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April 26, 2023

Phyllis Eldridge, Chair
Zoning Board of Adjustment
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

RE: 686 Maplewood Avenue, Map 220, Lot 90
Chinburg Development, LLC

Dear Chair Eldridge and Board Members:

Enclosed please find supporting materials to accompany the information submitted via the City's on-line permitting system for variance relief regarding the above referenced property.

We respectfully request that this matter be placed on the Board's May 16, 2023 agenda. In the meantime, if you have any questions or require additional information do not hesitate to contact me.

Very truly yours,
DONAHUE, TUCKER & CIANDELLA, PLLC

Justin L. Pasay
JLP/sac
Enclosures

cc: Chinburg Development, LLC
John Chagnon

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111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
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83 Clinton Street, Concord, NH 03301

VARIANCE APPLICATION OF

Chinburg Development, LLC (the “Applicant”) for property located at 686 Maplewood Avenue, Portsmouth, NH 03801, which is further identified as City Assessor Map 220, Lot 90 (the “Property”). The Property is located within City’s Single Residence B District (the “SRB District”) and the Highway Noise Overlay District.

A. Introduction and Factual Context

i. **Development Team and Application Materials**

The Applicant’s development team consists of John Chagnon, PE, LLS, of Ambit Engineering, Inc. (“Ambit”), Carla Goodknight, AIA, NCARB of CJ Architects, and The Gove Group Real Estate, LLC (“Gove”). Included herewith are the following enclosures:

- Aerial Photograph, Zoning Map and Assessor Map 220. See Enclosure 1.
- Proposed Site Plan, Residential Development, 686 Maplewood Avenue, Portsmouth, New Hampshire, Permit Plans, from Ambit, dated 13 April 2023, to include an Existing Conditions Plan on C1 (the “**Existing Conditions Plan**”), and a Variance Plan on C2 (the “**Variance Plan**”). See Enclosure 2.
- Duplex Unit and Single Unit Plans, with renderings, from CJ Architects, dated 29 March 2023 (the “**Duplex Unit Plans**” and the “**Single Unit Plans**”). See Enclosure 3.
- Landscaping and Screening Plan from Chinburg Development, LLC dated 21 April 2023 (the “**Landscape and Screening Plan**”). See Enclosure 4.
- Neighborhood Density Calculation from Gove (the “**Density Calculation**”). See Enclosure 5.
- Trip Generation Memorandum from Ambit, dated 23 April 2023 (the “**Trip Generation Memo**”). See Enclosure 6.
- Property Value Impact Letter from Gove, dated 18 April 2023. See Enclosure 7.

ii. **Property Description, Existing Conditions and Applicable Zoning Regulations**

As depicted in **Enclosure 1**, at 62,776 sf (1.4411 acres) in size, the Property is unique due to its size, which is larger than all other SRB District Properties in the surrounding area, and its awkward configuration. See id; **Enclosure 2**. More specifically, presumably due to the expansion, overtime, of Route 95, the Property enjoys only 47.31 ft of frontage. Id. The Property is bound to the north by Route 95, to the east by Maplewood Avenue, to the south by the property located at 650 Maplewood Avenue (City Assessor Map 220, Lot 88) which is located within the City’s Business Zoning District and is improved by a wholesale/retail business use, and to the south by 64 and 74 Emery Street (City Assessor Map 220, Lots 87-2 and 87-3), both of which are improved with two-family duplexes. See Enclosures 1 and 2; See also pictures of Property filed with application. The Property is unimproved and largely cleared in the central portion of same, though there exists a mature vegetative buffer along the northern boundary and the majority of the western and southern boundaries as well. Id. A 100 ft easement (45 ft of which is located on the Property) to accommodate a public electric utility and its overhead electrical wires, is located on the southern portion of the Property. See Enclosure 2, Existing Conditions Plan.

The Property is among the first lots situated to the west of the Business District Area along the Route 1 By-Pass to be zoned within the SRB District, the purpose of which is to “provide areas for single-family dwellings at low to medium densities (approximately 1 to 3 dwellings per acres) and appropriate accessory uses.” See Zoning Ordinance, Section 10.410. As such, the Property is uniquely situated as a transition between the more densely situated downtown area with its associated mixed uses, and less dense residential areas to the west. The grade and topography of the Property also presents unique circumstances, as depicted on the **Existing Conditions Plan**. See **Enclosure 2**. More specifically, the Property rises from a 40 ft elevation at the Maplewood Avenue level, to 60 feet at the back (south) portion of the Property before it slopes down to the surrounding properties.

The SRB District has the following dimensional requirements:

- Lot area: 15,000 sf
- Lot area per dwelling unit: 15,000 sf
- Continuance street frontage: 100 ft
- Depth: 100 ft
- Minimum front yard: 30 ft
- Minimum side yard: 10 ft
- Minimum rear yard: 30 ft
- Max Structure Height: 35 ft
- Max roof appurtenance: 8 ft
- Max Building Coverage: 20%
- Minimum open space: 40%

See Zoning Ordinance, Section 10.520. Additionally, within the SRB District, two-family dwellings are not permitted. See Zoning Ordinance, Section 10.440, 1.30.

iii. **Project Proposal**

The Applicant proposes to develop the Property into a multi-family condominium consisting of four (4) two-family dwellings, and one (1) single family dwelling, with associated site improvements (the “Project”). See **Variance Plan**. One (1) of the proposed units will be affordable, as that term is defined by the City’s Zoning Ordinance.¹ The aesthetic of the Project will be traditional / colonial to complement the existing historic character of the City. See **Enclosure 3**. Both the two-family units and the single-family unit are proposed to include a single-car garage, bonus room, bonus bath and mechanical storage on the first floor; living room, dining room, kitchen and bathroom on the second floor; and a master bedroom/bathroom and additional bedroom on the third floor. Id. Additional design features include covered porch areas, doghouse dormers, exterior decks, and the use of Hardie Board siding. See **Enclosures 2, 3**.

¹ The Applicant’s intention with regard to this unit is to ensure that the combined mortgage loan debt service, property taxes and required insurance do not exceed 30% of a household’s gross income and which is intended for sale to a household with an income of no more than 100% of the median income for a 4-person household for the Portsmouth-Rochester HUD Metropolitan Fair Market Area published by HUD.

The Project will be served by a single driveway from Maplewood Avenue which will be complemented by a 5 ft sidewalk to facilitate pedestrian foot-traffic to/from the proposed dwelling units. The Project will comply with all setback requirements, building coverage requirements and open space requirements. See Enclosure 2, Variance Plan. Further, the Project satisfies the off-street parking requirement of 14 spaces via the provision of 20 spaces. Id.

The Project proposes a robust landscaping and screening program as depicted on the Landscape and Screening Plan. See Enclosure 4. More specifically, the Applicant proposes the planting of 37 *pinus thunbergiana* (“Thunderheads”) along the Property’s southern and eastern boundaries, the planting of eight (8) *plantanus x acerifolia* trees (“Bloodgoods”) along the western boundary and on either side of the entrance to the Property, as well as several ornamental Chinese *astilbes* and Japanese *spirea* which will adorn the entrance from Maplewood Avenue area. The Thunderheads are medium-sized evergreen conifers which will grow to a height of up to 10 ft, and a width of up to 8 ft. The Bloodgoods, which are also called London Planetrees, are a hybrid cross between the American Sycamore and the Oriental Planetree. The Bloodgoods will grow to a height of up to 75 – 100 ft and have a spread of 60 – 75 ft. Collectively, the proposed landscaping plan will provide tasteful screening of the Property from abutting properties and Maplewood Avenue alike, and it will provide insulation barrier from the noise of Route 95.

Finally, the Project incorporates a 6,500 sf recreation area as depicted on the **Variance Plan**, which area will serve as an amenity to residents of the neighborhood. This area will provide green space, dog walking and additional passive recreational opportunities for residents.

iv. Requested Relief

The Applicant requests the following variance relief to accommodate the Project:

- **Two-Family Dwelling Relief:** The Applicant requests variance relief from Article 4, Section 10.440, 1.30 of the Zoning Ordinance to permit four (4) two-family dwellings on the Property where two-family dwellings are not permitted in the SRB District.
- **One Dwelling Per Lot:** The Applicant requests variance relief from Article 5, Section 10.513 of the Zoning Ordinance to permit five (5) free-standing buildings with dwellings, as depicted on the plans, where no more than one free-standing dwelling is permitted in the SRB District.
- **Density Relief:** The Applicant requests variance relief from Article 5, Section 10.520 of the Zoning Ordinance to permit 6,975 sf of lot area per each of the nine (9) dwelling units, where 15,000 sf of lot area per dwelling unit is required in the SRB District.
- By way of additional context, the Applicant conducted a density calculation of the immediate and expanded neighborhoods around the Property and determined the following foundational facts regarding density in this area of Portsmouth:

- Of the 14 residential properties in the immediate neighborhood, which is located to the east of Route 95, four (4) include two-family dwellings, to include 64 and 74 Emery Street which are immediate abutters to the Project, and one (1), which abuts the Property to the east and is located at 678 Maplewood Avenue, includes a 3-unit multi-family dwelling. See Enclosure 5.
- The average square footage of lot area per dwelling unit in the immediate neighborhood is 7,361 sf. Id.
- The proposed square footage of lot area per dwelling unit in the Project is a consistent 6,975 sf, a negligible difference of 386 sf from the average square footage of lot area per dwelling unit in the immediate neighborhood. Id.
- As you head west on Maplewood Ave, the average square footage of lot area per dwelling unit in the extended neighborhood on the southern side of Maplewood is 7,995 sf. Id.
- The average square footage of lot area per dwelling unit in the extended neighborhood on the northern side of Maplewood is 9,359 sf.
- **Frontage Relief:** The Applicant requests variance relief from Article 5, Section 10.520 of the Zoning Ordinance to permit development of the Project with 47.31 ft of frontage where 100 ft is required in the SRB District.

v. Previous Proposals and Additional Permitting

In February of 2017, the Property received a Special Exception to construct a religious place of assembly (the Islamic Society of the Seacoast Area) and a variance from the above referenced frontage requirement. Thereafter, in April of 2019, the City’s Planning Board granted a corresponding Site Plan Review Application for the proposal, which was ultimately abandoned by the owner of the Property. Of note, and as detailed in Ambit’s Trip Generation Memo, the Mosque proposal contemplated considerably more traffic than this Project. See Enclosure 6.

Prior to that, we understand that a 28-unit multi-family proposal and a 6,000 sf warehouse proposal were unsuccessful in obtaining necessary entitlements to be developed.

Finally, to the extent that the Applicant receives the variance relief it seeks by this application, it will pursue Site Plan Review and a Highway Noise Overlay District Conditional use Permit from the City’s Planning Board.

vi. Statutory Variance Criteria

Pursuant to Article 2, Section 10.233 of the City’s Zoning Ordinance and RSA 674:33, to obtain a variance in Portsmouth, an applicant must show that: (1) the variance will not be

contrary to the public interest; (2) the spirit of the ordinance is observed; (3) substantial justice is done; (4) the values of surrounding properties are not diminished; and (5) literal enforcement of the provisions of the ordinance would result in an unnecessary hardship, where said term means that, owing to special conditions of the property that distinguish it from other properties in the area: no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and the Proposed use is a reasonable one; or if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. See RSA 674:33, I (b).

Because the Applicant's Project will be consistent with the essential character of the surrounding area, will not compromise the public health in any way, will provide substantial justice, will not compromise the property values of surrounding properties, and because there is no rational connection between the intent of the underlying ordinance provisions and their application to the Property under the unique circumstances of this case, as outlined below, we respectfully request that the requested variance be granted.

vii. Analysis

1. The variances will not be contrary to the public interest.

The New Hampshire Supreme Court has indicated that the requirement that a variance not be "contrary to the public interest" is coextensive and related to the requirement that a variance be consistent with the spirit of the ordinance. See Chester Rod & Gun Club v. Town of Chester, 152 N.H. 577, 580 (2005); Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 105-06 (2007); and Farrar v. City of Keene, 158 N.H. 684, 691 (2009). A variance is contrary to the public interest only if it "unduly, and in a marked degree conflicts with the ordinance such that it violates the ordinance's basic zoning objectives." Chester Rod & Gun Club, 152 N.H. at 581; Farrar, 158 N.H. at 691. See also Harborside Associates, L.P. v. Parade Residence Hotel, LLC, 162 N.H. 508, 514 (2011) ("[m]ere conflict with the terms of the ordinance is insufficient.") Moreover, these cases instruct boards of adjustment to make the determination as to whether a variance application "unduly" conflicts with the zoning objectives of the ordinance "to a marked degree" by analyzing whether granting the variance would "alter the essential character of the neighborhood" or "threaten the public health, safety or welfare" and to make that determination by examining, where possible, the language of the Zoning Ordinance. See supra.

As indicated above, all of the requested variances derive either from Article 4, Section 10.440 of the Zoning Ordinance (the Table of Uses – Residential, Mixed Residential, Business and Industrial Districts), or Article 5, Sections 10.513 or 10.520 (the Table of Dimensional Standards – Residential and Mixed Residential Districts), all of which pertain, in this case, to the intended aesthetic of the SRB District. The specific purpose of the SRB District is to "provide areas for single-family dwellings at low to medium densities (approximately 1 to 3 dwellings per acre), and appropriate accessory uses." Zoning Ordinance, Article 4, Section 10.410. The general purpose of the Zoning Ordinance as a whole is to "promote the health, safety and the

general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan” via the regulation of, among other things, the intensity of land use and the preservation and enhancement of the visual environment. Zoning Ordinance, Article 1, Section 10.121. To summarize, the objectives of the SRB District and the dimensional and use restrictions inherent to same which are implicated by this application, are to provide medium density and aesthetically consistent development in the area between downtown and the commercial Gateway Corridor along Woodbury Avenue.

Here, as a foundational point, the Applicant’s proposal does not create any marked conflict with the underlying provisions of the Zoning Ordinance because, on the contrary, and due to the Property’s unique configuration, physical characteristics, and the existing built environment that surrounds the Property, the Project is consistent with the existing neighborhood and ultimately advances the purpose of the ordinance to provide medium density in a transitional area that already incorporates two-family and multi-family development.

More specifically, the Project proposes two-family dwellings on the Property which abuts to the north two (2) distinct lots which are each improved with a two-family dwelling (64 and 74 Emery Street), and to the west, a three (3) unit multi-family dwelling located at 678 Maplewood Avenue. See Enclosure 1. Further, the density in the immediate neighborhood is 7,361 sf of lot area per dwelling unit, where the Project proposes a substantially similar 6,975 sf of lot area per dwelling unit. See Enclosure 5. The Project contemplates the perfect transitional compromise between the more densely settled downtown area, and the less dense SRB District area located to the west of the Property and proposes less traffic than previously approved proposals for the Property. See Enclosure 6. For these reasons, there is no “marked conflict” between the Project proposal, and the objectives of the zoning ordinances in question.

For the same reasons, the Project also plainly satisfies the case law requirements because the essential character of the neighborhood will not be affected for the reasons explained throughout this narrative. The density and two-family variances will not alter the essential character of the neighborhood because the Property is abutted on two sides by properties with either two or three-family dwellings on them. Further, the 386 sf difference between the proposed density of the Project (6,975 sf of lot area per dwelling unit) and the existing density of the immediate neighborhood (7,361 sf of lot area per dwelling unit), is small enough to be effectively indiscernible. In other words, the Project will be consistent with the character of the surrounding neighborhood. See Enclosures 1 – 6.

Additionally, the Project will complement the City’s most recent Master Plan initiatives which repeatedly focus on the need for affordable housing in the City, and region beyond. More specifically, the Portsmouth 2025 Master Plan (the “Master Plan”) states that:

The scarcity of appropriately zoned land, combined with the high cost of land in Portsmouth generally, has been a major obstacle to the construction of affordable housing ... Despite these efforts, very little new affordable or moderately-priced housing has been created, and much new housing development in the City has been targeted for the luxury market.

Master Plan, pg. 62.

This Project would add an affordable housing unit to the housing stock in Portsmouth that is within walking distance to the downtown area, public recreational areas, and public transportation. In other words, the Project would help to move the City of Portsmouth towards its goals of having diverse affordable housing by providing one (1) restricted affordable unit in this community.

As the Applicant's Project will be consistent with the intent of the SRB District and the general purposes of the Zoning Ordinance, the express intent of the Master Plan, and because the Project will not alter the essential character of the neighborhood or threaten the public health or safety, it would be reasonable and appropriate for the Board of Adjustment to conclude that granting the Applicant's variance requests will satisfy the public interest prong of the variance criteria.

2. The spirit of the Ordinance is observed.

As referenced above, the requested variances observe the spirit of the Zoning Ordinance and New Hampshire jurisprudence regarding the "public interest" prong of the variance criteria because the Applicant's Project will be consistent with the general and implied purposes of the Zoning Ordinance provisions at issue in this case. Further, the Project will not compromise the character of the neighborhood or threaten the public health, safety, or welfare. As the New Hampshire Supreme Court has indicated in both Chester Rod & Gun Club and in Malachy Glen, the requirement that the variance not be "contrary to the public interest" is coextensive and is related to the requirement that the variance be consistent with the spirit of the ordinance. See Chester Rod & Gun Club, 152 N.H. at 580. A variance is contrary to the spirit of the ordinance only if it "unduly, and in a marked degree conflicts with the ordinance such that it violates the ordinance's basic zoning objectives." Chester Rod & Gun Club, 152 N.H. at 581; Farrar, 158 N.H. at 691. As discussed above, the requested variances are consistent with the general spirit of the Ordinances in question as well as the Master Plan. As a result, for the reasons stated above, the Applicant respectfully asserts that it would be reasonable and appropriate for the Board of Adjustment to conclude that the requested variance will observe the spirit of the Zoning Ordinance.

3. Substantial justice is done.

As noted in Malachy Glen, *supra*, "perhaps the only guiding rule [on this factor] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice." Malachy Glen, *supra*, citing 15 P. Loughlin, New Hampshire Practice, Land Use Planning and Zoning § 24.11, at 308 (2000) (quoting New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials (1997)). In short, there must be some gain to the general public from denying the variance that outweighs the loss to the applicant from its denial.

In this case, the public does not gain anything by denying the requested variance. The Property has been the site of several development proposals, none of which have materialized.

The Project contemplates the perfect transitional development between the downtown area and the SRB District to the west of the Property and proposes residential density which is substantially similar to the surrounding neighborhood, all in an aesthetic which compliments the historic charm of the greater Portsmouth area. Further, the Project incorporates an affordable housing unit which advances the express intent of the Master Plan. The public benefits from a Project which will create housing, advance the essential character of the area, generate additional tax revenue and fulfill goals of the newly adopted Master Plan.

On the contrary, if the variances are denied, the Project will not be developed, will not add an affordable unit to the housing stock in Portsmouth, and will not generate additional tax revenue. Further, the Applicant will not be able to reasonably use property it intends to purchase for a use which is consistent with the surrounding area and which will have a *de minimis* impact on the neighborhood.

Certainly, the Applicant will benefit from the variance, if granted, as they will facilitate the reasonable use of the Property in furtherance of the Applicant's goals, which has been encouraged by the New Hampshire Supreme Court.

As the requested variances benefit the Applicant and do not detriment the public, there is no gain to the general public from denying the request that outweighs the loss to the Applicant from its denial, and this prong of the variance criteria is satisfied.

4. The proposal will not diminish surrounding property values.

Given the nature of the proposed conditions of the Property and the surrounding area, as discussed above and depicted in the Enclosures, the Applicant's proposal will not diminish surrounding property values. The proposed residential development will be substantially consistent with the surrounding area and will otherwise be situated on a hill adjacent to Route 95. See Enclosure 7. The Applicant's Project will obviously enhance the value of the Property, thereby enhancing the value of surrounding properties in turn. Certainly, there is no evidence in the record that could reasonably support the conclusion that the proposed Project will diminish surrounding property values. As the weight of the evidence supports the conclusion that the Project will not diminish the value of surrounding properties, it would be reasonable for the Board of Adjustment to conclude that this prong of the variance criteria is satisfied.

5. Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

a. Legal Standard

As set forth in the provisions of RSA 674:33, I, there are two options by which the Board of Adjustment can find that an unnecessary hardship exists:

(A) For purposes of this subparagraph, "unnecessary hardship" means that, owing to special conditions of the property that distinguish it from other properties in the area:

- (i) No fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and
- (ii) The Proposed use is a reasonable one.

(the “First Hardship Test”)

or,

(B) If the criteria in subparagraph (A) are not established, an unnecessary hardship will be deemed to exist if, and only if, owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it. (the “Section Hardship Test”).

The Applicant respectfully reminds the Board of Adjustment that the mere fact that the Applicant is seeking a variance from the express provisions of the Zoning Ordinance is not a valid reason for denying the variance. See Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102, 107 (2007); see also Harborside Associates, 162 N.H. at 2011 (“mere conflict with the terms of the ordinance is insufficient”).

b. Summary of Applicable Legal Standard

The first prong of the First Hardship Test requires the Board to determine whether there are special conditions on the underlying property which is the subject of a variance request. This requirement finds its origins in the Standard State Zoning Enabling Act of the 1920s “since it is the existence of those ‘special conditions’ which causes the application of the zoning ordinance to apply unfairly to a particular property, requiring that variance relief be available to prevent a taking.”² The Supreme Court has determined that the physical improvements on a property can constitute the “special conditions” which are the subject of the first prong of the First Hardship Test. Harborside, 162 N.H. at 518 (the size and scale of the buildings on the lot could be considered special conditions); *Cf* Farrar, 158, N.H. 689 (where variance sought to convert large, historical single use residence to mixed use of two residence and office space, size of residence was relevant to determining whether property was unique in its environment).

The second prong of the First Hardship Test analysis, pertaining to the relationship between the public purpose of the ordinance provision in question, and its application to the specific property in question, is the codified vestige of a New Hampshire Supreme Court case called Simplex Technologies, Inc. v. Town of Newington (“Simplex”).³ To summarize, the Board’s obligation in this portion of its hardship analysis is to determine the purpose of the regulation from which relief is being sought and if there is no specific purpose identified in the regulation, then to consider the general-purpose statements of the ordinance as a whole, so that the Board may determine whether the purpose of said ordinance is advanced by applying it to the property in question.

² 15 Loughlin, New Hampshire Practice, Land Use Planning and Zoning, §24.20 (4th Ed.) citing The Standard State Zoning Enabling Act.

³ 145 N.H. 727 (2001).

The final prong of the First Hardship Test analysis is whether the proposed use is “reasonable.”

The Applicant respectfully reminds the Board of Adjustment of the New Hampshire Supreme Court’s substantive pivot in Simplex. The Simplex case constituted a “sharp change in the New Hampshire Supreme Court’s treatment of the unnecessary hardship requirement.” The Simplex Court noted that under the unnecessary hardship standard, as it had been developed by the Court up until that time, variances were very difficult to obtain unless the evidence established that the property owner could not use his or her property in any reasonable manner.”⁴ This standard is no longer the required standard in New Hampshire. The Applicant does not have an obligation to affirmatively prove that the underlying Property cannot be reasonably used without the requested variance modification. Rather, the critical question under the First Hardship Test is whether the purpose of the Zoning Ordinance is fairly and substantially advanced by applying it to the Applicant’s Property considering the Property’s unique setting and environment. This approach is consistent with the Supreme Court’s pivot away from the overly restrictive pre-Simplex hardship analysis “to be more considerate of the constitutional right to enjoy property”.⁵

The Second Hardship Test, which we will not focus on in this narrative, is satisfied by establishing that owing to special conditions of the property that distinguish it from other properties in the area, the property cannot be reasonably used in strict conformance with the ordinance, and a variance is therefore necessary to enable a reasonable use of it.

c. Analysis

The first prong of the First Hardship Test requires the Board to determine whether there are special conditions on the underlying Property which distinguish it from others in the area. Here, as discussed at length in Section A above, which is incorporated herewith by reference, the Property does have special conditions that distinguish it from others in the area to specifically include the fact that it is substantially larger than all other residential properties in the area within the SRB District, the Property’s configuration which creates only 47.31 ft of frontage, the Property’s existence immediately adjacent to Route 95, and the grade and topography of the Property which slopes up from Maplewood Avenue and makes the Property difficult to observe from Maplewood Avenue. Through these unique characteristics, the Property is uniquely situated to accommodate the proposed Project which will constitute the highest and best use for this parcel.

As there are special conditions of the Property, the first prong of the First Hardship Test is satisfied.

The second prong of the First Hardship Test pertains to the relationship between the public purpose of the ordinance provisions in question, and their application to the specific property in question. To summarize, the Board of Adjustment must determine whether the purpose of the underlying ordinances are advanced by applying them to the property in question.

⁴ 15 Loughlin, 24.16.

⁵ Id. citing Simplex, 145 N.H. at 731.

Here, as discussed above, the requested variances derive either from the Table of Uses – Residential or the dimensional requirements of Article 5, to include the Table of Dimensional Standards – Residential and Mixed Residential Districts, and they pertain to the intended aesthetic of the SRB District, which was designed to “provide areas for single-family dwellings at low to medium densities (approximately 1 to 3 dwellings per acre), and appropriate accessory uses.” Zoning Ordinance, Article 4, Section 10.410. Further, the general purpose of the Zoning Ordinance is to “promote the health, safety and the general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan” via the regulation of, among other things, the intensity of land use and the preservation and enhancement of the visual environment. Zoning Ordinance, Article 1, Section 10.121. To summarize, the objective of the SRB District and the dimensional and use restrictions inherent to same which are implicated by this application, are to provide medium density and aesthetically consistent development in the area between downtown and the commercial Gateway Corridor along Woodbury Avenue.

In this case, denying the variance will not advance the purposes of these ordinances because the opposite is true: granting the requested variances will facilitate development of the Property in a way that is consistent with the surrounding neighborhood and advances the core objectives of the SRB District and the general purposes of the Zoning Ordinance and Master Plan by enabling reasonable development of land in a manner that advances the aesthetic of the neighborhood and the zoning district, and providing an affordable unit to increase the stock of below-market rate housing in the City.

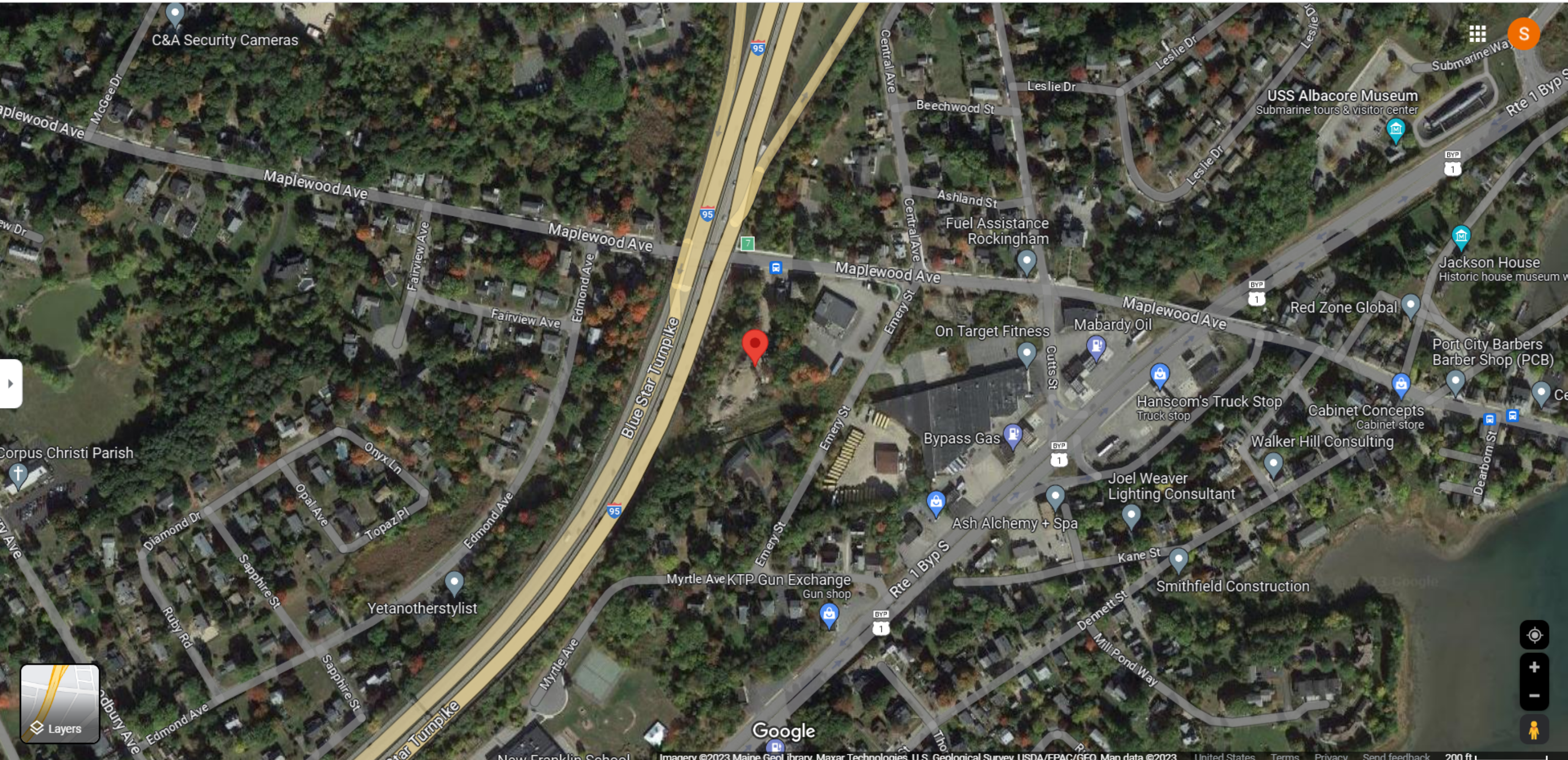
The Applicant’s proposal would advance the general and implied purposes of the Zoning Ordinances in question for all the reasons detailed in this narrative and denying the requested variance would only serve to frustrate the same. As such, the second prong of the hardship criteria is satisfied in this case.

The final analysis under the First Hardship Test is to determine whether the proposed use is reasonable. Here, the proposed Project is reasonable because it constitutes residential development that is substantially similar to the surrounding neighborhood and which provides an affordable housing unit. As explained above, the essential character of the neighborhood will remain the same. As such, the Applicant’s proposal is reasonable.

On these facts, the Applicant respectfully submits that its variance request satisfies the final prong of the statutory variance criteria.

viii. Conclusion

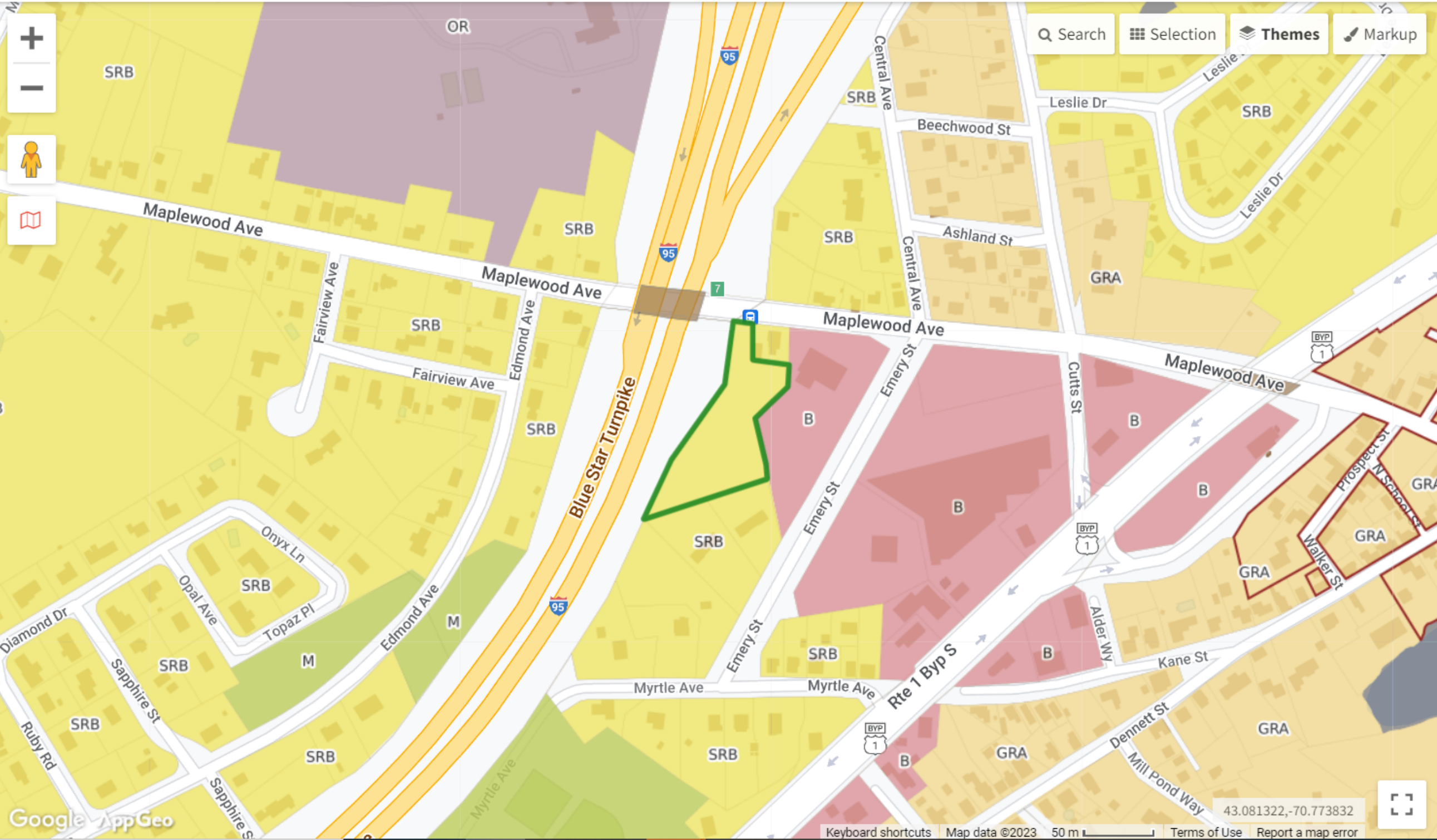
The Applicant respectfully submits that they have satisfied the statutory variance criteria in this matter and its Application should be approved.





City of Portsmouth, NH
Property

Zoom To Share Print 686 maplewood



Themes

transparency

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

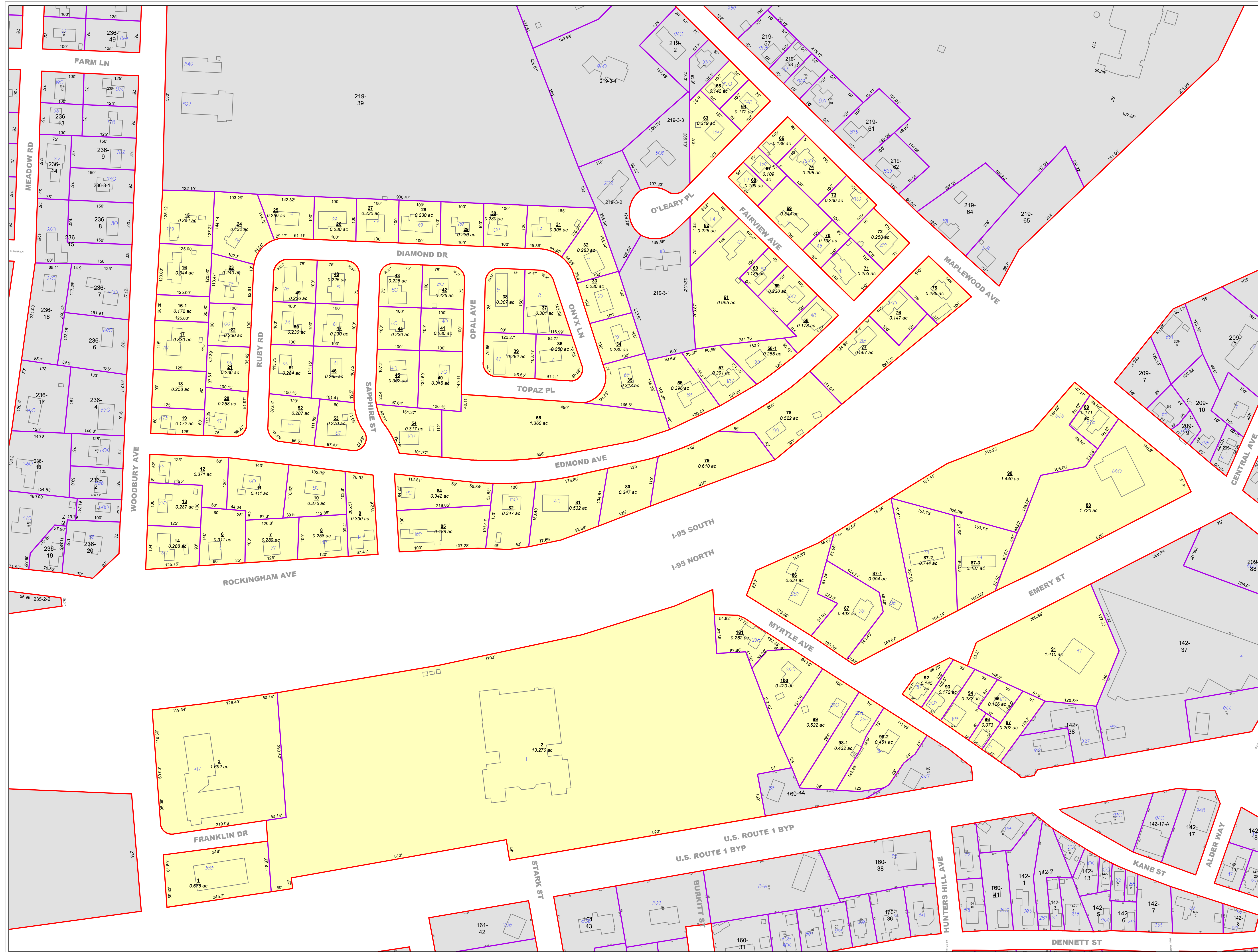
- AIR Airport
- AI Airport Industrial
- PI Pease Industrial
- ABC Airport Business Commercial

Conservation Districts

- M Municipal
- NRP Natural Resource Protection

Character Districts

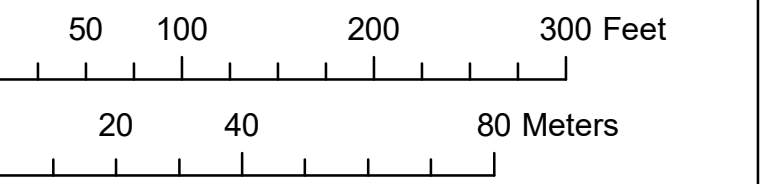
- CD5 Character District 5
- CD4 Character District 4
- CD4W Character District 4-W
- CD4-L1 Character District 4-L1
- CD4-L2 Character District 4-L2



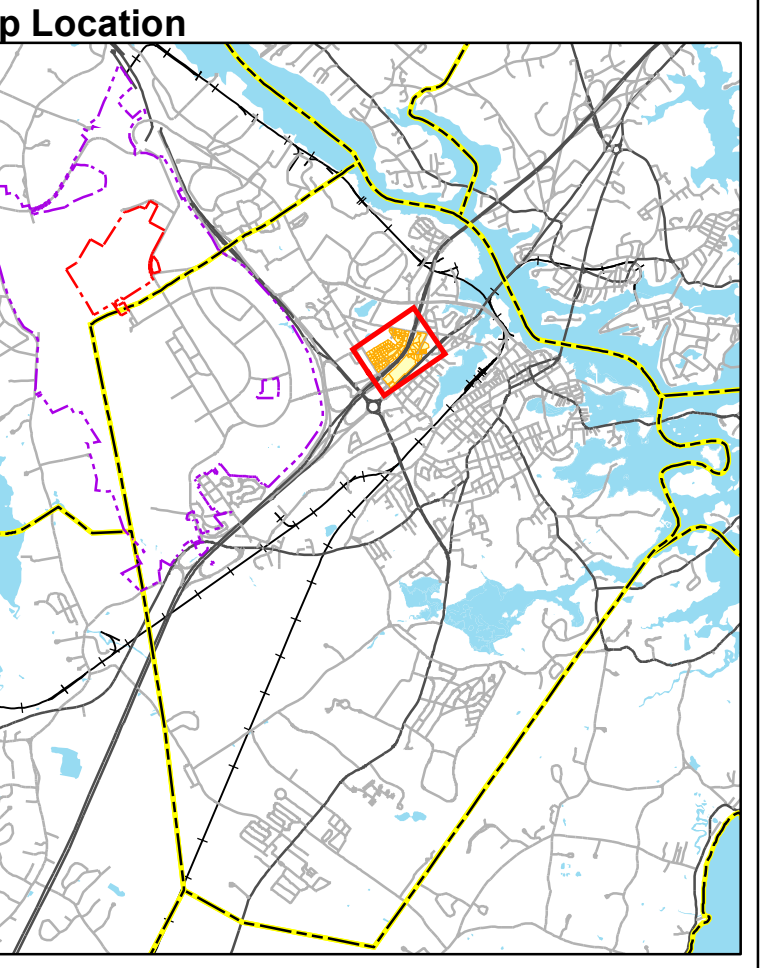
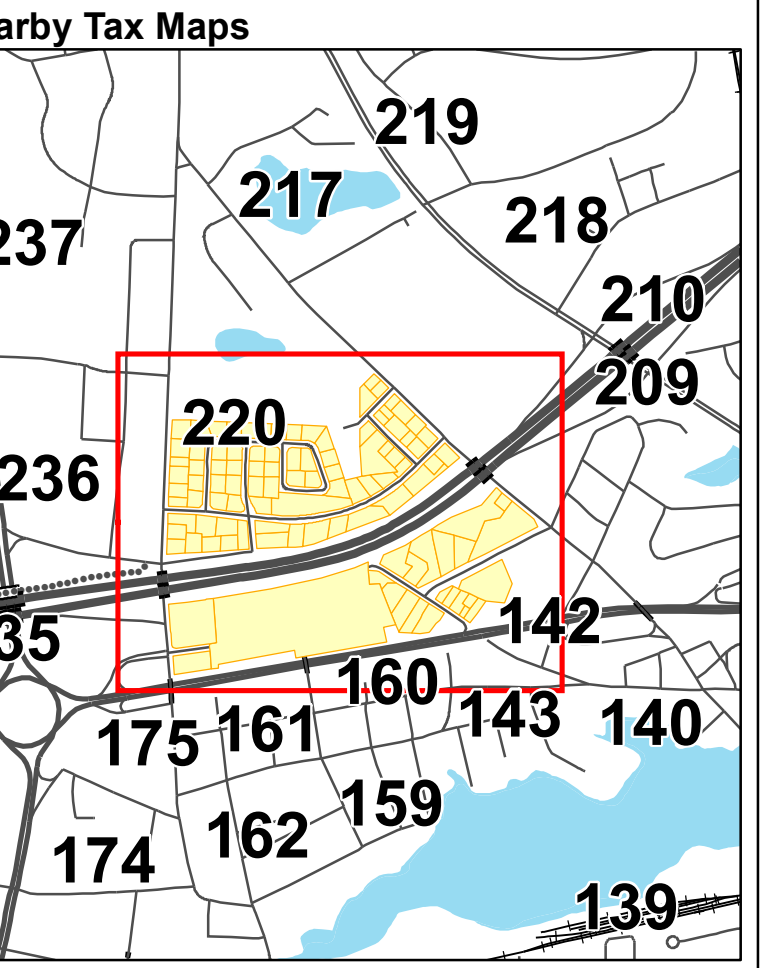
Partial Legend
 See the cover sheet for the complete legend.

- 7-5A** Lot or lot-unit number
- 2.56 ac Parcel area in acres (ac) or square feet (sf)
- 25 Address number
- 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)



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
 2022
Tax Map 220

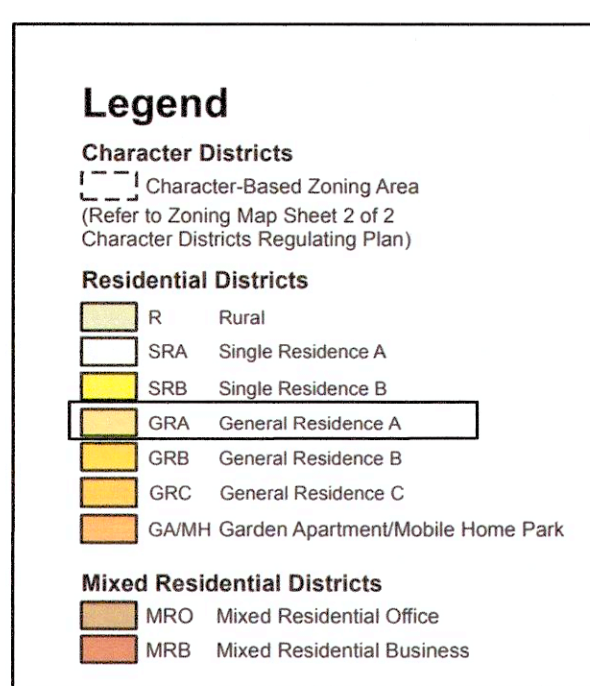
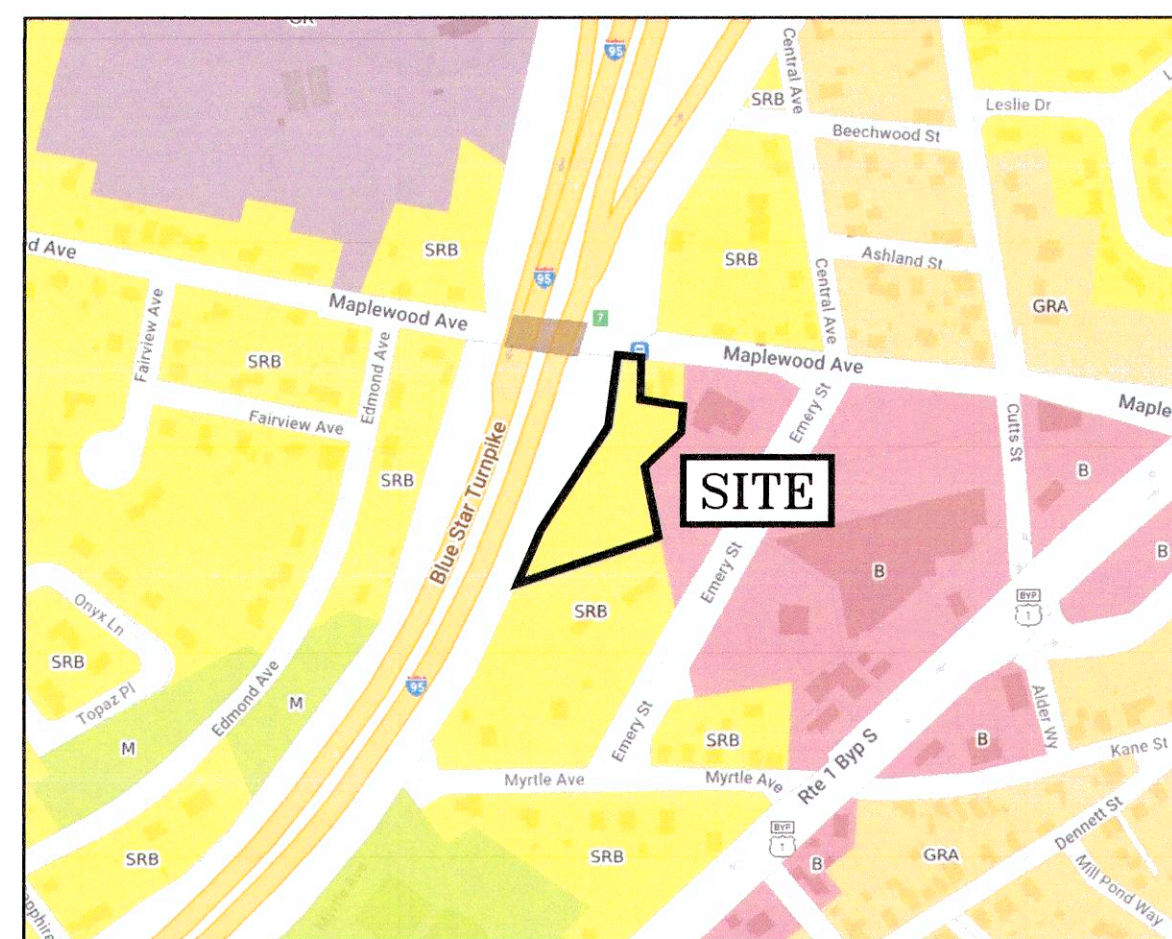
APPLICANT:
 CHINBURG DEVELOPMENT, LLC
 3 PENSTOCK WAY
 NEWMARKET, NH 03857
 Tel. (603) 868-5995

OWNER:
 ISLAMIC SOCIETY OF
 THE SEACOAST AREA
 42N DOVER POINT ROAD
 DOVER, NH 03820

CIVIL ENGINEER & LAND SURVEYOR:
 AMBIT ENGINEERING, INC.
 A DIVISION OF HALEY WARD, INC.
 200 GRIFFIN ROAD, UNIT 3
 PORTSMOUTH, N.H. 03801
 Tel. (603) 430-9282
 Fax (603) 436-2315

ARCHITECT:
 CJ ARCHITECTS
 233 VAUGHAN STREET, SUITE 101
 PORTSMOUTH, NH, 03801
 Tel. (603) 431-2808

LEGAL REPRESENTATION:
 DONAHUE, TUCKER & CIANELLA, PLLC
 111 MAPLEWOOD AVE., SUITE D
 PORTSMOUTH, NH, 03801
 Tel. (603) 766-1686



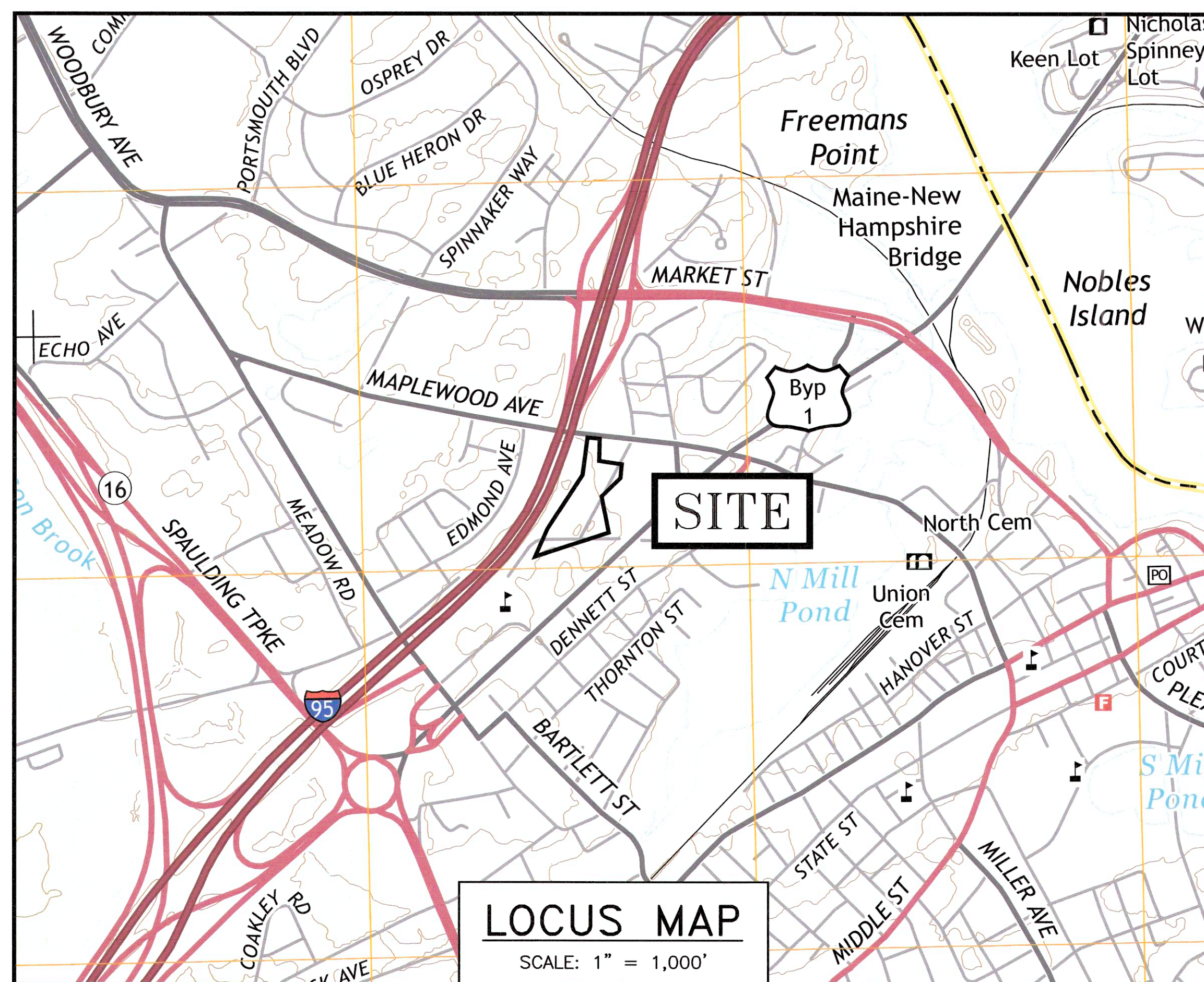
PROPOSED SITE PLAN RESIDENTIAL DEVELOPMENT 686 MAPLEWOOD AVENUE PORTSMOUTH, NEW HAMPSHIRE PERMIT PLANS

REQUIRED PERMITS:
 PORTSMOUTH BOA: PENDING

Enclosure 2

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
---	UD	FOUNDATION DRAIN
100	100	EDGE OF PAVEMENT (EP)
97x3	98x0	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
TBD	TBD	TO BE DETERMINED
CI	CI	CAST IRON PIPE
COP	COP	COPPER PIPE
DI	DI	DUCTILE IRON PIPE
PVC	PVC	POLYVINYL CHLORIDE PIPE
RCP	RCP	REINFORCED CONCRETE PIPE
AC	AC	ASBESTOS CEMENT PIPE
VC	VC	VITRIFIED CLAY PIPE
EP	EP	EDGE OF PAVEMENT
EL	EL	ELEVATION
FF	FF	FINISHED FLOOR
INV	INV	INVERT
S =	S =	SLOPE FT/FT
TBM	TBM	TEMPORARY BENCH MARK
TYP	TYP	TYPICAL



INDEX OF SHEETS

DWG No.	Description
C1	EXISTING CONDITIONS PLAN
C2	VARIANCE SITE 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)

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

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

SEWER & WATER:
 PORTSMOUTH DEPARTMENT OF PUBLIC WORKS
 680 PEVERLY HILL ROAD
 PORTSMOUTH, N.H. 03801
 Tel. (603) 766-1438 ATTN: JIM TOW

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

PORTSMOUTH APPROVAL CONDITIONS NOTE:
 ALL CONDITIONS ON THIS PLAN SET SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE CITY OF PORTSMOUTH SITE PLAN REVIEW REGULATIONS.

APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN _____ DATE _____

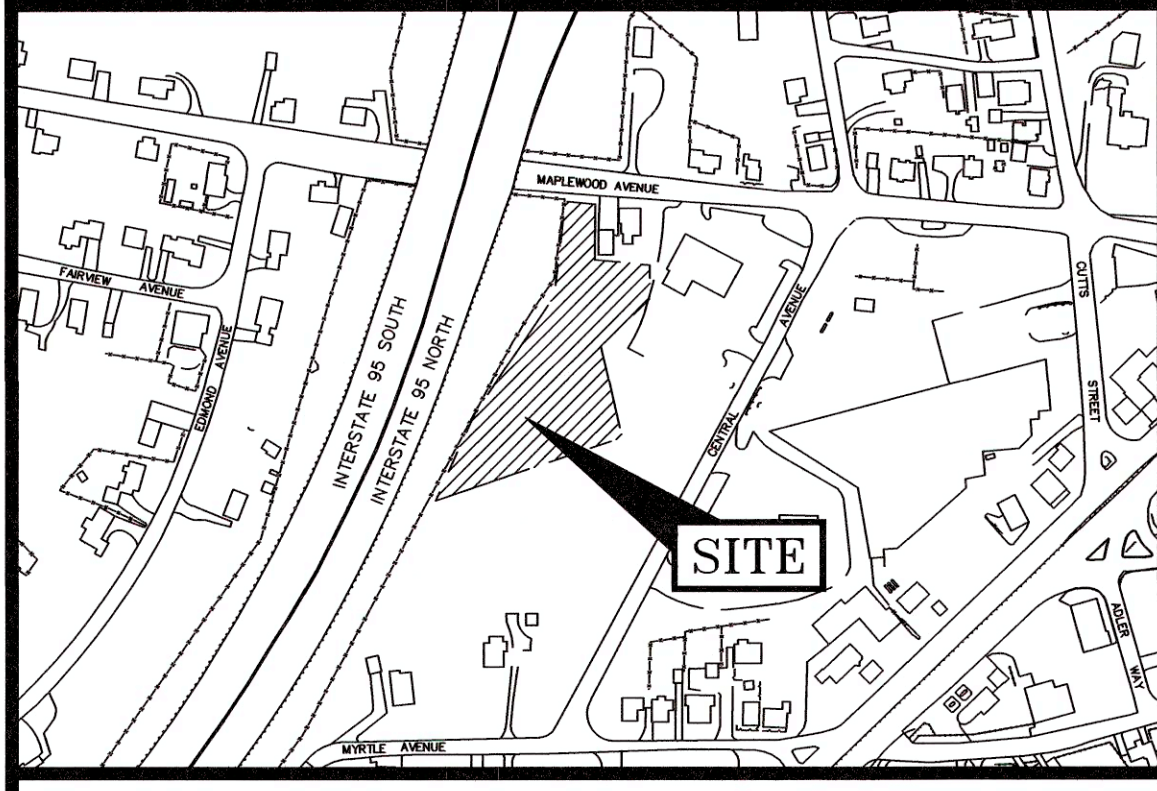
PROPOSED SITE PLAN
 RESIDENTIAL DEVELOPMENT
 686 MAPLEWOOD AVENUE
 PORTSMOUTH, N.H.

AMBIT ENGINEERING, INC.
 A DIVISION OF HALEY WARD, INC.

WWW.HALEYWARD.COM

PLAN SET SUBMITTAL DATE: 20 APRIL 2023

200 Griffin Road, Unit 3
 Portsmouth, NH 03801
 603.430.9282



LOCATION MAP SCALE 1"=300'

LEGEND

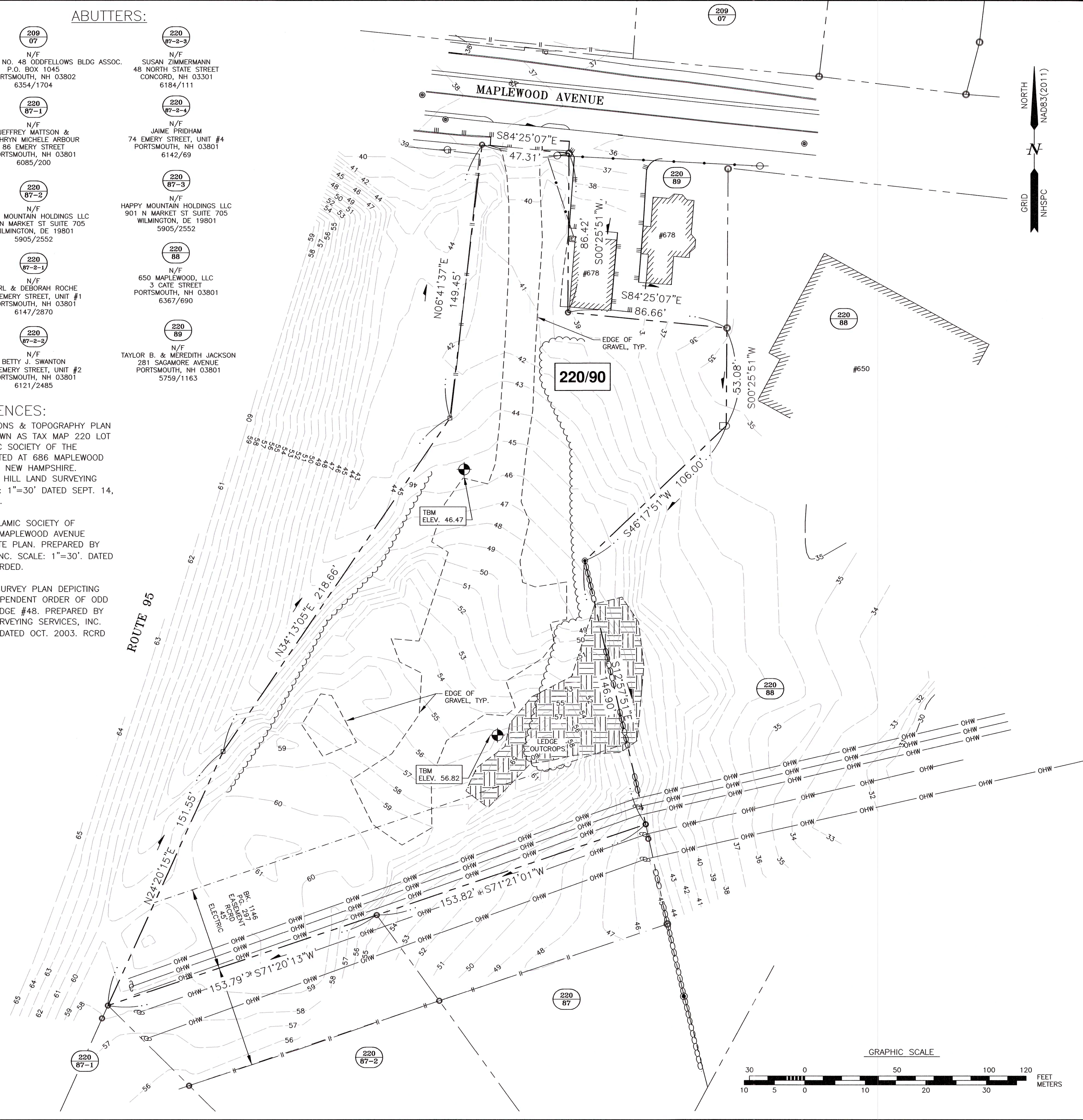
EXISTING	DESCRIPTION
(124/21)	MAP 124 / LOT 21
N/F	NOW OR FORMERLY
RP	RECORD OF PROBATE
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
---	BOUNDARY LINE
---	SETBACK LINE
RR SPK FND	RAILROAD SPIKE FOUND
IR FND	IRON ROD FOUND
IP FND	IRON PIPE FOUND
DH FND	DRILL HOLE FOUND
BND w/ DH	BOUND w/ DRILL HOLE
FM	FORCE MAIN
S	SEWER LINE
G	GAS LINE
D	STORM DRAIN
W	POTABLE WATER LINE
---	UNDERGROUND ELECTRIC
---	OVERHEAD WIRES
100	CONTOUR LINE
97x3	SPOT ELEVATION
---	EDGE OF PAVEMENT
---	WOODS / TREE LINE
U-Pole	UTILITY POLE (w/ GUY) (w/ LIGHT)
*	LIGHT POLE
Shutoff	SHUTOFF/CURB STOP (WATER, GAS, SEWER)
GV	GATE VALVE
Hyd.	HYDRANT
CB	CATCH BASIN
TM	TELEPHONE MANHOLE
SM	SEWER MANHOLE
DM	DRAIN MANHOLE
FF	FINISHED FLOOR
INV.	INVERT
TBM	TEMPORARY BENCHMARK
TYP.	TYPICAL

PLAN REFERENCES:

- EXISTING CONDITIONS & TOPOGRAPHY PLAN FOR VACANT LOT KNOWN AS TAX MAP 220 LOT 90 OWNED BY ISLAMIC SOCIETY OF THE SEACOAST AREA LOCATED AT 686 MAPLEWOOD AVENUE PORTSMOUTH, NEW HAMPSHIRE. PREPARED BY KNIGHT HILL LAND SURVEYING SERVICES, INC. SCALE: 1"=30' DATED SEPT. 14, 2017. NOT RECORDED.
- SITE PLAN FOR ISLAMIC SOCIETY OF SEACOAST AREA 686 MAPLEWOOD AVENUE PORTSMOUTH, N.H. SITE PLAN. PREPARED BY AMBIT ENGINEERING, INC. SCALE: 1"=30'. DATED MAY 2019. NOT RECORDED.
- LAND BOUNDARY SURVEY PLAN DEPICTING LAND OWNED BY INDEPENDENT ORDER OF ODD FELLOWS, OSGOOD LODGE #48. PREPARED BY KNIGHT HILL LAND SURVEYING SERVICES, INC. SCALE: 1" = 40 FT. DATED OCT. 2003. RCRD D-31278.

ABUTTERS:

- | | |
|---|---|
| <p>209 07 N/F OSGOOD LODGE NO. 48 ODDFELLOWS BLDG ASSOC. P.O. BOX 1045 PORTSMOUTH, NH 03802 6354/1704</p> <p>220 87-1 N/F JEFFREY MATTSON & KATHRYN MICHELE ARBOUR 86 EMERY STREET PORTSMOUTH, NH 03801 6085/200</p> <p>220 87-2 N/F HAPPY MOUNTAIN HOLDINGS LLC 901 N MARKET ST SUITE 705 WILMINGTON, DE 19801 5905/2552</p> <p>220 87-2-1 N/F CARL & DEBORAH ROCHE 64 EMERY STREET, UNIT #1 PORTSMOUTH, NH 03801 6147/2870</p> <p>220 87-2-2 N/F BETTY J. SWANTON 64 EMERY STREET, UNIT #2 PORTSMOUTH, NH 03801 6121/2485</p> | <p>220 87-2-3 N/F SUSAN ZIMMERMANN 48 NORTH STATE STREET CONCORD, NH 03301 6184/111</p> <p>220 87-2-4 N/F JAIME PRIDHAM 74 EMERY STREET, UNIT #4 PORTSMOUTH, NH 03801 6142/69</p> <p>220 87-3 N/F HAPPY MOUNTAIN HOLDINGS LLC 901 N MARKET ST SUITE 705 WILMINGTON, DE 19801 5905/2552</p> <p>220 88 N/F 650 MAPLEWOOD, LLC 3 CATE STREET PORTSMOUTH, NH 03801 6367/690</p> <p>220 89 N/F TAYLOR B. & MEREDITH JACKSON 281 SAGAMORE AVENUE PORTSMOUTH, NH 03801 5759/1163</p> |
|---|---|



AMBIT ENGINEERING, INC.
A DIVISION OF HALEY WARD, INC.

200 Griffin Road, Unit 3
Portsmouth, NH 03801
603-430-9282

WWW.HALEYWARD.COM

- NOTES:**
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 220 AS LOT 90.
 - OWNERS OF RECORD:
ISLAMIC SOCIETY OF THE SEACOAST AREA
42N DOVER POINT ROAD
DOVER, NH 03820
5806/2816
 - APPLICANT:
CHINBURG DEVELOPMENT, LLC
3 PENSTOCK WAY
NEWMARKET, NH 03857
 - PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
 - EXISTING LOT AREA:
62,776 S.F.
1.4411 ACRES
 - PARCEL IS LOCATED IN SINGLE RESIDENCE B (SRB) DISTRICT.
- DIMENSIONAL REQUIREMENTS:**
- | | |
|----------------------------|---------------|
| MIN. LOT AREA: | 15,000 S.F. |
| FRONTAGE: | 100 FEET |
| SETBACKS: | FRONT 30 FEET |
| | SIDE 10 FEET |
| | REAR 30 FEET |
| MAXIMUM STRUCTURE HEIGHT: | 35 FEET |
| MAXIMUM BUILDING COVERAGE: | 20% |
| MINIMUM OPEN SPACE: | 40% |

7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON ASSESSOR'S MAP 220 LOT 90 IN THE CITY OF PORTSMOUTH.

8) RCRD 5759/1160 PLACED A BURDEN ON TAX MAP 220 LOT 90. THE EASEMENT DESCRIBED IN RCRD 5759/1160 HAS BEEN EXTINGUISHED DUE TO THE REMOVAL OF THE DECKS AND THE NON-REPLACEMENT WITHIN THE SIX (6) MONTHS ALLOWED BY THE EASEMENT DEED.

**RESIDENTIAL DEVELOPMENT
CHINBURG DEVELOPMENT
686 MAPLEWOOD AVE.
PORTSMOUTH, N.H.**

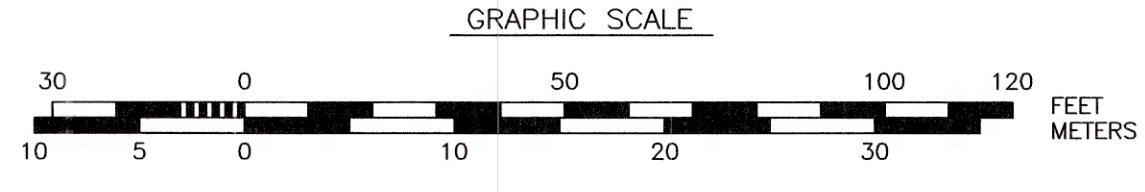
NO.	DESCRIPTION	DATE
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0	ISSUED FOR COMMENT	4/13/23
REVISIONS		

SCALE: 1"=30' FEBRUARY 2023

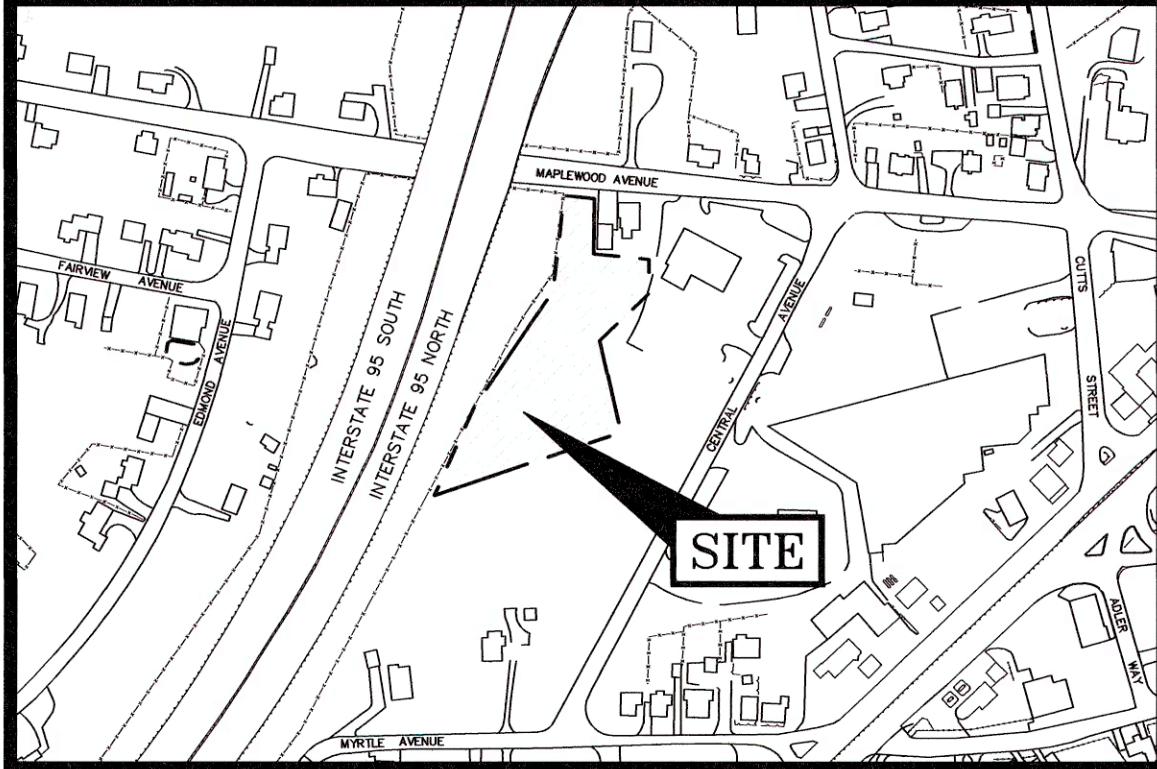
EXISTING CONDITIONS PLAN **C1**

"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 4.20.23
JOHN R. CHAGNON, LLS DATE



PIN: 15102023-Chinburg-Residential-Development-686-Maplewood-Ave-Portsmouth-NH-03801-4/20/23-135587-NH



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
- IRON ROD/IRON PIPE FOUND
- APPROXIMATE BOUNDARY
- 100' CONTOUR
- 97x3 SPOT ELEVATION
- EDGE OF PAVEMENT (EP)
- WOODS / TREE LINE
- ELEVATION
- FINISHED FLOOR
- INV. INVERT
- TBM TEMPORARY BENCHMARK
- TYP. TYPICAL
- LSA LANDSCAPED AREA
- 1 PARKING SPACE

IMPERVIOUS SURFACE AREAS (TO PROPERTY LINE)

STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURES	0	6,480
DECKS	0	864
COVERED PORCHES	0	360
PAVEMENT	0	11,625
SIDEWALKS	0	2,157
LEDGE	3,291	3,291
GRAVEL	12,999	0
CURBING	0	178
RETAINING WALL	0	211
TOTAL	16,290	25,166
LOT SIZE	62,776	62,776
% LOT COVERAGE	25.9%	40.1%

PROPOSED BUILDING COVERAGE: 7,704 S.F./62,776 S.F. = 12.3%
 PROPOSED OPEN SPACE: 37,999 S.F./62,776 S.F. = 60.5%
 BUILDING HEIGHT TO CONFORM TO ORDINANCE.

VARIANCE APPLICATION:

- ARTICLE #5, SECTION 10.520 TO PERMIT FRONTAGE OF 47.31 FEET WHERE 100 FEET IS REQUIRED.
- ARTICLE #4, SECTION 10.440-1.30 TO PERMIT 2 FAMILY DWELLINGS WHERE ONLY SINGLE FAMILY ARE ALLOWED.
- ARTICLE #5, SECTION 10.520 TO PERMIT 6,975 S.F. OF LOT AREA PER DWELLING UNIT WHERE 15,000 S.F. OF LOT AREA PER DWELLING UNIT IS REQUIRED.
- ARTICLE #5, SECTION 10.513 TO PERMIT 5 FREE STANDING BUILDINGS WITH DWELLINGS WHERE NO MORE THAN ONE FREE STANDING DWELLING IS PERMITTED.

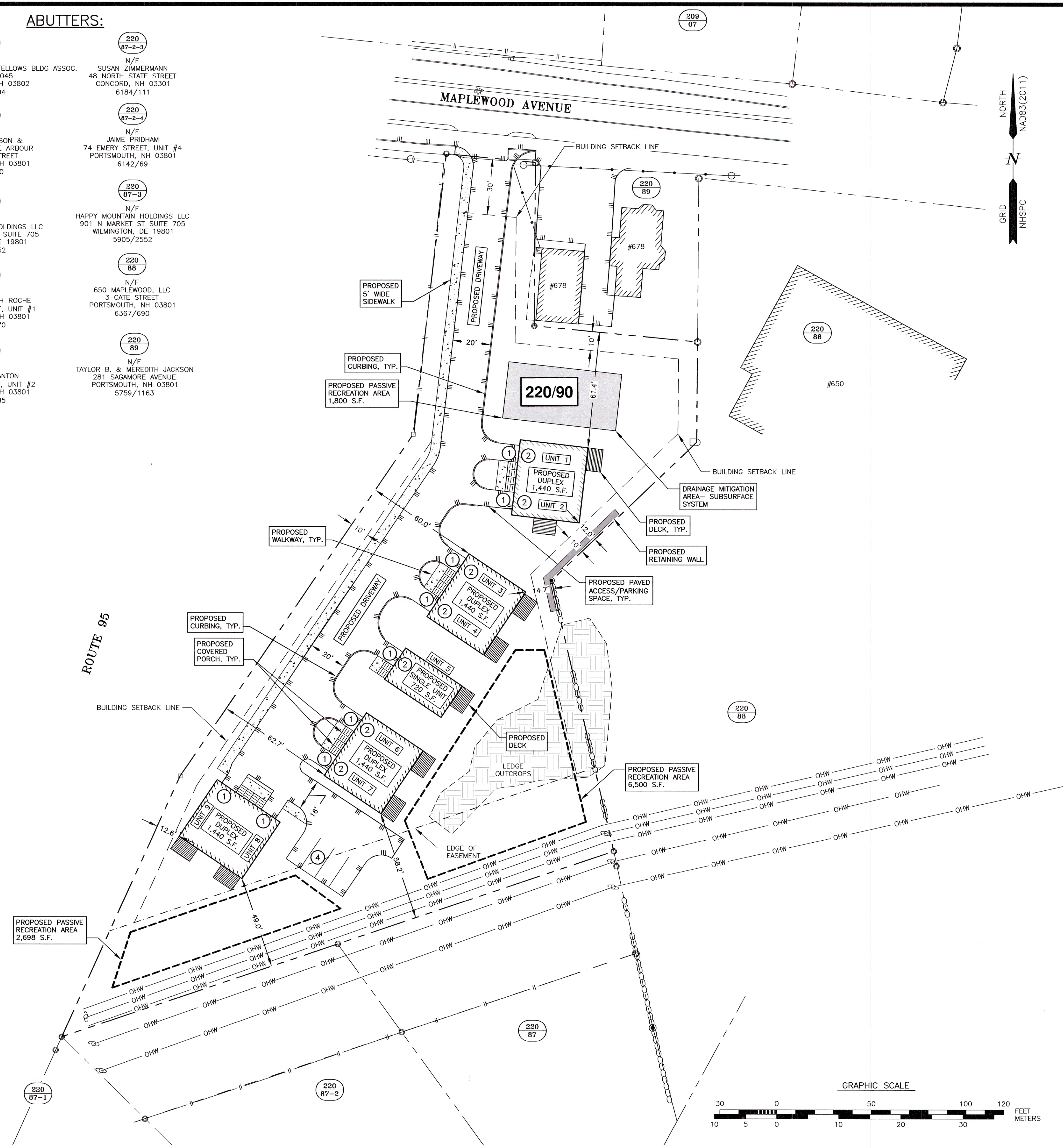
"I CERTIFY THAT THIS PLAN WAS PREPARED UNDER MY DIRECT SUPERVISION, THAT IT IS THE RESULT OF A FIELD SURVEY BY THIS OFFICE AND HAS AN ACCURACY OF THE CLOSED TRAVERSE THAT EXCEEDS THE PRECISION OF 1:15,000."



JOHN R. CHAGNON, LLS DATE 4.20.23

ABUTTERS:

- 209 07 N/F OSGOOD LODGE NO. 48 ODDFELLOWS BLDG ASSOC. P.O. BOX 1045 PORTSMOUTH, NH 03802 6354/1704
- 220 87-1 N/F JEFFREY MATTSON & KATHRYN MICHELE ARBOUR 86 EMERY STREET PORTSMOUTH, NH 03801 6085/200
- 220 87-2 N/F HAPPY MOUNTAIN HOLDINGS LLC 901 N MARKET ST SUITE 705 WILMINGTON, DE 19801 5905/2552
- 220 87-2-1 N/F CARL & DEBORAH ROCHE 64 EMERY STREET, UNIT #1 PORTSMOUTH, NH 03801 6147/2870
- 220 87-2-2 N/F BETTY J. SWANTON 64 EMERY STREET, UNIT #2 PORTSMOUTH, NH 03801 6121/2485
- 220 87-2-3 N/F SUSAN ZIMMERMANN 48 NORTH STATE STREET CONCORD, NH 03301 6184/111
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- 220 88 N/F 650 MAPLEWOOD, LLC 3 CATE STREET PORTSMOUTH, NH 03801 6367/690
- 220 89 N/F TAYLOR B. & MEREDITH JACKSON 281 SAGAMORE AVENUE PORTSMOUTH, NH 03801 5759/1163



AMBIT ENGINEERING, INC.
 A DIVISION OF HALEY WARD, INC.
 200 Griffin Road, Unit 3
 Portsmouth, NH 03801
 603.430.9282
 WWW.HALEYWARD.COM

- NOTES:
- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 220 AS LOT 90.
 - OWNERS OF RECORD:
 ISLAMIC SOCIETY OF THE SEACOAST AREA
 42N DOVER POINT ROAD
 DOVER, NH 03820
 5806/2816
 APPLICANT:
 CHINBURG DEVELOPMENT, LLC
 3 PENSTOCK WAY
 NEWMARKET, NH 03857
 - PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
 - EXISTING LOT AREA:
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 1.4411 ACRES
 - PARCEL IS LOCATED IN SINGLE RESIDENCE B (SRB) DISTRICT.
- DIMENSIONAL REQUIREMENTS:
- | | |
|----------------------------|---------------|
| MIN. LOT AREA: | 15,000 S.F. |
| FRONTAGE: | 100 FEET |
| SETBACKS: | FRONT 30 FEET |
| | SIDE 10 FEET |
| | REAR 30 FEET |
| MAXIMUM STRUCTURE HEIGHT: | 35 FEET |
| MAXIMUM BUILDING COVERAGE: | 20% |
| MINIMUM OPEN SPACE: | 40% |
- THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED DEVELOPMENT ON ASSESSOR'S MAP 220 LOT 90 IN THE CITY OF PORTSMOUTH.
 - VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GPS OBSERVATIONS.
 - BUILDINGS FROM PLANS BY CJ ARCHITECTS DATED 3-27-23.
 - PARKING CALCULATION:
 REQUIRED: 1.3 PER UNIT
 9 UNITS X 1.3 = 12 SPACES
 GUEST REQUIRED: 1 PER 5 UNITS = 2 SPACES
 TOTAL SPACES REQUIRED = 14
 PROVIDED PARKING: 20 SPACES

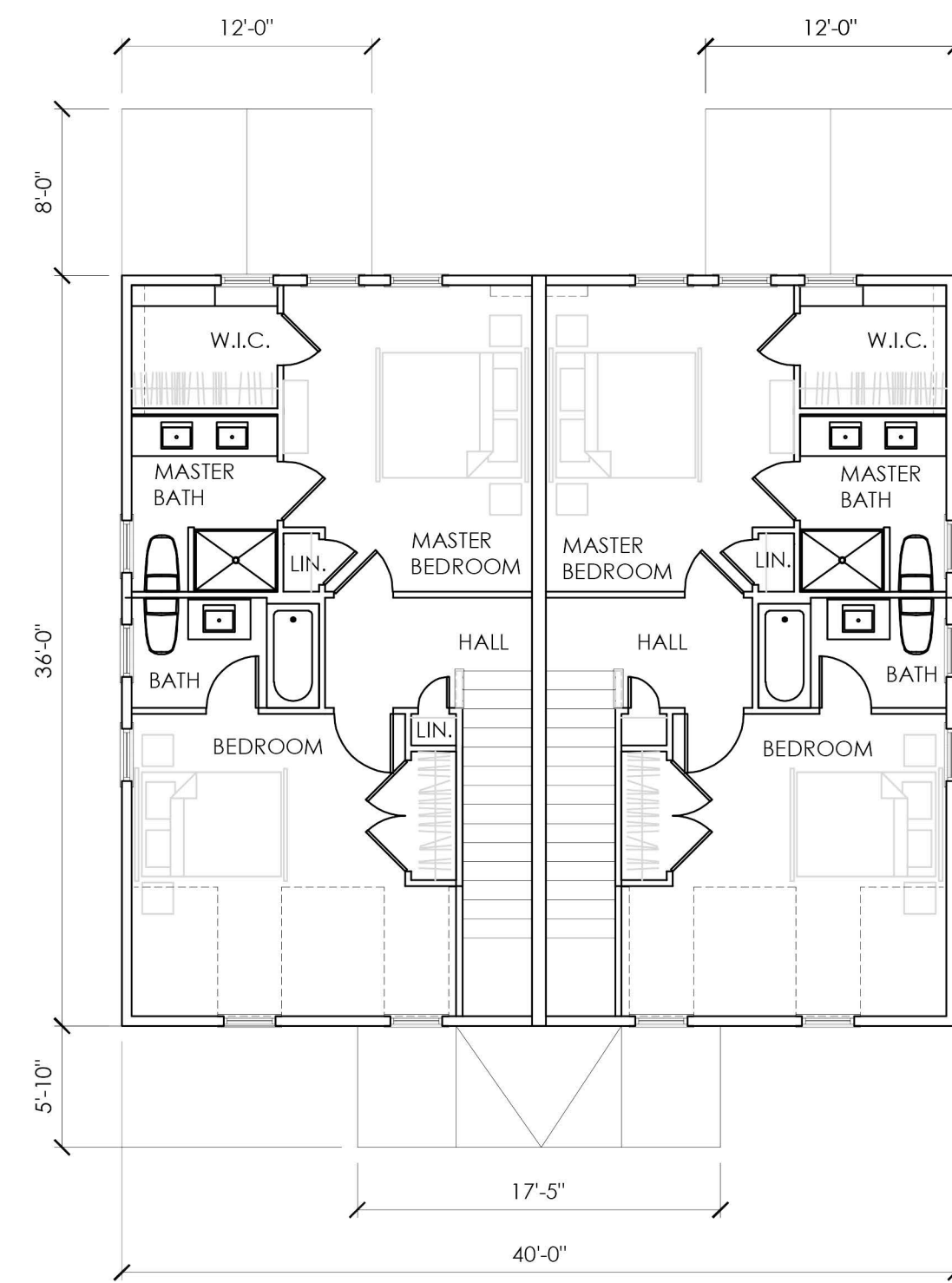
RESIDENTIAL DEVELOPMENT
 CHINBURG DEVELOPMENT
 686 MAPLEWOOD AVE.
 PORTSMOUTH, N.H.

NO.	DESCRIPTION	DATE
1	ISSUED FOR APPROVAL	4/20/23
0	ISSUED FOR COMMENT	4/13/23

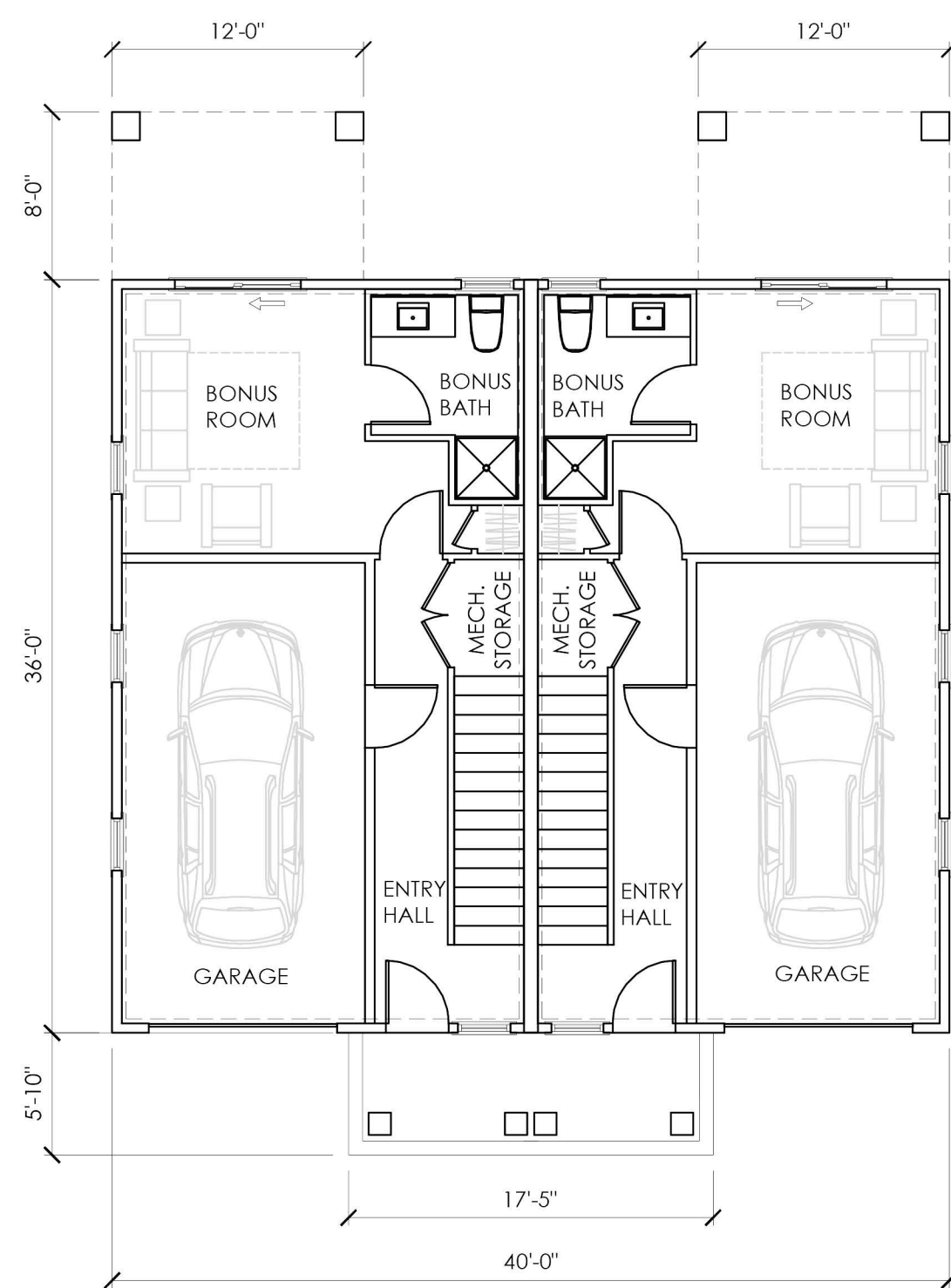


SCALE: 1"=30' FEBRUARY 2023

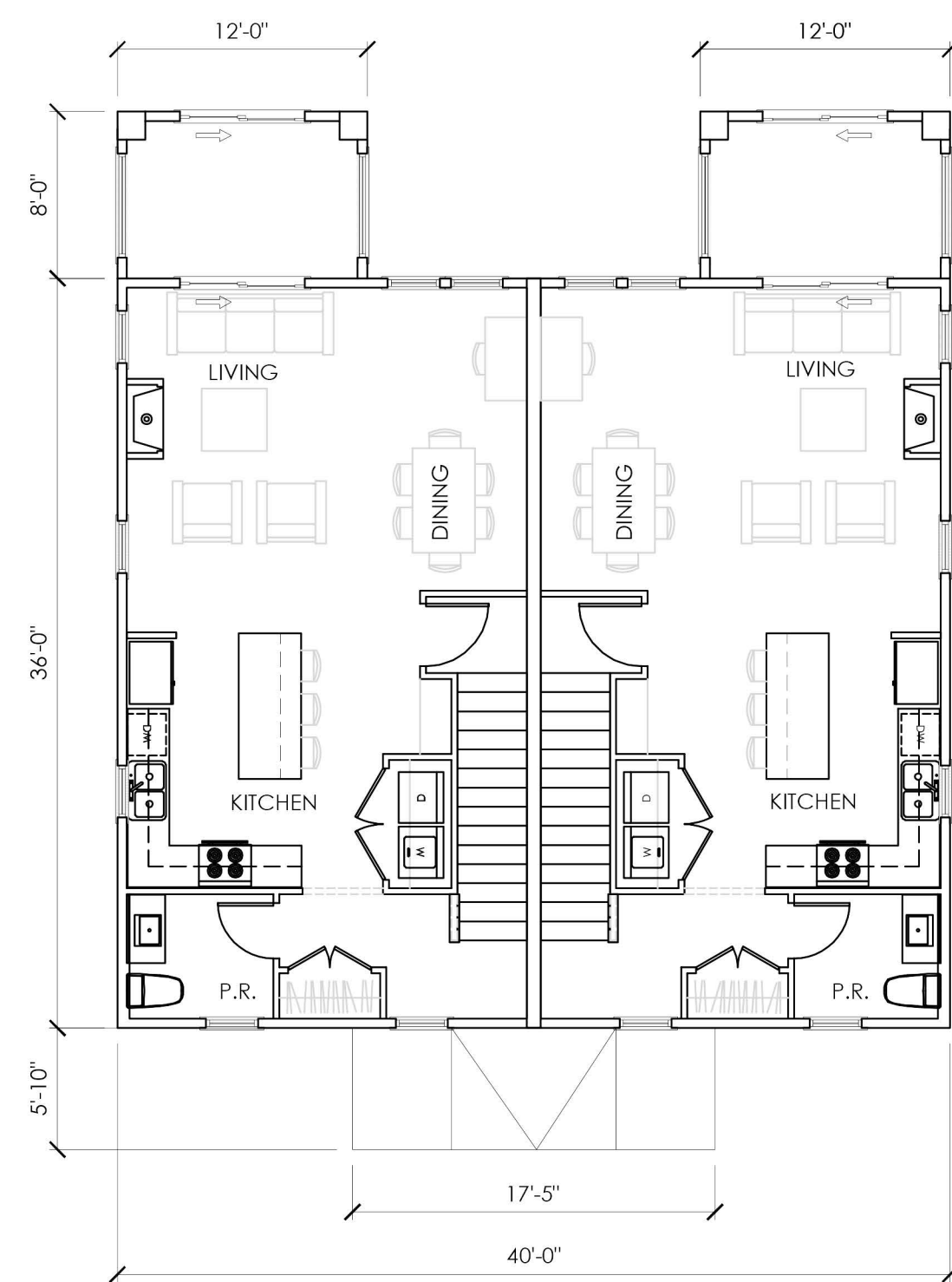
VARIANCE SITE PLAN C2



SECOND FLOOR PLAN
1/8" = 1'-0"



LOWER LEVEL FLOOR PLAN
1/8" = 1'-0"



FIRST FLOOR PLAN
1/8" = 1'-0"

DUPLEX UNITS



FRONT ELEVATION
1/8" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"



BACK ELEVATION
1/8" = 1'-0"



LEFT ELEVATION
1/8" = 1'-0"

NOT FOR CONSTRUCTION

REVISIONS:

CHINBURG PROPERTIES, INC.
686 MAPLEWOOD AVENUE
PORTSMOUTH, NH

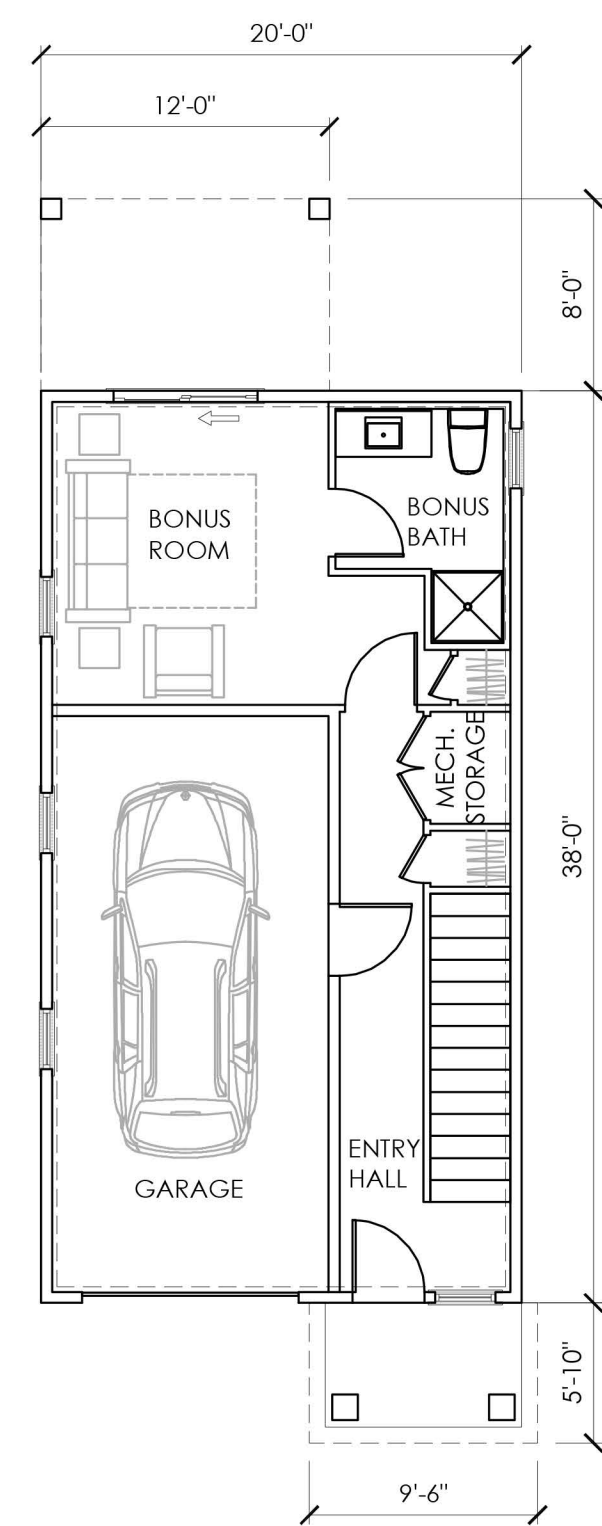


CJ ARCHITECTS
233 VAUGHAN STREET
SUITE 101
PORTSMOUTH, NH 03801
(603) 431-2808
www.cjarchitects.net

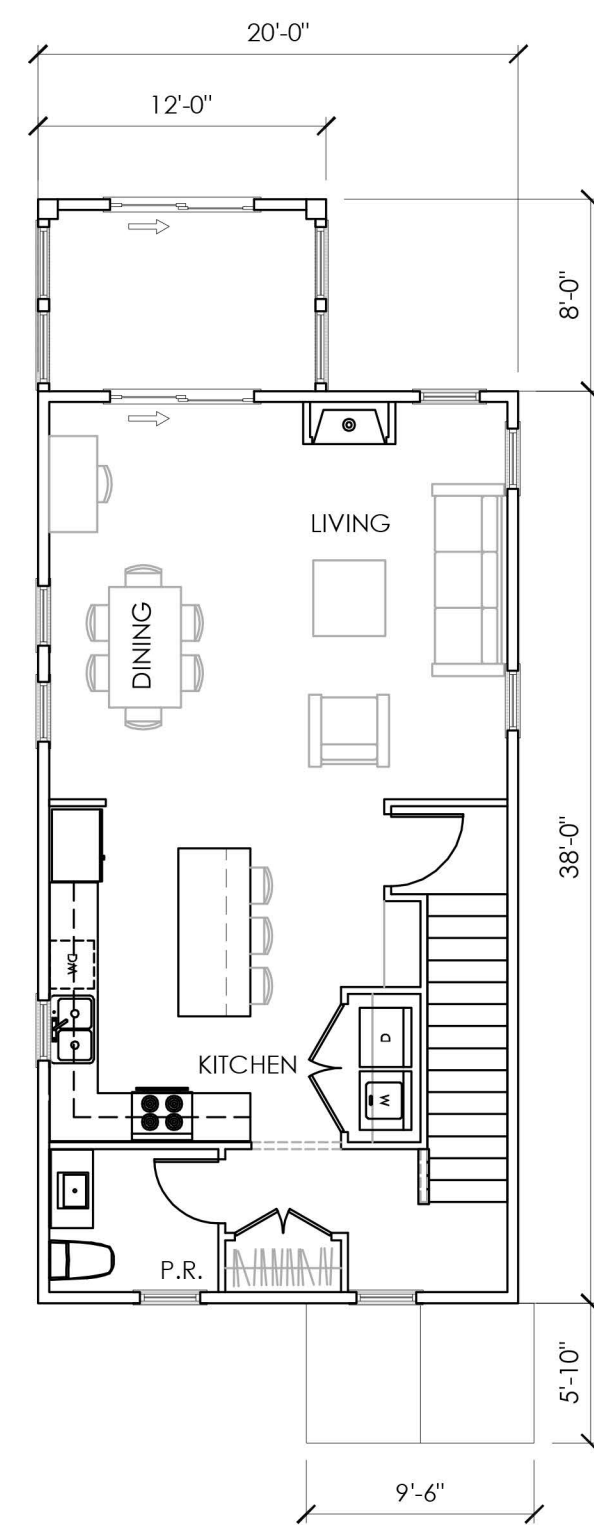
DUPLEX UNITS
FLOOR
PLANS
&
ELEVATIONS

DATE: 04/20/23
DRAWN BY: RDL
APPROVED BY: CJG
SCALE: 1/8" = 1'-0"
JOB NUMBER: 22303

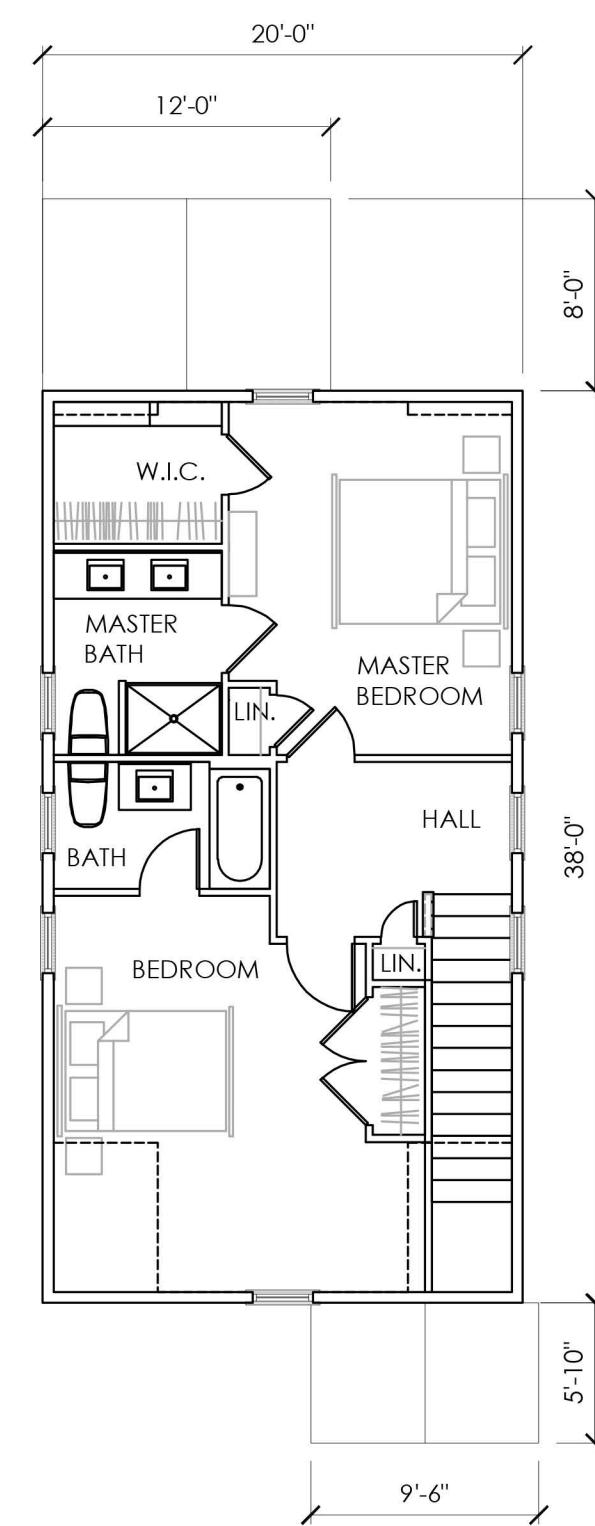
A1



LOWER LEVEL FLOOR PLAN
1/8" = 1'-0"



FIRST FLOOR PLAN
1/8" = 1'-0"



SECOND FLOOR PLAN
1/8" = 1'-0"

SINGLE UNIT



FRONT ELEVATION
1/8" = 1'-0"



RIGHT ELEVATION
1/8" = 1'-0"



BACK ELEVATION
1/8" = 1'-0"



LEFT ELEVATION
1/8" = 1'-0"

NOT FOR CONSTRUCTION

REVISIONS:

CHINBURG PROPERTIES, INC.
686 MAPLEWOOD AVENUE
PORTSMOUTH, NH

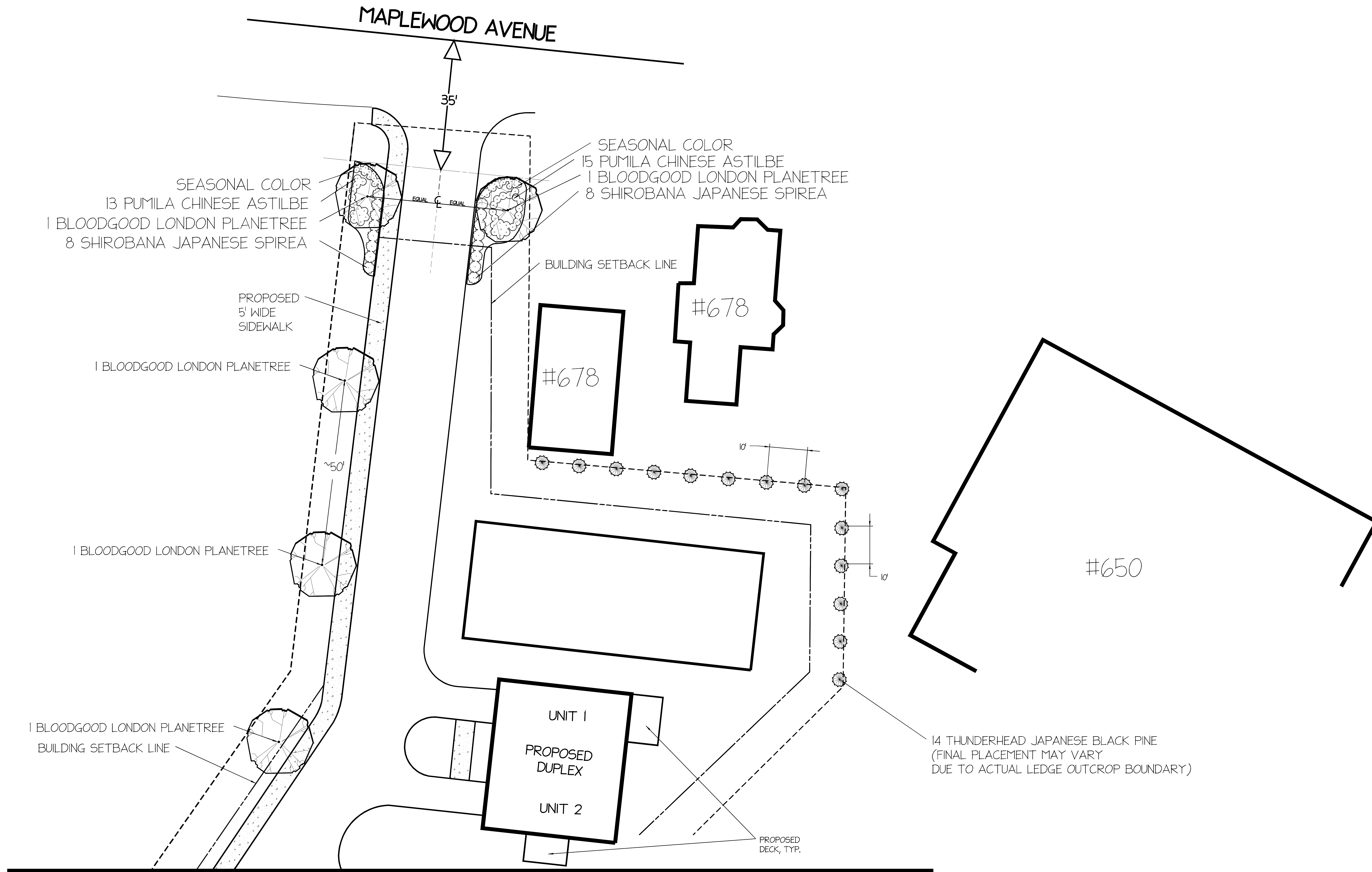


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233 VAUGHAN STREET
SUITE 101
PORTSMOUTH, NH 03801
(603) 431-2808
www.cjarchitects.net

SINGLE UNIT
FLOOR
PLANS
&
ELEVATIONS

DATE: 04/20/23
DRAWN BY: RDL
APPROVED BY: CJG
SCALE: 1/8" = 1'-0"
JOB NUMBER: 22303

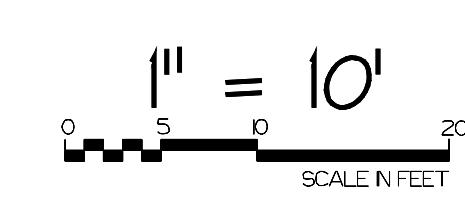
A2



No.	Date	Description

**686 MAPLEWOOD
CONCEPT PLAN
LANDSCAPE**

HEIGHT: 10'-12'
WIDTH: 10'-12'
PINUS thunbergiana 'Thunderhead'

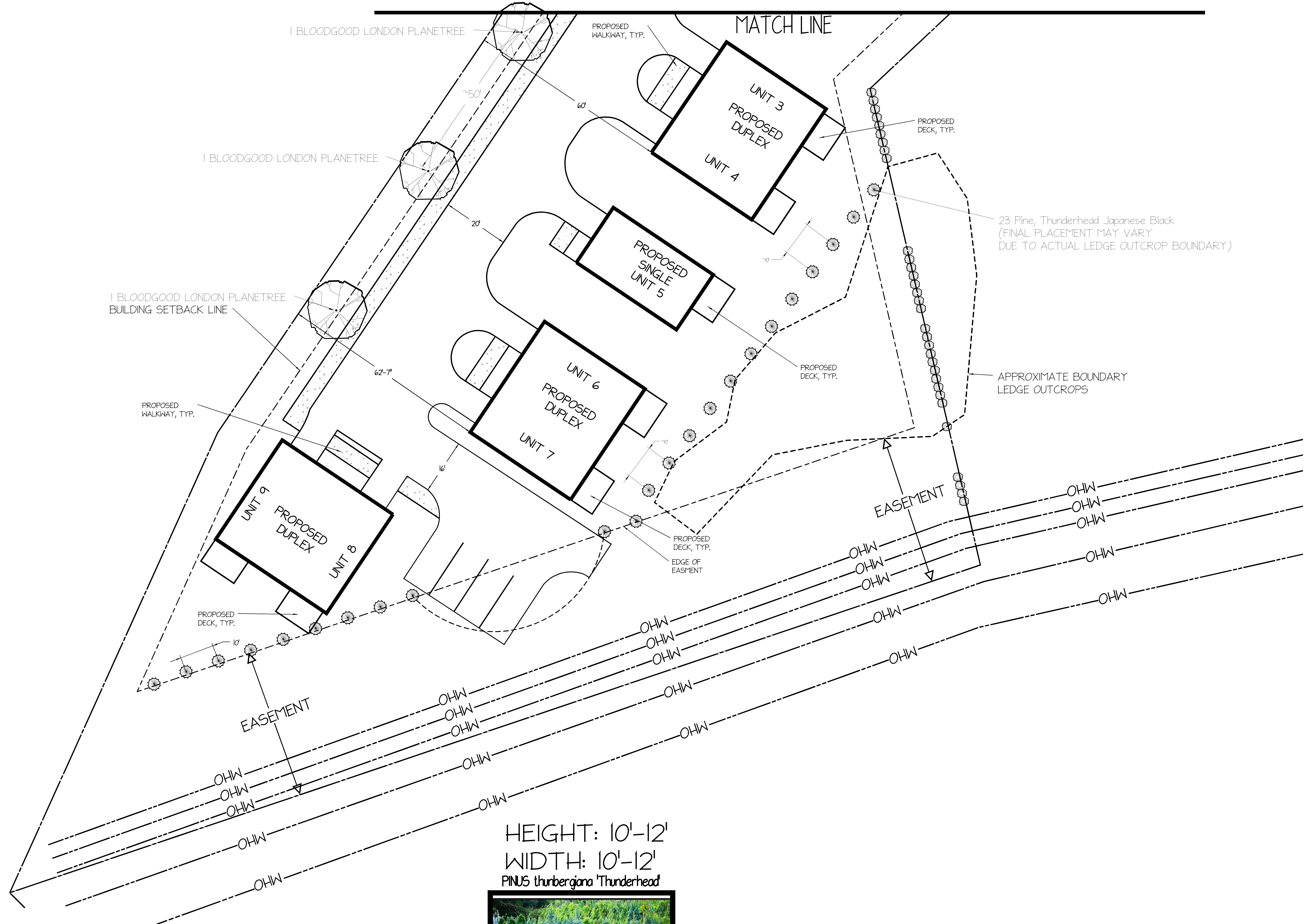


PLANT LEGEND

Qty	Common Name	Remarks
Trees		
5	BLOODGOOD LONDON PLANETREE	2" - 2.5" cal.
14	THUNDERHEAD JAPANESE BLACK PINE	36" - 42"
Shrubs		
16	SHIROBANA JAPANESE SPIREA	#3
Perennials		
28	PUMILA CHINESE ASTILBE	#1

SCALE	1" = 10'
DRAWN BY	MIC
CHECKED BY	ES
DATE	04.21.23
DATE OF PRINT	

PROJECT NO.	
SHEET NO.	L-1



1 BLOODGOOD LONDON PLANETREE

1 BLOODGOOD LONDON PLANETREE

1 BLOODGOOD LONDON PLANETREE
BUILDING SETBACK LINE

PROPOSED WALKWAY, TYP.

PROPOSED DECK, TYP.

EASEMENT

MATCH LINE

UNIT 3
PROPOSED DUPLEX
UNIT 4

PROPOSED DECK, TYP.

PROPOSED SINGLE UNIT 5

23 Pine, Thunderhead Japanese Black
(FINAL PLACEMENT MAY VARY DUE TO ACTUAL LEDGE OUTCROP BOUNDARY)

APPROXIMATE BOUNDARY LEDGE OUTCROPS

UNIT 6
PROPOSED DUPLEX
UNIT 7

PROPOSED DECK, TYP.

PROPOSED DECK, TYP.
EDGE OF EASEMENT

EASEMENT

OHW
OHW
OHW

OHW
OHW

OHW
OHW

OHW
OHW
OHW

OHW
OHW

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OHW

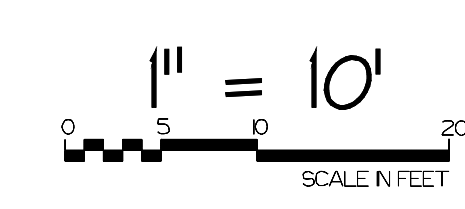
OHW
OHW

OHW
OHW
OHW

OHW
OHW
OHW

OHW
OHW

HEIGHT: 10'-12'
WIDTH: 10'-12'
PINUS thunbergiana 'Thunderhead'



PLANT LEGEND

Qty	Common Name	Remarks
Trees		
3	BLOODGOOD LONDON PLANETREE	2" - 2.5" cal.
23	Pine, Thunderhead Japanese Black	36" - 42"

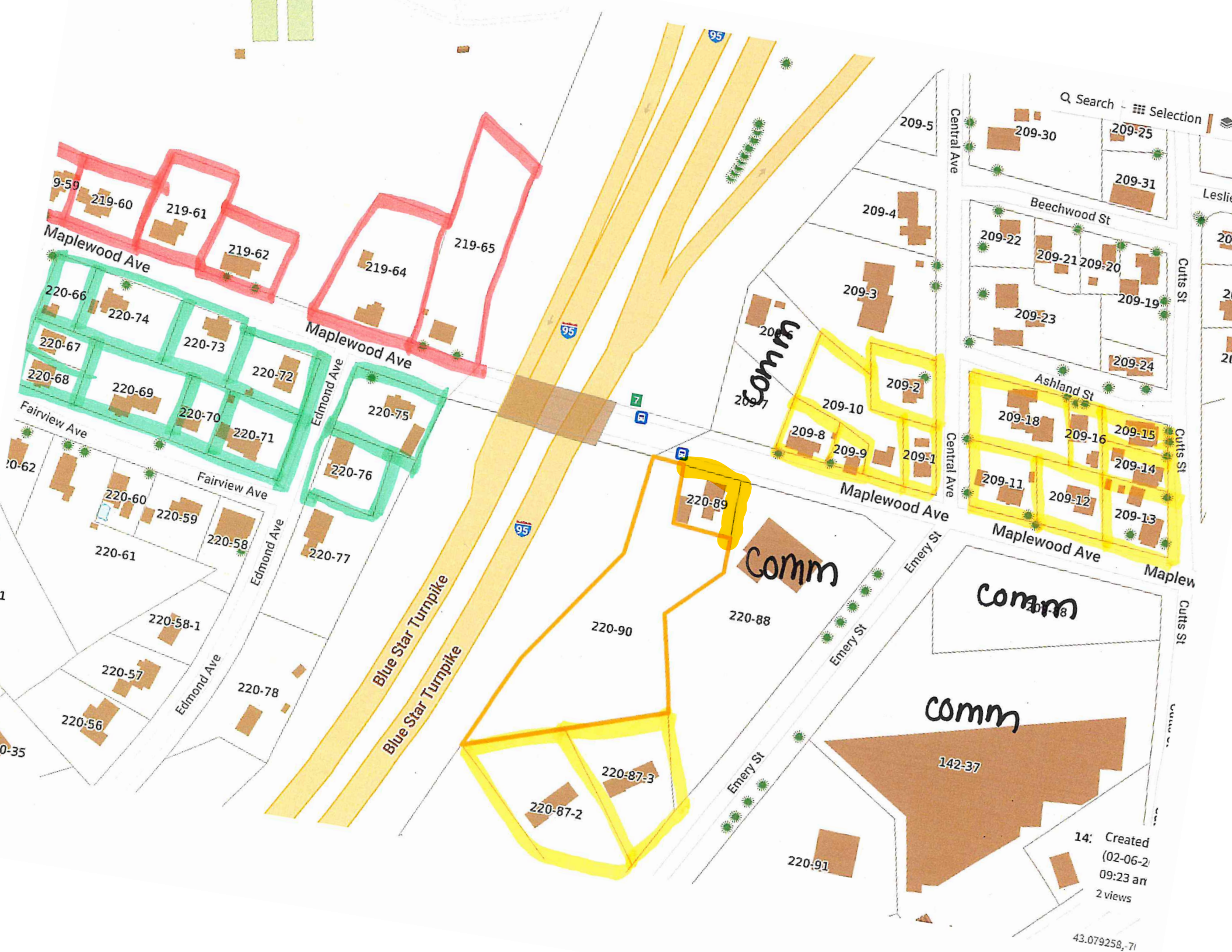
686 MAPLEWOOD
CONCEPT PLAN
LANDSCAPE

SCALE	1" = 10'
DRAWN BY	MIC
CHECKED BY	ES
DATE	04.21.23
DATE OF PRINT	

PROJECT NO.	
SHEET NO.	L-2

Address	Map	Lot	Unit(s)	Lot Size		
Immediate Neighborhood						
553 Maplewood Ave		209	13	1	0.22	For Immediate Only
18 Cutts St		209	14	1	0.11	AVERAGE OF ABOVE
42 Cutts St		209	15	2	0.11	7361 Sq Ft per unit
1 Ashland St		209	16	1	0.11	0.168 acres per unit
8 Central Ave		209	18	2	0.33	
579 Maplewood Ave		209	11	1	0.22	
5 Central Ave		209	1	1	0.11	
7 Central Ave		209	2	1	0.22	
635 Maplewood		209	10	1	0.37	
639 Maplewood		209	9	1	0.06	
641 Maplewood		209	8	1	0.12	
678 Maplewood		220	89	3	0.17	
64 Emery Street		220	87-3	2	0.49	
74 Emery Street		220	87-2	2	0.74	
Expanded Neighborhood 1						
768 Maplewood Ave		220	75	1	0.29	For Immed & Exp 1
230 Edmond Ave		220	76	1	0.15	AVERAGE OF ABOVE
237 Edmond Ave		220	72	1	0.25	7,995 sq ft per unit
41 Fairview Ave		220	71	1	0.25	0.18 Acres per unit
832 Maplewood Ave		220	73	1	0.23	
43 Fariview Ave		220	70	1	0.14	
860 Maplewood Ave		220	74	1	0.3	
139 Fairview Ave		220	66	1	0.14	currently vacant prev 1
139 Fairview Ave		220	67	1	0.11	
115 Fairview Ave		220	68	1	0.11	
91 Fairview Ave		220	69	1	0.34	
Expanded Neighborhood 2						
769 Maplewood		219	65	1	0.73	For Immed, Exp 1&2
791 Maplewood		219	64	1	0.54	AVERAGE OF ABOVE
825 Maplewood		219	62	1	0.26	9,359 sq ft per unit
873 Maplewood		219	61	1	0.37	0.21 Acres per unit
897 Maplewood		219	60	1	0.25	
899 Maplewood		219	59	1	0.11	
				37	7.95	

Our proposed density is 9 units in 1.44 Acres
 6,975 Sq Ft per unit
 0.16 Acres Per Unit



Q Search Selection

14: Created
(02-06-2009) 09:23 am
2 views

43.079258, -71



200 Griffin Road, Unit 3, Portsmouth, NH 03801
Phone (603) 430-9282 Fax 436-2315

23 April, 2023

**Trip Generation
Proposed Residential Development
686 Maplewood Avenue
Portsmouth, NH**

On behalf of Chinburg Development, LLC, we hereby submit this Trip Generation in support of the applicant's filing with the Portsmouth Zoning Board for a Variance, as allowed in the Portsmouth Zoning Ordinance. The Variance seeks to develop the property into 9 residential dwelling units. The site has been vacant for some time but previously approvals were granted to construct a Mosque, which had a proposed peak trip generation of 76 trips in the PM peak hour.

The base trip generation for the proposed 9-unit development is based on a review of the Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 11th Edition. The land use code (LUC) that best resembles the proposed use is LUC 270 – Planned Unit Development. Using that description, the proposed use the site generates the following peak hour trips:

Weekday Morning Peak Hour: 6 Trips (23% entering; 77% exiting)

Weekday Evening Peak Hour: 7 Trips (64% entering; 36% exiting)

The applicant believes that the added trip generation from the site is not excessive, will not impact the adjacent street networks, and represents a significant decrease from the previous approval.

Please feel free to call if you have any questions or comments about this application.

Sincerely,

John R. Chagnon, PE
Ambit Engineering, Inc. – Haley Ward

Land Use: 270

Residential Planned Unit Development

Description

A residential planned unit development (PUD), for the purposes of trip generation, is defined as containing any combination of residential land uses. These developments might also contain supporting services such as limited retail and recreational facilities.

Additional Data

Caution—The description of a PUD is general in nature because these developments vary by density and type of dwelling. It is therefore recommended that when information on the number and type of dwellings is known, trip generation should be calculated on the basis of the known type of dwellings rather than on the basis of Land Use 270. Data for this land use are provided as general information and would be applicable only when the number of dwellings is known.

The sites were surveyed in the 1980s, and the 1990s, and the 2000s in Minnesota, South Dakota, and Virginia.

Source Numbers

111, 119, 165, 169, 357

Residential Planned Unit Development (270)

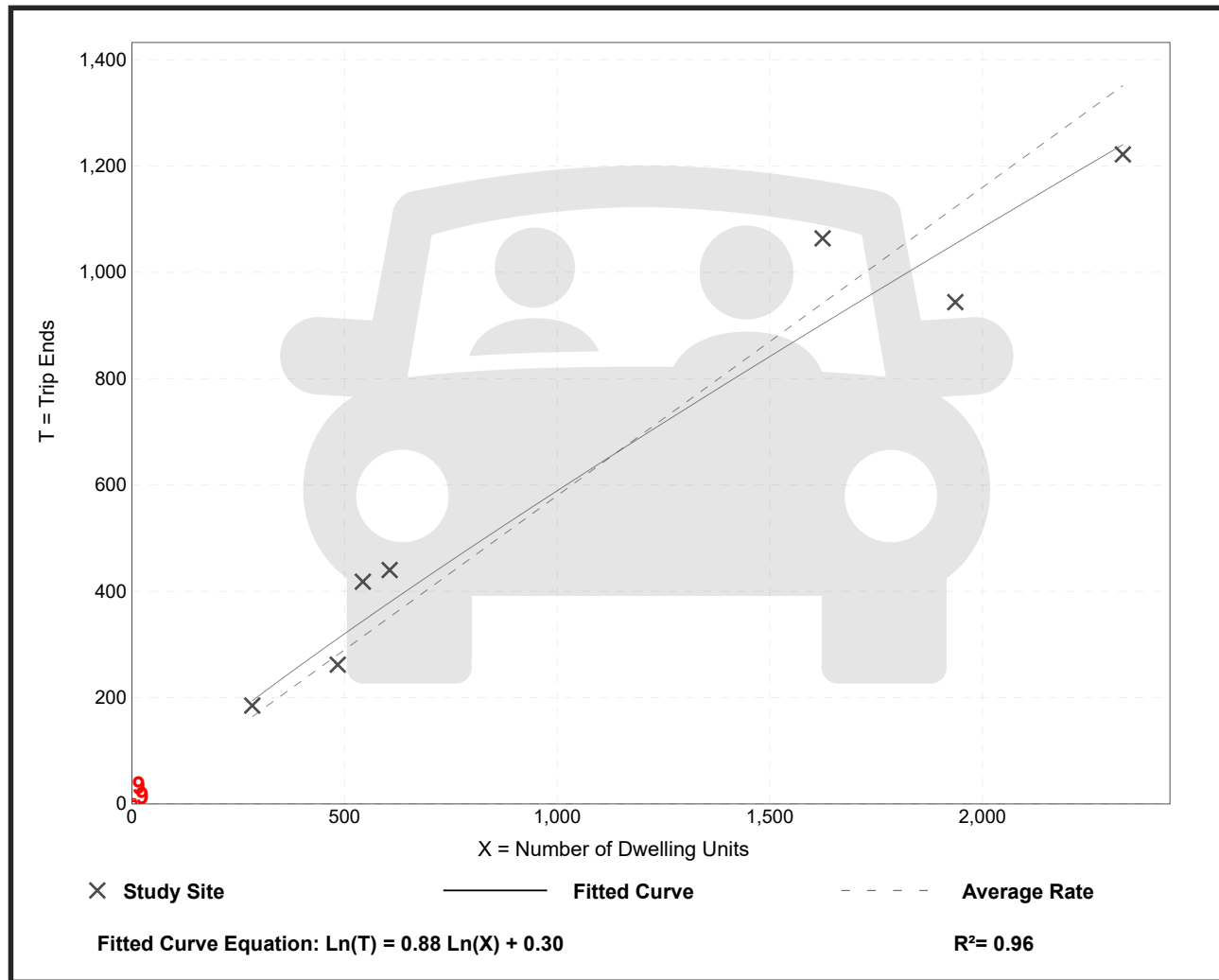
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
AM Peak Hour of Generator

Setting/Location: General Urban/Suburban
 Number of Studies: 7
 Avg. Num. of Dwelling Units: 1115
 Directional Distribution: 23% entering, 77% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.58	0.49 - 0.77	0.10

Data Plot and Equation



Residential Planned Unit Development (270)

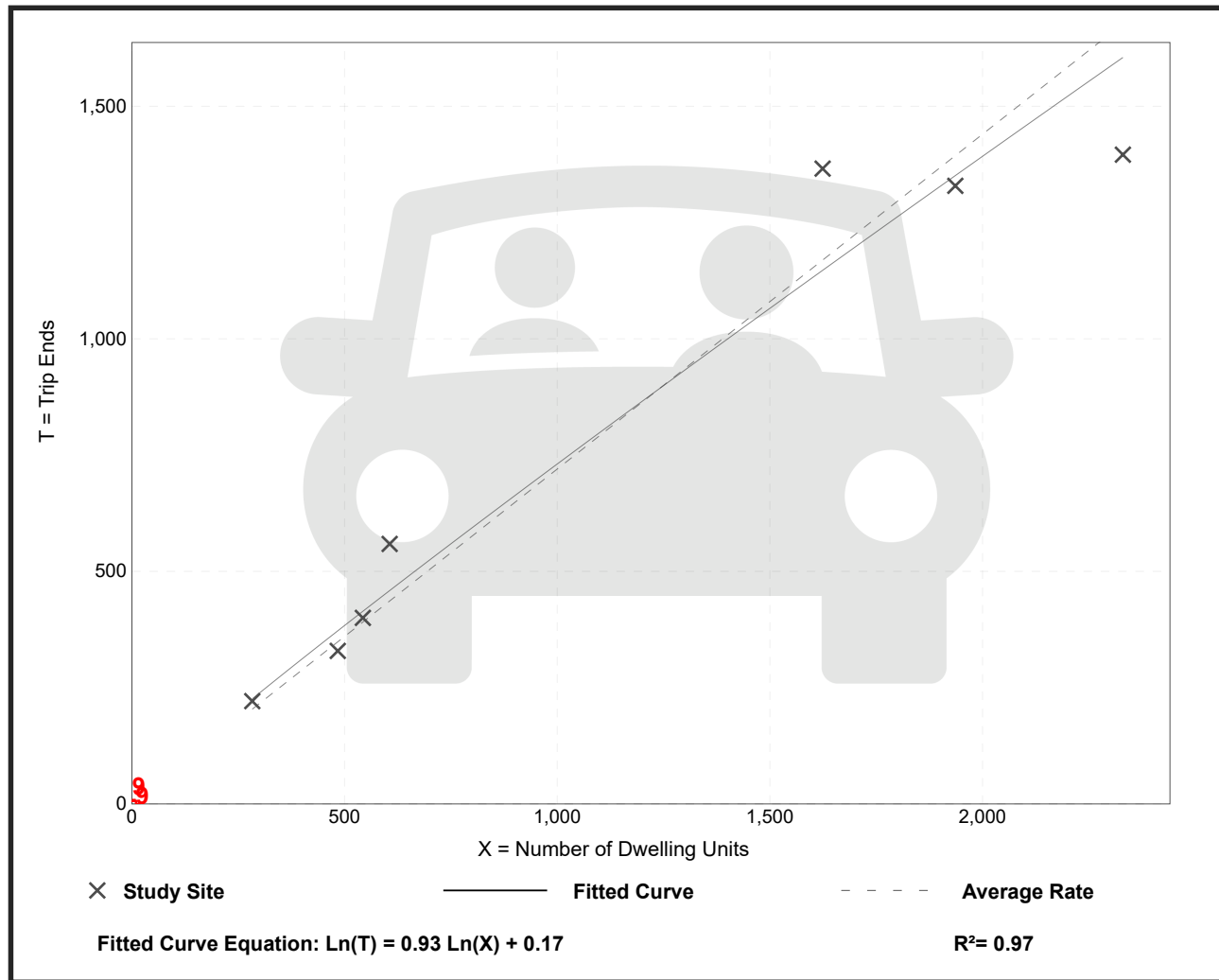
Vehicle Trip Ends vs: Dwelling Units
On a: Weekday,
PM Peak Hour of Generator

Setting/Location: General Urban/Suburban
 Number of Studies: 7
 Avg. Num. of Dwelling Units: 1115
 Directional Distribution: 64% entering, 36% exiting

Vehicle Trip Generation per Dwelling Unit

Average Rate	Range of Rates	Standard Deviation
0.72	0.60 - 0.92	0.11

Data Plot and Equation





April 2023

Members of the Portsmouth Zoning Board,

In regard to the impact this project will have on surrounding property values it is our opinion that it will cause no decrease but will instead only increase the value of the surrounding properties.

In general, we have found that new construction lifts the values of surrounding properties by creating a desirable neighborhood setting. In many cases, the existing construction homes reap the benefits of new construction in their neighborhood as people invest in the existing home stock and update them continuing to raise values.

We think this would be especially true at this site which is walking distance to downtown and has a mix of existing construction and new construction. Specifically, this site is currently a cleared gravel lot that has been most recently used as a staging area for construction and is bounded by Interstate 95, a three-unit property, a large commercial lot with an industrial building and two newer duplexes. Transforming this vacant gravel lot into a residential development will blend with the surrounding properties and bring a more cohesive feel to the area.

Sincerely,

Colton Gove

Director of Land Development

The Gove Group Real Estate, LLC | Licensed in NH & ME

Cell: 603-686-3188

Office: 603-778-6400

Email: cgove@thegovegroup.com

70 Portsmouth Avenue, Stratham, NH 03885

www.thegovegroup.com

Site Photograph #1

February 2023



Site Photograph #2

February 2023



Site Photograph #3

February 2023



Site Photograph #4

February 2023



Site Photograph #5

February 2023



Site Photograph #6

February 2023



Site Photograph #7

February 2023



Site Photograph #8

February 2023

