MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")
FROM: Kevin M. Baum, Esquire
DATE: January 27, 2020
Re: Applicant: Salvation Army
Owner: KSC, LLC
Property: 2222 Lafayette Road
Tax Map 267, Lot 2
Gateway Corridor (G1) Zoning District

Dear Chairman Rheaume and Zoning Board Members:

On behalf of the Salvation Army, we are pleased to submit this Memorandum and exhibits in support a Special Exception to permit a Place of Assembly on the above-referenced property (the "Property") in order to permit the Salvation Army to relocate its existing operations.

I. Exhibits

1. 10/2/02 Site Plans – by Altus Engineering, Inc.
   a. Cover Page – showing Planning site review approval;
   b. Sheet C-2 – Site Plan.
2. 3/12/03 Floor Plan – by JSI Associates, Inc.
3. Tax Assessor's Card – Tax Map 267, Lot 2.
4. City GIS Map – showing the property and surrounding area.
5. Site Photographs.

II. Relief Requested

The Salvation Army respectfully requests the following relief under the Portsmouth Zoning Ordinance ("PZO"), as was determined through meetings with the Portsmouth Planning Department staff:

Section 10.440.3.10 (Table of Uses) – to allow the use of the Property as a place of assembly, permitted in the G1 District by Special Exception.

III. Property/Project Overview

The Property is an approximately 36,446 square foot (0.84 acre) parcel with an existing ±4,828 square foot retail building and associated parking located at 2222 Lafayette Road in the Gateway Corridor (G1) Zoning District. **Exhibit 1** (Sheet C-2); **Exhibit 4** (GIS Map). The building on the Property is currently vacant. It most recently housed Hap's Roast Beef, Posh

Threads and Title Ca$h. The Property is surrounded by commercial users. **Exhibit 5** (Site Photographs). Water Country abuts the Property to the north and west, Meineke Car Care Center abuts to the north-northeast and Key Acura abuts to the south-southwest, across Lafayette Road.

The Salvation Army proposes to relocate is operations from its current Middle Street location. That space, which has long served the organization, has become financially burdensome due to the size and age of the building and operationally difficult due to its downtown location. This Property better meets the Salvation Army's needs as its location on Lafayette Road and existing parking provide improved access, has sufficient off-street parking and is located near an existing Coast bus line stop. Additionally, the Property includes a commercial kitchen which provides significant cost savings, as it avoids the need for major renovations for the Salvation Army to operate its soup kitchen. Further, the building size is more appropriate for current operations and far less costly to maintain, allowing the Salvation Army to better direct those funds towards its organizational mission to assist those in the community.

Proposed operations at the Property will mirror those currently in place at the Middle Street facility. Namely, the Salvation Army will provide weekly church services, daily breakfasts and dinners, youth and adult programming and associated religious/community services. There will be no overnight facilities or services offered at the Property.

Most of the organization's patrons do not currently use cars to access services. Rather, they access the Property primarily via the Coast bus service or are picked up by Salvation Army staff members. Those means of access are expected to continue at the new location. Services and other events typically bring maximum of ±35-40 patrons and not more than ±10-12 cars. Thus, there is more than sufficient parking available at the Property.

The Salvation Army proposes no changes to the building dimensions or existing parking area. Some interior walls may be relocated to better meet organizational needs. The Salvation Army also intends to replace the existing retail signage and make landscaping improvements. No dimensional relief is needed. Place of assembly use is permitted in the G1 District by Special Exception, the requirements for which are met as detailed below. Accordingly, the Salvation Army respectfully requests this Board grant a Special Exception to allow the Salvation Army to relocate its operations to the Property.

IV. Special Exception Criteria – PZO 10.232.20

Pursuant to PZO Section 10.232.10, the ZBA shall grant requests for special exceptions which are in harmony with the general purpose and intent of the PZO and meet the standards of Subsection 10.232.20. The general purpose and intent of the PZO is "to promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan." PZO §10.121. The Salvation Army's proposed use of the Property and its ongoing mission align fully with the PZO's stated purpose to promote health, safety and welfare. It also supports the goals of the Portsmouth Master Plan to accommodate the needs of low and moderate income residents. (Goal 3.2)[1] Accordingly, the proposed use is consistent with the general purpose and intent of the PZO and Master Plan.

The proposal also meets the specific standards of sub-section 10.232.20:

10.232.21-The standards as provided by ordinance for the particular use is permitted by special exception.

The proposed use of the Property as a place of assembly is permitted by special exception pursuant to PZO Section 10.440.3.10.

10.232-22-No hazard to the public or adjacent property on account of potential fire, explosion or release of toxic materials.

There will be no hazard to the public or any adjacent properties due to potential fire, explosion or release of toxic materials. The Property will be used for religious services, educational and community programs for youth and adults, and as a soup kitchen.

10.232.23-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, access ways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials.

There will be no detriment to surrounding property values or change in the essential characteristics of the area due to the proposed use of the Property as place of assembly. The Property is located on Lafayette Road (U.S. Route 1) and is surrounded by non-residential uses. The Salvation Army has a long and successful operational history in downtown Portsmouth.

[1] Although the Master Plan specifically refers to "housing" needs, the project supports the general intent of the goal and provides secondary support to users of that housing. However, there will be no housing at or other overnight use of the Property.

This proposal simply relocates that use to a new property with better access and a more appropriate building for the services provided. There will be no change to the location or scale of buildings and other structures nor to any parking area or access way. The Salvation Army's operations create no odor, smoke, dust, or other pollutant, glare, heat, or vibration. Use will be primarily within the building and limited to religious services, programming and meals. Thus, noise is not an issue. There will be no outside storage or materials. Parking is more than sufficient.

10.232.24-No creation of a traffic safety hazard or substantial increase in a level of traffic, congestion in the vicinity.

There will be no significant increase in the level of traffic associated with the proposed use, and, if anything, should decrease. The Property was previously used for three retail businesses. The Salvation Army's users are far more limited, with no more than ±35-40 users at any one time and typically fewer. Many users access the Property using the organization's vans or by public transportation, significantly limiting the number of user vehicles. Coast bus stops are located to both the north and south of the Property. Moreover, its location on Lafayette Road provides significant traffic capacity.

10.232.25-No excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools.

There will be no additional demand on municipal services. No changes to the building are proposed. The use of the Property will be decreased over its prior retail use. No housing is proposed, thus there will be no significant increase in water, sewer or waste disposal or impacts to area schools. Accordingly, the proposed place of assembly use will not result in excessive demand on the municipal services.

10.232.26-No significant increase of stormwater runoff onto adjacent property or streets

There will be no significant increase of stormwater runoff onto adjacent properties or streets. As previously noted, the Salvation Army doe not propose any exterior changes to the building or expansion any impervious services.

VI. Conclusion

For all the reasons above, we respectfully request that this Board grant the special exception to permit the use of the Property as a Place of Assembly in order to permit the Salvation Army to relocate its existing operations.

Respectfully submitted,

THE SALVATION ARMY

By: _____

Kevin M. Baum, Esquire
Hoefle, Phoenix, Gormley & Roberts, PLLC
127 Parrott Avenue
Portsmouth, NH 03801
(603) 436-0666

EXHIBIT
tabbies
1

BLUESTONE PLAZA

TAX MAP 267, LOT 2

2236 LAFAYETTE ROAD

PORTSMOUTH, NEW HAMPSHIRE

SITE PLANS

August 16, 2002

Revised : October 8, 2002

Applicant:

Bluestone Properties, LLC
c/o Michael Labrie
P.O. Box 6808
Portsmouth, NH 03802

Owners:

Leonard & Anne Kovit
154 Roaring Brook Road
Portland, ME 04101

Mary Yager Estate, c/o Jim Ritzo
P.O. Box 1137
Portsmouth, NH 03802

Prepared by:

Planning Board
Site Review Approval
Portsmouth, New Hampshire
with Stipulations

Approval Date: 10/17/02

Chairman: Ken Smith

Agr: 27-3-02

agre

RECEIVED
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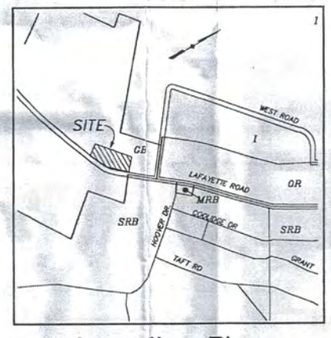
By

Planning Dept Copy

ALTUS
ENGINEERING, INC.
133 Court Street
Portsmouth, New Hampshire 03801



Location Plan

NOT TO SCALE

Sheet Index

Title	*Sheet Number:*	*Revision*	*Date*
Existing Conditions Plan (By Ambit Engineering, Inc.)	C-1	0	8/12/02
Site Plan	C-2	3	10/8/02
Grading & Utilities Plan	C-3	3	10/8/02
Landscape Plan	C-4	3	10/8/02
Erosion Control Notes & Details	C-5	0	8/16/02
Detail Sheet	C-6	0	8/16/02
Detail Sheet	C-7	0	8/16/02
Detail Sheet	C-8	0	8/16/02

P3596

ZONING SUMMARY:

TAX MAP 267, LOT 2

CITY OF PORTSMOUTH ZONING REQUIREMENTS:
ZONE: GENERAL BUSINESS

DIMENSIONAL REQUIREMENTS:

MINIMUM LOT AREA: 43,560 SF
LOT AREA PROVIDED: 36,446 SF (EXISTING)

MINIMUM FRONTAGE: 200'
FRONTAGE PROVIDED: 352.72' (EXISTING)

MINIMUM DEPTH: 100'
DEPTH PROVIDED: 104' ± AVERAGE (EXISTING)

MAXIMUM HEIGHT OF STRUCTURE: 60'
HEIGHT PROVIDED: <60'

MAXIMUM STRUCTURE COVERAGE: 30%
STRUCTURE COVERAGE PROVIDED: 13.2%

MINIMUM OPEN SPACE: 20%
OPEN SPACE PROVIDED: 41%

BUILDING SETBACK REQUIREMENTS

SETBACK	REQUIREMENT	EXISTING	PROPOSED BLDG
FRONT	105'	2'±	60'± *
SIDE	30'	18'±	31'+
REAR	50'	5'±	13'± *

VARIANCES GRANTED – FOUR VARIANCES GRANTED ON JUNE 18, 2002

1) A VARIANCE FROM ARTICLE III, SECTION 10-301(A)(8) TO ALLOW A 60' FRONT YARD WHERE 105' IS THE MINIMUM REQUIRED.
2) A VARIANCE FROM ARTICLE III, SECTION 10-304(A) TO ALLOW A 13' REAR YARD WHERE 50' IS THE MINIMUM REQUIRED.
3) A VARIANCE FROM ARTICLE XII, SECTION 10-1201(A)(3)(E) TO ALLOW PARKING AND MANEUVERING AISLES TO BE LOCATED WITHIN 40' OF THE FRONT PROPERTY LINE WHERE A 40' SETBACK WITH LANDSCAPING IS REQUIRED.
4) A VARIANCE FROM ARTICLE XII, SECTION 10-1203(A)(1) TO ALLOW A LOADING ZONE TO BE WITHIN 25' OF THE REAR PROPERTY LINE WHERE 50' IS THE MINIMUM REQUIRED.

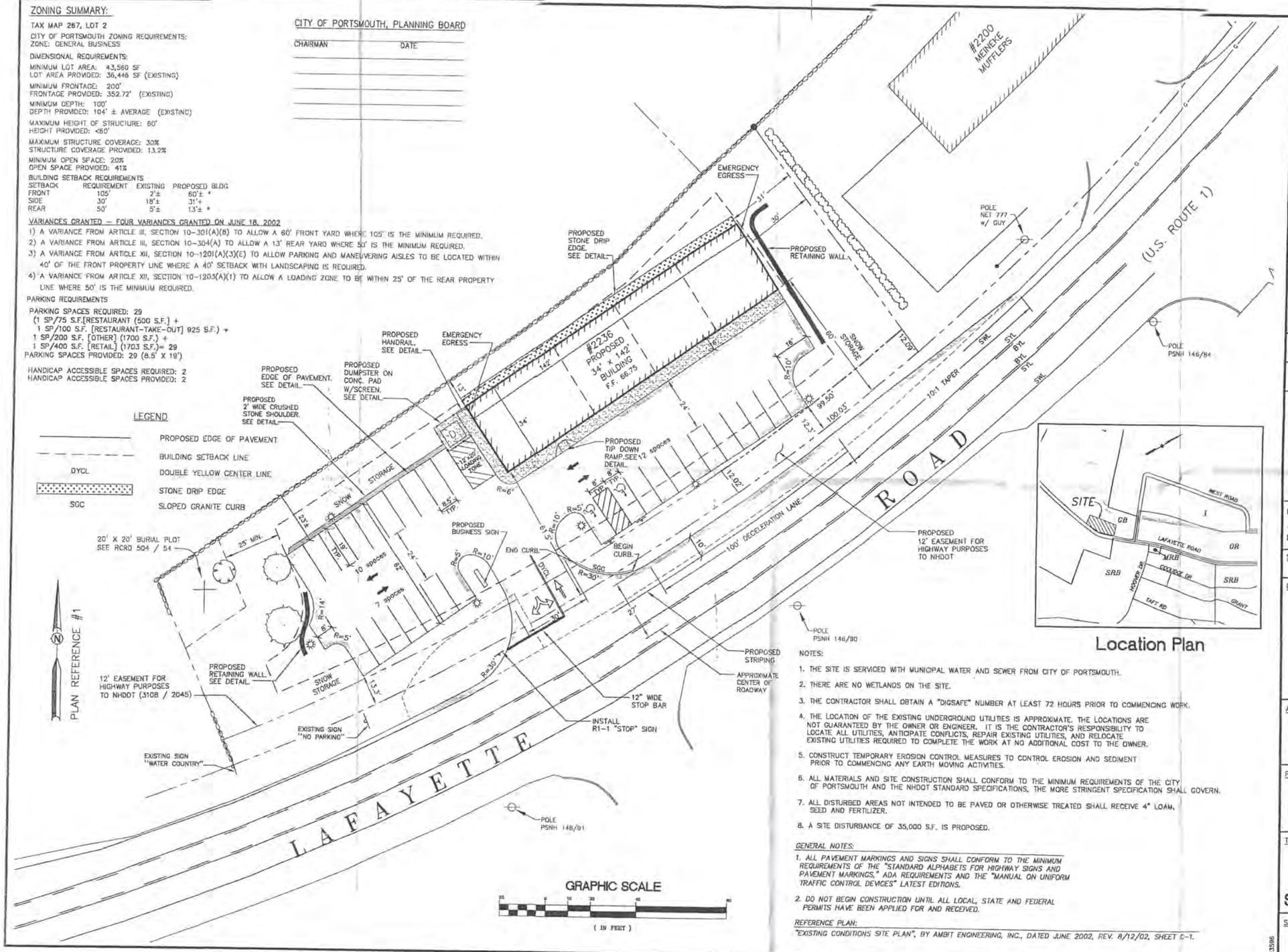
PARKING REQUIREMENTS

PARKING SPACES REQUIRED: 29
(1 SP/75 S.F.[RESTAURANT (500 S.F.] +
1 SP/100 S.F. [RESTAURANT-TAKE-OUT] 925 S.F.) +
1 SP/200 S.F. [OTHER] (1700 S.F.) +
1 SP/400 S.F. [RETAIL] (1703 S.F.)= 29
PARKING SPACES PROVIDED: 29 (8.5' X 19')

HANDICAP ACCESSIBLE SPACES REQUIRED: 2
HANDICAP ACCESSIBLE SPACES PROVIDED: 2

CITY OF PORTSMOUTH, PLANNING BOARD

CHAIRMAN _____ DATE _____



LEGEND

———	PROPOSED EDGE OF PAVEMENT
– – – – –	BUILDING SETBACK LINE
DYCL	DOUBLE YELLOW CENTER LINE
	STONE DRIP EDGE
SGC	SLOPED GRANITE CURB

GRAPHIC SCALE

(IN FEET)

Location Plan

NOTES:

1. THE SITE IS SERVICED WITH MUNICIPAL WATER AND SEWER FROM CITY OF PORTSMOUTH.
2. THERE ARE NO WETLANDS ON THE SITE.
3. THE CONTRACTOR SHALL OBTAIN A "DIGSAFE" NUMBER AT LEAST 72 HOURS PRIOR TO COMMENCING WORK.
4. THE LOCATION OF THE EXISTING UNDERGROUND UTILITIES IS APPROXIMATE. THE LOCATIONS ARE NOT GUARANTEED BY THE OWNER OR ENGINEER. IT IS THE CONTRACTOR'S RESPONSIBILITY TO LOCATE ALL UTILITIES, ANTICIPATE CONFLICTS, REPAIR EXISTING UTILITIES, AND RELOCATE EXISTING UTILITIES REQUIRED TO COMPLETE THE WORK AT NO ADDITIONAL COST TO THE OWNER.
5. CONSTRUCT TEMPORARY EROSION CONTROL MEASURES TO CONTROL EROSION AND SEDIMENT PRIOR TO COMMENCING ANY EARTH MOVING ACTIVITIES.
6. ALL MATERIALS AND SITE CONSTRUCTION SHALL CONFORM TO THE MINIMUM REQUIREMENTS OF THE CITY OF PORTSMOUTH AND THE NHDOT STANDARD SPECIFICATIONS, THE MORE STRINGENT SPECIFICATION SHALL GOVERN.
7. ALL DISTURBED AREAS NOT INTENDED TO BE PAVED OR OTHERWISE TREATED SHALL RECEIVE 4" LOAM, SEED AND FERTILIZER.
8. A SITE DISTURBANCE OF 35,000 S.F. IS PROPOSED.

GENERAL NOTES:

1. ALL PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO THE MINIMUM REQUIREMENTS OF THE "STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS," ADA REQUIREMENTS AND THE "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES" LATEST EDITIONS.

2. DO NOT BEGIN CONSTRUCTION UNTIL ALL LOCAL, STATE AND FEDERAL PERMITS HAVE BEEN APPLIED FOR AND RECEIVED.

REFERENCE PLAN:

"EXISTING CONDITIONS SITE PLAN", BY AMBIT ENGINEERING, INC., DATED JUNE 2002, REV. 8/12/02, SHEET C-1.

ALTUS ENGINEERING, INC.
133 COURT STREET PORTSMOUTH, NH 03801
VOICE: (603) 433-2335
FAX: (603) 433-4184

ERIC D. WEINRIEB NO. 7034 LICENSED LAND SURVEYOR STATE OF NEW HAMPSHIRE
10-8-02

ISSUED FOR:
PLANNING BOARD APPROVAL

ISSUE DATE:
OCTOBER 8, 2002

REVISIONS

NO.	DESC.	BY	DATE
0	INITIAL SUBMISSION	EDW	8/16/02
1	PER T.A.C. & NHDOT COMMENTS	EDW	9/10/02
2	PER P.B. COMMENTS & TRAFFIC & SAFETY COMMENTS	EDW	9/24/02
3	RELOCATE EMERGENCY ACCESS	EDW	10/8/02

DRAWN BY: RLH
APPROVED BY: EDW
DRAWING FILE: 3596.DWG

SCALE: 1"=20'

OWNER:
LEONARD & ANNE KOVIT
154 ROARING BROOK RD.
PORTLAND, ME 04101
RCRD 3108 / 2044-45

MARY YAGER ESTATE
C/O JIM RITZO
P.O. BOX 1137
PORTSMOUTH, NH 03802
RP 51313

APPLICANT:
BLUESTONE PROPERTIES, LLC
C/O MICHAEL LABRIE
P.O. BOX 6808
PORTSMOUTH, NH 03802

PROJECT:
BLUESTONE PLAZA
2236 LAFAYETTE ROAD
PORTSMOUTH, NH

TITLE:
SITE PLAN

SHEET NUMBER:
C-2

P3596

EXHIBIT 2

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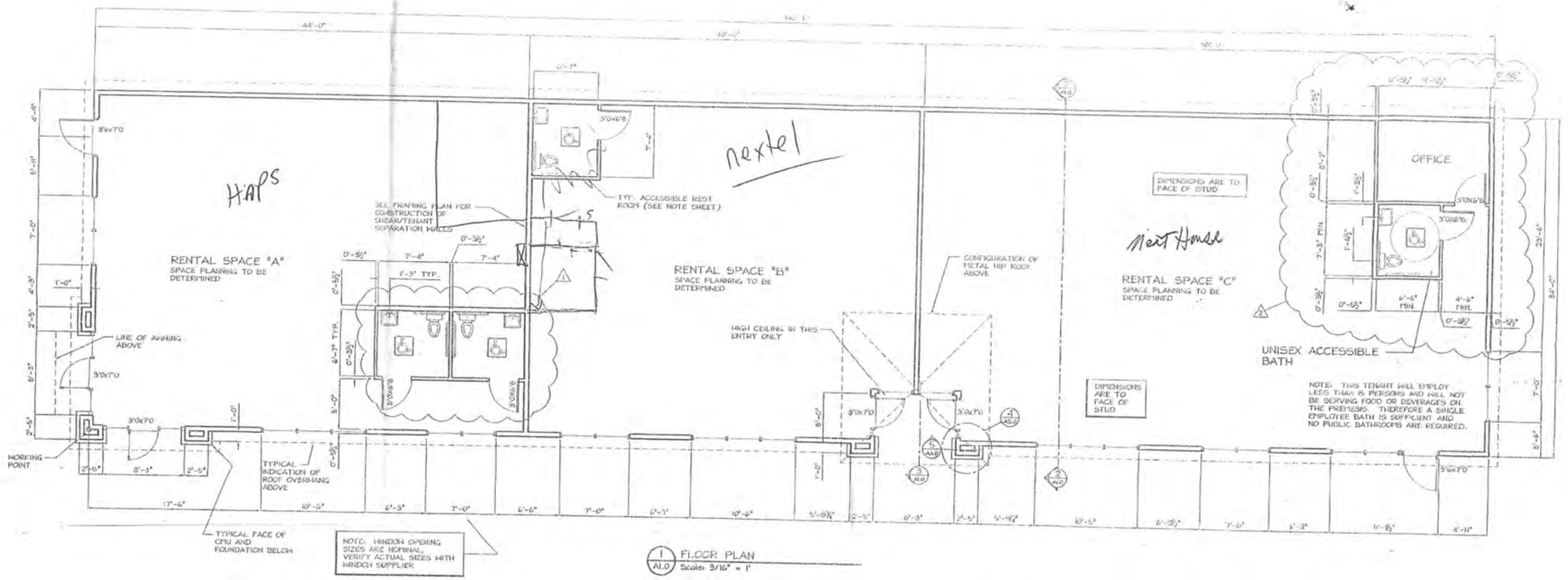
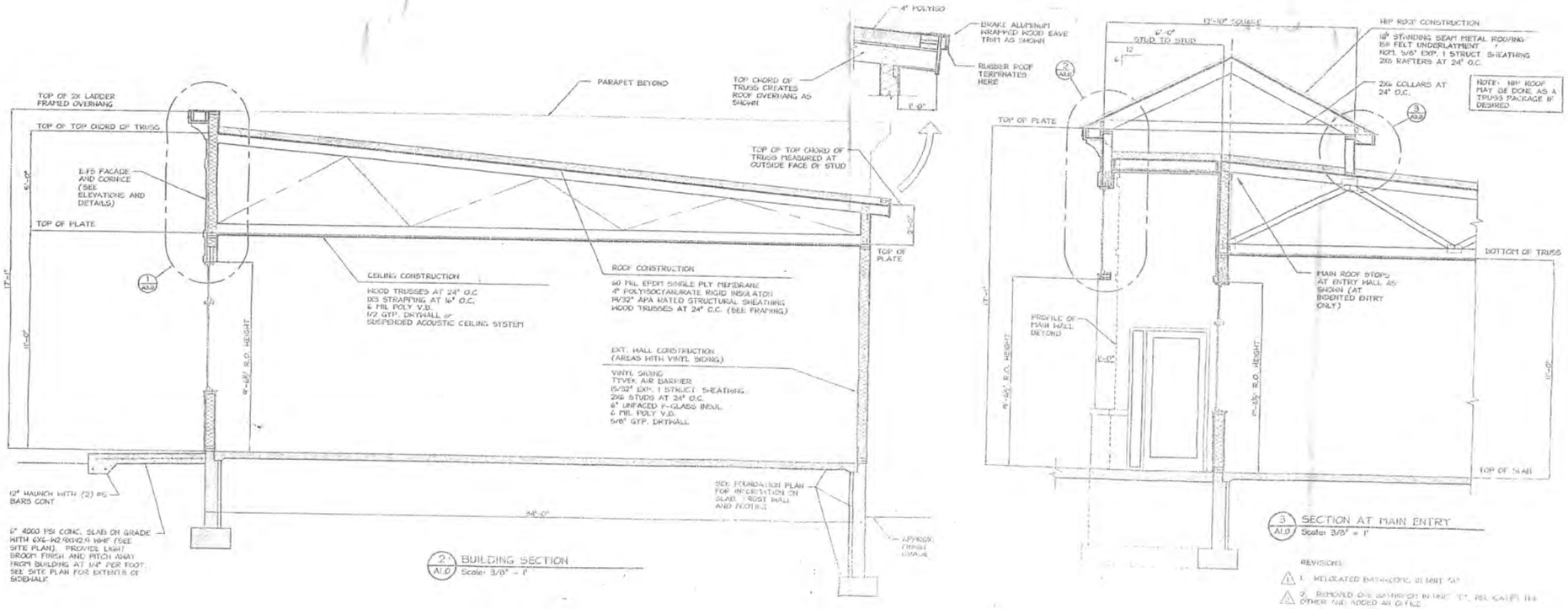


1 / A1.0 FLOOR PLAN
Scale: 3/16" = 1'



2 / A1.0 BUILDING SECTION
Scale: 3/8" = 1'

3 / A1.0 SECTION AT MAIN ENTRY
Scale: 3/8" = 1'

REVISIONS:
1. RELOCATED BATHROOMS IN UNIT 'C'
2. REMOVED ONE BATHROOM IN UNIT 'C', RELOCATED ITS OTHER USE ADDED AN OFFICE

JSN Associates, Inc.
Consulting Structural Engineers
One Ashburn Street
Portsmouth, NH 03801
(603) 433 - 5659
fax: (603) 431 - 2911
www.jsnengr.com

Retail Plaza
for
Bluestone Properties LLC

2236 Lafayette Road
Portsmouth, NH

Drawn By:	RVB
Date:	2/12/03
Scale:	As noted
File:	
Checked By:	
Approved By:	

Revisions

1 5/6/03 RVB
2 6/3/03 RVB

Floor Plan and Section
A1.0

2222 LAFAYETTE RD

Location 2222 LAFAYETTE RD

Mblu 0267/ 0002/ 0000/ /

Acct# 31523

Owner KSC LLC

PBN

Assessment $967,400

Appraisal $967,400

PID 31523

Building Count 1

Current Value

Appraisal			
Valuation Year	**Improvements**	**Land**	**Total**
2019	$586,400	$381,000	$967,400
Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2019	$586,400	$381,000	$967,400

Owner of Record

Owner KSC LLC
Co-Owner
Address 3 WINSHIP DR
STONEHAM, MA 02180

Sale Price $10,533
Certificate
Book & Page 6070/2754
Sale Date 12/27/2019

Ownership History

Ownership History				
Owner	**Sale Price**	**Certificate**	**Book & Page**	**Sale Date**
KSC LLC	$10,533		6070/2754	12/27/2019
KERSHAW AND LAFAYETTE HOLDINGS LLC	$5,100		6010/0945	06/21/2019
HS GOLDBERG PLUMBING & MECHANICAL LLC	$5,137		6006/2825	06/11/2019
KSC LLC	$1,000,000		5761/1292	10/11/2016
BLUESTONE PROPERTIES OF RYE LLC	$100,000		3905/1884	12/10/2002

Building Information

Building 1 : Section 1

Year Built: 2004
Living Area: 4,868

Replacement Cost: $609,663
Building Percent Good: 94
Replacement Cost Less Depreciation: $573,100

Building Attributes	
Field	**Description**
STYLE	Shop Center LO
MODEL	Commercial
Grade	C+
Stories:	1
Occupancy	3.00
Exterior Wall 1	Vinyl Shingle
Exterior Wall 2	Stucco on Wood
Roof Structure	Flat
Roof Cover	Rolled Compos
Interior Wall 1	Drywall/Sheet
Interior Wall 2	
Interior Floor 1	Carpet
Interior Floor 2	Ceram Clay Til
Heating Fuel	Gas
Heating Type	Hot Water
AC Type	Central
Struct Class	
Bldg Use	RETAIL
Total Rooms	
Total Bedrms	
Total Baths	
Kitchen Grd	
Usrfld 219	
1st Floor Use:	
Heat/AC	HEAT/AC PKGS
Frame Type	WOOD FRAME
Baths/Plumbing	AVERAGE
Ceiling/Wall	CEIL & WALLS
Rooms/Prtns	AVERAGE
Wall Height	12.00
% Comn Wall	

Building Photo

(http://images.vgsi.com/photos2/PortsmouthNHPhotos//\00\00\5

Building Layout

(http://images.vgsi.com/photos2/PortsmouthNHPhotos//Sketches

Building Sub-Areas (sq ft)			Legend
Code	**Description**	**Gross Area**	**Living Area**
BAS	First Floor	4,868	4,868
FOP	Porch, Open	28	0
		4,896	4,868

Extra Features

Extra Features	Legend

Code	Description	Size	Value	Bldg #
CLR1	COOLER	80.00 S.F.	$2,000	1

Land

Land Use

Use Code	3250
Description	RETAIL
Zone	G1
Neighborhood	302
Alt Land Appr	No
Category	

Land Line Valuation

Size (Acres)	0.84
Frontage	
Depth	
Assessed Value	$381,000
Appraised Value	$381,000

Outbuildings

Outbuildings						Legend
Code	**Description**	**Sub Code**	**Sub Description**	**Size**	**Value**	**Bldg #**
LT1	LIGHTS-IN W/PL			6.00 UNITS	$3,400	1
PAV1	PAVING-ASPHALT			9000.00 S.F.	$7,900	1

Valuation History

Appraisal			
Valuation Year	**Improvements**	**Land**	**Total**
2019	$586,400	$381,000	$967,400
2018	$527,300	$352,700	$880,000
2017	$527,300	$352,700	$880,000

Assessment			
Valuation Year	**Improvements**	**Land**	**Total**
2019	$586,400	$381,000	$967,400
2018	$527,300	$352,700	$880,000
2017	$527,300	$352,700	$880,000

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City GIS Map

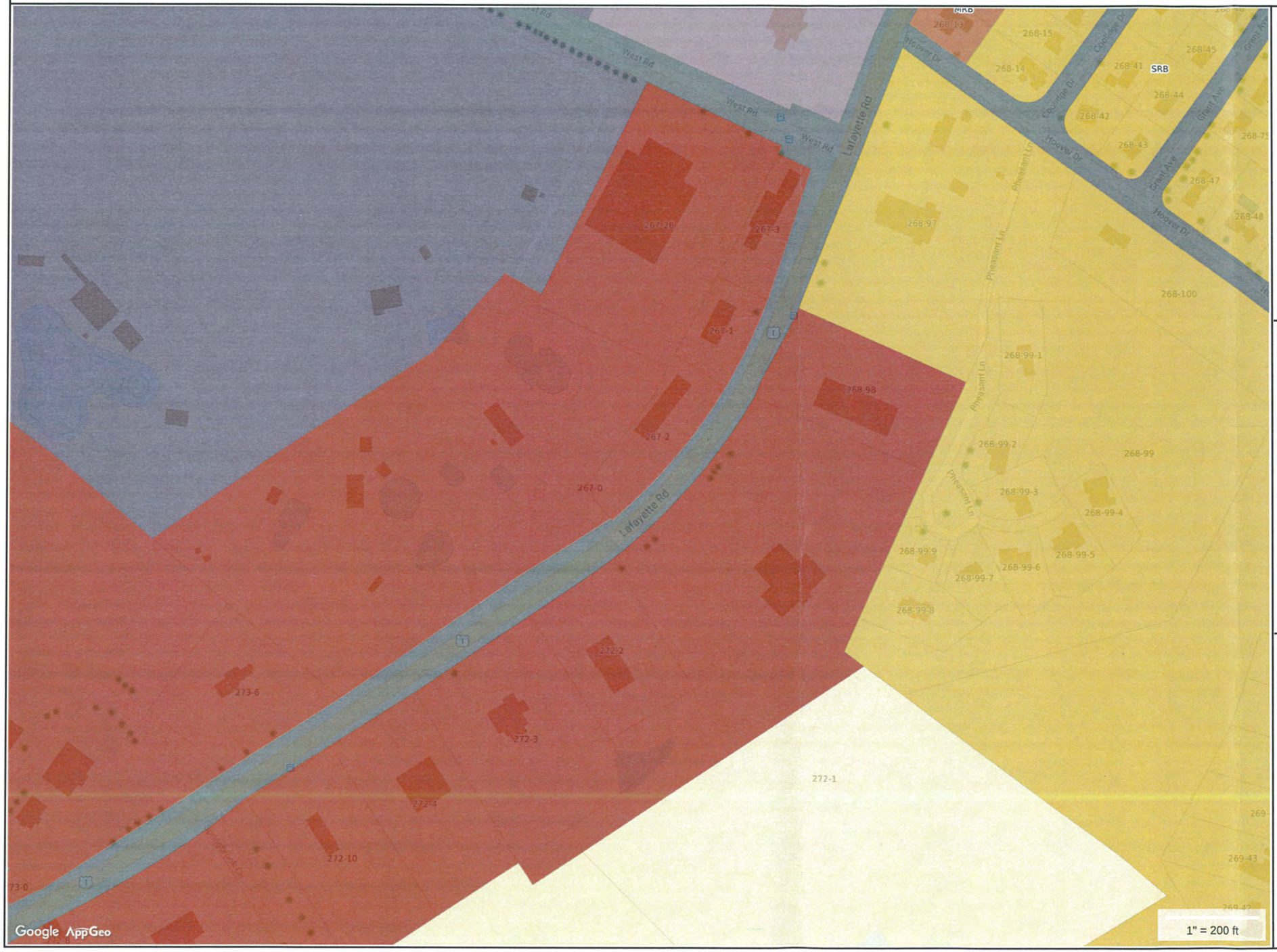

EXHIBIT
4

MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 4/1/2019
Data updated 7/17/2019

Map Theme Legends

Zoning

Residential Districts

- R Rural
- SRA Single Residence A
- SRB Single Residence B
- GRA General Residence A
- GRB General Residence B
- GRC General Residence C
- GA/MH Garden Apartment/Mobile Home Park

Mixed Residential Districts

- MRO Mixed Residential Office
- MRB Mixed Residential Business
- G1 Gateway Corridor
- G2 Gateway Center

Business Districts

- GB General Business
- B Business
- WB Waterfront Business

Industrial Districts

- OR Office Research
- I Industrial
- WI Waterfront Industrial

Airport Districts

- AIR Airport
- AI Airport Industrial
- PI Pease Industrial
- ABC Airport Business Commercial

Conservation Districts

- M Municipal
- NRP Natural Resource Protection

Character Districts

- CD5 Character District 5
- CD4 Character District 4
- CD4W Character District 4-B
- CD4-L1 Character District 4-L1
- CD4-L2 Character District 4-L2

Civic District

- Civic District

Municipal District

- Municipal District

Overlay Districts

- OLOD Osprey Landing Overlay District
- Downtown Overlay District
- Historic District

City of Portsmouth

Exhibit 5
Site Photographs

Aerial View of Property

View of Property from the South

Exhibit 5
Site Photographs

View of Property from the North

View from Property to the South

Exhibit 5
Site Photographs

View from Property to the Northeast

View from Property to the Southeast