

Black Heritage Trail of New Hampshire, 222 Court Street, Portsmouth, NH 03801

## **Application for Zoning Variance to Allow for a Mural to be Installed on the West Façade of 222 Court Street Honoring Ona Marie Judge Staines**

### **Details of the Property and Proposed Signage Dimensions**

Property: 222 Court Street | Assessor Map: 116/0033

Property: CD4 L1 | Historic District

Sign District: 2

Variances: 1) From Section 10.1251.10:

- Max Allowed aggregate sign area shall be no greater than (1) square foot x Frontage (36 feet)
- Building frontage is approximately 36 feet x 1 = 36 square feet.
- Existing Aggregate Sign Area = 8 square feet, two small signs on the street front
- New Aggregate Sign Area, West facade = 692 square feet
- Total New Aggregate Sign Area, North and West facades = 702 square feet

2) From Section 10.1251.20

- Max Allowed sign area for individual signs = 16 square feet

Existing signage to remain: Black Heritage Trail of New Hampshire: 22" x 32"

- Proposed Individual Sign Areas:

24 x 28 feet on the west façade – image

3 x 2 feet on the north façade (facing Court St.) Explanatory text for mural

3) From Section 10.1242:

- Each side of a building facing a street may have one wall sign above the ground floor

4) From Section 10.1271:

- To allow signs on a side of a building that does not face a street or does not have a public entrance

### **Introduction**

222 Court Street is located opposite the intersection of Church St., and Court St, approximately 50 feet west of the intersection of Pleasant Street and Court Street. It is located immediately behind the South Church, and is three doors

Black Heritage Trail of New Hampshire, 222 Court Street, Portsmouth, NH 03801

east of the Portsmouth Fire Station, and approximately 300 yards east of the African Burying Ground Memorial Park. The two-story building contains retail and office spaces, and has signs on its north façade indicating the approximate date of the building (which has been proven to be false according to recent research for a Preservation Assessment which is nearing completion), and a sign for the Black Heritage Trail of New Hampshire. One office on the 2<sup>nd</sup> floor is occupied by Rain for the Sahel and Sahara; they have no signage on the exterior of the building.

The Black Heritage Trail of New Hampshire, Inc., is the owner of the building. In the summer of 2021, we first became aware of the plans of the nonprofit organization, The Friends of Ruth Blay Inc. (FoRB) to promote the installation of murals throughout the city “to bring awareness of the lives of some of the prominent women of Portsmouth’s storied history.”

The project, entitled “History Through Art” began with the installation of a mural at 165 Court Street honoring Ruth Blay (1737-1768). The FoRB created a list of other potential honorees, and sent out a call to see if property owners or organizations would be interested in being the locations for murals highlighting these women’s lives. BHTNH began discussions with FoRB about a mural honoring Ona Judge Staines (ca. 1773-1848) for the west façade of our 222 Court Street headquarters in September of 2021.

Since those initial discussions, BHTNH has been focusing on further study of the 222 Court Street building, including a Preservation Assessment. Architectural historian Mae Williams, architect Tracy Kozak, and preservation masonry specialist John Wastrom were enlisted as the team to conduct the Preservation Assessment, and at this time their work is nearly complete. The conclusion is that building was built sometime between 1797 and 1819, and that the west brick façade was probably added to the building in response to fire damage (visible in the roof framing) incurred during the 1813 fire which originated across the street and spread to the north and east. The west brick façade shows evidence of many layers of paint, and is of a type of brick originally intended to be painted. Our proposal is to paint this wall again, to preserve the brick and previous layers of paint evidence in accordance with John Wastrom’s specifications. The proposed mural of Ona Judge Staines would be painted on the west façade on top of that protective layer of paint.

Ona Judge Staines was born enslaved, and was held in bondage by Martha Washington, wife of president George Washington. Ona Judge was a skilled seamstress, and the daughter of Martha Washington’s personal enslaved servant. She traveled with the Washingtons to Philadelphia during George’s presidency, returning home to Mount Vernon just often enough to subvert Pennsylvania laws that allowed any enslaved person resident in the state for 6 months, to obtain their freedom. While in Philadelphia Ona became acquainted with many free Black people who gave her guidance on how she might escape to freedom.

Whilst they were packing up to go to Virginia [at the end of Washington’s presidency], I was packing to go, I didn’t know where; for I knew that if I went back to Virginia, I never should get my liberty. I had friends among the colored people of Philadelphia, had my things carried there before hand and left while they were eating dinner. (Granite Freeman, May 22, 1845, as reprinted in Erica Armstrong Dunbar, *Never Caught: The Washingtons’ Relentless Pursuit of their Runaway Slave Ona Judge* (New York: Simon & Schuster, 2017.)

Ona Judge was carried to Portsmouth on a ship captained by John Bolles. She had been here for several months when she was recognized, probably by young Elizabeth Langdon, John Langdon’s daughter, and the Washingtons learned where she was. The Washingtons sent their nephew, Burwell Bassett, to Portsmouth to convince her to return. By this time Ona had married to a mariner who was at sea, Jack Staines and had an infant daughter. Warned about Bassett’s intention to force her to return to Virginia, she and her infant child left Portsmouth to reside with a free Black family in Greenland, NH. Although the Washingtons tried many times to find her, and her whereabouts known to members of the community, she was never caught and remained free until the end of her life. Her story is one of immense courage and tells us of the strength of the free Black community in Portsmouth in the late 18<sup>th</sup> and early 19<sup>th</sup> centuries.

Black Heritage Trail of New Hampshire, 222 Court Street, Portsmouth, NH 03801

The Portsmouth Zoning Ordinance categorizes murals as signage. 222 Court Street is in a mixed commercial residential district and is in a Character District and Sign District 3. This request is made to ask for a variance of the required dimensional standards for signage within Sign District 3. The proposed location of the mural is not on a wall with street frontage.

The Ordinance's stated purpose is to "...maintain and enhance the character of the city's commercial districts and residential neighborhoods and to protect the public from hazardous and distracting displays." The proposed mural does not meet all of the dimensional and location requirements, but we believe that it will be an image that enhances the experience of people visiting Portsmouth because of its rich history. The image itself will be stunning, but simple.

Please refer to the following pages relevant project information and variance criteria. Artist's renderings are submitted as an appendix.

The Black Heritage Trail is proposing to, in conjunction with the restoration of the east brick façade of our headquarters at 222 Court Street, add a mural honoring Ona Marie Judge Stains to that façade.

### **Variance Criteria**

1. The variance is not contrary to the public interest.

2. The spirit of the ordinance is observed.

- Eclectic mixed-use neighborhood surrounded by office, retail, municipal and residential uses

- Variety of signage, graphics, statues, and memorials in the immediate area (Fire Station and African Burial Grounds memorials)

- Enhances the character of the city by promoting its rich history

- Location not on street frontage does not create a hazard or distraction

3. Substantial justice is done.

- There is no obvious harm to the public that would be created by the installation of this mural (see above comments for 1. and 2.)

- There would be a benefit to the public due to the educational components of the mural.

- There would be a benefit to the public because the mural will be a significant work of art designed and installed by a local NH artist who has done other murals throughout the state.

4. The values of surrounding properties are not diminished.

- This is a mixed-use neighborhood with an abundance of signage, colorful graphics, statues, memorials, etc.

- The addition of this mural into the neighborhood context would not alter or diminish the property values within the surrounding neighborhood. We have been in contact with the residents of the house that directly faces the mural, and they are delighted that we are doing the mural and believe that it will enhance the value of their property.

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

Unnecessary hardship means:

Because of special conditions of the property that distinguish it from other properties in the area:

- a. There is no fair and substantial relationship between the general public purpose of the ordinance provision and the specific application of that provision to the property;  
and
- b. The proposed use is a reasonable one.

Alternatively, unnecessary hardship means 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.

- Building location between two residential buildings, means that observers/passersby would only encounter the mural as they come within about 30 feet of the building.
- The purpose of the mural is to be viewed and be comprehensible from the public way – due to the west façade’s proximity to the abutter’s driveway, all text describing the significance of the mural we propose to include on a small 2 x 3 foot sign to be placed on the front (North) façade of the building adjacent to the current sign identifying the building as the headquarters of the Black Heritage Trail of NH. The small sign identifying the original date the building was built will be removed because the information has been found to be incorrect.
- Rate of travel on Court Street is relatively slow. The mural will not create a hazard. In fact, it may help by slowing traffic a bit more.
- The proposed use is reasonable and fits harmoniously with the surrounding context.
- The proposed mural will be a significant addition to the public art within the City of Portsmouth, and will be harmonious with other examples of public art on Court Street, including public sculpture at the Fire Station and the African Burying Ground Memorial Park, as well as the mural honoring Ruth Blay. It will also become a significant part of the legacy and commemoration of the Portsmouth’s 400<sup>th</sup> effort.

Black Heritage Trail of New Hampshire, 222 Court Street, Portsmouth, NH 03801



*Figure 1.* Black Heritage Trail of NH (BHTNH) Headquarters, 222 Court Street, Portsmouth, NH. Often referred to as the Arthur Browne House, the building has now been determined to have been built probably about 1810 by or Joseph S. Ayres. The Arthur Browne house stood directly across the street, and was one of the first houses to be destroyed by the Portsmouth fire of 1813. The hastily applied brick façade on the east side of 222 Court Street was probably constructed after the fire. Evidence of charring in the roof timbers suggests that the house was partially damaged by the 1813 fire.



*Figure 2.* BHTNH HQ, East façade, showing brick end wall and one story addition.



*Figure 3.* BHTNH HQ, East façade, showing full brick end wall and chimney of original section of building. The mural probably would be installed on the front lower quarter of the façade (lower right in this photo), but we do not yet have the artist's full proposal. Note evidence of surviving paint on the soft brick, suggesting that the wall was painted for at least a century after it was built, and possibly longer.



222

BLACK  
Heritage Trail  
New Hampshire

