Findings of Fact | Detached Accessory Dwelling Unit City of Portsmouth Planning Board

Date: <u>April 17, 2025</u> Property Address: <u>332 Hanover Street</u> Application #: <u>LU-25-52</u> Decision: Approve Deny Approve with Conditions

Findings of Fact:

Per RSA 676:3, I: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval. If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application of all the conditions necessary to obtain final approval.

Zoning Ordinance -10.814.60: Before granting a conditional use permit for a detached ADU, the Planning Board shall make the following findings:

| | Section 10.814.62 | Finding (Meets Requirement/ Criteria) | Supporting Information |
|---|--|--|--|
| 1 | 10.814.621 The ADU complies with all applicable standards of this Section 10.814 or as may be modified by the conditional use permit. | Meets Does Not Meet | The proposed AADU complies with Section 10.814 with no need for any modifications from the Ordinance. |
| 2 | 10.814.622 The exterior design of the ADU is architecturally consistent with or similar in appearance to the existing principal dwelling on a lot. | Meets Does Not Meet | The accessory dwelling unit is entirely within the footprint of the proposed single-family home and is architecturally consistent. |
| 3 | 10.814.623 The site plan provides adequate and appropriate open space and landscaping for both the ADU and the principal dwelling unit and complies with the off-street parking requirements of 10.814.26. | Meets Does Not Meet | The property provides greater than the minimum required open space per zone CD4-L1 as calculated per section 10.515.20 of the zoning ordinance. |
| 4 | 10.814.624 The ADU will maintain a compatible relationship with the character of adjacent and neighborhood properties in terms of location, design, and off-street parking layout, and will not significantly reduce the privacy of adjacent properties. | Meets Does Not Meet | The proposed single-family home and accessory dwelling unit meet all zoning district requirements including all character-based zoning design guidelines. Refer to sheet A2 for neighborhood contextual images. The ADU is strategically located along two streets and not along abutting property lines limiting privacy concerns. |

| | Section 10.814.62 | Finding (Meets Requirement/ Criteria) | Supporting Information |
|---|-----------------------|--|------------------------|
| 5 | Other Board Findings: | | |



March 26, 2025

Mr. Rick Chellman Chair of the Portsmouth Planning Board City of Portsmouth, NH 1 Junkins Ave, 3rd Floor

Re: Planning Board Conditional Use Permit – Attached Accessory Dwelling Unit (AADU)

Dear Mr. Chellman and Board Members,

On behalf of the property owners of 332 Hanover Street Portsmouth, New Hampshire, Kent and Jennifer Bonniwell, we submit the following package for review and consideration at the scheduled April 2025 Planning Board meeting. The applicant is requesting a Conditional Use Permit to allow the construction of an Attached Accessory Dwelling Unit (AADU) as part of their proposed single-family home in the City of Portsmouth's CD4-L1 zoning district. As noted throughout the package, the home as designed meets all dimensional and character-based zoning requirements defined in the Portsmouth Zoning Ordinance and is architecturally consistent with the neighborhood and immediate area.

The following package includes all required and necessary existing and proposed drawings, images, and references for the application. Below are non-graphical assurances of zoning ordinance compliance of sections 10.814.10 through 10.814.73. The existing single-family home and outbuilding have been approved for complete demolition in compliance with the Portsmouth Demo Ordinance under permit number DEMO 24-27.

10.814.12 - Only one accessory dwelling unit (ADU) shall be allowed on any lot containing a single-family dwelling. An accessory dwelling unit shall not be allowed under this Section 10.814 on a lot that contains more than one dwelling unit.

<u>Comments</u> – There is only one single family dwelling unit proposed on the site which allows for an accessory dwelling unit.

10.814.13 - Except as provided elsewhere in this Section 10.814, in order for a lot to be eligible for an accessory dwelling unit, the lot and all proposed structures and additions to existing structures shall conform to all zoning regulations as follows:

<u>Comments</u> – Refer to Sheet C for dimensional and character-based zoning ordinance compliance.

10.814.21 – The principal dwelling unit and the accessory dwelling unit shall not be separated in ownership (including by condominium ownership).

<u>Comments</u> – The principal dwelling unit and accessory dwelling unit will not be of separate ownership.

10.814.22 – Either the principal dwelling unit or the accessory dwelling unit shall be occupied by the owner's principal place of residence. The owner shall provide documentation demonstrating compliance with this provision to the satisfaction of the City.

<u>Comments</u> - The principal dwelling unit will be occupied by the listed property owner upon completion.

10.814.24 – Neither the principal dwelling unit nor the accessory dwelling unit shall be used for any business, except that the property owner may have a home occupation use in the unit that he or she occupies as allowed or permitted elsewhere in this Ordinance.

<u>Comments</u> - Neither the principal dwelling unit nor the accessory dwelling unit will be used for any business except home occupation as defined within the zoning ordinance.

10.814.25 – Where municipal sewer service is not provided, the septic system shall meet NH Water Supply and Pollution Control Division requirements for the combined system demand for total occupancy of the premises.

<u>Comments</u> - The property has access to municipal water and sewer and will be connected to such infrastructure.

10.814.26 – 1 off-street parking space shall be provided for an ADU in addition to the spaces that are required for the principal single-family dwelling.

<u>Comments</u> - The accessory dwelling unit will be provided with its own parking space within a garage – refer to sheet A3.

10.814.31 – An interior door shall be provided between the principal dwelling unit and the AADU.

<u>Comments</u> - There will be an interior door connecting the principal dwelling unit and the accessory dwelling unit – refer to sheet A3.

10.814.32 – The AADU shall not be larger than 750 sq. ft.in gross living area (GLA). For the purpose of this provision, the gross living area of the AADU shall not include storage space, shared entries, or other spaces not exclusive to the AADU.

<u>Comments</u> - There accessory dwelling unit is 749 square feet (gross living area).

10.814.33 – The AADU shall be subordinate to the principal dwelling unit in scale, height and appearance, as follows:

10.814.331 – If there are two or more doors in the front of the principal dwelling unit, one door shall be designed as the principal entrance and the other doors shall be designed to appear to be secondary.

<u>Comments</u> - The accessory dwelling unit is entirely within the footprint of the proposed single-family home and is subordinate in nature – refer to architectural package.

10.814.50 – Where the creation of an accessory dwelling unit involves the construction of a new building or an addition to or expansion of an existing building, the exterior design shall be architecturally consistent with or similar in appearance to the principal building using the following design standards:

10.814.51 - The new building, addition or expansion shall be architecturally consistent with or similar in appearance to the existing principal building with respect to the following elements: • Massing, including the shape and form of the building footprint, roof or any projecting elements; • Architectural style, design, and overall character; • Roof forms, slopes, and projections; • Siding material, texture, and profile; • Window spacing, shapes, proportions, style and general detailing; • Door style, material and general detailing; • Trim details, including window and door casings, cornices, soffits, eaves, dormers, shutters, railings and other similar design elements; • Exposed foundation materials and profiles.

10.814.52 - If provided, the following elements shall be architecturally consistent with or similar in appearance to the corresponding elements on the principal building in terms of proportions, materials, style and details: • Projections such as dormers, porticos, bays, porches and door canopies; • Chimneys, balconies, railings, gutters, shutters and other similar design elements.

<u>Comments</u> - The accessory dwelling unit is entirely within the footprint of the proposed single-family home and is architecturally consistent – refer to architectural package.

10.814.53 – If provided, all street-facing garage doors shall be limited to 9 feet in width.

Comments - Garage doors are no wider than 9'.

10.814.623 – The site plan provides adequate and appropriate open space and landscaping for both the ADU and the principal dwelling unit and complies with the off-street parking requirements of Section 10.814.26.

<u>Comments</u> - Refer to sheet A3 for proposed landscaping area and offstreet parking. The property provides greater than the minimum required open space per zone CD4-L1 as calculated per section 10.515.20 of the zoning ordinance.

10.814.624 – The ADU will maintain a compatible relationship with the character of adjacent and neighborhood properties in terms of location, design, and off-street parking layout, and will not significantly reduce the privacy of adjacent properties.

<u>Comments</u> - The proposed single-family home and accessory dwelling unit meet all zoning district requirements including all character-based zoning design guidelines. Refer to sheet A2 for neighborhood contextual images. The ADU is strategically located along two streets and not along abutting property lines limiting privacy concerns.

The accessory dwelling unit will not result in excessive noise, traffic, or parking congestion. As a modestly sized attached accessory dwelling unit in close the property owners have intentions to properly review prospective tenants and ensure no excessive noise will be made through the lease in which these tenants will sign to live within the

accessory unit. The Portsmouth Zoning Ordinance requires this property to have 3 off street parking spaces and 1 additional space dedicated to the accessory dwelling unit for a total of 4. This project provides 6 total off street parking spaces. The contractor, Stiletto Construction, has reviewed the conceptual design with the Department of Public Works (DPW), who had no complaints upon first review and was received well for making an existing non-conforming driveway an improved condition.

Thank you for your consideration of our application.

Best Regards, Richard Desjardins, AIA

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Architect | Portsmouth Architects (603) 430-0274

CC: Kent & Jennifer Bonniwell Mark Gianniny, AIA | Principal, Portsmouth Architects Benjamin Chandonnet | Principal, Stiletto Construction

The property owners have reviewed this document and application package as acknowledged on the following page.

The property owners have reviewed this document and application package as acknowledged below.

C Date Kent Bonniwell 2 25 Jennifer Bonniwell Date

Page 4

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PROPOSED SINGLE FAMILY RESIDENCE WITH ATTACHED ACCESSORY DWELLING UNIT

PLANNING BOARD - APRIL 2025 PORTSMOUTH, NEW HAMPSHIRE

PROPOSED WORK:

- THE COMPLETE DEMOLITION OF THE EXISTING SINGLE FAMILY HOME AND OUTBUILDINGS, DEMO PERMIT FILED SEPARATELY UNDER DEMO 24-27
- PROPOSED SINGLE FAMILY HOME IS REQUESTING A CONDITIONAL USE PERMIT FOR AN ATTACHED ACCESSORY DWELLING UNIT (AADU):
 - SINGLE FAMILY RESIDENCE (NET): 2,831 SF
 - AADU (NET): 749 SF
 - TOTAL BUILDING (GROSS): 6,215 SF

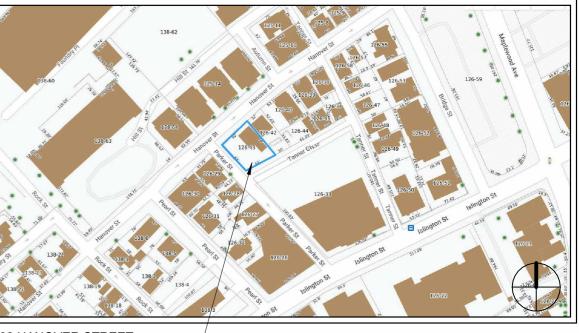
SHEET LIST Sheet Number Sheet Name

GENERAL INFORMATION

| С | COVER | | |
|------------------------|---------------------------|--|--|
| S | EXISTING CONDITION SURVEY | | |
| ARCHITECTURAL DRAWINGS | | | |
| A1 | EXISTING CONDITIONS | | |
| A2 | NEIGHBORHOOD CONTEXT | | |
| A3 | FIRST FLOOR | | |
| A4 | SECOND & THIRD FLOOR | | |
| A5 | ELEVATIONS | | |
| A6 | ELEVATIONS | | |
| A7 | PERSPECTIVE | | |

NOTE: ADJACENT BUILDINGS PROVIDED VIA CITY OF PORTSMOUTH 3D CITY MODEL, THE ARCHITECT IS NOT RESPONSIBLE FOR DIFFERENCES IN SIZES DEPICTED IN THE CITY MODEL COMPARED TO WHAT EXISTS

| 332 HANOVE | R STREET PORSMOUTH, N | IH 03801 | |
|---|---|--------------|--------------------|
| CHARACTER DIS | TRICT ZONING REQUIREME | ENTS: CD4-L1 | [|
| | REQUIRED | EXISTING | PROPOSED |
| MAX. PRINCIPAL FRONT YARD | 15' - 0" | 8.8' | 10.8' |
| MAX. SECONDARY FRONT YARD (PARKER ST.) | 12' - 0" | 32.8' | 3.0' |
| MAX. SECONDARY FRONT YARD (TANNER COURT) | 12' - 0" | 20.7' | 5.5' |
| SIDE YARD SETBACK | 5' - 0" MIN TO 20' - 0" MAX. | 1.2' | 6.0' |
| FRONT LOT LINE BUILDOUT | 60% MIN. TO 80% MAX. | 43.50% | 78.29% |
| MAX BUILDING BLOCK LENGTH | 80' - 0'' | 63.23' | 63.23' |
| MAX. FAÇADE MODULATION | 50' - 0" | 27' - 0" +/- | 25' - 6" |
| MAX. BUILDING COVERAGE | 60% | 26.70% | 50.35% |
| MAX. BUILDING FOOTPRINT | 2,500 SF | 1,158 SF | 2,182 SF |
| MIN. LOT AREA | 3,000 SF | 4,334 SF | 4,334 SF |
| MIN. LOT AREA PER DWELLING UNIT | 3,000 SF | 4,334 SF | 4,334 SF |
| ACCESSORY DWELLING UNIT (ADU) SIZE | 750 SF | N/A | 749 SF |
| MIN. OPEN SPACE | 25% | 32.60% | 25.65% |
| | 2-3 STORIES | 2 STORIES | 3 STORIES |
| MAX. BUILDING HEIGHT | 40' - 0" | 25' +/- | 29' - 3" +/- |
| MAX. FINISH FLOOR ABOVE GRADE | NISH FLOOR ABOVE 3' - 0" | | 3.0' |
| FAÇADE GLAZING | 20% MIN. TO 40% MAX. | UNKNOWN | 25.16% |
| ROOF TYPE | FLAT, GABLE 6:12 - 12:12, HIP 3:12 MIN., GAMBREL 6:12 - 30:12, MANSARD 6:12 - 30:12 | GABLE / HIP | MANSARD - 30:12 |
| OUTBUILDING FRONT YARD | 20'-0" BEHIND PRICIPAL FRONT ELEVATION | 59' - 0" +/- | N/A |
| OUTBUILDING SIDE AND REAR YARD | 3' - 0" | 0.5' | N/A |
| | PORCH | PORCH | PORCH |
| | STOOP | | |
| | STEP | | STEP |
| FAÇADE TYPES | FORECOURT | | |
| | RECESSED-ENTRY | | |
| | DOORYARD | | |
| PARKING | 1.3 SPACES PER UNIT | 4 SPOTS | 6 SPOTS |
| | DRMITY | 401010 | 001010 |



332 HANOVER STREET - PORTSMOUTH, NH 03801



1. BLUE INDICATES EXISTING NONCONFORMITY

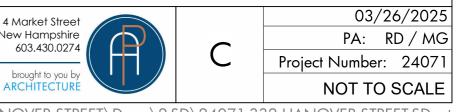
HANOVER STREET RESIDENCE AND ADU

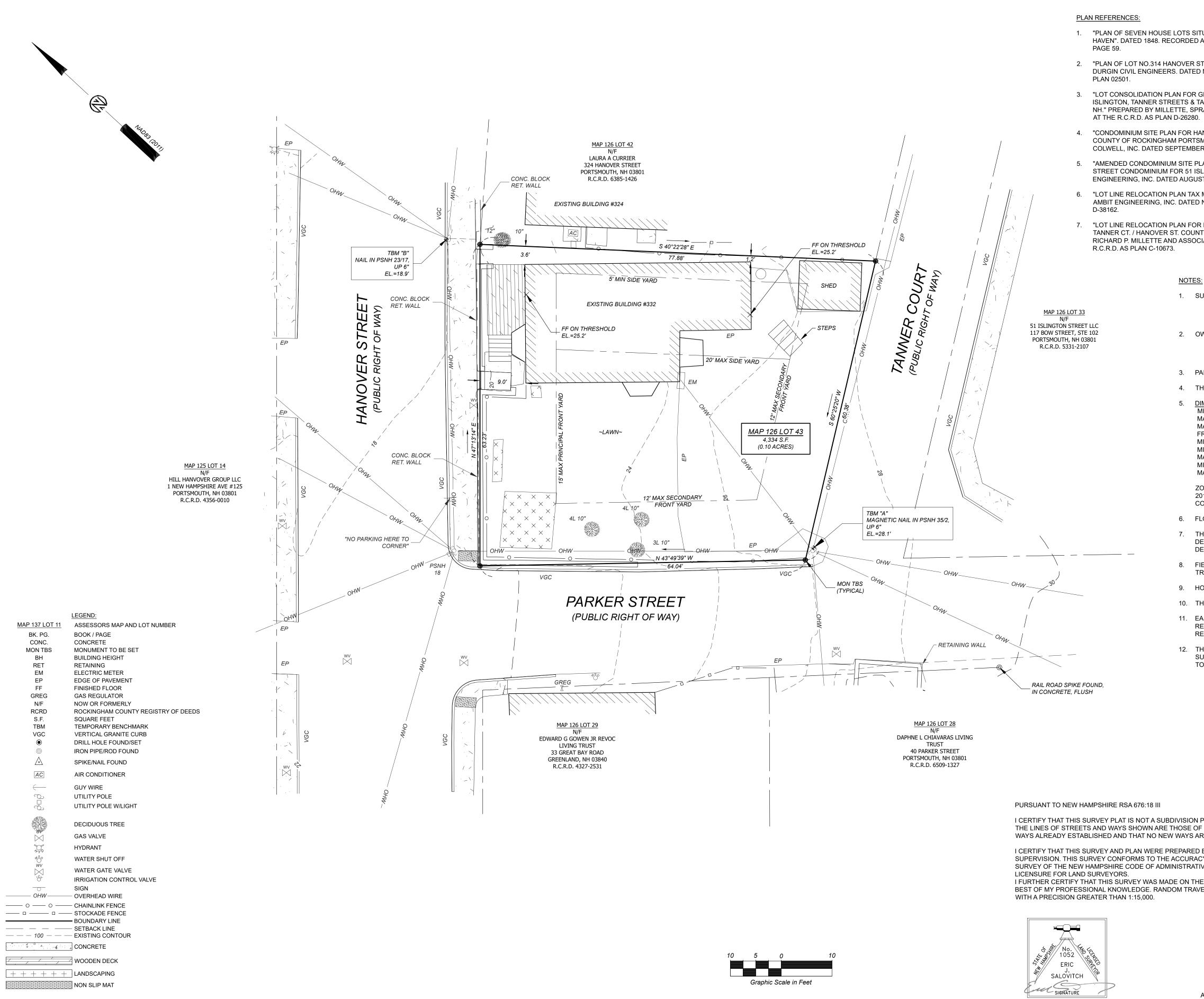
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LICENSED LAND SURVEYOR

1. "PLAN OF SEVEN HOUSE LOTS SITUATE IN PORTSMOUTH, BELONGING TO A. W. + G. W. HAVEN". DATED 1848. RECORDED AT THE R.C.R.D. AS PLAN 00558 REFERENCES BOOK 337

2. "PLAN OF LOT NO.314 HANOVER STREET PORTSMOUTH, N.H." PREPARED BY JOHN W. DURGIN CIVIL ENGINEERS. DATED NOVEMBER 21, 1956. RECORDED AT THE R.C.R.D AS

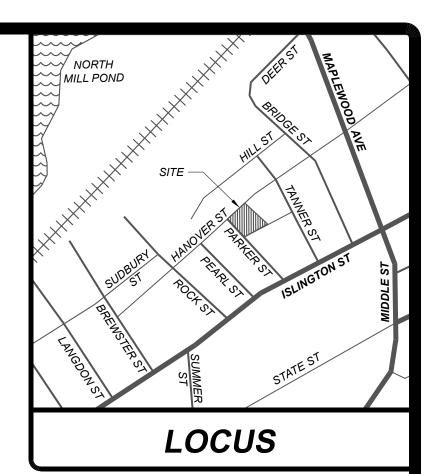
3. "LOT CONSOLIDATION PLAN FOR GERTRUDE K. BORDEN LIVING TRUST PARKER, ISLINGTON, TANNER STREETS & TANNER ALLEY COUNTY OF ROCKINGHAM PORTSMOUTH, NH." PREPARED BY MILLETTE, SPRAGUE & COLWELL, INC. DATED MAY 1, 1998. RECORDED

4. "CONDOMINIUM SITE PLAN FOR HANOVER PLACE CONDOMINIUM 349 HANOVER STREET COUNTY OF ROCKINGHAM PORTSMOUTH, NH." PREPARED BY MILLETTE, SPRAGUE & COLWELL, INC. DATED SEPTEMBER 28, 2004. RECORDED AT THE R.C.R.D. AS PLAN D-33379.

"AMENDED CONDOMINIUM SITE PLAN TAX MAP 126 - LOT 33 PHASE I, II 51 ISLINGTON STREET CONDOMINIUM FOR 51 ISLINGTON STREET, LLC". PREPARED BY AMBIT ENGINEERING, INC. DATED AUGUST 15, 2013. RECORDED AT THE R.C.R.D. AS PLAN D-37882.

6. "LOT LINE RELOCATION PLAN TAX MAP 125, LOT 14 & TAX MAP 138, LOT 62". PREPARED BY AMBIT ENGINEERING, INC. DATED NOVEMBER 2013. RECORDED AT THE R.C.R.D. AS PLAN

7. "LOT LINE RELOCATION PLAN FOR HAROLD B. & SUZANNE M. WATT AND DIXIE L. PAPPAS TANNER CT. / HANOVER ST. COUNTY OF ROCKINGHAM PORTSMOUTH, N.H." PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES. DATED FEBRUARY 5, 1962. RECORDED AT THE



| SUBJECT PARCEL: | TAX MAP 126 LOT 43 332 HANOVER STREET PORTSMOUTH, NEW HAMPSHIRE NS PROJECT #1289 |
|------------------|--|
| OWNER OF RECORD: | KENT & JENNIFER BONNIWELL 108 FOREST STREET WELLESLEY, MA 02481 R.C.R.D. BOOK 6557, PAGE 1561 |
| PARCEL AREA: | 4,334 S.F. OR 0.1 AC |

4. THE PURPOSE OF THIS PLAN IS TO SHOW EXISTING CONDITIONS OF THE SUBJECT PARCEL

| DIMENSIONAL REQUIREMENTS: | 2 |
|-----------------------------------|---|
| MIN LOT AREA (PER DWELLING UNIT): | |
| MAX PRINCIPAL FRONT YARD: | 1 |
| MAX SECONDARY FRONT YARD: | 1 |
| FRONT LOT BUILDOUT MIN/MAX: | 6 |
| MIN/MAX SIDE SETBACK: | Ę |
| MIN REAR SETBACK: | Ę |
| MAX BUILDING HEIGHT: | 4 |
| MIN OPEN SPACE: | 2 |
| MAX BUILDING COVERAGE: | 6 |

<u>ZONE: CD4-L1</u> 3,000 S.F. 60%/80% 5'/20' 5' OR 10' FROM ALLEY 40' 25% 60%

ZONING INFORMATION SHOWN HEREON IS PER THE CITY OF PORTSMOUTH ZONING ORDINANCE DATED JANUARY 1, 2010. LAST REVISED JUNE 17, 2024. ADDITIONAL REGULATIONS APPLY, THE LAND OWNER IS RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE CITY STATE, AND FEDERAL REGULATIONS.

6. FLOOD HAZARD ZONE: "X" AREA OF MINIMAL FLOOD RISK, PER FIRM MAP #33015C0259F, DATED 01/29/2021.

THE INTENT OF THIS PLAN IS TO SHOW THE LOCATION OF BOUNDARIES IN ACCORDANCE WITH THE CURRENT LEGAL DESCRIPTIONS. IT IS NOT AN ATTEMPT TO DEFINE UNWRITTEN RIGHTS, DETERMINE THE EXTENT OF OWNERSHIP, OR DEFINE THE LIMITS OF TITLE.

8. FIELD SURVEY COMPLETED BY NORTHAM SURVEY IN JULY, 2024 USING A TRIMBLE S5 TOTAL STATION WITH A TRIMBLE TSC3 DATA COLLECTOR, A TRIMBLE R12i GPS RECEIVER AND A SOKKIA B31 AUTO LEVEL.

9. HORIZONTAL DATUM IS NAD83(2011) NEW HAMPSHIRE STATE PLANE COORDINATES PER STATIC GPS OBSERVATIONS.

10. THE VERTICAL DATUM IS NAVD88 PER STATIC GPS OBSERVATIONS. THE CONTOUR INTERVAL IS 2 FEET.

11. EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE ROCKINGHAM COUNTY REGISTRY OF DEEDS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.

12. THE LOCATION OF UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE, NORTHAM SURVEY LLC MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UNDERGROUND UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE.

| | E | 332 I PORTSMO COUN | FC JENNIFI O K MAP 1 HANOV DUTH, N DUTH, N TY OF F | OR ER BOI 26 LO ⁻ ER STF IEW HA ROCKIN | NNIWEL T 43 REET AMPSHII NGHAM | L |
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| PURSUANT TO THIS TITLE AND THAT | | | .E: 1"=10' (22x | (34) 1"=20" (* | , | |
| RE SHOWN. | JOB NO | . 1289 | | DATE: | 2024-07-26 | |
|) BY ME OR THOSE UNDER MY DIRECT CY REQUIREMENTS OF AN URBAN | DRAWN | PJN BY: | ZMH | DRAWING: | 1289 SUR\ | /EY.DWG |
| IVE RULES OF THE BOARD OF | EJS CHECKED BY: | | SHEET: | 1 OF | 1 | |
| IE GROUND AND IS CORRECT TO THE /ERSE SURVEY BY TOTAL STATION | | | | | | |
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| | NO. | DATE | | DESCRIPT | ION | ВҮ |
| AUGUST 28, 2024 DATE | | I Ave, Ste N, Dover | URV | EYL | LC — | |

AUGUST 28, 2024 DATE



EXISTING PERSPECTIVE FROM HANOVER STREET LOOKING SOUTH



EXISTING PERSPECTIVE FROM HANOVER/PARKER STREET LOOKING EAST



EXISTING PERSPECTIVE FROM TANNER COURT LOOKING NORTH



EXISTING PERSPECTIVE FROM PARKER STREET/TANNER COURT LOOKING NORTH

HANOVER STREET RESIDENCE AND ADU 332 HANOVER STREET

PORTSMOUTH, NEW HAMPSHIRE 03801

EXISTING CONDITIONS PLANNING BOARD APRIL 2025 - CONDITIONAL USE PERMIT APPLICATION

4 Market Street Portsmouth, New Hampshire

MCHENRY ARCHITECTUR

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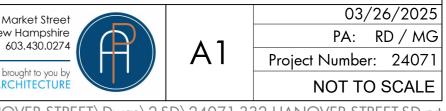


EXISTING PERSPECTIVE FROM HANOVER STREET LOOKING SOUTHEAST



EXISTING PERSPECTIVE FROM TANNER COURT LOOKING NORTHWEST

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349 HANOVER STREET



40 BRIDGE STREET



317 HANOVER STREET

30 PARKER STREET



HANOVER STREET RESIDENCE AND ADU

337-339 HANOVER STREET



337-339 HANOVER STREET



51 ISLINGTON STREET

180 HANOVER STREET

PORTSMOUTH, NEW HAMPSHIRE 03801

332 HANOVER STREET

NEIGHBORHOOD CONTEXT PLANNING BOARD APRIL 2025 - CONDITIONAL USE PERMIT APPLICATION

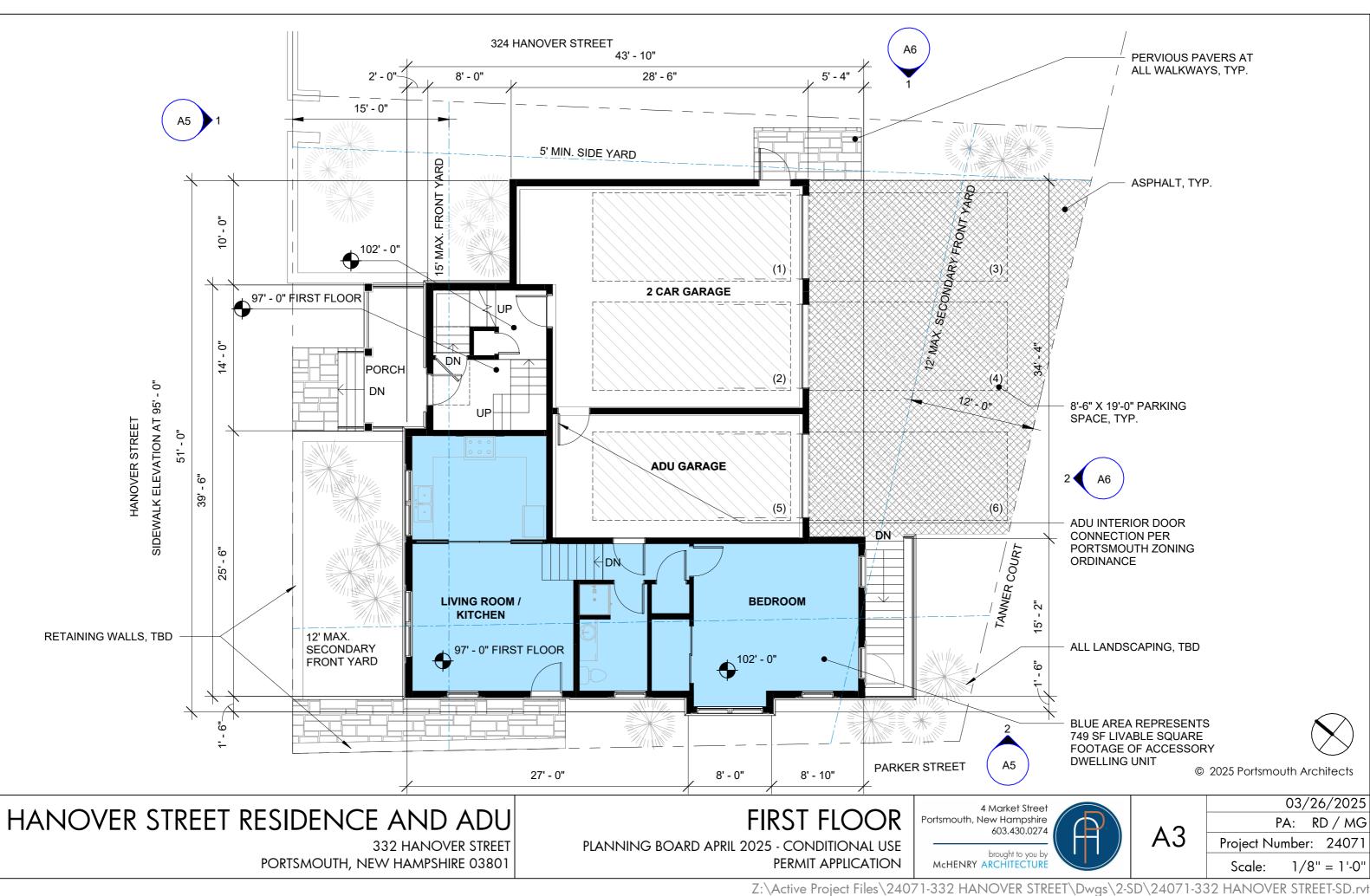
261 ISLINGTON STREET

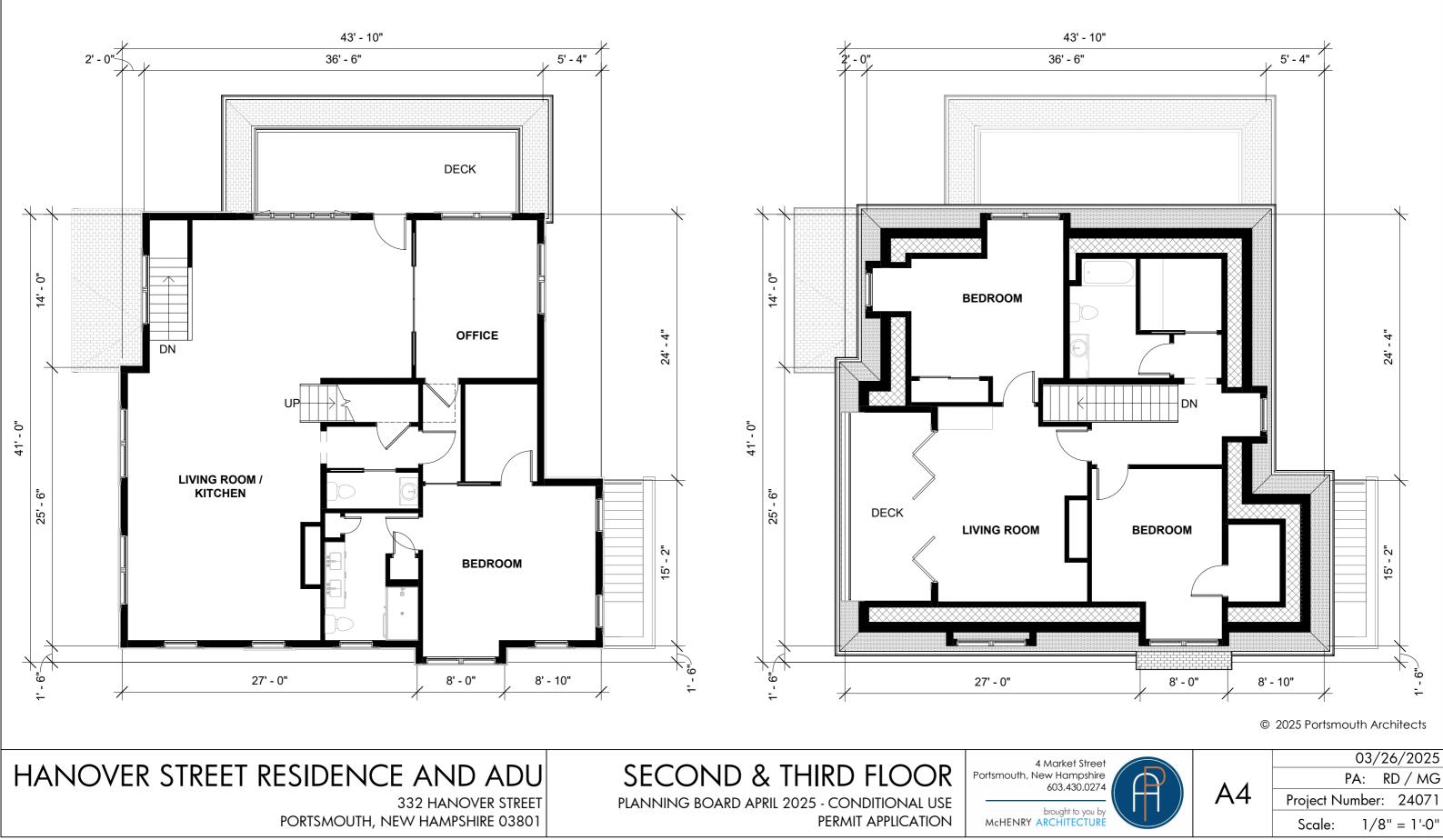
4 Market Street Portsmouth, New Hampshire NOTE: ALL CONTEXTUAL IMAGES ARE OF STRUCTURES WITHIN A 5 MINUTE WALK OF THE PROPERTY

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