

REVISED MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: August 30, 2023
RE: Caleb & Samantha Ginsberg (303 Bartlett Street/Map 162, Lot 13)
Peter & Donna Splaine (295/299 Bartlett Street/Map 162, Lot 14)
General Residence A Zone

Dear Chair Eldredge and Zoning Board Members:

On behalf of Caleb & Samantha Ginsberg (“Ginsbergs”) & Peter & Donna Splaine (“Splaines”) collectively (the “Parties”), we are pleased to submit this memorandum and attached exhibits in support of Ginsberg’s request for zoning relief to be considered by the Zoning Board of Adjustment (“ZBA”) at its September 19, 2023 meeting in anticipation of the Parties’ request for a Lot Line Adjustment.

I. EXHIBITS

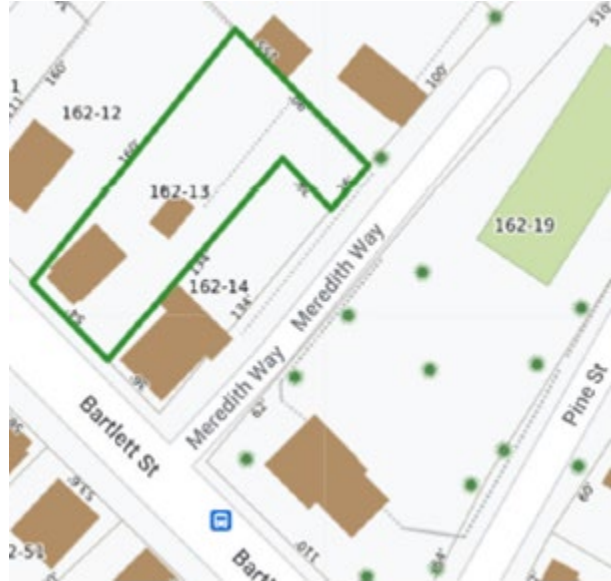
- A. – **Rev. 2** Plan Set – issued by Ross Engineering, LLC.
- B. Architectural Plan Set – issued by Charles Hoyt Designs.
- C. Site Photographs.
- D. Abutter Support Letters.
- E. Tax Map 162.

II. PROPERTY/PROJECT

303 Bartlett Street (Map 162 Lot 13) is 4,906 s.f. narrow, existing single-family house lot with 36 ft. of frontage on Bartlett Street belonging to Ginsberg (the “Property” or “Lot 13”). The Property contains a single-family home occupying an approximate 1,085 s.f. footprint, including porches and rear deck and a detached 251 s.f. garage. The home and rear deck encroach on the left side yard setback and garage is located 0.6 ft. from the right side boundary line. 295/299 Bartlett Street is a 4,802 s.f. corner lot with a long existing duplex belonging to Splaine (“Splaine Lot” or “Lot 14”). Ginsbergs purchased Lot 13 in 2021 and seek to expand their home to connect with a new garage increasing living area to accommodate their growing family (the “Ginsberg Project”). They worked with the Splaines, their direct abutter to come up with an acceptable garage addition. Ginsbergs then commissioned a survey which revealed that

the City Tax and GIS Maps incorrectly reflected the actual ownership of the land Ginsbergs, Splaines, and their respective predecessors had occupied for decades.

Below is the intersection of Bartlett Street and Meredith Way as depicted in the City's MapGeo GIS Mapping. Ginsberg's Lot (Lot 13) is outlined in green with Lot 14, belonging to Splaine on the right.



The zoomed in area of the preliminary survey reveals a light-blue, T-shaped parcel with 22.70 ft. of frontage on Bartlett vested in the Heirs of Martineau (See also **Exhibit A**):



Ginsbergs and Splaine have acquired title of the T-shaped parcel of land from the Heirs

of Martineau and now seek to divide it between their respective lots to reflect the historical usage of the T-shaped parcel, and accommodate the Ginsberg garage. Each lot will be rendered more conforming with respect lot size, lot size/dwelling unit and lot frontage as indicated below:

<u>Lot</u>	<u>Existing Lot Area/Frontage</u>	<u>Proposed Lot Area/Frontage</u>
Lot 13 (Ginsberg) (single family)	4, 906 s.f./36.00' on Bartlett	6,665 s.f./37.00' on Bartlett
<u>Lot 14 (Splaine)</u> <u>(duplex)</u>	4,802 s.f./36.00' on Bartlett, 134' on Meredith	8,640 s.f./57.70' on Bartlett and 160' on Meredith

This unique set of circumstances and the Ginsberg Project has been reviewed by City Staff who directed the Parties to apply to the ZBA for the required dimensional relief for the Ginsberg Project in advance of a Planning Board the T-Shaped parcel between the Parties' respective lots. Staff has opined that the following relief is required:

III. RELIEF REQUIRED:

<u>Variance Section/Requirement</u>	<u>Existing</u>	<u>Proposed</u>
<u>PZO §10.520/Table §10.521:</u> <u>Dimensional Standards</u> <u>10' Side Yard</u>	3.6'/7.0' house (left) 9.3' deck (left) 0.6' garage (right)	3.6/7.0'/10.8' house (left) 2.0' garage addition (right)
<u>PZO §10.520/Table §10.521:</u> <u>Dimensional Standards</u> <u>25% Building Coverage¹</u>	1,397 s.f. / 4,906 s.f. lot or 28.5%	1,810 s.f. / 6,665 s.f. lot Or 27.2%
<u>PZO §10.321</u> <u>Nonconforming Structures</u> <u>No expansion</u>	Remove existing 250 s.f. garage and construct addition with the setbacks and coverage proposed above.	

¹ We question whether zoning relief is required where the acquisition of the additional land, accommodates the new addition and reduces coverage compared to existing conditions. We include the request in an abundance of caution.

IV. OTHER PERMITS REQUIRED

- Planning Board Subdivision/Lot Line Adjustment
- Building Permit

V. VARIANCE REQUIREMENTS

- 1. The variances will not be contrary to the public interest.**
- 2. The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting a variance is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives". Id. "Mere conflict with the zoning ordinance is not enough". Id.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinance's basic zoning objectives". Malachy Glen, supra, also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality.... . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

Here, the Ginsberg and Splaine homes exist on very narrow lots with each family occupying a portion of a T-Shaped parcel located between the respective lots. The Project divides the T-Shaped parcel between the lots making each lot more conforming, as well as adding a garage addition for Ginsbergs. The area of the Ginsberg addition within the left side yard is essentially in the same location as the existing rear deck. The right-side yard setback to the garage increases to 2 ft. from approximately half a foot. All abutters approve of the proposal. **(Exhibit D)**. The acquisition of the T-shaped parcel and the construction of Ginsberg's garage addition will neither "alter the essential character of the locality nor threaten the public health, safety or welfare."

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

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, L.L.C., 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice”. Malachy Glen, supra at 109. Ginsbergs are constitutionally entitled to the use of the lot as they see fit; including redevelopment of the Property for a permitted single-family home with an incorporated garage, fully zoning compliant except for lot size which cannot be changed. “The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). “Property” in the constitutional sense has been interpreted to mean not the tangible property itself, but rather the right to possess, use, enjoy and dispose of it. Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (emphasis added). The Supreme Court has held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

Because the proposed addition matches existing conditions on the left side and increases the right-side yard setback, there is no benefit to the public from denying the variances. In comparison, Ginsbergs will suffer great harm because they will be unable to construct a garage addition with the assent of Splaine and all other abutters. Splaine and Ginsbergs will suffer great harm because they will be unable to present the Subdivision application to the Planning Board which will increase their respective lots. Clearly, there is no benefit to public outweighing the hardship to the applicant if the variances are denied.

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

Ginsbergs have taken great pains to consult each abutter obtaining assent from all. Many homes in this neighborhood are constructed on small lots with homes or garages located in the side or rear yard setback. **(Exhibit E)**. The proposed addition will improve the functionality of

the Ginsberg home, while the subsequent subdivision will increase the side of both Parties' respective lots improving zoning compliance. Under these circumstances, it is clear that granting a variance for a garage addition with a greater right-side setback than then existing garage will not diminish surrounding property values.

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

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

At 4,906 s.f., the Ginsberg Property is significantly less than the required lot size and lot area per dwelling unit requirement of 7,500 s.f., Application of the 10 ft. side yard setback to the lot (36 ft. wide at the front increasing to 40 ft. at the rear) results in a building envelope only 16-20 ft. wide. These circumstances combine to create special conditions and drives the request for side yard setback relief. Ginsberg's existing home, if built today, would require similar relief. Splaines' existing lot conforms to frontage requirements, but its present size is even less conforming than Ginsbergs' given the long-existing duplex. Here, both lots will be increased in size and become more conforming, with the Ginsberg lot increasing to 6,665 s.f. gaining a larger backyard. The Splaine lot will reach a conforming lot size of 8,640 s.f. and retain the parking needed to accommodate the duplex.

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

Yard setbacks exist to promote air, light, separation between neighbors and to provide space for stormwater treatment. The existing garage is 0.6 ft. from the existing lot line and pitched to shed 50% of its stormwater very close to the existing lot line. Proposed conditions increase the distance the abutting lot and the roof sheds water toward the front and rear of the Ginsberg Lot, including onto a proposed pervious patio area which can infiltrate stormwater. Because the proposal improves over existing conditions, the purposes of these regulations are met, so there is no reason to apply the strict side setback requirements of the zoning ordinance.

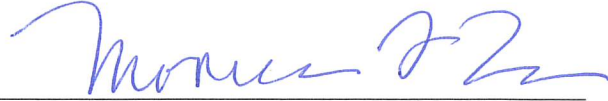
c. The proposed use is reasonable.

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 N.H. 747 (2005). Proposed is an addition to improve live-ability of a modest single-family home in the GRA District accompanied by a Subdivision of land long utilized and now owned by Ginsbergs and Splaines. Accordingly, the use is reasonable.

VI. CONCLUSION

For all of the reasons stated, Ginsbergs and Splaine respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested relief and allow this matter to proceed to the Planning Board.

Respectfully submitted,
Caleb & Samantha Ginsberg
Peter & Donna Splaine

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

By: R. Timothy Phoenix
Monica F. Kieser

LEGEND

- ◆ MONUMENT TO BE SET
- MONUMENT FOUND
- ⊕ UTILITY POLE
- FENCE
- VERTICAL GRANITE CURB
- WATER
- SEWER
- DRAIN

SEE NOTE 2



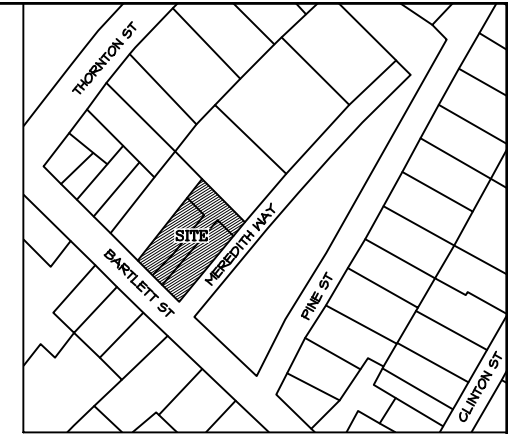
NOTES

- 1) OWNERS OF RECORD:
 CALEB E. & SAMANTHA L. GINSBERG
 TAX MAP 162, LOT 13
 303 BARTLETT ST
 PORTSMOUTH, NH 03801
 RCRD: 6256-0911
 AREA: 4,906 SF, 0.11 ACRES

 PETER D. & DONNA D. SPLAINE
 TAX MAP 162, LOT 14
 299 BARTLETT ST
 PORTSMOUTH, NH 03801
 RCRD: 3429-1079
 AREA: 4,802 SF, 0.11 ACRES

 PARCEL A WAS CONVEYED TO CALEB GINSBERG, SAMANTHA GINSBERG, PETER SPLAINE, & DONNA SPLAINE BY THE FOLLOWING DEEDS RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS: 6493-1116, 6493-1118, 6493-1120, 6493-1122, 6493-1124, 6493-1126.

 PARCEL A AREA: 5,598 SF, 0.13 ACRES
- 2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.
- 3) PARCEL IS IN GENERAL RESIDENCE A (GRA) ZONE:
 MINIMUM LOT AREA.....7,500 SF
 MIN. LOT AREA PER DWELLING UNIT.....7,500 SF
 MINIMUM FRONTAGE.....100 FT
 MINIMUM DEPTH.....70 FT
 SETBACKS:
 FRONT.....15 FT
 SIDE.....10 FT
 REAR.....20 FT
 MAXIMUM BUILDING HEIGHT:
 SLOPED ROOF.....35 FT
 FLAT ROOF.....30 FT
 MAXIMUM BUILDING COVERAGE.....25%
 MINIMUM OPEN SPACE.....30%
- 4) THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0259F, PANEL 259 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.
- 5) THE TAX MAP DOES NOT MATCH THE DEED DESCRIPTIONS. IT WOULD APPEAR THAT OVER TIME THE REMAINING MARTINEAU PARCEL "PARCEL A" WAS NOT INCLUDED IN THE TAX MAPS.
 TIMELINE OF EVENTS:
 DEED YEAR
 1727-190 - 1919 - MARTINEAU IS GRANTED A PARCEL APPROXIMATELY 160'x90'
 1048-193 - 1946 - MARTINEAU GRANTS TOSI A PARCEL AT THE CORNER, 36'x134'x36'x134' (LOT 14 ON TAX MAP)
 1121-111 - 1948 - MARTINEAU GRANTS TOSI ANOTHER PARCEL, 36 FEET OF FRONTAGE ON BARTLETT, 124 FEET LONG
 1121-113 - 1948 - TOSI GRANTS BACK TO MARTINEAU THE CORNER PARCEL (1048-193), BOTH 1948 DEEDS ARE GIVEN TO CORRECT THE DESCRIPTION IN THE 1946 DEED
 PROBATE #46632 - 1964 DEATH OF JULIA MARTINEAU, WILL PASSES LAND ON TO HEIRS.
 6493-1116 TO 6493-1126 - 2023 - HEIRS OF MARTINEAU GRANT PARCEL A TO THE GINSBERGS AND SPLAINES.



LOCUS PLAN N.T.S.

REFERENCE PLANS

- 1) "TAX MAP 162 LOT 16 EXISTING CONDITIONS PLAN 2 LOT SUBDIVISION 77 MEREDITH WAY PORTSMOUTH, NEW HAMPSHIRE" BY TFM. DATED JULY 1, 2022. NOT RECORDED
- 2) "LOT LINE REVISION PINE STREET PORTSMOUTH, NEW HAMPSHIRE FOR JOYCE M. MAYO & CITY OF PORTSMOUTH" BY DURGIN, VERRA AND ASSOCIATES, INC. DATED JUNE 9, 1993. RCRD D-22643
- 3) "STREET PLAT OF SPARHAWK, BURKITT, STARK, CLINTON, AND PINE STREETS IN PORTSMOUTH, NEW HAMPSHIRE" BY JOHN W. DURGIN. DATED JULY 1980. FILE NO. 1080D, PLAN NO. 5874-SP. NOT RECORDED.

EXHIBIT A - Rev. 2

NO	DATE	REVISIONS
5	8/1/2023	REVISIONS
4	7/26/2023	ZBA SUBMITTAL
3	6/15/2023	PRELIMINARY
2	5/11/2023	PRELIMINARY

ISS: DATE DESCRIPTION OF ISSUE
 SCALE 1" = 20'
 CHECKED: A.ROSS
 DRAWN: D.D.D.
 CHECKED:

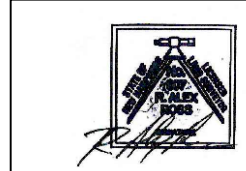
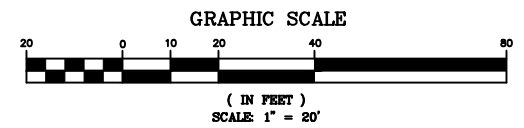
ROSS ENGINEERING, LLC
 Civil/Structural Engineering & Surveying
 909 Kingston St.
 Portsmouth, NH 03801
 (603) 433-7560

CLIENT
 CALEB E. & SAMANTHA L. GINSBERG
 303 BARTLETT ST
 PORTSMOUTH, NH 03801
 TITLE

EXISTING CONDITIONS

303 BARTLETT ST
 PORTSMOUTH, NH 03801
 TAX MAP 162, LOT 13

JOB NUMBER	DWG. NO.	ISSUE
22-041	1 OF 3	5



LENGTH TABLE

	BEARING	DISTANCE
L1	S 44°52'12" E	4.99'
L2	N 44°52'12" W	1.55'

LOT AREAS

	EXISTING AREA	CHANGE IN AREA	PROPOSED AREA
LOT 13	4,906 S.F.	+ 1,759 S.F.	6,665 S.F.
LOT 14	4,802 S.F.	+ 3,838 S.F.	8,640 S.F.

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 299 BARTLETT ST
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2) PARCEL IS IN GENERAL RESIDENCE A (GRA) ZONE:
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 MIN. LOT AREA PER DWELLING UNIT.....7,500 SF
 MINIMUM FRONTAGE.....100 FT
 MINIMUM DEPTH.....70 FT
 SETBACKS:
 FRONT.....15 FT
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 MAXIMUM BUILDING HEIGHT:
 SLOPED ROOF.....35 FT
 FLAT ROOF.....30 FT
 MAXIMUM BUILDING COVERAGE.....25%
 MINIMUM OPEN SPACE.....30%

3) GIS COORDINATES

	NORTHING	EASTING
A - SW CORNER LOT 13	210251.6108	1222455.2493
B - SE CORNER LOT 14	210190.8394	1222522.4010

LEGEND

- ◆ MONUMENT TO BE SET
- MONUMENT FOUND
- ⊕ UTILITY POLE
- FENCE
- VERTICAL GRANITE CURB
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- DRAIN

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 L. GINSBERG
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TITLE
**LOT LINE
 ADJUSTMENT
 PLAN**
 303 BARTLETT ST
 PORTSMOUTH, NH 03801
 TAX MAP 162, LOT 13

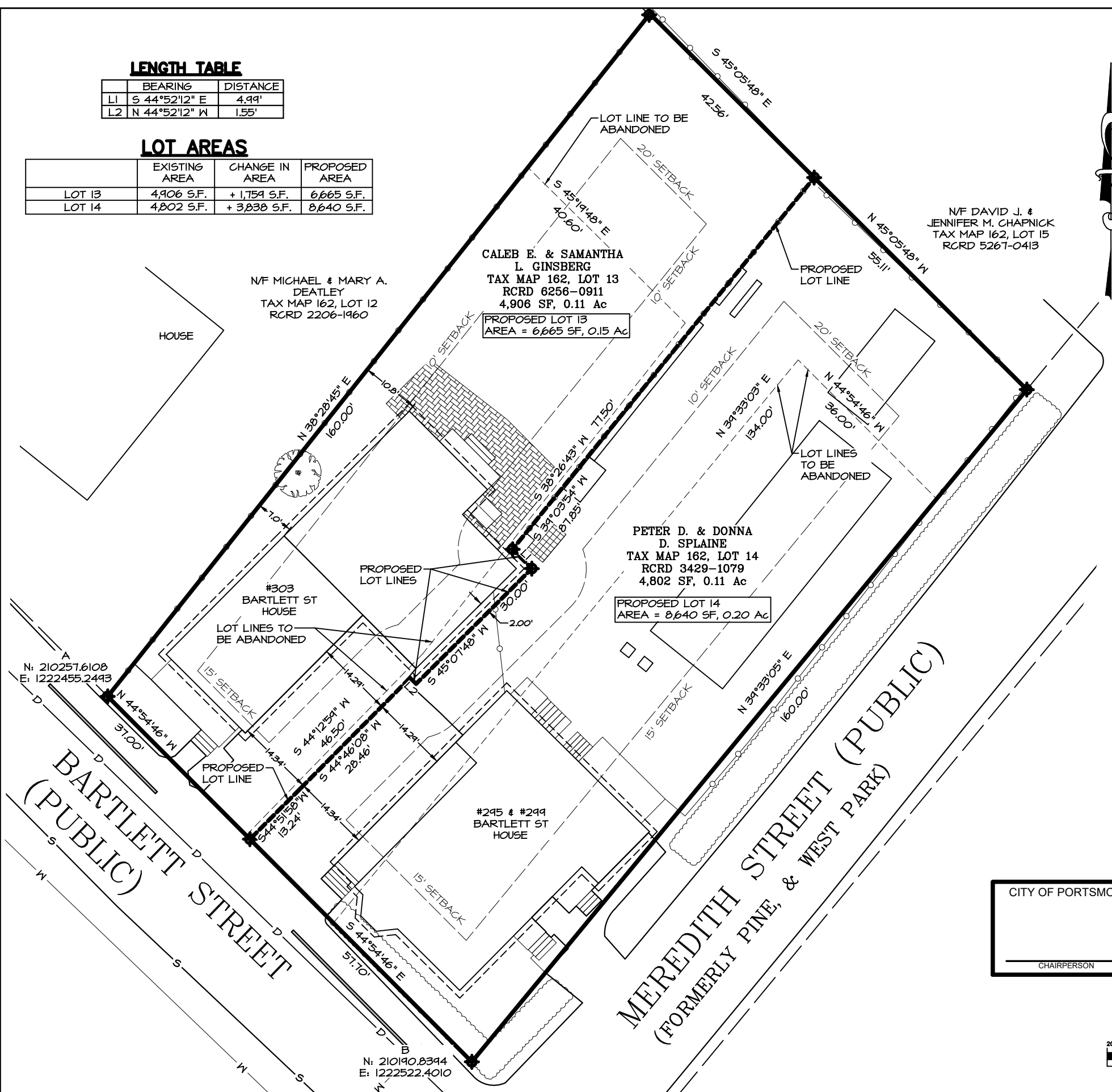
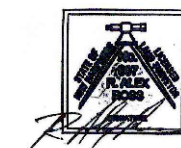
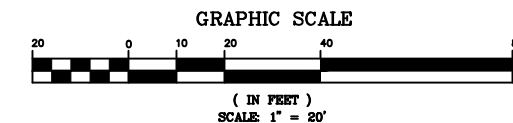
JOB NUMBER	DWG. NO.	ISSUE
22-041	2 OF 3	5

I ALEX ROSS, HEREBY CERTIFY:
 A) THAT THIS SURVEY PLAT WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.
 B) THIS PLAN IS A RESULT OF FIELD SURVEY PERFORMED BY DDD, & ICA DURING JULY OF 2022. THE ERROR OF CLOSURE IS BETTER THAN 1/15,000. SURVEY PER NHLSA STANDARDS; CATEGORY 1, CONDITION 1.

CITY OF PORTSMOUTH PLANNING BOARD

CHAIRPERSON _____ DATE _____

R. ALEX ROSS _____ DATE _____



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L1	S 44°52'12" E	4.99'
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LOT AREAS

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 SETBACKS:
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 SIDE.....10 FT
 REAR.....20 FT
 MAXIMUM BUILDING HEIGHT:
 SLOPED ROOF.....35 FT
 FLAT ROOF.....30 FT
 MAXIMUM BUILDING COVERAGE.....25%
 MINIMUM OPEN SPACE.....30%
- #303 BARTLETT ST, LOT 13 COVERAGES**
BUILDING COVERAGE
 EXISTING
 HOUSE.....692 SF
 PORCH/DECK.....434 SF
 GARAGE.....251 SF
 STAIRS > 18".....20 SF
 COVERAGE 1397 SF/4906 SF = 28.5%

PROPOSED
 HOUSE.....628 SF
 PORCH/DECK.....134 SF
 ADDITION.....1,024 SF
 BULKHEAD.....20 SF
 STAIRS > 18".....4 SF
 COVERAGE 1810 SF/6665 SF = 27.2%

OPEN SPACE
 EXISTING
 BUILDING COVERAGE.....1,397 SF
 GRAVEL.....120 SF
 ASPHALT.....798 SF
 PAVERS.....4 SF
 STAIRS < 18".....44 SF
 LOT COVERAGE 2363 SF/4906 SF = 48.2%
 OPEN SPACE = 100% - 48.2% = 51.8%

PROPOSED
 BUILDING COVERAGE.....1,810 SF
 ASPHALT.....632 SF
 PERVIOUS PAVER PATIO.....344 SF
 STAIRS < 18".....22 SF
 LOT COVERAGE 2808 SF/6665 SF = 42.1%
 OPEN SPACE = 100% - 42.1% = 57.9%
- #295 & #299 BARTLETT ST, LOT 14 COVERAGES**
BUILDING COVERAGE
 EXISTING
 HOUSE.....1,324 SF
 PORCH/DECK.....183 SF
 STAIRS > 18".....33 SF
 COVERAGE 1540 SF/4802 SF = 32.1%

PROPOSED
 HOUSE.....1,375 SF
 PORCH/DECK.....341 SF
 SHED.....4 SF
 STAIRS > 18".....47 SF
 COVERAGE 1767 SF/8640 SF = 20.5%

OPEN SPACE
 EXISTING
 BUILDING COVERAGE.....1,540 SF
 TARPED SHED.....1 SF
 ASPHALT.....88 SF
 CONCRETE.....15 SF
 STAIRS < 18".....32 SF
 LOT COVERAGE 1676 SF/4802 SF = 34.9%
 OPEN SPACE = 100% - 34.9% = 65.1%

PROPOSED
 BUILDING COVERAGE.....1,767 SF
 TARPED SHED.....185 SF
 ASPHALT.....698 SF
 CONCRETE.....15 SF
 PATIO.....26 SF
 STAIRS < 18".....41 SF
 LOT COVERAGE 2732 SF/8640 SF = 31.6%
 OPEN SPACE = 100% - 31.6% = 68.4%
- GIS COORDINATES**
 NORTHING EASTING
 A - SW CORNER LOT 13 210257.6108 1222455.2493
 B - SE CORNER LOT 14 210190.8394 1222522.4010

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- UTILITY POLE
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1	ISS. DATE	DESCRIPTION OF ISSUE

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CHECKED A.ROSS

DRAWN D.D.D.

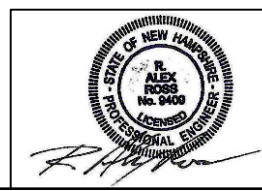
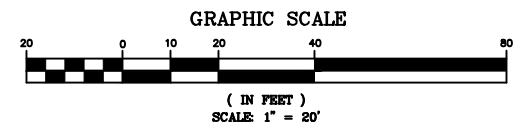
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TITLE
SITE PLAN
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 PORTSMOUTH, NH 03801
 TAX MAP 162, LOT 13

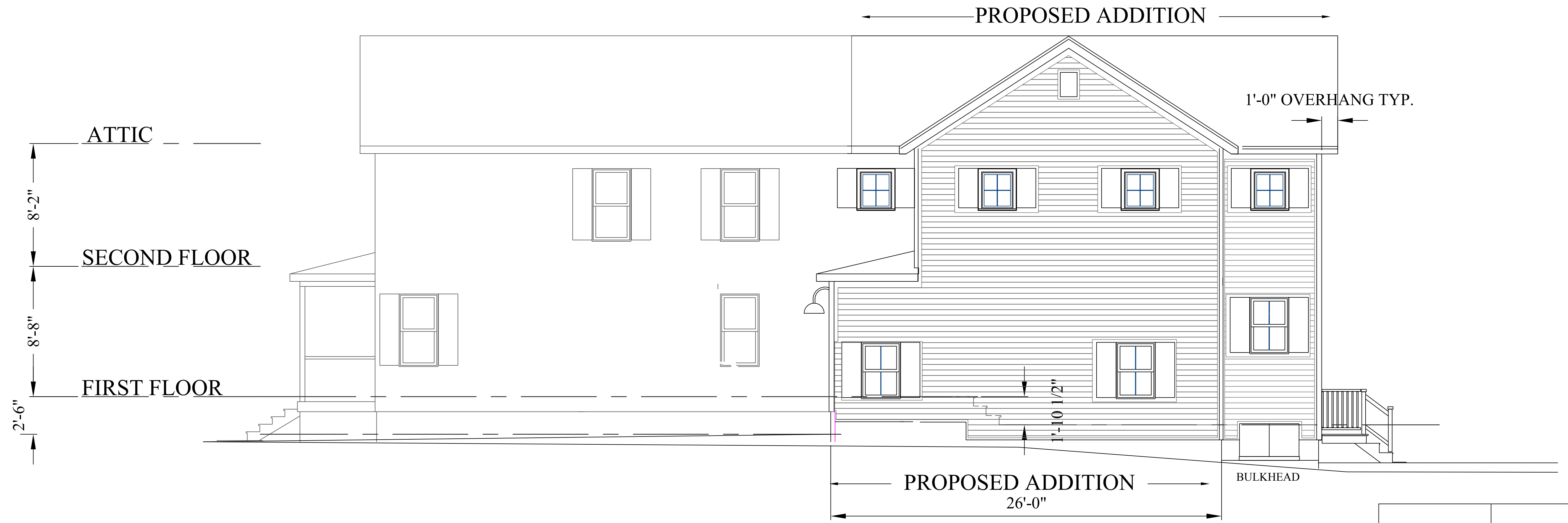
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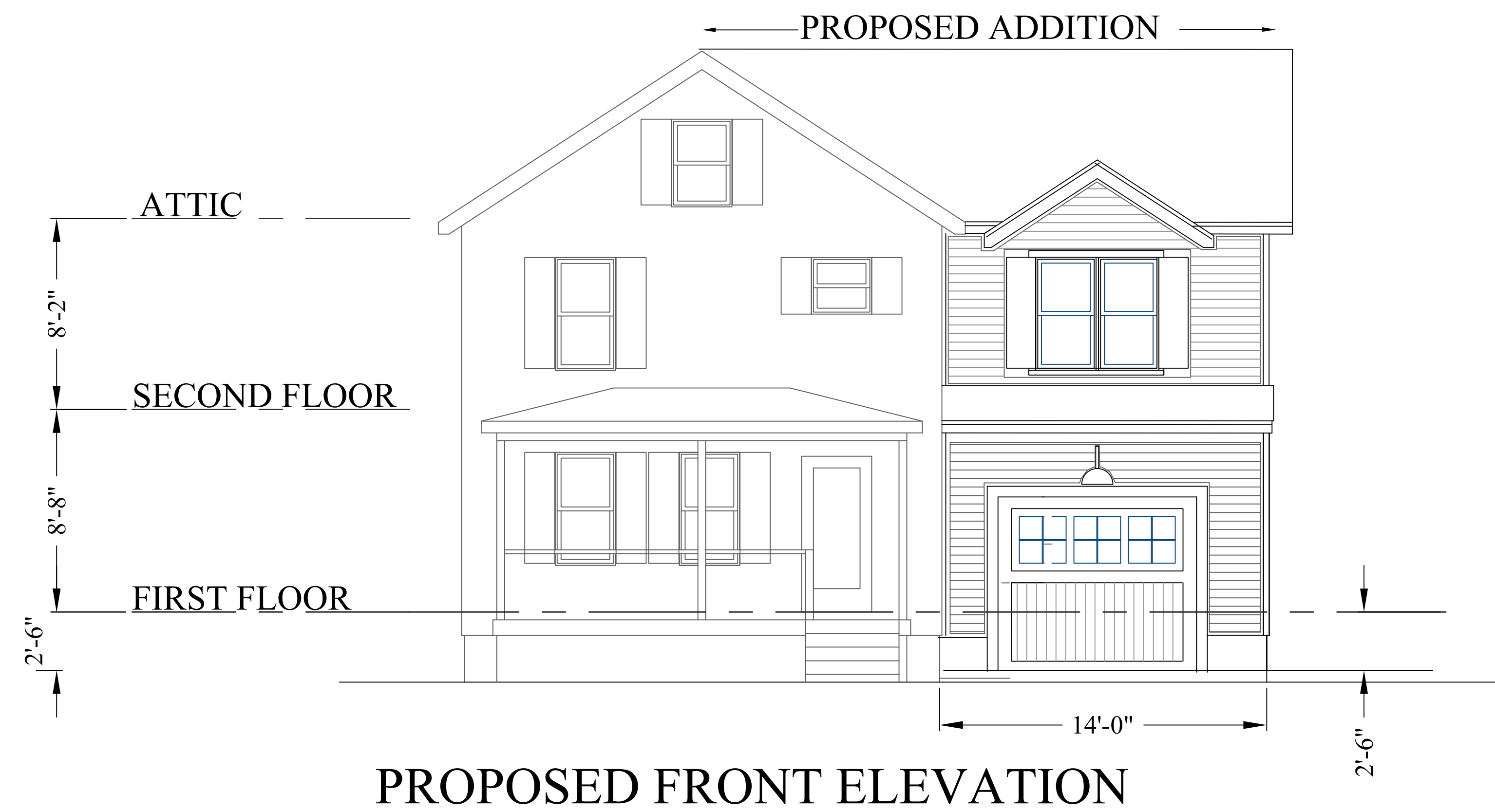


ADDITION AND RENOVATIONS TO THE GINSBERG RESIDENCE

INDEX		303 BARTLETT STREET PORTSMOUTH, NH	COVER SHEET
A0	COVER SHEET		
A1	PROPOSED FRONT & RIGHT ELEVATIONS		
A2	PROPOSED LEFT & REARELEVATIONS		
A3	PROPOSED 1ST & 2ND FLOOR PLANS		
E1	EXISTING PLANS		
E2	EXISTING ELEVATIONS		
SQUARE FOOT CALCULATIONS			
EXISTING 1ST FLOOR SQ. FT.: 680 EXISTING 2ND FLOOR SQ.FT.: 620 PROPOSED 1ST FLOOR SQ. FT.: 660 PROPOSED 2ND FLOOR SQ.FT.: 958 COMBINED EXISTING & PROPOSED 1ST FLOOR SQ. FT.: 1340 COMBINED EXISTING & PROPOSED 2ND FLOOR SQ. FT.: 1578 EXISTING GARAGE SQ FT.: 250 PROPOSED GARAGE SQ FT.: 364			
<div style="border: 1px solid black; padding: 5px; margin-bottom: 10px;"> <p style="text-align: center; margin: 0;">LEGEND</p> <p>EXISTING </p> <p>DEMO. </p> <p>PROPOSED </p> <p>1 HOUR FIRE RATED WALL </p> </div>			



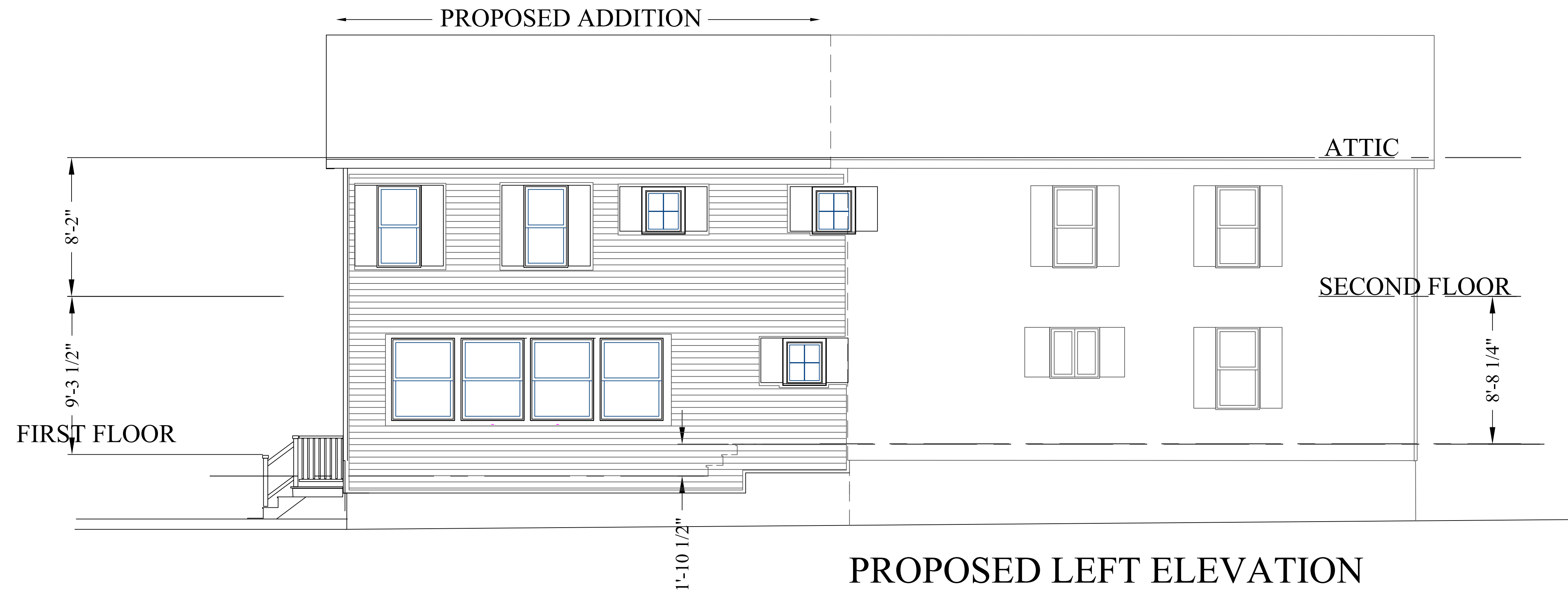
PROPOSED RIGHT ELEVATION



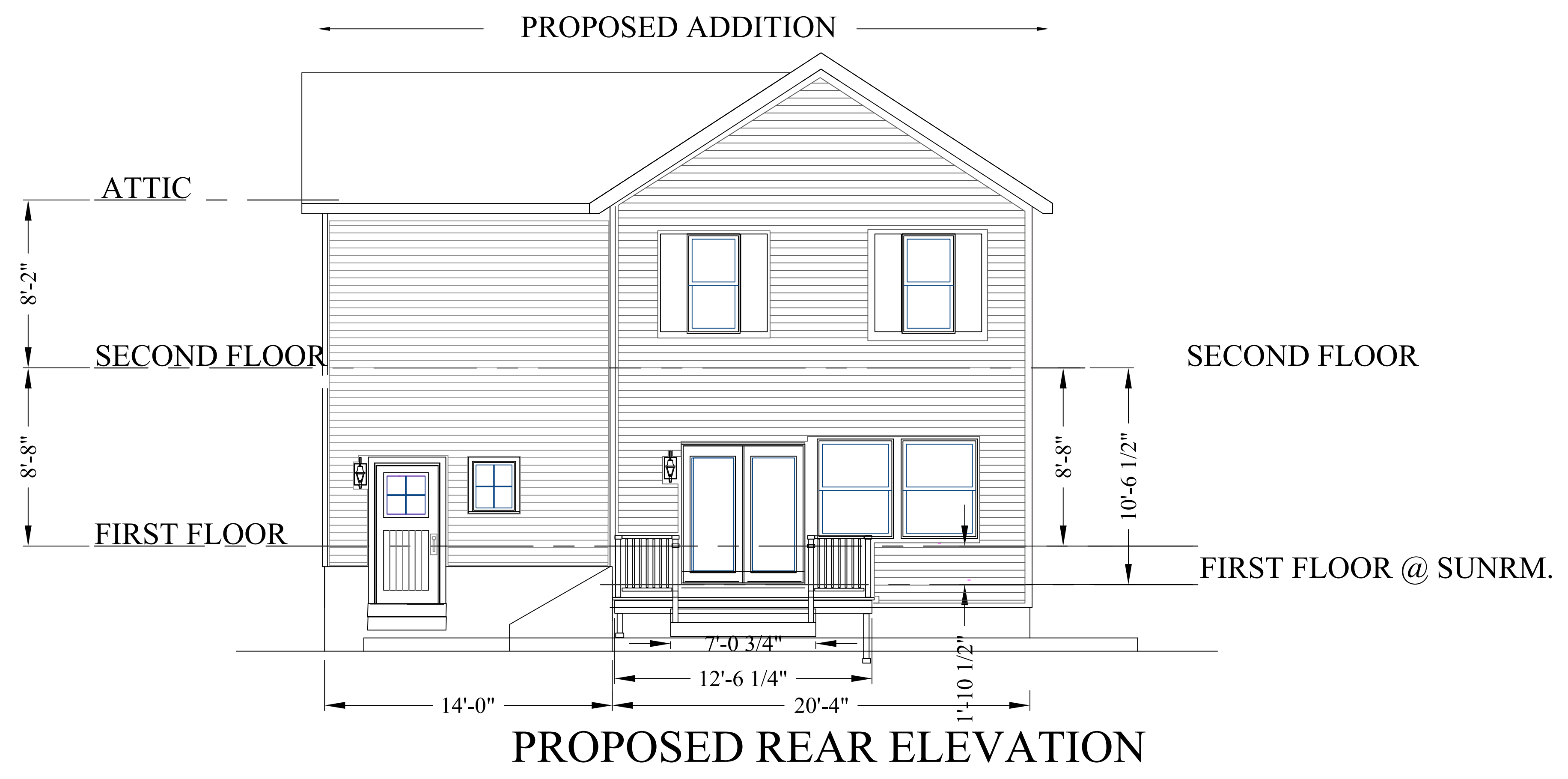
PROPOSED FRONT ELEVATION

ZBA SET

<p>303 BARTLETT STREET PORTSMOUTH, NH</p>	<p>PROPOSED FRONT & RIGHT ELEVATIONS SCALE: 1/4"=1'-0" on 24" x 36" SCALE: 1/8"=1'-0" on 11" x 17"</p>
<p>CHARLES HOYT DESIGNS Shingle Style Architecture P.O. BOX 526 Beach, NH 02871 (603) 872-8016 charshoytdesigns@barrmail.com</p>	<p>7-19-23 A1</p>



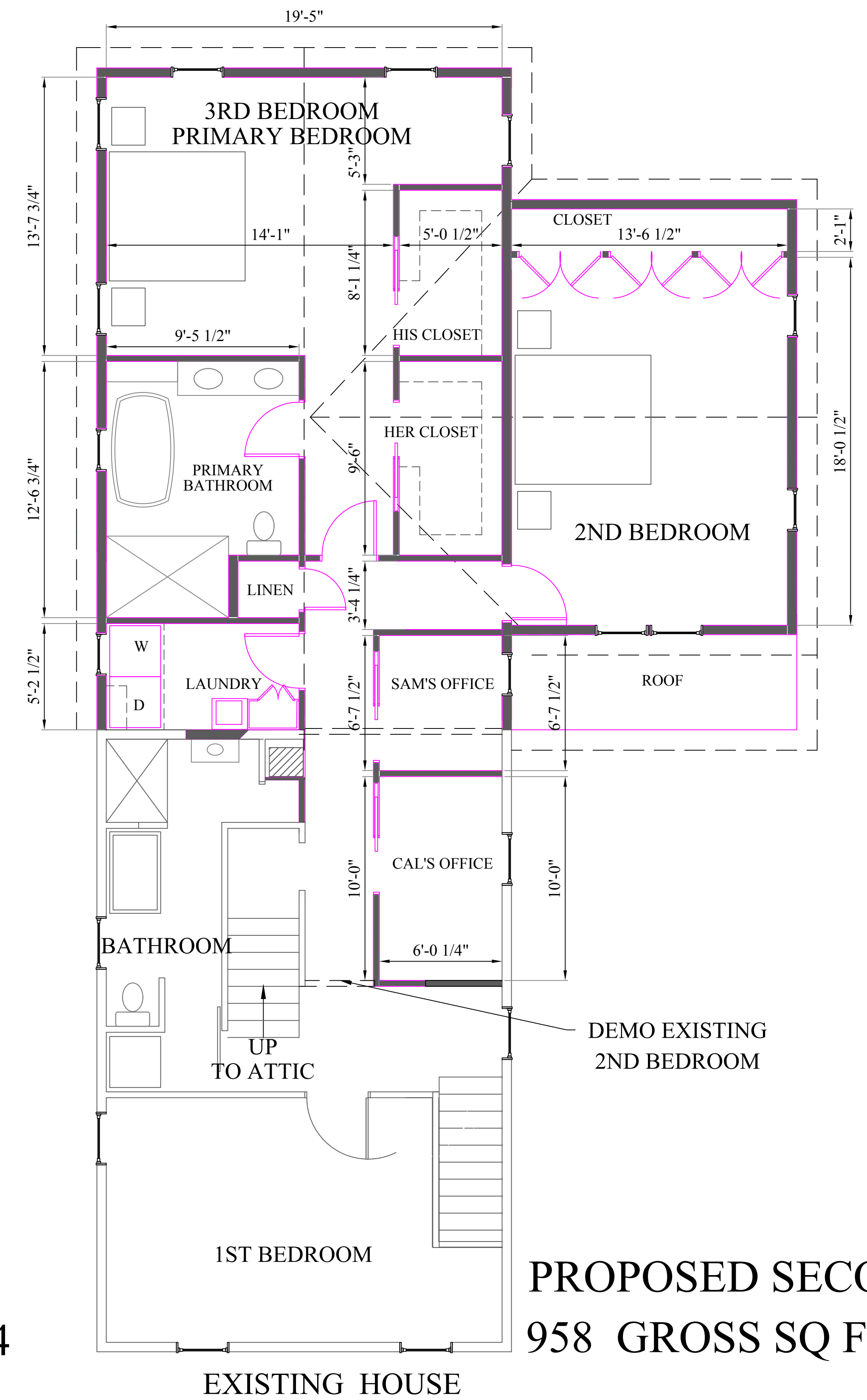
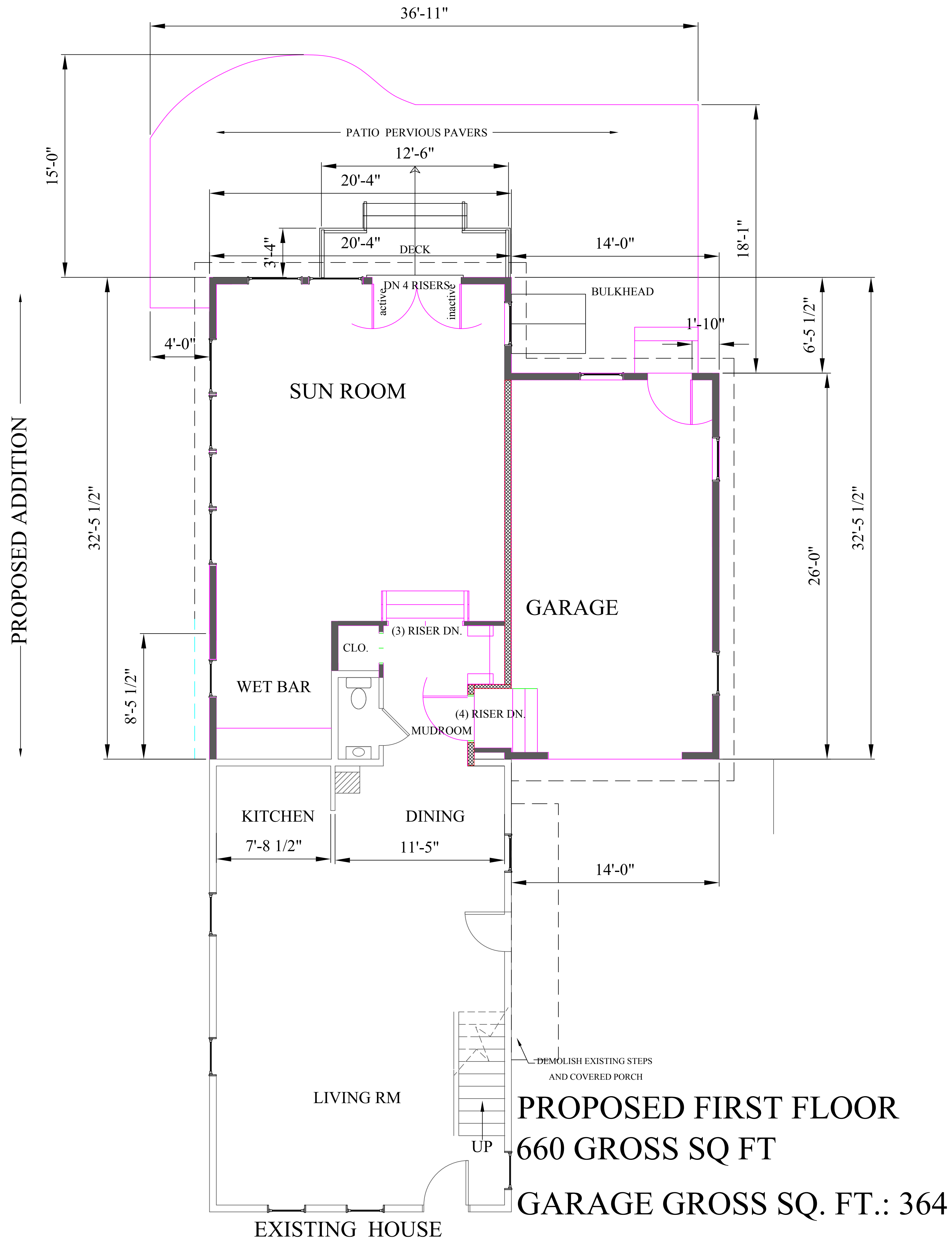
PROPOSED LEFT ELEVATION



PROPOSED REAR ELEVATION

ZBA SET

<p>303 BARTLETT STREET PORTSMOUTH, NH</p>	<p>PROPOSED LEFT & REARELEVATIONS SCALE: 1/4"=1'-0" on 24" x 36" SCALE: 1/8"=1'-0" on 11" x 17"</p>
<p>CHARLES HOYT DESIGNS Shingle Style Architecture P.O. BOX 526 Beach, NH 03871 (603) 812-8016 charleshoymdesigns@hotmail.com</p>	<p>A2 7-19-23</p>



ZBA SET

<p>303 BARTLETT STREET PORTSMOUTH, NH</p>	
<p>PROPOSED FLOOR PLANS SCALE: 1/4"=1'-0" on 24" x 36" SCALE: 1/8"=1'-0" on 11" x 17"</p>	
<p>CHARLES HOYT DESIGNS Single Style Architecture P.O. BOX 526 Beach, NH 03871 (603) 812-8016 charleshoytdesigns@hotmail.com</p>	<p>A3</p>
<p>7-19-23</p>	

ATTIC
8'-2"
SECOND FLOOR
8'-8"
FIRST FLOOR



EXISTING LEFT ELEVATION

ATTIC
8'-2"
SECOND FLOOR
8'-8"
FIRST FLOOR

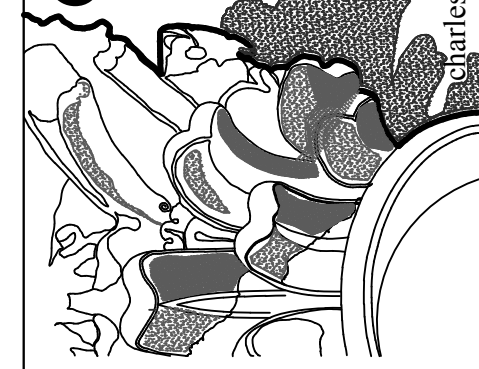


EXISTING REAR ELEVATION



EXISTING FRONT ELEVATION

ZBA SET

<p>303 BARTLETT STREET PORTSMOUTH, NH</p>	<p>EXISTING ELEVATIONS SCALE: 1/4"=1'-0" on 24" x 36" SCALE: 1/8"=1'-0" on 11" x 17"</p>
<p>CHARLES HOYT DESIGNS Shingle Style Architecture P.O. BOX 526 Beach, NH 03871 (603) 812-8016 charleshoymail.com</p> 	<p>7-19-23 E2</p>



Imagery ©2023 Google, Imagery ©2023 Airbus, Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, Map data ©2023 50 ft



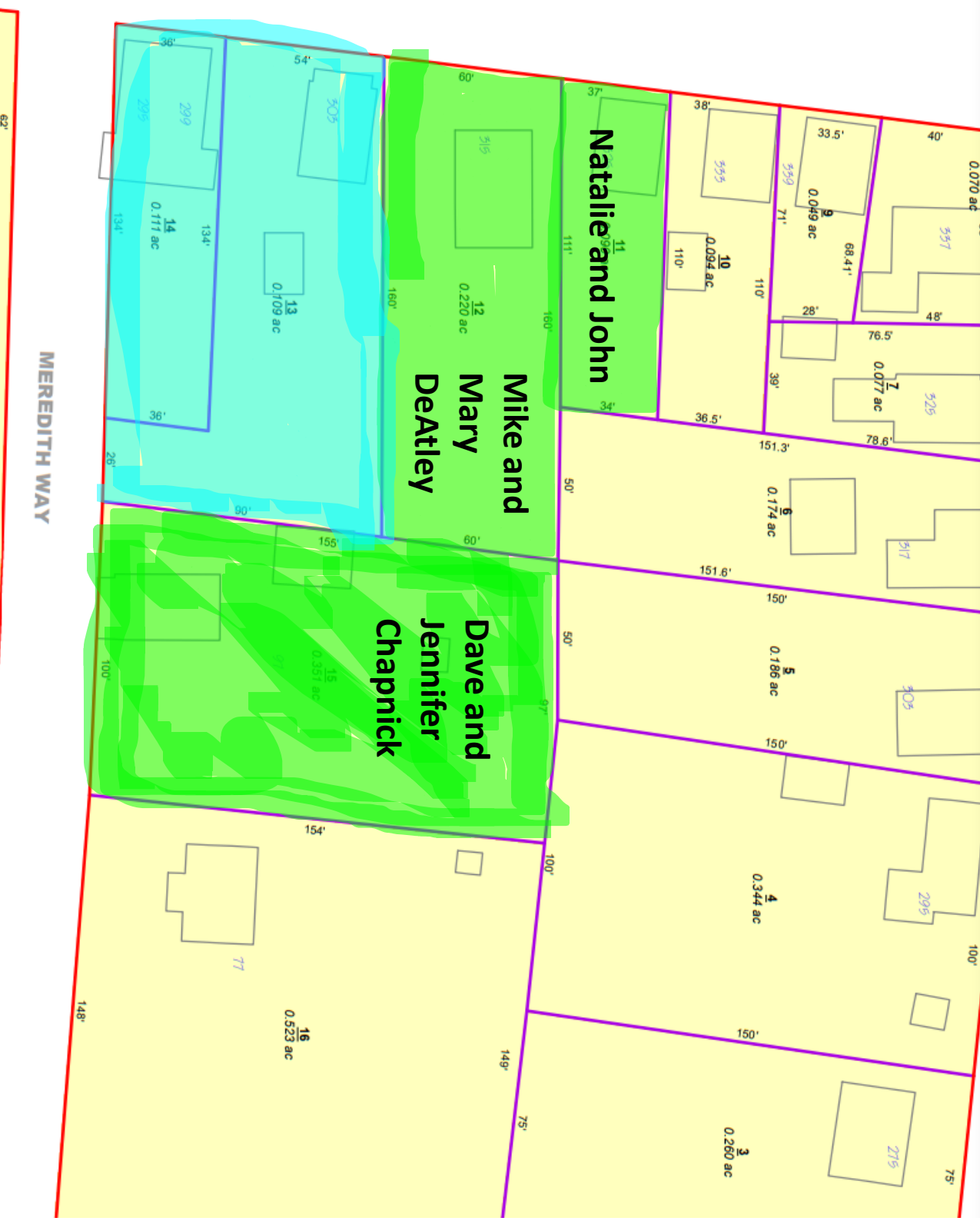
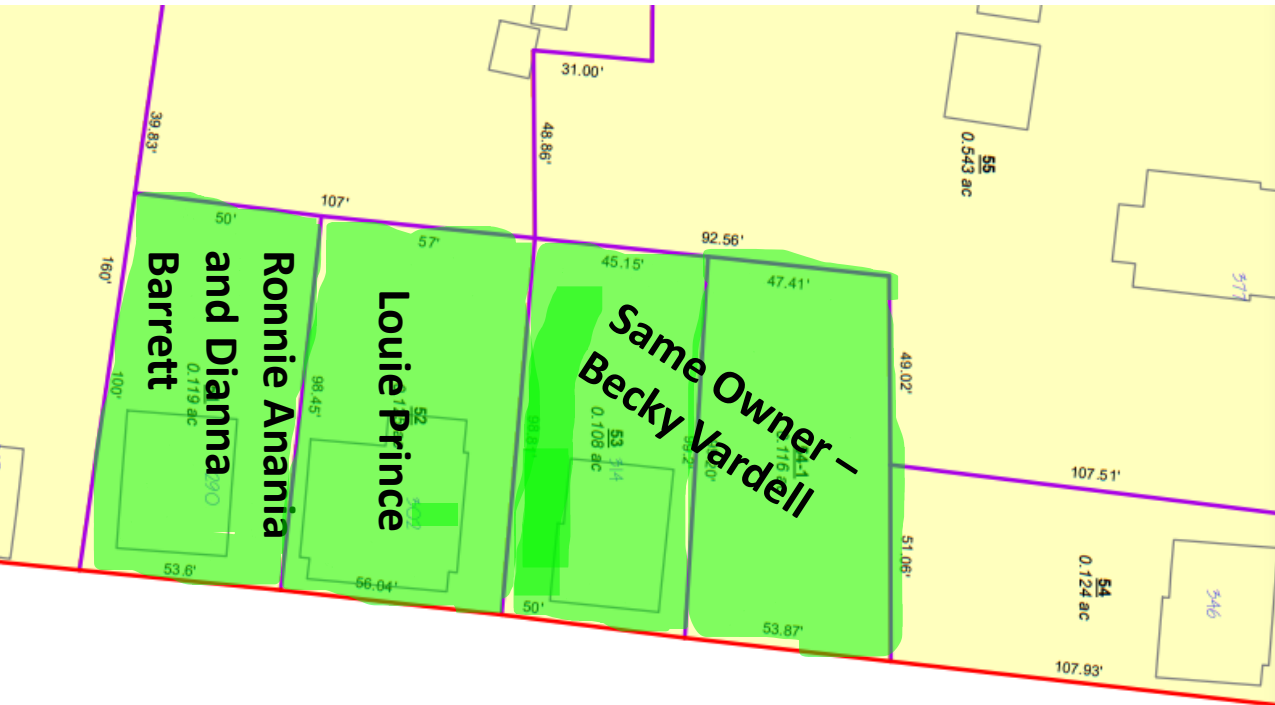
A two-story house with dark blue horizontal siding and a white gabled roof. The house features a front porch with white columns and a wooden door. There are three windows on the second floor, each with light-colored wooden shutters. A white SUV is parked in the driveway.


A two-story white house with a grey roof and a prominent brick chimney. It has a wide porch with a wooden railing and lattice work underneath. The house has several windows on both floors.

A circular manhole cover with the word "WATER" embossed on it, located in the foreground on the asphalt road.

299

303



 = Signed Letters of Approval

 = Our Properties

July 2023

Re: Abutter Support of Lot Line Adjustment and Home Addition Project (299/303 Bartlett Street)

To Whom It May Concern,

We are Portsmouth residents and homeowners currently living at 290 Bartlett Street. Our property abuts 299 and 303 Bartlett Street (directly across Bartlett Street from 299). We have been informed as to the details of the proposed (1) lot line adjustment between the Splaine and Ginsberg residences at 299 and 303 Bartlett Street, and (2) home addition project the Ginsberg family is planning at 303 Bartlett Street. We offer this letter to confirm our full support of both proposals. We think that both the lot line adjustment and the Ginsberg's home addition project are in the best interest of the neighborhood at large.

Thanks very much your time and consideration of our perspective. Please let us know if you have any questions or concerns.

Sincerely,

D Barrett Ronald Anania

Dianna Barrett & Ronald Anania
290 Bartlett Street
Portsmouth, New Hampshire 03801

July 2023

Re: Abutter Support of Lot Line Adjustment and Home Addition Project (299/303 Bartlett Street)

To Whom It May Concern,

We are Portsmouth residents and homeowners currently living at 325 Bartlett Street. Our property indirectly abuts 299 and 303 Bartlett Street (we are two doors down from 303). We have been informed as to the details of the proposed (1) lot line adjustment between the Splaine and Ginsberg residences at 299 and 303 Bartlett Street, and (2) home addition project the Ginsberg family is planning at 303 Bartlett Street. We offer this letter to confirm our full support of both proposals. We think that both the lot line adjustment and the Ginsberg's home addition project are in the best interest of the neighborhood at large.

Thanks very much your time and consideration of our perspective. Please let us know if you have any questions or concerns.

Sincerely,



Natalie & John
325 Bartlett Street
Portsmouth, New Hampshire 03801

July 2023

Re: Abutter Support of Lot Line Adjustment and Home Addition Project (299/303 Bartlett Street)

To Whom It May Concern,

We are Portsmouth residents and homeowners currently living at 315 Bartlett Street. Our property directly abuts 303 Bartlett Street. We have been informed as to the details of the proposed (1) lot line adjustment between the Splaine and Ginsberg residences at 299 and 303 Bartlett Street, and (2) home addition project the Ginsberg family is planning at 303 Bartlett Street. We offer this letter to confirm our full support of both proposals. We think that both the lot line adjustment and the Ginsberg's home addition project are in the best interest of the neighborhood at large.

Thanks very much your time and consideration of our perspective. Please let us know if you have any questions or concerns.

Sincerely,

Michael and Mary Ann DeAtley
15 Bartlett Street
Portsmouth, New Hampshire 03801



July 2023

Re: Abutter Support of Lot Line Adjustment and Home Addition Project (299/303 Bartlett Street)

To Whom It May Concern,

We are Portsmouth residents and homeowners currently living at 97 Meredith Way. Our property directly abuts 299 and 303 Bartlett Street. We have been informed as to the details of the proposed (1) lot line adjustment between the Splaine and Ginsberg residences at 299 and 303 Bartlett Street, and (2) home addition project the Ginsberg family is planning at 303 Bartlett Street. We offer this letter to confirm our full support of both proposals. We think that both the lot line adjustment and the Ginsberg's home addition project are in the best interest of the neighborhood at large.

Thanks very much your time and consideration of our perspective. Please let us know if you have any questions or concerns.

Sincerely,

DocuSigned by:

David Chapnick

David & Jennifer Chapnick

97 Meredith Way

Portsmouth, New Hampshire 03801

July 2023

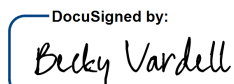
Re: Abutter Support of Lot Line Adjustment and Home Addition Project (299/303 Bartlett Street)

To Whom It May Concern,

I am a Portsmouth resident and homeowner currently living at 314 Bartlett Street. My property abuts 299 and 303 Bartlett Street (I am directly across Bartlett Street from 303). I have been informed as to the details of the proposed (1) lot line adjustment between the Splaine and Ginsberg residences at 299 and 303 Bartlett Street, and (2) home addition project the Ginsberg family is planning at 303 Bartlett Street. I offer this letter to confirm my full support of both proposals. I think that both the lot line adjustment and the Ginsberg's home addition project are in the best interest of the neighborhood at large.

Thanks very much your time and consideration of my perspective. Please don't hesitate to reach out with any questions or concerns.

Sincerely,

DocuSigned by:

Becky Vardell

314 Bartlett Street
Portsmouth, NH 03801

July 2023

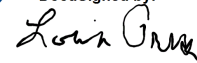
Re: Abutter Support of Lot Line Adjustment and Home Addition Project (299/303 Bartlett Street)

To Whom It May Concern,

I am a Portsmouth resident and homeowner currently living at 302 Bartlett Street. My property abuts 299 and 303 Bartlett Street (I am directly across Bartlett Street from 303 and 299). I have been informed as to the details of the proposed (1) lot line adjustment between the Splaine and Ginsberg residences at 299 and 303 Bartlett Street, and (2) home addition project the Ginsberg family is planning at 303 Bartlett Street. I offer this letter to confirm my full support of both proposals. I think that both the lot line adjustment and the Ginsberg's home addition project are in the best interest of the neighborhood at large.

Thanks very much your time and consideration of my perspective. Please don't hesitate to reach out with any questions or concerns.

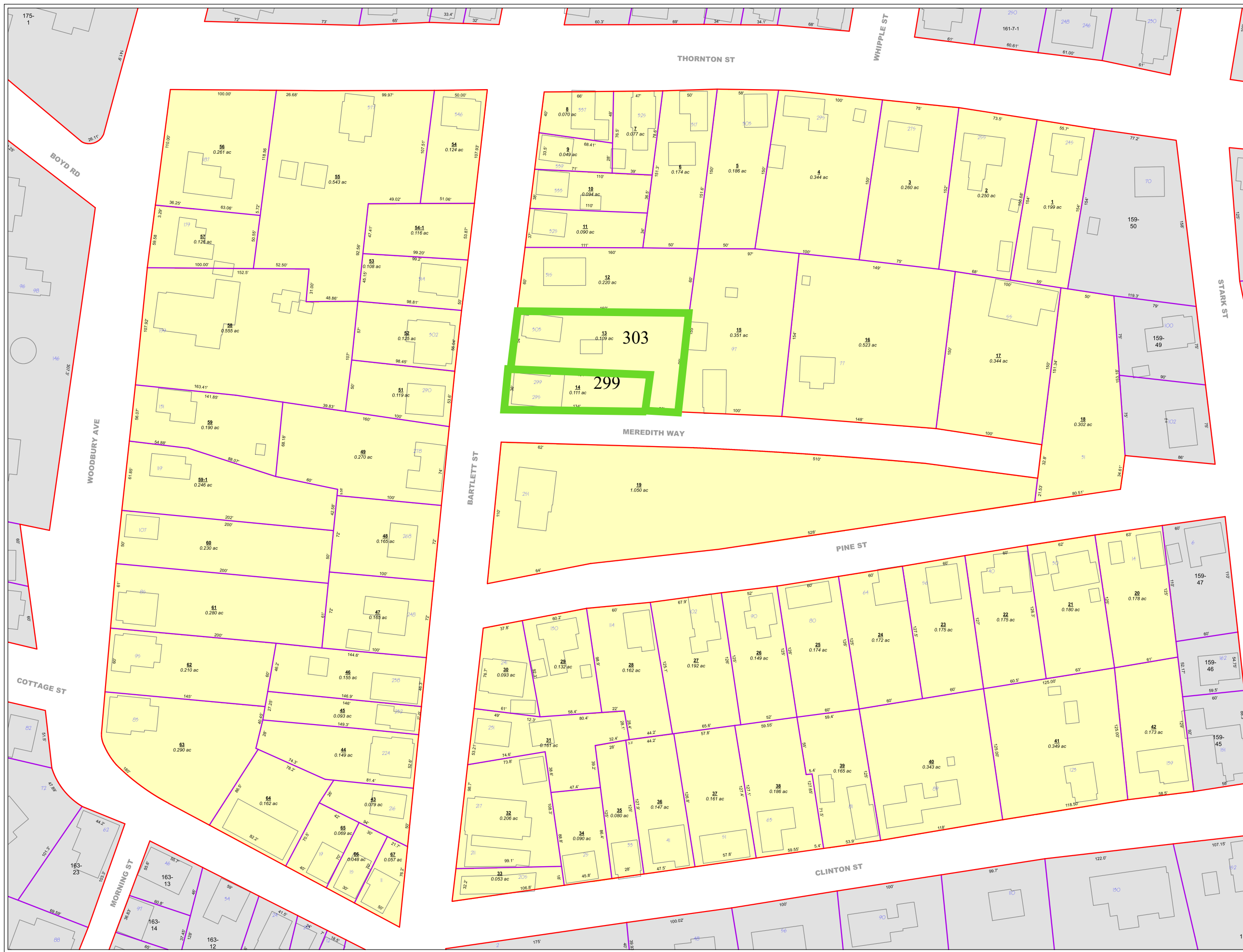
Sincerely,

DocuSigned by:

FA74DDBAFCB4BE...

Louie Prince

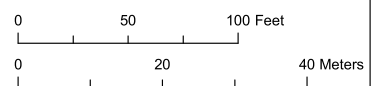
302 Bartlett Street

Portsmouth, NH 03801

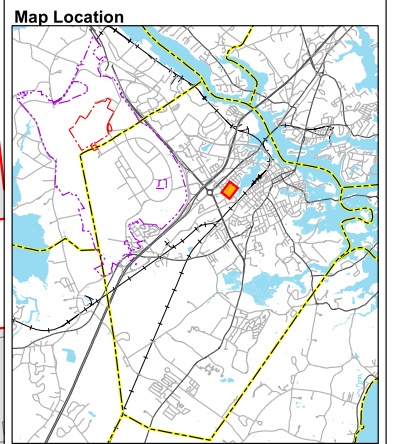
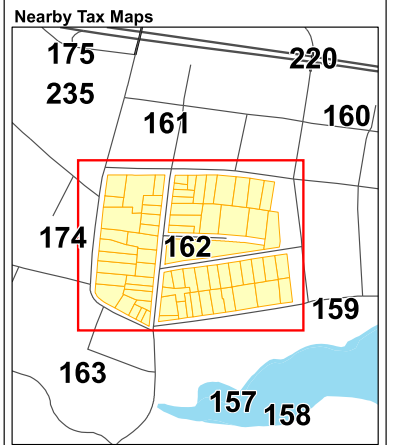


- Partial Legend**
See the cover sheet for the complete legend.
- 7-5A** Lot or lot-unit number
 - 2.56 ac Parcel area in acres (ac) or square feet (sf)
 - 25 Address number
 - 233-137 Parcel number from a neighboring map
 - 68 Parcel line dimension
 - SIMS AVE** Street name
 - Parcel/Parcel boundary
 - Parcel/ROW boundary
 - Water boundary
 - Structure (1994 data)
 - Parcel covered by this map
 - Parcel from a neighboring map (see other map for current status)

EXHIBIT E



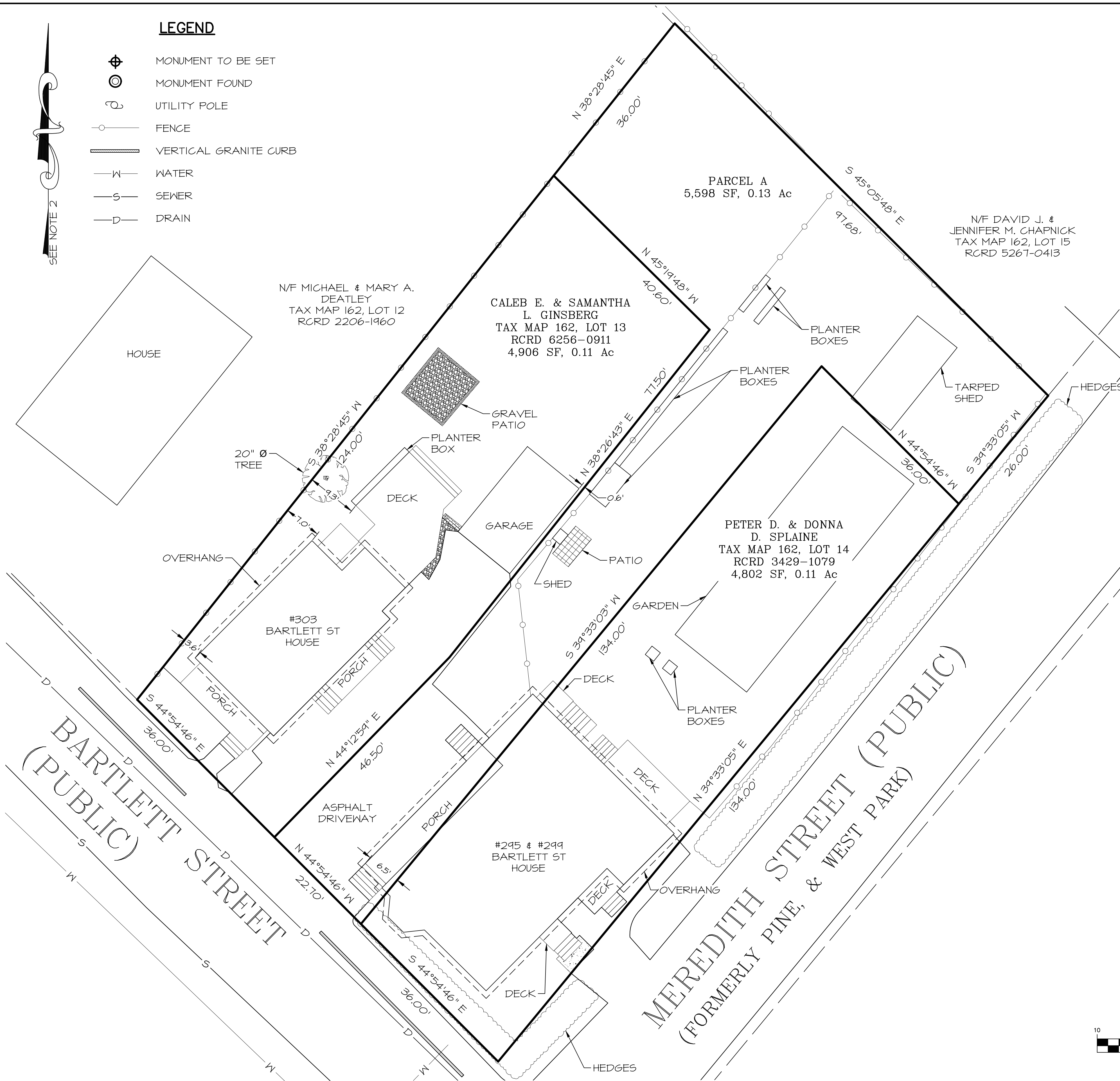
This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



LEGEND

- ⊕ MONUMENT TO BE SET
- ⊙ MONUMENT FOUND
- ⊕ UTILITY POLE
- FENCE
- VERTICAL GRANITE CURB
- W WATER
- S SEWER
- D DRAIN

SEE NOTE 2



NOTES

- 1) OWNERS OF RECORD:
 CALEB E. & SAMANTHA L. GINSBERG
 TAX MAP 162, LOT 13
 303 BARTLETT ST
 PORTSMOUTH, NH 03801
 RCRD: 6256-0911
 AREA: 4,906 SF, 0.11 ACRES

 PETER D. & DONNA D. SPLAINE
 TAX MAP 162, LOT 14
 299 BARTLETT ST
 PORTSMOUTH, NH 03801
 RCRD: 3429-1079
 AREA: 4,802 SF, 0.11 ACRES

 PARCEL A WAS CONVEYED TO CALEB GINSBERG, SAMANTHA GINSBERG, PETER SPLAINE, & DONNA SPLAINE BY THE FOLLOWING DEEDS RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS; 6493-1116, 6493-1118, 6493-1120, 6493-1122, 6493-1124, 6493-1126.

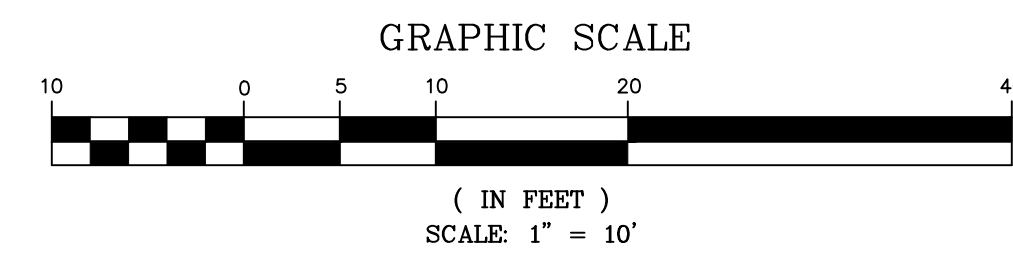
 PARCEL A AREA: 5,598 SF, 0.13 ACRES
- 2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.
- 3) PARCEL IS IN GENERAL RESIDENCE A (GRA) ZONE:
 MINIMUM LOT AREA.....7,500 SF
 MIN. LOT AREA PER DWELLING UNIT.....7,500 SF
 MINIMUM FRONTAGE.....100 FT
 MINIMUM DEPTH.....70 FT
 SETBACKS:
 FRONT.....15 FT
 SIDE.....10 FT
 REAR.....20 FT
 MAXIMUM BUILDING HEIGHT:
 SLOPED ROOF.....35 FT
 FLAT ROOF.....30 FT
 MAXIMUM BUILDING COVERAGE.....25%
 MINIMUM OPEN SPACE.....30%
- 4) THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0259F, PANEL 259 OF 681, DATED JANUARY 29, 2021. VERTICAL DATUM IS NAVD 1988.
- 5) THE TAX MAP DOES NOT MATCH THE DEED DESCRIPTIONS. IT WOULD APPEAR THAT OVER TIME THE REMAINING MARTINEAU PARCEL "PARCEL A" WAS NOT INCLUDED IN THE TAX MAPS.
 TIMELINE OF EVENTS:
 DEED YEAR
 1727-190 - 1919 - MARTINEAU IS GRANTED A PARCEL APPROXIMATELY 160'x90'
 1048-193 - 1946 - MARTINEAU GRANTS TOSI A PARCEL AT THE CORNER, 36'x134'x36'x134' (LOT 14 ON TAX MAP)
 1121-113 - 1948 - MARTINEAU GRANTS TOSI ANOTHER PARCEL, 36 FEET OF FRONTAGE ON BARTLETT, 124 FEET LONG
 1121-113 - 1948 - TOSI GRANTS BACK TO MARTINEAU THE CORNER PARCEL (1048-193), BOTH 1948 DEEDS ARE GIVEN TO CORRECT THE DESCRIPTION IN THE 1946 DEED
 PROBATE #46632 - 1964 DEATH OF JULIA MARTINEAU, WILL PASSES LAND ON TO HEIRS.
 6493-1116 TO 6493-1126 - 2023 - HEIRS OF MARTINEAU GRANT PARCEL A TO THE GINSBERGS AND SPLAINES.



**LOCUS PLAN
N.T.S.**

REFERENCE PLANS

- 1) "TAX MAP 162 LOT 16 EXISTING CONDITIONS PLAN 2 LOT SUBDIVISION 77 MEREDITH WAY PORTSMOUTH, NEW HAMPSHIRE" BY TFM. DATED JULY 1, 2022. NOT RECORDED
- 2) "LOT LINE REVISION PINE STREET PORTSMOUTH, NEW HAMPSHIRE FOR JOYCE M. MAYO & CITY OF PORTSMOUTH" BY DURGIN, VERRA AND ASSOCIATES, INC. DATED JUNE 9, 1993. RCRD D-22643
- 3) "STREET PLAT OF SPARHAWK, BURKITT, STARK, CLINTON, AND PINE STREETS IN PORTSMOUTH, NEW HAMPSHIRE" BY JOHN W. DURGIN. DATED JULY 1980. FILE NO. 1080D, PLAN NO. 5874-SP. NOT RECORDED.



ISS.	DATE	DESCRIPTION OF ISSUE
6	8/25/2023	REVISIONS
5	8/1/2023	REVISIONS
4	7/26/2023	PB SUBMITTAL
3	6/15/2023	PRELIMINARY

SCALE 1" = 10'

CHECKED A.ROSS
 DRAWN D.D.D.
 CHECKED

ROSS ENGINEERING, LLC
 Civil/Structural Engineering & Surveying
 909 Islington St.
 Portsmouth, NH 03801
 (603) 433-7560

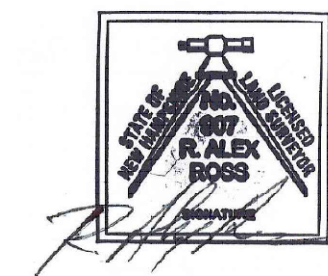
CLIENT
 CALEB E. & SAMANTHA L. GINSBERG
 303 BARTLETT ST
 PORTSMOUTH, NH 03801

TITLE

EXISTING CONDITIONS

303 BARTLETT ST
 PORTSMOUTH, NH 03801
 TAX MAP 162, LOT 13

JOB NUMBER	DWG. NO.	ISSUE
22-041	1 OF 3	6



LENGTH TABLE

	BEARING	DISTANCE
L1	S 44°52'12" E	4.99'
L2	N 44°52'12" W	1.55'

LOT AREAS

	EXISTING AREA	CHANGE IN AREA	PROPOSED AREA
LOT 13	4,906 S.F.	+ 1,759 S.F.	6,665 S.F.
LOT 14	4,802 S.F.	+ 3,838 S.F.	8,640 S.F.

NOTES

- 1) OWNERS OF RECORD:
 CALEB E. & SAMANTHA L. GINSBERG
 TAX MAP 162, LOT 13
 303 BARTLETT ST
 PORTSMOUTH, NH 03801
 RCRD: 6256-0911
 AREA PROPOSED: 6,665 SF, 0.15 ACRES
 AREA EXISTING: 4,906 SF, 0.11 ACRES
- PETER D. & DONNA D. SPLAINE
 TAX MAP 162, LOT 14
 299 BARTLETT ST
 PORTSMOUTH, NH 03801
 RCRD: 3429-1079
 AREA PROPOSED: 8,640 SF, 0.20 ACRES
 AREA EXISTING: 4,802 SF, 0.11 ACRES
- 2) PARCEL IS IN GENERAL RESIDENCE A (GRA) ZONE:
 MINIMUM LOT AREA.....7,500 SF
 MIN. LOT AREA PER DWELLING UNIT.....7,500 SF
 MINIMUM FRONTAGE.....100 FT
 MINIMUM DEPTH.....70 FT
 SETBACKS:
 FRONT.....15 FT
 SIDE.....10 FT
 REAR.....20 FT
 MAXIMUM BUILDING HEIGHT:
 SLOPED ROOF.....35 FT
 FLAT ROOF.....30 FT
 MAXIMUM BUILDING COVERAGE.....25%
 MINIMUM OPEN SPACE.....30%
- 3) GIS COORDINATES
 NORTHING EASTING
 A - SW CORNER LOT 13 210257.6108 1222455.2493
 B - SE CORNER LOT 14 210190.8394 1222522.4010

LEGEND

- MONUMENT TO BE SET
- MONUMENT FOUND
- UTILITY POLE
- FENCE
- VERTICAL GRANITE CURB
- WATER
- SEWER
- DRAIN

ISS.	DATE	DESCRIPTION OF ISSUE
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SCALE 1" = 10'

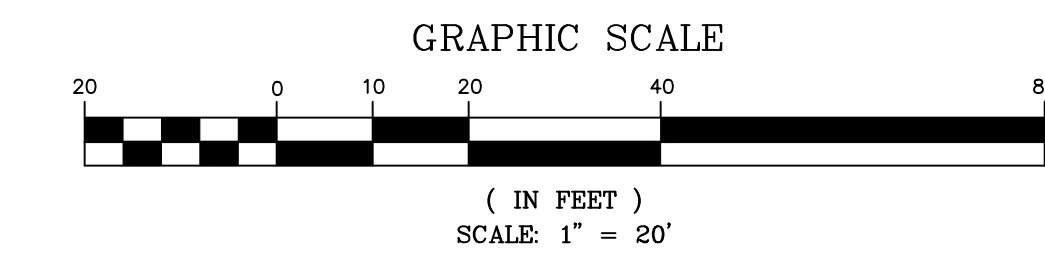
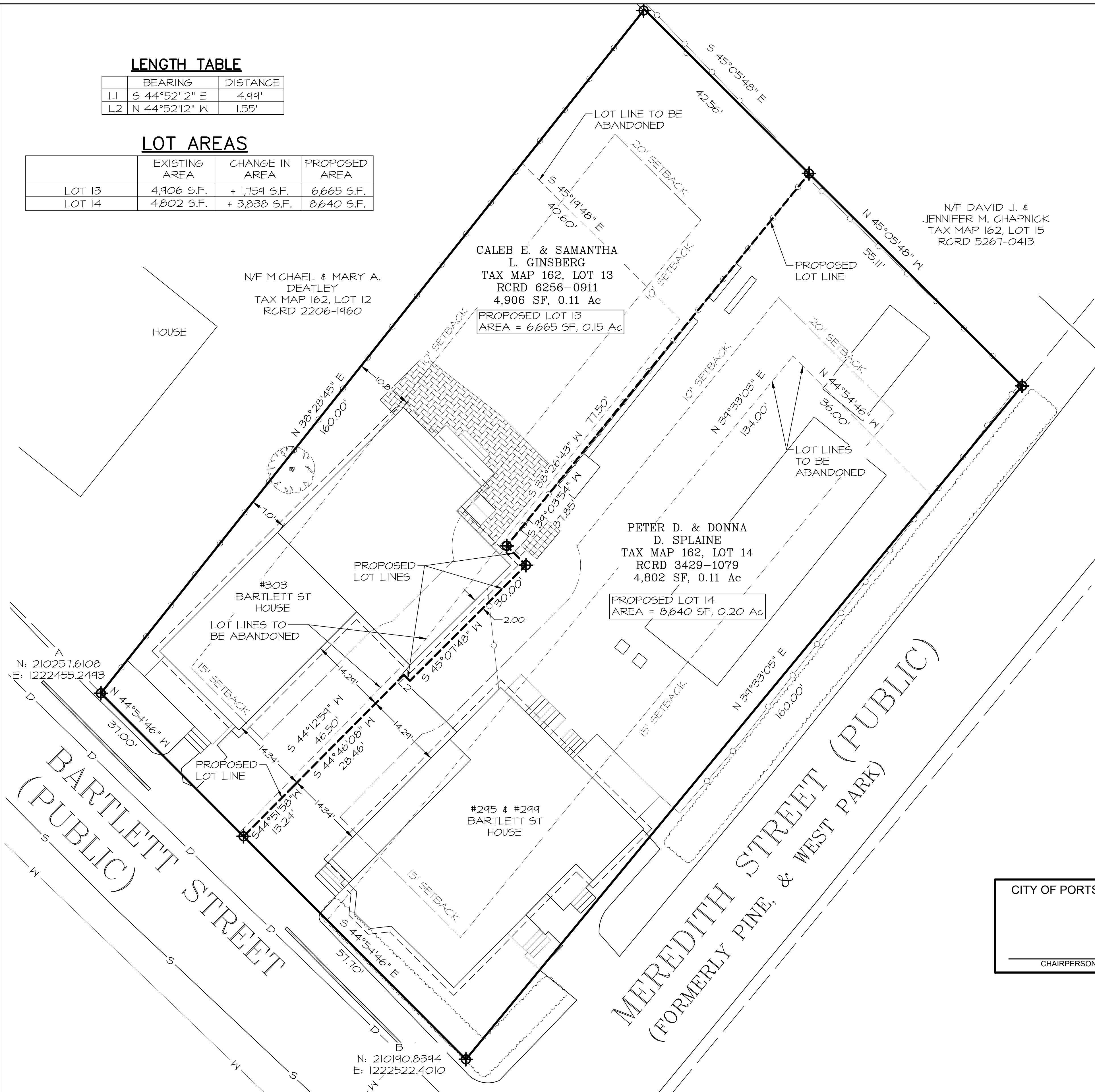
CHECKED A. ROSS
 DRAWN D.D.D.
 CHECKED

ROSS ENGINEERING, LLC
 Civil/Structural Engineering
 & Surveying
 909 Islington St.
 Portsmouth, NH 03801
 (603) 433-7560

CLIENT
 CALEB E. & SAMANTHA
 L. GINSBERG
 303 BARTLETT ST
 PORTSMOUTH, NH 03801

TITLE
**LOT LINE
 ADJUSTMENT
 PLAN**
 303 BARTLETT ST
 PORTSMOUTH, NH 03801
 TAX MAP 162, LOT 13

JOB NUMBER	DWG. NO.	ISSUE
22-041	2 OF 3	6

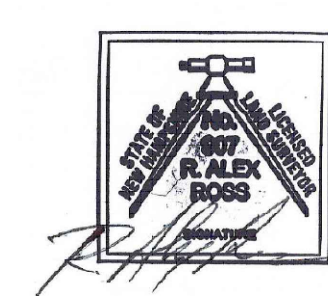


CITY OF PORTSMOUTH PLANNING BOARD

CHAIRPERSON _____ DATE _____

I ALEX ROSS, HEREBY CERTIFY:
 A) THAT THIS SURVEY PLAT WAS PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION.
 B) THIS PLAN IS A RESULT OF FIELD SURVEY PERFORMED BY DDD, & ICA DURING JULY OF 2022. THE ERROR OF CLOSURE IS BETTER THAN 1/15,000. SURVEY PER NHLSA STANDARDS; CATEGORY 1, CONDITION 1.

R. ALEX ROSS _____ DATE _____



LENGTH TABLE

	BEARING	DISTANCE
L1	S 44°52'12" E	4.99'
L2	N 44°52'12" W	1.55'

LOT AREAS

	EXISTING AREA	CHANGE IN AREA	PROPOSED AREA
LOT 13	4,906 S.F.	+ 1,759 S.F.	6,665 S.F.
LOT 14	4,802 S.F.	+ 3,838 S.F.	8,640 S.F.

NOTES

1) OWNERS OF RECORD:
 CALEB E. & SAMANTHA L. GINSBERG
 TAX MAP 162, LOT 13
 303 BARTLETT ST
 PORTSMOUTH, NH 03801
 RCRD: 6256-0911
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PETER D. & DONNA D. SPLAINE
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 299 BARTLETT ST
 PORTSMOUTH, NH 03801
 RCRD: 3429-1079
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 AREA EXISTING: 4,802 SF, 0.11 ACRES

2) PARCEL IS IN GENERAL RESIDENCE A (GRA) ZONE:
 MINIMUM LOT AREA.....7,500 SF
 MIN. LOT AREA PER DWELLING UNIT.....7,500 SF
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 MINIMUM DEPTH.....70 FT
 SETBACKS:
 FRONT.....15 FT
 SIDE.....10 FT
 REAR.....20 FT
 MAXIMUM BUILDING HEIGHT:
 SLOPED ROOF.....35 FT
 FLAT ROOF.....30 FT
 MAXIMUM BUILDING COVERAGE.....25%
 MINIMUM OPEN SPACE.....30%

3) #303 BARTLETT ST, LOT 13 COVERAGES
BUILDING COVERAGE
 EXISTING
 HOUSE.....692 SF
 PORCH/DECK.....434 SF
 GARAGE.....251 SF
 STAIRS > 18".....20 SF
 COVERAGE 1397 SF/4906 SF = 28.5%

PROPOSED
 HOUSE.....628 SF
 PORCH/DECK.....134 SF
 ADDITION.....1,024 SF
 BULKHEAD.....20 SF
 STAIRS > 18".....4 SF
 COVERAGE 1810 SF/6665 SF = 27.2%

OPEN SPACE
 EXISTING
 BUILDING COVERAGE.....1,397 SF
 GRAVEL.....120 SF
 ASPHALT.....798 SF
 PAVERS.....4 SF
 STAIRS < 18".....44 SF
 LOT COVERAGE 2363 SF/4906 SF = 48.2%
 OPEN SPACE = 100% - 48.2% = 51.8%

PROPOSED
 BUILDING COVERAGE.....1,810 SF
 ASPHALT.....632 SF
 PERVIOUS PAVR PATIO.....344 SF
 STAIRS < 18".....22 SF
 LOT COVERAGE 2808 SF/6665 SF = 42.1%
 OPEN SPACE = 100% - 42.1% = 57.9%

4) #295 & #299 BARTLETT ST, LOT 14 COVERAGES
BUILDING COVERAGE
 EXISTING
 HOUSE.....1,324 SF
 PORCH/DECK.....183 SF
 STAIRS > 18".....33 SF
 COVERAGE 1540 SF/4802 SF = 32.1%

PROPOSED
 HOUSE.....1,375 SF
 PORCH/DECK.....341 SF
 SHED.....4 SF
 STAIRS > 18".....47 SF
 COVERAGE 1767 SF/8640 SF = 20.5%

OPEN SPACE

EXISTING
 BUILDING COVERAGE.....1,540 SF
 TARPED SHED.....1 SF
 ASPHALT.....88 SF
 CONCRETE.....15 SF
 STAIRS < 18".....32 SF
 LOT COVERAGE 1676 SF/4802 SF = 34.9%
 OPEN SPACE = 100% - 34.9% = 65.1%

PROPOSED
 BUILDING COVERAGE.....1,767 SF
 TARPED SHED.....185 SF
 ASPHALT.....698 SF
 CONCRETE.....15 SF
 PATIO.....26 SF
 STAIRS < 18".....41 SF
 LOT COVERAGE 2732 SF/8640 SF = 31.6%
 OPEN SPACE = 100% - 31.6% = 68.4%

5) GIS COORDINATES

	NORTHING	EASTING
A - SW CORNER LOT 13	210257.6108	1222455.2493
B - SE CORNER LOT 14	210190.8394	1222522.4010

LEGEND

- MONUMENT TO BE SET
- MONUMENT FOUND
- UTILITY POLE
- FENCE
- VERTICAL GRANITE CURB
- WATER
- SEWER
- DRAIN

NO.	DATE	REVISIONS
6	8/25/2023	REVISIONS
5	8/1/2023	REVISIONS
4	7/26/2023	PB SUBMITTAL
3	6/15/2023	PRELIMINARY

ISS: DATE DESCRIPTION OF ISSUE

SCALE 1" = 10'

CHECKED A.ROSS
 DRAWN D.D.D.
 CHECKED

ROSS ENGINEERING, LLC
 Civil/Structural Engineering
 & Surveying
 909 Islington St.
 Portsmouth, NH 03801
 (603) 433-7560

CLIENT
 CALEB E. & SAMANTHA
 L. GINSBERG
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TITLE
SITE PLAN
 303 BARTLETT ST
 PORTSMOUTH, NH 03801
 TAX MAP 162, LOT 13

JOB NUMBER	DWG. NO.	ISSUE
22-041	3 OF 3	6

