

Findings of Fact | Parking Conditional Use Permit

City of Portsmouth Planning Board

Date: March 21, 2024

Property Address: 33 Jewell Ct.

Application #: LU-23-205

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 is approved with conditions, the board shall include in the written decision a detailed description of the all conditions necessary to obtain final approval.

Parking Conditional Use Permit

10.1112.14 The Planning Board may grant a conditional use permit to allow a building or use to provide less than the minimum number of off-street parking spaces required by Section 10.1112.30, Section 10.1112.61, or Section 10.1115.20, as applicable, or to exceed the maximum number of off-street parking spaces allowed by Section 10.1112.51.

	Parking Conditional Use Permit 10.1112.14 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
1	10.1112.141 An application for a conditional use permit under this section shall include a parking demand analysis, which shall be reviewed by the City's Technical Advisory Committee prior to submission to the Planning Board, demonstrating that the proposed number of off-street parking spaces is sufficient for the proposed use.	Meets Does Not Meet	The number of off-street parking spaces supplied at this site is sufficient for this use. Most guests will carpool or Uber to an event. Pursuant to the submitted parking demand analysis, there is excess parking supply during the anticipated peak hours for the proposed use.
2	10.1112.142 An application for a conditional use permit under this section shall identify permanent evidence-based measures to reduce parking demand, including but not limited to provision of rideshare/microtransit services	Meets Does Not Meet	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

	Parking Conditional Use Permit 10.1112.14 Requirements	Finding (Meets Criteria/Requirement)	Supporting Information
	or bikeshare station(s) servicing the property, proximity to public transit, car/van-pool incentives, alternative transit subsidies, provisions for teleworking, and shared parking on a separate lot subject to the requirements of 10.1112.62.		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.
3	10.1112.143 The Planning Board may grant a conditional use permit only if it finds that the number of off-street parking spaces required or allowed by the permit will be adequate and appropriate for the proposed use of the property. In making this determination, the Board may accept, modify or reject the findings of the applicant's parking demand analysis.	Meets Does Not Meet	The number of spaces is adequate and appropriate for the proposed use of the property given the factors enumerated above.
4	10.1112.144 At its discretion, the Planning Board may require more off-street parking spaces than the minimum number requested by the applicant, or may allow fewer spaces than the maximum number requested by the applicant.	Meets Does Not Meet	
5	<u>Other Board Findings:</u>		
6	<u>Additional Conditions of Approval:</u>		



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 27, 2024

Mr. Rick Chellman, Chair
Planning Board
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. Chellman:

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, parking calculation and parking demand analysis.

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. According to Brian Slovenski, President of Atlantic Parking Services, a valet parking company in Portsmouth, a host can expect to park a maximum of 50% of cars for attendees at any given event. Most guests will carpool or Uber to an event. Pursuant to the submitted parking demand analysis, there is clearly excess parking supply during the anticipated peak hours for the proposed use.

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

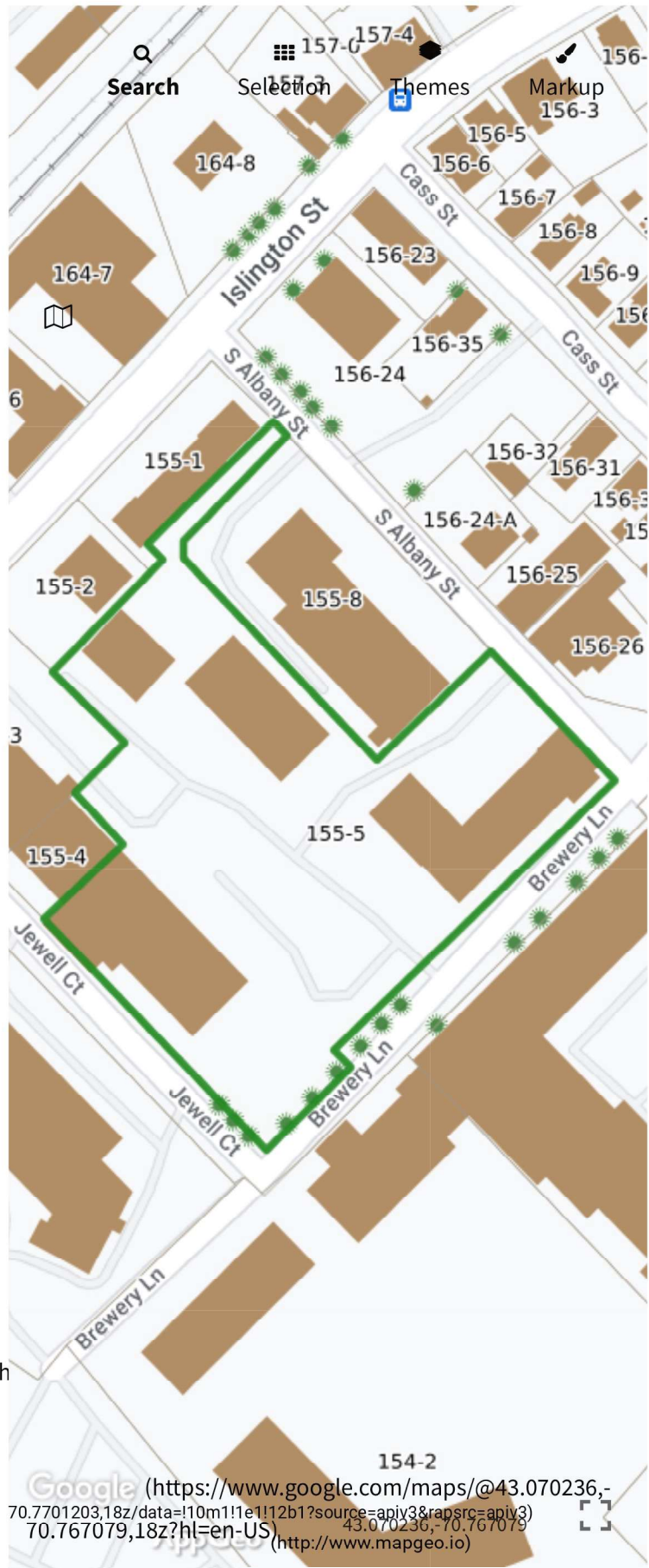
John K. Bosen



City of Portsmouth, NH

Property

33 Jewell



Search

Advanced 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:

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

PARKING ANALYSIS:

- PARKING REQUIRED: 205 SPACES (PER 8/20/1986 ZBA VARIANCE)
- PARKING PROVIDED: 205 SPACES
- HANDICAP PARKING REQUIRED: 7 SPACES
- HANDICAP PARKING PROVIDED: 7 SPACES

ZONING REQUIREMENTS:

- MINIMUM LOT SIZE: 20,000 SF
- MINIMUM FRONTAGE: 100'
- MINIMUM SETBACKS:
 - FRONT YARD: 20'
 - SIDE YARD: 15'
 - REAR YARD: 15'
- MINIMUM WIDTH: 60'
- MINIMUM DEPTH: 35'
- MINIMUM COVERAGE: 15%

TOTAL WAREHOUSE AREA:

- 118,112 S.F.
- 2,734 ACRES

PERMITS:

- PERMITS REQUIRED FOR THIS PROJECT:
 - REMOVAL PERMIT FOR THE REMOVING 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.

CONTRACTOR RESPONSIBILITIES:

- THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND VOLUMES 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.

UTILITY COMPANIES:

- UTILITY COMPANIES TO BE CONTACTED PRIOR TO CONSTRUCTION TO COORDINATE WITH 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 DISAFFECT PRIOR TO ANY EXCAVATION. CONTRACTOR TO CONTACT DISAFFECT AT LEAST 72 HOURS BEFORE TO ANY EXCAVATION. (1-800-344-7313)



NOTES:

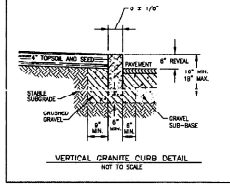
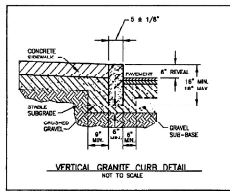
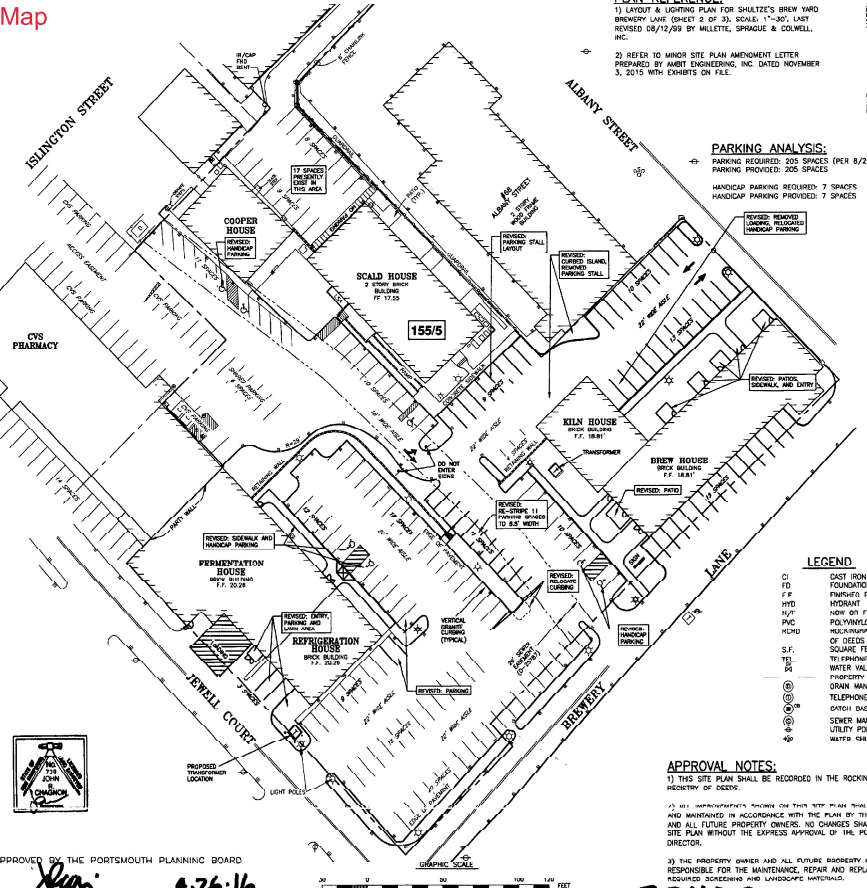
- 1) THE PARCEL IS LOCATED IN THE BUSINESS ZONE.
- 2) THE PARCEL IS AS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 155 AS LOT 5.
- 3) THE PARCEL IS NOT LOCATED IN A FLOOD HAZARD ZONE.
- 4) OWNERS OF RECORD: APPLICANT:
 - MAP 155 LOT 5: COOPER MALT, LLC
 - 158 SHADY AVENUE: 3 PERSIDICK WEE
 - NEWMARKET, NH 03857
 - OLD GARDNER BEACH, ME 04064
 - 4306/1170
 - 76-25788
- 5) ZONING REQUIREMENTS:
 - MINIMUM LOT SIZE: 20,000 SF
 - MINIMUM FRONTAGE: 100'
 - MINIMUM SETBACKS:
 - FRONT YARD: 20'
 - SIDE YARD: 15'
 - REAR YARD: 15'
 - MINIMUM WIDTH: 60'
 - MINIMUM DEPTH: 35'
 - MINIMUM COVERAGE: 15%
- 6) TOTAL WAREHOUSE AREA: 118,112 S.F.
- 7) THE ACT OF PLANS FOR A BUILDING PERMIT FOR THE REMOVING 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.
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- 9) CONTRACTOR 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.
- 10) CONTRACTOR TO COORDINATE WITH ALL UTILITY COMPANIES AND DISAFFECT PRIOR TO ANY EXCAVATION. CONTRACTOR TO CONTACT DISAFFECT AT LEAST 72 HOURS BEFORE TO ANY EXCAVATION. (1-800-344-7313)

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

NO.	DESCRIPTION	DATE
1	REVISED DRAWING LOT 5B FIRE DEPT	4/18/16
2	ISSUED FOR APPROVAL	11/3/15
NO.	DESCRIPTION	DATE

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'
 1/8" = 30' 01" 1666-01
 OCTOBER 2015



APPROVED BY THE PORTSMOUTH PLANNING BOARD
 DIRECTOR: *[Signature]*
 DATE: 4-26-16

LEGEND:

- DI CAST IRON
- FD FOUNDATION DRAIN
- FF FINISHED FLOOR
- HTB HYDRANT
- H/T HOW ON FORMERLY
- PVC POLYVINYLCHLORIDE
- MCU/MCU MULTIMATERIAL UNIFORMITY
- S.F. SQUARE FEET
- TEL TELEPHONE
- PL PROPERTY LINE
- DM DRAIN MANHOLE
- TM TELEPHONE MANHOLE
- GM GARDEN MANHOLE
- SM SEWER MANHOLE
- UL UTILITY POLE
- W/SF WATER SERVICE FEET

APPROVAL NOTES:

- 1) THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTERY OF DEEDS.
- 2) 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.
- 3) 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

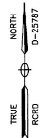
Highlighted areas indicate areas with significantly less parking congestion.

PLAN REFERENCE:

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- PARKING PROVIDED: 205 SPACES
- HANDICAP PARKING REQUIRED: 7 SPACES
- HANDICAP PARKING PROVIDED: 7 SPACES



AMBT ENGINEERING, INC.
Civil Engineers & Land Surveyors
302 Center Street, Suite 201
Portsmouth, NH 03801-7114
Tel: (603) 424-3367
Fax: (603) 424-3312

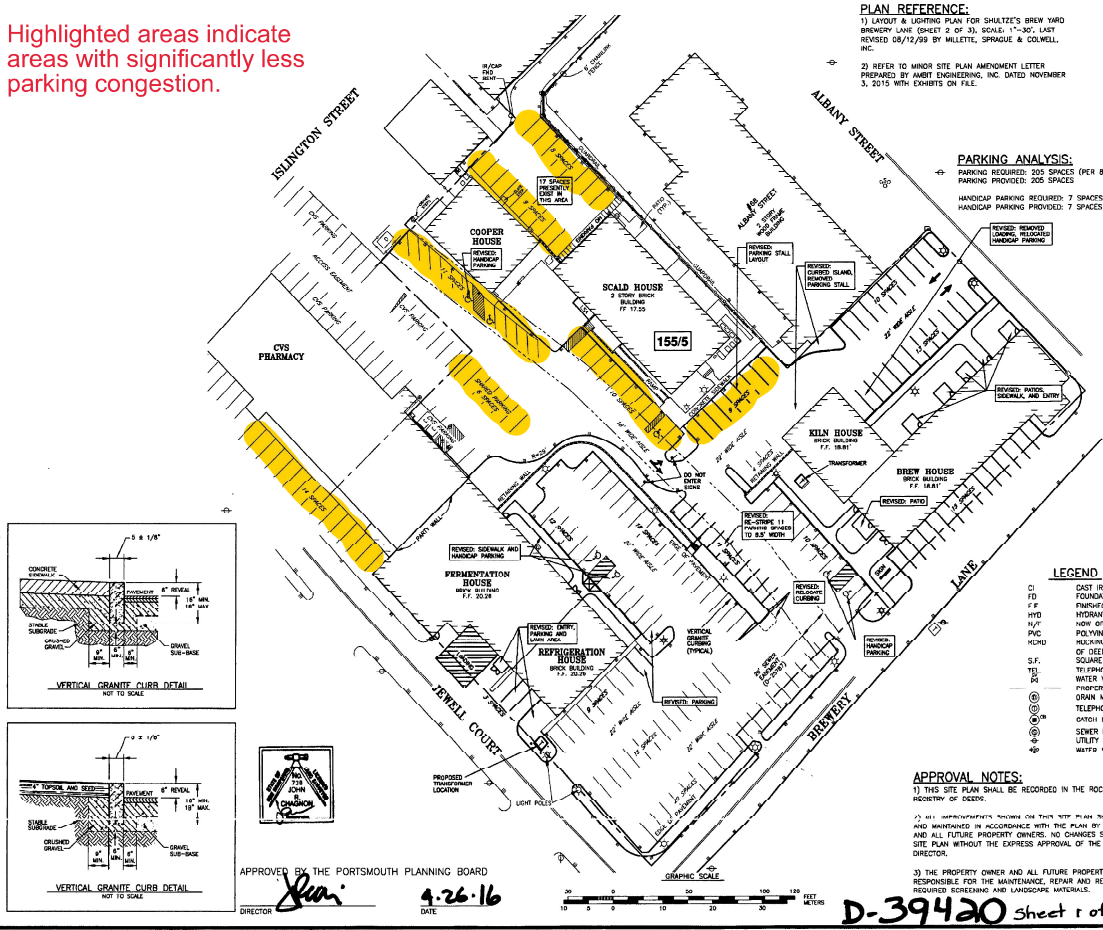
- NOTES:**
- 1) THE PARCEL IS LOCATED IN THE BUSINESS ZONE.
 - 2) THE PARCEL IS AS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 155 AS LOT 5.
 - 3) THE PARCEL IS NOT LOCATED IN A FLOOD HAZARD ZONE.
 - 4) OWNERS OF RECORD: APPLICANT: CHENBURG DEVELOPMENT, LLC
MAP 155 LOT 5 COOPER MALT, LLC
150 SHADY AVENUE NEWHAMPTON, NH 03857
OLD GARDNER BEACH, ME 04064
4206/1170 74-25788
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**BREWERY LANE
SITE PLAN AMENDMENT
11 & 55 JEWELL COURT
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
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2	ISSUED FOR APPROVAL	11/3/15
REVISIONS		

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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
19 255, PG 01 OF 1666 01

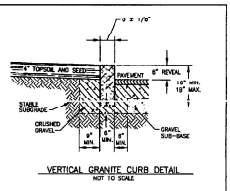
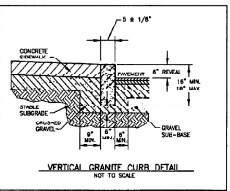


LEGEND

- DI CAST IRON
- FD FOUNDATION DRAIN
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- PVC POLYVINYLCHLORIDE
- MCU/MCU MULTICORNER ULTIMATE RESISTIVE
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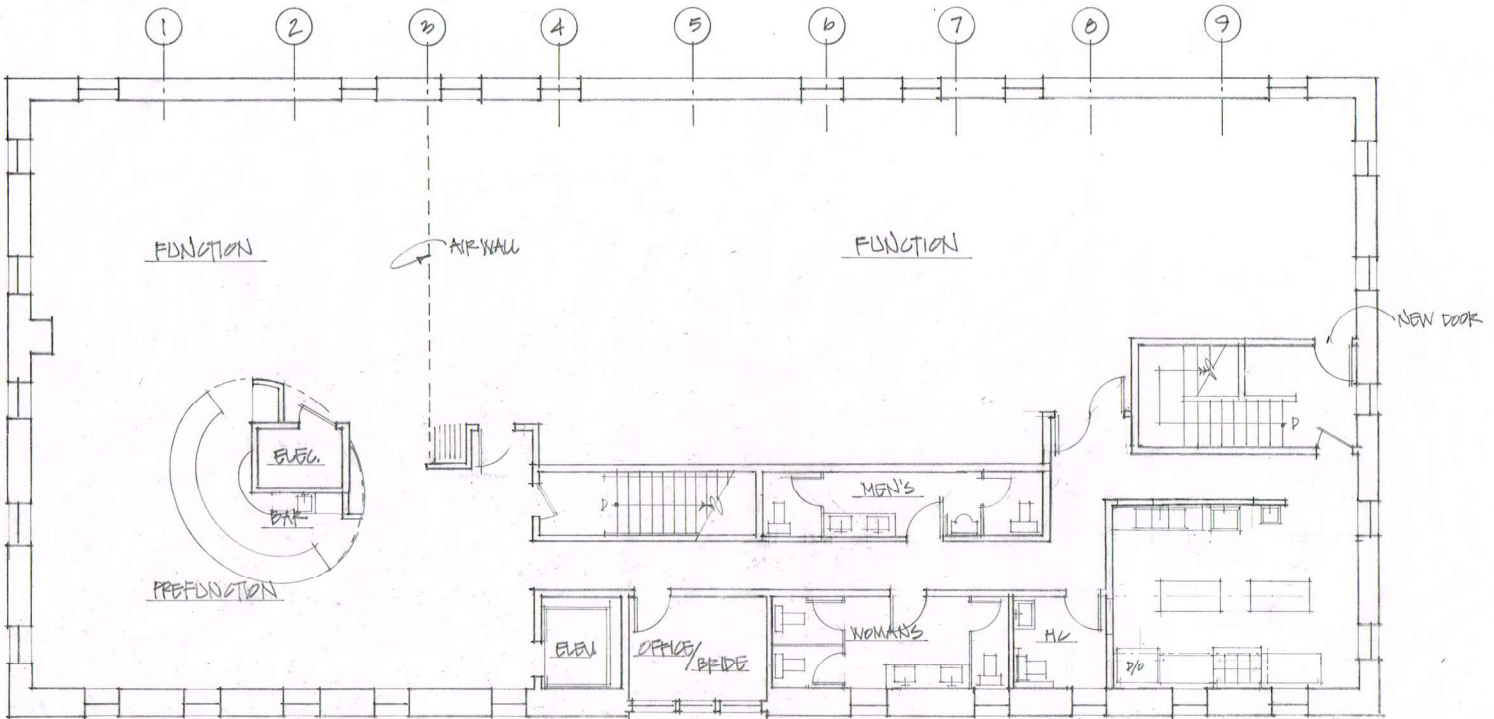
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APPROVED BY THE PORTSMOUTH PLANNING BOARD
DIRECTOR *[Signature]*
DATE 4-26-16

D-39420 Sheet 1 of 2



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.

PARKING DEMAND ANALYSIS

33 Jewell Court

PORTSMOUTH, NH

LU-23-205

February 26, 2024

33 Jewell Court is part of a condominium association consisting of four stand-alone buildings with a mixture of residential and commercial uses.

The number of off street parking spaces required under the City of Portsmouth Zoning Ordinance is 242. The number of spaces provided is 205. A parking calculation has been submitted. The applicant and other members of the condominium association have never experienced a parking shortage despite this non-compliance with Section 10.1110 Off Street Parking requirements.

The applicant's property at 33 Jewell Court is allocated 28 parking spaces by the association. However, per the condominium agreement, all 205 spaces are available to all members on a first come first serve basis. This has historically been sufficient to more than meet its needs when the property was utilized exclusively as office space. The proposal to convert 3,800 square feet of space to event space, which would be utilized primarily on weekend evenings, is not expected to place greater demand on the existing parking.

A recent review of demand during the expected peak utilization periods, summarized below, demonstrates that there will be sufficient parking for this use on site, when coupled with the applicant's stated intention to contractually require clients to utilize valet and/or shuttle services to locate parking off site if the demand exceeds the 28 spaces allocated by the association.

<u>Date</u>	<u>Time</u>	<u>Vacant parking spaces</u>
Friday 2-16-24	5pm	66 out of 205
Saturday 2-17-24	4-5pm	79 out of 205
Sunday 2-18-24	2pm	96 out of 205
Sunday 2-18-24	5pm	87 out of 205

Thus, it is the applicant's position that the existing on-site parking will be more than adequate for the expected demand.

33 Jewell Court

Weekend Parking Snapshots

Below we've captured photos and parking vacancies in the parking lot of the Frank Jones buildings, on Friday, Saturday and Sunday, February 16, 17 & 18th, 2024

Friday, 2/16, 5PM

66 vacant parking spots out of 205 at 5PM

50m 2/16/24 Friday - Front

THORN CREAT



30+ / - Spruces

5pm 2/16/24 Pkwy Front Middle



5 pm 2/16/24 Friday Coppugue



15 of 17
Spurs am

Saturday, 2/17, 4PM & 5PM

79 vacant parking spots out of 205 at 5PM





4 yrs 2/17/24 Subsid.

COOP 10/11
MO 12/13
HC 9+1/9+1



5 PM

2/17/24

Saturday

17/17

Sunday, 2/18, 2PM

96 vacant parking spots out of 205

2 PM 2/11/24 Sunday Front





2pm 2/19/24 Sunday 17/17



2pm 2/19/24 Study

COOP 7/11
JFC 9+1/9+1
Middle 13/13

Sunday, 2/18, 5PM

87 of 205 vacant parking spots



SPM 2/19 Sunday Front



5pm 2/19/20 sunny 8/9



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

March 5, 2024

Mr. Rick Chellman, Chair
Planning Board
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. Chellman:

Following from the March 5, 2024 Technical Advisory Committee meeting relative to the above project, we are submitting the following documents to supplement our February 28, 2024 application materials:

1. Letter of support from Eric Chinburg dated January 3, 2024; and
2. Easement Deed of Fairlawn Plaza, Inc. to Schubett Realty Co., Inc. dated June 9, 1997 and Recorded at the Rockingham County Registry of Deeds at Book 3242, Page 2917.

Thank you for your attention.

Sincerely,

John K. Bosen
John K. Bosen

Eric Chinburg
President
Schultzes Brew Yard Condominium Association
1/3/2023

Subject: Approval for Launch of Event Venue at 33 Jewell Court

As the President of Schultzes Brew Yard Condominium Association, I'm pleased to officially approve the launch of an event venue at 33 Jewell Court in Portsmouth, NH. It is with great enthusiasm that we support initiatives that enhance the community experience and provide unique spaces where individuals can gather and celebrate.

After careful consideration and review of the proposed plans, it is evident that the event venue aligns with the values of our community and the overall vision of the Condo Association. The historical nature of the property will be preserved and will allow access to a stunning historic event space, unlike anything else being offered here in Portsmouth. All events will be required to utilize shuttles or valet parking at an off-property private parking lot. This will ensure that the use of parking spaces at our association are not impacted and will, in fact reduce the daily parking congestion from regular corporate tenants. I've also reviewed the sound audit by Reuter Associates and understand that sound levels during these events will remain below 45-dba, meeting all sound requirements after 9PM, and therefore will not impact tenants in nearby residential buildings. As an association in the mixed-use Character District, our properties offer an eclectic mix of restaurants, hair salons, artist studios, and residential apartments. I feel that the addition of a historic event venue would reinforce our commitment to building out the West End as a thriving area of town that offers a diverse mix of services.

We appreciate the hard work and dedication of conceptualizing and planning this venture. Jessica's commitment to ensuring that the venue adheres to the guidelines set forth by the City and the Condo Association has not gone unnoticed. We are confident that the event venue will be a valuable addition to our community, offering a range of events that cater to the diverse interests of our town.

Sincerely,



Eric Chinburg
President
Schultzes Brew Yard Condominium Association

B3242 P2917

EASEMENT DEED

KNOW ALL PERSONS BY THESE PRESENTS, That FAIRLAWN PLAZA, INC., a Rhode Island corporation with a principal place of business at 835 East Taunton Avenue in East Providence, County of Providence and State of Rhode Island, for consideration paid, grants to SCHUBETT REALTY CO., INC., a New Hampshire corporation with a principal place of business at 698 Islington Street in Portsmouth, County of Rockingham and State of New Hampshire, it heirs, successors and assigns,

WITH QUITCLAIM COVENANTS, a perpetual right and easement upon land of the within Grantor located on the northerly side of Jewell Court, so-called, in Portsmouth, County of Rockingham, State of New Hampshire, said property having been acquired by the Grantor by deed recorded in Rockingham County Registry of Deeds at Book 3065, Page 1425; and to allow the Grantee, its heirs, successors, assigns, and business invitees, exclusive right to park motor vehicles upon the following described portion of the Grantor's premises:

Parking Easement: Beginning at the southwesterly corner of land of the within Grantee on the northerly sideline of Jewell Court, so-called, thence turning and running N 45° 38' 00" E a distance of 22 feet, more or less, along the westerly face of the building upon land of Grantee to a point at the southerly face of the building on land of the Grantor; thence turning and running northwesterly along the southerly face of the building of the Grantor a distance of 125 feet, more or less, to a loading dock projecting from the building of the Grantor; thence running in a southwesterly direction 22 feet, more or less, to the northerly sideline of Jewell Court; thence turning and running in a southeasterly direction along the northerly sideline of Jewell Court, so-called, a distance of 125 feet, more or less, to the point of beginning.

* Permanent exclusive parking easement on CVS Property as depicted as 14 spaces on the southwestern edge of the plans.

Meaning and intending to convey to the Grantee an exclusive right to park vehicles in a rectangular strip of land approximately 125 feet by 22 feet, located between the northerly sideline of Jewell Court and the southerly sideline of the building on land of the within Grantor.

Also conveying to the Grantee, the right to remove at Grantee's sole expense a certain loading dock and one-story structure located within the demised Easement area at its southerly end. The Grantee shall have the right to grade and improve the Easement area. Grantee shall be responsible for any and all maintenance and snow removal within the Easement area.

The within Easement shall be binding upon and shall inherit to the benefit of the Grantor, Grantee, and each of their heirs, successors and assigns.

Executed this 9th day of JUNE, 1997.

FAIRLAWN PLAZA, INC.

By: J. Robert Posce
Name: J. Robert Posce

0050481

Oct 6 2 53 PM '97

ROCKINGHAM COUNTY
REGISTRY OF DEEDS

B3242 P2918

Title: PRESIDENT

STATE OF RHODE ISLAND
COUNTY OF PROVIDENCE, SS.

On this 9 day of June, 1997, personally appeared the above
named J. ROBERT PESCE, in his/her capacity as PRESIDENT
PRESIDENT of Fairlawn Plaza, Inc., being known to me and
acknowledged that he/she executed the foregoing Easement Deed voluntarily and for the
purposes stated, on behalf of said Corporation as whose behalf he was duly authorized to act.

Before me,

Patricia A. Dillon
Notary Public
Printed Name: PATRICIA A. DILLON
Commission Expires: 11-10-97

