

35 Pines, LLC
295 Maplewood Ave, Unit 1
Portsmouth NH 03801

September 23, 2025

Portsmouth Zoning Board of Adjustment

Dear Zoning Board:

I am the owner of 295 Maplewood Ave, Unit #1 and of 35 Pines, LLC.

A handwritten signature in black ink, appearing to read 'Patrick Lavoie, Jr.', written over a horizontal line.

Patrick Lavoie, Jr.

Variance Application Criteria from section 10.223 of the Portsmouth Zoning Ordinance for 35 Pines, LLC 295 Maplewood Ave., Unit #1

The Five Variance Criteria per Portsmouth Zoning Ordinance Section 10.223 (as set forth in NH RSA 674:33, I(b))

Please demonstrate compliance with the following:

1. 10.233.21: The variance is not contrary to the public interest because:

The variance is not contrary because there are two other parking spots for the residential units but none for my small one chair barber business. There will no change to the landscape nor the area besides the cobblestone driveway and removal of a tree. This will provide for the health, safety and welfare for me to be able to park my vehicle off of Maplewood Ave which, I current do now.

2. 10.233.22: The spirit of the ordinance is observed because:

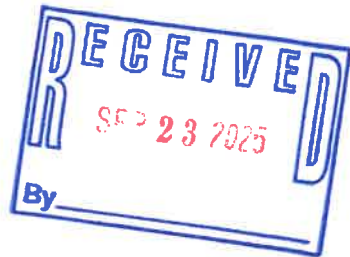
The spirit of the ordinance will be observed because it will be proving a safe place for me to park and enter my business.

3. 10.233.23: Substantial justice is done because:

The one car parking space will be off of an already busy street, and I will be able to park safely and walk into #1 without being on a major thoroughfare.

4. 10.233.24: The values of the surrounding properties are not diminished because:

The values will not be diminished because almost all the units in the area have sufficient parking for their units, if anything this will improve the value.



Variance Application Criteria from section 10.223 of the Portsmouth Zoning Ordinance for 35 Pines, LLC 295 Maplewood Ave., Unit #1

5. 10.233.25: Therefore, literal enforcement of the ordinance would result in unnecessary hardship because:

If the variance is denied, I will not be able to park in the closest free parking place to my unit #1 295 Maplewood Ave., because there is a large commercial condos and apartment buildings which is being developed on the other side of the bridge on Maplewood Ave and once that is complete, the one free spot that I am currently using, may not always be available for me.

- There are special conditions of the property that distinguish it from other properties in that area because:

The size of the lot, that two units have parking and this unit does not is contrary to other buildings in the area which provide parking for all of their units. The property is at the corner of Jackson Hill Street, Denet Street and on Maplewood Ave making this a unique property with these special conditions.

- There is no fair and substantial relationship between the general purposes of the ordinance provision and the specific application of that provision to the property because:

Due to the size of the lot, location on three major streets in Portsmouth and that unit #1 was never provided a parking space when I purchased the property. The unit owns 7'.3" from the building and 9' is required for a parking space, therefore with the Eversource Easement, I will then have 10'3".

- The proposed use is a reasonable one because:

It is reasonable request because everyone should be able to park on their own property.

Fw: Updated narrative and variances

From Jillian Harris <jharris@portsmouthnh.gov>

Date Tue 9/30/2025 9:00 AM

To Jillian Harris <jharris@portsmouthnh.gov>

From: Patrick Lavoie <patrickplavoie@gmail.com>

Sent: Monday, September 29, 2025 5:46 PM

To: Jillian Harris <jharris@portsmouthnh.gov>

Subject: Updated narrative and variances

Per stefs note, I've attached an updated narrative and variance materials for 295 Maplewood Ave. The packet clarifies that my intent is to purchase the abutting Lot 141-34 for the specific purpose of creating a second driveway, and it now includes the open space variance request.

Attached:

- Driveway_Variance_Application_295_Maplewood.pdf (narrative + variance criteria)

Thanks for your guidance, and please let me know if the Board would like any additional detail before Wednesday, October 1.

Best,

Patrick Lavoie Jr.

Owner, 295 Maplewood Ave

Variance Application – 295 Maplewood Ave

To the City of Portsmouth Zoning Board:

I am respectfully requesting approval for two variances related to my property at 295 Maplewood Ave:

1. A variance for a second driveway
2. A variance for open space

To make this possible, I intend to purchase the abutting lot (Tax Map 141, Lot 34) for the purpose of creating this additional driveway. This project is intended to improve safety and accessibility while maintaining the character of the neighborhood.

Second Driveway Variance

The proposed second driveway at 295 Maplewood Ave will provide a safe, dedicated access point that reduces reliance on street parking. This is especially important for daily use and improves accessibility.

The project ensures the property continues to serve its intended use in a way that is both functional and

consistent with the neighborhood character.

Open Space Variance

1. No diminution in surrounding property values will occur:

The project will improve the overall function and appearance of the property, ensuring off-street parking

is orderly and safe. This will complement surrounding properties rather than diminish their value.

2. Granting the variance will not be contrary to the public interest:

By reducing on-street parking reliance and ensuring safe access to the site, the driveway project supports the public interest in safety and orderly traffic flow.

3. The spirit of the ordinance will be observed:

While the ordinance seeks to preserve open space, the requested variance balances this by creating safer site access. The character of the neighborhood will remain intact, as the project respects both the scale and look of surrounding properties.

4. Substantial justice will be done:

The benefit to the applicant—safer and more functional property use—outweighs any minimal impact on open space. Denying the variance would impose an unnecessary burden without a clear public

benefit.5. Literal enforcement would result in unnecessary hardship:

Strict enforcement would prevent the creation of safe, functional driveway access despite the property having adequate size through the addition of Lot 141-34. The unique configuration of the parcel makes

this variance necessary to achieve reasonable use of the property

----- Forwarded message -----

From: **Victoria Bouchard** <bassi.victoria@gmail.com>

Date: Fri, Sep 19, 2025 at 5:44 AM

Subject: Parking Spot Follow Up

To: <Patrickplavoie@gmail.com>



Dear Patrick,

The 295 Maplewood Avenue Condominium Association ("Association"), having reviewed your request to convert Limited Common Area #1 into a designated parking space for the exclusive use of Unit 1, issues the following conditions for tentative approval.

Findings:

- The proposed parking space overlaps both Unit 1's Limited Common Area ("LCA") and a parcel of land currently owned by Eversource, which you intend to purchase ("Parcel 1").
- The Association requires that the entire parking space be subject to HOA governance and designated exclusively for Unit 1.

Conditions of Approval:

1. **Street Parking Restriction:** Upon construction of the parking space, street parking shall no longer be permitted by the City of Portsmouth on the eastern side of Marsh Lane (from Maplewood Avenue to Jackson Hill Street), immediately adjacent to the western boundary of the Property.
2. **Setback Requirement:** At no time shall a vehicle parked within the new parking space encroach within three (3) feet of a straight line extending from the northern edge of the building structure at 295 Maplewood Avenue. This requirement ensures safe ingress and egress for Unit 2.
3. **Governance of Parcel 1:** Because approximately seventy percent (70%) of the proposed parking space lies on Unit 1's LCA (governed by the Association) and

approximately thirty percent (30%) lies on Parcel 1, the following governance requirements shall apply:

a. Ownership Restriction: Parcel 1 shall be deemed appurtenant to Unit 1 and may not be sold, conveyed, gifted, leased, or otherwise transferred separate and apart from Unit 1, without the prior written consent of the Association.

b. Governance Transfer: In the alternative, the owners of Unit 1 shall transfer, convey, or otherwise grant authority over the three feet, six inches (3'6") portion of Parcel 1 necessary to complete the 10'6" depth of the parking space to the Association, such that the entirety of the parking space falls under Association governance.

Reservation of Rights:

The Association reserves the right to request additional documentation, surveys, or legal instruments necessary to effectuate the above conditions and ensure compliance with governing documents.

Please reach out to us with questions or if you'd like to discuss further.

Victoria Bouchard

President

295 Maplewood Ave Condo Association

603-489-8902

Bassi.victoria@gmail.com

780 N. Commercial Street,
Manchester, NH 03101

PO Box 330
Manchester, NH 03105

☎ (781) 441-8839

📠 (603) 634-2438

✉ nathaniel.morneault@eversource.com

September 22nd, 2025

In re: Property Designated as Portsmouth Tax Map 34, Lot 141, known as 00 Jackson Hill St.

Dear City of Portsmouth Planning Board:

I represent the Real Estate Department at Eversource Energy and have been working with Mr. Lavoie on conveying him Eversource property, Tax Map 34, Lot 141, in the City of Portsmouth, on Jackson Hill Street while maintaining easement rights for overhead lines. Eversource agrees in principle to allow a private driveway within what will be Eversource easement area. Eversource does reserve the right to review final design prior to granting the driveway.

You may contact me if you have any questions.

Sincerely,

Nathaniel M. Morneault
Senior Specialist – Real Estate



OF P.O. BOX
MANCHESTER, NH 03100

MARSH LANE
A/K/A JACKSON HILL STREET
(PUBLIC RIGHT OF WAY)

SEE DETAIL

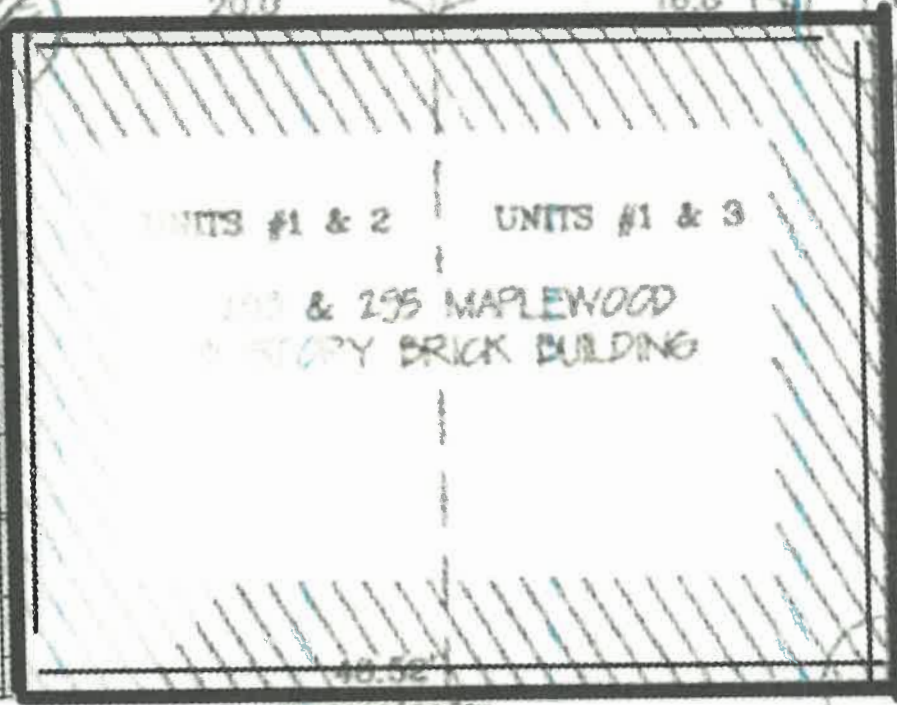
287
PORTSMOUTH
BK #3261

PERM 31/14
NET 265/225
WITH LCA

SET DRILL
HOLE
08/08/05

LCA UNIT #2
DECK
20.0'

LCA UNIT #3
SEE
DETAIL 2



UNITS #1 & 2

UNITS #1 & 3

100 & 295 MAPLEWOOD
2 STORY BRICK BUILDING

N76°29'50"W

CONCRETE WALK

SET DRILL
HOLE
08/08/05

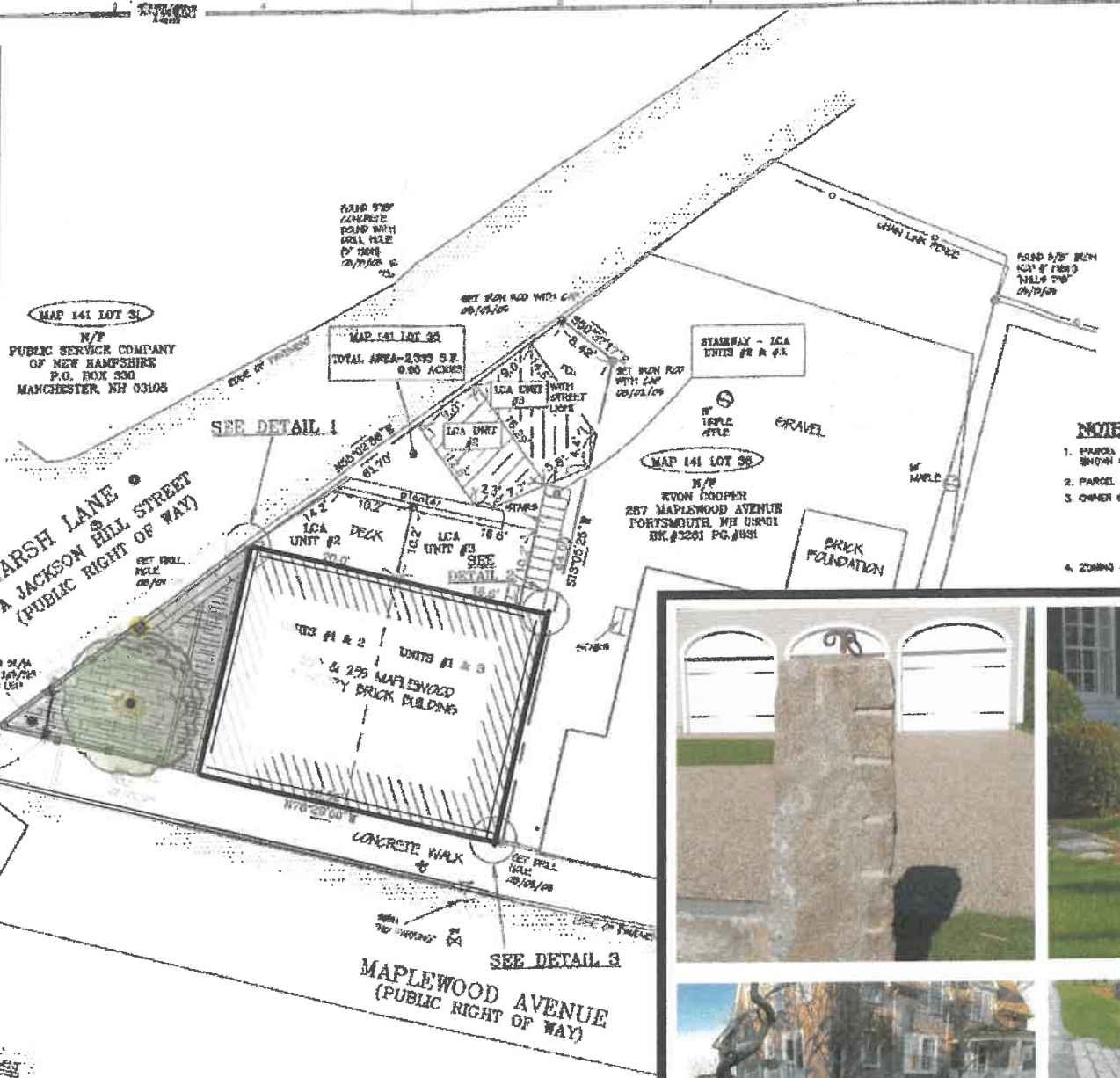
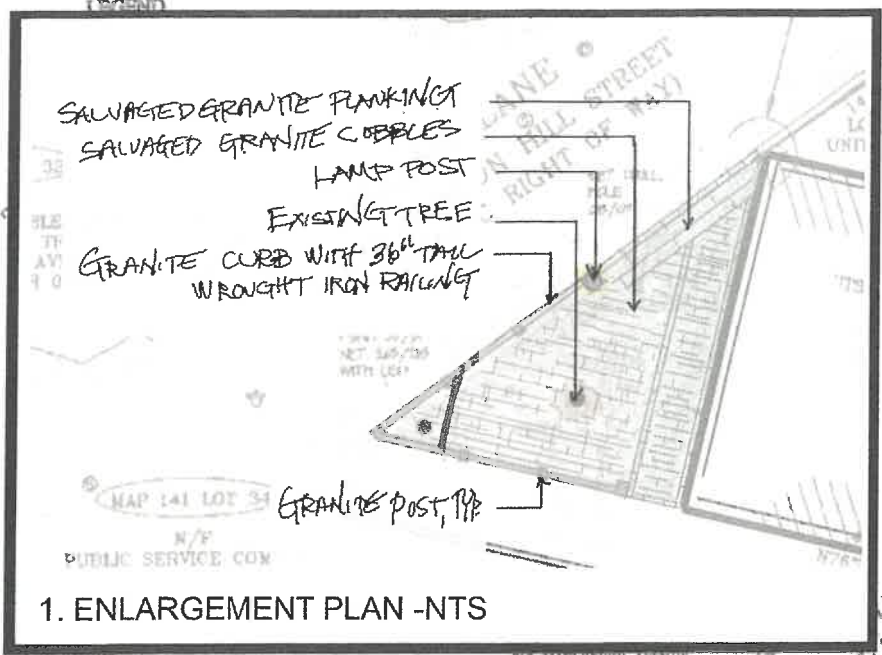
COMPANY
PSHIRE
330
NH 03105

RECEIVED
SEP 23 2025
By _____

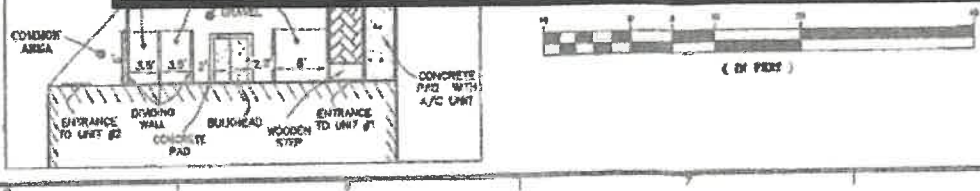
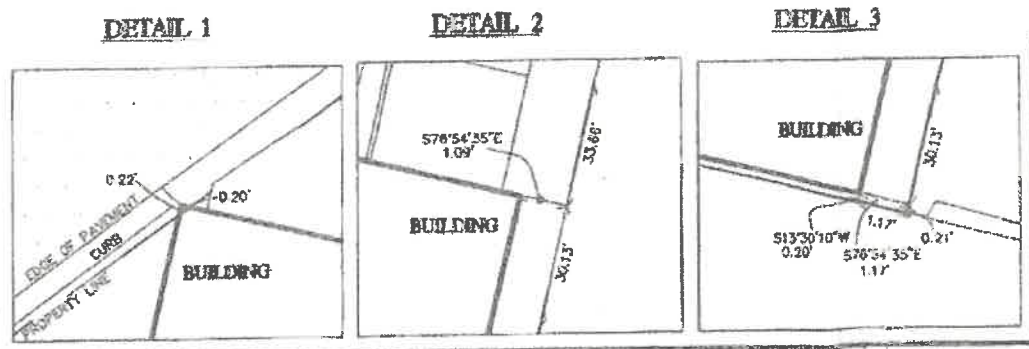
MAPLEWOOD AVENUE
(PUBLIC RIGHT OF WAY)

SEE DETAIL

NO PARKING



- NOTES**
1. PARCEL IS LOCATED IN THE WOOD RESIDENTIAL OFFICE (WRO) ZONE AND IS SHOWN ON CITY OF PORTSMOUTH ASSESSORS MAP 141 AS 10' X 32'.
 2. PARCEL IS NOT LOCATED IN A FLOOD HAZARD ZONE.
 3. OWNER OF RECORD: DEBORAH J. CAMPBELL, 295 MAPLEWOOD AVENUE, PORTSMOUTH, NH 03801, BK#3201 PG#831.
 4. ZONING REQUIREMENTS: LOT AREA: 7,500 S.F.



I, CERTIFY THAT THIS PLAN IS ACCURATE AND IS IN COMPLIANCE WITH THE PROVISIONS OF NEW HAMPSHIRE RSA 350-A:20(1) AND THAT ALL UNITS SHOWN ARE EXISTING.

PURSUANT TO NEW HAMPSHIRE REVISED STATUTES AMENDATORY 678:16-B AND 62.

I, CERTIFY THAT THIS SURVEY PLAN IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF BORDERS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

A COPY OF THIS PLAN HAS BEEN FILED WITH THE LOCAL PLANNING BOARD.

RECEIVED
SEP 23 2025
By _____

DEBORAH J. CAMPBELL
LICENSED LAND SURVEYOR
DATE: 7/17/08

MSC CIVIL ENGINEERS & LAND SURVEYORS, INC.
PHONE 603-332-2222
FAX 603-433-2310
WWW.MSCENGINEERS.COM
PORTSMOUTH, NH 03801

CONDOMINIUM SITE PLAN
293 & 295 MAPLEWOOD AVENUE
CONDOMINIUM ASSOCIATION

REV	DATE	DESCRIPTION
1		CONDOMINIUM SITE PLAN
2		CONDOMINIUM SITE PLAN
3		CONDOMINIUM SITE PLAN
4		CONDOMINIUM SITE PLAN
5		CONDOMINIUM SITE PLAN
6		CONDOMINIUM SITE PLAN
7		CONDOMINIUM SITE PLAN
8		CONDOMINIUM SITE PLAN
9		CONDOMINIUM SITE PLAN
10		CONDOMINIUM SITE PLAN

TAX MAP 141 LOT 35
PROPERTY OF
DEBORAH J. CAMPBELL
293 & 295 MAPLEWOOD AVENUE & MARSH LANE
COUNTY OF ROCKINGHAM
PORTSMOUTH
NEW HAMPSHIRE

DATE: JUNE 27, 2018
SHEET 1 OF 2
PROJECT NO. 05673
SCALE: 1" = 10'

D-35561 sheet 1 of 2

PLAN NTS