

SUPPLEMENTAL MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
DATE: September 11, 2023
RE: Owners/Applicants: Peter Smith & Cynthia Austin Smith
Property: 9 Kent Street
Tax Map 113, Lot 42
General Residence A District

Dear Chair Eldridge and Members of the Zoning Board of Adjustment (“ZBA”):

On behalf of Owners/Applicants Peter Smith & Cynthia Austin Smith (“Smith”), we are pleased to submit this Supplemental Memorandum and Exhibits in support of a requested variance from the Portsmouth Zoning Ordinance (“PZO” or “Ordinance”).

This matter was previously before the ZBA on August 22, 2023. After the public hearing, the ZBA began its deliberations. A majority of the ZBA voted to continue the matter to the next hearing and requested additional information from Smith. On August 29, 2023, Attorney Phoenix met with City Staff and received a list of questions, which Part One of this submission will address. Given the additional information submitted, we request that the ZBA reopen the public hearing to allow Smith the opportunity to address numerous public comments provided on August 22, 2023, questions relating to this information, or the questions regarding the Project as a whole.

PART ONE: SUBMISSION OF REQUESTED INFORMATION

I. REVISED/SUPPLEMENTAL EXHIBITS

- H. 9/8/2023 – Revised Plan Set – Ambit Engineering | Haley Ward.
 - Cover Page
 - Standard Boundary & Topographic Survey
 - C1 Demo Plan
 - C2 Variance Plan
 - C3 Grading & Drainage Plan
 - L1 Landscaping Plan by Woodburn & Associates
- I. Average Grade Calculations & Worksheet by Ambit Engineering | Haley Ward.
- J. 9/8/2023 – Revised Architectural Plans – by Somma Studios.
- K. Height Exhibit – by Somma Studios.
- L. Renderings – by Tangram 3DS (To be submitted when complete).
- M. Current side yard setback cured by dimensionally compliant proposal.
- N. Photographs of other expanded neighborhood homes/garage under.
- O. Example of effect on property values.

II. FREQUENTLY ASKED QUESTIONS

1.) What is the height, as defined by the Zoning Ordinance, of the structure to be demolished, relative to the calculated average existing grade?

Response: The survey completed by Ambit Engineering | Haley Ward identified the peak of the existing home to be at elevation 67.19 based on mean sea level data (hereinafter “sea level elevation”) and the threshold elevation at 32.75. With this information, Architect Jennifer Ramsey then accounted for the front porch steps from the threshold to grade and concluded the height of the existing home is 39 ft. to the *peak of the roof*. The Ordinance requires measurement of height to the *mid-point of the roof*. Based on actual dimensions and Architect Jennifer Ramsey’s identification of materials used, the height of the existing house as defined by the Ordinance is 31 ft. 1 5/8 in. or 31.14 ft.

2.) What is the height, defined by the Zoning Ordinance, of the proposed building and how was this calculated?

Response: Given the number of questions about this, we have endeavored to explain this issue more effectively, addressing height both as calculated by the zoning ordinance, and actual height of the structure from sea level.

The Ordinance definition of building height changed in October 2022. Previously, one would establish an average grade plane by taking measurements every five feet around the perimeter of the new home site, at a point six feet from the structure. Significant amendments now require determination of the average existing grade *and* the average finished grade, with measurements taken every five feet along the perimeter *where the grade meets the proposed structure*. The Ordinance now also requires the measurement of height to be from either average existing grade or average finished grade, *whichever is lower*. Measurement of the vertical distance to still depends on the type of roof. This methodology is derived from the amended definitions of building height, average existing grade, and average finished grade in PZO §10.1530.

As applied to the Project, the average *existing* grade is elevation 29.03; the average *finished* grade is slightly lower at elevation 28.37¹. (EXHIBIT I). Accordingly,

¹ The lower average finished grade is a product of the excavation for the lower level garage, which will provide the required off-street parking currently lacking. Construction of the garage is described in greater detail *infra*.

measurement of distance is from elevation 28.37, which accounts for the proposed garage. The proposed home has a gabled roof, so measurement is to the midpoint of the roof, not its peak. Because the proposed home has dormers nestled in its gabled roof, we have taken the *most* conservative approach and measured to the midpoint of those dormers resulting in a zoning height of 34 ft. 8 in. or 34.67 ft.

As measured by the Ordinance, the height of the proposed structure is slightly taller than the existing structure. Importantly, the sea level elevation of the proposed home, 66.37 is .82 ft. lower than the existing home (67.19) and lower than the Mikolaites home, upgradient and at elevation 69.8. Why is the new home taller than the existing home as measured by the Ordinance but shorter than the existing home as measured from mean sea level data? The difference is that the existing home's front to back gabled roof is positioned over the side walls which have a 30 ft. span. In contrast, the proposed home has a side to side gabled roof positioned over the front and rear walls which have a 22 ft. span. The result is a more steeply pitched roof with a higher midpoint measurement. (EXHIBIT K).

3.) Why is the spa exempt from setback requirements?

Response: It is not exempt; it has a lesser setback requirement. City Staff have determined that the spa (hot tub) is an accessory structure. Pursuant to PZO §10.573.10, an accessory structure less than 10 ft. tall and less than 100 s.f. in area must be set back 5 ft. from any lot line (as opposed to the primary structure which requires a 10 ft. setback in the GRA district). The spa will be set into the ground protruding approximately 3 ft. and is 96 s.f. in area. Accordingly, it must comply with a 5 ft. setback. As proposed, the spa is 5.2 ft. from the side lot line and 5.2 ft. from the rear lot line and therefore compliant.

4.) How will the garage be built?

Response: The existing grade between the proposed garage location and the paved portion of Rockland Street varies between elevation 25 and elevation 28. The proposed driveway will slope away from the paved portion of the road from elevation 25 to elevation 23. Excavation is required to revise the grade from Rockland Street to the property line (just as all driveways property access points at a street) and then to the garage entry point at elevation 23. (EXHIBIT H).

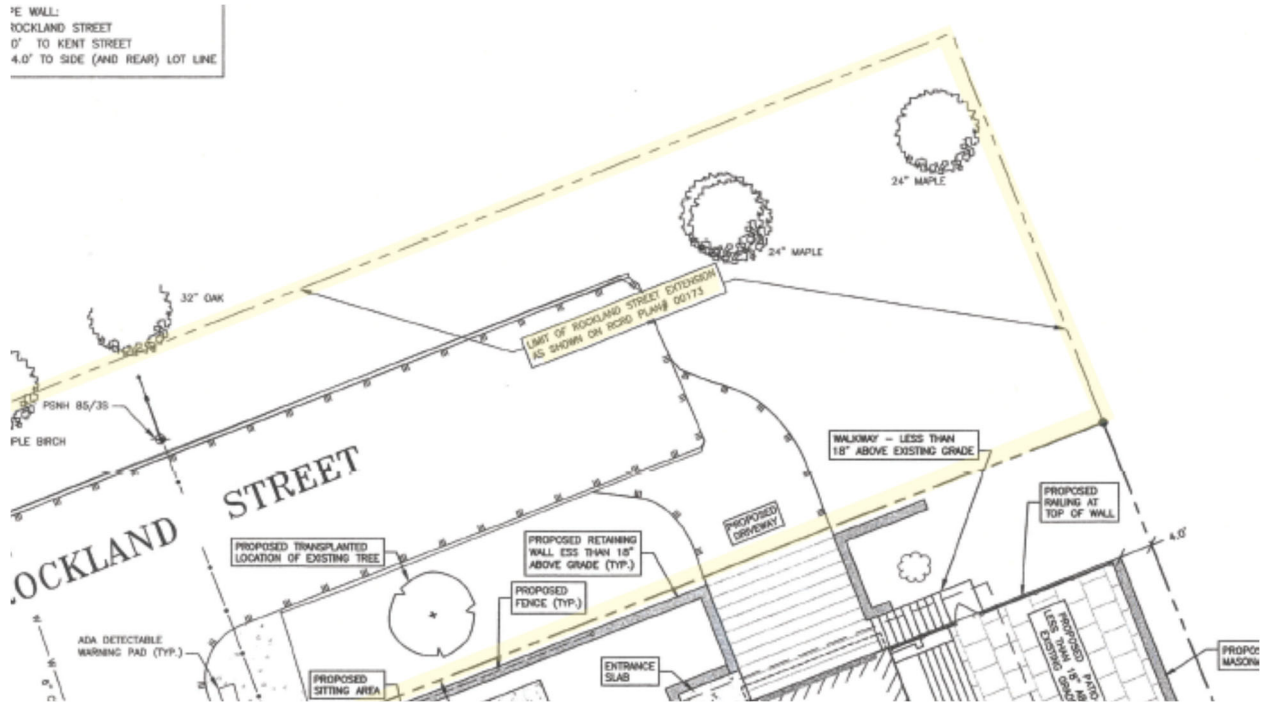
5.) Is Applicant proposing to use City property to a greater degree than other residents when pulling out of the garage?

Response: No. Members of the public erroneously fail to distinguish between Langdon Park/South Mill Playground and the Rockland Street Extension as laid out in the original subdivision plan. Langdon Park & South Mill Playground will not be affected by the Project. The Rockland Street Extension right-of-way is utilized as any other street that provides access to one's home.

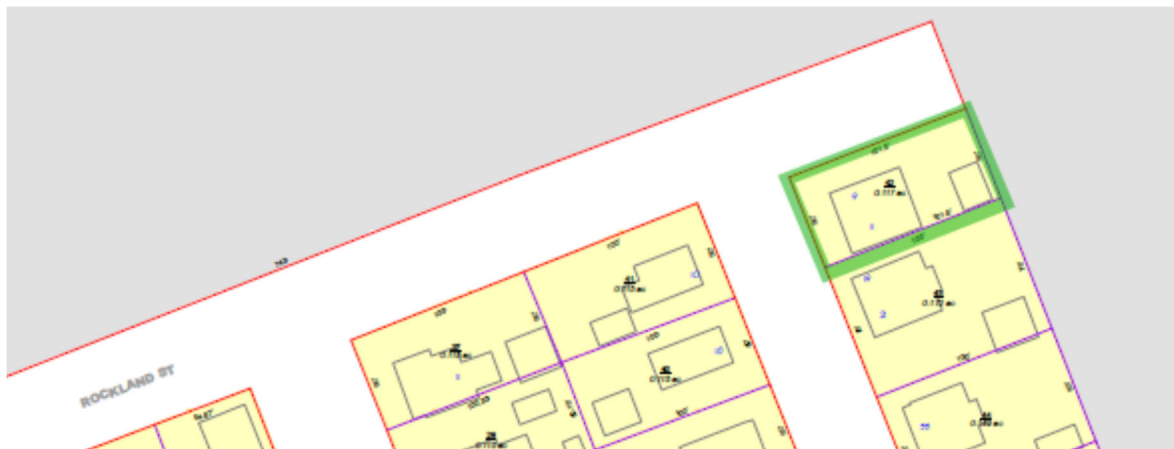
Portsmouth streets include a paved/traveled portion of the road for vehicles and additional space on either side to accommodate utilities and a sidewalk and/or greenspace. In Smith's neighborhood, the Kent Street and Rockland Street public *right of way* are each 50 ft. wide, though the traveled portion of the road is far less. As in any neighborhood, residents' drive from the street over a curb cut and sidewalk to access their lot. How much of any public right of way is sidewalk and grass depends entirely on the width of the paved portion of the road. The paved portion of Portsmouth Roads vary from 24 ft. - 32 ft., though Rockland Street Extension is 22 ft. wide. A narrow paved road leaves more room for utilities and a sidewalk/greenspace so the distance from the curb cut to one's driveway may be more, but it's all public right of way, whether it is road, curb cut, or sidewalk.

The Project calls for connecting his driveway at the terminus of the paved roadway, slightly expanding the paved portion of the road to accommodate the turning radius into the driveway. So, while access from the paved portion of Kent Street to the driveway is over the public right of way, this is the purpose of a public right of way. It is no different than any other driveway which utilizes the public right-of-way to accommodate the turning radius into one's lot into a driveway parking space, up/down into a garage.

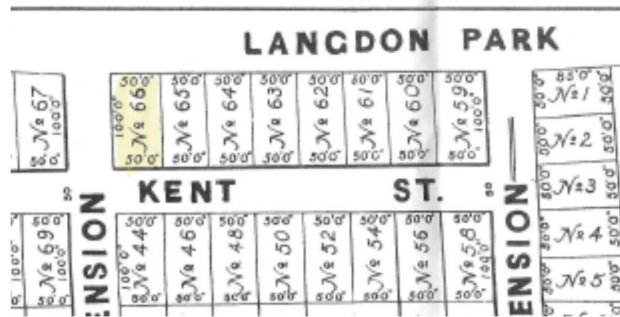
The issue causing confusion here is that not all of the Rockland Street public right of way is paved, leading some to question whether Smith will access his driveway over Langdon Park. He will not. The Rockland Street public right of way extends all the way to the end of Smith's lot as illustrated on the survey and highlighted in yellow:



In addition to the survey, the metes and bounds description of the Property in the deed chain states the property is bounded ±100 ft. by Rockland Street (or Rockland Street Extension) and 50 ft. by Langdon Park. See also the current tax map:



and the original 1899 Subdivision Plan for Alfred L. Elwyn:



Each illustration demonstrates that Langdon Park does not begin until the after Rockland Street has traversed the length of Smith’s lot and the South Mill Playground does not begin at the edge of road pavement. Accordingly, there is no evidence that Langdon Park or the South Mill Playground are affected by the Project. The utilization of the public right-of-way for access to the lot and garage structure are no different than any other Portsmouth resident. (EXHIBIT N).

6.) What is the interior square footage of the proposed residence?

Response: The size and mass of a dimensionally compliant permitted single family home in the GRA district is not reviewable by the ZBA. See Part Two of this Memorandum *infra*. Assuming, arguendo that this is within the ZBA’s purview, revised architectural plans (EXHIBIT J) demonstrate that the interior living space is 3,561 s.f.: which includes 577 s.f. finished basement area; 1,013 s.f. first floor; 1,114 s.f. second floor; and 857 s.f. third floor. According to the Tax Card, the existing home has 2,176 s.f. of living space; which includes a 240 s.f. finished attic space but no finished basement.

7.) Can you provide a survey plan that just shows the building envelope?

Response: Please see sheet C2 of the revised plan set from Ambit Engineering dated September 11, 2023. (EXHIBIT H). Sheet C2 clearly demonstrates all parts of the primary structure are confined to the permissible building envelope. City Staff have further confirmed that the landscape walls in the Kent and Rockland Street front yards under 18 inches in height are not structures. Similarly, the combination of low wall and short fence in the front yards do not exceed the permitted 4 foot height for fences in the principal front and secondary front yards. In the left side and rear yard setbacks, the combination masonry wall/fence do not exceed the permitted height of 6 feet applicable to fences in rear and side yards. The rear patio is also less than 18 inches above existing

grade and therefore not a structure. Lastly, as discussed *supra*, the spa is treated as an accessory structure and complies with the applicable 5 ft. setback.

8.) Can you provide a to-scale streetscape?

Response: Smith has engaged Tangram 3DS to provide the renderings requested by the ZBA. Noting that no zoning relief is required to accommodate the home and any improvements, these renderings with views of the proposed home from Kent and Rockland Streets, will plainly show that the proposed home fits into the neighborhood. (EXHIBIT L).

9.) Overall design, scale, and compatibility with the neighborhood.

As discussed at the previous meeting, the neighborhood includes several updated New Englander style homes on similar sized lots, new builds on subdivided/unmerged lots, as well as expanded homes on lots of all sizes. Many of these homes are larger than their earlier counterparts, overlook Langdon Park or the ballfields, and incorporate elements similar to the proposed design. Unlike what Smith proposes, several of these area homes required relief from yard setbacks or building coverage:

- **11 Elwyn Avenue: 80 ft. long structure set back 5 feet from the side lot line; 40% building coverage on a 5,000 s.f. lot. Approximately 50 of the 80 feet is the 2,440 s.f. home excluding an unfinished basement. (EXHIBIT N). Fence atop a tall concrete retaining wall. Overlooks park. This home is a stark contrast to our 56 ft. wide home which is 12 ft. from the side lot line and a significant improvement compared to existing conditions. (EXHIBIT M).**
 - **Notably, this expansive home had absolutely no negative effect on the values of the abutting properties, two of which sold recently for amounts in excess of a million dollars each. (Exhibit O).**
- **84 Rockland Street: 58 ft. long structure with 2,589 s.f. of living space which does not include habitable basement at this time. Variances for partial demolition, expansion of a nonconforming structure including dormer of third floor, 4 ft. and 8 ft. front yards where 15 ft. required, and 27% building coverage on a 5,488 s.f. lot. Overlooks park. (EXHIBIT N).**
- **55 Kent Street: long narrow New Englander; 22 ft. wide and 50 ft. long on a**

6,000 s.f. lot. The home has 2,540 s.f. of living space, excluding a 717 s.f. unfinished basement.

- **Note that 10 and 18 Kent Street, immediately across the street from the Project, are both New Englanders 22 ft. wide with detached garages 240 s.f. and 484 s.f. respectively. It is not unreasonable to expect that in the future, an owner may seek to expand these homes to incorporate garages with living space above. Any owner of a home on a nonconforming lot in this neighborhood is free to expand *conforming* parts of his or her home without a variance. It follows that Smith should be able to construct a new fully conforming home on a nonconforming lot (reducing density, vastly improving side yard setbacks and parking) without a variance.**
- **88 Lincoln Street: 58 ft. long home leaving a 3.7 ft. rear yard setback; 3,128 s.f. of living space excluding the unfinished basement; 35% of building coverage on a 5,127 s.f. lot.**
- **75 Kent Street: Two condominium units in a structure 60 ft. long rectangular structure on a 5,663 s.f. lot.**
- **24 Kent Street: 54 ft. long home constructed in 2002 on a 5,000 s.f. lot.**
- **31 Sherburne Avenue & 520 South Street: through on larger lots, are also examples of large homes that have been expanded over the years, note the drive under garage serving 520 South Street, which is accessed from Sherburne.**
- **57 Sherburne: This lot is under 3,000 s.f. but was separated from an existing larger lot and the ZBA granted yard setback variances and coverage relief (31% where 25% is required) to accommodate construction of a new home.**
- **Garage under: There are six examples of garage under homes in the area at 520 South, 37 Sherburne; 15 Haven incorporates a slope down from the paved portion of South Street, as does 161 Elwyn and 181 Elwyn; see also 171 Elwyn. (Latter half of EXHIBIT N).**

The above, in conjunction with the photographs and street scape depict an evolving neighborhood where significant investment in real estate is accompanied by significant

renovation and redevelopment. Because this neighborhood, and indeed most of Portsmouth, is outside the Historic District, the Ordinance does not circumscribe the aesthetics, shape, design, or massing of any such expansion or redevelopment. Regulation is limited to the dimensional requirements which are met by the Project, except for the lot size which is a prior nonconforming condition impossible to remedy.

PART TWO: SUPPLEMENTAL LEGAL ARGUMENT

A. The scope of the ZBA's review is limited.

It has been suggested that the ZBA has the authority to conserve historic structures and/or should fashion conditions to the Project limiting the size of the proposed home given the lot size and lot size/dwelling unit relief requested. Both assertions are contrary to state law and the Portsmouth Zoning Ordinance.

RSA 674:16 enables municipalities to enact zoning ordinances that regulate *uses* of property; the height, number of stories, size and location of buildings and structures on a lot; and yard size, lot coverage, and density. Portsmouth subsequently enacted those regulations and each one is met by the Project save the lot size and lot size/dwelling unit requirement, which cannot be remedied beyond the significant reduction in density by the removal of a unit. State law also dictates the powers of the ZBA to entertain administrative appeals and grant special exceptions, equitable waivers, or variances if the statutory criteria are satisfied. RSA 674:33. This includes authorization of a variance from the requirements of the Ordinance if:

- a. The variance will not be contrary to the public interest
- b. Granting the variance observes the spirit of the ordinance
- c. Substantial justice will be done by granting the variance
- d. Granting the variance will not diminish surrounding property values
- e. Special conditions exist such that literal enforcement of the provisions of the ordinance results in unnecessary hardship.

RSA 674:33, I(a)(2); The Board of Adjustment in NH; PP 11-9, 10 (2022) (emphasis added).

See also Harborside Associates, L. P. v. The Parade Residence Hotel, LLC. 162 NH 508 (2011).

The variances requested by Smith (lot size and lot size/dwelling unit) are the sole matters before the ZBA. Simply put, it is the variances, not the Project, which must meet the criteria of RSA 674:33, I(a)(2). The plain language of RSA 674:16 and 674:33 do not confer authority upon the ZBA to adjudicate the design, features, materials, and aesthetics of the proposed home. Similarly, dimensional aspects of the proposed home which require no variance (height, building

and lot coverage, yards) and design are not subject to review by the ZBA merely because a variance for lot size or lot size/dwelling unit is required.

An owner of a nonconforming home on a nonconforming lot can expand conforming parts of the structure without any variance or review by the ZBA. §PZO 10.321. Accordingly, Smith could remove his garage and construct a conforming addition as long and as tall as the dimensional requirements permit without any variance whatsoever. The same result should be required here, where Smith will remove a significantly nonconforming duplex structure (**EXHIBIT M**) on a substandard lot with no parking and replace it with a permitted fully dimensionally compliant single family home with incorporated parking.

The Ordinance is the overarching regulation informing the activities of at least three land use boards: the ZBA, the Planning Board, and the Historic District Commission. Furthermore, the establishment of Historic District Commissions (HDC) is also a result of RSA 674:46, which enables a municipality to layout and define a historic district. However, it is *only within a historic district* that the municipality, *through the HDC*, can regulate the construction, demolition, alteration, or repair of such structures. See also PZO §10.631. As a matter of law, general language in the Ordinance regarding the preservation of the historic district, and buildings or structures of historic or architectural interest does not confer authority upon the ZBA to entertain those items in contravention of RSA 674:33 nor does it confer any board with the authority to regulate design features of a new home outside a Historic District when it conforms with all other dimensional requirements. Accordingly, the ZBA's focus on the size and design of the dimensionally compliant residence in a residential zone is misplaced.

The ZBA does have the authority to adjudicate matters *within its jurisdiction* and this includes the authority to attach reasonable conditions to any variance approval when necessary to preserve the spirit of the Ordinance. (emphasis added). Vlahos Realty Company v. Little Boar's Head District, 101 N.H. 460(1957); See also PZO §10.233.70. All of the variance criteria are met by the Project which radically improves lot size/dwelling unit *and* parking with a 50% reduction from two dwellings (with no off street parking where four spaces are required) to one dwelling requiring two off street parking spaces which are provided. The Project significantly improves existing conditions by proposing a compliant home greatly increasing air, light, space, and separation between neighbors where none now exist. The Project reduces building coverage from 35% to a compliant 25%. At 42%, open space is well above the minimum 30%. Height is

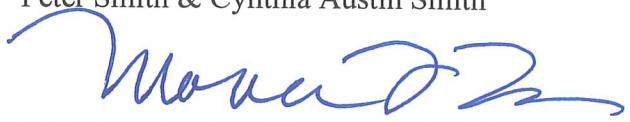
conservatively measured and compliant as discussed in detail *supra*. Accordingly, there are no reasonable conditions within the ZBA's authority which are necessary to preserve the spirit of the Ordinance or meet any of the other statutory criteria. Furthermore, the ZBA is without the authority to go beyond the Ordinance and regulate building design and mass, or impose greater dimensional requirements. The building envelope is proportionately tied to the size of the lot so by complying dimensionally with a 5,000 s.f. lot, the structure Project is already proportionate to the lot. Clearly, the Project complies with all dimensional requirements save the lot size and lot size/dwelling unit which cannot be remedied by any conditions.

III. CONCLUSION

For these reasons, Peter and Cynthia Smith respectfully request that the Portsmouth Zoning Board of Adjustment the requested lot size/lot size per dwelling unit variance.

Respectfully submitted,
Peter Smith & Cynthia Austin Smith

By:



R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire

OWNER & APPLICANT:
 CYNTHIA AUSTIN SMITH &
 PETER SMITH
 9 KENT STREET
 PORTSMOUTH, NH 03801
 (617) 803-2109

CIVIL ENGINEER & LAND SURVEYOR:

AMBIT ENGINEERING, INC.
 200 GRIFFIN ROAD, UNIT 3
 PORTSMOUTH, N.H. 03801
 TEL. (603) 430-9282
 FAX (603) 436-2315

ATTORNEY:

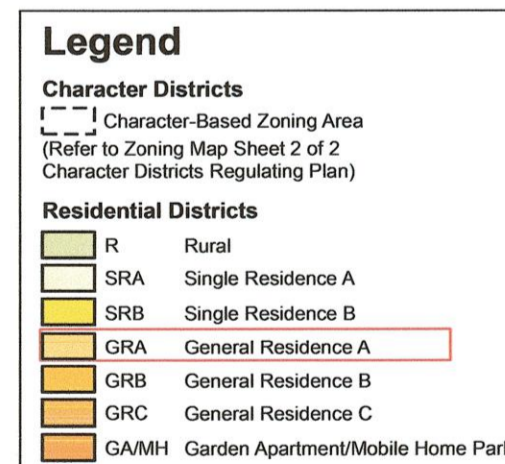
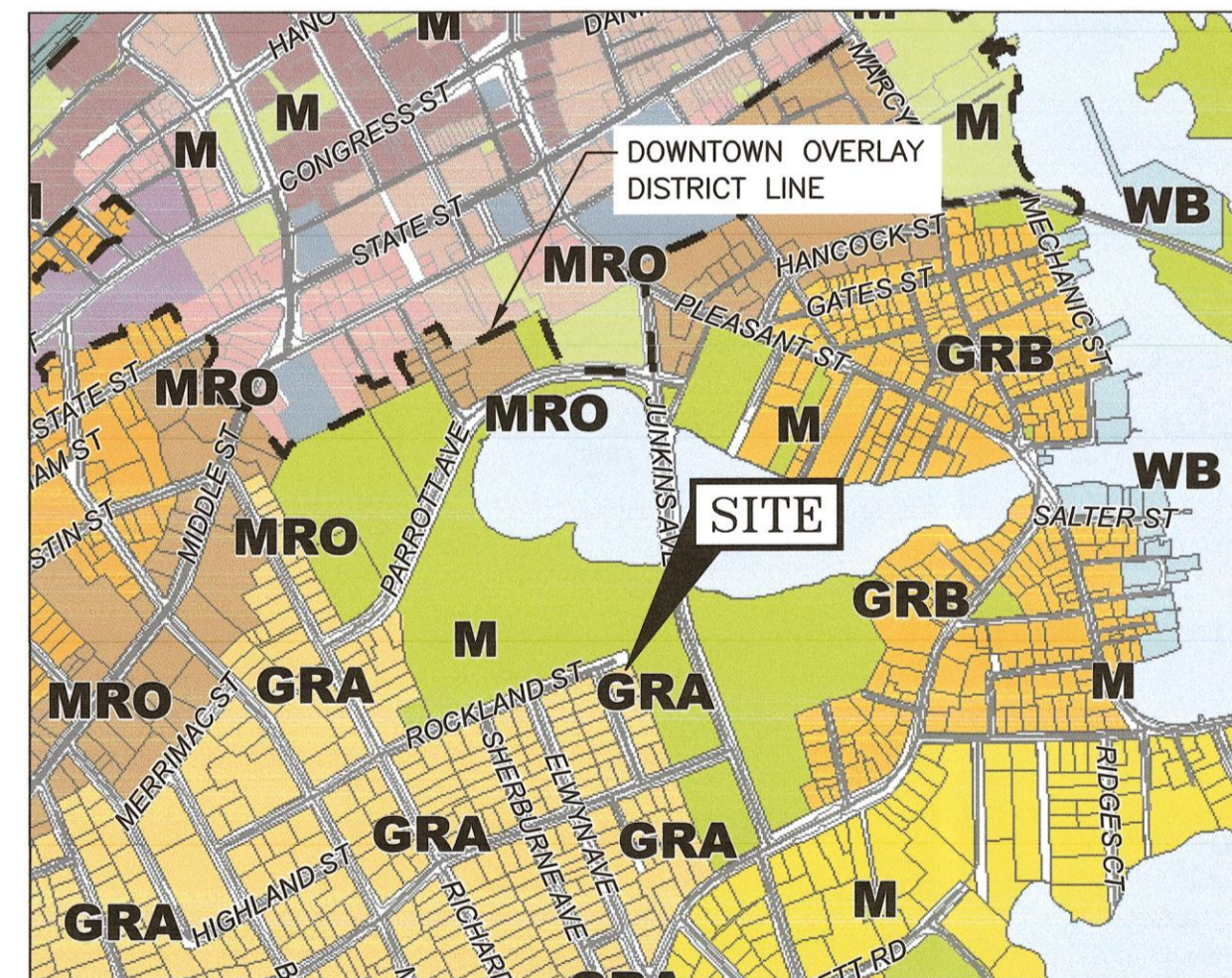
HOEFLE, PHOENIX, GORMLEY &
 ROBERTS, PLLC
 127 PARROTT AVENUE
 PORTSMOUTH, NH 03801
 TEL. (603) 436-0666
 FAX (603) 431-0879

LANDSCAPE ARCHITECT:

WOODBURN & COMPANY LANDSCAPE
 ARCHITECTURE, LLC
 103 KENT PLACE
 NEWMARKET, N.H. 03857
 TEL. (603) 659-5949
 FAX (603) 659-5939

ARCHITECT:

SOMMA STUDIOS
 30 MAPLEWOOD AVENUE
 PORTSMOUTH NH 03801
 TEL. (617) 766-3760
 FAX (617) 766-3761



STRUCTURE REPLACEMENT

SMITH RESIDENCE

9 - 11 KENT STREET, PORTSMOUTH, NEW HAMPSHIRE

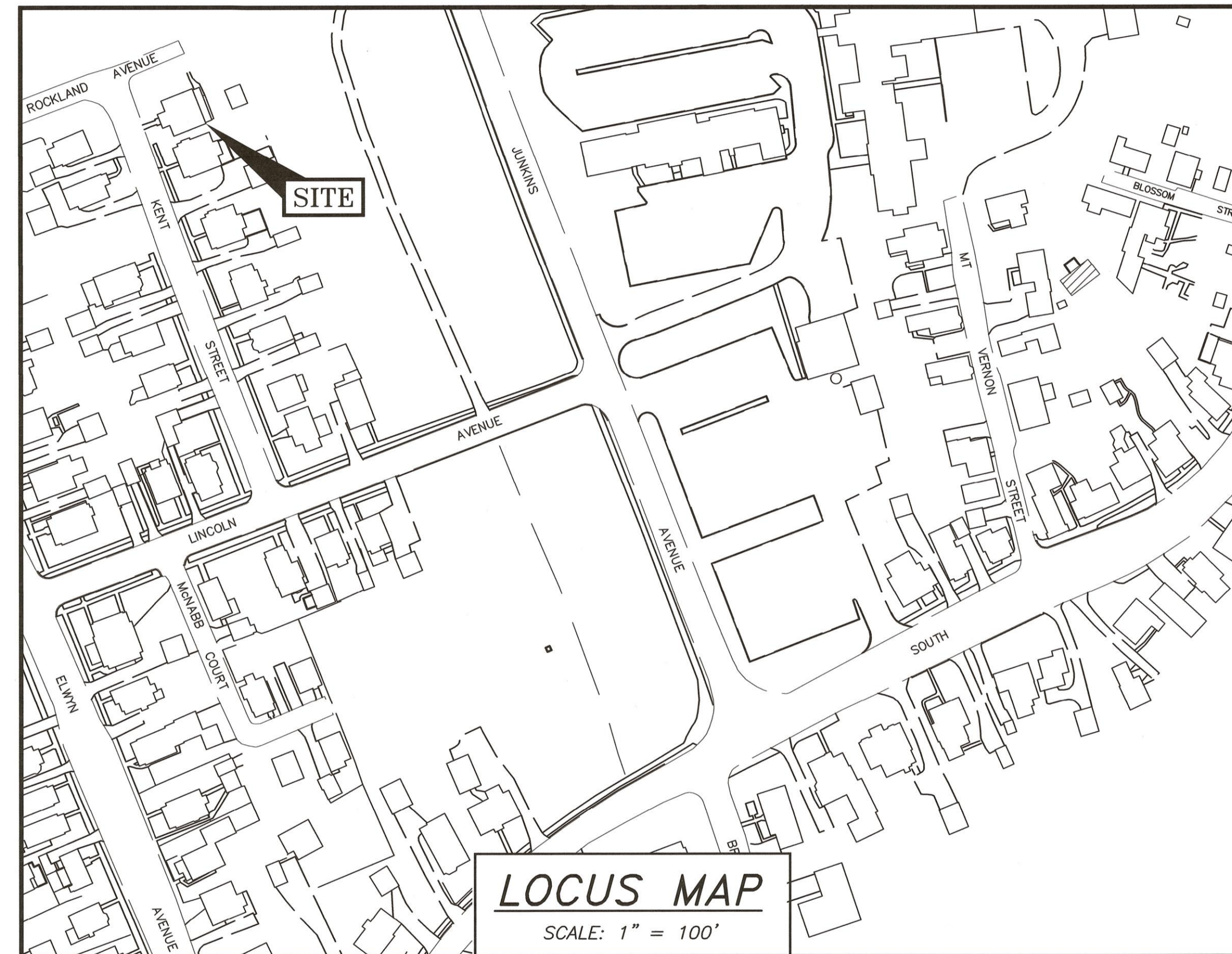
PERMIT PLANS

EXHIBIT H

PERMIT LIST:
 PORTSMOUTH ZONING BOARD: PENDING
 PORTSMOUTH DRIVEWAY PERMIT: PENDING
 PORTSMOUTH TREES AND GREENERY: PENDING

LEGEND:

EXISTING	PROPOSED	
---	---	PROPERTY LINE
---	---	SETBACK
S	S	SEWER PIPE
SL	SL	SEWER LATERAL
G	G	GAS LINE
D	D	STORM DRAIN
W	W	WATER LINE
WS	WS	WATER SERVICE
UGE	UGE	UNDERGROUND ELECTRIC
OHW	OHW	OVERHEAD ELECTRIC/WIRES
---	---	FOUNDATION DRAIN
---	---	EDGE OF PAVEMENT (EP)
---	---	CONTOUR
---	---	SPOT ELEVATION
---	---	UTILITY POLE
---	---	WALL MOUNTED EXTERIOR LIGHTS
---	---	TRANSFORMER ON CONCRETE PAD
---	---	ELECTRIC HANDHOLD
---	---	SHUT OFFS (WATER/GAS)
---	---	GATE VALVE
---	---	HYDRANT
---	---	CATCH BASIN
---	---	SEWER MANHOLE
---	---	DRAIN MANHOLE
---	---	TELEPHONE MANHOLE
---	---	PARKING SPACE COUNT
---	---	PARKING METER
---	---	LANDSCAPED AREA
---	---	TO BE DETERMINED
---	---	CAST IRON PIPE
---	---	COPPER PIPE
---	---	DUCTILE IRON PIPE
---	---	POLYVINYL CHLORIDE PIPE
---	---	REINFORCED CONCRETE PIPE
---	---	ASBESTOS CEMENT PIPE
---	---	VITRIFIED CLAY PIPE
---	---	EDGE OF PAVEMENT
---	---	ELEVATION
---	---	FINISHED FLOOR
---	---	INVERT
---	---	SLOPE FT/FT
---	---	TEMPORARY BENCH MARK
---	---	TYPICAL



INDEX OF SHEETS

DWG. No.	Description
-	STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY
C1	DEMO PLAN
C2	VARIANCE PLAN
C3	GRADING PLAN
L1	LANDSCAPE PLAN

UTILITY CONTACTS

ELECTRIC:
 EVERSOURCE
 1700 LAFAYETTE ROAD
 PORTSMOUTH, N.H. 03801
 Tel. (603) 436-7708, Ext. 555.5678
 ATTN: MICHAEL BUSBY, P.E. (MANAGER)

SEWER & WATER:
 PORTSMOUTH DEPARTMENT OF PUBLIC WORKS
 680 PEVERLY HILL ROAD
 PORTSMOUTH, N.H. 03801
 Tel. (603) 427-1530
 ATTN: JIM TOW

NATURAL GAS:
 UNITIL
 325 WEST ROAD
 PORTSMOUTH, N.H. 03801
 Tel. (603) 294-5144
 ATTN: DAVE BEAULIEU

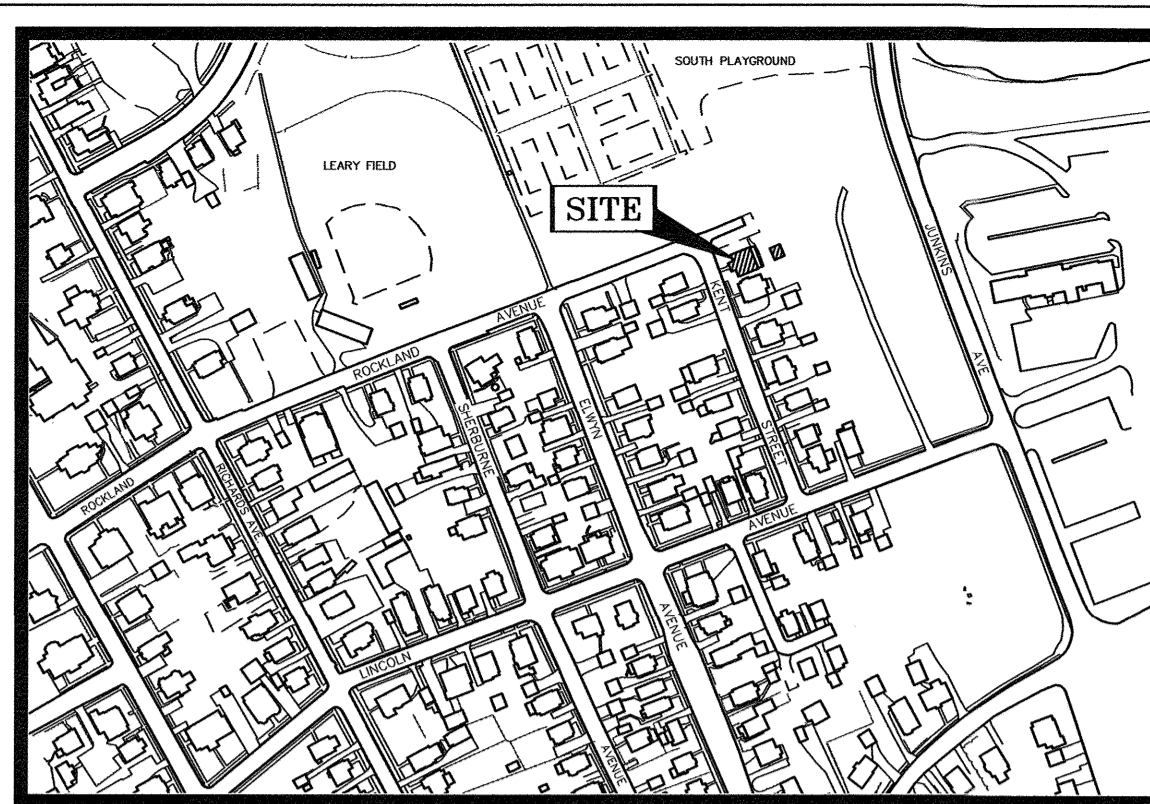
COMMUNICATIONS:
 FAIRPOINT COMMUNICATIONS
 JOE CONSIDINE
 1575 GREENLAND ROAD
 GREENLAND, N.H. 03840
 Tel. (603) 427-5525

CABLE:
 COMCAST
 155 COMMERCE WAY
 PORTSMOUTH, N.H. 03801
 Tel. (603) 679-5695 (X1037)
 ATTN: MIKE COLLINS

STRUCTURE REPLACEMENT
SMITH RESIDENCE
9 - 11 KENT STREET
PORTSMOUTH, N.H.

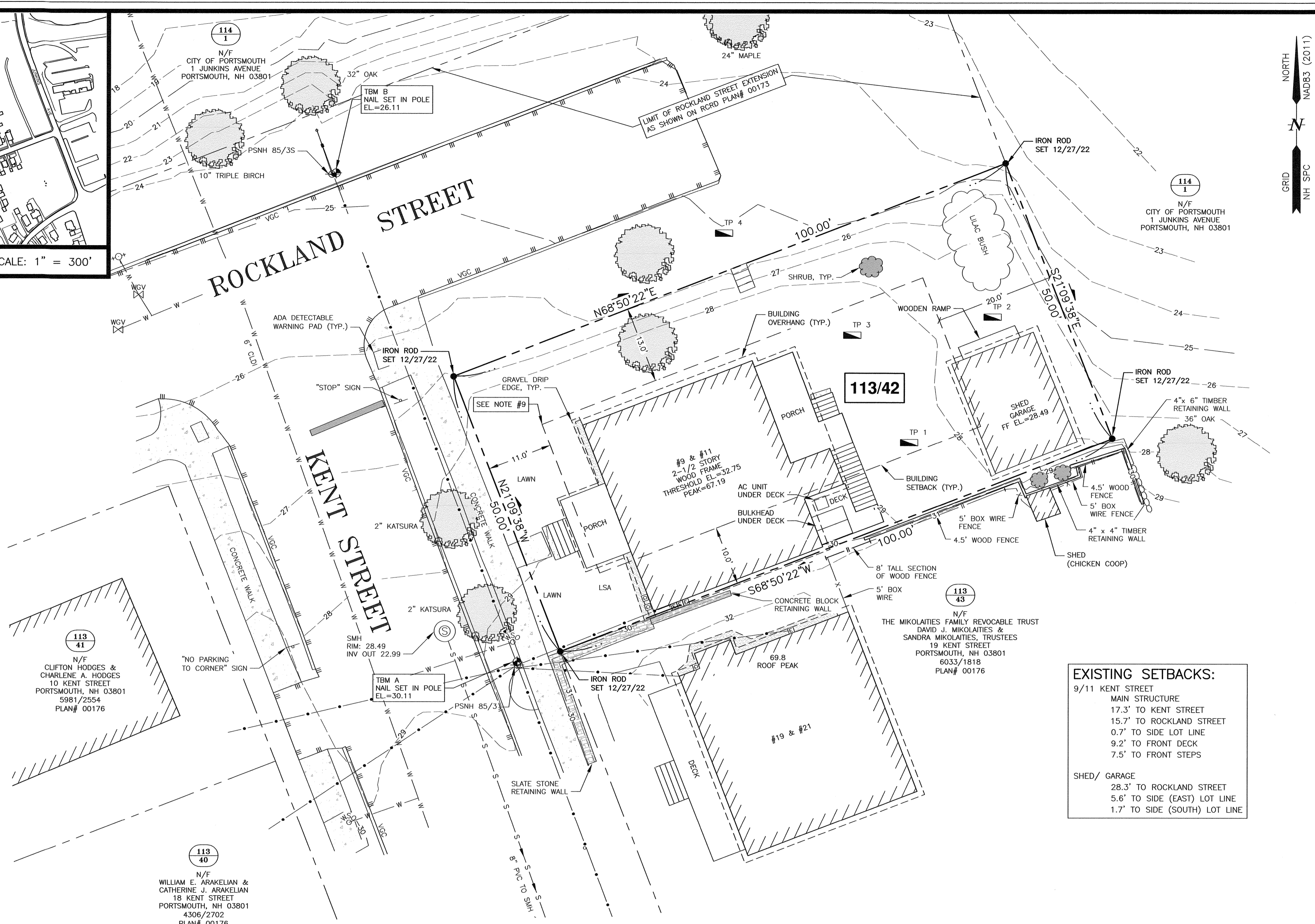
AMBIT ENGINEERING, INC.
 Civil Engineers & Land Surveyors
 200 Griffin Road - Unit 3
 Portsmouth, N.H. 03801-7114
 Tel (603) 430-9282
 Fax (603) 436-2315

- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 113 AS LOT 42.
 - 2) OWNERS OF RECORD:
CYNTHIA AUSTIN SMITH &
PETER SMITH
9 KENT STREET
PORTSMOUTH, NH 03801
6358/448
PLAN# 00176
 - 3) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 3301500259F, DATED 1/29/2021.
 - 4) EXISTING LOT AREA:
5,000 S.F.
0.1148 ACRES
 - 5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 7,500 S.F.
FRONTAGE: 100 FEET
SETBACKS:
FRONT: 15 FEET
SIDE: 10 FEET
REAR: 20 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
MAXIMUM BUILDING COVERAGE: 25%
MINIMUM OPEN SPACE: 30%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF A STANDARD BOUNDARY AND TOPOGRAPHIC SURVEY OF ASSESSOR'S MAP 113, LOT 42 IN THE CITY OF PORTSMOUTH.
 - 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
 - 9) IN ACCORDANCE WITH THE PORTSMOUTH ZONING ORDINANCE, ARTICLE 5, SECTION 10.516 FRONT YARD EXCEPTION FOR EXISTING ALIGNMENTS: THE AVERAGE FRONT SETBACK FOR LOT 113/42 ON KENT STREET IS 10' AND AVERAGE FRONT SETBACK ON ROCKLAND STREET IS 13'. MEASUREMENT TO STRUCTURES 18" ABOVE GRADE.



LOCATION MAP SCALE: 1" = 300'

- LEGEND:**
- N/F NOW OR FORMERLY
 - RP RECORD OF PROBATE
 - RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS MAP 11 / LOT 21
 - BOUNDARY
 - SETBACK
 - RAILROAD SPIKE FOUND/SET
 - IRON ROD/PIPE FOUND
 - DRILL HOLE FOUND/SET
 - S SEWER LINE
 - G GAS LINE
 - D STORM DRAIN
 - W WATER LINE
 - OVERHEAD ELECTRIC/WIRES
 - CONTOUR
 - SPOT ELEVATION
 - EDGE OF PAVEMENT (EP)
 - WOODS / TREE LINE
 - UTILITY POLE (w/ GUY)
 - GAS SHUT OFF
 - WATER SHUT OFF/CURB STOP
 - GATE VALVE
 - HYDRANT
 - METER (GAS, WATER, ELECTRIC)
 - SEWER MANHOLE
 - SIGNS
 - ELEVATION
 - FF FINISHED FLOOR
 - TBM TEMPORARY BENCHMARK
 - TYP. TYPICAL
 - VGC VERTICAL GRANITE CURB
 - CCB CAPE COD BERM
 - LSA LANDSCAPED AREA



EXISTING SETBACKS:

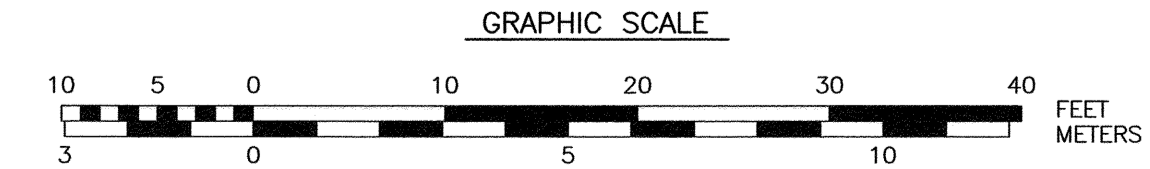
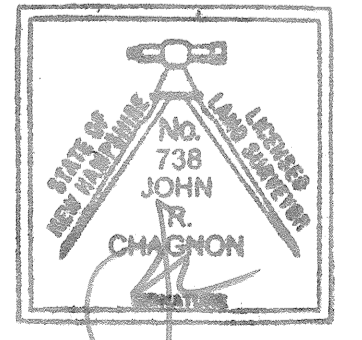
9/11 KENT STREET	
MAIN STRUCTURE	17.3' TO KENT STREET
	15.7' TO ROCKLAND STREET
	0.7' TO SIDE LOT LINE
	9.2' TO FRONT DECK
	7.5' TO FRONT STEPS
SHED/ GARAGE	
	28.3' TO ROCKLAND STREET
	5.6' TO SIDE (EAST) LOT LINE
	1.7' TO SIDE (SOUTH) LOT LINE

PLAN REFERENCES:

- 1) PLAN OF A LOT OF LAND OWNED BY ALFRED L. ELWYN PORTSMOUTH N.H. COMPILED FROM A SURVEY MADE 1899 BY A.C. HOYT C.E. RCRD PLAN# 00176.
- 2) STANDARD BOUNDARY SURVEY TAX MAP 113 - LOT 45 OWNER: MICHAEL T. ROCHE & SUSAN L. JAVUREK, PROPERTY LOCATED AT 45 KENT STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE, SCALE: 1" = 10', DATED: MAY 2002, NOT RECORDED

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JOHN R. CHAGNON, LLS #738 DATE 9.8.23



TEST PIT #1
Date: 11/3/22
Logged by: STEVEN D. RIKER
ESHW: 34"
Observed Water: NONE
Restrictive layer: NONE
REFUSAL: NONE TO 66"
Percolation rate: 10 min./inch

DEPTH	DESCRIPTION
0" - 8"	10 YR 3/2 FINE SANDY LOAM, GRANULAR, FRIABLE
0" - 21"	10 YR 4/3 FINE SANDY LOAM, GRANULAR, FRIABLE
21" - 34"	ASH LAYER
34" - 53"	10 YR 3/4 FINE SANDY LOAM, GRANULAR, FRIABLE
53" - 61"	10 YR 4/6 FINE SANDY LOAM, GRANULAR, FRIABLE
61" - 66"	2.5 YR 5/4 FINE SANDY LOAM, GRANULAR, FRIABLE

TEST PIT #2
Date: 11/3/22
Logged by: STEVEN D. RIKER
ESHW: 57"
Observed Water: NONE
Restrictive layer: NONE
REFUSAL: NONE TO 75"
Percolation rate: 10 min./inch

DEPTH	DESCRIPTION
0" - 6"	10 YR 3/3 FINE SANDY LOAM, GRANULAR, FRIABLE
6" - 26"	10 YR 4/3 FINE SANDY LOAM, GRANULAR, FRIABLE
26" - 57"	ASH LAYER
57" - 75"	10 YR 5/4 FINE SANDY LOAM, GRANULAR, FRIABLE

TEST PIT #3
Date: 11/3/22
Logged by: STEVEN D. RIKER
ESHW: 55"
Observed Water: NONE
Restrictive layer: NONE
REFUSAL: NONE TO 75"
Percolation rate: 10 min./inch

DEPTH	DESCRIPTION
0" - 37"	10 YR 3/3 FINE SANDY LOAM, GRANULAR, FRIABLE
37" - 55"	ASH LAYER
55" - 75"	10 YR 5/4 FINE SANDY LOAM, GRANULAR, FRIABLE

TEST PIT #4
Date: 11/3/22
Logged by: STEVEN D. RIKER
ESHW: 56"
Observed Water: NONE
Restrictive layer: PAN AT 56"
REFUSAL: NONE TO 56"
Percolation rate: 10 min./inch

DEPTH	DESCRIPTION
0" - 5"	10 YR 4/3 FINE SANDY LOAM, GRANULAR, FRIABLE
5" - 18"	ASH LAYER
18" - 27"	10 YR 4/4 FINE SANDY LOAM, GRANULAR, FRIABLE
27" - 56"	2.5 YR 4/4 FINE SANDY LOAM, GRANULAR, FRIABLE
56" - 71"	2.5 YR 4/3 FINE SANDY LOAM, GRANULAR, FRIABLE

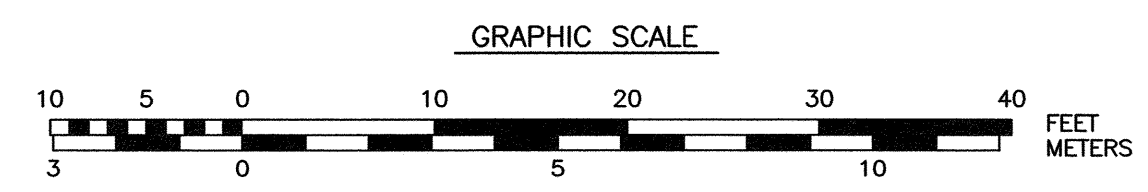
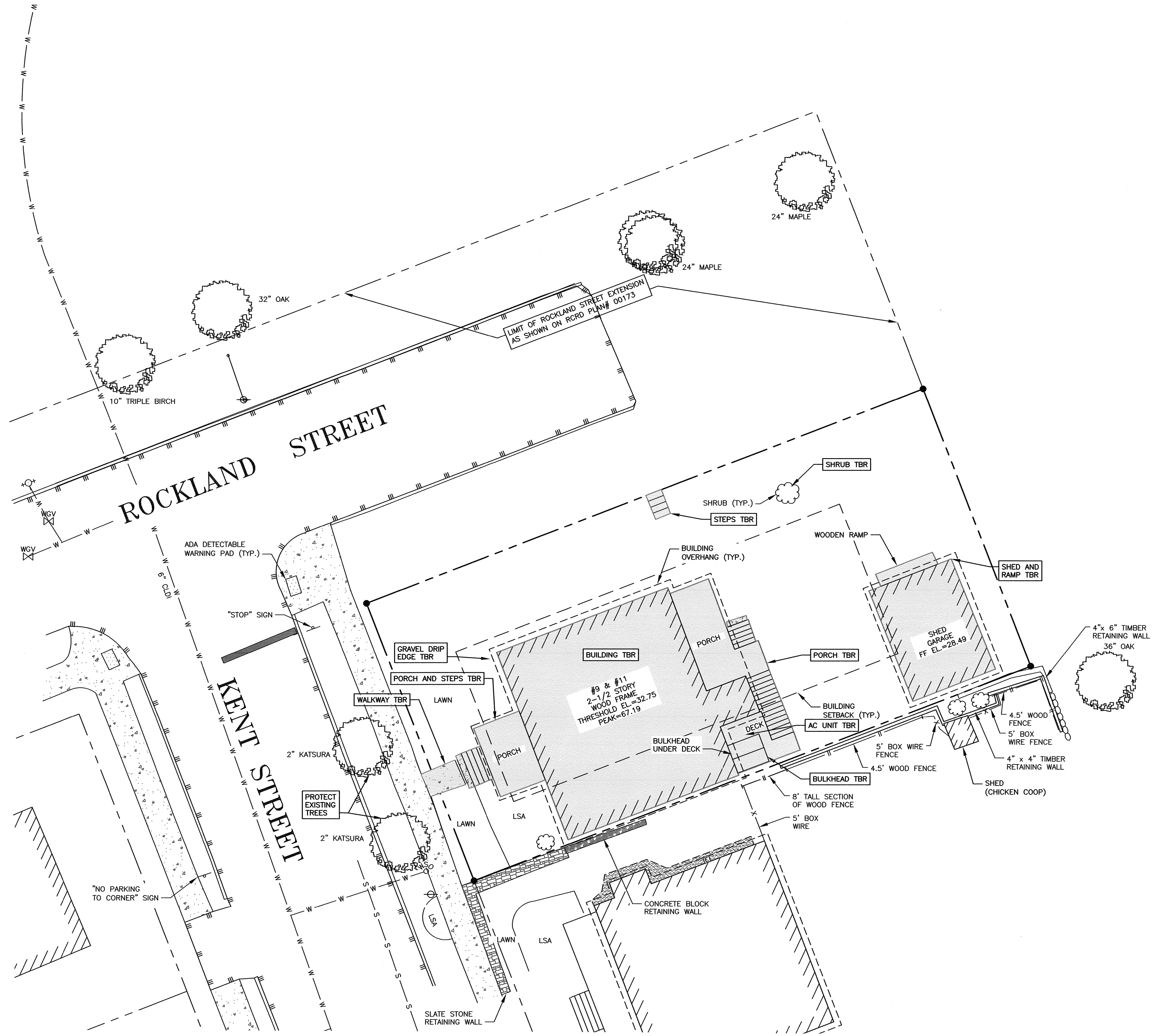
NO.	DESCRIPTION	DATE
4	ADD ABUTTER ROOF PEAK	9/8/23
3	ISSUED FOR APPROVAL	2/7/23
2	MONUMENTS SET	12/27/22
1	TEST PIT INFORMATION	11/10/22
0	ISSUED FOR COMMENT	7/13/22

STANDARD BOUNDARY & TOPOGRAPHIC SURVEY TAX MAP 113 - LOT 42

OWNER:
CYNTHIA AUSTIN SMITH & PETER SMITH
9-11 KENT STREET
CITY OF PORTSMOUTH
COUNTY OF ROCKINGHAM
STATE OF NEW HAMPSHIRE

DEMOLITION NOTES

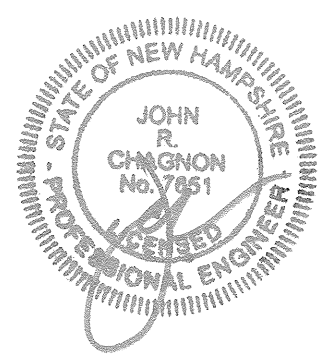
- A) THE LOCATIONS OF UNDERGROUND UTILITIES ARE APPROXIMATE AND THE LOCATIONS ARE NOT GUARANTEED BY THE OWNER OR THE DESIGNER. IT IS THE CONTRACTORS' RESPONSIBILITY TO LOCATE UTILITIES AND ANTICIPATE CONFLICTS. CONTRACTOR SHALL REPAIR EXISTING UTILITIES DAMAGED BY THEIR WORK AND RELOCATE EXISTING UTILITIES THAT ARE REQUIRED TO BE RELOCATED PRIOR TO COMMENCING ANY WORK IN THE IMPACTED AREA OF THE PROJECT.
- B) ALL MATERIALS SCHEDULED TO BE REMOVED SHALL BECOME THE PROPERTY OF THE CONTRACTORS UNLESS OTHERWISE SPECIFIED. THE CONTRACTOR SHALL DISPOSE OF ALL MATERIALS OFF-SITE IN ACCORDANCE WITH ALL FEDERAL, STATE, AND LOCAL REGULATIONS, ORDINANCES AND CODES. THE CONTRACTOR SHALL COORDINATE REMOVAL, RELOCATION, DISPOSAL, OR SALVAGE OF UTILITIES WITH THE OWNER AND APPROPRIATE UTILITY COMPANY.
- C) ANY EXISTING WORK OR PROPERTY DAMAGED OR DISRUPTED BY CONSTRUCTION/ DEMOLITION ACTIVITIES SHALL BE REPLACED OR REPAIRED TO THE ORIGINAL EXISTING CONDITIONS BY THE CONTRACTOR AT NO ADDITIONAL COST TO THE OWNER.
- D) THE CONTRACTOR SHALL VERIFY LOCATION OF ALL EXISTING UTILITIES AND CALL DIG SAFE AT LEAST 72 HOURS PRIOR TO THE COMMENCEMENT OF ANY DEMOLITION/CONSTRUCTION ACTIVITIES.
- E) SAWCUT AND REMOVE PAVEMENT ONE FOOT OFF PROPOSED EDGE OF PAVEMENT TRENCH IN AREAS WHERE PAVEMENT IS TO BE REMOVED.
- F) IT IS THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE THEMSELVES WITH THE CONDITIONS OF ALL THE PERMIT APPROVALS.
- G) THE CONTRACTOR SHALL OBTAIN AND PAY FOR ADDITIONAL CONSTRUCTION PERMITS, NOTICES AND FEES NECESSARY TO COMPLETE THE WORK AND ARRANGE FOR AND PAY FOR ANY INSPECTIONS AND APPROVALS FROM THE AUTHORITIES HAVING JURISDICTION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR ANY ADDITIONAL AND OFF-SITE DISPOSAL OF MATERIALS REQUIRED TO COMPLETE THE WORK.
- H) THE CONTRACTOR SHALL REMOVE AND DISPOSE OF ALL EXISTING STRUCTURES, CONCRETE, UTILITIES, VEGETATION, PAVEMENT, AND CONTAMINATED SOIL WITHIN THE WORK LIMITS SHOWN UNLESS SPECIFICALLY IDENTIFIED TO REMAIN. ANY EXISTING DOMESTIC / IRRIGATION SERVICE WELLS IN THE PROJECT AREA IDENTIFIED DURING THE CONSTRUCTION AND NOT CALLED OUT ON THE PLANS SHALL BE BROUGHT TO THE ATTENTION OF THE OWNER AND ENGINEER FOR PROPER CAPPING / RE-USE.
- I) ALL WORK WITHIN THE CITY OF PORTSMOUTH RIGHT OF WAY SHALL BE COORDINATED WITH THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS (DPW).
- J) REMOVE TREES AND BRUSH AS REQUIRED FOR COMPLETION OF WORK. CONTRACTOR SHALL GRUB AND REMOVE ALL SLUMPS WITHIN LIMITS OF WORK AND DISPOSE OF OFF-SITE IN ACCORDANCE WITH FEDERAL, STATE, AND LOCAL LAWS AND REGULATIONS.
- K) CONTRACTOR SHALL PROTECT ALL PROPERTY MONUMENTATION THROUGHOUT DEMOLITION AND CONSTRUCTION OPERATIONS. SHOULD ANY MONUMENTATION BE DISTURBED, THE CONTRACTOR SHALL EMPLOY A NH LICENSED LAND SURVEYOR TO REPLACE THEM.
- L) PROVIDE INLET PROTECTION BARRIERS AT ALL CATCH BASINS WITHIN CONSTRUCTION LIMITS AND MAINTAIN FOR THE DURATION OF THE PROJECT. INLET PROTECTION BARRIERS SHALL BE HIGH FLOW SILT SACK BY ACF ENVIRONMENTAL OR APPROVED EQUAL. INSPECT BARRIERS WEEKLY AND AFTER EACH RAIN OF 0.25 INCHES OR GREATER. CONTRACTOR SHALL COMPLETE A MAINTENANCE INSPECTION REPORT AFTER EACH INSPECTION. SEDIMENT DEPOSITS SHALL BE REMOVED AFTER EACH STORM EVENT OR MORE OFTEN IF WARRANTED OR FABRIC BECOMES CLOGGED. EROSION CONTROL MEASURES SHALL BE INSTALLED PRIOR TO THE START OF ANY CLEARING OR DEMOLITION ACTIVITIES.
- M) THE CONTRACTOR SHALL PAY ALL COSTS NECESSARY FOR TEMPORARY PARTITIONING, BARRICADING, FENCING, SECURITY AND SAFETY DEVICES REQUIRED FOR THE MAINTENANCE OF A CLEAN AND SAFE CONSTRUCTION SITE.
- N) ANY CONTAMINATED MATERIAL REMOVED DURING THE COURSE OF THE WORK WILL REQUIRE HANDLING IN ACCORDANCE WITH NHDES REGULATIONS. CONTRACTOR SHALL HAVE A HEALTH AND SAFETY PLAN IN PLACE, AND COMPLY WITH ALL APPLICABLE PERMITS, APPROVALS, AUTHORIZATIONS, AND REGULATIONS.



- NOTES:**
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY WITHIN 100 FEET OF UNDERGROUND UTILITIES. THE EXCAVATOR IS RESPONSIBLE TO MAINTAIN MARKS. DIG SAFE TICKETS EXPIRE IN THIRTY DAYS.
 - 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).

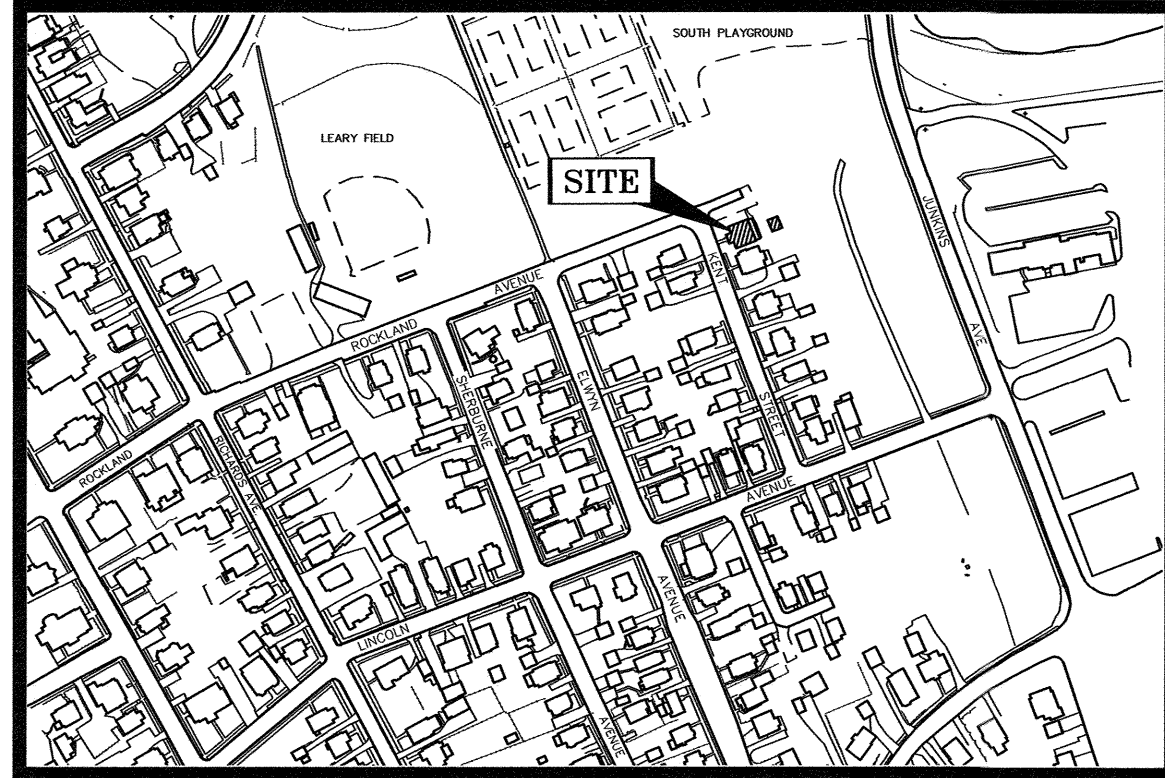
SMITH RESIDENCE
9 KENT STREET
PORTSMOUTH, N.H.

0	ISSUED FOR APPROVAL	7/19/23
NO.	DESCRIPTION	DATE
REVISIONS		



SCALE: 1" = 10' JULY 2023

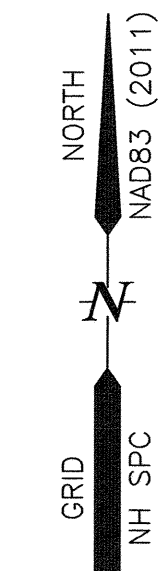
DEMO PLAN **C1**



LOCATION MAP SCALE: 1" = 300'

PROPOSED SETBACKS:
 9 & 11 KENT STREET
 MAIN STRUCTURE
 14.0' TO KENT STREET
 16.0' TO ROCKLAND STREET
 12.0' TO SIDE (SOUTH) LOT LINE
 11.0' TO FRONT (KENT) STEPS

LANDSCAPE WALL:
 1.0' TO ROCKLAND STREET
 0' TO KENT STREET
 4.0' TO SIDE (AND REAR) LOT LINE



- NOTES:**
- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 113 AS LOT 42.
 - 2) OWNERS OF RECORD:
 CYNTHIA AUSTIN SMITH &
 PETER SMITH
 9 KENT STREET
 PORTSMOUTH, NH 03801
 6358/448
 PLAN# 00176
 - 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F, DATED 1/29/2021.
 - 4) EXISTING LOT AREA:
 5,000 S.F.
 0.1148 ACRES
 - 5) PARCEL IS LOCATED IN THE GENERAL RESIDENCE A (GRA) DISTRICT.
 - 6) DIMENSIONAL REQUIREMENTS:
 MIN. LOT AREA: 7,500 S.F.
 FRONTAGE: 100 FEET
 SETBACKS:
 FRONT: 15 FEET
 SIDE: 10 FEET
 REAR: 20 FEET
 MAXIMUM STRUCTURE HEIGHT: 35 FEET
 MAXIMUM BUILDING COVERAGE: 25%
 MINIMUM OPEN SPACE: 30%
 - 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED STRUCTURE AND SITE IMPROVEMENTS ON ASSESSOR'S MAP 113, LOT 42 IN THE CITY OF PORTSMOUTH.
 - 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.

IMPERVIOUS SURFACE AREAS
(TO PROPERTY LINE)

STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	1,075	1,122
GARAGE/SHED	296	0
PORCHES/DECKS/PATIOS/SPA	315	741
STAIRS/RAMP/LANDINGS	111	178
CONCRETE/UTILITY PADS	27	36
DRIVEWAY	0	265
RETAINING WALLS	0	236
WINDOW WELL	0	4
WALKWAYS & SITTING AREA	0	306
TOTAL	1,824	2,888
LOT SIZE	5,000	5,000
% LOT COVERAGE	36.5%	57.8%

EXISTING BUILDING COVERAGE:

MAIN STRUCTURE	1,075 S.F.
GARAGE/SHED	296 S.F.
PORCH/DECKS	315 S.F.
STEPS OVER 18" AG	9 S.F.
FRONT PORCH STEPS	52 S.F.
BACK PORCH/DECK STEPS	1,747 S.F.
TOTAL	1,747 S.F.

BUILDING COVERAGE: 1,747/5000 = 35%

PROPOSED BUILDING COVERAGE:

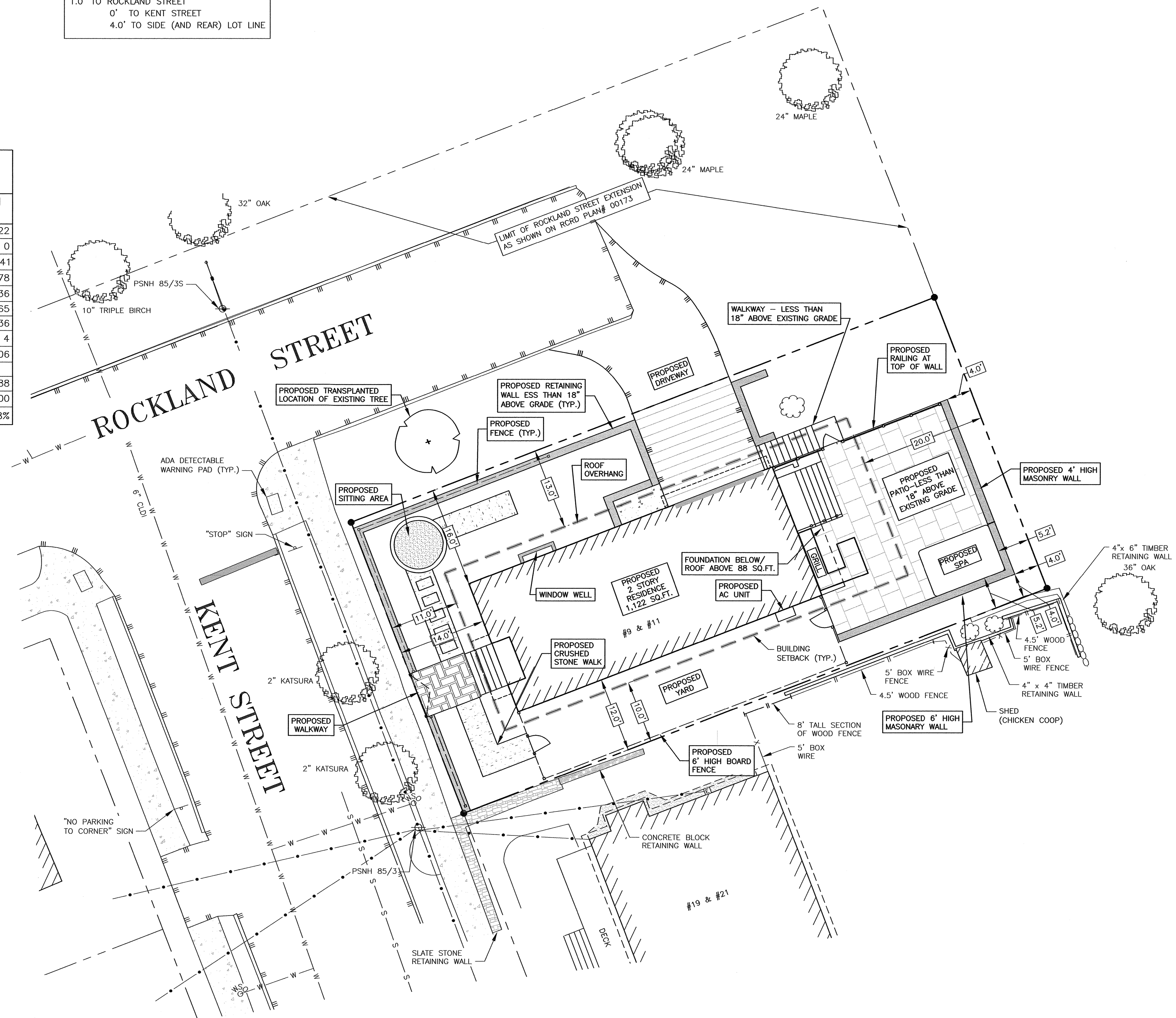
MAIN STRUCTURE	1,122 S.F.
STEPS OVER 18" AG	20 S.F.
FRONT STEPS	34 S.F.
STEPS ON PATIO	88 S.F.
FOUNDATION BELOW PATIO	88 S.F.
TOTAL	1,264 S.F.

BUILDING COVERAGE: 1,264/5000 = 25%

PROPOSED OPEN SPACE CALCULATION:

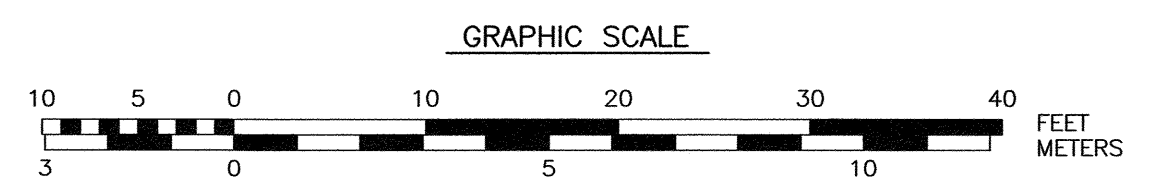
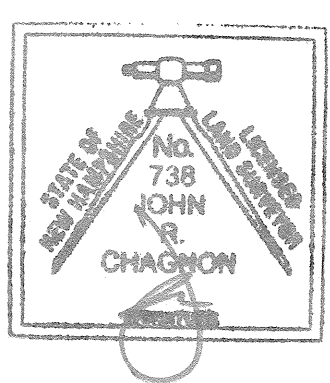
MAIN STRUCTURE	1,122 S.F.
PATIO	741 S.F.
STAIRS/STEPS	178 S.F.
CONCRETE PADS	36 S.F.
DRIVEWAY	265 S.F.
WINDOW WELL	4 S.F.
RETAINING WALLS	236 S.F.
WALKWAY	306 S.F.
TOTAL	2,888 S.F.

COVERAGE: 2,888/5000 = 58% COVERAGE
 100% - 58% = 42% OPEN SPACE



"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

John R. Chagnon
 JOHN R. CHAGNON, LLS #738 DATE 7-8-23



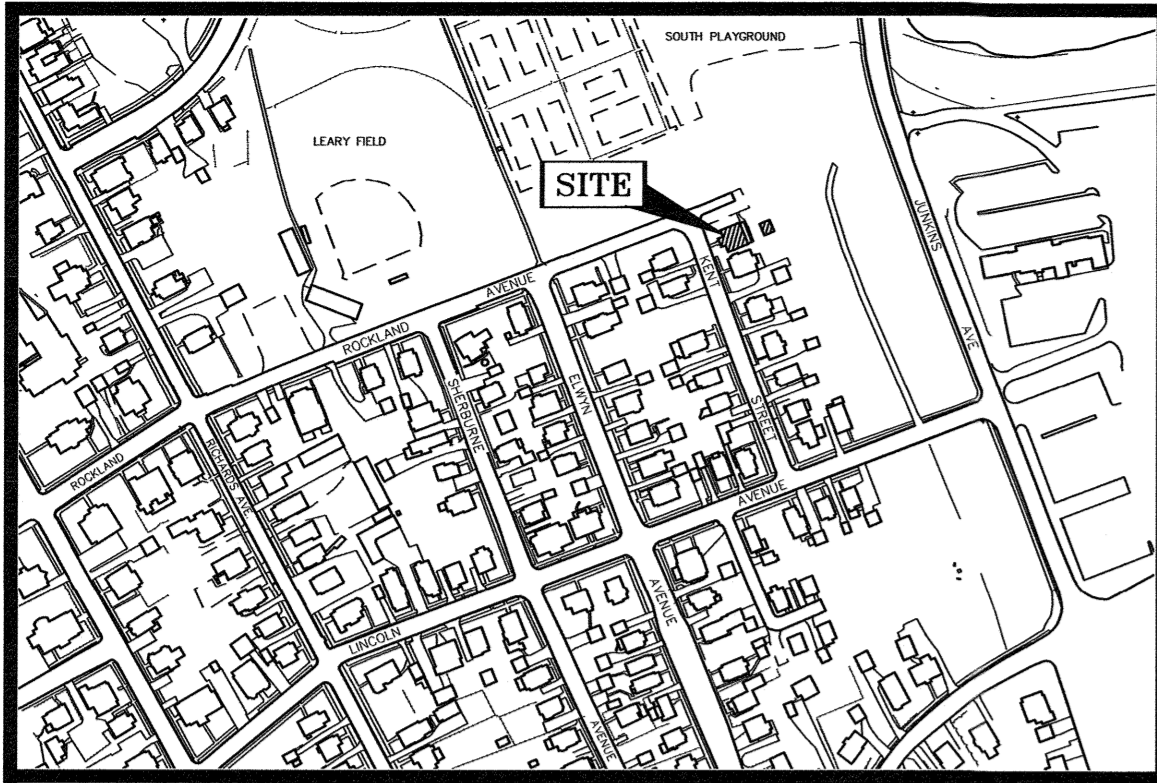
SMITH RESIDENCE
9 KENT STREET
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
1	ADDED GRILL AREA	9/8/23
0	ISSUED FOR COMMENT	7/19/23

REVISIONS

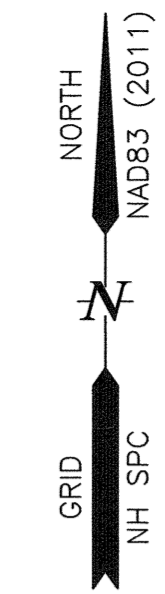
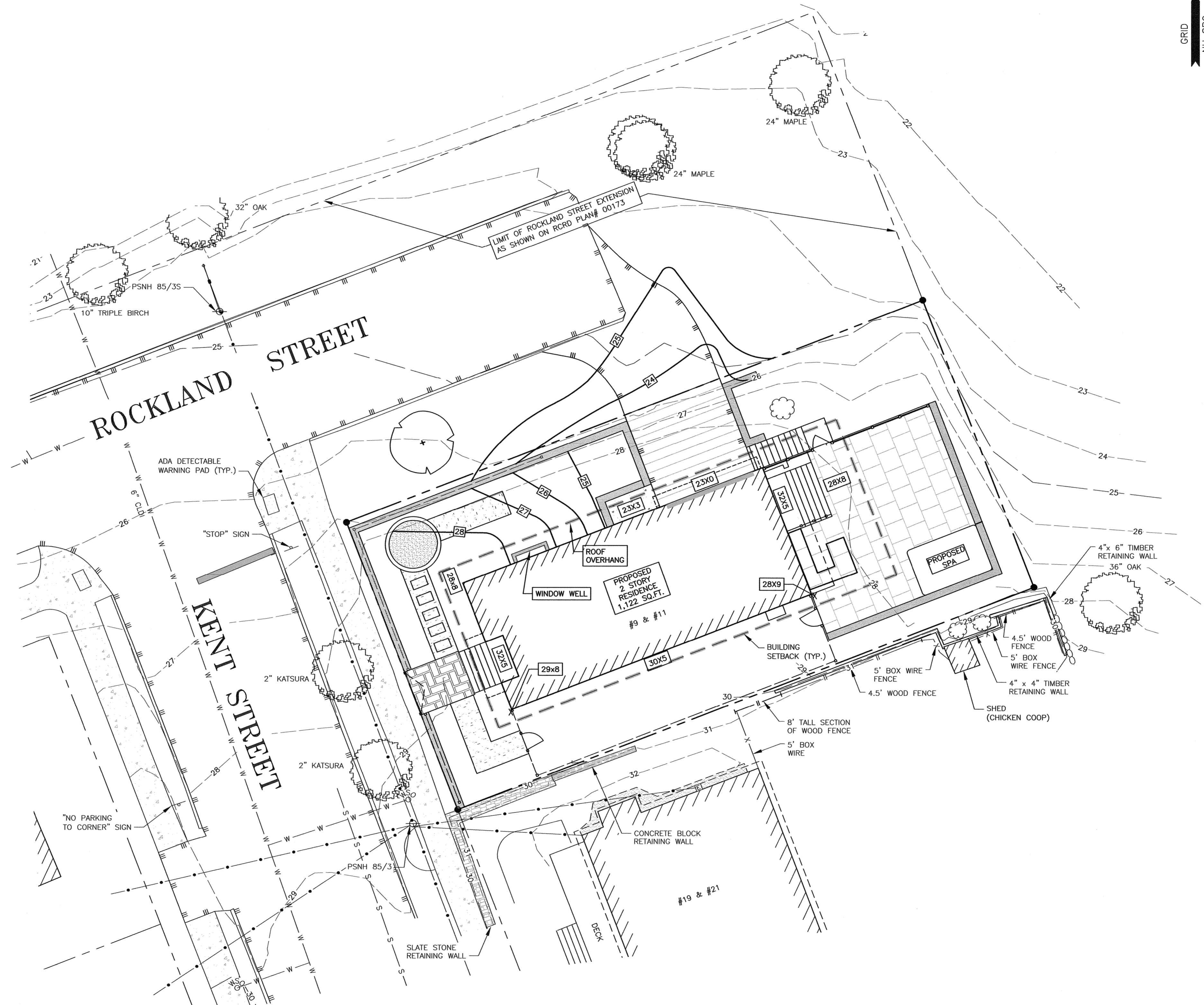
SCALE: 1" = 10' JULY 2023

VARIANCE PLAN **C2**



LOCATION MAP

SCALE: 1" = 300'

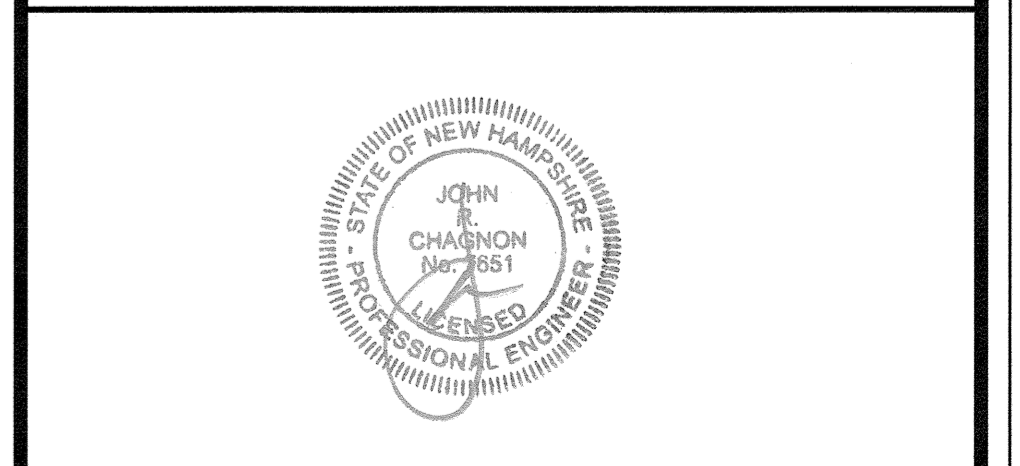


NOTES:

- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY WITHIN 100 FEET OF UNDERGROUND UTILITIES. THE EXCAVATOR IS RESPONSIBLE TO MAINTAIN MARKS. DIG SAFE TICKETS EXPIRE IN THIRTY DAYS.
- 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
- 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).

**SMITH RESIDENCE
9 KENT STREET
PORTSMOUTH, N.H.**

NO.	DESCRIPTION	DATE
2	GRADING TO NEW LAYOUT	9/8/23
1	DRAINAGE	3/1/23
0	ISSUED FOR APPROVAL	2/7/23

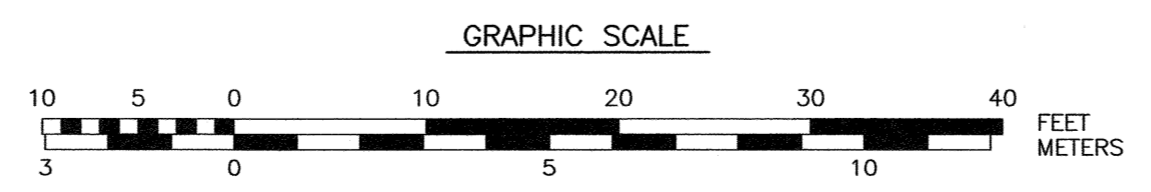
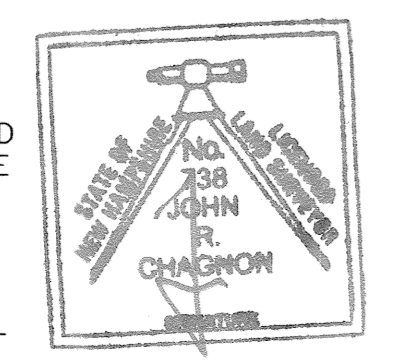


SCALE: 1" = 10' FEBRUARY 2023

DRAINAGE & GRADING PLAN **C3**

"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."

JRC
JOHN R. CHAGNON, LLS #738 DATE 9-8-23

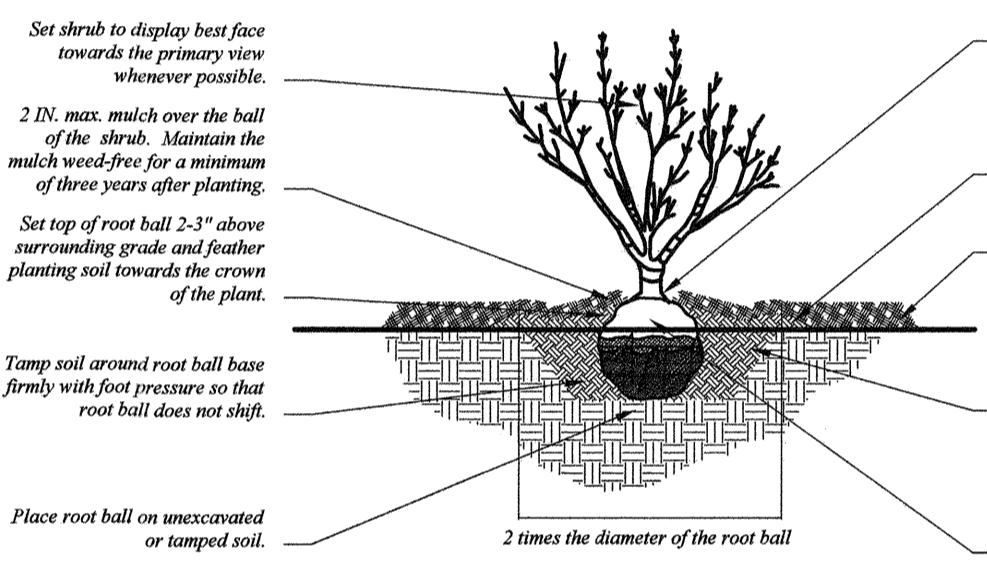


P:\NH\010188-Peier_Smith\3492-Kent St., Portsmouth-JRC\3492\2023_Survey\Plans & Specs\Site\3492_Site_2023.dwg, 9/11/2023 10:11:35 AM, Portsmouth Plotter Color TX3000.pcs

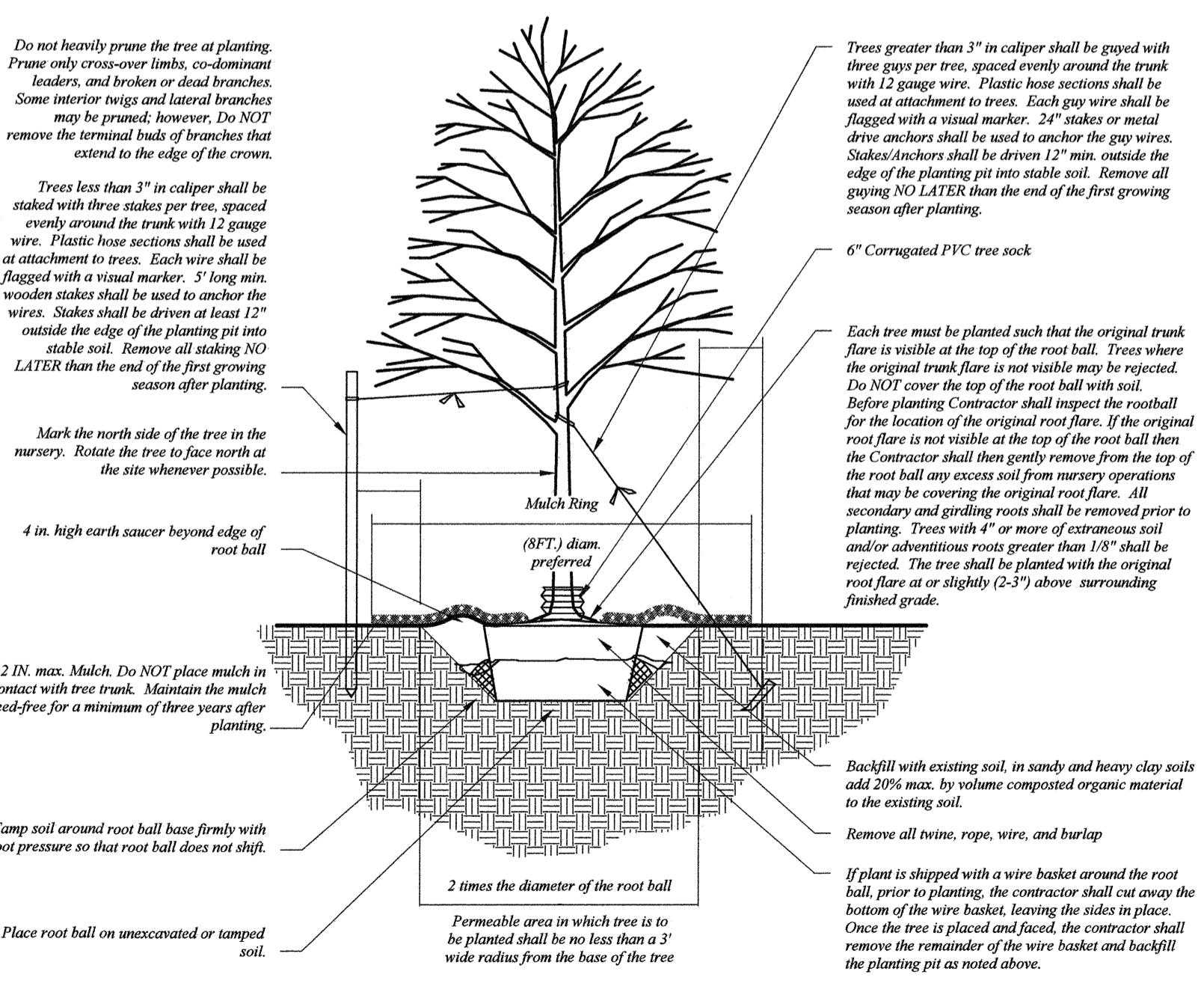
Landscape Notes

- Design is based on Engineering drawings by Ambit Engineering, Inc. received 07-13-2023 and Architectural Drawings by Somma Studios. Drawings may require adjustment due to actual field conditions.
- This plan is FOR REVIEW purposes ONLY, NOT for Construction. Construction Documents will be provided upon request.
- The contractor shall follow best management practices during construction and shall take all means necessary to stabilize and protect the site from erosion.
- Erosion Control shall be in place prior to construction.
- Erosion Control shall comply with State and Local Erosion & Sedimentation Control Practices
- The Contractor shall verify layout and grades and inform the Landscape Architect or Client's Representative of any discrepancies or changes in layout and/or grade relationships prior to construction.
- It is the contractor's responsibility to verify drawings provided are to the correct scale prior to any bid, estimate or installation. A graphic scale bar has been provided on each sheet for this purpose. If it is determined that the scale of the drawing is incorrect, the landscape architect will provide a set of drawings at the correct scale, at the request of the contractor.
- Trees to Remain within the construction zone shall be protected from damage for the duration of the project by snow fence or other suitable means of protection to be approved by Landscape Architect or Client's Representative. Snow fences shall be located at the drip line or at the distance in feet from the trunk equal to the diameter of the tree caliper in inches, whichever is greater, and shall be expanded to include any and all surface roots. Do not fill or mulch on the trunk flare. Do not disturb roots. In order to protect the integrity of the roots, branches, trunk and bark of the tree(s) no vehicles or construction equipment shall drive or park in or on the area within the drip line(s) of the tree(s). Do not store any refuse or construction materials or portalets within the tree protection area.
- Location, support, protection, and restoration of all existing utilities and appurtenances shall be the responsibility of the Contractor.
- The Contractor shall verify exact location and elevation of all utilities with the respective utility owners prior to construction. Call DIGSAFE at 811 or 888-DIG-SAFE (1-888-344-7233.)
- The Contractor shall procure any required permits prior to construction.
- Prior to any landscape construction activities Contractor shall test all existing loam and loam from off-site intended to be used for lawns and plant beds using a thorough sampling throughout the supply. Soil testing shall indicate levels of pH, nitrates, macro and micro nutrients, texture, soluble salts, and organic matter. Contractor shall amend all soils to be used for lawns and plant beds per testing results' recommendations and review with Landscape Architect. All loam to be used on site shall be amended as approved by the Landscape Architect prior to placement.
- Contractor shall notify landscape architect or owner's representative immediately if at any point during demolition or construction a site condition is discovered which may negatively impact the completed project. This includes, but is not limited to, unforeseen drainage problems, unknown subsurface conditions, and discrepancies between the plan and the site. If a Contractor is aware of a potential issue and does not bring it to the attention of the Landscape Architect or Owner's Representative immediately, they may be responsible for the labor and materials associated with correcting the problem.
- The Contractor shall furnish and plant all plants shown on the drawings and listed therein. All plants shall be nursery-grown under climatic conditions similar to those in the locality of the project. Plants shall conform to the botanical names and standards of size, culture, and quality for the highest grades and standards as adopted by the American Association of Nurserymen, Inc. in the American Standard of Nursery Stock, American Standards Institute, Inc. 230 Southern Building, Washington, D.C. 20005.
- A complete list of plants, including a schedule of sizes, quantities, and other requirements is shown on the drawings. In the event that quantity discrepancies or material omissions occur in the plant materials list, the planting plans shall govern.
- All plants shall be legibly tagged with proper botanical name.
- Owner or Owner's Representative will inspect plants upon delivery for conformity to Specification requirements. Such approval shall not affect the right of inspection and rejection during or after the progress of the work. The Owner reserves the right to inspect and/or select all trees at the place of growth and reserves the right to approve a representative sample of each type of shrub, herbaceous perennial, annual, and ground cover at the place of growth. Such sample will serve as a minimum standard for all plants of the same species used in this work.
- No substitutions of plants may be made without prior approval of the Owner or the Owner's Representative for any reason.
- All landscaping shall be provided with the following:
 - Outside hose attachments spaced a maximum of 150 feet apart, and
 - An underground irrigation system, or
 - A temporary irrigation system designed for a two-year period of plant establishment.
- If an automatic irrigation system is installed, all irrigation valve boxes shall be located within planting bed areas.
- The contractor is responsible for all plant material from the time their work commences until final acceptance. This includes but is not limited to maintaining all plants in good condition, the security of the plant material once delivered to the site, watering of plants, including seeding and weeding. Plants shall be appropriately watered prior to, during, and after planting. It is the Contractor's responsibility to provide clean water suitable for plant health from off site, should it not be available on site.
- All disturbed areas will be dressed with 6" of loam and planted as noted on the plans or seeded except plant beds. Plant beds shall be prepared to a depth of 12" with 75% loam and 25% compost.
- Trees, ground cover, and shrub beds shall be mulched to a depth of 2" with one-year-old, well-composted, shredded native bark not longer than 4" in length and 3/4" in width, free of woodchips and sawdust. Mulch for ferns and herbaceous perennials shall be no longer than 1" in length. Trees in lawn areas shall be mulched in a 5' diameter min. saucer. Color of mulch shall be black.
- Drip strip shall extend to 6" min. beyond roof overhang and shall be edged with 3/16" thick metal edger.
- In no case shall mulch touch the stem of a plant nor applied mulch ever be more than 3" thick total (including previously applied mulch) over the root ball of any plant.
- Secondary lateral branches of deciduous trees overhanging vehicular and pedestrian travel ways shall be pruned up to a height of 8' to allow clear and safe passage of vehicles and pedestrians under tree canopy. Shrubs and ornamental plantings adjacent to vehicular travel way shall not exceed three feet in height where sightlines would be blocked. If pruning is necessary to maintain the required maximum height, plants shall be pruned to a natural form and shall not be sheared.
- Snow shall be stored a minimum of 5' from shrubs and trunks of trees.
- The Landscape Contractor shall guarantee all lawns and plant materials for a period of not fewer than one year. Dead, dying, or diseased planting shall be removed and replaced within the growing season.
- Landscape Architect is not responsible for the means and methods of the Contractor.

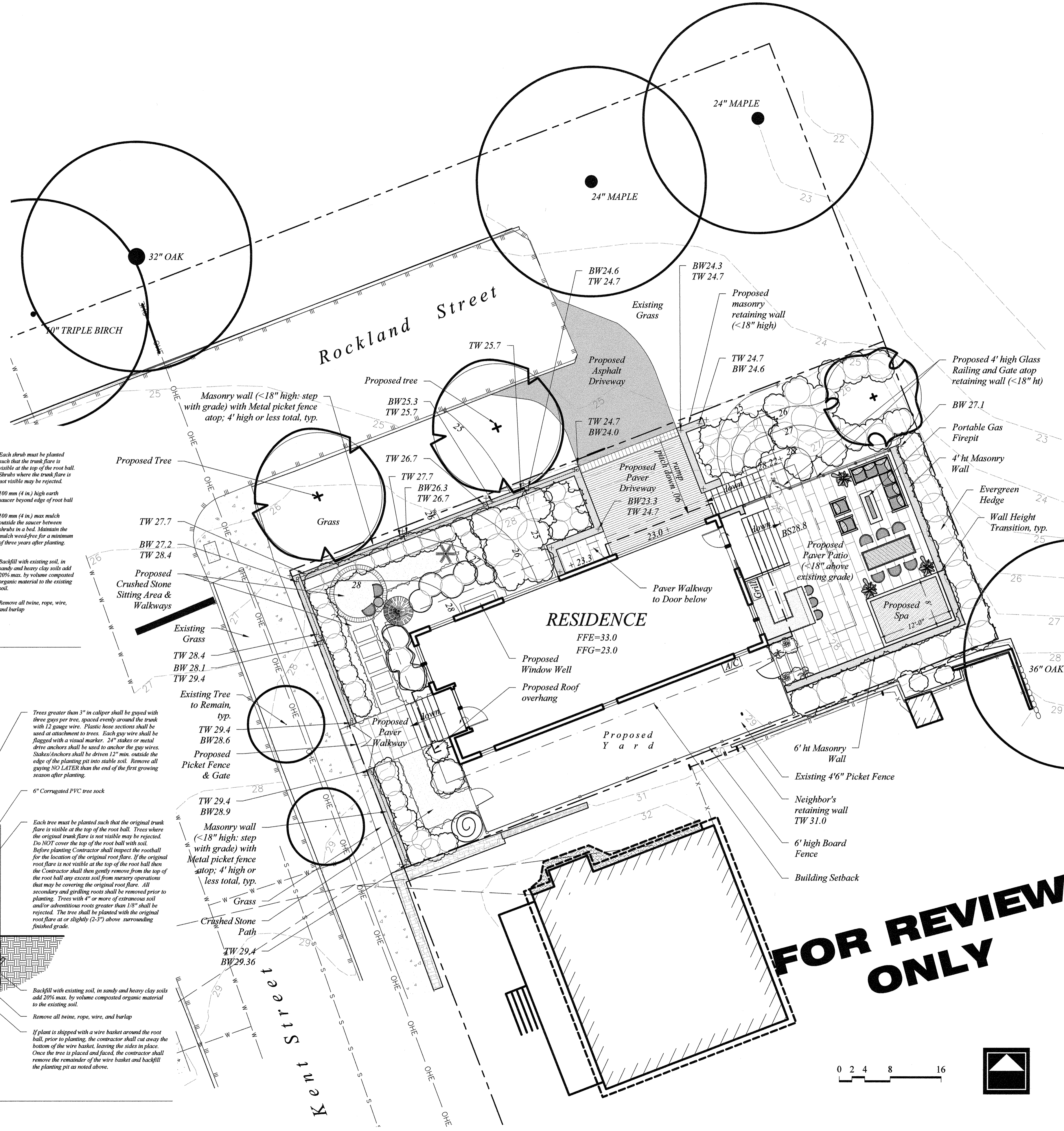
Plant List TBD



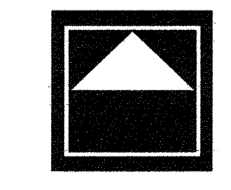
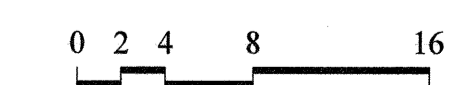
Shrub Planting Detail
Scale: NTS



Tree Planting Detail
Scale: NTS



FOR REVIEW ONLY



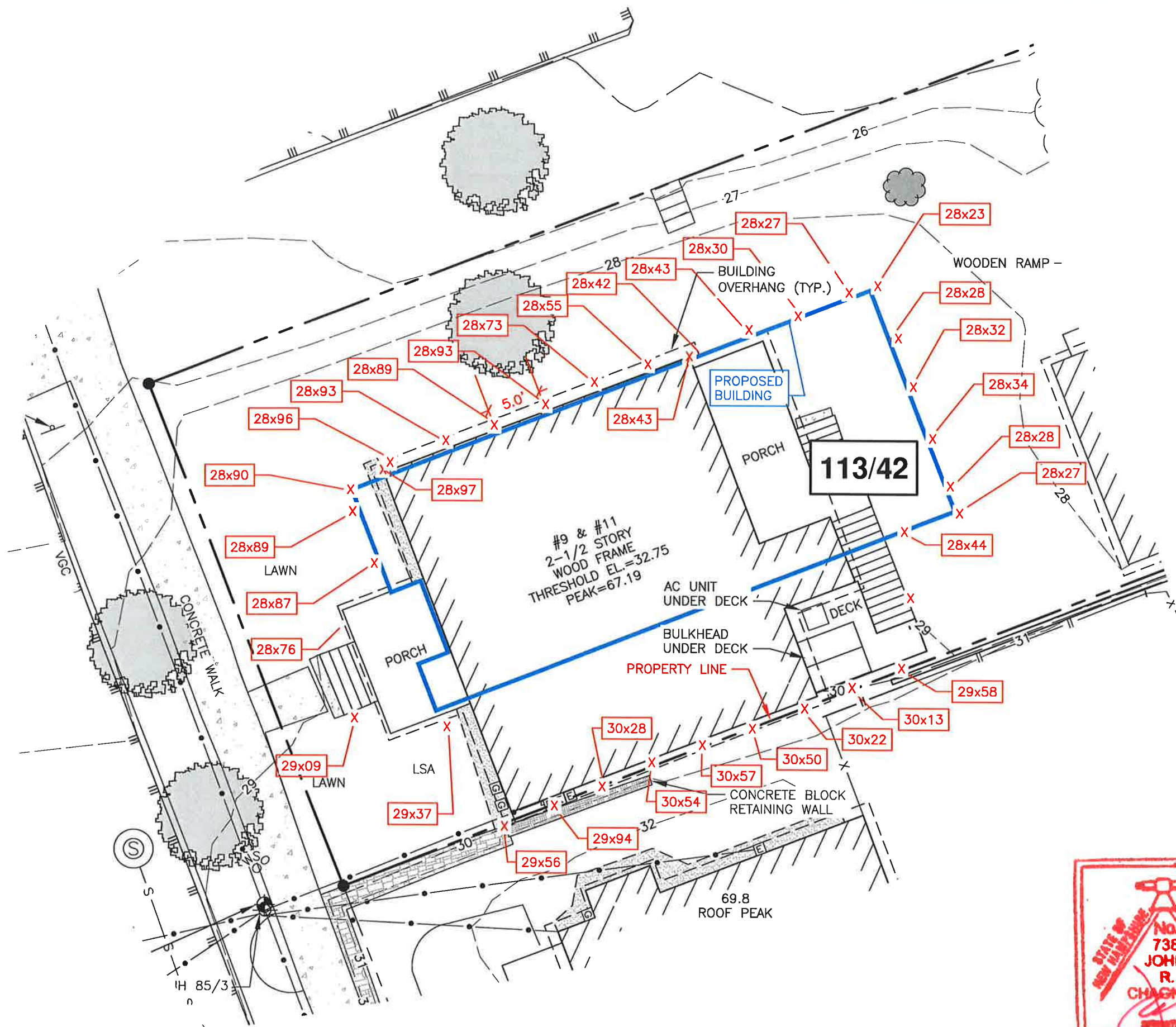
woodburn & company
LANDSCAPE ARCHITECTURE
103 Kent Place
Nhammarket, New Hampshire
Phone: 603.659.5949

Smith Residence
LANDSCAPE PLAN
9 Kent Street, Portsmouth, New Hampshire

Drawn By:	WSA
Checked By:	RW
Scale:	1"=10'-0"
Date:	2023-08-06
Revisions:	

L-IL
Sheet 1 of 1
© 2023 Woodburn & Company Landscape Architecture, LLC

P:\NH\5010188-Peter_Smith\3492-Kent St., Portsmouth-JRC\3492\2022_Survey\Plans & Specs\Site\3492_Survey_2022.dwg, 9/11/2023 11:41:23 AM, \\SVRPSM-F501\Portsmouth Copier Sharp MX3071



- NOTES:**
- 1) THE CONTRACTOR SHALL NOTIFY DIG SAFE AT 1-888-DIG-SAFE (1-888-344-7233) AT LEAST 72 HOURS PRIOR TO COMMENCING ANY EXCAVATION ON PUBLIC OR PRIVATE PROPERTY WITHIN 100 FEET OF UNDERGROUND UTILITIES. THE EXCAVATOR IS RESPONSIBLE TO MAINTAIN MARKS. DIG SAFE TICKETS EXPIRE IN THIRTY DAYS.
 - 2) UNDERGROUND UTILITY LOCATIONS ARE BASED UPON BEST AVAILABLE EVIDENCE AND ARE NOT FIELD VERIFIED. LOCATING AND PROTECTING ANY ABOVEGROUND OR UNDERGROUND UTILITIES IS THE SOLE RESPONSIBILITY OF THE CONTRACTOR AND/OR THE OWNER. UTILITY CONFLICTS SHOULD BE REPORTED AT ONCE TO THE DESIGN ENGINEER.
 - 3) CONTRACTOR SHALL INSTALL AND MAINTAIN EROSION CONTROL MEASURES IN ACCORDANCE WITH THE "NEW HAMPSHIRE STORMWATER MANUAL, VOLUME 3, EROSION AND SEDIMENT CONTROLS DURING CONSTRUCTION. (NHDES DECEMBER 2008).

EXHIBIT I

SMITH RESIDENCE
9 KENT STREET
PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
0	ISSUED FOR COMMENT	9/6/23
REVISIONS		



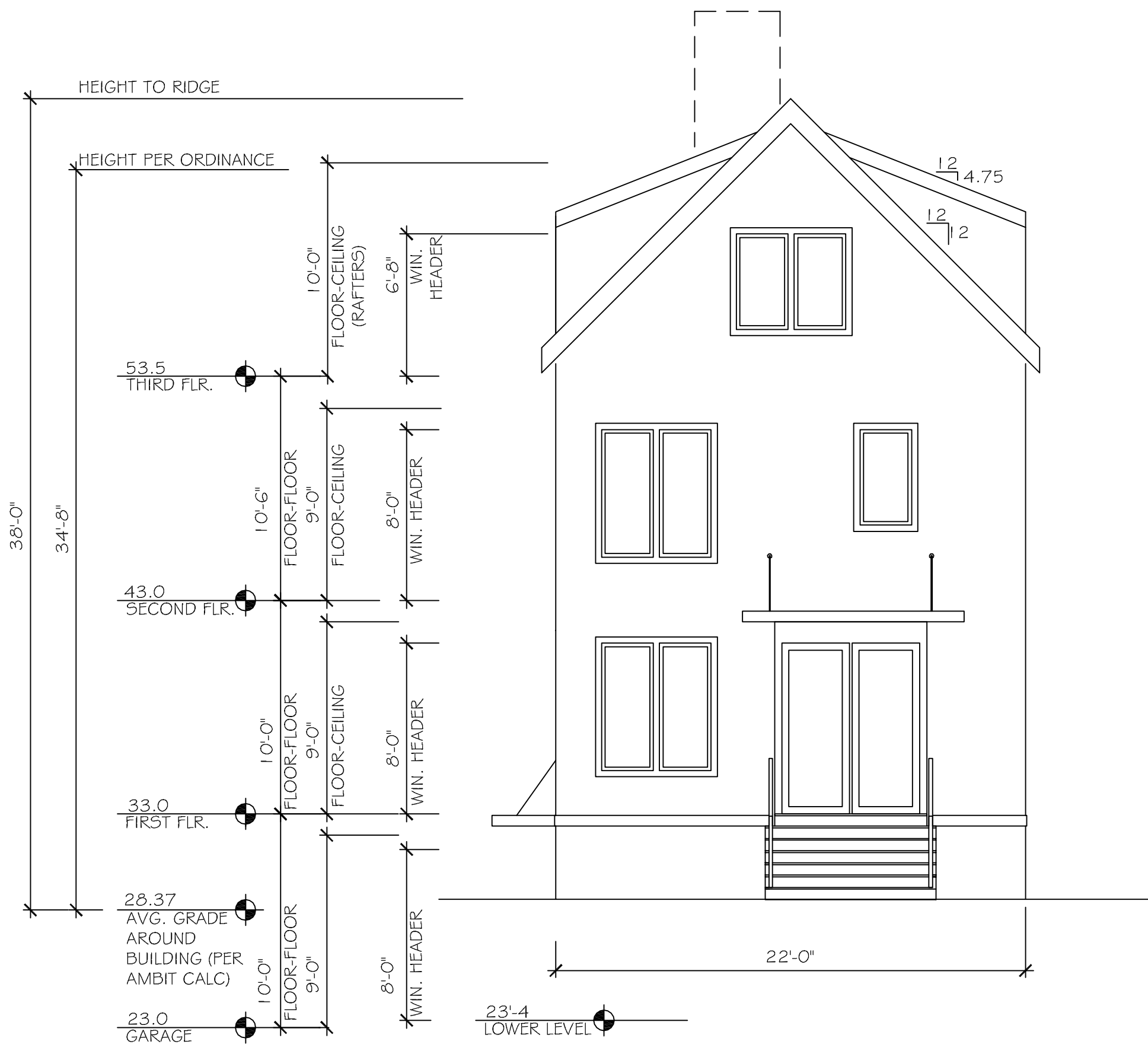
SCALE: 1" = 10' SEPTEMBER 2023

EXISTING GROUND AVERAGE GRADING PLAN **G1**

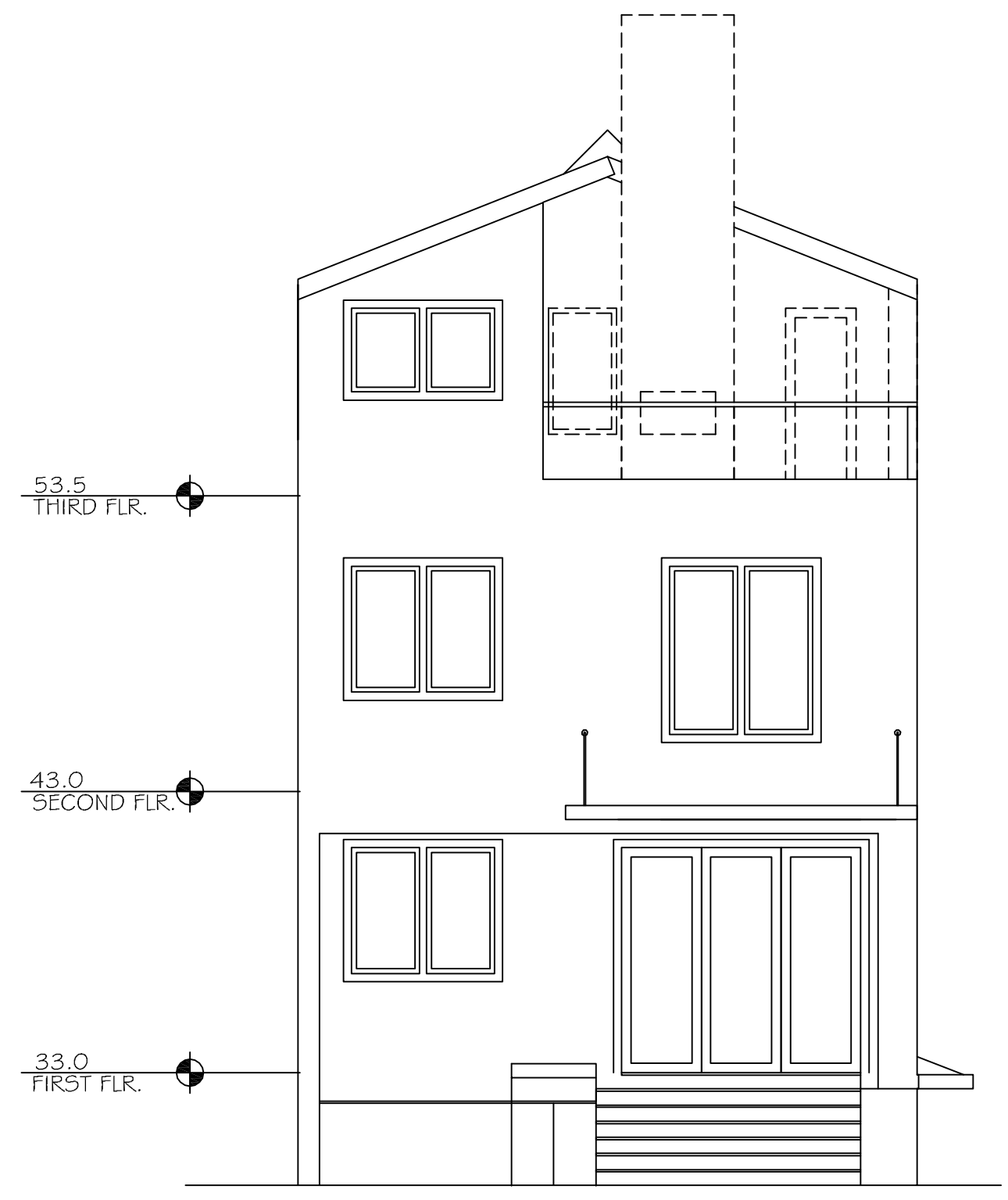
Average Grade Work Sheet -Existing Grades						
Project	Smith Residence				Calculated	
Address:	9 Kent Street, Portsmouth, NH				9/8/2023	
At Proposed Building; Existing Grades 5' OC *						
SECTION	Elev	Elev	Elev	Elev	Total	
SOUTH	28.27	28.44	29.58	30.13	116.42	AVG PER SECTION
	30.22	30.50	30.57	30.54	121.83	
	30.28	29.94	29.56	29.37	119.15	
					0.00	
				0.00		
			12.0		357.40	29.78
WEST	29.09	28.76	28.87	28.89	115.61	AVG PER SECTION
	28.90				28.90	
					0.00	
			5.0		144.51	28.90
NORTH	28.96	28.93	28.89	28.93	115.71	AVG PER SECTION
	28.73	28.55	28.42	28.43	114.13	
	28.30	28.27			56.57	
					0.00	
			10.0		286.41	28.64
EAST	28.23	28.28	28.32	28.34	113.17	AVG PER SECTION
	28.28	28.27			56.55	
					0.00	
			6		169.72	28.29
Total	958.04	>	AVERAGE GRADE			
#	33		29.03			

* NOTE: Where the proposed building is placed in an area where there is no existing grade (i.e. within the existing building) the closest existing grade is shown.

Average Grade Work Sheet - Proposed Grades						
Project	Smith Residence				Calculated	
Address:	9 Kent Street, Portsmouth, NH				9/8/2023	
At Proposed Building; Proposed Grades 5' OC						
SECTION	Elev	Elev	Elev	Elev	Total	
SOUTH	29.8	30.1	30.2	30.3	120.40	AVG PER SECTION
	30.4	30.5	30.4	30.2	121.50	
	30.0	29.8	28.9		88.70	
					0.00	
				11.0	330.60	30.05
WEST	29.8	32.5	32.5	29.1	123.90	AVG PER SECTION
	28.8				28.80	
					0.00	
				5.0	152.70	30.54
NORTH	28.8	28.2	27.8	27.2	112.00	AVG PER SECTION
	25.8	25.0	23.3	23.0	97.10	
	23.0	23.0	23.0	23.0	92.00	
					0.00	
				12.0	301.10	25.09
EAST	28.9	32.5	32.5	28.9	122.80	AVG PER SECTION
	28.9				28.90	
					0.00	
					0.00	
				5	151.70	30.34
Total	936.10	>	AVERAGE GRADE			
#	33		28.37			



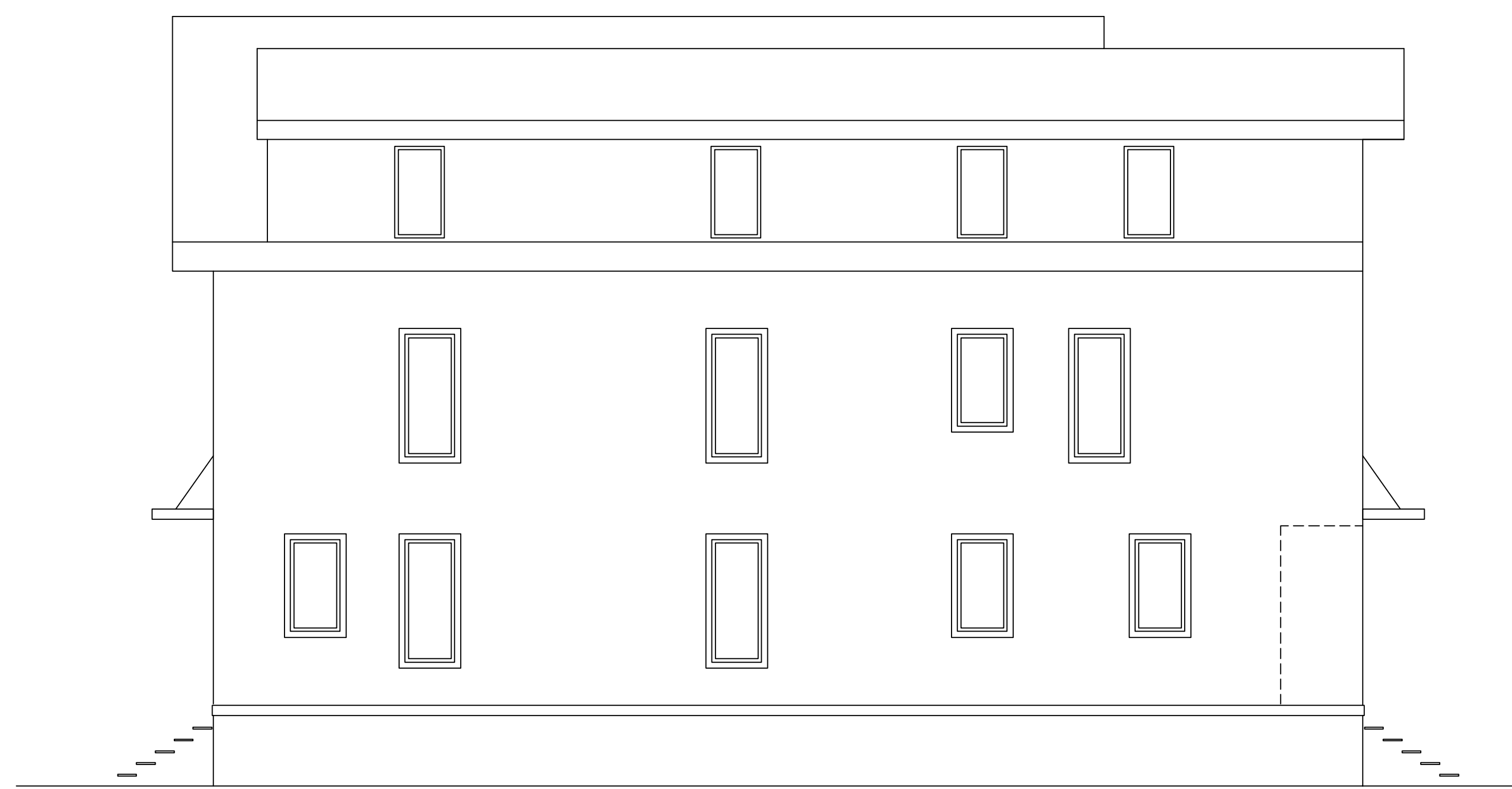
KENT STREET ELEVATION



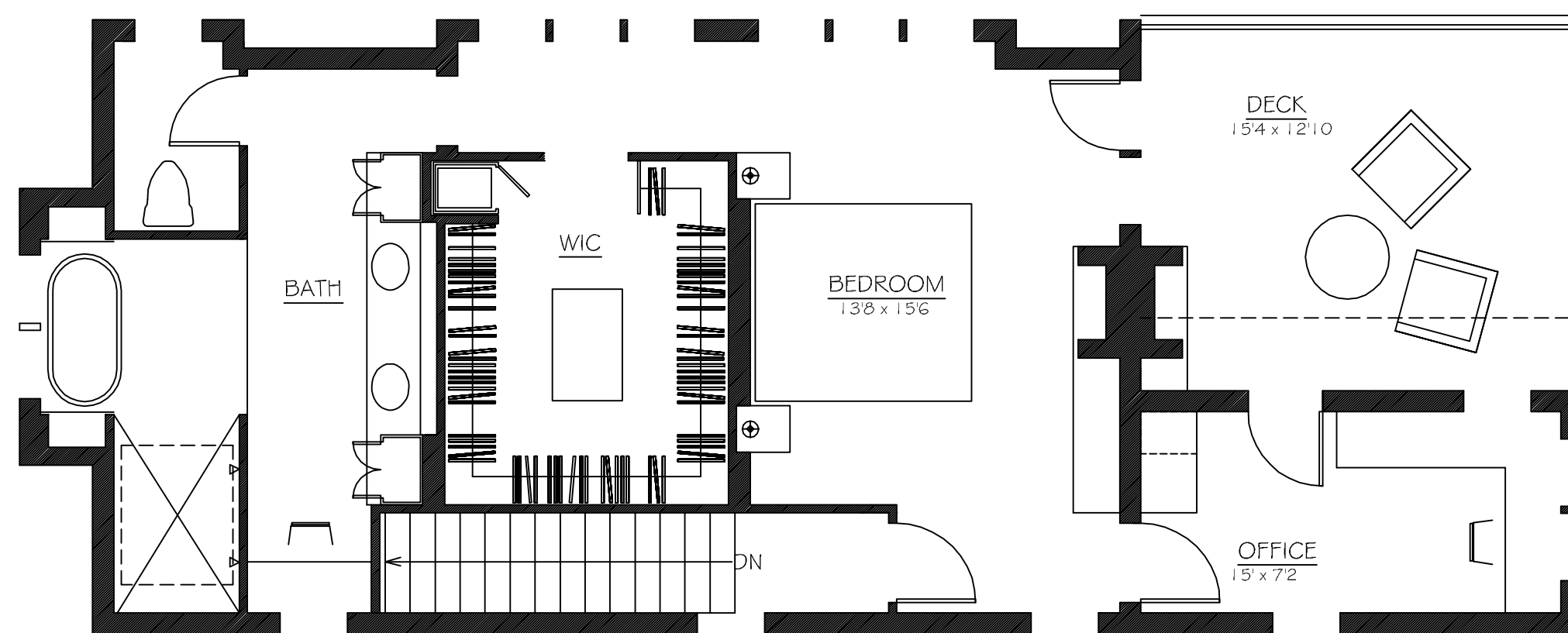
BACK ELEVATION



ROCKLAND STREET ELEVATION

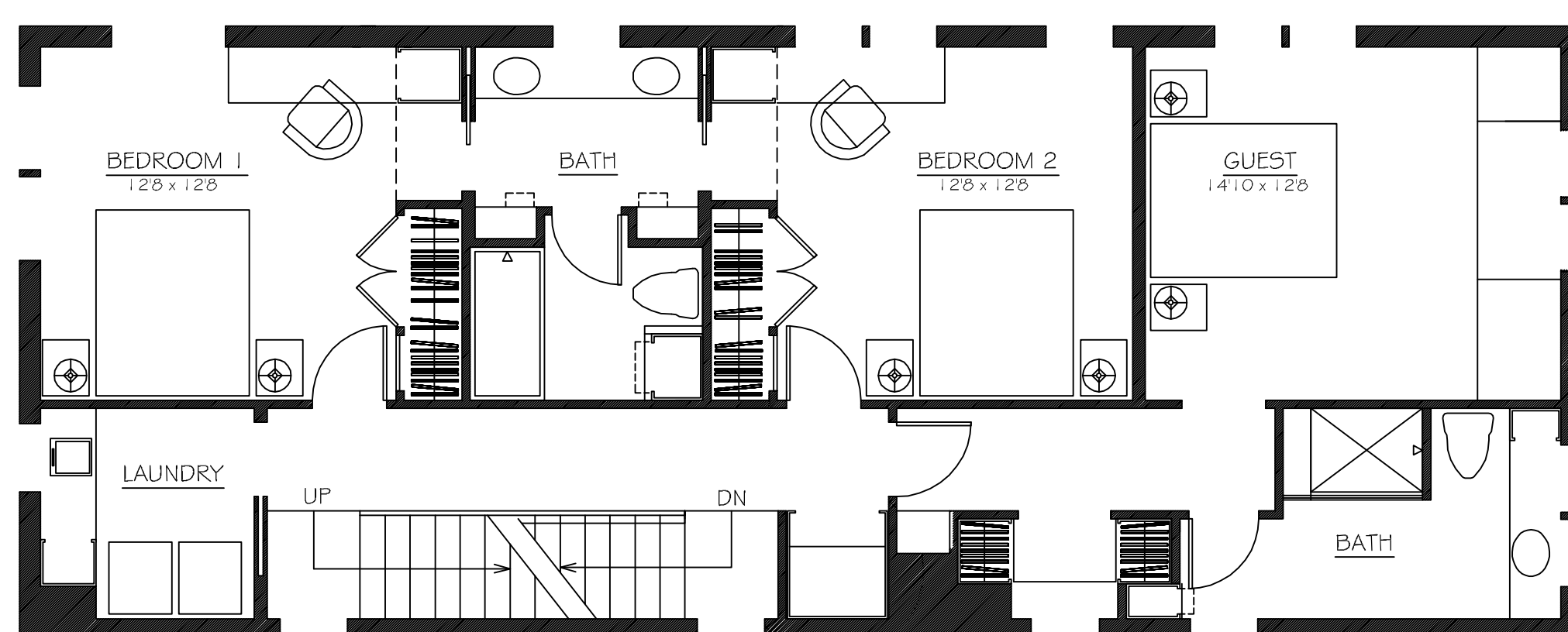


NEIGHBOR'S ELEVATION



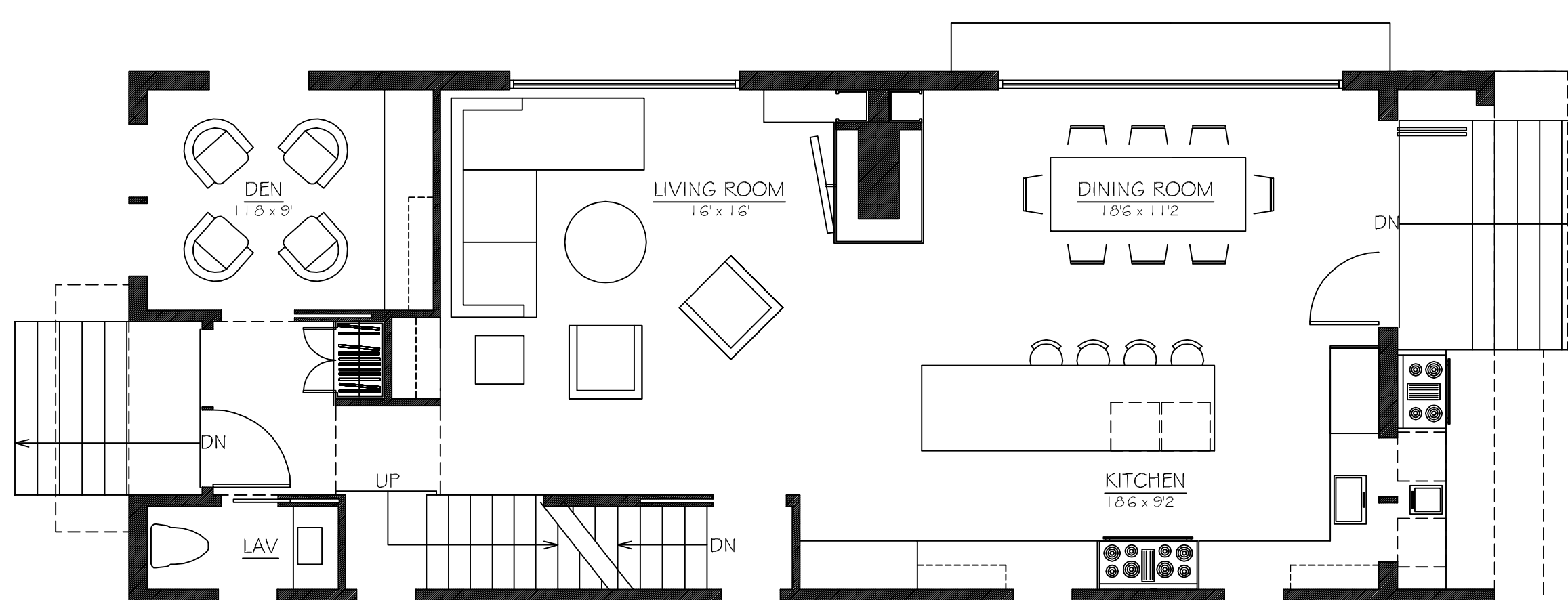
THIRD FLOOR

857 SF LIVING SPACE



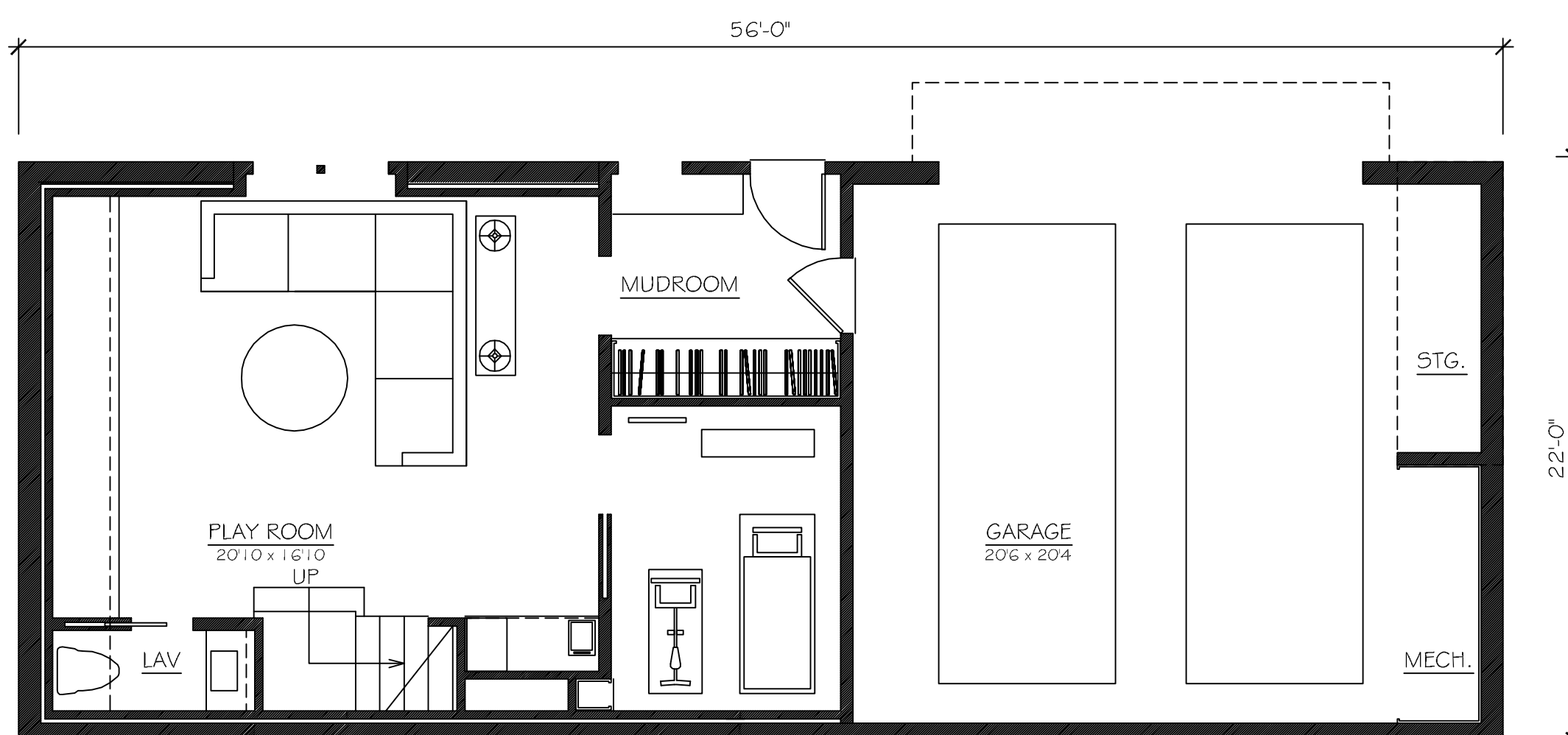
SECOND FLOOR

1115 SF LIVING SPACE



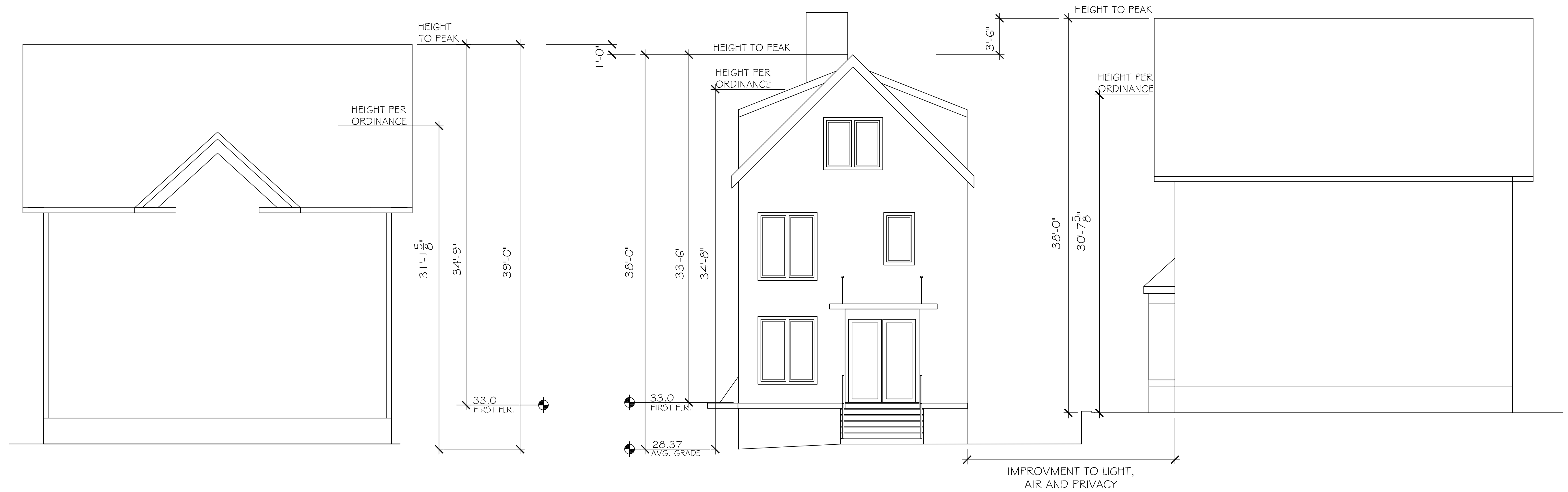
FIRST FLOOR

1013 SF LIVING SPACE



LOWER LEVEL

577 SF LIVING SPACE



EXISTING 9-11 KENT

PROPOSED 9 KENT STREET

EXISTING 19-21 KENT

SMITH RESIDENCE (B)

HEIGHT COMPARISON DIAGRAM

SEPT 8, 2023

9 KENT STREET, PORTSMOUTH, NH

$\frac{3}{16}'' = 1'-0''$

SOMMA STUDIOS



8.5' Light & Air Between
9 Kent St & 19 Kent St









EXHIBIT N



11 ELWYN AVE



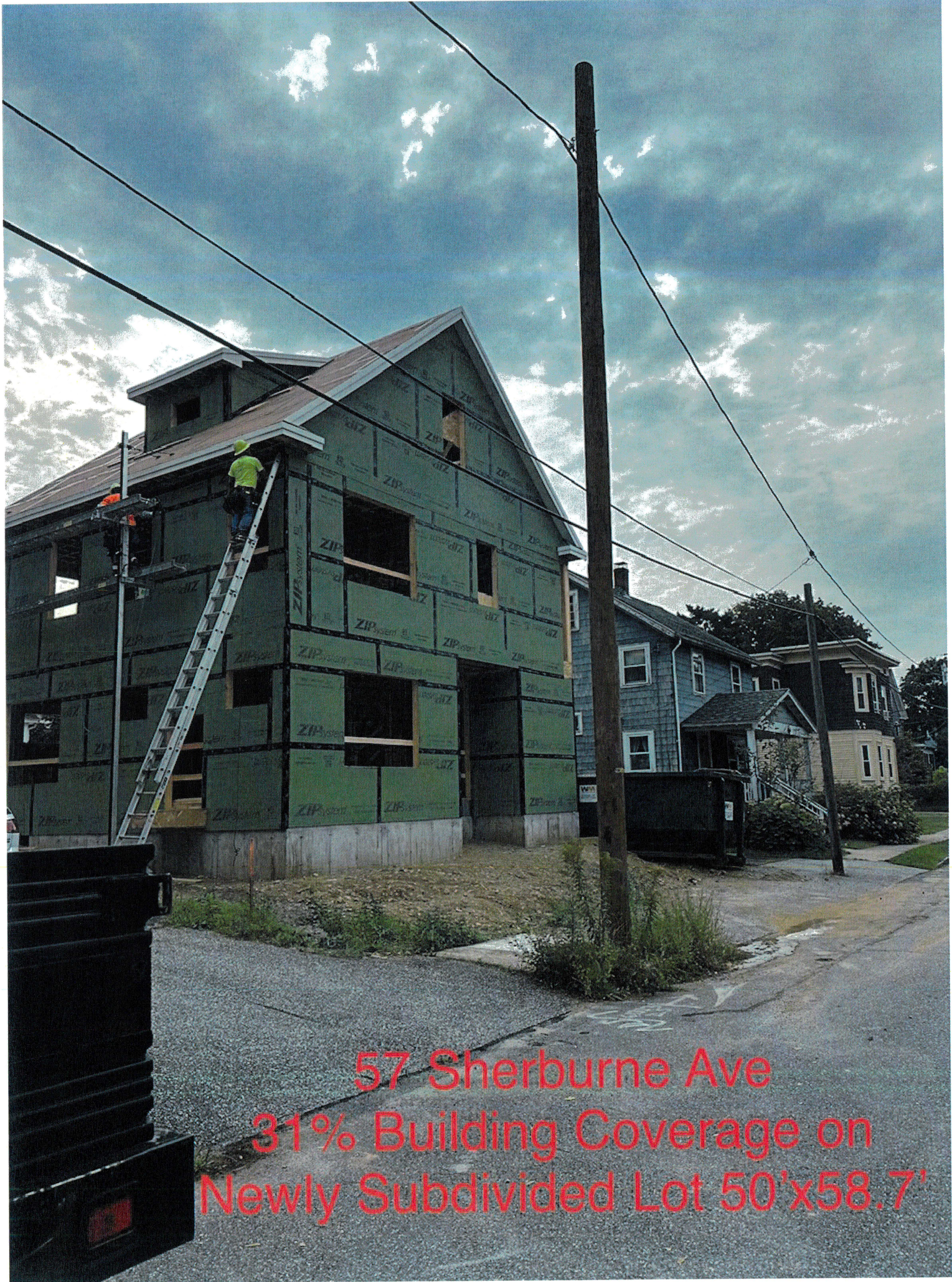
84 ROCKLAND ST



84 ROCKLAND ST

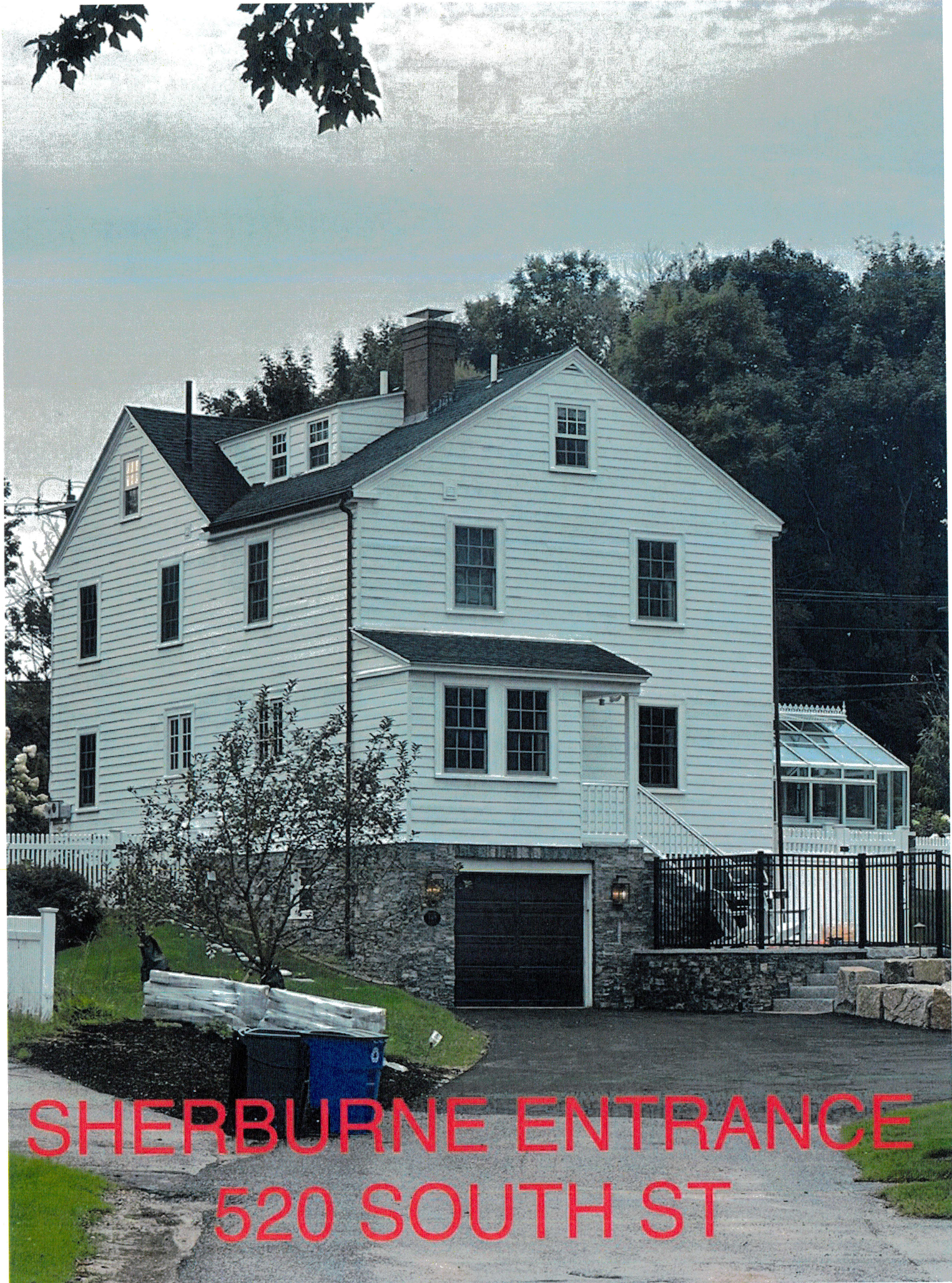


31 SHERBURNE AVE



57 Sherburne Ave
31% Building Coverage on
Newly Subdivided Lot 50'x58.7'





SHERBURNE ENTRANCE
520 SOUTH ST



37 SHERBURNE AVE



15 HAVEN RD



161 ELWYN AVE



181 ELWYN AVE



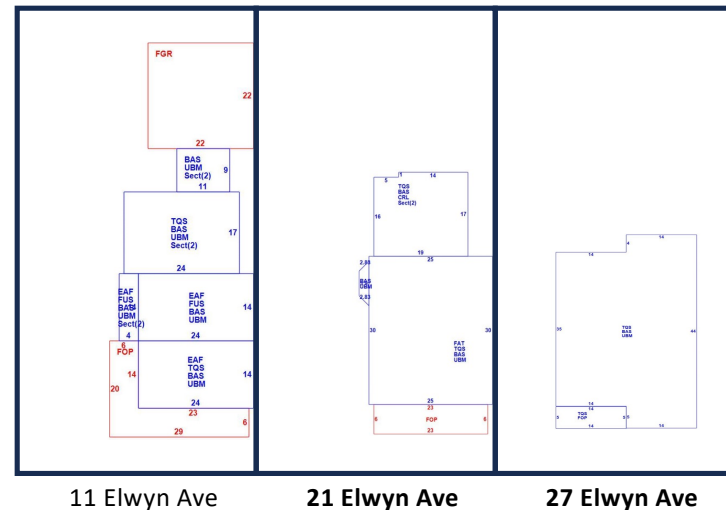
171 ELWYN AVE

Impact of non-conforming home on neighboring home values.

Did 11 Elwyn Ave diminish neighboring property values?

11 Elwyn Ave (non-conforming house)

- 39.5% building coverage on 5,000 sq ft lot
- 80' long building on 50' x 100' lot
- 50' of zero-lot-line coverage
- ZBA Approved September, 2018



No! Abutting neighbors set sales records for Elwyn neighborhood!

21 Elwyn Ave
 Sold \$1.38M
 \$641.39/sq ft
 Closed 4/12/21



27 Elwyn Ave
 Sold \$1.40M
 \$633.81/sq ft
 Closed 3/10/21



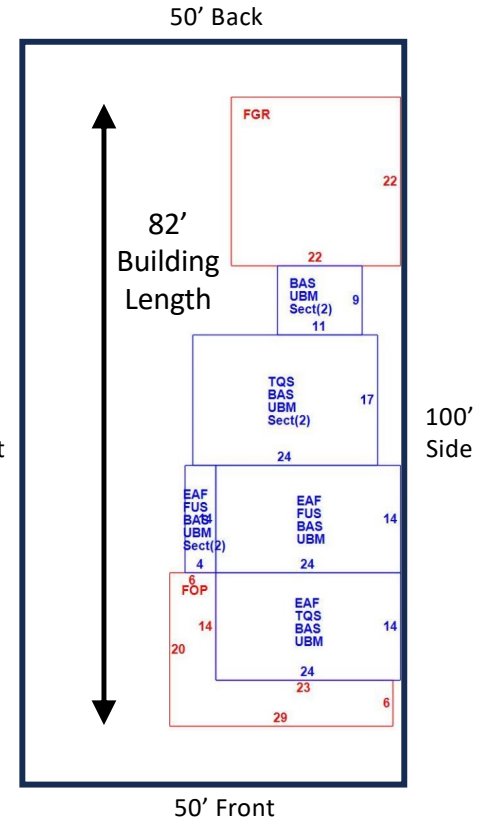
Same Builder.
 Similar Houses.
 Similar Finishes.
Same Sale Price.



**No Adverse Impact
 On Neighboring
 Property Values.**

11 Elwyn Ave

Impact on abutting property values.

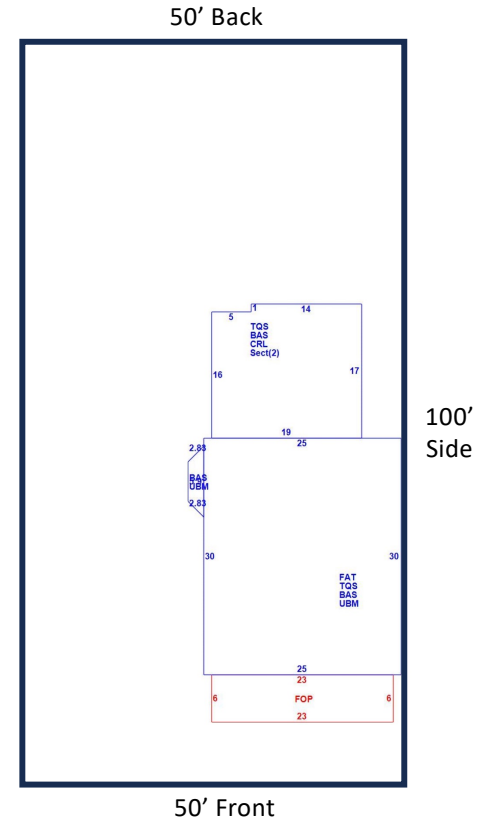


50' x 100' Lot (5,000 Sq Ft)
 82' Long House
 50' Zero Lot Line Coverage

<https://gis.vgsi.com/PortsmouthNH/Parcel.aspx?Pid=33363>

21 Elwyn Ave

Impact on abutting property values.

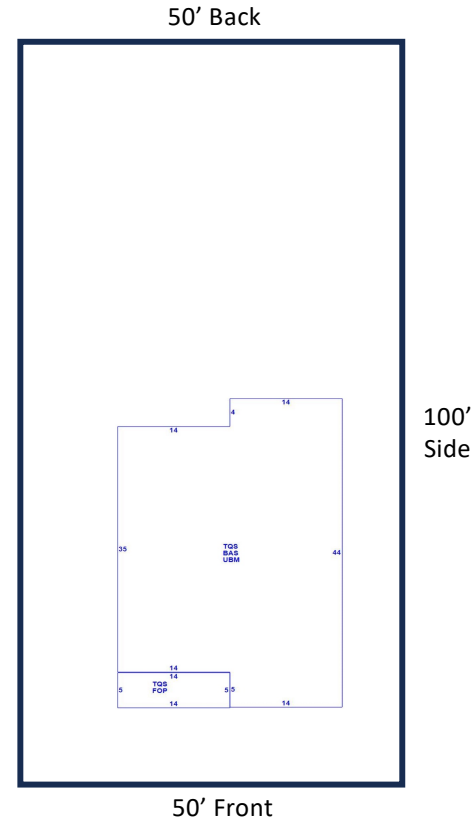
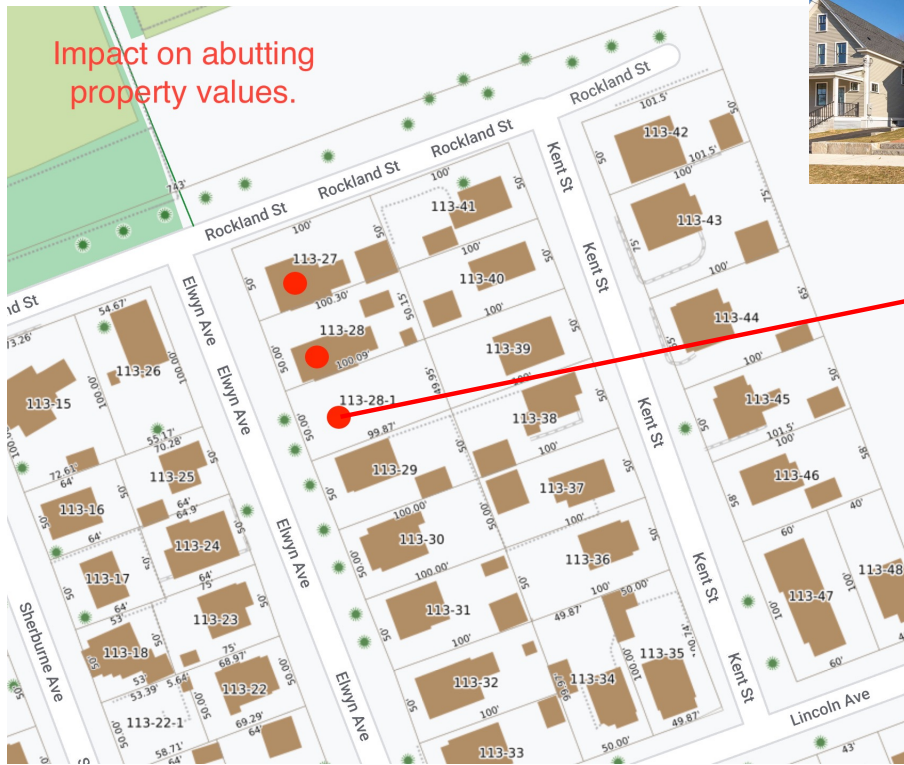


50' x 100' Lot (5,000 Sq Ft)

<https://gis.vgsi.com/PortsmouthNH/Parcel.aspx?Pid=33364>

27 Elwyn Ave

Impact on abutting property values.



50' x 100' Lot (5,000 Sq Ft)

<https://gis.vgsi.com/PortsmouthNH/Parcel.aspx?Pid=52970>







NO PARKING
HERE TO
RESIDENTS









STATEMENT

September 13th, 2023

Jared Foley
Creative Director

Tangram 3DS
21 Rogers Road, Suite One
Kittery, Maine 03904

To whom it may concern,

Regarding the Roof Height of the Proposed 9 Kent Development as Seen in the Renderings:

The roof peak of the proposed 9 Kent development is several feet lower than the existing roof peak of 19/21 Kent. In some of the renderings, particularly the Kent St. Elevation rendering, the proposed 9 Kent roof peak appears to be higher than the existing 19/21 Kent roof peak. This is simply an illusion caused by perspective.

The front facade of the proposed 9 Kent and the existing 19/21 Kent are set back nearly the same distance to the Kent St. curb. Where they differ is the location of their respective roof peaks. The proposed 9 Kent development has a gable end facing the street with a 2' overhanging soffit bringing its roof peak closer to Kent St. The roof peak of the existing 19/21 Kent slopes back away from Kent St. by ~18'.

One must not compare the height of the front roof peak of the proposed 9 Kent development to the sloped back roof peak of the existing 19/21 Kent. The difference in distance to the Kent St curb causes the proposed 9 Kent development to appear higher in the renderings, but this is not the proper location to compare their heights.

To accurately compare the height of the proposed 9 Kent development to the existing 19/21 Kent, one must locate the roof peak height of the proposed 9 Kent development 20' back from its front peak. This is the location where both roof heights are equally set back from the Kent St. curb. At this location, it can be seen that the proposed 9 Kent development is in fact several feet lower than the existing 19/21 Kent.