

HOEFLE, PHOENIX, GORMLEY & ROBERTS, PLLC

ATTORNEYS AT LAW

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September 27, 2022

HAND DELIVERED

Peter Stith, Principal Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Nicole Giusto, David Sinclair Owners/ Applicants
Project location: 765 Middle St., Tax Map 148, Lot 37
General Residence A (GRA) Zone

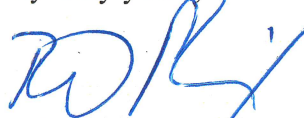
Dear Mr. Stith & Zoning Board Members:

On behalf of Nicole Giusto and David Sinclair, enclosed please find the following in support of a request for zoning relief:

- Digital Application submitted via Viewpoint earlier today.
- Owner's Authorization.
- 09/27/22 – Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its October 18, 2022 meeting.

Very truly yours,



R. Timothy Phoenix

Enclosure

cc: Nicole Guisto & David Sinclair
Eric Weinrieb, Altus Engineering
Jennifer Ramsey, Somma Studios
Robbi Woodburn, Woodburn & Company

DANIEL C. HOEFLE
R. TIMOTHY PHOENIX
LAWRENCE B. GORMLEY
STEPHEN H. ROBERTS

R. PETER TAYLOR
KEVIN M. BAUM
GREGORY D. ROBBINS
MONICA F. KIESER

JACOB J.B. MARVELLEY
DUNCAN A. EDGAR
STEPHANIE J. JOHNSON

OF COUNSEL:
SAMUEL R. REID
JOHN AHLGREN

Michelle Whelan

From: David Sinclair <sleddiver@gmail.com>
Sent: Wednesday, September 21, 2022 12:05 PM
To: Michelle Whelan; Tim Phoenix
Subject: 765 Middle St Authorization

OWNER'S AUTHORIZATION

We, David A. Sinclair and Nicole J. Giusto, Owners/Applicants of 765 Middle Street, Tax Map 148/Lot 37, hereby authorize law firm Hoefle, Phoenix, Gormley & Roberts, PLLC, to represent us before any and all City of Portsmouth Representatives, Boards and Commissions for permitting the project.

Respectfully submitted,

David A. Sinclair

Nicole J. Giusto

Sent from my gadget

MEMORANDUM

To: Portsmouth Zoning Board of Adjustment ("ZBA")
From: R. Timothy Phoenix Esq.
Date: September 27, 2022
Re: Nicole Giusto, David Sinclair Owners/ Applicants
Project location: 765 Middle St., Tax Map 148, Lot 37
General Residence A (GRA) Zone

Dear Chairman Parrott and Zoning Board Members:

On behalf of Nicole Giusto and David Sinclair ("Owners") we are pleased to submit this memorandum and the attached exhibits in support of zoning relief to be considered by the ZBA at its October 18 meeting.

I. Exhibits

1. Plan set-by Altus Engineering.
3/2/20-E1-Existing Conditions
9/26/22-C1 -Site Plan
2. 8/31/22 Architectural Elevations and Floor Plans-by Somma Studios.
 - Proposed Elevations
 - Proposed Floor Plans
3. 9/28/22 Landscape Plan by Woodburn & Co.
4. 2022 Rendering by Tangram.
5. Site photographs-3 pages.
6. Tax Assessors cards
7. City GIS Map-identifying zoning districts and surrounding area
8. Tax Map 175.
9. 9/14/20 Density Exhibit, Multi-families Within 300 Feet of 765 Middle Street-prepared by owner David Sinclair.
10. Abutter/Neighbor Support Letters (7).

II. Property/Project

765 Middle St. is a 21,504 s.f. lot at the corner of Lincoln Avenue. The lot is comprised of 2 formerly separate lots that were involuntarily merged (see **Exhibit 1**). Because a now removed swimming pool was built upon the northerly most original lot for the benefit of the single-family home, they remain merged as they were treated by a former owner as merged. The northerly approximately one-half of the lot comprising the former northerly lot is undeveloped,

save for a children's swing set/climbing structure and gardens. Located in the southwesterly quadrant near the corner of the two streets is an existing four bedroom single-family residence. Behind the residence from its Middle Street address is a carriage house, partly within the rear setback, with an apartment on each of the 2 floors (one one-bedroom and one two-bedroom).¹ Access to the main house and carriage house is from a driveway exiting onto Lincoln Avenue. No garage is located on the property.

Proposed is the extension of the current driveway, leading to a new approximately 2000 ft.² 3-4 car garage/storage in the northeasterly corner, with a 1-2 bedroom apartment and separate office above. The garage location was chosen to: create a courtyard effect; place the new structure behind the existing carriage house (from Lincoln Ave); leave ample room to the north of the main house for lawn, gardens and other plantings; and leave openness for air light and views in the vicinity of the northerly building at 729-733 Middle St. The exterior is designed to be in keeping with the extraordinary architecture of the primary residence. (Exhibits 1, 2, 3, 4). While area per dwelling unit will require a variance, noteworthy is that of 27 properties within 300 feet of the subject lot, ten (37%), including the subject, have multiple dwelling units on a single lot. Presently 9 of the 10 have lot area per dwelling unit less than the subject lot while as proposed, the subject lot has the 2nd greatest lot area per dwelling unit, (5376 s.f.) where the average is 4197 s.f. per unit. **Exhibit 9.**

III. Relief Required

The proposed project meets the Minimum Lot Size (7500 s.f.) Building Coverage and Open Space requirements **Exhibit 1.**

¹ While there are 2 fronts, the rear setback is applicable to the front on Middle Street as the street with the property address.

Required relief is as follows:

1. PZO§10.513 to provide three dwelling buildings per lot where two exist and one is permitted.
2. PZO§10.521, Table of Dimensional Standards)
 - i) To provide 5376 s.f. per dwelling unit (4 units) where 7168 s.f. exist (3 units) and 7500 s.f. is required.
 - ii) To provide a rear setback of 10 feet (garage) where 8.7 feet exists (Carriage House) and 20 feet is required.

Other permits required

- i. Planning Board review and approval for residential project exceeding 3 units.
- ii. Historic District Commission review and approval.

IV. Variance Requirements

1. **The variance will not be contrary to the public interest**
2. **The spirit of the ordinances observed**

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

The Portsmouth zoning ordinance was enacted for the general purpose (PZO§10.121) of promoting the health, safety and welfare in accordance with the Master plan by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes- While the zoning ordinance limits residential use to one building per lot, the proposal is reasonable because, in addition to providing one more housing unit in

downtown Portsmouth: two separate dwelling buildings with 3 total units presently exist; the proposed 4 units on 21505sf (.49 acres), computes to approximately 8 units per acre, meeting the general purposes of the GRA District “to provide areas for single family, two-family and multifamily dwellings, with appropriate accessory uses, at moderate to high densities (ranging from approximately 5 to 12 dwelling units per acre) together with appropriate accessory uses and limited services.) PZO§10.419; although technically not permitted, four units is consistent with the GRA zone provision to allow four units in a single building. PZO§10.440. Existing dwelling buildings are allowed up to 4 units at 3000 ft.² per unit. PZO§10.812. As the site plan, floor plan/elevations, landscape plan and renderings depict and, as agreed by at least seven nearby neighbors, the proposal “fits” well in the area given the lot size and chosen location of the building to provide air and light for the nearest neighbor, create a courtyard effect and place the building behind the existing carriage house.

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space- The proposal complies with lot size, building coverage, height, and open space requirements. Four units on .49 acres meets the GRA general purposes of 5-12 dwelling units per acre. At 5376 s.f. per dwelling unit, the proposal is keeping with the other lots within 300 feet that have multiple dwelling units, averaging 4187 s.f per unit (**Exhibit 9**). The additional building will not be fully visible from the existing streets. Additionally, the proposal will provide up to 4 indoor off street parking spaces which today do not exist.

3. The design of facilities for vehicular access, circulation, parking and loading- The proposal provides up to 4 indoor covered parking spaces, as well as the turnaround area to permit vehicles to leave the property facing forward.
4. The impacts on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding- The new building is tucked in the corner, behind the existing Carriage House. Its location and use will affect the subject lot so there is no incentive to create negative activities. Compliant open space exists for stormwater treatment. Additionally, the project will require both Planning Board and HDC review and approval.
5. The preservation and enhancement of the visual environment- As the renderings (**Exhibit 4**) and complimentary landscape plan (**Exhibit 3**) depict, the existing home and Carriage House are of exquisite design, fully renovated and maintained by the owners. The proposed building is designed in keeping with the existing buildings. The design and location create a courtyard effect which, with the landscaping, preserves and enhances the visual environment.
6. The preservation of historic districts buildings and structures of historic or architectural interest- The owners have painstakingly preserved the historic nature and look of the existing lot, and buildings. The once overgrown lot has been cleaned up so that it property displays the existing architectural features. HDC review will be required.
7. The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality- The Project will have no negative effect on these purposes. It will be fully vetted by the Planning Board.

In considering whether variances "in a marked degree conflict with the ordinance such that they violate the ordinances basic zoning objectives. "Malachy Glen, supra, the New Hampshire Supreme Court also held:

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

Comprised of two previously separate the parcels, the lot is relatively large. The new building, providing covered off street parking and an additional downtown living unit is designed to compliment the historic nature and look of the existing dwelling, Carriage House and neighborhood. The setback is consistent with the existing Carriage House. The unit density is in keeping with multiple unit lots within 300 feet of the subject. The building will not be fully seen by the public. Thus the proposal and the variances required do not alter the essential character of the locality.

Similarly, the new garage and dwelling unit, fully vetted by the HDC and Planning Board, will be code-compliant, serviced by municipal water and sewer. Vehicle circulation design allows vehicles to pull in and out of the lot. Granting the variances in no way threatens the public health safety or welfare.

3. Granting the variances will not diminish surrounding property values

Because: the proposal is of a very tasteful design: compliments the existing home and Carriage House; provides extensive landscaping; is tucked in the northeasterly corner; preserves open space and air; provides covered off street parking and head in/out access; and will be partially blocked from view by the existing structures, the proposal will enhance and thus

increase the value of the subject property. As such, it will cause no diminution in value of surrounding properties.

4. Denial of the variances results in an unnecessary hardship

a. Special conditions distinguish the property/project from others in the area-

The subject lot is relatively large, comprised of 2 involuntarily merged lots. It is burdened by being on at the corner of two streets, requiring larger front setbacks. Presently, no garage parking exists. The placement of the existing buildings limits the reasonable location for a garage. Attaching a garage and living space to the existing home west of the carriage house would lose the desired courtyard effect, render rear yard access more difficult, and would erase the historic look and a charm of the existing home and carriage house. These factors combine to create special conditions.

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

The purpose of one free standing dwelling per lot is to prohibit overcrowding, allow for air, light, and separation between neighbors, and to permit stormwater treatment. There are already two buildings and three dwelling units on the site. The fourth will be over the garage tucked into the northeasterly corner of the lot, only partially seen by passersby. The proposal meets PZO height, building coverage and open space requirements. The density is consistent with other lots within 300 feet holding multiple dwelling units.

The purpose of setback requirements is similar, to prevent overcrowding, to provide for air, light, and sightlines. There is ample distance between the back wall of the unit and the nearest home to the rear. Setting the building 10 feet into the setback provides more air, light, and space for the abutting building to the north. The setback request is slightly improved over the setback of the existing Carriage House and placed behind it to limit views. The location at

the rear does not affect sightlines. Adequate air, light, and area for stormwater treatment is provided.

For these reasons, there is no fair and substantial relationship between the ordinance requirements and its application in this instance.

c. The proposed use is reasonable

If the use is permitted, it is deemed reasonable. Vigeant v. Hudson, 151 NH 747 (2005). The proposal is a residential use in a residential zone, thus is reasonable.

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

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

The owners are constitutionally entitled to the use of the lot as they see fit subject only to the effect of the development with respect to zoning. “The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). “Property” in the constitutional sense has been interpreted to mean not the tangible

property itself, *but rather the right to possess, use, enjoy and dispose of it.* Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (Emphasis added).

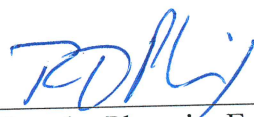
Because the Project; meets height, lot coverage and open space requirements; provides covered off street parking; permits vehicles to pull in and out of the lot; preserves the architectural character of the existing home and Carriage House; provides a courtyard effect; provides air light and space for the benefit of the northerly neighbor compared to locating the building in compliance with the rear setback; and the density is consistent with the densities of other lots holding multiple dwelling units in the vicinity, there will be no gain to the public from denying the variances and no harm to the public by granting the variances. Conversely, denial of the variances causes great harm to the owners, who will be denied the opportunity for multiple covered off street parking spaces and additional storage, and the ability to provide a downtown Portsmouth apartment, which is a benefit to whomever rents it and provides financial return to the owners. Thus, substantial justice dictates that the variances be granted.

V. Conclusion

For all of the reasons herein stated, the Giusto/Sinclair family respectfully request that the Portsmouth Zoning of Adjustment grant the requested variances.

Respectfully submitted,

By:



R. Timothy Phoenix, Esq.



133 COURT STREET PORTSMOUTH, NH 03801
(603) 433-2335 www.ALTUS-ENG.com

James Verra
& Associates, Inc.
LAND SURVEYORS

101 SHATTUCK WAY - SUITE 8
NEWINGTON, N.H. 03801-7876
603-436-3557

JOB NO: 23826

ISSUED FOR:

CLIENT REVIEW

ISSUE DATE:

3-2-2020

REVISIONS

NO. DESCRIPTION BY DATE

DRAWN BY: GTD

APPROVED BY: JV

DRAWING FILE: 23826.DWG

SCALE:

22" x 34" - 1" = 20'

11" x 17" - 1" = 40'

APPLICANT:

DAVID A. SINCLAIR
NICOLE J. GIUSTO
765 MIDDLE STREET
PORTSMOUTH, NH 03801

OWNER:

DAVID A. SINCLAIR &
NICOLE J. GIUSTO
765 MIDDLE STREET
PORTSMOUTH, NH 03801

PROJECT:

EXISTING CONDITIONS
PLAN
TAX MAP 148,
LOT 37
765 MIDDLE STREET
PORTSMOUTH, NH

TITLE:

EXISTING
CONDITIONS PLAN
765 MIDDLE STREET
PORTSMOUTH, NH

SHEET NUMBER:

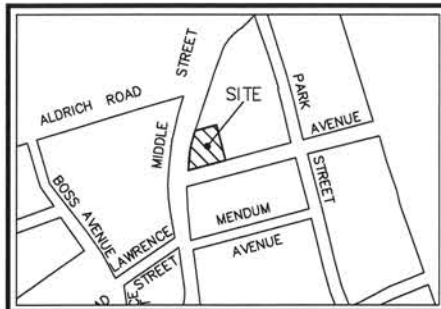
EX-1

NOTES:

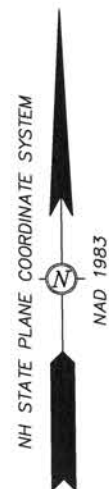
- OWNER OF RECORD.....DAVID A. SINCLAIR & NICOLE J. GIUSTO
ADDRESS.....765 MIDDLE STREET, PORTSMOUTH, NH 03801
DEED REFERENCE.....5543/442
TAX SHEET / LOT.....148-37
- ZONED:.....GENERAL RESIDENCE A
MINIMUM LOT AREA.....7,500 S.F. FRONT YARD SETBACK.....15'
FRONTAGE.....100' SIDE YARD SETBACK.....10'
PARCEL AREA.....21,504 S.F. 0.49 ACRES REAR YARD SETBACK.....20'
HISTORIC OVERLAY DISTRICT
- THE RELATIVE ERROR OF CLOSURE WAS LESS THAN 1 FOOT IN 15,000 FEET.
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
- HORIZONTAL DATUM: NAD 1983 ESTABLISHED BY SURVEY GRADE GPS OBSERVATION AND NGS "OPUS" SOLUTION. REFERENCE FRAME: NAD83 (2011)(EPOCH: 2010.0000), US SURVEY FOOT.
VERTICAL DATUM: NAVD 1988. PRIMARY BENCHMARK: CITY OF PORTSMOUTH "ROBE"
- CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC..
- THE PARCEL SHOWN HEREON LIES WITHIN ZONE X (AREAS OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015C0259E, EFFECTIVE DATE MAY 17, 2005 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- DESCRIPTIONS OF THE SITE BENCHMARKS:
TBM "A": MARKED SE CORNER GRANITE BOUND ELEVATION=27.83
TBM "B": SURVEY NAIL FOUND IN UTILITY POLE #PSNH 84/28 0.20' ABOVE GRADE ELEV.=27.63
TBM "C": SURVEY NAIL SET IN UTILITY POLE #NETT 5 1.0' ABOVE GRADE ELEV.=24.52
- THIS PARCEL IS SHOWN AS LOT PLAN 40, LOT 7 ON THE PORTSMOUTH TAX MAPS PREPARED BY JOHN W. DURGIN PRIOR TO 1979 & AS RCRD BK. 5543, PG. 442, PARCEL 2.
- THIS PARCEL IS SHOWN AS LOT PLAN 40, LOT 1 ON THE PORTSMOUTH TAX MAPS PREPARED BY JOHN W. DURGIN PRIOR TO 1979 & AS RCRD BK. 5543, PG. 442, PARCEL 1.

REFERENCE PLANS:

- SUBDIVISION OF LAND, PORTSMOUTH, NH. FOR EDWARD H. & EMMA L. PATERSON DATED MAY 1982 RCRD PLAN #C-11243
- CONDOMINIUM SITE PLAN, 729-733 MIDDLE STREET CONDOMINIUM FOR PROPERTY AT 729&733 MIDDLE STREET, PORTSMOUTH, ROCKINGHAM COUNTY, NEW HAMPSHIRE OWNED BY SHAWN D. GORMAN & CARIANN M. GOODRICH-GORMAN DATED 12/17/02 RCRD PLAN #D-30540
- CONDOMINIUM SITE PLAN FOR 605 LINCOLN AVENUE, A CONDOMINIUM, MARK MCNALLY DECLARANT, TAX MAP 148, LOT 41, PORTSMOUTH, NH DATED 11-8-2008 RCRD PLAN #D-35685.



LOCUS
(N.T.S.)



LEGEND:

-GRANITE BOUND FOUND
-IRON ROD (AS NOTED)
- △.....SURVEY NAIL SET
- ×.....WOVEN VINYL FENCE
-WOOD FENCE
-CEMENT CONCRETE PAD
-CRUSHED STONE
-FLAG STONE
-STONE RETAINING WALL
-UTILITY POLE
-UTILITY POLE W/TRANSFORMER
-GUY
- OHW—.....OVERHEAD WIRES
- OHE—.....OVERHEAD ELECTRIC
- OHC—.....OVERHEAD COMMUNICATION WIRES
- RCRD.....ROCKINGHAM COUNTY REGISTRY OF DEEDS
- 137-01.....TAX SHEET / LOT NO.
- EOP.....EDGE OF PAVEMENT
- LA.....LANDSCAPED AREA
-CATCH BASIN
-DRAIN MANHOLE
-ROOF DOWNSPOUT
-SEWER CLEAN OUT
-SEWER MANHOLE
-SEWER CLEAN OUT
- W—.....WATER LINE
- S—.....SEWER LINE
- D—.....DRAIN LINE
- G—.....GAS LINE
-WATER GATE VALVE
-WATER SHUT OFF VALVE
-HYDRANT
- VGC.....VERTICAL FACED GRANITE CURB
- RWG.....GRANITE COBBLESTONE BORDER WALL
- PSNH.....PUBLIC SERVICE CO. OF NH
- EVS.....EVERSOURCE
- PP/PL.....PLASTIC GAS LINE
-GAS METER
- NETT.....NEW ENGLAND TELEPHONE AND TELEGRAPH CO.
- PSNH.....PUBLIC SERVICE CO. OF NH
-ELECTRIC METER

RIM AND INVERT DATA

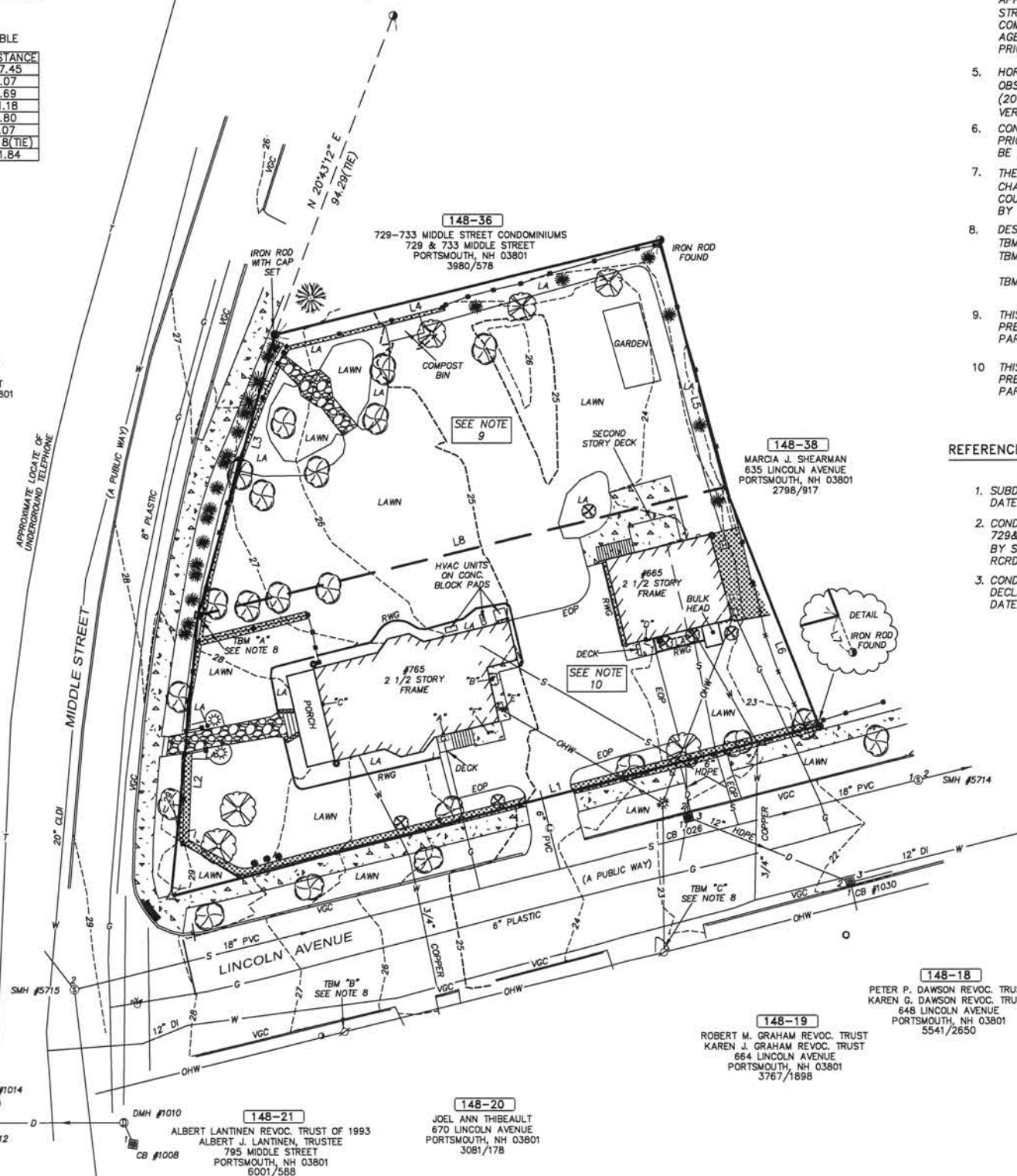
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(1) INV (6"HDPE)=18.515 (1) INV (18"PV)=14.05
(2) INV (6"HDPE)=19.52 (2) INV (18"PV)=13.93
(3) (WATER LEVEL)=18.41
CB #1008 RIM = 28.82 SMH #5715 RIM = 29.00
(1) INV (12"PV)=25.17 (1) INV CL=17.92
(2) INV (15"PV)=17.89
DMH #1010 RIM = 28.82
INACCESSIBLE (LATCHED)

BOUNDARY LINE TABLE

LINE	BEARING	DISTANCE
L1	S 75°27'47" W	187.45
L2	N 05°38'52" E	78.07
L3	N 15°28'02" E	80.69
L4	N 76°23'57" E	111.18
L5	S 14°46'51" E	70.80
L6	S 21°33'57" E	71.07
L7	S 21°33'57" E	0.18 (TIE)
L8	N 76°29'48" E	151.84

MISC. ELEVATION TABLE

LOCATION	DESCRIPTION	ELEVATION
"A"	WOOD THRESHOLD	31.31
"B"	TOP CONCRETE	24.68
"C"	WOOD THRESHOLD	31.30
"D"	WOOD THRESHOLD	26.37
"E"	TOP CONCRETE	25.42
"F"	TOP CONCRETE	25.84



ZONING SUMMARY

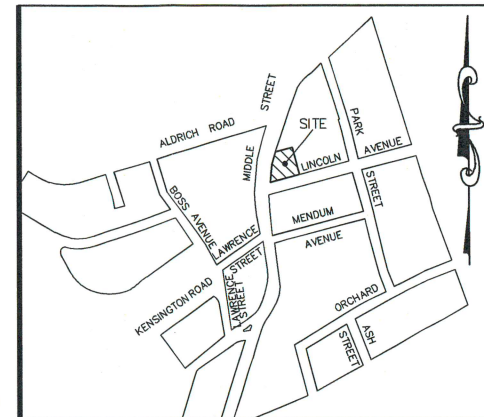
ZONE: GRA (GENERAL RESIDENCE A)
EXISTING LOT AREA: 0.49 AC±

DIMENSIONAL REQUIREMENTS

	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA:	7,500 S.F.	21,504 S.F.	21,504 S.F.
MIN. LOT AREA PER DWELLING UNIT:	7,500 S.F.	7,168 S.F.±	5,376 S.F.±
DWELLING UNITS:	—	3	4 **
MIN. STREET FRONTAGE:	100'	158' (MIDDLE ST.)	158'±
MIN. LOT DEPTH:	70'	111'±	111'±
FRONT SETBACK: *	15'	26.1'±(EX.)(MIDDLE ST.)	26.1'±
		19.5'±(EX.)(LINCOLN ST.)	19.5'±
		74'±(EX.)	10.0' (NEW)
SIDE SETBACK:	10'	8.7'±(EX.)	8.7'± (EX.)
REAR SETBACK:	20'		10.0' (NEW)**
MAX. HEIGHT:	35'	<35' (EX.)	<35' (PROP.)
MAX. BUILDING COVERAGE:	25%	12.1%±(INCL. DECKS)	23.0%± (INCL. DECKS)
MIN. OPEN SPACE:	30%	70.6%±	55.4%±

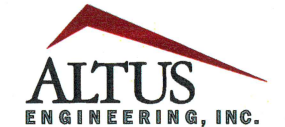
* FRONT SETBACK IS FROM BOTH STREET ADDRESS STREET AND ACCESS STREET

** VARIANCE REQUIRED



LOCUS

NOT TO SCALE



133 Court Street
(603) 433-2335
Portsmouth, NH 03801
www.altus-eng.com

NOT FOR CONSTRUCTION

ISSUED FOR:
BOARD OF ADJUSTMENT

ISSUE DATE:
SEPTEMBER 26, 2022

REVISIONS
NO. DESCRIPTION BY DATE
0 INITIAL SUBMISSION EDW 09/26/22

DRAWN BY: MBS/RLH
APPROVED BY: EDW
DRAWING FILE: 5021-SITE.dwg

SCALE:
(22"x34") 1" = 20'
(11"x17") 1" = 40'

OWNER/APPLICANT:
NICOLE J. GIUSTO &
DAVID A. SINCLAIR
765 MIDDLE STREET
PORTSMOUTH, NH 03801
TAX MAP 148 PARCEL 37

PROJECT:
RESIDENTIAL
DEVELOPMENT
EXPANSION
TAX MAP 148, LOT 37
765 MIDDLE STREET
PORTSMOUTH, NH

TITLE:
PRELIMINARY
OVERALL SITE PLAN

SHEET NUMBER:
C-1

NOTES:

- OWNER OF RECORD: Nicole J. Giusto & David A. Sinclair
ADDRESS: 765 Middle Street, PORTSMOUTH, NH 03801
DEED REFERENCE: 5543/0442
TAX SHEET / LOT: 148-37
- ZONED: GENERAL RESIDENCE A
MINIMUM LOT AREA: 7,500 S.F.
FRONTAGE: 100'
HISTORIC OVERLAY DISTRICT
FRONT YARD SETBACK: 15'
SIDE YARD SETBACK: 10'
REAR YARD SETBACK: 20'
- THE RELATIVE ERROR OF CLOSURE WAS LESS THAN 1 FOOT IN 15,000 FEET.
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (E.G. CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
- HORIZONTAL DATUM: NAD 1983 ESTABLISHED BY SURVEY GRADE GPS OBSERVATION AND NGS "OPUS" SOLUTION. REFERENCE FRAME: NAD83 (2011/EPOCH: 2010.0000) U.S. SURVEY FOOT
VERTICAL DATUM: NAVD 1988, PRIMARY BENCHMARK: CITY OF PORTSMOUTH "ROBE"
- CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC..

148-23
ELTON L. SHAFFER
PAULA M. RAIS
748 MIDDLE STREET
PORTSMOUTH, NH 03801
2693/2930

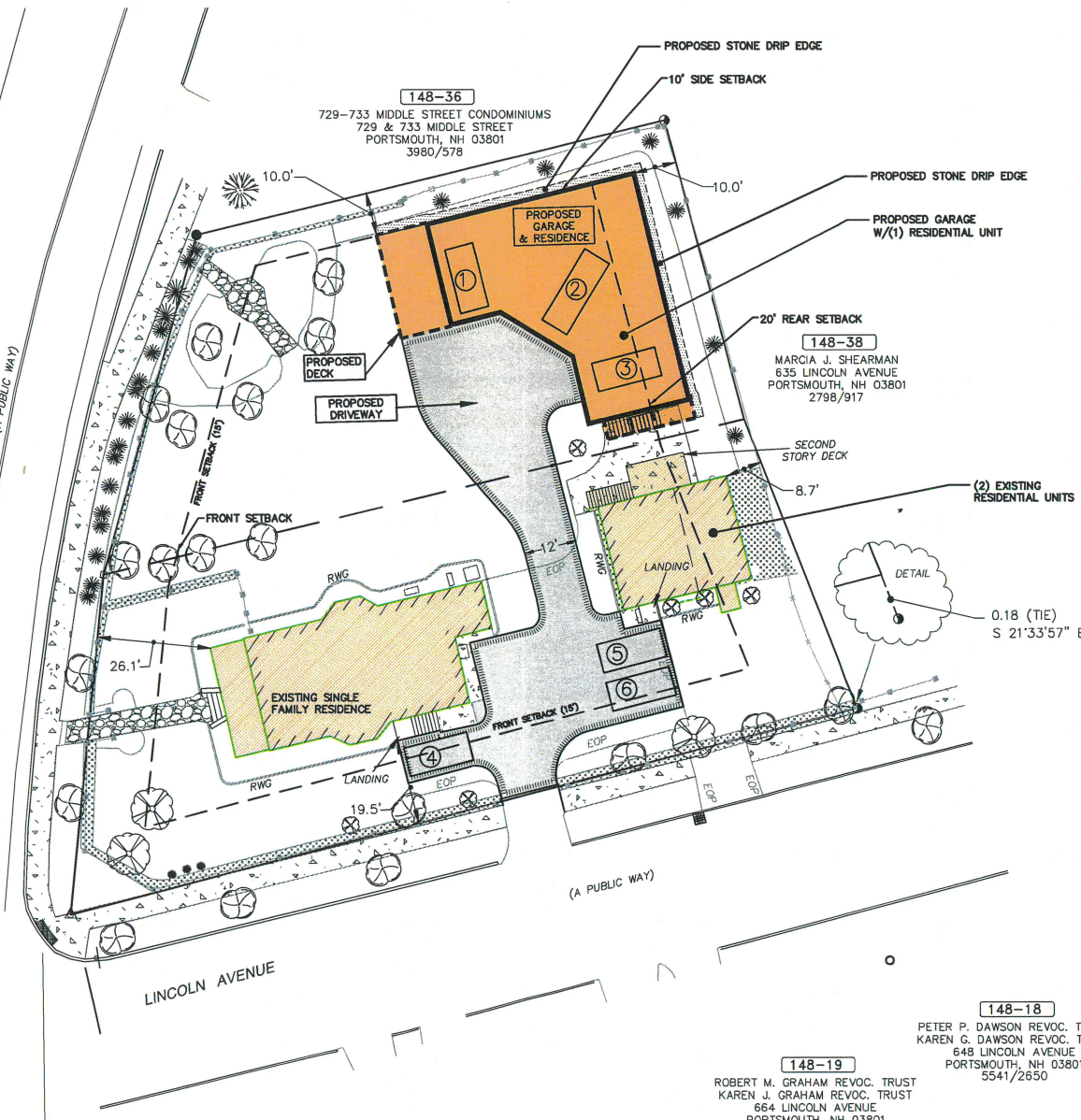
153-09
MIDDLE STREET
TOWNHOUSE CONDOMINIUMS
UNIT 1
JORGENSEN FAMILY TRUST
NATHAN H. & KRISTIE L. JORGENSEN, TRUSTEES
774 MIDDLE STREET UNIT 1
PORTSMOUTH, NH 03801
5684/1841

UNIT 2
STACEY CARLA SIMONOFF
774 MIDDLE STREET UNIT 2
PORTSMOUTH, NH 03801
6155/990

UNIT 3
BRIAN T. &
MELISSA J. MAGUIRE
774 MIDDLE STREET UNIT 3
PORTSMOUTH, NH 03801
5662/2283

UNIT 4
EDWARD H. BENWAY
774 MIDDLE STREET UNIT 4
303 ISLINGTON STREET
PORTSMOUTH, NH 03801
4514/2017

MIDDLE STREET
(A PUBLIC WAY)

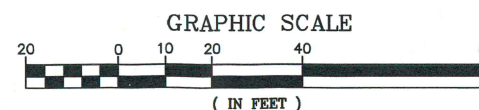


148-21
ALBERT LANTINEN REVOC. TRUST OF 1993
ALBERT J. LANTINEN, TRUSTEE
795 MIDDLE STREET
PORTSMOUTH, NH 03801
6001/588

148-20
JOEL ANN THIBEAULT
670 LINCOLN AVENUE
PORTSMOUTH, NH 03801
3081/178

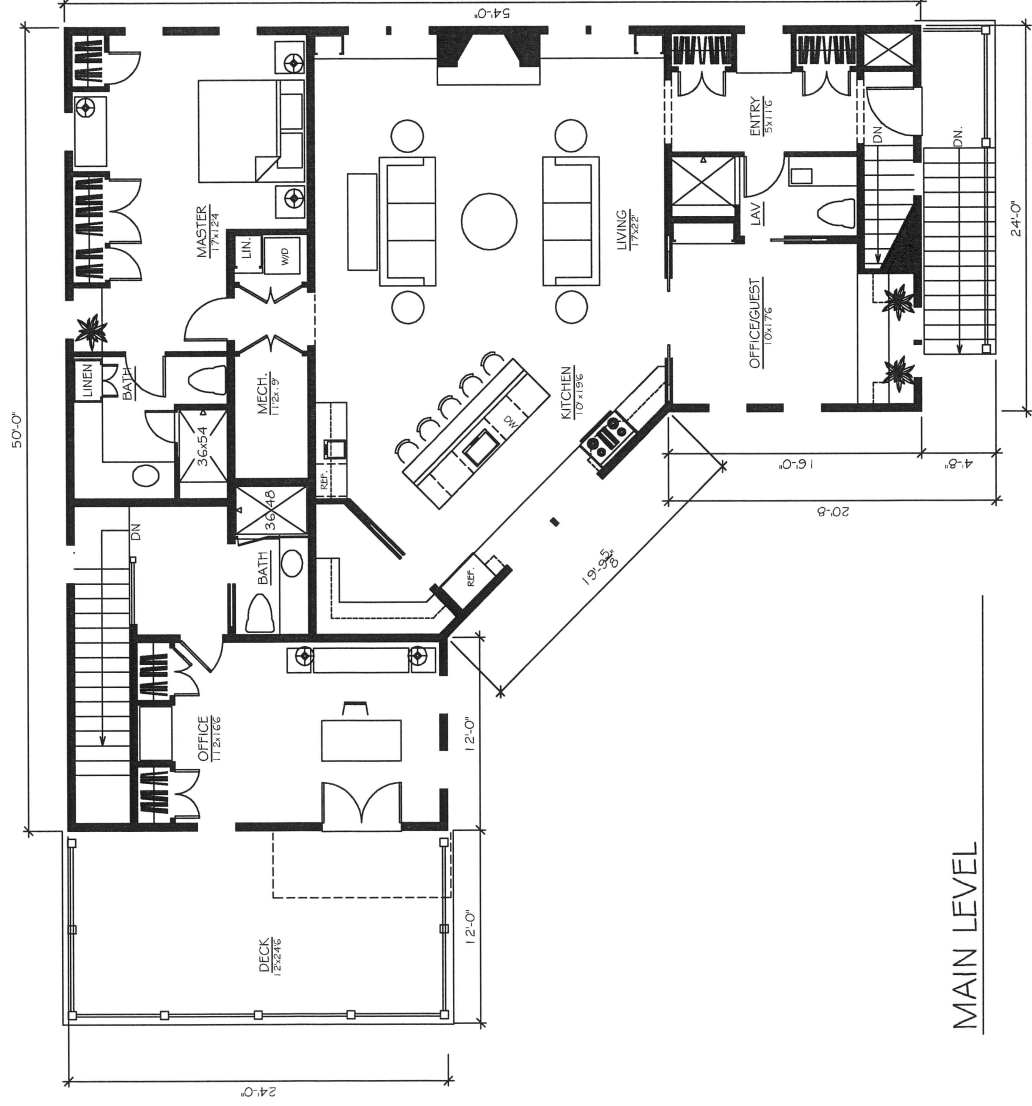
148-19
ROBERT M. GRAHAM REVOC. TRUST
KAREN J. GRAHAM REVOC. TRUST
664 LINCOLN AVENUE
PORTSMOUTH, NH 03801
3767/1898

148-18
PETER P. DAWSON REVOC. TRUST
KAREN G. DAWSON REVOC. TRUST
648 LINCOLN AVENUE
PORTSMOUTH, NH 03801
5541/2650

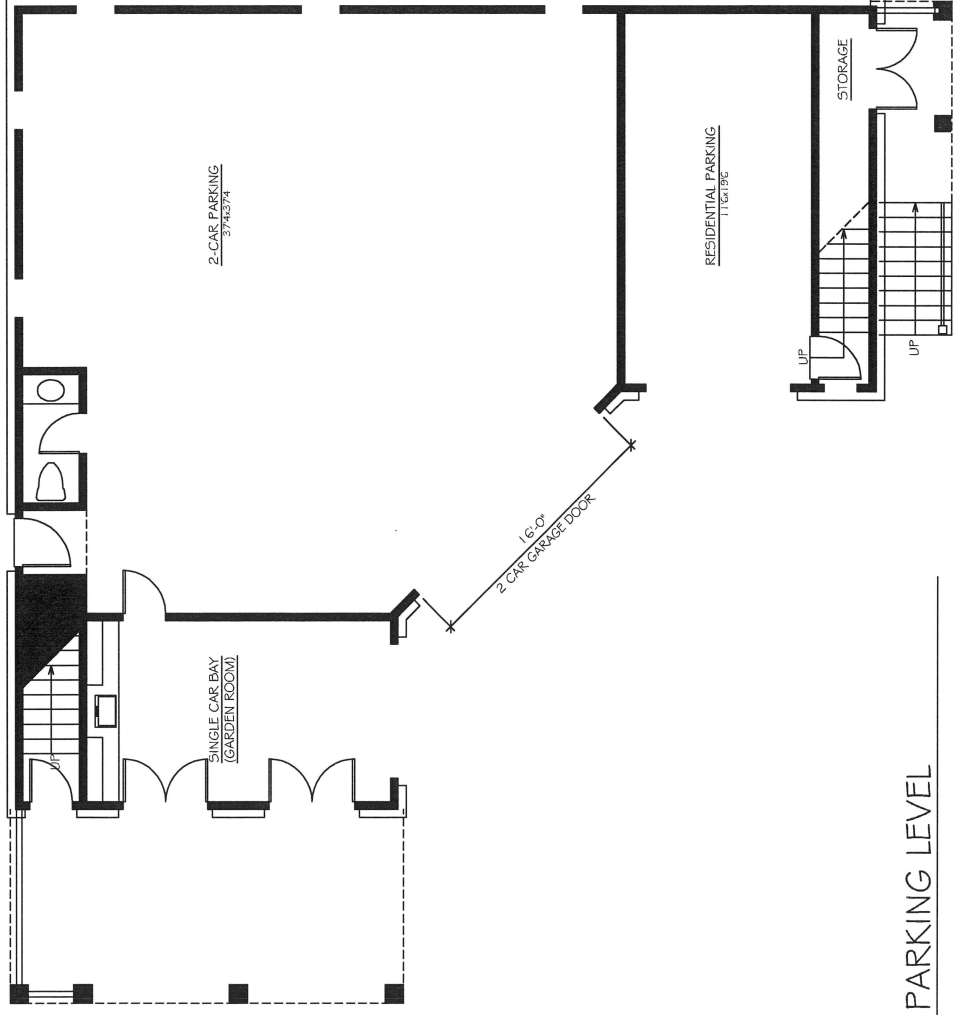


P5021





MAIN LEVEL



PARKING LEVEL

LANDSCAPE PLAN

765 Middle Street Portsmouth, New Hampshire

L-1

Sheet 1 of 1

© 2022 Woodburn & Company Landscape Architecture, LLC



Landscape Notes

3. Design is based on drawings by Altus Engineering and may require adjustment due to actual field conditions.
4. The Contractor shall follow best management practices during construction and shall take all means necessary to stabilize and protect the site from erosion.
5. Erosion Control shall be in place prior to construction.
6. Erosion Control to consist of Hay Bales and Erosion Control Fabric shall be staked in place between the work and Water bodies, Wetlands and/or drainage ways prior to any construction.
7. The Contractor shall verify layout and grades and inform the Landscape Architect or Client's Representative of any discrepancies or changes in layout and/or grade relationships prior to construction.
8. It is the contractor's responsibility to verify drawings provided are to the correct scale prior to any bid, estimate or installation. A graphic scale bar has been provided on each sheet for this purpose. If it is determined that the scale of the drawing is incorrect, the landscape architect will provide a set of drawings at the correct scale, at the request of the contractor.
9. Trees to Remain within the construction zone shall be protected from damage for the duration of the project by snow fence or other suitable means of protection to be approved by Landscape Architect or Client's Representative. Snow fence shall be located at the drip line at a minimum and shall include any and all surface roots. Do not fill or mulch on the trunk flare. Do not disturb roots. In order to protect the integrity of the roots, branches, trunk and bark of the tree(s) no vehicles or construction equipment shall drive or park in or over the drip line(s) of the tree(s). Do not store any refuse or construction materials or portables within the tree protection area.
10. Location, support, protection, and restoration of all existing utilities and appurtenances shall be the responsibility of the Contractor.
11. The Contractor shall verify exact location and elevation of all utilities with the respective utility owners prior to construction. Call DIGSAFE at 1-888-344-7233.
12. The Contractor shall procure any required permits prior to construction.
13. Prior to any landscape construction activities the Contractor shall test all existing loam and loam from off-site intended to be used for lawns and plant beds using a thorough sampling throughout the supply. Soil testing shall indicate levels of pH, nitrates, macro and micro nutrients, texture, soluble salts, and organic matter. Contractor shall provide Landscape Architect with test results and recommendations from the testing facility along with soil amendment plans as necessary for the proposed plantings to thrive. All loam to be used on site shall be amended as approved by the Landscape Architect prior to placement.
14. Contractor shall notify landscape architect or owner's representative immediately if at any point during demolition or construction a site condition is discovered which may negatively impact the completed project. This includes, but is not limited to, unforeseen drainage problems, unknown subsurface conditions, and discrepancies between the plan and the site. If a contractor is aware of a potential issue, and does not bring it to the attention of the landscape architect or owner's representative immediately, the contractor shall be responsible for the labor and materials associated with correcting the problem.
15. The Contractor shall furnish and plant all plants shown on the drawings and listed therein. All plants shall be nursery-grown under climatic conditions similar to those in the locality of the project. Plants shall conform to the botanical names and standards of size, culture, and quality for the highest grades and standards as adopted by the American Association of Nurserymen, Inc. in the *American Standard of Nursery Stock*. American Standards Institute, Inc. 230 Southern Building, Washington, D.C. 20005.
16. A complete list of plants, including a schedule of sizes, quantities, and other requirements is shown on the drawings. In the event that quantity discrepancies or material omissions occur in the plant materials list, the planting plans shall govern.
17. All plants shall be legibly tagged with proper botanical names.
18. The Contractor shall guarantee all plants for not less than one year from time of acceptance.
19. Owner or Owner's Representative will inspect plants upon delivery for conformity to Specification requirements. Such approval shall not affect the right of inspection and rejection during or after the progress of the work. The Owner reserves the right to inspect and/or select all trees at the place of growth and reserves the right to approve a representative sample of each type of shrub, herbaceous perennial, annual, and ground cover at the place of growth. Such sample will serve as a minimum standard for all plants of the same species used in this work.
20. No substitutions of plants may be made without prior approval of the Owner or the Owner's Representative for any reason.
21. All landscaping shall be provided with the following:
 - a. Outside hose attachments spaced a maximum of 150 feet apart, and
 - b. A underground irrigation system, or
 - c. A temporary irrigation system designed for a two-year period of plant establishment.
22. If an automatic irrigation system is installed, all irrigation valve boxes shall be located within planting bed areas.
23. The Contractor is responsible for all plant material from the time their work commences until final acceptance. This includes but is not limited to maintaining all plants in good condition, the security of the plant material once delivered to the site, and watering of plants. Plants shall be appropriately watered prior to, during and after planting. It is the contractor's responsibility to provide clean water suitable for plant health from off site, should it not be available on site.
24. All disturbed areas will be dressed with 6" of topsoil and planted as noted on the plans or seeded except plant beds. Plant beds shall be prepared to a depth of 12" with 75% loam and 25% compost.
25. Trees, ground cover, and shrub beds shall be mulched to a depth of 2" with one-year-old, well-composted, shredded natural bark not longer than 4" in length and 3/8" in width, free of woodchips and sawdust. Mulch for ferns and herbaceous perennials shall be no longer than 1" in length. Trees in lawn areas shall be mulched in a 5' diameter min. saucer. Color of mulch shall be black.
26. Drip strip shall extend to 6" beyond roof overhang and shall be edged with 3/16" thick metal edger.
27. In no case shall mulch touch the stem of a plant nor mulch ever be more than 3" thick total (including previously applied mulch) over the root ball of any plant.
28. Signs of dead or dying trees overhanging vehicular and pedestrian travel ways shall be pruned up to a height of 5' to allow clear and safe passage of vehicles and pedestrians under tree canopy. Within the sight distance triangles at vehicle intersections the canopies shall be raised to 8' min.
29. Snow shall be stored a minimum of 5' from shrubs and trunks of trees.
30. Landscape Architect is not responsible for the means and methods of the contractor.

TREES

Symbol	Botanical Name	Common Name	Quantity	Size	Comments
Pg	<i>Picea orientalis</i> 'Gowdy'	Gowdy Oriental Spruce	1	8-10' Ht	B&B
Mag	<i>Magnolia</i> 'Betty'	Betty Magnolia	1	8-10' Ht	B&B

Symbol	Botanical Name	Common Name	Quantity	Size	Comments
Hy	<i>Hydrangea arborescens</i> 'Incrediball'	Incrediball Hydrangea	10	5 gal	
Syr	<i>Syringa meyeri</i> 'Palibin'	Dwarf Korean Lilac	5	3-4' Ht	B&B

Symbol	Botanical Name	Common Name	Quantity	Size	Comments
Day	<i>Heemerocallis</i> 'Siloam Double Classic'	Siloam Double Classic Daylily	50	1 gal	
Vm	<i>Vinca minor</i> 'Bowles'	Bowles Periwinkle	440	2.5" pots	









765 Middle Street

EXHIBIT 5



Image capture: Oct 2018 © 2022 Google

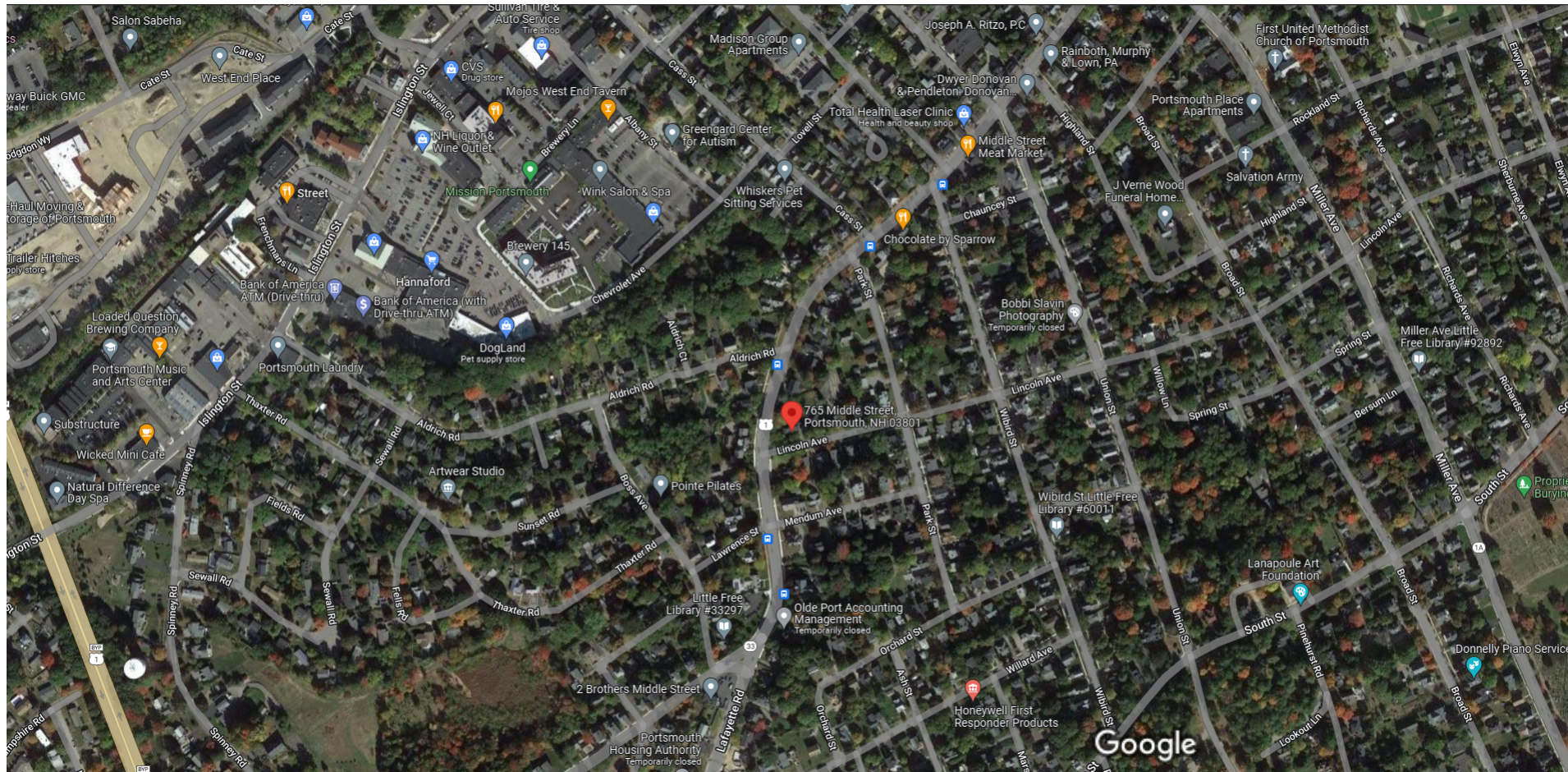


765 Middle Street

All

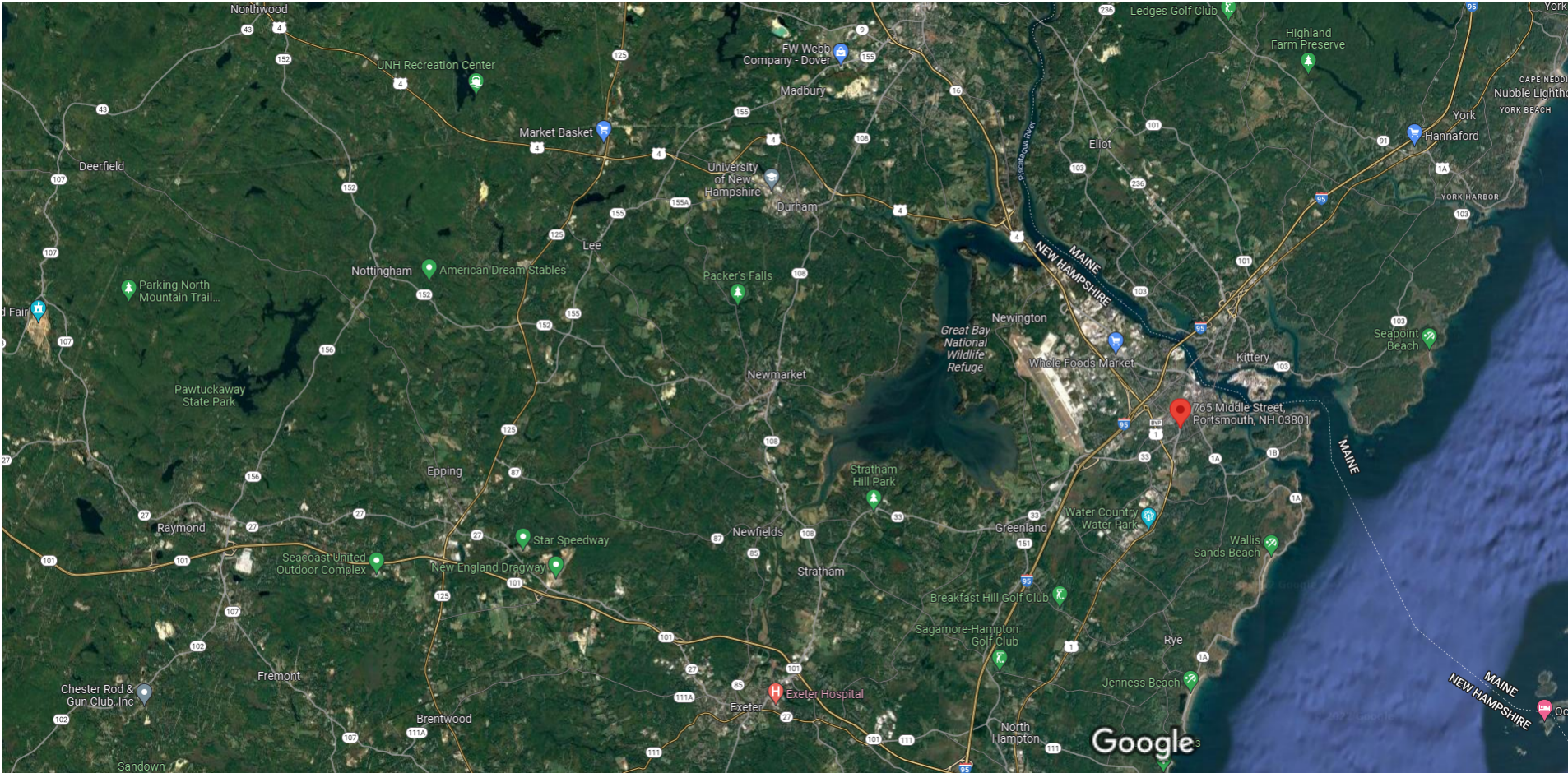
Street View & 360°

Google Maps 765 Middle Street



Imagery ©2022 Maine GeoLibrary, Maxar Technologies, U.S. Geological Survey, USDA/FPAC/GEO, Map data ©2022 200 ft

Google Maps 765 Middle Street



Imagery ©2022 TerraMetrics, Map data ©2022 Google 2 mi

765 MIDDLE ST**Location** 765 MIDDLE ST**Mblu** 0148/ 0037/ 0000/ /**Acct#** 34571**Owner** SINCLAIR DAVID A**PBN****Assessment** \$1,297,600**Appraisal** \$1,297,600**PID** 34571**Building Count** 2**Current Value**

Appraisal			
Valuation Year	Improvements	Land	Total
2021	\$914,600	\$383,000	\$1,297,600

Assessment			
Valuation Year	Improvements	Land	Total
2021	\$914,600	\$383,000	\$1,297,600

Owner of Record

Owner SINCLAIR DAVID A
Co-Owner GIUSTO NICOLE J
Address 765 MIDDLE ST
 PORTSMOUTH, NH 03801

Sale Price \$1,015,000
Certificate
Book & Page 5543/0442
Sale Date 07/07/2014
Instrument 00

Ownership History

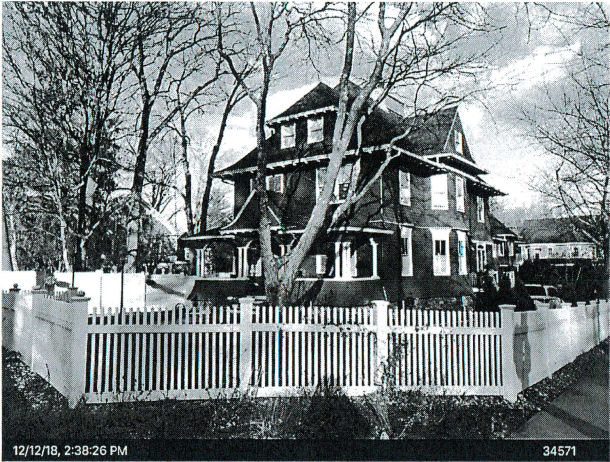
Ownership History					
Owner	Sale Price	Certificate	Book & Page	Instrument	Sale Date
SINCLAIR DAVID A	\$1,015,000		5543/0442	00	07/07/2014
CARTER STEPHEN M &	\$0		3187/1963		11/21/1996

Building Information**Building 1 : Section 1**

Year Built: 1902
Living Area: 3,235
Replacement Cost: \$866,796

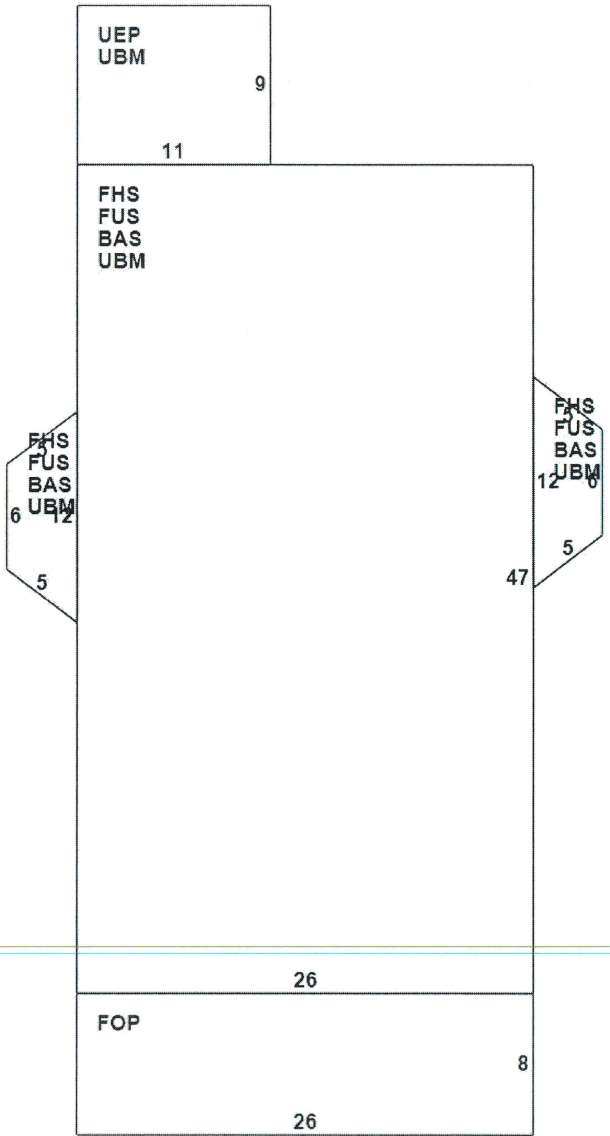
Building Percent Good: 79
Replacement Cost
Less Depreciation: \$684,800

Building Photo



(https://images.vgsi.com/photos2/PortsmouthNHPhotos/\00\02\27\06.jpg)

Building Layout



(ParcelSketch.ashx?pid=34571&bid=34571)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
BAS	First Floor	1,294	1,294

FUS	Upper Story, Finished	1,294	1,294
FHS	Half Story, Finished	1,294	647
FOP	Porch, Open	208	0
UBM	Basement, Unfinished	1,393	0
UEP	Porch, Enclosed, Unfinished	99	0
		5,582	3,235

Building 2 : Section 1

Year Built: 1902
Living Area: 1,464
Replacement Cost: \$319,098
Building Percent Good: 71
Replacement Cost
Less Depreciation: \$226,600

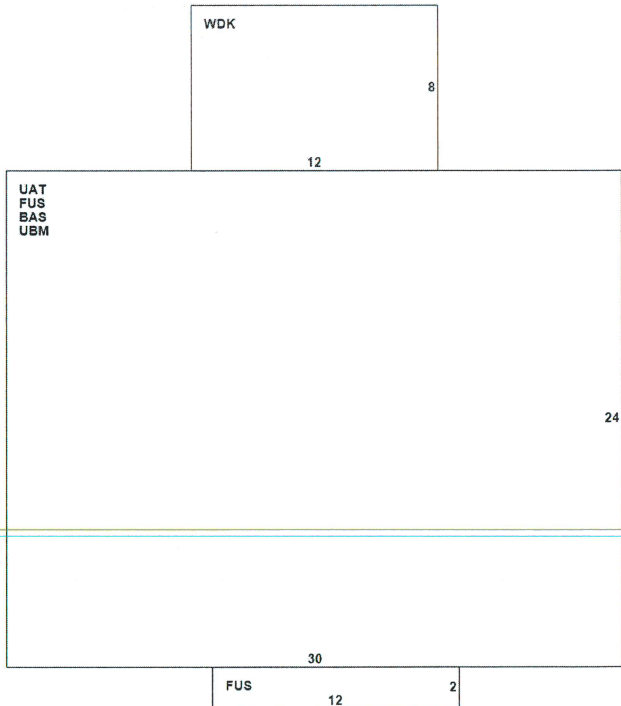
Building Attributes : Bldg 2 of 2	
Field	Description
Style	2 Unit
Model	Residential
Grade:	B
Stories:	2
Occupancy	2
Exterior Wall 1	Wood Shingle
Exterior Wall 2	
Roof Structure:	Gable/Hip
Roof Cover	Asph/F GlS/Cmp
Interior Wall 1	Plastered
Interior Wall 2	Drywall/Sheet
Interior Flr 1	Carpet
Interior Flr 2	
Heat Fuel	Gas
Heat Type:	Hot Water
AC Type:	Central
Total Bedrooms:	3 Bedrooms
Total Bthrms:	3
Total Half Baths:	0
Total Xtra Fixtrs:	0
Total Rooms:	6
Bath Style:	Avg Quality
Kitchen Style:	Avg Quality
Kitchen Gr	
WB Fireplaces	0
Extra Openings	0

Building Photo



(https://images.vgsi.com/photos2/PortsmouthNHPhotos/default.jpg)

Building Layout



(ParcelSketch.ashx?pid=34571&bid=40102)

Building Sub-Areas (sq ft)			Legend
Code	Description	Gross Area	Living Area
FUS	Upper Story, Finished	744	744

Metal Fireplaces	0
Extra Openings 2	0
Bsmt Garage	

BAS	First Floor	720	720
UAT	Attic	720	0
UBM	Basement, Unfinished	720	0
WDK	Deck, Wood	96	0
		3,000	1,464

Extra Features

Extra Features				Legend
Code	Description	Size	Value	Bldg #
FPL1	FIREPLACE 1 OPN	1.00 UNITS	\$3,200	1

Land

Land Use

Use Code	1090
Description	MULTI HSES MDL-01
Zone	GRA
Neighborhood	103B
Alt Land Appr	No
Category	

Land Line Valuation

Size (Acres)	0.49
Frontage	
Depth	
Assessed Value	\$383,000
Appraised Value	\$383,000

Outbuildings

Outbuildings	Legend
No Data for Outbuildings	

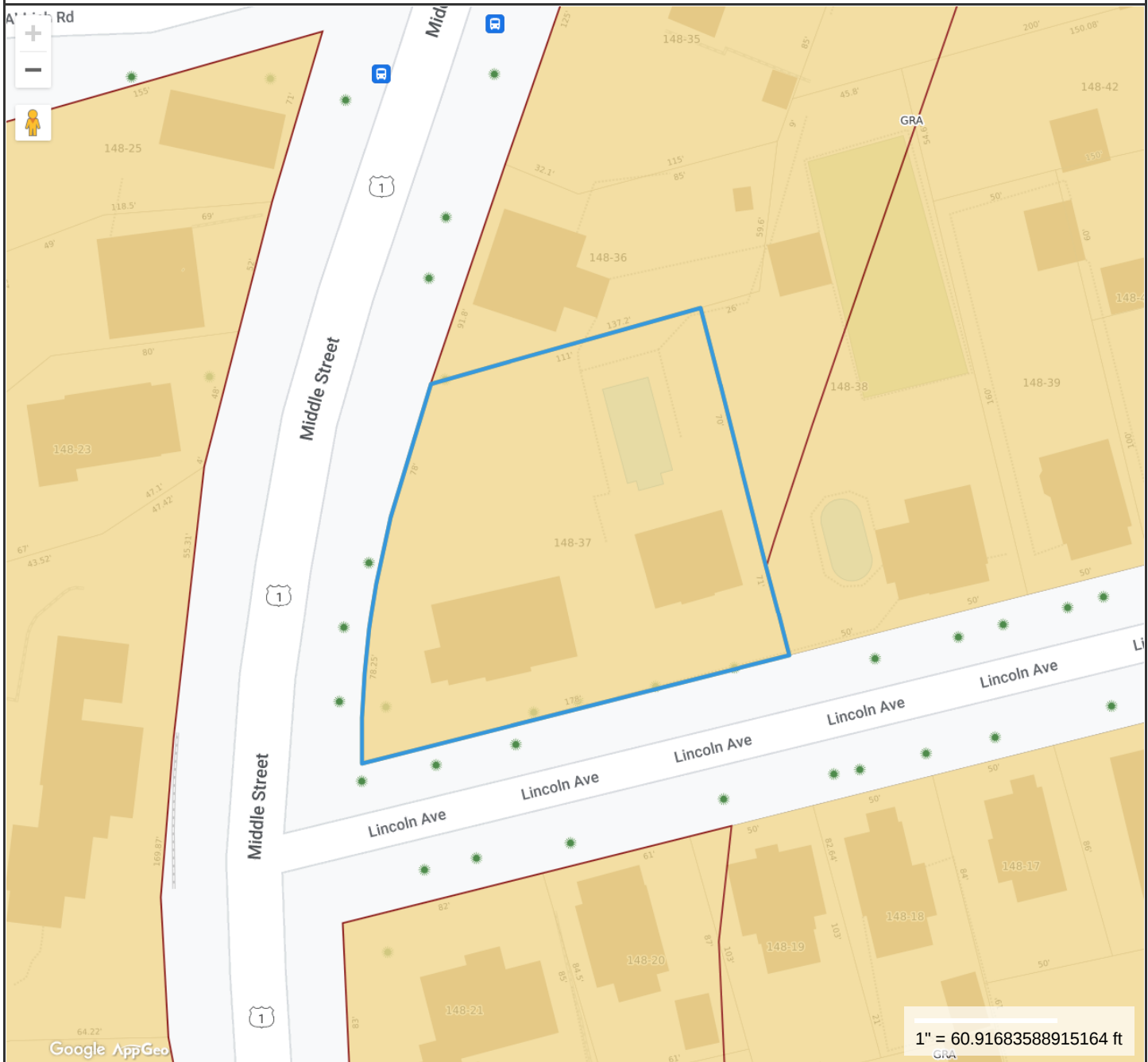
Valuation History

Appraisal			
Valuation Year	Improvements	Land	Total
2020	\$914,600	\$383,000	\$1,297,600
2019	\$925,500	\$383,000	\$1,308,500
2018	\$837,700	\$348,200	\$1,185,900

Assessment			
Valuation Year	Improvements	Land	Total
2020	\$914,600	\$383,000	\$1,297,600
2019	\$925,500	\$383,000	\$1,308,500
2018	\$837,700	\$348,200	\$1,185,900

765 Middle Street

EXHIBIT 7

**Property Information**

Property ID 0148-0037-0000
Location 765 MIDDLE ST
Owner SINCLAIR DAVID A

**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 09/21/2022
Data updated 3/9/2022

Print map scale is approximate.
Critical layout or measurement
activities should not be done using
this resource.

Map Theme Legends

Zoning

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-L 1
	CD4-L2	Character District 4-L 2




Civic District

		Civic District
---	--	----------------

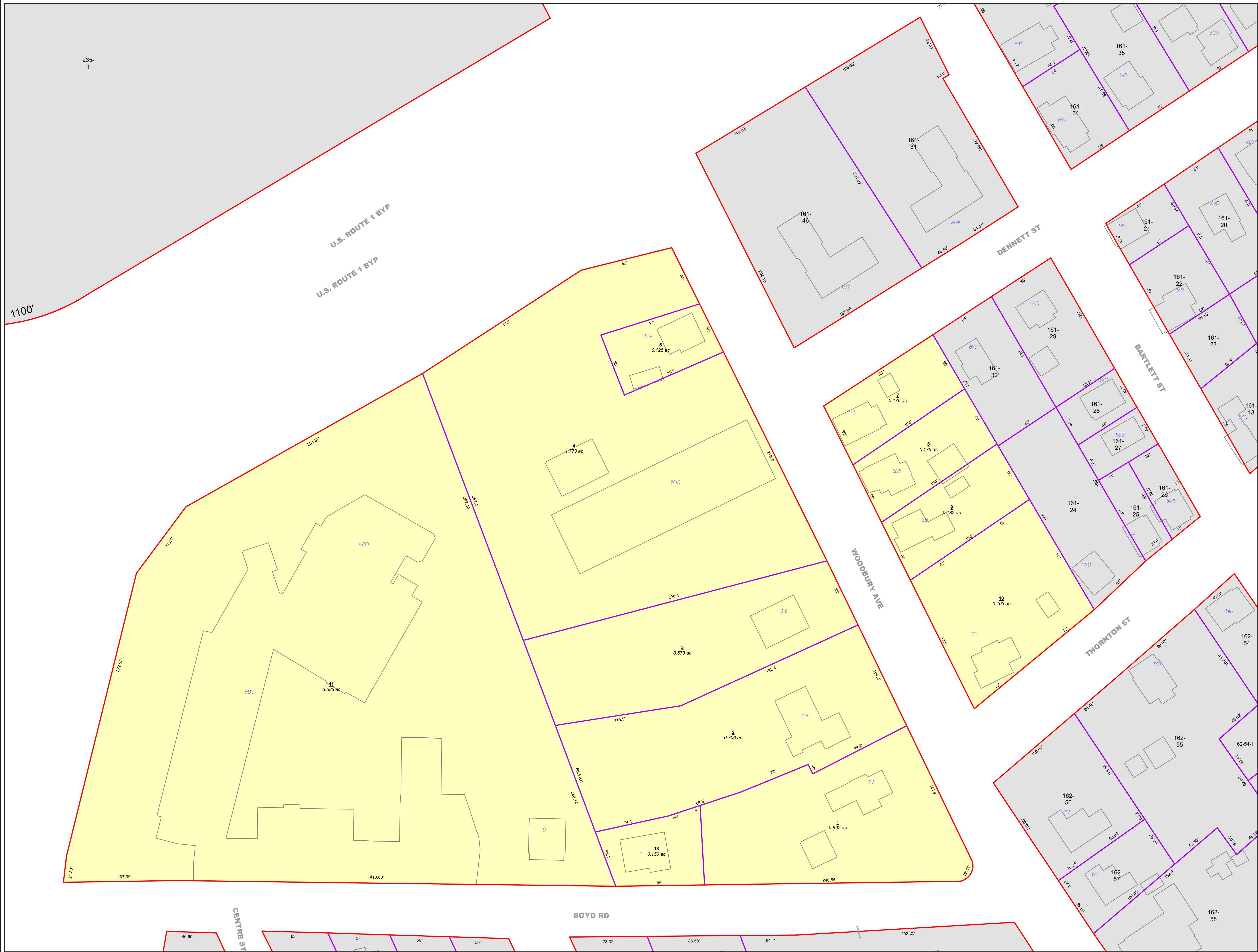
Municipal District

		Municipal District
---	--	--------------------

Overlay Districts

	OLOD	Osprey Landing Overlay District
		Downtown Overlay District
		Historic District

City of Portsmouth



Partial Legend

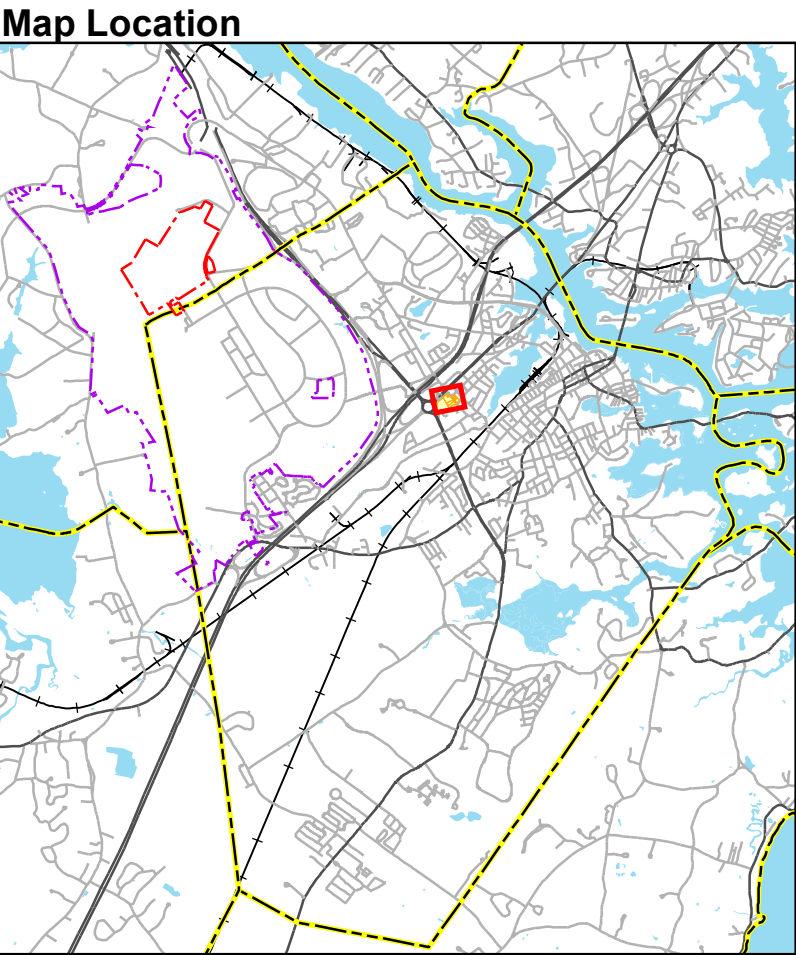
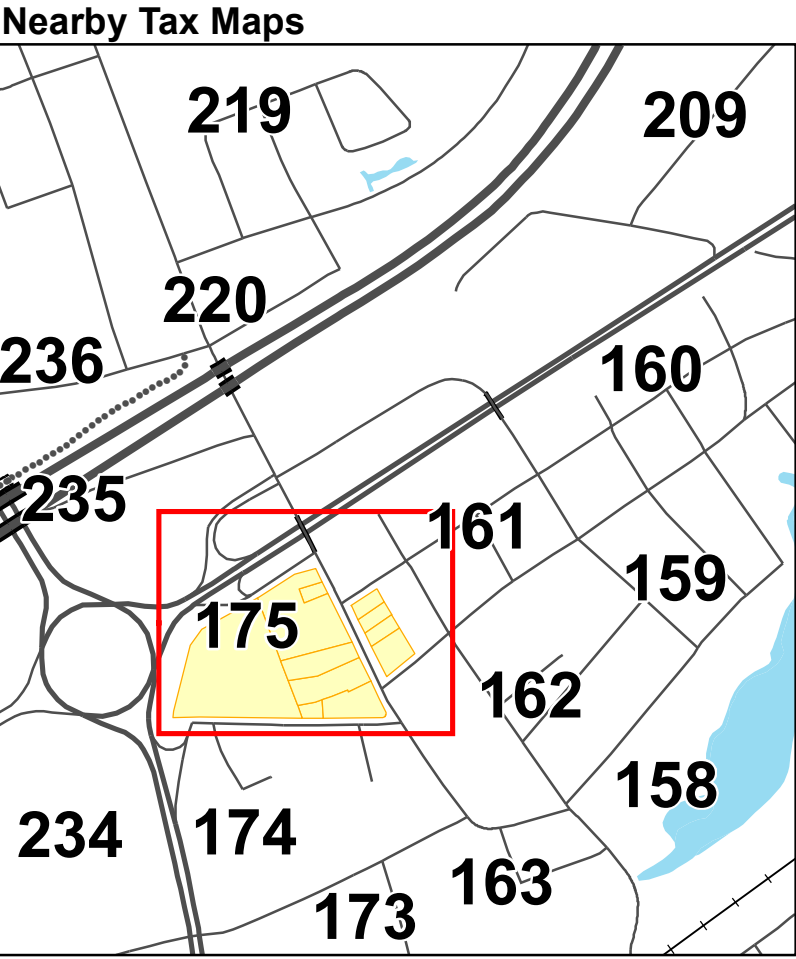
See the cover sheet for the complete legend.

7-5A Lot or lot-unit number
2.56 ac Parcel area in acres (ac) or square feet (sf)
23 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.





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

Map-Lot	Address	Units	Acreage	Total Sq Ft	Sqft/Unit
148-37	765 Middle St	3	0.49	21504	7168
148-24	736 Middle St	2	0.26	11326	5663
	765 Middle St (proposed)	4	0.49	21504	5376
153-8	796 Middle St	4	0.49	21344	5336
148-35	669 Middle St	3	0.27	11761	3920
148-36	729 Middle St	2	0.18	7841	3920
148-41	605 Lincoln Ave	3	0.25	10890	3630
148-22	815 Lincoln Ave	4	0.29	12632	3158
148-20	670 Lincoln Ave	2	0.12	5227	2614
148-25	726 Middle St	3	0.16	6970	2323
153-9	774 Middle St	4	UKN		

Mean Average Sqft/Unit: 4193 w/o proposed 765 4th dwelling

Median Average: 3920

A 300 ft radius drawn from the center of 765 Middle St. reveals 27 properties
Of these 27 properties, 37% (10 properties) were found to be Condos or Multi-Family.

Not a single multi property conforms with the 7,500 sqft per dwelling rule

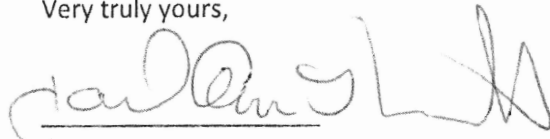
All properties are GRA zoning

September 9th, 2022

To Whom it May Concern:

I Joel Ann Thibeault, own a property at 670 Lincoln Ave, Portsmouth, New Hampshire. I am abutter to/ neighbor of David Sinclair and Nicole Giusto at 765 Middle Street, Portsmouth, NH. David and Nicole have provided me with their garage/dwelling project for which they are seeking relief from the Portsmouth zoning board of adjustment and Portsmouth Historic District Commission. This is to provide notice that I have no objection to the project. We support the granting of any and all variances or other relief required.

Very truly yours,

A handwritten signature in dark ink, appearing to read 'Joel Ann Thibeault', written over a horizontal line.


Joel Ann Thibeault


September 8th, 2022

To Whom it May Concern:

We Melissa & Brian Maguire, own a property at 774 Middle St #3, Portsmouth, New Hampshire. I am abutter to/ neighbor of David Sinclair and Nicole Giusto at 765 Middle Street, Portsmouth, NH. David and Nicole have provided me with their garage/dwelling project for which they are seeking relief from the Portsmouth zoning board of adjustment and Portsmouth Historic District Commission. This is to provide notice that I have no objection to the project. We support the granting of any and all variances or other relief required.

Very truly yours,


Melissa Maguire

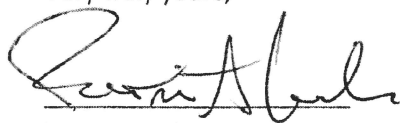

Brian Maguire

September 9th, 2022

To Whom it May Concern:

We Patricia and Charles Corlin, own a property at 736 Middle St, Portsmouth, New Hampshire. We are abutters to/ neighbors of David Sinclair and Nicole Giusto at 765 Middle Street, Portsmouth, NH. David and Nicole have provided me with their garage/dwelling project for which they are seeking relief from the Portsmouth zoning board of adjustment and Portsmouth Historic District Commission. This is to provide notice that we have no objection to the project. We support the granting of any and all variances or other relief required.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Patricia Corlin', written over a horizontal line.

Patricia Corlin

A handwritten signature in black ink, appearing to read 'Charles Corlin', written over a horizontal line.

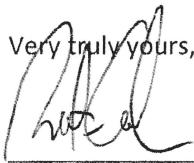
Charles Corlin

September 8th, 2022

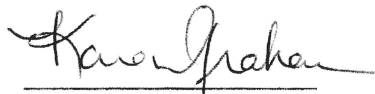
To Whom it May Concern:

We Robert Graham and Karen Graham, own a property at 664 Lincoln Avenue, Portsmouth, New Hampshire. We are abutters to/ neighbors of David Sinclair and Nicole Giusto at 765 Middle Street, Portsmouth, NH. David and Nicole have provided me with their garage/dwelling project for which they are seeking relief from the Portsmouth zoning board of adjustment and Portsmouth Historic District Commission. This is to provide notice that we have no objection to the project. We support the granting of any and all variances or other relief required.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert Graham', written over a horizontal line.

Robert Graham

A handwritten signature in black ink, appearing to read 'Karen Graham', written over a horizontal line.

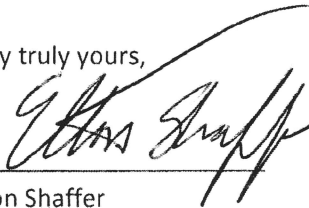
Karen Graham

May 27th, 2022

To Whom it May Concern:

We Elton Shaffer and Paula Rais, own a property at 748 Middle St, Portsmouth, New Hampshire. We are abutters to/ neighbors of David Sinclair and Nicole Giusto at 765 Middle Street, Portsmouth, NH. David and Nicole have provided me with their garage/dwelling project for which they are seeking relief from the Portsmouth zoning board of adjustment and Portsmouth Historic District Commission. This is to provide notice that we have no objection to the project. We support the granting of any and all variances or other relief required.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Elton Shaffer', written over a horizontal line.

Elton Shaffer

A handwritten signature in black ink, appearing to read 'Paula Rais', written over a horizontal line.

Paula Rais

Sept 8th, 2022

To Whom it May Concern:

We Peter Dawson and Karen Dawson, own a property at 648 Lincoln Ave, Portsmouth, New Hampshire. We are abutters to/ neighbors of David Sinclair and Nicole Giusto at 765 Middle Street, Portsmouth, NH. David and Nicole have provided me with their garage/dwelling project for which they are seeking relief from the Portsmouth zoning board of adjustment and Portsmouth Historic District Commission. This is to provide notice that we have no objection to the project. We support the granting of any and all variances or other relief required.

Very truly yours,


Peter Dawson
Karen Dawson



Follow up re variance 765 Middle Street

Kristie Jorgensen <knejorg@gmail.com>
To: sleddiver@gmail.com
From: "Nathan H. Jorgensen" <njjorgensen@mac.com>

Tue, Sep 20, 2022 at 10:22 AM

Dear David and Nicole,

We received your packet in our mailbox last week after returning from our trip traveling abroad. It was addressed to a "Carla" but we are the current owners across the street, located at 774 Middle Street, Unit 1, Portsmouth, NH.

My apologies for a delayed response but I am still ill with a Covid infection from our trip back home. I hope we are not too late in offering our support for your variance request. I just wanted to let you know that we, as abutters to the subject property at 765 Middle Street, Portsmouth, NH support your variance request and feel that it will be a very pleasant addition to the neighborhood. It does not impact parking or impact abutting structures and conforms nicely with the area and for the historic district.

Please feel free to reach out to us in the near future if you need further support in any way. As abutters and good neighbors, we are here to help.

All the best to you and your plans.

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