



Bosen & Associates
ATTORNEYS AT LAW

John K. Bosen
Admitted in NH & MA

Christopher P. Mulligan
Admitted in NH & ME

Molly C. Ferrara
Admitted in NH & ME

Austin Mikolaities
Admitted in NH

Bernard W. Pelech
1949 - 2021

February 16, 2024

Mr. Peter Stith, Chair
Technical Advisory Committee
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

***RE: 33 Jewell Court, Tax Map 155, Lot 5-S1
REQUEST FOR PARKING CONDITIONAL USE PERMIT***

Dear Mr. Stith:

This office represents 33 Jewell Court, LLC, the owner of the above referenced property. The property presently consists of a single, stand-alone building within a condominium association. It has 9500 square feet of office space. The applicant's principal, Ms. Jessica Kaiser, is the principal of Hawthorne Creative, which provides marketing and support services for the wedding and event industry. Hawthorne Creative's offices previously occupied the second floor of this space, and had 45 employees in the space at its peak. As a result of the pandemic, Hawthorne Creative moved to a remote office model, in April of 2020. They were able to secure a new tenant in 2021, however, that tenant is now moving out and despite extensive efforts to market the space since August, it has not received any interest.

Ms. Kaiser is seeking to leverage her twenty plus years in the wedding and event planning industry by converting the second floor into event space. A special exception for that purpose was obtained from the Board of Adjustment on January 23, 2024 (Case no. LU-23-25). A copy of that approval is attached. The applicant intends to rent the space out for events and to contractually require clients to employ shuttle or valet services. It is anticipated that the facility will host 25-35 events per year. Overflow parking, if necessary, is available at a number of nearby businesses on Islington Street, whose hours of operation will not conflict with the primarily weekend events to be hosted in the space.

The applicant requires a Conditional Use Permit pursuant to 10.1112.14 to provide less than the minimum number of off-street parking spaces otherwise required under Section 10.1112.30 relative to the proposed partial change in use at the above

location. The proposed change of use will be the conversion of 3,800 square feet of office space into event space. Based upon discussions with planning department staff, it is the applicant's understanding that the parking requirement applies only to the actual event space itself, not accessory storage, mechanical space and bathrooms.

Submitted herewith are site plan, floor plan, and parking calculation.

The parking configuration on site as it presently exists consists of 205 spaces. For the combined uses on the site, should this use be approved, the ordinance would otherwise require 242 spaces. The property received a special exception and variance in 1996 to allow 205 spaces where 244 would have otherwise been required under the zoning then in effect. The condominium association of which 33 Jewell Court is a part has allocated 28 spaces to this building. Parking has never been a problem at this location. To the extent patrons of the proposed event space require utilization of more spaces than those allocated to 33 Jewell Court, they will be contractually obligated to use the aforementioned shuttle or valet services.

The applicant maintains that the approval criteria set forth in Section 10.1112.14 are met:

10.1112.141. The number of off-street parking spaces supplied at this site is sufficient for this use. Brian Slovenski, President of Atlantic Parking Services, a valet parking company in Portsmouth NH, states: A host can expect to park a maximum of 50% of cars to attendees at any given event. Most guests will carpool or Uber to an event.

10.1112.142. The applicant's operation involves no staff on site and clients utilizing the facility will be contractually required to utilize shuttle or valet service over and above the spaces that the condominium association has allocated to 33 Jewell Court. In addition, parking for this site is within the regulatory purview the condominium association, which would have the authority to establish appropriate rules and regulations in the unlikely event parking becomes problematic as a result of this use.

10.1112.143. The number of spaces is adequate and appropriate for the proposed use of the property given the factors enumerated above.

Thank you for your attention.

Sincerely,

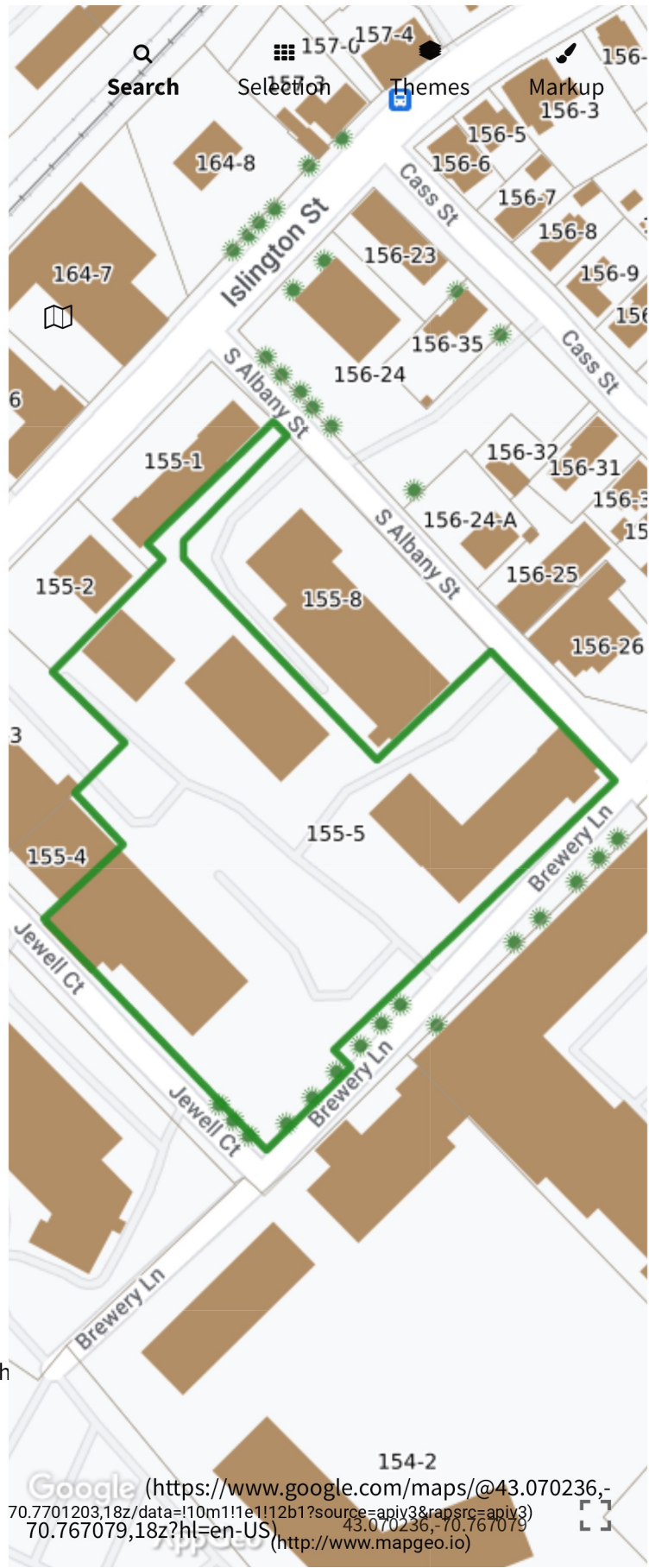
John K. Bosen

John K. Bosen



City of Portsmouth, NH

Property



33 Jewell

Search

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Showing 1-1 results. Scroll to see more.

33 JEWELL CT #S1
JEWELL COURT PROPERTIES LLC
0155-0005-00S1

Google (https://www.google.com/maps/@43.070236,-70.7701203,18z/data=!1m1!1e1!12b1?source=apiv3&rapsrc=apiv3) 70.767079,18z?hl=en-US) (http://www.mapgeo.io)

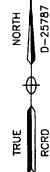
Frank Jones Parking Map

PLAN REFERENCE:

- LAYOUT & LIGHTING PLAN FOR SHULTZ'S BREW YARD BREWERY LANE (SHEET 2 OF 3), SCALE: 1"=30', LAST REVISED 08/12/99 BY MILLETTE, SPRAGUE & COLWELL, INC.
- REFER TO MINOR SITE PLAN AMENDMENT LETTER PREPARED BY AMBIT ENGINEERING, INC. DATED NOVEMBER 3, 2015 WITH EXHIBITS ON FILE.

PARKING ANALYSIS:

PARKING REQUIRED: 205 SPACES (PER 8/20/1996 ZBA VARIANCE)
 PARKING PROVIDED: 205 SPACES
 HANDICAP PARKING REQUIRED: 7 SPACES
 HANDICAP PARKING PROVIDED: 7 SPACES



NOTES:

- THE PARCEL IS LOCATED IN THE BUSINESS ZONE.
- THE PARCEL IS AS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 155 AS LOT 5.
- THE PARCEL IS NOT LOCATED IN A FLOOD HAZARD ZONE.
- OWNERS OF RECORD: MAP 155 LOT 5 COOPER MALT, LLC 198 SACO AVENUE OLD ORCHARD BEACH, ME 04064 4506/1170 D-25788
 APPLICANT: CHINBURG DEVELOPMENT, LLC 3 PENSTOCK WAY NEWMARKET, NH 03857 4506/1170
- ZONING REQUIREMENTS: MINIMUM LOT SIZE: 20,000 SF MINIMUM FRONTAGE: 100' MINIMUM SETBACKS: FRONT YARD: 20' SIDE YARD: 15' REAR YARD: 15' MINIMUM WIDTH: 50' MINIMUM DEPTH: 35' MAXIMUM COVERAGE: 15.8%
- TOTAL PARCEL AREA: 119,112 S.F. 2.7344 ACRES
- THE ACT OF FILING FOR A BUILDING PERMIT FOR THE REMODELING OF EITHER THE BREW HOUSE OR THE REFRIGERATION/FERMENTATION HOUSE WILL BE CONSIDERED AN AMENDMENT TO THIS PLAN. AT THAT TIME, THE LOCATION, CONTRIBUTION METHOD, AND TIME OF INSTALLATION FOR THE TRAFFIC LIGHT WILL BE DETERMINED AND A BOND WILL BE POSTED FOR THE LIGHT. EXTERIOR REPAIRS WILL BE ALLOWED WITHOUT AN AMENDMENT TO THIS PLAN.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATIONS OF ALL EXISTING UTILITIES SHOWN OR NOT SHOWN ON THESE PLANS PRIOR TO THE START OF ANY CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES INTERFERING WITH THE PROPOSED CONSTRUCTION TO DETERMINE APPROPRIATE ACTION TO BE TAKEN BEFORE PROCEEDING WITH THE WORK.
- CONDUIT NOTE: ALL UTILITY COMPANIES REQUIRE INDIVIDUAL CONDUITS. CONTRACTOR TO COORDINATE WITH TELEPHONE, CABLE AND ELECTRIC COMPANIES REGARDING NUMBER OF CONDUITS REQUIRED PRIOR TO INSTALLATION OF ANY CONDUIT.
- CONTRACTOR TO COORDINATE WITH ALL UTILITY COMPANIES AND DIGSAFE PRIOR TO ANY EXCAVATION. CONTRACTOR TO CONTACT DIGSAFE AT LEAST 72 HOURS PRIOR TO ANY EXCAVATION. CALL (1-888-344-7233).

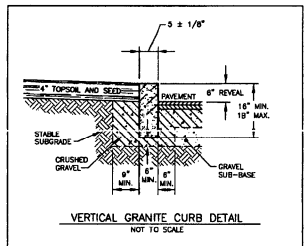
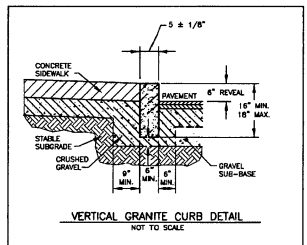
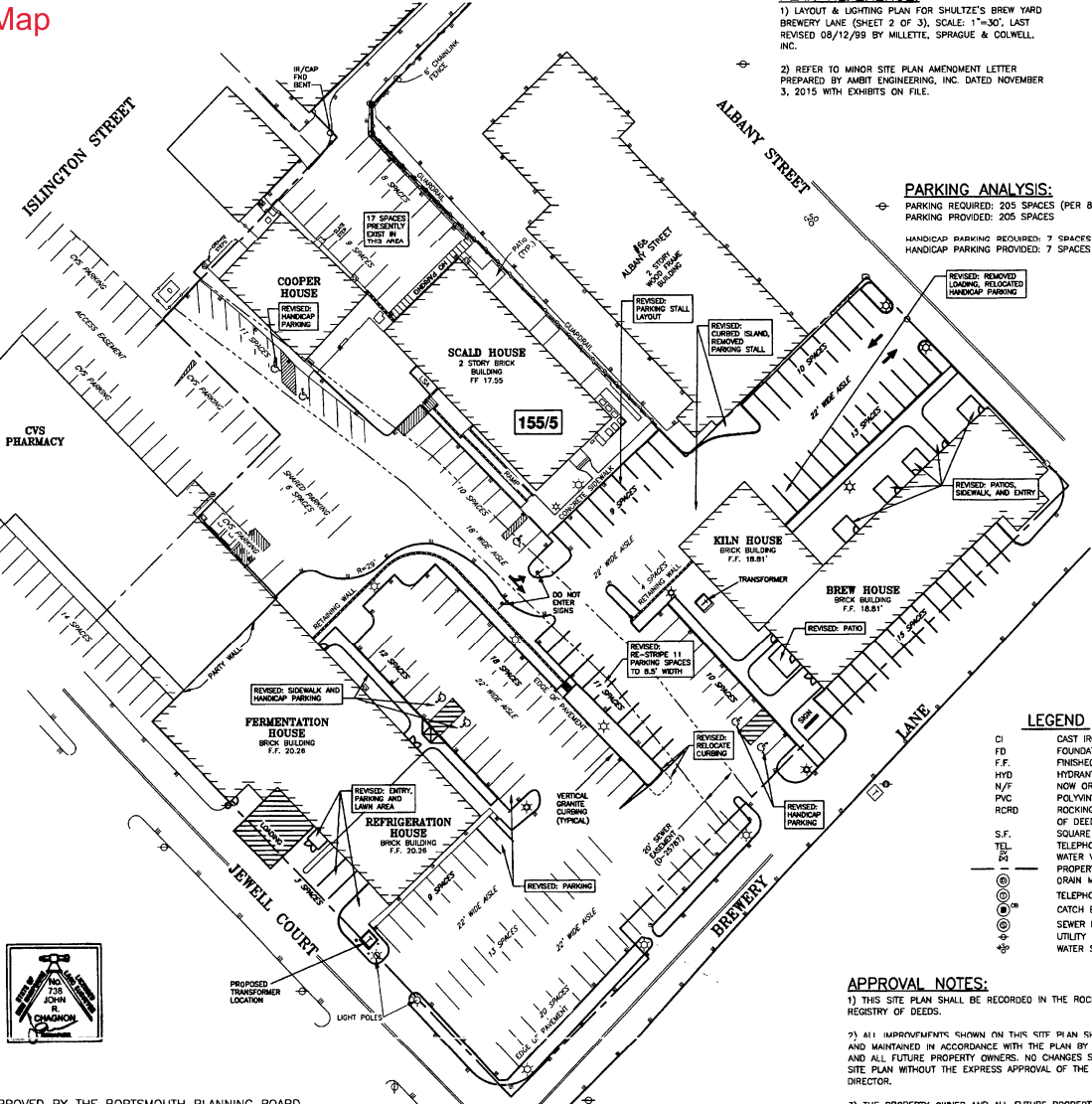
BREWERY LANE SITE PLAN AMENDMENT 11 & 55 JEWELL COURT PORTSMOUTH, N.H.


NO.	DESCRIPTION	DATE
1	REVISED PARKING LOT PER FIRE DEPT	4/18/16
0	ISSUED FOR APPROVAL	11/3/15

REVISIONS

**SITE LAYOUT PLAN
 TAX MAP 155 - LOT 5**
 OWNER:
COOPER MALT, LLC
 LAND LOCATED AT:
11 & 55 JEWELL COURT
 CITY OF PORTSMOUTH
 COUNTY OF ROCKINGHAM
 STATE OF NEW HAMPSHIRE

SCALE: 1" = 30'
 OCTOBER 2015
 FB 205, PG 01 1666.01



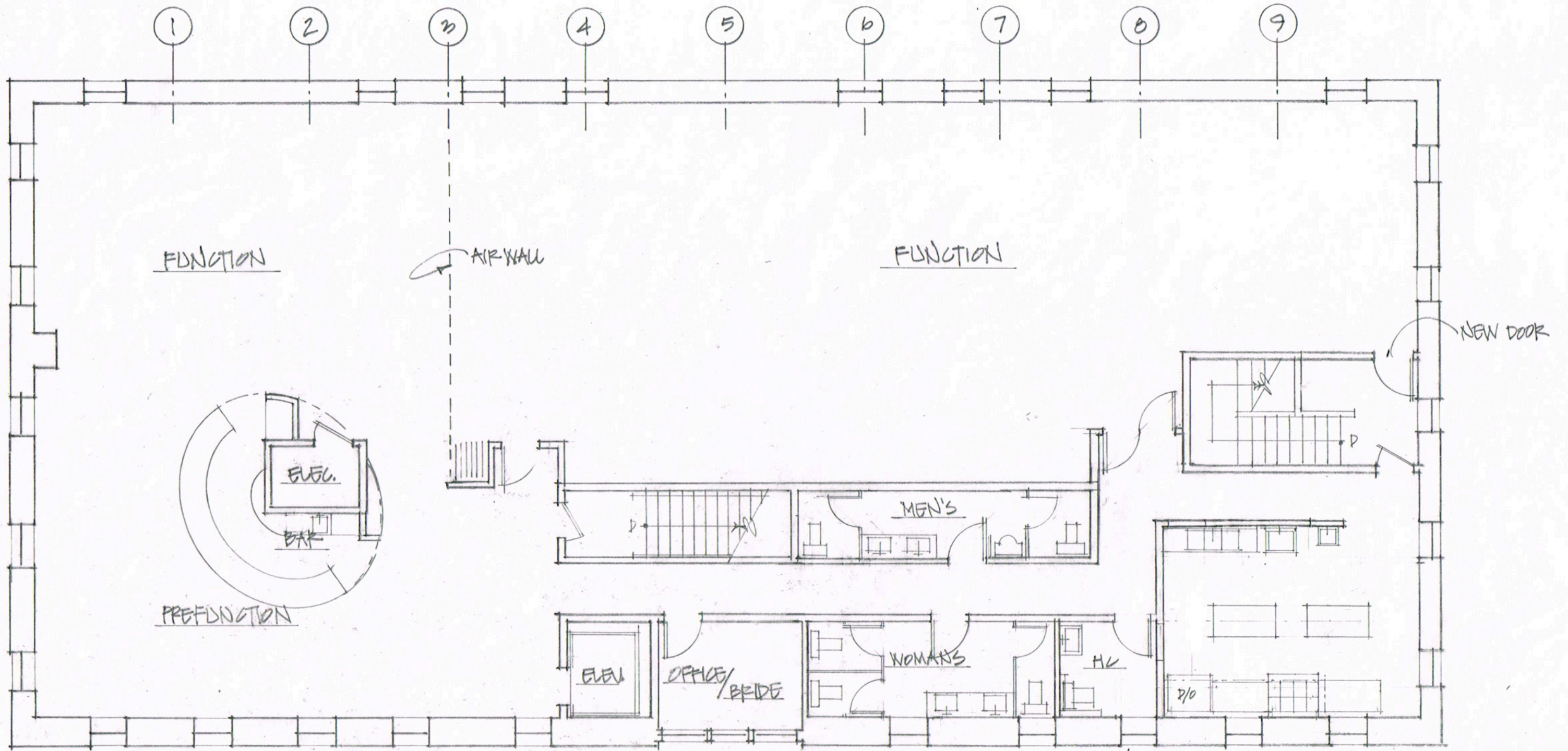
APPROVED BY THE PORTSMOUTH PLANNING BOARD

 DIRECTOR
 DATE: 4.26.16

APPROVAL NOTES:

- THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.
- THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR AND REPLACEMENT OF ALL REQUIRED SCREENING AND LANDSCAPE MATERIALS.

D-39420 Sheet 1 of 2

A:\PROJECTS\16000\16000_01\16000_01_01\16000_01_01_Sheet 1.dwg, 4/26/16, 9:11 AM, John R. Chandon



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



33 Jewell Court

Portsmouth, NH

PROPOSED
 SECOND FLOOR
 PLAN
 REVISED
 SK-04B
 11.27.2023

A) PARKING CALC – 33 JEWELL COURT (Includes entire Schultz Brew Yard Condominium Association *)

City	Use #	Type	Use / SF	spaces / SF	required
		COOPER HOUSE			
	13.10	Wholesale:	2,500 SF	1/2000	2
	5.10	Office:	2,500 SF	1/350	8
		SCALD HOUSE (33 Jewell Court)			
	20.10	Storage/Facilities:	2,241 SF	N/A	0
	9.10	Function Room:	3,800 SF	1/100	38
	5.10	Office:	3,459 SF	1/350	10
		KILN/MALT aka BREW HOUSE			
		Residential	52 Units	1.3/Unit	68 **
		REFRIGERATION/FERMENTATION			
	9.10	Restaurant:	3,000 SF	1/100	30
		Kitchen (per special exception in 1996)	1,500 SF	1/1000	2
	5.10	Office:	17,052 SF	1/350	49
		Residential	16 Units	1.3/Unit	21 **
**		Residential Visitor Parking	68 Units	1/5 Units	14
	TOTAL PARKING REQUIREMENT				242

*Variance was obtained in 1996 to permit 205 spaces where 245 were required under the then current ordinance.



CITY OF PORTSMOUTH

Planning & Sustainability
Department
1 Junkins Avenue
Portsmouth, New
Hampshire 03801
(603) 610-7216

ZONING BOARD OF ADJUSTMENT

January 29, 2024

Jewell Court Properties LLC
30 Spring Street
Portsmouth, New Hampshire 03801

RE: Board of Adjustment request for property located at 33 Jewell Court Unit S1 (LU-23-205)

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **Tuesday, January 23, 2024**, considered your application for establishing an event venue serving up to 250 people which requires a Special Exception from Section 10.440, Use # 9.42 where it is permitted by Special Exception. Said property is shown on Assessor Map 155 Lot 5-S1 and lies within the Character District 4-W (CD4W). As a result of said consideration, the Board voted to **grant** the special exception.

The Board's decision may be appealed up to thirty (30) days after the vote. Any action taken by the applicant pursuant to the Board's decision during this appeal period shall be at the applicant's risk. Please contact the Planning & Sustainability Department for more details about the appeals process.

Approvals may also be required from other City Commissions or Boards. Once all required approvals have been received, applicant is responsible for applying for and securing a building permit from the Inspection Department prior to starting any project work.

This approval shall expire unless a building permit is issued within a period of two (2) years from the date granted unless an extension is granted in accordance with Section 10.236 of the Zoning Ordinance.

The Findings of Fact associated with this decision are available: attached here or as an attachment in the Viewpoint project record associated with this application and on the Zoning Board of Adjustment Meeting website:

<https://www.cityofportsmouth.com/planportsmouth/zoning-board-adjustment/zoning-board-adjustment-archived-meetings-and-material>

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Phyllis Eldridge

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc: Shanti Wolph, Chief Building Inspector

Rosann Maurice-Lentz, City Assessor

✓ John K. Bosen, Attorney, Bosen and Associates PLLC

Findings of Fact | Special Exception

City of Portsmouth Zoning Board of Adjustment

Date: 1-23-2024

Property Address: 33 Jewell Court, Unit S1

Application #: LU-23-205

Decision: **Grant**

Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: 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 is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Special Exception:

Special Exception Review Criteria: Section 10.232.20	Finding	Relevant Facts
10.232.21 Standards as provided by this Ordinance for the particular use permitted by special exception;	Yes	<ul style="list-style-type: none"> The use is allowed by special exception.
10.232.22 No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.	Yes	<ul style="list-style-type: none"> It is a dense intermingling of entertainment, hospitality, and residential use. Allowing the special exception will not have a detrimental impact on surrounding properties, particularly since a sound study was performed that addressed the one potential concern with noise level.
10.233.23 No detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas,	Yes	<ul style="list-style-type: none"> The parking will be contained to the condo association, so there is really no impact on the general public. Allowing the special exception will not have a detrimental impact on surrounding properties, particularly

dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials;		since a sound study was performed that addressed the one potential concern with noise level.
10.233.24 No creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity;	Yes	<ul style="list-style-type: none"> • The shuttle service will transport lots of people with a smaller number of vehicles. • It is a congested traffic area but the applicant stated that they will require the use of either a valet or shuttle service parking.
10.233.25 No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools; and	Yes	<ul style="list-style-type: none"> • No changes are being done to the building externally.
10.232.26 No significant increase of stormwater runoff onto adjacent property or streets.	Yes	<ul style="list-style-type: none"> • No changes are being done to the building externally.