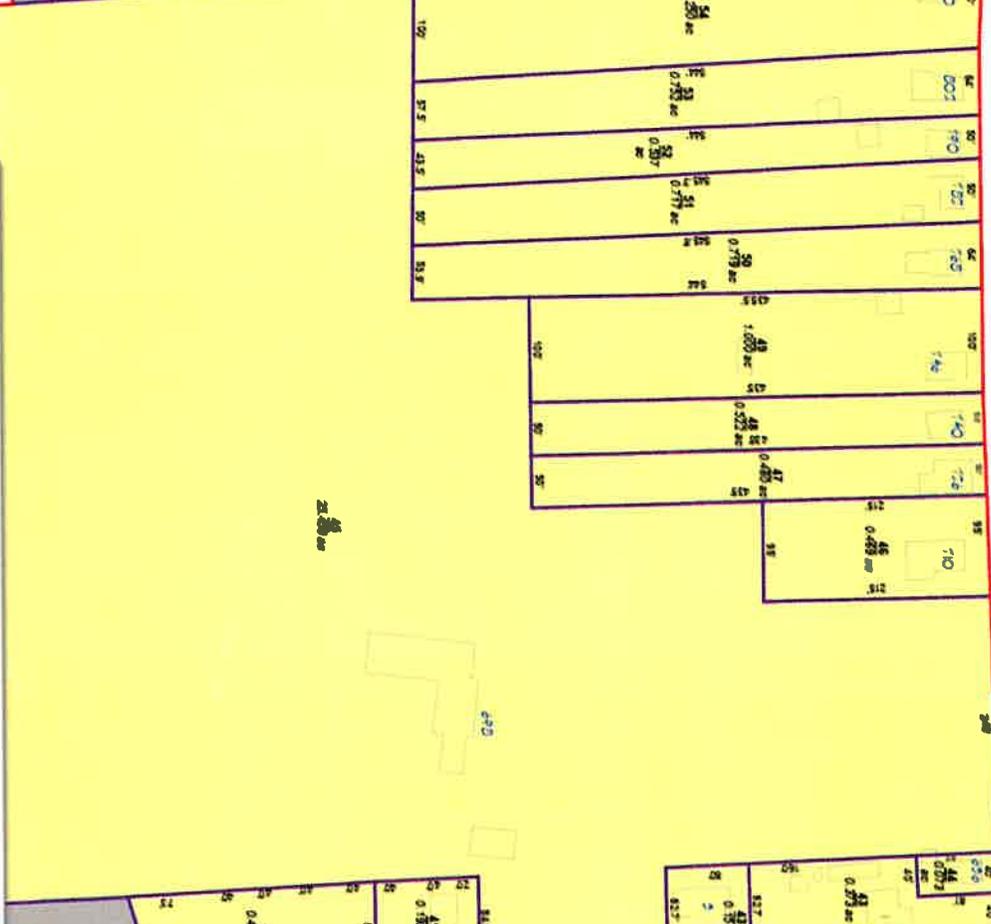
# EXHIBIT 1



SWETT AVE



MIDDLE RD



SYLVESTER ST



MARJORIE ST



LOIS ST



## EXHIBIT 2



# EXHIBIT 3

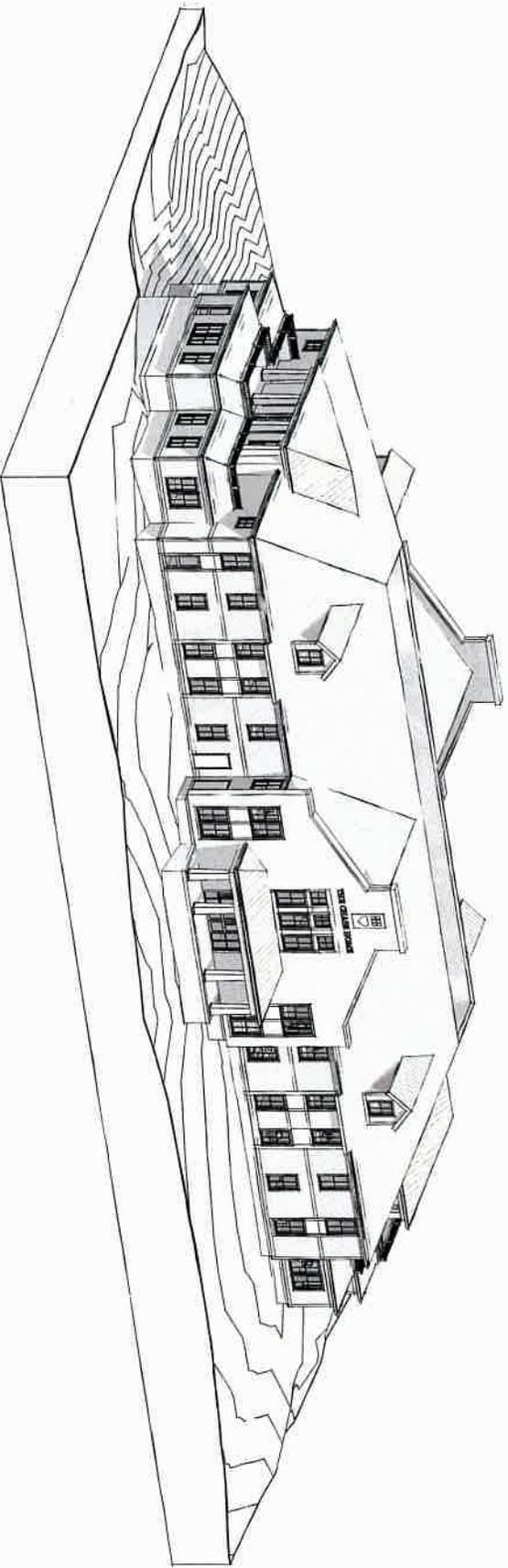


# EXHIBIT 4

# CHASE HOME FOR CHILDREN EXISTING BUILDING



# EXHIBIT 5



# EXHIBIT 6

SYLVESTER STREET

N/F  
JOHANNA ROSE HOLLEY  
636 MIDDLE ROAD  
PORTSMOUTH, NH 03801  
614/72724

N/F  
TAYLOR P. ANDREWS  
1 SYLVESTER STREET  
PORTSMOUTH, NH 03801  
6434/43

N/F  
RICHARD E. SCALDONE  
PATRICIA SCALDONE  
3 SYLVESTER STREET  
PORTSMOUTH, NH 03801  
583/0881

PROPOSED  
BUILDING  
SETBACK  
(TYP.)

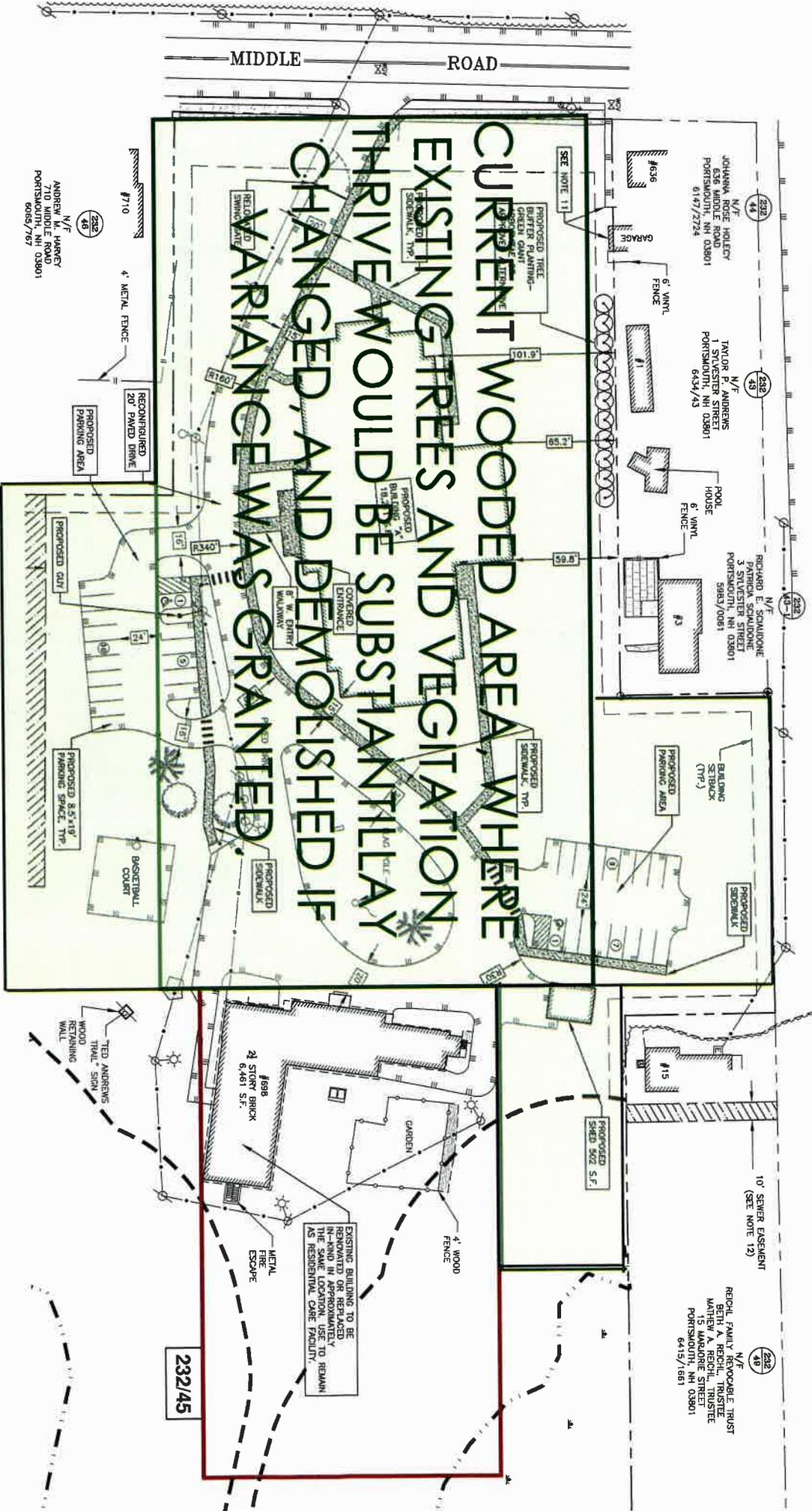
10' SEWER EASEMENT  
(SEE NOTE 12)

N/F  
REICHL FAMILY REMOVABLE TRUST  
BETH A. REICHL, TRUSTEE  
MARTIN S. MANDORIC, TRUSTEE  
15 MANDORIC STREET  
PORTSMOUTH, NH 03801  
6415/1661

MIDDLE ROAD

CURRENT WOODED AREA, WHERE  
EXISTING TREES AND VEGETATION  
THRIVE WOULD BE SUBSTANTIALLY  
CHANGED, AND DEMOLISHED IF  
VARIANCE WAS GRANTED.

N/F  
ANDREW M. HARVEY  
710 MIDDLE ROAD  
PORTSMOUTH, NH 03801  
6053/767



232/45

# EXHIBIT 7

## Letter to the City of Portsmouth Zoning Board of Adjustment. Real Estate Marketability concerns for property located at 1 Sylvester St. Portsmouth.

Dear Honorable Board of Adjustment Members.

My name is Cathy Youngs I am successful Real Estate Agent with well over 40 years of experience selling homes in the Portsmouth area. I work for Century 21 Real Estate. I am also a Portsmouth NH native.

I am offering my professional real estate opinion regarding the proposed New Chase Home Building located at 698 Middle Rd.

What stands out is the marketability of the homes on the right hand side of Sylvester St especially 1 Sylvester St. Although it is not shown in any pictures or diagrams it is in extremely close proximity to that home.

Real Estate agents are required to disclose facts about the home.

**In New Hampshire, sellers and their agents must disclose known, material facts affecting property value, like major defects or environmental hazards, but disclosing a new home BUT IN THIS CASE A NON RESIDENTIAL BUILDING being built next door is less about a defect and more about a potential change in neighborhood character or views, which a seller should reveal as a "material fact" or use the standard disclosure form for, as it affects value and enjoyment, preventing future lawsuits. Real estate agents must also disclose actual knowledge of such conditions, making transparency crucial.**

### Key NH Disclosure Requirements:

- **Material Facts:** Sellers must disclose known material facts that affect the property's value or the buyer's decision.
- **Seller Disclosure Form:** This standard questionnaire asks about property conditions, but also allows space for notes on anything else relevant.
- **Agent's Duty:** Agents must disclose any material physical, regulatory, or environmental conditions they know about before an offer.

### Applying This to a New Build Next Door:

- **Is it a "Material Fact"?** Yes, a large new construction next door significantly changes the property's enjoyment, privacy, light, and value.
- **What to Disclose:**
  - The fact that construction is happening.
  - Any known details about the new home (size, proximity, potential disruption).

**Letter to the City of Portsmouth Zoning Board of Adjustment**  
**Re: Marketability and Value Impact – 1 Sylvester Street, Portsmouth NH**

Dear Honorable Members of the Board,

My name is Maureen Carey. I am a licensed Real Estate Broker, real estate professional and licensed Appraiser with over 50 years of experience in residential valuation and brokerage in the Portsmouth market. I am submitting this letter to provide a professional opinion regarding the marketability impacts associated with the proposed new Chase Home building at 698 Middle Road.

**Marketability Impact on 1 Sylvester Street**

Based on accepted appraisal and brokerage standards, the proposed structure will have a measurable adverse impact on the marketability of 1 Sylvester Street. The lot is in extremely close proximity to the new institutional building, although this relationship is not fully shown in the submitted diagrams. The introduction of a large non-residential structure at this distance represents a significant change to the immediate neighborhood environment.

**Material Fact Disclosure Requirements**

Under New Hampshire law, sellers and real estate agents must disclose known material facts that could influence a buyer's decision or affect property value. A substantial new non-residential building directly adjacent to a single-family home is considered a material fact because it affects:

- Privacy
- Use and enjoyment
- Views and visual exposure
- Noise, traffic, and perceived activity levels
- Long-term marketability

The change from a building previously set hundreds of feet back from Middle Road to one that will be visually prominent from the street and adjacent properties represents a material alteration to the neighborhood character.

**Impact on Buyer Perception and Value**

Properties abutting institutional uses typically experience:

- Reduced buyer demand
- Longer marketing times
- Increased need for price concessions
- Overall downward pressure on market value

These effects are documented in valuation practice and are consistent with buyer behavior in residential neighborhoods experiencing adjacent non-residential expansion.

**Additional Risk Considerations**

The presence of a pool at 1 Sylvester Street introduces an additional concern. When a residential pool is located next to a facility occupied by children, it may be

Introduce further buyer hesitation. This, too, must be disclosed and may require legal consultation by future buyers.

### **Conclusion**

From a marketability and valuation standpoint, the proposed new building constitutes a substantial and adverse change to the residential setting. It will require mandatory disclosure under NH law, will materially affect buyer perception, and in my professional opinion will devalue the property at 1 Sylvester Street.

Sincerely,

A handwritten signature in cursive script that reads "Maureen Carey". The signature is written in black ink and is positioned below the word "Sincerely,".

Maureen Carey, Broker & Appraiser  
Carey Associates, Appraising/Consulting, Ltd  
603.944.7834  
careyltd@rcn.com

To the Portsmouth Board of Adjustment,  
Re:Marketability of 1 SYLVESTER ST PORTSMOUTH  
Agent

My name is Christine Linden and I have been a Real Estate Agent serving the Seacoast NH area for many years

A nearby children's residential care facility **can shrink the buyer pool and increase time on market**, depending on how the building looks, its size, traffic, and its impact on neighborhood character.

**How this usually plays out in NH:**

**1. Buyer perception drives impact.**

Large, visible, or non-residential-looking buildings—especially as close as the new Chase Home Building—can raise concerns about traffic, lighting, noise, and privacy. This often reduces appeal.

**2. Typical value effects:**

Homes next to institutional buildings often **sell slower** and sometimes with **price sensitivity**.

**3. Portsmouth specifics: large structure close to the lot line will still become a showing concern.**

**4. What determines the impact:**

- How well the building blends in
- Activity level (staff, deliveries, outdoor use)
- Views from your yard/windows
- Privacy loss

**5. How to protect value:**

**Bottom line:**

The new facility will **narrow the buyer pool** and **make the sale somewhat more challenging**, depending on its size, visibility, and how institutional it appears.

Most Sincerely,



Christine Linden

Real Estate Agent Portsmouth, NH

# EXHIBIT 8

## Letter to the Portsmouth Planning Board

### Re: Objection to Chase Home A New Building and its Expansion – Adverse Impact on 1 Sylvester Street (Abutter)

To the Honorable Members of the Portsmouth Planning Board,

My name is **Rosalie Powell Andrews**, co-owner of **1 Sylvester Street**,. Born and brought up in Portsmouth and an **Associate Real Estate Broker with 35 years of experience** in New Hampshire residential valuation and neighborhood-market analysis. I am submitting this letter to formally object to the proposed new building of the Chase Home for Children.

This objection is based on **substantial adverse impacts to the property**, conflicts with **Portsmouth zoning criteria**, and predictable **diminution of property value** resulting from the proposed siting, scale, and intensity of the new building.

### **The Proposal Creates a Predictable and Measurable Diminution of Property Value**

As a real estate broker with 35 years of experience, I am professionally obligated to note that the proposal will result in **property value impairment**, in conflict with zoning standards intended to preserve the reasonable value and use of surrounding properties.

The reasons are clear and consistent with accepted valuation practice:

#### **Buyer Pool Reduction**

Homes abutting large, non-residential structures attract fewer buyers. Reduced demand directly translates into reduced market value.

#### **Loss of Privacy and Residential Character**

The dominating presence of an institutional building so close to a lot line is a substantial negative factor in residential valuation.

#### **Visual and Functional Impacts**

Buyers strongly discount properties with:

- Overlooking windows
- Perceived activity
- Institutional visual character
- Loss of screening
- Increased traffic and noise

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## Impairment of Marketability

Properties affected by these conditions typically:

- Take longer to sell
- Require price reductions
- Sell at a discount compared to similar homes without such adjacency

These impacts are **foreseeable, well-documented, and unavoidable** under the current plan. Therefore, the proposal fails the zoning requirement that development **not create undue adverse impacts on neighboring properties**, including their value.

I respect the mission of the Chase Home. However, the proposal, as submitted, does **not meet the standards required to protect abutters** in a single-family residential district. Buyers would have questions about approvals for other projects in and around the neighborhood. Presently The Chase Home is not noticeable from the street and most abutting properties, it is considered a reasonable distance consistent with residential protection. The new building will be seen from Middle Road.

Most Sincerely,



Rosalie Powell Andrews

Associate Broker

Engel & Voelkers Portsmouth

**From:** Johanna Holecy

**Sent:** Friday, December 12, 2025 11:12 AM

**To:** Planning - Info - Shr <Planning@portsmouthnh.gov>

**Cc:** Lily Glenn; Derek Durbin; Meme Wheeler; Mackenzie Jenkins

**Subject:** 636 Middle Road Comments for Board of Adjustment Meeting 121625

**Johanna Holecy**

**636 Middle Road**

**Portsmouth, NH 03801**

**December 15, 2025**

**To the Zoning Board of Adjustment and Representatives of The Chase Home,**

I am writing as an abutter to Chase Home property regarding the proposal for construction of a new building on the site. I want to begin by acknowledging both the organization's need for an updated facility and the importance of ensuring that programming for the youth continues without interruption. I also want to thank Chase Home for being consistently communicative throughout this process, including providing timely notices of abutter meetings and maintaining open lines of dialogue with neighbors. Your transparency and consideration are genuinely appreciated.

As I review the current proposal, I would like to respectfully raise a question about the decision to site the new building in a different location on the property rather than within or near the footprint of the existing structure. I understand that keeping programming onsite during construction is a priority. However, I would encourage further exploration of temporary off-site accommodation for the youth, which could potentially allow the existing building to be taken down first so the new facility could be built in its place.

Constructing the new building in a different area of the property—rather than using the original footprint—has several long-term implications for the neighborhood. A relocated building may create ongoing disruption and alter the established spatial relationship between the Chase Home and abutting residences. Situating the building closer to neighboring properties would reduce the privacy currently experienced by both nearby residents and the youth living at the Chase Home. The existing building's location has long served to buffer activity and preserve mutual space; a shift in that placement could produce lasting changes that remain long after construction is complete.

I therefore respectfully inquire whether the proposed alternative location offers meaningful advantages over rebuilding on the original footprint, and whether those benefits outweigh the long-term neighborhood impacts. If temporary relocation of youth programming would allow for construction on the current building's site—with minimal interruption to services—it may provide a more balanced solution that supports the Chase Home's mission while also protecting the character and privacy of the surrounding community.

Thank you again for your continued engagement with abutters and for your thoughtful stewardship of this important project. I appreciate the opportunity to share these perspectives and look forward to ongoing dialogue as the planning process moves ahead.

Sincerely,

Johanna Holecy

**Re: Support for 698 Middle Rd**

Dear Members of the Zoning Board,

We are writing as abutters to the proposed project for The Chase Home to express our strong support for this application and for the important work this organization does on behalf of at-risk youth in our community.

The Chase Home serves an extraordinary mission, providing care, stability, and opportunity to children who are among the most vulnerable in our region. Our community is fortunate to have an organization so deeply committed to ensuring that these young people are supported, protected, and given the chance to thrive. The services they provide are not only life-changing for the youth they serve but also contribute meaningfully to the long-term health and well-being of our broader community.

The proposed new building represents a thoughtful and necessary investment in that mission. It will allow The Chase Home to continue delivering critical services in a space that is safe, warm, and welcoming—one that offers greater dignity, comfort, and functionality for the youth who depend on it. Providing an environment that reflects respect and care is essential for fostering stability and positive outcomes, and this project clearly advances that goal.

As an abutter, we view this development as a positive addition to our neighborhood and responsible use of the property. More importantly, it is an investment in people, specifically, children who deserve every opportunity to feel secure, valued, and supported during challenging moments in their lives, that for many of us are unimaginable.

We respectfully encourage the Zoning Board to approve this project and allow The Chase Home to move forward with a facility that will strengthen its ability to serve at-risk youth and continue its vital work in our community.

Thank you for your time and thoughtful consideration.

Sincerely,

Max and Andrea Pruna  
Pruna Holdings LLC (225 Greenleaf Rd – Portsmouth)  
603-858-1019 | 603-858-1174

**From:** [Planning - Info - Shr](#)  
**To:** [Jen L. Crockett](#)  
**Subject:** FW: 94 Langdon / 98 Cornwall - Public Comment for 3/17/26 BOA  
**Date:** Monday, March 16, 2026 12:21:38 PM

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**From:** Jonathan Paine <jon.paine@gmail.com>  
**Sent:** Monday, March 16, 2026 11:56 AM  
**To:** Planning - Info - Shr <Planning@portsmouthnh.gov>  
**Subject:** 94 Langdon / 98 Cornwall - Public Comment for 3/17/26 BOA

Members of the Zoning Board Of Adjustment:

My wife and I own both 82 Langdon St, a direct abutter to the Regan property, as well as 91 Langdon St, where we currently live. 91 Langdon sits directly across the street from the main Regan building. I think it's fair to say that we will be the most impacted by this project.

I'm writing in full support of the proposed plan being presented. I think their team has put together a wonderful plan.

The proposed houses are consistent with the character of the immediately surrounding neighborhood and also consistent with recent infill development in the broader neighborhood. The houses themselves are attractive (which is not always a forgone conclusion!). The site layout gets all the important aspects right.

Although the parcels are zoned MRB, the proposed development is clearly the most appropriate use of the land, and is accomplished in a way that is respectful to (and enhances) the neighborhood.

I hope that you'll support their proposal.

Thank you for your time and consideration.

Sincerely,  
Jonathan Paine

91 Langdon St

Paul and Karolina Roggenbuck  
2 Sylvester St  
Portsmouth, NH 03801  
(908) 361-4674

City of Portsmouth  
Zoning Board of Adjustment

Subject: Objection to Chase Home for Children 698 Middle Road Proposed Expansion of Mixed-Use Facility (facility is proposing 20 bed expansion plus, 26 person office, and training space) Impacts on Neighborhood Safety, Traffic, Parking, Light Pollution, Noise Pollution, and Property Value

Dear Board Members,

We are writing to object and express significant concerns regarding the proposed expansion of the mixed-use facility located at 698 Middle Road. While we support responsible development, the details of this proposal raise several issues that may negatively affect surrounding single families, neighborhood safety, value of living in a single family area, and residential property values.

Similar to many members on Sylvester St. and Marjorie St. we have recently purchased our property back in April 2024 less than 2 years ago. During our evaluation of the property Chase Home for Children was item to consider as it is not a single family home. The discussion was that expansion would not be allowed due to this being a single residence neighborhood, the impact of the facility would be limited by distance (130 yards) and trees (50m) for light (direct blocking) and noise pollution (direct reflection and baffling), parking overflows on Middle Road sidewalks, and traffic seemed to be typical backup for turns. Ultimately, we purchased the home on a dead-end street sounded by the serenity of nature. We included signature line below for our realtor Jen Wickett to confirm.

The variance from Chase Home for Children Proposed Expansion of Mixed-Use Facility was submitted to increase the facility is proposing 20 bed expansion plus 26 person office, training/conference space, and three second story decks. This results in a 31,534 SF building with dimensions of 217' x 118' for the most part for locals roughly the size of Hannaford on Islington St. Assessment was parking was completed just on number 42 bed to provide min 21 spot but providing 33. This much more commercial/office than it is residential.

Such an increase would significantly impact:

1. Roadway Congestion

- The surrounding streets were not designed to support a sharp rise in daily vehicle traffic. Middle Road as we know does not provide for increase left hand turn lane and will dramatically increase halted traffic. Surprised that traffic study was not performed to impact single family home.

- Increased entering and exiting traffic at peak times will raise safety risks for pedestrians, cyclists, and families walking in the neighborhood.
- The mismatch between the stated occupancy and actual physical capacity creates concerns about long-term traffic planning, congestion, and transparency.

## 2. Parking Limitations

- Current parking allocation does not appear to support the full capacity as they want to zone based off number of beds of residential care facility but this more of a mix use of offices, meeting, and training rooms which are not truly calculated.
- Drawings are not accurate and misleading as the North side of middle road is bed rock and parking on that side does not exist.
- Current parking is at a maximum amount filled by single family home, often time during events at Chase Home for Children parking is extended for blocks on Middle Road and include parking on sidewalk endangering pedestrians in the area or forced out on the already crowded road.
- Parking congestion often leads to reduced visibility at intersections, further increasing safety risks. This along with the traffic and south side of the Middle Road in a depression will raise the risk.

## 3. Noise and Light Pollution, Visual Quality, Activity, and After-Hours Operations

- The once dead-end street sounded by trees will require for all the trees along Sylvester St street to be removed due to drastic backfilling operation of 10' and replaced with 217' long and from road level on Sylvester St (elevation 38") a 50' tall building. This facility will operate beyond standard business hours for support of residential care facility, increasing vehicle noise, lighting intrusion, and general activity levels within a predominantly family-oriented residential zone. On top of this is a second story 25' above roadway that will look into the backyard and windows of every home to the east where trees have been removed.
- The parking lot to the Southeast of the proposed building is at perfect height to reflect into the lower homes along Sylvester St. Most likely trees will be cleared off to allow construction but grade drawings are not provided in the variance.

## 4. Rerouting Surface Draining Water

- As mentioned in the above section the regrading of the proposed building is shifting a hill to discharge the rainwater from half the roof (no small structure) and 70' on a 2 to 1 slope directing all surface water on to 1 Sylvester St and 3 Sylvester street. We were very surprised to see no drainage report to contain their water on their property especially with high density of hard surfaces near Middle Road and Sylvester Street. Similar to many homes in the area the properties of 1 Sylvester St and 3 Sylvester St is they have hard surfaces such

as driveways, sidewalks, building, and pools which will push to the Sylvester St and increase the possibility of flooding.

#### 5. Safety concerns

- Our neighbor from 1 Sylvester Street has noted on her security cameras several times that some of the youth residents from the Chase Home have snuck out and have been running around our street and through her property. If we allow this huge expansion to be built, how many more incidents like this will we get? This is an important safety issue for us as we have a young child, and don't want unattended teens sneaking around our properties.

These combined effects make it highly likely that the expansion will alter neighborhood character, decrease overall livability for families, and reduce property desirability and resale value. Our realtor Jen Wickett concurs with our assessment to have negative effect.

We feel that the Chase Home for Children did not provide adequate proposal to support the requirements of the variance taking approaches such as discharge of water on adjacent properties, misleading the with misclassification, expanding in rooms and size of rooms to reach max capacity to be size of a Hannaford store all at the expense of single family impacting with dangerous road/sidewalk/biking, traffic congestion, speed (continuous problem of the area), impact to parking, impact of noise, light, aesthetic of mature trees, desirability and resale value of our homes. We feel that Chase Home for Children is not being transparent regarding the full impact of this building and how much it will tower over Sylvester Street. This is zone SRB – single residence – and if other property owners have to stick to codes, so should Chase home. We do not want a 50' tall Hannaford building to wake up to everyday.

Thank you,

Paul Roggenbuck



Karolina Roggenbuck



Realtor: Jen Wickett





JOHN E. LYONS, JR.  
ATTORNEY AT LAW  
E-MAIL: JLYONS@LYONSLAW.NET

KRISTA L. GENNELL  
ATTORNEY AT LAW  
E-MAIL: KGENNELL@LYONSLAW.NET

ANTJE S. BOURDAGES  
PARALEGAL  
E-MAIL: ABOURDAGES@LYONSLAW.NET

ADMITTED IN NEW HAMPSHIRE, MAINE & MASSACHUSETTS  
STATE AND FEDERAL COURTS

March 16, 2026

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

**Re: Supplemental Opposition to Revised Application for Variances Submitted by Chase Home / 698 Middle Road – Land Use No. LU-Q5-167**

Dear Chair Margeson and Members of the Board:

This firm represents Taylor Powell and Rosalie Andrews, owners of property at 1 Sylvester Street, City of Portsmouth, County of Rockingham, State of New Hampshire (collectively, "Andrews"). The Andrews property directly abuts real property located at 698 Middle Road owned by Chase Home for Children ("Chase Home"), an existing nonconforming use within a single family residential neighborhood.

This letter is submitted as a supplement to the opposition letter filed on December 15, 2025, on behalf of Andrews (the "Original Opposition"), which is attached hereto and incorporated herein, in its entirety. This supplemental opposition addresses the revised materials filed by Chase Home in connection with its resubmitted variance application that was received by the City on March 2, 2026, including the addition of a purported appraisal opinion letter prepared by Brian W. White, MAI, SRA (the "White Report"), designated as Exhibit C to the revised application.

Chase Home proposes a substantial change in the nature and degree of its existing nonconforming use that must be denied under the Substantial Change Doctrine. As a matter of law, and for the reasons set forth below, Andrews and the abutting residential properties respectfully request that this Board deny the Application for Variances as filed by Chase Home.

## I. THE PROPOSED DEVELOPMENT HAS GROWN MORE EXTREME

Since the December 16, 2025 hearing, the scope of Chase Home's proposal has become clearer and more concerning. The White Report, commissioned by Chase Home's own counsel, now describes the proposed new building as containing **31,534 square feet** of space across two levels (17,708 square feet on the first floor and 13,825 square feet on the second floor). This represents a building that is nearly **five times the size** of the existing 6,461 square foot Chase Home Building. The revised submission also confirms 34 parking spaces across two new parking lots, extensive sidewalk systems, three roof deck areas, and a new 502-square-foot storage shed to replace the existing three-car garage.

This is not a modest expansion of an existing nonconforming use. It is a wholesale transformation of the front upland area of the property from undeveloped woodland into an institutional campus visible from Middle Road and Sylvester Street, in the heart of a Single Residence B District.

## II. THE SUBSTANTIAL CHANGE DOCTRINE COMPELS DENIAL

Based on clear and unequivocal New Hampshire law, the Chase Home application for variance must be denied. As set forth in the Original Opposition, the Board of Adjustment must apply the Substantial Change Doctrine when analyzing an expansion of a nonconforming use. The revised submission by Chase Home makes this analysis even more compelling. The revised proposal involves:

- A. Increasing building size from 6,461 SF to 31,534 SF (a **388% increase**);
- B. Relocating the use from the rear of the lot, screened by woodland, to the front upland area visible from Middle Road and Sylvester Street;
- C. Adding two (2) new parking lots containing 34 spaces (a **70% increase** from the approximately 20 existing spaces);
- D. Installing new extensive sidewalk systems, exterior lighting, and three roof deck areas;
- E. Deforesting a significant wooded area that currently serves as a natural buffer for neighboring properties;
- F. Contemplating plans of a future second phase by adding an additional building on the site.

Under *Seabrook v. Tra-sea Corp.*, 119 N.H. 937 (1979), a nonconforming use may not be expanded if the expansion constitutes a substantial change in the nature or degree of the use. Under *New London Land Use Ass'n v. New London Zoning Bd. of Adjustment*, 130 N.H. 510 (1988), the Board's inquiry must focus on whether the proposal increases the intensity of the nonconforming use in a way that is more detrimental to the neighborhood. Under *Hampton v. Brust*, 122 N.H. 463 (1982), the burden rests on the applicant to show that the proposed expansion does not materially intensify or alter the existing nonconformity.

Chase Home cannot meet this burden. A nearly five-fold increase in building size, combined with the relocation of the facility from a screened rear location to a prominent front position, the addition of substantial parking and site infrastructure, and deforestation of a thick wooded area totaling approximately 115,000 square feet of the natural buffer between its existing facility and neighboring homes, indubitably constitutes a substantial change in both the nature and degree of the nonconforming use as a matter of law.

### III. THRESHOLD DEFICIENCIES IN THE APPLICATION

#### A. Failure to Seek a Variance from Section 10.331

On page 4 of its own Variance Application Narrative, Chase Home's counsel expressly acknowledges that "variances are required from **Sections 10.331 and 10.334** of the Portsmouth Zoning Ordinance." Yet on page 5, the Summary of Zoning Relief requests variances only from Sections 10.334 and 10.440. Section 10.331 has been omitted.

This is not a minor drafting oversight. Section 10.331 of the Portsmouth Zoning Ordinance, as amended through May 1, 2025, provides:

*"A lawful nonconforming use may continue, but may not be extended, enlarged or changed except in conformity with this Ordinance."*

Section 10.331 is the foundational prohibition against extending, enlarging, or changing a nonconforming use. If Chase Home's own counsel has acknowledged that a variance from this section is required but has failed to formally request it in the Summary of Zoning Relief, then the application is incomplete on its face. The Board cannot grant relief from a provision that has not been properly applied for, noticed, and presented for hearing. This threshold deficiency alone warrants denial.

The proposal before this Board constitutes, at minimum, a significant extension and enlargement and substantial change in the nature and degree of the existing nonconforming use. The existing nonconforming use is a 6,461 square foot residential care building set back from the road and screened by woodland. The proposed expansion of the nonconforming use is a 31,534 square foot institutional building in the front upland area, with two new parking lots containing 34 spaces, extensive sidewalks, three roof decks, and exterior lighting – that would all be newly

constructed and fully visible from Sylvester Street and Middle Road along with all neighboring residential properties.

### **B. The Application Represents Phase One of a Campus-Scale Development**

Under the heading “Future Expansion of Existing Use” on page 4 of the Variance Application Narrative, Chase Home makes a remarkable disclosure. It states that **after** the new 31,534 square foot building is constructed, it “intends to evaluate whether the existing building can be rehabilitated or should be demolished,” and that if demolished, it “would like to construct a new building in approximately the same location as the existing building of an equivalent or lesser size.” It further states that its intention is to “provide services to more at-risk youth and families in the community.”

This admission confirms that the current application is not the full scope of Chase Home’s plans for this property. It is phase one of a multi-phase institutional campus development that, once complete, would comprise nearly **38,000 square-feet** or more of institutional use (31,534 SF new building plus a rebuilt structure of “equivalent or lesser size” to the existing 6,461 SF building) in a district designed for single-family dwellings at low to medium density.

The Board should consider the cumulative impact of the full intended development, not merely the first building. Granting the requested variances for the first phase effectively constrains the Board’s discretion on subsequent phases and creates a fait accompli that undermines the protections of SRB zoning.

## **IV. THE WHITE REPORT DOES NOT OVERCOME THE EVIDENCE OF DIMINUTION OF SURROUNDING PROPERTY VALUES**

Chase Home has submitted the White Report in an effort to counter the professional opinions of Cathy Youngs (Century 21, 40+ years’ experience), Maureen Carey (Licensed Broker and Appraiser, 50+ years’ experience), Christine Linden (Real Estate Agent, Portsmouth), and Rosalie Powell Andrews (Associate Broker, Engel & Völkers, 35 years’ experience), all of whom opined in letters attached to the Original Opposition that the proposed development would diminish the value and marketability of surrounding properties, particularly 1 Sylvester Street.

While Mr. White holds the MAI and SRA designations, the White Report suffers from significant methodological deficiencies that undermine its conclusions, next discussed below:

### **1. Restricted Appraisal Report Format**

Mr. White’s report is styled as a “*Restricted Appraisal Report*” under the Uniform Standards of Professional Appraisal Practice (USPAP). This is the most limited reporting format type available under USPAP and is prepared exclusively for the identified client. It is not intended for

third-party reliance. Therefore, as a preliminary matter, The Board should give this report limited weight as a tool of advocacy, not as an independent market analysis.

## 2. No Quantitative Market Analysis

Mr. White conducted no paired sales analysis, no regression analysis, no before and after study of property values, and no comparable sales adjustment analysis. His entire methodology consists of telephone conversations with municipal assessors asking whether they had observed abatement filings or assessment adjustments near comparable facilities. The absence of abatement filings is not evidence of the absence of diminution – it merely establishes that no property owner in those locations chose to file a formal tax challenge. Many homeowners may be unaware of the abatement process, may absorb the loss, or may simply sell at a reduced price without ever seeking municipal relief.

## 3. Inapplicable Comparables

The comparable facilities that Mr. White relies upon in his Appraisal report included: River Woods Durham, Langdon Place of Dover, and the Residence at Silver Square— all of which are **adult or senior residential care facilities**. Not one of these “comparable” facilities is a children’s residential care facility that provides Level 1 and Level 2 services to at-risk youth referred through the DCYF system. The operational characteristics, staffing patterns, activity levels, and community perceptions associated with a children’s residential treatment facility are materially different from those of a senior living community. Mr. White’s own report acknowledges that “there are no exactly comparable comparisons in the marketplace” and that “a certain amount of common sense must be applied.” That is an extraordinary admission for an expert opinion being offered to satisfy a mandatory variance criterion.

## 4. No Property-Specific Analysis of 1 Sylvester Street

Mr. White never visited, inspected, or specifically analyzed the Andrews property at 1 Sylvester Street, or any one of the other several opposing abutters’ properties. He did not assess the unique proximity of that lot to the proposed building (the closest abutting residential property), the specific view and privacy impacts, the pool/attractive nuisance issue raised in the opposition letters previously submitted, or the particular characteristics that make 1 Sylvester Street uniquely impacted. A general conclusion that “surrounding properties” will not be diminished does not substitute for a formal analysis of the actual property most directly affected.

## 5. Mr. White’s Appraisal Concedes to Points Made by the Opposition

Mr. White’s own report acknowledges that “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.” He argues only that these buyers “will not be large enough to negatively impact the market value of the surrounding properties.” This assertion is offered

without any supporting data, market survey, or quantitative analysis, and is directly contradicted by the professional opinions of four (4) experienced real estate professionals who are intimately familiar with the Portsmouth residential market and who have specifically opined that the Chase Home expansion proposal will, in fact diminish the value of 1 Sylvester Street.

**6. Noise, View, and Use Analysis Is Speculative**

Mr. White's analysis of noise, view, and use impacts repeatedly falls back on the hypothetical argument that permitted by-right development (single-family homes at 20' setbacks) could be equally or more impactful. This is a comparison to a hypothetical that does not exist, not an affirmative demonstration that *this* proposed development will not diminish values. The Board should evaluate the actual nonconforming use expansion proposal before it, not a theoretical alternative development scenario that is completely irrelevant to the concrete fact that Chase Home abutters' property values will, in fact, diminish.

**7. The White Report Is Inherently Unreliable as Prospective Valuation of a Special Purpose Property**

As noted by Maureen Carey, a licensed Broker and Appraiser with over 50 years of experience in the Portsmouth market, an appraisal of a building that has not yet been constructed is considered a "prospective" or "hypothetical condition" appraisal under accepted appraisal standards. This means the value impact is estimated based on plans, specifications, zoning, and proposed use rather than an existing building that can be physically inspected and compared to market data. This criterion has yet to be established for the proposed building, and such prospective valuations are inherently less reliable than appraisals of existing structures.

Moreover, in appraisal practice, facilities such as children's homes, group homes, and institutional care facilities are classified as "special purpose properties." This classification creates two (2) significant valuation challenges. First, there is a fundamental lack of comparable sales, particularly in residential neighborhoods, which makes the valuation far more subjective. Mr. White's own report concedes that "there are no exactly comparable comparisons in the marketplace." Second, the appraiser must analyze "Highest and Best Use" – and the highest and best use of a property in an SRB District is single-family residential, not a 31,534 square foot institutional care facility. As a result, the White Report's valuation opinion is far less precise and highly dependent on assumptions that are not supported by actual market data.

**8. The Application Fails to Depict the True Scale and Visual Impact of the Proposed Building**

Neither the White Report nor the Chase Home application provides aerial or street-level renderings that accurately depict the proposed 31,534 square foot building in context with the surrounding single-family residences. The proposed building is at least six times the size of the surrounding homes and will be situated substantially closer to Middle Road than the existing

facility, which is currently screened from view. The Board and the public should have the benefit of accurate visual representations – including aerial perspective and street-level views – showing the proposed building mass in relation to the neighboring single-family properties before rendering a decision on this application. The absence of such visual aids in the application materials is itself a significant omission that prevents the Board from fully assessing the impact on the character of the neighborhood.

## **V. THE VARIANCE REQUIRES DENIAL AS CRITERIA REMAIN UNMET**

As set forth in the Original Opposition, Chase Home fails to satisfy the variance criteria required under New Hampshire law. The revised submission and White Report do not cure any of these deficiencies:

### **A. Spirit and Intent of the Ordinance / Public Interest (10.233.21 - 10.233.22)**

The proposal remains contrary to the spirit and intent of the Zoning Ordinance because it allows a massive intensification of a nonconforming use in an SRB District designated to maintain low-density residential character. The *Chester Rod & Gun Club* standard requires that a variance not “unduly, and in a marked degree” conflict with the ordinance’s basic zoning objectives. A 31,534 SF institutional building with two parking lots, three roof decks, and 34 parking spaces in a single-family residential district unduly conflicts with those objectives in a marked degree.

Furthermore, the proposal seeks to deforest an area of approximately 115,000 square feet—an area that currently provides several vital benefits to the City of Portsmouth by reducing urban heat islands, improving air quality, reducing air pollution, managing stormwater runoff, increasing property values with the privacy this area currently provides from the existing nonconforming use, and this is a substantial area of mature vegetation that serves as an existing habitat for urban wildlife.

### **B. Granting the Variance Would Do Substantial Injustice (10.233.23)**

Substantial justice will not be done if this expansion of a nonconforming use is granted because the over-intensification will substantially, significantly, and negatively impact the value and use of all abutting properties, including Andrews’. The lost property value to the Andrews and all abutters far outweighs any claimed gain to the Chase Home, particularly where Chase Home has not demonstrated that alternatives (such as renovating or rebuilding within the existing footprint) are infeasible.

### **C. Diminution of Surrounding Property Values (10.233.24)**

For all the reasons set forth in Section III above, the White Report does not establish that surrounding property values will not be diminished. The professional opinions of four (4) experienced real estate professionals, submitted with the Original Opposition, demonstrate that the

proposal will diminish the value and marketability of 1 Sylvester Street as well as the other neighboring properties.

**D. Unnecessary Hardship (10.233.25)**

There is no unnecessary hardship. Chase Home's desire for a larger facility does not constitute a hardship created by the special conditions of the property. The property's wetland constraints and size are not unique to this application – they existed when Chase Home acquired the property and have coexisted with the existing use for over a century. The Zoning Ordinance's restrictions bear a fair and substantial relationship to the general public for the purpose of maintaining low-density residential character in the SRB District.

**VI. CONCLUSION**

Based on the foregoing, and upon the arguments, authorities, and evidence set forth in the Original Opposition (incorporated herein by reference), Andrews respectfully requests that this Board deny the Application for Variances as filed by Chase Home. The application suffers from threshold procedural deficiencies (failure to seek relief from Section 10.331; failure to apply for a special exception under Section 10.335), the proposed development represents a substantial change in the nature and degree of the nonconforming use that must be denied under the Substantial Change Doctrine, and Chase Home has failed to satisfy the mandatory variance criteria.

Both Counsel and the Andrews will be present at the Board Hearing on March 17, 2026, to set out in further detail why the Application fails to meet New Hampshire's Substantial Change Doctrine and why the variance criteria have not been satisfied.

This letter and all materials referenced herein are submitted in opposition to the Application for Variances filed by Chase Home.

Thank you, Chair Margeson and Members of the Board, for your consideration regarding this matter.

Very truly yours,

  
\_\_\_\_\_  
John E. Lyons, Jr., Esq.

  
\_\_\_\_\_  
Krista L. Gennell, Esq.

JEL/KLG

Enclosures:

Original Opposition dated December 15, 2025 (incorporated by reference)

cc:

Taylor P. Powell and Rosalie P. Andrews, Owners of 1 Sylvester Street

Derek Durbin, Esq., Durbin Law Offices, PLLC



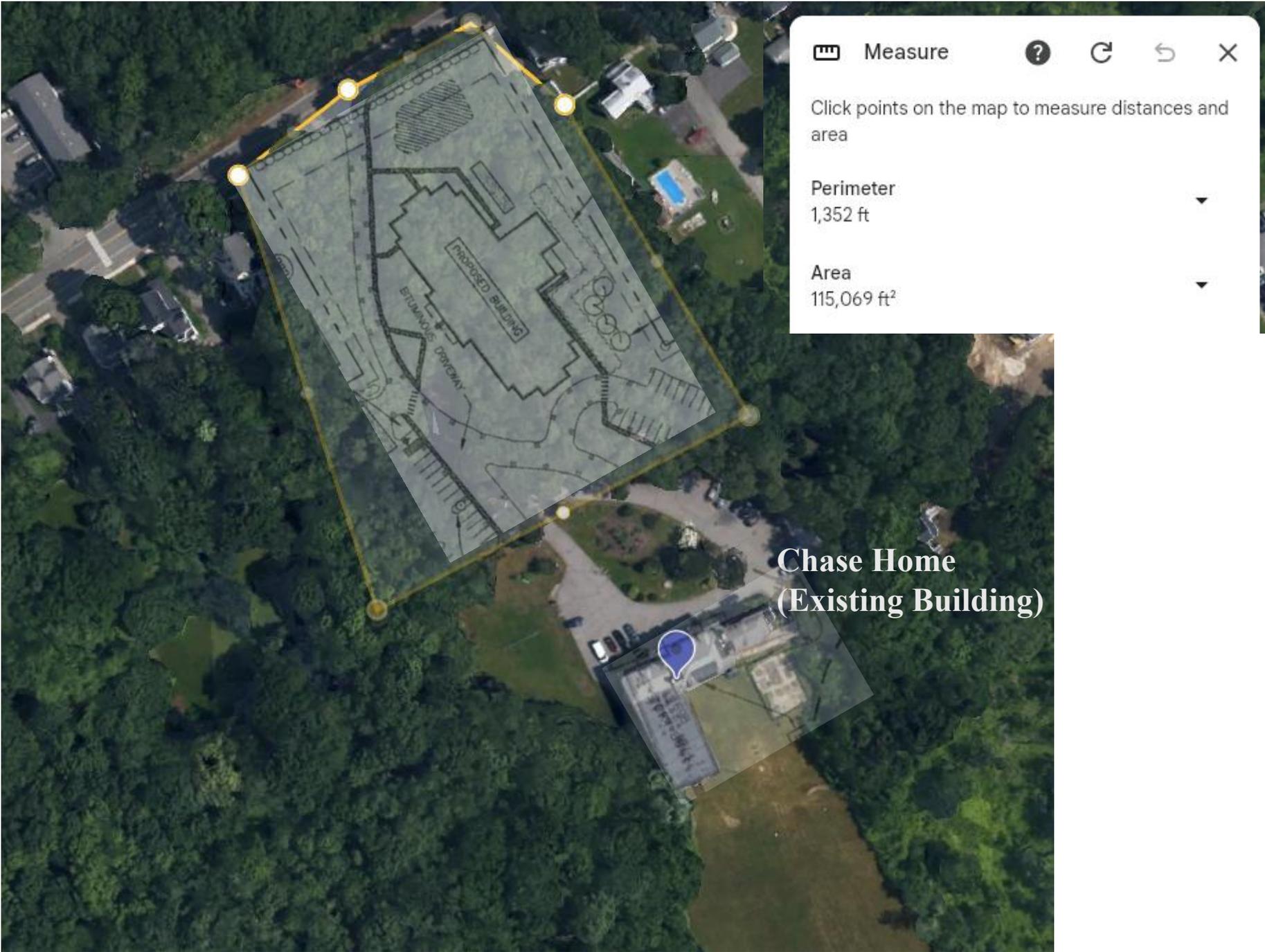


**Chase Home  
(Proposed Building)**

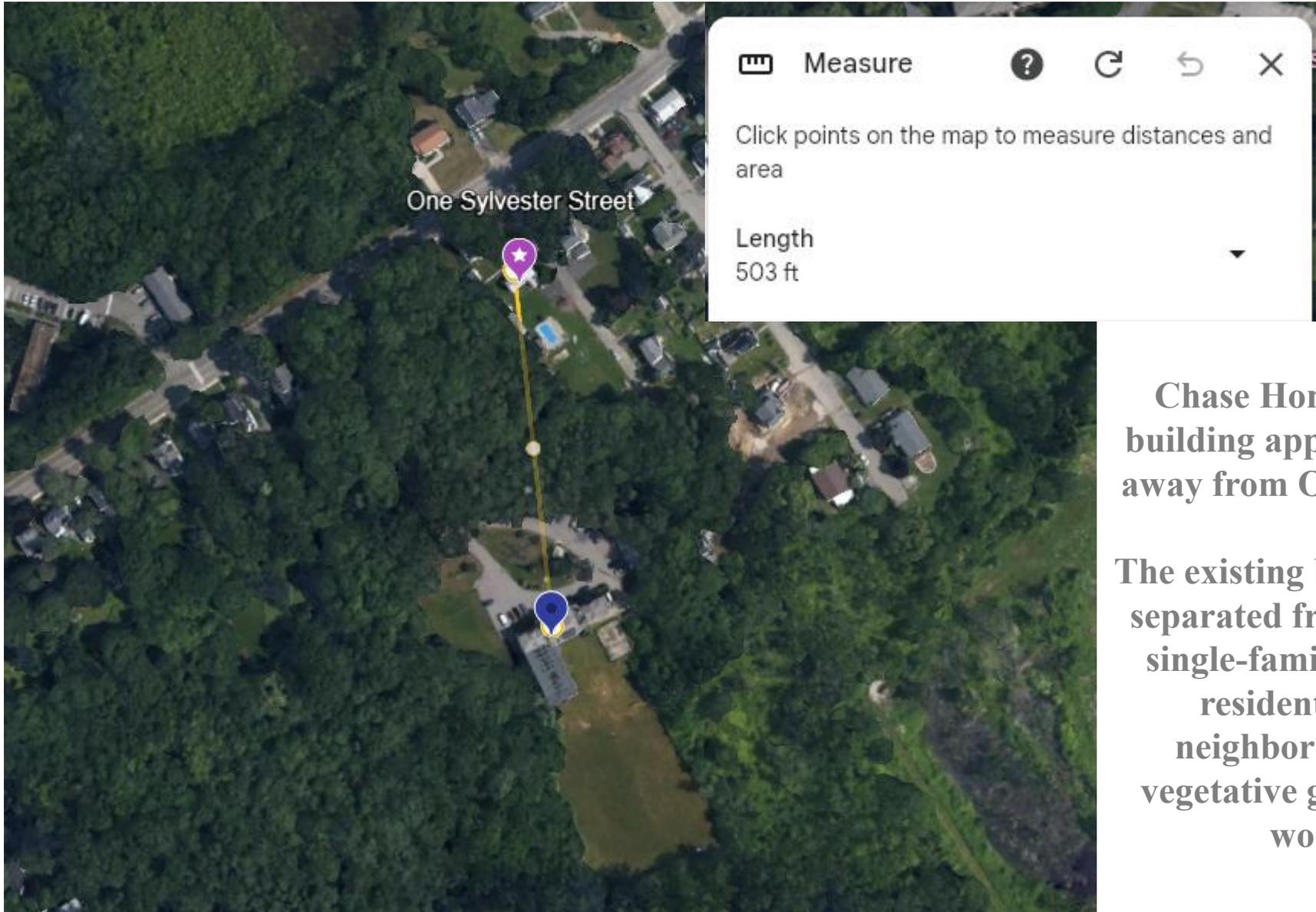
**One Sylvester Street**

**Chase Home  
(Existing Building)**

**Chase Home proposes a newly constructed building that would eliminate at least 115,000 square feet of heavily wooded area that currently separates the nonconforming use and its existing building from its residential and neighboring abutting properties.**



**Chase Home  
(Existing Building)**



**Chase Home has an existing building approximately 500 feet away from One Sylvester Street.**

**The existing building is currently separated from the conforming single-family dwellings in the residential SRB-zoned neighborhood by mature, vegetative growth in a heavily wooded area.**

# FRONT SIDE OF BUILDING



THE CHASE HOME - CONCEPT / ISO PERSPECTIVE / 11.04.2025

Shaping the Exceptional / 800 Lusk Drive / Portsmouth, NH 02871 / 603.437.9100



# BACK SIDE OF BUILDING (FACES SYLVESTER)

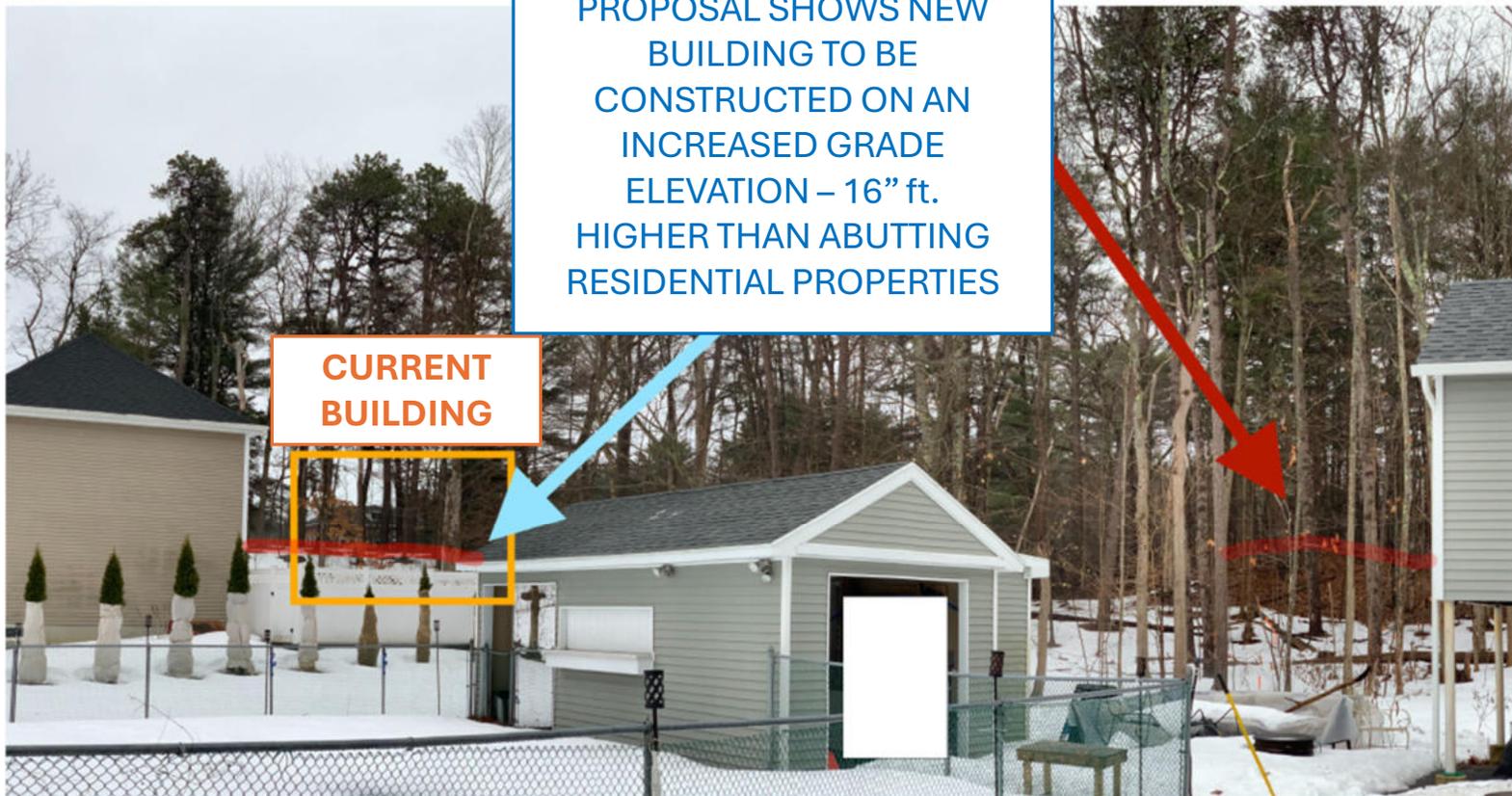


THE CHASE HOME - CONCEPT / ISO PERSPECTIVE / 11.04.2025



PROPOSAL SHOWS NEW BUILDING TO BE CONSTRUCTED ON AN INCREASED GRADE ELEVATION – 16” ft. HIGHER THAN ABUTTING RESIDENTIAL PROPERTIES

CURRENT BUILDING



16” ft.  
Increased elevation  
+  
Deforesting  
115,000 sq. ft. heavily  
wooded area  
=  
**100% Certainty**

**Abutters Will Face  
Severe Issues, with  
Increased:**

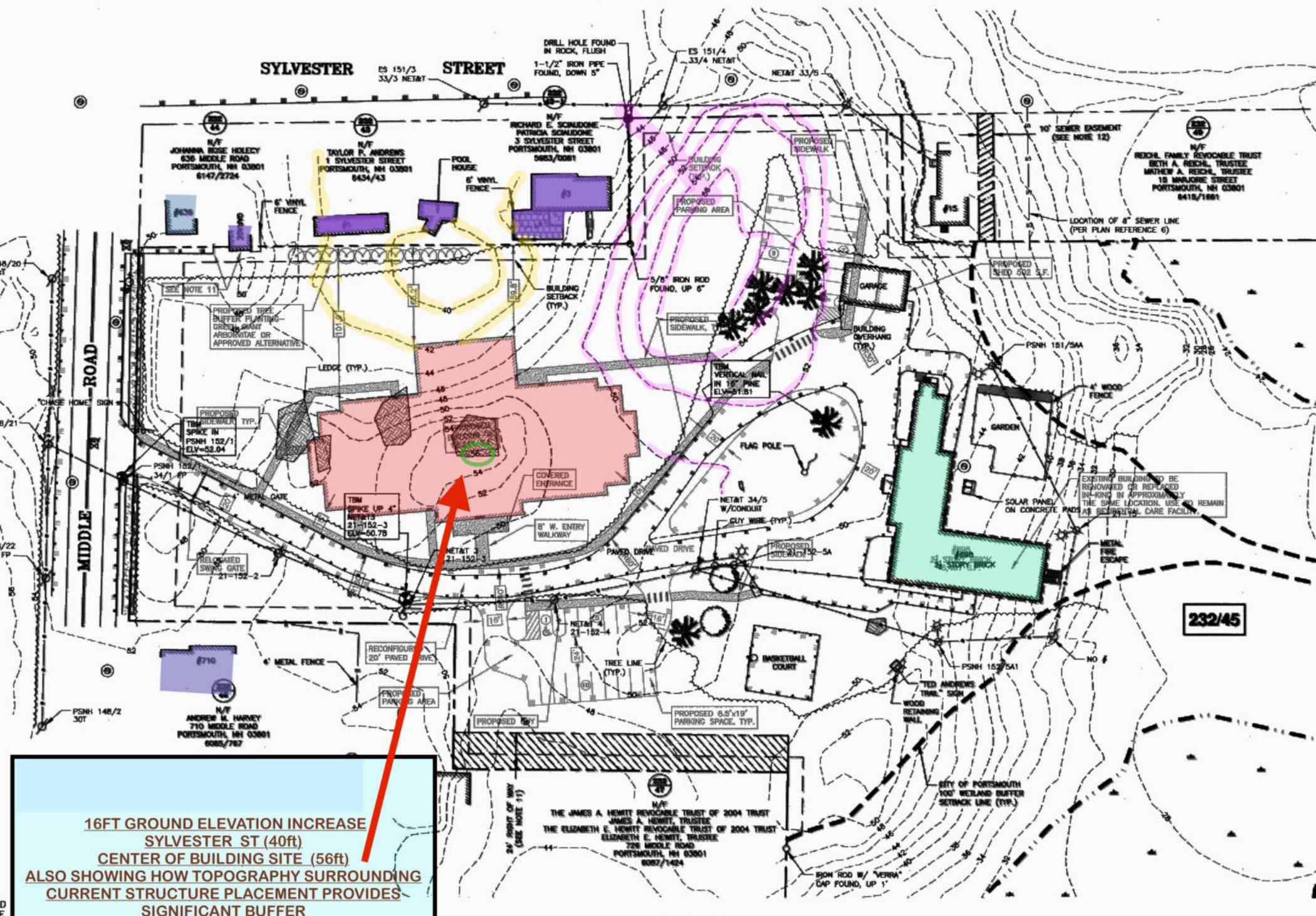
- **Rainwater Run Off**
- **Ponding**
- **Light Pollution**
- **Noise Pollution**



HILL

MARKER OF  
stake  
BUMP OUT  
CORNER





**16FT GROUND ELEVATION INCREASE**  
**SYLVESTER ST (40ft)**  
**CENTER OF BUILDING SITE (56ft)**  
**ALSO SHOWING HOW TOPOGRAPHY SURROUNDING**  
**CURRENT STRUCTURE PLACEMENT PROVIDES**  
**SIGNIFICANT BUFFER**

GRAPHIC SCALE



**CHASE HOME**  
**BUILDING**

**HILL**





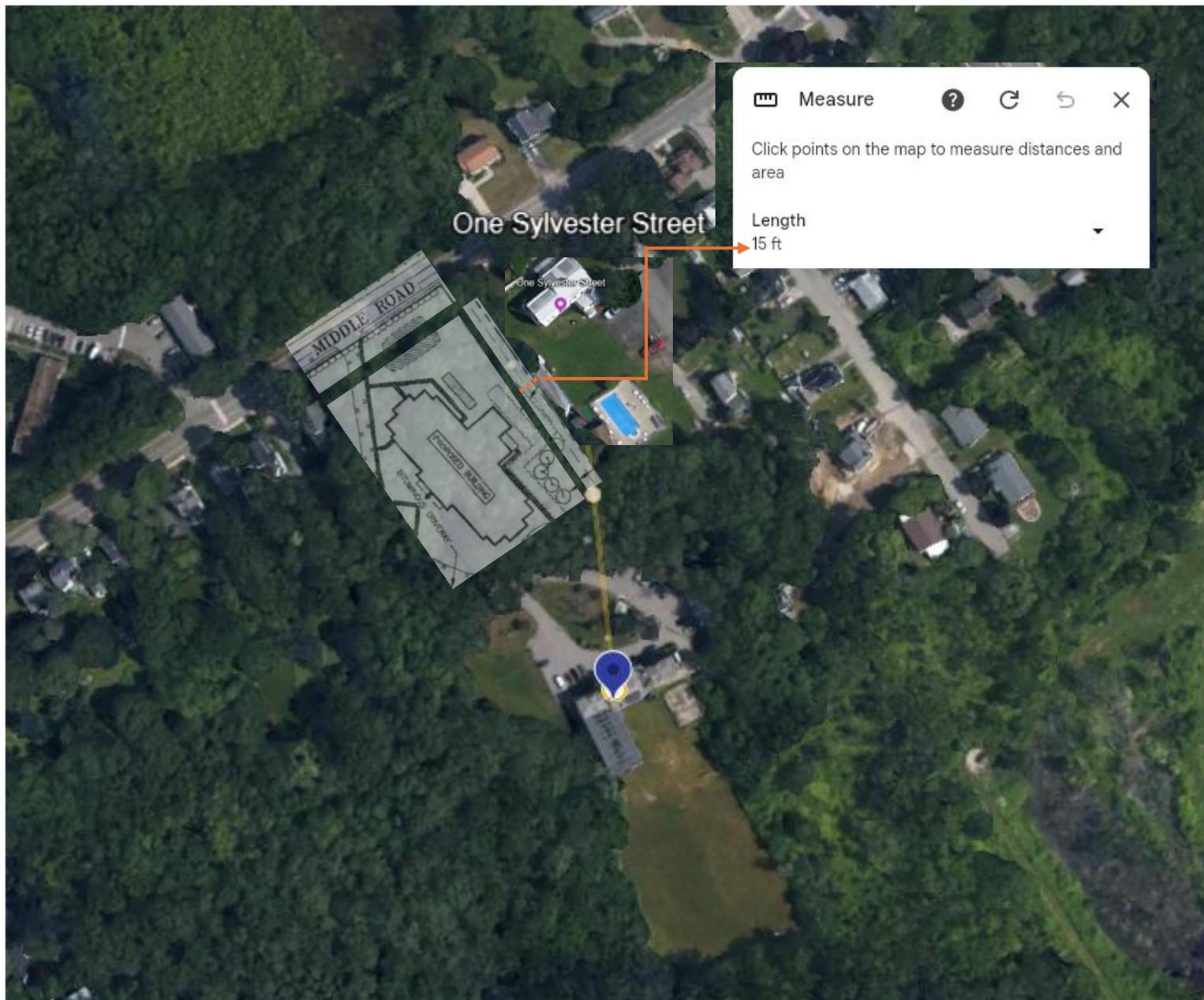
**Heavily Wooded  
Currently Spans an  
Area Totaling  
115,000+/- sq. ft.**



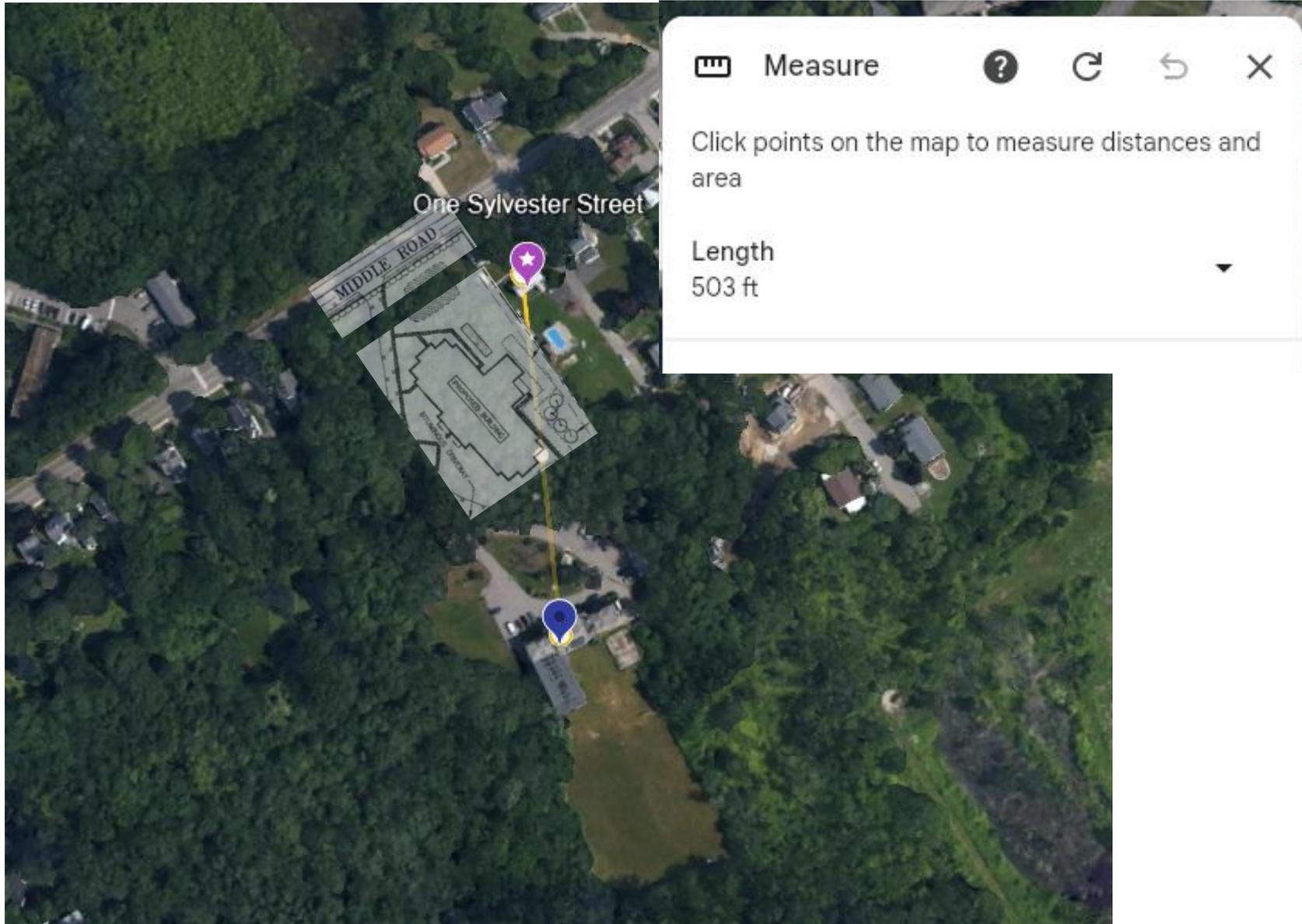
**Chase Home  
(Proposed Building)**

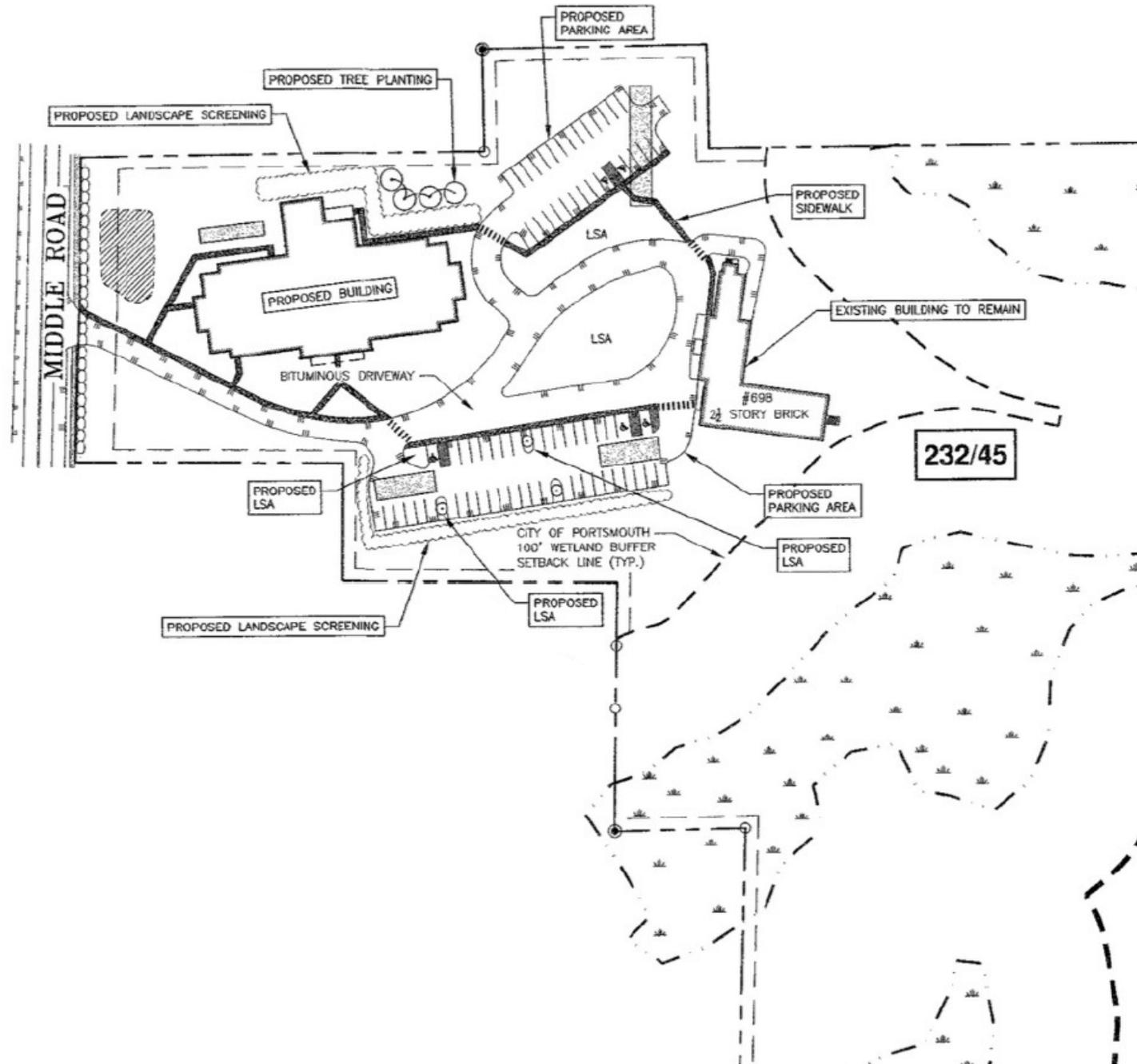
**One Sylvester Street**

**Chase Home  
(Existing Building)**



Where a 500-foot expanse of mature woodland currently separates the Chase Home facility from the surrounding single-family residences, the proposal would deforest this natural buffer and erect a building nearly five times the size of the existing structure, screened from abutting properties by nothing more than a single row of immature arborvitae spanning less than 15 feet.





17

ABUTTER  
SIGNATURES

ZBA PETITION TO  
DENY

VARIANCE SEEKING TO EXPAND A  
NONCONFORMING USE

**698 Middle Road**

**Land Use No. LU-QS-167**

PETITION IN OPPOSITION TO APPLICATION FOR VARIANCES OF  
CHASE HOME FOR CHILDREN C/O WOODMAN  
698 MIDDLE ROAD, PORTSMOUTH, NH

NOW COME the undersigned abutters and neighbors in opposition to the Application submitted to the Board of Adjustment (the "BOA") for the City of Portsmouth by Chase Home for Children c/o Woodman for property located at 698 Middle Road, Portsmouth, New Hampshire, requesting a Variance from Section 10.334 to allow the existing residential care facility to be extended to another part of the remainder of the land, and from Section 10.440 to allow for the construction of a new residential care facility structure. The undersigned hereby urge the BOA to deny the Application, scheduled for Hearing on Tuesday, December 16, 2025.

Karolina Roggenbuck  
Name

2 Sylvester Street  
Address  
Portsmouth

Paul Roggenbuck  
Name

2 Sylvester Street  
Address

Shannon Dorman  
Name

768 Middle Rd.  
Address

MICHAEL DiNatale  
Name

900 A Middle Rd.  
Address

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Rebecca McBeath, 243 Middle Road  
Portsmouth, NH 03801  
BMcB@comcast.ent, 603.834.3281

Porsmouth Legal Department  
Stefanie Casella, Planner  
Zoning Board of Adjustment  
1 Junkins Avenue  
Porsmouth, NH. 0380

Derek R Durbin, Esq.  
Durbin Law Office, PLLC  
144 Washington Street  
Portsmouth, NH 03801

RE: **Variance Application** of Chase Home for Children of Portsmouth, NH;  
**698 Middle Road**, Tax Map 232, Lot 45

Dear Zoning Board of Adjustment, Attorney Durbin and Portsmouth City Attorney

In regard to the application & materials submitted to the City of Portsmouth NH for its consideration of Variances requested by your clients for the approval of **an expanded residential care facility** to be added to the existing Chase Home building, the following concerns and inquiries are submitted as well as request for information from the applicant, so that the City, and Community, might appropriately consider this application to determine if it meets the Variance criteria of the Portsmouth City Zoning Ordinance.

**Portsmouth City Attorney - Legal Questions regarding Current/future use**

1. The Chase Home application for Variance identifies the proposed Chase Home building as a **"residential care facility"**.
- A. **NH DHHS regulation SR 00-07 defines "Residential Care Facility" (RCF) as entities that provide personal and social care to elderly or physically disabled adults 18 years of age and older who cannot live alone but do not need to be institutionalized.**
- B. **The Chase Home for children. began as an orphanage and continues to provide services to minor/children. Is "The Chase Home for Children" proposing or is it now operating as a "Residential Care Facility for individual's 18 years of age and older? Are services provided to those that are not children/minors an unauthorized activity at the 698 Middle Road building under the present zoning ordinance?**
- C. **Undersigned could find no record of city zoning (or otherwise) approval for providing residential care for those over the age of 18 in this building on this property in Single**

**Residence B. Is Chase Home presently providing services that are not allowed under its zoning category?**

- D. If the Chase Home is operating now, as an Residential Care facility for adults – on what basis is this use authorized under the city Zoning ordinance?
- E. Is the variance also an application for use of the property as a Residential Care Facility for 18 and older on the property? What services would be authorized under a Residential Care Facility? Nursing home? Assisted Living for Adults?
- F. What percentage of its staff and space in the proposed building will be dedicated to the over 18 years of age population? What percentage of Chase Home services are presently dedicated to 18 years or older residents?

**The Chase Home for Children's 2023 total assets \$10,650,451**

- A. The Chase Home for Children, 2023 Federal Tax form 990-PF "Return of Private Foundation", states that the organization has \$10, 650, 451, nearly \$11 million in assets.
- B. The 990-PF form breaks down the assets further;  
  
\$6,009,807 in corporate stock, and  
  
\$2,329,341 in corporate bonds, and  
  
\$1,907,746, Land, Buildings & equipment
- C. The application for Variance includes nearly 10 pages of photos of the interior and exterior of the present Chase Home allegedly depicting outdated plumbing, flooring, bathroom, kitchen spaces, and old boiler and is captioned "that costs "tens of thousands of dollars to fix" annually.
- D. How, why and by whom were decisions made to not use Chase Home for Children's assets to make reasonable and allegedly necessary upkeep and maintenance to the present building?
- E. Please provide copies of studies/evaluations/data that the applicant has conducted or relied on to support its claim that it restoration of the existing building would require the interruption/stopping of services to children at the Chase home while being conducted and that the use of modular classrooms and offices or the use of off-site rented facilities might not fill the need while repairs are completed on the existing building.

**Height/Light Requested Information & Visuals:**

- 2. Ridge line of the roof of proposed new building is 87.8 feet. The proposed building is situated on highest ground elevation of 689 Middle Road. In addition, the proposed building is being place higher ground elevation of the abutting houses. Please provide a cross-section elevation from the Middle & Sylvester "Street view" perspective demonstrating the height of proposed building in relation to the height of abutting residential properties.
- 3. Ridge line of the roof of proposed new building is 87.8 feet. New building sits on highest ground elevation of any of the abutting houses. How will this height and artificial light, after the elimination of forested area, impact of residential property owners around it. (Concern is raised based on how the night lighting of a car dealership on Greenleaf Ave, negatively impacts residences acres away from it, and the sky view for a ½ mile around it.)

4. Request the security, signage and pathway lighting plan for all outdoor lighting on building, driveway, parking lot. Request size of fixtures and illumine output for each fixture. Request color/tone for each lighting fixture. Bright white, warm white, red, etc. (Please provide the building code requirements for the new building, and if any change in the existing lighting will be required/made?)

**Requested Data on Numbers of Residents Serviced by Proposed Building**

5. Request numbers for individuals' provided care annually in each of the "Existing Use" (below at #6) service categories listed on the Chase Home Variance Application 11/9/25 and then contrast the present number of individuals provided these services with the designed use of the proposed building in these four service categories. At present the Chase home lists four( 4) services provided in its present building:
  - a. Residential Treatment, and
  - b. Home-Based Treatment, and
  - c. Community Diversion, (NH DOJ Juvenile Justice Program)
  - d. Independent Living -(ages 19-21)
6. Does the proposed building anticipate additional services/uses for the proposed Chase Home building beyond the four categories for which it provides services now ?( #6)
7. Does the Chase Home/proposed building design accommodate an expansion of all four categories equally? If not, what is the percentage of growth in each of the four service categories?
8. If the proposed plans expand the present capacity of Chase Home to provide Independent Living services to 19-21-year-olds, what percentage of services provided will this category represent if the proposed building is approved? What percentage of services are independent living now? Will Independent Living residents have their own vehicles at Chase Home?

**Requested information from Applicant**

9. What is the catchment area of Chase Home for individuals it provides services? What percentage of Chase Home residents are from Portsmouth? How many Chase Home residents are permanent residents of the Portsmouth High School catchment area, Rye, New Castle, Greenland, & Portsmouth, presently? Would the geographical reach for residents to Chase Home change with the completion of proposed building?
10. What is the role in NH DHHS in placing residents at Chase Home? What is the percentage of residents placed by DHHS and what is the public financial support provided to Chase Home from the State or Federal government?
11. What is the role of the NH Judicial Branch/Juvenile Justice System in placing residents at Chase Home?
12. What is the Chase Homes anticipated use of the 1.5 storyes left unfinished in the plans of the proposed building?

**Impact on Portsmouth School District and other Municipal Services?**

13. What impact will the proposed new building and expansion of services at Chase Home have on the Portsmouth School Department - for the services it provides residents of Chase Home?

14. What impact that the expansion of its services in the new building may have on the services provided by the Portsmouth Police Department to Chase Home and its curtilage? What about the Portsmouth Department of Public Works?
15. What type of internal paging or sound system will the proposed building have installed? (Decibels? Audio? Music?) Will internal audio systems be audible outside the buildings when window open? Will there be an external audio system?
16. What percentage increase in asphalt coverage to the Chase Home property? What drainage systems are being implemented to curtail run-off to surrounding properties, roadways, municipal sewer drain plan?

**Provide Comparison of Additional Building & curtilage footprint with Existing Building & curtilage footprint**

17. "Square footage" of finished space in present Chase Home building , 13,910 Portsmouth tax card 2026- (Approx. 600 feet set back from Middle Rd) – please provide, (or identify measurements in the submitted variance application) the footage distance the existing building is from middle road and surrounding properties.
18. Proposed New Building "Group use" square footage of the first two floors 31,535 square feet. (Approx. 40-45 feet set back from Middle Rd) (Footprint of proposed building could not be found on 11/9/2025 Durbin Variance Submission) Pease provide, (or point out in the submitted variance application) the footage distance the proposed building is from middle road and surrounding properties.

**Variance Application Inquiries for Clarification and Further Explanation**

19. On page 5 of your "Variance Application Narrative" you state that the proposed building is "situate [or]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 apartments units, and represents a higher intensity use than what is proposed." Please provide the process of which you made this determination and the data that supports the statement that River book Condominium complex represents a higher intensity of use than the building proposed by the Variance application. Do you also acknowledge that the Riverwoods Condominium is set back from Middle Road, surrounded by a buffer of mature trees and is NOT in zoned as single residences SRB as the Chase Home property is; **it is zoned Garden apartment/multiple housing units.**
20. Continuing, page 5, same paragraph, you state "The reminder of the Property outside of the developable upland is surrounded by a combination of residential, commercial and municipal uses". Please provide a scaled map that identifies, depicts size the location of each of the abutters of which you refer, & their footage distance from the existing Chase Home and proposed building.

Please contact me directly if you have any questions or desire clarification of the above.

Sincerely,

Becky McBeath



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Form **990-PF**

Department of the Treasury  
Internal Revenue Service

### Return of Private Foundation or Section 4947(a)(1) Trust Treated as Private Foundation

- ▶ Do not enter social security numbers on this form as it may be made public
- ▶ Go to [www.irs.gov/Form990PF](http://www.irs.gov/Form990PF) for instructions and the latest information

For calendar year **2023**, or tax year beginning **07-01-2023**, and ending **06-30-20**

Name of foundation Chase Home for Children		A Employer identification number 02-2229190
Number and street (or P.O. box number if mail is not delivered to street address) 698 Middle Road	Room/suite	B Telephone number (603) 436-2216
City or town, state or province, country, and ZIP or foreign postal code Portsmouth, NH 03801		C If exemption applies
<b>G</b> Check all that apply: <input type="checkbox"/> Initial return <input type="checkbox"/> Initial return of a former public charity <input type="checkbox"/> Final return <input type="checkbox"/> Amended return <input type="checkbox"/> Address change <input type="checkbox"/> Name change		D 1. Foreign organization 2. Foreign organization test, check here
<b>H</b> Check type of organization: <input checked="" type="checkbox"/> Section 501(c)(3) exempt private foundation <input type="checkbox"/> Section 4947(a)(1) nonexempt charitable trust <input type="checkbox"/> Other taxable private foundation		E If private foundation under section 501(c)(3)
<b>I</b> Fair market value of all assets at end of year (from Part II, col. (c), line 16) ▶ \$ <u>10,650,451</u>	<b>J</b> Accounting method: <input type="checkbox"/> Cash <input checked="" type="checkbox"/> Accrual <input type="checkbox"/> Other (specify) _____ <i>(Part I, column (d) must be on cash basis.)</i>	F If the foundation is under section 501(c)(3)

**Part I Analysis of Revenue and Expenses** *(The total of amounts in columns (b), (c), and (d) may not necessarily equal the amounts in column (a) (see instructions).)*

	(a) Revenue and expenses per books	(b) Net investment income	(c)
<b>1</b> Contributions, gifts, grants, etc., received (attach schedule)	6,027		
<b>2</b> Check			
<b>3</b> Interest on savings and temporary cash investments	37		37
<b>4</b> Dividends and interest from securities	210,724		210,724
<b>5a</b> Gross rents			
<b>b</b> Net rental income or (loss)			
<b>6a</b> Net gain or (loss) from sale of assets not on line 10	238,840		
<b>b</b> Gross sales price for all assets on line 6a	1,896,519		
<b>7</b> Capital gain net income (from Part IV, line 2)			238,840
<b>8</b> Net short-term capital gain			
<b>9</b> Income modifications			
<b>10a</b> Gross sales less returns and allowances			
<b>b</b> Less: Cost of goods sold			
<b>c</b> Gross profit or (loss) (attach schedule)			
<b>11</b> Other income (attach schedule)			



JOHN E. LYONS, JR.  
ATTORNEY AT LAW  
E-MAIL: JLYONS@LYONSLAW.NET  
ONE NEW HAMPSHIRE AVENUE  
SUITE 235  
PORTSMOUTH, NH 03801  
TELEPHONE: 603.431.5144  
FAX: 603.431.5181  
WEBSITE: WWW.LYONSLAW.NET

ANTJUE S. BOURDAGES  
PARALEGAL  
E-MAIL: ABOURDAGES@LYONSLAW.NET

December 15, 2025

**SUBMITTED VIA E-MAIL**

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

**RE: Chase Home/698 Middle Road – Request for Variances set out in Section 10.334 and Section 10.440 of the City of Portsmouth’s Zoning Ordinance**

Dear Chair Eldridge,

I represent Taylor P. Andrews and Rosalie P. Andrews, who own property at 1 Sylvester Street, City of Portsmouth, County of Rockingham, State of New Hampshire (collectively, “Andrews”). This property directly abuts real property located at 698 Middle Road, City of Portsmouth, County of Rockingham, State of New Hampshire, and owned by Chase Home (“Chase Home”).

My clients are opposed to the Variances Application filed by the Chase Home as to the City of Portsmouth’s Zoning Ordinance Section 10.334, requesting an expansion of a nonconforming use; and Section 10.440, to allow for the construction of a new residential care structure.

The identity of any applicant, whether for-profit or not-for-profit is irrelevant in analyzing any application for Variance. Even a non-profit with a mission related to children, and with a well-known group of Trustees, must still meet all legal requirements as to the expansion and over-intensification of a nonconforming use, to say nothing for approval of a variance. Additionally, every property owner has the right, without prejudice, to protect their property and insist all legal and zoning standards are met relating to a nonconforming use.

The Chase Home is located in the Single Residence B (“SRB”) Zoning District and is nestled among single family residences as shown on a portion of Tax Map 232, Lot 45, attached hereto as **Exhibit 1**. The Andrews Lot is shown on the attached Tax Map as Lot 43. As a nonconforming use, the Chase Home consists of a 6,461 square foot building located on the back of the Lot and as close to the wetlands as possible. The existing building in its current location is screened from all residences in the area by woodlands and marsh. See **Exhibit 2**.

The Proposal before the Board, as demonstrated on **Exhibit 3**, calls for the construction of a new 18,211 square foot building, two new parking areas, sidewalks and other improvements. This would result in a building approximately three times larger than the existing nonconforming use. The massing of this new dramatically expanded nonconforming use is demonstrated by **Exhibit 4**, which is the existing Chase Home, compared to **Exhibit 5**, which is the new proposed building. It is also significant to note that in its Application, the Chase Home indicates, at this time, it does not yet know what it is going to do with the existing building. This certainly gives the Andrews pause (as it should this Board) that there may be a nonconforming use with buildings containing 24,672 square feet.

As noted, the Proposal also calls for the construction of two new parking lots and sidewalks, all of which are an extensive and unreasonable expansion of the nonconforming use. Lighting will need to be installed in the parking lots, along the new buildings and sidewalks.

Perhaps the most dramatic depiction of the extreme over-intensification of the Chase Home Lot is demonstrated by **Exhibit 6**. The area in which the nonconforming use is to be unreasonably expanded is depicted in green, which will result in the wooded area before deforested and the new building, parking lots, and sidewalks clearly visible from the single family residences, which must be protected in an SRB District.

There is a proposal and attempt to buffer the Andrews Lot with some arborvitaes. Clearly, given the extreme over-intensification of this nonconforming use, including the sizing and massing of the 18,221 square foot building directly behind the Andrews Property, along with parking lots, will overwhelm any attempt to screen the Andrews Property from this Project.

The Board of Adjustment, under New Hampshire law, must apply the Substantial Change Doctrine when analyzing an expansion of a nonconforming use. The expansion is only permitted if the Proposal does not constitute a substantial change in the nature or degree of the nonconforming use. When the proposed expansion increases the intensity, volume, or external impacts of the use in a manner that is more detrimental to the surrounding neighborhood, it must be denied. The Applicant carries the burden of demonstrating that the enlargement does not intensify the nonconformity, does not create additional adverse effects, and does not amount to a new or different use.

The New Hampshire Supreme Court in *Seabrook v. Tra-sea Corp*, 119 NH 937 (1979) found that a lawful nonconforming use may be continued but may not be expanded if the expansion constitutes a substantial change in the nature or degree of the use. In *New London Land Use Ass'n v. New London Zoning Bd. of Adjustment*, 130 NH 510 (1988), the Court made it clear the Board of Adjustment's inquiry must focus on whether the Proposal increases the intensity or nonconforming use in a way that is more detrimental to the neighborhood. Finally, in *Hampton v. Brust*, 122 NH 463 (1982), the Court made it clear the burden is on the Applicant to show the proposed expansion does not materially intensify or alter the existing nonconformity.

Based on the facts set out above, there is no escaping that the Chase Home Proposal materially and significantly increases the intensity of the nonconforming use. Because the Proposal involves both relocation and material increase in bulk, intensity and operational impact, it constitutes a substantial change in the degree of the nonconforming use and must therefore be denied, regardless of the criteria necessary to establish a variance.

It should also be noted that the Zoning Ordinance in Section 10.321 that a lawful nonconforming building or structure may be maintained or repaired but not extended, reconstructed, or enlarged unless such extension, reconstruction, or enlargement conforms to all the regulations of the district in which it is located.

Furthermore, Section 10.331 provides a lawful, nonconforming use may continue but may not be extended, enlarged, or changed except in conformity with this Ordinance.

Finally, at issue in this Application, Section 10.334 provides a nonconforming use of land may not be extended into any part of the remainder of a lot of land. Clearly, the Zoning Ordinance makes it clear a massive over-intensification, as proposed herein, of a nonconforming use is not permissible. If this over-intensification was allowed, as proposed in this Application, it would in essence render the provisions of the Zoning Ordinance dealing with nonconforming uses meaningless and open the floodgates for other such Applications.

Additionally, because the Applicant is not able to satisfy the Substantial Change Doctrine, the request for the Variances must fail. However, even if the criteria to establish a variance as to Sections 10.334 and 10.440 was at issue, the Applicant would fail as follows:

- a. The Application for Variances is clearly contrary to the spirit and intent of the Ordinance as set out above, specifically allowing a substantial change that increases the intensity of a nonconforming use in the SRB District inherently violates the spirit and intent of the Ordinance in a marked degree. See *Chester Rod & Gun Club Inc. v. Town of Chester*, 152 NH 577 (2005). This Application specifically subverts the purpose of the SRB designation to maintain a low-density residential character (*15 Land Use Planning and Zoning § 24.12*).
- b. The Variances will be contrary to the public interest in that it allows for a massive over-intensification of an existing nonconformance in an SRB District designated to maintain a low density residential character.
- c. The value of surrounding properties, and particularly the Andrews Property, will be diminished. See the letters from Cathy Youngs; Maureen Carey; and Christine Linden, all attached as **Exhibit 7**, which clearly indicate that the value of the Andrews Property will be diminished. Rosalie Powell Andrews is a real estate agent and has also submitted a letter of opinion, attached as **Exhibit 8**, setting out the value of her Lot will be diminished.

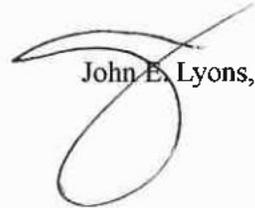
- d. Substantial justice will not be done as the over-intensification will substantially, significantly, and negatively impact the value of the Andrews Property.
- e. There is no unnecessary hardship as there is a fair and substantial relationship between the general public purposes of the Ordinance's provisions at issue and the Application of that provisions to the Property at issue when specifically dealing with an over-intensification of a nonconforming use. Additionally, the proposed use and over-intensification are not reasonable for the reasons set out above.

Based on all the above, Andrews respectfully requests this Board to deny the Application for Variances as filed by the Chase Home. Both Counsel herein and the Andrews will be present at the Board Hearing to set out in further detail why the Application fails to meet New Hampshire's Substantial Change Doctrine and if necessary why the variance criteria have not been met related to this request.

This letter and attached materials are being submitted in opposition of the Application for Variances as to the Project and owned by Chase Home.

Thank you to you and the Board for your consideration regarding this matter.

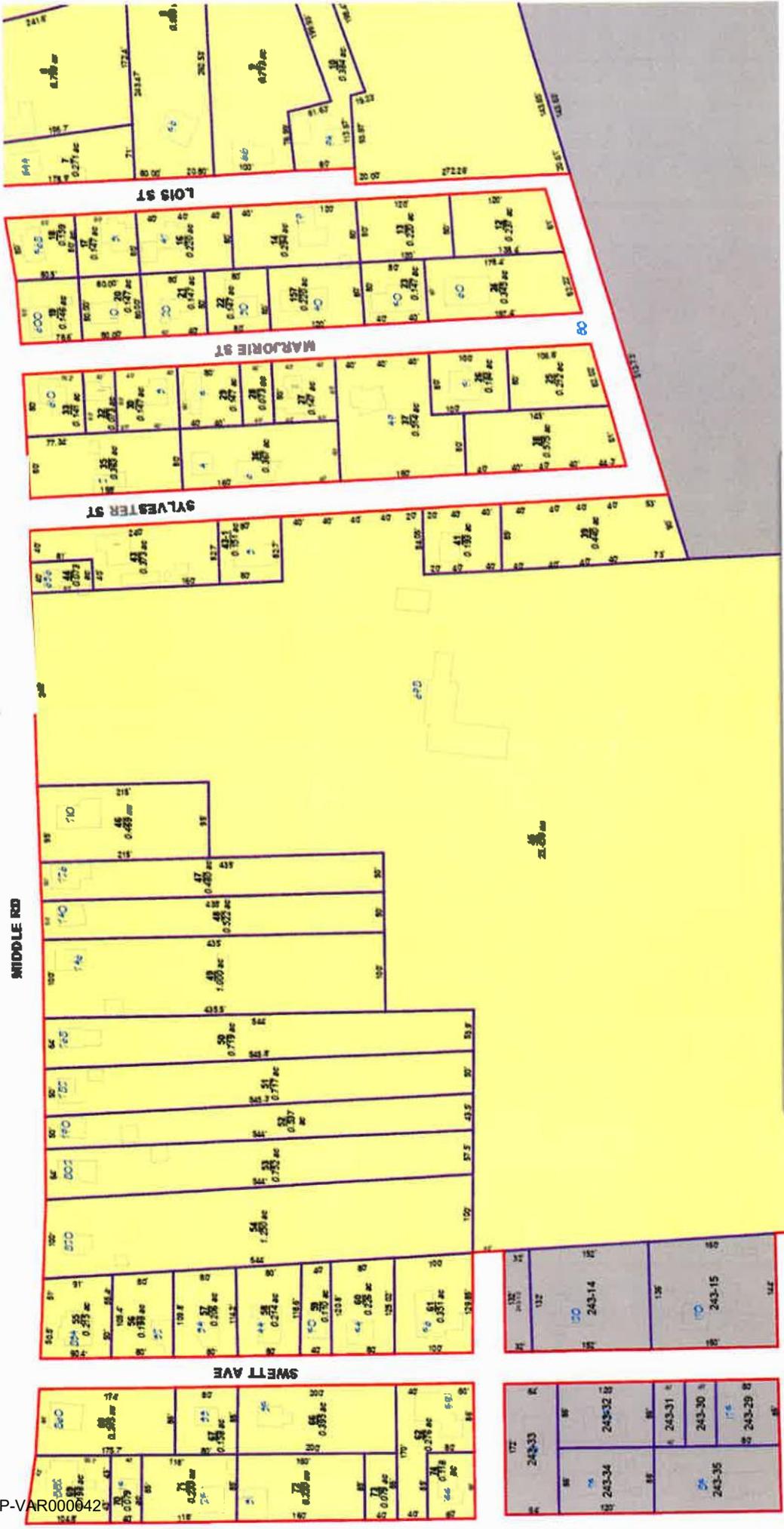
Very truly yours,



John E. Lyons, Jr., Esq.

JEL/dhb  
*Enclosures*





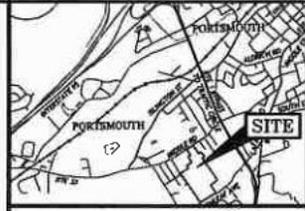
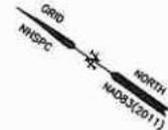
# EXHIBIT 2



# EXHIBIT 3

**PLAN REFERENCES:**

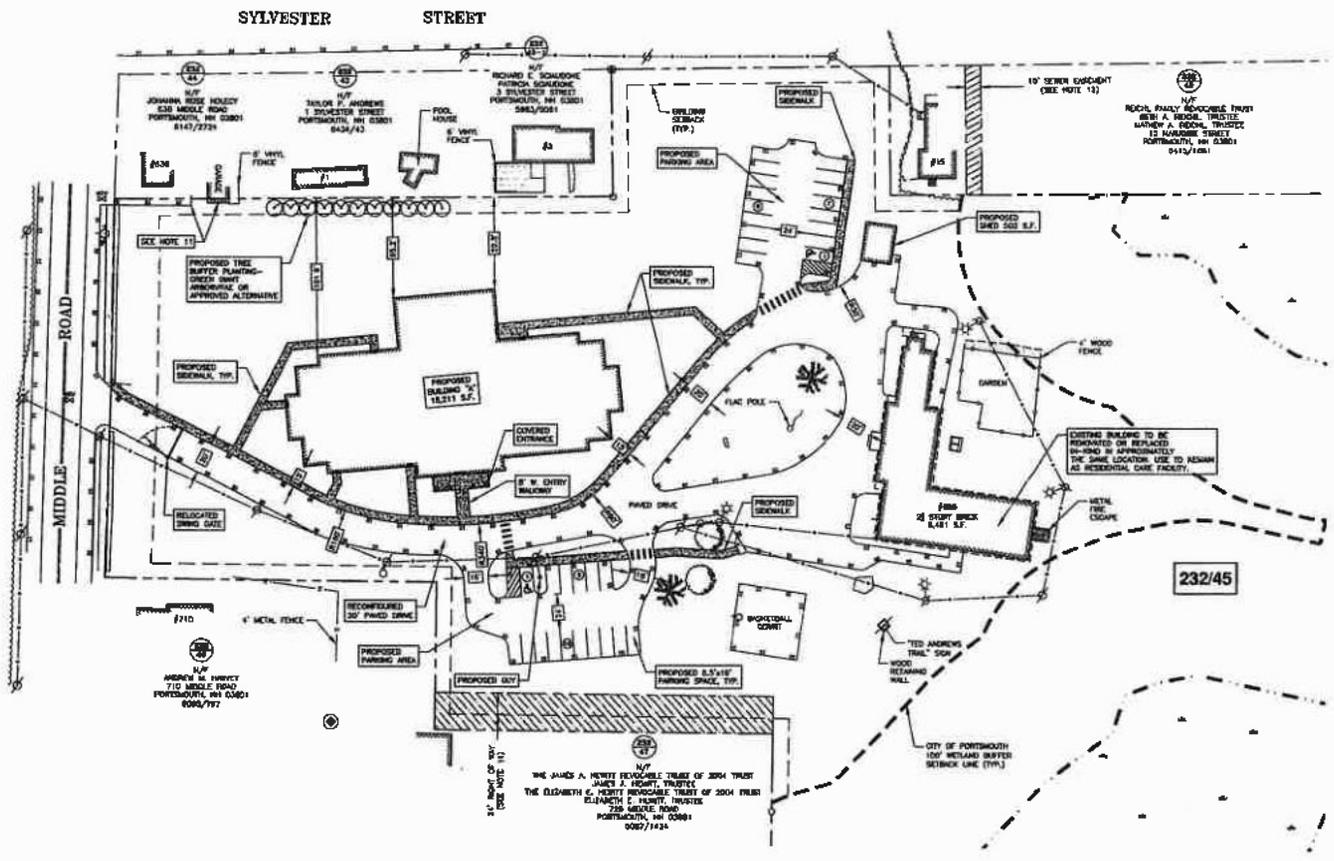
- 1) A PLAN OF LAND IN PORTSMOUTH, N.H. FOR THE CHASE HOME FOR CHILDREN, PREPARED BY JOHN W. DURON ASSOCIATES, INC. DATED SEPTEMBER 10, 1980, SCALE: 1 INCH=50 FEET, NOT RECORDED.
- 2) PLAN OF PROSPECT PARK, PORTSMOUTH, NH, DIGNED BY LEWITT, WOODWORTH & SWEAT, PREPARED BY JOHN M. MCCLINTOCK, DATED: APRIL 17, 1902, RCPD #00113.
- 3) SUBDIVISION OF LAND OF SAS ASSOCIATES ON PEVERLY HILL ROAD, PORTSMOUTH, NH, PREPARED BY FRANCIS J. BURSETT, DATED JANUARY 1979, SCALE: 1"=40', RCPD D-7742.
- 4) PROSPECT PARK ANNEX, PORTSMOUTH, NH, OWNED BY LEWITT WOODWORTH AND SWEAT, PREPARED BY F.C. HOYT, DATED: JUNE 7, 1902, SCALE: 30 FT = 1 INCH, RCPD #00110.
- 5) PROSPECT PARK ANNEX NO. 2, PORTSMOUTH, NH, OWNED BY LEWITT WOODWORTH AND SWEAT, PREPARED BY F.C. HOYT, DATED: JUNE 11, 1902, SCALE: 30 FT = 1 INCH, ROAD FOOTING.
- 6) PLAN OF LAND, PORTSMOUTH, N.H. FOR MAX NELSON, PREPARED BY JOHN W. DURON CIVIL ENGINEERS, DATED: JULY 1976, SCALE: 1 IN = 30 FT, NOT RECORDED.
- 7) PROSPECT PARK ANNEX NO. 3, PORTSMOUTH, NH, BELONGING TO LEWITT, WOODWORTH AND SWEAT, PREPARED BY JOHN M. MCCLINTOCK, DATED: APRIL 30, 1902, SCALE: 1" = 40', RCPD #00225.
- 8) PLAN OF LAND PREPARED FOR, ANNE, LLC (TAX MAP 222 LOT 43-1) 3 SYLVESTER STREET, PORTSMOUTH, N.H. PREPARED BY BOURNEAU LAND SURVEYING, LLC DATED FEBRUARY 15, 2010, SCALE: 1" = 30' RCPD D-41324.
- 9) SUBDIVISION PLAN LOCATED IN PORTSMOUTH, NH FOR PORTSMOUTH BUSINESS CENTER, PREPARED BY HUBBARD CHASE COMPANY, INC., DATED: 6/25/96, SCALE: 1" = 50', RCPD D-14106.



LOCATION MAP 1" = 2000'

**NOTES:**

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 222 AS LOT 43.
- 2) OWNER OF RECORD: CHASE HOME FOR CHILDREN C/O HUBBARD CHASE COMPANY, 52 COOKE STREET, PORTSMOUTH, NH 03801, 207/7818.
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FEMA PARCEL 330150220P EFFECTIVE JANUARY 24, 2011.
- 4) EXISTING LOT AREA: 115,000 S.F. PLANNED ACCESS.
- 5) PARCEL IS LOCATED IN SINGLE RESIDENCE II (SR2) DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:  
 MIN. LOT AREA: 115,000 S.F.  
 FRONTAGE: 100 FEET  
 SETBACKS:  
 FRONT: 38 FEET  
 SIDE: 10 FEET  
 REAR: 30 FEET  
 MAXIMUM STRUCTURE HEIGHT: 35 FEET  
 MAXIMUM BUILDING COVERAGE: 20%  
 MINIMUM OPEN SPACE: 0%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED DEVELOPMENT ON ASSESSOR'S MAP 222 LOT 43 IN THE CITY OF PORTSMOUTH.
- 8) METRIC DATUM IS NAVD83 (MEAN SEA LEVEL) BASED ON VERTICAL DATUM IS LOCAL.
- 9) SITE BOUNDARY BASED ON REFERENCE PLAN #1.
- 10) PARKING CALCULATION: PROVISIONAL CARVE PRIORITY PROPOSED BUILDING A: 32 BEER EXISTING BMB: 32 BEER TOTAL: 42 BEER 42 BEER X .25 SPACES PER BEER = 21 SPACES REQUIRED. 33 SPACES PROVIDED (ADDITIONAL SPACES TO ACCOMMODATE STAFF AND GUESTS).
- 11) PARCEL IS SUBJECT TO A LOANING AGREEMENT WITH MAP 222 LOT 44 FOR ENLARGEMENT OF A CHANCE AND DRIVEWAY SEE HERE 220/222.



0	2025 10 23	ISSUED FOR COMMENT	BJR	JRC
14	2025	DESCRIPTION:	BJR	JRC

**PERMIT PLAN**

**CHASE HOME**  
60 MIDDLE ROAD PORTSMOUTH, NH

**SITE PLAN**

DATE: AUGUST 2025		SCALE: 1" = 40'	
DESIGNED BY: BJR	DESIGNED BY: BJR	CHECKED BY: JRC	CHECKED BY: JRC
PROJECT NO: 2025072025	PROJECT NO: 2025072025	DATE: 08/20/25	DATE: 08/20/25
<b>SHEET 3</b>			

# EXHIBIT 4

# CHASE HOME FOR CHILDREN EXISTING BUILDING



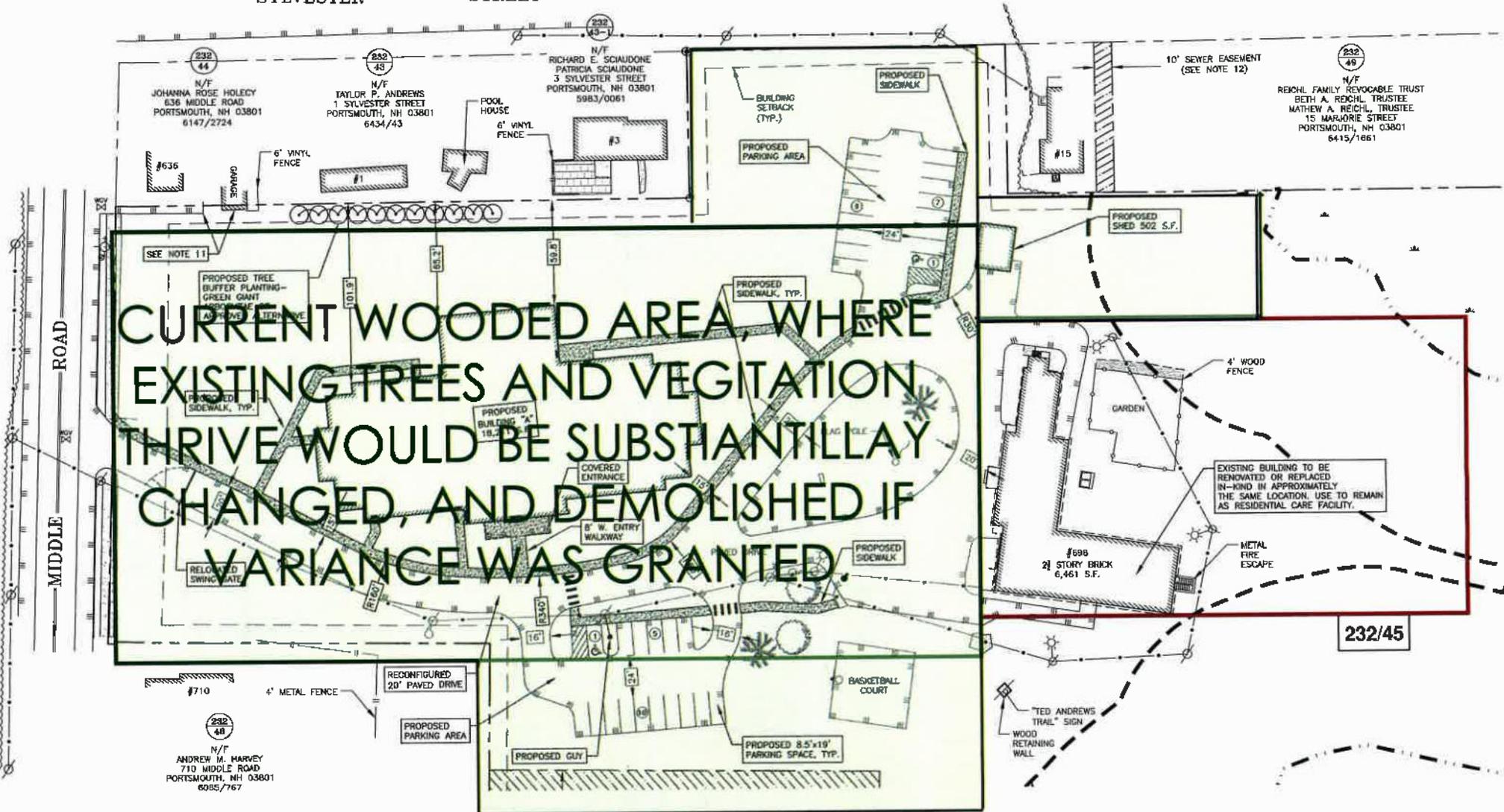
# EXHIBIT 5



# EXHIBIT 6

SYLVESTER

STREET



CURRENT WOODED AREA, WHERE EXISTING TREES AND VEGETATION THRIVE WOULD BE SUBSTANTIALLY CHANGED, AND DEMOLISHED IF VARIANCE WAS GRANTED.

# EXHIBIT 7

## **Letter to the City of Portsmouth Zoning Board of Adjustment. Real Estate Marketability concerns for property located at 1 Sylvester St. Portsmouth.**

Dear Honorable Board of Adjustment Members.

My name is Cathy Youngs I am successful Real Estate Agent with well over 40 years of experience selling homes in the Portsmouth area. I work for Century 21 Real Estate. I am also a Portsmouth NH native.

I am offering my professional real estate opinion regarding the proposed New Chase Home Building located at 698 Middle Rd.

What stands out is the marketability of the homes on the right hand side of Sylvester St especially 1 Sylvester St. Although it is not shown in any pictures or diagrams it is in extremely close proximity to that home.

Real Estate agents are required to disclose facts about the home.

**In New Hampshire, sellers and their agents must disclose known, material facts affecting property value, like major defects or environmental hazards, but disclosing a new home BUT IN THIS CASE A NON RESIDENTIAL BUILDING being built next door is less about a defect and more about a potential change in neighborhood character or views, which a seller should reveal as a "material fact" or use the standard disclosure form for, as it affects value and enjoyment, preventing future lawsuits. Real estate agents must also disclose actual knowledge of such conditions, making transparency crucial.**

### **Key NH Disclosure Requirements:**

- **Material Facts:** Sellers must disclose known material facts that affect the property's value or the buyer's decision.
- **Seller Disclosure Form:** This standard questionnaire asks about property conditions, but also allows space for notes on anything else relevant.
- **Agent's Duty:** Agents must disclose any material physical, regulatory, or environmental conditions they know about before an offer.

### **Applying This to a New Build Next Door:**

- **Is it a "Material Fact"?** Yes, a large new construction next door significantly changes the property's enjoyment, privacy, light, and value.
- **What to Disclose:**
  - The fact that construction is happening.
  - Any known details about the new home (size, proximity, potential disruption).

- Any impact on views or sunlight.
- Impact that a Non Residential Building will have on the neighborhood
- The fact that the former Children's Home was located hundred of feet away from Middle Rd and will now be an everyday visual.

**Another thing to consider is because of the Children's home design and close proximity, the fact that 1 Sylvester has a pool : this becomes an attractive nuisance to the children and therefore legal advice would be necessary**

- **How to Disclose:**

- Complete the standard Seller's Property Disclosure Form, noting the new construction and its potential impacts in the additional comments section.
- Ensure your real estate agent also provides this information in writing.

**Why It's Important:**

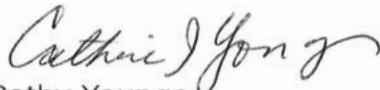
- **Legal Protection:** Proper disclosure protects sellers from being sued later by the buyer for misrepresentation or concealment.
- **Transparency:** It builds trust and allows buyers to make informed decisions, preventing surprises and potential legal issues down the road.

In summary, you should absolutely disclose the new non residential home construction as its a major change to the property's environment and value in New Hampshire real estate law.

The present specific location of the Chase Home is not completely visible from Sylvester St and is not visible from Middle Rd, but those 2 criteria will change making it difficult to market that home.

All of this in my professional opinion greatly devalues the home at 1 Sylvester St.

Most Sincerely,



Cathy Youngs

Associate Broker

Century 21 Real Estate

(603) 502-8490

218 Melbourne ST  
Portsmouth, NH 03801

CATHY.YOUNG@REAL ESTATE @GMAIL, com

## **Letter to the City of Portsmouth Zoning Board of Adjustment**

### **Re: Marketability and Value Impact – 1 Sylvester Street, Portsmouth NH**

Dear Honorable Members of the Board,

My name is Maureen Carey. I am a licensed Real Estate Broker, real estate professional and licensed Appraiser with over 50 years of experience in residential valuation and brokerage in the Portsmouth market. I am submitting this letter to provide a professional opinion regarding the marketability impacts associated with the proposed new Chase Home building at 698 Middle Road.

#### **Marketability Impact on 1 Sylvester Street**

Based on accepted appraisal and brokerage standards, the proposed structure will have a measurable adverse impact on the marketability of 1 Sylvester Street. The lot is in extremely close proximity to the new institutional building, although this relationship is not fully shown in the submitted diagrams. The introduction of a large non-residential structure at this distance represents a significant change to the immediate neighborhood environment.

#### **Material Fact Disclosure Requirements**

Under New Hampshire law, sellers and real estate agents must disclose known material facts that could influence a buyer's decision or affect property value. A substantial new non-residential building directly adjacent to a single-family home is considered a material fact because it affects:

- Privacy
- Use and enjoyment
- Views and visual exposure
- Noise, traffic, and perceived activity levels
- Long-term marketability

The change from a building previously set hundreds of feet back from Middle Road to one that will be visually prominent from the street and adjacent properties represents a material alteration to the neighborhood character.

#### **Impact on Buyer Perception and Value**

Properties abutting institutional uses typically experience:

- Reduced buyer demand
- Longer marketing times
- Increased need for price concessions
- Overall downward pressure on market value

These effects are documented in valuation practice and are consistent with buyer behavior in residential neighborhoods experiencing adjacent non-residential expansion.

#### **Additional Risk Considerations**

The presence of a pool at 1 Sylvester Street introduces an additional concern. When a residential pool is located next to a facility occupied by children, it may be considered an attractive nuisance, which can increase perceived liability and

Introduce further buyer hesitation. This, too, must be disclosed and may require legal consultation by future buyers.

**Conclusion**

From a marketability and valuation standpoint, the proposed new building constitutes a substantial and adverse change to the residential setting. It will require mandatory disclosure under NH law, will materially affect buyer perception, and in my professional opinion will devalue the property at 1 Sylvester Street.

Sincerely,

A handwritten signature in cursive script that reads "Maureen Carey". The signature is written in dark ink and is positioned below the word "Sincerely,".

Maureen Carey, Broker & Appraiser  
Carey Associates, Appraising/Consulting, Ltd  
603.944.7834  
careyld@rcn.com

To the Portsmouth Board of Adjustment,  
Re:Marketability of 1 SYLVESTER ST PORTSMOUTH  
Agent

My name is Christine Linden and I have been a Real Estate Agent serving the Seacoast NH area for many years

A nearby children's residential care facility **can shrink the buyer pool and increase time on market**, depending on how the building looks, its size, traffic, and its impact on neighborhood character.

**How this usually plays out in NH:**

**1. Buyer perception drives impact.**

Large, visible, or non-residential-looking buildings—especially as close as the new Chase Home Building—can raise concerns about traffic, lighting, noise, and privacy. This often reduces appeal.

**2. Typical value effects:**

Homes next to institutional buildings often **sell slower** and sometimes with **price sensitivity**.

**3. Portsmouth specifics: large structure close to the lot line will still become a showing concern.**

**4. What determines the impact:**

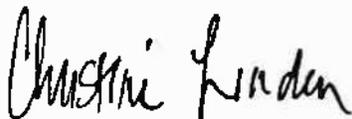
- How well the building blends in
- Activity level (staff, deliveries, outdoor use)
- Views from your yard/windows
- Privacy loss

**5. How to protect value:**

**Bottom line:**

The new facility will **narrow the buyer pool** and **make the sale somewhat more challenging**, depending on its size, visibility, and how institutional it appears.

Most Sincerely,



Christine Linden

Real Estate Agent Portsmouth, NH

# EXHIBIT 8

## Letter to the Portsmouth Planning Board

### Re: Objection to Chase Home A New Building and its Expansion – Adverse Impact on 1 Sylvester Street (Abutter)

To the Honorable Members of the Portsmouth Planning Board,

My name is **Rosalie Powell Andrews**, co-owner of **1 Sylvester Street**,. Born and brought up in Portsmouth and an **Associate Real Estate Broker with 35 years of experience** in New Hampshire residential valuation and neighborhood-market analysis. I am submitting this letter to formally object to the proposed new building of the Chase Home for Children.

This objection is based on **substantial adverse impacts to the property**, conflicts with **Portsmouth zoning criteria**, and predictable **diminution of property value** resulting from the proposed siting, scale, and intensity of the new building.

### **The Proposal Creates a Predictable and Measurable Diminution of Property Value**

As a real estate broker with 35 years of experience, I am professionally obligated to note that the proposal will result in **property value impairment**, in conflict with zoning standards intended to preserve the reasonable value and use of surrounding properties.

The reasons are clear and consistent with accepted valuation practice:

#### **Buyer Pool Reduction**

Homes abutting large, non-residential structures attract fewer buyers. Reduced demand directly translates into reduced market value.

#### **Loss of Privacy and Residential Character**

The dominating presence of an institutional building so close to a lot line is a substantial negative factor in residential valuation.

#### **Visual and Functional Impacts**

Buyers strongly discount properties with:

- Overlooking windows
- Perceived activity
- Institutional visual character
- Loss of screening
- Increased traffic or noise

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## Impairment of Marketability

Properties affected by these conditions typically:

- Take longer to sell
- Require price reductions
- Sell at a discount compared to similar homes without such adjacency

These impacts are **foreseeable, well-documented, and unavoidable** under the current plan. Therefore, the proposal fails the zoning requirement that development **not create undue adverse impacts on neighboring properties**, including their value.

I respect the mission of the Chase Home. However, the proposal, as submitted, does **not meet the standards required to protect abutters** in a single-family residential district. Buyers would have questions about approvals for other projects in and around the neighborhood. Presently The Chase Home is not noticeable from the street and most abutting properties, it is considered a reasonable distance consistent with residential protection. The new building will be seen from Middle Road.

Most Sincerely,



Rosalie Powell Andrews

Associate Broker

Engel & Voelkers Portsmouth