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VIA FEDEX

June 24, 2026

City of Portsmouth
Planning & Sustainability Department
Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

Re: 0 Bartlett Street - Variance Application

Dear Chair Margeson and Members of the Board:

On behalf of our client, Outfront Media LLC, enclosed please find the following in connection with our Variance Application which was submitted electronically on June 23, 2026:

- Variance Addendum
- Light Survey
- Site Plan
- Preliminary Construction Drawings

Please advise us if you need further documentation and we will provide it promptly.

Thank in advance for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "AEL".

A. Eli Leino

AEL/krm

**Outfront Media
0 Bartlett Street
Map 165; Lot 14
Variance Addendum**

Proposal: Outfront Media (the “Applicant”) is proposing to replace an existing one-sided static sign located within the Transportation Corridor on land owned by Boston and Maine Corp. (“Owner”) with a one-sided 10’6’ x 36’ digital sign. The proposed changeable copy sign will run both advertising and public service messages for the City throughout the day and night.

Ordinance provisions from which relief is requested:

- 10.1224.10 Animated signs
- 10.1224.90 Off-premise signs
- 10.1234 & 10.1241 Sign not specifically allowed in sign district
- 10.1251.20 Sign Area
- 10.1253 Sign Height & Setback
- 10.1262 Illumination Hours

10.233 Variances

10.233.10 The Board may authorize upon appeal in specific cases a variance from the terms of this Ordinance.

10.233.20 In order to authorize a variance, the Board must find that the variance meets all of the following criteria:

- 10.233.21 The variance will not be contrary to the public interest;
- 10.233.22 The spirit of the Ordinance will be observed;
- 10.233.23 Substantial justice will be done;
- 10.233.24 The values of surrounding properties will not be diminished; and
- 10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

**Variance 1
10.1224.10
Animated Sign (Changeable Copy)**

Introduction: “Animated Signs” are not allowed in any district. The Applicant is proposing a changeable copy digital sign, where the message will change instantly every 10 seconds without flashing or moving. While not technically an animated sign with moving graphics, relief from this provision is the closest applicable section of the Portsmouth Zoning Ordinance to permit the proposal.

- 1. The variance would not be contrary to the public interest because:** For a variance to be contrary to the public interest, the proposal has to conflict with the Ordinance so much that it violates the Ordinance’s basic zoning objectives. The relevant tests, as set forth by

the New Hampshire Supreme Court, are (1) whether the proposal will alter the essential character of the neighborhood; and (2) whether it threatens public health, safety or welfare.

The Property is situated in the TC – Transportation Corridor zone and is understandably dominated by the presence of the active railroad line. The proposed project is the conversion of a legally existing billboard structure that has been in place for over 30 years. The surrounding area is a highly developed transportation and industrial corridor with no visibility to residential properties, and the project will reduce existing lighting impacts, while improving the overall appearance of the structure. The digital display will operate with no animation, flashing, or movement, with static images changing instantaneously every 10 seconds. The sign will maintain a maximum brightness of 0.3 foot-candles above ambient light, consistent with industry standards and supported by a submitted photometric study. The LED sign utilizes automatic dimming technology, unlike the existing static billboard which relies on fixed, 24/7 external lighting that can create light spill. As a result, the proposal will not alter the essential character of the neighborhood.

Additionally, the proposal does not threaten public health, safety, or welfare. The modern sign provides clear public benefits, including allowing more opportunities for local advertisers, providing 15 hours per month of free public service messaging and emergency alerts, and generating annual revenue for the City. The applicant already runs 15 hours per month of free New Hampshire Department of Transportation public service messaging on all existing digital displays. Similarly, the sign is a modern update of the existing sign, which has not created safety issues. The instantaneous change in the sign face will not cause undue distraction or otherwise threaten public safety. Given these factors, the project benefits, rather than harms, the public interest.

2. **The spirit of the ordinance is observed because:** Because it is in the public's interest to uphold the spirit of the ordinance, the Supreme Court has held that this and the first criterion are related. If an application meets one test, it almost certainly meets the other. *See Farrar v. City of Keene*, 158 N.H. 684 (2009). In addition to the reasons stated above, which are incorporated herein by reference, granting the variance will be consistent with the spirit of the ordinance. The intent of the ordinance is to regulate signage to maintain and enhance the character of the City's commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays.

Although the subject property is located within the TC zone, which is not assigned to a specific sign district under the ordinance, the applicant has designed the project to align with the intent of the regulations. This proposal advances the stated goals through modernization of the visual appearance by removing catwalks, aprons, and external lighting fixtures. Additionally, the conversion replaces uncontrolled external illumination with precisely regulated digital brightness technology that adjusts to ambient light. The project also reduces on-site activity, as vinyl changes will no longer be required. Moreover, the Applicant is offering voluntary removal of two existing static billboards on Maplewood

Avenue and Cate Street, aiding the Ordinance goal of regulating the “type, number, location, size and illumination of signs.” These elements directly support the ordinance’s intent by improving aesthetics, safety, and community value.

3. **Substantial justice would be done because:** The Supreme Court has held that measuring substantial justice requires balancing public and private rights. “Perhaps the only guiding rule is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” *Harborside Assocs., L.P. v. Parade Residence Hotel, LLC*, 162 N.H. 508, 515 (2011). Granting the variance results in a fair balance between public benefit and private rights. There is no injury to the public if the variance is granted because, as discussed above, the renovated sign will be consistent with, and complement, the character of the area, and will provide significant benefits to the City through public service announcements, tax benefits, and grant payments to the City.

The Applicant is seeking to modernize an existing, long-standing sign on a parcel where there are no viable alternative uses due to the railroad line. Through this proposal the public receives meaningful and measurable benefits, including emergency messaging, community content, annual revenue, and the removal of duplicative signage. Denial would impose a significant economic limitation on the property while yielding little to no corresponding public benefit, as the existing billboard would remain. The proposal represents a net positive outcome for both the City and the property owner, meaning substantial justice would be done.

4. **The values of surrounding properties would not be diminished because:** The Applicant’s proposal is an improvement to the existing sign that will not affect the character of this transportation-focused area. The project will not negatively impact surrounding property values. The billboard has existed in this location for decades; the proposal does not introduce a new visual element. The upgraded structure will have a cleaner, more modern appearance, improving upon the current condition. Lighting impacts will be reduced and better controlled than the existing static sign. The site is located within a transportation/industrial corridor with no visibility to residential properties, minimizing sensitivity to visual change.
5. **Literal enforcement of the provisions of the ordinance would result in unnecessary hardship if:**

(A) Owing to the following special conditions of the property that distinguish it from other properties in the area:

The parcel is railroad-owned land with no reasonable alternative development potential. The existing billboard represents the only viable economic use of the site and this proposal merely replaces it with a modern LED sign.

i. No fair and substantial relationship exists between the general purposes of the ordinance provisions and the specific application of that provision to the property; and

Due to zoning, lot dimensions, and regulatory constraints, the Applicant cannot relocate or develop a conforming sign elsewhere on the parcel. The location of the preexisting sign on the property is also a site condition demanding consideration. Without the requested variances, the Applicant is deprived of the ability to reasonably modernize and maintain the long-standing use, placing the property at a competitive and functional disadvantage. The hardship arises from the unique limitations of the parcel and regulatory framework, not from any action of the Applicant. This is a rare opportunity where the City can modernize an existing sign, gain a new revenue stream, and expand public messaging capabilities, all without introducing a new use or increasing the physical impact of the site. Allowing the variance allows the property to be put to its best reasonable use.

ii. The proposed use is a reasonable one.

A hardship exists when special conditions of the land render the use for which the variance is sought “reasonable.” *See Rancourt v. City of Manchester*, 149 N.H. 51, 54 (2003). A confluence of factors makes this unique lot a suitable location for the Applicant’s proposed use, as well as the related parking, and is therefore reasonable.

(B) N/A

**Variance 2
10.1224.90
Off-Premise Sign**

Introduction: Off-premise signs are not allowed in any district. The Applicant is proposing replacing the existing static off-premise sign with a digital changeable copy sign displaying off-premises messaging. Relief from this provision of the Portsmouth Zoning Ordinance is necessary to permit the proposal.

- 1. The variance would not be contrary to the public interest because:** The Property is situated in the TC – Transportation Corridor zone, and is understandably dominated by the presence of the active railroad line. With no building located on the property, on-premises advertising would be completely ineffectual. The proposed project is the conversion of a legally existing billboard structure that has displayed off-premise advertisements for over 30 years. The proposal will not alter the character of the neighborhood. The surrounding area is a highly developed transportation and industrial corridor with no visibility to residential properties, and the project will reduce existing lighting impacts, while improving the overall appearance of the structure.

Additionally, the proposal does not threaten public health, safety, or welfare. The modern sign provides clear public benefits, including allowing more opportunities for local

advertisers, providing 15 hours per month of free public service messaging and emergency alerts, and generating annual revenue for the City. The applicant already runs 15 hours per month of free New Hampshire Department of Transportation public service messaging on all existing digital displays. Similarly, the sign is a modern update of the existing sign, which has not created safety issues. The continuation of off-premise advertisements will not threaten public safety. Given these factors, the project benefits, rather than harms, the public interest.

2. **The spirit of the ordinance is observed because:** The intent of the ordinance is to regulate signage to maintain and enhance the character of the City's commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays. This proposal promotes modernization of the existing sign, and merely maintains the existing off-premise sign location. Updating the existing sign directly supports the ordinance's intent by improving aesthetics, safety, and community value.
3. **Substantial justice would be done because:** Granting the variance results in a fair balance between public benefit and private rights. There is no injury to the public if the variance is granted because, as discussed above, the renovated sign will be consistent with, and complement, the character of the area, and will provide significant benefits to the City through public service announcements and increased tax payments to the City.

The Applicant is seeking to modernize an existing off-premise sign on a parcel where there are no viable alternative uses due to the railroad line. Through this proposal the public receives meaningful and measurable benefits, including emergency messaging, community content, annual revenue, and the removal of duplicative signage. Denial would impose a significant economic limitation on the property while yielding little to no corresponding public benefit, as the existing billboard would remain. The proposal represents a net positive outcome for both the City and the property owner, meaning substantial justice would be done.

4. **The values of surrounding properties would not be diminished because:** The Applicant's proposal is an improvement to the existing off-premise sign that will not affect the character of this transportation-focused area. The project will not negatively impact surrounding property values. The billboard has existed in this location for decades; the proposal does not introduce a new visual element. The upgraded structure will have a cleaner, more modern appearance, improving upon the current condition. Lighting impacts will be reduced and better controlled than the existing static sign. The site is located within a transportation/industrial corridor with no visibility to residential properties, minimizing sensitivity to visual change.
5. **Literal enforcement of the provisions of the ordinance would result in unnecessary hardship if:**

(B) Owing to the following special conditions of the property that distinguish it from other properties in the area:

The parcel is railroad-owned land with no reasonable alternative development potential. The size and shape of the property, as well as active railroad tracks mean a building cannot be constructed. The existing billboard represents the only viable signage on the site and this proposal merely replaces it with a modern LED sign.

i. No fair and substantial relationship exists between the general purposes of the ordinance provisions and the specific application of that provision to the property; and

As the property does not have a building and one cannot be constructed due to the railroad corridor, the Applicant cannot reasonably install a compliant sign on the parcel. The location of the preexisting sign on the property is also a site condition demanding consideration. Without the requested variances, the Applicant is deprived of the ability to reasonably modernize and maintain the long-standing use, placing the property at a competitive and functional disadvantage. The hardship arises from the unique limitations of the parcel and regulatory framework, not from any action of the Applicant. This is a rare opportunity where the City can modernize an existing sign, gain a new revenue stream, and expand public messaging capabilities, all without introducing a new use or increasing the physical impact of the site. Allowing the variance allows the property to be put to its best reasonable use.

ii. The proposed use is a reasonable one.

A hardship exists when special conditions of the land render the use for which the variance is sought “reasonable.” *See Rancourt v. City of Manchester*, 149 N.H. 51, 54 (2003). A confluence of factors makes this unique lot a suitable location for the Applicant’s proposed use, as well as the related parking, and is therefore reasonable.

(B) N/A

**Variance 3
10.1234 & 10.1241
Signage in the TC Zone**

Introduction: Table 10.1241 of the ordinance does not provide that any signs are allowed in the TC district. Most zoning ordinances in New Hampshire are “permissive,” meaning that, in the absence of a variance or special exception, such an ordinance generally prohibits uses of land unless they are expressly permitted as primary or accessory uses. Per Section 10.1234, “Any sign not specifically allowed in a sign district is not permitted.” As the Applicant is proposing replacing the existing sign in the TC zone, relief from Section 10.1234 and Table 10.1241 is necessary to permit the proposal.

1. **The variance would not be contrary to the public interest because:** The Property is situated in the TC – Transportation Corridor zone and is understandably dominated by the presence of the active railroad line. Of note, prior to the establishment of the TC zone, the Property was zoned GW – Gateway District. The proposed project is the conversion of a legally existing billboard structure that has displayed advertisements for over 30 years. The proposal will not alter the character of the neighborhood. The surrounding area is a highly developed transportation and industrial corridor with no visibility to residential properties, and the project will reduce existing lighting impacts, while improving the overall appearance of the structure.

Additionally, the proposal does not threaten public health, safety, or welfare. The modern sign provides clear public benefits, including allowing more opportunities for local advertisers, providing 15 hours per month of free public service messaging and emergency alerts, and generating annual revenue for the City. The applicant already runs 15 hours per month of free New Hampshire Department of Transportation public service messaging on all existing digital displays. Similarly, the sign is a modern update of the existing sign, which has not created safety issues. The evolution of the sign will not threaten public safety. Given these factors, the project benefits, rather than harms, the public interest.

2. **The spirit of the ordinance is observed because:** The intent of the ordinance is to regulate signage to maintain and enhance the character of the City's commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays. This proposal promotes modernization of the existing sign, and merely maintains the existing sign location. Updating the existing sign directly supports the ordinance's intent by improving aesthetics, safety, and community value.
3. **Substantial justice would be done because:** Granting the variance results in a fair balance between public benefit and private rights. There is no injury to the public if the variance is granted because, as discussed above, the renovated sign will be consistent with, and complement, the character of the area, and will provide significant benefits to the City through public service announcements and grant payments to the City.

The Applicant is seeking to modernize an existing sign on a parcel where there are no viable alternative uses due to the railroad line. Through this proposal the public receives meaningful and measurable benefits, including emergency messaging, community content, annual revenue, and the removal of duplicative signage. Denial would impose a significant economic limitation on the property while yielding little to no corresponding public benefit, as the existing billboard would remain. The proposal represents a net positive outcome for both the City and the property owner, meaning substantial justice would be done.

4. **The values of surrounding properties would not be diminished because:** The Applicant's proposal is an improvement to the existing sign that will not affect the character of this transportation-focused area. The project will not negatively impact surrounding

property values. The billboard has existed in this location for decades; the proposal does not introduce a new visual element. The upgraded structure will have a cleaner, more modern appearance, improving upon the current condition. Lighting impacts will be reduced and better controlled than the existing static sign. The site is located within a transportation/industrial corridor with no visibility to residential properties, minimizing sensitivity to visual change.

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

(C) Owing to the following special conditions of the property that distinguish it from other properties in the area:

The parcel is railroad-owned land with no reasonable alternative development potential. The existing billboard legally exists on the site despite the present prohibition in the TC zone, and this proposal merely replaces it with a modern LED sign.

i. No fair and substantial relationship exists between the general purposes of the ordinance provisions and the specific application of that provision to the property; and

The location of the preexisting sign on the property is a site condition demanding consideration. *See Harborside Associates, L.P. v. Parade Residence Hotel, LLC*, 162 N.H. 508, 519 (2011) (“[The applicant] merely had to show that its proposed signs were a “reasonable use” of the property, given its special conditions.” Without the requested variances, the Applicant is deprived of the ability to reasonably modernize and maintain the long-standing use, placing the property at a competitive and functional disadvantage. The hardship arises from the unique limitations of the parcel and regulatory framework, not from any action of the Applicant. This is a rare opportunity where the City can modernize an existing sign, reduce visual clutter elsewhere through sign removals, gain a new revenue stream, and expand public messaging capabilities, all without introducing a new use or increasing the physical impact of the site. Allowing the variance allows the property to be put to its best reasonable use.

ii. The proposed use is a reasonable one.

A hardship exists when special conditions of the land render the use for which the variance is sought “reasonable.” *See Rancourt v. City of Manchester*, 149 N.H. 51, 54 (2003). A confluence of factors makes this unique lot a suitable location for the Applicant’s proposed use, as well as the related parking, and is therefore reasonable.

(B) Without variance relief, the only signage use is to leave the outdated existing sign.

**Variances 4, 5, & 6
10.1251.20; 10.1253 (two counts)**

Dimensional Relief: Sign Area, Height, and Setback

Introduction: Table 10.1251.20 and Table 10.1253.10 do not provide sign dimensions or setbacks in the TC zone. The Applicant is proposing to replace the existing 12' x 24' sign located on the property line with a 10'6" x 36' sign (378 square feet) located 1.5' from the Route 1 Bypass right of way. As reflected on the plans submitted herewith, the proposed sign height is 25' utilizing a single pole. As the Applicant is proposing replacing the existing sign in the TC zone, relief from 10.1251.20 and Table 10.1253.10 is necessary to permit the proposal.

- 1. The variance would not be contrary to the public interest because:** The Property is situated in the TC – Transportation Corridor zone and is understandably dominated by the presence of the active railroad line. The proposed project is the conversion of a legally existing billboard structure that has displayed advertisements for over 30 years. The proposal will not alter the character of the neighborhood. The surrounding area is a highly developed transportation and industrial corridor with no visibility to residential properties, and the project will reduce existing lighting impacts, while improving the overall appearance of the structure. The proposed height, size, and location have all been developed based on industry best practices and will be appropriate for the location.

Additionally, the proposal does not threaten public health, safety, or welfare. The modern sign provides clear public benefits, including allowing more opportunities for local advertisers, providing 15 hours per month of free public service messaging and emergency alerts, and generating annual revenue for the City. The applicant already runs 15 hours per month of free New Hampshire Department of Transportation public service messaging on all existing digital displays. Similarly, the sign is a modern update of the existing sign, which has not created safety issues. The evolution of the sign will not threaten public safety. Given these factors, the project benefits, rather than harms, the public interest.

- 2. The spirit of the ordinance is observed because:** The intent of the ordinance is to regulate signage to maintain and enhance the character of the City's commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays. This proposal promotes modernization of the existing sign with a minimal expansion in sign area. Updating the existing sign directly supports the ordinance's intent by improving aesthetics, safety, and community value.
- 3. Substantial justice would be done because:** Granting the variance results in a fair balance between public benefit and private rights. There is no injury to the public if the variances are granted because, as discussed above, the renovated sign will be consistent with, and complement, the character of the area, and will provide significant benefits to the City through public service announcements and grant payments to the City.

The Applicant is seeking to modernize an existing sign on a parcel where there are no viable alternative uses due to the railroad line. Through this proposal, the public receives

meaningful and measurable benefits, including emergency messaging, community content, annual revenue, and the removal of duplicative signage. Denial would impose a significant economic limitation on the property while yielding little to no corresponding public benefit, as the existing billboard would remain. The proposal represents a net positive outcome for both the City and the property owner, meaning substantial justice would be done.

- 4. The values of surrounding properties would not be diminished because:** The Applicant's proposal is an improvement to the existing sign that will not affect the character of this transportation-focused area. The project will not negatively impact surrounding property values. The billboard has existed in this location for decades; the proposal does not introduce a new visual element. The upgraded structure will have a cleaner, more modern appearance, improving upon the current condition. Lighting impacts will be reduced and better controlled than the existing static sign. The site is located within a transportation/industrial corridor with no visibility to residential properties, minimizing sensitivity to visual change.

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

(D) Owing to the following special conditions of the property that distinguish it from other properties in the area:

The parcel is railroad-owned land with no reasonable alternative development potential. The existing billboard legally exists on the site despite the present prohibition in the TC zone, and this proposal merely replaces it with a modern LED sign.

i. No fair and substantial relationship exists between the general purposes of the ordinance provisions and the specific application of that provision to the property; and

The location of the preexisting sign on the property is a site condition demanding consideration. *See Harborside Associates, L.P. v. Parade Residence Hotel, LLC*, 162 N.H. 508, 519 (2011) (“[The applicant] merely had to show that its proposed signs were a “reasonable use” of the property, given its special conditions.” Without the requested variances, the Applicant is deprived of the ability to reasonably modernize and maintain the long-standing use at an appropriate size and location, placing the property at a competitive and functional disadvantage. The hardship arises from the unique limitations of the parcel and regulatory framework, not from any action of the Applicant. This is a rare opportunity where the City can modernize an existing sign, gain a new revenue stream, and expand public messaging capabilities, all without introducing a new use or increasing the physical impact of the site. Allowing the variance allows the property to be put to its best reasonable use.

ii. The proposed use is a reasonable one.

A hardship exists when special conditions of the land render the use for which the variance is sought “reasonable.” *See Rancourt v. City of Manchester*, 149 N.H. 51, 54 (2003). A confluence of factors makes this unique lot a suitable location for the Applicant’s proposed use, as well as the related parking, and is therefore reasonable.

Variance 7
10.1262
Hours of Illumination

Introduction: Pursuant to the ordinance, “Signs shall not be illuminated between 11:00 p.m. and 6:00 a.m.” The Applicant is proposing a digital sign that adjusts to ambient light throughout the day. As a result, the sign is significantly dimmer during the subject hours where traditional signage is expected to be turned off.

1. **The variance would not be contrary to the public interest because:** The Property is situated in the TC zone. The surrounding area is a highly developed transportation and industrial corridor with no visibility to residential properties, and the project will reduce existing lighting impacts. The sign will maintain a maximum brightness of 0.3 foot-candles above ambient light, consistent with industry standards and supported by a submitted photometric study. The LED sign utilizes automatic dimming technology, unlike the existing static billboard which relies on fixed, 24/7 external lighting that can create light spill. As a result, the proposal will not alter the essential character of the neighborhood.

Additionally, the proposal does not threaten public health, safety, or welfare. The modern sign provides clear public benefits, including allowing more opportunities for local advertisers, providing 15 hours per month of free public service messaging and emergency alerts, and generating annual revenue for the City. The applicant already runs 15 hours per month of free New Hampshire Department of Transportation public service messaging on all existing digital displays. Similarly, the sign is a modern update of the existing sign, which has not created safety issues. Given these factors, the project benefits, rather than harms, the public interest.

2. **The spirit of the ordinance is observed because:** In addition to the reasons stated above, which are incorporated herein by reference, granting the variance will be consistent with the spirit of the ordinance. The intent of the ordinance is to regulate signage to maintain and enhance the character of the City’s commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays.

Although the subject property is located within the TC zone, which is not assigned to a specific sign district under the ordinance, the applicant has designed the project to align with the intent of the regulations. This proposal replaces uncontrolled external illumination with precisely regulated digital brightness technology that adjusts to ambient light. This

proposal directly supports the ordinance's intent by sufficiently limiting light spill between 11:00 p.m. and 6:00 a.m.

3. **Substantial justice would be done because:** Granting the variance results in a fair balance between public benefit and private rights. There is no injury to the public if the variance is granted because, as discussed above, the renovated sign will be consistent with, and complement, the character of the area, and will provide significant benefits to the City through public service announcements and grant payments to the City. Allowing the sign to remain illuminated during the overnight hours does not represent a public detriment.

The Applicant is seeking to modernize an existing, long-standing sign on a parcel where there are no viable alternative uses due to the railroad line. Through this proposal the public receives meaningful and measurable benefits, including emergency messaging, community content, annual revenue, and the removal of duplicative signage. The proposal represents a net positive outcome for both the City and the property owner, meaning substantial justice would be done.

4. **The values of surrounding properties would not be diminished because:** The Applicant's proposal is an improvement to the existing sign that will not affect the character of this transportation-focused area. The project will not negatively impact surrounding property values. The billboard has existed in this location for decades; the proposal does not introduce a new visual element. The upgraded structure will have a cleaner, more modern appearance, improving upon the current condition. Lighting impacts will be reduced and better controlled than the existing static sign. The site is located within a transportation/industrial corridor with no visibility to residential properties, minimizing sensitivity to visual change.

5. **Literal enforcement of the provisions of the ordinance would result in unnecessary hardship if:**

(E) Owing to the following special conditions of the property that distinguish it from other properties in the area:

The parcel is railroad-owned land with no reasonable alternative development potential. The existing billboard represents the only viable economic use of the site and this proposal merely replaces it with a modern LED sign.

i. No fair and substantial relationship exists between the general purposes of the ordinance provisions and the specific application of that provision to the property; and

Forcing the sign to "go dark" for seven hours each evening does not advance any of the ordinance's stated goals regarding aesthetics or safety. This sign serves the Route 1 Bypass and the railroad corridor without negatively affecting residential or other susceptible

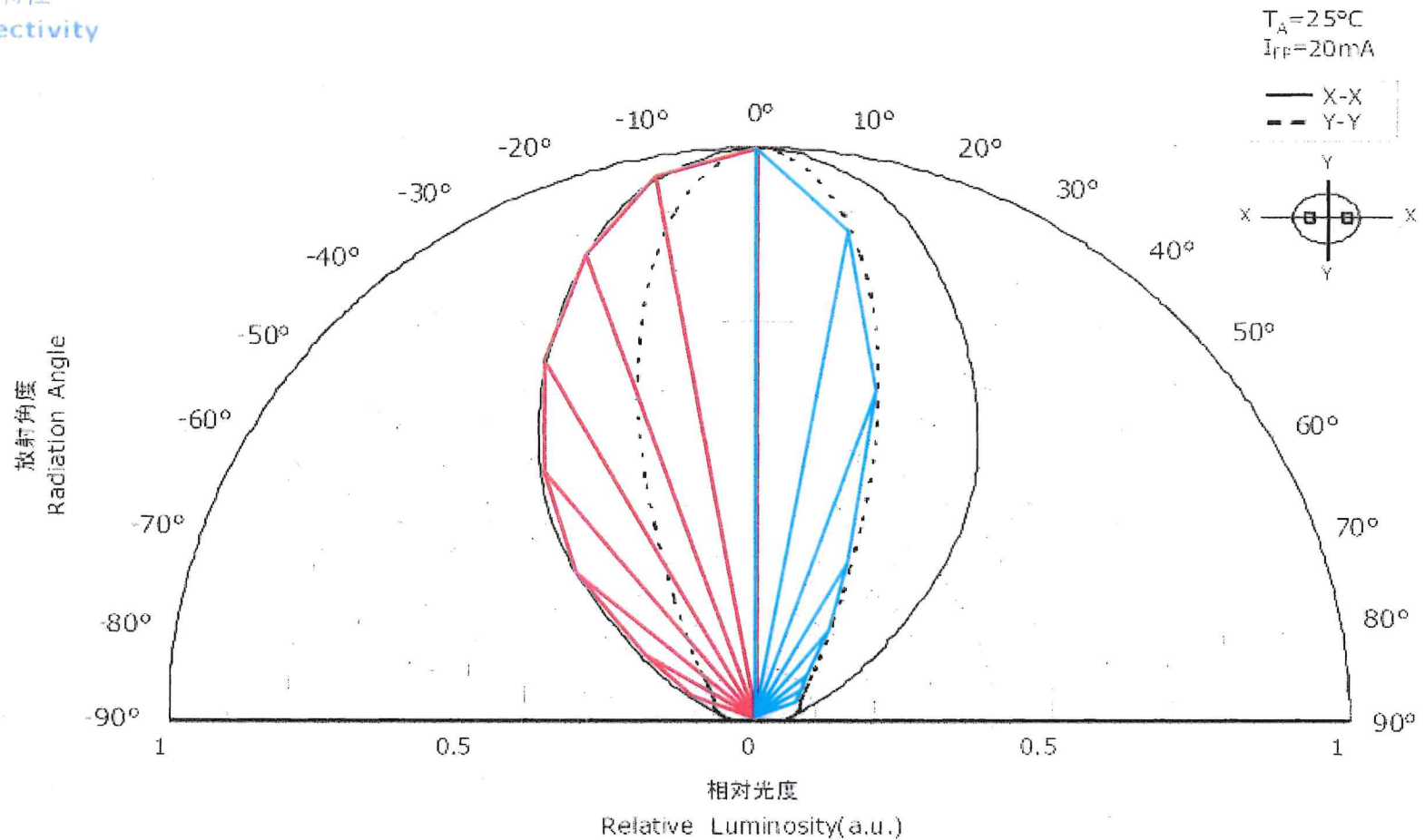
abutters. Without the requested variance, the Applicant is deprived of the ability to maximize the reasonable use of the sign without a corresponding public benefit. The hardship arises from the unique limitations of the parcel and regulatory framework, not from any action of the Applicant. Allowing the variance allows the property to be put to its best reasonable use.

ii. The proposed use is a reasonable one.

A hardship exists when special conditions of the land render the use for which the variance is sought “reasonable.” *See Rancourt v. City of Manchester*, 149 N.H. 51, 54 (2003). A confluence of factors makes this unique lot a suitable location for the Applicant’s proposed use, as well as the related parking, and is therefore reasonable.

(B) N/A

指向特性
Directivity



Use Nichia NSPX336 FOV
90 degree horizontal
45 degree vertical diodes
with more narrow light
broadcast dispersion.

Horizontal dispersion mapped in red

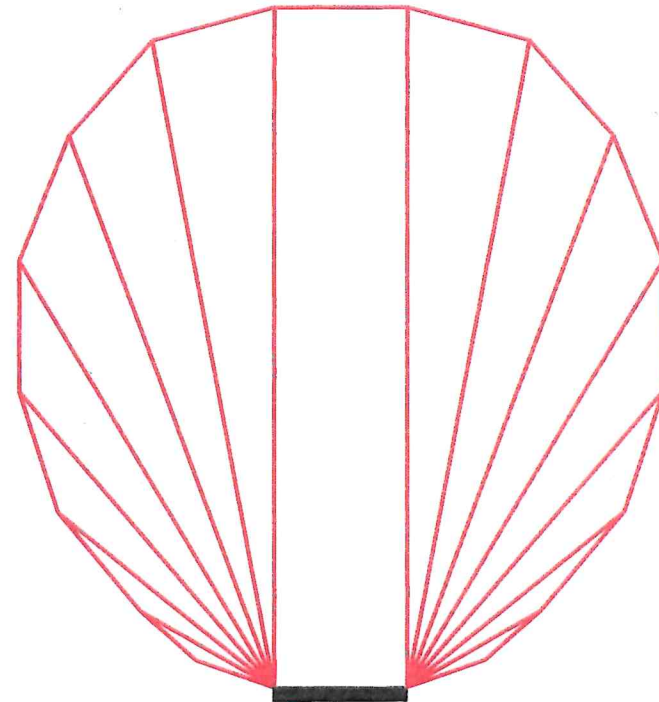
Vertical dispersion mapped in blue

10.5' x 36 Horizontal Dispersion (Plan View)

Display Height in ft	10.5	feet
Display Width in ft	36	feet
Display brightness nit	300	nit
Total Square Meters	35.1174	sq meters
Total candela output	10535.2	cd
foot-candle threshold	0.3	foot candles
Distance to Residential	187.396	feet

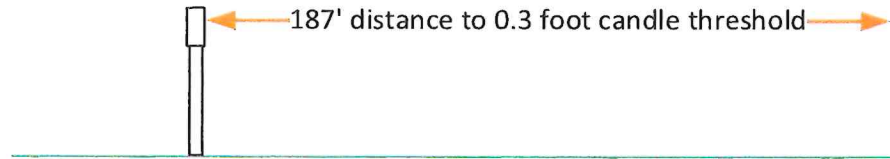
Math for threshold distance

187.4' distance to 0.3 foot candle threshold

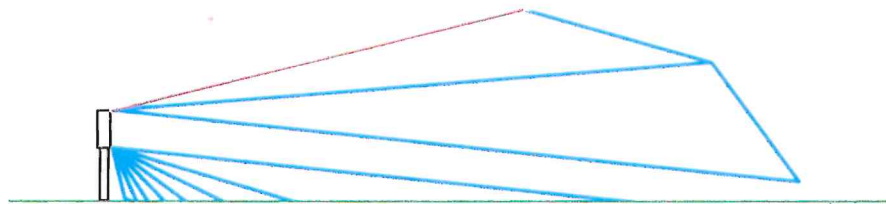


10.5 x 36 Vertical Dispersion (Side Elevation View)

Updated to show down pitched diodes



14 degree above perpendicular to face limit



In this drawing the display is 25' above grade



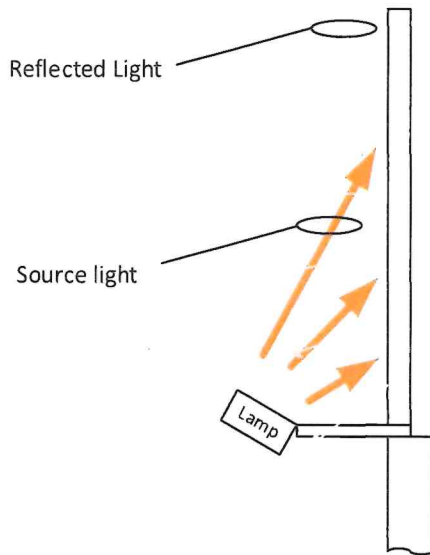


PeriMed Urgent Care Vet Clinic - Portsmouth

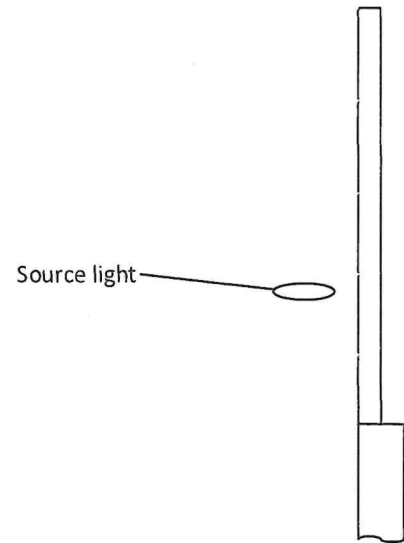
Google Earth

Efficiency of Static vs Digital Billboards

Static Billboard



Digital Billboard



Description	Static	Digital	Comment
Technical description of light	Illumination	Lumination	
Light source	4 each Metal Halide Floods	LED surface	
Light angles at light source	Directed through glass lens	Specific to diodes and louvers	Flood lamps are set to 30 degree apex for calcs
Light pattern from sign face	Scattered	Specific to diodes and louvers	
Number of fixtures	4	N/A, surface light only	
Candelas per fixture	31300	Surface output is variable	
Total candelas	584789	Surface output is variable	
Light to specific target	Random	Mathematically determinable	Variations of lens, reflectivity of copy, etc effect flood light scatter
Source light output for full white copy in candela	584789	18729	Static is 31 times more candela at light source (Fig A)
Source light output for full green copy in candela	584789	11267	Static is 52 times more candela at light source (Fig B)
Source light output for full red copy in candela	584789	5618	Static is 104 times more candela at light source (Fig C)
Source light output for full blue copy in candela	584789	1873	Static is 312 times more candela at light source (Fig D)
Source light output for typical copy without white background	584789	6000	Static is 97 times more candela at light source (Fig E)

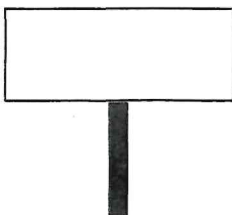


Fig A

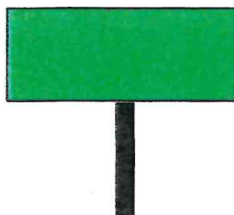


Fig B

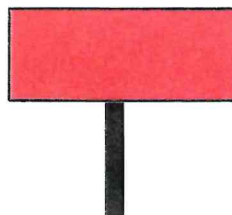


Fig C.

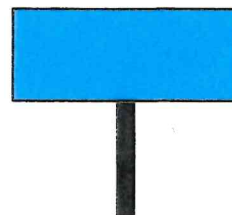


Fig D



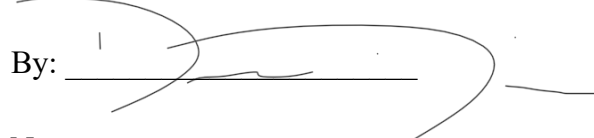
Fig E

AUTHORIZATION TO PRESENT ON BEHALF OF THE OWNER

CSX Transportation, Inc., as owner and/or authorized controller of the property identified as Tax Map Parcel 0165-0014-0000 in Portsmouth, New Hampshire (the "Property"), hereby authorizes Outfront Media LLC and Attorney A. Eli Leino of Bernstein, Shur, Sawyer & Nelson, P.A. to represent CSX Transportation, Inc. and the Property in connection with applications, testimony, plans, and supporting materials before the City of Portsmouth Zoning Board of Adjustment and any related municipal boards, departments, officials, or agencies regarding the existing billboard and proposed improvements thereto located on the Property.

Dated: June 22, 2026

CSX TRANSPORTATION, INC.

By: 

Name: Damien D'Anna

Title: Director

DUNKIN' REFRESHERS

THAT'S REFRESHING



OUTFRONT

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