

# COLBY T. GAMESTER

Attorney At Law

144 Washington Street  
Portsmouth, New Hampshire 03801

(603)-427-0000  
colby@gamesterlaw.com

---

July 14, 2025

SUBMITTED VIA VIEWPOINT & HAND DELIVERED

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

**Re: Variance Application of Port Hunter, LLC  
361 Miller Avenue, Portsmouth, NH (Tax Map 131, Lot 33)  
LU-25-76**

Dear Chair Eldridge:

Please accept this letter as a supplemental memorandum to the Application and Narrative we submitted with the Planning Department on May 21, 2025, regarding the above-mentioned Property.

We realize that we unintentionally created a gap of information with our submission. As can easily be seen in the floor plans submitted for the proposed garage, the second floor of the garage contains a bathroom and two storage rooms. It would not be surprising if the Board members had questions about this when reviewing the Application much like Elizabeth Bratter had and stated the same in her public comment letter to the Board.

The Owners had been contemplating constructing an office on the second floor of garage which would include a bathroom, all of which would be for their personal use, and even raised the same when meeting with Planning Staff about this Property and proposed project.

It is the Owners' intention to include an office on the second floor of the garage. The final confirmation of the same materialized late in our internal process and, as such, did not get thoroughly addressed in the Application which was finalized and filed on the submission deadline. By way of example, the Board may also have noticed that the proposed conditions plan calls out the office use in the parking calculation, but the floor plans show a storage room. The floor plans were not updated accordingly, and by mistake and misfortune we did not address it in our narrative.

Pursuant to Section 10.440, Table of Uses, Subsection 19.20, of the Zoning Ordinance, this office use, classified as a "Home Occupation 1," is a permitted accessory use in the General Residence A zoning district, which can be entirely contained in an accessory building. The definitions of the same are as follows:

Home occupation: An office or other use customarily conducted as an accessory use to a dwelling, complying with all the following standards:

- (a) Conducted entirely within a dwelling or an existing accessory building, and with no change to the character of the dwelling or accessory building;
- (b) Maximum floor area of 300 square feet;
- (c) No outdoor storage of materials or products;
- (d) Outdoor parking of no more than one vehicle related to the home occupation;
- (e) No deliveries by vehicles with more than two axles.

Home occupation 1: A home occupation with no nonresident employees; no sign related to the business; no more than 2 client, vendor or general public visitations at one time; and no deliveries other than by regular postal service and no more than one package delivery service truck (e.g., FedEx, UPS, etc.) per day.

This office will be for the use by the Owners of the Property only. There is no intention of renting this office space to any other individual, entity, or tenant of the Property. There is no intention of attempting to convert this space into a dwelling unit. Finally, the Owners informed the direct abutters of this proposed use when they met and/or spoke with each abutter about the project.

Should there be any questions regarding this office use then we will happily address them during the presentation and public hearing.

Kindest Regards,



Colby T. Gamester, Esq.

Cc: file; Clients (via email only)