

**APPLICATION OF FRIENDS OF LAFAYETTE HOUSE, INC.**  
**413 Lafayette Road, Portsmouth, NH**  
**Map 230, Lot 23A**

**APPLICANT'S NARRATIVE**

I. **THE PROPERTY:**

The applicant, Friends of Lafayette House, Inc. is a 501(c) (3) non-profit organization owns the property located at 413 Lafayette Road, Portsmouth, New Hampshire which currently houses 12 adult developmentally disabled residents (the, "Property"). Two (2) house managers, Julie and Dennis Barratt also reside at the property in a 300 square foot caretaker living quarters. In addition to the caretaker quarters, the property consists of 13 bedrooms, 8 bathrooms, a kitchen, living room and dining room. It is considered a "residential care facility" under the ordinance, which use is not permitted in this zone.

The Property is approximately .76 acres in size, has 8 parking spaces and is situated off Lafayette Road in the SRB zoning district. An overview of the Property is shown on the attached map. The property is unique in that it has frontage on Andrew Jarvis Drive, but an address on Lafayette Road, where it is accessible via a deeded easement.

The Friends of Lafayette House provides housing and associated programming for developmentally disabled adults and has provided such services on this site since 2017, when it acquired the property from Great Bay Services, which provided these housing services to the disabled population on this site since 1984. Many of the current clients have resided here for more than ten years. The need for such services on the seacoast, and in New Hampshire in general, is acute given the relatively low level of government funding devoted to them. Accordingly, it falls to privately funded non-profit organizations to provide the bulk of these desperately needed services.

The property has capacity for 12 clients, and that number will not be increased. The house managers live on-site Monday through Friday in separate living quarters. A respite shift of caretakers takes over for the weekend and presently occupies the house managers' living space. The proposal before the Board is to construct a 635 square foot addition to the building to create a completely separate caretaker apartment for the weekend respite staff. This will make the living arrangements much easier and more desirable for the house managers and staff. Except for rare events, such as weather events or personal emergencies, it is not anticipated that the existing caretaker living quarters and the proposed new apartment will be occupied at the same time. In other words, the actual residential density on the site will not increase.

Because the current group home use, which falls within the definition of a “residential care facility” in the ordinance, is not permitted in the SRB, the applicant needs a variance from 10.331 and/or 10.334 to enlarge or expand the non-conforming use.

Furthermore, because the proposed addition, at 635 square feet, pushes the building coverage to 20.4 % where 20 % is the maximum permitted, a variance from 10.520 is required.

## II. **THE VARIANCES:**

The Applicant believes all criteria necessary to grant the requested variances are met.

**Granting the requested variances will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest.** The “public interest” and “spirit and intent” requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

The essential characteristics of the neighborhood would not be altered by this project. The existing facility, housing up to 12 clients, already exists on this site harmoniously with the surrounding residential properties, Portsmouth High School and the nearby houses of worship. The current use has existed on site for almost forty years.

Were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened.

**Substantial justice would be done by granting the variance.** Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the loss to the applicant from denying the variance is not outweighed by some benefit to the general public, it is an injustice. Here, the loss to the applicant greatly exceeds any benefit to the public by requiring strict compliance with the ordinance. The non-conforming use already exists at the site and has for nearly forty years and any proposed expansion to the physical, built environment would require variance relief. The proposed expansion is very modest, and is necessary to assure the continued successful operation of the applicant’s very important service to the community. The proposed addition puts the property .4% over the maximum allowable building coverage.

**Values of surrounding properties will not be diminished.** The use on the site has existed for nearly forty years without any negative impact on surrounding property values and the improvements these variances would facilitate are exceedingly minor. Values of surrounding properties will not be negatively impacted in any manner by granting the variances.

**There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship.** The lot in question is larger than the residential lots in its neighborhood, is in close proximity with municipal and religious institutional uses, and has been the site of the residential care facility use since 1984. It has frontage on Andrew Jarvis Drive but a Lafayette Road address, where it has access via a deeded easement.

**The use is a reasonable use.** The use already exists on the site and is not being expanded in any significant way.

**There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property.** The existing use is not permitted in the SRB zone. However, it has existed on this site since 1984. The minor proposed expansion of the building will not in any material way increase the nonconformity of the use. The building coverage as a result of the proposed addition is .4% more than the maximum allowed.

Accordingly, the proposed use requested here would not in any way frustrate the purpose of the ordinance and there is no fair and substantial relationship between the purpose of the ordinances and their application to this property.

## II. **Conclusion.**

For the foregoing reasons, the applicant respectfully requests the Board grant the variances as requested and advertised.

Respectfully submitted,

Dated: February 23, 2024

By: John K. Bosen  
John K. Bosen, Esquire

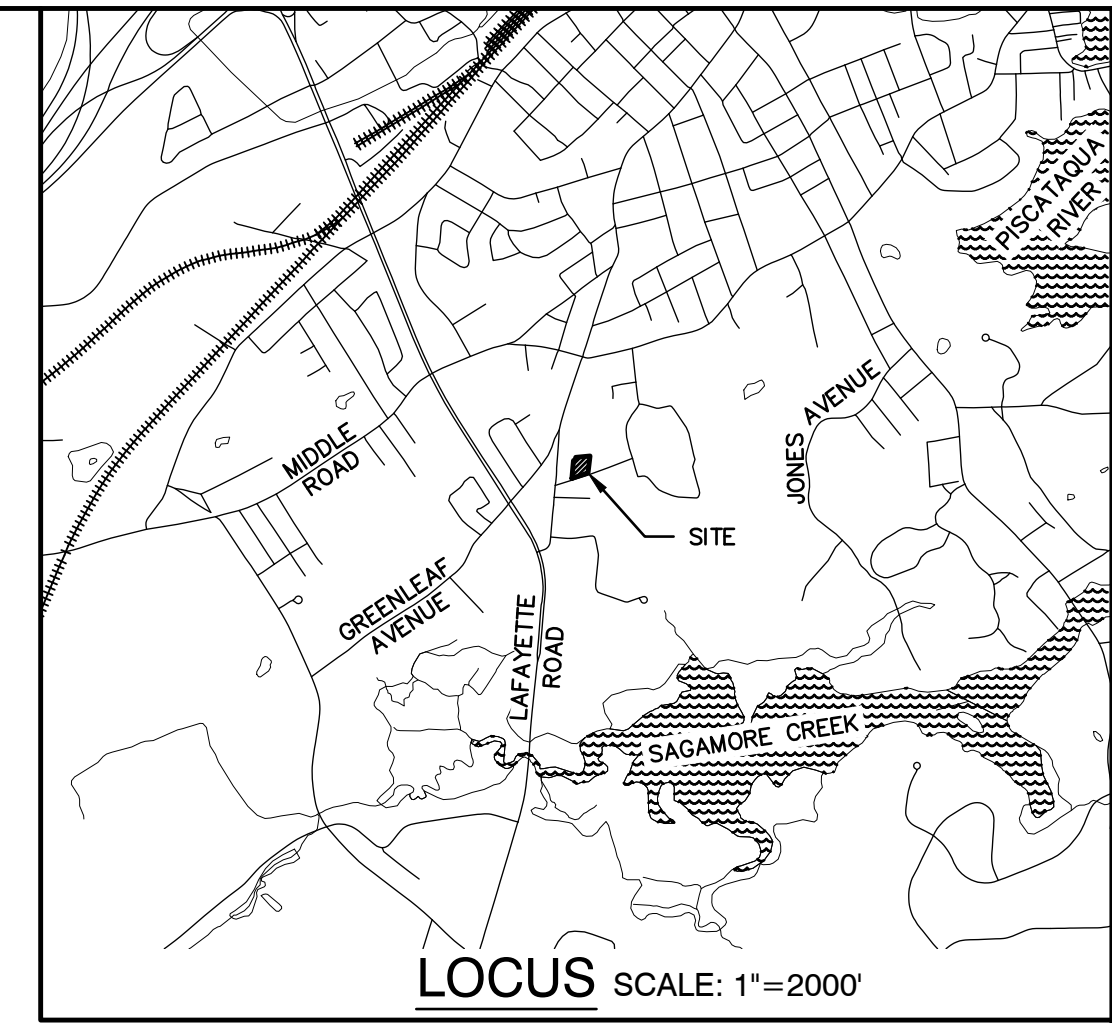
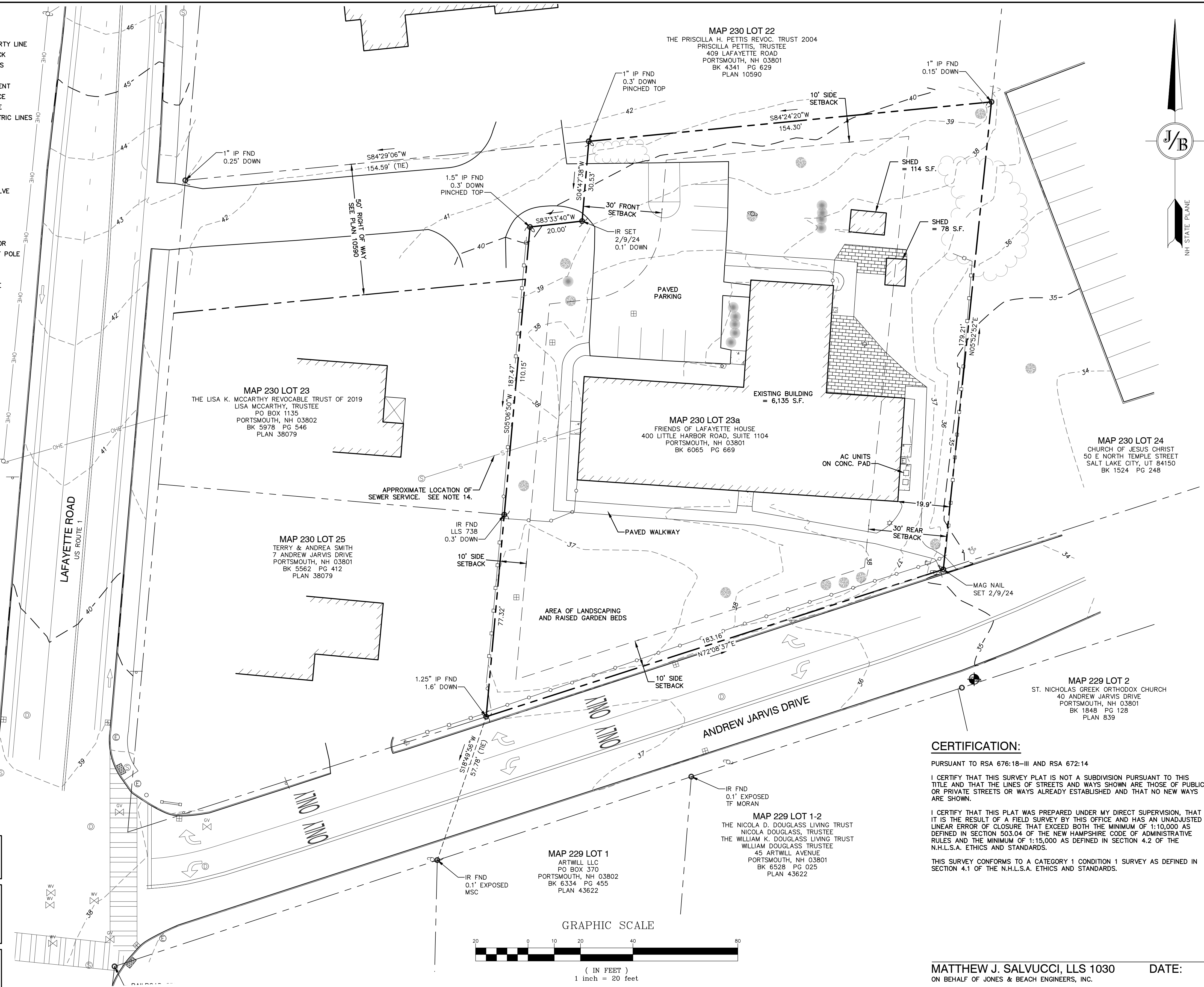
**LEGEND**

- PROPERTY LINE
- ABUTTER PROPERTY LINE
- BUILDING SETBACK
- SURVEY TIE LINES
- TREE LINE
- EDGE OF PAVEMENT
- CHAIN LINK FENCE
- STOCKADE FENCE
- OVERHEAD ELECTRIC LINES
- MAJOR CONTOUR
- MINOR CONTOUR
- DRAIN LINE
- CATCH BASIN
- DRAIN MANHOLE
- WATER LINE
- WATER GATE VALVE
- WATER SHUTOFF
- SEWER LINE
- SEWER MANHOLE
- UTILITY POLE
- GUY WIRE ANCHOR
- UTILITY SUPPORT POLE
- ELECTRIC METER
- GAS LINE
- GAS GATE VALVE
- GAS METER
- IRON PIPE
- IRON ROD
- DRILL HOLE
- BOUND

**PROJECT PARCEL**  
CITY OF PORTSMOUTH  
TAX MAP 230, LOT 23A

**APPLICANT/OWNER**  
FRIENDS OF LAFAYETTE HOUSE  
400 LITTLE HARBOR ROAD, SUITE 1104  
PORTSMOUTH, NH 03801  
BK 6065 PG 669

**TOTAL LOT AREA**  
33,096 SQ. FT.  
0.760 ACRES



- NOTES:**
- THE INTENT OF THIS PLAN IS TO SHOW THE BOUNDARY AND EXISTING CONDITIONS OF LOT 23A AS SHOWN ON CITY OF PORTSMOUTH TAX MAP 230.
  - THE UTILITY LOCATIONS SHOWN HEREON WERE DETERMINED BY OBSERVED ABOVE GROUND EVIDENCE AND SHOULD BE CONSIDERED APPROXIMATE IN LOCATION ONLY. LOCATION, DEPTH, SIZE, TYPE, EXISTENCE OR NONEXISTENCE OF UNDERGROUND UTILITIES AND/OR UNDERGROUND STORAGE TANKS WAS NOT VERIFIED BY THIS SURVEY. ALL CONTRACTORS SHOULD NOTIFY IN WRITING ALL UTILITY COMPANIES AND GOVERNMENT AGENCIES PRIOR TO ANY EXCAVATION WORK OR CALL DIG-SAFE AT 1-888-DIG-SAFE.
  - THE SUBJECT PARCEL IS NOT LOCATED WITHIN AN AREA HAVING A SPECIAL FLOOD HAZARD ZONE DESIGNATION BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA), ON FLOOD INSURANCE RATE MAP NO. 33015C0270F, WITH EFFECTIVE DATE OF JANUARY 29, 2021.
  - BASIS OF BEARING: HORIZONTAL - NH STATE PLANE. VERTICAL - NAVD88.
  - CERTAIN DATA HEREON MAY VARY FROM RECORDED DATA DUE TO DIFFERENCES IN DECLINATION, ORIENTATION, AND METHODS OF MEASUREMENT.
  - ALL BOOK AND PAGE NUMBERS REFER TO THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
  - THE TAX MAP AND LOT NUMBERS ARE BASED ON THE CITY OF PORTSMOUTH TAX RECORDS AND ARE SUBJECT TO CHANGE.
  - RESEARCH WAS PERFORMED AT THE CITY OF PORTSMOUTH ASSESSOR'S OFFICE AND THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
  - THIS SURVEY IS NOT A CERTIFICATION TO OWNERSHIP OR TITLE OF LANDS SHOWN. OWNERSHIP AND ENCUMBRANCES ARE MATTERS OF TITLE EXAMINATION NOT OF A BOUNDARY SURVEY. THE INTENT OF THIS PLAN IS TO RETRACE THE BOUNDARY LINES OF DEEDS REFERENCED HEREON. OWNERSHIP OF ADJOINING PROPERTIES IS ACCORDING TO ASSESSOR'S RECORDS. THIS PLAN MAY OR MAY NOT INDICATE ALL ENCUMBRANCES EXPRESSED, IMPLIED OR PRESRIPTIVE.
  - ANY USE OF THIS PLAN AND OR ACCOMPANYING DESCRIPTIONS SHOULD BE DONE WITH LEGAL COUNSEL, TO BE CERTAIN THAT TITLES ARE CLEAR, THAT INFORMATION IS CURRENT, AND THAT ANY NECESSARY CERTIFICATES ARE IN PLACE FOR A PARTICULAR CONVEYANCE, OR OTHER USES.
  - NO WETLANDS WERE OBSERVED ON THE SUBJECT PREMISES.
  - SURVEY TIE LINES SHOWN HEREON ARE NOT BOUNDARY LINES. THEY SHOULD ONLY BE USED TO LOCATE THE PARCEL SURVEYED FROM THE FOUND MONUMENTS SHOWN AND LOCATED BY THIS SURVEY.
  - THE SEWER SERVICE FOR THE SUBJECT PROPERTY RUNS THROUGH LOTS 23 AND 25. THOSE LOTS AND THE SUBJECT LOT WERE FORMERLY IN COMMON OWNERSHIP, AND NO EASEMENT WAS RESERVED WHEN LOTS 23 AND 25 WERE CONVEYED. SEE PLAN REFERENCES 3 AND 4 FOR ADDITIONAL DETAILS.

- PLAN REFERENCES:**
- "PLAN OF THE HOMESTEAD FARM OF THE LATE SAMUEL LANGDON, PORTSMOUTH, N.H." DATED MAY 23, 1882. PREPARED BY A. C. HOYT. R.C.R.D. 0364.
  - "SUBDIVISION PLAN OF LAND OF J. PHILIP MCCAFFERY FOR GREAT BAY SCHOOL AND TRAINING CENTER, LAFAYETTE ROAD, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H." DATED DECEMBER 1981. PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES. R.C.R.D. 10590.
  - "SEWER EASEMENT, LOT 1 TO LOT 2, 411 LAFAYETTE ROAD, GREAT BAY SCHOOL AND TRAINING CENTER, LAFAYETTE ROAD, COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H." DATED JULY 21, 1982. PREPARED BY RICHARD P. MILLETTE AND ASSOCIATES. R.C.R.D. 11034.
  - "SUBDIVISION PLAN, TAX MAP 230 - LOT 23, OWNER: GREAT BAY SCHOOL AND TRAINING CENTER, FOR LEMEUX BUILDERS, INC. 417 LAFAYETTE ROAD, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE." DATED SEPTEMBER 2013. PREPARED BY AMBIT ENGINEERING. R.C.R.D. 38079.
  - "EASEMENT PLAN, TAX MAP 230 - D. R. LEMEUX BUILDERS, INC TO THE CITY OF PORTSMOUTH, 7 ANDREW JARVIS DRIVE, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE." DATED JUNE 2014. PREPARED BY AMBIT ENGINEERING. R.C.R.D. 38417.

**CERTIFICATION:**  
PURSUANT TO RSA 676:18-III AND RSA 672:14  
I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.  
I CERTIFY THAT THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN UNADJUSTED LINEAR ERROR OF CLOSURE THAT EXCEEDS BOTH THE MINIMUM OF 1:10,000 AS DEFINED IN SECTION 503.04 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES AND THE MINIMUM OF 1:15,000 AS DEFINED IN SECTION 4.2 OF THE N.H.L.S.A. ETHICS AND STANDARDS.  
THIS SURVEY CONFORMS TO A CATEGORY 1 CONDITION 1 SURVEY AS DEFINED IN SECTION 4.1 OF THE N.H.L.S.A. ETHICS AND STANDARDS.

**MATTHEW J. SALVUCCI, LLS 1030** DATE:  
ON BEHALF OF JONES & BEACH ENGINEERS, INC.

Design: JAC	Draft: KDR	Date: 2/28/24
Checked: JAC	Scale: 1" = 20'	Project No.: 23036
Drawing Name: 23036-PLAN.dwg		
THIS PLAN SHALL NOT BE MODIFIED WITHOUT WRITTEN PERMISSION FROM JONES & BEACH ENGINEERS, INC. (JBE). ANY ALTERATIONS, AUTHORIZED OR OTHERWISE, SHALL BE AT THE USER'S SOLE RISK AND WITHOUT LIABILITY TO JBE.		

REV.	DATE	REVISION	BY
0	2/28/24	ADDING BUILDING SETBACKS	KDR

Designed and Produced in NH

**J/B Jones & Beach Engineers, Inc.**

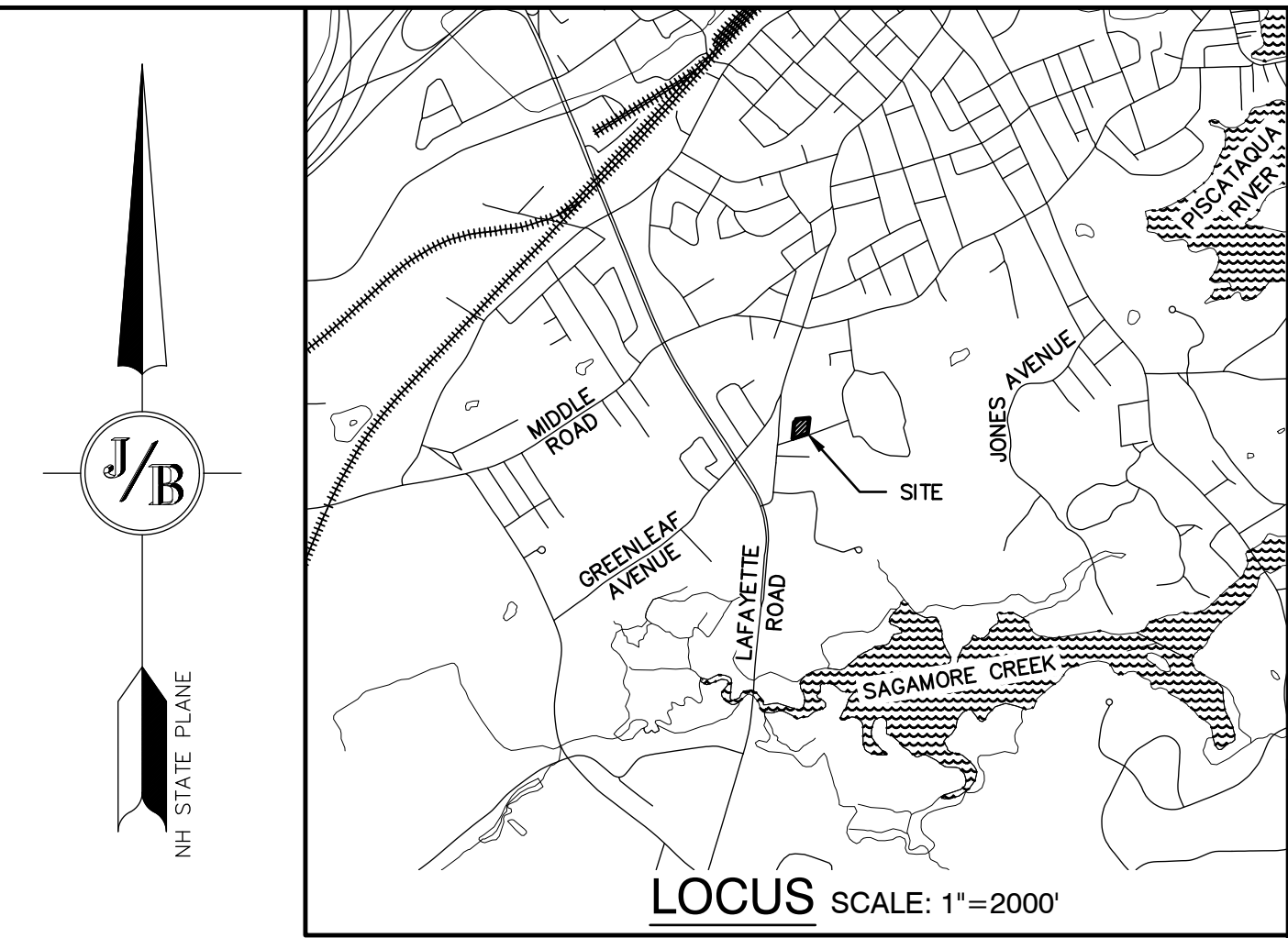
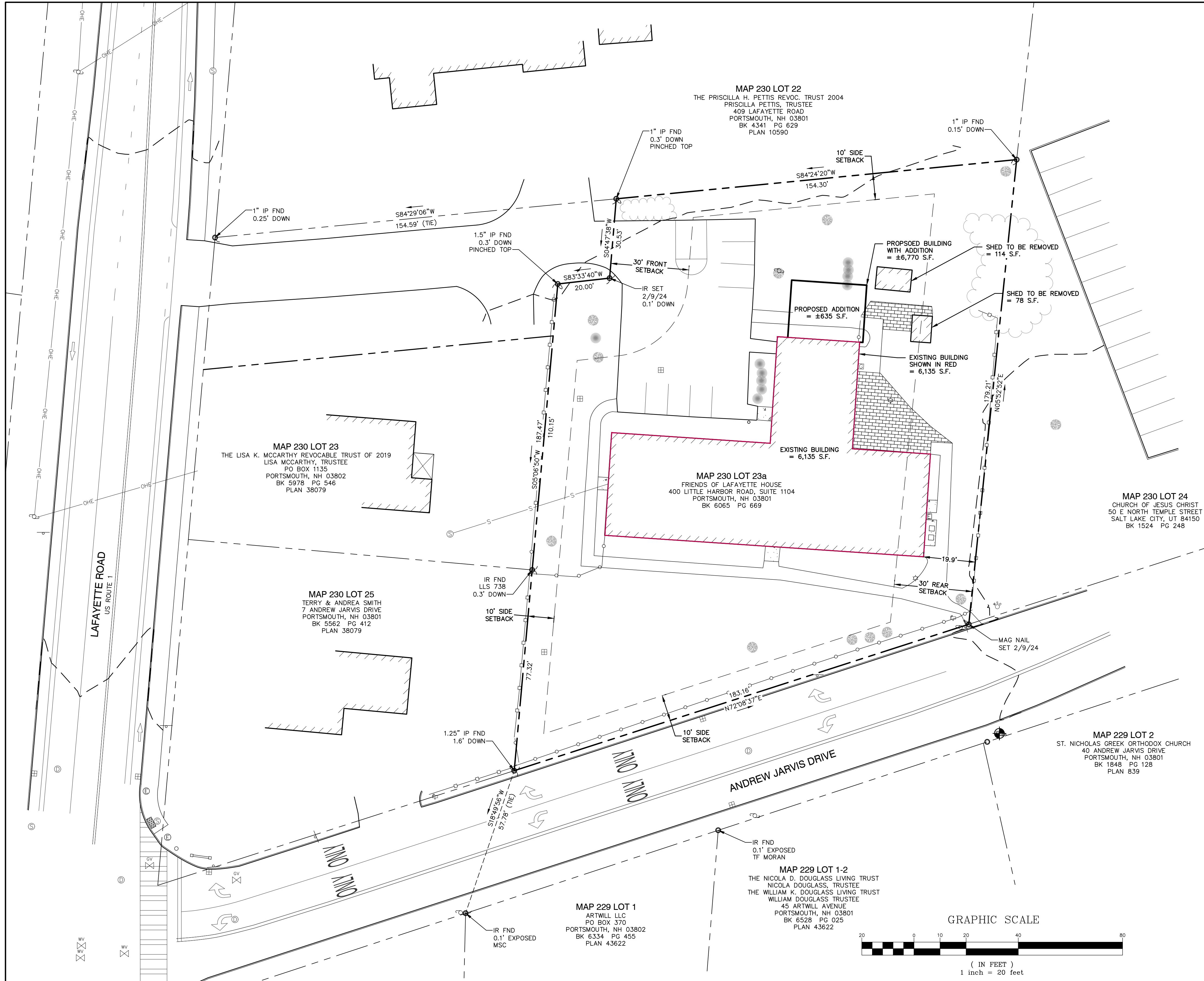
85 Portsmouth Ave. Civil Engineering Services 603-772-4746  
PO Box 219 Stratham, NH 03885 E-MAIL: JBE@JONESANDBEACH.COM

Plan Name:	<b>EXISTING CONDITIONS PLAN</b>
Project:	<b>BUILDING ADDITION 413 LAFAYETTE ROAD, PORTSMOUTH, NH</b>
Owner of Record:	<b>FRIENDS OF LAFAYETTE HOUSE 400 LITTLE HARBOR ROAD, SUITE 1104, PORTSMOUTH, NH 03801</b>

DRAWING No.

**C1**

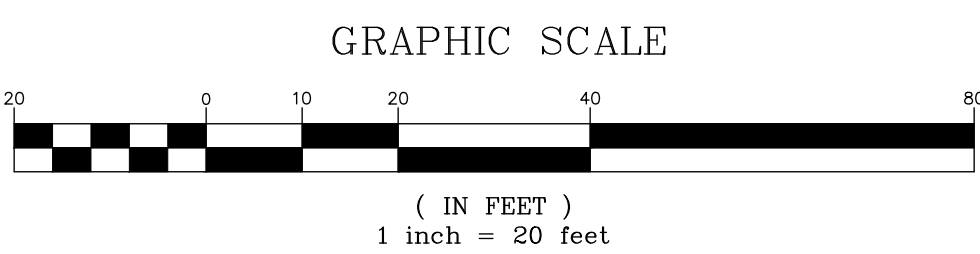
SHEET 1 OF 2  
JBE PROJECT NO. 23036



- SITE NOTES:**
- THE INTENT OF THIS PLAN IS TO ADD A BUILDING ADDITION TO AN EXISTING BUILDING.
  - EXISTING IMPERVIOUS AREAS:  
 BUILDING FOOTPRINT = 6,135 S.F. (18.5%)  
 SHED TOTAL AREAS = 192 S.F.  
 PAVED AREA = 3,939 S.F.  
 PATIO/WALKWAY/CONCRETE AREA = 2,745 S.F.  
 TOTAL LOT COVERAGE = 13,011 S.F. (39.3%)
  - PROPOSED IMPERVIOUS AREAS:  
 BUILDING FOOTPRINT = 6,770 S.F. (20.4%)  
 PAVED AREA = 3,939 S.F.  
 PATIO/WALKWAY/CONCRETE AREA = 2,611 S.F.  
 TOTAL LOT COVERAGE = 13,320 S.F. (40.2%)
  - THIS PLAN SET HAS BEEN PREPARED BY JONES & BEACH ENGINEERS, INC. FOR MUNICIPAL AND STATE APPROVALS AND FOR CONSTRUCTION BASED ON DATA OBTAINED FROM ON-SITE FIELD SURVEY AND EXISTING MUNICIPAL RECORDS. THROUGHOUT THE CONSTRUCTION PROCESS, THE CONTRACTOR SHALL INFORM THE ENGINEER IMMEDIATELY OF ANY FIELD DISCREPANCY FROM DATA AS SHOWN ON THE DESIGN PLANS, INCLUDING ANY UNFORESEEN CONDITIONS, SUBSURFACE OR OTHERWISE, FOR EVALUATION AND RECOMMENDATIONS. ANY CONTRADICTION BETWEEN ITEMS ON THIS PLAN/PLAN SET, OR BETWEEN THE PLANS AND ON-SITE CONDITIONS, MUST BE RESOLVED BEFORE RELATED CONSTRUCTION HAS BEEN INITIATED. CONTRACTOR TO ALWAYS CONTACT DIG SAFE PRIOR TO DIGGING ONSITE OR OFFSITE TO ENSURE SAFETY AND OBEY THE LAW.
  - SUBJECT PROPERTY IS NOT LOCATED WITHIN FEDERALLY DESIGNATED 100 YEAR FLOOD HAZARD ZONE. REFERENCE FEMA COMMUNITY PANEL NO. 33015C0270FB, DATED JANUARY 29, 2021.

ZONING SUMMARY		
ZONE	SINGLE RESIDENCE (SRB)	PROVIDED
MINIMUM LOT AREA	15,000 S.F.	33,096 S.F.
MINIMUM LOT DEPTH	100'	173'
FRONT SETBACK	30'	30'
SIDE SETBACK	10'	20'
REAR SETBACK	30'	38'
MAXIMUM BUILDING COVERAGE	20%	20.4%
MINIMUM OPEN SPACE COVERAGE	40%	59.8%

APPROVED – PORTSMOUTH, NH PLANNING BOARD	PROJECT PARCEL CITY OF PORTSMOUTH TAX MAP 230, LOT 23A
APPLICANT/OWNER FRIENDS OF LAFAYETTE HOUSE 400 LITTLE HARBOR ROAD, SUITE 1104 PORTSMOUTH, NH 03801 BK 6065 PG 669	TOTAL LOT AREA 33,096 SQ. FT. 0.760 ACRES
DATE: _____	



Design: JAC Draft: KDR Date: 2/28/24  
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Designed and Produced in NH

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 85 Portsmouth Ave. Civil Engineering Services 603-772-4746  
 PO Box 219 Stratham, NH 03885 E-MAIL: JBE@JONESANDBEACH.COM

Plan Name: **ZBA SITE PLAN**  
 MAP 230 - LOT 23A

Project: **BUILDING ADDITION**  
**413 LAFAYETTE ROAD, PORTSMOUTH, NH**

Owner of Record: **FRIENDS OF LAFAYETTE HOUSE**  
 400 LITTLE HARBOR ROAD, SUITE 1104, PORTSMOUTH, NH 03801

DRAWING No.  
**C2**  
 SHEET 2 OF 2  
 JBE PROJECT NO. 23036