

# HOEFLE, PHOENIX, GORMLEY & ROBERTS, P.A.

ATTORNEYS AT LAW

127 Parrott Avenue, P.O. Box 4480 | Portsmouth, NH, 03802-4480  
Telephone: 603.436.0666 | Facsimile: 603.431.0879 | [www.hpgrlaw.com](http://www.hpgrlaw.com)

October 31, 2018

## HAND DELIVERED

Peter Stith, Planner  
Mary Koepenick, Administrative Clerk  
Portsmouth Zoning Board of Adjustment  
City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Zoning relief  
Arbor View & The Pines, LLC  
Forest Properties Management, Inc., Owner/Applicant  
145 Lang Road  
Tax Map 287/Lot 1  
Zoning District GA/MH

Dear Mr. Stith, Ms. Koepenick & Zoning Board Members:

On behalf of the above referenced Owner and Applicant, enclosed please find the following in support of requested zoning relief:

- Building Permit Application-submitted online 10/31/18.
- 10/30/18 Variance Application.
- 10/30/18 Board of Adjustment Application checklist.
- 10/31/18 Memorandum and exhibits in support of zoning relief. (original and eleven (11) copies).
- 10/29/18 Owner's Authorization.

Also enclosed is our check in the amount of \$2,350.00 (\$250.00 plus \$50.00 each of 42 new units), for the filing fee.

DANIEL C. HOEFLE  
[dhoefle@hpgrlaw.com](mailto:dhoefle@hpgrlaw.com)  
R. TIMOTHY PHOENIX  
[rphoenix@hpgrlaw.com](mailto:rphoenix@hpgrlaw.com)  
LAWRENCE B. GORMLEY  
[lgormley@hpgrlaw.com](mailto:lgormley@hpgrlaw.com)

STEPHEN H. ROBERTS  
[sroberts@hpgrlaw.com](mailto:sroberts@hpgrlaw.com)  
R. PETER TAYLOR  
[ptaylor@hpgrlaw.com](mailto:ptaylor@hpgrlaw.com)  
JOHN AHLGREN  
[jahlgren@hpgrlaw.com](mailto:jahlgren@hpgrlaw.com)

KIMBERLY J.H. MEMMESHEIMER  
[kmemmesheimer@hpgrlaw.com](mailto:kmemmesheimer@hpgrlaw.com)  
MATTHEW G. STACHOWSKE  
[mstachowske@hpgrlaw.com](mailto:mstachowske@hpgrlaw.com)  
KEVIN M. BAUM  
[kbaum@hpgrlaw.com](mailto:kbaum@hpgrlaw.com)

MONICA F. KIESER  
[mkieser@hpgrlaw.com](mailto:mkieser@hpgrlaw.com)  
SAMUEL HARKINSON  
[sharkinson@hpgrlaw.com](mailto:sharkinson@hpgrlaw.com)  
OF COUNSEL:  
SAMUEL R. REID

Peter Stith, Planner

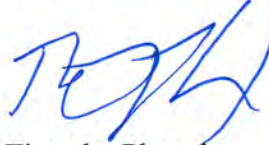
Mary Koepenick, Administrative Clerk

Page 2 of 2

October 31, 2018

We look forward to presenting this application to the Zoning Board of Adjustment at its November 20, 2018 meeting.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'RTPH', is written over the typed name.

R. Timothy Phoenix

RTP/msw

Encl.

cc: Forest Properties Management, Inc.  
Altus Engineering

**CITY OF PORTSMOUTH**  
**Zoning Board of Adjustment Application**

Department Use Only

Assessor Plan # \_\_\_\_\_

Lot # \_\_\_\_\_

Date \_\_\_\_\_

Fee \_\_\_\_\_

Zone \_\_\_\_\_

Lot area \_\_\_\_\_

By \_\_\_\_\_

Fill in below by printing in ink or typing / Complete all Blanks or indicate "N/A" if not applicable

Applicant Forest Properties Management, Inc. Owner of Record Arbor View & The Pines, LLC

Applicant Street Address 625 Mt. Auburn St., #120 Owner Street Address 145 Lang Road

Applicant City / State / Zip Cambridge, MA 02138 Owner City / State / Zip Portsmouth, NH 03801

Applicant phone ( 603 ) 436-0666 Owner phone ( \_\_\_\_\_ ) \_\_\_\_\_

Applicant e-mail c/o tphenix@hpgrlaw.com

Location (street address) of proposed work: 145 Lang Road

Existing use: 145 Unit Apartment Complex

Undersigned hereby requests:

Article and Section

☐ Appeal from an Administrative Decision  
See Article 2, Section 10.234.30

☐ Special Exception  
See Article 2, Section 10.232.20

☒ Variance  
See Article 2, Section 10.233.20

Article 5 Sections 10.521 and 10.522

☐ Other \_\_\_\_\_  
See Article 2, Section 10.233.20

To permit the following:

10.522-Two new apartment buildings 170 and 225 feet where 160 feet is permitted and 5 existing buildings range from 228 ft. to 285 ft. 10.521-To allow 186 total units 8,321 s.f. per dwelling unit where 10,000 s.f. is required and 10,673 s.f. (145 units) exists.

The undersigned alleges that the required conditions exist for granting of this request according to the terms of the Zoning Ordinance as demonstrated in the attached submittals.

Only complete applications will be accepted by the deadline date. A complete application shall consist of: a completely filled out application with original signatures, the application fee, and 12 packets of required plans and any supporting documents or photos. Incomplete applications will not be accepted. Applications received after the deadline will be scheduled for the following month. The owner or his/her representative is required to attend the Public Hearing for the above appeal.

Signature of Owner

*RT Phoenix*

*10/30/16*

Date

Please PRINT name here

*RT Phoenix*



### Applicant's Responsibilities

1. All applications for Variances and Special Exceptions must be submitted to the Planning Department prior to the published deadline. In the case of Appeals from an Administrative Decision, the appeal shall be filed no later than 30 days from the date of the action which is being appealed.
2. A Building Permit application must also be filed for the project for which zoning relief is being sought. The Building Permit application can be submitted with the Board of Adjustment application or filed prior. The Planning Department may waive this requirement when the application is for a substandard lot for subdivision purposes and no other zoning relief is required.
3. An applicant shall be one of the following: a) the owner of record of the property, or b) the holder of a valid purchase and sales agreement for the purchase of the subject property, or c) the holder of a valid option for the purchase of the subject property.
4. All applications shall include a written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.234.30 for Administrative Appeals, Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions).
5. It is the obligation of the applicant to submit adequate plans and exhibits in accordance with the terms of the Zoning Ordinance for all applications for Administrative Appeals, Variances, Special Exceptions, and Equitable Waivers.
6. For applications requesting dimensional relief, the minimum requirements for adequate plans shall include the following:

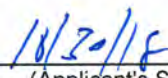
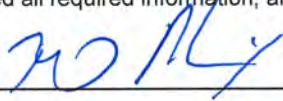
<input type="checkbox"/> Site Plan(s) showing existing and proposed conditions including: <ul style="list-style-type: none"><li>- Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)</li><li>- Lot dimensions</li><li>- Abutting street(s) and street names</li><li>- Driveways / accessways</li><li>- Dimensions (size and height) of structures</li><li>- Dimensions and location of parking spaces</li></ul>	<input type="checkbox"/> Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size) <input type="checkbox"/> Labeled photo(s) of existing conditions <input type="checkbox"/> Building plans and elevations of any <i>proposed</i> structures or additions <input type="checkbox"/> Interior floor plans for any renovations or expansion to existing structures
---	---

7. For applications requesting relief from land use requirements, the minimum requirements for adequate plans shall include the following:

<input type="checkbox"/> Site Plan showing dimensions and location of parking spaces including the scale (the scale is the ratio of the drawing's size relative to the actual size) <input type="checkbox"/> Interior floor plans and/or exterior site plans showing the location of the proposed use(s) <input type="checkbox"/> Labeled photo(s) of existing conditions
---

8. Plans should be 8 ½" x 11" in size, 11" x 17" plans may be used only if the plan would otherwise be unreadable.
9. The Planning Department is authorized by the Board of Adjustment to refuse applications which do not meet these minimum requirements. The Planning Department may also require additional information and/or exhibits as needed to illustrate the scope of the project. Public Hearings shall not be scheduled, advertised or held until such time as the minimum requirements for adequate plans have been submitted. The Board may postpone any application requiring more information prior to any action being taken.
10. The applicant shall submit one (1) original and eleven (11) copies of the application and any plans, exhibits, and supporting documents.
11. The applicant shall provide electronic files in Portable Document Format (PDF) of all submittals. An applicant may request a waiver from this requirement. The request should be made in writing to the Planning Director one week prior to the submission deadline and should explain why the applicant is unable to provide electronic files.

I have read the above list of responsibilities, have provided all required information, and such information is current, accurate, and complete to the best of my knowledge.



(Applicant's Signature, date)

The Applicant is encouraged to consider the following when completing the application:

- ☐ Provide neat and clear plans
- ☐ Use of color or highlights is encouraged in order to identify pertinent areas on plans
- ☐ Applicants are encouraged to review the application with a member of the Planning Department staff prior to submittal
- ☐ All applicants are encouraged to discuss the project with impacted neighbors

## Board of Adjustment Application Check-List

Please complete and submit one (1) copy with your completed application.

Property Address 145 Lang Road

Completed By R. Timothy Phoenix

### APPLICATION TYPE:

- ☒ Variance or Special Exception for Dimensional Requirements
- ☐ Variance or Special Exception for Use Requirements
- ☐ Other \_\_\_\_\_

### FOR APPLICATIONS REQUESTING **DIMENSIONAL RELIEF**, THE FOLLOWING SUBMISSIONS MUST BE INCLUDED:

- ☒ Site Plan(s) showing existing and proposed conditions including:
  - ☐ Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)
  - ☐ Lot dimensions
  - ☐ Abutting street(s) and street names
  - ☐ Driveways / accessways
  - ☐ Dimensions (size and height) of structures
  - ☐ Dimensions and location of parking spaces
  - ☐ Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)
- ☒ Labeled photo(s) of existing conditions
- ☒ Building plans and elevations of any proposed structures or additions
- ☐ Interior floor plans for any renovations or expansion to existing structures

### FOR APPLICATIONS REQUESTING **LAND USE RELIEF**, THE FOLLOWING SUBMISSIONS MUST BE INCLUDED:

- ☐ Site Plan(s) showing:
  - ☐ Location of the proposed use(s) on the property
  - ☐ Site plan showing location and dimensions of parking spaces
- ☐ Interior floor plans showing the location and layout of the proposed use
- ☐ Labeled photo(s) of existing conditions

### ALL APPLICATIONS

- ☒ Complete application checklist (**1 original**)
  - ☐ Complete and signed Building Permit application (**1 original**)
    - ☐ filed previously
    - ☐ included with this packet
  - ☒ Complete and signed Board of Adjustment Application Form (**1 original, 11 copies**)
    - ☐ Property Owner signatures (on front and back of Board of Adjustment application form)
  - ☒ Written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.234.30 for Administrative Appeals, Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions) (**12 copies**)
  - ☒ Required plans / exhibits are 8 ½" x 11" or 11" x 17" in size (**12 copies**)
  - ☐ Additional information as requested by the Planning Department staff
- 
- ☒ Electronic file in Portable Document Format (PDF)
    - ☒ Sent by e-mail
    - ☐ Provided on CD-ROM
    - ☐ Provided on flash drive

## MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")  
FROM: R. Timothy Phoenix, Esquire  
DATE: October 31, 2018  
Re: Arbor View & The Pines, LLC  
Forest Properties Management, Inc., Owner/Applicant  
145 Lang Road  
Tax Map 287/Lot 1  
Zoning District GA/MH

Dear Chairman Rheaume and Zoning Board Members:

On behalf of Owner/Applicant, Arbor View & The Pines, LLC, c/o Forest Properties Management, Inc. ("Applicant"), we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief from the ZBA at its November 20, 2018 meeting, to construct two new apartment buildings containing eighteen and twenty-four units respectively, increasing the Arbor View apartments on this lot, formerly known as Beechstone, from 145 to 186 units<sup>1</sup>.

### **I. Exhibits**

1. 10/26/18 BOA Site Plan by Altus Engineering, Inc.
2. 10/22/18 Plan Set by McHenry Architecture.
  - A1.01 18 Unit Building Proposed Floor Plan
  - A1.02 24 Unit Building Proposed Floor Plan
  - A1.03 Ground Floor Plan Second Floor Plan
  - A1.04 Third Floor Plan/mezzanine Floor Plan
  - A2.1 Typical Elevation
  - A2.2 Rendering
- 3a-c. Satellite Photographs.
4. Tax Map 287.
5. Tax Map 292 (Maple Haven).

---

<sup>1</sup> The Arbor View complex contains 4 additional apartment buildings, containing 108 units. Because those buildings are on a separate 25.08 acre lot (10,116 s.f./unit), they are not included in the instant density calculations.



## **II. Property/Project**

The subject property is a 35.53 acre parcel containing 5 multi-unit buildings. One existing building is 228± feet in length (24 units). The other four are 285± feet (30 units). The buildings are clustered at the northwesterly end of the site due to existing wetlands. The existing buildings are accessed from Lang Road and Robert Avenue. In addition to the large apartment buildings, there is a small maintenance building containing one additional apartment. The horseshoe arrangement of the existing building forms somewhat of “courtyard” where the two new buildings will be located (**Exhibit 1**).

The proposal intends to remove a portion of the existing maintenance building and one apartment in favor of two new apartment buildings (a 170 ft. 18 unit building and a 225 ft. 24 unit building). The new buildings will be blocked from view on both Lang Road and Robert Avenue by existing larger buildings.

There are presently 145 units on the lot, where 154 are allowed and still meet the required 10,000 sq. ft. minimum area per dwelling unit. With one dwelling unit removed and 24 added, the request is for 186 units, a density of 8,321 sq. ft. per dwelling unit. The length of the two buildings exceeds the 160 ft. limit; however, is essentially equal to one and less than the other four buildings on the lot..

## **III. Relief Required**

1. PZO§10.521-To provide one unit per 8,321 sq. ft. of land area where 10,000 sq. ft. is required and 10,673 sq. ft. exist.
2. PZO§10.522-To allow two new apartment buildings of 170 ft. and 225 ft. in length where 160 ft. is allowed and buildings ranging from 228 ft. (one building) to 285ft. (four buildings) exist.

## **IV. Surrounding Area Comparison**

As the photographs (**Exhibit 3**) demonstrate, the Arbor View apartment complex is connected to The Pines (formerly known as Stonecroft) and Colonial Pine complexes. Within a mile of the subject property, on either side of Route 1 are the Patriots Park apartment complex,

Hillcrest Estates manufactured home park and on either side of Ocean road, the Maple Haven single-family home subdivision (**Exhibit 5**). Also, nearby are significant non-residential uses including the Heritage Avenue commercial/industrial complex, the commercial plaza holding the Beach Plum, Gas Stations/Car Washes and a storage facility.

The requested building lengths are less, but compare favorably with the existing Arbor View building lengths. The density of 1 unit per 8,232 sq. ft. compares favorably with other residential uses in the area. Based upon the team's investigation:

- The adjacent Pines (formerly Stonecroft) apartment complex was granted an easement by the Portsmouth ZBA on June 13, 1978 to permit 3,500 sq. ft. per unit where 10,000 sq. ft. is required.
- The Hillcrest Estates manufactured home park appears to contain approximately 430 units on an 84 acre lot, equal to 1 unit per 8,448 sq.ft. of lot area.
- Patriots Park appears to have 8 buildings, 216 units on 28.05 acres, a density of 1 unit per 5,656 sq. ft.
- Tax map 292 (**Exhibit 5**) shows in orange highlight that many of the Maple Haven lots are under 10,000 s.f.

In summary, while slight zoning relief is necessary, both the length of the two new buildings and the requested density variances are in keeping with the surrounding area.

#### **V. Variance Requirements**

- 1. The variances will not be contrary to the public interest.**
- 2. The spirit of the ordinance is observed.**

The first step in the ZBA's analysis is to determine whether granting the variances is not contrary to the public interest and is consistent with the spirit and intent of the ordinance, considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny. Upon examination, it must be determined whether granting a variance "would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance's basic zoning objectives". *Id.* "Mere conflict with the zoning ordinance is not enough". *Id.*



Portsmouth Zoning Ordinance ("PZO") Section 10.121 identifies the general purposes and intent of the ordinance "to promote the health, safety and general welfare of Portsmouth...in accordance with the...Master Plan, [B]y regulating:"

1. The use of land, buildings and structures for business, industrial, residential and other purposes-The two new buildings are permitted uses, have fewer units and are not as long as the five existing buildings on the lot. Their view will essentially be blocked by the horseshoe formation of the existing longer buildings. Other apartment complexes, manufactured housing park and Maple Haven homes are all on lots that have comparable under 10,000 s.f. lot areas per dwelling unit.

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space-The new buildings are "surrounded" by the existing buildings and will be essentially unseen unless one enters the complex. There is a very large area of undeveloped land comprising the lot, which will likely never be developed due to existing wetlands. Given: the location of this complex, connected to other similar complexes; at least one of which has a greater density than here requested; the proximity of other residential uses with comparable densities; and the location in an area with a mixture of residential, commercial, and industrial uses, the intensity of land use and building length is reasonable.

3. The design of facilities for vehicular access, circulation, parking and loading-As **Exhibit 1** demonstrates, access, circulation, parking and loading will be sufficient. In addition, the project will require site review by the Planning Board.

4. The impact on properties on of outdoor lighting, noise, vibration, stormwater runoff and flooding-The location of these buildings between existing buildings will not create a problem for lighting, noise or vibration. These issues, together with stormwater treatment will be vetted by the Planning Board.

5. The preservation and enhancement of the visual environment-The proposal maintains the visual environment of the apartment complex, unseen by anyone other than those living or working at the complex.

6. The preservation of historic districts and building and structures of historic architectural interest-Not applicable.

7. The protection of natural resources, including groundwater, surface water, wetlands, wild life habitat and air quality-The proposal places the two new buildings in relatively close proximity to existing buildings. A very large undisturbed area of the lot will remain, providing natural resource protection.

In considering whether variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives”, Malachy Glen, supra, also held:

One way to ascertain whether granting the variance would violate basic zoning objectives is to examine whether it would alter the essential character of the locality... . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

These two new buildings: shorter than the existing apartment buildings surrounding them; visually unseen by the public; with other similar density residential uses nearby, is in keeping with, thus, in no way alters the essential character of the locality. For the same reasons, granting the variances will not threaten, the public health, safety or welfare. Providing needed reasonably priced residential rental opportunities will likely improve public health and welfare.

**3. Granting the variance will not diminish surrounding property values.**

Given numerous surrounding residential uses with comparable densities; proposed buildings of a lesser length and hidden by existing buildings; and the general area a mix of apartments, mobile home park, single family homes and commercial/industrial uses, it is clear that granting the variances will not diminish surrounding property values.

**4. Denial of the variances results in an unnecessary hardship.**

a. Special conditions distinguish the property from others in the area.

This very large lot has significant wetland, requiring the new development to be in the location of these proposed units. Noteworthy is that in granting a much more significant density variance for the adjoining Pines (formerly Stonecroft) complex in 1978, the ZBA recognized that a hardship existed. New Hampshire case law supports the existence of a hardship in this instance. A hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect on the neighborhood. See Walker v. City of Manchester, 107 N.H. 382, 386 (1966). In Walker, an applicant sought to convert the use of a large building to a dwelling and funeral home in a residential zone. Denied by the Manchester Zoning Board of Adjustment, the Trial Court and Supreme Court found that a hardship existed, thus the variances should have been granted, where numerous other large dwellings in the area had been converted to office or other business use, and numerous funeral homes existed in otherwise residential districts. Since the density and buildings lengths here requested are similar to the lengths and densities of surrounding and nearby residential uses, and since the area also holds numerous commercial/industrial uses, granting the variances will have no adverse effect on the neighborhood. Walker, supra.

Additionally, a municipality's ordinance must reflect the current character of the neighborhood, See Belanger v. City of Nashua, 121 N.H. 389, 393 (1981). Granting the requested variances allow the subject lot to be in keeping with the character of other residential uses in the vicinity. Thus, the variances will allow the ordinance in this instance to reflect the character of the area.

b. No fair and substantial relationship exists between the general public purposes of the ordinance and its specific application in this instance.

The density requirement of 10,000 sq. ft. per dwelling unit is intended to provide for adequate air, space, light, separation of neighbors, sight lines, access and stormwater treatment. The request of 8,321 sq. ft. per unit meets the intention of the zoning ordinance, given: the proposed buildings surrounded by existing buildings; a very large undisturbed area comprising

the rest of the lot; the density request is significantly better than for the Pines (formerly Stonecroft) next door pursuant to a 1978 variance; its location in proximity to other apartment complexes, the manufactured home park, and Maple Haven area where similar densities exist, it is clear that there is no fair and substantial relationship between the 10,000 ft. requirement and its application in this instance. Similarly, although the two new buildings exceed the 160 ft. limit, since they are not as long as the existing buildings in the complex and will be essentially blocked from view by those other buildings, there is no reason to apply the 160 ft. limit, which, if implemented, would permit fewer units and/or more buildings at an increased cost for no justifiable purpose.

c. The proposed use is reasonable.

The residential use is permitted. Given the area in which the complex is located, the location of the two new buildings compared to existing buildings, the proximity of other similar-density uses and the overall mixed residential, commercial, and industrial use of the surrounding area, this use is reasonable.

**5. Substantial justice will be done by granting the variance.**

If “there is no benefit to the public that would outweigh the hardship to the applicant” this factor is satisfied. Harborside Associates, L.P. v. Parade Residence Hotel, L.L.C., 162 N.H. 508 (2011). That is, “any loss to the [applicant] that is not outweighed by a gain to the general public is an injustice”. Malachy Glen, *supra* at 109.

Since the density is in keeping with other residential uses in the area, the overall area is a mix of residential, commercial and industrial uses, and the two proposed buildings will be shorter than and blocked from view by the existing buildings in the complex, there is no benefit to public to be gained by denying the density and/or the building length variances. Conversely, denial of the building length or density variance makes the project less economically viable, via either fewer units and/or more buildings, and provides fewer opportunities for people wanting to live in Portsmouth. Under all of the circumstances and given the location of this apartment complex and its surroundings, there is absolutely no harm to public in granting the variances and



great harm to the applicant in denying either or both. Thus, substantial justice will be done by granting the variances, while a substantial injustice will be done if denied.

**VI. Conclusion**

For all of the reasons stated, the Applicants respectfully requests that the Portsmouth Zoning Board of Adjustment grant each variance request.

Respectfully submitted,

Arbor View & The Pines, LLC



---

By: R. Timothy Phoenix  
Hoefle, Phoenix, Gormley & Roberts, P.A.  
127 Parrott Avenue  
Portsmouth, NH 03801  
(603) 436-0666



EXHIBIT

1

ISSUED FOR:  
BOARD OF ADJUSTMENT  
ISSUE DATE:  
OCTOBER 26, 2018

REVISIONS  
NO. DESCRIPTION BY DATE  
0 INITIAL SUBMISSION CDB 10/25/18

DRAWN BY: CDB  
APPROVED BY: EDW  
DRAWING FILE: 4787.DWG

SCALE:  
22" x 34" - 1" = 50'  
11" x 17" - 1" = 100'

OWNER/APPLICANT:  
ARBOR VIEW &  
THE PINES LLC  
145 LANG ROAD  
PORTSMOUTH, N.H.  
ASSESSOR'S PARCEL 287-01  
c/o FOREST PROPERTIES  
MANAGEMENT, INC.  
625 MOUNT AUBURN ST  
SUITE 210  
CAMBRIDGE, MA 02138  
RCRD BK. 5934, PG. 837

PROJECT:  
BEECHSTONE  
APARTMENTS  
RESIDENTIAL  
DEVELOPMENT  
PROJECT

TITLE:  
BOA SITE PLAN

SHEET NUMBER:  
C-1

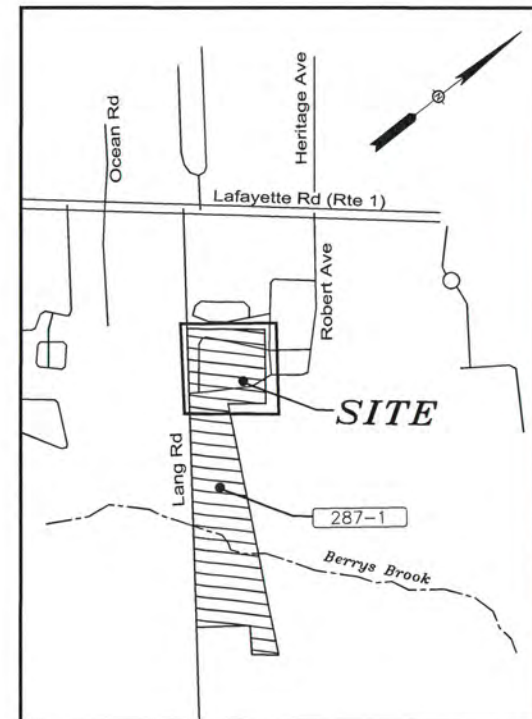
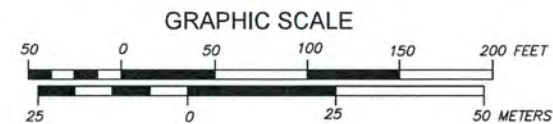
ZONING SUMMARY

ZONING DISTRICT GA/MH (MAXIMUM LOT COVERAGE = 50%)

LOT 287-01	REQUIRED	EXISTING	PROPOSED
LOT AREA	5.0 Acres (217,800 SF)	35.53 Acres (1,547,700 SF)	35.53 Acres (1,547,700 SF)
LOT AREA PER DWELLING (DENSITY)	10,000 SF	10,673 SF	8,321± SF
NUMBER OF UNITS	154 (ALLOWED)	145	186*
MINIMUM YARDS DIMENSIONS			
FRONT	30 FT	71 FT	71 FT
SIDE/REAR	25 FT	25 FT	35 FT
MAXIMUM STRUCTURE DIMENSIONS			
HEIGHT	35 FT	N/A	33.5± FT
COVERAGE	20%	4.1%	5.0%
LENGTH (MULTI-FAMILY DWELLING)	160 FT	285 FT±	225 FT±**
OPEN SPACE	50%	87%±	85%±
PARKING CALCULATIONS			
PER ZONING REGULATION 10.1110 FOR MULTI-FAMILY BUILDINGS			
1.3 STALLS PER UNIT			= 245 STALLS
VISITOR PARKING 1 STALL PER 5 UNIT			= 38 STALLS
MINIMUM STALLS ALLOWED			= 283 STALLS
MAXIMUM ALLOWABLE STALLS (120% MIN)			= 340 STALLS
PROVIDED			= 340 STALLS

REQUESTED VARIANCES:

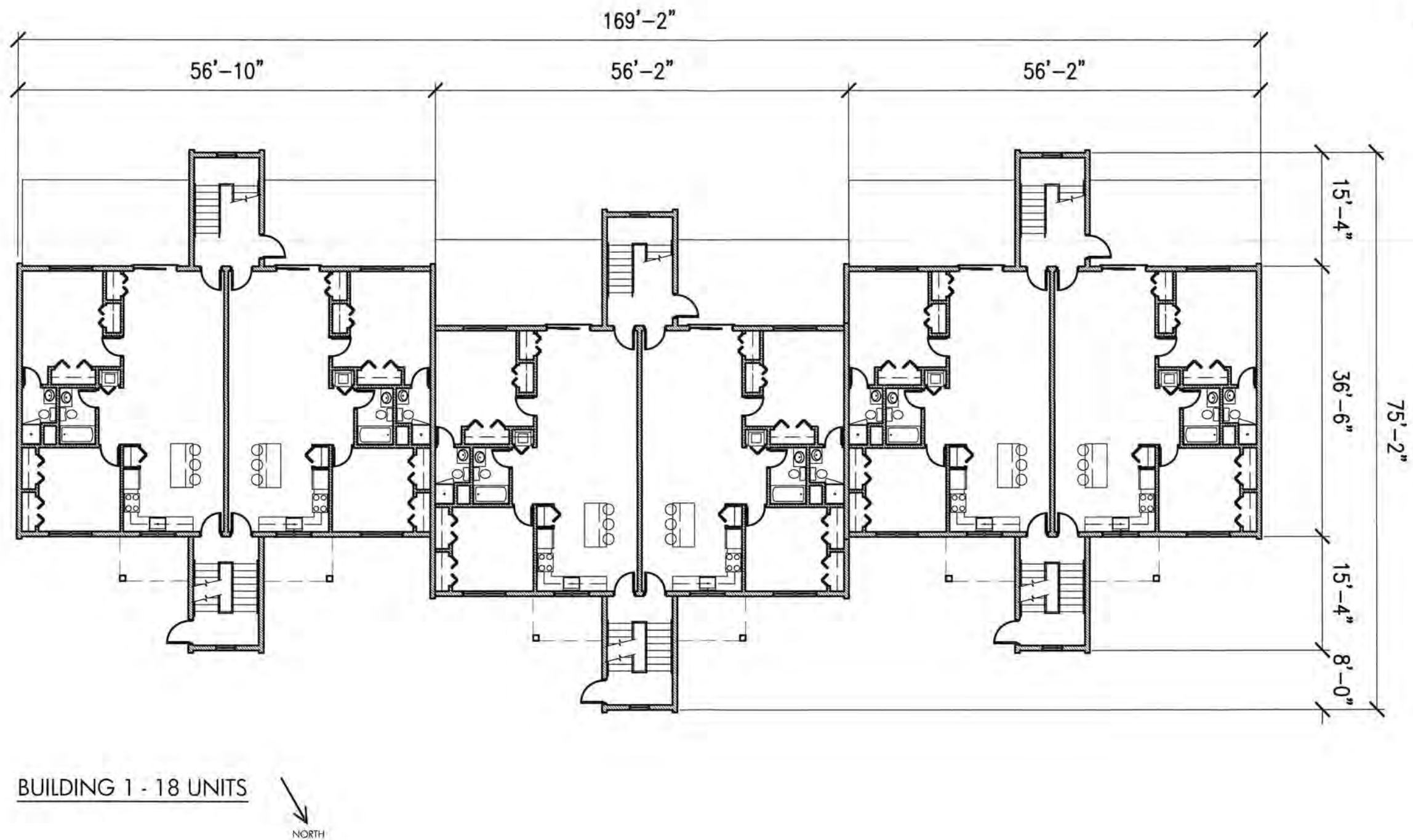
- \* SECTION 10.521 - TO PROVIDE ONE UNIT PER 8,321 SF WHERE 10,000 IS REQUIRED. DENSITY CALCULATIONS BASED ON PARCEL SIZE OF 35.53 ACRES. NUMBER OF UNITS REQUESTED IS 186.
- \*\* SECTION 10.522 - CONSTRUCT A NEW 225 FT AND 170 FOOT LENGTH MULTI-FAMILY BUILDING WHERE 160 FEET IS ALLOWED. FOUR OF THE EXISTING MULTI-FAMILY BUILDINGS ON SITE ARE 285 FEET IN LENGTH.

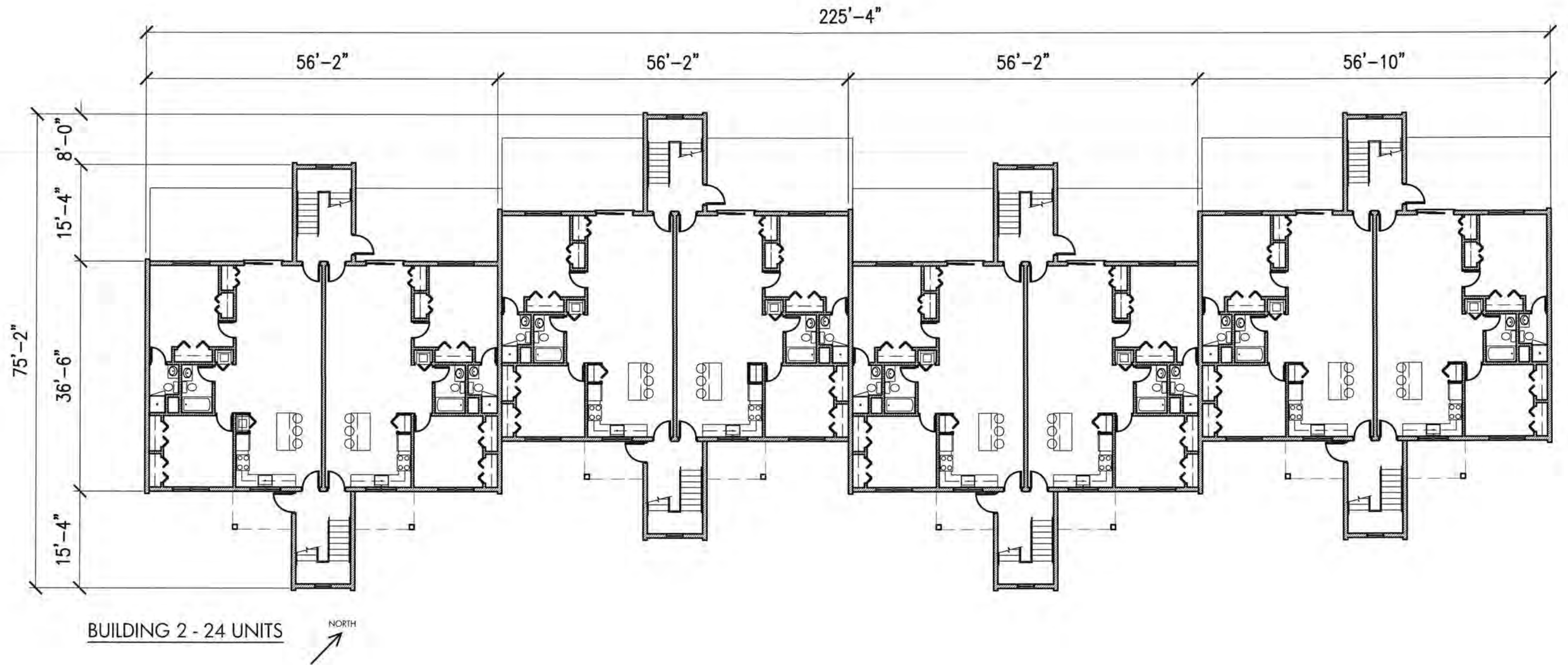


Locus Map  
Not To Scale

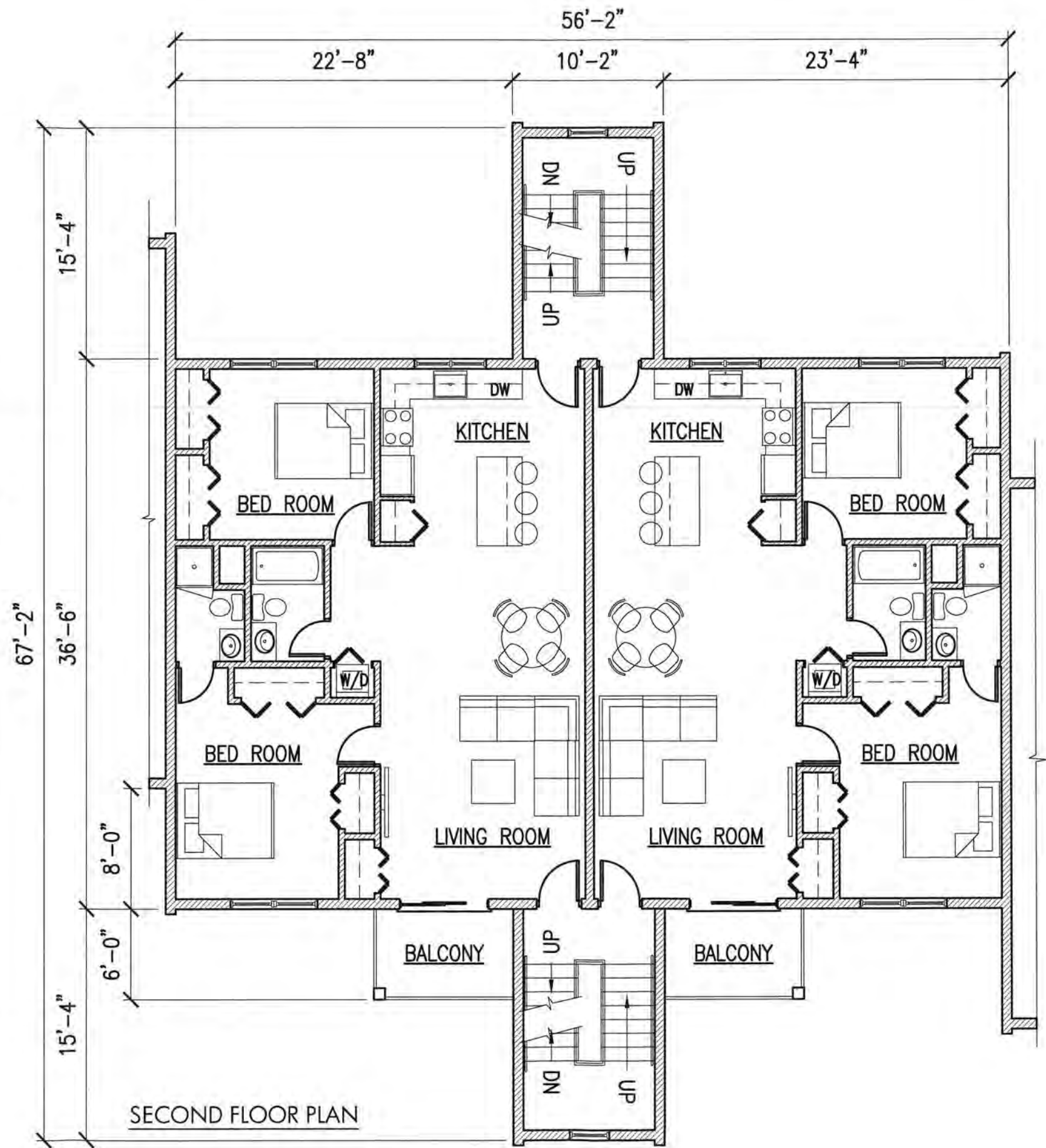
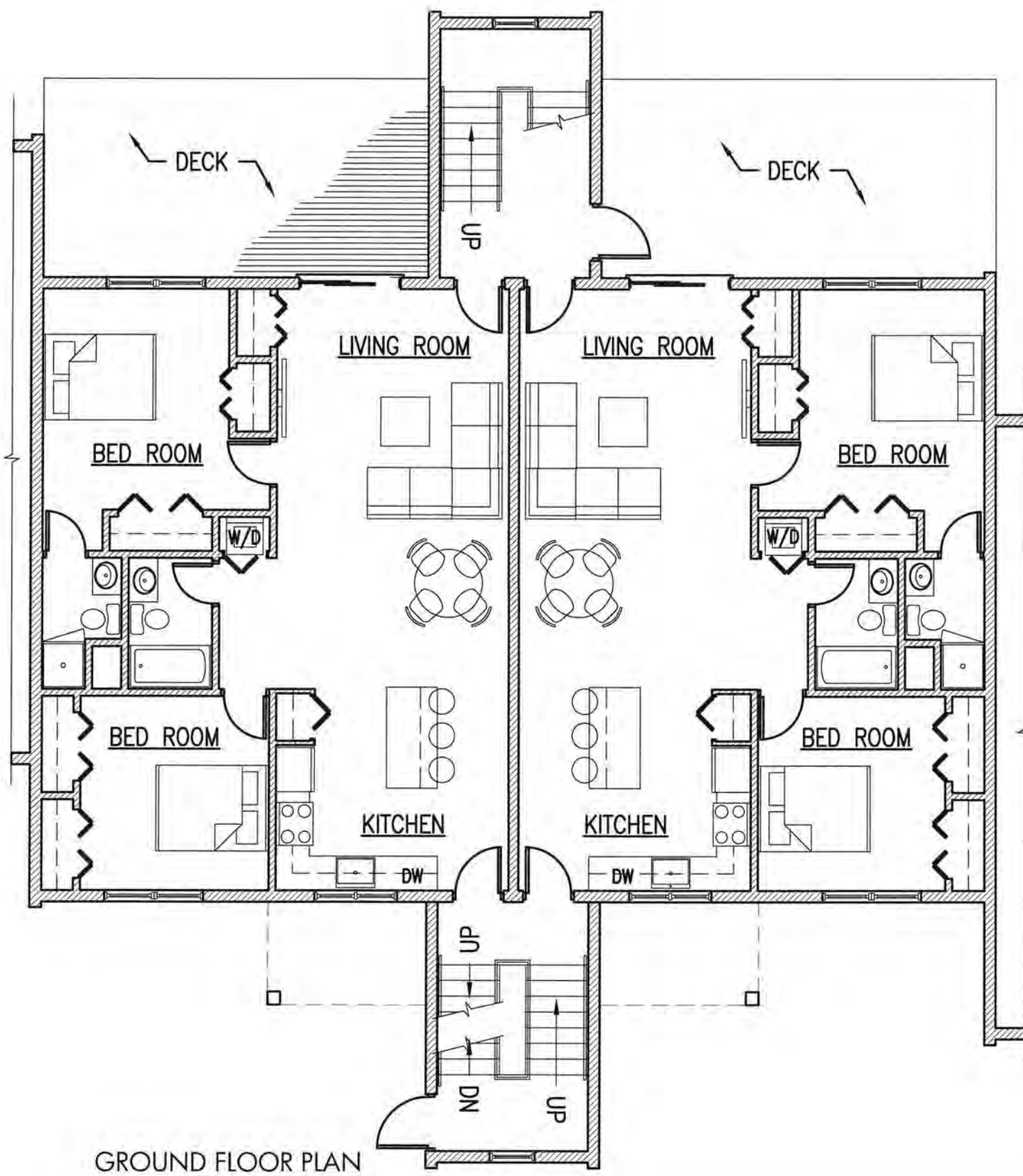
NOTE:  
MAPPING BASED ON CITY OF PORTSMOUTH GIS MAPPING PROVIDED IN AUGUST 2018.

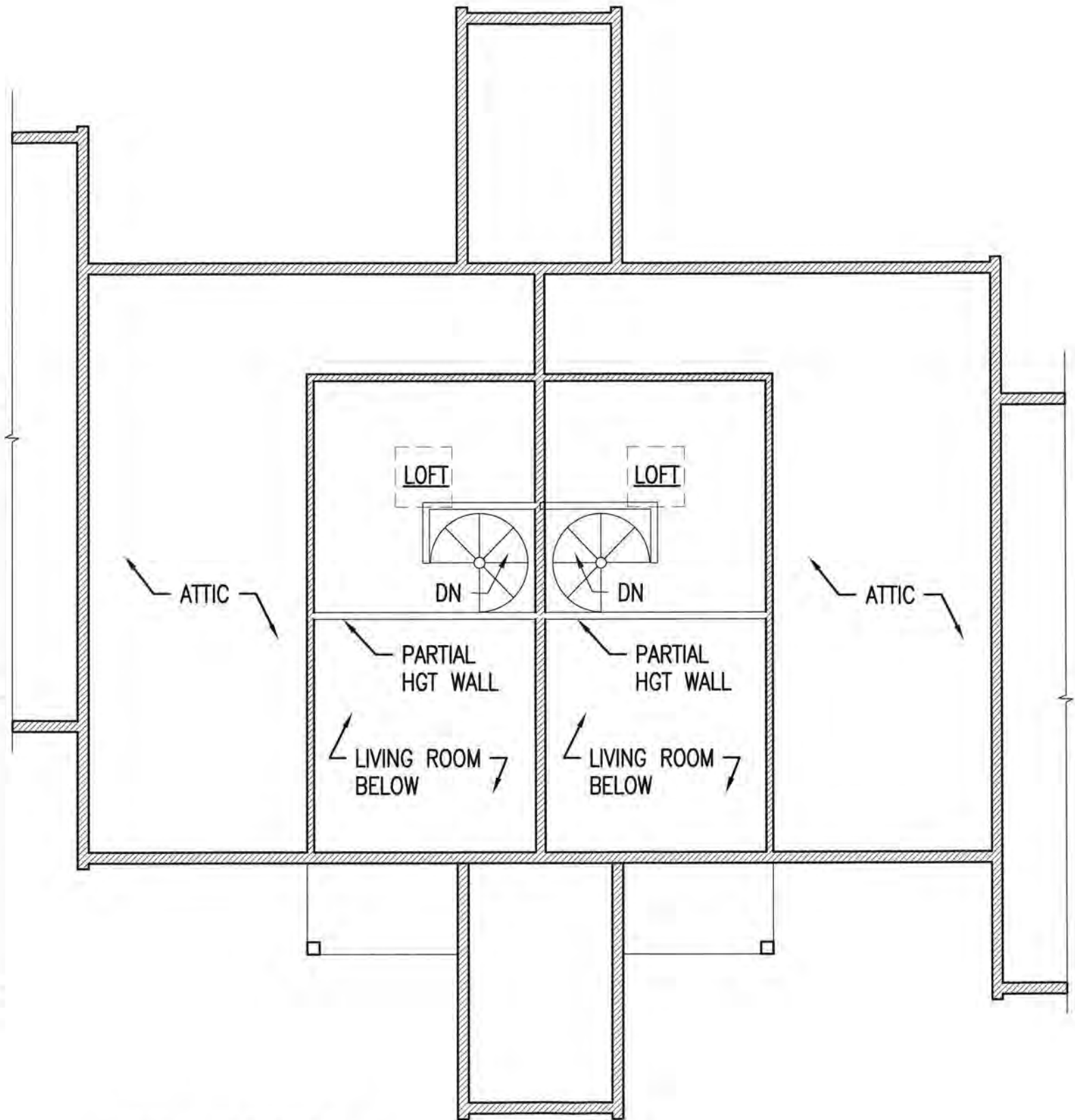
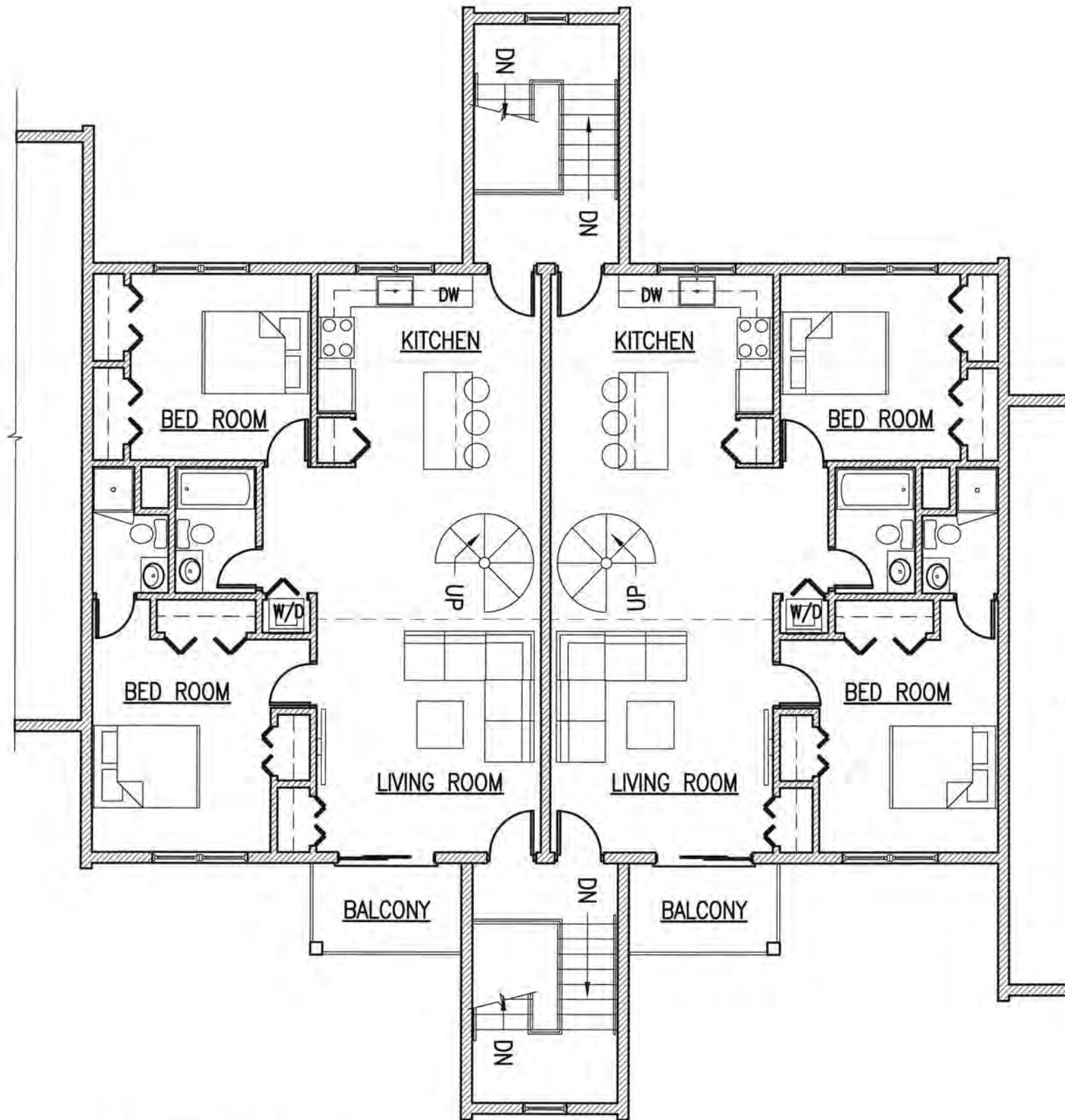
















TYPICAL FRONT ELEVATION



TYPICAL BACK ELEVATION

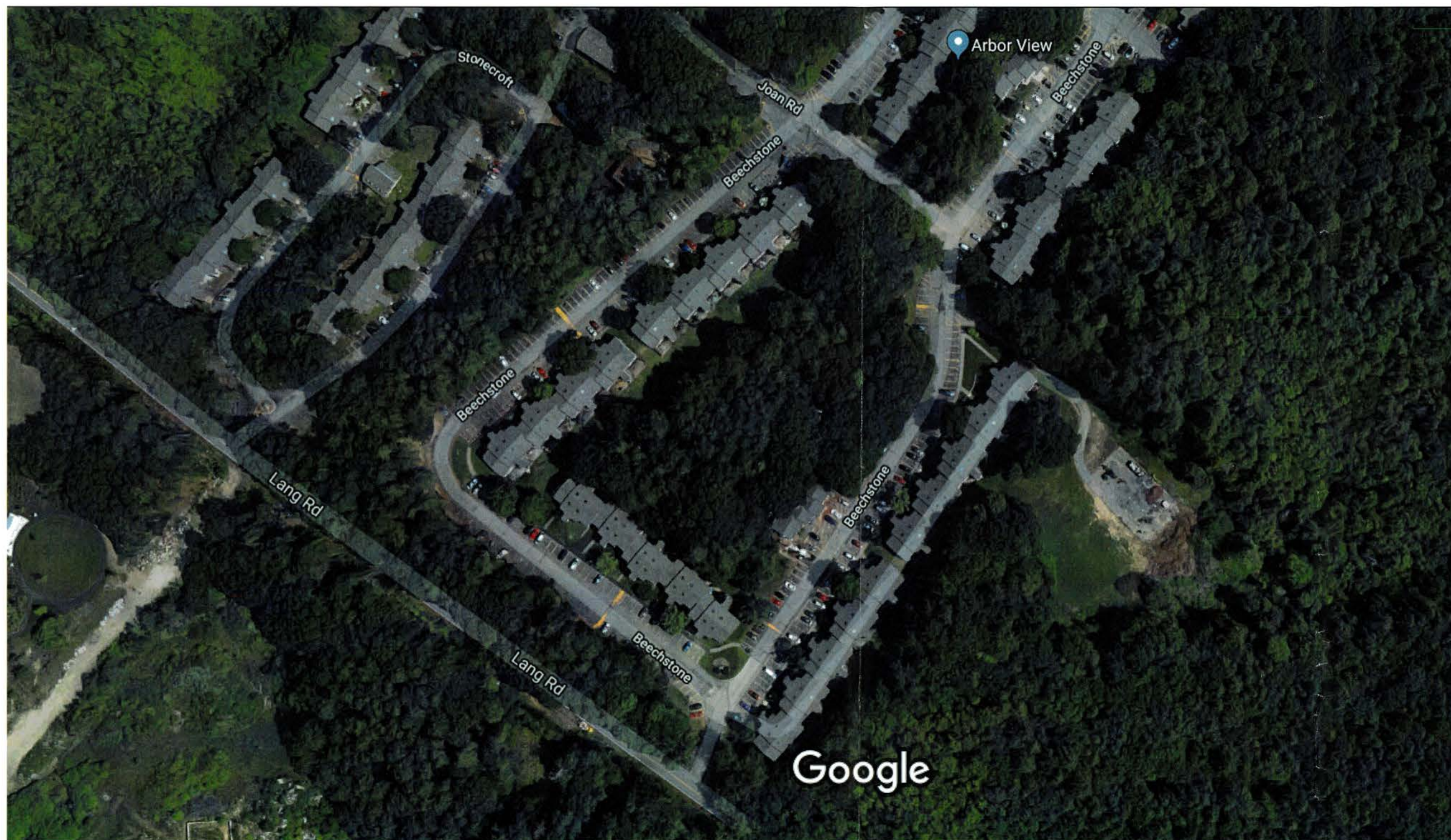


TYPICAL END ELEVATION

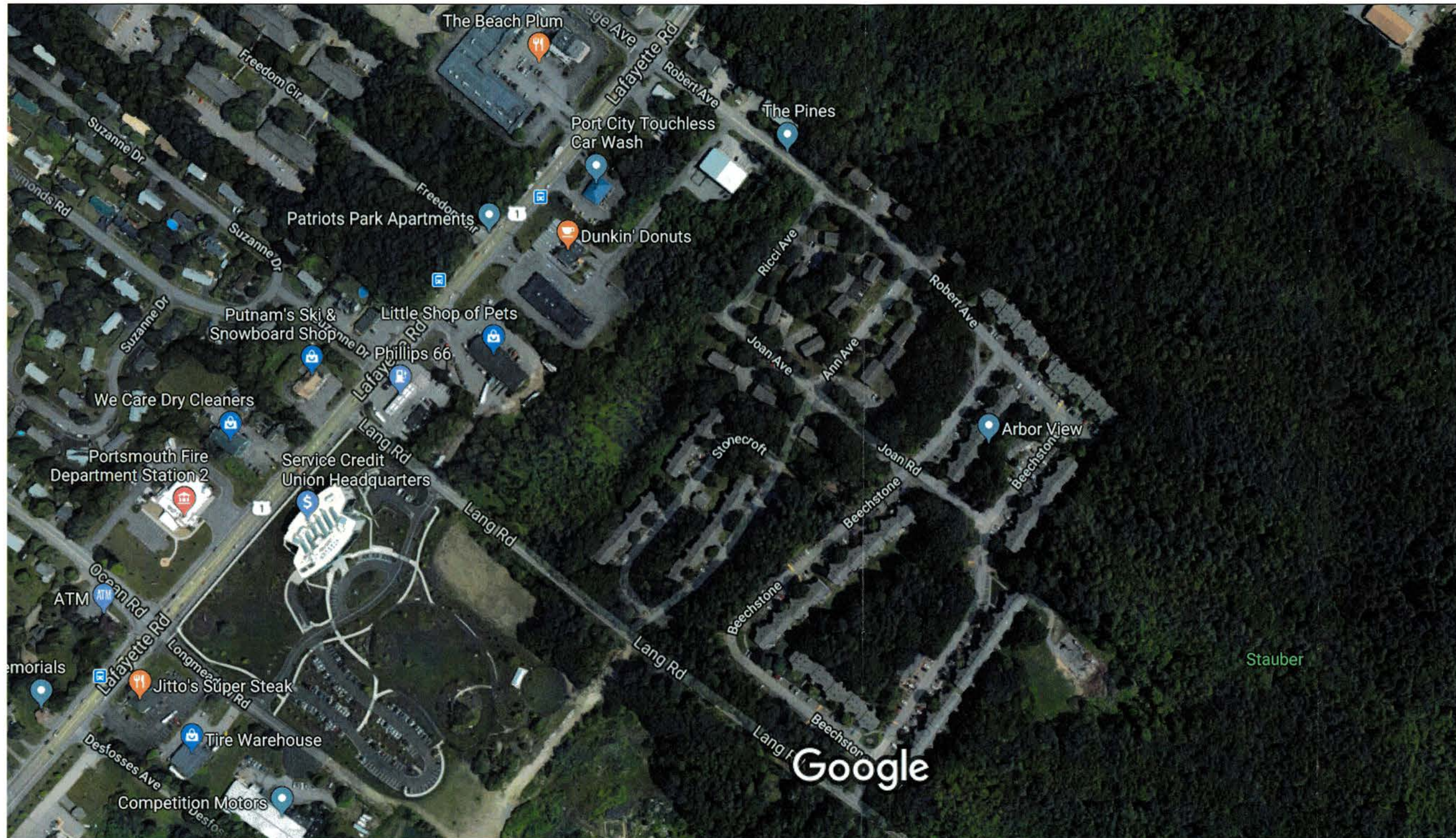




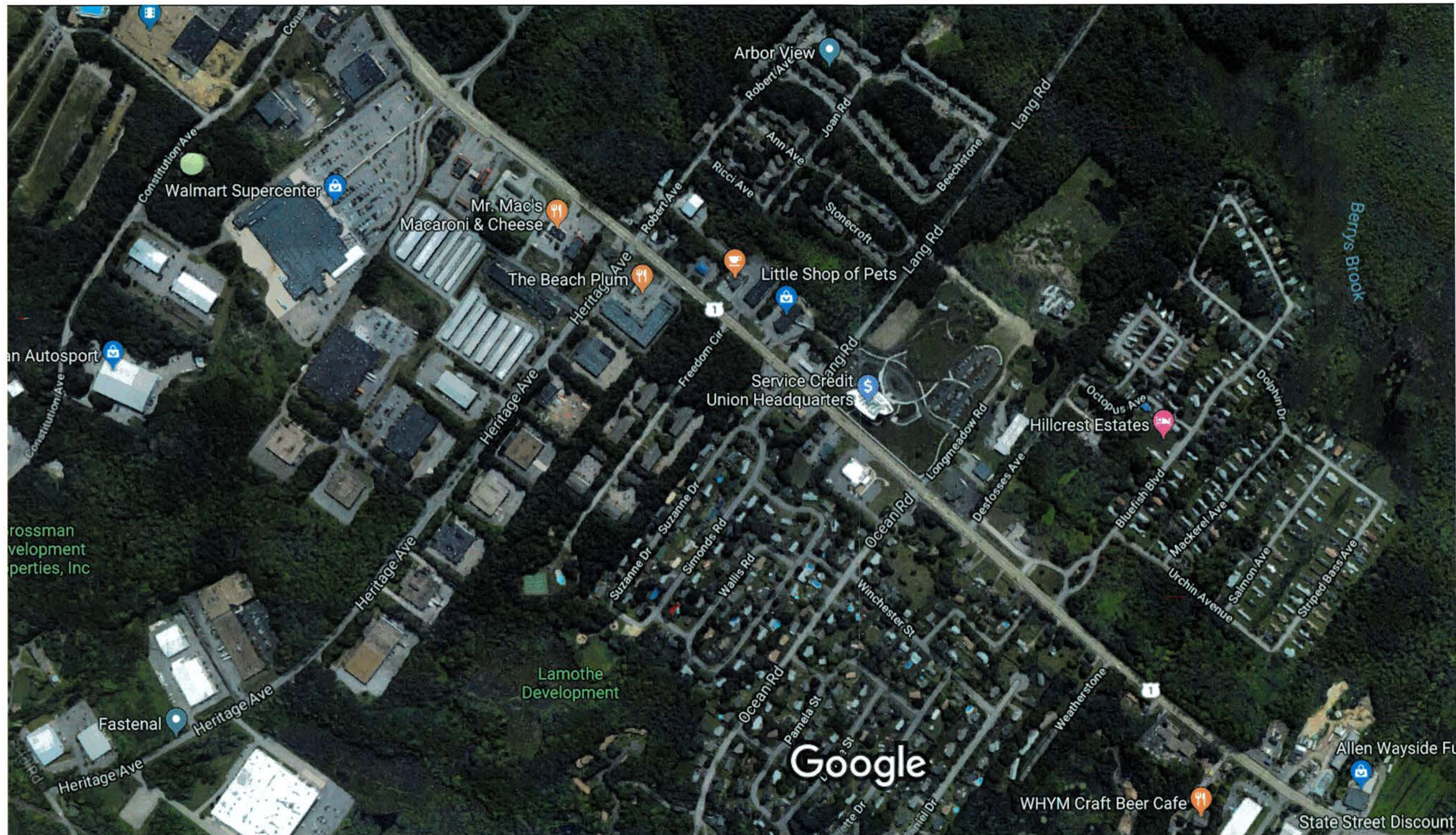
















EXHIBIT

4

See 7-5 2.56

233-137 Parcel number from a neighboring map

68 Parcel line dimension

SIMS AVE Street name

Parcel/Parcel boundary

Parcel/ROW boundary

Water boundary

Structure (1994 data)

Parcel covered by this map

Parcel from a neighboring map (see other map for current status)

0 50 100 200 300 Feet

0 20 40 80 Meters

This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

Nearby Tax Maps

Map Location

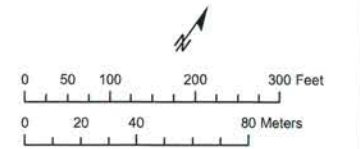
Portsmouth, New Hampshire

2017

Tax Map 287



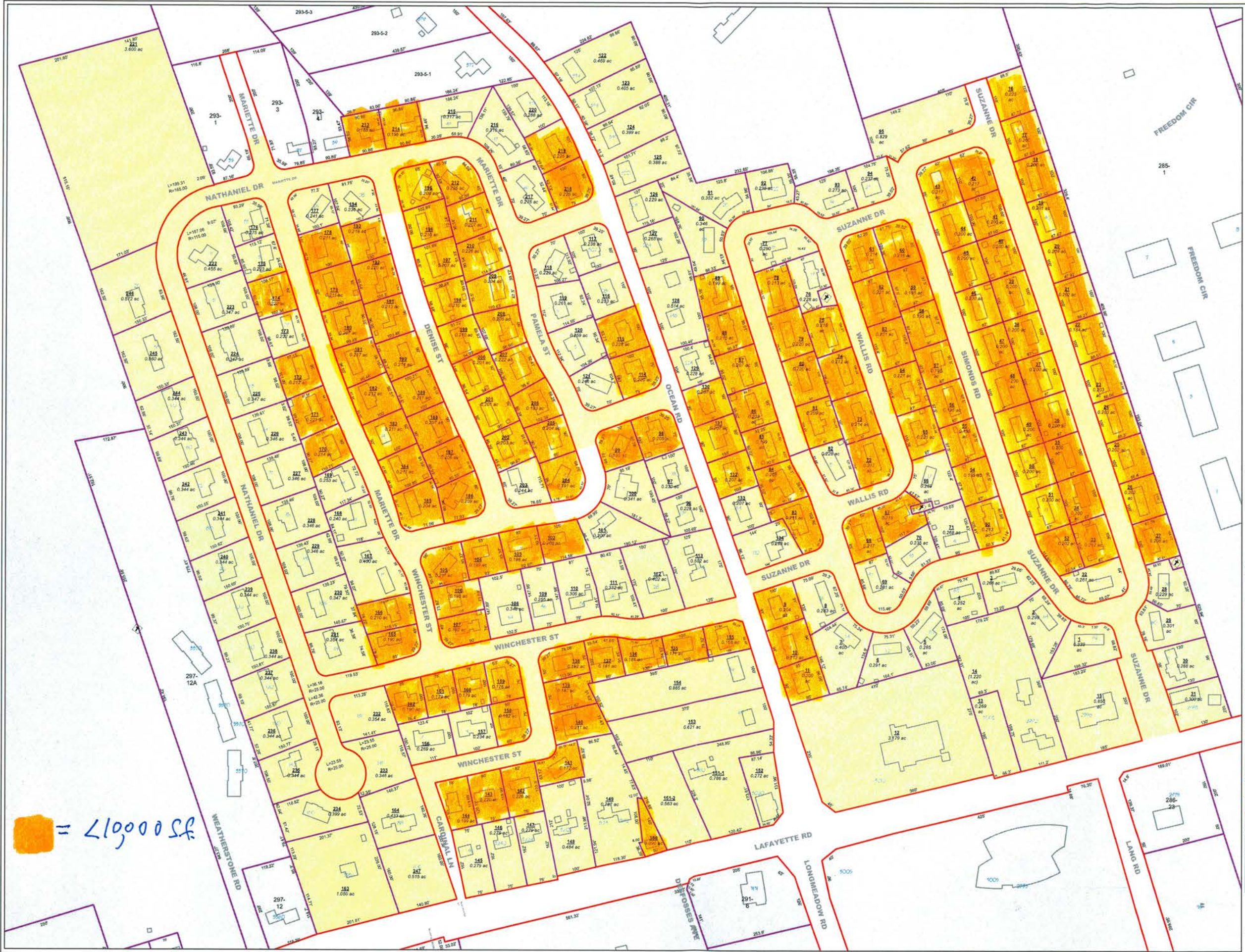
- Part  
See the cover sheet
- 7-5A Lot or Parcel  
2.56 ac Parcel  
Address number  
233-137 Parcel number from a neighboring map  
or  
Parcel line dimension  
SIMS AVE Street name
- Parcel/Parcel boundary  
Parcel/ROW boundary  
Water boundary  
Structure (1994 data)
- Parcel covered by this map  
Parcel from a neighboring map  
(see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.



Portsmouth, New Hampshire  
2017  
Tax Map 292







October 29, 2018

Town of Portsmouth, NH  
Zoning Board of Adjustment  
1 Junkins Avenue, 3<sup>rd</sup> FL  
Portsmouth, NH 03801  
Re: Arbor View Expansion

To Whom it May Concern,

Forest Properties Management, Inc, as manager of Arbor View and The Pines, LLC, authorizes Hoefle Phoenix Gormley & Roberts LLP, Altus Engineering Inc, and McHenry Architecture PLLC to act on our behalf before any and all Portsmouth boards, commissions, and staff.

Sincerely,

A handwritten signature in black ink, consisting of a large, stylized 'A' followed by a long horizontal line that extends to the right.

Anderson Libert  
Chief Operating Officer  
Forest Properties Management, Inc.