

Re: Application of Robert Vaccaro for Conditional Use Permit
Application LU-20-261

APPLICANT'S NARRATIVE
AND PARKING DEMAND ANALYSIS

I. The Cup Request

Robert Vaccaro, the applicant, is seeking a conditional use permit pursuant to Article 11, Section 10.1112.14 to provide less than the minimum number of off street parking spaces required by Section 10.1112.30 for the property at 411 Middle Street.

There are nine (9) off-street parking spaces on site currently which are the required number for the eight (8) residential units located at 411 Middle Street. The ordinance, however, requires two "visitor" spaces in addition to the nine existing. There is no way the two spaces for visitors could reasonably be located on site without totally changing the existing site. There are ample on-street parking spaces for visitors located in close proximity to 411 Middle Street.

II. Parking Demand Analysis

411 Middle Street requires nine parking spaces for its residents and two parking spaces for visitors. In 2017, the City conducted a parking analysis for Middle Street in conjunction with the implementation of the now infamous bicycle lanes. Parking counts were taken along the corridor.

The 2017 analysis showed ample unused spaces between Miller Avenue/Summer Street and Union Street, the area in which 411 Middle Street is located (see attached Exhibit A). In addition to the available on-street parking during evening hours, as shown by the City's 2017 study, it should be noted that there are 60 public parking spaces available during daytime hours at the Masonic Temple parking lot on Miller Avenue.

In addition the availability of day and evening parking on Middle Street and Miller Avenue, it should be noted that there are four bus stops located along Middle Street in close proximity to 411 Middle Street (Exhibit B).

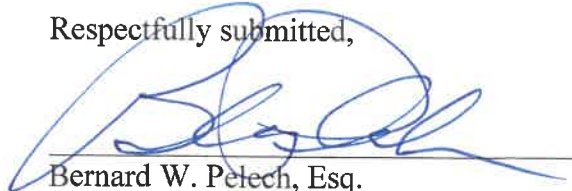
III. Conclusion

In conclusion, the applicant believes that the requirements for granting a conditional use permit for the two visitor spaces is met given the availability of ample on-street parking and public transportation sites in close proximity to 411 Middle Street.

The nine spaces provided on site at 411 Middle Street (Exhibit C) are adequate and appropriate for the proposed use of the property. On January 26, 2021 the Zoning Board of

Adjustment granted a special exception to allow eight (8) residential units at 411 Middle Street, contingent upon the Planning Board granting the requested conditional use permit.

Respectfully submitted,



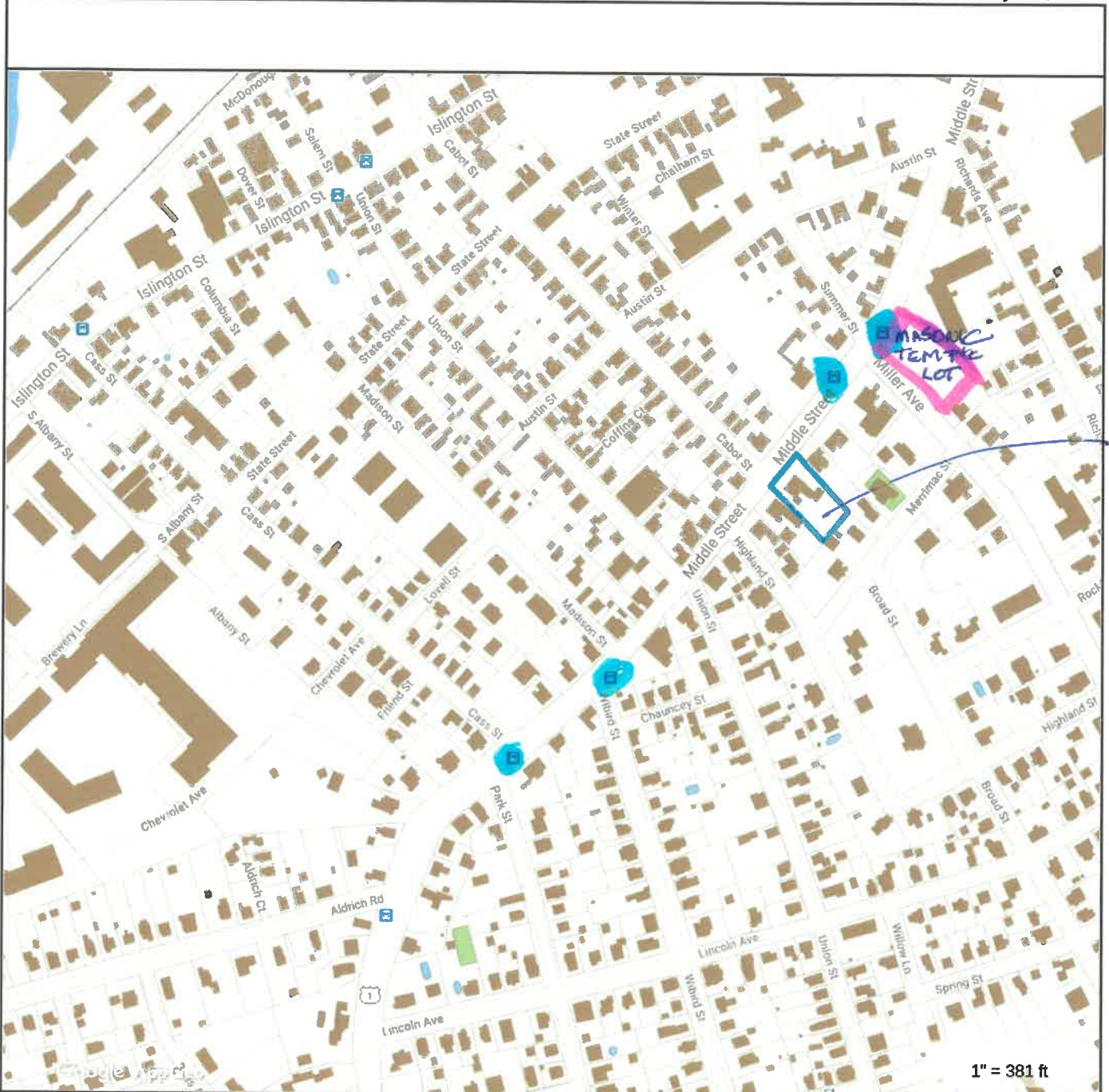
Bernard W. Pelech, Esq.
Attorney for Robert Vaccaro

APRIL 17 AND 19, 2017

EVENING PARKING COUNTS





Segment	Description	Parking Supply		Parking Spaces Occupied (Evening)				
		Existing Parking Spaces	Proposed	6:30 to 7:30	7:30 to 8:30	8:30 to 9	Avg	Max
5	Middle St (Side A) btwn Summer and Cabot	14	14	1.3	1.0	1.0	1.1	2
6	Middle St (Side B) btwn Highland and Miller	13	10	5.0	2.5	4.7	4.3	7
7	Cabot St	7	7	3.7	3.0	5.0	4.0	7
8	Middle St (Side A) btwn Cabot and Union	7	3	5.7	5.0	6.3	5.8	7
9	Highland St	7	7	2.0	2.0	2.7	2.3	3
10	Middle St (Side B) btwn Union and Highland	4	0	1.7	4.0	3.7	3.0	4
11	Union St (east side)	6	6	2.0	3.5	3.3	2.9	4
12	Union St (west side)	2	2	0.0	2.0	1.0	0.9	2
13	Middle St (Side A) btwn Union and Madison	4	0	1.0	0.0	1.3	0.9	2
14	Middle St (Side B) btwn Wibird and Union	7	0	2.7	1.0	1.3	1.8	4
15	Madison St	7	7	0.0	0.5	0.0	0.1	1
16	Middle St (Side A) btwn Madison and Cass	10	9	1.7	2.0	1.3	1.6	3
17	Wibird St	6	6	0.0	0.0	1.0	0.4	2
18	Middle St (Side B) btwn Park and Wibird	11	0	0.0	0.5	0.0	0.1	1
19	Cass St	2	2	0.0	0.0	0.0	0.0	0
20	Park St	15	15	0.0	0.0	0.0	0.0	0
21	Middle St (Side A) btwn Cass and Aldrich	4	8	2.0	3.0	2.0	2.3	3
22	Middle St (Side B) btwn Park and Lincoln	23	0	0.7	0.0	1.0	0.6	1
23	Aldrich Rd	7	7	0.3	1.0	1.0	0.8	1
24	Middle St (Side A) btwn Aldrich and Lawrence	19	10	1.0	0.5	0.7	0.8	2
25	Lincoln Ave	7	7	1.3	0.5	0.7	0.9	3
26	Middle St (Side B) btwn Lincoln and Mendum	5	0	0.0	0.5	0.0	0.1	1
27	Lawrence St	12	12	0.0	0.0	0.0	0.0	0
28	Mendum Ave	8	8	1.7	0.5	1.7	1.4	2
29	Middle St (Side A) btwn Lawrence and Middle	16	0	0.0	0.0	0.0	0.0	0
30	Middle St (Side B) btwn Mendum and Willard	28	0	1.3	0.0	0.0	0.5	2
31	Middle St (Side A) btwn Middle and South	28	0	0.0	0.5	1.3	0.6	2
32	Willard Ave	11	11	0.0	0.0	0.3	0.1	1
33	Middle St (Side B) btwn Willard and South	10	0	0.3	1.0	0.7	0.6	1
34	South St	4	1	0.3	0.0	0.0	0.1	1
35	Middle St (Side A) btwn South and Greenleaf	38	0	0.0	0.0	0.3	0.1	1
36	Middle St (Side B) btwn South and Andrew Jarvis	39	0	0.0	0.0	0.0	0.0	0



401 Middle

Property Information
Property ID 0135-0002-0000
Location 411 MIDDLE ST
Owner VACCARO ROBERT L

 Bus Stops

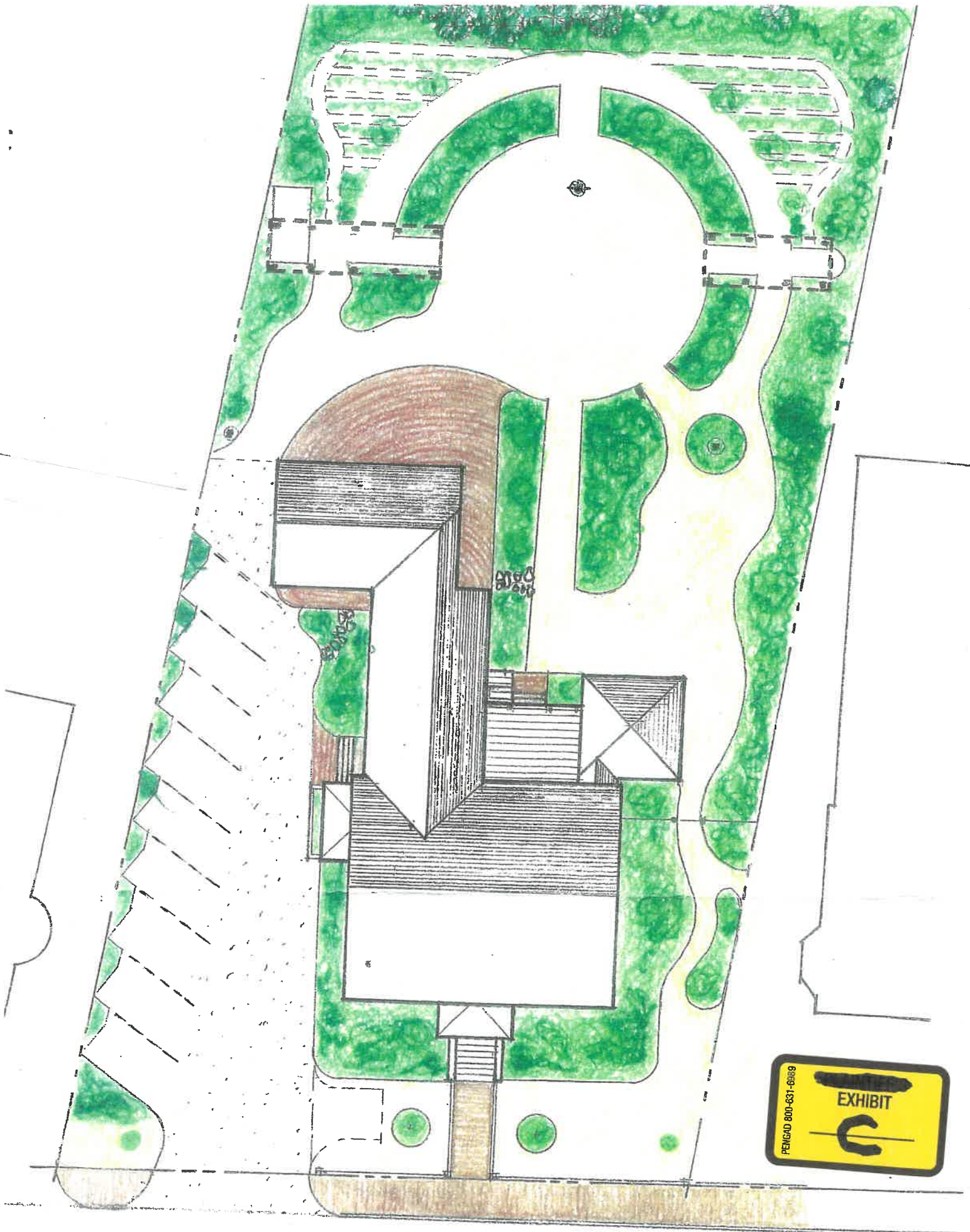


**MAP FOR REFERENCE ONLY
 NOT A LEGAL DOCUMENT**

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

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





PENGAD 800-631-6869
EXHIBIT
C

Owner's Narrative for Planning Board (27 January 2021)

Dear Chairman and Members of the Planning Board,

My name is Bob Vaccaro, the owner of 411 Middle St ("411") since 1999. Last night, the Board of Adjustment voted unanimously to allow us to increase the number of dwelling units from 6 to 8 conditional on your allowing us to provide 9 parking spaces where 11 would be required. Thank you for considering this application for the necessary parking relief.

This narrative is to support the Applicant Narrative written by Lawyer Bernie Pelech.

See **Exhibit A** for the calculation of our required parking spaces based on the square footage of our 8 apartments. Note that the average square footage of our 6 smaller units is 578 sq ft, thereby requiring 1 space per unit. If these units were not that much smaller and under 500 sq ft, they would require only ½ space per unit, and we would not need parking relief.

In **Exhibit B** you can see the parking plan we implemented 20 years ago based on variances we were granted at that time for 9 parking spaces for 6 units. Thanks to those variances we were able to preserve the backyard for an extraordinary garden oasis. An oasis that we would be reluctant to disturb for more off-street parking.

We believe there is plenty of parking on our segment of Middle Street for our overflow parking needs. **Exhibit C**, taken from the City website, is the parking study commissioned by the City for the Middle Street bike lane proposal in 2017. This study proposed to leave the 14 existing parking spaces across the street from us at 14 (Segment 5 on the chart) and to reduce the number of parking spaces on our side of the street from 13 to 10 (Segment 6 on the chart) in order to extend the bicycle lane from Cabot Street to the downtown. This extension is still possible but has not yet happened. Note that the average number of parking spaces occupied across the street from us was 1.1 and on our side of the street was 4.3. Numbers much lower than the parking supply. On a representative Spring evening, there was never more than 9 of the 27 (or proposed 24) available parking spaces occupied. This is not surprising because where we are located in a Mixed Residential Office zone, there is an ideal balance between residences like ours that generally need on-street parking at night and offices that need on-street parking during the day. In **Exhibit D**, note outlined in red three all-office buildings to the left of us and one immediately to the right. These buildings read as beautiful historic homes but they are now offices. The other two large properties circled in red are the Rundlett-May mansion museum which is open to the public on selected summer weekends and the Masonic Temple which has its shared parking lot across Miller Avenue. Both these properties require very little if any parking on Middle Street. For the record, 411 with 9 spaces, has more off-street parking than any of the non-institutional properties on the street.

Exhibits E, F G and H are letters of support from our closest abutters who would be impacted by our parking overflow. The first two, from Deborah Chag across the street from us and Carrie Barron of the Women's City Club two doors away, specifically refer to parking as a non-issue. 6 more neighbors wrote letters of support for our BOA application and these are available in the Public Comment section for last night's meeting.

To learn more about what 411 is all about, I invite you to visit our website, www411middlestreet.org. For the 15 years that my son, Brian, lived at 411, I sought to create community at 411 that would help him thrive. When he died in 2016, I realized that what I did for him could be of value to others. I expanded 411's mission to read: a residential community with intentions around personal development, mutual support, health and planet-friendly living in a beautiful and well-maintained setting. And at affordable rents. The result is that our newer housemates especially embrace this mission. They appreciate getting to know their fellow housemates in our extraordinary community spaces. They appreciate the health benefits of filtered water, an infrared sauna, exercise space, an inversion table and the company of others seeking good health. They also appreciate 411's eco-friendly tools including indoor and outdoor clotheslines, 61 roof-top solar panels, a new wood pellet boiler for both heat and hot water, indoor and outdoor bike storage, and mandated recycling and composting. Several are car-free and take advantage of nearby transit stops. This is also not surprising given our expanded mission. 13 current and former housemates wrote letters of support for our BOA application. These letters are also available in the Public Comment section of last night's BOA meeting.

The two apartments which the Board of Adjustment unanimously voted last night to legalize had existed as "auxiliary" units in our two large apartments. Their vote did not create any new parking demands. What it did do was to support our unique experiment in affordable housing in a thriving communal home. Your vote for the parking relief we need will also do that. Quoting the last sentence in a letter of support from an abutter I do not even know: "Let's please do the right thing here, grant the exception (to the BOA) and tilt the scale a bit to maintain Portsmouth's character while providing housing to good folks".

Thank you all for your consideration of our application,



Robert L. Vaccaro

A

Parking Spaces Required Based on Size of Apartments

Apartments	6 Units	8 Units	Sq Ft
Apts Over 750 Sq Ft			
Apt 3	1.3	1.3	1937
Apt 5	1.3	1.3	1956
Apts 500 – 750 Sq Ft			
Apt 1	1	1	620
Apt 2	1	1	555
Apt 3A		1	530
Apt 5A		1	633
Apt 6	1	1	527
Apt 7	1	1	601
	<hr/>	<hr/>	
Total Spaces Before Guest Spaces	7	9	
Guest Spaces	2	2	
	<hr/>	<hr/>	
Total Spaces Required	9	11	

B

411 Middle Street
Portsmouth NH 03801
603.430.4013



APRIL 17 AND 19, 2017

EVENING PARKING COUNTS



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Chag's letter of support to BOA

Inbox



E

DEBORAH MCCLURE

Mon, Jan 11,
11:13 AM (7
days ago)

Mark & Deborah Chag
404 Middle Street/19 Cabot Street
Portsmouth, NH, 03801

Hello,


My name is Deborah Chag and I, along with my husband Mark, have lived across from 411 Middle Street since 1991. I am writing to you today to express my support for Bob Vacarro's desired increase to his rental space at 411 Middle from 6 to 8 units. Since we moved in, Bob and Dan have worked wonders with this historic home; it is meticulously well kept with a strong attention to detail, hosting a sprawling garden in the back. We appreciate their commitment to the increase in affordable housing in Portsmouth as it's refreshing to have such a diverse population living in our neighborhood.

In the 30 years we've lived here, Mark and I have never had a problem with Bob's tenants or an over saturation of parked vehicles belonging to said tenants. We can both confirm that there is plenty of on-street parking on this segment of Middle Street, and for what it's worth, have also noticed many of these individuals walking, riding bikes and utilizing the mass transit stop in front of the Rundlett May House. With safety in-mind, we especially support the addition of a modern fire suppression system at 411 Middle Street. We've just added a new sprinkler system to our home to protect both ourselves and our tenants; the peace of mind it has brought with it has been noticeable since the installation.

In conclusion, the Chag's are supportive of Bob Vacarro in his endeavor to expand his affordable housing project from 6 to 8 units. This expansion will protect both the inhabitants and the structure at 411 Middle Street and hopefully be a spearhead to similar affordable housing projects in the area. Feel free to reach out should you have any thoughts or questions, we'd be happy to assist you.

Sincerely,

Mark & Deborah Chag

F

From: **Carrie Barron** <president@portsmouthwomenscityclub.org>
Date: Thu, Jan 14, 2021 at 12:37 PM
Subject: Support of [411 Middle Street](#) for the January 19th meeting
To: <planning@cityofportsmouth.com>

Good afternoon,

I am reaching out as I am the President of the Portsmouth Women's City Club which is located at [375 Middle Street](#) in Portsmouth. Our home would be considered an abutter/neighbor to 411 Middle Street.

I understand that the owner, Robert Vaccaro, is seeking to increase the legal apartments at his property from 6 to 8 units. From the perspective of an abutter we support this proposal. Bob takes meticulous care of his property; it is one of the stately historic homes that sits on Middle Street that helps make our city shine. We are alike in that both of our homes offer affordable housing in a city that struggles to offer reasonably priced housing for its workforce. Bob's concept and vision has been that of offering a safe, well maintained place to live, and offering it at an affordable price which is extremely rare.

This particular area of Middle Street does not have the same parking challenges of other city neighborhoods. Mr. Vaccaro's home has more parking than the vast majority of properties in the downtown area of Portsmouth. There is also always ample street parking in this area of the city so as an abutter the parking is of no concern.

For many years Bob Vaccaro and the residents of 411 Middle Street have been wonderful neighbors; we look forward to continuing our relationship and having them as a part of our neighborhood.

Best regards,
Carrie

Carrie Barron | President
GFWC Portsmouth Women's City Club
[375 Middle Street, Portsmouth, NH 03801](#)
Direct: (603) 682-2100

Email: president@portsmouthwomenscityclub.org
Web: <https://www.portsmouthwomenscityclub.org/>

A yellow sticky note with a black outline of the letter 'G' is positioned in the top right corner of the page.

Sally Mulhern

Sat, Jan
2, 1:39
PM

to me, Sally, David, James

Bob, thank you for sharing your Owner's Narrative with us and keeping us informed of your plans for 411 Middle St.

Please consider this email formal notification that we (i.e., all members of Mulhern Real Estate Holdings), as your immediate abutter to the east, have no objection to your application to expand the number of legal dwelling units at 411 Middle St. from six (6) to eight (8).

If the Zoning Board of Adjustment has any questions, a member should feel free to email or call me at any time.

Best regards,

Sally Mulhern (Member, Mulhern Real Estate Holdings, together with David and James Mulhern, fellow Members)

Sally H. Mulhern, Esq.
p. 603.436.1211 | f. 603.436.1242

Mulhern & Scott, PLLC

Ranked a "Best Law Firm," Tier 1, *U.S. News & World Report*

381 Middle Street

Portsmouth, NH 03801

www.mulhernlaw.com

Davonne Schäfer



Wed, Jan
6, 9:30
AM

to planning, me

Dear Chairman and Members of the Zoning Board of Adjustment:

My name is Davonne Schaefer and I am the owner of 425 Middle Street. I am a US citizen and currently reside in Germany. I purchased this charming, 5-apartment, Victorian house in 2007, with the goal to create a generation-long foothold in a quintessential, New England town that resembled everything I enjoy about home while living abroad. With routine maintenance care and a mutual respect for one another, my tenants and I take the utmost pride in the house and the outdoor landscape, as well as the surrounding area and neighbors.

One of the main reasons why I decided to invest in property in the Portsmouth, NH area was due to the open-minded community, beautiful harbor landscape and convenient location to historic downtown. Additionally, our neighbors, Bob Vaccaro and Dan Rawling warmly welcomed us into the neighborhood. They too, along with their tenants, have a foundational interest to enrich the community in Portsmouth through their affordable housing and intentional community. They have added tremendous value in the Portsmouth community with their engagement.

In 2018, we were fortunate enough to host a summer neighborhood party with all tenants of 411 Middle Street and 425 Middle Street. All of the tenants exchanged stories of their international travels and learned about the history of both houses.

We, ourselves – my husband and two, small children – are continuously looking for ways to add value and give back to Portsmouth too. Bob and Dan are a great inspiration and very open to foster many ideas we have. Both have a doubtless interest in making an impact to the community, beyond any personal motives.

We are very supportive of their application to increase the number of apartments at 411 Middle Street.

Best regards,
Davonne Schaefer

Davonne Schäfer
+49(0)174.198.5114

Log of Code Compliance Events as of 1/14/21

10/16/20 City Officials, Jason Page (Code Enforcement Officer), Patrick Howe (Deputy Fire Chief) and Robert Marsilia (Chief Building Inspector) take cursory walkthrough of 411 uncovering numerous Fire, Life Safety and Building Code deficiencies.

10/18/20 I called Beverly Kowalik PE, who had conducted a Building and Life Safety Code Review of 411 in November of 2017 – to re-visit 411 to note the recommendations I had implemented and those which still needed to be implemented.

11/5/20 Impact Fire conducts annual inspection of fire alarm detection system in common areas as well as 7 fire extinguishers. All certified in good working condition.

11/18/20 Zoom meeting with City Attorney Bob Sullivan and above City officials explaining order to return 411 to six dwelling units by end of day, Sunday, December 20th. After the meeting I requested by email that we be allowed to wait on any evictions until pandemic is over.

11/23/20 Master Electrician, Brian Lewton, tours 411 and sees 1-2 days work to address electrical code violations; expects to get to 411 in 2 – 3 weeks.

12/1/20 Sprinkler Installer, Jeff Denis of Life Safety Fire Protection Inc tours 411 to develop a proposal for a supervised complete sprinkler system.

12/4/20 Letter from City staff attorney Trevor McCourt to my lawyer, Bernie Pelech, offering a path to an extension on evictions if I provide 1) affidavits from tenants searching for alternative housing, 2) certification from a fire protection engineer and 3) certification from a master electrician.

12/7/20 Tenant affidavits emailed to City staff attorney Trevor McCourt: Andrew Godfrey 12/7. Christian McCormick 12/8, Michael Kean 12/9. Amy Porter 12/10, Chris Pease 12/11, Paul Caswell 12/14, Jacqi Drury 12/14, Lori Tanguay 12/15, Christian McCormick addendum 12/16, Amy Porter addendum 12/18, Stephanie Harzewski (former tenant) 12/20

12/8/20 Letter from Deputy Fire Chief, Patrick Howe, asking that I provide a report from an approved Fire Protection Engineer within 30 days, detailing all deficiencies and proposed actions to be taken to address the deficiencies - including a timeline – asking that an acceptable plan be in place within 60 days. Evaluation should be based on both currently-approved 6 units and proposed 8 units.

12/8/20 I sign the proposal for a Fire Sprinkler Proposal from Life Safety, to allow for design work to begin as soon as practical.

12/10/20 Impact Fire installs 8 photoluminescent exit signs throughout 411.

12/11/20 Fire Protection Engineer, Beverly Kowalik, tours 411 to update her 2017 findings and to comply with 12/4/20 and 12/8/20 letters from City officials noted above.

12/15/20 First payment to Life Safety Fire Protection Inc. to begin sprinkler system design.

12/16/20 Adam Harlow, designer from Life Safety tours 411 to take measurements for sprinkler design. Beverly Kowalik returns to gather more information for her fire safety report.

12/18/20 Beverly Kowalik fire safety report is forwarded to City officials. Our Lawyer Bernie Pelech meets with City lawyers Trevor McCourt and Bob Sullivan to discuss this report. Adam Harlow returns to 411 for additional measurements for sprinkler design. Regan Electric technicians Charlie Pujo and John Brady complete walk-through of entire building and resulting electrical report is forwarded to City officials.

12/21/20 Patrick Howe, Bob Sullivan, and Trevor McCourt tour 411 along with Bernie Pelech and tenants Sarah Clark and Chris Pease: Beverly Kowalik PE and Patrick Howe develop safety action plan with timelines - to be completed over the next 2 – 5 weeks. Actions include removing furniture from halls, replacing two doors with fire-rated doors, electrical and detector upgrades, and vacating two rooms in apt 5.

12/29/30 Regan Electric technicians Charlie Pujo and John Brady pull electrical permit for all electrical projects except for changes to commercial fire alarm system. They add outlets for dehumidifier and water filter and combo detector in basement and GFCI outlets and smoke/carbon monoxide detectors in Apt 6.

12/30/20 Regan Electric corrects code problems in Apts 1, 2 and 3A including adding, moving (in Apt 3A) and replacing all smoke and carbon monoxide detectors. Jeff Denis, Owner of Life Safety Fire Protection conducts final walk-through to determine location and number of sprinkler heads needed for automatic sprinkler system. Estimates installation could begin by February. Bernie Pelech submits digital application to Zoning Board of Adjustment to increase number of dwelling units from 6 – 8.

12/31/20 All furniture in front hall on both floors removed – including armoire, hall tables and small couch.

1/1/21 Michael vacates attic room of Apt 5 and moves into Apt 1 on first floor. Christian vacates back room of Apt 5 and moves into Apt 7 on second floor.

1/4/21, 1/5/21 and 1/6/21 Regan Electric corrects code problems in all remaining apartments (including replacing all smoke and carbon monoxide detectors) and replaces outlets on the porch, sundeck, and by bike shed and patio. Regan Electric applies for Fire Alarm Permit to move the one central alarm system detector (in the 2nd floor hall) that is 6" too far from the ceiling. Jud tightens springs where possible and replaces hinges as needed to make all 9 existing fire-rated doors self-closing and positive-latching.

1/7/21 Regan Electric moves the 2d floor central alarm detector up 6" closer to the ceiling.

1/8/21 Life Safety Fire Protection completes first draft of fire sprinkler system design proposal.

1/12/21 Regan Electric installs new smoke/CO detector in back hall in the vicinity of the door to the basement and also outside Bob's office/bedroom in the first floor of Apt 3; cleans and reconnects bathroom fan in Apt 1. Charlie Pujo reports completion of all work on two electrical permits – to schedule a City inspection.

1/14/21 Building Inspector, Robert Marsilia, issues permit to install two 60-minute fire rated doors in the first floor hallway.

1/16/21 Intertek Senior Analyst, Lawrence Ruiz, inspects photos of core of our fire rated doors and advises that our existing fire doors are Gypsum core doors with a 60-minute fire rating.