From: Kimberli Kienia
To: Kimberli Kienia
Subject: FW: Webform submission from: Planning Board > Body Blocks
Date: Monday, October 26, 2026 2:16:50 PM

From: City of Portsmouth <webmaster@portsmouthnh.gov>
Sent: Monday, October 26, 2026 11:52 AM
To: chellman@TNDEngineering.com; Peter L. Britz <plbritz@portsmouthnh.gov>; Peter M. Stith <pmstith@portsmouthnh.gov>
Subject: Webform submission from: Planning Board > Body Blocks

Submitted on Mon, 10/26/2026 - 11:52

Submitted by: Anonymous

Submitted values are:

Name
Lyle Gravelle

Email
Lyle@nelcorporation.com

Subject
0 Woodworth Ave

Message
First, I would like to be on the record that I did NOT receive an abutters letter stating that the owners of 0 Woodworth Ave are looking for variances and that the meeting is for 10/27/26. My neighbor, on Leavitt Ave, made me aware of this over this past weekend. I asked others on Woodworth Ave if they had received a notice, they were not aware like myself.

Second, I have since read the request for variances, that the trust holders are requesting, and OPPOSE.

I have resided at 20 Woodworth Ave since 1996 and am aware that the neighborhood is/was comprised of mostly 80'x40' lots. It should be stated that in 2013 I purchased property from my neighbor so that I would be in compliance with the setbacks (that 0 Woodworth applicant is requesting variance for) to eventually install a garage. I am now at this stage and currently have ADU plans (developed by Amy Dutton) in for review for a

variance of my own. Why would I have gone through the process of trying to abide by the rules, set forth by the planning department, only to watch a neighbor go around these said rules?

It is my opinion that this applicant is requesting far too many variances and I feel as though it is opening a can of worms for our neighborhood. There are still several 80'x40' lots and if this is allowed, there will be several others that could potentially move forward with the same type of request.

I Lyle Gravelle (manager of Lyle Stephen Gravelle Revokable Trust) am OPPOSED.

20 Woodworth Ave
508-962-2410

bcc-email
chellman@TNDEngineering.com,plbritz@portsmouthnh.gov,pmstith@portsmouthnh.gov

From:	Frank Azzolino
To:	planning@portsmouth.nh.gov; Kimberli Kienia; Jillian Harris
Subject:	9 Sheafe Street request; October 27, 2026 Board of Adustment meeting
Date:	Monday, October 26, 2026 3:38:18 PM
Attachments:	Letter from Sweeney & Sweeney.pdf Letter from the Azzolino"s to the Febonio"s 10-23-26.docx

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To: Jillian Harris
From: Frank Azzolino, owner and abutter at 11 Sheafe Street
RE: 9 Sheafe Street request to construct an 8' fence.

Dear Ms. Harris
I received the Abutter Notice of our neighbor's request to construct an 8' fence in their backyard on Custom House Lane. Unfortunately, I will not be able to attend the meeting on Tuesday evening. I did visit City Hall and was able to speak with Izak last week and Kim today. Both were immensely helpful. Both suggested that I put my comments into an email.

As you may know there is some history here with our request to remove an existing shed attached to our house at 11 Sheafe Street and build a garage. Through a few requests and changes to accommodate our neighbors comments, we have been approved. The shed has been removed. One version of the approved plans had the new garage on the property line between numbers 9 and 11. To confirm exactly where the property line was, we engaged with HaleyWard to perform a survey and mark the property. As part of the approval, we were required to have an 'as built' of the finished garage - which made sense and was acceptable to us as well.

At that point, prior to construction, our neighbors at 9 Sheafe Street sent us a letter from an attorney (see attached Sweeney&Sweeney letter) stating that under no conditions can we or any or our contractors or anyone on our behalf ever step foot on their side of the property line and that under no circumstance would they grant us an easement. There is no existing easement in law, deed or private agreement to allow us to build the garage. In a conversation with Shanti, he suggested that we simply move the garage off the property line sufficient to build and maintain that side of the new garage. This was a perfect solution and made perfect sense. In fact, I was a bit embarrassed that we had not thought of that sooner. We submitted our request to move the garage 24" off the line and was approved by the HDC earlier this month.

Regarding the request for the new 8' fence at 9 Sheafe Street -
First and foremost, we do not object to the fence or the height. However, we are concerned as to the placement which is not evident in their submission. As our neighbors established the precedent of no easement and no access, we have since sent them a very similar letter (sent via USPS and USPS Certified as well as email) essentially mimicking their letter to us (also attached) which states that they are not allowed any access or easement to the 11 Sheafe Street property. That said, the placement of the fence should be off the property line sufficient to build and maintain without access to the 11 Sheafe St property. In addition, just as we were asked to provide an 'as built' survey if we built our garage on or very close to the line, we request that the owners of 9 Sheafe Street have the same requirement to make sure the property line is not violated.

My apologies if this seems petty. As you may know from others on the third floor, this

neighbor has created significant and at times combative situations with me and some of my contractors. We are simply trying to establish a fair and safe situation for all involved. In the end, good fences may, in fact, make good neighbors.

Thank you for your time and consideration.

Respectfully

Frank Azzolino
11 Sheafe Street
Portsmouth, NH 03801
617-319-6524 cell

Sweeney & Sweeney

Attorneys & Councellors at Law

J. Leonard Sweeney, III

Michael Bowser: of counsel

J. Leonard Sweeney, Sr. (1907-1988)
J. Leonard Sweeney, Jr.(1943-2014)

6 Manchester St.
Nashua, NH 03064

Tel: 603-883-0711
Fax: 603-883-6334
www.sweeneylaw.com

August 31, 2026

Frank Azzolino
11 Sheafe Street
Portsmouth, NH 03801

Re: 9 Sheafe Street, Portsmouth, New Hampshire — No Right of Entry upon or Encroachment upon the Property

Dear Mr. Azzolino:

This firm represents Michael Febonio and Stephanie Febonio, the owners of the real property located at 9 Sheafe Street, Portsmouth, New Hampshire (the "Febonio Property"). I write on their behalf concerning the Febonio Property and your adjoining property at 11 Sheafe Street, Portsmouth, New Hampshire.

Please be advised that Michael and Stephanie Febonio do not grant you, and will not grant you, any right whatsoever to enter upon the Febonio Property or to encroach upon the Febonio Property, for any purpose and for any reason whatsoever. My clients will not grant an easement, a license, a permission, or a consent of any kind, whether permanent or temporary, and no contractor, agent, employee, or other person acting at your direction or on your behalf has or will have any right to enter upon the Febonio Property, or to place, maintain, or extend any structure, improvement, material, equipment, or other thing upon or over the Febonio Property.

Any entry upon or encroachment upon the Febonio Property, whether by you or by any person acting at your direction or on your behalf, would be undertaken without my clients' permission, without any recorded easement, and without any other legal right, and would constitute a trespass upon the Febonio Property.

Please be advised that my clients reserve all rights and remedies available to them at law and in equity, including without limitation an action for trespass, an action to quiet title, and a petition for injunctive relief, together with any damages, costs, and attorney's fees recoverable in connection with such proceedings. Nothing in this letter, and no delay or forbearance on my clients' part, shall be construed as a waiver of any of those rights, or as consent to or acquiescence in any entry upon or encroachment upon the Febonio Property.

Very truly yours,

_____

J. Leonard Sweeney, III, Esq.

Sweeney & Sweeney

Attorneys & Councellors at Law

J. Leonard Sweeney, III

Michael Bowser: of counsel

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Nashua, NH 03064

Tel: 603-883-0711
Fax: 603-883-6334
www.sweeneylaw.com

September 3, 2026

Frank Azzolino
5 Seawwatch Path
York, Maine 03909

Re: 9 Sheafe Street, Portsmouth, New Hampshire — No Right of Entry upon or Encroachment upon the Property

Dear Mr. Azzolino:

This firm represents Michael Febonio and Stephanie Febonio, the owners of the real property located at 9 Sheafe Street, Portsmouth, New Hampshire (the "Febonio Property"). I write on their behalf concerning the Febonio Property and your adjoining property at 11 Sheafe Street, Portsmouth, New Hampshire.

Please be advised that Michael and Stephanie Febonio do not grant you, and will not grant you, any right whatsoever to enter upon the Febonio Property or to encroach upon the Febonio Property, for any purpose and for any reason whatsoever. My clients will not grant an easement, a license, a permission, or a consent of any kind, whether permanent or temporary, and no contractor, agent, employee, or other person acting at your direction or on your behalf has or will have any right to enter upon the Febonio Property, or to place, maintain, or extend any structure, improvement, material, equipment, or other thing upon or over the Febonio Property.

Any entry upon or encroachment upon the Febonio Property, whether by you or by any person acting at your direction or on your behalf, would be undertaken without my clients' permission, without any recorded easement, and without any other legal right, and would constitute a trespass upon the Febonio Property.

Please be advised that my clients reserve all rights and remedies available to them at law and in equity, including without limitation an action for trespass, an action to quiet title, and a petition for injunctive relief, together with any damages, costs, and attorney's fees recoverable in connection with such proceedings. Nothing in this letter, and no delay or forbearance on my clients' part, shall be construed as a waiver of any of those rights, or as consent to or acquiescence in any entry upon or encroachment upon the Febonio Property.

Very truly yours,

_____

J. Leonard Sweeney, III, Esq.

Frank Azzolino
11 Sheafe Street
Portsmouth, NH 03801

October 23, 2026

Michael and Stephanie Febonio
9 Sheafe Street
Portsmouth, NH 03801

RE: 11 Sheafe Street, Portsmouth, New Hampshire – No Right of Entry upon or Encroachment upon the Property

Dear Mr. and Mrs. Febonio:

As owners or the real property located at 11 Sheafe Street, Portsmouth, New Hampshire (the "Azzolino Property"), I write this letter concerning the Azzolino Property and your adjoining property at 9 Sheafe Street, Portsmouth, New Hampshire.

Please be advised that we do not grant you, and will not grant you now or at any time in the future, any right whatsoever to enter upon the Azzolino Property or to encroach upon the Azzolino Property, for any purpose and for any reason whatsoever. Further, we will not grant an easement, a license, a permission, or a consent of any kind, whether permanent or temporary, and no contractor, agent, employee, or person acting at your direction or on your behalf has or will have any right to enter upon the Azzolino Property, or to place, maintain, or extend any fence, structure, improvement, material, equipment, or other thing upon or over the Azzolino Property.

Any entry upon or encroachment upon the Azzolino Property, whether by you or by any person acting at your direction or on your behalf, would be undertaken without our permission, without any recorded easement, and without any other legal right, and would constitute a trespass upon the Azzolino Property.

Please be advised that we reserve all rights and remedies available at law and in equity, including without limitation an action for trespass, an action for quiet title, and a petition for injunctive relief, together with any damages, costs, and attorney's fees recoverable in connection with such proceedings. Nothing in this letter, and no delay or forbearance on our part, shall be construed as a waiver of any of those rights, or as consent to or acquiescence in any entry upon or encroachment upon the Azzolino Property.

Sincerely,

Frank Azzolino

9/14/26

Response to: **Notice of Appeal and Statement of Grounds**

Statement of Standing:

1) There is no relevancy to any change in neighborhood character.
2) We have space for six or more vehicles in our parking area. We have two vehicles that consistantly park in the driveway. On occasion there is one other tenant that parks a single car. We have a tenant in one unit who does not own a car. Therefore parking is NOT an issue on our property.
3) A singular person who spends time on our Blossom Street property, in conjunction with our home around the corner, does not constitute adding to the "density" of the area.
4) Unclear how "life safety" is involved. The studio space has been inspected by the Chief Building Inspector.

Our property at 28 Blossom Street has been owned by my family since the mid 1970's. The barn space, which became my father's studio, has been used in the exact same manner for all of these decades. It has been a safe space for family and friends when needed, as well as for art, study, gatherings, and general respite.

It is crucial to point out that this is NOT about a code concern, but another of over 13 attempts by Kathy Logan to maliciously harrass our family, son and our tenants over the last several years. This time she has assembled a "small mob" to support her actions. Simple proof of the above statement is made through the fact that if we were to lose in support of the "mob", that our son (who is clearly being discriminated upon), would then sleep in our property on the other side of Kathy Logan and spend much of his time at the studio. Literally he would be on one side or the other of Kathy Logan's property and the difference to her and the "mob", would be what?

Sincerely,

Paul and Hannah Burke

From: Scott Lupkas
Sent: Monday, September 14, 2026 2:52 PM
To: Planning - Info - Shr <Planning@portsmouthnh.gov>
Cc: Kathleen Logan; Sooky Lassen; Peter Carey
Subject: Written comment for September 15 Board of Adjustment hearing — 28 Blossom Street

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Dear Members of the Board of Adjustment:

I live at 33 Blossom Street and am one of the neighbors appealing the City's determinations concerning 28 Blossom Street. I cannot attend the hearing, but I fully support our written appeal. I ask the Board to **reverse and vacate both the July 23 and August 6 determinations**.

The issue is more than what to call a room. A former artist's studio is now being used for sleeping at a property approved for three residential units. The City's designation of the space as an "R-2 non-transient sleeping unit" does not answer the basic zoning question: **What permits a separate sleeping arrangement there?** A building-code label cannot, by itself, establish that the use is allowed under the zoning ordinance.

The suggested connection to 161 South Street does not answer that question either. As our appeal explains, 161 South Street is a separate, non-contiguous property. An arrangement between occupants of two properties should not be the basis for approving a use at 28 Blossom Street that could remain after either property changes hands.

I am also concerned that the determinations leave important questions unanswered about density, parking, safety, and the approvals required in the Historic District. These are substantive issues for the Board to address openly, with notice to neighbors. They should not be bypassed through an administrative classification.

I ask the Board to vacate the determinations and require the owner to seek the necessary zoning and other City approvals before this sleeping use is authorized. I also ask the City to address the separate shed and occupancy concerns identified in our appeal through its enforcement process.

Please include this statement in the hearing record. Thank you for considering the appeal on its merits.

Regards,

Scott A. Lupkas
33 Blossom Street
Portsmouth, NH