

# HOEFLE, PHOENIX, GORMLEY & ROBERTS, P.A.

ATTORNEYS AT LAW

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March 28, 2018

## HAND DELIVERED

Peter Stith, Planner  
Mary Koepenick, Administrative Clerk  
Portsmouth Zoning Board of Adjustment  
City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Zoning relief  
Portsmouth Lumber & Hardware, LLC, Owner/Applicant;  
Clipper Traders, LLC, Owner/Applicant;  
Boston & Maine Corporation, Owner  
Tax Map 157/Lots 1 & 2  
Tax Map 164/Lots 1, 2, 3 & 4

Dear Mr. Stith, Ms. Koepenick & Zoning Board Members:

On behalf of the above referenced Applicants, enclosed please find the following in support of requested zoning relief:

- Building Permit Application-submitted online 3/28/18.
- Variance Application.
- Board of Adjustment Application checklist.
- 3/28/18 Memorandum and exhibits in support of zoning relief. (original and eleven (11) copies).

Also enclosed is our check in the amount of \$300.00, for the filing fee.

DANIEL C. HOEFLE  
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tphoenix@hpgrlaw.com

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SAMUEL HARKINSON  
sharkinson@hpgrlaw.com

OF COUNSEL:  
SAMUEL R. REID

We look forward to presenting this application to the Zoning Board of Adjustment at its April 17, 2018 meeting.

Very truly yours,

A handwritten signature in black ink, appearing to read 'RTP', with a long horizontal flourish extending to the right.

R. Timothy Phoenix

RTP/msw

Encl.

cc: Clipper Traders, LLC  
Ambit Engineering  
Winter Holben Architecture & Design

## Board of Adjustment Application Check-List

Please complete and submit one (1) copy with your completed application.

Property Address 105 Bartlett Street

Completed By R. Timothy Phoenix, Esquire

### APPLICATION TYPE:

- Variance or Special Exception for Dimensional Requirements
- Variance or Special Exception for Use Requirements
- Other \_\_\_\_\_

### FOR APPLICATIONS REQUESTING DIMENSIONAL RELIEF, THE FOLLOWING SUBMISSIONS MUST BE INCLUDED:

- Site Plan(s) showing existing and proposed conditions including:
  - Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)
  - Lot dimensions
  - Abutting street(s) and street names
  - Driveways / accessways
  - Dimensions (size and height) of structures
  - Dimensions and location of parking spaces
  - Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)
- Labeled photo(s) of existing conditions
- Building plans and elevations of any proposed structures or additions
- Interior floor plans for any renovations or expansion to existing structures

### FOR APPLICATIONS REQUESTING LAND USE RELIEF, THE FOLLOWING SUBMISSIONS MUST BE INCLUDED:

- Site Plan(s) showing:
  - Location of the proposed use(s) on the property
  - Site plan showing location and dimensions of parking spaces
- Interior floor plans showing the location and layout of the proposed use
- Labeled photo(s) of existing conditions

### ALL APPLICATIONS

- Complete application checklist **(1 original)**
  - Complete and signed Building Permit application **(1 original)**
    - filed previously
    - included with this packet
  - Complete and signed Board of Adjustment Application Form **(1 original, 11 copies)**
    - Property Owner signatures (on front and back of Board of Adjustment application form)
  - Written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.234.30 for Administrative Appeals, Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions) **(12 copies)**
  - Required plans / exhibits are 8 ½" x 11" or 11" x 17" in size **(12 copies)**
  - Additional information as requested by the Planning Department staff
- 
- Electronic file in Portable Document Format (PDF)
    - Sent by e-mail
    - Provided on CD-ROM
    - Provided on flash drive

# CITY OF PORTSMOUTH

## Zoning Board of Adjustment Application

<i>Department Use Only</i>		Date _____
Assessor Plan # _____	Lot # _____	Fee _____
Zone _____	Lot area _____	By _____

Fill in below by printing in ink or typing / Complete all Blanks or indicate "N/A" if not applicable

Applicant Portsmouth Lumber & Hardware, LLC and Clipper Traders, LLC Owner of Record Same

Applicant Street Address 105 Bartlett Street Owner Street Address Same

Applicant City / State / Zip Portsmouth, NH 03801 Owner City / State / Zip Same

Applicant phone (603) 436-0666 Owner phone (    ) \_\_\_\_\_

Applicant e-mail c/o tphoenix@hpgrlaw.com

Location (street address) of proposed work: 105 Bartlett Street

Existing use: Commercial use and vacant land.

Undersigned hereby requests:


- |   | Article and Section |
|---|---------------------|
| <input type="checkbox"/> Appeal from an Administrative Decision<br>See Article 2, Section 10.234.30 |                     |
| <input type="checkbox"/> Special Exception<br>See Article 2, Section 10.232.20                      |                     |
| <input checked="" type="checkbox"/> Variance<br>See Article 2, Section 10.233.20                    | See attached.       |
| <input type="checkbox"/> Other _____<br>See Article 2, Section 10.233.20                            |                     |

To permit the following:

Slightly reconfigure existing lots and access/parking, in order to permit the construction of the proposed new public or private roadway leading from Bartlett Street.

The undersigned alleges that the required conditions exist for granting of this request according to the terms of the Zoning Ordinance as demonstrated in the attached submittals.

Only complete applications will be accepted by the deadline date. A complete application shall consist of: a completely filled out application with original signatures, the application fee, and 12 packets of required plans and any supporting documents or photos. Incomplete applications will not be accepted. Applications received after the deadline will be scheduled for the following month. The owner or his/her representative is required to attend the Public Hearing for the above appeal.


counsel
7/28/14

Signature of Owner \_\_\_\_\_ Date \_\_\_\_\_

Please PRINT name here RT Phoenix



### Applicant's Responsibilities

1. All applications for Variances and Special Exceptions must be submitted to the Planning Department prior to the published deadline. In the case of Appeals from an Administrative Decision, the appeal shall be filed no later than 30 days from the date of the action which is being appealed.
2. A Building Permit application must also be filed for the project for which zoning relief is being sought. The Building Permit application can be submitted with the Board of Adjustment application or filed prior. The Planning Department may waive this requirement when the application is for a substandard lot for subdivision purposes and no other zoning relief is required.
3. An applicant shall be one of the following: a) the owner of record of the property, or b) the holder of a valid purchase and sales agreement for the purchase of the subject property, or c) the holder of a valid option for the purchase of the subject property.
4. All applications shall include a written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.234.30 for Administrative Appeals, Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions).
5. It is the obligation of the applicant to submit adequate plans and exhibits in accordance with the terms of the Zoning Ordinance for all applications for Administrative Appeals, Variances, Special Exceptions, and Equitable Waivers.
6. For applications requesting dimensional relief, the minimum requirements for adequate plans shall include the following:

<input type="checkbox"/> Site Plan(s) showing existing and proposed conditions including: <ul style="list-style-type: none"><li>- Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)</li><li>- Lot dimensions</li><li>- Abutting street(s) and street names</li><li>- Driveways / accessways</li><li>- Dimensions (size and height) of structures</li><li>- Dimensions and location of parking spaces</li></ul>	<input type="checkbox"/> Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size) <ul style="list-style-type: none"><li><input type="checkbox"/> Labeled photo(s) of existing conditions</li><li><input type="checkbox"/> Building plans and elevations of any <i>proposed</i> structures or additions</li><li><input type="checkbox"/> Interior floor plans for any renovations or expansion to existing structures</li></ul>
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7. For applications requesting relief from land use requirements, the minimum requirements for adequate plans shall include the following:

<input type="checkbox"/> Site Plan showing dimensions and location of parking spaces including the scale (the scale is the ratio of the drawing's size relative to the actual size)
<input type="checkbox"/> Interior floor plans and/or exterior site plans showing the location of the proposed use(s)
<input type="checkbox"/> Labeled photo(s) of existing conditions

8. Plans should be 8 1/2" x 11" in size, 11" x 17" plans may be used only if the plan would otherwise be unreadable.
9. The Planning Department is authorized by the Board of Adjustment to refuse applications which do not meet these minimum requirements. The Planning Department may also require additional information and/or exhibits as needed to illustrate the scope of the project. Public Hearings shall not be scheduled, advertised or held until such time as the minimum requirements for adequate plans have been submitted. The Board may postpone any application requiring more information prior to any action being taken.
10. The applicant shall submit one (1) original and eleven (11) copies of the application and any plans, exhibits, and supporting documents.
11. The applicant shall provide electronic files in Portable Document Format (PDF) of all submittals. An applicant may request a waiver from this requirement. The request should be made in writing to the Planning Director one week prior to the submission deadline and should explain why the applicant is unable to provide electronic files.

I have read the above list of responsibilities, have provided all required information, and such information is current, accurate, and complete to the best of my knowledge.

*Tommy Counsel*

*3/28/18*

(Applicant's Signature, date)

The Applicant is encouraged to consider the following when completing the application:

- Provide neat and clear plans
- Use of color or highlights is encouraged in order to identify pertinent areas on plans
- Applicants are encouraged to review the application with a member of the Planning Department staff prior to submittal
- All applicants are encouraged to discuss the project with impacted neighbors

**VARIANCES REQUESTED FROM CURRENT PORTSMOUTH ZONING ORDINANCE (CD4-W, OR, TC)**

CLIPPER TRADERS, 105 BARTLETT STREET, PORTSMOUTH, NH

**PROPOSED LOT 1 (CD4 ZONE):**

VARIANCES FROM 10.5A41.10B

- 1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 13.4%, WHERE 28.5% CURRENTLY EXISTS AND 50% IS REQUIRED.
- 2) TO ALLOW FOR A MAXIMUM PRIMARY FRONT SETBACK OF 27.2 FEET, WHERE 27.2 FEET CURRENTLY EXISTS AND 10 FEET IS REQUIRED.

**PROPOSED LOT 2 (CD4 ZONE):**

VARIANCES FROM 10.5A41.10B

- 1) TO ALLOW FOR A PRIMARY FRONT LOT LINE BUILDOUT OF 13.3%, WHERE 7.5% CURRENTLY EXISTS AND 50% IS REQUIRED.
- 2) TO ALLOW FOR A SECONDARY FRONT LOT LINE BUILDOUT OF 0%, WHERE NONE CURRENTLY EXISTS AND 50% IS REQUIRED.
- 3) TO ALLOW FOR A MAXIMUM PRIMARY FRONT SETBACK OF 18.2 FEET, WHERE 18.2 FEET CURRENTLY EXISTS AND 10 FEET IS REQUIRED.
- 4) TO ALLOW FOR A MAXIMUM SECONDARY FRONT SETBACK OF 30.2 FEET, WHERE NONE CURRENTLY EXISTS AND 15 FEET IS REQUIRED.

**PROPOSED LOT 3 (OR ZONE):**

VARIANCES FROM 10.530

- 1) TO ALLOW FOR A FRONT SETBACK OF 0 FEET, WHERE 569.7 FEET CURRENTLY EXISTS AND 70 FEET IS REQUIRED.
- 2) TO ALLOW OPEN SPACE AREA OF 9.6%, WHERE 0% OPEN SPACE CURRENTLY EXISTS AND 20% OPEN SPACE IS REQUIRED.

**PROPOSED LOT 4 (OR ZONE):**

VARIANCES FROM 10.530

- 1) TO ALLOW FOR A LOT SIZE OF 1.4183± ACRES, WHERE 1.2924± ACRES CURRENTLY EXISTS AND 2 ACRES IS REQUIRED.
- 2) TO ALLOW FOR A FRONT SETBACK OF 1.7 FEET, WHERE 840 FEET CURRENTLY EXISTS AND 70 FEET IS REQUIRED.
- 3) TO ALLOW FOR A SIDE SETBACK OF 3.9 FEET, WHERE 0.4 FEET CURRENTLY EXISTS AND 50 FEET IS REQUIRED.
- 4) TO ALLOW FOR A REAR SETBACK OF 46.9 FEET, WHERE 1.2 FEET CURRENTLY EXISTS AND 50 FEET IS REQUIRED.

PROPOSED LOT 5 (OR ZONE):

VARIANCES FROM 10.530

- 1) TO ALLOW FOR A REAR SETBACK OF 33.7 FEET WHERE 50 FEET IS REQUIRED.

**VARIANCES REQUESTED FROM PROPOSED PORTSMOUTH ZONING ORDINANCE (CD4-W)**

PROPOSED LOT 3 (CD4-W):

VARIANCES FROM 10.5A41.10B

- 1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 24.7%, WHERE NO REQUIREMENT CURRENTLY EXIST AND 50% IS REQUIRED.
- 2) TO ALLOW FOR A MINIMUM OPEN SPACE OF 9.6%, WHERE 0% EXIST AND 15% IS REQUIRED.

PROPOSED LOT 4 (CD4-W):

VARIANCES FROM 10.5A41.10B

- 1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 29.1%, WHERE NO REQUIREMENT CURRENTLY EXIST AND 50% IS REQUIRED.
- 2) TO ALLOW FOR A MAXIMUM BUILDING FOOTPRINT OF 20,313 S.F., WHERE NO REQUIREMENT CURRENTLY EXISTS, A BUILDING FOOTPRINT OF 20,313 S.F. CURRENTLY EXISTS AND A MAXIMUM OF 15,000 S.F. IS REQUIRED.

PROPOSED LOT 5 (CD4-W):

VARIANCES FROM 10.5A41.10B

- 1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 0%, WHERE NO REQUIREMENT CURRENTLY EXIST AND 50% IS REQUIRED.
- 2) TO ALLOW FOR A MAXIMUM PRIMARY FRONT SETBACK OF 75.6 FEET, WHERE NO MAXIMUM CURRENTLY EXISTS AND A MAXIMUM OF 10 FEET IS REQUIRED.

## MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)  
FROM: R. Timothy Phoenix, Esquire  
DATE: March 28, 2018  
Re: Portsmouth Lumber & Hardware, LLC, Owner/Applicant;  
Clipper Traders, LLC, Owner/Applicant;  
Boston & Maine Corporation, Owner  
Tax Map 157/Lots 1 & 2  
Tax Map 164/Lots 1,2, 3 & 4  
CD4-W (Proposed Lots 1 & 2)  
OR Zone (Proposed Lots 3,4,5)  
Proposed new zone all lots CD4-W

Dear Chairman Rheaume and Zoning Board Members:

On behalf of Applicants, Portsmouth Lumber & Hardware, LLC and Clipper Traders, LLC (“Applicant”), we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief for creation of a five lot subdivision to be considered by the ZBA at its April 17, 2018 meeting.

### **I. Exhibits**

1. 3/28/18 Overall Subdivision Plan by Ambit Engineering, Inc.
2. 03/27/18 Proposed Site Plans per lot 1-5.
3. Variance Request List-Current Zoning (CD4-W, OR, TC) and Proposed Zoning (CD4-W).
4. A-F Site Photographs.
5. Tax Maps 157 & 164.
6. 3/28/18 Approval Letter from Pan Am Systems/Boston and Maine Corporation.

### **II. Property/Project**

The subject property, commonly known as the location of Ricci Lumber & Supply and the Great Rhythm Brewery, presently consists of six lots off Bartlett Street and including the Boston & Maine Corporation (“Railroad”) property running from Bartlett Street to Maplewood Avenue. Portsmouth Lumber and Hardware, LLC owns Map 157, Lot 2 and Map 164, Lots 1,2 & 3. Clipper Traders, LLC owns Map 164, Lot 4, Boston and Maine Corporation owns the remainder, Tax Map 164, Lot 4. While presently existing lots Map 164, Lots 1&2 have frontage on Bartlett Street, all of the lots are essentially long ago created “island” lots accessed via right-of-way over Railroad Map 164, Lot 4. The existing lots are irregularly shaped, do not meet

current zoning requirements, most lacking frontage, adequate setbacks, lot coverage/open space and build out requirements.<sup>1</sup>

Clipper is under contract to purchase from the Railroad a portion of Tax Map 164, Lot 4 running from Bartlett Street to approximately Cornwall Street. **Exhibit 1.** Clipper intends to develop the portion of said lot extending beyond the Great Rhythm Brewery building, to include a public “greenway” along the North Mill pond. As part of the overall development plan, Clipper needs to slightly reconfigure the existing lots and access/parking, in order to permit the construction of the proposed new public or private street leading from Bartlett Street to the present Railroad property that Clipper intends to develop.

The subject lots are presently in multiple zoning districts. Those closest to Bartlett Street are in the newly recently created CD4-W, most of the remainder is in Office Research, with a sliver of land in the Transportation Corridor District. In order to achieve its overall development plan, pending before the City Council and Planning Board is Clipper’s application to place all of the subject parcels in the CD4-W district. As a result, the subject lots must comply with (or receive variances from) the requirements of both the zone(s) in each which lot presently exists, and the proposed CD4-W zoning district requirements. **Exhibit 3** lists the variances from the existing zoning districts and from the proposed CD4-W district.

In summary, while multiple variances are required for each proposed lot, the same or similar variances would be required if these lots were created today. The requested variances cause most lots to be less non-conforming than existing conditions by reducing the number, enlarging most lots and providing frontage on the new street to be built to city standards where no frontage presently exists for several of the existing lots. Without the requested relief, the new street cannot be built, meaning the development of the Railroad property under contract likely cannot proceed.

### **III. Variance Requirements**

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

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<sup>1</sup> Because the proposed subdivision includes a new public or private street built to city standards, determination of “front” as well as lot sizes will change. Accordingly, while the chart on Exhibit 1 depicts existing and proposed dimensional conditions, Exhibit 2A, B lists only the requested relief.

The first step in the ZBA's analysis is to determine whether granting the variances is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting 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.*

Portsmouth Zoning Ordinance ("PZO") Section 10.121 identifies the general purposes and intent of the ordinance "to promote the health, safety and general welfare of Portsmouth...in accordance with the...Master Plan.[B]y regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes-With the exception of the property presently owned by the Railroad which provides access to the rear (where Clipper intends to develop) all of the buildings on lots currently exist with different sizes and shapes, several with no frontage, meeting neither current ordinance requirements (CD4-W, OR, TC) nor the proposed CD4-W over the entire parcel. The subdivision proposal, thus the variances required, will allow a more reasonable use of the existing land and buildings in a manner more compliant with zoning, for instance accessed from a city street, thus providing frontage for island lots where none presently exists. The proposal will also permit the tasteful development of presently in part poor condition Railroad property for uses consistent with the CD4-W zone, including the public greenway. Accordingly, the proposal results in a reasonable use of land and buildings.

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space-The existing buildings will not change. New buildings to be developed on the vacant portion of the land (proposed lot 5) are intended to be zoning compliant. The subdivision proposal, thus the required variances improve the intensity of the land uses compared to existing condition.

3. The design of facilities for vehicular access, circulation, parking and loading-The subdivision proposal, thus the variances improve this purpose.

4. The impact on properties on of outdoor lighting, noise, vibration, stormwater runoff and flooding-Neither the subdivision nor the variances will have any negative impact compared to existing. Stormwater treatment will be improved through the Planning Board subdivision process

5. The preservation and enhancement of the visual environment-The subdivision proposal with a new street, and the future development of the proposed lot 5, will enhance the visual environment compared to existing conditions.

6. The preservation of historic districts and building and structures of historic architectural interest-No change.

7. The protection of natural resources, including groundwater, surface water, wetlands, wild life habitat and air quality-The subdivision development will manage stormwater. The granting of the variances will have no effect upon this purpose.

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)

Because the location of the existing buildings will not change, this being merely a lot reconfiguration to allow better access, reconfigure somewhat difficult parking and to construct the new street, the proposed subdivision, and variance will improve the area such that it fits the essential character of the locality. The new lot configuration parking and street will also improve, thus will not threaten, the public health, safety or welfare.

### **3. Granting the variance will not diminish surrounding property values.**

Except for proposed lot 5, which is to be accessed from the new street and later development of the area towards Maplewood Avenue, the existing improvements upon proposed lots 1,2, 3 and 4 will not change from existing conditions other than to provide frontage and

slightly change coverages and setbacks. Reconfiguring the lots and building a new street will improve the area, thus will not diminish surrounding property values.

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

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

The lots on Bartlett Street have limited frontage, and do not presently meet other requirements of the zoning ordinance including setback, access, open space. Other lots have no frontage, accessed over the private driveway owned by the Railroad. None of the presently existing lots would be permitted today without the same or similar variances. Since they have long existed in their present configurations, special conditions clearly exist.

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

The applicable zoning ordinance requirements (depending upon which lot: front lot line build out; setback; open space; lot size) are all intended in one way or another to promote uniformity among buildings in proximity to each other, provide adequate air, light and space for building separation, access, sight lines and stormwater treatment. On each lot as presently existing, these intended purposes are violated in one or more ways due to the manner in which the lots were created with structures many years ago, without street frontage, lot sizing, or setbacks considered. The proposed subdivision and development of the Railroad property, including the new proposed street, improve the conditions greatly on an overall basis. The lot sizes will be improved, street frontage will be created, and the relative spacing between existing buildings will not change. Stormwater treatment will be improved. Accordingly, there is no fair and substantial relationship between the purposes of the ordinance and its application in this instance.

- c. The proposed use is reasonable.

The existing uses are permitted and remain where they are. Since a difficult to access, traverse and park area will be improved, and Railroad property will be developed to include a public greenway over the entire length of the parcels along the North Mill pond, the use, thus the variances are reasonable.



**5. 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.

Since: the existing lots are essentially as nonconforming, or more so, than proposed; the entire area will be improved by the new street, stormwater treatment, and development of the Railroad property, there is absolutely no harm to the public from granting these variances. Denial, however, results in a great harm to the applicant because it will be unable to build the street, thus will not improve the situation with respect to the existing lots and buildings, and will likely be denied the ability to develop the Railroad property. This in turn will deny the public the intended greenway. The applicant has worked with the Planning Department staff, has held public hearings and preliminary Planning Board/TAC meetings with respect to the overall subdivision proposal, rezoning the area and development of the Railroad property. The applicant views the overall project as a “win-win” for it and the general public. The requested variances are required in order for the project to move forward. For all of these reasons, substantial justice will be done by granting the variances while a substantial injustice will be done from denial from any of them.

**IV. Conclusion**

For all of the reasons stated, the Applicants respectfully requests that the Portsmouth Zoning Board of Adjustment grant each variance request.

Respectfully submitted,

Portsmouth Lumber & Hardware, LLC  
Clipper Traders, LLC

  
By: R. Timothy Phoenix  
Hoefle, Phoenix, Gormley & Roberts, P.A.  
127 Parrott Avenue  
Portsmouth, NH 03801  
(603) 436-0666

**ABUTTER LIST**

- |   |   |  |
|---|---|--|
| <p>139<br/>N/F<br/>REGAN ELECTRONIC CO. INC.<br/>94 LANGDON STREET<br/>PORTSMOUTH, NH 03801<br/>2956/1527</p>   | <p>144<br/>N/F<br/>MYLES S. BRATTER<br/>177 BARTLETT STREET<br/>PORTSMOUTH, NH 03801<br/>2424/1690</p>                                  | <p>188<br/>N/F<br/>INDUSTRIAL RENTS-NH, LLC<br/>6 WAYNE ROAD<br/>WESTFORD, MA 01886<br/>5806/2334</p>                                  |
| <p>144<br/>N/F<br/>ANDREW S. MARTIN<br/>230 McDONOUGH STREET<br/>PORTSMOUTH, NH 03801<br/>5082/386</p>  | <p>144<br/>N/F<br/>GREAT McDONOUGH STREET, LLC<br/>135 McDONOUGH STREET<br/>PORTSMOUTH, NH 03801<br/>3440/532</p>                       | <p>184<br/>N/F<br/>HOUSTON HOLDINGS, LLC<br/>653 ISLINGTON STREET<br/>PORTSMOUTH, NH 03801<br/>3558/464</p>                            |
| <p>144<br/>N/F<br/>HEIDI J. RAMMER<br/>785 PARK PLACE, APT. 1<br/>BROOKLYN, NY 11216<br/>3484/299</p>   | <p>187<br/>N/F<br/>SUMMIT 501 ISLINGTON, LLC<br/>c/o TODD BAKER<br/>953 ISLINGTON STREET #230<br/>PORTSMOUTH, NH 03801<br/>5256/441</p> | <p>184<br/>N/F<br/>NED AND BILL PROPERTIES, LLC<br/>ATTN: WILLIAM SAVOIE<br/>PO BOX 822<br/>SOUTHERN PINES, NC 28388<br/>4586/2911</p> |
| <p>144<br/>N/F<br/>BRANDON J. TERRY &amp;<br/>LAURA E. TERRY<br/>209 McDONOUGH STREET<br/>PORTSMOUTH, NH 03801<br/>4322/66</p>  | <p>187<br/>N/F<br/>J &amp; J'S DROP<br/>AND DRIVE, LLC<br/>402 DEER STREET<br/>PORTSMOUTH, NH 03801<br/>5353/2395</p>                   | <p>184<br/>N/F<br/>HH WHOLESALERS, LLC<br/>1 MIDDLE STREET, SUITE 1<br/>PORTSMOUTH, NH 03801<br/>5399/810</p>                          |
| <p>144<br/>N/F<br/>CANDACE COULTURE<br/>199 McDONOUGH STREET<br/>PORTSMOUTH, NH 03801<br/>5451/2857</p>   | <p>187<br/>N/F<br/>J &amp; J'S DROP<br/>AND DRIVE, LLC<br/>402 DEER STREET<br/>PORTSMOUTH, NH 03801<br/>5353/2395</p>                   | <p>184<br/>N/F<br/>ARANOSIAN OIL COMPANY<br/>557 NORTH STATE STREET<br/>CONCORD, NH 03301<br/>1686/263</p>                             |
| <p>144<br/>N/F<br/>HAVEN PROPERTIES, LLC<br/>80 HAVEN ROAD<br/>PORTSMOUTH, NH 03801<br/>5791/2011</p>   | <p>187<br/>N/F<br/>J &amp; J'S DROP<br/>AND DRIVE, LLC<br/>402 DEER STREET<br/>PORTSMOUTH, NH 03801<br/>5353/2395</p>                   | <p>184<br/>N/F<br/>JOSEPH GOBBI<br/>SUPPLY CORPORATION<br/>PO BOX 125<br/>PORTSMOUTH, NH 03801<br/>3233/1949</p>                       |
| <p>144<br/>N/F<br/>RUTH E. JAMES<br/>179 McDONOUGH STREET<br/>PORTSMOUTH, NH 03801<br/>5342/2028</p>  | <p>187<br/>N/F<br/>J &amp; J'S DROP<br/>AND DRIVE, LLC<br/>402 DEER STREET<br/>PORTSMOUTH, NH 03801<br/>5353/2395</p>                   | <p>184<br/>N/F<br/>ALAN MERTON<br/>INVESTMENTS, LLC<br/>PO BOX 294<br/>STRATHAM, NH 03885<br/>4771/1259</p>                            |
| <p>144<br/>N/F<br/>JAMES A. HEWITT REVOCABLE TRUST &amp;<br/>ELIZABETH E. HEWITT REVOCABLE TRUST<br/>JAMES A. HEWITT &amp;<br/>ELIZABETH E. HEWITT, TRUSTEES<br/>726 MIDDLE ROAD<br/>PORTSMOUTH, NH 03801<br/>5438/2237</p> | <p>188<br/>N/F<br/>SLATTERY &amp; DUMONT, LLC<br/>66 OLD CONCORD TURNPIKE #10<br/>BARRINGTON, NH 03825<br/>3471/195</p>                 | <p>184<br/>N/F<br/>BOSTON AND<br/>MAINE CORPORATION<br/>IRON HORSE PARK<br/>HIGH STREET<br/>NORTH BILLERICA, MA 01862</p>              |
|   | <p>183<br/>N/F<br/>M &amp; B PROPERTIES, LLC<br/>54 BARTLETT STREET<br/>PORTSMOUTH, NH 03801<br/>5794/995</p>                           |  |

**WETLAND NOTES:**

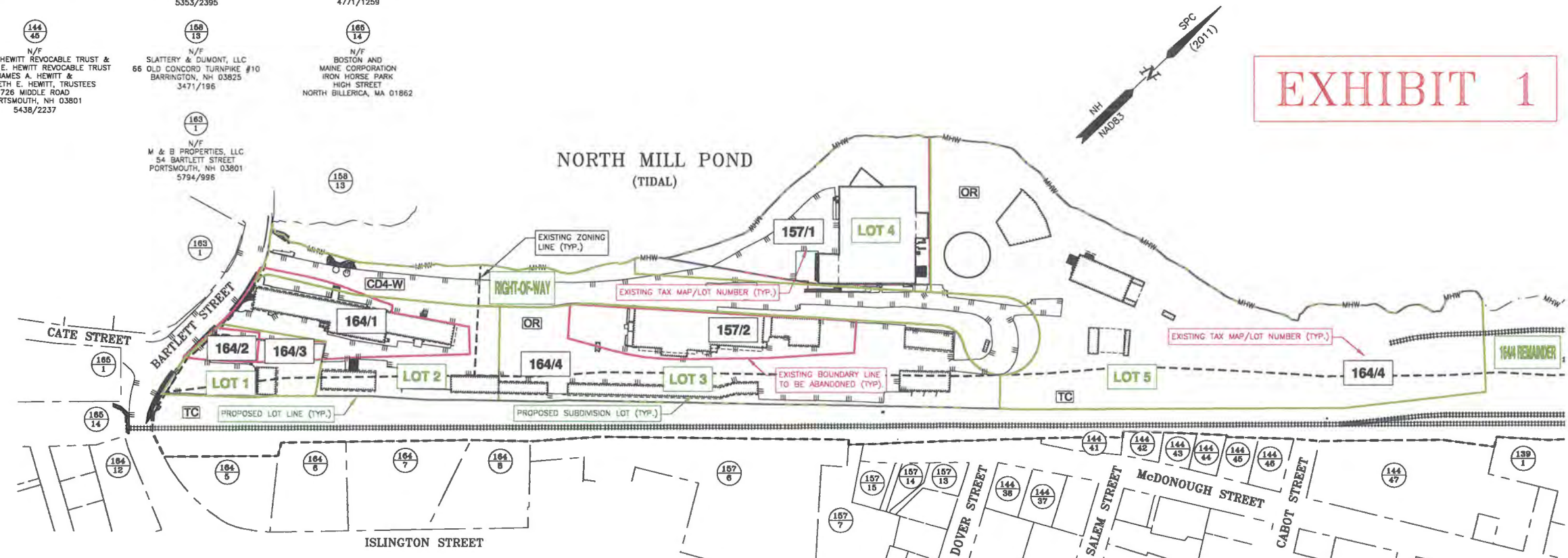
- HIGHEST OBSERVABLE TIDE LINE DELINEATED BY STEVEN D. RIKER, CWS ON 8/17/2018 IN ACCORDANCE WITH THE FOLLOWING STANDARDS:
  - U.S. ARMY CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (JAN. 1987), AND REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL: NORTHCENTRAL AND NORTHEAST REGION, VERSION 2.0, JANUARY 2012.
  - FIELD INDICATORS OF HYDRIC SOILS IN THE UNITED STATES, VERSION 8.1, USDA-NRCS, 2017 AND (FOR DISTURBED SITES) FIELD INDICATORS FOR IDENTIFYING HYDRIC SOILS IN NEW ENGLAND, VERSION 4.0, NEWPPC WETLANDS WORK GROUP (2017).
  - NATIONAL LIST OF PLANT SPECIES THAT OCCUR IN WETLANDS: NORTHEAST (REGION 1), USFWS (MAY 1988).
  - CLASSIFICATION OF WETLANDS AND DEEPWATER HABITATS OF THE UNITED STATES, USFWS MANUAL FWS/OBS-79/31 (1997).
  - "IDENTIFICATION AND DOCUMENTATION OF VERNAL POOLS IN NEW HAMPSHIRE" (1997), NEW HAMPSHIRE FISH AND GAME DEPARTMENT.

2) WETLAND FLAGS WERE FIELD LOCATED BY AMBIT ENGINEERING, INC.

**PLAN REFERENCES:**

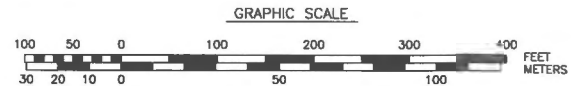
- LAND IN PORTSMOUTH, N.H. BOSTON AND MAINE RAILROAD TO ERMINO A. RICCI, SCALE 1" = 40', APRIL 1960 RCRD 1595/091.
- LAND IN PORTSMOUTH, N.H. BOSTON AND MAINE RAILROAD TO ERMINO A. RICCI, SCALE 1" = 40', MAY 1957 RCRD 02612.
- EASEMENT OF LAND IN PORTSMOUTH, N.H. BOSTON AND MAINE RAILROAD TO UNITED STATES OF AMERICA, SCALE 1" = 20', MAY 1957, RCRD 02633.
- LAND IN PORTSMOUTH, N.H. VITO P. MASSARO TO PORT CITY BEVERAGE CO, SCALE 1" = 40', APRIL 1949, RCRD 01448.
- LAND IN PORTSMOUTH, N.H. MARY E. MORAN TO BOSTON AND MAINE RAILROAD, SCALE 1" = 40', MARCH 1920, RCRD 00540.
- PLAN OF LAND OF MARY E. MORAN ON BARTLETT AND ISLINGTON STREETS PORTSMOUTH, N.H., PREPARED BY JOHN W. DURGIN, SCALE 1" = 20', MAY 1920, RCRD 08.
- DRAINAGE EASEMENT GEORGE E. FRISBEE TO THE CITY OF PORTSMOUTH, N.H., PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES, SCALE 1" = 20', JUNE 1981, RCRD B-10456.
- LAND IN PORTSMOUTH, N.H. BOSTON AND MAINE RAILROAD TO PORTSMOUTH FACTORY BUILDING ASSOCIATION, SCALE 1" = 20' OCTOBER 1923, RCRD 00356.
- NH ELECTRIC CO. PLAN SHOWING AREA RESERVED FOR TRANSFORMER SUBSTATION ON PROPERTY OF CONTINENTAL SHOE CORP. PORTSMOUTH, N.H., SCALE 1" = 30', 11-27-53, RCRD 1303/378.
- BOSTON AND MAINE RAILROAD PLAN TO ACCOMPANY AGREEMENT BETWEEN BOSTON AND MAINE RAILROAD AND CONCORD AND PORTSMOUTH RAILROAD COVERING RELOCATION OF TRACKS OF CONCORD AND PORTSMOUTH RAILROAD IN PORTSMOUTH, N.H. OCCASIONED BY CONSTRUCTION OF NEW HIGHWAY AND BRIDGE BY MAINE - NEW HAMPSHIRE INTERSTATE BRIDGE AUTHORITY, SCALE 1" = 500', DECEMBER 1936, RCRD 0934.
- LAND IN PORTSMOUTH, N.H. BOSTON AND MAINE RAILROAD TO CITY CONCRETE CO., INC., SCALE 1" = 80', JANUARY 1955, RCRD 02897.
- LAND IN PORTSMOUTH, N.H. BOSTON AND MAINE RAILROAD TO ALL STATE REALTY CORPORATION, SCALE 1" = 50', FEBRUARY 1961, RCRD 160.
- LAND IN PORTSMOUTH, N.H. BOSTON AND MAINE RAILROAD TO VITO P. MASSARO, SCALE 1" = 40', APRIL 1949, RCRD 01450.
- DRAINAGE EASEMENT STUART AND PAULA BOXER AND ARANOSIAN OIL COMPANY TO THE CITY OF PORTSMOUTH, N.H., PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES, SCALE 1" = 20', JUNE 1981, RCRD B-10455.
- CONDOMINIUM PLAN ISLINGTON PLACE PREPARED FOR ANCHOR BUILDING ASSOCIATES, PREPARED BY KIMBALL CHASE COMPANY, INC., SCALE 1" = 20', 12-10-86, RCRD D-15826.
- PLAN OF LOT 565-581 ISLINGTON STREET PORTSMOUTH, N.H., PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS, SCALE 1" = 10', DECEMBER 1949 REVISED JANUARY 1963, RCRD B28.
- SUBDIVISION OF LAND PORTSMOUTH, N.H. FOR GEORGE AND PAULINE J. FRISBEE, PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS PROFESSIONAL ASSOCIATION, SCALE 1" = 30', DECEMBER 1976, RCRD C-6587.
- RIGHT OF WAY AND TRACK MAP BOSTON AND MAINE R.R. OPERATED BY THE BOSTON AND MAINE R.R. STATION 2966+20 TO STATION 3019+0, SCALE 1" = 100', JUNE 30, 1914, VAL V3NH 55.
- PLAN OF LAND FOR DEER STREET ASSOCIATES DEER AND BRIDGE STREETS AND MAPLEWOOD AVENUE PORTSMOUTH, N.H. COUNTY OF ROCKINGHAM, PREPARED BY AMBIT SURVEY, SCALE 1" = 30', SEPTEMBER 1993.
- PROPOSED EASEMENTS- BARTLETT STREET BARTLETT SEWER SEPARATION PROJECT OVER LAND OF PAN AM RAILWAYS PORTSMOUTH, NEW HAMPSHIRE FOR CITY OF PORTSMOUTH, PREPARED BY JAMES VERRA AND ASSOCIATES, INC., SCALE 1" = 20', DATED 10-01-2007 RCRD D-35477.
- SEWER AND STORM DRAIN EASEMENT PLAN 105 BARTLETT STREET PORTSMOUTH, NEW HAMPSHIRE ASSESSOR'S PARCEL 164-001 & 164-003 EASEMENT OWNER CITY OF PORTSMOUTH, PREPARED BY JAMES VERRA AND ASSOCIATES, INC., SCALE 1" = 20', DATED 01/05/2012, RCRD D-37763.
- EASEMENT PLAN TAX MAP 164 - LOT 4 BOSTON & MAINE CORPORATION TO THE CITY OF PORTSMOUTH OFF BREWSTER STREET CITY OF PORTSMOUTH COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE, PREPARED BY AMBIT ENGINEERING, INC. SCALE 1" = 30', DATED SEPTEMBER 2012, RCRD D-37720.
- STANDARD BOUNDARY SURVEY TAX MAP 157 - LOTS 7,8,10,11,12,13,14 AND 15 WASHBURN REALTY, INC. AND WASHBURN PLUMBING AND HEATING SUPPLY COMPANY, INC. FOR JAY McSHARRY 449 & 459 ISLINGTON STREET AND 18, 30, 40, & 46 DOVER STREET AND 268 & 280 McDONOUGH STREET CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM STATE OF NEW HAMPSHIRE, PREPARED BY AMBIT ENGINEERING, INC., SCALE 1" = 20', DATED JANUARY 2012, NOT RECORDED.
- SITE REDEVELOPMENT NED & BILL PROPERTIES 621-627 ISLINGTON STREET PORTSMOUTH, N.H., PREPARED BY AMBIT ENGINEERING, INC., SCALE 1" = 10', DATED MARCH 2006, NOT RECORDED.
- PLAN OF LAND FOR SAGAMORE ENTERPRISES 653 ISLINGTON STREET COUNTY OF ROCKINGHAM PORTSMOUTH N.H., PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES, SCALE 1" = 10', DATED SEPTEMBER 21, 1988, RCRD D-18742.
- STATION MAP - LANDS BOSTON AND MAINE R.R. OPERATED BY THE BOSTON AND MAINE R.R. STATION 2966+20 TO STATION 3019+0, OFFICE OF VALUATION ENGINEER, BOSTON, MASS, SCALE 1" = 100', JUNE 30, 1914 VAL V3NH SL55.
- STATION MAP - LANDS CONCORD AND PORTSMOUTH R.R. OPERATED BY THE BOSTON AND MAINE R.R. STATION 0+0 TO STATION 33+0, OFFICE OF VALUATION ENGINEER, BOSTON, MASS, SCALE 1" = 100', JUNE 30, 1914 VAL V3NH SL55A.

**EXHIBIT 1**



APPROVED BY THE PORTSMOUTH PLANNING BOARD

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



**AMBIT ENGINEERING, INC.**  
Civil Engineers & Land Surveyors  
800 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
Fax (603) 436-2315

**NOTES:**

- PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 157 AS LOTS 1 & 2 AND ASSESSOR'S MAP 164 AS LOTS 1, 2, 3, & 4.
- OWNERS OF RECORD:
  - MAP 157 LOT 1:  
CLIPPER TRADERS, LLC  
105 BARTLETT STREET  
PORTSMOUTH, NH 03801  
5598/2725
  - MAP 157 LOT 2:  
PORTSMOUTH LUMBER AND HARDWARE, LLC  
105 BARTLETT STREET  
PORTSMOUTH, NH 03801  
5372/2606
  - MAP 164 LOT 1  
PORTSMOUTH LUMBER AND HARDWARE, LLC  
105 BARTLETT STREET  
PORTSMOUTH, NH 03801  
5372/2606
  - MAP 164 LOT 2  
PORTSMOUTH LUMBER AND HARDWARE, LLC  
105 BARTLETT STREET  
PORTSMOUTH, NH 03801  
5808/1379
  - MAP 164 LOT 3  
PORTSMOUTH LUMBER AND HARDWARE, LLC  
105 BARTLETT STREET  
PORTSMOUTH, NH 03801  
5540/2567
  - MAP 164 LOT 4  
BOSTON AND MAINE CORPORATION  
IRON HORSE PARK  
NORTH BILLERICA, MA 01862  
VARIOUS DEED & PLAN REFERENCES
- PORTIONS OF MAP 157 LOT 1 AND MAP 164 LOT 4 ARE IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259E. EFFECTIVE DATE MAY 17, 2005.
- PARCELS ARE LOCATED IN CHARACTER DISTRICT 4-W (CD4-W), OFFICE RESEARCH (OR), AND TRANSPORTATION CORRIDOR (TC) ZONING DISTRICTS.
- THE PURPOSE OF THIS PLAN IS TO SHOW THE CONSOLIDATION AND SUBDIVISION OF THE PARCELS INTO 5 LOTS AND A RIGHT-OF-WAY, AND TO RELOCATE THE LOT LINE OF MAP 164 LOT 4.

1	ISSUED FOR ZBA APPROVAL	3/28/18
0	ISSUED FOR COMMENT	3/5/18
NO.	DESCRIPTION	DATE

**OVERALL SUBDIVISION PLAN**  
TAX MAP 157 - LOTS 1 & 2  
TAX MAP 164 -  
LOTS 1, 2, 3, & 4  
OWNER OF RECORD  
TAX MAP 157, LOT 2 &  
TAX MAP 164, LOTS 1, 2, & 3:  
**PORTSMOUTH LUMBER AND  
HARDWARE, LLC**  
OWNER OF RECORD  
TAX MAP 157, LOT 1  
**CLIPPER TRADERS, LLC**  
OWNER OF RECORD  
TAX MAP 164, LOT 4:  
**BOSTON AND MAINE CORPORATION**  
PROPERTY LOCATED AT:  
105 BARTLETT STREET  
CITY OF PORTSMOUTH  
COUNTY OF ROCKINGHAM  
STATE OF NEW HAMPSHIRE

J:\052\UN2406\UN 2429\UN 2429\2017 Site Development\Plans & Specs\Site\2429 Site Plan 2017.dwg, ZBA EXHIBIT 1 SHEET 1



**TABLE OF DIMENSIONS  
FOR PROPOSED SUBDIVISION**

LOT		AREA		FRONTAGE		SETBACKS-FRONT		SETBACKS-SIDE		SETBACK-REAR		STRUCTURE COVERAGE		OPEN SPACE		FRONT LINE BUILDOUT	
EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED
157/1	LOT 4	56,297± S.F., 1.2924± ACRES	61,781± S.F., 1.4183± ACRES	0 FEET	480.65 FEET (PROPOSED RIGHT-OF-WAY)	840 FEET	1.7 FEET	0.4 FEET	3.9 FEET	3.9 FEET	46.9 FEET	36.6%	33.4%	38.0%	37.8%	NR	29.1%
157/2	LOT 3	28,502 S.F., 0.6543 ACRES	102,003 S.F., 2.3417 ACRES	0 FEET	809.23 FEET (PROPOSED RIGHT-OF-WAY)	569.7 FEET	0.0 FEET	0 FEET	204.1 FEET	54.6 FEET	69.7 FEET	54.6%	27.0%	0.0%	9.6%	NR	24.7%
164/1	LOT 2	29,852 S.F., 0.6807 ACRES	51,952 S.F., 1.1927 ACRES	116.21 FEET (BARTLETT STREET)	80.91 FEET (BARTLETT STREET) 386.88 FEET (PROPOSED RIGHT-OF-WAY)	5.6 FEET	18.2 FEET (PRIMARY) 30.2 FEET (SECONDARY)	0.1 FEET	NR	22.6 FEET	14.7 FEET	39.4%	31.2%	2.0%	15.1%	7.5%	13.3% (PRIMARY) 0% (SECONDARY)
164/2	LOT 1	4,239 S.F., 0.0973 ACRES	20,677 S.F., 0.4747 ACRES	66.87 FEET (BARTLETT STREET)	143.44 FEET (BARTLETT STREET)	0.2 FEET	27.2 FEET	NR	NR	0 FEET	38.8 FEET	65.6%	29.7%	1.0%	25.3%	28.5%	13.4%
164/3	-	3,181 S.F., 0.0730 ACRES	-	0 FEET	-	0 FEET	-	0 FEET	-	40 FEET	-	58.4%	-	33.0%	-	-	-
164/4**	164/4	13± ACRES*	4.7± ACRES	234± FEET* (BARTLETT STREET) 75± FEET* (MAPLEWOOD AVENUE)	105± FEET (BARTLETT STREET) 75± FEET (MAPLEWOOD AVENUE)	-	N/A	-	N/A	-	N/A	-	N/A	-	N/A	N/A	N/A
-	LOT 5	-	177,435± S.F., 4.0733± ACRES	-	297.42 FEET (PROPOSED RIGHT-OF-WAY)	113.4	75.8 FEET	7.6 FEET	81.2 FEET	-	33.7 FEET	5.2%	4.1%	68.0%	86.1%	NR	0%
-	RIGHT-OF-WAY	-	69,621± S.F., 1.5983± ACRES	-	-	-	-	-	-	-	-	-	-	-	-	-	-

\*PER ASSESSORS RECORDS (TOTAL)  
\*\* TO PROPOSED TRANSFER LINE

**VARIANCES REQUESTED FROM PROPOSED  
PORTSMOUTH ZONING ORDINANCE**

**PROPOSED LOT 3 (CD4-W):**

VARIANCES FROM 10.5A41.10B  
1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 24.7%, WHERE NO REQUIREMENT CURRENTLY EXIST AND 50% IS REQUIRED.  
2) TO ALLOW FOR A MINIMUM OPEN SPACE OF 9.6%, WHERE 0% EXIST AND 15% IS REQUIRED.

**PROPOSED LOT 4 (CD4-W):**

VARIANCES FROM 10.5A41.10B  
1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 29.1%, WHERE NO REQUIREMENT CURRENTLY EXIST AND 50% IS REQUIRED.  
2) TO ALLOW FOR A MAXIMUM BUILDING FOOTPRINT OF 20,313 S.F., WHERE NO REQUIREMENT CURRENTLY EXISTS, A BUILDING FOOTPRINT OF 20,313 S.F. CURRENTLY EXISTS AND A MAXIMUM OF 15,000 S.F. IS ALLOWED.

**PROPOSED LOT 5 (CD4-W):**

VARIANCES FROM 10.5A41.10B  
1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 0%, WHERE NO REQUIREMENT CURRENTLY EXIST AND 50% IS REQUIRED.  
2) TO ALLOW FOR A MAXIMUM PRIMARY FRONT SETBACK OF 75.6 FEET, WHERE NO MAXIMUM CURRENTLY EXISTS AND A MAXIMUM OF 10 FEET IS REQUIRED.

**ZONING DISTRICT DIMENSIONAL  
REQUIREMENTS:**

OFFICE RESEARCH (OR):  
\*PARCELS ARE SUBJECT TO EXCEPTIONS TO DIMENSIONAL STANDARDS AS OUTLINED IN CITY OF PORTSMOUTH ZONING ORDINANCE SECTION 10.532.10 & 10.532.20, MODIFIED DIMENSIONS LISTED BELOW

MIN. LOT AREA: 2 ACRES  
FRONTAGE: 200 FEET  
SETBACKS:  
FRONT 70 FEET  
SIDE 50 FEET  
REAR 50 FEET  
MAXIMUM STRUCTURE HEIGHT: 70 FEET  
(45 FEET WITHIN 200 FEET OF NORTH MILL POND)  
MAXIMUM STRUCTURE COVERAGE: 50%  
MINIMUM OPEN SPACE: 20%

**CHARACTER DISTRICT 4-W (CD4-W) (NO INCENTIVES):**

MIN. LOT AREA: 5,000 S.F.  
FRONTAGE: NO REQUIREMENT  
SETBACKS:  
FRONT (MAX.) 10 FEET (PRIMARY)  
FRONT (MAX.) 15 FEET (SECONDARY)  
SIDE NO REQUIREMENT  
REAR 5 FEET  
MAXIMUM STRUCTURE HEIGHT: 45 FEET  
MAXIMUM STRUCTURE COVERAGE: 60%  
MAXIMUM BUILDING FOOTPRINT: 15,000 S.F.  
MINIMUM OPEN SPACE: 15%  
MINIMUM FRONT LOT LINE BUILDOUT: 50%

**TRANSPORTATION CORRIDOR (TC):**  
NO DIMENSIONAL OR USE REQUIREMENTS DEFINED IN ORDINANCE

PORTIONS OF THESE PARCELS ARE BEING SUBMITTED FOR REZONING.



**AMBIT ENGINEERING, INC.**

Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
Fax (603) 436-2816

**NOTES:**

1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 157 AS LOTS 1 & 2 AND ASSESSOR'S MAP 164 AS LOTS 1, 2, 3, & 4.

VARIANCES REQUESTED FROM CURRENT PORTSMOUTH ZONING ORDINANCE

**PROPOSED LOT 1 (CD4-W ZONE):**

VARIANCES FROM 10.5A41.10B  
1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 13.4%, WHERE 28.5% CURRENTLY EXISTS AND 50% IS REQUIRED.  
2) TO ALLOW FOR A MAXIMUM PRIMARY FRONT SETBACK OF 27.2 FEET, WHERE 27.2 FEET CURRENTLY EXISTS AND 10 FEET IS REQUIRED.

**PROPOSED LOT 2 (CD4-W ZONE):**

VARIANCES FROM 10.5A41.10B  
1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 13.3%, WHERE 7.5% CURRENTLY EXISTS AND 50% IS REQUIRED.  
2) TO ALLOW FOR A SECONDARY FRONT LOT LINE BUILDOUT OF 0%, WHERE NONE CURRENTLY EXISTS AND 50% IS REQUIRED.  
3) TO ALLOW FOR A MAXIMUM PRIMARY FRONT SETBACK OF 18.2 FEET, WHERE 18.2 FEET CURRENTLY EXISTS AND 10 FEET IS REQUIRED.  
4) TO ALLOW FOR A MAXIMUM SECONDARY FRONT SETBACK OF 30.2 FEET, WHERE NONE CURRENTLY EXISTS AND 15 FEET IS REQUIRED.

**PROPOSED LOT 3 (OR ZONE):**

VARIANCES FROM 10.530  
1) TO ALLOW FOR A FRONT SETBACK OF 0 FEET, WHERE 569.7 FEET CURRENTLY EXISTS AND 70 FEET IS REQUIRED.  
2) TO ALLOW FOR AN OPEN SPACE AREA OF 9.6%, WHERE 0% OPEN SPACE CURRENTLY EXISTS AND 20% OPEN SPACE IS REQUIRED.

**PROPOSED LOT 4 (OR ZONE):**

VARIANCES FROM 10.530  
1) TO ALLOW FOR A LOT SIZE OF 1.4183± ACRES, WHERE 1.2924± ACRES CURRENTLY EXISTS AND 2 ACRES IS REQUIRED.  
2) TO ALLOW FOR A FRONT SETBACK OF 1.7 FEET, WHERE 840 FEET CURRENTLY EXISTS AND 70 FEET IS REQUIRED.  
3) TO ALLOW FOR A SIDE SETBACK OF 3.9 FEET, WHERE 0.4 FEET CURRENTLY EXISTS AND 50 FEET IS REQUIRED.  
4) TO ALLOW FOR A REAR SETBACK OF 46.9 FEET, WHERE 1.2 FEET CURRENTLY EXISTS AND 50 FEET IS REQUIRED.

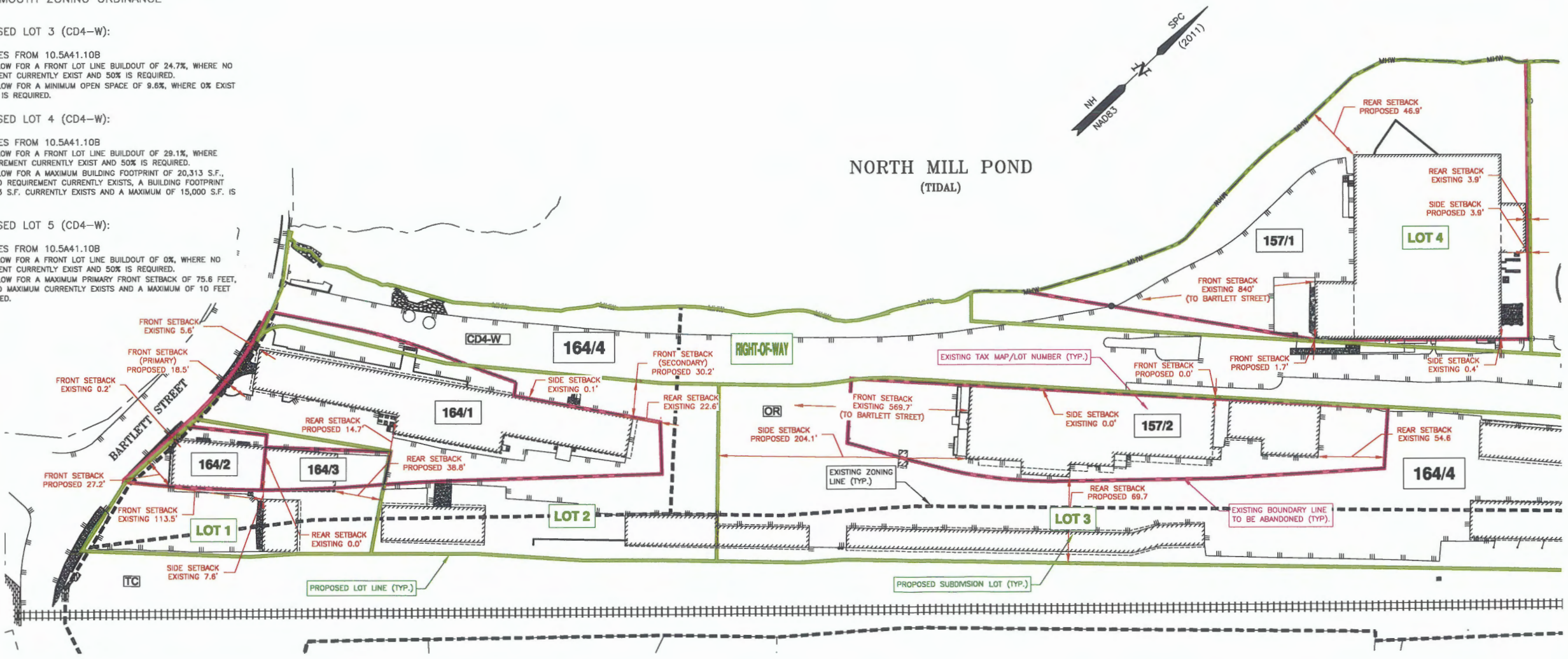
**PROPOSED LOT 5 (OR ZONE):**

VARIANCES FROM 10.530  
1) TO ALLOW FOR A REAR SETBACK OF 33.7 FEET, WHERE 50 FEET IS REQUIRED.

NO.	DESCRIPTION	DATE
1	ISSUED FOR ZBA APPROVAL	3/28/18
0	ISSUED FOR COMMENT	3/5/18

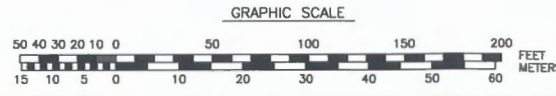
**OVERALL SUBDIVISION PLAN  
TAX MAP 157 - LOTS 1 & 2  
TAX MAP 164 -  
LOTS 1, 2, 3, & 4  
OWNER OF RECORD  
TAX MAP 157, LOT 2 &  
TAX MAP 164, LOTS 1, 2, & 3:  
PORTSMOUTH LUMBER AND  
HARDWARE, LLC  
OWNER OF RECORD  
TAX MAP 157, LOT 1  
CLIPPER TRADERS, LLC  
OWNER OF RECORD  
TAX MAP 164, LOT 4:  
BOSTON AND MAINE CORPORATION  
PROPERTY LOCATED AT:  
105 BARTLETT STREET  
CITY OF PORTSMOUTH  
COUNTY OF ROCKINGHAM  
STATE OF NEW HAMPSHIRE**

SCALE 1"=50' MARCH 2018



APPROVED BY THE PORTSMOUTH PLANNING BOARD

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



J:\JOB2\1\24000\1\2420\1\2429\2017 Site Development\Plans & Specs\Site\2429 Site Plan 2017.dwg, ZBA EXHIBIT 1, SHEET 2



**TABLE OF DIMENSIONS  
FOR PROPOSED SUBDIVISION**

LOT		AREA		FRONTAGE		SETBACKS—FRONT		SETBACKS—SIDE		SETBACK—REAR		STRUCTURE COVERAGE		OPEN SPACE		FRONT LINE BUILDOUT	
EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED	EXISTING	PROPOSED
157/1	LOT 4	56,297± S.F., 1.2924± ACRES	61,781± S.F., 1.4183± ACRES	0 FEET	480.65 FEET (PROPOSED RIGHT-OF-WAY)	840 FEET	1.7 FEET	0.4 FEET	3.9 FEET	3.9 FEET	46.9 FEET	36.6%	33.4%	38.0%	37.8%	NR	29.1%
157/2	LOT 3	28,502 S.F., 0.6543 ACRES	102,003 S.F., 2.3417 ACRES	0 FEET	809.23 FEET (PROPOSED RIGHT-OF-WAY)	569.7 FEET	0.0 FEET	0 FEET	204.1 FEET	54.6 FEET	69.7 FEET	54.6%	27.0%	0.0%	9.6%	NR	24.7%
164/1	LOT 2	29,652 S.F., 0.6807 ACRES	51,952 S.F., 1.1927 ACRES	116.21 FEET (BARTLETT STREET)	80.91 FEET (BARTLETT STREET) 386.88 FEET (PROPOSED RIGHT-OF-WAY)	5.6 FEET	18.2 FEET (PRIMARY) 30.2 FEET (SECONDARY)	0.1 FEET	NR	22.6 FEET	14.7 FEET	39.4%	31.2%	2.0%	15.1%	7.5%	13.3% (PRIMARY) 0% (SECONDARY)
164/2	LOT 1	4,239 S.F., 0.0973 ACRES	20,677 S.F., 0.4747 ACRES	66.87 FEET (BARTLETT STREET)	143.44 FEET (BARTLETT STREET)	0.2 FEET	27.2 FEET	NR	NR	0 FEET	38.8 FEET	65.6%	29.7%	1.0%	25.3%	28.5%	13.4%
164/3	-	3,181 S.F., 0.0730 ACRES	-	0 FEET	-	0 FEET	-	0 FEET	-	40 FEET	-	58.4%	-	33.0%	-	-	-
164/4*	164/4	13± ACRES*	4.7± ACRES	234± FEET* (BARTLETT STREET) 75± FEET* (MAPLEWOOD AVENUE)	105± FEET (BARTLETT STREET) 75± FEET (MAPLEWOOD AVENUE)	-	N/A	-	N/A	-	N/A	-	N/A	-	N/A	N/A	N/A
-	LOT 5	-	177,435± S.F., 4.0733± ACRES	-	297.42 FEET (PROPOSED RIGHT-OF-WAY)	113.4	75.8 FEET	7.6 FEET	81.2 FEET	-	33.7 FEET	5.2%	4.1%	68.0%	86.1%	NR	0%
-	RIGHT-OF-WAY	-	69,621± S.F., 1.5983± ACRES	-	-	-	-	-	-	-	-	-	-	-	-	-	-

\*PER ASSESSORS RECORDS (TOTAL)  
\*\* TO PROPOSED TRANSFER LINE

**ZONING DISTRICT DIMENSIONAL  
REQUIREMENTS:**

OFFICE RESEARCH (OR)\*:  
\*PARCELS ARE SUBJECT TO EXCEPTIONS TO DIMENSIONAL STANDARDS AS OUTLINED IN CITY OF PORTSMOUTH ZONING ORDINANCE SECTION 10.532.10 & 10.532.20, MODIFIED DIMENSIONS LISTED BELOW

MIN. LOT AREA: 2 ACRES  
FRONTAGE: 200 FEET  
SETBACKS:  
FRONT 70 FEET  
SIDE 50 FEET  
REAR 50 FEET  
MAXIMUM STRUCTURE HEIGHT: 70 FEET  
(45 FEET WITHIN 200 FEET OF NORTH MILL POND)  
MAXIMUM STRUCTURE COVERAGE: 50%  
MINIMUM OPEN SPACE: 20%

CHARACTER DISTRICT 4-W (CD4-W) (NO INCENTIVES):  
MIN. LOT AREA: 5,000 S.F.  
FRONTAGE: NO REQUIREMENT  
SETBACKS:

FRONT (MAX.) 10 FEET (PRIMARY)  
FRONT (MAX.) 15 FEET (SECONDARY)  
SIDE NO REQUIREMENT  
REAR 5 FEET  
MAXIMUM STRUCTURE HEIGHT: 45 FEET  
MAXIMUM STRUCTURE COVERAGE: 60%  
MAXIMUM BUILDING FOOTPRINT: 15,000 S.F.  
MINIMUM OPEN SPACE: 15%  
MINIMUM FRONT LOT LINE BUILDOUT: 50%

TRANSPORTATION CORRIDOR (TC):  
NO DIMENSIONAL OR USE REQUIREMENTS DEFINED IN ORDINANCE

PORTIONS OF THESE PARCELS ARE BEING SUBMITTED FOR REZONING.



**NOTES:**

1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 157 AS LOTS 1 & 2 AND ASSESSOR'S MAP 164 AS LOTS 1, 2, 3, & 4.

VARIANCES REQUESTED FROM CURRENT PORTSMOUTH ZONING ORDINANCE

**PROPOSED LOT 1 (CD4-W ZONE):**

VARIANCES FROM 10.5A41.10B  
1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 13.4%, WHERE 28.5% CURRENTLY EXISTS AND 50% IS REQUIRED.  
2) TO ALLOW FOR A MAXIMUM PRIMARY FRONT SETBACK OF 27.2 FEET, WHERE 27.2 FEET CURRENTLY EXISTS AND 10 FEET IS REQUIRED.

**PROPOSED LOT 2 (CD4-W ZONE):**

VARIANCES FROM 10.5A41.10B  
1) TO ALLOW FOR A PRIMARY FRONT LOT LINE BUILDOUT OF 13.3%, WHERE 7.5% CURRENTLY EXISTS AND 50% IS REQUIRED.  
2) TO ALLOW FOR A SECONDARY FRONT LOT LINE BUILDOUT OF 0%, WHERE NONE CURRENTLY EXISTS AND 50% IS REQUIRED.  
3) TO ALLOW FOR A MAXIMUM PRIMARY FRONT SETBACK OF 18.2 FEET, WHERE 18.2 FEET CURRENTLY EXISTS AND 10 FEET IS REQUIRED.  
4) TO ALLOW FOR A MAXIMUM SECONDARY FRONT SETBACK OF 30.2 FEET, WHERE NONE CURRENTLY EXISTS AND 15 FEET IS REQUIRED.

**PROPOSED LOT 3 (OR ZONE):**

VARIANCES FROM 10.530  
1) TO ALLOW FOR A FRONT SETBACK OF 0 FEET, WHERE 569.7 FEET CURRENTLY EXISTS AND 70 FEET IS REQUIRED.  
2) TO ALLOW FOR AN OPEN SPACE AREA OF 9.6%, WHERE 0% OPEN SPACE CURRENTLY EXISTS AND 20% OPEN SPACE IS REQUIRED.

**PROPOSED LOT 4 (OR ZONE):**

VARIANCES FROM 10.530  
1) TO ALLOW FOR A LOT SIZE OF 1.4183± ACRES, WHERE 1.2924± ACRES CURRENTLY EXISTS AND 2 ACRES IS REQUIRED.  
2) TO ALLOW FOR A FRONT SETBACK OF 1.7 FEET, WHERE 840 FEET CURRENTLY EXISTS AND 70 FEET IS REQUIRED.  
3) TO ALLOW FOR A SIDE SETBACK OF 3.9 FEET, WHERE 0.4 FEET CURRENTLY EXISTS AND 50 FEET IS REQUIRED.  
4) TO ALLOW FOR A REAR SETBACK OF 46.9 FEET, WHERE 1.2 FEET CURRENTLY EXISTS AND 50 FEET IS REQUIRED.

**PROPOSED LOT 5 (OR ZONE):**

VARIANCES FROM 10.530  
1) TO ALLOW FOR A REAR SETBACK OF 33.7 FEET, WHERE 50 FEET IS REQUIRED.

**VARIANCES REQUESTED FROM PROPOSED  
PORTSMOUTH ZONING ORDINANCE**

**PROPOSED LOT 3 (CD4-W):**

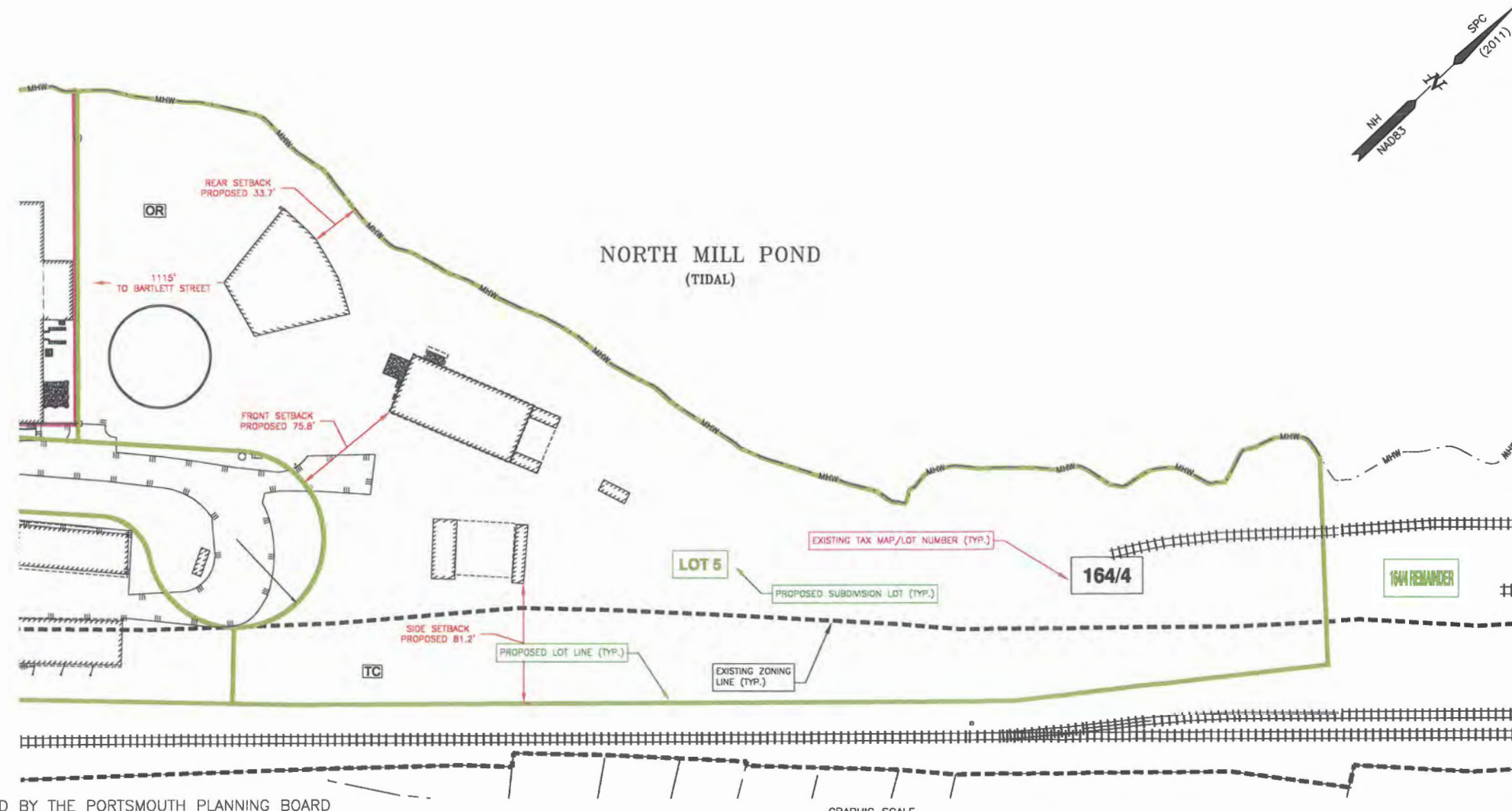
VARIANCES FROM 10.5A41.10B  
1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 24.7%, WHERE NO REQUIREMENT CURRENTLY EXIST AND 50% IS REQUIRED.  
2) TO ALLOW FOR A MINIMUM OPEN SPACE OF 9.6%, WHERE 0% EXIST AND 15% IS REQUIRED.

**PROPOSED LOT 4 (CD4-W):**

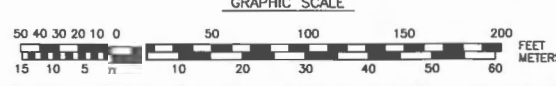
VARIANCES FROM 10.5A41.10B  
1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 29.1%, WHERE NO REQUIREMENT CURRENTLY EXIST AND 50% IS REQUIRED.  
2) TO ALLOW FOR A MAXIMUM BUILDING FOOTPRINT OF 20,313 S.F., WHERE NO REQUIREMENT CURRENTLY EXISTS, A BUILDING FOOTPRINT OF 20,313 S.F. CURRENTLY EXISTS AND A MAXIMUM OF 15,000 S.F. IS ALLOWED.

**PROPOSED LOT 5 (CD4-W):**

VARIANCES FROM 10.5A41.10B  
1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 0%, WHERE NO REQUIREMENT CURRENTLY EXIST AND 50% IS REQUIRED.  
2) TO ALLOW FOR A MAXIMUM PRIMARY FRONT SETBACK OF 75.6 FEET, WHERE NO MAXIMUM CURRENTLY EXISTS AND A MAXIMUM OF 10 FEET IS REQUIRED.



APPROVED BY THE PORTSMOUTH PLANNING BOARD



NO.	DESCRIPTION	DATE
1	ISSUED FOR ZBA APPROVAL	3/28/18
0	ISSUED FOR COMMENT	3/5/18

REVISIONS

**OVERALL SUBDIVISION PLAN  
TAX MAP 157 - LOTS 1 & 2  
TAX MAP 164 -  
LOTS 1, 2, 3, & 4**  
OWNER OF RECORD  
TAX MAP 157, LOT 2 &  
TAX MAP 164, LOTS 1, 2, & 3:  
**PORTSMOUTH LUMBER AND  
HARDWARE, LLC**  
OWNER OF RECORD  
TAX MAP 157, LOT 1  
**CLIPPER TRADERS, LLC**  
OWNER OF RECORD  
TAX MAP 164, LOT 4:  
**BOSTON AND MAINE CORPORATION**  
PROPERTY LOCATED AT:  
105 BARTLETT STREET  
CITY OF PORTSMOUTH  
COUNTY OF ROCKINGHAM  
STATE OF NEW HAMPSHIRE

J:\062\2429\062\2429\2017 Site Development\Plans & Specs\Site\2429 Site Plan 2017.dwg, ZBA EXHIBIT 1, SHEET 3

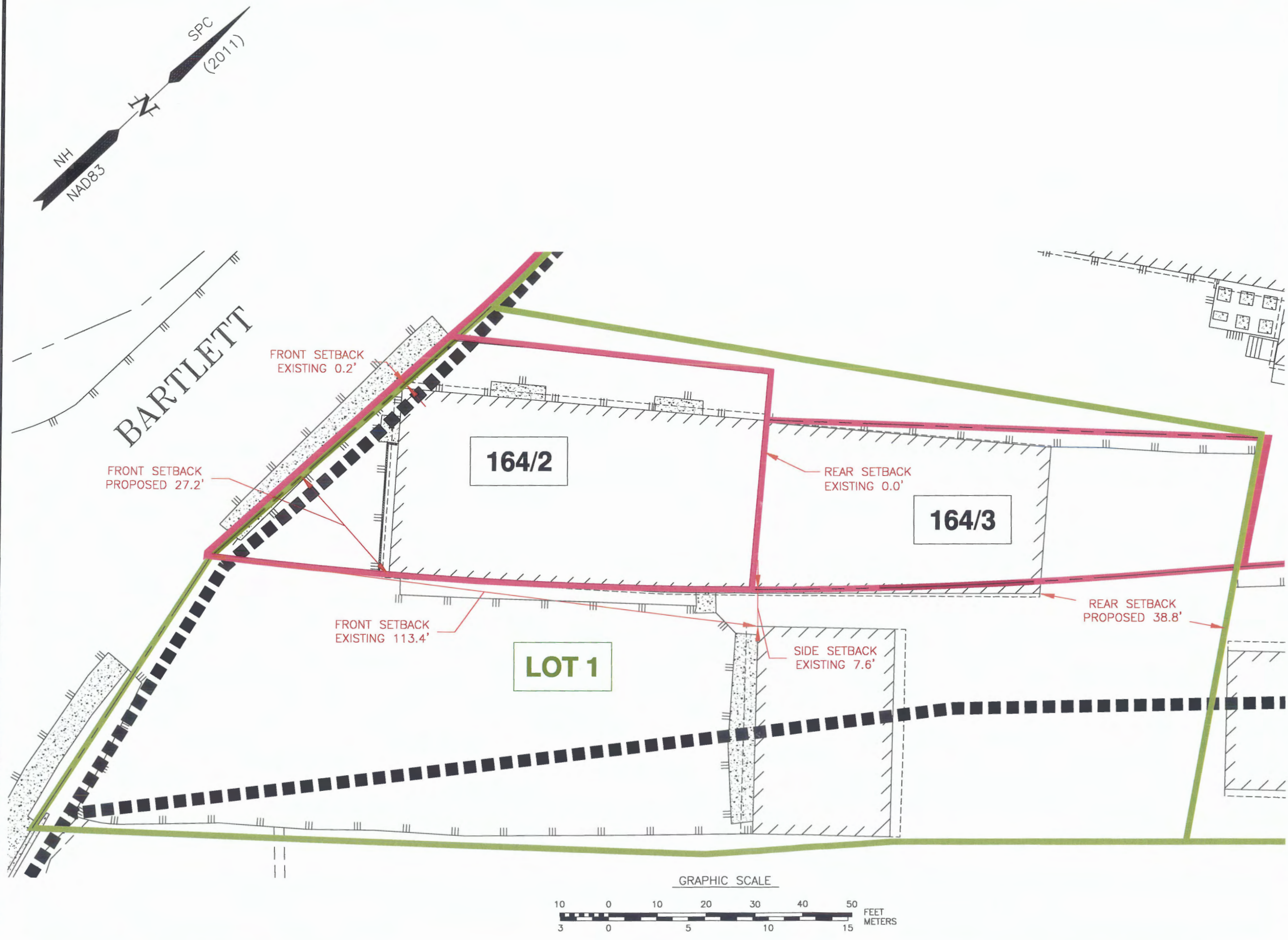




AMB  
Civil E  
200 Griff  
Portsmou  
Tel (603  
Fax (603

**NOTES:**

- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 164 AS LOTS 1, 2, 3, & 4.
- 2) OWNERS OF RECORD:
  - MAP 164 LOT 1  
PORTSMOUTH LUMBER AND HARDWARE, LLC  
105 BARTLETT STREET  
PORTSMOUTH, NH 03801  
5372/2606
  - MAP 164 LOT 2  
PORTSMOUTH LUMBER AND HARDWARE, LLC  
105 BARTLETT STREET  
PORTSMOUTH, NH 03801  
5808/1379
  - MAP 164 LOT 3  
PORTSMOUTH LUMBER AND HARDWARE, LLC  
105 BARTLETT STREET  
PORTSMOUTH, NH 03801  
5540/2567
  - MAP 164 LOT 4  
BOSTON AND MAINE CORPORATION  
IRON HORSE PARK  
NORTH BILLERICA, MA 01862  
VARIOUS DEED & PLAN REFERENCES
- 3) PORTIONS OF MAP 164 LOT 4 ARE IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259E. EFFECTIVE DATE MAY 17, 2005.
- 4) PARCELS ARE LOCATED IN CHARACTER DISTRICT 4-W (CD4-W), AND TRANSPORTATION CORRIDOR (TC) ZONING DISTRICTS.
- 5) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING AND PROPOSED SETBACK DIMENSIONS AND LOCATIONS FOR PROPOSED LOT 1.



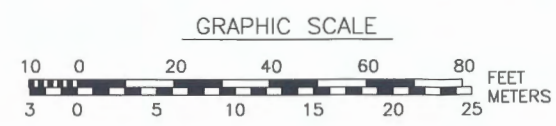
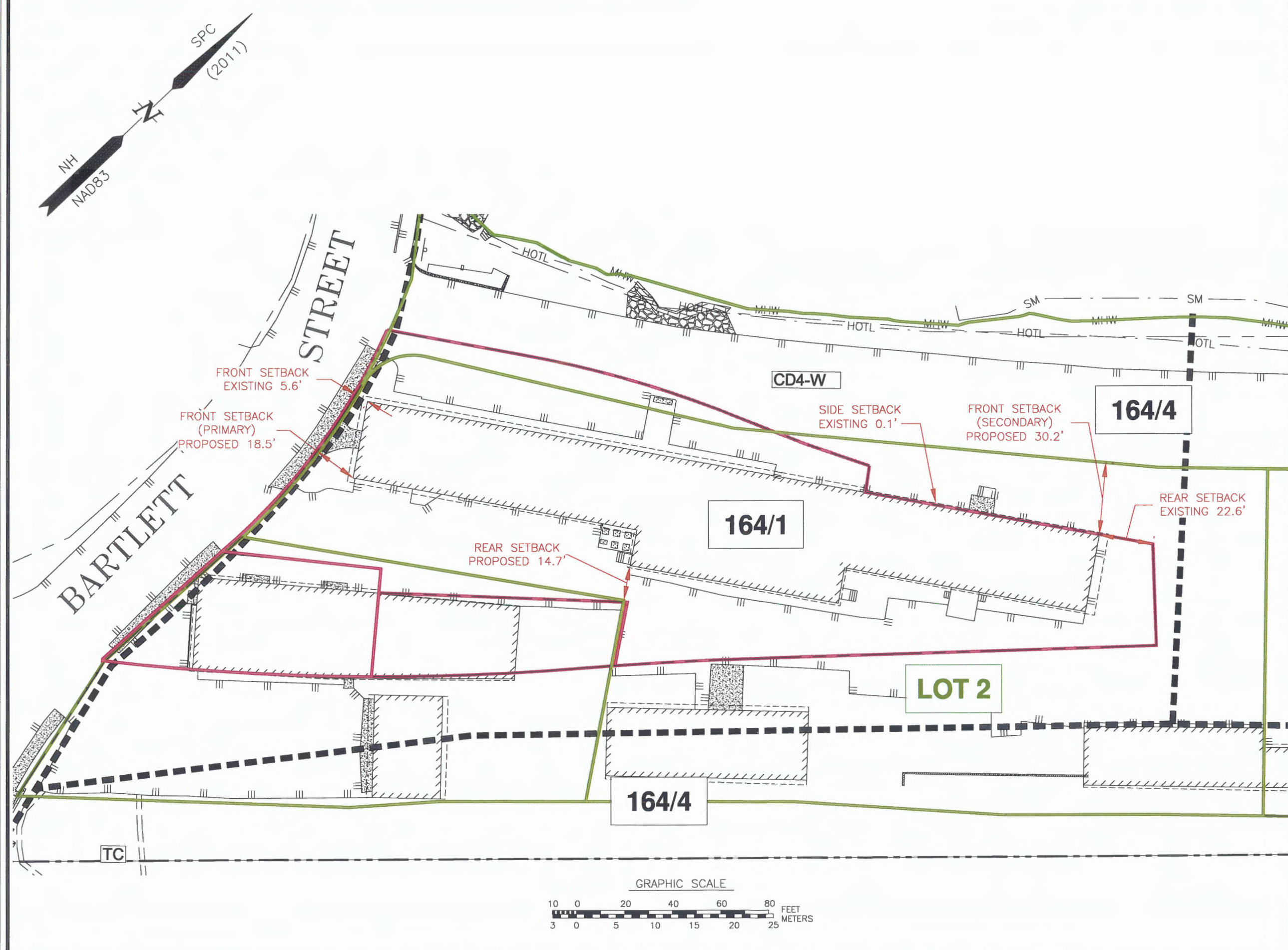
NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	3/27/18
REVISIONS		

SCALE 1" = 20' MARCH 2018  
**PROPOSED LOT 1  
SITE PLAN**

J:\JOB52\UN2400s\UN 2420s\UN 2429\2017 Site Development\Plans & Specs\Site\24-29 Lot Site Plans 2017.dwg, LOT 1 SITE PLAN



- NOTES:**
- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 164 AS LOTS 1, 2, 3, & 4.
  - 2) OWNERS OF RECORD:  
 MAP 164 LOT 1  
 PORTSMOUTH LUMBER AND HARDWARE, LLC  
 105 BARTLETT STREET  
 PORTSMOUTH, NH 03801  
 5372/2606  
  
 MAP 164 LOT 4  
 BOSTON AND MAINE CORPORATION  
 IRON HORSE PARK  
 NORTH BILLERICA, MA 01862  
 VARIOUS DEED & PLAN REFERENCES
  - 3) PORTIONS OF MAP 164 LOT 4 ARE IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259E. EFFECTIVE DATE MAY 17, 2005.
  - 4) PARCELS ARE LOCATED IN CHARACTER DISTRICT 4-W (CD4-W), AND TRANSPORTATION CORRIDOR (TC) ZONING DISTRICTS.
  - 5) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING AND PROPOSED SETBACK DIMENSIONS AND LOCATIONS FOR PROPOSED LOT 2.



NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	3/27/18
REVISIONS		

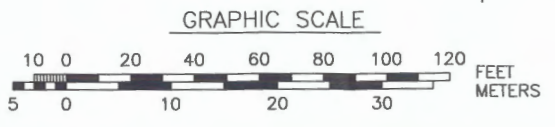
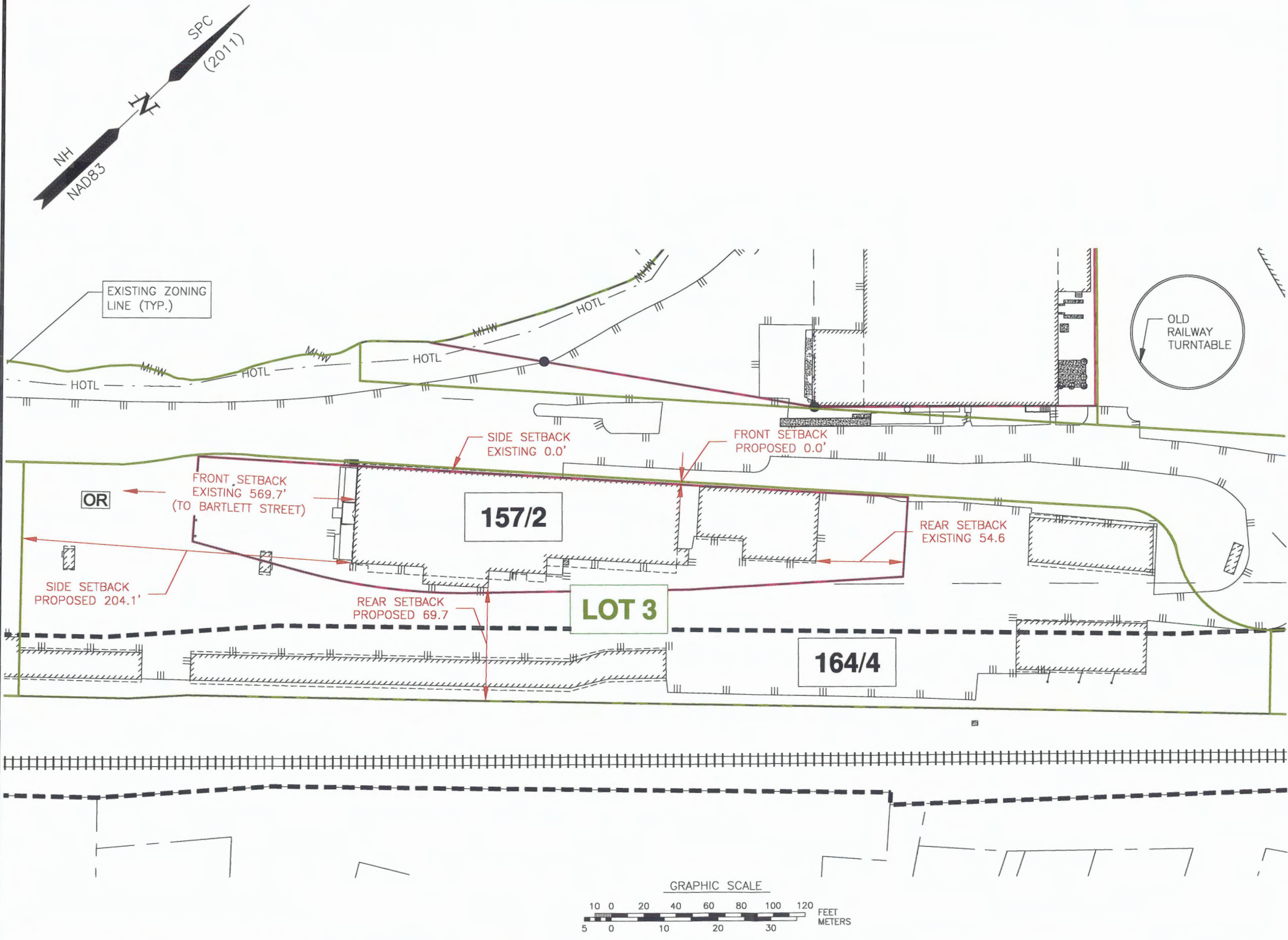
SCALE 1" = 40' MARCH 2018

**PROPOSED LOT 2  
 SITE PLAN**

J:\JOB52\UN2405\UN 2429\2017 Site Development\Plans & Specs\Site\2429 Lot Site Plans 2017.dwg, LOT 2 SITE PLAN



- NOTES:**
- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 157 AS LOT 2 AND ASSESSOR'S MAP 164 AS LOT 4.
  - 2) OWNERS OF RECORD:  
 MAP 157 LOT 2:  
 PORTSMOUTH LUMBER AND HARDWARE, LLC  
 105 BARTLETT STREET  
 PORTSMOUTH, NH 03801  
 5372/2606  
  
 MAP 164 LOT 4:  
 BOSTON AND MAINE CORPORATION  
 IRON HORSE PARK  
 NORTH BILLERICA, MA 01862  
 VARIOUS DEED & PLAN REFERENCES
  - 3) PORTIONS OF MAP 164 LOT 4 ARE IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259E. EFFECTIVE DATE MAY 17, 2005.
  - 4) PARCELS ARE LOCATED IN OFFICE RESEARCH (OR), AND TRANSPORTATION CORRIDOR (TC) ZONING DISTRICTS.
  - 5) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING AND PROPOSED SETBACK DIMENSIONS AND LOCATIONS FOR PROPOSED LOT 3.



NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	3/27/18
REVISIONS		

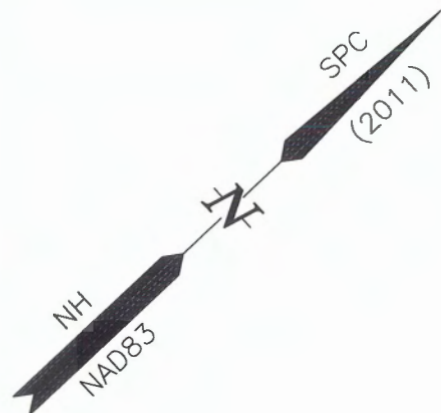
SCALE 1" = 60' MARCH 2018

**PROPOSED LOT 3  
SITE PLAN**

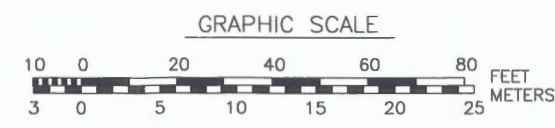
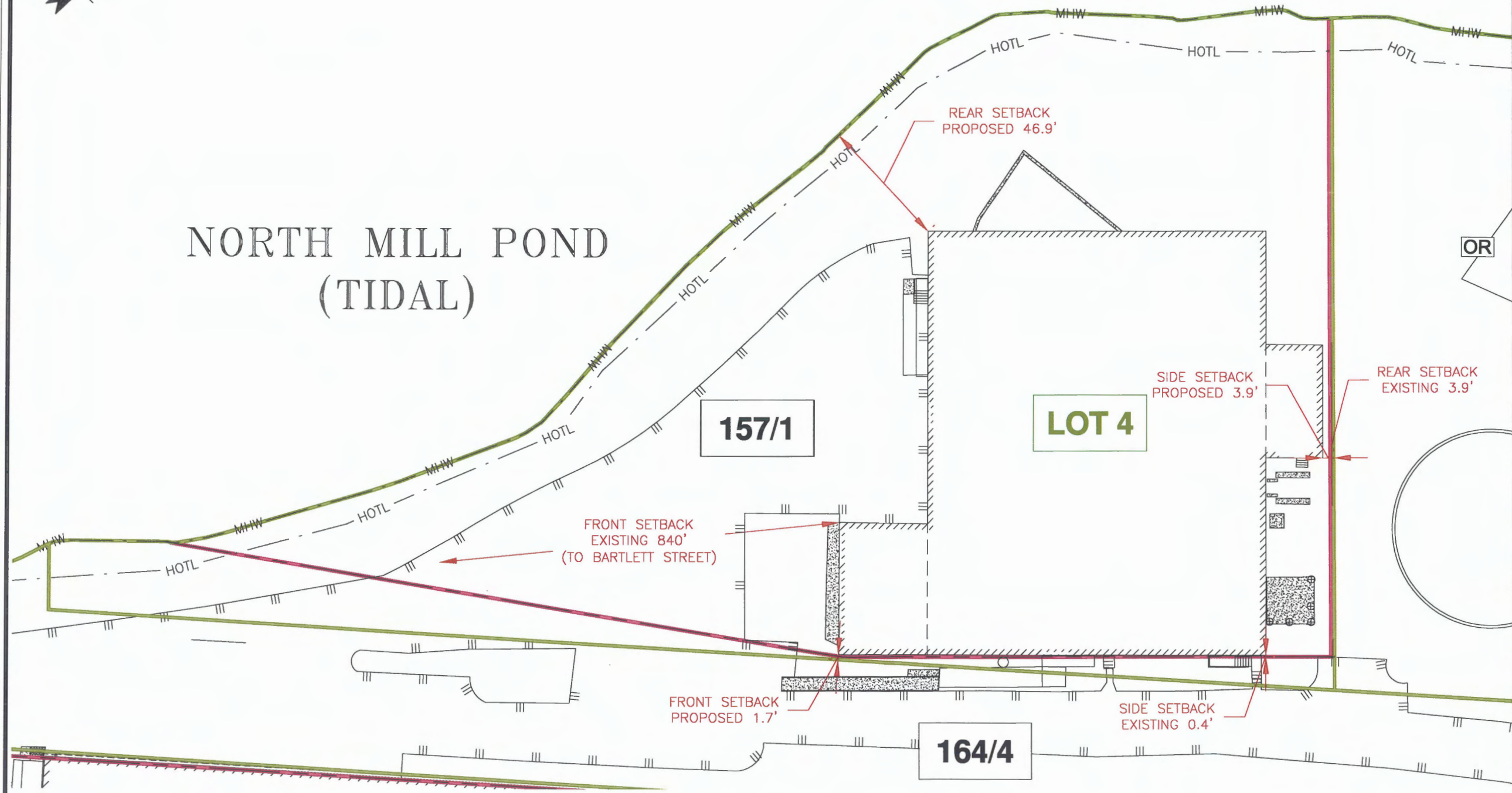
J:\0524\2400s\N 2429\2017 Site Development\Plans & Specs\Site\2429 Lot Site Plans 2017.dwg, LOT 3 SITE PLAN



- NOTES:**
- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 157 AS LOTS 1 AND ASSESSOR'S MAP 164 AS LOT 4.
  - 2) OWNERS OF RECORD:  
 MAP 157 LOT 1:  
 CLIPPER TRADERS, LLC  
 105 BARTLETT STREET  
 PORTSMOUTH, NH 03801  
 5598/2725  
  
 MAP 164 LOT 4  
 BOSTON AND MAINE CORPORATION  
 IRON HORSE PARK  
 NORTH BILLERICA, MA 01862  
 VARIOUS DEED & PLAN REFERENCES
  - 3) PORTIONS OF MAP 157 LOT 1 AND MAP 164 LOT 4 ARE IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259E. EFFECTIVE DATE MAY 17, 2005.
  - 4) PARCELS ARE LOCATED IN OFFICE RESEARCH (OR), AND TRANSPORTATION CORRIDOR (TC) ZONING DISTRICTS.
  - 5) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING AND PROPOSED SETBACK DIMENSIONS AND LOCATIONS FOR PROPOSED LOT 4.



**NORTH MILL POND  
 (TIDAL)**



NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	3/27/18

REVISIONS

NO.	DESCRIPTION	DATE

SCALE 1" = 40' MARCH 2018  
**PROPOSED LOT 4  
 SITE PLAN**





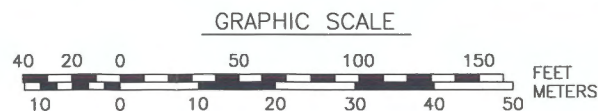
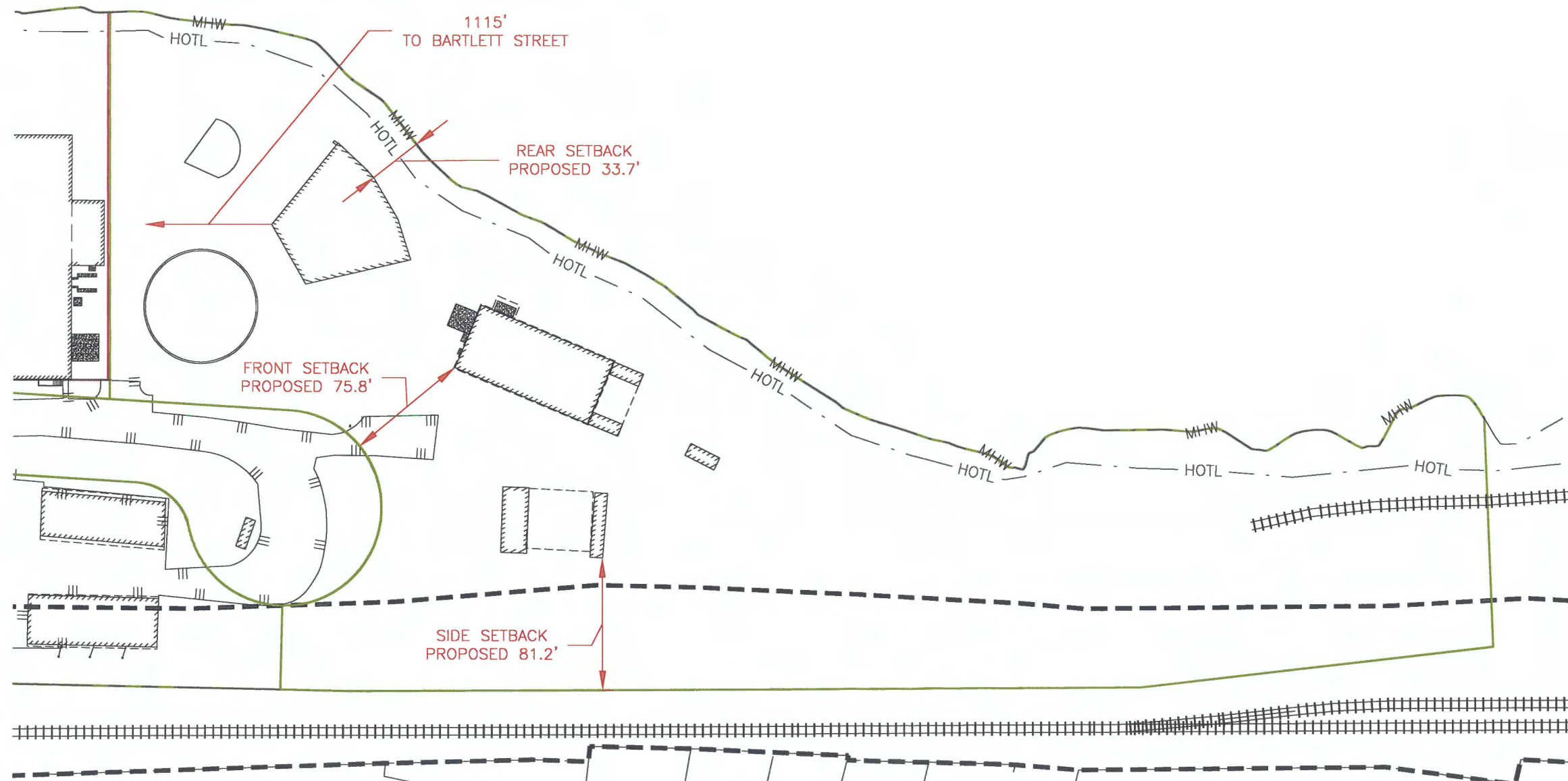
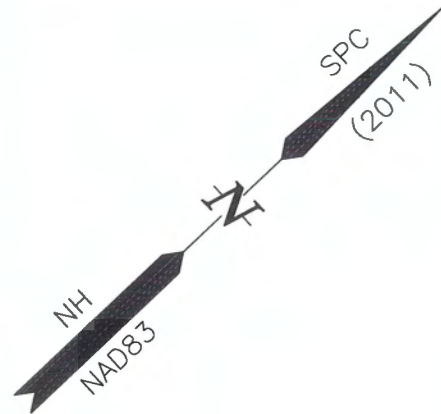
**AMBIT ENGINEERING, INC.**

Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3  
Portsmouth, N.H. 03801-7114  
Tel (603) 430-9282  
Fax (603) 436-2316

**NOTES:**

- 1) PARCELS ARE SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 164 AS LOT 4.
- 2) OWNERS OF RECORD:  
MAP 164 LOT 4  
BOSTON AND MAINE CORPORATION  
IRON HORSE PARK  
NORTH BILLERICA, MA 01862  
VARIOUS DEED & PLAN REFERENCES
- 3) PORTIONS OF MAP 164 LOT 4 ARE IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259E. EFFECTIVE DATE MAY 17, 2005.
- 4) PARCEL IS LOCATED IN OFFICE RESEARCH (OR) ZONING DISTRICT.
- 5) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING AND PROPOSED SETBACK DIMENSIONS AND LOCATIONS FOR PROPOSED LOT 5.



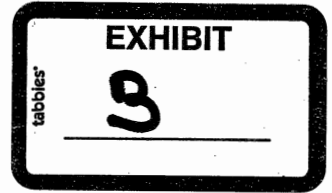
NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	3/27/18
REVISIONS		

SCALE 1" = 80' MARCH 2018

**PROPOSED LOT 5  
SITE PLAN**

**VARIANCES REQUESTED FROM CURRENT PORTSMOUTH ZONING ORDINANCE (CD4-W, OR, TC)**

CLIPPER TRADERS, 105 BARTLETT STREET, PORTSMOUTH, NH



**PROPOSED LOT 1 (CD4 ZONE):**

VARIANCES FROM 10.5A41.10B

- 1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 13.4%, WHERE 28.5% CURRENTLY EXISTS AND 50% IS REQUIRED.
- 2) TO ALLOW FOR A MAXIMUM PRIMARY FRONT SETBACK OF 27.2 FEET, WHERE 27.2 FEET CURRENTLY EXISTS AND 10 FEET IS REQUIRED.

**PROPOSED LOT 2 (CD4 ZONE):**

VARIANCES FROM 10.5A41.10B

- 1) TO ALLOW FOR A PRIMARY FRONT LOT LINE BUILDOUT OF 13.3%, WHERE 7.5% CURRENTLY EXISTS AND 50% IS REQUIRED.
- 2) TO ALLOW FOR A SECONDARY FRONT LOT LINE BUILDOUT OF 0%, WHERE NONE CURRENTLY EXISTS AND 50% IS REQUIRED.
- 3) TO ALLOW FOR A MAXIMUM PRIMARY FRONT SETBACK OF 18.2 FEET, WHERE 18.2 FEET CURRENTLY EXISTS AND 10 FEET IS REQUIRED.
- 4) TO ALLOW FOR A MAXIMUM SECONDARY FRONT SETBACK OF 30.2 FEET, WHERE NONE CURRENTLY EXISTS AND 15 FEET IS REQUIRED.

**PROPOSED LOT 3 (OR ZONE):**

VARIANCES FROM 10.530

- 1) TO ALLOW FOR A FRONT SETBACK OF 0 FEET, WHERE 569.7 FEET CURRENTLY EXISTS AND 70 FEET IS REQUIRED.
- 2) TO ALLOW OPEN SPACE AREA OF 9.6%, WHERE 0% OPEN SPACE CURRENTLY EXISTS AND 20% OPEN SPACE IS REQUIRED.

**PROPOSED LOT 4 (OR ZONE):**

VARIANCES FROM 10.530

- 1) TO ALLOW FOR A LOT SIZE OF 1.4183± ACRES, WHERE 1.2924± ACRES CURRENTLY EXISTS AND 2 ACRES IS REQUIRED.
- 2) TO ALLOW FOR A FRONT SETBACK OF 1.7 FEET, WHERE 840 FEET CURRENTLY EXISTS AND 70 FEET IS REQUIRED.
- 3) TO ALLOW FOR A SIDE SETBACK OF 3.9 FEET, WHERE 0.4 FEET CURRENTLY EXISTS AND 50 FEET IS REQUIRED.
- 4) TO ALLOW FOR A REAR SETBACK OF 46.9 FEET, WHERE 1.2 FEET CURRENTLY EXISTS AND 50 FEET IS REQUIRED.

PROPOSED LOT 5 (OR ZONE):

VARIANCES FROM 10.530

- 1) TO ALLOW FOR A REAR SETBACK OF 33.7 FEET WHERE 50 FEET IS REQUIRED.

**VARIANCES REQUESTED FROM PROPOSED PORTSMOUTH ZONING ORDINANCE (CD4-W)**

PROPOSED LOT 3 (CD4-W):

VARIANCES FROM 10.5A41.10B

- 1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 24.7%, WHERE NO REQUIREMENT CURRENTLY EXIST AND 50% IS REQUIRED.
- 2) TO ALLOW FOR A MINIMUM OPEN SPACE OF 9.6%, WHERE 0% EXIST AND 15% IS REQUIRED.

PROPOSED LOT 4 (CD4-W):

VARIANCES FROM 10.5A41.10B

- 1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 29.1%, WHERE NO REQUIREMENT CURRENTLY EXIST AND 50% IS REQUIRED.
- 2) TO ALLOW FOR A MAXIMUM BUILDING FOOTPRINT OF 20,313 S.F., WHERE NO REQUIREMENT CURRENTLY EXISTS, A BUILDING FOOTPRINT OF 20,313 S.F. CURRENTLY EXISTS AND A MAXIMUM OF 15,000 S.F. IS REQUIRED.

PROPOSED LOT 5 (CD4-W):

VARIANCES FROM 10.5A41.10B

- 1) TO ALLOW FOR A FRONT LOT LINE BUILDOUT OF 0%, WHERE NO REQUIREMENT CURRENTLY EXIST AND 50% IS REQUIRED.
- 2) TO ALLOW FOR A MAXIMUM PRIMARY FRONT SETBACK OF 75.6 FEET, WHERE NO MAXIMUM CURRENTLY EXISTS AND A MAXIMUM OF 10 FEET IS REQUIRED.











Google Maps

105 Bartlett St

EXHIBIT  
4C











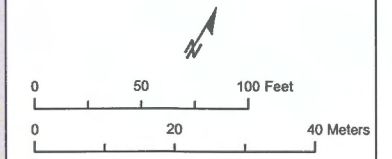




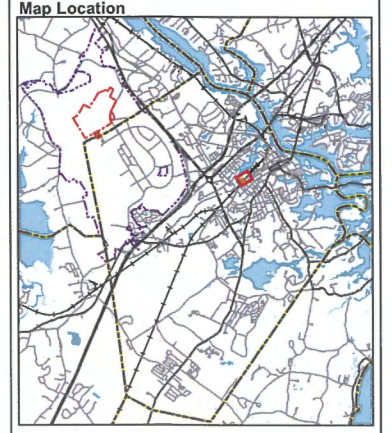
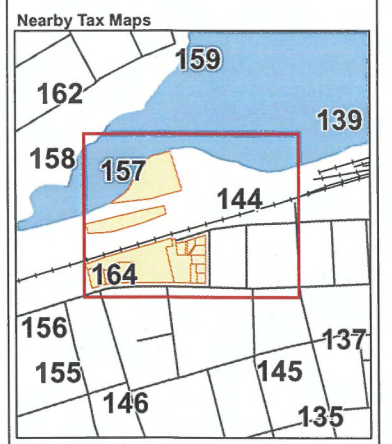


**EXHIBIT**  
**5**

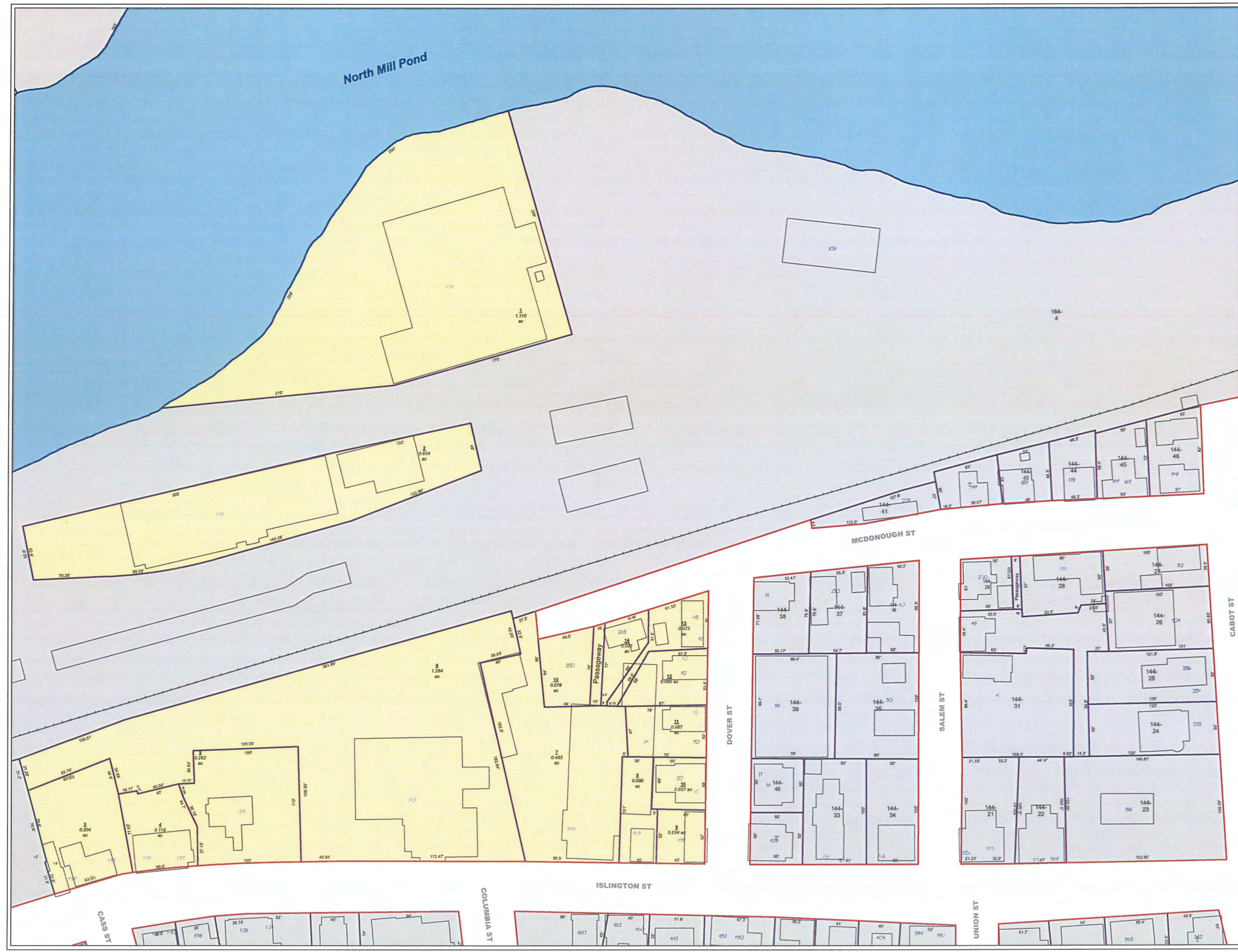
- Part  
See the cover sheet for details
- 7-5A Lot or parcel number  
2.56 ac Parcel area  
23 Address  
233-137 Parcel number  
68 Parcel ID
- SIMS AVE Street name
- Parcel/Parcel boundary
  - Parcel/ROW boundary
  - Water boundary
  - Structure (1994 data)
  - Parcel covered by this map
  - Parcel from a neighboring map (see other map for current status)



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



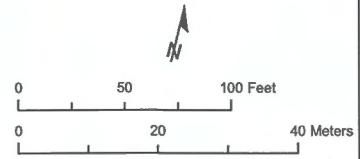
Portsmouth, New Hampshire  
2017  
**Tax Map 157**



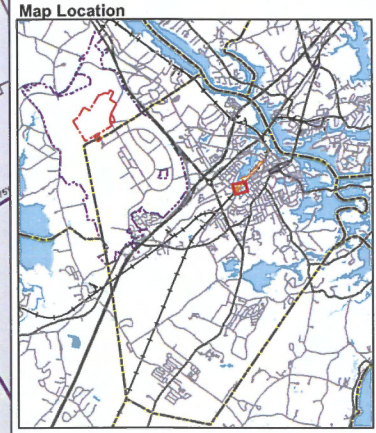
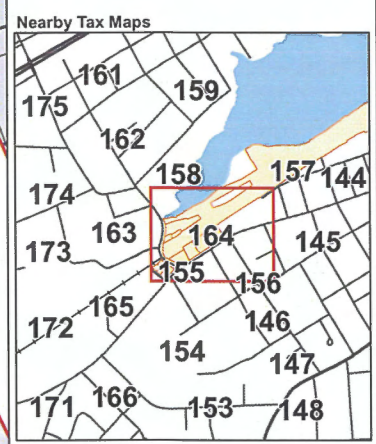




- Partial Legend**  
 See the cover sheet for the complete legend.
- 7-5A** Lot or lot-unit number
  - 2.56 ac Parcel area in acres (ac) or square feet (sf)
  - 25 Address number
  - 233-137 Parcel number from a neighboring map or Parcel line dimension
  - SIMS AVE Street name
  - Parcel/Parcel boundary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



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



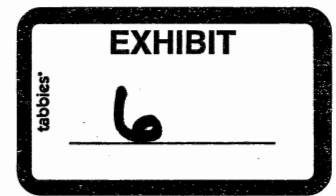
Portsmouth, New Hampshire  
 2017  
**Tax Map 164**





# PAN AM SYSTEMS

1700 IRON HORSE PARK  
NO. BILLERICA, MA 01862-1681  
(978) 663-6949



March 28, 2018


Juliet Walker, Planning Director  
City of Portsmouth Planning Department  
1 Junkins Avenue  
Portsmouth, NH 03801

Dear Ms. Walker:

Boston and Maine Corporation is aware of Clipper Traders, LLC's request for variances related to lot line relocation / subdivision of a portion of Boston and Maine Corporation's property located between Bartlett Street and Maplewood Avenue. Boston and Maine Corporation approves of and supports the request by Clipper Traders, LLC.

Should you have any questions or need additional information, please feel free to call me at (978) 663-6937.

Very truly yours,  
BOSTON AND MAINE CORPORATION

By:   
Michael A. Twidle  
Assistant to the Vice President