

### III. NEW BUSINESS

- F. The request of **Karyn S. Denicola Revocable Trust (Owner)**, for property located at **281 Cabot Street** whereas relief is needed to demolish the existing single-family dwelling and detached one-story garage/shed and construct a new single family dwelling with attached garage which requires the following: 1) Variance from Section 10.521 to allow a) 3' front yard setback where 5' is required; b) a 5' south side yard setback where 10' is required; c) a 3.5' north side yard setback where 10' is required; and d) a 43% building coverage where 35% is allowed. Said property is located on Assessor Map 144 Lot 20 and lies within the General Residence C (GRC) District. (LU-23-84)

#### Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single Family Dwelling	Raze and Reconstruct	Primarily residential
<u>Lot area (sq. ft.):</u>	3,864	3,864	3,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	3,864	3,864	3,500 min.
<u>Street Frontage (ft.):</u>	49.5	49.5	70 min.
<u>Lot depth (ft.)</u>	77.5	77.5	50 min.
<u>Front Yard (ft.):</u>	1.8	<b>3</b>	5 min.
<u>Left Yard (ft.):</u>	0	<b>3.5</b>	10 min.
<u>Right Yard (ft.):</u>	2	<b>5</b>	10 min.
<u>Rear Yard (ft.):</u>	5.3	20	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%)</u> :	36	<b>43</b>	35 max.
<u>Open Space Coverage (%)</u> :	>20	>20	20 min.
<u>Parking</u>	3	3	2
<u>Estimated Age of Structure:</u>	1870	<b>Variance request(s) shown in red.</b>	

#### Other Permits/Approvals Required

- Building Permit





dimensional requirements. The applicant included a request for a Variance from Section 10.321 to permit the reconstruction of a single-family dwelling on the property which is more non-conforming for building coverage than the existing conditions. As the proposal is for a complete demo and replacement of the existing structures, this section is not applicable to the proposal and does not require relief.

The GRC District requires 70 feet minimum street frontage whereas the existing lot has 49.5 feet.

Article 3, Section 10.312 outlines:

- 10.312 Notwithstanding the provision of Section 10.311, a **lot** that has the minimum **lot area** but has less than the minimum **street frontage** required by this Ordinance shall be considered to be in compliance with respect to the **frontage** requirement if one of the following conditions applies:
- 10.312.10 The **lot** was shown on a recorded plan or described in a recorded deed on or before March 21, 1966, and such **lot** was not held in common ownership with any adjoining or **contiguous lot** on or before March 21, 1966; or
- 10.312.20 The **lot** was shown on a recorded plan or described in a recorded deed on or before March 21, 1966, and the Planning Board has approved a plat demonstrating that such **lot** and all adjoining or **contiguous lots** under common ownership have been combined to create a **lot** or **lots** most nearly consistent with the minimum **street frontage** requirement; or
- 10.312.30 The **lot** was shown on a plan or described in a deed recorded after March 21, 1966, and such **lot** was created in compliance with the Zoning Ordinance, Subdivision Rules and Regulations and such other ordinances and regulations which properly apply and were in effect at the time of recording in the Rockingham County Registry of Deeds.

The applicant should clarify if one of the conditions is met for compliance with the street frontage requirement or the Board may consider postponing the application for notice that includes the request for relief of the frontage requirement.

## Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*

**AND**

  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

**OR**

  - (b) *Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

### 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.



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**HAND DELIVERED**

May 31, 2023

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

RE: 281 Cabot Street, Map 144, Lot 20  
Karyn S. DeNicola Revocable Trust

Dear Chair Eldridge and Board Members:

Enclosed please find supporting materials to accompany the information submitted via the City's on-line permitting system for variance relief regarding the above referenced property.

We respectfully request that this matter be placed on the Board's June 21, 2023 agenda. In the meantime, if you have any questions or require additional information do not hesitate to contact me.

Very truly yours,  
DONAHUE, TUCKER & CIANDELLA, PLLC

Justin L. Pasay  
JLP/sac  
Enclosures

cc: Karyn DeNicola  
John Chagnon  
CJ Architects

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DONAHUE, TUCKER & CIANDELLA, PLLC  
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833  
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801  
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253  
83 Clinton Street, Concord, NH 03301

## VARIANCE APPLICATION OF

Karyn S. DeNicola, Trustee of the Karyn S. DeNicola Revocable Trust (the “Applicant”) for property located at 281 Cabot Street, Portsmouth, NH 03801, which is further identified as City Assessor Map 144, Lot 20 (the “Property”). The Property is located within City’s General Residence C Zoning District (the “GRC District”).

### A. **Introduction and Factual Context**

#### i. **Development Team and Application Materials**

The Applicant’s development team consists of John Chagnon, PE, LLS, of Ambit Engineering, Inc. (“Ambit”) and Carla Goodknight, AIA, NCARB of CJ Architects. Included herewith are the following enclosures:

- Aerial Photograph, Zoning Map and Assessor Map 144. See Enclosure 1.
- Tax Card. See Enclosure 2.
- DeNicola Residence, 281 Cabot Street, Portsmouth, N.H. plan set from Ambit, dated 24 May 2023, to include an Existing Conditions & Demolition Plan on C1 (the “**Existing Conditions Plan**”), and a Variance Plan on C2 (the “**Variance Plan**”). See Enclosure 3.
- DeNicola Residence renderings and elevations from CJ Architects Duplex dated 21 May 2023 to include Floor Plans & Elevations on sheet A1 and Existing & Proposed Views on sheet A2 (the “**Architectural Plans**”). See Enclosure 4.
- Existing Conditions Photographs. See Enclosure 5.

#### ii. **Property Description, Existing Conditions, Character of Neighborhood and Applicable Zoning Regulations**

The Property is situated within the GRC District, which was established to “provide for single-family, two-family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acres), together with appropriate accessory uses and limited services.” Zoning Ordinance, Section 10.410.

The Property is located at the southern side of Cabot Street closer to Islington Street than Cabot Street’s intersection with McDonough Street. See Enclosures 1, 3. At 3,864 sf in size (0.089 acres) the Property is smaller than the average lot size of the neighborhood, which the Applicant defines here as the properties on either side of Cabot Street between Islington Street and McDonough Street. More specifically, the Property is roughly equivalent in size to its neighbors on the eastern side of Cabot Street to the north to include 287 Cabot Street (0.07 acres), 295 Cabot Street (0.07 acres), 303 Cabot Street (0.07 acres) and 311 Cabot Street (0.05 acres), as well as the property on the western side of Cabot Street located at 312 Cabot Street (0.09 acres), but smaller than the abutting property to the south at 323 Islington Street (0.12 acres) and the remaining properties on the western side of Cabot Street south of McDonough Street to include 361 Islington Street (0.35 acres), 278 Cabot Street (0.14 acres), 286 Cabot Street (0.14 acres), 304 Cabot Street (assessing data is not clear but the property appears to be



approximately 0.14 acres in size) and 312 Cabot Street.<sup>1</sup> See **Enclosure 1**. The average lot size in this area, as defined above, is 0.12 acres.

The land use composition of the existing neighborhood is largely residential and consistent with the purpose of the GRC District, as mentioned above. Most properties appear to have a single-family residential use per the City's assessing data, though the Property at 304 Cabot Street appears to be a four-unit multi-family condominium, the property at 286 Cabot Street appears to be a three-family multi-family use, and the property at 278 Cabot Street is assessed as boarding house. To the south of the Property and situated along Islington Street are the properties identified as 323 Islington Street, which is an office building, and 361 Islington Street, which is the former Getty gas station. Both of these properties are located within the City's CD4 Zoning District which was established to "promote the development of walkable, mixed-use, human-scaled places by providing standards for building form and placement and related elements of development." Zoning Ordinance, Article 4, Section 10.410.

Importantly, the Property is unique because the northern section of the commercial property located to the south of the Property (323 Islington Street) is unimproved by any structures, as that area accommodates a driveway. Similarly, the abutting property to the east (28 Rockingham Street) is currently unimproved, with no structures on same.

The Property is currently improved with a 2 ½ story wood frame single family dwelling and detached one (1) story garage/shed. See **Enclosures 1 – 5**. Pursuant to the City's assessing data, the existing dwelling has two (2) bedrooms, 1,301 sf of living area, and was constructed on or about 1870. See **Enclosure 2**. The improvements on the Property are in poor condition. More specifically, the single-family dwelling, kitchen ell and detached garage/shed have been neglected. The dwelling has significant foundation issues, sagging floors, rotten windows and siding and what appears to be an under-framed and leaking roof. See **Enclosure 5**.

The Property is currently non-conforming with the GRC District's dimensional requirements in the following ways:

- 1) **Frontage:** The Property has 49.86 ft of frontage where 70 ft of frontage is required in the GRC District.
- 2) **Side Yard Setback:** The existing garage/shed is located 2.1 ft from the southern (side) boundary where the GRC District has a 10 ft side setback requirement.
- 3) **Side Yard Setback:** The existing single-family dwelling is located, at its closest, 0.2 ft from the northern (side) boundary where the GRC District has a 10 ft side setback requirement.
- 4) **Rear Yard Setback:** The existing garage/shed is located 5.3 ft from the rear boundary where 20 ft is required in the GRC District.
- 5) **Front Yard Setback:** The front steps to the existing dwelling encroach over the Property line into the City's sidewalk. Further, the existing single-family dwelling is located 1.8 ft from the front yard boundary where the GRC District has a 5 ft front yard setback.

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<sup>1</sup> With the exception of the Property at 281 Cabot Street which is the subject of this application, the lot size information was gleaned from the City's online GIS map.

- 6) **Existing Building Coverage:** The existing building coverage<sup>2</sup> is 36% where the maximum building coverage permitted in the GRC District is 35%.

The GRC District has the following dimensional requirements:

- Lot area: 3,500 sf
- Lot area per dwelling unit: 3,000 sf
- Continuance street frontage: 70 ft
- Depth: 50 ft
- Minimum front yard: 5 ft
- Minimum side yard: 10 ft
- Minimum rear yard: 20 ft
- Max Structure Height: 35 ft
- Max roof appurtenance: 8 ft
- Max Building Coverage: 35%
- Minimum open space: 20%

See Zoning Ordinance, Article 5, Section 10.520.

### iii. Project Proposal

The Applicant proposes to raze and remove the existing single-family dwelling and garage/shed on the Property and replace the same with a new single-family dwelling and attached garage. See Enclosures 3, 4. As depicted in **Enclosure 4**, the new single-family dwelling will have a garage, kitchen, dining area, living room and master bedroom on the first floor. See Enclosure 4. The second floor will accommodate three (3) bedrooms and 1.5 bathrooms. Id.

The net result of the Project will be a property which is more dimensionally conforming with the Zoning Ordinance’s requirements than the existing conditions, with the exception of Building Coverage, though importantly, the total impervious surface area of the Property will decrease by 1.5% in the proposed conditions and further, the difference between the Building Coverage existing and that which is proposed, is approximately 270 sf. See Id. Further, the Project will beautify the Property in a manner that is consistent with surrounding properties, particularly with regard to building massing, which will align with similar adjacent buildings along the street scape and which will be generally consistent with the existing buildings’ shape, size and fenestration. See Enclosure 4.

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<sup>2</sup> “Building Coverage” is defined by Article 15 of the Zoning Ordinance as “[t]he aggregate horizontal area or percentage (depending on the context) of a lot or development site covered by buildings and structures on the lot, excluding gutters, cornices and eaves projecting not more than 30 inches from a vertical wall, and structures less than 18 inches above ground level (such as decks and patios); balconies, bay windows or awnings projecting not more than 2 feet from a vertical wall, not exceeding 4 feet in width, and cumulatively not exceeding 50% of the width of the building face; fences; and mechanical system (i.e., HVAC, power generator, etc.) that is less than 36 inches above the ground level with a mounting pad not exceeding 10 square feet). “Structure” is defined as [a]ny production or piece of work, artificially built up or composed of parts and joined together in some definite manner. Structures include, but are not limited to, buildings, fences over 4 feet in height, signs, and swimming pools.”

More specifically, the below table outlines the existing non-conformities as contrasted against the proposed conditions in all relevant contexts. The green highlight depicts improved conformity with the Zoning Ordinance’s dimensional requirements and the yellow highlight depicts the lone increased non-conformity with the Zoning Ordinance’s Building Coverage requirement.

<u>Dimensional Requirement Category</u>	<u>Requirement</u>	<u>Existing</u>	<u>Proposed</u>	<u>Net Result</u>
Front Yard Setback	5 ft	0.0 ft / 1.8 ft	3.0 ft	More Conforming by 3 ft
Side Yard Setback (South)	10 ft	2.1 ft	5.2 ft	More conforming by 3.1 ft
Side Yard Setback (North)	10 ft	0.2 ft	3.8 ft	More conforming by 3.6 ft
Rear Yard Setback	20 ft	5.3 ft	20.2 ft	More conforming by 14.9 ft <sup>3</sup>
Building Coverage	35%	36%	43%	Less conforming <sup>4</sup>

See Enclosure 3.

**iv. Requested Relief**

The Applicant requests the following variance relief to accommodate the Project:

- **Front Yard Setback Relief:** The Applicant requests variance relief from Article 5, Section 10.520 of the Zoning Ordinance to permit a front yard setback of 3.0 ft where 5 ft is required by the Zoning Ordinance, and where the existing conditions encroach beyond the front yard boundary.
- **Side Yard Setback (South) Relief:** The Applicant requests variance relief from Article 5, Section 10.520 of the Zoning Ordinance to permit a side yard setback (south) of 5.2 ft where 10 ft is required by the Zoning Ordinance, and where the existing garage/shed is located 2.1 ft from the side yard (south) boundary.
- **Side Yard Setback (North) Relief:** The Applicant requests variance relief from Article 5, Section 10.520 of the Zoning Ordinance to permit a side yard setback (north) of 3.8 ft

<sup>3</sup> The result of the Project is a Property with conforming rear yard setback.

<sup>4</sup> Though the building coverage will increase by 7%, the total impervious surface lot coverage on the Property will decrease by 1.5%. See Enclosure 3.

where 10 ft is required by the Zoning Ordinance, where the existing single-family dwelling is located 0.2 feet from the side yard (north) boundary.

- **Building Coverage:** The Applicant requests variance relief from Article 3, Section 10.321 of the Zoning Ordinance to permit the reconstruction of a single-family dwelling on the Property which is more non-conforming vis-à-vis building coverage (43%) than the existing conditions are (36%).
- **Building Coverage:** The Applicant requests variance relief from Article 5, Section 10.520 to permit a lot with Building Coverage of 43% where 35% is the maximum allowed by the Zoning Ordinance.

v. **Statutory Variance Criteria**

Pursuant to Article 2, Section 10.233 of the City’s Zoning Ordinance and RSA 674:33, to obtain a variance in Portsmouth, an applicant must show that: (1) the variance will not be contrary to the public interest; (2) the spirit of the ordinance is observed; (3) substantial justice is done; (4) the values of surrounding properties are not diminished; and (5) literal enforcement of the provisions of the ordinance would result in an unnecessary hardship, where said term means that, owing to special conditions of the property that distinguish it from other properties in the area: no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and the Proposed use is a reasonable one; or if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. See RSA 674:33, I (b).

Because the Applicant’s Project will be consistent with the essential character of the surrounding area, will not compromise the public health in any way, will provide substantial justice, will not compromise the property values of surrounding properties, and because there is no rational connection between the intent of the underlying ordinance provisions and their application to the Property under the unique circumstances of this case, as outlined below, we respectfully request that the requested variance be granted.

**B. Analysis**

**1. The variances will not be contrary to the public interest.**

The New Hampshire Supreme Court has indicated that the requirement that a variance not be “contrary to the public interest” is coextensive and related to the requirement that a variance be consistent with the spirit of the ordinance. See Chester Rod & Gun Club v. Town of Chester, 152 N.H. 577, 580 (2005); Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 105-06 (2007); and Farrar v. City of Keene, 158 N.H. 684, 691 (2009). A variance is contrary to the public interest only if it “unduly, and in a marked degree conflicts with the ordinance such that it violates the ordinance’s basic zoning objectives.” Chester Rod & Gun Club, 152 N.H. at 581; Farrar, 158 N.H. at 691. See also Harborside Associates, L.P. v. Parade



Residence Hotel, LLC, 162 N.H. 508, 514 (2011) (“[m]ere conflict with the terms of the ordinance is insufficient.”) Moreover, these cases instruct boards of adjustment to make the determination as to whether a variance application “unduly” conflicts with the zoning objectives of the ordinance “to a marked degree” by analyzing whether granting the variance would “alter the essential character of the neighborhood” or “threaten the public health, safety or welfare” and to make that determination by examining, where possible, the language of the Zoning Ordinance. See supra.

As indicated above, the majority of the requested variances derive from Article 5, Section 10.520 (the Table of Dimensional Standards – Residential and Mixed Residential Districts), which pertains, in this case, to the intended aesthetic of the GRC District. Importantly, in this context, and with the exception of the Building Coverage variance requests, the dimensional components which are the basis for remaining variance requests constitute an improvement over existing conditions. See Enclosures 3, 4, 5. Further, despite increasing the Building Coverage on the Property from 36% to 43% (approximately 270 sf), and therefore technically making said nonconformity more nonconforming, the impervious surface coverage of the lot actually decreases by 1.5%, thus mitigating the impacts of the additional Building Coverage contemplated by the Project. Id.

As noted above, the specific purpose of the GRC District is to “provide for single-family, two-family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acres), together with appropriate accessory uses and limited services.” Zoning Ordinance, Article 4, Section 10.410. The general purpose of the Zoning Ordinance as a whole, is to “promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan” via the regulation of, among other things, the intensity of land use and the preservation and enhancement of the visual environment. Zoning Ordinance, Article 1, Section 10.121. To summarize, the objectives of the GRC District and the dimensional and use restrictions inherent to same which are implicated by this application, are to facilitate residential development that is aesthetically consistent in the zoning district.

Here, as a foundational point, the Applicant’s proposal does not create any marked conflict with the underlying provisions of the Zoning Ordinance because, on the contrary, and due to the existing built environment of the Property and the surrounding properties, the Project is consistent with the existing neighborhood and ultimately advances the purpose of the ordinance to provide residential density which is aesthetically consistent with the underlying district.

More specifically, the Project proposes a new single-family dwelling and attached garage, which use is consistent with the purpose of the GRC District, which will be more conforming with the Zoning Ordinance’s dimensional requirements in the GRC District in all respects than the existing conditions, with the exception of Building Coverage. In that context, though there will be 7% more Building Coverage than the existing conditions (36% existing, 43% proposed, approximately 270 sf), the Property will actually have 1.5% less impervious coverage than the existing conditions because while the main structure contemplated by the proposed conditions plan is larger, the Project proposes to remove the existing garage/shed,

concrete surfaces and a significant portion of the existing paved driveway. See Enclosure 3. Further, the aesthetic, massing and fenestration of the new dwelling was specifically designed to be consistent with the surrounding neighborhood so to preserve the essence of the existing street view looking north on Cabot Street. See Enclosure 4. The Project contemplates the tasteful redevelopment of the Property in a manner consistent with its surrounds. For these reasons, there is no “marked conflict” between the Project proposal, and the objectives of the Zoning Ordinances in question.

For the same reasons, the Project also plainly satisfies the case law requirements because the essential character of the neighborhood will not be affected for the reasons explained throughout this narrative. The dimensional relief requested from Article 5, Section 10.520 will not alter the essential character of the neighborhood because the Property will be more conforming as to front yard setback, side yard (north and south) setback, and rear setback. See Enclosures 3 and 4. Further, though the Project contemplates approximately 270 sf more Building Coverage than the existing conditions, the Property will have less impervious surface coverage than what exists today. Id. This increased nonconformity is particularly insignificant due to the unique circumstances of the surrounding properties to include the unimproved nature of 28 Rockingham Street directly behind the Property and the unimproved (save for a driveway) rear yard of the property located at 323 Islington Street.

Ultimately, the Applicant’s Project will be consistent with the intent of the GRC District and the general purposes of the Zoning Ordinance, and because the Project will not alter the essential character of the neighborhood or threaten the public health or safety, it would be reasonable and appropriate for the Board of Adjustment to conclude that granting the Applicant’s variance requests will satisfy the public interest prong of the variance criteria.

## **2. The spirit of the Ordinance is observed.**

As referenced above, the requested variances observe the spirit of the Zoning Ordinance and New Hampshire jurisprudence regarding the “public interest” prong of the variance criteria because the Applicant’s Project will be consistent with the general and implied purposes of the Zoning Ordinance provisions at issue in this case. Further, the Project will not compromise the character of the neighborhood or threaten the public health, safety, or welfare. As the New Hampshire Supreme Court has indicated in both Chester Rod & Gun Club and in Malachy Glen, the requirement that the variance not be “contrary to the public interest” is coextensive and is related to the requirement that the variance be consistent with the spirit of the ordinance. See Chester Rod & Gun Club, 152 N.H. at 580. A variance is contrary to the spirit of the ordinance only if it “unduly, and in a marked degree conflicts with the ordinance such that it violates the ordinance’s basic zoning objectives.” Chester Rod & Gun Club, 152 N.H. at 581; Farrar, 158 N.H. at 691. As discussed above, the requested variances are consistent with the general spirit of the Ordinances in question. As a result, for the reasons stated above, the Applicant respectfully asserts that it would be reasonable and appropriate for the Board of Adjustment to conclude that the requested variance will observe the spirit of the Zoning Ordinance.

### **3. Substantial justice is done.**

As noted in Malachy Glen, supra, “perhaps the only guiding rule [on this factor] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” Malachy Glen, supra, citing 15 P. Loughlin, New Hampshire Practice, Land Use Planning and Zoning § 24.11, at 308 (2000) (quoting New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials (1997)). In short, there must be some gain to the general public from denying the variance that outweighs the loss to the applicant from its denial.

In this case, the public does not gain anything by denying the requested variances. In its current improved conditions, the Property is in significant need for redevelopment and at bottom, this proposal artfully and beautifully proposes to accomplish same on a property which is extremely constrained by its minimal 49.86 ft of width. The Project will accomplish this redevelopment in an aesthetic which is consistent with the existing structure on the Property and which compliments the charm of the neighborhood and of the greater Portsmouth area. In this sense, the public benefits from the Project because it will conservatively advance essential character of the area, make a lot which is generally more conforming with the dimensional requirements of the Zoning Ordinance than what exists today, and will generate additional tax revenue.

On the contrary, if the variances are denied, it will be difficult to redevelop the Property and the public will not benefit from anticipated increases in tax revenue. Further, the Applicant will not be able to reasonably use Property for a use which is totally consistent with the existing use, the surrounding area, and purposes of the GRC District.

Certainly, the Applicant will benefit from the variances, if granted, as they will facilitate the reasonable use of the Property in furtherance of the Applicant’s goals.

As the requested variances benefit the Applicant and do not detriment the public, there is no gain to the general public from denying the request that outweighs the loss to the Applicant from its denial, and this prong of the variance criteria is satisfied.

### **4. The proposal will not diminish surrounding property values.**

Given the nature of the existing and proposed conditions of the Property and the surrounding area, as discussed above and depicted in the Enclosures, the Applicant’s proposal will not diminish surrounding property values. The proposed residential redevelopment will be substantially consistent with the existing structures on the Property and the surrounding area. See Enclosure 4. The Applicant’s Project will obviously enhance the value of the Property, thereby likely enhancing the value of surrounding properties in turn. Further, the new single-family dwelling and attached garage will be more conforming as to front, side and rear setback requirements, and will only be more non-conforming as to Building Coverage, though the Project actually contemplates a decrease in impervious surface coverage. The lot’s open space will remain compliant. Certainly, there is no evidence in the record that could reasonably support the conclusion that the proposed Project will diminish surrounding property values. As

the weight of the evidence supports the conclusion that the Project will not diminish the value of surrounding properties, it would be reasonable for the Board of Adjustment to conclude that this prong of the variance criteria is satisfied.

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

**a. Legal Standard**

As set forth in the provisions of RSA 674:33, I, there are two options by which the Board of Adjustment can find that an unnecessary hardship exists:

(A) For purposes of this subparagraph, “unnecessary hardship” means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
- (ii) The Proposed use is a reasonable one.

(the “First Hardship Test”)

or,

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. (the “Section Hardship Test”).

The Applicant respectfully reminds the Board of Adjustment that the mere fact that the Applicant is seeking a variance from the express provisions of the Zoning Ordinance is not a valid reason for denying the variance. See Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 107 (2007); see also Harborside Associates, 162 N.H. at 2011 (“mere conflict with the terms of the ordinance is insufficient”).

**b. Summary of Applicable Legal Standard**

The first prong of the First Hardship Test requires the Board to determine whether there are special conditions on the underlying property which is the subject of a variance request. This requirement finds its origins in the Standard State Zoning Enabling Act of the 1920s “since it is the existence of those ‘special conditions’ which causes the application of the zoning ordinance to apply unfairly to a particular property, requiring that variance relief be available to prevent a taking.”<sup>5</sup> The Supreme Court has determined that the physical improvements on a property can constitute the “special conditions” which are the subject of the first prong of the First Hardship Test. Harborside, 162 N.H. at 518 (the size and scale of the buildings on the lot could be

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<sup>5</sup> 15 Loughlin, New Hampshire Practice, Land Use Planning and Zoning, §24.20 (4<sup>th</sup> Ed.) citing The Standard State Zoning Enabling Act.



considered special conditions); *Cf Farrar*, 158, N.H. 689 (where variance sought to convert large, historical single use residence to mixed use of two residence and office space, size of residence was relevant to determining whether property was unique in its environment).

The second prong of the First Hardship Test analysis, pertaining to the relationship between the public purpose of the ordinance provision in question, and its application to the specific property in question, is the codified vestige of a New Hampshire Supreme Court case called *Simplex Technologies, Inc. v. Town of Newington* (“*Simplex*”).<sup>6</sup> To summarize, the Board’s obligation in this portion of its hardship analysis is to determine the purpose of the regulation from which relief is being sought and if there is no specific purpose identified in the regulation, then to consider the general-purpose statements of the ordinance as a whole, so that the Board may determine whether the purpose of said ordinance is advanced by applying it to the property in question.

The final prong of the First Hardship Test analysis is whether the proposed use is “reasonable.”

The Applicant respectfully reminds the Board of Adjustment of the New Hampshire Supreme Court’s substantive pivot in *Simplex*. The *Simplex* case constituted a “sharp change in the New Hampshire Supreme Court’s treatment of the unnecessary hardship requirement.” The *Simplex* Court noted that under the unnecessary hardship standard, as it had been developed by the Court up until that time, variances were very difficult to obtain unless the evidence established that the property owner could not use his or her property in any reasonable manner.”<sup>7</sup> This standard is no longer the required standard in New Hampshire. The Applicant does not have an obligation to affirmatively prove that the underlying Property cannot be reasonably used without the requested variance modification. Rather, the critical question under the First Hardship Test is whether the purpose of the Zoning Ordinance is fairly and substantially advanced by applying it to the Applicant’s Property considering the Property’s unique setting and environment. This approach is consistent with the Supreme Court’s pivot away from the overly restrictive pre-*Simplex* hardship analysis “to be more considerate of the constitutional right to enjoy property”.<sup>8</sup>

The Second Hardship Test, which we will not focus on in this narrative, is satisfied by establishing that owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

### **c. Analysis**

The first prong of the First Hardship Test requires the Board to determine whether there are special conditions on the underlying Property which distinguish it from others in the area. Here, as discussed at length in Section A above, which is incorporated herewith by reference, the Property does have special conditions that distinguish it from others in the area to specifically

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<sup>6</sup> 145 N.H. 727 (2001).

<sup>7</sup> 15 Loughlin, 24.16.

<sup>8</sup> *Id.* citing *Simplex*, 145 N.H. at 731.

include its smaller than average size when contrasted against the other properties along Cabot street, its location adjacent to the CD4 District, the Property's ability to accommodate the proposed redevelopment in a way that is substantially more conforming dimensionally than the existing conditions, and the Property's location proximate to 28 Rockingham Street, which is unimproved, and 323 Islington Street, the rear of which is unimproved but for a driveway. As a result, in the one aspect the Property will be more non-conforming, i.e., regarding Building Coverage, such limited increase (approximately 270 sf) in non-conformity is offset by the nature of the surrounding conditions. Through these unique characteristics, the Property is uniquely situated to accommodate the proposed Project which will constitute the highest and best use for this parcel.

As there are special conditions of the Property, the first prong of the First Hardship Test is satisfied.

The second prong of the First Hardship Test pertains to the relationship between the public purpose of the ordinance provisions in question, and their application to the specific property in question. To summarize, the Board of Adjustment must determine whether the purpose of the underlying ordinances are advanced by applying them to the property in question.

Here, as discussed above, the majority of the requested variances derive from Article 5's Table of Dimensional Standards – Residential and Mixed Residential Districts, and they pertain to the intended aesthetic of the GRC District, which was designed to “provide for single-family, two-family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acres), together with appropriate accessory uses and limited services.” Zoning Ordinance, Section 10.410. Further, the general purpose of the Zoning Ordinance is to “promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan” via the regulation of, among other things, the intensity of land use and the preservation and enhancement of the visual environment. Zoning Ordinance, Article 1, Section 10.121. To summarize, the objective of the GRC District and the dimensional and use restrictions inherent to same which are implicated by this application, are to facilitate residential development in an aesthetically consistent manner within the district.

In this case, denying the variance will not advance the purposes of these ordinances because the opposite is true: granting the requested variances will facilitate the redevelopment of the Property in a way that is primarily more conforming as to Article 5's dimensional requirements than the existing conditions. The lone exception to this statement is the 7% (approximately 270 sf) increase in impervious surface area that the Project contemplates. As noted above, however, though Building Coverage is proposed to increase, impervious surface area of the Property will be decreased by 1.5%, thus mitigating the impact caused by the additional Building Coverage. Further, because of the Property's unique proximity to unimproved areas of 28 Rockingham Street and 323 Islington Street, the additional Building Coverage will be negligible, particularly when you consider the improvements to the site vis-à-vis front, side and rear yard setbacks.

The Applicant's proposal would advance the general and implied purposes of the Zoning Ordinances in question for all the reasons detailed in this narrative and denying the requested variance would only serve to frustrate the same. As such, the second prong of the hardship criteria is satisfied in this case.

The final analysis under the First Hardship Test is to determine whether the proposed use is reasonable. Here, the proposed Project is reasonable because it constitutes the redevelopment of a single-family use to accommodate an improved single-family use in a manner consistent with the essential character of the neighborhood. As such, the Applicant's proposal is reasonable.

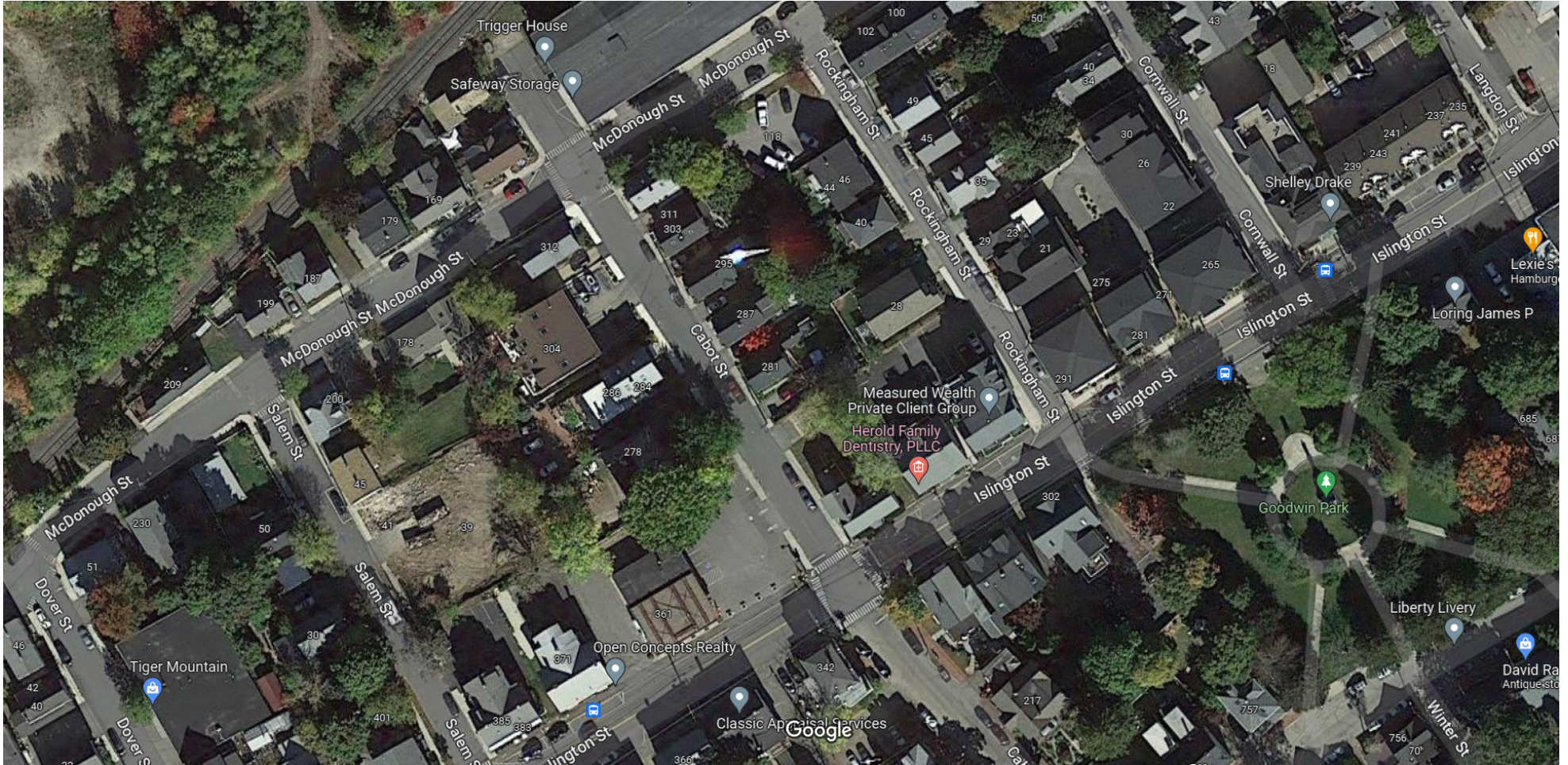
On these facts, the Applicant respectfully submits that its variance requests satisfy the final prong of the statutory variance criteria.

### **C. Conclusion**

The Applicant respectfully submits that they have satisfied the statutory variance criteria in this matter and its Application should be approved.



# Enclosure 1

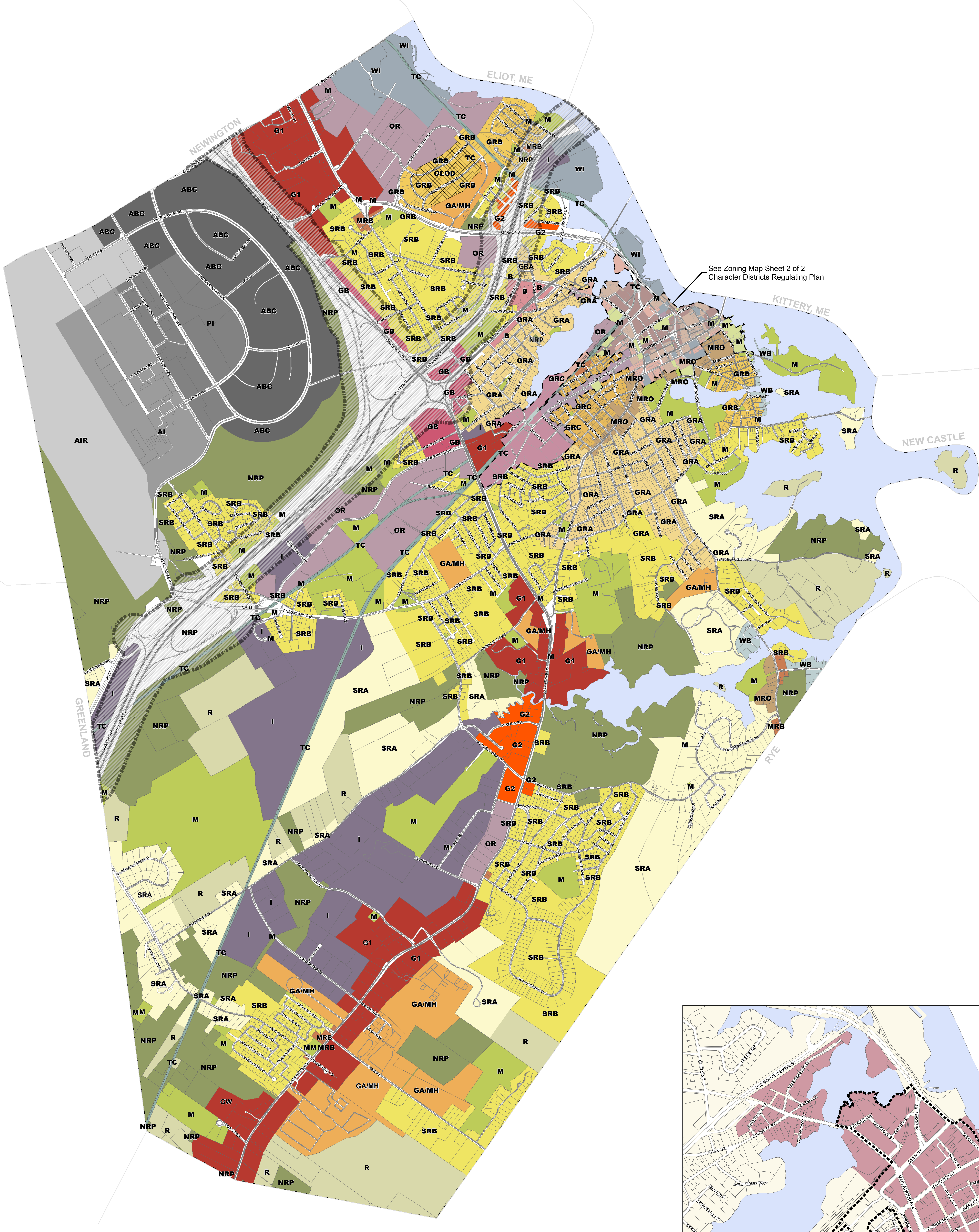


Imagery ©2023 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, Map data ©2023 50 ft



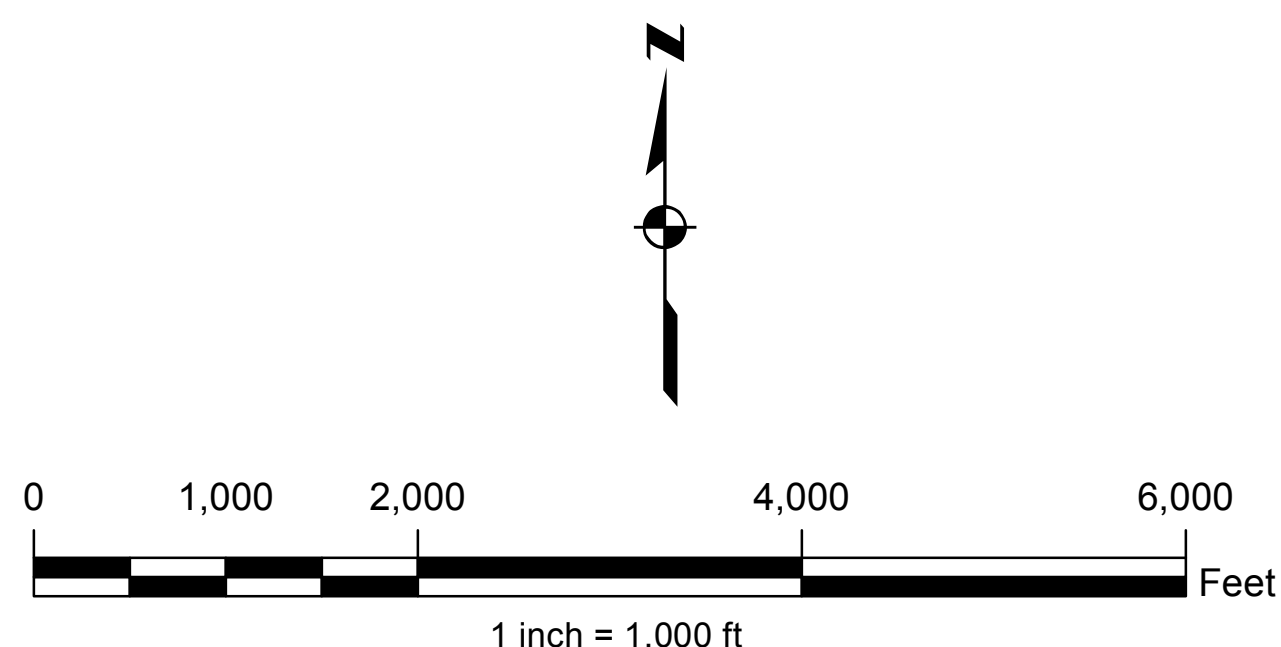
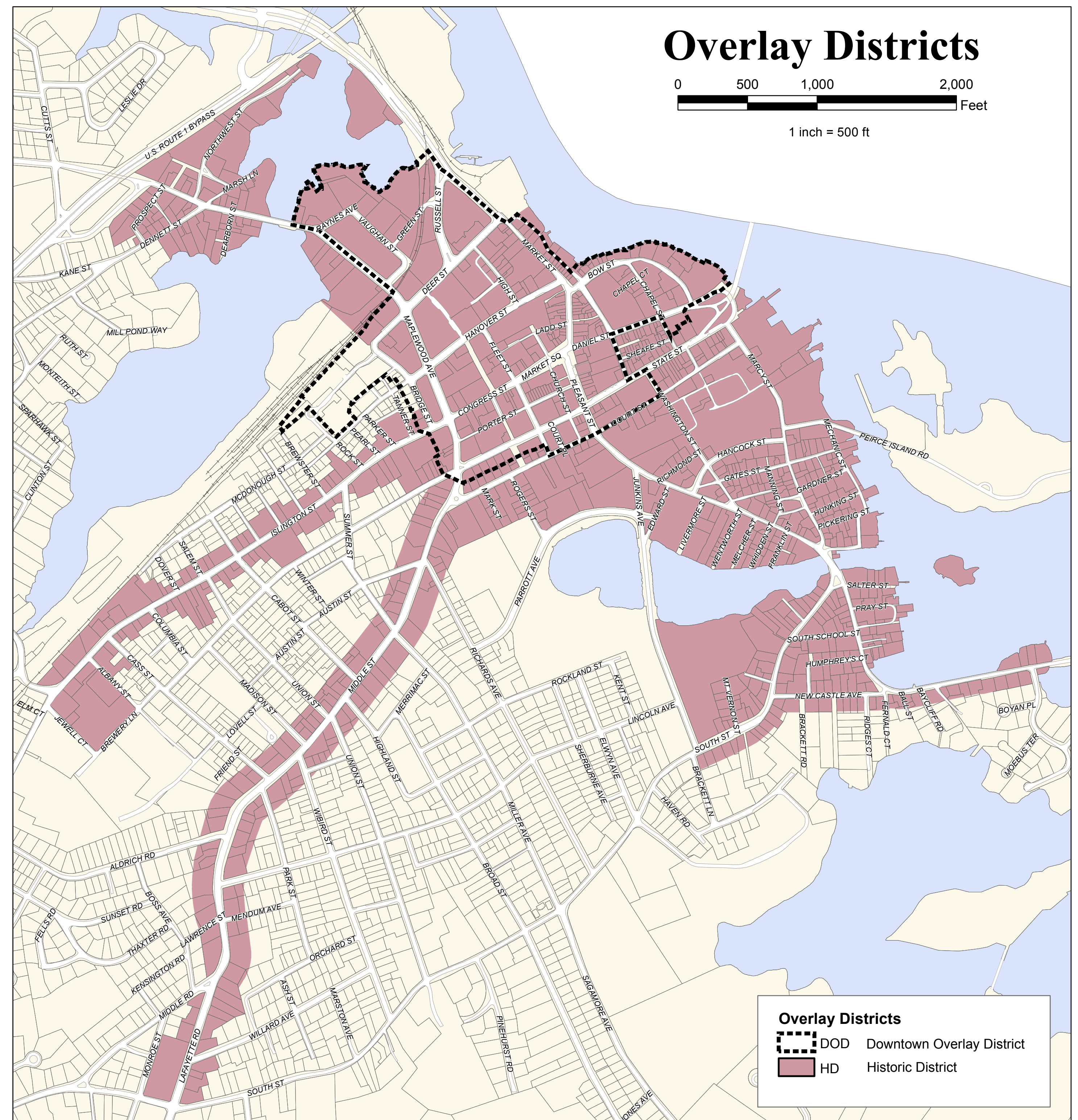
# City of Portsmouth Zoning Map

## Sheet 1 of 2



### Legend

- Character Districts**  
 [---] Character-Based Zoning Area  
 (Refer to Zoning Map Sheet 2 of 2 Character Districts Regulating Plan)
- Residential Districts**
- R Rural
  - SRA Single Residence A
  - SRB Single Residence B
  - GRA General Residence A
  - GRB General Residence B
  - GRC General Residence C
  - GAM/H Garden Apartment/Mobile Home Park
- Mixed Residential Districts**
- MRO Mixed Residential Office
  - MRB Mixed Residential Business
  - G1 Gateway Corridor
  - G2 Gateway Center
- Business Districts**
- GB General Business
  - B Business
  - WB Waterfront Business
- Industrial Districts**
- OR Office Research
  - I Industrial
  - WI Waterfront Industrial
- Airport Districts**
- AIR Airport
  - AI Airport Industrial
  - PI Pease Industrial
  - ABC Airport Business Commercial
- Other Districts**
- M Municipal
  - NRP Natural Resource Protection
  - TC Transportation Corridor
- Overlay Districts**
- OLOD Osprey Landing Overlay District
  - HNOD Highway Noise Overlay District
  - DOD Downtown Overlay District (See Inset Map and Zoning Map Sheet 2 of 2 Character Districts Regulating Plan)
  - HD Historic District (See Inset Map)
  - FP Flood Plain District (See FEMA Flood Insurance Rate Map)



### Amendments

- June 21, 2010 - Rezone Assessor's Map 201, Lots 3-8 (1-8 Sagamore Grove) from Waterfront Business (WB) to Single Residence B (SRB)
- October 18, 2010 - Rezone Assessor's Map 285, Lot 12 (2700 Lafayette Road) from Municipal (M) to Gateway (GW)
- June 6, 2011 - Rezone a portion of Assessor's Map 116, Lot 44 (54 Rogers Street) from Municipal (M) to Mixed Residential Office (MRO)
- November 13, 2012 - Rezone Assessor's Map 105, Lot 19 (143 Daniel Street) from Municipal (M) to Central Business B (CBB) and to place that property in the Downtown Overlay District (DOD)
- April 21, 2014 - Adoption of Character Based Zoning Districts as shown on Maps 10.5A21A-C
- July 20, 2015 - Rezone the following lots from Industrial (I), Office Research (OR) or Municipal (M) to Gateway (GW): Assessors Map 163, Lots 33, 34 and 37; Assessors Map 165, Lots 1, 2 and 14; Assessors Map 172, Lots 1 and 2; and Assessors Map 173, Lots 2 and 10
- August 17, 2015 - Expansion of Character Based Zoning Districts as shown on Maps 10.5A21A-C
- December 21, 2015 - Portion of Map 201, Lot 1 rezoned from Waterfront Business to Single Residence B
- April 25, 2016 - Rezone to following lots or parts thereof to the Transportation Corridor District: Assessor's Map 165, Lot 4; Assessor's Map 234, Lot 2A; Part of Assessor's Map 124, Lot 13; Assessor's Map 119, Lot 3; and Part of Assessor's Map 119, Lot 5
- July 11, 2016 - Expansion of Character Based Zoning Districts as shown on Maps 10.5A21A-C
- July 11, 2016 - Rezone the following lots from Character District 4.1, Mixed Residence Business, Business and Central Business B to General Residence C: Assessors Map 139, Lots 2, 3, 4, 5 and 6; Assessor's Map 144, Lot 4; Assessor's Map 145, Lots 14, 19, 20, 21, 29 and 30; Assessor's Map 146, Lots 19, 20, 21, 22 and 23; Assessor's Map 147, Lots 22, 23, 24, 25, 26, 27, 28, 29, 30 and 30A; Assessor's Map 156, Lots 24 and 30; Assessor's Map 157, Lots 10, 11, 12, 13 and 14
- December 4, 2017 - Adoption of Gateway Mixed Use Districts, Gateway Corridor (G1) and Gateway Center (G2) including the following: Rezone the following lots along Route 1/Lafayette Rd. from Gateway to Gateway Neighborhood Mixed Use Corridor (G1) that are located south of Campus Drive to the Portsmouth/Vine border. Rezone the following lots along Route 1/Lafayette Rd. from Gateway to Gateway Neighborhood Mixed Use Corridor (G1) that are located south of Middle Road and north of Sagamore Creek. Rezone the following lots from Gateway to Gateway Neighborhood Mixed Use Corridor (G1): Assessors Map 163 Lot 33, Map 163 Lot 34, Map 163 Lot 37, Map 165 Lot 2, Map 172 Lot 1, Map 172 Lot 2, Map 173 Lot 2, and Map 173 Lot 10. Rezone the following lots along Route 1/Lafayette Rd. from Gateway to Gateway Neighborhood Mixed Use Center (G2) that are located south of Sagamore Creek and north of Wilson Road. Rezone the following lots from General Business to Gateway Neighborhood Mixed Use Corridor (G1) that are located along Spaulding Turnpike west of Echo Avenue to the Newington border and from the intersection of Woodbury Ave and Market St west to the Newington border along Woodbury Ave. Rezone a portion of the following lots from General Business to Gateway Neighborhood Mixed Use Corridor (G1): Assessors Map 217 Lot 1, Map 217 Lot 2A. Rezone the following lots from General Business to Gateway Neighborhood Mixed Use Center (G2): Assessors Map 218 Lot 22, Map 218 Lot 24, Map 218 Lot 25, Map 218 Lot 28, Map 218 Lot 29, Map 218 Lot 30, Map 218 Lot 32, Map 218 Lot 33, Map 218 Lot 34, Map 218 Lot 38, and Map 218 Lot 39. Rezone the following lots from Single Residence B to Gateway Neighborhood Mixed Use Center (G2): Assessors Map 210 Lot 2, Map 210 Lot 3, Map 210 Lot 4, and Map 210 Lot 5. Rezone the following lots from Garden Apartment / Mobile Home to Gateway Neighborhood Mixed Use Corridor (G1): Assessors Map 239 Lot 12. Rezone the following lots from Single Residence A to Gateway Neighborhood Mixed Use Corridor (G1): A portion of Assessors Map 239 Lot 8
- August 20, 2018 - Rezone the following lots from Office Research (OR) to Character District 4 West End (CD4-W): Assessors Map 157, Lots 1 and 2. Rezone a portion of N16, except land subject to the land use regulations of the Pease Development Authority, to Transportation Corridor (TC) to CD4-W. Add new building height standards to the Character-Based Zoning Regulation Plan Maps (Maps 10.5A21B) to extend the West End Overlay District and add New Building Height Standards for Tax Map 157 Lots 1 and 2 and a Portion of Tax Map 164 Lot 4.
- October 15, 2018 (effective January 1, 2019) - Adoption of Highway Noise Overlay District (HNOD) which includes all land within 500 feet of the centerline of 65 or N16, except land subject to the land use regulations of the Pease Development Authority.
- February 4, 2019 - Rezone Assessor's Map 213 Lot 1 from Waterfront Industrial (WI) to Office Research (OR).



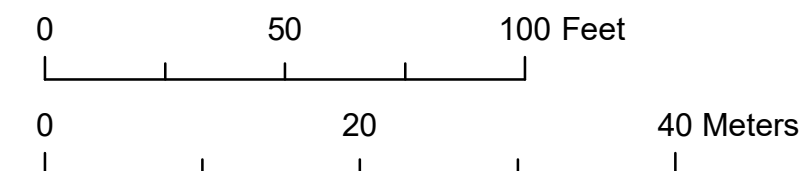


North Mill Pond

Partial Legend

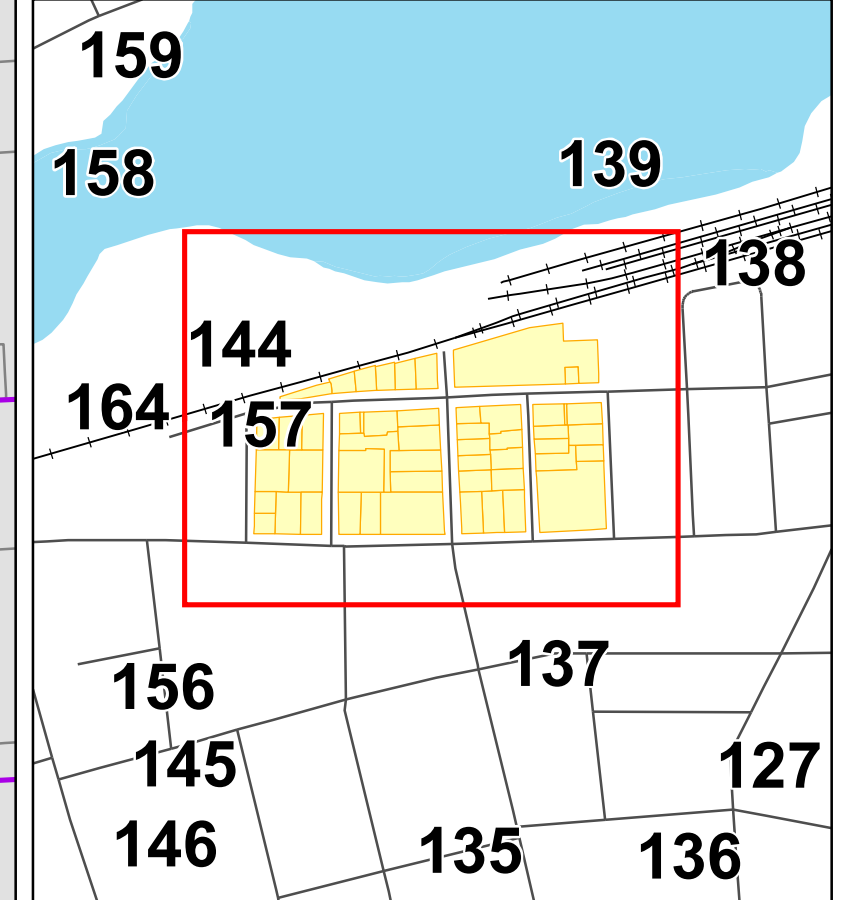
See the cover sheet for the complete legend.

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

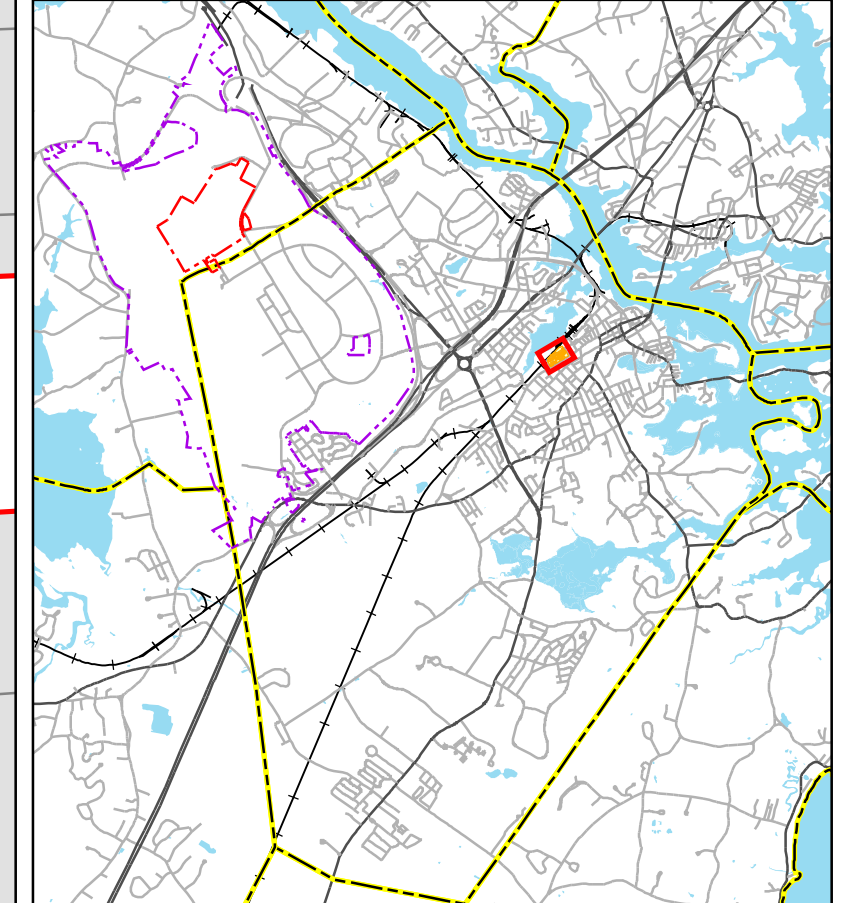


This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over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

Nearby Tax Maps

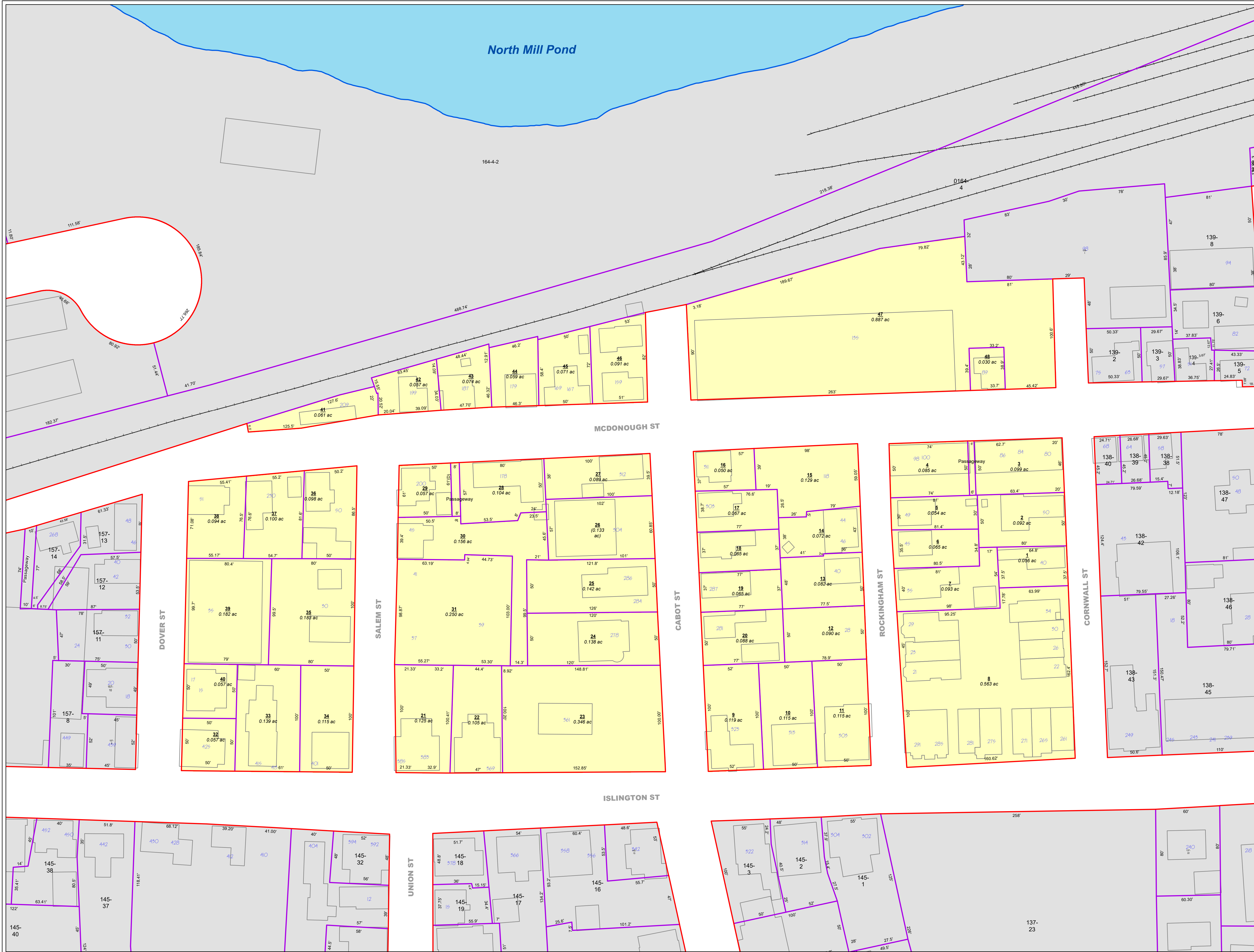


Map Location



Portsmouth, New Hampshire  
2022

Tax Map 144



281 CABOT ST

Location 281 CABOT ST

Mblu 0144/ 0020/ 0000/ /

Acct# 34347

Owner DENICOLA KARYN S REV TRUST

PBN

Assessment \$397,700

Appraisal \$397,700

PID 34347

Building Count 1

Current Value

Appraisal			
Valuation Year	Improvements	Land	Total
2022	\$126,200	\$271,500	\$397,700

Assessment			
Valuation Year	Improvements	Land	Total
2022	\$126,200	\$271,500	\$397,700

Owner of Record

Owner DENICOLA KARYN S REV TRUST      Sale Price \$480,000  
 Co-Owner DENICOLA KARYN S TRUSTEE      Certificate  
 Address 198 ISLINGTON ST UNIT 4      Book & Page 6461/1119  
 PORTSMOUTH, NH 03801      Sale Date 01/04/2023  
 Instrument

Ownership History

Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
DENICOLA KARYN S REV TRUST	\$480,000		6461/1119		01/04/2023
GEIGER JOSEPH M JR	\$0		PROBATE/		09/26/2002
SOPHIE J GEIGER	\$0		1844/0046		11/18/1966
GEIGER JOSEPH M JR	\$0		1729/0270		08/14/1964

Building Information

## Building 1 : Section 1

**Year Built:** 1870  
**Living Area:** 1,301  
**Replacement Cost:** \$231,154  
**Building Percent Good:** 54  
**Replacement Cost  
Less Depreciation:** \$124,800

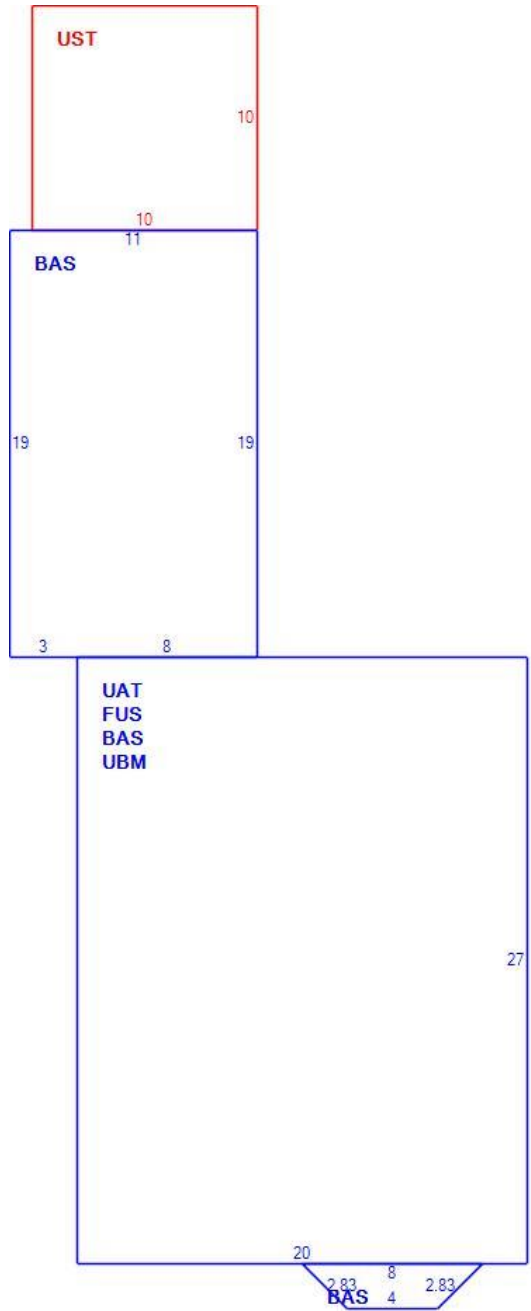
Building Attributes	
Field	Description
Style:	Conventional
Model	Residential
Grade:	C+
Stories:	2
Occupancy	1
Exterior Wall 1	Asbest Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	
Interior Flr 1	Pine/Soft Wood
Interior Flr 2	Carpet
Heat Fuel	Oil
Heat Type:	Hot Water
AC Type:	None
Total Bedrooms:	2 Bedrooms
Total Bthrms:	2
Total Half Baths:	0
Total Xtra Fixtrs:	0
Total Rooms:	6
Bath Style:	Avg Quality
Kitchen Style:	Avg Quality
Kitchen Gr	
WB Fireplaces	0
Extra Openings	0
Metal Fireplaces	0
Extra Openings 2	0
Bsmt Garage	

## Building Photo



(<https://images.vgsi.com/photos2/PortsmouthNHPhotos/\00\01\96\35.jpg>)

## Building Layout



(ParcelSketch.ashx?pid=34347&bid=34347)

Building Sub-Areas (sq ft)			Legend	
Code	Description	Gross Area	Living Area	
BAS	First Floor	761	761	
FUS	Upper Story, Finished	540	540	
UAT	Attic	540	0	
UBM	Basement, Unfinished	540	0	
UST	Utility, Storage, Unfinished	100	0	
		2,481	1,301	



**Extra Features**

Extra Features	<u>Legend</u>
No Data for Extra Features	

**Land**

Land Use		Land Line Valuation	
<b>Use Code</b>	1010	<b>Size (Acres)</b>	0.09
<b>Description</b>	SINGLE FAM MDL-01	<b>Frontage</b>	
<b>Zone</b>	GRC	<b>Depth</b>	
<b>Neighborhood</b>	105	<b>Assessed Value</b>	\$271,500
<b>Alt Land Appr</b>	No	<b>Appraised Value</b>	\$271,500
<b>Category</b>			

**Outbuildings**

Outbuildings						<u>Legend</u>
Code	Description	Sub Code	Sub Description	Size	Value	Bldg #
FGR3	GARAGE-POOR			288.00 S.F.	\$1,400	1

**Valuation History**

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$126,200	\$271,500	\$397,700
2020	\$126,200	\$271,500	\$397,700
2019	\$126,200	\$271,500	\$397,700

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$126,200	\$271,500	\$397,700
2020	\$126,200	\$271,500	\$397,700
2019	\$126,200	\$271,500	\$397,700



# PROPOSED SITE PLAN

## RESIDENTIAL STRUCTURE REPLACEMENT

### 281 CABOT STREET

### PORTSMOUTH, NEW HAMPSHIRE

# PERMIT PLANS

**REQUIRED PERMITS:**  
PORTSMOUTH BOA: PENDING

**OWNER & APPLICANT:**

**KARYN DENICOLA TRUST**  
198 ISLINGTON STREET, APARTMENT #4  
PORTSMOUTH, NH 03801  
Tel. (856) 630-9911

**CIVIL ENGINEER & LAND SURVEYOR:**

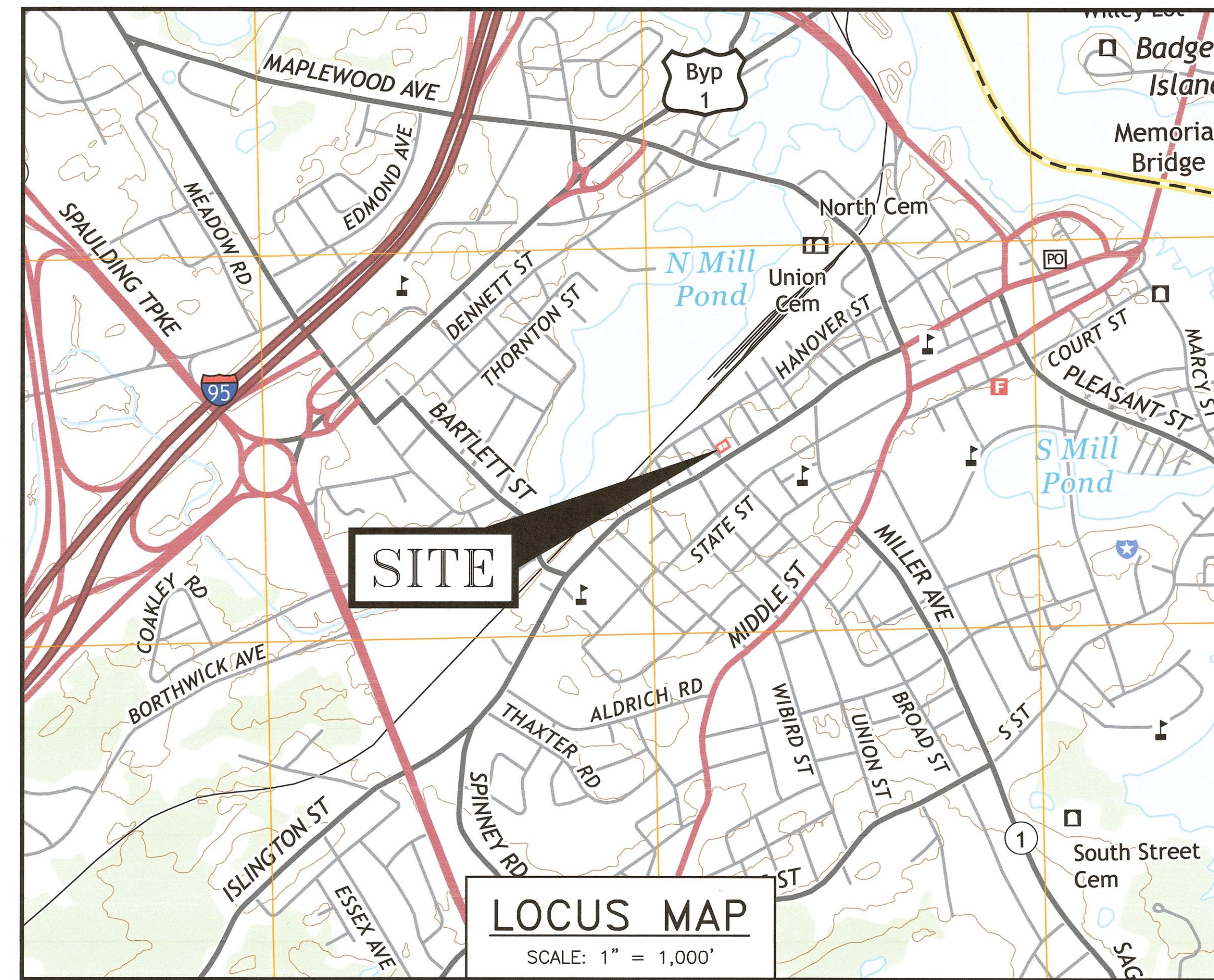
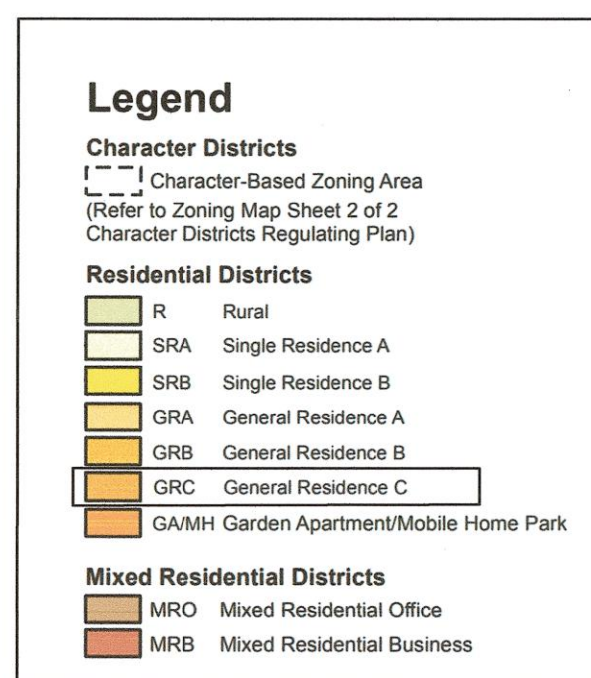
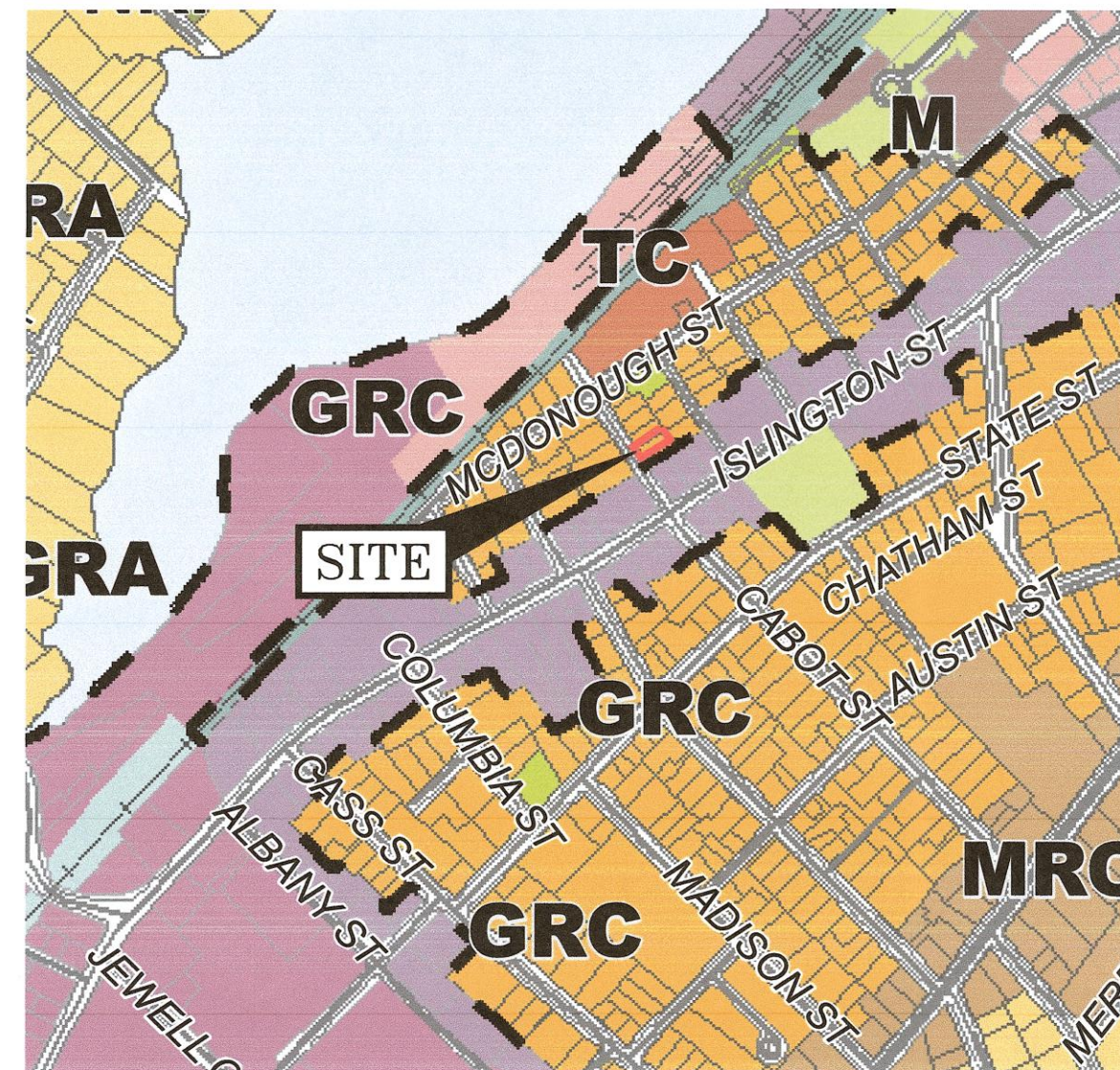
**AMBIT ENGINEERING, INC.**  
A DIVISION OF HALEY WARD, INC.  
200 GRIFFIN ROAD, UNIT 3  
PORTSMOUTH, N.H. 03801  
Tel. (603) 430-9282  
Fax (603) 436-2315

**ARCHITECT:**

**CJ ARCHITECTS**  
233 VAUGHAN STREET, SUITE 101  
PORTSMOUTH, NH, 03801  
Tel. (603) 431-2808

**LEGAL REPRESENTATION:**

**DONAHUE, TUCKER & CIANDELLA, PLLC**  
111 MAPLEWOOD AVE., SUITE D  
PORTSMOUTH, NH, 03801  
Tel. (603) 766-1686



**LEGEND:**

EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	SETBACK
S	S	SEWER PIPE
SL	SL	SEWER LATERAL
G	G	GAS LINE
D	D	STORM DRAIN
W	W	WATER LINE
WS	WS	WATER SERVICE
UGE	UGE	UNDERGROUND ELECTRIC
OHW	OHW	OVERHEAD ELECTRIC/WIRES
---	UD	FOUNDATION DRAIN
100	100	EDGE OF PAVEMENT (EP)
97x3	98x0	CONTOUR
○	○	SPOT ELEVATION
○	○	UTILITY POLE
☀	☀	WALL MOUNTED EXTERIOR LIGHTS
☀	☀	TRANSFORMER ON CONCRETE PAD
○	○	ELECTRIC HANDHOLD
○	○	SHUT OFFS (WATER/GAS)
⊗	⊗	GATE VALVE
⊗	⊗	HYDRANT
⊗	⊗	CATCH BASIN
⊗	⊗	SEWER MANHOLE
⊗	⊗	DRAIN MANHOLE
⊗	⊗	TELEPHONE MANHOLE
⊗	⊗	PARKING SPACE COUNT
⊗	⊗	PARKING METER
LSA	LSA	LANDSCAPED AREA
TBD	TBD	TO BE DETERMINED
CI	CI	CAST IRON PIPE
COP	COP	COPPER PIPE
DI	DI	DUCTILE IRON PIPE
PVC	PVC	POLYVINYL CHLORIDE PIPE
RCP	RCP	REINFORCED CONCRETE PIPE
AC	AC	ASBESTOS CEMENT PIPE
VC	VC	VITRIFIED CLAY PIPE
EP	EP	EDGE OF PAVEMENT
EL	EL	ELEVATION
FF	FF	FINISHED FLOOR
INV	INV	INVERT
S =	S =	SLOPE FT/FT
TBM	TBM	TEMPORARY BENCH MARK
TYP	TYP	TYPICAL



**INDEX OF SHEETS**

DWG No.	Description
C1	EXISTING CONDITIONS & DEMOLITION PLAN
C2	VARIANCE PLAN

**UTILITY CONTACTS**

**ELECTRIC:**  
EVERSOURCE  
1700 LAFAYETTE ROAD  
PORTSMOUTH, N.H. 03801  
Tel. (603) 436-7708, Ext. 555.5678  
ATTN: MICHAEL BUSBY, P.E. (MANAGER)

**NATURAL GAS:**  
UNITIL  
325 WEST ROAD  
PORTSMOUTH, N.H. 03801  
Tel. (603) 294-5144  
ATTN: DAVE BEAULIEU

**CABLE:**  
COMCAST  
155 COMMERCE WAY  
PORTSMOUTH, N.H. 03801  
Tel. (603) 679-5695 (X1037)  
ATTN: MIKE COLLINS

**SEWER & WATER:**  
PORTSMOUTH DEPARTMENT OF PUBLIC WORKS  
680 PEVERLY HILL ROAD  
PORTSMOUTH, N.H. 03801  
Tel. (603) 766-1438 ATTN: JIM TOW

**COMMUNICATIONS:**  
FAIRPOINT COMMUNICATIONS  
JOE CONSIDINE  
1575 GREENLAND ROAD  
GREENLAND, N.H. 03840  
Tel. (603) 427-5525

**PROPOSED SITE PLAN**  
**RESIDENTIAL STRUCTURE REPLACEMENT**  
**281 CABOT STREET**  
**PORTSMOUTH, N.H.**



200 Griffin Road, Unit 3  
Portsmouth, NH 03801  
603.430.9282  
WWW.HALEYWARD.COM  
PLAN SET SUBMITTAL DATE: 24 MAY 2023

APPROVED BY THE PORTSMOUTH ZONING BOARD

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





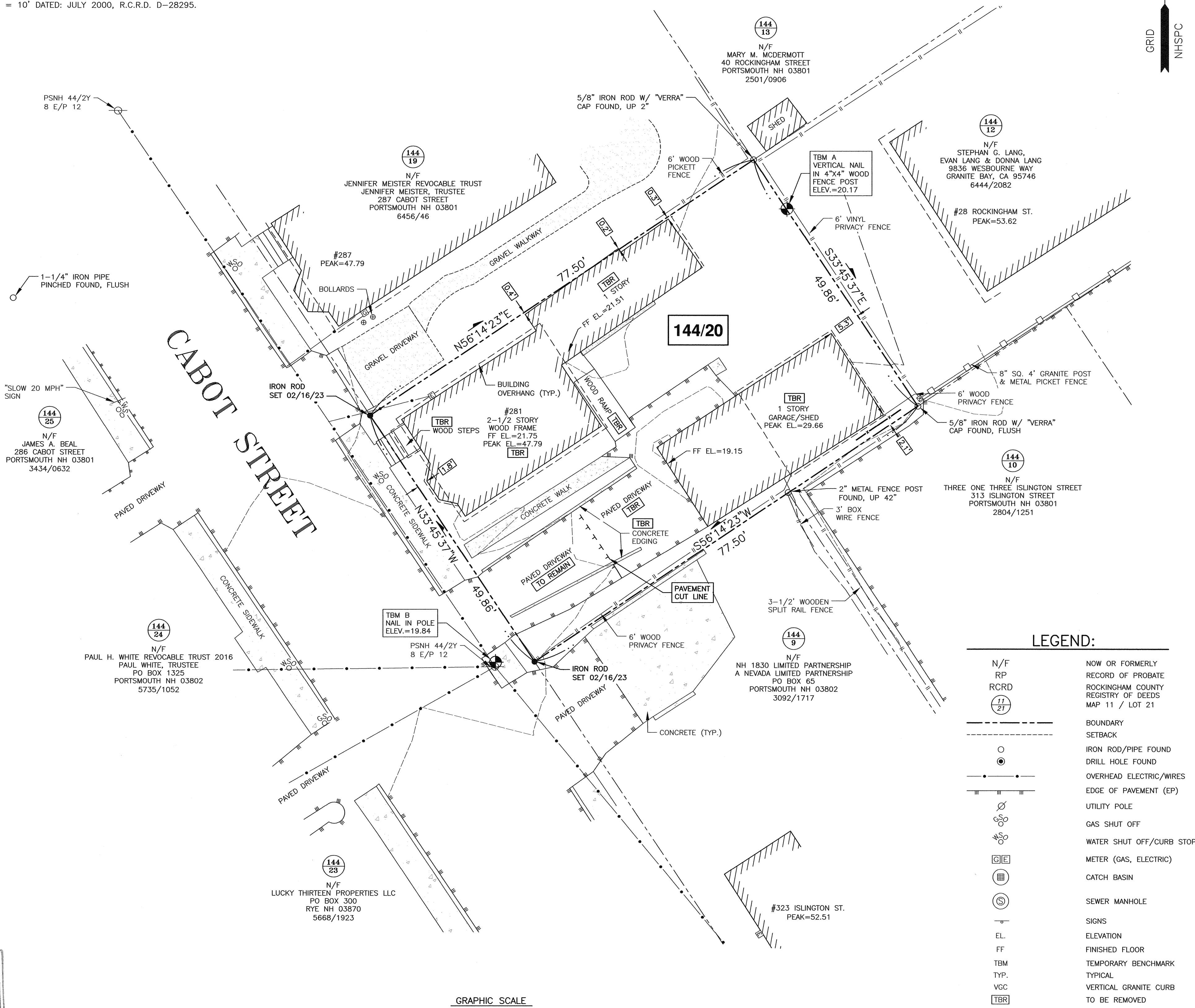
LOCATION MAP SCALE: 1"=200'

**DEMOLITION NOTES**

- A) THE LOCATIONS OF UNDERGROUND UTILITIES ARE APPROXIMATE AND THE LOCATIONS ARE NOT GUARANTEED BY THE OWNER OR THE DESIGNER. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE UTILITIES AND ANTICIPATE CONFLICTS. CONTRACTOR SHALL REPAIR EXISTING UTILITIES DAMAGED BY THEIR WORK AND RELOCATE EXISTING UTILITIES THAT ARE REQUIRED TO BE RELOCATED PRIOR TO COMMENCING ANY WORK IN THE IMPACTED AREA OF THE PROJECT.
- B) ALL MATERIALS SCHEDULED TO BE REMOVED SHALL BECOME THE PROPERTY OF THE CONTRACTOR UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL DISPOSE OF ALL MATERIALS OFF-SITE IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS, ORDINANCES AND CODES. THE CONTRACTOR SHALL COORDINATE REMOVAL, RELOCATION, DISPOSAL, OR SALVAGE OF UTILITIES WITH THE OWNER AND APPROPRIATE UTILITY COMPANY.
- C) ANY EXISTING WORK OR PROPERTY DAMAGED OR DISRUPTED BY CONSTRUCTION/ DEMOLITION ACTIVITIES SHALL BE REPLACED OR REPAIRED TO THE ORIGINAL EXISTING CONDITIONS BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- D) THE CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES AND CALL DIG SAFE AT LEAST 72 HOURS PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION/CONSTRUCTION ACTIVITIES.
- E) SAWCUT AND REMOVE PAVEMENT ONE FOOT OFF PROPOSED EDGE OF PAVEMENT TRENCH IN AREAS WHERE PAVEMENT IS TO BE REMOVED.
- F) IT IS THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE THEMSELVES WITH THE CONDITIONS OF ALL THE PERMIT APPROVALS.
- G) THE CONTRACTOR SHALL OBTAIN AND PAY FOR ADDITIONAL CONSTRUCTION PERMITS, NOTICES AND FEES NECESSARY TO COMPLETE THE WORK AND ARRANGE FOR AND PAY FOR ANY INSPECTIONS AND APPROVALS FROM THE AUTHORITIES HAVING JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL AND OFF-SITE DISPOSAL OF MATERIALS REQUIRED TO COMPLETE THE WORK.
- H) THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL EXISTING STRUCTURES, CONCRETE, UTILITIES, VEGETATION, PAVEMENT, AND CONTAMINATED SOIL WITHIN THE WORK LIMITS SHOWN UNLESS SPECIFICALLY IDENTIFIED TO REMAIN. ANY EXISTING DOMESTIC / IRRIGATION SERVICE WELLS IN THE PROJECT AREA IDENTIFIED DURING THE CONSTRUCTION AND NOT CALLED OUT ON THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER FOR POTENTIAL CAPPING / RE-USE.
- I) ALL WORK WITHIN THE CITY OF PORTSMOUTH RIGHT OF WAY SHALL BE COORDINATED WITH THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS (DPW).
- J) REMOVE TREES AND BRUSH AS REQUIRED FOR COMPLETION OF WORK. CONTRACTOR SHALL GRUB AND REMOVE ALL SLUMPS WITHIN LIMITS OF WORK AND DISPOSE OF OFF-SITE IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.
- K) CONTRACTOR SHALL PROTECT ALL PROPERTY MONUMENTATION THROUGHOUT DEMOLITION AND CONSTRUCTION OPERATIONS. SHOULD ANY MONUMENTATION BE DISTURBED, THE CONTRACTOR SHALL EMPLOY A NH LICENSED LAND SURVEYOR TO REPLACE THEM.
- L) THE CONTRACTOR SHALL PAY ALL COSTS NECESSARY FOR TEMPORARY PARTITIONING, BARRICADING, FENCING, SECURITY AND SAFETY DEVICES REQUIRED FOR THE MAINTENANCE OF A CLEAN AND SAFE CONSTRUCTION SITE.
- M) ANY CONTAMINATED MATERIAL REMOVED DURING THE COURSE OF THE WORK WILL REQUIRE HANDLING IN ACCORDANCE WITH NHDES REGULATIONS. CONTRACTOR SHALL HAVE A HEALTH AND SAFETY PLAN IN PLACE, AND COMPLY WITH ALL APPLICABLE PERMITS, APPROVALS, AUTHORIZATIONS, AND REGULATIONS

**PLAN REFERENCES:**

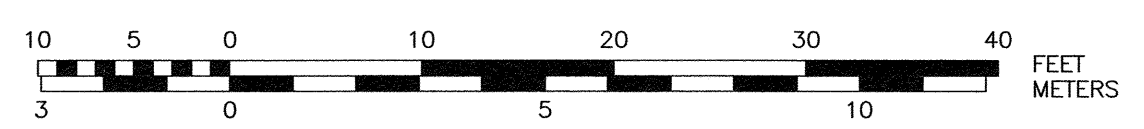
- 1) EASEMENT PLAN OF LAND IN PORTSMOUTH, NH PREPARED FOR GETTY REALTY CORP., SCALE: 1"=20', DATED: 4/20/04, PREPARED BY HANCOCK ASSOCIATES, R.C.R.D. PLAN C-31604
- 2) PLAN OF ROCK FIELD IN THE TOWN OF PORTSMOUTH, SCALE: 40 FEET TO 1 INCH, DATED: 1815, PREPARED BY BENJAMIN AKERMAN, R.C.R.D. PLAN# 00562
- 3) CONDOMINIUM SITE PLAN GASLIGHT CONDOMINIUM MAP U44 - LOT 26 FOR STEVE KELM & ERIC BESSEMER, 304 CABOT STREET PORTSMOUTH, N.H., COUNTY OF ROCKINGHAM, SCALE: 1" = 10' DATED: JULY 2000, R.C.R.D. D-28295.



**LEGEND:**

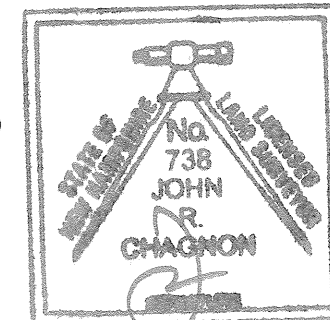
- N/F NOW OR FORMERLY
- RP RECORD OF PROBATE
- RCRD ROCKINGHAM COUNTY
- REGISTRY OF DEEDS
- 11/21 MAP 11 / LOT 21
- BOUNDARY
- SETBACK
- IRON ROD/PIPE FOUND
- DRILL HOLE FOUND
- OVERHEAD ELECTRIC/WIRES
- EDGE OF PAVEMENT (EP)
- UTILITY POLE
- GAS SHUT OFF
- WATER SHUT OFF/CURB STOP
- METER (GAS, ELECTRIC)
- CATCH BASIN
- SEWER MANHOLE
- SIGNS
- ELEVATION
- FINISHED FLOOR
- TEMPORARY BENCHMARK
- TYP. TYPICAL
- VGC VERTICAL GRANITE CURB
- TBR TO BE REMOVED

**GRAPHIC SCALE**



"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JOHN R. CHAGNON, LLS #738 DATE 5.24.23



**AMBIT ENGINEERING, INC.**  
A DIVISION OF HALEY WARD, INC.

200 Griffin Road, Unit 3  
Portsmouth, NH 03801  
603.430.9282

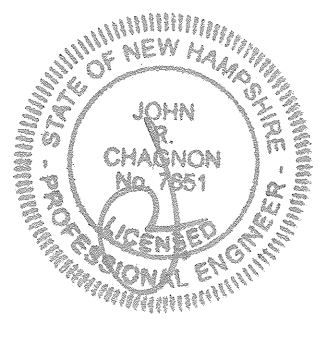
WWW.HALEYWARD.COM

- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 144 AS LOT 20.
  - 2) OWNERS OF RECORD:  
KARYN S. DENICOLA REVOCABLE TRUST OF 2015  
KARYN S. DENICOLA TRUSTEE  
198 ISLINGTON STREET, APT. 4  
PORTSMOUTH, NH 03801  
6461/1119
  - 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE 1/29/2021.
  - 4) EXISTING LOT AREA:  
3,864 S.F.  
0.0887 ACRES
  - 5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE C (GRC) DISTRICT.
  - 6) DIMENSIONAL REQUIREMENTS:  
MIN. LOT AREA: 3,500 S.F.  
FRONTAGE: 70 FEET  
SETBACKS: FRONT 5 FEET  
SIDE 10 FEET  
REAR 20 FEET  
  
MAXIMUM STRUCTURE HEIGHT: 35 FEET  
MAXIMUM BUILDING COVERAGE: 35%  
MINIMUM OPEN SPACE: 20%
  - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS & PLANNED DEMOLITION ON ASSESSOR'S MAP 144, LOT 20 IN THE CITY OF PORTSMOUTH.
  - 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
  - 9) ALL EXISTING BUILDINGS WILL BE REMOVED FROM THE PROPERTY.

**DENICOLA RESIDENCE**  
**281 CABOT STREET**  
**PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
2	ISSUED FOR PERMITS	5/24/23
1	MONUMENTS SET	2/16/23
0	ISSUED FOR COMMENT	2/16/23

NO.	DESCRIPTION	DATE
REVISIONS		



SCALE: 1" = 10' JANUARY 2023

**EXISTING CONDITIONS & DEMOLITION PLAN** **C1**







# EROSION CONTROL NOTES

## CONSTRUCTION SEQUENCE

DO NOT BEGIN CONSTRUCTION UNTIL ALL LOCAL, STATE AND FEDERAL PERMITS HAVE BEEN APPLIED FOR AND RECEIVED.

INSTALL INLET PROTECTION AND PERIMETER CONTROLS, I.E., SILT FENCING OR SILT/SOXX AROUND THE LIMITS OF DISTURBANCE AND CATCH BASIN FILTER BEFORE ANY EARTH MOVING OPERATIONS.

CUT AND GRUB ALL TREES, SHRUBS, SAPLINGS, BRUSH, VINES AND REMOVE OTHER DEBRIS AND RUBBISH AS REQUIRED.

REMOVE EXISTING SITE FEATURES TO BE REMOVED.

CONSTRUCT SITE IMPROVEMENTS.

REMOVE TRAPPED SEDIMENTS FROM COLLECTION DEVICES AS APPROPRIATE, AND THEN REMOVE TEMPORARY EROSION CONTROL MEASURES UPON COMPLETION OF FINAL STABILIZATION OF THE SITE.

## PROJECT DESCRIPTION

THE PROJECT CONSISTS OF A BUILDING REPLACEMENT WITH ASSOCIATED UTILITIES, GRADING, AND SITE IMPROVEMENTS.

THE TOTAL AREA TO BE DISTURBED IS APPROXIMATELY 3,800 S.F.

BASED ON SITE OBSERVATIONS AND TEST PITS THE SOILS ON SITE CONSIST OF URBAN LAND-CANTON COMPLEX, 3 TO 15% SLOPE WHICH ARE WELL DRAINED SOILS WITH A HYDROLOGIC SOIL GROUP RATING OF A.

## GENERAL CONSTRUCTION NOTES

THE EROSION CONTROL PROCEDURES SHALL CONFORM TO SECTION 645 OF THE "STANDARD SPECIFICATION FOR ROAD AND BRIDGE CONSTRUCTION" OF THE NHDOT, AND "STORM WATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL HANDBOOK FOR URBAN AND DEVELOPING AREAS IN NEW HAMPSHIRE". THE PROJECT IS TO BE MANAGED IN A MANNER THAT MEETS THE REQUIREMENTS AND INTENT OF RSA 430:53 AND CHAPTER AGR 3800 RELATIVE TO INVASIVE SPECIES.

DURING CONSTRUCTION AND THEREAFTER, EROSION CONTROL MEASURES ARE TO BE IMPLEMENTED AS NOTED, THE SMALLEST PRACTICAL AREA OF LAND SHOULD BE EXPOSED AT ANY ONE TIME DURING DEVELOPMENT. NO DISTURBED AREA SHALL BE LEFT UNSTABILIZED FOR MORE THAN 45 DAYS.

ANY DISTURBED AREAS WHICH ARE TO BE LEFT TEMPORARILY, AND WHICH WILL BE REGRADED LATER DURING CONSTRUCTION SHALL BE MACHINE HAY MULCHED AND SEEDED WITH RYE GRASS TO PREVENT EROSION.

THE PROJECT IS TO BE MANAGED IN A MANNER THAT MEETS THE REQUIREMENTS AND INTENT OF RSA 430:53 AND CHAPTER AGR 3800 RELATIVE TO INVASIVE SPECIES.

DUST CONTROL: DUST CONTROL MEASURES SHALL INCLUDE BUT ARE NOT LIMITED TO SPRINKLING WATER ON EXPOSED AREAS, COVERING LOADED DUMP TRUCKS LEAVING THE SITE, AND TEMPORARY MULCHING.

DUST CONTROL MEASURES SHALL BE UTILIZED SO AS TO PREVENT THE MIGRATION OF DUST FROM THE SITE TO ADJACENT AREAS.

IF TEMPORARY STABILIZATION PRACTICES, SUCH AS TEMPORARY VEGETATION AND MULCHING, DO NOT ADEQUATELY REDUCE DUST GENERATION, APPLICATION OF WATER OR CALCIUM CHLORIDE SHALL BE APPLIED IN ACCORDANCE WITH BEST MANAGEMENT PRACTICES.

SILT/SOXX SHALL BE PERIODICALLY INSPECTED DURING THE LIFE OF THE PROJECT AND AFTER EACH STORM. ALL DAMAGED SILT/SOXX SHALL BE REPAIRED. SEDIMENT DEPOSITS SHALL PERIODICALLY BE REMOVED AND DISPOSED IN A SECURED LOCATION.

ALL FILLS SHALL BE PLACED AND COMPACTED TO REDUCE EROSION, SLIPPAGE, SETTLEMENT, SUBSIDENCE OR OTHER RELATED PROBLEMS.

ALL NON-STRUCTURAL, SITE-FILL SHALL BE PLACED AND COMPACTED TO 90% MODIFIED PROCTOR DENSITY IN LAYERS NOT EXCEEDING 18 INCHES IN THICKNESS UNLESS OTHERWISE NOTED.

FROZEN MATERIAL OR SOFT, MUCKY OR HIGHLY COMPRESSIBLE MATERIAL, TRASH, WOODY DEBRIS, LEAVES, BRUSH OR ANY DELETERIOUS MATTER SHALL NOT BE INCORPORATED INTO FILLS.

FILL MATERIAL SHALL NOT BE PLACED ON FROZEN FOUNDATION SUBGRADE.

DURING CONSTRUCTION AND UNTIL ALL DEVELOPED AREAS ARE FULLY STABILIZED, ALL EROSION CONTROL MEASURES SHALL BE INSPECTED WEEKLY AND AFTER EACH ONE HALF INCH OF RAINFALL.

THE CONTRACTOR SHALL MODIFY OR ADD EROSION CONTROL MEASURES AS NECESSARY TO ACCOMMODATE PROJECT CONSTRUCTION.

ALL ROADWAYS AND PARKING AREAS SHALL BE STABILIZED WITHIN 72 HOURS OF ACHIEVING FINISHED GRADE. ALL CUT AND FILL SLOPES SHALL BE SEEDDED/LOADED WITHIN 72 HOURS OF ACHIEVING FINISHED GRADE.

AN AREA SHALL BE CONSIDERED STABLE IF ONE OF THE FOLLOWING HAS OCCURRED:

- BASE COURSE GRAVELS HAVE BEEN INSTALLED ON AREAS TO BE PAVED
  - A MINIMUM OF 85% VEGETATED GROWTH HAS BEEN ESTABLISHED
  - A MINIMUM OF 3 INCHES OF NON-EROSIVE MATERIAL SUCH AS STONE OR RIPRAP HAS BEEN INSTALLED
  - EROSION CONTROL BLANKETS HAVE BEEN INSTALLED.
- IN AREAS TO BE PAVED, "STABLE" MEANS THAT BASE COURSE GRAVELS MEETING THE REQUIREMENTS OF NHDOT STANDARD FOR ROAD AND BRIDGE CONSTRUCTION, 2016, ITEM 304.2 HAVE BEEN INSTALLED.

STABILIZATION SHALL BE INITIATED ON ALL LOAM STOCKPILES, AND DISTURBED AREAS, WHERE CONSTRUCTION ACTIVITY SHALL NOT OCCUR FOR MORE THAN TWENTY-ONE (21) CALENDAR DAYS BY THE FOURTEENTH (14TH) DAY AFTER CONSTRUCTION ACTIVITY HAS PERMANENTLY OR TEMPORARILY CEASED IN THAT AREA.

STABILIZATION MEASURES TO BE USED INCLUDE:

- TEMPORARY SEEDING;
- MULCHING.

1. ALL AREAS SHALL BE STABILIZED WITHIN 45 DAYS OF INITIAL DISTURBANCE.
2. WHEN CONSTRUCTION ACTIVITY PERMANENTLY OR TEMPORARILY CEASES WITHIN 100 FEET OF NEARBY SURFACE WATERS OR DELINEATED WETLANDS, THE AREA SHALL BE STABILIZED WITHIN SEVEN (7) DAYS OR PRIOR TO A RAIN EVENT. ONCE CONSTRUCTION ACTIVITY CEASES PERMANENTLY IN THESE AREAS, SILT/SOXX, MULCH BERMS, HAY BALE BARRIERS AND ANY EARTH/DIKES SHALL BE REMOVED ONCE PERMANENT MEASURES ARE ESTABLISHED.
3. DURING CONSTRUCTION, RUNOFF WILL BE DIVERTED AROUND THE SITE WITH EARTH DIKES, PIPING OR STABILIZED CHANNELS WHERE POSSIBLE. SHEET RUNOFF FROM THE SITE WILL BE FILTERED THROUGH SILT/SOXX, MULCH BERMS, HAY BALE BARRIERS, OR SILT SOCKS. ALL STORM DRAIN BASIN INLETS SHALL BE PROVIDED WITH FLARED END SECTIONS AND TRASH RACKS. THE SITE SHALL BE STABILIZED FOR THE WINTER BY OCTOBER 15.

## MAINTENANCE AND PROTECTION

THE SILT/SOXX BARRIER SHALL BE CHECKED AFTER EACH RAINFALL AND AT LEAST DAILY DURING PROLONGED RAINFALL.

SILT/SOXX SHALL BE REMOVED ONCE SITE IS STABILIZED, AND DISTURBED AREAS RESULTING FROM SILT/SOXX REMOVAL SHALL BE PERMANENTLY SEEDDED.

THE CATCH BASIN INLET BASKET SHALL BE INSPECTED WITHIN 24 HOURS AFTER EACH RAINFALL OR DAILY DURING EXTENDED PERIODS OF PRECIPITATION. REPAIRS SHALL BE MADE IMMEDIATELY, AS NECESSARY, TO PREVENT PARTICLES FROM REACHING THE DRAINAGE SYSTEM AND/OR CAUSING SURFACE FLOODING.

SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT, OR MORE OFTEN IF THE FABRIC BECOMES CLOGGED.

## WINTER NOTES

ALL PROPOSED VEGETATED AREAS THAT DO NOT EXHIBIT A MINIMUM OF 85% VEGETATED GROWTH BY OCTOBER 15, OR WHICH ARE DISTURBED AFTER OCTOBER 15, SHALL BE STABILIZED BY SEEDING AND INSTALLING EROSION CONTROL BLANKETS ON SLOPES GREATER THAN 3:1, AND SEEDING AND PLACING 3 TO 4 TONS OF MULCH PER ACRE, SECURED WITH ANCHORED NETTING. ELSEWHERE, THE INSTALLATION OF EROSION CONTROL BLANKETS OR MULCH AND NETTING SHALL NOT OCCUR OVER ACCUMULATED SNOW OR ON FROZEN GROUND AND SHALL BE COMPLETED IN ADVANCE OF THAW OR SPRING MELT EVENTS.

ALL DITCHES OR SWALES WHICH DO NOT EXHIBIT A MINIMUM OF 85 PERCENT VEGETATIVE GROWTH BY OCTOBER 15, OR WHICH ARE DISTURBED AFTER OCTOBER 15, SHALL BE STABILIZED TEMPORARILY WITH STONE OR EROSION CONTROL BLANKETS APPROPRIATE FOR THE DESIGN FLOW CONDITIONS;

AFTER OCTOBER 15, INCOMPLETE DRIVEWAY SURFACES, WHERE WORK HAS STOPPED FOR THE WINTER SEASON, SHALL BE PROTECTED WITH A MINIMUM OF 3 INCHES OF CRUSHED GRAVEL PER NHDOT ITEM 304.3, OR IF CONSTRUCTION IS TO CONTINUE THROUGH THE WINTER SEASON BE CLEARED OF ANY ACCUMULATED SNOW AFTER EACH STORM EVENT;

## STOCKPILES

1. LOCATE STOCKPILES A MINIMUM OF 50 FEET AWAY FROM CATCH BASINS, SWALES, AND CULVERTS.
2. ALL STOCKPILES SHOULD BE SURROUNDED WITH TEMPORARY EROSION CONTROL MEASURES PRIOR TO THE ONSET OF PRECIPITATION.
3. PERIMETER BARRIERS SHOULD BE MAINTAINED AT ALL TIMES, AND ADJUSTED AS NEEDED TO ACCOMMODATE THE DELIVERY AND REMOVAL OF MATERIALS FROM THE STOCKPILE. THE INTEGRITY OF THE BARRIER SHOULD BE INSPECTED AT THE END OF EACH WORKING DAY.
4. PROTECT ALL STOCKPILES FROM STORMWATER RUN-OFF USING TEMPORARY EROSION CONTROL MEASURES SUCH AS BERMS, SILT SOCK, OR OTHER APPROVED PRACTICE TO PREVENT MIGRATION OF MATERIAL BEYOND THE IMMEDIATE CONFINES OF THE STOCKPILES.

## CONCRETE WASHOUT AREA

THE FOLLOWING ARE THE ONLY NON-STORMWATER DISCHARGES ALLOWED. ALL OTHER NON-STORMWATER DISCHARGES ARE PROHIBITED ON SITE:

1. THE CONCRETE DELIVERY TRUCKS SHALL, WHENEVER POSSIBLE, USE WASHOUT FACILITIES AT THEIR OWN PLANT OR DISPATCH FACILITY;
2. IF IT IS NECESSARY, SITE CONTRACTOR SHALL DESIGNATE SPECIFIC WASHOUT AREAS AND DESIGN FACILITIES TO HANDLE ANTICIPATED WASHOUT WATER;
3. CONTRACTOR SHALL LOCATE WASHOUT AREAS AT LEAST 150 FEET AWAY FROM STORM DRAINS, SWALES AND SURFACE WATERS OR DELINEATED WETLANDS;
4. INSPECT WASHOUT FACILITIES DAILY TO DETECT LEAKS OR TEARS AND TO IDENTIFY WHEN MATERIALS NEED TO BE REMOVED.

## ALLOWABLE NON-STORMWATER DISCHARGES

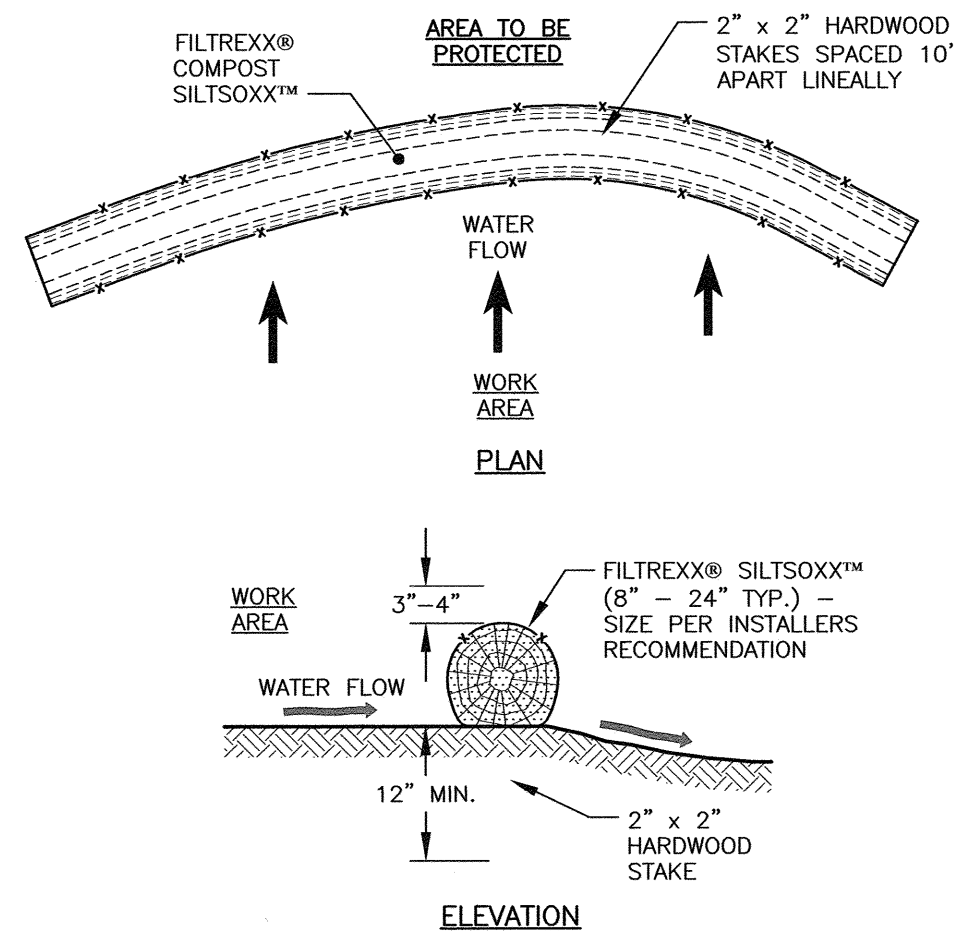
1. FIRE-FIGHTING ACTIVITIES;
2. FIRE HYDRANT FLUSHING;
3. WATERS USED TO WASH VEHICLES WHERE DETERGENTS ARE NOT USED;
4. WATER USED TO CONTROL DUST;
5. POTABLE WATER INCLUDING UNCONTAMINATED WATER LINE FLUSHING;
6. ROUTINE EXTERNAL BUILDING WASH DOWN WHERE DETERGENTS ARE NOT USED;
7. PAVEMENT WASH WATERS WHERE DETERGENTS ARE NOT USED;
8. UNCONTAMINATED AIR CONDITIONING/COMPRESSOR CONDENSATION;
9. UNCONTAMINATED GROUND WATER OR SPRING WATER;
10. FOUNDATION OR FOOTING DRAINS WHICH ARE UNCONTAMINATED;
11. UNCONTAMINATED EXCAVATION DEWATERING;
12. LANDSCAPE IRRIGATION.

## WASTE DISPOSAL

1. WASTE MATERIAL
  - ALL WASTE MATERIALS SHALL BE COLLECTED AND STORED IN SECURELY LIDDED RECEPTACLES. ALL TRASH AND CONSTRUCTION DEBRIS FROM THE SITE SHALL BE DEPOSITED IN A DUMPSTER.
  - NO CONSTRUCTION WASTE MATERIALS SHALL BE BURIED ON SITE.
  - ALL PERSONNEL SHALL BE INSTRUCTED REGARDING THE CORRECT PROCEDURE FOR WASTE DISPOSAL BY THE SUPERINTENDENT.
2. HAZARDOUS WASTE
  - ALL HAZARDOUS WASTE MATERIALS SHALL BE DISPOSED OF IN THE MANNER SPECIFIED BY LOCAL OR STATE REGULATION OR BY THE MANUFACTURER;
  - SITE PERSONNEL SHALL BE INSTRUCTED IN THESE PRACTICES BY THE SUPERINTENDENT.
3. SANITARY WASTE
  - ALL SANITARY WASTE SHALL BE COLLECTED FROM THE PORTABLE UNITS A MINIMUM OF ONCE PER WEEK BY A LICENSED SANITARY WASTE MANAGEMENT CONTRACTOR.

## BLASTING NOTES

1. CONTRACTOR SHALL CONTACT THE NHDES AND/OR LOCAL JURISDICTION PRIOR TO COMMENCING ANY BLASTING ACTIVITIES.
2. FOR ANY PROJECT FOR WHICH BLASTING OF BEDROCK IS ANTICIPATED, THE APPLICANT SHALL SUBMIT A BLASTING PLAN THAT IDENTIFIES:
  - WHERE THE BLASTING ACTIVITIES ARE ANTICIPATED TO OCCUR;
  - THE ESTIMATED QUANTITY OF BLAST ROCK IN CUBIC YARDS; AND
  - SITE-SPECIFIC BLASTING BEST MANAGEMENT PRACTICES.



### NOTES:

1. ALL MATERIAL TO MEET FILTREXX SPECIFICATIONS.
2. FILTREXX SYSTEM SHALL BE INSTALLED BY A CERTIFIED FILTREXX INSTALLER.
3. THE CONTRACTOR SHALL MAINTAIN THE COMPOST FILTRATION SYSTEM IN A FUNCTIONAL CONDITION AT ALL TIMES. IT WILL BE ROUTINELY INSPECTED AND REPAIRED WHEN REQUIRED.
4. SILT/SOXX DEPICTED IS FOR MINIMUM SLOPES, GREATER SLOPES MAY REQUIRE ADDITIONAL PLACEMENTS.
5. THE COMPOST FILTER MATERIAL WILL BE DISPersed ON SITE WHEN NO LONGER REQUIRED, AS DETERMINED BY THE ENGINEER.



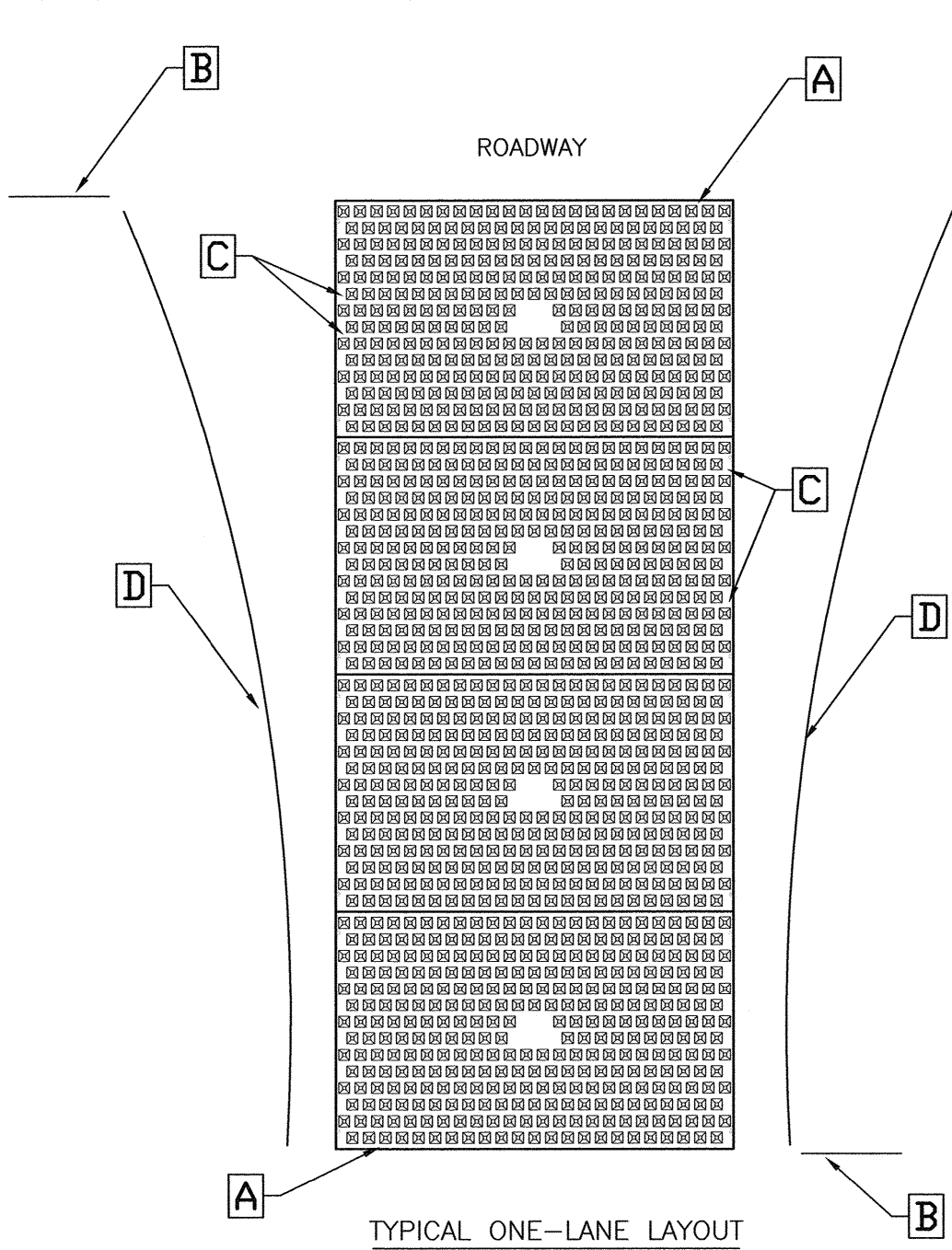
## FODS TRACKOUT CONTROL SYSTEM

### INSTALLATION:

THE PURPOSE AND DESIGN OF THE FODS TRACKOUT CONTROL SYSTEM IS TO EFFECTIVELY REMOVE MOST SEDIMENT FROM VEHICLE TIRES AS THEY EXIT A DISTURBED LAND AREA ONTO A PAVED STREET. THIS MANUAL IS A PLATFORM FROM WHICH TO INSTALL A FODS TRACKOUT CONTROL SYSTEM. (NOTE: THIS IS NOT A ONE SIZE FITS ALL GUIDE.) THE INSTALLATION MAY NEED TO BE MODIFIED TO MEET THE EXISTING CONDITIONS, EXPECTATIONS, OR DEMANDS OF A PARTICULAR SITE. THIS IS A GUIDELINE. ULTIMATELY THE FODS TRACKOUT CONTROL SYSTEM SHOULD BE INSTALLED SAFELY WITH PROPER ANCHORING AND SIGNS PLACED AT THE ENTRANCE AND EXIT TO CAUTION USERS AND OTHERS.

### KEY NOTES:

- A. FODS TRACKOUT CONTROL SYSTEM MAT.
- B. FODS SAFETY SIGN.
- C. ANCHOR POINT.
- D. SILT OR ORANGE CONSTRUCTION FENCE.



### INSTALLATION:

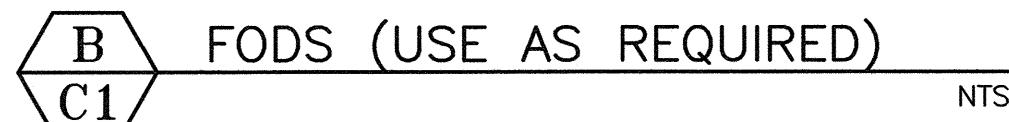
1. THE SITE WHERE THE FODS TRACKOUT CONTROL SYSTEM IS TO BE PLACED SHOULD CORRESPOND TO BEST MANAGEMENT PRACTICES AS MUCH AS POSSIBLE. THE SITE WHERE FODS TRACKOUT CONTROL SYSTEM IS PLACED SHOULD ALSO MEET OR EXCEED THE LOCAL JURISDICTION OR STORM WATER POLLUTION PREVENTION PLAN (SWPPP) REQUIREMENTS.
2. CALL FOR UTILITY LOCATES 3 BUSINESS DAYS IN ADVANCE OF THE FODS TRACKOUT CONTROL SYSTEM INSTALLATION FOR THE MARKING OF UNDERGROUND UTILITIES. CALL THE UTILITY NOTIFICATION CENTER AT 811.
3. ONCE THE SITE IS ESTABLISHED WHERE FODS TRACKOUT CONTROL SYSTEM IS TO BE PLACED, ANY EXCESSIVE UNEVEN TERRAIN SHOULD BE LEVELED OUT OR REMOVED SUCH AS LARGE ROCKS, LANDSCAPING MATERIALS, OR SUDDEN ABRUPT CHANGES IN ELEVATION.
4. THE INDIVIDUAL MATS CAN START TO BE PLACED INTO POSITION. THE FIRST MAT SHOULD BE PLACED NEXT TO THE CLOSEST POINT OF EGRESS. THIS WILL ENSURE THAT THE VEHICLE WILL EXIT STRAIGHT FROM THE SITE ONTO THE PAVED SURFACE.
5. AFTER THE FIRST MAT IS PLACED DOWN IN THE PROPER LOCATION, MATS SHOULD BE ANCHORED TO PREVENT THE POTENTIAL MOVEMENT WHILE THE ADJOINING MATS ARE INSTALLED. ANCHORS SHOULD BE PLACED AT EVERY ANCHOR POINT (IF FEASIBLE) TO HELP MAINTAIN THE MAT IN ITS CURRENT POSITION.
6. AFTER THE FIRST MAT IS ANCHORED IN ITS PROPER PLACE, AN H BRACKET SHOULD BE PLACED AT THE END OF THE FIRST MAT BEFORE ANOTHER MAT IS PLACED ADJACENT TO THE FIRST MAT.
7. ONCE THE SECOND MAT IS PLACED ADJACENT TO THE FIRST MAT, MAKE SURE THE H BRACKET IS CORRECTLY SITUATED BETWEEN THE TWO MATS, AND SLIDE MATS TOGETHER.
8. THE CONNECTOR STRAPS SHOULD BE INSTALLED TO CONNECT THE TWO MATS TOGETHER.
9. UPON PLACEMENT OF EACH NEW MAT IN THE SYSTEM, THAT MAT SHOULD BE ANCHORED AT EVERY ANCHOR POINT TO HELP STABILIZE THE MAT AND ENSURE THE SYSTEM IS CONTINUOUS WITH NO GAPS IN BETWEEN THE MATS.
10. SUCCESSIVE MATS CAN THEN BE PLACED TO CREATE THE FODS TRACKOUT CONTROL SYSTEM REPEATING THE ABOVE STEPS.

### USE AND MAINTENANCE

1. VEHICLES SHOULD TRAVEL DOWN THE LENGTH OF THE TRACKOUT CONTROL SYSTEM AND NOT CUT ACROSS THE MATS.
2. DRIVERS SHOULD TURN THE WHEEL OF THEIR VEHICLES SUCH THAT THE VEHICLE WILL MAKE A SHALLOW S-TURN ROUTE DOWN THE LENGTH OF THE FODS TRACKOUT CONTROL SYSTEM.
3. MATS SHOULD BE CLEANED ONCE THE VOIDS BETWEEN THE PYRAMIDS BECOME FULL OF SEDIMENT. TYPICALLY THIS WILL NEED TO BE PERFORMED WITHIN TWO WEEKS AFTER A STORM EVENT. BRUSHING IS THE PREFERRED METHOD OF CLEANING, EITHER MANUALLY OR MECHANICALLY.
4. THE USE OF ICE MELT, ROCK SALT, SNOW MELT DE-ICER, ETC. SHOULD BE UTILIZED AS NECESSARY DURING THE WINTER MONTHS AND AFTER A SNOW EVENT TO PREVENT ICE BUILDUP.

### REMOVAL

1. REMOVAL OF FODS TRACKOUT CONTROL SYSTEM IS REVERSE ORDER OF INSTALLATION.
2. STARTING WITH THE LAST MAT, THE MAT THAT IS PLACED AT THE INNERMOST POINT OF THE SITE OR THE MAT FURTHEST FROM THE EXIT OR PAVED SURFACE SHOULD BE REMOVED FIRST.
3. THE ANCHORS SHOULD BE REMOVED.
4. THE CONNECTOR STRAPS SHOULD BE UNBOLTED AT ALL LOCATIONS IN THE FODS TRACKOUT CONTROL SYSTEM.
5. STARTING WITH THE LAST MAT IN THE SYSTEM, EACH SUCCESSIVE MAT SHOULD THEN BE MOVED AND STACKED FOR LOADING BY FORKLIFT OR EXCAVATOR ONTO A TRUCK FOR REMOVAL FROM THE SITE.



## NOTES:

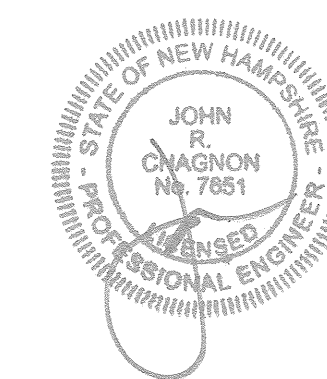
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).

# DENICOLA RESIDENCE

## 281 CABOT STREET

### PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
1	REVISED NOTES	5/24/23
0	ISSUED FOR COMMENT	5/8/23
REVISIONS		



SCALE: 1" = 10' MAY 2023

**EROSION CONTROL NOTES & DETAILS**

**D1**



REVISIONS:

**DENICOLA RESIDENCE**  
 281 CABOT STREET  
 PORTSMOUTH, NH

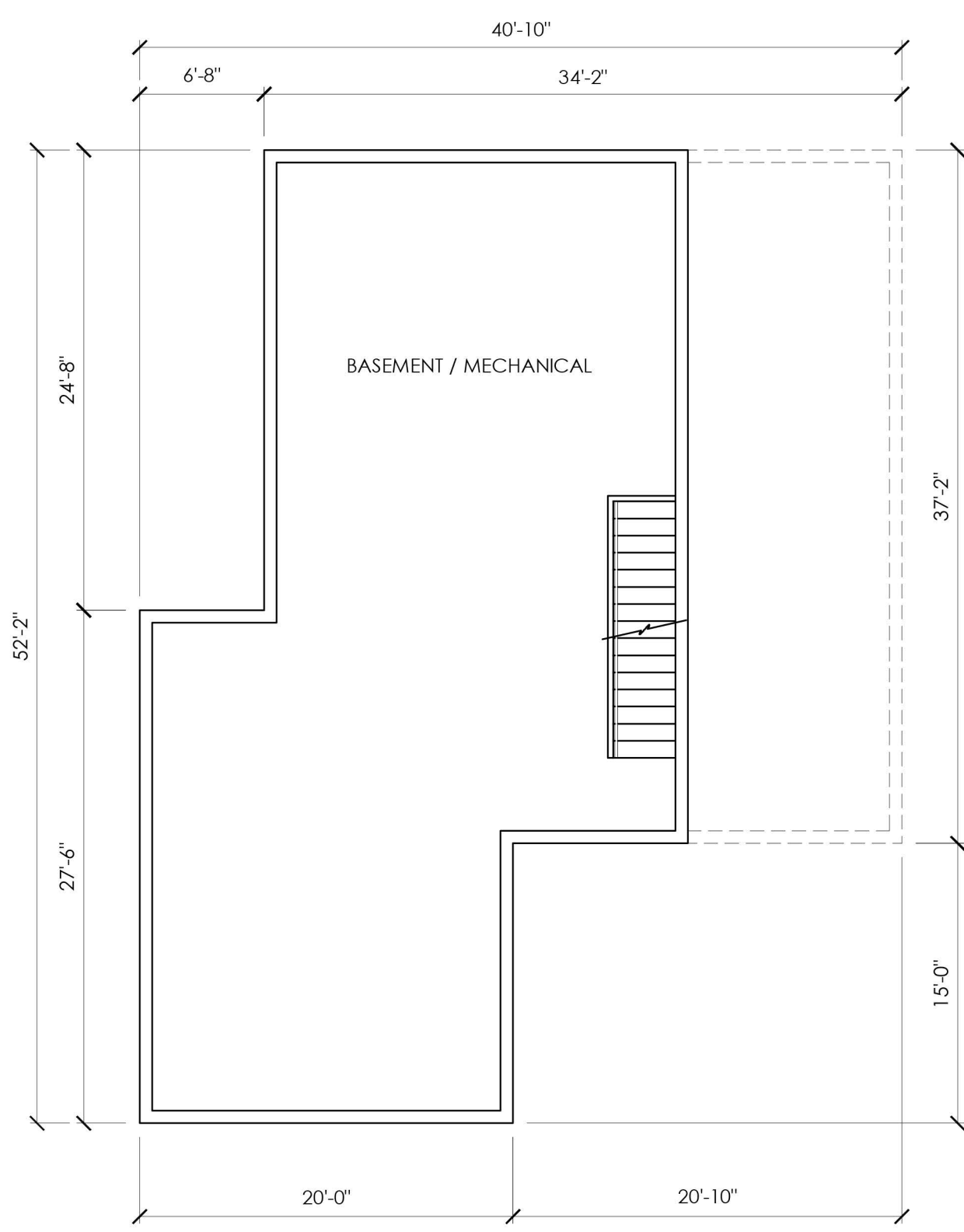


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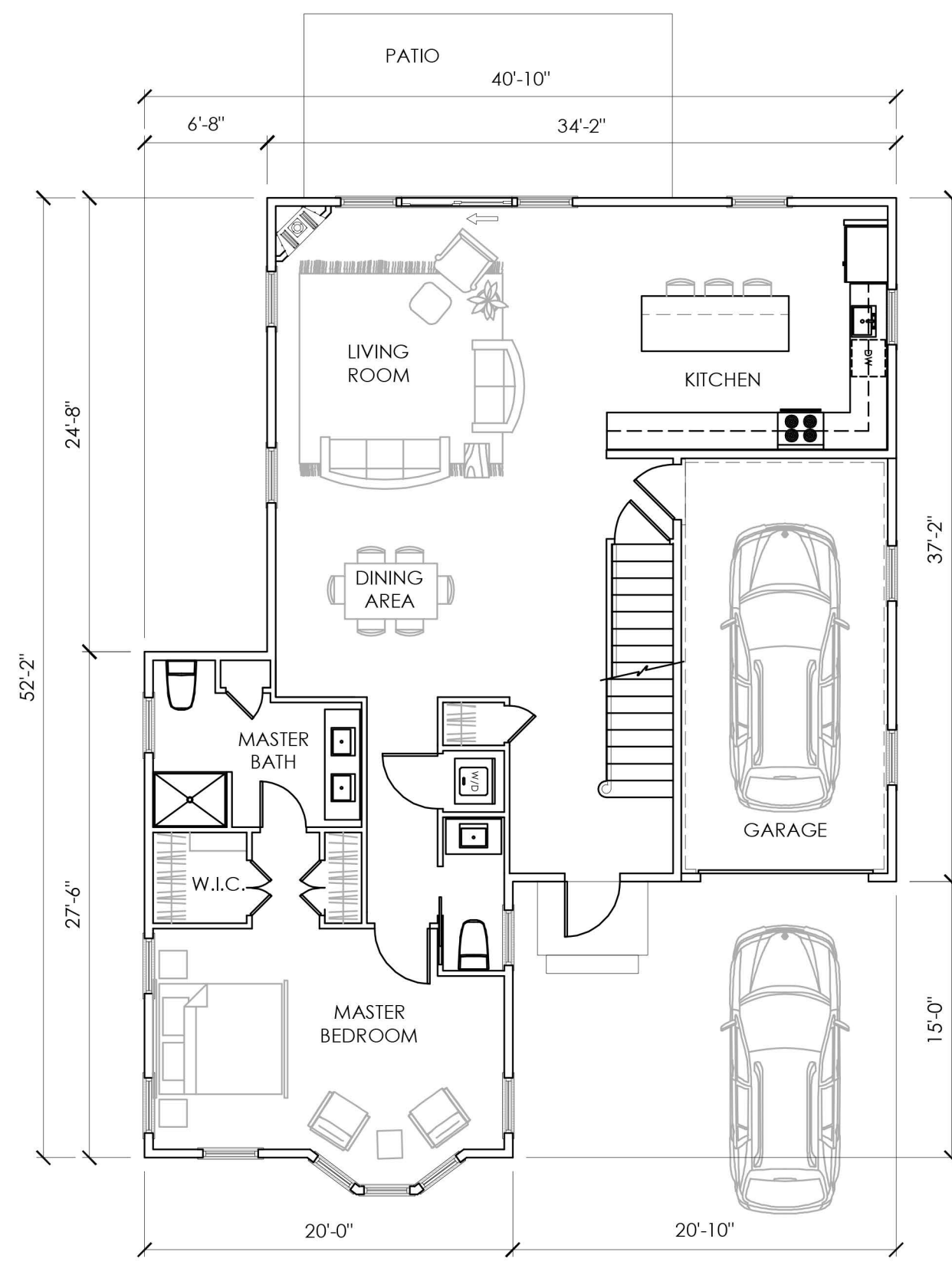
FLOOR PLANS  
 &  
 ELEVATIONS

DATE:	6/21/23
DRAWN BY:	PDM
APPROVED BY:	CJG
SCALE:	1/8" = 1'-0"
JOB NUMBER:	22303

**A1**



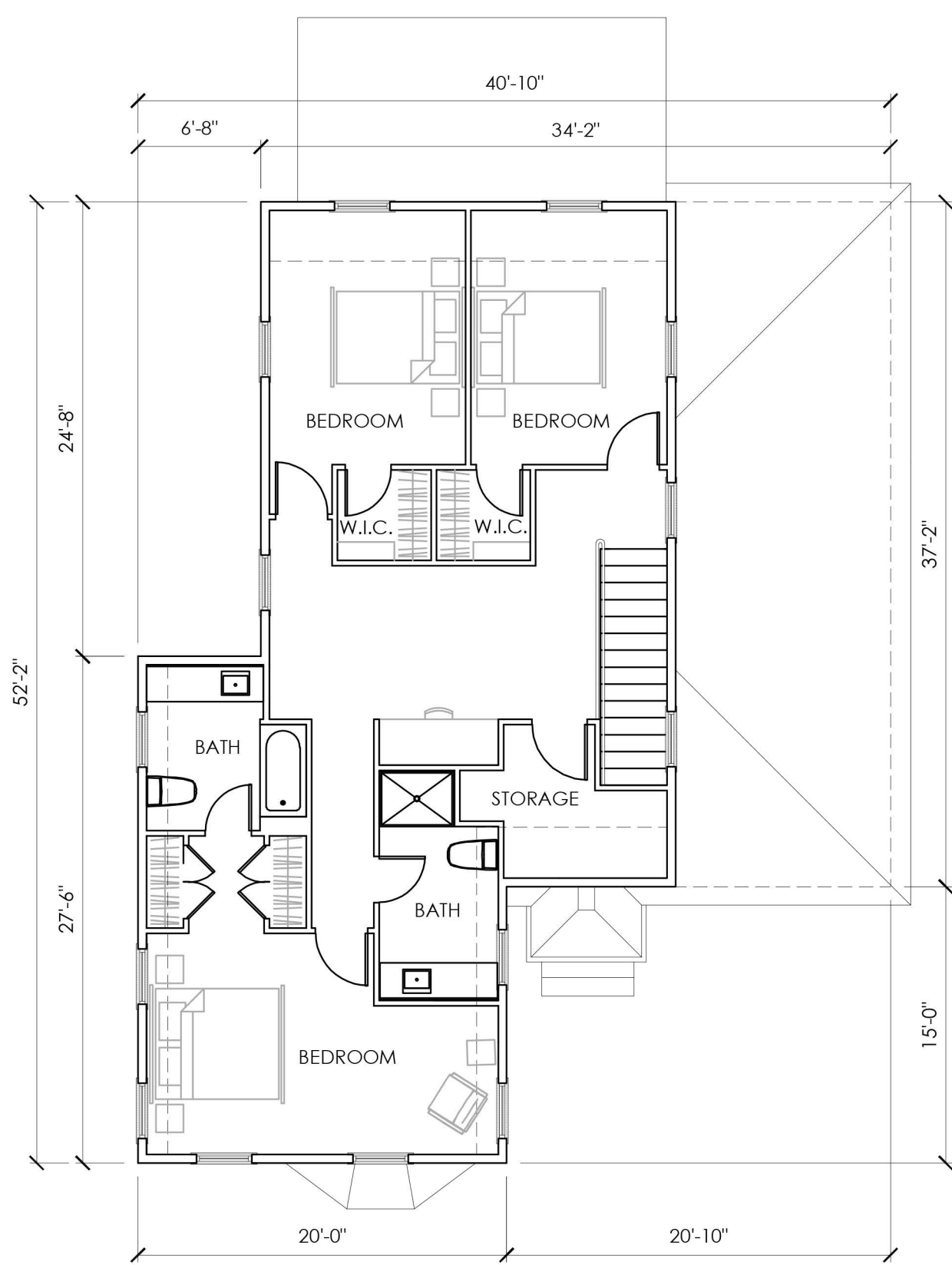
**LOWER LEVEL FLOOR PLAN**  
 1/8"=1'-0"



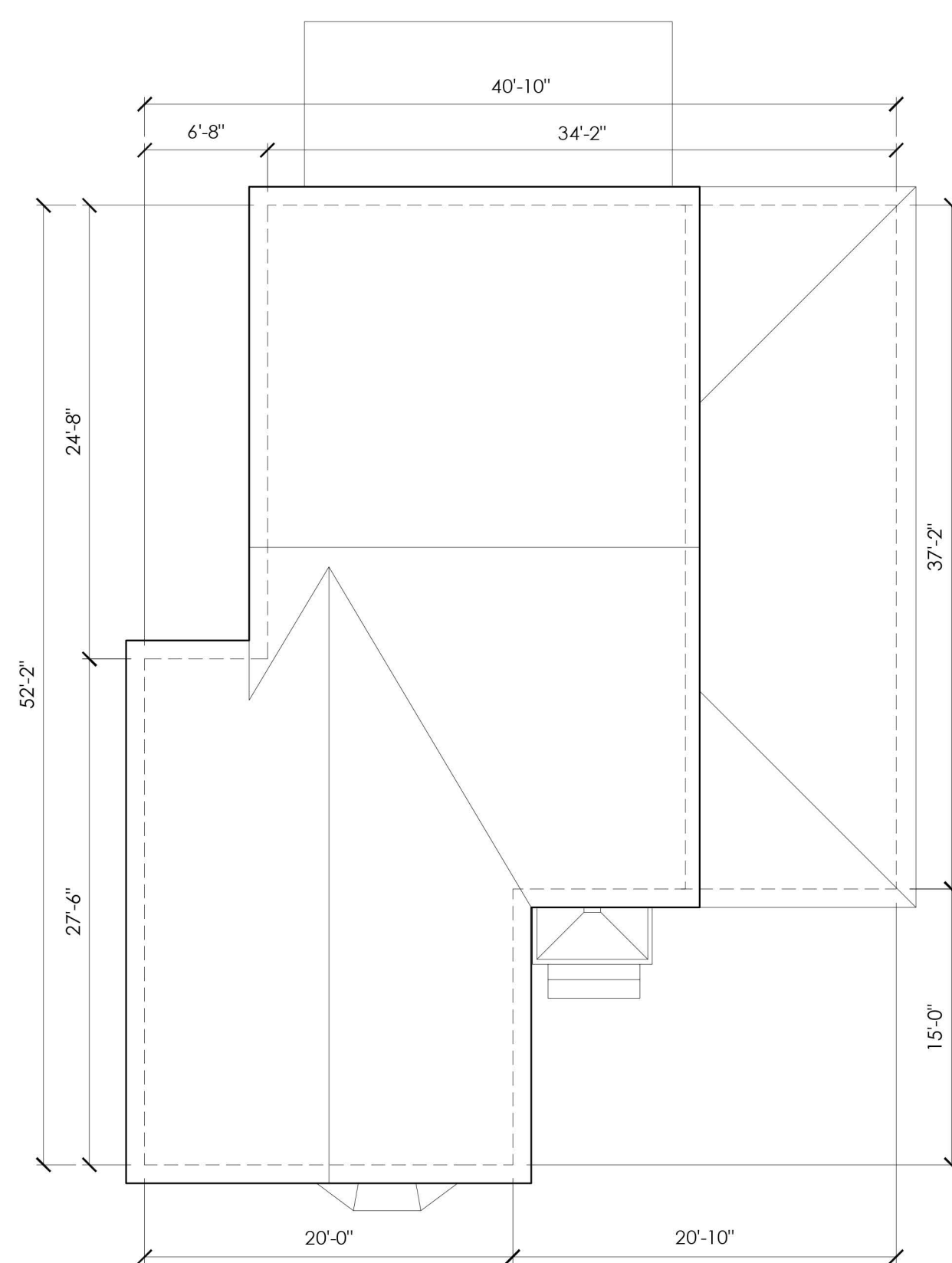
**FIRST FLOOR PLAN**  
 1/8"=1'-0"



**PROPOSED VIEW**



**SECOND FLOOR PLAN**  
 1/8"=1'-0"



**ROOF PLAN**  
 1/8"=1'-0"



**FRONT ELEVATION**  
 1/8"=1'-0"



**RIGHT ELEVATION**  
 1/8"=1'-0"



**BACK ELEVATION**  
 1/8"=1'-0"



**LEFT ELEVATION**  
 1/8"=1'-0"

NOT FOR CONSTRUCTION





EXISTING VIEW OF CABOT STREET



PROPOSED VIEW OF CABOT STREET

REVISIONS:

DENICOLA RESIDENCE  
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 PORTSMOUTH, NH



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EXISTING &  
 PROPOSED  
 VIEWS

DATE:	6/21/23
DRAWN BY:	PDM
APPROVED BY:	CJG
SCALE:	1/8" = 1'-0"
JOB NUMBER:	22303

A2

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