

FRANCIS X. BRUTON, III
CATHERINE A. BERUBE
JOSHUA P. LANZETTA

OF COUNSEL
JAMES H. SCHULTE

Bruton & Berube, PLLC

ATTORNEYS AT LAW

601 Central Avenue
Dover, NH 03820

TEL (603) 749-4529
(603) 743-6300
FAX (603) 343-2986

www.brutonlaw.com

May 6, 2022

VIA ELECTRONIC MAIL pmstith@cityofportsmouth.com

Peter Stith, AICP
Principal Planner
Planning Department
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: Application for Variance & Appeal of Administrative Decision
Owner/Applicant: One Market Square, LLC
Property: High Street and 1 Congress Street, Portsmouth, NH
Tax Map 117, Lot 15 and Tax Map 117, Lot 14
Zoning Districts: CD4 and CD5

Dear Mr. Stith:

The Applicant for Case LU-22-12, One Market Square, LLC, is scheduled for a hearing before the ZBA on May 17th on its application for a variance. In addition, the Applicant is scheduled on the same day to be heard on its Appeal of Administrative Decision (Case LU-22-12).

As the Board members may recall, these matters have been continued on the agenda as the City Attorney had indicated that additional time was needed by that office in terms of its review of the status of Haven Court as a public or private way/street. The City Attorney and the Applicant are now in discussions regarding the matter. The status of Haven Court is relevant to both the variance request and the Appeal of Administrative decision.

In addition to the above, at the Planning Board workshop meeting on May 5th, zoning changes were introduced by the Planning Department staff. One of the changes presented would affect the lot subject to the above referenced requests for variance and Appeal of Administrative Decision. This change, if passed as presented, would likely make these applications moot. We understand from the presentation, and based upon Planning Board and City Council procedure, that the zoning changes may be approved by the City Council by July 11th.

In light of these recent developments, and as the Appeal of Administrative Decision cannot be withdrawn until the zoning changes are approved, the Applicant respectfully requests that these

matters be continued to the ZBA meeting of **July 19th**. Assuming the zoning changes are adopted as presented, it is likely that these two applications will then be withdrawn.

Please thank the Board for its consideration of the above.

Sincerely,

A handwritten signature in black ink, appearing to read "Francis X. Bruton, III", with a long horizontal flourish extending to the right.

Francis X. Bruton, III, Esquire
E-mail: fx@brutonlaw.com

FXB/mas

cc: One Market Square, LLC
Ambit Engineering, Inc.
ARCove, LLC