

# HOEFLE, PHOENIX, GORMLEY & ROBERTS, P.A.

ATTORNEYS AT LAW

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January 30, 2019

**HAND DELIVERED**

David Rheume, Chair  
Portsmouth Zoning Board of Adjustment  
City Hall  
1 Junkins Avenue  
Portsmouth, NH 03801

Re: Linda Fitzgerald, Trustee, Neil A. Fitzgerald Family Trust  
226 Park Street,  
Tax Map 149, Lot 50,  
GRA Zone

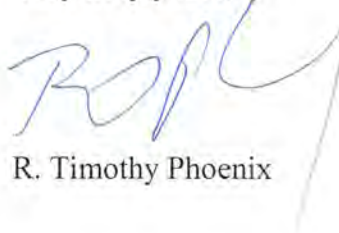
Dear Chairman Rheume & Zoning Board Members:

On behalf Linda Fitzgerald, Trustee, Neil A. Fitzgerald Family Trust, we are please to submit the following (and where required an original and eleven (11) copies) request for zoning relief sought.

- Zoning Board of Adjustment Application-submitted online 1/30/19.
- Board of Adjustment Checklist.
- Memorandum and Exhibits in support of zoning relief.

Also enclosed is our check in the amount of \$150.00 for this 2-unit residential application.

Very truly yours,



R. Timothy Phoenix

RTP/msw

Encl.

cc: Linda Fitzgerald  
Manypenny-Murphy Architects  
Alex Ross  
Ben Auger

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OF COUNSEL:  
SAMUEL R. REID

## Board of Adjustment Application Check-List

*Please complete and submit one (1) copy with your completed application.*

Property Address 226 Park Street

Completed By R. Timothy Phoenix

### APPLICATION TYPE:

- ☒ Variance or Special Exception for Dimensional Requirements
- ☐ Variance or Special Exception for Use Requirements
- ☐ Other \_\_\_\_\_

### FOR APPLICATIONS REQUESTING **DIMENSIONAL RELIEF**, THE FOLLOWING SUBMISSIONS MUST BE INCLUDED:

- ☒ Site Plan(s) showing existing and proposed conditions including:
  - ☒ Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)
  - ☒ Lot dimensions
  - ☒ Abutting street(s) and street names
  - ☒ Driveways / accessways
  - ☒ Dimensions (size and height) of structures
  - ☒ Dimensions and location of parking spaces
  - ☒ Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)
- ☒ Labeled photo(s) of existing conditions
- ☒ Building plans and elevations of any proposed structures or additions
- ☒ Interior floor plans for any renovations or expansion to existing structures

### FOR APPLICATIONS REQUESTING **LAND USE RELIEF**, THE FOLLOWING SUBMISSIONS MUST BE INCLUDED:

- ☐ Site Plan(s) showing:
  - ☐ Location of the proposed use(s) on the property
  - ☐ Site plan showing location and dimensions of parking spaces
- ☐ Interior floor plans showing the location and layout of the proposed use
- ☐ Labeled photo(s) of existing conditions

### ALL APPLICATIONS

- ☒ Complete application checklist **(1 original)**
  - ☒ Complete and signed Building Permit application **(1 original)**
    - ☐ filed previously
    - ☐ included with this packet
  - ☒ Complete and signed Board of Adjustment Application Form **(1 original, 11 copies)**
    - ☐ Property Owner signatures (on front and back of Board of Adjustment application form)
  - ☒ Written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.234.30 for Administrative Appeals, Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions) **(12 copies)**
  - ☒ Required plans / exhibits are 8 ½" x 11" or 11" x 17" in size **(12 copies)**
  - ☐ Additional information as requested by the Planning Department staff
- 
- ☒ Electronic file in Portable Document Format (PDF)
    - ☒ Sent by e-mail
    - ☐ Provided on CD-ROM
    - ☐ Provided on flash drive

**CITY OF PORTSMOUTH**  
**Zoning Board of Adjustment Application**

Department Use Only

Assessor Plan # \_\_\_\_\_

Lot # \_\_\_\_\_

Date \_\_\_\_\_

Fee \_\_\_\_\_

Zone \_\_\_\_\_

Lot area \_\_\_\_\_

By \_\_\_\_\_

Fill in below by printing in ink or typing / Complete all Blanks or indicate "N/A" if not applicable

Applicant Linda Fitzgerald, Trustee, Neil A. Fitzgerald Family Trust Owner of Record Same

Applicant Street Address 4424 SE Frazier Court Owner Street Address \_\_\_\_\_

Applicant City / State / Zip Stuart, FL 34997 Owner City / State / Zip \_\_\_\_\_

Applicant phone (\_\_\_\_) c/o 603-436-0666 Owner phone (\_\_\_\_) \_\_\_\_\_

Applicant e-mail c/o tphoenix@hpgirlaw.com

Location (street address) of proposed work: 226 Park Street

Existing use: Single family home.

Undersigned hereby requests:

Article and Section

☐ Appeal from an Administrative Decision  
See Article 2, Section 10.234.30

☐ Special Exception  
See Article 2, Section 10.232.20

☒ Variance  
See Article 2, Section 10.233.20

☐ Other \_\_\_\_\_  
See Article 2, Section 10.233.20

See attached.

To permit the following:

First floor rear bedroom addition to main house; studio DADU; remove encroaching garage, relocate in compliance with setbacks.

The undersigned alleges that the required conditions exist for granting of this request according to the terms of the Zoning Ordinance as demonstrated in the attached submittals.

Only complete applications will be accepted by the deadline date. A complete application shall consist of: a completely filled out application with original signatures, the application fee, and 12 packets of required plans and any supporting documents or photos. Incomplete applications will not be accepted. Applications received after the deadline will be scheduled for the following month. The owner or his/her representative is required to attend the Public Hearing for the above appeal.

Signature of Owner

Please PRINT name here

### Applicant's Responsibilities

1. All applications for Variances and Special Exceptions must be submitted to the Planning Department prior to the published deadline. In the case of Appeals from an Administrative Decision, the appeal shall be filed no later than 30 days from the date of the action which is being appealed.
2. A Building Permit application must also be filed for the project for which zoning relief is being sought. The Building Permit application can be submitted with the Board of Adjustment application or filed prior. The Planning Department may waive this requirement when the application is for a substandard lot for subdivision purposes and no other zoning relief is required.
3. An applicant shall be one of the following: a) the owner of record of the property, or b) the holder of a valid purchase and sales agreement for the purchase of the subject property, or c) the holder of a valid option for the purchase of the subject property.
4. All applications shall include a written statement explaining how the request complies with the requirements of the Zoning Ordinance as provided in Article 2 (see Section 10.234.30 for Administrative Appeals, Section 10.233.20 for Variances, Section 10.232.20 for Special Exceptions).
5. It is the obligation of the applicant to submit adequate plans and exhibits in accordance with the terms of the Zoning Ordinance for all applications for Administrative Appeals, Variances, Special Exceptions, and Equitable Waivers.
6. For applications requesting dimensional relief, the minimum requirements for adequate plans shall include the following:

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li><input type="checkbox"/> Site Plan(s) showing existing and proposed conditions including:<ul style="list-style-type: none"><li>- Front, side and rear setback / yard dimensions (this is the distance from a structure to the lot line)</li><li>- Lot dimensions</li><li>- Abutting street(s) and street names</li><li>- Driveways / accessways</li><li>- Dimensions (size and height) of structures</li><li>- Dimensions and location of parking spaces</li></ul></li></ul> | <ul style="list-style-type: none"><li><input type="checkbox"/> Scale of all drawings and plans (the scale is the ratio of the drawing's size relative to the actual size)</li><li><input type="checkbox"/> Labeled photo(s) of existing conditions</li><li><input type="checkbox"/> Building plans and elevations of any <i>proposed</i> structures or additions</li><li><input type="checkbox"/> Interior floor plans for any renovations or expansion to existing structures</li></ul> |
|--|--|

7. For applications requesting relief from land use requirements, the minimum requirements for adequate plans shall include the following:

- |   |
|---|
| <ul style="list-style-type: none"><li><input type="checkbox"/> Site Plan showing dimensions and location of parking spaces including the scale (the scale is the ratio of the drawing's size relative to the actual size)</li><li><input type="checkbox"/> Interior floor plans and/or exterior site plans showing the location of the proposed use(s)</li><li><input type="checkbox"/> Labeled photo(s) of existing conditions</li></ul> |
|---|

8. Plans should be 8 1/2" x 11" in size, 11" x 17" plans may be used only if the plan would otherwise be unreadable.
9. The Planning Department is authorized by the Board of Adjustment to refuse applications which do not meet these minimum requirements. The Planning Department may also require additional information and/or exhibits as needed to illustrate the scope of the project. Public Hearings shall not be scheduled, advertised or held until such time as the minimum requirements for adequate plans have been submitted. The Board may postpone any application requiring more information prior to any action being taken.
10. The applicant shall submit one (1) original and eleven (11) copies of the application and any plans, exhibits, and supporting documents.
11. The applicant shall provide electronic files in Portable Document Format (PDF) of all submittals. An applicant may request a waiver from this requirement. The request should be made in writing to the Planning Director one week prior to the submission deadline and should explain why the applicant is unable to provide electronic files.

I have read the above list of responsibilities, have provided all required information, and such information is current, accurate, and complete to the best of my knowledge.

G. M. Sheel beneficiary

1/30/19  
(Applicant's Signature, date)

The Applicant is encouraged to consider the following when completing the application:

- ☐ Provide neat and clear plans
- ☐ Use of color or highlights is encouraged in order to identify pertinent areas on plans
- ☐ Applicants are encouraged to review the application with a member of the Planning Department staff prior to submittal
- ☐ All applicants are encouraged to discuss the project with impacted neighbors

# ZONING RELIEF CHART

Neil A. Fitzgerald Family Trust

226 Park Street

| <u>Section</u>                             | <u>Required</u>                | <u>Existing</u> | <u>Proposed</u> |
|--|--------------------------------|-----------------|-----------------|
| <u>§10.814.51-</u><br><u>Lot size GRA</u>  | 15,000 s.f.<br>(two dwellings) | 8,736 s.f.      | 8,736s.f.       |
| <u>§10.521</u><br><u>Building Coverage</u> | 25%                            | 16.2%.          | 31.4%           |
|  |                                |                 |                 |



## MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment ("ZBA")  
FROM: R. Timothy Phoenix, Esquire  
DATE: January 30, 2019  
RE: Neil A. Fitzgerald Family Trust, Linda Fitzgerald, Trustee, Owner/Applicant;  
Property Location: 226 Park Street  
Tax Map 149, Lot 50  
GRA Zone

Dear Zoning Board Members:

On behalf of Neil A. Fitzgerald Family Trust ("Fitzgerald Trust"), Linda Fitzgerald, Trustee, Owner/Applicant ("Applicant"), we offer the following in support of a request variances with respect to the renovation of the exiting home, removal an encroaching garage, and erection of setback conforming garage and detached accessory dwelling unit ("DADU")<sup>1</sup>:

### **I. Exhibits**

1. 1/30/19 Site Plan-Existing and Proposed Conditions- by Ross Engineering, Inc.
2. 1/30/19 Architectural Elevation and Floor Plans by Manypenny-Murphy Architects.
3. Site Photographs.
4. Tax Map 149.

### **II. Property/Project**

226 Park Street is a 8,736 s.f. lot upon which is located a decades-old single family bungalow style home toward the front of the lot with 47.69 ft. of frontage. This pre-1966 lot is a prior nonconforming lot. In the right side setback is a one-car garage one foot from the property line.

Linda Fitzgerald, trustee and beneficiary of the owner trust and, upon renovation will reside in the main house. As her age advances, she seeks first floor living. The project calls for a rear, setback compliant addition providing a bedroom, closet, bathroom and washer-dryer. The addition has been oriented to permit views from the main house to the back yard.

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<sup>1</sup> The Owner/Applicant has simultaneously filed with the Portsmouth Planning Board an application for approval of a Detached Accessory Dwelling unit ("DADU")

The nonconforming garage will be removed. To the rear of the lot will be a setback complaint single story DADU. Next to it will be located a setback compliant detached one-car garage. Ms. Fitzgerald will utilize the garage. The DADU will be initially occupied by Peter Fitzgerald, Ms. Fitzgerald's son, who is also a beneficiary of the Fitzgerald Trust.

Zoning relief is required because the addition, new garage and DADU will exceed the 25% building coverage limitation. Additionally, the single dwelling requires 7,500 s.f. where 8,736 s.f. exists; two units now requires 15,000 s.f. in the GRA district.

### **III. Support for ADU's.**

In 2016 the New Hampshire Legislature enacted laws of 2016 Chapter 6:1 which provides:

An ACT relative to accessory dwelling units. Be in Enacted by the Senate and House of Representatives in General Court convened 6:1:

**Findings.** The general court declares that:

- I. There is a growing need for more diverse affordable housing opportunities for the citizens of New Hampshire.
- II. Demographic trends are producing more households where adult children wish to give care and support to parents in a semi-independent living arrangement.
- III. Elderly and disabled citizens are in need of independent living space for caregivers.
- IV. There are many important societal benefits associated with the creation of accessory dwelling units, including:
  - a. Increasing the supply of affordable housing without the need for more infrastructure or further land development.
  - b. Benefits of aging homeowners, single parents, recent college graduates who are saddled with significant student loan debt, caregivers, and disabled persons.
  - c. Integrating affordable housing into the community with minimal negative impact.
  - d. Providing elderly citizens with the opportunity to live in a supportive family environment with both independence and dignity.



The Legislature went on to pass RSA 674:71-73, requiring all municipalities to permit ADUs. DADUs are permitted by option RSA 674:73, which the City of Portsmouth has adopted.

This request for DADU fulfills the legislature's declaration. It will permit Linda Fitzgerald to remain in her own home as she ages, while her adult son will reside in the DADU. Aside from the familial aspects, it will allow affordable housing without further infrastructure.

**IV. Zoning Relief.**

| <b><u>Section</u></b>                | <b><u>Required</u></b>         | <b><u>Existing</u></b> | <b><u>Proposed</u></b> |
|--------------------------------------|--------------------------------|------------------------|------------------------|
| <u>§10.814.51-<br/>Lot size GRA</u>  | 15,000 s.f.<br>(two dwellings) | 8,736 s.f.             | 8,736s.f.              |
| <u>§10.521<br/>Building Coverage</u> | 25%                            | 16.2%.                 | 31.4%                  |

**V. Variance Requirements**

- 1. The variances will not be contrary to the public interest.**
- 2. The spirit of the ordinance is observed.**

These two requirements are considered together pursuant to Malachy Glen Associates, Inc. v. Town of Chichester, 155 N.H. 102 (2007) and its progeny.

The issue is whether granting a variance “would unduly and to a marked degree conflict with the ordinance such that it violates the ordinance’s basic zoning objectives”. *Id.* “Mere conflict with the zoning ordinance is not enough”. *Id.*

In order to examine the public interest and spirit of the ordinance requirements, we turn to the purpose of the zoning ordinance (PZO)§10.120 which is “to promote the health, safety and general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan...intended to implement the goals and objectives of the Master Plan by regulating:

1. The use of land, buildings and structures for business, industrial, residential and other purposes-The use is residential. The new addition will be behind the house and will allow the aging owner to enjoy first floor living. The DADU meets the goals of the State and the City to provide smaller, more affordable residential dwelling units. A significantly nonconforming



existing garage will be removed. The structures meet all required setbacks. The need for relief is due to the size of the lot. The use of land and buildings as here proposed is reasonable.

2. The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space-For the reasons set forth above, the intensity is reasonable, particularly where all setbacks will now be met.

3. The design of facilities for vehicular access, circulation, parking and loading-There is ample room for the three vehicles required.

4. The impact on properties of outdoor lighting, noise, vibration, stormwater runoff and flooding-There will be essentially no change.

5. The preservation and enhancement of the visual environment-Located behind the home and near a wooded area, the visual environment will be preserved.

6. The preservation of historic districts and buildings and structures of historic architectural interest-This property is not in the historic district. The bungalow style home will be preserved.

7. The protection of natural resources, including groundwater, surface water, wetlands, wild life habitat and air quality-The project will not negatively affect these purposes.

In considering the effect of granting the requested variances on basic zoning objectives, required to determine public interest and spirit of the ordinance compliance, the Malachy Glen, Court further 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)

As Tax Map 149, Exhibit 5, depicts, the area is comprised of large and small lots with large and small homes, many of which at least visually appear to violate setback and possibly lot sizes and coverages. The addition to permit first floor living, a setback compliant one-story DADU and the setback compliant garage replacing a nonconforming one, all located to the rear of the home, neither alter the essential character of the locality nor threaten the public health, safety or welfare.

**3. Granting the variance will not diminish surrounding property values.**

Given the location and size of the addition, DADU and relocated garage behind the home, essentially out of public view, all setback compliant with setback will clearly not diminish surrounding property values.

**4. Denial of the variances results in an unnecessary hardship.**

a. Special conditions distinguish the property from others in the area.

The size of the lot and size/location of the existing home cannot be changed. These features limit the location for an addition, DADU, and setback compliant garage. The addition is reasonably sized to accommodate Ms. Fitzgerald's bedroom, bathroom, closet and washer/dryer while maintaining required setbacks. At 410 s.f., the DADU meets the zoning ordinance requirements, and is modest. The detached one-car garage is an improvement over the noncompliant existing garage. Since the lot size is unchangeable, adding these features creates the need for the relatively minor building coverage and lot size variances. 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.

Building coverage and lot size limitations are designed to provide for adequate air, light, space, sight line and stormwater treatment. Given the location of the addition, DADU and garage directly behind the home in the vicinity of a forested area, and sizes of other lots and homes in the area there is no harm to the general public from granting these variances. Thus no fair and substantial relationship exists between the public purposes of the coverage and lot size requirements and their application in this instance. This is especially true where the project provides first floor living for an aging owner, removes a significantly encroaching garage and provides for a stated goal of the State and City to provide accessory dwelling units.

c. The proposed use is reasonable.

The use is and will remain residential so 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, L.L.C., 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. As stated, the addition, DADU and garage all meet required setbacks. They require relief only because when the garage is moved and the reasonably sized first floor main house additions and DADU are added. The lot size renders building coverage and lot square footage requirements noncompliant. Given the goal to encourage accessory dwelling units, comfortable and safe living for aging residents, the setback encroachment improvement and the location of the addition, DADU and garage directly behind the main house, they will be virtually unnoticed by the general public. Thus there is no harm to the general public from granting the variance. Conversely, denial of the requested variances denies the owner of intended first floor living and the State/City encouraged small additional dwelling unit. In this particular instance there is further harm because the intended occupants are mother and adult son. Given the eclectic size and shape of lots and homes in the area, the requested structures, and thus the variance relief is reasonable. There is simply no benefit to the general public in denying the variances that would outweigh the hardship to the Owner/Applicant if these reasonable variances are denied.

**VI. Conclusion**

For all of the reasons stated, the Applicant respectfully requests that the Portsmouth Zoning Board of Adjustment grant each variance request.

Respectfully submitted,

Neil A. Fitzgerald Family Trust

  
By: R. Timothy Phoenix  
Hoefle, Phoenix, Gormley & Roberts, P.A.  
127 Parrott Avenue  
Portsmouth, NH 03801



SEE NOTE 2



LOCUS PLAN  
N.T.S.

**NOTES**

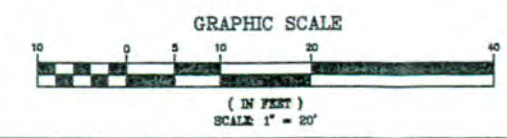
- 1) OWNER OF RECORD:  
NEIL A. FITZGERALD FAMILY TRUST  
TAX MAP 149, LOT 50  
226 PARK STREET  
PORTSMOUTH, NH 03801  
RCRD: 5922-1120  
AREA: 8,736 SF, 0.20 ACRES
- 2) BASIS OF BEARING HELD FROM PLAN REFERENCE #1.
- 3) PARCEL IS IN GENERAL RESIDENCE A (GRA)  
MINIMUM LOT AREA.....7,500 SF  
MIN. LOT AREA PER DWELLING UNIT.....7,500 SF  
MINIMUM FRONTAGE.....100 FT  
MINIMUM DEPTH.....10 FT  
SETBACKS:  
FRONT.....15 FT  
SIDE.....10 FT  
REAR.....20 FT  
MAXIMUM BUILDING HEIGHT:  
SLOPED ROOF.....35 FT  
FLAT ROOF.....30 FT  
MAXIMUM BUILDING COVERAGE.....25%  
MINIMUM OPEN SPACE.....30%
- 4) THE PARCEL IS NOT WITHIN A FEMA FLOOD ZONE, AS PER FLOOD INSURANCE RATE MAP #33015C0254E, DATED MAY 17, 2005.

**REFERENCE PLANS**

- 1) "LOT LINE REVISION PLAN 226 & 212 PARK STREET" BY TFMORAN, INC., DATED JUNE 28, 2017. RCRD D-40453
- 2) "BOUNDARY SKETCH 226, 212 & 204 PARK STREET" BY TFMORAN INC., DATED NOVEMBER 13, 2017.

**LEGEND**

- 100- EXISTING CONTOUR
- 100- PROPOSED CONTOUR
- 100x00 SPOT ELEVATION
- ⊙ DRAIN MANHOLE
- ⊙ SEWER MANHOLE
- ⊙ MONUMENT TO BE SET
- ⊙ MONUMENT FOUND
- ⊙ UTILITY POLE
- OHU- OVERHEAD UTILITIES
- VERTICAL GRANITE CURB
- ⊕ WATER SHUT-OFF



**ROSS ENGINEERING**  
Civil/Structural Engineering  
& Surveying  
909 Idington St.  
Portsmouth, NH 03801  
(603) 433-7560

CLIENT  
MANYPENNY MURPHY  
ARCHITECTURE  
96 PENHALLOW ST  
PORTSMOUTH, NH 03801  
TITLE

**EXISTING CONDITIONS**

226 PARK ST  
PORTSMOUTH, NH 03801  
TAX MAP 149, LOT 50



## NOTES

- 1) OWNER OF RECORD:  
NEIL A. FITZGERALD FAMILY TRUST  
TAX MAP 149, LOT 50  
226 PARK STREET  
PORTSMOUTH, NH 03801  
RCRD: 5422-1120  
AREA: 8,736 SF, 0.20 ACRES
- 2) ZONING REGULATIONS  
ZONE: GENERAL RESIDENCE A (GRA)  
MINIMUM LOT AREA: 7,500 SF  
MINIMUM STREET FRONTAGE: 100 SF  
MINIMUM LOT DEPTH: 10 FT  
MINIMUM FRONT SETBACK: 10 FT  
MINIMUM SIDE SETBACK: 10 FT  
MINIMUM REAR SETBACK: 20 FT  
MAXIMUM BUILDING COVERAGE: 25%  
MAXIMUM BUILDING HEIGHT: 35 FT  
MINIMUM OPEN SPACE: 30%
- 3) COVERAGES:  
BUILDING COVERAGE  
EXISTING BUILDING COVERAGE  
HOUSE: 862 SF  
GARAGE: 210 SF  
STAIRS 118": 62 SF  
PORCH: 284 SF  
EXISTING BUILDING COVERAGE: 1,418 SF = 16.2%  
PROPOSED BUILDING COVERAGE  
HOUSE: 1,481 SF  
GARAGE: 300 SF  
STAIRS 118": 100 SF  
PORCH: 422 SF  
ACCESSORY BUILDING UNIT: 437 SF  
PROPOSED BUILDING COVERAGE: 2,740 SF = 31.4%  
OPEN SPACE  
EXISTING OPEN SPACE: 1,418 SF  
BUILDING COVERAGE: 251 SF  
OVERHANG: 127 SF  
CONCRETE PAD: 12 SF  
PAVED DRIVEWAY: 840 SF  
TOTAL LOT COVERAGE: 2,511 SF  
EXISTING OPEN SPACE = 8,736 SF - 2,511 SF = 6,225 SF  
EXISTING OPEN SPACE = 70.6%  
PROPOSED OPEN SPACE  
BUILDING COVERAGE: 2,740 SF  
OVERHANG: 127 SF  
RETAINING WALL: 42 SF  
SLOPED PAVING: 43 SF  
PAVED DRIVEWAY: 1,334 SF  
TOTAL LOT COVERAGE: 4,286 SF  
PROPOSED OPEN SPACE = 8,736 SF - 4,286 SF = 4,450 SF  
PROPOSED OPEN SPACE = 50.9%

## BUILDING COVERAGE

|                    | EXISTING | PROPOSED |
|--------------------|----------|----------|
| HOUSE              | 862 SF   | 1,481 SF |
| GARAGE             | 210 SF   | 300 SF   |
| STAIRS             | 62 SF    | 100 SF   |
| PORCHES            | 284 SF   | 422 SF   |
| ACCESSORY DWELLING | 0 SF     | 437 SF   |
| TOTAL              | 1,418 SF | 2,740 SF |
| BUILDING COVERAGE  | 16.2%    | 31.4%    |

## LOT COVERAGE

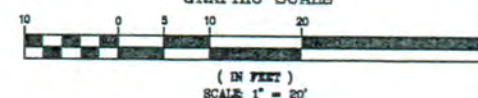
|                   | EXISTING | PROPOSED |
|-------------------|----------|----------|
| BUILDING COVERAGE | 1,418 SF | 2,740 SF |
| OVERHANG          | 251 SF   | 127 SF   |
| CONCRETE PAD      | 12 SF    | 0 SF     |
| RETAINING WALL    | 0 SF     | 42 SF    |
| SLOPED PAVING     | 0 SF     | 43 SF    |
| PAVED DRIVEWAY    | 840 SF   | 1,334 SF |
| PERVIOUS SURFACE  | 0 SF     | 240 SF   |
| TOTAL             | 2,511 SF | 4,286 SF |
| LOT COVERAGE      | 28.4%    | 48.8%    |
| OPEN SPACE        | 10.6%    | 50.9%    |

\* - NOT INCLUDED IN TOTAL IMPERVIOUS COVER

## LEGEND

- 100 — EXISTING CONTOUR
- 100 — PROPOSED CONTOUR
- 100x00 SPOT ELEVATION
- ① DRAIN MANHOLE
- ② SEWER MANHOLE
- ⊕ MONUMENT TO BE SET
- ⊙ MONUMENT FOUND
- ⊙ UTILITY POLE
- OHU — OVERHEAD UTILITIES
- VGC — VERTICAL GRANITE CURB
- ⊕ WATER SHUT-OFF

## GRAPHIC SCALE



NEIL A. FITZGERALD FAMILY TRUST  
KARA MOSS & LINDA FITZGERALD  
TRUSTEES  
TAX MAP 149, LOT 50  
RCRD 5922-1120  
8,736 SQFT, 0.20 ACRES

N/F ALEXANDER C. GARSIDE &  
NICOLE OUTSEN  
TAX MAP 149, LOT 51  
RCRD 5810-2617

N/F TAYLOR H. &  
PATRICK J. WOODS  
TAX MAP 149, LOT 45  
RCRD 5515-1244

N/F STEVEN SACKS & PAMELA K. BATTIN  
TAX MAP 149, LOT 46  
RCRD 2751-1561

N/F TIMOTHY & MARY  
ELLEN MCNAMARA  
TAX MAP 149, LOT 47  
RCRD 5374-237

N/F JOHN E. CECKLER  
TAX MAP 149, LOT 48  
RCRD 4744-1586

N/F STEPHEN F. &  
ANNE B. COLLINS  
TAX MAP 149, LOT 49  
RCRD 3740-421

PARK ST



## SITE PLAN

226 PARK ST  
PORTSMOUTH, NH 03801  
TAX MAP 149, LOT 50

DATE: 12-09-18  
DRAWN: 2 OF 2  
ISSUE: 2





1. EAST ELEVATION, HOUSE



2. EAST ELEVATION, GARAGE



3. WEST ELEVATION, HOUSE

226 PARK STREET  
EXISTING PHOTOGRAPHS  
January 30, 2019



4. WEST ELEVATION, GARAGE AND HOUSE





5. NORTH ELEVATION, HOUSE



6. NORTH ELEVATION, GARAGE



7. SOUTH ELEVATION, HOUSE

226 PARK STREET  
EXISTING PHOTOGRAPHS  
January 30, 2019



8. SOUTH ELEVATION, GARAGE





9. ADJACENT PROPERTIES, REAR YARD LOOKING SOUTHWEST



10. ADJACENT PROPERTIES, SOUTH SIDE YARD LOOKING SOUTHEAST



11. ADJACENT PROPERTIES, REAR YARD LOOKING NORTHWEST



12. ADJACENT PROPERTIES, NORTH YARD LOOKING EAST

226 PARK STREET  
EXISTING PHOTOGRAPHS  
January 30, 2019



ABUTTERS AND PROXIMATE PROPERTIES



230 PARK



226 PARK



212 PARK



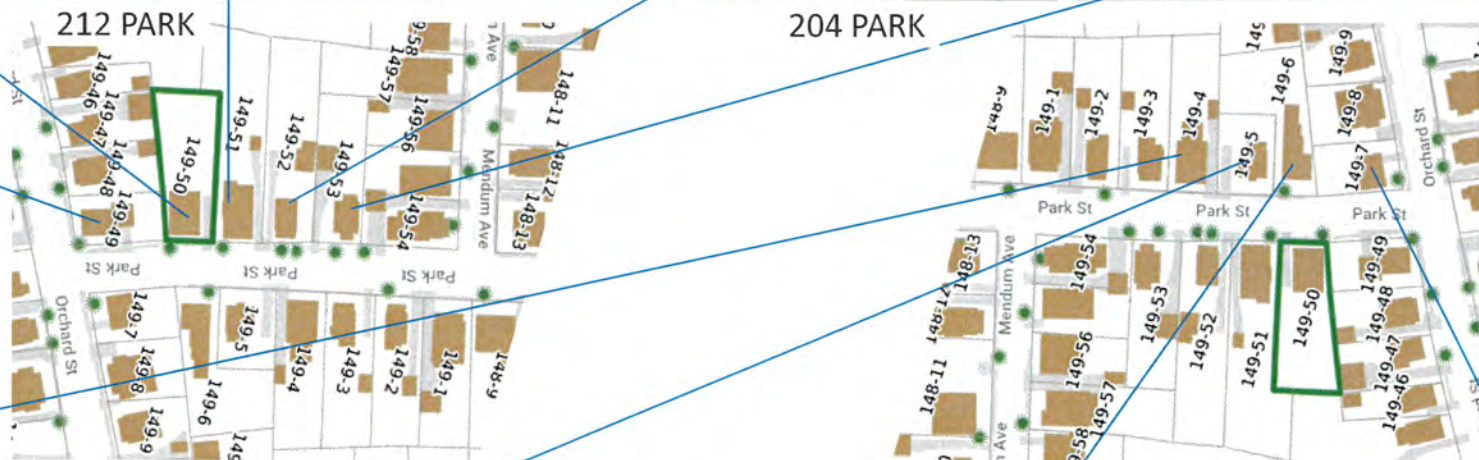
204 PARK



192 PARK

WEST SIDE OF PARK STREET

EAST SIDE OF PARK STREET



201 PARK



201/211 PARK



211 PARK



227 PARK



75 ORCHARD

75 ORCHARD

226 PARK STREET

PHOTOGRAPHS OF ADJACENT/PROXIMATE PROPERTIES

January 30, 2019

MANYPENNY | MURPHY ARCHITECTURE



ABUTTERS AND PROXIMATE PROPERTIES



115 ORCHARD YARD



115 ORCHARD



109 ORCHARD



99 ORCHARD



91 ORCHARD



230 PARK

NORTH SIDE OF ORCHARD STREET



SOUTH SIDE OF ORCHARD STREET



NORTH SIDE OF ORCHARD STREET, CONTINUED



75 ORCHARD



75/47 ORCHARD YARDS

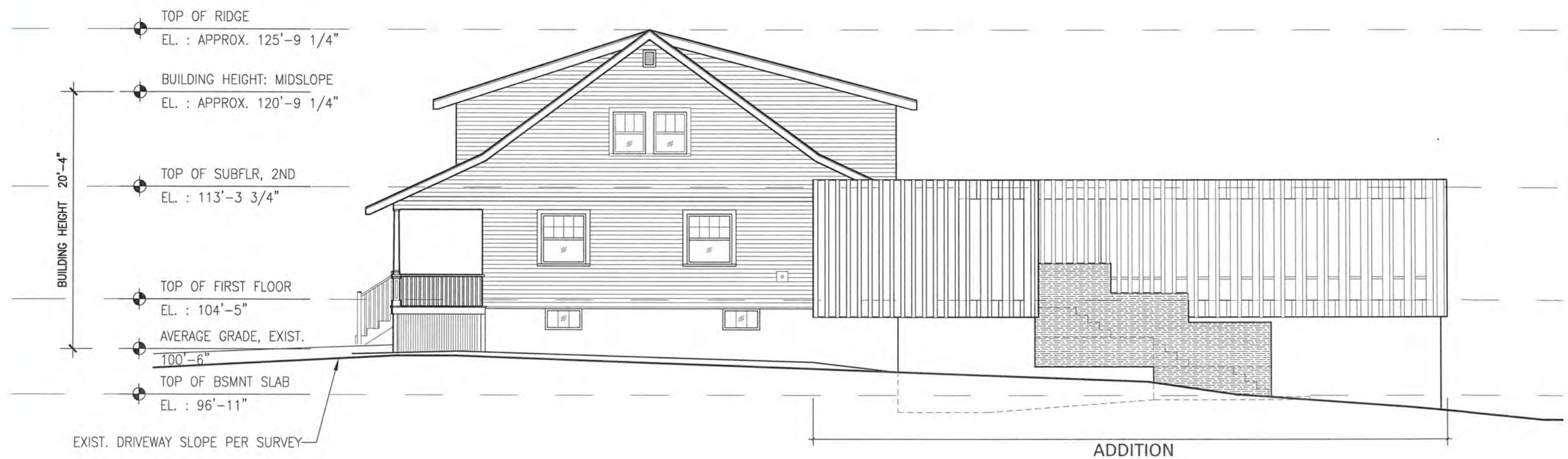


47 ORCHARD

226 PARK STREET

PHOTOGRAPHS OF ADJACENT/PROXIMATE PROPERTIES  
January 30, 2019





HOUSE/ADDITION NORTH ELEVATION

226 PARK STREET

PROPOSED ELEVATIONS, RENOVATIONS/ADDITION AT EXISTING HOUSE

Scale 1/8"=1'-0"

January 30, 2019

MANYPENNY | MURPHY ARCHITECTURE



HOUSE/ADDITION SOUTH ELEVATION

226 PARK STREET

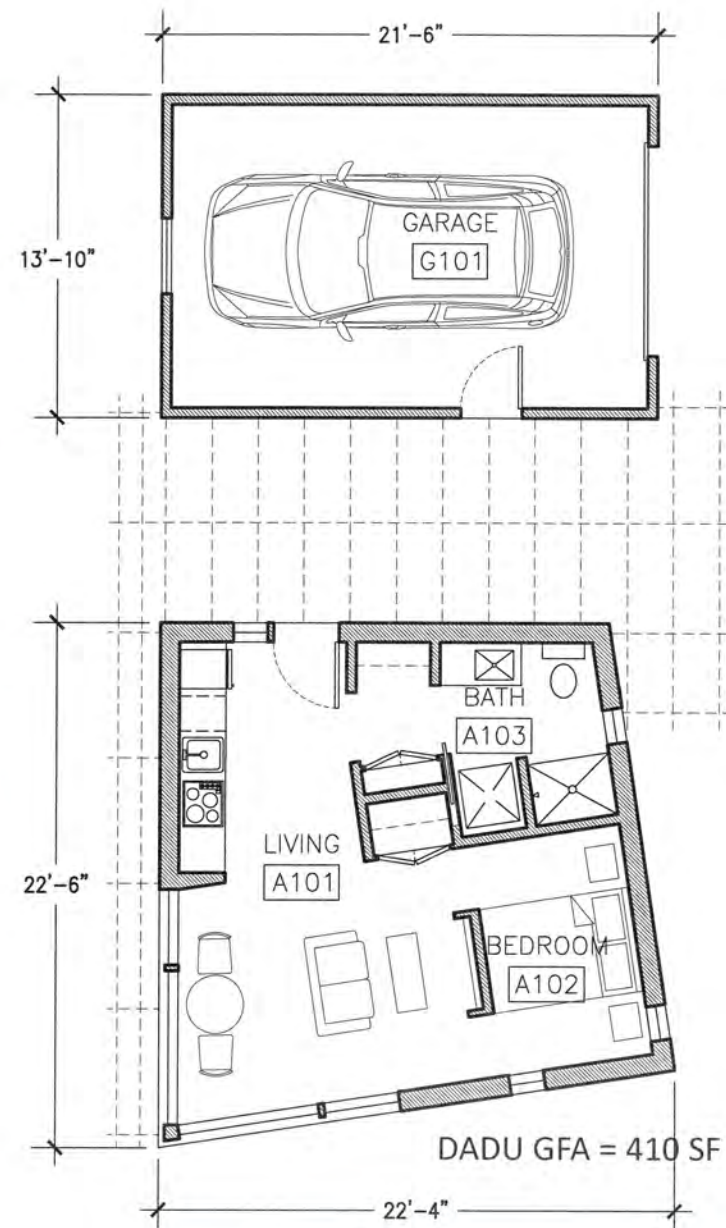
PROPOSED ELEVATIONS, RENOVATIONS/ADDITION AT EXISTING HOUSE

Scale 1/8"=1'-0"

January 30, 2019

MANYPENNY | MURPHY ARCHITECTURE





DADU AND GARAGE GROUND FLOOR PLANS

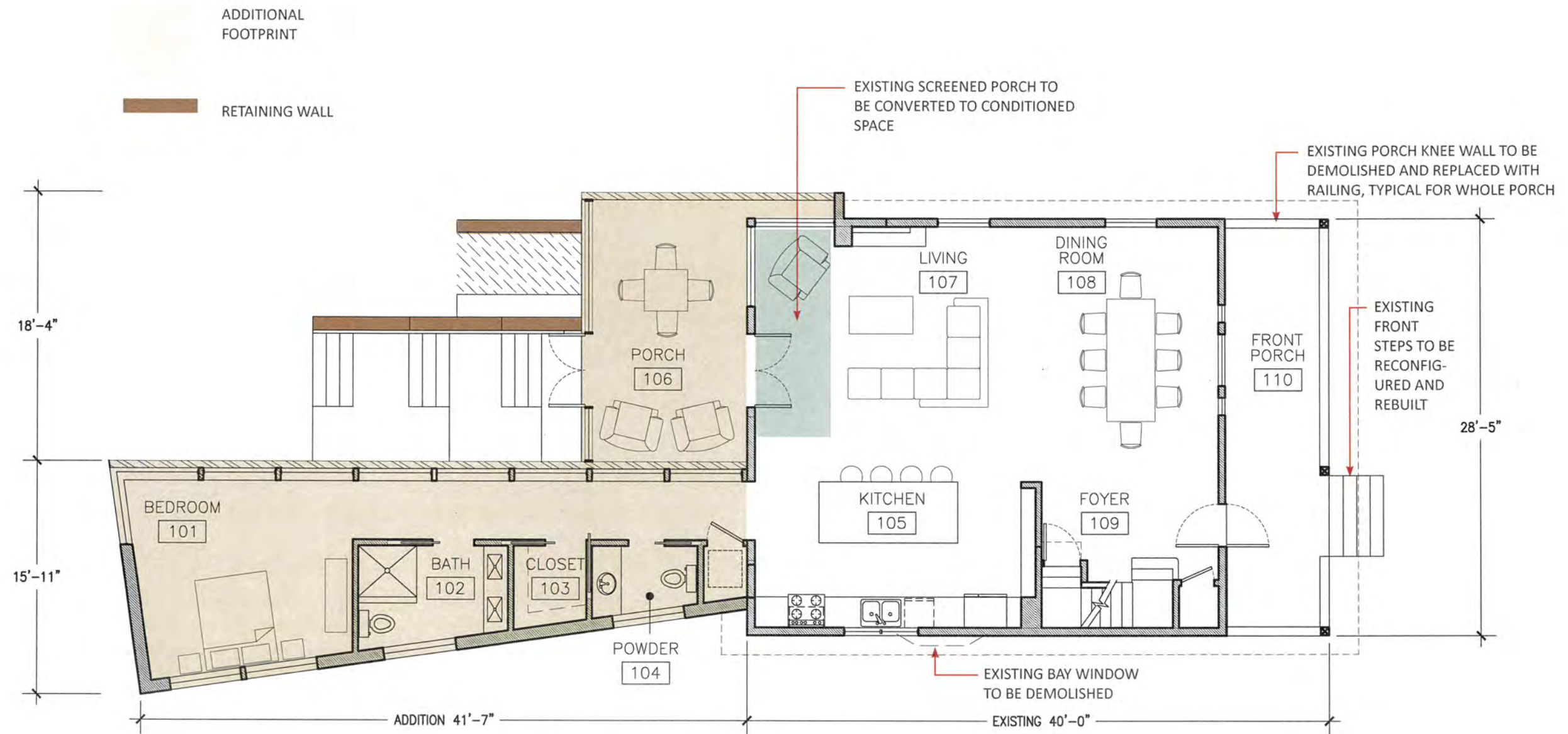
## 226 PARK STREET

PROPOSED DADU AND GARAGE FLOOR PLAN

Scale 1/8"=1'-0"

January 30, 2019

MANYPENNY | MURPHY ARCHITECTURE



## FIRST FLOOR PLAN

### 226 PARK STREET

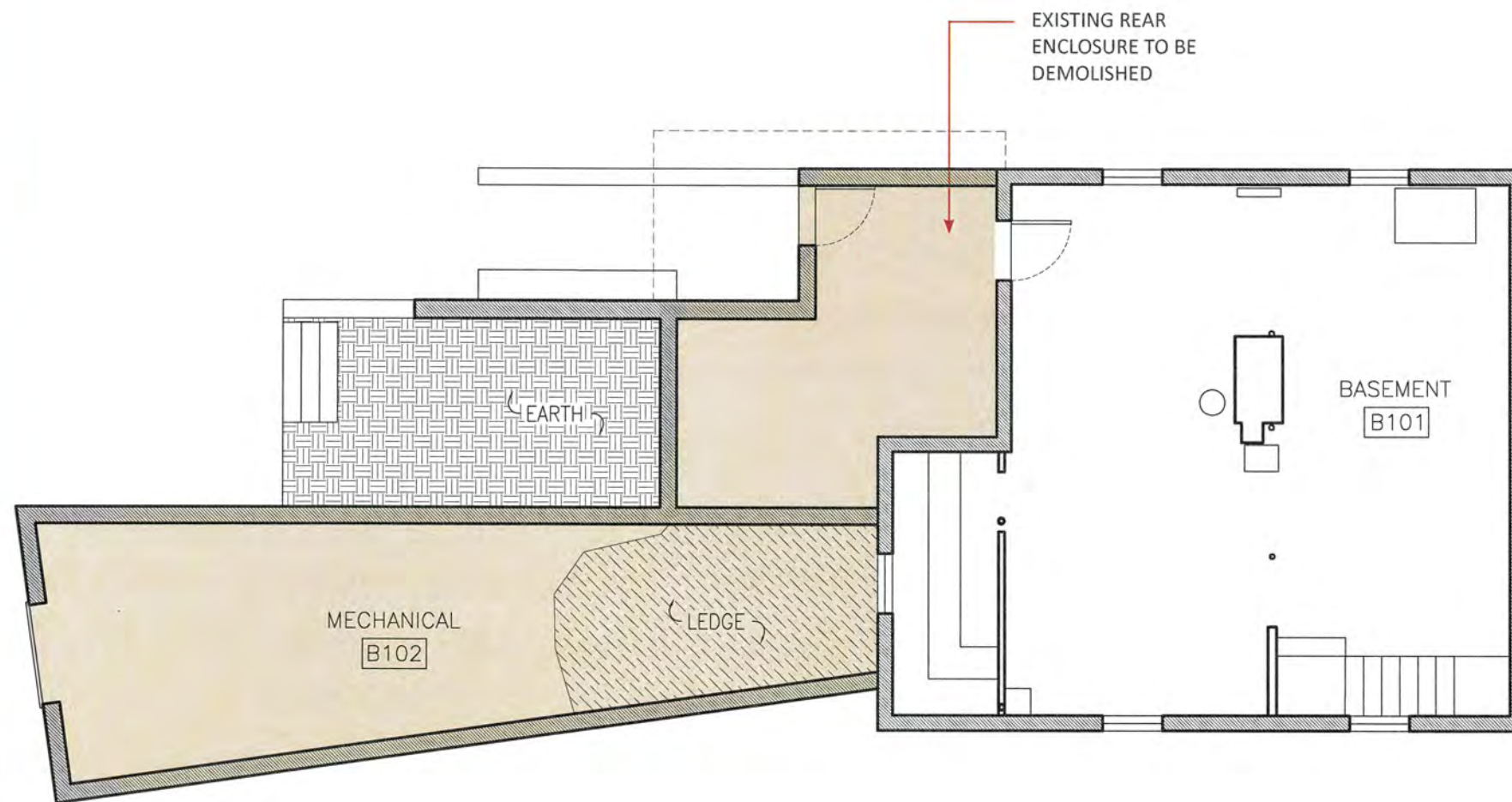
PLANS OF PROPOSED RENOVATIONS/ADDITION AT EXISTING HOUSE

Scale 1/8"=1'-0"

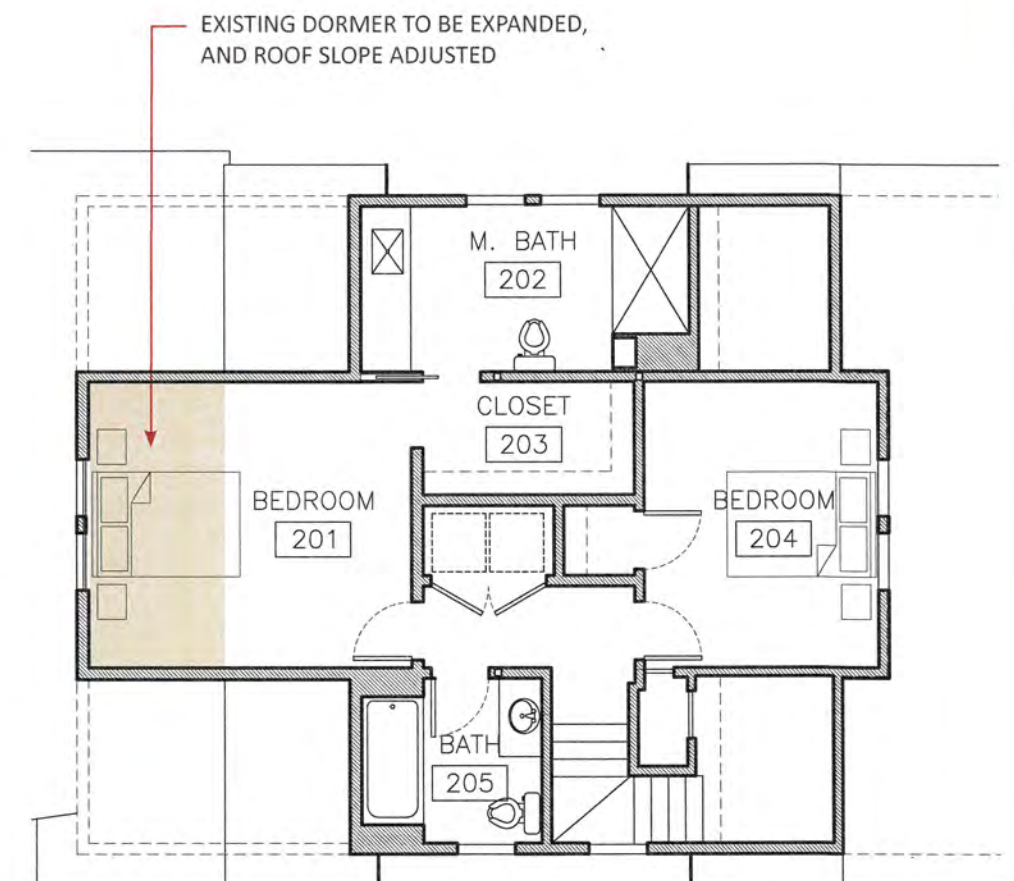
January 30, 2019

MANYPENNY | MURPHY ARCHITECTURE





BASEMENT FLOOR PLAN



SECOND FLOOR PLAN

## 226 PARK STREET

PLANS OF PROPOSED RENOVATIONS/ADDITION AT EXISTING HOUSE

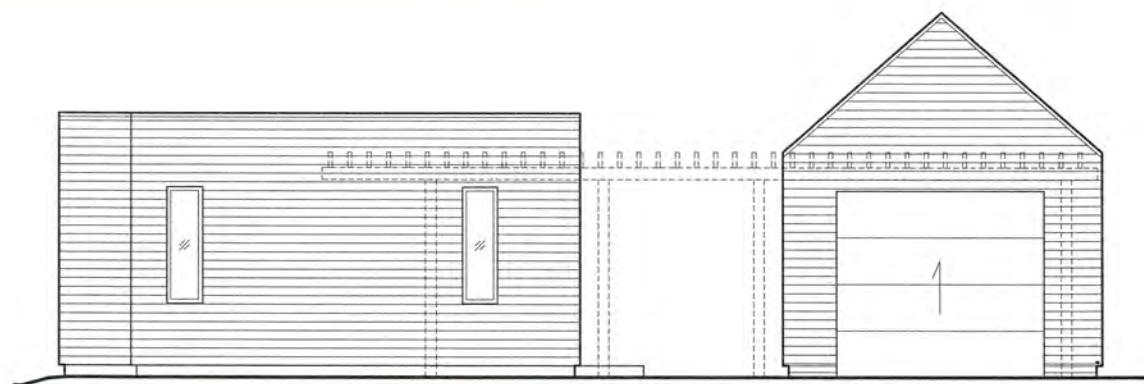
Scale 1/8"=1'-0"

January 30, 2019

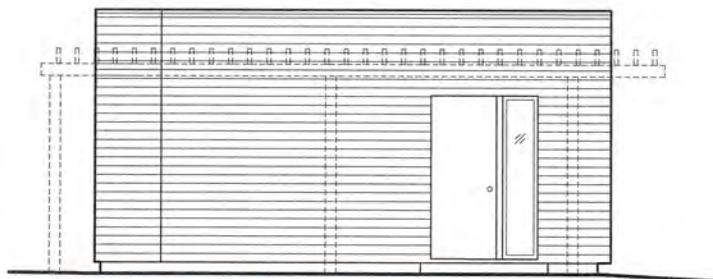
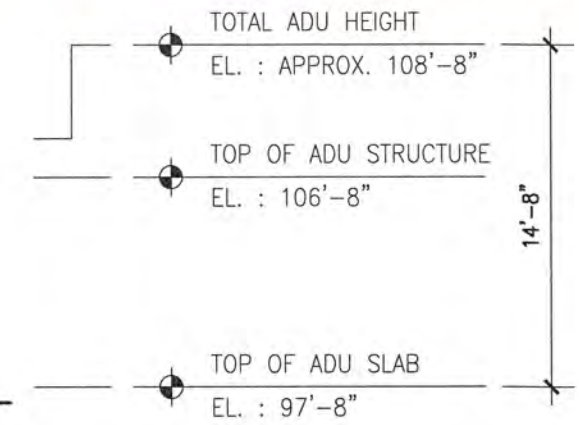
MANYPENNY | MURPHY ARCHITECTURE



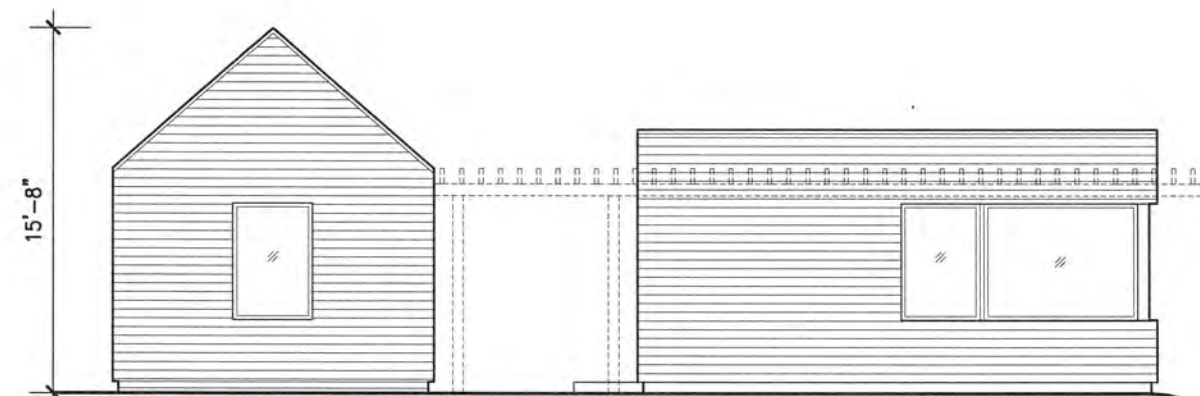
DADU SOUTH ELEVATION



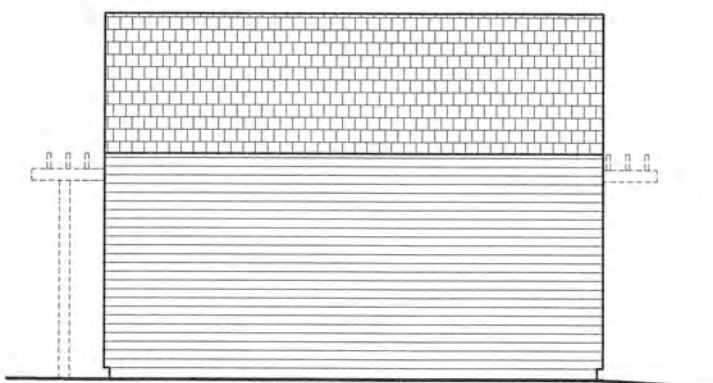
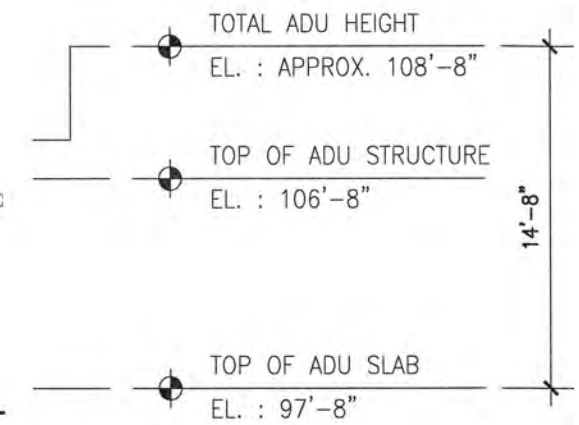
DADU & GARAGE EAST ELEVATION



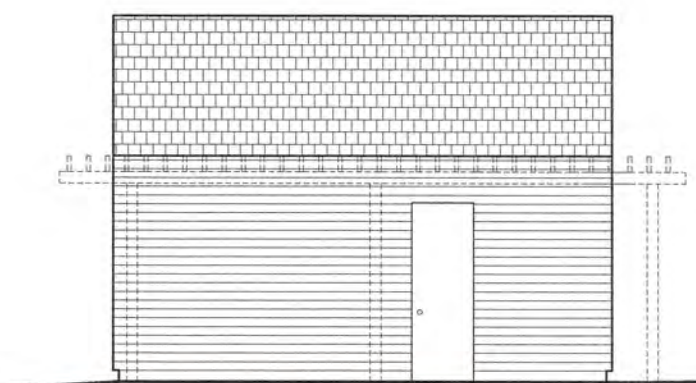
DADU NORTH ELEVATION



DADU & GARAGE WEST ELEVATION



GARAGE NORTH ELEVATION



GARAGE SOUTH ELEVATION

## 226 PARK STREET

PROPOSED ELEVATIONS, DADU

Scale 1/8"=1'-0"

January 30, 2019

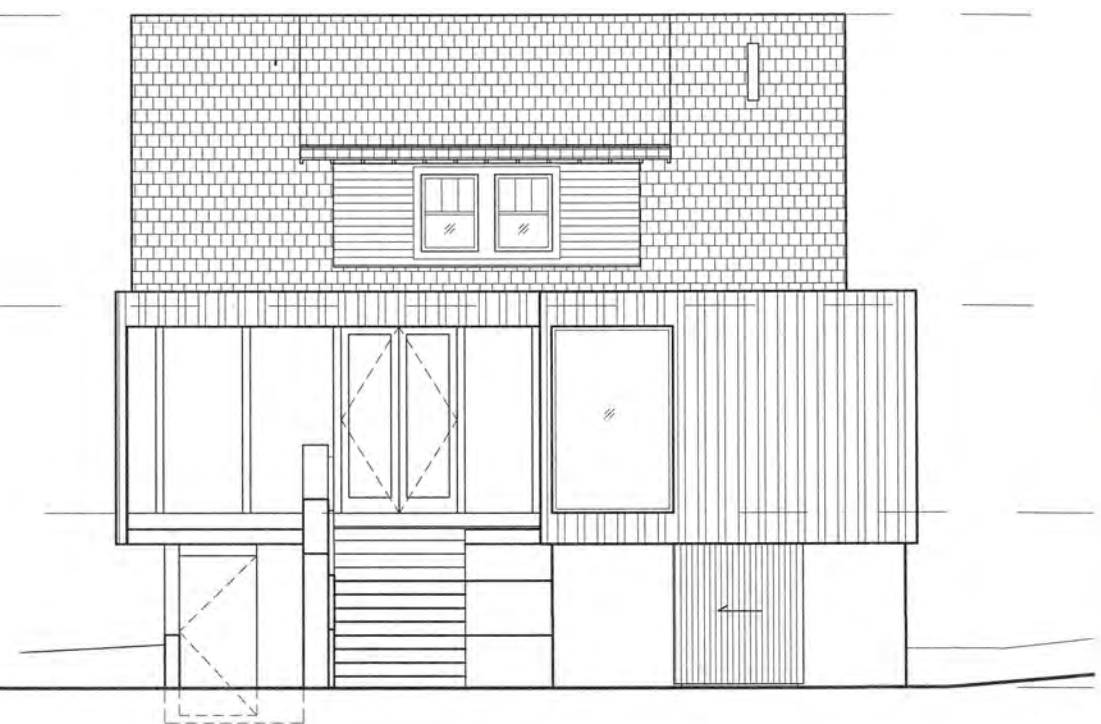
MANYPENNY | MURPHY ARCHITECTURE





HOUSE EAST ELEVATION

- TOP OF RIDGE  
EL. : APPROX. 125'-9 1/4"
- BUILDING HEIGHT: MIDSLOPE  
EL. : APPROX. 120'-9 1/4"
- TOP OF SUBFLR, 2ND  
EL. : 113'-3 3/4"
- TOP OF FIRST FLOOR  
EL. : 104'-5"
- AVERAGE GRADE, EXIST.  
100'-6"
- TOP OF BSMNT SLAB  
EL. : 96'-11"



HOUSE/ADDITION WEST ELEVATION

## 226 PARK STREET

PROPOSED ELEVATIONS, RENOVATIONS/ADDITION AT EXISTING HOUSE

Scale 1/8"=1'-0"

January 30, 2019

MANYPENNY | MURPHY ARCHITECTURE

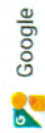


Google Maps 227 Park St

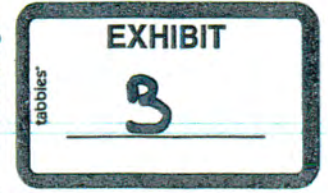


Image capture: Sep 2011 © 2019 Google

Portsmouth, New Hampshire



Street View - Sep 2011

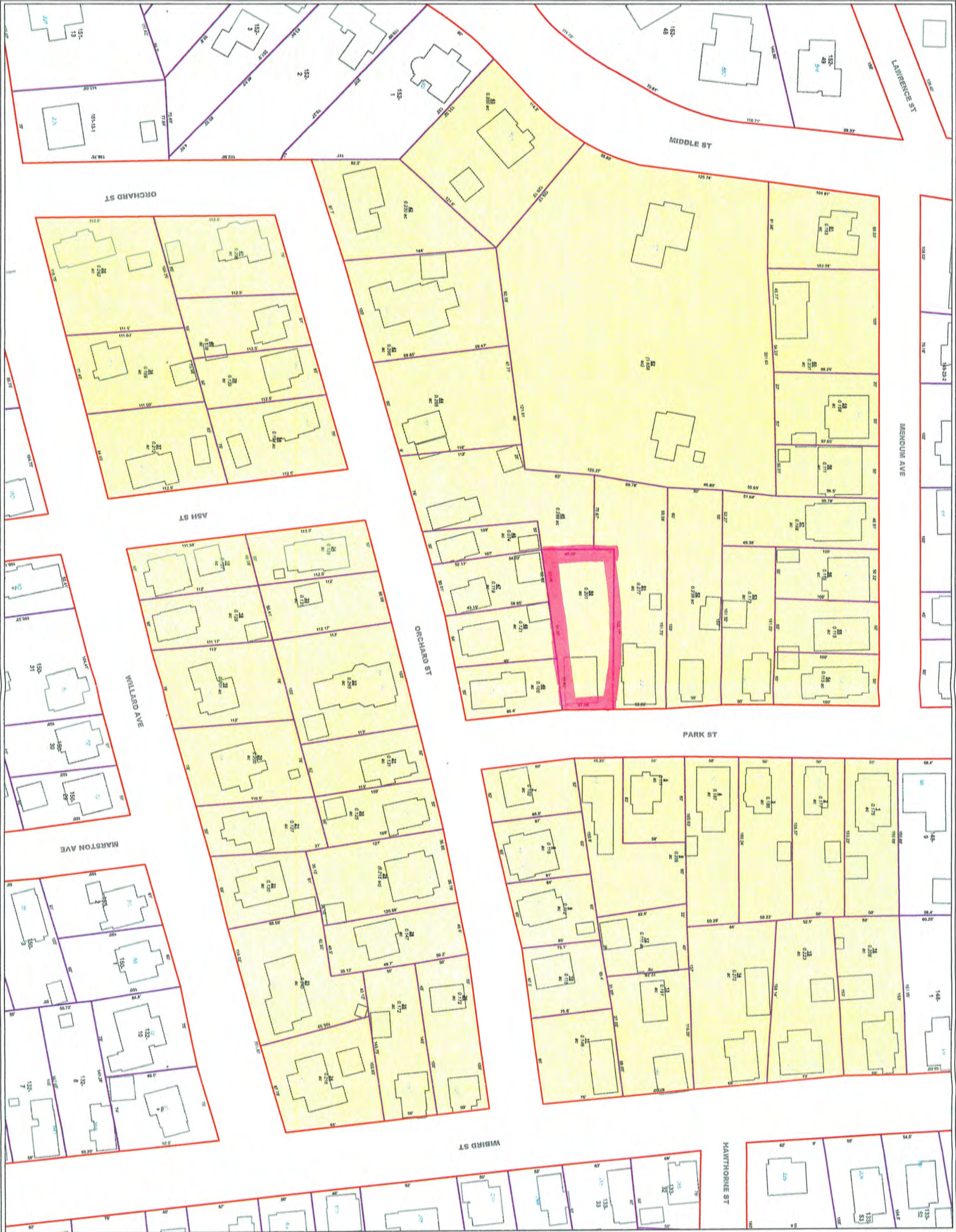






Imagery ©2019 DigitalGlobe, Maine Geolibrary, U.S. Geological Survey, Map data ©2019 Google 50 ft





**Partial Legend**

- See the cover sheet for the complete legend.
- 1-5A** Lot or lot-unit number
- 2.56 ac Parcel area in acres (ac) or square feet (sq ft)
- Address number
- 333-137 Parcel number from a neighboring map
- Parcel line dimension
- SLIMS AVE Street name
- Parcels/lot boundary
- Parcel/ROW boundary
- Water boundary
- Structures (1994 data)
- Parcel covered by this map
- Parcel from a neighboring map (see cover sheet)

**EXHIBIT**

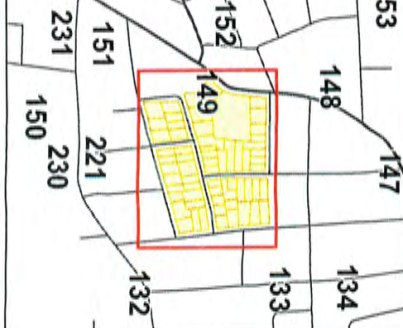
**4**

tabbles

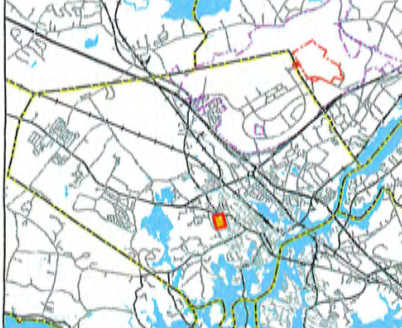
0 50 20 40 Meters

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 (unimproved) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

**Nearby Tax Maps**



**Map Location**



Portsmouth, New Hampshire  
2018  
**Tax Map 149**