



## INSIGHT MATTERS

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Please reply to: Concord Office

November 26, 2025

### **VIA ONLINE SUBMISSION & HAND DELIVERY**

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

**Re: Motion for Rehearing – LU-25-138**  
**Application for Variance**  
**Owner/Applicant: Double MC, LLC**  
**Property: 134 Pleasant Street, Portsmouth, NH**  
**Tax Map 116, Lot 30**  
**Zoning District: CD4**

Dear Chair Eldridge,

Please find enclosed a Motion for Rehearing filed with the Zoning Board of Adjustment on behalf of our client, Double MC, LLC in Docket No. LU-25-138. This Motion for Rehearing requests the Zoning Board of Adjustment's reconsider the denial of variances for the above-referenced property at the October 28, 2025 public hearing and subsequent Letter of Decision and Findings of Facts issued on October 30, 2025. The Motion for Rehearing includes four (4) attached exhibits. A copy of this Motion for Rehearing and exhibits was also filed online with the Planning Department.

Given the submission of this application today, pending review by the Zoning Board of Adjustment, the matter should be added to the Board's agenda for the meeting on January 21, 2026. However, if the Board would prefer to consider this motion sooner, we would be available to attend the meeting should the Board have any questions regarding the motion at the next meeting on December 16, 2025.

If you have any questions or comments, please feel free to contact me at (603) 410-4314, or my colleague, Micheal O'Neil at (603) 410-4315. Thank you for your attention to this matter.

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**INSIGHT MATTERS**

Phyllis Eldridge, Chair  
City of Portsmouth Zoning Board of Adjustment  
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Sincerely,

A handwritten signature in blue ink, appearing to read "J. Steinkrauss", is positioned above the printed name.

James J. Steinkrauss

Enc.

Cc: Michael K. O'Neil, Esq., Rath, Young & Pignatelli, PC (via electronic mail)  
Double MC, LLC (via electronic mail)  
John Chagnon, Haley Ward Engineering (via electronic mail)  
Francis X. Bruton, III, Esq., Bruton & Berube, PLLC (via electronic mail)  
ARCove, LLC (via electronic mail)

**DOUBLE MC, LLC, APPLICANT**  
**PORTSMOUTH ZONING BOARD OF ADJUSTMENT**

**LU-25-138**

**134 Pleasant Street, Tax Map 116, Lot 30**

**MOTION FOR REHEARING**

NOW COMES, Double MC, LLC (“Owner” or “Applicant”), by and through its attorneys, Rath, Young, and Pignatelli, P.C. and, pursuant to RSA 677:2, respectfully requests that the Portsmouth Zoning Board of Adjustment (“ZBA”) allow this Motion for Rehearing and reconsider the ZBA’s October 30, 2025 decision and findings of fact denying the Applicant variances in connection with the Applicant’s proposed redevelopment at 134 Pleasant Street, Portsmouth located on Assessor’s Tax Map 116, Lot 30 (“Subject Property”).

**I. Introduction**

The Applicant proposes to redevelop the Subject Property to make it more pedestrian friendly, to improve the public’s safety, health, and welfare, and to substantially reduce and improve the existing, grandfathered non-conforming use of drive through teller lanes on the Subject Property. The proposed redevelopment will enhance the Subject Property’s use in conformance with the spirit of the Ordinance in a myriad of other ways, including bringing the property into conformance with the maximum set back applicable to the property.

The ZBA erred when it denied Applicant’s variance request on the grounds that the variance would be contrary to the public interest and would not observe the spirit of the Ordinance. The ZBA erred by making findings against the weight of evidence presented in the Application and at the public hearing. It erred technically by considering factors, including traffic flow and parking impacts, which are beyond the scope of its proper review and by denying a variance where none is required under the Ordinance. Accordingly, the ZBA should grant the

Applicant a rehearing of its variance request and should issue a corrective decision granting the variance requested or, in the alternative, finding that no variance is required.

## **II. Background Facts**

### **a. Site History and Proposed Redevelopment**

The Subject Property is located at 134 Pleasant Street, Portsmouth, NH, Assessor Map 116, Lot 30. It lies within the Character District 4 (“CD4”) and Historic District. The lot contains 53,084 square feet with an existing two-story building with 11,241 square feet for ground floor retail area that is utilized as a bank. The existing conditions is shown on the plan entitled, “Site Survey, Double MC, LLC – 134 Pleasant Street, Portsmouth, Existing Conditions Plan - V101,” and the Existing Drive Up Window Dimension Sketch, both prepared by Haley Ward, submitted to the Zoning Board of Adjustment on September 25, 2025.<sup>1</sup> The existing building is set back approximately seventy feet (70’) from Pleasant Street. Within that 70’ setback (i.e. in between the existing building and Pleasant Street), there are two (2) drive-through lanes and teller windows.<sup>2</sup> Those drive-through lanes are accessed by a curb-cut onto Pleasant Street at the southeast corner of the Subject Property, and the drive-through lane exit leads through a second curb cut onto Pleasant Street near the northeast corner of the Subject Property.<sup>3</sup> The teller windows look out towards Pleasant Street, the vehicles utilizing the drive-through lanes travel towards the abutter to the north of the Subject Property, which property includes a residential development and a private business. The drive-through lanes and windows have existed and have been in use since approximately 1982.<sup>4</sup>

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<sup>1</sup> See, Meeting Materials Packet for the October 28, 2025 ZBOA Meeting attached as Exhibit A, Existing Conditions Plan at 36, and Existing Drive Up Window Dimension Sketch at 32.

<sup>2</sup> See Exhibit A at 32 and 36.

<sup>3</sup> See *Id.*

<sup>4</sup> See Exhibit A, Application for Variance at 26.



Generally, the Applicant proposes to redevelop the site and to modify the existing building, and add to it, to create a two to three story mixed-use building containing retail and residential uses and to house a bank with drive-through teller lanes.<sup>5</sup> The planned new building will reduce the setback from Pleasant to ten feet (10') to activate pedestrian traffic on Pleasant Street and to bring the Subject Property's use in conformance with the CD4 setback requirements.<sup>6</sup>

b. Procedural Background- Planning Department Involvement

On September 18, 2025, the City of Portsmouth's Planning Department (the "Planning Department") conducted a preliminary conceptual review of the Applicant's proposed redevelopment of the Subject Property.<sup>7</sup> The original plans submitted to the Planning Department in this process proposed to keep the drive-through lanes in place, which would run them through the middle of the proposed new building.

During the conceptual review, the Planning Department determined that the Applicant should instead move the teller window over to the other side (the south facing side) of the proposed new building and to relocate the teller lanes to the south side of the property, which the Planning Department determined would produce a better design for the building and which would eliminate the curb cut on Pleasant Street which is currently used to exit the drive through.

Following this discussion, the Applicant modified its plans and now proposes to shift the existing teller lanes and teller window to the south side of the newly redeveloped building and eliminate the curb cut. The proposed shift of the teller lanes reduce the size and impacts of the existing non-conforming, grandfathered use of the drive-through teller lanes and windows at the

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<sup>5</sup> See Id.

<sup>6</sup> See Id. at 26, see also City of Portsmouth Zoning Ordinance, Sections 10.835.20-10.835.30.

<sup>7</sup> See City of Portsmouth Planning Board Action Sheet, Exhibit D at 5.

Subject Property.<sup>8</sup> The square footage of the Subject Property devoted to the drive-through lanes and teller windows will be materially reduced as a result of this redevelopment.<sup>9</sup>

Following its review the Planning Department stated in the Meeting Materials:

The bank has two-existing drive-through teller lanes that are proposed to be moved to the south side of the newly developed building. Due to the changes to the site and the existing nonconforming use, the applicant is seeking relief from Table 10.440, Use #19.40 to permit a drive-through facility as an accessory to a permitted principal use.”<sup>10</sup>

The Planning Department accordingly recognized the existing, non-conforming use for the two (2) drive-through lanes, but believed that the relocation was a “change” to the use and that a variance would be required.<sup>11</sup> To that end, the Planning Department stated that:

If the Board decides to grant approval of the requested variance, staff recommends the following condition for consideration:

1. The design and location of the buildings may change as a result of the Planning Board review and approval.<sup>12</sup>

No other conditions or limitations were recommended by the Planning Board should the ZBA grant the application.

c. Application and Hearing

On September 25, 2025, the Applicant filed an application for variance for the Subject Property for relocation of the existing drive-through accessory uses for the bank teller window and two (2) lanes (the “Application”).<sup>13</sup> The Application sought a variance from Portsmouth Zoning Ordinance Section 10.331.<sup>14</sup> That section provides that a lawful, non-conforming use

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<sup>8</sup> See Exhibit A at 33 and 38.

<sup>9</sup> See October 28, 2025 ZBA Public Hearing Transcript, Exhibit B at 33-34.

<sup>10</sup> See Exhibit A at 9.

<sup>11</sup> See Id.

<sup>12</sup> See Id.

<sup>13</sup> See Exhibit A at 25-47.

<sup>14</sup> See Id. at 26-27.

may continue, but may not be extended, enlarged or changed except in conformity with the Ordinance.

The Application provides the rationale for proposed development, relocation and reduction of the drive-through teller lanes for the mixed-use development pursuant to RSA 674:33, I (a)(2) and Section 10.233 of the Portsmouth Zoning Code.<sup>15</sup> The Application includes pertinent details concerning the proposed new building and teller drive-through lanes and explains that the Subject Property's current non-conforming uses will be improved by, among other things:

- (i) removing an existing curb-cut and limiting and reducing vehicle access to and from Pleasant Street;
- (ii) improving pedestrian access to the subject site by, among other things, reducing the setback between the proposed building and Pleasant Street to ten feet or less;
- (iii) reducing the overall size of the existing, non-conforming drive-through teller lanes.<sup>16</sup>

The new building and drive-through lanes will be utilized by Kennebunk Saving Bank in the same character and use as they exist today once the building is redeveloped.<sup>17</sup>

On October 28, 2025, the ZBA conducted a public hearing at which time the Board considered the Application and accompanying meeting packet which included a summary of new business. It considered the Application to be requesting:

- (i) a variance from Section 10.440, Use #19.40 for a drive-through facility as an accessory to a permitted principal use; and

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<sup>15</sup> See Id. at 26-29.

<sup>16</sup> See Id. at 26-29.

<sup>17</sup> See Id. at 27.

- (ii) a variance from Section 10.331 to change the location and use of the drive-through facility.<sup>18</sup>

During the public hearing, the ZBA Chairwoman Eldridge opened new business for consideration of the two variances and acknowledged the existing teller lanes as far back as 1982.<sup>19</sup> Attorney Francis X. Bruton presented on behalf of the Applicant. Attorney Bruton explained the uniqueness of the Subject Property given that Citizen's Bank is the current occupant and that it utilizes with two-existing teller lanes.<sup>20</sup> The Subject Property is unique because it contains over 1.22 acres in the downtown area and because it abuts the Parrott Street Parking lot, with no direct residential or commercial abutters other than parking on that side, which limits impacts from the proposed development.<sup>21</sup>

Attorney Bruton highlighted that the redevelopment of the building would move the setback from almost 100 feet from Pleasant Street to within 10 feet, which is the maximum setback required by the Ordinance in Character District 4.<sup>22</sup> He noted that granting the variance and allowing redevelopment of the site as proposed would activate the property for pedestrians by bringing it within 10 feet of the street and eliminating the curb cut for the existing drive-through.<sup>23</sup> The variance (and redevelopment) would also improve traffic and safety for pedestrians on Pleasant Street and creating a substantial benefit to the public.<sup>24</sup>

Attorney Bruton stated why the variance would not violate the spirit of the Ordinance. It would not threaten the essential character of the locality, or threaten public health and safety,

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<sup>18</sup> See Exhibit A at 19, as noted above, the Applicant only sought one variance under Section 10.331.

<sup>19</sup> See Exhibit B at 2.

<sup>20</sup> See Id. at 4-5.

<sup>21</sup> See Id.

<sup>22</sup> See Id. at 5.

<sup>23</sup> See Id.

<sup>24</sup> See Id.

because the teller drive-through lanes have existed at the subject site for more than 43 years and the redevelopment would make the site safer for the public.<sup>25</sup>

Attorney Bruton explained why substantial justice requires approving the Application, because without the requested variance the Applicant would lose the use of the existing non-conforming uses for this unique 1.22 acre property in downtown (or suffer losses of commercial or retail leases).<sup>26</sup> He stated that the losses the Applicant would suffer substantially outweigh any negative impact to the public, which are all beneficial.<sup>27</sup>

Attorney Burton highlighted one of the many unique qualities of the Subject Property: there are no direct abutters on the Parrott Street parking lot side. The proposed relocation and elimination of the existing travel lane and curb-cut for the teller lanes would relocate any light or traffic from impacting residential abutters to impacting only the city's parking lot. Mr. Bruton explained that the purpose of the drive-through teller lanes was to provide access for the disabled, elderly, and parents with children who cannot leave their cars to access the banking services.<sup>28</sup>

ZBA Vice-Chair Margeson questioned Attorney Bruton on pedestrian traffic around the area because of the abutting Parrott Avenue parking lot owned by the City and raised concerns about pedestrians cutting through the Subject Property near the proposed, relocated teller lanes.<sup>29</sup> Attorney Bruton and John Chagnon of Haley Ward (also appearing and presenting on behalf of Applicant) addressed those concerns with site designs including a hedge and fencing to limit

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<sup>25</sup> See Id. at 6-7.

<sup>26</sup> Attorney Bruton specifically noted the aesthetic upgrades, adding residential uses, making the site more conforming to the CD zoning and values sought by the Ordinance, and relocation of existing parking to an underground parking garage to support improved parking. See Id. at 8.

<sup>27</sup> See Id. at 8.

<sup>28</sup> See Id. at 7-9.

<sup>29</sup> See Id. at 10.

pedestrians from cutting through Subject Property from the Parrott Street lot and adjoining properties to further address pedestrian safety concerns.<sup>30</sup>

Board Member Rheaume stated his belief that the purpose of eliminating drive-throughs in these districts is to make them more “pedestrian friendly.”<sup>31</sup> In response, Mr. Chagnon demonstrated that pedestrians from Pleasant Street would access the building from the front of the building, through the underground garage, and finally through an easement access from the Portsmouth Fire Station condominiums to enhance the pedestrian experience.<sup>32</sup>

Board Member Nies asked about the relocation of the teller lanes that showed the original location and plans showing the lanes running through the middle of the building.<sup>33</sup> Mr. Chagnon noted that the planning board had the lanes in the same location to keep its existing location without change; however, the planning board decided it was better to move the window over to the other side and relocate the teller lanes which would produce a better design for the building and eliminate the curb cut on Pleasant Street.<sup>34</sup>

After public comments, Attorney Bruton reiterated that that requested variance seeks only to relocate an existing use, the drive-throughs.<sup>35</sup> The Applicant does not seek to create a new element to the area that doesn’t already exist.<sup>36</sup> Attorney Bruton noted that eliminating the drive-through would deprive the Subject Property of a use that *reduces* stress on existing parking by requiring customers to park somewhere close to access the bank.<sup>37</sup> Those customers include elderly, disabled persons, and parents with children who would be either barred from using the

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<sup>30</sup> See Id. at 12, 14.

<sup>31</sup> See Id. at 16.

<sup>32</sup> See Id. at 17.

<sup>33</sup> See Id. at 20.

<sup>34</sup> See Id. at 20-21.

<sup>35</sup> See Id. at 29.

<sup>36</sup> See Id.

<sup>37</sup> See Id.

property, as they currently are able to, or would otherwise be subject to the inconvenience of parking.<sup>38</sup> Allowing the variance is in line with the unique characteristics of the Subject Property, and it would improve access, result in a more conforming structure, and not eliminate an existing non-conforming use which would create an unnecessary hardship on the Owner.<sup>39</sup>

Board Member Mattson asked whether the net change in relocating the existing teller lanes would result in a net increase or decrease in asphalt dedicated to the drive-through, as opposed to parking.<sup>40</sup> In response, Mr. Chagnon stated that “the existing plan dedicates more real estate because the drive-through [than the proposed plan] because [the current exit area] comes off and all of this pavement here is needed to access it. So that’s reduced now to a little loop out here...I think I can say quite clearly that there’s less pavement dedicated to the drive through.”<sup>41</sup>

Board Member Rheume discussed the desire to eliminate the allowance of drive-throughs in CD4 and CD5 to move downtown core areas away from car-centric way of life in favor of more pedestrian and other modes of transportation.<sup>42</sup> However, Board Member Rheume acknowledged that some people have mobility issues which must be accommodated.<sup>43</sup> He further stated that he agrees with the Applicant’s argument as to the uniqueness of the property given the abutting city parking lot that won’t be developed and the fact that the drive-through could be re-created at the site distinguishes the Subject Property from others in the CD4 and CD5 districts.<sup>44</sup>

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<sup>38</sup> See Id. at 30-31.

<sup>39</sup> See Id.

<sup>40</sup> See Id. at 33, 34.

<sup>41</sup> See Id. at 34.

<sup>42</sup> See Id. at 40.

<sup>43</sup> See Id. at 41.

<sup>44</sup> See Id.

Board Member Rheume then focused on parking issues and how pedestrians and residents will access through the new building's stairwells, alleyway and underground parking garage to argue that the drive-through in some way cuts pedestrian access to the building from Pleasant Street.<sup>45</sup> He later stated that he agrees with Board Member Nies that parking issues are not within the purview of the ZBA, as the planning board "has taken that away from us."<sup>46</sup>

In response to the Board Members' concerns regarding pedestrian access, Mr. Chagnon showed how the plans could (and in some cases already do) address concerns respecting pedestrian access, including by connecting walkways and adding sidewalks.<sup>47</sup> Mr. Chagnon correctly noted that pedestrian access for the planned redevelopment would be easier and more efficient than exists in the Subject Property's current use.<sup>48</sup>

Vice-Chair Margeson recognized the existing drive-through on the property, despite the intention in the Ordinance to take away drive-throughs but also expressed concerns regarding making the site more pedestrian friendly.<sup>49</sup> She acknowledged that parking and traffic circulation is an issue for the Planning Department, and not for the ZBA.<sup>50</sup>

Board Member Mattson moved to approve the variance on the basis that this is a multi-modal character district, the development would bring the properties use within the maximum ten-foot setback for the pedestrian experience and would move the drive-through away from Pleasant Street.<sup>51</sup> He stated that the "curb appeal from Pleasant Street is actually improved with the situation." Finally, he noted that if the drive-through was a permitted use in this district, all

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<sup>45</sup> See Id. at 41-42.

<sup>46</sup> See Id.

<sup>47</sup> See Id. at 47.

<sup>48</sup> See Id.

<sup>49</sup> See Id. at 49.

<sup>50</sup> See Id.

<sup>51</sup> See Id. at 51-52.



the criteria for such use would be met by the drive through lanes proposed in this plan.<sup>52</sup> This is a reference to Ordinance Section 10.835 controlling performance requirements and setbacks for accessory drive-through uses.<sup>53</sup> Board Member Mattson’s motion was not carried.

Finally, the Board voted on a motion by Board Member Mannle to deny the variance who cited the following factors:

- (i) granting the variance would be against public interest because “we want to get rid of drive-throughs in the downtown,” and
- (ii) the variance would not observe the spirit of the Ordinance based upon comments from Mr. Rheaume and Ms. Margeson, while acknowledging it was likely existing for more than 35 years; and
- (iii) he didn’t believe the presentation or application addressed hardship because no one talked about why the drive-through needed to be moved.<sup>54</sup>

Board Member Rheaume added that he felt the variance did not meet the first two criteria required for the ordinance, which are the requirements that granting the variance would not be contrary to the public interest and that the spirit of the Ordinance be observed.<sup>55</sup> He argued that these criteria are not met because the previously allowed use is no longer permitted due to the current zoning moving away from car-centric uses and would amount to a violation of the characteristics of the neighborhood.<sup>56</sup> He stated it was not in keeping with the spirit of the ordinance for the future desire make things pedestrian focused, and he feels that the existing

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<sup>52</sup> See Id.

<sup>53</sup> See Id. at 53.

<sup>54</sup> See Id. at 53-55.

<sup>55</sup> See Id. at 55-56.

<sup>56</sup> See Id.

ATM drive-through is preventing a fully pedestrian oriented use.<sup>57</sup> The ZBA then voted 5-1 to deny the application.<sup>58</sup>

On October 30, 2025, the ZBA issued a written decision containing findings for why the variances were denied.<sup>59</sup> Specifically, the ZBA found the following:

1. Granting the Variance would be contrary to the public interest (10.233.21) because:
  - a. The proposed drive-through cuts the pedestrian flow on the property.
  - b. The proposed drive-through segregates the pedestrian experience and creates an island for the back of the property.
2. Granting the Variance would be not observe the spirit of the Ordinance (10.2233.22) because:
  - a. The ordinance's intent is to eliminate the allowance for drive-throughs in the CD4 and CD5 zones in a desire to move the downtown core areas more toward pedestrian use and other types of transportation.
  - b. Continuing the drive-through use that is no longer allowed in the area is in violation of the neighborhood as well as the spirit of the ordinance.<sup>60</sup>

The ZBA's denial decision did not list any written findings as to the three (3) remaining factors required to grant a variance related: 1) doing substantial justice (10.233.23); 2) granting the variance would not diminish values of surrounding properties (10.233.24); or 3) literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship (10.233.25).<sup>61</sup>

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<sup>57</sup> See Id. at 56.

<sup>58</sup> See Id. at 57.

<sup>59</sup> See Exhibit C, Findings of Fact – Zoning Board of Adjustment, LU-25-138.

<sup>60</sup> See Exhibit C at 1.

<sup>61</sup> See Id. at 2.

### **III. LEGAL STANDARD FOR REHEARING**

Within thirty (30) days after a decision of the ZBA, any party to the action may apply for rehearing in respect to any matter determined in the action by specifying in the motion for rehearing the grounds therefore. *See* RSA 677:2. The ZBA may grant such rehearing if, in its opinion, good reason therefore is stated in the motion. *Id.*

A motion for rehearing made under RSA 677:2 should set forth fully every ground upon which it is claimed that the decision or order complained of is unlawful or unreasonable. *See* RSA 677:3. The New Hampshire Supreme Court has ruled that the rehearing process is designed to afford a zoning board of adjustment an opportunity to correct its own mistakes or to consider new evidence. *Fisher v. Town of Boscaawen*, 121 NH 431 (1981).

### **IV. ARGUMENTS AND CLAIMS OF ERROR**

The ZBA's denial of the Applicant's variance request was unlawful and unreasonable. The ZBA's findings are not consistent with the valid interpretation of the public interest or the spirit of the Ordinance. The proposed development, including relocation of the two existing drive-through lanes and window results in a reduction of an existing, non-conforming use that will improve public safety and provide public benefits while bringing the lot and uses at the Subject Property more in conformance with the Ordinance and intent of the Character District 4 requirements adopted after 2015.

The Applicant's variance application and testimony at the public hearing demonstrated that the Application satisfied the three (3) other criteria supporting approval of a variance including substantial justice, no diminution of value of surrounding properties, and literal enforcement of the Character District restriction upon this unique site would cause unnecessary hardship on the Owner.

In the alternative, the relocation of the use proposed by Applicant does not require a variance. An existing, non-conforming use may continue unless it is expanded or the nature or character of the use is changed. The relocation, as requested by the Planning Board to address matters within their purview, including improving traffic flow and pedestrian access, does not expand or change the nature of the use. Instead, the use will be reduced, as demonstrated in the testimony at the hearing and on the Existing Conditions Plan and Permit Plans. Accordingly, the requested relocation is reasonable and permitted by law and does not require a variance from the ZBA.

a. The ZBA's Denial of the Variance on the Grounds that the Variance is Contrary to Public Interest is Unreasonable, Unlawful, and Based on Technical Error.

The ZBA should reverse its decision on rehearing because its findings that the drive-through cuts through pedestrian flow from Pleasant Street and segregates the pedestrian experience are unreasonable and unsupported by the evidence. Instead, the evidence demonstrates, and it is indeed uncontroverted that, the proposed relocation of the drive-throughs and redevelopment of the property is not contrary to public interest.

A variance is contrary to the public interest only where it unduly and in a marked degree conflicts with the basic zoning objectives of the ordinance to “alter the essential character of the locality and threaten public health, safety or welfare.” See *Chester Rod & Gun Club v. Town of Chester*, 152 NH 577, 581, 883 A.2d 1034 (2005). There is no evidence in the record created by the Application and public hearing that tends to show that the character of the locality will be altered or that public health, safety or welfare will be threatened if the variance is approved. The ZBA cites disruption of pedestrian traffic as grounds for its decision on this criterion. But there is no explanation as to how this disruption (which isn't a disruption, particularly in view of the

current use of the property)<sup>62</sup> in any way alters the current character of the locality or threatens public health, safety or welfare.

The drive-through lanes have existed on the site for more than 43 years.<sup>63</sup> Maintaining a use that has existed for that long and exists in many other locations throughout the CD4 and CD5 districts, cannot reasonably be argued to alter the character of the locality. Instead, the proposed relocation and associated development will remove a curb cut and reduce interactions between vehicles and pedestrians on Pleasant Street. It will move the building closer to Pleasant Street and activate pedestrian access and bring the Subject Property in further compliance with the spirit of the Character District zoning. This is particularly true where while not allowed in CD4 drive-through lanes are permitted in the substantially similar Character District CD4W<sup>64</sup> and in the downtown area in Portsmouth.<sup>65</sup>

The relocation of the existing use imposes no threat to public health and safety because the redevelopment would make the site safer for the public.<sup>66</sup> The redevelopment will encourage pedestrian access to the new building from Pleasant Street and remove any interaction with vehicles that pedestrians on Pleasant Street currently encounter when accessing the building. Removing the drive-through lane will remove a use that reduces stress on existing parking and encourages safety, as the removal would require elderly, disabled, and parents with children to park their cars and access the bank on foot which creates opportunities for more, not less, vehicle interaction with vulnerable pedestrians. This important factor was acknowledged by Board Member Rheume.<sup>67</sup>

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<sup>62</sup> See Exhibit A at 32, 36.

<sup>63</sup> See Exhibit B at 6-7.

<sup>64</sup> See Zoning Ordinance, Table 10.440, #19.40, see also Figure 10.5A41.10B.

<sup>65</sup> See Zoning Ordinance, Table 10.440, #19.40.

<sup>66</sup> See Exhibit B at 6-7.

<sup>67</sup> See Exhibit B at 41.

The overall impact of the proposed redevelopment which the Planning Department determined necessitated this variance will make the site more pedestrian friendly in keeping with the Character District and will improve public safety and welfare.

The written findings of the ZBA were technical errors in considering pedestrian flow as contrary to public interest rather than an overall reduction in an existing non-conforming use that reduces traffic and safety concerns on Pleasant Street, while activating the site for pedestrian friendly use. Those findings are not in the purview of the ZBA, and certainly not when considering whether the variance would be contrary to the public interest. Particularly in this case, where the Planning Board requested the Applicant to relocate the existing drive-through lanes and teller window to improve traffic, pedestrian access and the overall design of the project, it is absurd to deny the variance based on traffic and pedestrian flow concerns.

Rehearing is proper where the affected party can show technical error or produce new evidence that was not available at the time of the first hearing. See *Loughlin, 15 New Hampshire Practice, Land Use Planning and Zoning*, Section 21.08 (4<sup>th</sup> Ed. 2010). Here, the findings of fact on the first qualification for granting a variance pursuant to 10.233.21 were technical errors by the ZBA.<sup>68</sup> As specifically noted at the hearing, the thinly-veiled goal of the ZBA's denial of the requested variance is to "get rid of drive throughs in the downtown."<sup>69</sup> Stated another way, the ZBA's purpose in this matter is to deny a reasonable and more conforming change in the location of the drive-through, while their intent, poorly concealed and clearly admitted, is to use this application for a stated goal that is illegal. The drive-through use on the Subject Property is an existing nonconforming use that is protected by state law. See RSA 674:19 (zoning ordinance "shall not apply to existing structures or to the existing use of any building. It shall apply to any

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<sup>68</sup> See Exhibit C at 2, Exhibit B at 53-55.

<sup>69</sup> See Exhibit B at 54.

alteration of a building for use for a purpose or in a manner which is substantially different from the use to which it was put before alteration”); RSA 674:39 (after completion of improvements as shown in approved site plan “the rights of the owner or the owner's successor in interest shall vest and no subsequent changes in . . . zoning ordinances . . . shall operate to affect such improvements.”); N.H. Const., Pt. I, art. 2nd and 12th; U.S. Const. amend. V (“nor shall private property be taken for public use, without just compensation.”).

Accordingly, the ZBA decision and findings of fact were unreasonable and unlawful, and the motion for rehearing should be granted and the findings that the variance would not be in public interest should be reconsidered and reversed.

b. The ZBA’s Denial of the Variance on the Grounds that the Variance is Contrary to the Spirit of the Ordinance is Unreasonable, Unlawful, and Based on Technical Error.

For the same reasons discussed above, the ZBA should reverse its decision on rehearing because its findings that the proposed development somehow frustrates pedestrian use and violates the characteristics of the neighborhood are unreasonable, unsupported by the evidence, and unlawful.

Determining whether a requested variance complies with the spirit of the ordinance is substantially similar to whether it comports with public interest. *See Harborside Associates, L.P. v. Parade Resident Hotel, LLC*, 162 NH 508, 514 (2011). As stated above, the public will benefit, and not be harmed, by the allowance of this variance to simply relocate the existing, non-conforming use in a way that does not expand that use but reduces it, makes it safer for pedestrians, and activates the site for pedestrian use. The proposed redevelopment promotes and

enhances public welfare and safety and satisfies the spirit of the ordinance to promote mixed-use developments in the Character District.<sup>70</sup>

The ZBA's decision was unreasonable and unlawful and was made in technical error given the considerations and reasoning driving their decision. The purpose of the Character District is to promote the development of walkable, mixed-use, human-scaled places by providing standards for building form and placement and related elements of development. *See* Ordinance Section 10.410. The variance and proposed redevelopment promote, and certainly do not frustrate, that purpose for all the reasons raised in the Application, addressed at the hearing, and discussed in this motion for rehearing,

It should also be noted that Character District 4-W for the West End specifically allows for drive-throughs as conditional uses under Section 10.440, Use #19.40; therefore, the intent of the re-zoning is not to eliminate all drive-throughs in the Character District as noted by a number of Board Members during the public hearing and in its written findings. The Board, Application, Meeting Material Packet and Zoning Ordinance do recognize the existing, non-conforming uses at the site for the two drive-through lands and teller window.<sup>71</sup> The overall redevelopment of the site, as laid out above, will activate the site by reducing the 100 foot setback from Pleasant Street to 10 feet, the maximum allowed in the CD4 district, make the site more pedestrian friendly, continue to provide necessary mobility access for those customers that are elderly or disabled or with young children, eliminate a curb-cut and reduce vehicle and pedestrian interactions on Pleasant Street. It will enhance all public benefits which the Character District zoning was intended to address. The ZBA's decision on this criterion should be reheard and reconsidered.

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<sup>70</sup> See Zoning Ordinance, Section 10.410, "To promote the development of walkable, **mixed-use**, human-scaled places by providing standards for building form and **placement** and related elements of development." (**emphasis** added)

<sup>71</sup> See Exhibit A at 9, 26, Exhibit B at 2, 33-34, Exhibit C at 1.



c. The Applicant Demonstrated that Granting the Variance Would Do Substantial Justice.

The standard by which “substantial justice” is judged is “that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” *See Malachy Glen Associates v. Town of Chester*, 155 N.H. 102, 109 (2002).

The variance requested would result in a mere continuation, and improvement of, the present use of the Subject Property. Denying the variance results in a loss of that use in connection with any redevelopment of the Subject Property, as directed by the Planning Department. A discontinuance of that use will cause substantial loss to the Owner that outweighs any benefit that denial of the variance will confer on the general public.

The loss of the existing use is a massive detriment to the Owner. The Owner’s proposed long-term lease with a financial institution requires the continued use of the drive-through lanes at the Subject Property. That lease is the basis for justifying the redevelopment of the mixed-use site. Accordingly, loss of the existing use through denial of the variance will result in a loss to the Owner of material financial support that will drive the redevelopment.

Against that loss, the general public gains nothing from denial of the variance. The variance would result in eliminating an existing use which is less safe and more burdensome on pedestrians and traffic than would exist if the variance was approved. The public will lose out on the redevelopment of a unique 1.22 acre downtown site which would make it more conforming with the Character District requirements, promote residential and commercial uses, and make the existing, non-conforming uses less impactful. The denial of the variance harms the Owner and the general public in and true lose-lose scenario.

As noted in the public hearing testimony and Application, the relocated drive-through would meet the performance and setback standards in Sections 10.835.20 and Section 10.835.30

which are similarly permitted in CD4-W.<sup>72</sup> Denial of the variance by the ZBA created a substantial injustice for the Applicant and the loss of that use is not outweighed by gains to the public.

d. The Applicant Demonstrated that Granting the Variance Would not Diminish Values of Surrounding Properties.

The Applicant averred through its Application and presentation at the public hearing that the redevelopment of the site, including the granted variance to relocate the existing uses, would reduce traffic flow, improve activation of the site to Pleasant Street, promote mixed-use residential and commercial development, result in site improvements, reduce vehicular and pedestrian interactions on Pleasant Street by removal of the curb-cut, continue to provide access to banking services for customers with mobility issues, and result in additional site improvements such as hedges, sidewalks, landscaping and improvements to improve the site access in the area and not impact abutting property values.<sup>73</sup> Relocating the teller drive-through lanes would also reduce potential light exposure from vehicles entering from Pleasant Street at the existing curb cut, and there are no abutters on the south side proposed to be impacted by the relocation, as the City's Parrott Street Parking lot abuts that side.<sup>74</sup>

No expert testimony or other evidence was presented during the public hearing as to how the continuation of the existing, non-conforming use in a reduced and safer manner would be detrimental to any abutting properties. Therefore, granting the variance would not diminish values of surrounding properties but likely improve those values.

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<sup>72</sup> See Exhibit A at 28, Exhibit B at 51-53.

<sup>73</sup> See Exhibit A at 28, Exhibit B at 8.

<sup>74</sup> See Exhibit A at 26.

e. The Applicant Demonstrated that Literal Enforcement of the Provisions of the Ordinance Would result in an Unnecessary Hardship.

The ZBA's failure to grant the variance for the Subject Property and its literal enforcement of the provisions of the Ordinance for the CD4 would result in an unnecessary hardship for the Owner. The City's Ordinance criteria for defining an "unnecessary hardship" mirrors the standard established by the NH Supreme Court.<sup>75</sup> To establish "unnecessary hardship," an applicant for a variance must show that: (1) a zoning restriction applied to the property interferes with the applicant's "reasonable use of the property, considering the unique setting of the property in its environment"; (2) "no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property"; and (3) "the variance would not injure the public or private rights of others." *See Simplex Technologies v. Town of Newington*, 145 N.H. 727, 731-732 (2001). Put simply, the standard requires that the applicant seeks a variance that is "reasonable" considering the property's unique setting in its environment. *See Rancourt v. City of Manchester*, 149 N.H. 51, 53-54, (2003).

As stated above, the property is unique given the 1.22 acre size in the downtown area, current set-back from Pleasant Street, location abutting the Parrott Street parking lot which will not be developed by the City, and existing, non-conforming use of the teller drive-through lanes and window at the Subject Property. The use of the teller drive-through and window at the Subject Property has continued for approximately 43 years and a relocation of that use which reduces the size, scope, and likely impacts of that use is a reasonable one. The unnecessary hardship test is accordingly met in this case.

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<sup>75</sup> See Sections 10.233.30 – 10.233.32.

During the public hearing, Board Member Rheume acknowledged that some people have mobility issues which the drive-through lanes would accommodate, and stated that he agreed with the Applicant's argument that one of the unique characteristics of the Subject Property is that it abuts the city parking lot and that won't be developed and that the site is different from other properties in CD4 and CD5 so the drive-through use could be something recreated at this site.<sup>76</sup> These statements establish the unique setting of the Subject Property with respect to its location within Portsmouth and the CD4 district and demonstrate how the hardship test is satisfied.

Denial of the variance and elimination of the existing non-conforming use and teller drive-through lanes would limit the Owner's existing use, ability to market and develop the Subject Property, and prevent future improvements to the site through its redevelopment that results in an undue hardship.

f. Since Relocation of the Existing, Non-Conforming Use Reduces that Use and Does not Expand or Change the Character or Nature of the Use, no Variance is Required.

The Applicant argues in the alternative that the Board should grant rehearing and determine that no variance is necessary because the proposed project will result in a reduction of an existing, non-conforming use that relocation will not change the character or nature of the use. The ZBA specifically acknowledged that the teller drive-through lanes and window at the Subject Property are pre-existing non-conforming uses.<sup>77</sup> Mr. Chagnon specifically confirmed for Board Member Mattson that the relocated drive-through lanes would result in a reduction of area and paved surfaces than currently dedicated to the use.<sup>78</sup>

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<sup>76</sup> See Exhibit B at 40-41.

<sup>77</sup> See Exhibit B at 2.

<sup>78</sup> See Id. at 34.

The Ordinance itself recognizes that an existing non-conforming use can be utilized on a site so long as it is not expanded, modified or changed. See Zoning Ordinance, Section 10.331. Here the proposed redevelopment of the site will allow for a ten-foot setback from Pleasant Street, activate pedestrian friendly uses, remove a vehicular access and curb-cut for the existing teller drive-through lane. It will thereby reduce interactions between pedestrians and vehicles on Pleasant Street, allow for continued access to bank services by elderly, disabled, and parents with children, reduce parking and further pedestrian issues at the site, bring the site more into conformance with the Character District, and have less impact on adjacent properties.

A nonconforming use right is a vested right and is protected under our statutes, previous case law, and the State Constitution. See *New London Land Use Ass'n v. New London Zoning Board of Appeals*, 130 NH 510, 519 (1988), see also N.H. CONST. pt. I, arts. 2 and 12; *Town of Hampton v. Brust*, 122 N.H. 463, 468 (1982); RSA 674:19. The limitation on nonconforming use rights provides that so long as someone does not substantially change the nature and purpose of the use, they may continue to enjoy that use. See *New London Land Use Ass'n*, 130 NH at 519. Given the 43 year use at the site, this use and proposed change would be reasonable given the lower impact and reduced non-conforming use associated with redevelopment of the site.

The Applicant has a vested right and relocation of the nonconforming use from the existing location to the southern portion of the Subject Property. Since the use will not change the nature or purpose of the use, it is permitted without the need for a variance. The relocation, resulting in a reduction and not expansion of that use, does not constitute a “change” within the meaning of 10.331 and therefore the ZBA should find that no variance is necessary to relocate the existing teller drive-through lanes and window with the redevelopment of the property

## **V. CONCLUSION**

For the reasons stated above, the Applicant respectfully requests that the City of Portsmouth Zoning Board of Adjustment grant this motion for rehearing and allow the variance for 134 Pleasant Street.

**Respectfully submitted,  
DOUBLE MC, LLC**

**By its Attorneys,**

**RATH, YOUNG AND PIGNATELLI, P.C.**

Dated: November 26, 2025

/s/ Michael K. O'Neil  
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James J. Steinkrauss, Esq. (NH Bar #273631)  
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**REGULAR MEETING  
BOARD OF ADJUSTMENT  
EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
MUNICIPAL COMPLEX, 1 JUNKINS AVENUE  
PORTSMOUTH, NEW HAMPSHIRE**

*Members of the public also have the option to join the meeting over Zoom  
(See below for more details)\**

**7:00 P.M.**

**October 28, 2025**

**AGENDA**

**I. OLD BUSINESS**

- A.** The request of **Charlie Neal and Joe McCarthy (Owners)**, for property located at **28 Whidden Street** whereas relief is needed to construct an addition to the rear of the structure which requires the following: 1) Variance from Section 10.521 to allow a) 42% building coverage where 30% is allowed, b) 11 foot rear yard where 25 feet are required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 102 Lot 64 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-127)

**II. NEW BUSINESS**

- A.** The request of **Double Mc LLC (Owner)**, for property located at **134 Pleasant Street** whereas relief is needed for redevelopment of the existing commercial building and construction of horizontal and vertical building expansions for a mixed-use building with below-grade parking and the relocation of drive-through teller lanes, which requires the following: 1) Variance from Section 10.440, Use #19.40 for a drive-through facility as an accessory to a permitted principle use; and 2) Variance from Section 10.331 to change the location and use of the drive-through facility. Said property is located on Assessor Map 116 Lot 30 and lies within the Character District 4 (CD4) and Historic District. (LU-25-138)
- B.** The request of **Tyler Garzo (Owner)**, for property located at **62 McKinley Road** whereas relief is needed to construct a detached accessory dwelling unit which requires the following: 1) Variance from Section 10.1114.31 to allow a second driveway where

only one is permitted. Said property is located on Assessor Map 268 Lot 26 and lies within the Single Residence B (SRB) District. (LU-25-136)

- C. The request of **ZJBV Properties LLC (Owner)** and **Jason Michalak (Applicant)**, for property located at **180 Islington Street** whereas relief is needed to establish a personal service use for a tattoo studio which requires the following: 1) Special Exception from Section 10.440 Use #7.20 to allow a personal service use. Said property is located on Assessor Map 137 Lot 19 and lies within the Character District 4-L2 (CD4-L2) and Historic District. (LU-25-137)
- D. The request of **Christopher J and Rachel A Delisle (Owners)**, for property located at **250 McKinley Road** whereas relief is needed to construct a second story addition to the primary structure which requires the following: 1) Variance from Section 10.521 to allow a) 23 foot front yard where 30 feet are required, b) 0 foot right side yard where 10 feet is required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 250 Lot 117 and lies within the Single Residence B (SRB) District. (LU-25-139)
- E. The request of **Nuchow Hartzell Family Trust (Owner)**, for property located at **204 Aldrich Road** whereas relief is needed to construct an addition and ramp to the primary structure which requires the following: 1) Variance from Section 10.521 to allow a) 3 foot right side yard where 10 feet is required, b) 7 foot left side yard where 10 feet is required, c) 31% building coverage where 20% is the maximum allowed; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 153 Lot 26 and lies within the Single Residence B (SRB) District. (LU-25-140)
- F. The request of **Trenton and Denise Sensiba (Owners)**, for property located at **0 and 12 Ruth Street** whereas relief is needed for a lot line adjustment which requires the following: 1) Variance from Section 10.521 for 20.66 feet of frontage on Map 143 Lot 16 where 100 feet is required. Said property is located on Assessor Map 143 Lots 16 and 9-1 and lies within the General Residence A (GRA) District. (LU-25-118)

## II. ADJOURNMENT

*\*Members of the public also have the option to join this meeting over Zoom, a unique meeting ID and password will be provided once you register. To register, click on the link below or copy and paste this into your web browser:*

[https://us06web.zoom.us/webinar/register/WN\\_qS4lAGIST6qUA4Y2mR\\_GuA](https://us06web.zoom.us/webinar/register/WN_qS4lAGIST6qUA4Y2mR_GuA)





City of Portsmouth  
Planning Department  
1 Junkins Ave, 3<sup>rd</sup> Floor  
Portsmouth, NH  
(603)610-7216

## MEMORANDUM

TO: Zoning Board of Adjustment  
FROM: Jillian Harris, Principal Planner  
DATE: October 23, 2025  
RE: Zoning Board of Adjustment October 28, 2025

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The agenda items listed below can be found in the following analysis prepared by City Staff:

**I. Old Business**

A. 28 Whidden Street

**II. New Business**

A. 134 Pleasant Street

B. 62 McKinley Road

C. 180 Islington Street

D. 250 McKinley Road

E. 204 Aldrich Road

F. 0 – 12 Ruth Street

## I. OLD BUSINESS

- A. The request of **Charlie Neal and Joe McCarthy (Owners)**, for property located at **28 Whidden Street** whereas relief is needed to construct an addition to the rear of the structure which requires the following: 1) Variance from Section 10.521 to allow a) 42% building coverage where 30% is allowed, b) 11 foot rear yard where 25 feet are required; and 2) Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is located on Assessor Map 102 Lot 64 and lies within the General Residence B (GRB) and Historic Districts. (LU-25-127)

### Existing & Proposed Conditions

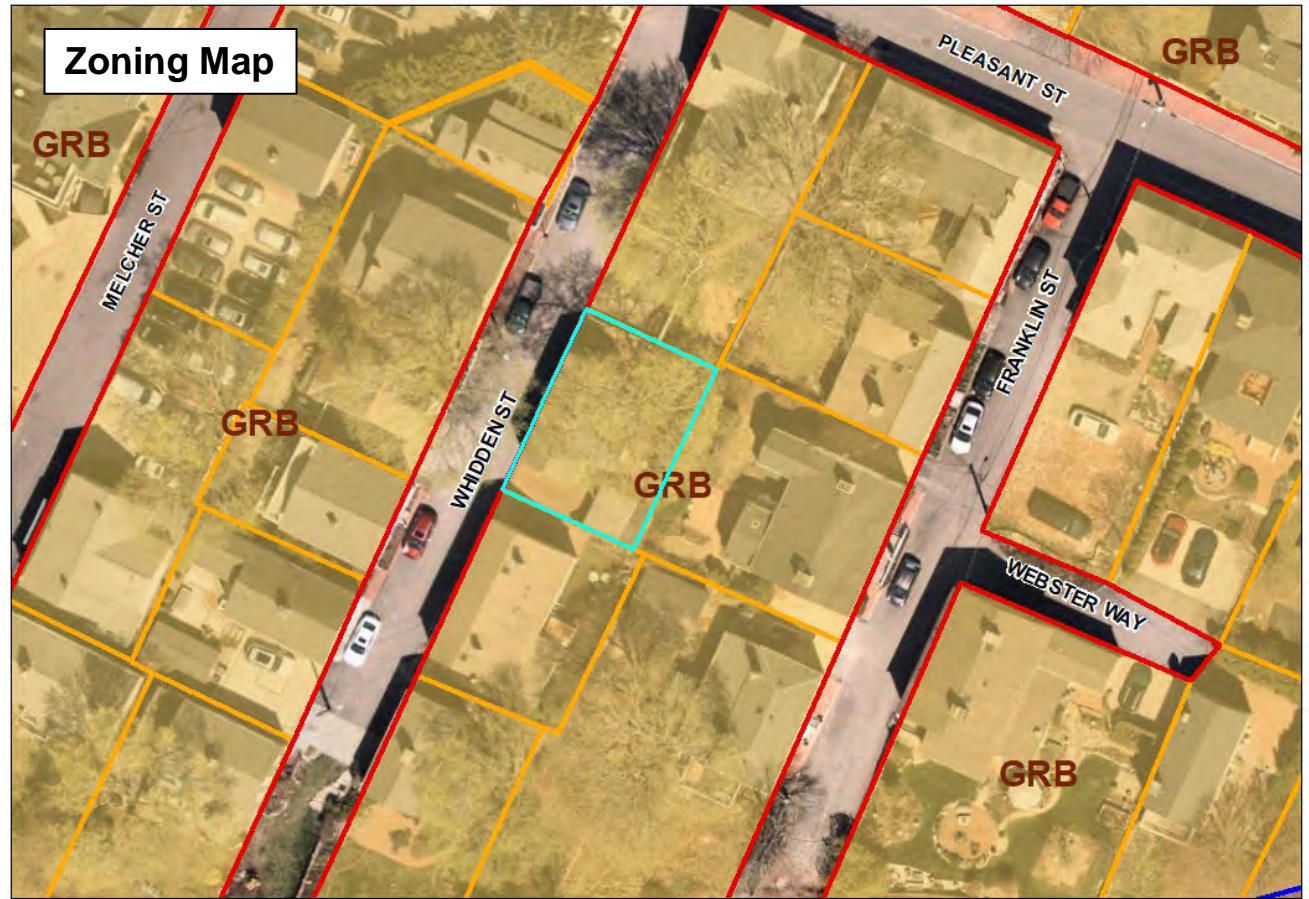
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	*Construct addition at rear of structure	Mixed-Use
<u>Lot area (sq. ft.):</u>	2,613.6	2,613	5,000 min.
<u>Front Yard (ft.):</u>	0	0	5 min.
<u>Left Yard (ft.):</u>	15	23 feet to addition	10 min.
<u>Right Yard (ft.):</u>	8	15'11" to addition	10 min.
<u>Rear Yard (ft.):</u>	16	11	25 min.
<u>Building Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	37.7	42	30 max.
<u>Open Space Coverage (%):</u>	36	33	25 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1780	Variance request(s) shown in red.	

\*Relief needed to construct an addition to the already non-conforming primary structure that would further impact the non-conformity.

### Other Permits/Approvals Required

- Building Permit
- Historic District Commission

Neighborhood Context



28 Whidden Street

## Previous Board of Adjustment Actions

- **December 16, 1986** – The Board **granted** a Variance from Article III, Section 10-302 is requested to allow the construction of a 68.5 s.f. rear addition with the following: a) a 17' rear yard where a rear yard of 25' is required; and b) building coverage of 37.8% where a maximum building coverage of 20% is allowed.
- **October 21, 2025** – The Board voted to postpone the applicants request to the October 28, 2025 meeting.

## Planning Department Comments

The applicant is requesting relief to construct a 105 square foot addition to rear side of the structure.

## Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*  
**AND**
  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*  
**OR**  
*Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

## 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings, structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.



Portsmouth, NH - Board of Adjustment  
Variance Statement for: 28 Whidden

Date: 10.01.25

Chairman of the Board of Adjustment  
C/O Planning Department City of Portsmouth  
1 Junkins Ave.  
Portsmouth, NH 03801

To The Chairman of the Board of Adjustment,

Please find this statement addressing the requirements for a variance on the proposed project located at 28 Whidden Rd, Portsmouth, NH.

Overview: The existing single-family home located in the Historic District of Portsmouth, NH we are proposing an addition of a "Mudroom Hallway" that functions as a mudroom and storage shed area. The home will remain single family.

We are requesting relief for lot coverage from 36% to 42% on a .06ac lot with this addition of 105sf where 30% is allowed.

Per Section 10.233.21 – The variance will not be contrary to public interest. We do not see this proposal as contrary to public interest and is staying consistent to other additions / renovations in the neighborhood.

Per Section 10.233.22 - The spirit of the Ordinance will be observed. This home currently has no transition area from exterior to interior. We are trying to create a space to enter from the side and back while still connecting it to a shed that will be used as a seasonal studio space.

Per Section 10.233.23 – Substantial Justice will be done. We believe we are asking for a modest request of expanding the footprint of the addition by 105 square feet. We are already over lot coverage so there would be no way to expand the footprint without board approval. We believe that with the small amount of square footage we are requesting, it would significantly improve the function of this historic home.

Per Section 10.233.24 - The values of the surrounding properties will not be diminished. The neighborhood is a lovely mix of historic homes, primarily colonials with additions. All neighbors will benefit from the financial investment that the homeowners are willing to invest in the property.

Per Section 10.233.25 – Literal enforcement of the provisions of the ordinance would result in hardship.

- a. The non-conforming structure of the home has been a challenge and we worked hard to increase the current footprint by the minimal amount.
- b. The house has had little, or no work done for several years and feels as if it is truly back in the 1780's. We are trying to improve the property to modern living standards by having a transitional space to come in out of weather before stepping directly into our kitchen. The front door has not functioned in many decades but also does not offer the transition relief that we are looking for.
- c. Not receiving a variance for this project would be a hardship to the homeowners.

We encourage the Portsmouth Board of Adjustment to grant the variance to the Neal McCarthy Residence.

Submitted respectfully,

Amy Dutton  
Amy Dutton Home  
9 Walker Street  
Kittery, Maine 03904  
[amy@amyduttonhome.com](mailto:amy@amyduttonhome.com)  
207-337-2020

**PHOTOS OF EXISTING PROPERTY:**



FRONT VIEW with SHED





LEFT FRONT VIEW



REAR RIGHT VIEW



REAR LEFT VIEW with SHED





@AMY DUTTON HOME  
DRAWINGS USED EXPRESSIVELY FOR  
DESIGN ONLY FOR NOTED CLIENT. ALL  
STRUCTURAL ENGINEERING PROVIDED BY  
OTHER.

Building contractor / home owner to review and verify all  
dimensions, specs and connections before construction  
begins.

PRIMARY:  
• INTERNATIONAL RESIDENTIAL CODE (IRC 2021)

SECONDARY:  
• ELECTRICAL CODE SYSTEM: NEC 2020  
• MECHANICAL SYSTEM CODE: IMC 2021  
• PLUMBING SYSTEM CODE: (IPC 2021)  
• INTERNATIONAL ENERGY CONSERVATION CODE  
(IECC 2021)

#### LIVING AREA

MAIN FLOOR	747 sqft
UPPER STORY, FINISHED	595 sqft
ATTIC	149 sqft
TOTAL	1,491 sqftsqft
SHED	238 sqft

#### LIVING AREA

MAIN FLOOR	747 sqft
SHED CONNECTOR ADDITION	105 sqft
UPPER STORY, FINISHED	595 sqft
ATTIC	149 sqft
TOTAL	1,596 sqft
SHED	238 sqft

### DIM DISCLAIMER

BUILDING CONTRACTOR/HOME OWNER  
TO REVIEW AND VERIFY ALL DIMENSIONS,  
SPECS, AND CONNECTIONS BEFORE  
CONSTRUCTION BEGINS.

### OVERVIEW

SCALE: NTS

Layout Page Table	
Label	Title
O-1	OVERVIEW
S-1	SITE PLAN
S-2	SITE PLAN
G-1	GENERAL NOTES
G-2	GENERAL NOTES
A-1	FIRST FLOOR
A-2	ELEVATIONS
A-3	ELEVATIONS
A-4	ROOFS
A-5	WINDOW SCHEDULE

Revision Table	Number	Date	Revised By	Description

### OVERVIEW

PROJECT:  
NEAL MCCARTHY  
28 Whidden, Portsmouth  
NH 03801

CONTACT:  
AMY DUTTON HOME  
9 WALKER STREET  
KITTERY, ME 04101  
207.345.6050

DATE:

10/1/2025

COPYRIGHT @AMY  
DUTTON HOME 2025

SCALED FOR:  
24" X 36"

SCALE:

SEE SCALE  
ON DRAWINGS

SHEET:

O-1



CALCULATIONS

ZONING MAXIMUMS: GRB  
front setback: 5'  
rear setback: 25'  
side setbacks: 10'  
lot coverage: 30%

EXISTING CONDITIONS:  
LOT SIZE: 0.06 AC

FRONT/REAR HEIGHT:  
26' 4" EXISTING RIDGE HT FROM FRONT GRADE

LIVABLE SF: 1,491 SF  
FIRST FLOOR 747 SF  
UPPER STORY 595  
ATTIC 149 SF  
GROSS SF: 1,937 SF  
FIRST FLOOR 747 SF  
UPPER STORY 595 SF  
ATTIC 595 SF  
OUTBUILDINGS  
SHED 238 SF

AREA OF FOOTPRINT: 985 SF  
EXISTING SETBACKS:  
FRONT: 0  
REAR: 16.5'  
LEFT: 15'  
RIGHT: 8.1'  
EXISTING LOT COVERAGE: 37.7 %  
EXISTING PARCEL AREA: 2,613.6 SF (0.06 AC)

PROPOSED CONDITIONS:

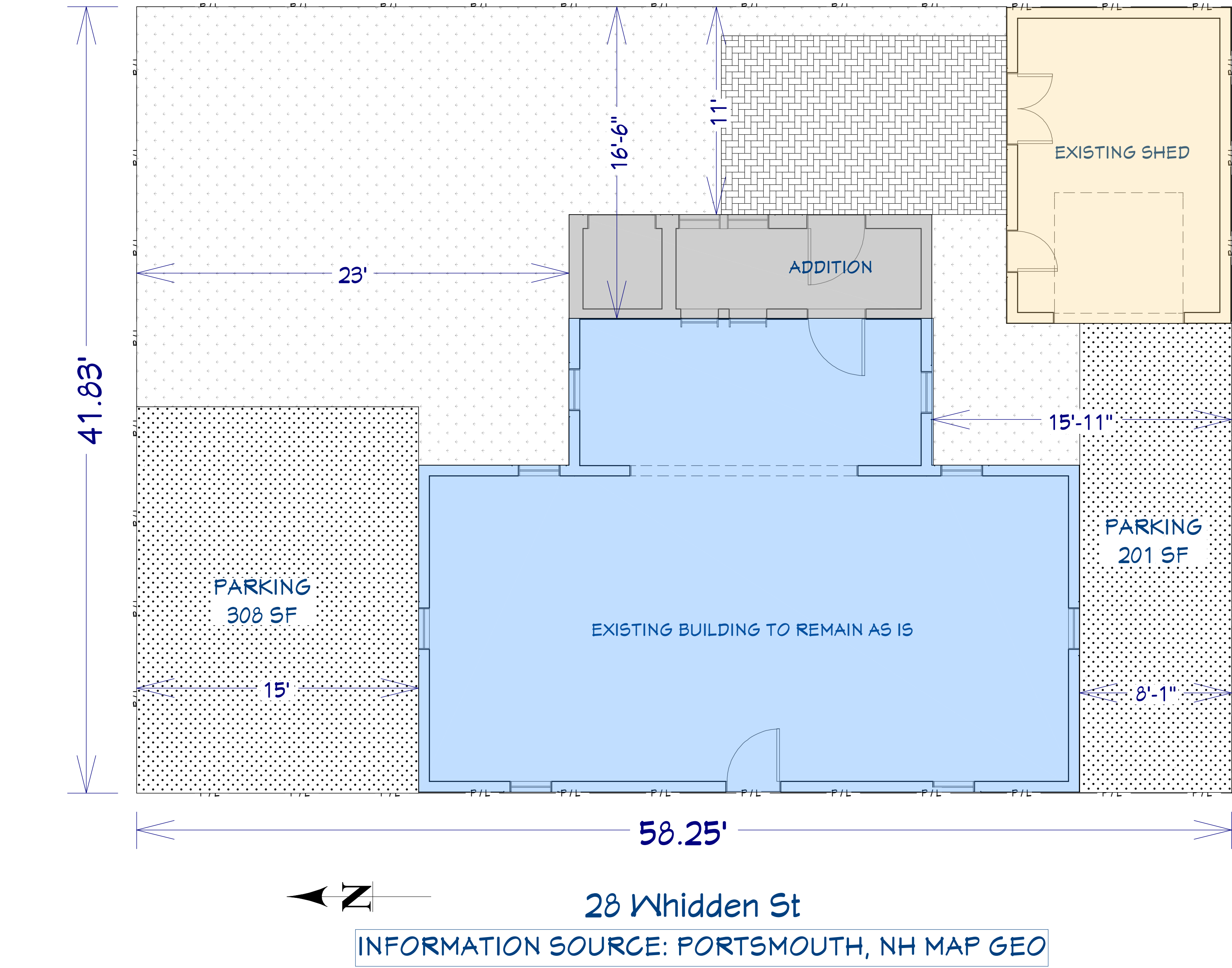
FRONT/REAR HEIGHT:  
9' 5" PROPOSED RIDGE HT FROM FRONT GRADE

LIVABLE SF: 1,596 SF  
FIRST FLOOR 852 SF  
UPPER STORY 595 SF  
ATTIC 149 SF  
GROSS SF: 2,042 SF  
FIRST FLOOR 852 SF  
UPPER STORY 595 SF  
ATTIC 595 SF  
OUTBUILDINGS  
SHED 238 SF

AREA OF FOOTPRINT: 1,090 SF  
PROPOSED SETBACKS:  
FRONT: 0  
REAR: 11'  
LEFT: 15'  
RIGHT: 8.1'  
PROPOSED LOT COVERAGE: 42%  
EXISTING PARCEL AREA: 2,613.6 SF (0.06 AC)

CAD BLOCK GUIDE

- EXISTING FOOTPRINT (747 SQFT)
- EXISTING SHED ( 238 SQFT)
- PROPOSED ADDITION (105 SQFT)



- = 144 SF PERMEABLE PAVERS OR GRAVEL
- = 854 SF OPEN SPACE
- = 509 SF TOTAL PARKING AREA

PROPOSED PLOT PLAN

SCALE: 1/4" = 1'-0"

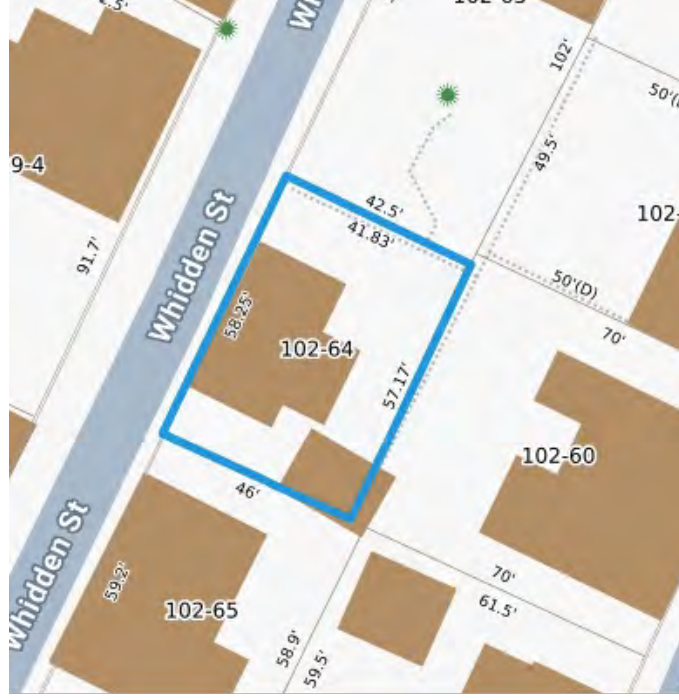
SITE PLAN



SITE LOCATION



MAP VIEW



SITE PLAN



EXISTING CONDITION PHOTO

AMY DUTTON HOME  
ARCHITECTURE & DESIGN

Number	Date	Revised By	Description

SITE PLAN

PROJECT:  
NEAL MCCARTHY  
28 Whidden, Portsmouth  
NH 03801

CONTACT:  
AMY DUTTON HOME  
4 WALKER STREET  
KITTELY, ME 04101  
207.345.6050

DATE:

10/1/2025

COPYRIGHT ©AMY  
DUTTON HOME 2025

SCALED FOR:  
24" X 36"

SCALE:

SEE SCALE  
ON DRAWINGS

SHEET:

S-1



CALCULATIONS

ZONING MAXIMUMS: GRB  
front setback: 5'  
rear setback: 25'  
side setbacks: 10'  
lot coverage: 30%

EXISTING CONDITIONS:  
LOT SIZE: 0.06 AC

FRONT/REAR HEIGHT:  
26' 4" EXISTING RIDGE HT FROM FRONT GRADE

LIVABLE SF: 1,491 SF  
FIRST FLOOR 747 SF  
UPPER STORY 595  
ATTIC 149 SF  
GROSS SF: 1,937 SF  
FIRST FLOOR 747 SF  
UPPER STORY 595 SF  
ATTIC 595 SF  
OUTBUILDINGS  
SHED 238 SF

AREA OF FOOTPRINT: 985 SF  
EXISTING SETBACKS:  
FRONT: 0  
REAR: 16.5'  
LEFT: 15'  
RIGHT: 8.1'  
EXISTING LOT COVERAGE: 37.7 %  
EXISTING PARCEL AREA: 2,613.6 SF (0.06 AC)

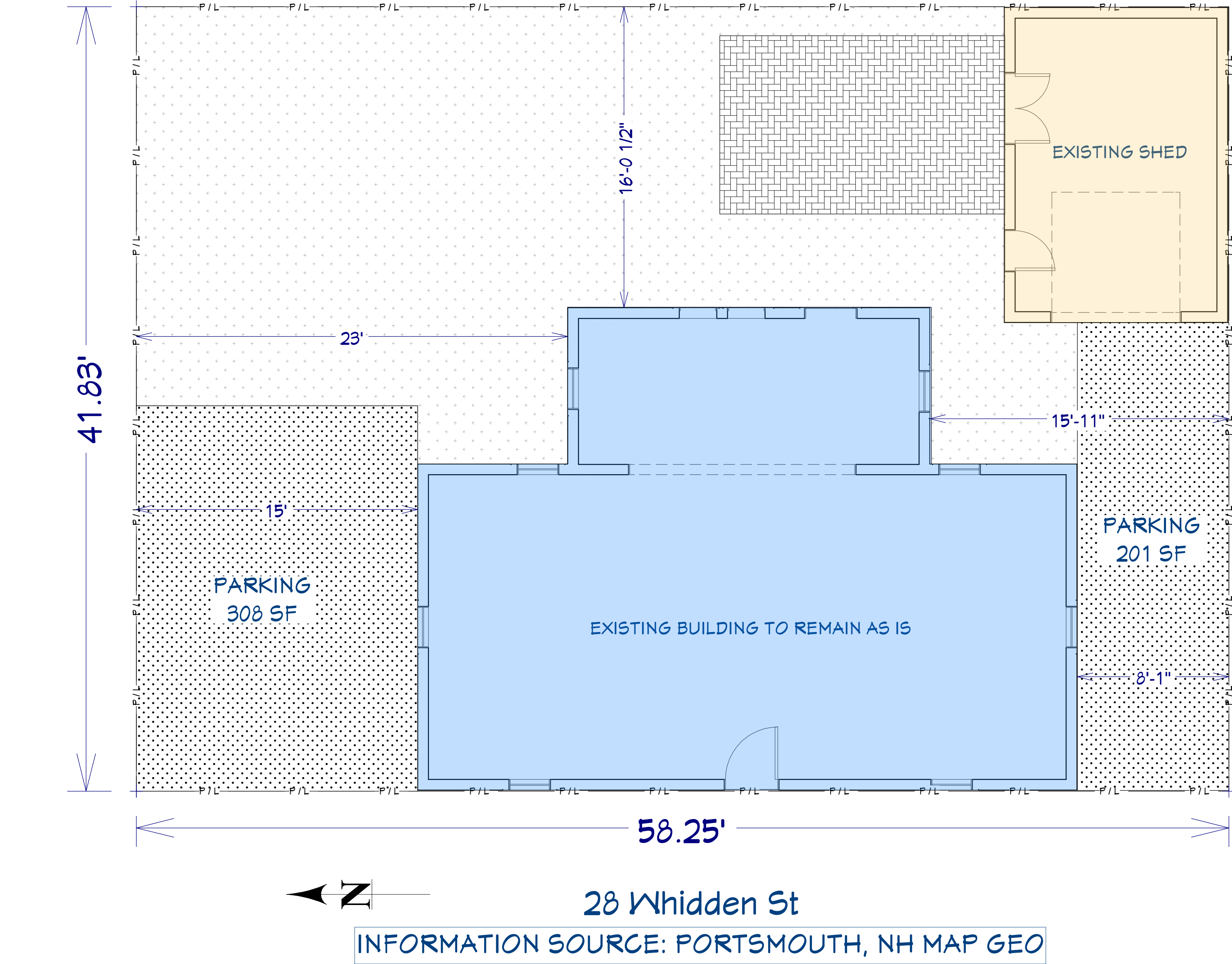
PROPOSED CONDITIONS:  
FRONT/REAR HEIGHT:  
9'-5" PROPOSED RIDGE HT FROM FRONT GRADE

LIVABLE SF: 1,596 SF  
FIRST FLOOR 852 SF  
UPPER STORY 595 SF  
ATTIC 149 SF  
GROSS SF: 2,042 SF  
FIRST FLOOR 852 SF  
UPPER STORY 595 SF  
ATTIC 595 SF  
OUTBUILDINGS  
SHED 238 SF

AREA OF FOOTPRINT: 1,090 SF  
PROPOSED SETBACKS:  
FRONT: 0  
REAR: 11'  
LEFT: 15'  
RIGHT: 8.1'  
PROPOSED LOT COVERAGE: 42%  
EXISTING PARCEL AREA: 2,613.6 SF (0.06 AC)

CAD BLOCK GUIDE

- EXISTING FOOTPRINT (747 SQFT)
- EXISTING SHED ( 238 SQFT)
- PROPOSED ADDITION (105 SQFT)



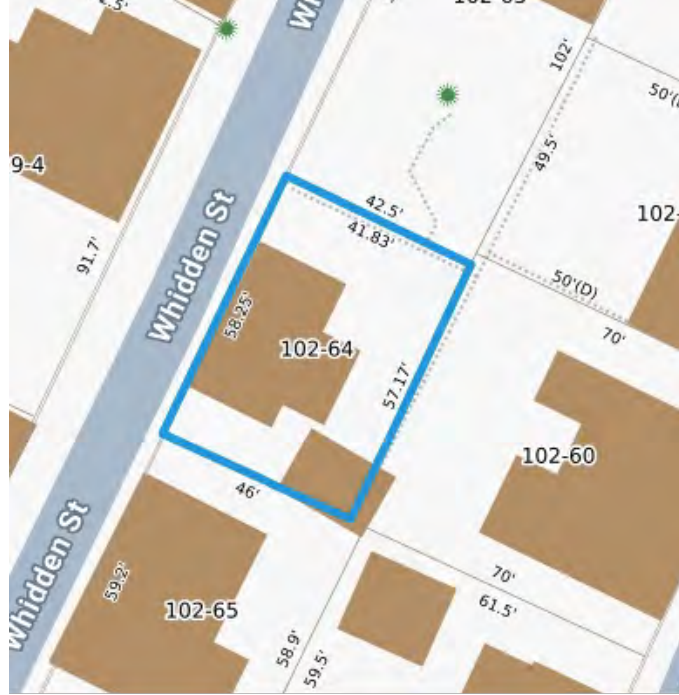
EXISTING PLOT PLAN  
SCALE: 1/4" = 1'-0"



SITE LOCATION



MAP VIEW



SITE PLAN



EXISTING CONDITION PHOTO

Revision Table	
Number	Date Revised By Description

SITE PLAN

PROJECT:  
NEAL MCCARTHY  
28 Whidden, Portsmouth  
NH 03801

CONTACT:  
AMY DUTTON HOME  
9 WALKER STREET  
KITTERY, ME 04101  
207.345.6050

DATE:
10/1/2025
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SCALED FOR: 24" X 36"
SCALE:
SEE SCALE ON DRAWINGS
SHEET:
S-2



**BUILDER:**  
THE BUILDER SHALL VERIFY THAT SITE CONDITIONS ARE CONSISTENT WITH THESE PLANS BEFORE STARTING WORK. WORK NOT SPECIFICALLY DETAILED SHALL BE CONSTRUCTED TO THE SAME QUALITY AS SIMILAR WORK THAT IS DETAILED. ALL WORK SHALL BE DONE IN ACCORDANCE WITH INTERNATIONAL BUILDING CODES AND LOCAL CODES.

WRITTEN DIMENSIONS AND SPECIFIC NOTES SHALL TAKE PRECEDENCE OVER SCALED DIMENSIONS AND GENERAL NOTES. THE ENGINEER/DESIGNER SHALL BE CONSULTED FOR CLARIFICATION IF SITE CONDITIONS ARE ENCOUNTERED THAT ARE DIFFERENT THAN SHOWN, IF DISCREPANCIES ARE FOUND IN THE PLANS OR NOTES, OR IF A QUESTION ARISES OVER THE INTENT OF THE PLANS OR NOTES. CONTRACTOR SHALL VERIFY AND IS RESPONSIBLE FOR ALL DIMENSIONS (INCLUDING ROUGH OPENINGS).

SPECIFIC MANUFACTURES AND MODEL NUMBERS SHOWN ON THE PLANS ARE INDICATIONS OF QUALITY ONLY. THE OWNER/ BUILDER SHALL NOT BE PROHIBITED FROM SUBSTITUTING MATERIALS AND/OR APPLIANCES OF EQUAL QUALITY/ STRENGTHS FROM NON-SPECIFIED MANUFACTURERS.

THE OWNER/BUILDER MAY SUBSTITUTE MATERIALS PROVIDED THEY MEET CURRENT BUILDING CODE, AND ARE APPROVED FOR THAT SPECIFIC USE BY THE BUILDING OFFICIAL.

**BUILDING SITE:**  
**CERTIFICATIONS AND SPECIAL INSPECTIONS:**  
**CHANGES:** ALL CHANGES MUST BE APPROVED BY THE BUILDING DEPARTMENT PRIOR TO CONSTRUCTION.

**DRAINAGE NOTES:**  
REFER TO CIVIL ENGINEERING

**UNDERGROUND UTILITIES:**  
INSPECTION IS REQUIRED PRIOR TO BACKFILL OF WATER, ELECTRIC, GAS AND SEWER LINES. OTHER DEPARTMENTS AND AGENCIES MAY HAVE ADDITIONAL INSPECTIONS; SEE PERMIT CARD FOR THOSE INSPECTION NUMBERS.

PROVIDE WARNING TAPE. BACKFILL MATERIAL TO BE FREE OF CONSTRUCTION MATERIAL, ROCKS AND DEBRIS.

FOLLOW LOCAL CODE FOR MINIMUM BURIAL DEPTHS FOR UTILITIES AFTER THE SERVING UTILITY POINT OF CONNECTION.

GAS, WATER AND SANITARY LINES SHOULD BE UNDER THE APPROPRIATE TEST PRESSURE AT TIME OF INSPECTION.

**STRUCTURAL NOTES:**

SEE STRUCTURAL ENGINEERING PLANS FOR ALL STRUCTURAL SPECIFICATIONS.

**KITCHEN:**  
(E3703.2, E3901.4 & E3902.6)  
PROVIDE A MINIMUM OF TWO (2) 20-AMP CIRCUITS FOR THE KITCHEN COUNTER.  
A RECEPTACLE OUTLET SHALL BE INSTALLED AT EACH COUNTER SPACE WIDER THAN 12 INCHES.  
ALL RECEPTACLES INSTALLED TO SERVE THE COUNTERTOP SURFACE IN A KITCHEN TO BE PROTECTED BY GROUND-FAULT CIRCUIT INTERRUPTERS  
KITCHEN COUNTER RECEPTACLES SHALL BE INSTALLED SO THAT NO POINT ALONG WALL LINE IS MORE THAN 24" MEASURED HORIZONTALLY FROM AN OUTLET MEASURED IN SUCH A MANNER THAT THERE WILL BE AN OUTLET FOR EVERY 4 LINEAR FEET OR FRACTION THEREOF OF COUNTER LENGTH. RECEPTACLES OUTLETS SHALL NOT BE INSTALLED IN A FACE-UP POSITION IN THE WORK SURFACES OR COUNTERTOPS. (E3902.7)

**BATHROOMS:**  
AT LEAST ONE WALL RECEPTACLE OUTLET SHALL BE INSTALLED WITHIN 3' OF BASIN LOCATION. (E3901.6)  
ALL OUTLETS LOCATED IN THE BATHROOM SHALL BE PROTECTED BY A GROUND-FAULT CIRCUIT INTERRUPTER. (E3902.1) 2013

**GENERAL ITEMS:**  
**GARAGE:**  
THE GARAGE SHALL BE SEPARATED FROM THE RESIDENCE AND ITS ATTIC AREA BY NOT LESS THAN FIRE-RATED 5/8-INCH GYPSUM BOARD APPLIED TO THE GARAGE SIDE.

GARAGES BENEATH HABITABLE ROOMS SHALL BE SEPARATED FROM ALL HABITABLE ROOMS ABOVE BY NOT LESS THAN 5/8-INCH TYPE X GYPSUM BOARD OR EQUIVALENT. WHERE THE SEPARATION IS A FLOOR-CEILING ASSEMBLY, THE STRUCTURE SUPPORTING THE SEPARATION SHALL ALSO BE PROTECTED BY NOT LESS THAN 1/2-INCH GYPSUM BOARD OR EQUIVALENT. (TABLE R302.6)

DOORS TO BE 1 3/8" SOLID CORE OR RATED 20 MIN. EQUIPPED WITH A SELF-CLOSING DEVICE.

**WOOD BURNING APPLIANCES:**  
WOOD STOVES AND FIREPLACES SHOWN ON PLANS MUST BE INSTALLED PRIOR TO FINAL INSPECTION PER THEIR INSTALLATION DIRECTIONS TO MEET WARRANTY REQUIREMENTS. THE AFFIDAVIT OF EMISSION STANDARDS IS TO BE ON SITE.

**SPECIAL WALL COVERINGS:**  
ADHERED VENEERS AND ATTACHED STONE OVER WOOD WALLS MUST BE INSTALLED OVER A WATER-PROOF BARRIER. ALSO FLASHING MUST BE INSTALLED AS REQUIRED BY R703.8 AND WEEP SCREED MUST BE INSTALLED AT THE BOTTOM OF THE WALL FINISH.

**FRAMING - GENERAL:**  
INSTALL APPROVED FRAMING CLIPS AT EACH END OF ALL TRUSSES AND RAFTERS.  
FLOOR JOIST BLOCKING IS REQUIRED AT ALL BEARING POINTS OR FOLLOW MANUFACTURED JOIST INSTALLATION INSTRUCTIONS.  
BUILDINGS WITH COMBUSTIBLE CEILING OR ROOF CONSTRUCTION SHALL HAVE AN ATTIC ACCESS OPENING TO ATTIC AREAS THAT EXCEED 30 SQUARE FEET AND THAT HAVE A VERTICAL HEIGHT OF 30" OR MORE. THE ROUGH-FRAMED OPENING SHALL NOT BE LESS THAN 22" BY 30". THE ACCESS SHALL BE LOCATED IN A HALLWAY OR OTHER READILY ACCESSIBLE LOCATION. A MINIMUM HEIGHT OF 30" UNOBSTRUCTED HEADROOM SHALL BE PROVIDED IN THE ATTIC SPACE AT SOME POINT ABOVE THE ACCESS OPENING. (R807)  
PROVIDE FOR PROPER ATTIC VENTILATION. (R806)  
ATTIC ACCESS IN GARAGES SHOULD NOT COMPROMISE ANY REQUIRED FIRE SEPARATION. SEE IRC SECTION M1305.1.3 FOR ACCESS REQUIREMENTS WHERE MECHANICAL EQUIPMENT WILL BE LOCATED IN ATTICS.  
FIRE-BLOCKING SHALL BE PROVIDED PER (R302.11).  
CHANGE OF TRUSS MANUFACTURER MUST BE APPROVED PRIOR TO CONSTRUCTION.

**PLYWOOD SHEATHING SHALL BE AS FOLLOWS:**  
ROOF SHEATHING SHALL BE 5/8" PLYWOOD OR OSB.  
WALL SHEATHING SHALL BE 1/2" INT-APA RATED 32/16 OR 7/16" OSB.  
FLOOR SHEATHING SHALL BE 3/4" T & G – OSB INT - APA – RATED

**LIGHTING E3803.1**  
AT LEAST ONE (1) WALL SWITCH-CONTROLLED LIGHTING OUTLET SHALL BE INSTALLED IN EVERY HABITABLE ROOM, IN BATHROOMS, HALLWAYS, STAIRWAYS, BASEMENTS, ATTACHED GARAGE, AND AT OUTDOOR ENTRANCES. EXCEPTION: IN HABITABLE ROOMS, OTHER THAN KITCHENS AND BASEMENT, ONE OR MORE RECEPTACLES CONTROLLED BY A WALL SWITCH SHALL BE PERMITTED IN LIEU OF A LIGHTING OUTLET.  
ALL INTERIOR AND EXTERIOR STAIRWAYS SHALL BE PROVIDED WITH A MEANS TO ILLUMINATE THE STAIRS, INCLUDING THE LANDINGS AND TREADS. INTERIOR STAIRWAYS SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE LOCATED IN THE IMMEDIATE VICINITY OF EACH LANDING OF THE STAIRWAY. FOR INTERIOR STAIRS THE ARTIFICIAL LIGHT SOURCES SHALL BE CAPABLE OF ILLUMINATING TREADS AND LANDINGS TO LEVELS NOT LESS THAN 1 FOOT-CANDLE (11 LUX) MEASURED AT THE CENTER OF TREADS AND LANDINGS. EXTERIOR STAIRWAYS SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE LOCATED IN THE IMMEDIATE VICINITY OF THE TOP LANDING OF THE STAIRWAY. EXTERIOR STAIRWAYS PROVIDING ACCESS TO A BASEMENT FROM THE OUTSIDE GRADE LEVEL SHALL BE PROVIDED WITH AN ARTIFICIAL LIGHT SOURCE LOCATED IN THE IMMEDIATE VICINITY OF THE BOTTOM LANDING OF THE STAIRWAY. SEE R303.7 FOR ALL REQUIREMENTS.

**GENERAL FRAMING NOTES:**  
**FLOOR:**  
PROVIDE DOUBLE JOISTS. UNDER ALL WALLS RUNNING PARALLEL TO JOISTS.  
**INSULATION:**  
PROVIDE POSITIVE VENTILATION AT EA. END OF EA. RAFTER SPACE AT VAULTED CEILING AREAS. PROVIDE FOR PROPER ATTIC VENTILATION. (R806)  
**FIRE BLOCKING:**  
PROVIDE FIRE BLOCKING, DRAFT STOPS AND FIRE STOPS AS PER (IBC-SEC. R502.12).  
**BRACKETS:**  
PROVIDE POSITIVE CONNECTIONS AT EACH END OF ALL POSTS AND COLUMNS TO RESIST LATERAL DISPLACEMENT.  
**ATTIC ACCESS - MAIN:**  
BUILDINGS WITH COMBUSTIBLE CEILING OR ROOF CONSTRUCTION SHALL HAVE AN ATTIC ACCESS OPENING TO ATTIC AREAS THAT EXCEED 30 SQUARE FEET AND THAT HAVE A VERTICAL HEIGHT OF 30" OR MORE. THE ROUGH-FRAMED OPENING SHALL NOT BE LESS THAN 22" BY 30". THE ACCESS SHALL BE LOCATED IN A HALLWAY OR OTHER READILY ACCESSIBLE LOCATION. A MINIMUM HEIGHT OF 30" UNOBSTRUCTED HEADROOM SHALL BE PROVIDED IN THE ATTIC SPACE AT SOME POINT ABOVE THE ACCESS OPENING. (R807)  
**ATTIC ACCESS - GARAGE:**  
ATTIC ACCESS IN GARAGES SHOULD NOT COMPROMISE ANY REQUIRED FIRE SEPARATION. SEE IRC SECTION M1305.1.3 FOR ACCESS REQUIREMENTS WHERE MECHANICAL EQUIPMENT WILL BE LOCATED IN ATTICS.  
**ICE SHIELD:**  
36" DOUBLE ROLE  
**ENGINEERED TRUSSES:**  
TRUSS MANUFACTURER MUST BE APPROVED PRIOR TO CONSTRUCTION

**ROOF FRAMING / TRUSS NOTES:**

TRUSS DRAWING IS FOR ILLUSTRATION ONLY. ALL TRUSSES SHALL BE INSTALLED & BRACED TO MANUFACTURERS DRAWINGS & SPECIFICATIONS.

ALL TRUSSES SHALL CARRY MANUFACTURERS STAMP.

ALL TRUSSES SHALL BE INSTALLED & BRACED TO MANUFACTURERS SPECIFICATIONS.

ALL TRUSSES WILL NOT BE FIELD ALTERED WITHOUT PRIOR BUILDING DEPT. APPROVAL OF ENGINEERING CALCULATIONS.

SCISSORS TRUSS CEILING PITCH CALCULATED BY MANUFACTURER

ALL TRUSSES SHALL HAVE DESIGN DETAILS & DRAWINGS ON SITE FOR FRAMING INSPECTION.

ALL CONNECTIONS OF RAFTERS, JACK, OR HIP TRUSSES TO MAIN GIRDER TO BE PROVIDED BY TRUSS MANUFACTURER.

**DOORS:**  
ALL EXTERIOR DOORS ARE TO BE SOLID CORE WITH WEATHERSTRIPPING.  
PROVIDE 1/2 IN. DEADBOLT LOCKS ON ALL EXTERIOR DOORS, AND LOCKING DEVICES ON ALL DOORS WITHIN 10 FT. (VERTICAL) OF GRADE.

PROVIDE PEEPHOLE 54-66 IN. ABOVE FIN. FLOOR ON EXTERIOR ENTRY DOORS

DOORS BETWEEN GARAGE AND LIVING AREA SHALL BE 1-3/4" TIGHT FITTING SOLID CORE DOORS WITH A RATING OF 60 MINUTES. DOOR SHALL BE SELF CLOSING WITH BOTTOM THRESHOLD AND DOOR SHOE WITH SMOKE SEAL

EXTERIOR EXIT DOORS WILL BE 36" MIN. NET CLEAR DOORWAY SHALL BE 32" MIN. DOOR SHALL BE OPEN-ABLE FROM INSIDE WITHOUT THE USE OF A KEY OR ANY SPECIAL KNOWLEDGE OR EFFORT. GLAZING IN DOORS SHALL BE DUAL PANE SAFETY GLASS WITH MIN. U-VALUE OF 0.60  
GARAGE DOORS TO BE SECTIONAL, OVERHEAD DOORS

**OPENINGS:**  
ALL PENETRATIONS OF THE BUILDING ENVELOPE SHALL BE SEALED WITH CAULK OR FOAM.

**FOUNDATION:**  
**CONCRETE STRENGTH:**  
\*3,000 PSI @ 28 DAY MINIMUM  
\* STEEL REINFORCING: GRADE 40MIN.  
\*MIN. LAP LENGTH: 40 BAR DIAMETERS  
\*1/8" PER FOOT SLOPE FROM BACK OF GARAGE TO DOORS

**INFILTRATION:**  
ALL OPENINGS IN THE EXT. BLDG. ENVELOPE SHALL BE SEALED AGAINST AIR INFILTRATION. THE FOLLOWING AREAS MUST BE SEALED.  
\* JOINTS AROUND WINDOW AND DOOR FRAMES  
\* JOINTS BETWEEN WALL CAVITY AND WINDOW / DOOR FRAME.  
\* JOINTS BETWEEN WALL AND FOUNDATION  
\* JOINTS BETWEEN WALL AND ROOF  
\* JOINTS BETWEEN WALL PANELS  
\* UTILITY PENETRATIONS THROUGH EXTERIOR WALLS

**INSULATION:** PROVIDE PROPER UNDER-FLOOR VENTILATION. (R408.1)

**FOUNDATION WALL:** 8-10" CONT. POUR  
(2)#4 BAR HORIZONTAL (TOP& BOTTOM)  
(1) #6 BAR VERTIAL @ 48" OC  
LAP CORNERS & SPLICES OF REBAR PER CODE  
SECURE SILL TO FOUNDATION W/ 1/2"D. ANCHOR BOLTS THAT EXTEND 7" INTO CONCRETE  
TIGHTEN W/ NUT & WASHER @ 6' OC & MAX 12" FROM CORNER  
HEIGHT: 7'-10" HIGH (TYP. WHEN POSSIBLE)  
**FOOTING:** 10-12" X 20-24"  
(2) #4 HORIZONTAL (BOTTOM)  
(1)#4 DOWEL BAR @ 48" OC  
**LALLY COLUMN PAD:** 30"x 30" X 12"  
(2) #4 EACH WAY (BOTTOM)

\*MAINTAIN CONTINUOUS 4'-0" FROST DEPTH  
\* 1/2" CTR. ANCHOR BOLD @ 4'-0" OC - 3 EA. CORNER / 2 EA. JOINT)

**PORCH FOUNDATION**  
\* 12" CTR. CONCRETE FILLED SONOTUBE  
(1) #6 BAR VERTICAL @ CTR  
SPREAD FOOTINGS & ANCHOR BOLD  
ELEVATED 4X4 OR 6X6 POST BASE  
\*POSTS UNDER DECK CAN BE SOLID 4X4 UP TO 48" IN HEIGHT, SOLID 6X6 PT FOR HIGHER DECKS.  
\*PRECAST BELL OR POURED FOOTINGS @ PORCH, 20" BASE TO FROST WITH 8" SONOTUBE

**DECK + PORCH**  
\*BOLT / SCREW CONNECTION : R502.2.2.1  
\*LATERAL CONNECTION: R502.2.2.

**BULKHEAD NOTES:**  
\*55"W X 72"L X 19.5" H (67" X 48" OPENING)  
\*CONTRACTOR TO CONFIRM SIZE & LOCATION

**WINDOWS:**

**WINDOWS:**  
ALL GLAZING WITHIN 60 IN. OF TUB OR SHOWER FLOOR, 60 IN. OF A STAIR LANDING OR GREATER THAN 9 SQUARE FEET ARE TO HAVE SAFETY GLAZING

**EGRESS:**  
**WINDOW ESCAPE & RESCUE REQUIREMENTS (R310 & R612):**  
EVERY BEDROOM SHALL BE PROVIDED WITH AN EGRESS WINDOW WITH FINISH SILL HEIGHT NOT GREATER THAN 44" ABOVE THE FINISH FLOOR HEIGHT AND SHALL HAVE A MINIMUM OPEN-ABLE AREA OF 5.7 SQ. FT.  
IN ALL ROOMS USED FOR SLEEPING AND IN ALL BASEMENTS WITH HABITABLE SPACES, ONE WINDOW SHALL OPEN A MINIMUM OF 5.7 SQUARE FEET, 20" WIDE, 24" HIGH WITH A MAXIMUM SILL HEIGHT OF 44".

**SKYLIGHTS:**  
SKYLIGHTS ARE TO BE GLAZED WITH TEMPERED GLASS ON OUTSIDE AND LAMINATED GLASS ON THE INSIDE (UNLESS PLEXIGLAS).

GLASS TO HAVE MAXIMUM CLEAR SPAN OF 25 IN. AND FRAME IS TO BE ATTACHED TO A 2x CURB WITH A MINIMUM OF 4 IN. ABOVE ROOF PLANE.

**OPENINGS:**  
ALL PENETRATIONS OF THE BUILDING ENVELOPE SHALL BE SEALED WITH CAULK OR FOAM.

**DECKS – STAIRS - RAILS:**

MINIMUM STAIR REQUIREMENTS:  
MAXIMUM RISE = 7 3/4"  
MINIMUM RUN = 10"  
MINIMUM HEAD CLEARANCE = 6'8"  
MINIMUM STAIR WIDTH 36"

TREADS MUST BE UNIFORM AND CAN NOT VARY FROM THE LARGEST TO THE SMALLEST BY MORE THAN 3/8".

A FLIGHT OF STAIRS SHALL NOT HAVE A VERTICAL-RISE LARGER THAN 12 FEET BETWEEN FLOOR LEVELS OR LANDINGS.  
EXTERIOR SPIRAL STAIRS TO BE FABRICATED AND INSTALLED PER THE MFG. INSTRUCTIONS.  
PORCHES, BALCONIES, RAMPS, OR RAISED FLOOR SURFACES LOCATED MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS NOT LESS THAN 36" IN HEIGHT.

OPEN SIDES OF STAIRS WITH A TOTAL RISE OF MORE THAN 30" ABOVE THE FLOOR OR GRADE BELOW SHALL HAVE GUARDS NOT LESS THAN 34" IN HEIGHT MEASURED VERTICALLY FROM THE NOSING OF THE TREADS.  
HANDRAILS SHALL BE PLACED BETWEEN 34" TO 38" ABOVE THE NOSING OF TREADS AND LANDING. STAIRWAYS FOR DWELLINGS WITH FOUR OR MORE RISERS SHALL HAVE HANDRAILS. (R311.7.8)  
THE HAND GRIP PORTION OF HANDRAILS SHALL NOT BE LESS THAN 1-1/2" OR GREATER THAN 2" IN GROSS-SECTIONAL DIMENSION.  
HANDRAILS SHALL BE CONTINUOUS THE FULL LENGTH OF THE STAIRS.  
THE ENDS OF HANDRAILS SHALL RETURN TO WALL OR TERMINATE INTO A NEWEL POST OR SAFETY TERMINAL. STAIRWAYS HAVING LESS THAN 2 RISERS DO NOT REQUIRE A HANDRAIL.  
THE OPENINGS BETWEEN BALLISTERS NEWELS IS TO BE NO MORE THAN 4". THE TRIANGULAR OPENINGS FORMED BY THE RISER, TREAD, AND BOTTOM OF GUARDRAIL SHALL NOT ALLOW A 6" DIAMETER SPHERE TO PASS THROUGH.

**GENERAL PLUMBING & HVAC NOTES:**

METALLIC GAS PIPE, WATER PIPE, AND FOUNDATION REINFORCING BARS SHALL BE BONDED TO THE ELECTRICAL SERVICE GROUND.

DRYER, WATER HEATER, KITCHEN AND BATHROOM VENTING SHALL EXHAUST TO THE OUTSIDE OF THE BUILDING AND BE EQUIPPED WITH A BACK-DRAFT DAMPER.

ALL GAS LINES SHALL BE SIZED FOR APPLIANCE LOAD. ALL JOINTS SHALL BE TAPED WHERE BURIED OR EXPOSED TO WEATHER.

TUBS/SHOWERS SHALL BE PROVIDED WITH INDIVIDUAL CONTROL VALVES OF THE PRESSURE BALANCE OR THE THERMOSTATIC MIXING TYPE. THE WATER TEMPERATURE SHALL BE AT A MAXIMUM OF 120°F.

WATER SOFTENER UNIT SHALL CONDITION WATER BEFORE ENTERING THE WATER HEATERS AND THE COLD-WATER SOURCE.

EACH HOSE BIBB SHALL BE EQUIPPED WITH A BACK-FLOW PREVENTION DEVICE.

HEAT DUCTING SHALL BE SECURED, SEALED, AND INSULATED AS APPROPRIATE.

INSTALL WATERPROOF GYPSUM BOARD AT ALL WATER SPLASH AREAS TO MINIMUM 70" ABOVE SHOWER DRAINS. (see plumbing elevations for heights)

INSULATE WASTE LINES FOR SOUND CONTROL.

**DIMENSIONS:**  
DIMENSIONS ARE TO FACE OF STUD, UNLESS NOTED OTHERWISE.  
CLOSETS ARE 24" CLEAR INSIDE, UNLESS DIMENSIONED OTHERWISE.

**SQUARE FOOTAGES:**  
1. Square foot numbers are interior to room and use in calculating finishes.

2. Cabinet and fixtures are not subtracted.

3. Add for doorways when floor finishes run through.

Revision Table	
Number	Date Revised By Description

GENERAL NOTES

**PROJECT:**  
NEAL MCCARTHY  
28 Whidden, Portsmouth  
NH 03801

**CONTACT:**  
AMY DUTTON HOME  
9 WALKER STREET  
KITTEERY, ME 04101  
207.345.6050

DATE:

10/1/2025

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DUTTON HOME 2025

SCALED FOR:  
24" X 36"

SCALE:

SEE SCALE  
ON DRAWINGS

SHEET:

G-1



FRAMING NOTES

- ALL DIMENSIONAL LUMBER SHALL BE DOUGLAS FIR LARCH NO. 2 AND LARGER LUMBER SHALL BE DOUGLAS FIR NO.1 OR BETTER, UNO.
- WALL HEADERS: (2) 2 X 10 DF 2 W/ IKIT TYP. UNO
- I-JOISTS AND LVL MEMBERS MUST BE INSTALLED IN COMPLIANCE WITH THEIR LISTINGS.
- ALL TRUSSES SHALL BE ENGINEERED AND STAMPED WITH A SEPARATE ENGINEERED DOCUMENT.
- PRE-MANUFACTURED WOOD JOISTS & TRUSSES SHALL BE OF THE SIZE AND TYPE SHOWN ON THE DRAWINGS, MANUFACTURED BY THE TRUSS OR JOIST COMPANY. NO MEMBERS SHALL BE MODIFIED AND MUST BE INSTALLED IN COMPLIANCE WITH THEIR LISTINGS. PROVIDE BRIDGING IN CONFORMANCE WITH THE MANUFACTURERS RECOMMENDATIONS. MEMBERS AND BRIDGING SHALL BE CAPABLE OF RESISTING THE WIND UPLIFT NOTED ON THE DRAWINGS. PRE-MANUFACTURED WOOD JOIST ALTERNATES WILL BE CONSIDERED, PROVIDED THE ALTERNATE IS COMPATIBLE WITH THE LOAD CAPACITY, STIFFNESS, DIMENSIONAL, AND FIRE RATING REQUIREMENTS OF THE PROJECT, AND IS ENGINEER OR ICBO APPROVED.
- ALL JOISTS AND RAFTERS SHALL HAVE SOLID BLOCKING AT THEIR BEARING POINTS. CONNECT BLOCKING TO TOP OF WALL W/ SIMPSON FRAMING ANCHORS. ROOF JOIST TO HAVE HURRICANE CLIPS @ 48" O.C. OR SIMPSON H-1 HURRICANE CLIPS @ 24" O/C. INSTALL PRIOR TO ROOF SHEETING.
- ALL WOOD & IRON CONNECTIONS MUST CARRY THE CAPACITY OF THE MEMBER. THE CONTRACTOR IS RESPONSIBLE FOR ALL CONNECTIONS. IF OTHER THAN STANDARD CONNECTIONS ARE REQUIRED, CONTACT PROJECT ENGINEER FOR ASSISTANCE. USE SIMPSON OR OTHER ICC LISTED CONNECTIONS.
- NAILS: ALL SHEAR WALL SHEATHING NAILS SHALL BE COMMON NAILS ALL FRAMING NAILS SHALL BE COMMON NAILS. OR HOT DIPPED GALVANIZED BOX NAILS. FRAMING NAILS SHALL BE PER IBC TABLE 2304.4.1 OR IRC TABLE R602.3(1).
- TRUSS SHALL BE ELIMINATED BY THE USE OF COLLAR TIES OR CEILING JOISTS, WHERE REQUIRED.
- BEVELED BEARING PLATES ARE REQUIRED AT ALL BEARING POINTS FOR BCI & TJI RAFTERS.
- ALL COLUMNS SHALL EXTEND DOWN THRU THE STRUCTURE TO THE FOUNDATION. ALL COLUMNS SHALL BE BRACED AT ALL FLOOR LEVELS. COLUMNS SHALL BE THE SAME WIDTH AS THE MEMBERS THAT THEY ARE SUPPORTING.
- ALL EXTERIOR WALLS SHALL BE SHEATHED WITH 1/2" THICK 2-M-VN SHEATHING OR EQUAL W/ 8D COMMON NAILS @ 6" O.C. @ EDGES @ 12" O.C. IN FIELD. UNO. SHEATHING SHALL BE CONTINUOUS ACROSS ALL HORIZONTAL FRAMING JOINTS.
- ALL ROOF SHEATHING AND SUB-FLOORING SHALL BE INSTALLED WITH FACE GRAIN PERPENDICULAR TO SUPPORTS, EXCEPT AS INDICATED ON THE DRAWINGS. ROOF SHEATHING SHALL EITHER BE BLOCKED, TONGUE-AND-GROOVE. SHEAR WALL SHEATHING SHALL BE BLOCKED WITH 2X FRAMING AT ALL PANEL EDGES. SHEATH ROOF PRIOR TO ANY OVER FRAMING.
- PLYWOOD PANELS SHALL CONFORM TO THE REQUIREMENTS OF "U.S. PRODUCT STANDARD PS 1 FOR CONSTRUCTION AND INDUSTRIAL PLYWOOD" OR APA PRP-108 PERFORMANCE STANDARDS. UNO. PANELS SHALL BE APA RATED SHEATHING, EXPOSURE 1, OF THE THICKNESS AND SPAN RATING SHOWN ON THE DRAWINGS. PLYWOOD INSTALLATION SHALL BE IN CONFORMANCE WITH APA RECOMMENDATIONS. ALLOW 1/8" SPACING AT PANELS ENDS AND EDGES, UNLESS OTHERWISE RECOMMENDED BY THE PANEL MANUFACTURER.
- GLULAM BEAMS SHALL BE FABRICATED IN CONFORMANCE WITH U.S. PRODUCT STANDARD PS 56, "STRUCTURAL GLUED LAMINATED TIMBER" AND AMERICAN INSTITUTE OF TIMBER CONSTRUCTION, ATTIC 117. EACH MEMBER SHALL BEAR AN ATTIC IDENTIFICATION MARK AND BE ACCOMPANIED BY A CERTIFICATE OF CONFORMANCE. ONE COAT OF END SEALER SHALL BE APPLIED IMMEDIATELY AFTER TRIMMING IN EITHER SHOP OR FIELD.
- GLULAM BEAMS SHALL BE 24F-V4 DF/DF OR EQUAL FOR SIMPLE SPANS, AND 24F-V8 DF/DF FOR CONTINUOUS SPANS.
- "VERSA-LAM" & "MICRO-LAM MEMBERS SHALL BE GRADE 2.0 E.
- ANY WOOD IN CONTACT W/ CONCRETE OR MASONRY SHALL BE PRESSURE TREATED.
- ALL WOOD & IRON CONNECTORS SHALL BE INSTALLED W/ ALL REQUIRED FASTENERS IN COMPLIANCE W/ THEIR WRITTEN APPROVAL.
- ALL HANGERS TO BE "SIMPSON" OR EQUAL.
- NOTIFY CONTRACTOR PRIOR TO DRILLING HOLES IN STEEL BEAMS.

OUTDOOR AND GARAGE OUTLETS:

AT LEAST TWO (2) OUTLETS, ACCESSIBLE AT GRADE LEVEL SHALL BE INSTALLED OUTDOORS AND LOCATED AT THE FRONT AND REAR OF THE DWELLING AND SHALL BE WATERPROOF AND NOT INSTALLED ON THE SMALL APPLIANCE BRANCH CIRCUIT. (E3901.7)

AT LEAST ONE (1) OUTLET MUST BE LOCATED IN AN ATTACHED GARAGE. (E3901.9)

AT LEAST ONE (1) OUTLET MUST BE LOCATED IN A BASEMENT. OUTLETS IN BASEMENTS USED AS NON-HABITABLE ROOMS SHALL BE GFCI PROTECTED.

ALL OUTLETS LOCATED OUTDOORS, IN CRAWL SPACES AT OR BELOW GRADE LEVEL OR IN A GARAGE SHALL BE PROTECTED BY A GROUND-FAULT INTERRUPTER. (E3902)

BALCONIES, DECKS, AND PORCHES THAT ARE ACCESSIBLE FROM INSIDE THE DWELLING UNIT SHALL HAVE AT LEAST ONE RECEPTACLE OUTLET INSTALLED THE PERIMETER OF THE AREA. (3901.7)

ELECTRICAL NOTES:

- ALL APPLIANCES TO BE ON DEDICATED CIRCUITS - REFER TO APPLIANCE SPECS FOR AMP/VOLTAGE REQUIREMENTS
- ELECTRICAL RECEPTACLES IN BATHROOMS, KITCHENS, FOUNDATION, AND GARAGE SHALL BE G.F.C.I. PER NATIONAL ELECTRICAL CODE REQUIREMENTS
- ALL BEDROOM OUTLETS AND LIGHTS BE ARCH FAULT PROTECTED
- ALL VENTILATION FANS TO BE FANTEC 300 CFM
- PROVIDE ONE SMOKE DETECTOR AND CARBON MONOXIDE DETECTOR IN EACH ROOM AND ONE IN EACH CORRIDOR ACCESSING BEDROOMS. CONNECT SMOKE DETECTORS TO HOUSE POWER AND INTER-CONNECT SMOKE DETECTORS TO HOUSE POWER SO THAT WHEN ANY ONE IS TRIPPED, THEY WILL ALL SOUND. PROVIDE BATTERY BACKUP FOR ALL UNITS.
- CIRCUITS SHALL BE VERIFIED WITH DESIGNER PRIOR TO WIRE INSTALLATION
- FINAL SWITCHES FOR TIMERS AND DIMMERS SHALL BE VERIFIED WITH DESIGNER
- FIXTURES TO BE SELECTED BY DESIGNER AND HOME OWNER
- ALL LIGHTING SHALL BE DIMABLE AND USE LED BULBS

NOTE: ALL ELECTRICAL LOCATIONS TO BE CONFIRMED ON SITE WITH DESIGNER, LOCATIONS NOT EXACT UNLESS DIMENSIONED ON PLANS

SCHEDULE MEETING WITH DESIGNER TO REVIEW PLACEMENT AND PLAN ON SITE

CARBON MONOXIDE ALARMS

IRC SECTION R315

PROVIDE A CARBON MONOXIDE ALARMS OUTSIDE OF EACH SEPARATE SLEEPING AREA IN THE IMMEDIATE VICINITY OF THE BEDROOMS IN DWELLING UNITS WITH FUEL FIRED APPLIANCES OR ATTACHED GARAGES.

WHEN MECHANICAL WORK, GAS WORK, REMODELS, OR ADDITIONS REQUIRING A PERMIT OCCURS, THE INDIVIDUAL DWELLING UNITS WITH FUEL FIRED APPLIANCES OR ATTACHED GARAGES SHALL BE EQUIPPED WITH CARBON MONOXIDE ALARMS LOCATED AS REQUIRED FOR NEW DWELLINGS.

SMOKE DETECTORS - IRC SECTION R314

PROVIDE A SMOKE DETECTOR IN EACH SLEEPING ROOM AND AT A POINT CENTRALLY LOCATED IN THE HALLWAY OR AREA GIVING ACCESS TO EACH SLEEPING AREA.

THE SMOKE DETECTOR SHALL RECEIVE ITS PRIMARY POWER FROM BUILDING WIRING AND SHALL BE EQUIPPED WITH A BATTERY BACKUP.

DETECTORS SHALL BE INTERCONNECTED TO SOUND AN ALARM AUDIBLE IN ALL SLEEPING AREAS OF DWELLING UNITS IN WHICH THEY ARE LOCATED.

DETECTORS SHALL NOT BE ON A CIRCUIT WHICH IS GROUND-FAULT INTERRUPTER PROTECTED. DETECTORS IN BEDROOMS TO BE AFCI PROTECTED.

WHEN ALTERATIONS, REPAIRS OR ADDITIONS REQUIRING A PERMIT OCCUR, OR WHEN ONE OR MORE SLEEPING ROOMS ARE ADDED OR CREATED IN EXISTING DWELLINGS, THE INDIVIDUAL DWELLING UNIT SHALL BE EQUIPPED WITH SMOKE ALARMS LOCATED AS REQUIRED FOR NEW DWELLINGS; THE SMOKE ALARMS SHALL BE INTERCONNECTED AND HARD-WIRED.

EXCEPTIONS:

INTER CONNECTION AND HARD WIRING OF SMOKE ALARMS IN EXISTING AREAS SHALL NOT BE REQUIRED WHERE THE ALTERATIONS OR REPAIRS DO NOT RESULT IN THE REMOVAL OF INTERIOR WALL OR CEILING FINISHES EXPOSING THE STRUCTURE, UNLESS THERE IS AN ATTIC, CRAWL SPACE OR BASEMENT AVAILABLE WHICH COULD PROVIDE ACCESS FOR HARD WIRING AND INTERCONNECTION WITHOUT THE REMOVAL OF INTERIOR FINISHES.

WORK INVOLVING THE EXTERIOR SURFACES OF DWELLINGS, SUCH AS THE REPLACEMENT OF ROOFING OR SIDING, OR THE ADDITION OR REPLACEMENT OF WINDOWS OR DOORS, OR THE ADDITION OF A PORCH OR DECK, ARE EXEMPT FROM THE REQUIREMENTS OF THIS SECTION

RECEPTACLE OUTLETS:

(IRC CHAPTER 39)

IN EVERY HABITABLE ROOM, RECEPTACLE OUTLETS SHALL BE INSTALLED SO THAT NO POINT ALONG THE FLOOR LINE IN ANY WALL SPACE, INCLUDING ANY WALL SPACE 2 FEET OR MORE IN WIDTH, IS MORE THAN 6 FEET MEASURED HORIZONTALLY FROM AN OUTLET IN THAT SPACE SO THAT THERE WILL BE AN OUTLET FOR EVERY 12 LINEAR FEET OR FRACTION THEREOF OF WALL LENGTH. FIXED GLASS PANELS, RAILINGS AND OTHER FIXED ROOM DIVIDERS SUCH AS FREESTANDING BAR TYPE COUNTERS SHALL BE INCLUDED IN THE 6' MEASUREMENT. (E3901.2)

ALL RECEPTACLES INSTALLED WITHIN 6 FEET OF A LAUNDRY, UTILITY OR WET BAR SINK SHALL BE PROTECTED BY GROUND-FAULT CIRCUIT INTERRUPTERS. (E3902.7)

MINIMUM OF ONE RECEPTACLE OUTLET IN HALLWAYS 10' OR MORE IN LENGTH SHALL BE INSTALLED.

ALL ROOM CIRCUITS INCLUDING LIGHTING AND SMOKE DETECTORS TO BE AFCI PROTECTED. SEE CODE FOR EXCEPTIONS.

ALL RECEPTACLE OUTLETS SHALL BE TAMPERED RESISTANT. (E4002.14)

ABBREVIATIONS & SYMBOLS

CODE SUMMARY

THESE BUILDING PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH THE INTERNATIONAL RESIDENTIAL CODE - 2015 EDITION FOR NEW HAMPSHIRE

& @ Q APPROX. ARCH. ADJ. A.F.F. A.D.	AND AT CENTERLINE APPROXIMATE ARCHITECTURAL ADJUSTABLE ABOVE FINISH FLOOR AREA DRAIN	FDN. F.E. FGL. FIN. F.O. FLR F.D. FLUOR. FT. F.S.	FOUNDATION FIRE EXTINGUISHER FIBERGLASS FINISH(ED) FACE OF FLOOR FLOOR DRAIN FLUORESCENT FEET-FOOT FULL SIZE	FLYWD. P.T. PVC. PR. PNL. PTN. PL. POL.	PLYWOOD PRESSURE TREATED POLYVINYL CHLORIDE PAIR PANEL PARTITION PLATE POLISHED		
	BSMT. BLDG. BLK. BLKG. BM. BET.	BASMENT BUILDING BLOCK BLOCKING BEAM BETWEEN	GALV. G.C. G.L. GR. GYP.	GALVANIZED GENERAL CONTRACTOR GLASS GRADE GYPSUM	R. RAD. REINF. R.O. REQD. RF. R.D.	RISER RADIUS REINFORCED/REINFORCING ROUGH OPENING REQUIRED ROOF ROOF DRAIN	
	CAB. C.O. CLG. O.C. CL. CLR. COL. CONC. CONT. CONST. CU. CPT. C.M.U.	CABINET CASED OPENING CEILING CENTER(ON) CLOSET CLEAR COLUMN CONCRETE CONTINUOUS CONSTRUCTION CUBIC CARPET CONCRETE MASONRY UNIT	HGT./HT. HDWD. H.P. H.M. HORIZ.	HEIGHT HARDWOOD HIGH POINT HOLLOW METAL HORIZONTAL	SECT. SHT. SIM. S&P SYG. SH. SPECS. SQ. STD. STL. STRUCT. SUSP.	SECTION SHEET SIMILAR SHELF AND POLE SERVICE SHELVES SPECIFICATIONS SQUARE STANDARD STEEL STRUCTURAL SUSPENDED	
	DBL. D.F. D.A. DIA. DIM. DO. DET. DN. DN DWGS.	DOUBLE DOUGLAS FIR DOUBLE ACTING DIAMETER DIMENSION DITTO DETAIL DOWN DISHWASHER DRAWINGS	JST. JT.	JOIST JOINT	T. T&B TBD T&G TYP. T.W. T.O. T.O.F. T.O.F.W. T.O.S. T.O.W TEL. TEMP. TLT. U.N.O. V.I.F VERT.	TREADS TOP AND BOTTOM TO BE DETERMINED TOUGE AND GROOVE TYP. TO THE WEATHER TOP OF TOP OF FOOTING TOP OF FOUNDATION WALL TOP OF SLAB TOP OF WALL TELEPHONE TEMPERED TOILET UNLESS NOTED OTHERWISE VERIFY IN FIELD VERT	
EA. EL. ELEV. ELV. EQ. EXIST. EXP. JT. EXP. EXT.	EACH ELEVATION(GRADE) ELEVATION(FACADE) ELEVATOR EQUAL EXISTING EXPANSION JOINT EXPOSED EXTERIOR	N. N.I.C. N.T.S. NO.  O.H. OPNG. OPP. O.D. O.C. OA	NORTH NOT IN CONTACT NOT TO SCALE NUMBER  OVERHEAD OPENING OPPOSITE OUTSIDE DIAMETER ON CENTER OVERALL	W/ WD. W.I.C WH WO W.C. W.I. W.R.	WITH WOOD WALK-IN CLOSET WATER HEATER WITHOUT WATER CLOSET WROUGHT IRON WATER RESISTANT		

Revision Table	Number	Date	Revised By	Description

GENERAL NOTES

PROJECT:  
NEAL MCCARTHY  
28 Whidden, Portsmouth  
NH 03801

CONTACT:  
AMY DUTTON HOME  
9 WALKER STREET  
KITTEBY, ME 04101  
207.345.6050

DATE:

10/1/2025

COPYRIGHT ©AMY  
DUTTON HOME 2025

SCALED FOR:  
24" X 36"

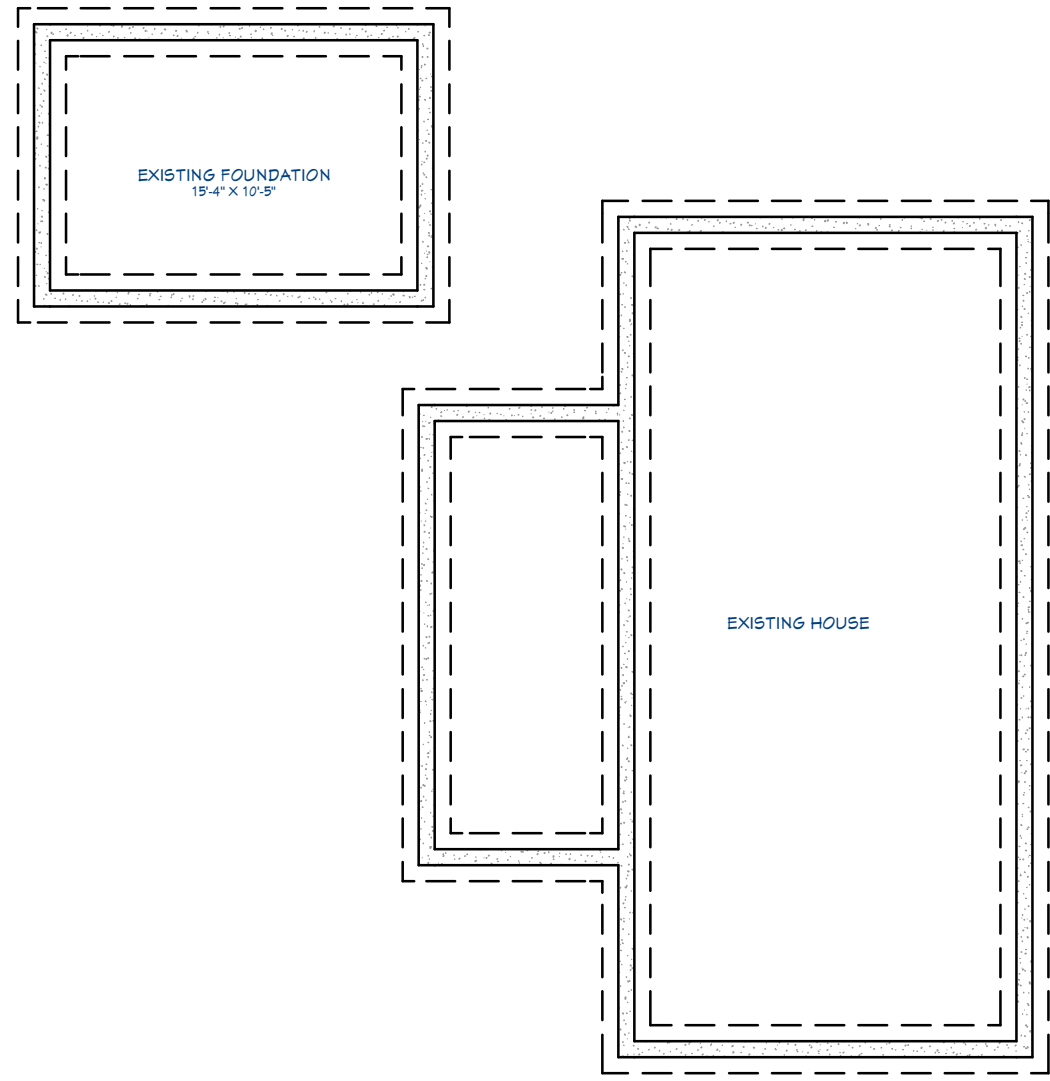
SCALE:

SEE SCALE  
ON DRAWINGS

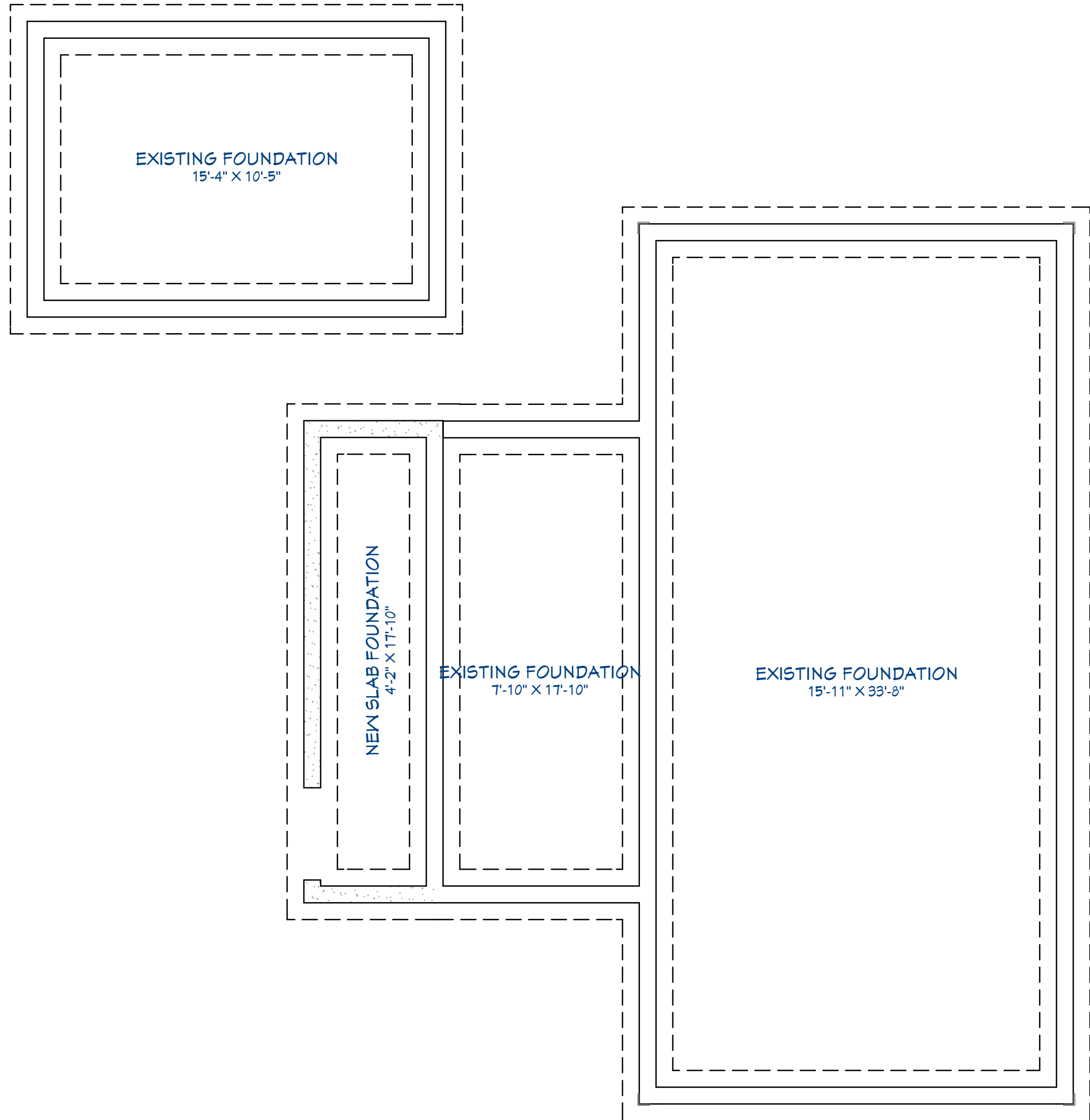
SHEET:

G-2

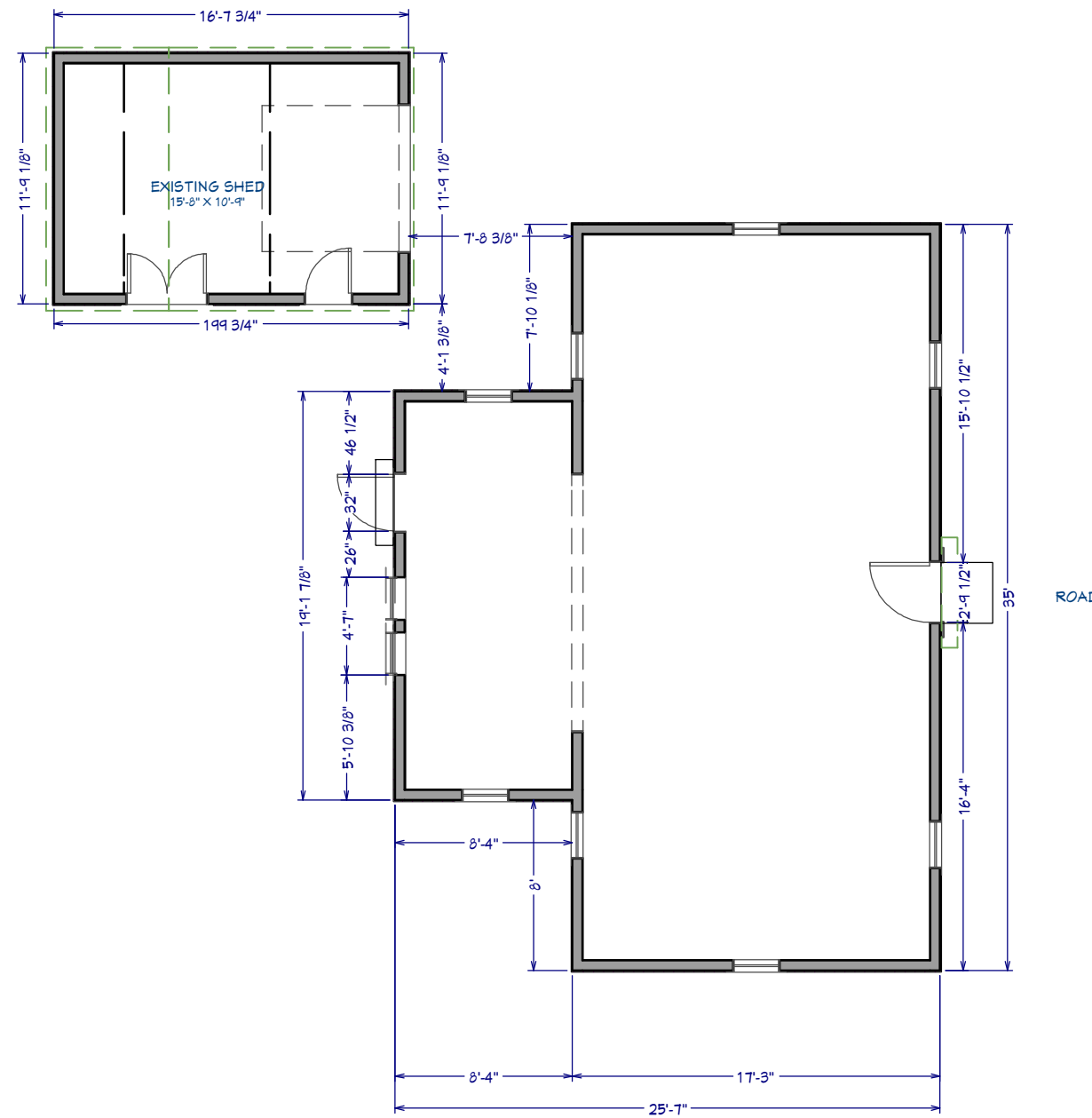




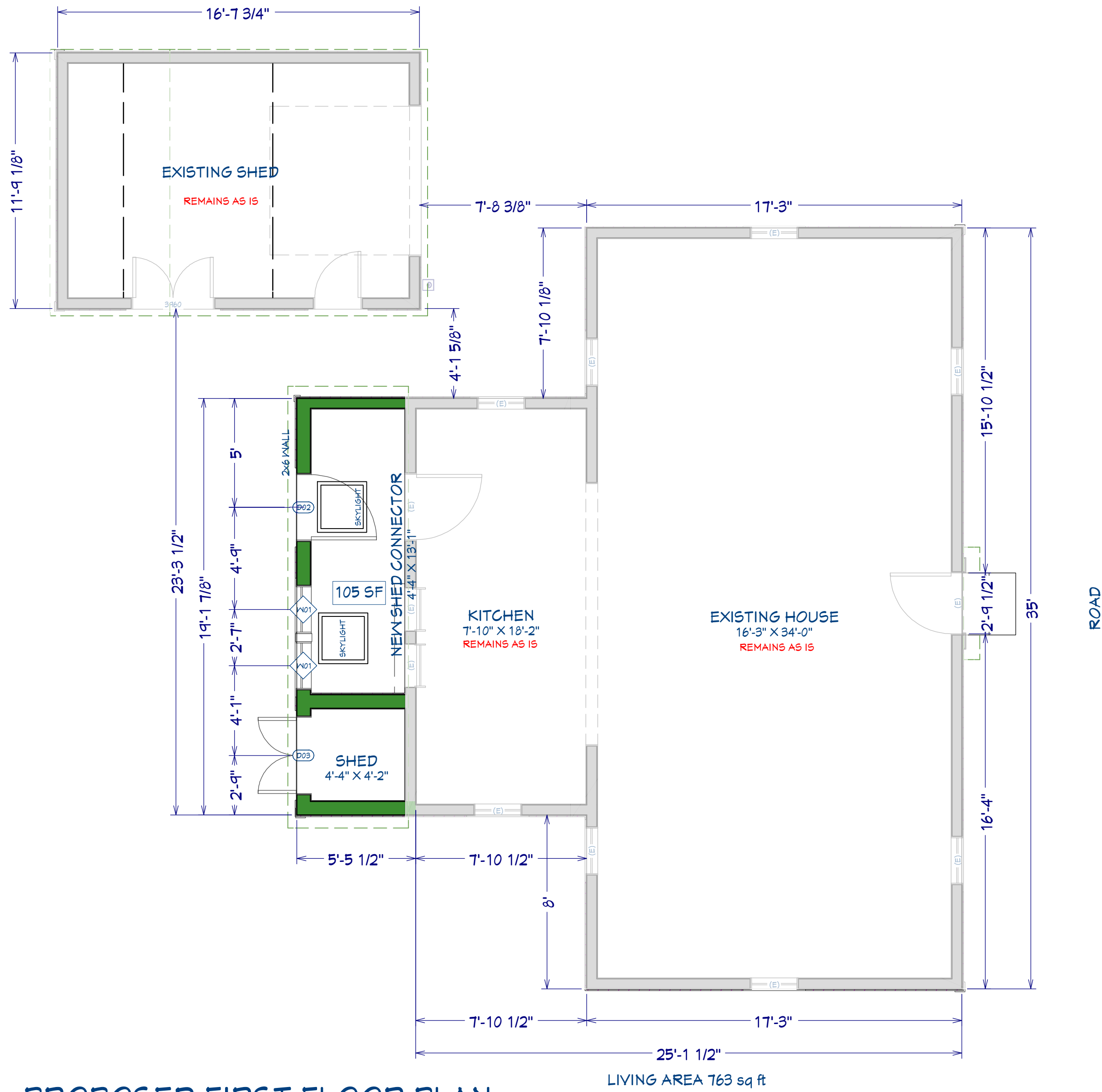
**EXISTING FOUNDATION PLAN**  
SCALE: 1/8" = 1'-0"



**PROPOSED FOUNDATION PLAN**  
SCALE: 1/4" = 1'-0"



**EXISTING FIRST FLOOR PLAN**  
SCALE: 1/8" = 1'-0"



**PROPOSED FIRST FLOOR PLAN**  
SCALE: 1/4" = 1'-0"

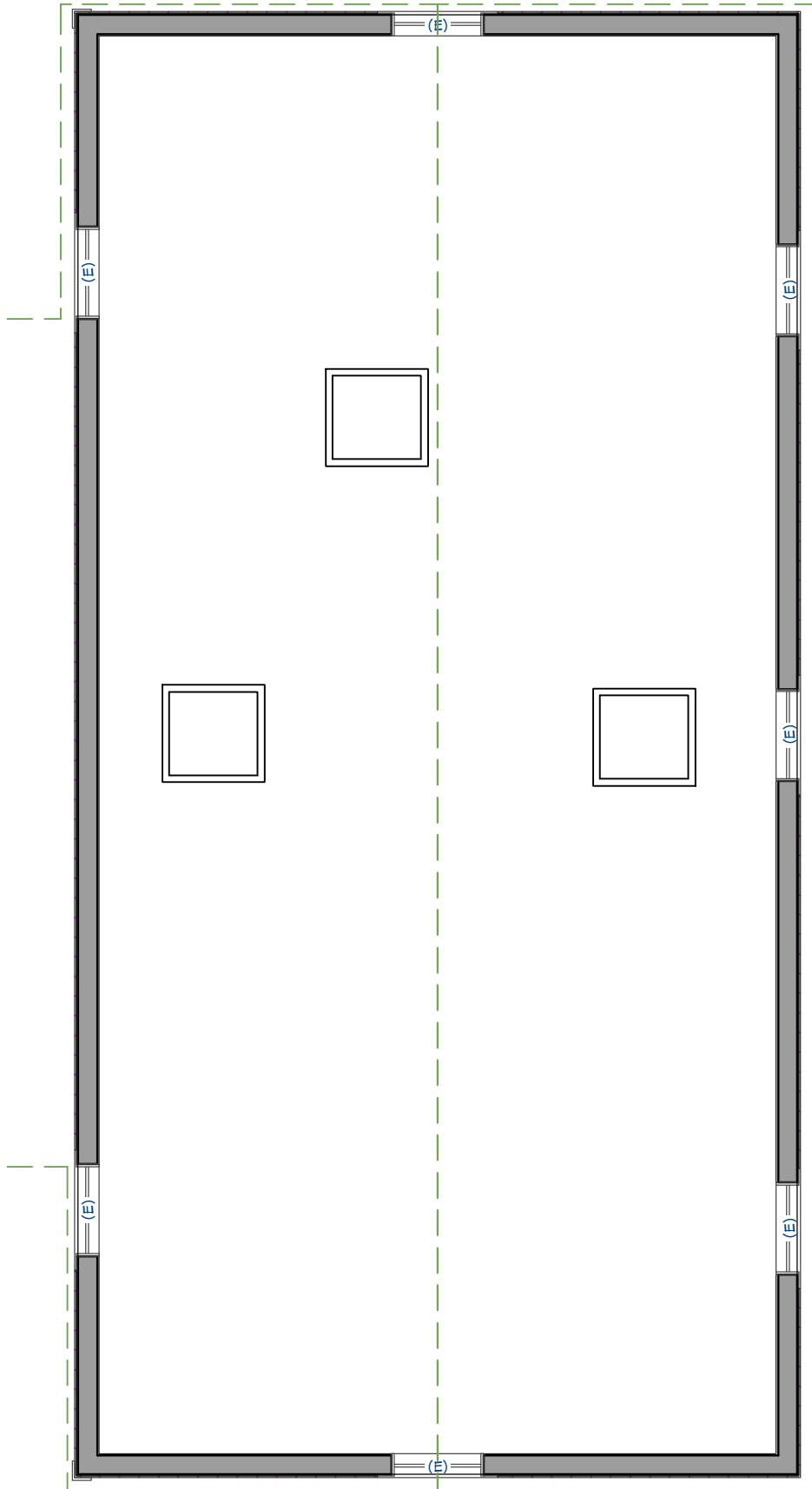
**WALL LEGEND**

- EXTERIOR WALL - 2x6 wood stud
- INTERIOR WALL - 2x4 wood stud, unless noted
- GLASS TOP TILE BOTTOM PONY WALL
- GLASS SHOWER WALL
- NEW WALL

NOTE: 2X6 & 2X4 Wood stud, 16" oc unless otherwise noted.

**WALL LEGEND**

- NEW 8" CONCRETE FOUNDATION WALL
- EXISTING 8" CONCRETE FOUNDATION WALL



**SECOND FLOOR PLAN REMAINS AS IS**  
SCALE: 1/4" = 1'-0"

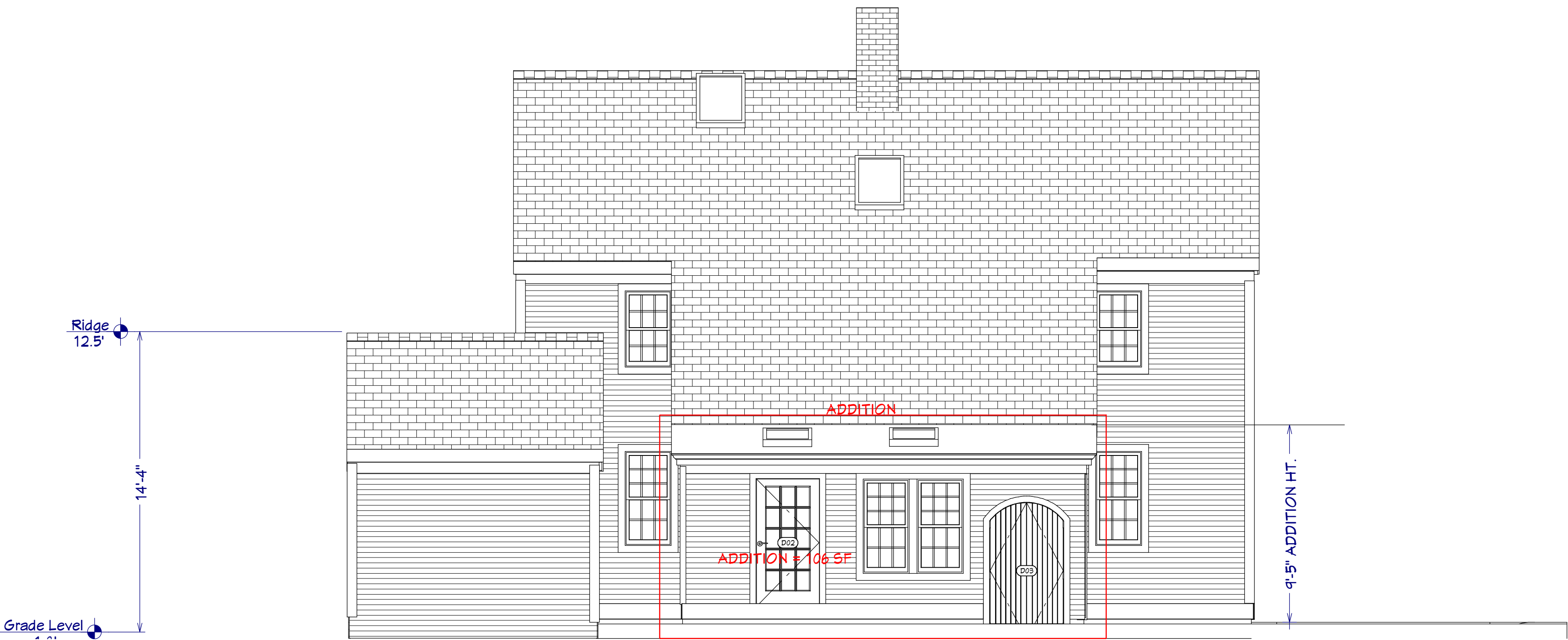
Revision Table	Number	Date	Revised By	Description





EXISTING TO REMAIN FRONT ELEVATION

SCALE: 1/4" = 1'-0"



PROPOSED REAR ELEVATION

SCALE: 1/4" = 1'-0"

## ELEVATIONS

SCALE: 1/4" = 1'-0"

EXISTING REAR VIEW



EXISTING FRONT VIEW



EXISTING REAR ELEVATION

SCALE: 1/8" = 1'-0"

AMY DUTTON  
ARCHITECTURE & DESIGN

Revision Table	Number	Date	Revised By	Description

## ELEVATIONS

PROJECT:  
NEAL MCCARTHY  
28 Whidden, Portsmouth  
NH 03801

CONTACT:  
AMY DUTTON HOME  
4 WALKER STREET  
KITTELY, ME 04101  
207.345.6050

DATE:

10/1/2025

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DUTTON HOME 2025

SCALED FOR:  
24" X 36"

SCALE:

SEE SCALE  
ON DRAWINGS

SHEET:

A-2



Revision Table	
Number	Description

ELEVATIONS

PROJECT:  
NEAL MCCARTHY  
28 Whidden, Portsmouth  
NH 03801

CONTACT:  
AMY DUTTON HOME  
4 WALKER STREET  
KITTELY, ME 04101  
207.345.6050

DATE:

10/1/2025

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SCALED FOR:  
24" X 36"

SCALE:

SEE SCALE  
ON DRAWINGS

SHEET:

A-3



PROPOSED SOUTH ELEVATION | SIDE VIEW

SCALE: 1/4" = 1'-0"



EXISTING WEST ELEVATION | SIDE VIEW

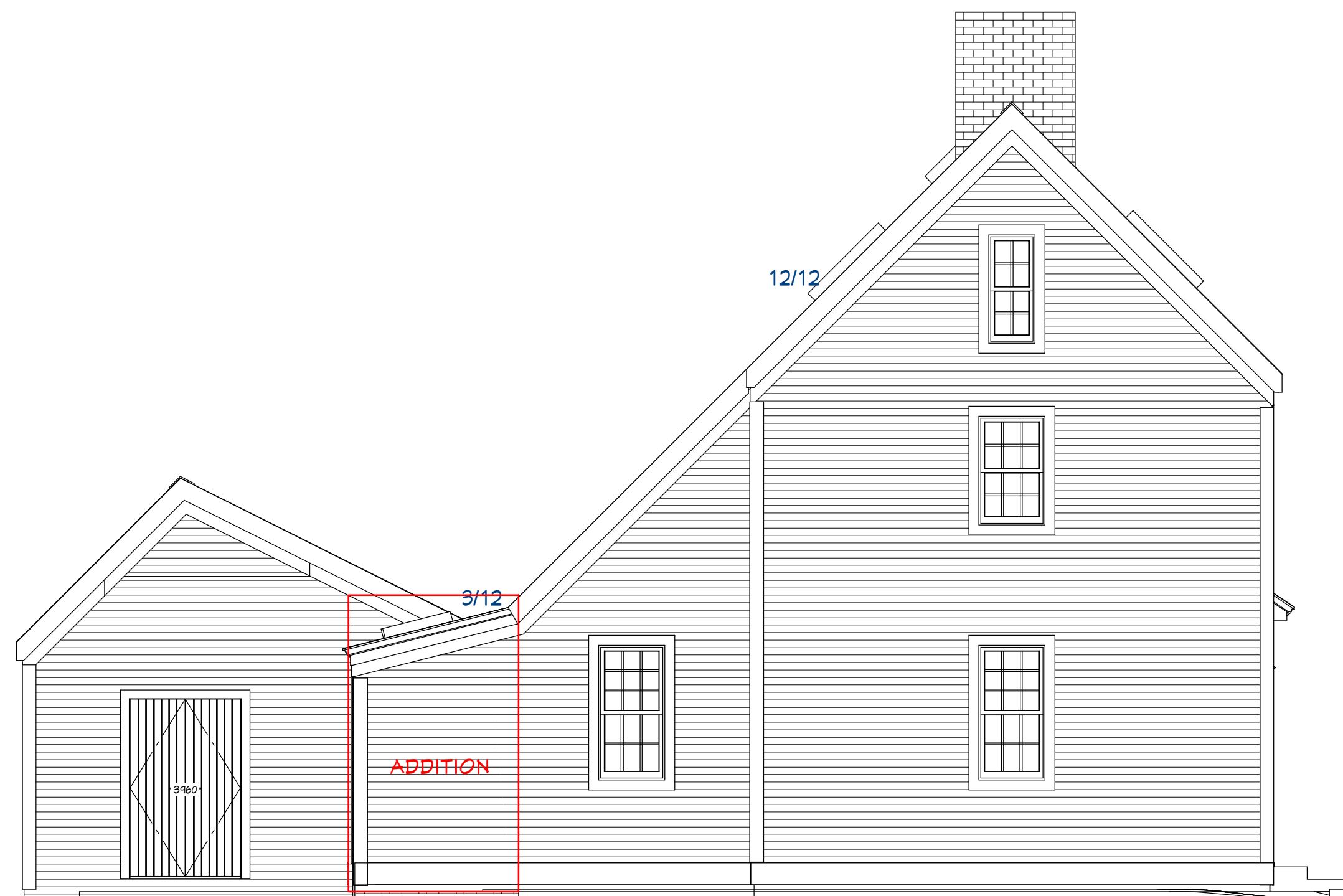
SCALE: 1/8" = 1'-0"

EXISTING EAST VIEW



EXISTING EAST ELEVATION | SIDE VIEW

SCALE: 1/8" = 1'-0"



PROPOSED NORTH ELEVATION | SIDE VIEW

SCALE: 1/4" = 1'-0"

ELEVATIONS

SCALE: 1/4" = 1'-0"



## II. NEW BUSINESS

- A. The request of **Double Mc LLC (Owner)**, for property located at **134 Pleasant Street** whereas relief is needed for redevelopment of the existing commercial building and construction of horizontal and vertical building expansions for a mixed-use building with below-grade parking and the relocation of drive-through teller lanes, which requires the following: 1) Variance from Section 10.440, Use #19.40 for a drive-through facility as an accessory to a permitted principle use; and 2) Variance from Section 10.331 to change the location and use of the drive-through facility. Said property is located on Assessor Map 116 Lot 30 and lies within the Character District 4 (CD4) and Historic District. (LU-25-138)

### Existing & Proposed Conditions

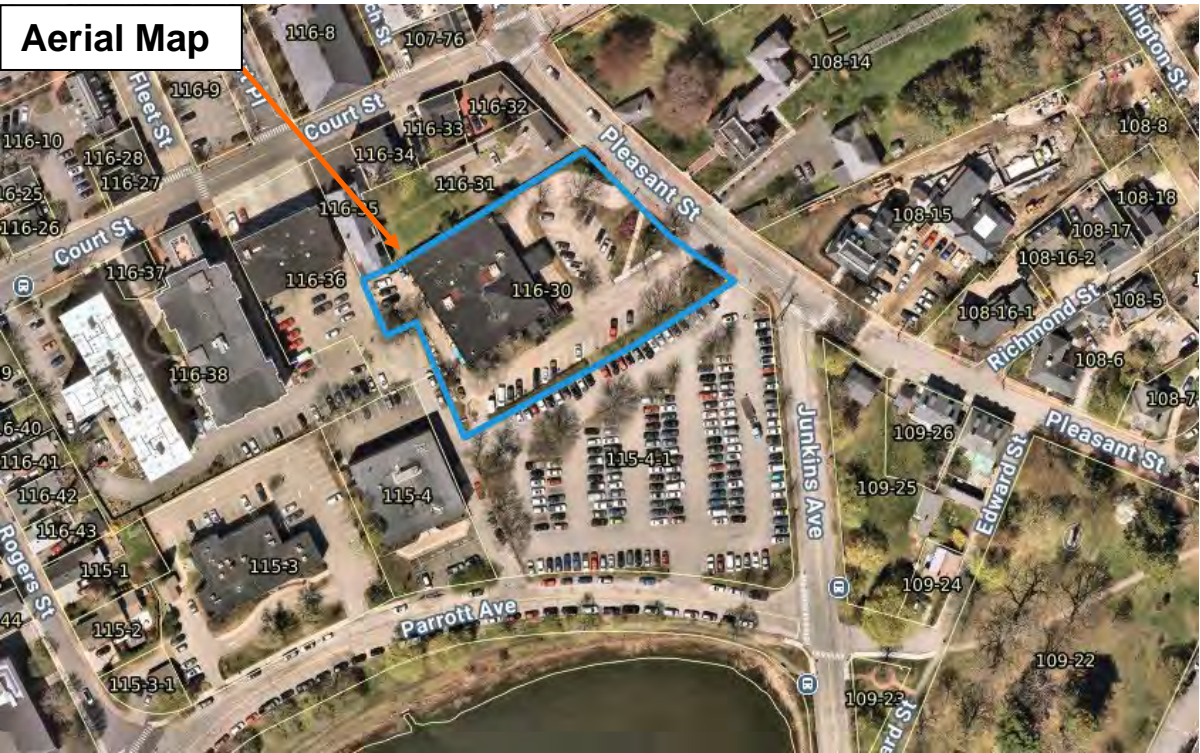
	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Commercial	Mixed-Use, Co-living, Retail & Office (bank), <b>Drive-thru facility*</b>	Mixed-use
<u>Lot area (sq. ft.):</u>	53,084	53,084	NR
<u>Setback Front – Principal (ft.)</u>	N/A	10	10 max.
<u>Side Yard (ft.)</u>	0	0 (north) >50 (south)	NR
<u>Rear Yard (ft.)</u>	N/A	>5	5 min.
<u>Front Lot Line Buildout (%):</u>	N/A	51	50 min.
<u>Ground Floor Area Per Use (SF)</u>	11,241	10,336 (Bank) 10,701 (Retail)	15,000 max
<u>Ground Floor Height (ft.)</u>	9.9	14.5	12 min
<u>Height (ft.)</u>	19.5	27.6	2 full stories and short 3rd/ 35 feet max
<u>Height with Penthouse (ft.):</u>	N/A	26.2	37 max.
<u>Height with Roof appurtenance (ft.)</u>	N/A	26.2	45 max.
<u>Building Coverage (%):</u>	21.2	42.8	90 max.
<u>Open Space Coverage (%):</u>	>10	>10	10 min.
<u>Estimated Age of Structure:</u>	1955	<b>Variance request(s) shown in red.</b>	

**\*Drive-through facility as an accessory use to a permitted principal use not permitted per Section 10.440, Use #19.40**

### **Other Permits/Approvals Required**

- Building Permit
- Historic District Commission Approval
- Site Plan Review – Technical Advisory Committee and Planning Board
- Coliving Conditional Use Permit – Planning Board
- Parking Conditional Use Permit – Planning Board (as necessary)

Neighborhood Context





## Previous Board of Adjustment Actions

- **January 24, 1984** – a Special Exception as allowed in Article XII, Section 10-1201 (d)(1) to permit a reduction/elimination of the required parking by considering the availability of public parking spaces within 500' of the proposed use for a proposed addition of 2,400 s.f. of floor space (for banking use) within an existing building with 33 parking spaces being presently provided where approximately 72 parking spaces would be required. The Board voted to **grant** the request as presented and advertised.
- **August 19, 1986** – A Special Exception as allowed in Article XII, Section 10-1201 (d)(1) is requested to permit the conversion of 4,480 square feet of existing attic and basement space into additional office space within an existing building creating the need for an additional 23 parking spaces for a total of 96 spaces required where 33 parking spaces are being provided. Said reduction is requested considering the availability of public parking space within 500 ft. of the side. The Board voted to **deny** the request.
- **September 16, 1986** – The Board **denied** a request for Rehearing of the August 19, 1986 decision. The matter was appealed to the Rockingham County Superior Court, and on November 9, 1987 Judge Vincent Dunn upheld the decision of the Board.
- **January 26, 1988** – a Special Exception in Article XII, Section 10-1201 (1)(d)(1), to permit the conversion of 2,180 s.f. of unused attic and basement space within the existing building (which will require eleven additional parking spaces) thereby to allow for reduction in the required parking of ninety spaces, with thirty-seven spaces being provided where the Board may allow either the reduction or elimination of the required parking in consideration of the availability of public parking spaces within 500' of the proposed use. The Board voted to **grant** the request as presented and advertised.
- **October 20, 1992** – 1) a Variance from Article IX, Section 10-906 to allow the installation of two attached signs with a total aggregate area of 206 s.f. in a district where 60 s.f. is the maximum attached sign allowed; 2) a Variance from Article IX, Section 10-906 to allow the installation of 8 directional free-standing signs with advertising and 1 pylon free-standing sign for a total aggregate area of 92.5 s.f. in a district where 12 s.f. is the maximum allowed; 3) a Special exception as allowed in Article IX, Section 10-906 to allow 9 free-standing signs in the Central Business District where such signs may be allowed by a Special Exception; and 4) a Variance from Article IX, Section 10-906 to allow a total aggregate area of 298.5 s.f. in a district where 75 s.f. is the maximum aggregate area allowed. The Board voted to **grant** Variance 1 and Special Exception 3 as presented and advertised. The Board voted to **deny** Variances 2 and 4. They found that all the criteria had not been met and that the request for signage was excessive and not warranted for this area of town. They concluded that there were other alternatives for the 8 directional signs without using the advertising.
- **May 19, 1998** – 1) a Variance from Article II, Section 10-207 (22)(c&f) to allow 12,715 s.f. of existing bank space to be converted to business and professional office use with the remaining 8,285 s.f. to be continued to be used for banking, 2) a Variance from Article XII,

Section 10-1204 Table 15 to allow 33 parking spaces to be provided where 84 parking spaces are required; and 3) a Variance from Article IX, Section 10-908 Table 14 to allow a) 6 s.f. to be added to an existing 6 s.f. nonconforming freestanding sign, and b) a total aggregate of 252 s.f. of signage where 75 s.f. is the maximum allowed and 246 s.f. exists. The Board voted to **grant** Variances 1 and 2 as presented and advertised. The Board voted to **deny** Variance 3. The Board felt the property was over signed as it exists. They concluded that the existing signage could be redesigned to allow the new tenant signage that would not require relief from the Ordinance.

### Planning Department Comments

The site is currently a two-story, 11,000 SF commercial building for Citizens Bank. The applicant is proposing to redevelop the property to include a front addition for expansion of the bank footprint, added retail space, residential apartments and coliving with associated site improvements. The bank has two existing drive-through teller lanes that are proposed to be moved to the south side of the newly redeveloped building. Due to the changes to the site and the existing nonconforming use, the applicant is seeking relief from Table 10.440, Use #19.40 to permit a drive-through facility as an accessory to a permitted principal use.

If the Board decides to grant approval of the requested variance, staff recommends the following condition for consideration:

### 1. The design and location of the buildings may change as a result of Planning Board review and approval.

### Variance Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
  - (a) *The property has special conditions that distinguish it from other properties in the area.*  
**AND**
  - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*  
**OR**
  - Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

### 10.235 Certain Representations Deemed Conditions

Representations made at public hearings or materials submitted to the Board by an applicant for a special exception or variance concerning features of proposed buildings,

structures, parking or uses which are subject to regulations pursuant to Subsection 10.232 or 10.233 shall be deemed conditions upon such special exception or variance.

FRANCIS X. BRUTON, III  
CATHERINE A. BERUBE  
JOSHUA P. LANZETTA

OF COUNSEL  
JAMES H. SCHULTE

# Bruton & Berube, PLLC

ATTORNEYS AT LAW

601 Central Avenue  
Dover, NH 03820

TEL (603) 749-4529  
(603) 743-6300  
FAX (603) 343-2986

[www.brutonlaw.com](http://www.brutonlaw.com)

September 24, 2025

**VIA HAND DELIVERY**

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

**RE: Application for Variance**  
**Owner/Applicant: Double MC, LLC**  
**Property: 134 Pleasant Street, Portsmouth, NH**  
**Tax Map 116, Lot 30**  
**Zoning District: CD4**

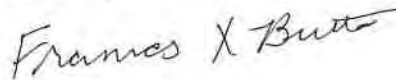
Dear Chair Eldridge:

Enclosed please find a complete copy of the Zoning Board of Adjustment Application that was submitted online, along with a copy of the project narrative and other associated materials in support of the above-named Applicant's request for Variance.

We understand, by submitting this application today, that this matter will be placed on the board's agenda for its meeting of October 21, 2025.

Should there be any questions regarding this application, please do not hesitate to contact us.

Sincerely,



Francis X. Bruton, III, Esquire  
E-mail: [fx@brutonlaw.com](mailto:fx@brutonlaw.com)

FXB/mas  
Enclosures

cc: Double MC, LLC  
Ambit Engineering, Inc.  
ARCove, LLC

**DOUBLE MC, LLC**  
**APPLICATION FOR VARIANCE**

**I. INTRODUCTION**

Double Mc, LLC, holds title to property located at 134 Pleasant Street as depicted on the City of Portsmouth Tax Map 116 as Lot 30 (hereinafter the “Property”). The Property is adjacent to a right-of-way located in the Municipal Parrott Avenue Parking lot and lies within the City of Portsmouth Character District 4 (CD4) and Historic District Commission (HDC) Zoning Districts. The Property is currently developed with an existing two-story building and a surface parking lot. The current use is a banking facility with two drive-through teller lanes, and offices for Citizens Bank and Collins Engineering. The Property has been utilized since 1982 as a banking facility with drive thru teller lanes.

During a Conceptual Review with the Planning Board on September 18, 2025, the Property Owner was told that a variance would be required for the drive-through teller lanes because our plans proposed changing the side of the transaction window and other subtle changes and that use is not permitted within the CD4 zone. The drive-through teller lanes and transaction window has existed as an integral part of the Property, its use and value for the last 43 years. Downtown Portsmouth currently has drive-through teller lanes for TD Bank, M&T Bank and Piscataqua Savings Bank with all properties located within CD4 and CD5 zones. In recent history there were also teller drive-through lanes for Eastern Bank near the Foundry Garage and for Indian Head Bank and Trust at 3 Pleasant Street. To the best of the Applicant’s knowledge, the site has not been the subject of any zoning enforcement action related to the drive-through teller lanes and its associated accessory structure. It appears the use of drive-through teller lanes was removed at the same time character based zoning was enacted in or around 2015. For those reasons, it is believed, and therefore averred, that the drive-through use is a valid nonconforming use.

The project consists of the adaptive reuse of the existing two-story structure, with horizontal and vertical building expansions toward Pleasant Street, below grade (basement) parking and relocating the drive-through teller lanes. By relocating the drive-through teller lanes and the parking underground, the extensive non-conforming surface parking lots will be removed in favor of a new building that will activate Pleasant Street and bring the front yard set-back into compliance with CD4 zone. The CD4 zone requires a front yard building setback of no greater than 10 feet and the existing building has a front yard setback of approximately 100 feet from the Pleasant Street front property line. The existing location of the drive-through makes it impossible to construct a new building that conforms to the zoning ordinance without changes to the drive-through location. Character based zoning requires front property lines to be activated with buildings and not parking lots or drive-through lanes. The Owner’s proposed plans will bring life to a new pedestrian friendly sidewalk on Pleasant Street, cure the non-conforming front yard building set back, improve vehicular circulation and improve the non-conforming drive-through teller lane use. The new building and teller drive-through lanes will be the new home for Kennebunk Savings Bank.



The Portsmouth Zoning Ordinance provides:

**10.331 A lawful nonconforming use may continue, but may not be extended, enlarged or changed except in conformity with this Ordinance.**

Given the foregoing, the Applicant requests a variance from Section 10.331 to change the location and use of the drive-through, as described above.

For the foregoing reasons, and based upon the following, the Applicant respectfully submits that the grant of the variance requested herein is reasonable and appropriate.

**II. VARIANCE CRITERIA**

New Hampshire RSA 674:33, I (a)(2) and Section 10.233 of the Portsmouth Zoning Ordinance set forth five criteria upon which variances may be granted. The application of these criteria to the Applicant's proposal is discussed hereafter.

**A. Granting the variances will not be contrary to the public interest.**

To be contrary to the public interest or injurious to public rights, the variance must unduly and in a marked degree conflict with the basic zoning objectives of the ordinance. See *Chester Rod & Gun Club*, 152 N.H. at 581. In making the determination, the Board should determine whether the variance would “alter the essential character of the locality or threaten public health, safety or welfare.”

Section 10.121 of the Portsmouth Zoning Ordinance states that, “[t]he purpose of this Ordinance is to promote the health, safety and general welfare of Portsmouth and its region in accordance with the City of Portsmouth Master Plan.

The existing drive-through window is located in the middle of the existing building and results in car headlights shining on the abutting property to the north and cars existing directly onto Pleasant Street. The Owner proposes to relocate the drive-through lanes as depicted on the attached plans which gets car headlights and any noise from transaction windows away from the residential scale abutter to the north and more appropriately accessed from the existing travel lanes and the Parrott Avenue Municipal Parking lot. The proposed construction on the Property will act as a solid buffer between the activities of the drive-through that currently exist, making the new location more desirable than the current location. The proposed relocation also provides for much needed expansion space for Kennebunk Savings Bank who has leased the Property. It is respectfully submitted that granting the variance would not alter the essential character of the locality or threaten public health, safety or welfare of the immediate neighborhood by relocating the existing drive-through as proposed.

**B. The spirit of the ordinance is observed.**

When considering whether the granting of the variance will observe the spirit of the ordinance, the New Hampshire Supreme Court has indicated this review is substantially related, and similar to the review regarding public interest. See *Harborside Associates, L.P. v. Parade*

*Resident Hotel, LLC*, 162 NH 508, 514 (2011). Thus, the Applicant submits that the rationale set forth above regarding “public interest” is equally applicable to the Board’s review as to whether the spirit of the ordinance is observed with the grant of the variance.

**C. The granting of the requested relief will do substantial justice.**

In *Malachy Glen Associates v. Town of Chester*, 155 N.H. 102, 109 (2002), the New Hampshire Supreme Court held that, “...the only guiding rule [in determining whether the requirement for substantial justice is satisfied] is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” The Court also noted that it would look at whether a proposed development was consistent with the area's present use. In this instance, the grant of the variance would result in substantial justice as it would allow the relocation of an existing drive-through use for banking purposes. The location of the drive-through will meet the performance and setback standards set forth in Section 10.835.20 and Section 10.835.30 of the Zoning Ordinance. The relocation of the drive-through would abut an existing large public parking lot, and would move the drive-through away from inhabited residential scale properties to the north. There is no negative aspect that the public will suffer from this relocation. Thus, denial of the variances would result in a loss to the Applicant that is not outweighed by any gain to the general public. As such, granting the requested relief would result in substantial justice.

**D. Granting the variance will not result in the diminution on value of the surrounding properties.**

It is respectfully submitted that all of the surrounding properties have a value associated with them which is premised upon existing buildings and uses located upon the Property. In this instance, it is believed, and therefore averred, that the aesthetic upgrades of the property and the changes to the drive-through, as described herein, will not result in a diminution of surrounding property values. The Applicant believes that the change will increase the value of surrounding property by improving the property with attractive architecture abutting Pleasant Street, incorporating a drive-through into the building design and extensive landscaping. Currently, the Property is non-conforming for the building set-back from Pleasant Street. The Zoning Ordinances requires a structure to be no more than 10 feet from the front property line and currently the Property has a parking lot on the front property line and the building is approximately 100 feet from the front property line. This plan continues an existing non-conforming use of a drive-through teller lane and at the same time cures the non-conforming front yard setback, so overall, it gets the Property closer to zoning conformance.

**E. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.**

An unnecessary hardship exists when, owing to special conditions of the property that distinguish it from other property, no fair and substantial relationship exists between the public purposes of the ordinance provisions and the specific application of those provisions to the property and the proposed use is a reasonable one. (Section 10.233.31 of Zoning Ordinance).

The property is distinguished from other properties in the area given its large size, at approximately 1.22 acres, located next to the downtown area. The Property is also unique given the location of the property to a large public parking lot. In addition, the Property is one of only a few properties within its vicinity that has a nonconforming drive-through facility. This nonconforming drive-through has been utilized for over thirty years by a bank, as is now proposed.

The current location of the current drive-through is adjacent to inhabited parcels and points directly at Pleasant Street. The relocation diminishes these aspects of the current use by locating the drive-through to a location that is adjacent to the Parrot Street parking lot and away from the travel view of Pleasant Street. The proposed drive-through meets or exceeds all performance and setback standards of a drive-through regulated by the Zoning Ordinance. Meeting the performance and setback standards highlights how the general purpose of the Zoning Ordinance is preserved and met, all of which is possible given the unique size of the Property. Coupled with the improvements to the drive-through, as described hereinabove, the Applicant respectfully submits that the change of location and continued use of the existing drive-through improves the nonconforming use, and, for these reasons, denying the ability to so change this nonconforming use would result in an unnecessary hardship.

The Applicant respectfully submits that the change to the drive-through, as detailed herein, results in a reasonable change to this nonconforming use.

### **III. CONCLUSION.**

For all the reasons set forth hereinabove, Double MC, LLC respectfully requests that the relief request herein be granted.

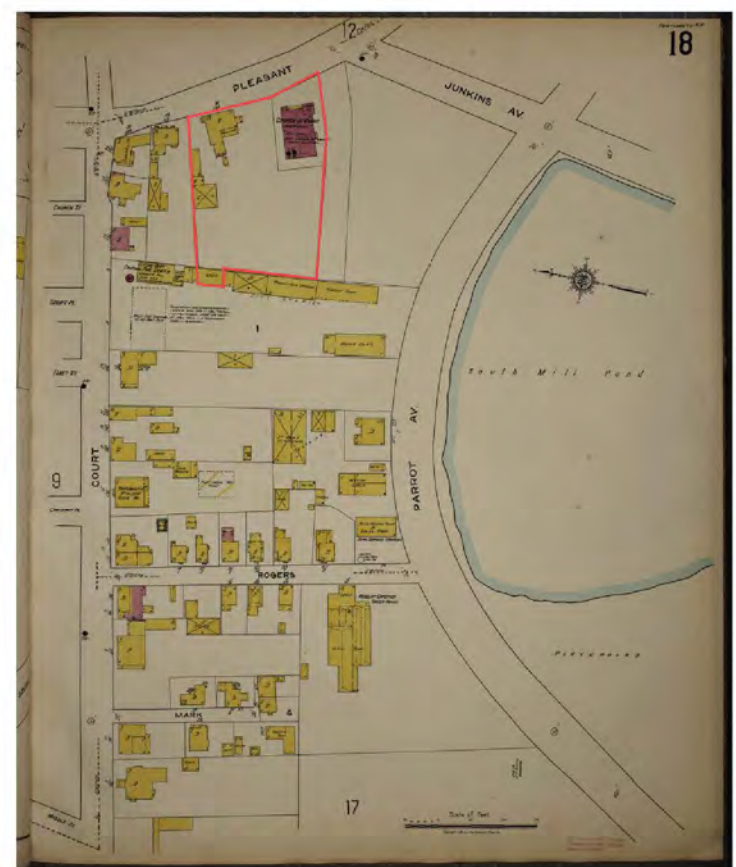




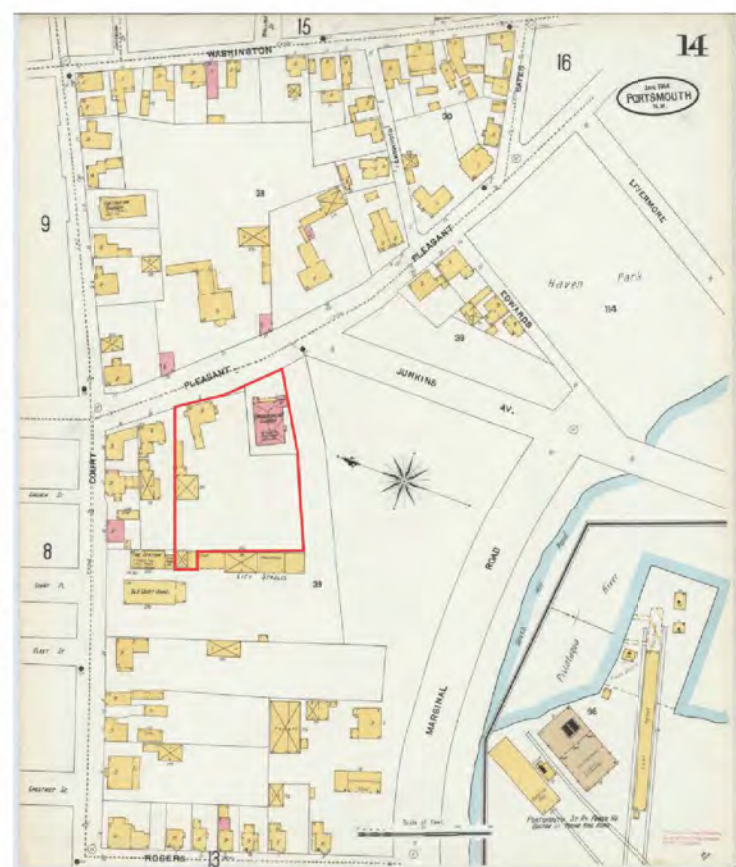
**H0.2** EXISTING PHOTOS  
134 PLEASANT STREET  
PORTSMOUTH, NH 03801

07/25/2025





1920  
UNIVERSALIST CHURCH & HOUSING



1904  
UNIVERSALIST CHURCH & HOUSING

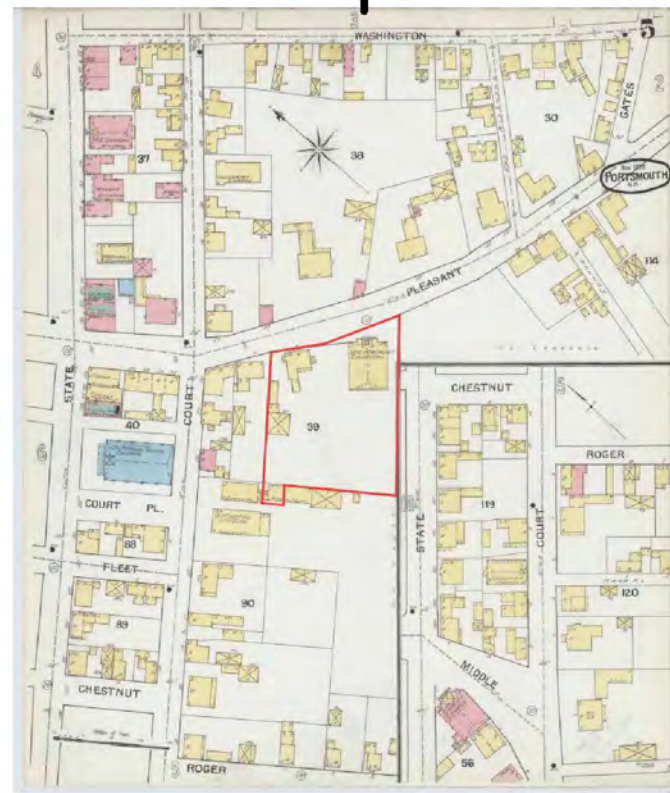


1813  
UNIVERSALIST CHURCH & HOUSING

1952  
GROCERY IN CONSTRUCTION TILL 1953  
CHURCH DEMOLISHED AFTER



1910  
UNIVERSALIST CHURCH & HOUSING



1892  
UNIVERSALIST CHURCH & HOUSING



1877  
UNIVERSALIST CHURCH & HOUSING

**H0.4** **HISTORIC TIMELINE**  
**134 PLEASANT STREET**  
**PORTSMOUTH, NH 03801**

07/25/2025

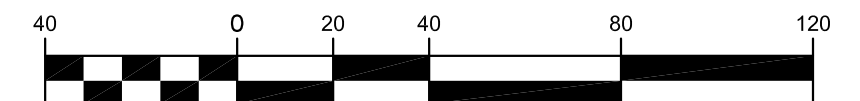


# EXISTING DRIVE UP WINDOW DIMENSION SKETCH

OWNER: DOUBLE MC, LLC  
PROPERTY LOCATION: 134 PLEASANT STREET  
CITY OF PORTSMOUTH  
COUNTY OF ROCKINGHAM  
STATE OF NEW HAMPSHIRE



## GRAPHIC SCALE



( IN FEET )  
1 inch = 40 ft.

SCALE: 1"=40'      DATE: AUGUST 4, 2025



**HALEY WARD**  
ENGINEERING | ENVIRONMENTAL | SURVEYING  
200 Griffin Rd. Unit 14  
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603.430.9282

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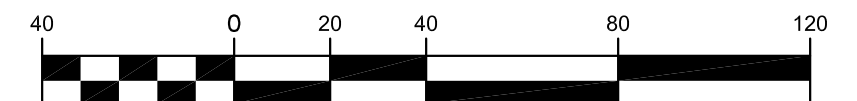


# PROPOSED DRIVE UP WINDOW DIMENSION SKETCH

OWNER: DOUBLE MC, LLC  
PROPERTY LOCATION: 134 PLEASANT STREET  
CITY OF PORTSMOUTH  
COUNTY OF ROCKINGHAM  
STATE OF NEW HAMPSHIRE



## GRAPHIC SCALE



( IN FEET )  
1 inch = 40 ft.

SCALE: 1"=40'

DATE: SEPTEMBER 24, 2025



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**HALEY WARD**

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200 Griffin Rd. Unit 14  
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603.430.9282

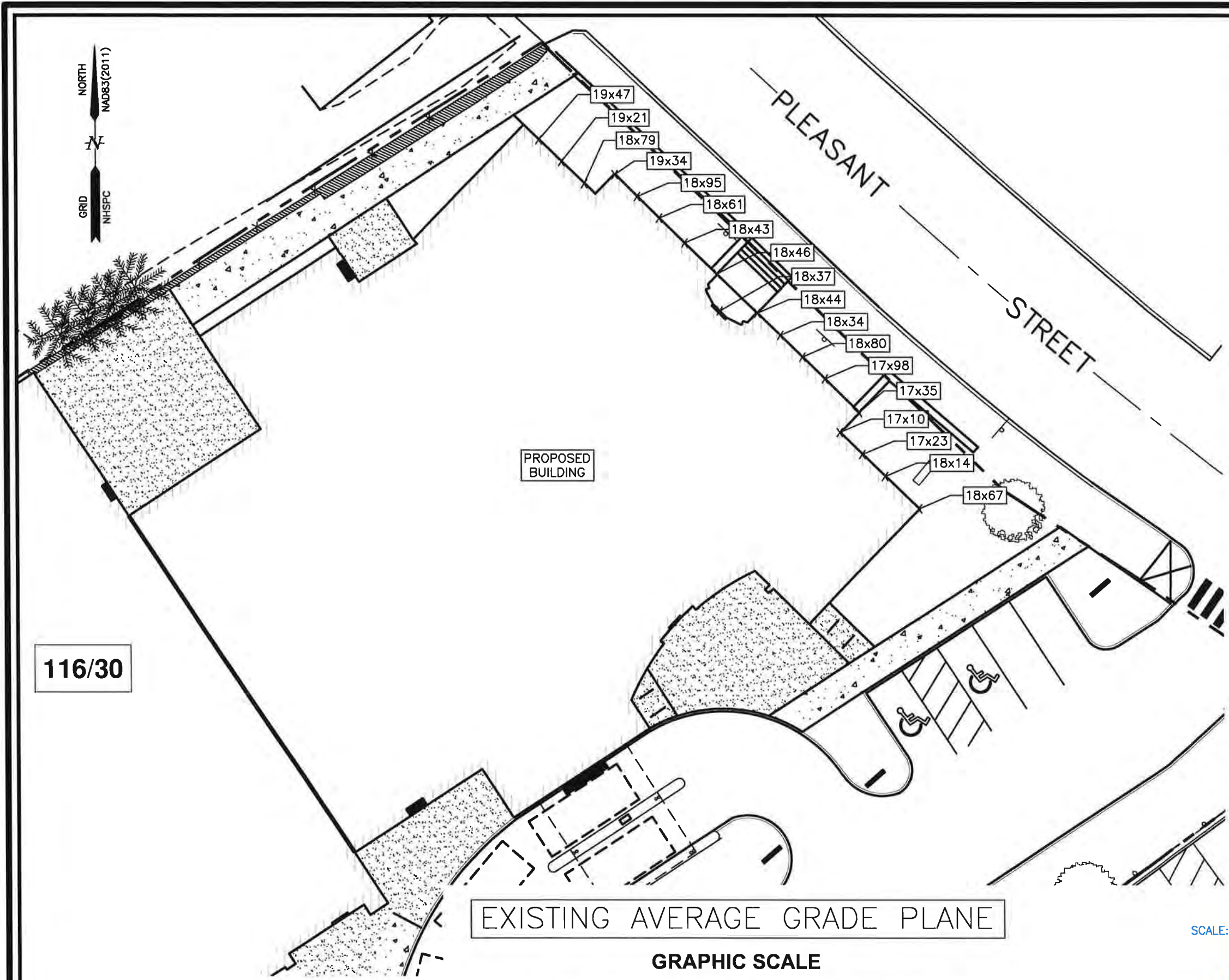


## ZONING DEVELOPMENT STANDARD 10/7/2025

**CD4 (CD-4, HDC): CHARACTER DISTRICT 4**

	REQUIRED	EXISTING	PROPOSED
Height	2 stories with short 3rd = <b>35' max</b>	2 stories, 19'-6"	2 STORIES, 27'-7"
Penthouses	may exceed bldg height by 2'	n/a	25'-6"
Roof appurtenance	may exceed bldg height by 10'	n/a	25'-6"
Façade Types	stoop, step, shopfront, officefront, recessed-entry, dooryard, gallery & arcade	n/a	SHOPFRONT
Building Types	Rowhouse, Apartments, live/work, small or large commercial, mixed use, flex space & community.	commercial	large commercial & residential
Setback Front (principle) max	10	n/a	10', principal façade
Setback Front (secondary) max	15	n/a	
Side	NR	n/a	11'-8" (north) and 50'-9" (south, drivethrough)
Rear, min	>of: 5' from rear line or 10' from cl alley	n/a	5'
Front lotline buildout	50% min	n/a	51%
Lot area (sf)	NR	53,084	53,084
LOT area per dwelling	NR	n/a	n/a
Coverage, maximum	90%	21.2%	42.8%
Footprint, max* 10.5a43.40	15,000	11,241	connected buildings, 11,717 & 11,012
Ground floor area per use, max	15,000	11,241 (bank)	10,336 Bank & 10,701 Retail
Open space, minimum	10%	> 10%	> 10%
Permitted uses (cd4 & cd5)	multifamily, live/work, office, retail, restaurant (<500occ)	office (bank)	coliving, retail & office (bank)
Block length, max (ft)	200	n/a	104'-10"
Façade modulation length, max (ft)	80	n/a	27'-8"
Entrance spacing, max (ft)	50	n/a	50'
Floor height above sidewalk, max	36"	4"	4"
Ground floor height, min	12'	n/a	14'-6" addition & 9'-11" existing
Second floor height, min	10'	n/a	10'-0" addition & 8'-9" existing
Glazing, shopfront, min	70%	n/a	design is in development
Glazing, other	20%-50%	n/a	design is in development
Roof types(pitch)	flat, gable (6:12-12:12), hip(>3:12), gambrel/mansard(6:12-30:12)	flat	flat and hipped
Parking, off-street	when >20 spaces, max spaces = 120% of min required is the max allowed. 10.1112.60 mixed used - some shared spaces allowed.		design is in development, and will conform to ordinance
Parking, Residential	Coliving, .25 spaces per sleeping unit		design is in development, see attached summary
Parking, Professional office	1 per 350 GFA		design is in development, see attached summary
Parking, Professional office	1 per 300 GFA		design is in development, see attached summary





EXISTING AVERAGE GRADE				
	SOUTH	WEST	NORTH	EAST
	N/A	N/A	N/A	19.47
				19.21
				18.79
				19.34
				18.95
				18.61
				18.43
				18.46
				18.37
				18.44
				18.34
				18.80
				17.98
				17.35
				17.10
				17.23
				18.14
				18.67
TOTAL	N/A	N/A	N/A	331.68
/# GRADES	N/A	N/A	N/A	331.68/18
AVG. GRAD	N/A	N/A	N/A	18.43
*SPOT GRADES TAKEN AT POINTS 6' ON CENTER ALONG PROPOSED BUILDING FOOTPRINT.				

EXISTING AVERAGE GRADE: 18.43



SCALE: 1"=20'

SEPTEMBER 2025  
REVISED 10-08-2025

**HALEYWARD**  
ENGINEERING | ENVIRONMENTAL | SURVEYING  
200 Griffin Rd. Unit 14  
Portsmouth, New Hampshire 03801  
603.430.9282  
5010156.1532

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FB 276 PG 60

SITE REDEVELOPMENT  
134 PLEASANT STREET  
PORTSMOUTH, N.H.

P:\NH\5010156-McNabb\_Properties\1532-134 Pleasant St. Portsmouth-JRC\02-CAD\_Files\Civil\5010156-1532 Site 2025.dwg, 10/8/2025 11:09:52 AM



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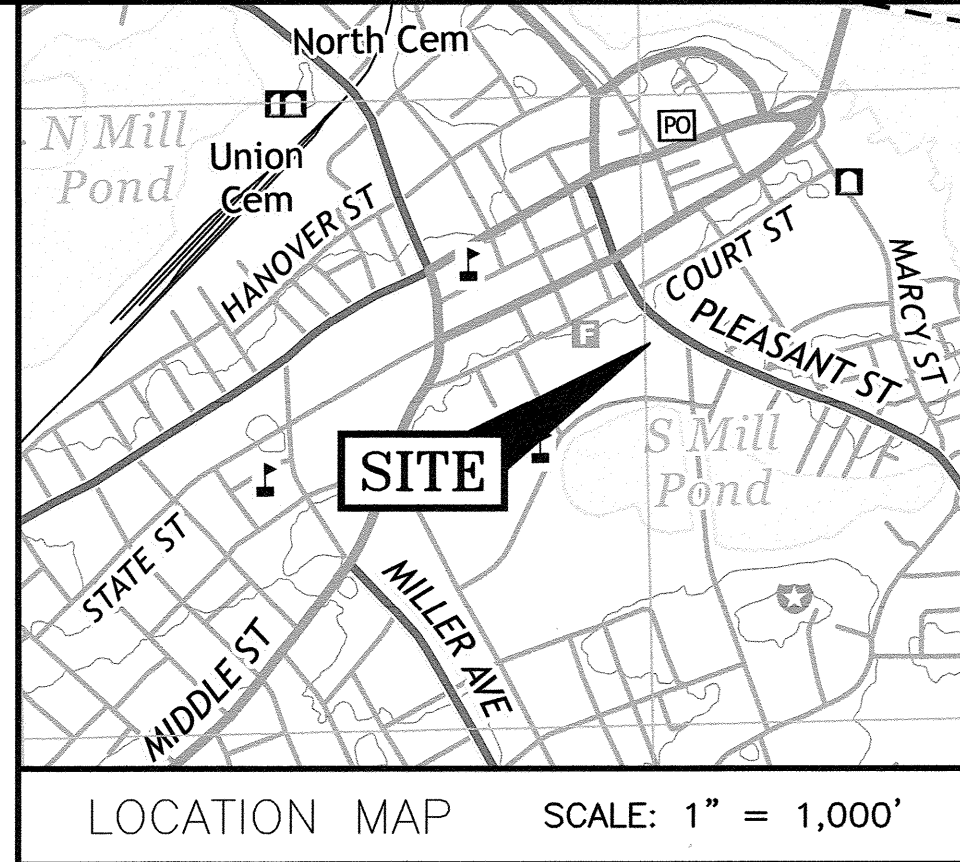
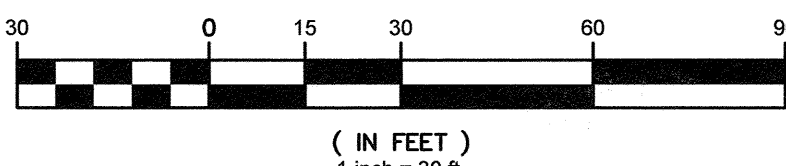
DESCRIPTION	EXISTING
RCRD 1234/123	ROCKINGHAM COUNTY REGISTRY OF DEEDS
N/F	DEED BOOK/PAGE
TYP	NOW OR FORMALLY
TBS	TYPICAL
LSA	TO BE SET
INV	LANDSCAPE AREA
ELV.	INVERT
FF	ELEVATION
DYL	FINISHED FLOOR
SGC	DOUBLE YELLOW LINE
VGC	SLOPED GRANITE CURB
	VERTICAL GRANITE CURB
MAP 21 LOT 8	
BENCHMARK	
RAILROAD SPIKE	
BOUND	
IRON ROD/PIPE FOUND	
SET 5/8" REBAR WITH SURVEYOR'S CAP	
SEWER MANHOLE	
DRAIN MANHOLE	
COMMUNICATIONS MANHOLE	
ELECTRIC MANHOLE	
UTILITY POLE	
CATCH BASIN	
HYDRANT	
GATE VALVE	
GAS/WATER SHUTOFF	
BOLLARD	
BORING	
TREES	
GAS/ELECTRIC METER	
LIGHT POLE	
MAIL BOX	
AIR CONDITIONER	
SIGN	
SPOT GRADE	
ELECTRIC PEDESTAL	
ELECTRIC HANDHOLD	
PROPERTY LINE	
APPROXIMATE EXTERIOR PROPERTY LINE	
EDGE OF PAVEMENT	
EDGE OF GRAVEL	
STONE WALL	
FENCE	
SHRUBLINE	
MINOR FOOT CONTOUR	
MAJOR FOOT CONTOUR	
GAS LINE	
WATER LINE	
STORM DRAIN LINE	
SANITARY SEWER LINE	
OVERHEAD UTILITY LINE	
UNDERGROUND COMMUNICATIONS LINE	

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

PHILIP A. YETMAN, LLS 1122  
DATE

7/18/2025

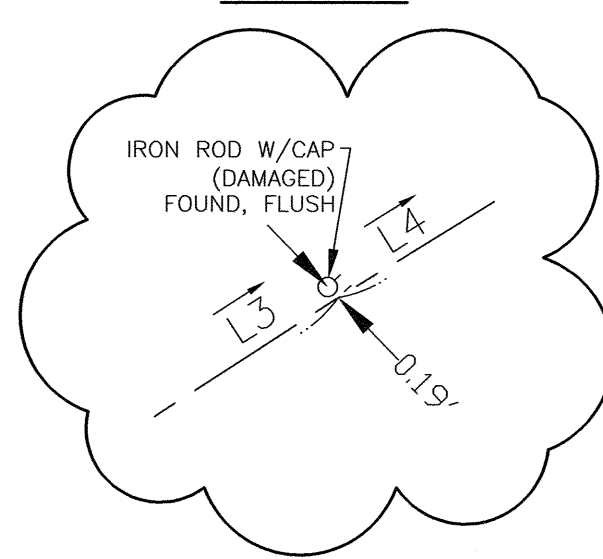
## GRAPHIC SCALE



## NOTES:

- PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S TAX MAP 116 AS LOT 30.
- OWNERS OF RECORD:  
DOUBLE MC, LLC  
10 PLEASANT STREET SUITE 400  
PORTSMOUTH, N.H. 03801  
RCRD 6505/2411
- PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
- EXISTING LOT AREA:  
53,084 S.F.  
1.22 ACRES
- PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4 (CD4) DISTRICT.
- DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ORDINANCE FOR REQUIREMENTS.
- THE PURPOSE OF THIS PLAN IS TO SHOW THE RESULTS OF AN EXISTING CONDITIONS SURVEY OF ASSESSOR'S MAP 116, LOT 30 IN THE CITY OF PORTSMOUTH.
- VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
- PARCEL IS BENEFITED BY A RIGHT OF WAY TO COURT STREET AS DESCRIBED IN RCRD 1257/466.
- PARCEL IS BENEFITED BY A RIGHT OF WAY AS DESCRIBED IN RCRD 2975/349 AND SHOWN ON RCRD D-18880 AND RCRD D-26343.
- ABUTTER INFORMATION TAKEN FROM THE CITY OF PORTSMOUTH ASSESSORS GIS WEBSITE.

## DETAIL A:



## PLAN REFERENCES:

- ALTA/ACSM LAND TITLE SURVEY FOR CITIZENS BANK OF NEW HAMPSHIRE, 134 PLEASANT STREET COUNTY OF ROCKINGHAM, PORTSMOUTH, N.H.. PREPARED BY: MILLETTE, SPRAGUE & COLWELL, INC., DATED: JUNE 9, 1998, SCALE: 1"=20', RCRD-26343.
- COURTHOUSE LOT SUBDIVISION OF LAND PREPARED FOR CITY OF PORTSMOUTH, PORTSMOUTH NEW HAMPSHIRE. PREPARED BY: THOMAS F. MORAN INC., DATED: JULY 1, 1988, SCALE: 1"=40', RCRD D-18880.
- PLAN OF BOUNDARY LINE PARROT AVENUE PARKING LOT FOR CITY OF PORTSMOUTH IN PORTSMOUTH, N.H.. PREPARED BY: PARKER SURVEYING & ENGINEERING, DATED: MAY 22, 1984, SCALE: 1"=20', RCRD C-13957.
- BOUNDARY PLAN LAND OF PORTSMOUTH HOUSING AUTHORITY COURT STREET PORTSMOUTH, N.H. TAX MAP 116, LOT 38. PREPARED BY: BERRY SURVEYING & ENGINEERING, DATED: MAY 30, 2014, SCALE: 1"=20', NOT RECORDED.
- LOT LINE RELOCATION PLAN TAX MAP 116-LOTS 38 & 37 FOR PORTSMOUTH HOUSING AUTHORITY. PREPARED BY: AMBIT ENGINEERING, INC., DATED: FEBRUARY 2018, SCALE: 1"=30', RCRD D-41899.
- BOUNDARY PLAN OF LAND TAX MAP 116-LOT 37 PREPARED FOR: PORTSMOUTH HOUSING AUTHORITY. PREPARED BY: AMBIT ENGINEERING, INC., DATED: FEBRUARY 2020, RCRD D-42016.
- LOT LINE ADJUSTMENT PLAN FOR DAVID L. BAKER, SR. IN PORTSMOUTH, N.H.. PREPARED BY: SEACOAST ENGINEERING ASSOCIATES INC., DATED: MARCH 23, 1990, SCALE: 1"=20', RCRD D-20209.
- PLAN OF LOTS NOS. 202, 208 & 222 COURT STREET PORTSMOUTH, N.H.. PREPARED BY: JOHN W. DURGIN CIVIL ENGINEERS, DATED: JANUARY 1974, SCALE: 1"=10', RCRD C-4259.
- CONDOMINIUM SITE PLAN FIREHOUSE TOWN HOMES CONDOMINIUM. PREPARED BY: AMBIT ENGINEERING, INC., DATED: JANUARY 2020, SCALE: 1"=10', RCRD D-43127.

REV.	DATE	ISSUED FOR COMMENT	RJB	PAY
0	07-18-2025			

REV.	DATE	DESCRIPTION	BY	CHK

DRAWING ISSUE STATUS

**SITE SURVEY**

**HALEY WARD**  
ENGINEERING | ENVIRONMENTAL | SURVEYING  
200 Griffin Road, Unit 14  
Portsmouth, NH 03801  
603-430-9282  
WWW.HALEYWARD.COM

PROJECT

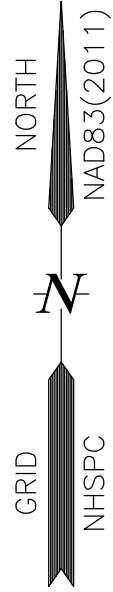
**DOUBLE MC, LLC**  
134 PLEASANT STREET PORTSMOUTH, N.H.

TITLE

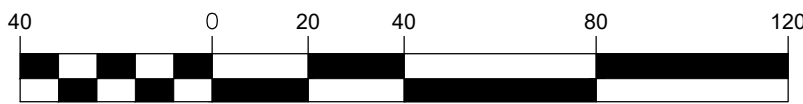
**EXISTING CONDITIONS PLAN**

DATE	MARCH 2025	SCALE	1"=30'
DRAWN BY	RJB	DESIGNED BY	---
CHECKED BY	PAY		
PROJECT No.	5010156-1532	FIELD BOOK/PAGE	FB 276 PG 60
DRAWING No.	V101	REV.	0






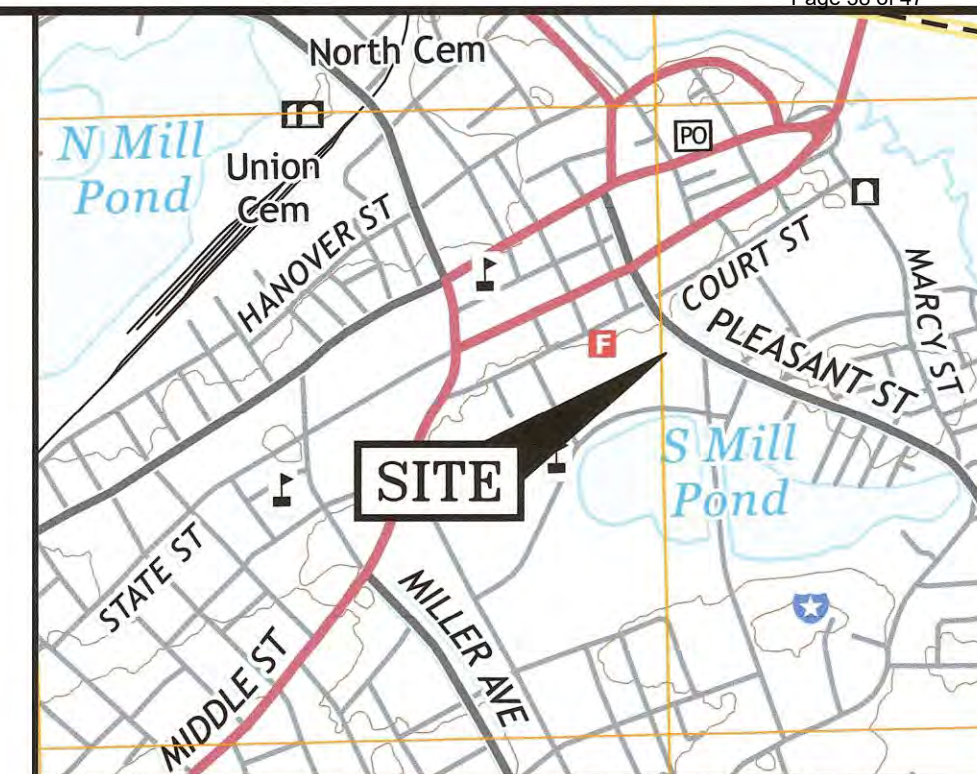
GRAPHIC SCALE



( IN FEET )  
1 inch = 40 ft.

0	7/25/25	ISSUED FOR COMMENT	RJB	JRC
REV.	DATE	DESCRIPTION	BY	CHK.
DRAWING ISSUE STATUS				
SITE SURVEY				
<div><div><div>HALEY WARD</div><div>ENGINEERING   ENVIRONMENTAL   SURVEYING</div><div>200 Griffin Road, Unit 14 Portsmouth, NH 03801 603-430-9282</div></div><div>WWW.HALEYWARD.COM</div></div>				
PROJECT				
DOUBLE MC, LLC 134 PLEASANT STREET PORTSMOUTH, N.H.				
TITLE				
ORTHOPHOTO PLAN				
DATE JULY 2025			SCALE 1"=40'	
DRAWN BY RJB		DESIGNED BY ---		CHECKED BY PAY
PROJECT No. 5010156.1532		FIELD BOOK / PAGE FB 276 PG 60		
DRAWING No. V103				REV. 0





#### NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S TAX MAP 116 AS LOT 30.
- 2) OWNERS OF RECORD:  
DOUBLE MC, LLC  
10 PLEASANT STREET SUITE 400  
PORTSMOUTH, N.H. 03801  
RCRD 6505/2411
- 3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
- 4) EXISTING LOT AREA:  
53,084 S.F.  
1.22 ACRES
- 5) PARCEL IS LOCATED IN THE CHARACTER DISTRICT 4 (CD4) DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS: SEE PORTSMOUTH ORDINANCE FOR REQUIREMENTS.
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW A PROPOSED MIXED USE DEVELOPMENT ON ASSESSOR'S MAP 116, LOT 30 IN THE CITY OF PORTSMOUTH.
- 8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS.
- 9) PARCEL IS BENEFITED BY A RIGHT OF WAY TO COURT STREET AS DESCRIBED IN RCRD 1257/466.
- 10) PARCEL IS BENEFITED BY A RIGHT OF WAY AS DESCRIBED IN RCRD 2975/349 AND SHOWN ON RCRD D-18880 AND RCRD D-26343.
- 11) ABUTTER INFORMATION TAKEN FROM THE CITY OF PORTSMOUTH ASSESSORS GIS WEBSITE.
- 12) PROPOSED USES:  
-KENNEBUNK SAVINGS BANK WITH RELOCATED DRIVE THRU.  
-CO-LIVING PODS WITH SLEEPING UNITS.

#### NOTES:

1. PARKING SHALL CONFORM TO ORDINANCE REQUIREMENTS OR OBTAIN PARKING CUP RELIEF.
2. PLANS ARE FOR ILLUSTRATIVE PURPOSES ONLY AND WILL REQUIRE HDC AND SITE PLAN APPROVAL.

3	10-08-2025	PLAN NOTES	SJR	JRC
2	09-22-2025	REVISED DRIVE THROUGH	SJR	JRC
1	09-05-2025	REVISED LAYOUT	SJR	JRC
0	07-18-2025	ISSUED FOR COMMENT	SJR	JRC
REV.	DATE	DESCRIPTION	BY	CHK.

DRAWING ISSUE STATUS

#### PERMIT PLANS



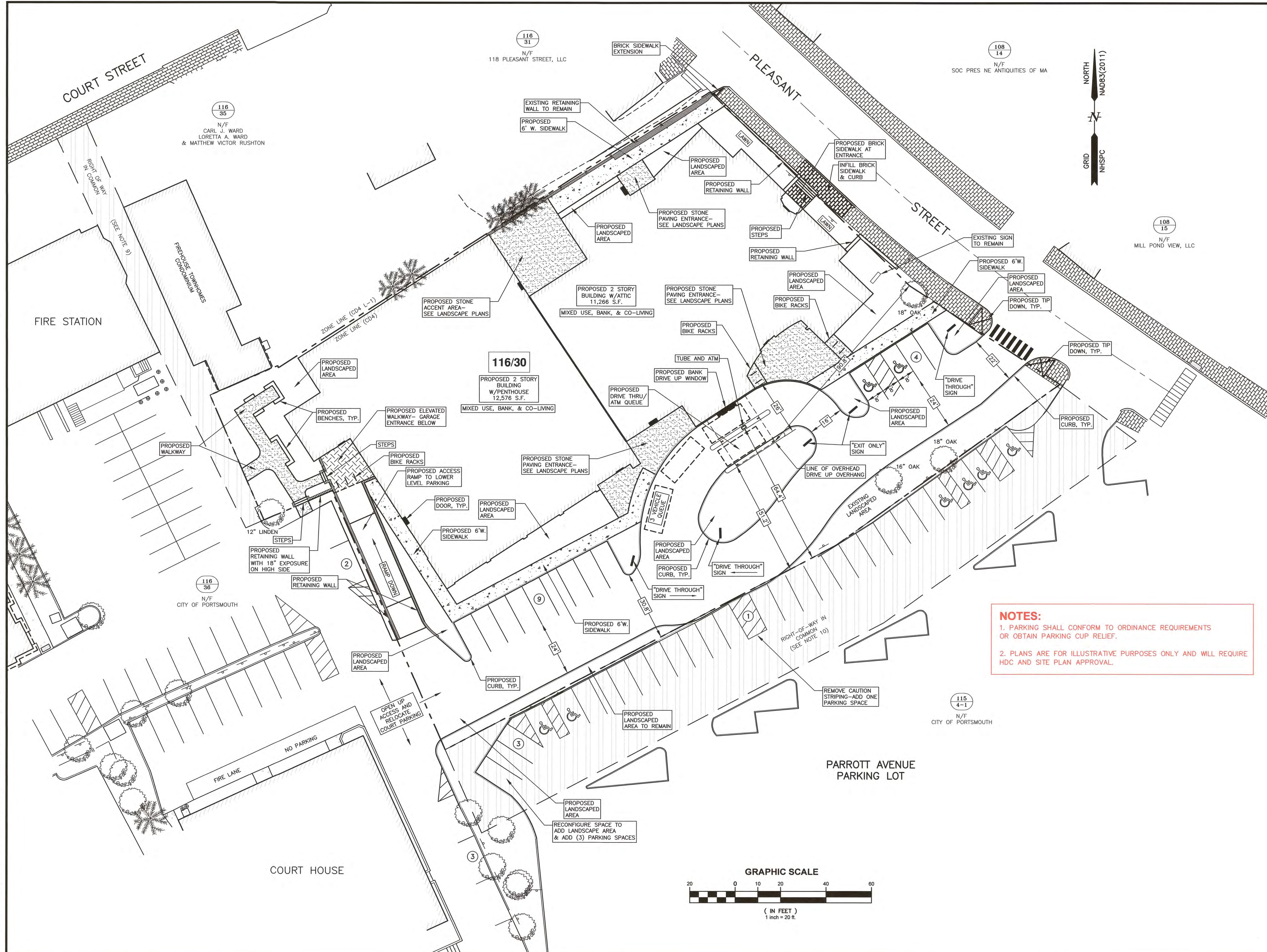
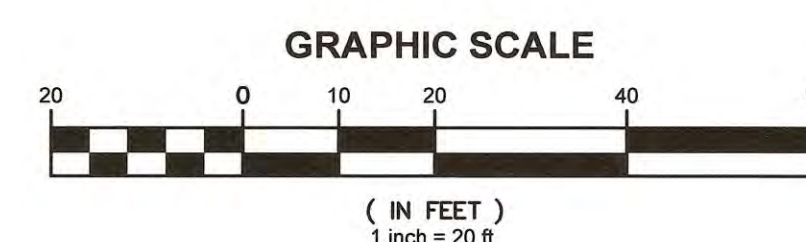
PROJECT

**DOUBLE MC, LLC**  
134 PLEASANT STREET PORTSMOUTH, N.H.

TITLE

#### VARIANCE PLAN

DATE	JULY 2025	SCALE	1"=20'
DRAWN BY	SJR	DESIGNED BY	---
CHECKED BY	JRC		
PROJECT No.	5010156.1532	FIELD BOOK / PAGE	FB 276 PG 60
DRAWING No.	C201	REV.	3







3 CONGRESS ST., SUITE1  
PORTSMOUTH NH 03801  
603.988.0042  
www.ARCove.com

134 PLEASANT STREET

PORTSMOUTH, NH 03801

PROJECT NO: 1028

OWNER

Double Mc, LLC  
134 Pleasant Street  
Portsmouth, New Hampshire 03801

CIVIL ENGINEERING

Haley Ward  
200 Griffin Road, Unit  
Portsmouth, NH 03801  
(603) 430-9282

LANDSCAPE ARCHITECT

Terra Firma Landscape Architecture  
163a Court St  
Portsmouth, NH 03801  
(603) 531-9109

BASEMENT FLOOR PLAN

SCALE: 3/32" = 1'-0"  
DATE: 09/17/2025  
DRAWN: Author  
CHECKED: Checker

PB0.1



1 PB BASEMENT  
3/32" = 1'-0"





3 CONGRESS ST., SUITE1  
PORTSMOUTH NH 03801  
603.988.0042  
www.ARCove.com

134 PLEASANT STREET  
PORTSMOUTH, NH 03801

PROJECT NO: 1028

OWNER  
Double Mc, LLC  
134 Pleasant Street  
Portsmouth, New Hampshire 03801

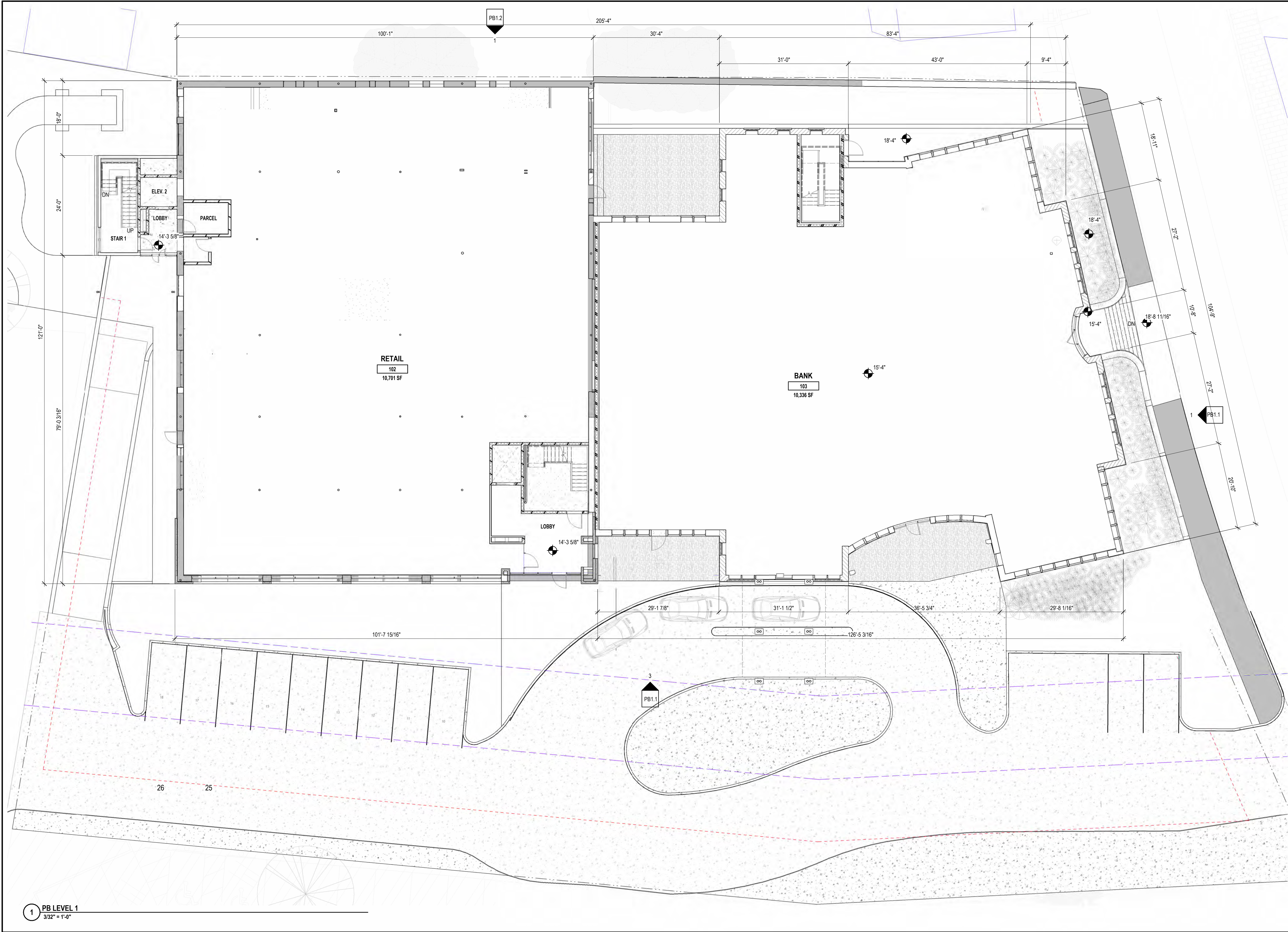
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LANDSCAPE ARCHITECT  
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163a Court St  
Portsmouth, NH 03801  
(603) 531-9109

LEVEL 1 FLOOR PLAN

SCALE: 3/32" = 1'-0"  
DATE: 09/08/2025  
DRAWN: HA  
CHECKED: TK

PB0.2



1 PB LEVEL 1  
3/32" = 1'-0"





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134 PLEASANT STREET

PORTSMOUTH, NH 03801

PROJECT NO: 1028

OWNER

Double Mc, LLC  
134 Pleasant Street  
Portsmouth, New Hampshire 03801

CIVIL ENGINEERING

Haley Ward  
200 Griffin Road, Unit  
Portsmouth, NH 03801  
(603) 430-9282

LANDSCAPE ARCHITECT

Terra Firma Landscape Architecture  
163a Court St  
Portsmouth, NH 03801  
(603) 531-9109

LEVEL 2A FLOOR PLAN

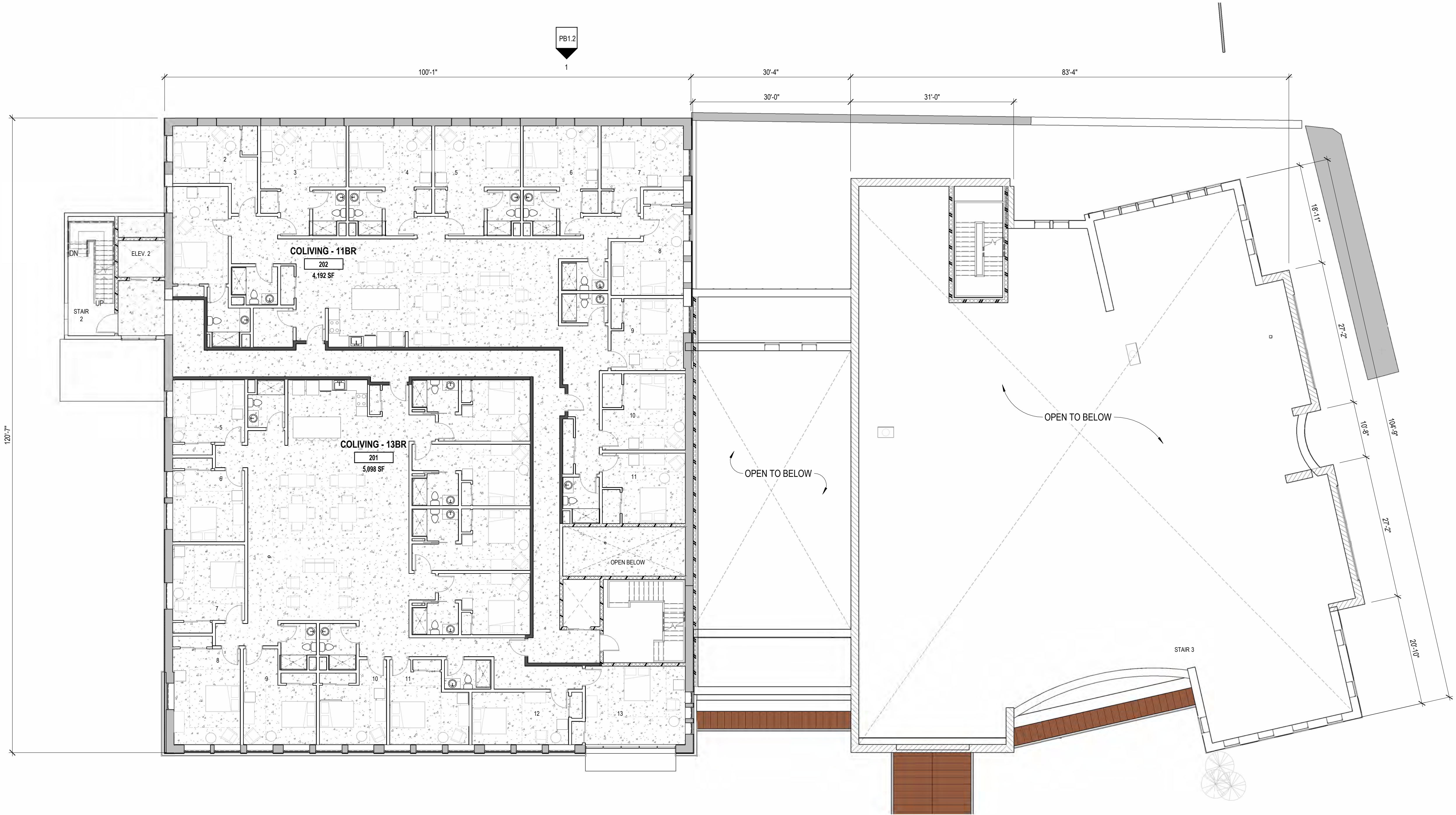
SCALE: 3/32" = 1'-0"

DATE: 09/17/2025

DRAWN: HA

CHECKED: TK

PB0.3



1 PB LEVEL 2A  
3/32" = 1'-0"







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134 PLEASANT STREET  
PORTSMOUTH, NH 03801

PROJECT NO: 1028

OWNER  
Double Mc, LLC  
134 Pleasant Street  
Portsmouth, New Hampshire 03801

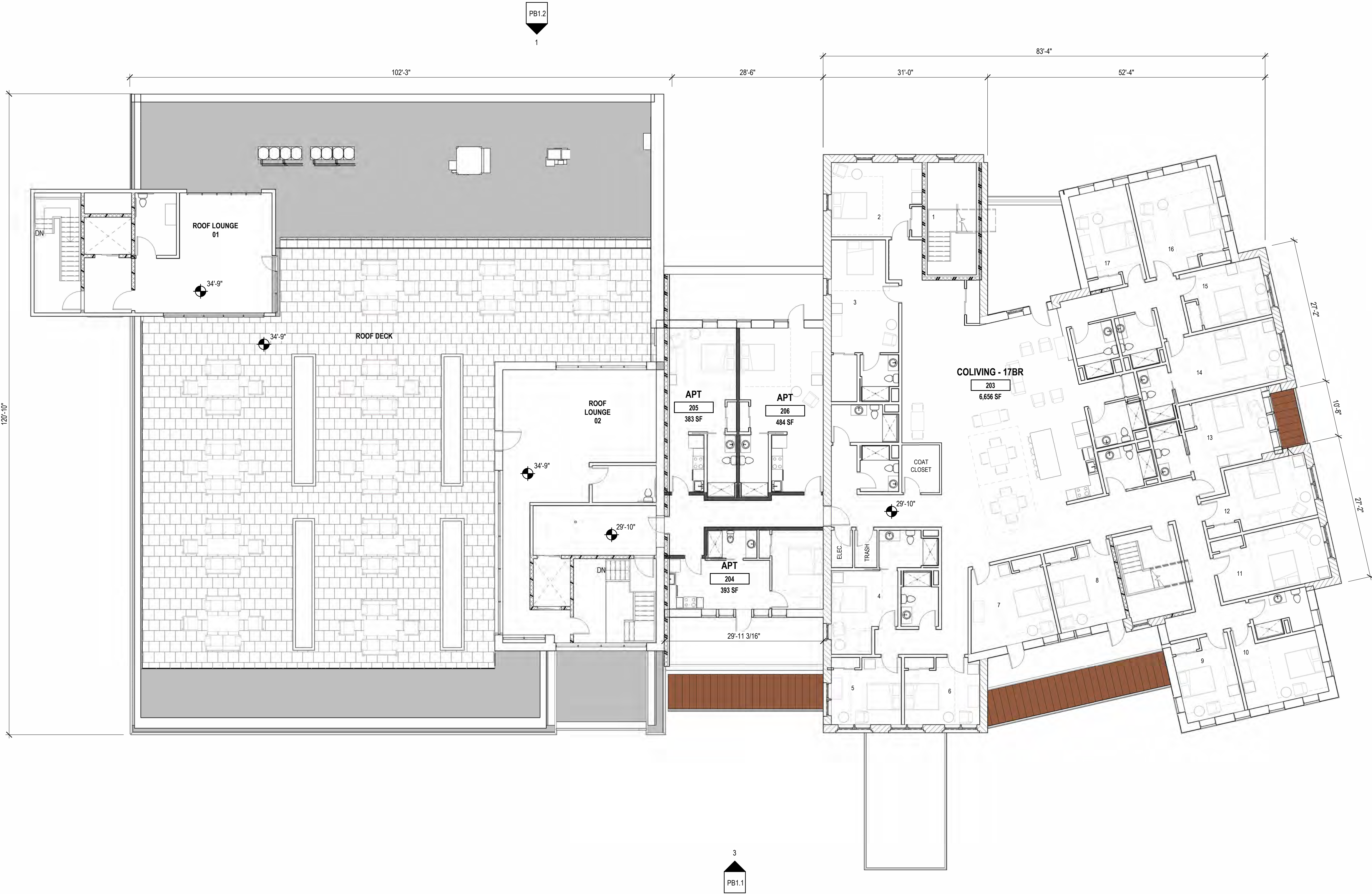
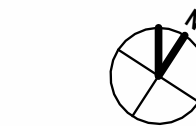
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LANDSCAPE ARCHITECT  
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LEVEL 2B FLOOR PLAN

SCALE: 3/32" = 1'-0"  
DATE: 09/05/2025  
DRAWN: Author  
CHECKED: Checker

PB0.4



1 PB LEVEL 2B  
3/32" = 1'-0"





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134 PLEASANT STREET

PORTSMOUTH, NH 03801

PROJECT NO: 1028

OWNER

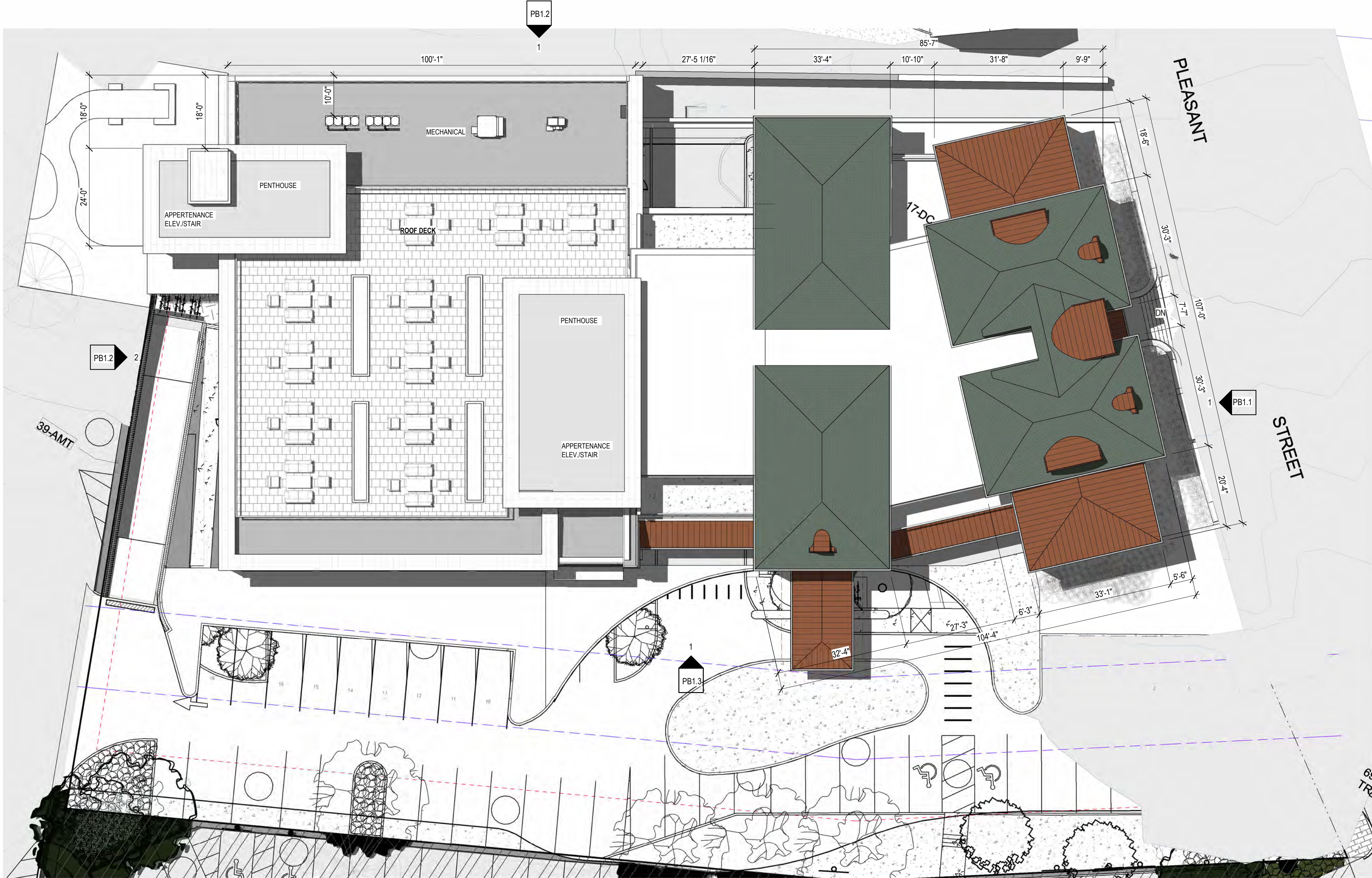
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CIVIL ENGINEERING

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LANDSCAPE ARCHITECT

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1 PB ROOF PLAN  
1/16" = 1'-0"

ROOF PLAN

SCALE: 1/16" = 1'-0"

DATE: 09/05/2025

DRAWN: Author

CHECKED: Checker

PB0.5





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## 134 PLEASANT STREET

PORTSMOUTH, NH 03801

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Portsmouth, New Hampshire 03801

### CIVIL ENGINEERING

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### LANDSCAPE ARCHITECT

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1 PB EAST ELEVATION  
3/32" = 1'-0"



3 PB SOUTH ELEVATION  
3/32" = 1'-0"

## SOUTH - EAST ELEVATIONS

SCALE: 3/32" = 1'-0"

DATE: 09/05/2025

DRAWN: Author

CHECKED: Checker

# PB1.1





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## 134 PLEASANT STREET

PORTSMOUTH, NH 03801

PROJECT NO: 1028

### OWNER

Double Mc, LLC  
134 Pleasant Street  
Portsmouth, New Hampshire 03801

### CIVIL ENGINEERING

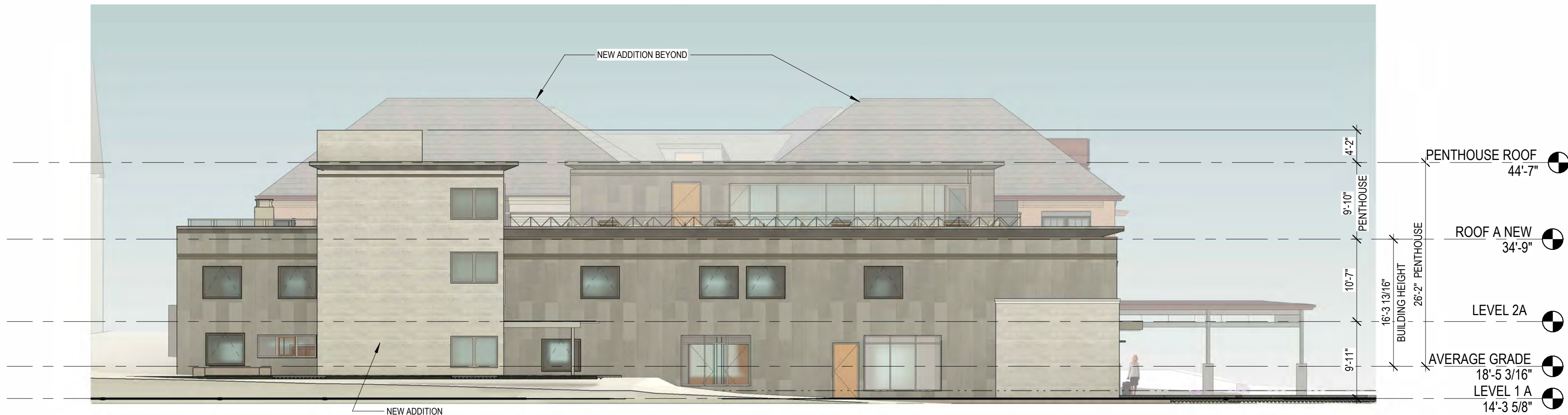
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### LANDSCAPE ARCHITECT

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1 PB NORTH ELEVATION  
3/32" = 1'-0"



2 PB WEST ELEVATION  
3/32" = 1'-0"

## NORTH - WEST ELEVATIONS



SCALE: 3/32" = 1'-0"

DATE: 09/05/2025

DRAWN: Author

CHECKED: Checker

# PB1.2





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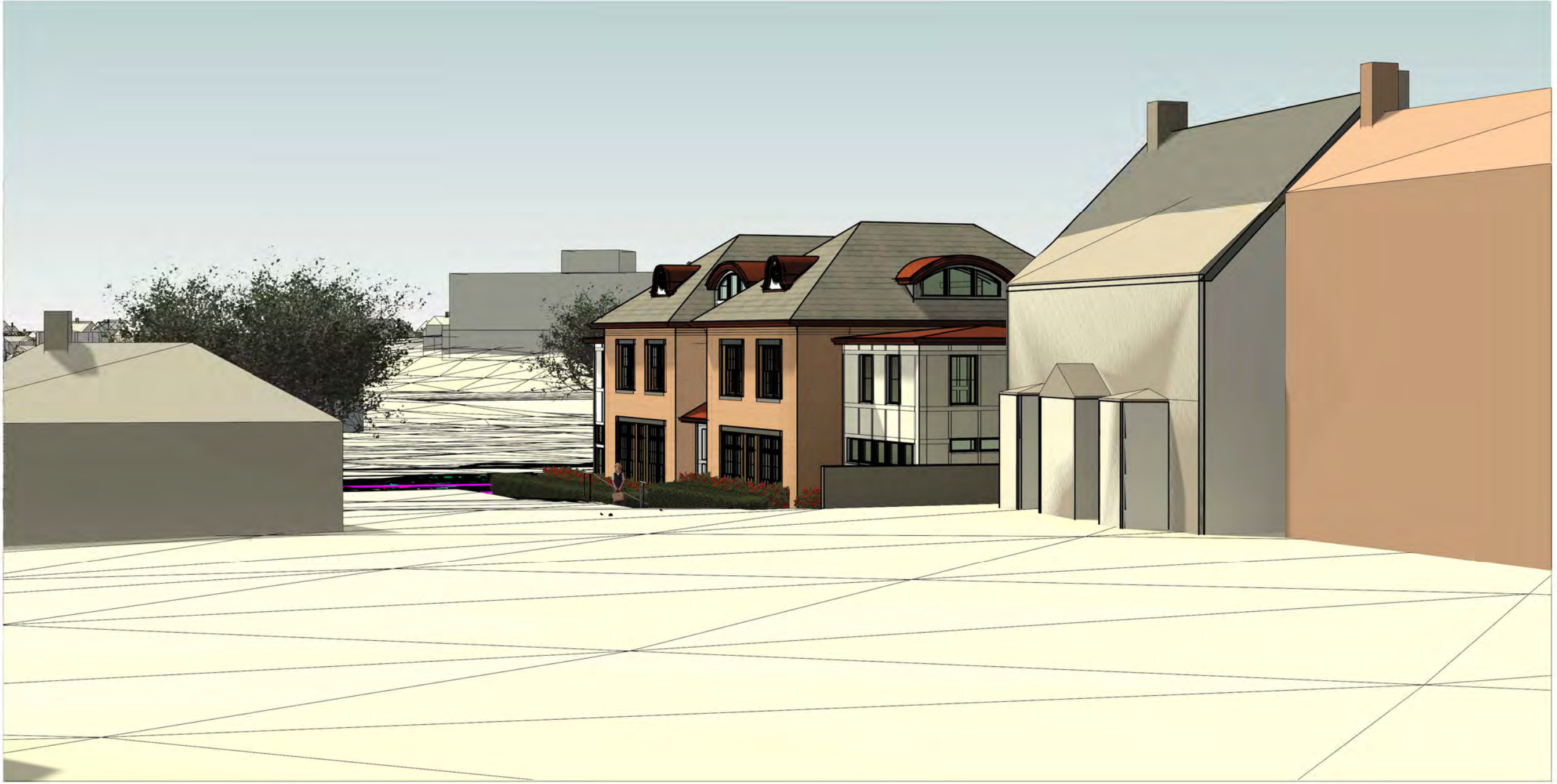
1 VIEW FROM LANGDON HOUSE PB



2 VIEW FROM JUNKINS AVENUE AT CITY HALL PB



3 VIEW FROM PLEASANT STREET AT JUNKINS AVENUE PB



4 VIEW FROM PLEASANT STREET AT TREADWELL HOUSE PB

## VIGNETTES

SCALE:

DATE: 09/05/25  
DRAWN: Author  
CHECKED: Checker

# PB2.1





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2 3D View SE BOA



3 3D View SW BOA

## VIGNETTES

0' 4' 8' 16'

SCALE:

DATE: 09/24/2025

DRAWN: Author

CHECKED: Checker

# PB2.2



IN RE:

AUDIO TRANSCRIPTION OF RECORDED PORTSMOUTH ZONING BOARD  
OF ADJUSTMENT MEETING

SPEAKERS

CHAIRWOMAN PHYLLIS ELDRIDGE

VICE CHAIR BETH MARGESON

DAVID M. RHEAUME

JEFFREY MATTSON

FRANCIS XAVIER BRUTON, ESQ.

JOHN CHAGNON

TRACY KOZAK

THOMAS NIES

PETER SMITH

ELIZABETH BRATTER

PATRICIA BAGLEY

JILLIAN HARRIS

PAUL MANNLE

BOARD MEMBERS

ERIN PROULX

1 (RECORDED AND TRANSCRIBED)

2

3 CHAIRWOMAN PHYLLIS ELDRIDGE: This is new  
4 business. A, request of Double Mc LLC owners for  
5 property located at 134 Pleasant Street whereas relief  
6 is needed for redevelopment of the existing commercial  
7 building and construction of horizontal and vertical  
8 building expansions for a mixed-use building with  
9 below-grade parking and the relocation of drive-through  
10 teller lanes, which requires the following.

11 One, variance from Section 10.440, use  
12 number 19.4 for a drive-through facility as an  
13 accessory to a permitted principal use.

14 And two, variance from Section 10.331 to  
15 change the location and use of the drive-through  
16 facility. Said property is located on Assessor Map  
17 116, Lot 30, and lies within the Character District 4  
18 in Historic District.

19 Good evening.

20 FRANCIS XAVIER BRUTON, ESQ.: Good  
21 evening, Madam Chair, members of the board. My name is  
22 F.X. Bruton. I'm with Bruton & Berube in Dover. I'm  
23 here representing the applicant.

24 And with me tonight, Marie Bawdy, from the  
25 applicant, representative John Chagnon, the project

1 engineer, and Tracy Kozak, the project architect.

2 So if you have any questions that I can't  
3 answer, obviously, they're here for your benefit. And  
4 we appreciate your time tonight and rescheduling your  
5 busy agenda to meet again. So I appreciate that.  
6 Thank you.

7 This is a project that is located on 134  
8 Pleasant Street, and it's the existing Citizens Bank  
9 building. It's a rather unique property in that it's  
10 over -- in terms of its size, it's over an acre of land  
11 located basically in that downtown acre, its downtown  
12 area, it's 1.22 acres.

13 And it's also unique in that it's located  
14 near the Parrott Street parking lot, which is obviously  
15 a large parking area. And along Parrott Street really  
16 has no abutter, if you will, in terms of being affected  
17 by what we plan to do, which is, to put it simply,  
18 we're going through a process of developing that  
19 property and moving, and adding vertical and horizontal  
20 addition to the existing -- what's -- what exists on  
21 site.

22 So we're going to kind of, if you will,  
23 infill that area that is between the existing drive-  
24 through and Pleasant Street. And by doing that, we --  
25 and that was suggested at our -- the planning board



1           when we went for preliminary consultation.

2                       In doing that, we would need to take this  
3           drive-through, which we understand -- the property was  
4           first used as a bank in 1982. We understand the drive-  
5           through has been in basically that configuration for  
6           decades. When you passed your Character-Based Zoning,  
7           2015, drive-throughs became prohibited use for the C4  
8           and C5, and we're in the C4.

9                       I think it's fair to say there are kind of  
10          two kinds of drive-throughs. Those that are the --  
11          like the one we have, which I think is fairly benign in  
12          terms of pulling up to a window, and then those where  
13          someone is sitting in a fast-food restaurant asking for  
14          orders, and probably in a more boisterous way than how  
15          people conduct their business with the bank.

16                      But in any event, if you know -- you know  
17          the configuration is that the drive-through is located  
18          right at a point where it faces Pleasant Street, and in  
19          order to bring our building plan and bring the building  
20          up to Pleasant Street, we need to rotate the location  
21          of that drive-through.

22                      It currently consists of two lanes and two  
23          teller transaction opportunities. And we're basically  
24          going to rotate that away from what is -- properties  
25          that have basically inhabited use and pointed towards

1 the parking lot, which hopefully you would agree would  
2 be certainly better off in terms of any interaction  
3 that that use could have with any of the surrounding  
4 properties.

5 What that also does is it gives us an  
6 opportunity to bring that property more in compliance  
7 with respect to the character-based zoning that has a  
8 build-to line of ten feet. We're about 100ft away.

9 We intend to bring the building up to that  
10 build-to line. We intend to activate that area so that  
11 where you do not have it, you would have a pedestrian-  
12 friendly access point to go up and down in front of  
13 that area.

14 And so that we see as a -- obviously a  
15 significant benefit to -- doing that. We also would  
16 eliminate the drive-up lane in that area, which is an  
17 existing curb cut on Pleasant Street as well.

18 So you'd have a much more esthetically  
19 pleasing viewpoint if you were coming down the street  
20 on Pleasant Street. So we see all those as very, very  
21 positive things in terms of what this does. And again,  
22 we're rotating this basically from that position to the  
23 other position.

24 What we'll need to do is, and the staff  
25 pointed out, we'll need to go to the planning board,

1 obviously, we need to go to the HTC as well and TAC,  
2 and we'll go through all those processes. And a lot of  
3 questions that may come up, hopefully, will be part of  
4 those presentations in that process.

5 So in terms of just the criteria, I'm going  
6 to address the public interest in spirit of the  
7 ordinance, which considers whether this granting of  
8 this relief would alter the essential character of the  
9 locality or threaten the public health and safety.

10 And we really see this as addressing safety  
11 issues, because if you look at the existing conditions  
12 plan, you'll see that there's an area of parking  
13 located in between Pleasant Street and the drive-  
14 through and what that does, the only way you can get to  
15 the bank is actually walk through the drive-through  
16 lanes.

17 And again, as I explained, we're going to  
18 rotate away from the abutting uses that might have some  
19 current interaction with the existing drive-through.  
20 So that I think really speaks to -- again, the -- are  
21 we going to alter the essential character vis-a-vis  
22 where is the drive-through located?

23 And we believe that we're going to have,  
24 again, two lanes, two transaction windows. And so we  
25 don't see that as altering the character, we see the

1 activation of Pleasant Street being in the public  
2 interest.

3 And certainly spirit of the ordinance being  
4 observed providing for a safer access to the building  
5 so you don't have to walk through those drive-through  
6 lanes and eliminating a curb cut on Pleasant Street as  
7 well.

8 Granting the relief requested, would that do  
9 substantial justice? That test does consider the  
10 present use of the property. Again, this is, we  
11 believe, just changing the location of an existing non-  
12 conforming use that's been there for decades, doing it  
13 in a respectful way, doing it in a well-thought-out  
14 way.

15 We still have to obviously go, as I said, to  
16 HTC and planning board. So staff asked us to put a  
17 note on the plan that the actual configuration of the  
18 buildings would change. But what we also wanted to do  
19 was pay attention, particularly, to the performance  
20 standards of a drive-through had it been permitted.

21 And so we did do that. There are certain  
22 setback requirements that we are required to meet for  
23 any drive-through, and we do meet those. And we  
24 considered all of that in terms of trying to design  
25 this in a way that would work, but also would not



1 impact the public in any way.

2 And so in terms of substantial justice,  
3 there's this balancing test of harm to the applicant  
4 versus, basically, the harm to the public, and we would  
5 respectfully submit that this does not harm the public.

6 In fact, it increases the safety as I  
7 mentioned, and we are basically pointing this use,  
8 which I don't think is going to be that offensive, but  
9 we're pointing it towards the -- one of the bigger  
10 parking lots in that area.

11 Diminution in value. Again, I think this  
12 will result in significant esthetic upgrades. We're  
13 going to be, again, becoming more conforming vis-a-vis  
14 the yard area that we have.

15 We currently, again, are about 100ft back  
16 from Pleasant Street. We'll bring this building up to  
17 the build-to line, and again, create that walkway and  
18 that activation that we think will be a positive  
19 benefit vis-a-vis any values of the surrounding  
20 properties.

21 And last is the unnecessary hardship. And  
22 again, let me start your focus on, is this a unique  
23 parcel? And as I've mentioned, it's a very large size  
24 for that area, 1.22 acres. It's located near the  
25 downtown.

1                   And again, it's located just adjacent to one  
2                   of the bigger outdoor parking lots in that area. And  
3                   it currently has, if you -- it's unique in that it has  
4                   this existing use already.

5                   A few banks in the city, in a more downtown  
6                   location, have those as well, and we highlighted that  
7                   in our application. So we think it's a unique area,  
8                   and we think that location of this, as we've explained,  
9                   assists again in terms of the esthetic aspect of this.

10                  The impact to the surrounding properties that have  
11                  habitation or use.

12                  And so we think that all of those things  
13                  lead to the sense that we are basically being  
14                  consistent with the ordinance. But again just simply  
15                  trying to rotate that element of that existing non-  
16                  conforming use and doing it in a respectful way and a  
17                  well-thought-out way, and one that, again, will have to  
18                  go through a review.

19                  But we wouldn't -- we would continue to  
20                  anticipate that we will always be meeting the  
21                  performance standards that are set forth within the  
22                  ordinance vis-a-vis the requirements for drive-  
23                  throughs.

24                  So that's our plan. And again, we hope that  
25                  you can grant that relief and then we'll move forward.

1 VICE CHAIR BETH MARGESON: Question.

2 CHAIRWOMAN PHYLLIS ELDRIDGE: Yes, Ms.

3 Margeson.

4 VICE CHAIR BETH MARGESON: So looking at  
5 this plan, it looks like the vehicular access to the  
6 property, including the surface parking spaces and the  
7 garage, I think is going to be underneath the building?

8 FRANCIS XAVIER BRUTON, ESQ.: Yeah, and I  
9 apologize, I meant to mention that as well.

10 VICE CHAIR BETH MARGESON: Okay. So it  
11 comes in through the same area as this proposed drive-  
12 through?

13 FRANCIS XAVIER BRUTON, ESQ.: Yes.

14 VICE CHAIR BETH MARGESON: Okay. And this  
15 is -- there's a lot of pedestrian traffic around this  
16 area because of the Parrott Avenue lot and going down  
17 to the courthouse and whatnot.

18 So the only way the pedestrians really will  
19 be able to cut through this property, frankly, is  
20 through that same -- through that same new entryway.  
21 So this is how pedestrians, and the drive-through  
22 customers, and vehicular traffic will be accessing this  
23 property?

24 FRANCIS XAVIER BRUTON, ESQ.: Well, we're  
25 going to have walkways from Pleasant Street that will

1       avoid that if pedestrians are walking in that  
2       direction, which are depicted on the plan.

3               And also all the parking, basically, for  
4       someone who actually wants to go into the bank is going  
5       to be along the side of the -- that portion of the  
6       building, but with access again to sidewalks that they  
7       currently didn't have.

8               So we think we're definitely enhancing that  
9       aspect of it. And of course, you know, drive-throughs,  
10      even though they're not permitted, certainly help with  
11      parents, with kids, the elderly, the disabled. So we  
12      still obviously want to provide that, and a lot of  
13      banking now goes on in that fashion.

14              So the performance criteria that is set  
15      forth is something we were asked to pay particular  
16      attention to. And those -- all those criteria are met  
17      in terms of the design that we have in that -- on the  
18      plan.

19              VICE CHAIR BETH MARGESON:       Okay. Thank  
20      you. My concern is that it's combined with, basically,  
21      the driveway into the property.

22              FRANCIS XAVIER BRUTON, ESQ.:       Yeah. I  
23      mean, we do have a deeded access point through the  
24      parking lot as well. But the main intent would be to  
25      come down in that fashion and then park in that

1 location.

2 And, John, you can speak more to that as  
3 well.

4 JOHN CHAGNON: Thank you, F.X. John  
5 Chagnon from Haley Ward. If we can go to the existing  
6 conditions plan, I think you'll see that there exists,  
7 currently -- and what you're talking about are the  
8 people from the Parrott Avenue parking lot cutting  
9 through this property, and there is one spot -- keeps  
10 jumping around on me there. Sorry.

11 There is a significant hedge here that  
12 prevents that, and then there's a landscape area here  
13 that prevents that. So there is one set of stairs here  
14 that people can walk through.

15 But I think the predominant pedestrian  
16 movement from the paradigm of the parking lot would  
17 either be out here or should be out here to the street  
18 or out here to the back alley up there.

19 So I don't think that people have a right to  
20 cross the property as a matter of right. There could  
21 be a fence put up there if it became a safety concern.

22 The driveway layout, if you go to the  
23 proposed site plan, has plenty of room to maneuver for  
24 the cars coming in and out. That would be -- the main  
25 entrance would be Pleasant Street. That -- start to



1 answer that question in a way?

2 VICE CHAIR BETH MARGESON: Yes. And I  
3 just have a --

4 CHAIRWOMAN PHYLLIS ELDRIDGE: You can go.

5 VICE CHAIR BETH MARGESON: Okay. Just a  
6 follow-up question. So you would open up the access  
7 and relocate court parking. What does that mean?

8 JOHN CHAGNON: Core parking -- relocate  
9 core parking?

10 VICE CHAIR BETH MARGESON: Court.

11 JOHN CHAGNON: Court, oh. Oh, okay.

12 Sure. So the situation right now, go back to the  
13 existing conditions plan, is the property -- the city  
14 of Portsmouth owned the entirety of this going out to  
15 Pleasant Street to Parrott Ave, and they then sold off  
16 the courthouse lot and kept -- there was a -- there's  
17 an access here that was deeded to the courthouse lot.

18 Now currently in the subject property, the  
19 entrance, pretty much in the same location existing as  
20 proposed. But you come down here and then there's this  
21 awkward turning movement here that allows you to exit  
22 either into the Parrott Avenue parking lot or out to  
23 the courthouse property.

24 And if you go to the proposed, what we're  
25 proposing is to align that, take out the awkward

1 turning movement, if you could go up just a tad with  
2 the view. And then that allows this to have a couple  
3 more parking spaces added to the Parrott Avenue parking  
4 lot.

5 It would also create a situation where  
6 people coming from Court Street, they currently tend to  
7 or may go through private property. The PHA housing  
8 project to get to Parrott Avenue parking lot in a more  
9 expeditious manner would be, hopefully, discouraged  
10 from doing that because they can't just come down and  
11 bop into here. They got to go all the way out and then  
12 come back around.

13 So that design feature was brought to the  
14 planning board concept meeting and discussed and in  
15 general was, I believe, favorably received. So does  
16 that answer that?

17 VICE CHAIR BETH MARGESON: Yes, thank you.

18 JOHN CHAGNON: Okay. Thank you.

19 CHAIRWOMAN PHYLLIS ELDRIDGE: Anybody  
20 else? Question?

21 Yes, Mr. Rheaume.

22 DAVID M. RHEAUME: Thank you, Madam Chair.

23 So question. I -- this does have to go to  
24 the Historic District Commission. Where are you at in  
25 that process, and if it has started, what feedback have

1           you received on the roof cover over the drive-through?

2                       FRANCIS XAVIER BRUTON, ESQ.:        Yep. I will  
3           let Tracy answer that. But I will also point out  
4           there's actually a performance standard with respect to  
5           the roof, the canopy over the drive-through, which we  
6           looked at and meet as well.

7                       So that actually is met per the zoning. But  
8           I'll let Tracy give you a little bit more info on that.

9                       TRACY KOZAK:        Good evening. Tracy Kozak.  
10          Yes, we've had one work session, and we took  
11          some feedback -- well, we had two work sessions. The  
12          first one was a more contemporary design. They didn't  
13          like that. We came back with this more traditional  
14          design, which was received much more favorably. We had  
15          a number of more detail oriented comments at that time.

16                      And that earlier version was a little bit  
17          different than what we're showing now. We've put HTC  
18          on hold just temporarily to get your feedback, and with  
19          your feedback, we will then respond accordingly and  
20          proceed with further HTC reviews.

21                      DAVID M. RHEAUME:        Okay. Thank you. My  
22          next question, if I may continue.

23                      CHAIRWOMAN PHYLLIS ELDRIDGE:        You may.

24                      DAVID M. RHEAUME:        So looking at your  
25          Level 1-floor plan, your drawing PB-0.2 on Page 40 of

1           our packet, lists the back portion -- first floor of  
2           the back portion of the combined building, which I  
3           believe is to be the footprint of the existing building  
4           as a retail space.

5                       Trying to understand -- and again, you know,  
6           we don't allow -- part of the driver for not allowing  
7           drive-throughs in these districts is to make it a more  
8           pedestrian-friendly experience. I know you mentioned  
9           like, well, you know, there's good drive-throughs and  
10          bad drive-throughs, this is the good drive-through  
11          kind.

12                      But, you know, the issue with ones that have  
13          speakers and whatnot or louder speakers really even  
14          banks the -- have some speaker capability. We have a  
15          setback in our ordinance from residential uses that  
16          covers that eventuality.

17                      FRANCIS XAVIER BRUTON, ESQ.:       Yeah.

18                      DAVID M. RHEAUME:       What -- in my mind,  
19          what the character districts are really trying to do --  
20          drive is a pedestrian-friendly experience which drive-  
21          throughs traditionally are not amenable to.

22                      So towards that end, I'm trying to  
23          understand what do you see as the pedestrian paths to  
24          get to this retail that you have in the back part of  
25          the new combined building?

1 JOHN CHAGNON: So if we can go to the site  
2 plan again, the pedestrian experience is one of access.

3 If you're coming down Pleasant Street, this is access  
4 here that will take you to that retail and also to the  
5 -- I believe, to the residential.

6 And then further down Pleasant Street, you  
7 have access here to the banking facility and here to  
8 the banking facility. And then there are parking spots  
9 here that would be accessible to that retail facility.

10 This way, the residents -- as mentioned,  
11 there's an underground parking. So the bank employees  
12 and residents would go into that and access interior to  
13 the building.

14 And there's also going to be additional --  
15 there is access here through an easement that goes  
16 between the Portsmouth Fire Station and the fire  
17 condominiums, as they're called, or the old fire  
18 station condos. And there'll be some connections there  
19 with the pocket park that would enhance that pedestrian  
20 experience. But people now walk up there from Parrott  
21 Avenue parking lot.

22 DAVID M. RHEAUME: Okay. So you're  
23 indicating that the primary way of getting to that  
24 retail space is to walk down that alley, basically?

25 JOHN CHAGNON: If you're a pedestrian.



1                   DAVID M. RHEAUME:     Right.   Pedestrian.

2           I'm talking pedestrian access.   Yeah.

3                   JOHN CHAGNON:       Yeah.

4                   DAVID M. RHEAUME:     Is there any access on  
5           the parking lot side?

6                   JOHN CHAGNON:       Yes.

7                   DAVID M. RHEAUME:     To that retail space?

8                   JOHN CHAGNON:       Yes, you'll see there's a  
9           sidewalk at the edge of the parking spaces, and then  
10          there's an entrance here.

11                   DAVID M. RHEAUME:     Okay.   My last question  
12          is, sometime in the past year, I can't remember exactly  
13          when, I couldn't find it searching through, but there  
14          was a decision that this board made to allow this lot  
15          to serve as a parking lot for another property that was  
16          owned by the same owner.   What is the status of that?  
17          I don't know if you have the information on that or  
18          not.   And how is that parking requirement incorporated  
19          into this current design?

20                   FRANCIS XAVIER BRUTON, ESQ.:     Yes.  
21          There's, I believe, four spaces that are reserved for  
22          that, and they would be incorporated within the  
23          underground parking.

24                   DAVID M. RHEAUME:     Okay.   I thought it was  
25          more spaces than that, but okay.

1 FRANCIS XAVIER BRUTON, ESQ.: You know,  
2 off the top of my head, because I did that agreement,  
3 it may be five?

4 TRACY KOZAK: It's five.

5 FRANCIS XAVIER BRUTON, ESQ.: Five. Okay.  
6 Yeah. It's five.

7 DAVID M. RHEAUME: Okay. Thank you.  
8 That's all I have.

9 CHAIRWOMAN PHYLLIS ELDRIDGE: Oh, sorry.  
10 Mr. Nies.

11 THOMAS NIES: Yeah. I just have one  
12 question. Actually, I guess I've got two.

13 On Page 43, the roof drawing appears to show  
14 at the bottom of the thing that you've got parking  
15 spaces in the travel lanes, I assume that's left over  
16 from the drawing that you showed at the planning board,  
17 which showed a very different layout and had 37 surface  
18 parking spaces; is that accurate?

19 FRANCIS XAVIER BRUTON, ESQ.: I believe it  
20 is. You can confirm that, Tracy.

21 TRACY KOZAK: Yeah. The roof plan is  
22 really just to show the roof. There is an underlay of  
23 the existing or older shown underneath the current  
24 there. They're overlapped. The older one shouldn't be  
25 on that.

1 But to refer to the site plan, I'll ask you  
2 to disregard looking at the roof plan for the parking  
3 striping. We should just turn that off completely.

4 THOMAS NIES: Okay. So when you made a --  
5 not -- thank you. There was a comment made earlier  
6 that the planning board seemed to like the changes to  
7 the traffic flow that were made at the left hand, what  
8 I'm calling the left-hand side of the property --

9 FRANCIS XAVIER BRUTON, ESQ.: Right.

10 THOMAS NIES: -- the back side of the  
11 property. But they didn't see the location of the  
12 drive-through lanes as they're shown here tonight;  
13 correct. They saw the original location of the drive-  
14 through lanes, which showed them in the middle of the  
15 building?

16 FRANCIS XAVIER BRUTON, ESQ.: I will again  
17 defer to John because I wasn't at that hearing.

18 JOHN CHAGNON: Yes. So the -- as events  
19 progress, the plan that was brought to the planning  
20 board had the drive-through in the same location that  
21 it is in now, and we were mistakenly assuming that that  
22 would suffice to not have to come to this board. But  
23 the window was being moved to the other side, and that  
24 meant that it wasn't the same exactly, and there  
25 probably were other reasons why it wasn't.

1                   So we were sort of on a -- on an assumption  
2                   there that after we were informed that we would need to  
3                   come to this board, we decided that there's a better  
4                   location for the drive through if we're going to have  
5                   to move it and get relief. This is better -- this is a  
6                   better design than having to come under a building. We  
7                   eliminated a curb cut on Pleasant that was problematic,  
8                   we believed.

9                   And so in addition, the other plan did have  
10                  the access to that coming down the property line. And  
11                  so I think in hindsight, it wouldn't meet the 30-foot  
12                  drive-through lane separation. So there were some  
13                  other things that actually didn't comport to the way  
14                  the ordinance was written.

15                  THOMAS NIES:       Great. Thank you.

16                  CHAIRWOMAN PHYLLIS ELDRIDGE:    Okay.  
17                  Excuse me, did you just say third drive-through lane?

18                  FRANCIS XAVIER BRUTON, ESQ.:     No.

19                  CHAIRWOMAN PHYLLIS ELDRIDGE:    Oh, okay. I  
20                  misunderstood.

21                  FRANCIS XAVIER BRUTON, ESQ.:     I apologize.

22                  CHAIRWOMAN PHYLLIS ELDRIDGE:    Are there  
23                  any other questions? Okay. Thank you.

24                  FRANCIS XAVIER BRUTON, ESQ.:     Thank you  
25                  very much.

1 CHAIRWOMAN PHYLLIS ELDRIDGE: Is there  
2 anyone in the public who would like to speak in favor  
3 of this plan? Anyone who would like to speak in  
4 opposition.

5 PETER SMITH: Hi. My name is Peter Smith.  
6 I live at 206 Court Street. I'm an abutter. I also  
7 represent the 160 signatures on the pause-  
8 portsmouth.com petition on Change.org. All 160  
9 signatures have been validated by change.org.

10 And I request that this be declined. The  
11 simple point is that it's self-created hardship. There  
12 is no hardship here. Section 10.233.31 of the  
13 Portsmouth Zoning Ordinance, echoed in the board's  
14 procedural rules, limits hardship finding to a special  
15 condition of the property that distinguish it from  
16 other properties. Neither business preferences nor  
17 site history satisfies that test. The current hardship  
18 claim that the lot historically contained to drive-  
19 through, and that the tenant desires one is self-  
20 created, arising entirely from the choice to continue  
21 the use that the ordinance no longer allows.

22 The board's own rules reaffirm that mere  
23 inconvenience or the need for financial advantage does  
24 not constitute unnecessary hardship. Extensions of  
25 nonconforming use violates zoning intent.



1                   Section 10.331 provides that the law for non  
2           -- law for nonconforming use may not be extended,  
3           enlarged, or changed except in conformity with this  
4           ordinance. The applicant's plan to relocate and expand  
5           the drive-through is precisely such an extension in  
6           direct conflict with the CD4 prohibition.

7                   There is no demonstrable hardship. The  
8           application identifies no unique site condition that  
9           prevents reasonable use under existing zoning. The  
10          claimed hardship stems from tenant preference and  
11          property size, conditions common throughout downtown  
12          and not grounds for variance. The property can readily  
13          accommodate a conforming use without a drive-through.

14                  Number 6, public interest and precedent.  
15          Existing drive-through banks within CD4 and CD5 are  
16          grandfathered non-conformities, not precedents for  
17          expansion. Zoning reforms adopted in 2015 were  
18          designed to phase such uses out. Granting this  
19          variance would signal a reversal of that policy  
20          direction and erode confidence in the city's character-  
21          based zoning system.

22                  Next, neighborhood character and safety  
23          impacts. Relocating vehicle circulation toward the  
24          Parrott Avenue lot and residential edges increases  
25          vehicle idling and emissions.

1                   Next, substantial justice and property  
2                   value. Denying this request would not diminish the  
3                   value of their property. They have no claim to  
4                   hardship, and it should be denied as a result.

5                   Again, this is pause-coliving.com. It's a  
6                   change.org -- it's a petition signed by 160 residents.  
7                   All validated. Thanks.

8                   CHAIRWOMAN PHYLLIS ELDRIDGE:     Thank you.  
9                   Anyone to speak to, for, or against?

10                  ELIZABETH BRATTER:        Good evening.  
11                  Elizabeth Bratter, property owner, 159 McDonough. I'm  
12                  speaking to, for, or against this variance, you get to  
13                  decide.

14                  Drive-throughs are not allowed uses in CD5  
15                  and CD4 zoning. Of course, the purpose of coming here  
16                  is to request a variance. In this case, the decision  
17                  cannot be made in a vacuum. All aspects of this  
18                  property and the surrounding area must be considered.

19                  Most of the drive-throughs in downtown that  
20                  already exist have been here since the 1980s. This lot  
21                  currently has a drive-through. However, the bank and  
22                  the drive-through are proposed to be moved to the front  
23                  of the lot, which is currently a parking lot. And they  
24                  will be facing and abutting historical things on  
25                  Pleasant Street.

1                   This lot sits in the very historical part of  
2                   Portsmouth and is in the Historic District. With quite  
3                   a few historical homes next to and across the street,  
4                   some have been very meticulously reconstructed in just  
5                   the last year or two.

6                   Drive-throughs are not necessary for banks.

7                   There are thousands of banks inside of Walmarts and  
8                   grocery stores throughout New Hampshire and the  
9                   country. They are visited regularly, yet they do not  
10                  have a drive-through.

11                  Moving banks inside of stores has been a  
12                  growing trend over the last few years. The other  
13                  change in banking has to do mostly with automated  
14                  interactions such as taking pictures of checks for  
15                  deposits, transferring funds between accounts, paying  
16                  your rent online, all by cell phones or computers.

17                  So what does the future hold? Do we need  
18                  drive-throughs? The problem with the proposed drive-  
19                  through is the most recent location that they have  
20                  showed, will remove the originally proposed somewhere  
21                  between 20 and 30 parking spaces on this lot, and leave  
22                  around 11, for both the bank and the proposed retail  
23                  space.

24                  Have you ever been to the TD Bank in  
25                  downtown? They have 24 plus spaces that are guarded

1           most of the time, and they are full, and they don't  
2           have a retail location. So what's going to happen when  
3           you put a 10,000 square foot retail location next to a  
4           seven to 10,000 square foot bank?

5                       The drive-through could have very many  
6           unintended consequences for the neighborhood, as well  
7           as the parking problem that already exists in the  
8           parking -- the Parrott parking lot. Say that five  
9           times fast.

10                      These two commercial units will need to  
11           provide around 60 parking spaces, which means they will  
12           be short at least 49, by adding the drive-through as  
13           proposed. This development is not in the downtown  
14           overlay district. So 60 spaces means 60 spaces.

15                      How do developers explain not needing  
16           parking spaces for oh, so many developments around  
17           town? Everyone will walk, they'll take the bus. They  
18           know how to get to the location on the bike. So what  
19           if we have winter? They don't need the space.

20                      In this case, why would you need a drive-  
21           through if everybody's walking, riding their bike and  
22           taking the bus? There are some key aspects of the  
23           proposed drive-through needs to be considered when you  
24           look at the criteria for the variance.

25                      Location. Not only the -- for the drive-

1 through itself, but also for the bank and the Historic  
2 neighborhood. How will the drive-through impact all of  
3 them? Is it really necessary?

4 If the drive-through is needed, more of the  
5 parking -- more of the required parking should be  
6 provided as well, because that says driving is  
7 necessary.

8 If this drive-through is to be approved, it  
9 should include some very specific stipulations relating  
10 to the location and it not taking up any more parking  
11 spaces, such as putting it under the building like you  
12 would in a hotel. That it be located in a way that  
13 does not interfere with the historic nature of Pleasant  
14 Street, like everybody driving by from Pleasant to  
15 Parrott wants to look at that drive-through.

16 Please include that if the lot is a drivable  
17 lot that they need to find more parking, which is  
18 required. It is not just the criteria, it is how they  
19 are applied to the conditions of this lot.

20 It is trusted that all aspects of this lot  
21 will be considered when reviewing the variance for the  
22 drive-through. Thank you for your time.

23 CHAIRWOMAN PHYLLIS ELDRIDGE: Thank you.

24 Anyone else to, for, or against?

25 PATRICIA BAGLEY: Patricia Bagley, 213

1 Pleasant Street. I am speaking against the request for  
2 a waiver.

3 I can't speak to the technical details that  
4 you were used to in making your decision. I have  
5 studied the diagrams, I've walked the property, I walk  
6 it many times because I live just down the street.

7 And this doesn't seem safe to me. What's  
8 being proposed is seems like a hodgepodge. When you  
9 walk there now, even though the Citizens Bank itself is  
10 ugly, it's -- this -- the drive-through is set back,  
11 and it -- you really don't even notice it. It's -- the  
12 landscaping just gives it a very calm appearance.

13 And so what they're proposing is moving this  
14 kiosk way up front. And then there's a landscaped area  
15 in the middle, and it just seems to me like to be very  
16 unsafe, too many drive-throughs.

17 They often speak of the Parrott lot. Well,  
18 the Parrott lot doesn't belong to this developer. It  
19 is -- belongs to the city. And so speaking about using  
20 -- driving through there, driving around the back, it  
21 just -- I think is just overextending, and I'm speaking  
22 against this. Thank you very much.

23 CHAIRWOMAN PHYLLIS ELDRIDGE: Okay. Thank  
24 you.

25 To, for, or against?



1 FRANCIS XAVIER BRUTON, ESQ.: I'll defer  
2 to any other abutter if they want to come up before me,  
3 but just to respond to a few things.

4 The drive-through exists. So it's already  
5 there, and we're talking about moving what is an  
6 existing non-conforming use. We're not talking about  
7 creating a new element to this area where it doesn't  
8 already exist.

9 Obviously, I think the board understands  
10 that we'll have parking underground, and the employees  
11 in addition to the residents would be there. So that  
12 issue really is -- shouldn't be the driving force here.

13 I think to that -- to maintain the driveway  
14 or drive-through makes sense because if the intent is  
15 to eliminate it, you've then taken away something that  
16 actually reduces the stress of any parking situation.  
17 So that they drive-through and take care of the  
18 business they have, or a parent with kids or disabled  
19 or elderly, and so they don't have that negative  
20 consequence on the parking aspect.

21 And just to address some of the other  
22 issues. Often people come up to you and say there's no  
23 hardship. But the test isn't really, is there a  
24 hardship? It's an unnecessary hardship? And that's in  
25 the statute and that's in your application and that's

1 the test. It's not, is there a hardship?

2 The question is, is there -- are there  
3 unique characteristics of this property that would then  
4 allow the use, and would it be consistent with the  
5 spirit of the ordinance to allow the use?

6 And if that is the case, it would be  
7 unnecessary to apply the restriction to the applicant,  
8 and that's kind of how that reads. But people don't  
9 express it that way.

10 And in this case this is entirely unique.  
11 We don't own the Parrott Street parking lot, but the  
12 location is unique. It is in an area where a large  
13 parking lot exists.

14 And when you think of the issue of the  
15 access, we're going to make the access better, if you  
16 will, in terms of eliminating the drive-throughs that  
17 are nonconforming, the drive lanes. But we're going to  
18 -- we're also going to result in a more conforming  
19 structure being built to the line and all of that.

20 But if you look at any negative consequence  
21 of any drive-through, if it's interaction with the  
22 public, this is moving it from an area where it's  
23 closer to public uses -- people uses, if you will, and  
24 pointing it in a direction away from that.

25 So it seems to us that it would be



1 reasonable to find that this is unique, particularly  
2 because we're talking about an existing use, and we're  
3 making that better. And not only because of what I  
4 just said, but again, what I said earlier in that the  
5 current use requires pedestrians to walk through the  
6 drive-through lane. And that obviously is a safety  
7 issue that we are addressing by not having that be the  
8 case, and then adding all the other pedestrian points  
9 of access to the building that John described for you.

10 So I think all in all, it's unnecessary to  
11 apply the restriction in this instance because of those  
12 special conditions of this property, its size and its  
13 location and its ability to offer all of those more  
14 conforming elements just by moving the existing use  
15 from one point and pointing it to another point. Thank  
16 you.

17 CHAIRWOMAN PHYLLIS ELDRIDGE: Thank you.

18 DAVID M. RHEAUME: Madam Chair, may I ask  
19 a question?

20 CHAIRWOMAN PHYLLIS ELDRIDGE: You may.

21 DAVID M. RHEAUME: Thank you.

22 So could you just explain a little bit more,  
23 because there's really not a lot of information in our  
24 staff memorandum on the parking. I know it's kind of  
25 been indicated by some of the interested parties that

1           you are substantially below what you need for parking.

2           And there's a reference that you might be seeking a  
3           parking conditional use permit from the planning board.

4                       Do you have any assessment on what your  
5           parking is? Obviously, we know five spots are  
6           dedicated to another property. What's the remaining,  
7           and do you think you will be having to go for a  
8           conditional use permit?

9                       FRANCIS XAVIER BRUTON, ESQ.:       I think our  
10          point of reference with the staff was, in order to get  
11          to the HTC so that they can now make a more informed  
12          decision, they need to understand if we can just rotate  
13          this. It's very kind of simply said only that way.

14                      How the design elements change and the  
15          parking needs change will likely be a part of that  
16          process, but we don't anticipate if we need to ask for  
17          any parking relief from a CUP process on the planning  
18          board that it would be significant.

19                      I can tell you that with due respect to an -  
20          - to the abutter that she looked at the surface  
21          parking, but did not incorporate in that analysis the  
22          underground parking, which will be significant at all.

23                      So we will not be 60 spaces short because there was no  
24          calculation in that presentation of the underground  
25          parking.



1                   DAVID M. RHEAUME:       Okay.   Thank you.

2                   FRANCIS XAVIER BRUTON, ESQ.:       Thank you.

3                   CHAIRWOMAN PHYLLIS ELDRIDGE:       Thank you.

4                   JEFFREY MATTSON:       Phyllis.

5                   CHAIRWOMAN PHYLLIS ELDRIDGE:       Oh, I'm  
6       sorry.

7                   JEFFREY MATTSON:       All right.   Yeah.   I  
8       just have a question.

9                   I was just wondering if you could answer the  
10       net -- whether the net change in asphalt is increased  
11       or decreased with the change in orientation of the  
12       drive-through, specifically the asphalt dedicated to  
13       the drive-through only as opposed to for the parking.

14                  FRANCIS XAVIER BRUTON, ESQ.:       Right.

15                  JOHN CHAGNON:       Well, I don't know if I can  
16       granulate it down to the last part of your question,  
17       but the site, as we've looked at the open space, will  
18       be well above like twice what the requirement is in  
19       open space.   And so we're confident that that will be  
20       appropriate and that we can handle the drainage that's  
21       going to be generated.

22                  JEFFREY MATTSON:       Okay.   I --

23                  JOHN CHAGNON:       Right now, whether it's an  
24       increase or decrease, I think some of that depends on  
25       the final surfaces, but definitely we'll have about

1 twice as much open space as is required.

2 JEFFREY MATTSON: Okay. I guess -- yeah.

3 So my line of thinking was that we have a current  
4 existing drive-through with a certain orientation that  
5 requires a certain amount of asphalt dedicated to that  
6 drive-through, and with this new orientation, whether  
7 or not there was more or less asphalt dedicated to that  
8 drive-through.

9 JOHN CHAGNON: Okay. Yeah. I think I can  
10 say for sure that that existing, if we want to go to  
11 the existing plan, dedicates more real estate because  
12 the drive-through comes off and all of this pavement  
13 here is needed to access it. So that's reduced now to  
14 a little loop out here.

15 And in fact, the -- if you go to the  
16 proposed site plan, really the area dedicated to the  
17 drive-through is here, and this plan is at a different  
18 scale than the other one. It looks bigger because it's  
19 20 scale, the other plan is 30 scale. So I can -- I  
20 think I can say quite clearly that there's less  
21 pavement dedicated to the drive-through.

22 JEFFREY MATTSON: Okay. Thank you.

23 JOHN CHAGNON: And the drive-through has a  
24 pretty specific queue, three cars. The bank has  
25 studied this extensively. Not only do they need the



1 drive-through as it is something that the customers  
2 want, it is a feature that they need to have.

3 They know that if there's three cars in the  
4 drive-through queue that people are going to use the  
5 ATM lane, or they're going to park and go inside. So  
6 that is appropriately sized. If that helps, also  
7 answer the question.

8 CHAIRWOMAN PHYLLIS ELDRIDGE: Thank you.  
9 Okay.

10 VICE CHAIR BETH MARGESON: I just --

11 CHAIRWOMAN PHYLLIS ELDRIDGE: I'm sorry.

12 VICE CHAIR BETH MARGESON: I just have one  
13 follow-up question, if I could with John Chagnon,  
14 unless other -- I don't know if other people want to  
15 speak or --

16 CHAIRWOMAN PHYLLIS ELDRIDGE:  
17 (Indiscernible).

18 VICE CHAIR BETH MARGESON: Okay. So you  
19 had talked about the planning board being in favor of  
20 vehicular -- the betterment of vehicular circulation  
21 down that -- the -- near the courthouse. Did you say  
22 that the vehicles came in off Court Street?

23 JOHN CHAGNON: So currently if you go down  
24 Court Street, you can take a right turn before the  
25 Portsmouth Housing Authority building and go around the

1 back of it, and you'll end up in this lane here behind  
2 the new building, and you can drive out. And there are  
3 signage there that discourages it. But I can tell you  
4 from the staff that operates that facility, that people  
5 ignore the signage, and they cut through that way.

6 VICE CHAIR BETH MARGESON: Okay. I  
7 thought that that road was eliminated when the new  
8 workforce housing came online. So -- okay.

9 JOHN CHAGNON: No. It was needed to  
10 provide circulation for the fire department. So you  
11 couldn't just cut it off.

12 VICE CHAIR BETH MARGESON: Okay. Thank  
13 you.

14 CHAIRWOMAN PHYLLIS ELDRIDGE: Anybody  
15 else? A last call, to, for, or against.

16 ELIZABETH BRATTER: Are you going to allow  
17 second time speakers or not?

18 CHAIRWOMAN PHYLLIS ELDRIDGE: Excuse me?

19 ELIZABETH BRATTER: Are you going to allow  
20 second time speakers or not?

21 CHAIRWOMAN PHYLLIS ELDRIDGE: You may  
22 come. Yeah.

23 ELIZABETH BRATTER: Elizabeth Bratter,  
24 property owner, 159 McDonough Street. I thought I'd  
25 clarify the parking. There are 46 units proposed, I



1 believe two penthouses on the roof, if I did that  
2 right, 41 parking spaces, most of them tandem in the  
3 basement.

4 Retail space outside of the DOD requires, I  
5 believe, one spot for every 300 square feet. It's a  
6 10,000 square foot place. That's 33 more parking  
7 spaces.

8 The bank has proposed -- was originally  
9 proposed as 7,000 square feet, now it's 10,000  
10 something square feet, which again would need -- they  
11 have a different criteria, I believe it's one for every  
12 350, but pretty much another 30 spaces.

13 So you're talking that they really need 100  
14 spaces. They are providing 41 of which five will be  
15 used by someone else.

16 According to this, I counted 11 spaces on  
17 the ground outside. They will not only need a variance  
18 or a CUP or whatever you want to call it, they're going  
19 to need a lot of reasons for not using the parking.

20 The building design could be modified to  
21 incorporate that drive-through like hotels run that  
22 it's kind of like an entrance in and out. I'm not the  
23 designer. I know they have one of the best architects  
24 in the city here that would probably be able to come --  
25 who would probably be able to come up with something

1 for this.

2 You could also flip-flop the buildings and  
3 put the bank on the back, but maybe the bank wants to  
4 be on the front. Retail might be nice and residential  
5 on the front and the back have the bank.

6 But that's just my thoughts outside of the  
7 box in regards to the drive-through. I trust that you  
8 will keep that in mind, that if the drive-through is  
9 designed the way it is, that's 11 more parking spaces  
10 off of that lot that have to go somewhere. Thank you.

11 CHAIRWOMAN PHYLLIS ELDRIDGE: Thank you.

12 To, for, or against? Public hearing is  
13 closed.

14 THOMAS NIES: I just want to offer one  
15 comment since we've spent a lot of time on parking.  
16 You know, if you go back and look at what was presented  
17 to the planning board, which admittedly was a little  
18 bit different than what we're looking at here, the  
19 package that they prepared back then and says that they  
20 expected that there would be a total of 83 parking  
21 spaces and the total required was 46. So that also  
22 said that they had 37 outside, which they don't have  
23 now. I think they've got 11 outside.

24 So I believe one of the applicants said they  
25 thought they would have an excess, but based on what



1           they presented to the planning board, it does look like  
2           they have a small excess of somewhere between five and  
3           ten spaces on the design.

4                     I just don't want us to get too hung up on  
5           exactly what the parking requirements are, because  
6           that's -- I'm not sure that's really before us today  
7           anyway.

8                     CHAIRWOMAN PHYLLIS ELDRIDGE:       Okay.   Thank  
9           you.

10                    Mr. Rheaume?

11                   DAVID M. RHEAUME:       Thank you, Madam Chair.  
12           Yeah.   So some thoughts.

13                    You know, I do think that it was quite  
14           intentional in our ordinance to eliminate the allowance  
15           for drive-throughs.   In the CD4 and CD5, I think  
16           there's a desire to move the downtown core areas away  
17           from a car centric way of life and more towards  
18           pedestrian and other types of, you know,  
19           transportation, bikes and whatnot.

20                    And, you know, certainly many other things  
21           we talk about with not requiring as much parking within  
22           downtown structures is also some of the mindset -- same  
23           mindset there.   Let's go and put cars in some  
24           centralized garages and have it be more of a pedestrian  
25           experience.

1                   That said, obviously, there's people with  
2                   mobility issues. You have to have some level of  
3                   accommodation for folks along those lines, but the goal  
4                   is to try and reduce it.

5                   And I guess -- so the lens I'm putting this  
6                   through, I would agree with the applicant's argument  
7                   that one of the unique characteristics of this  
8                   property, it is abutted up against a city parking lot.

9                   Nothing that we anticipate ever being developed in any  
10                  way.

11                  So that is something that's different about  
12                  this property relative to the others in the CD4 and CD5  
13                  that kind of says, yeah, maybe a drive-through use  
14                  could be something that could be recreated here.

15                  My more fundamental concern with this --  
16                  what's proposed here is that I really do think it  
17                  segregates off the pedestrian experience that -- which  
18                  is really to the key of, again, what I think the zoning  
19                  ordinance is trying to accomplish. And that I think it  
20                  creates sort of an island for the back property. I  
21                  know that the applicant tried to make the argument,  
22                  well, we got the alley way that comes down that can get  
23                  you some access into the retail space.

24                  But looking at their drawings, there are two  
25                  stairwells that they have for the residences in the



1 back structure, which will be pretty full. I mean,  
2 it's proposed to be a coliving arrangement.

3 One of those stairwells is immediately  
4 adjacent to the drive-through -- proposed drive-through  
5 location. That one is on the back side of the  
6 property, closer to the -- sort of that fire station  
7 pass through, which -- again, really, that isn't like a  
8 naturally -- people wouldn't necessarily think, hey,  
9 I'm going to go down -- walking down this Haley alley  
10 way to go get to either where I live or whom I'm  
11 visiting with there.

12 So some -- maybe not all the residents.  
13 Some of the residents will go in and use the parking  
14 and go up the stairwells or take the elevator that way.

15 And I do like where the actual entrance to the  
16 underground parking is located. It's on the back end  
17 of the property. Again, sort of away from where the  
18 pedestrian flow would be coming off of Pleasant Street.

19 But I really do think that the drive-through  
20 that is being proposed here cuts that flow. Yeah, you  
21 can put some crosswalks in, but it's just not going to  
22 be a natural experience to want to walk through that  
23 area, to go and get to those natural pedestrian  
24 corridors in the back.

25 In terms of parking, I mean, if they're so

1 completely -- I would agree with Mr. Nies. I mean,  
2 first of all, the planning board has taken that away  
3 from us. They don't want us to have it anymore.  
4 That's fine. Go and have it.

5 But again, if they're off by, you know,  
6 dozens and dozens of spots, they would maybe add like  
7 ten spots maximum by eliminating the drive-through. So  
8 I don't think that's a consideration here. To me, it's  
9 really coming down to how does this set the property up  
10 in terms of a pedestrian experience?

11 And I think that if, you know, the -- we  
12 were sort of reversed where you had the -- more  
13 residential use up in front with another sort of non-  
14 bank use up there and then maybe put the drive-through  
15 way at the back. Maybe that might make some more sense  
16 where it's more of a car centric corner of the  
17 property, you know, next to the courthouse parking,  
18 next to the city's parking.

19 But stuck right in the middle here, I'm just  
20 having a very hard time saying that that would -- that  
21 is, you know, just goes against the fundamentally what  
22 we're trying to accomplish with the ordinance.

23 JILLIAN HARRIS: There is an attendee  
24 online that you had missed, that I (indiscernible).

25 CHAIRWOMAN PHYLLIS ELDRIDGE: Okay.



1 JILLIAN HARRIS: If you guys want to  
2 reopen the public hearing.

3 CHAIRWOMAN PHYLLIS ELDRIDGE: There is  
4 someone online, and the request is to open the public  
5 hearing again for this person. We missed -- they were  
6 there and we missed it.

7 VICE CHAIR BETH MARGESON: I think we need  
8 a motion to reopen.

9 CHAIRWOMAN PHYLLIS ELDRIDGE: Yes.

10 PAUL MANNLE: Motion to suspend the rules  
11 so we can open up public hearing.

12 THOMAS NIES: Second.

13 CHAIRWOMAN PHYLLIS ELDRIDGE: Okay. Now  
14 we need a motion to open the meeting again.

15 PAUL MANNLE: I just did.

16 JEFFREY MATTSON: That was a motion to  
17 suspend the rules.

18 CHAIRWOMAN PHYLLIS ELDRIDGE: Yeah. That  
19 was to suspend the rules.

20 JEFFREY MATTSON: Motion to open public  
21 comment --

22 CHAIRWOMAN PHYLLIS ELDRIDGE: To reopen  
23 the public hearing.

24 JEFFREY MATTSON: Reopen. Yeah.

25 CHAIRWOMAN PHYLLIS ELDRIDGE: Yeah. All

1 in favor?

2 BOARD MEMBERS: Aye.

3 CHAIRWOMAN PHYLLIS ELDRIDGE: Oppose now.

4 Okay.

5 JEFFREY MATTSON: Do I need a second first

6 or is it --

7 CHAIRWOMAN PHYLLIS ELDRIDGE: I'm sorry.

8 I did the (indiscernible) --

9 JEFFREY MATTSON: Second.

10 CHAIRWOMAN PHYLLIS ELDRIDGE: -- the time

11 when we're just doing a vote.

12 JEFFREY MATTSON: Yes.

13 CHAIRWOMAN PHYLLIS ELDRIDGE: Okay. All

14 in favor?

15 BOARD MEMBERS: Aye.

16 CHAIRWOMAN PHYLLIS ELDRIDGE: Thank you.

17 JILLIAN HARRIS: Erin Proulx, would you

18 like to speak on this application? You'll have to

19 unmute.

20 ERIN PROULX: Can you hear me?

21 JILLIAN HARRIS: Yes.

22 ERIN PROULX: Oh, good. Thank you. I was

23 sending messages just because I had my hand raised.

24 Thank you for reopening.

25 So good evening, and thank you for allowing



1 me to speak. My name is Erin Proulx, 118 Pleasant  
2 Street in 99 Marne Ave. I'm both an abutter to this  
3 property and also a real estate professional, and I  
4 work extensively in the market downtown.

5 I'm speaking tonight to respectfully urge  
6 the board to deny the variance request for 134 Pleasant  
7 Street. While the applicant describes the proposal as  
8 an improvement, it conflicts with the intent of the  
9 zoning ordinance, the Character District 4 standards,  
10 and the city's master plan vision for walkable and  
11 pedestrian oriented downtown.

12 The board's own rules call for decisions  
13 that strictly follow the adopted zoning ordinance and  
14 state statutes. A variance should only be granted when  
15 every legal criterion is clearly met, not simply  
16 because a proposal looks better than where it is now.

17 Drive-throughs are prohibited in the  
18 district (indiscernible). They introduce car-focused  
19 activity to areas meant to prioritize people and  
20 walkability. As both a direct abutter to this and a  
21 real estate professional, I can speak directly on the  
22 impact of the surrounding property values.

23 Replacing the green space that's out front  
24 with a large building and a large drive-through traffic  
25 area with the pavement idling cars, this will make this

1 stretch of Pleasant Street much less desirable. Buyers  
2 and tenants consistently value Portsmouth's  
3 walkability, the historic character, the landscape  
4 settings, particularly down this stretch.

5 When those qualities are replaced with more  
6 buildings and asphalt in this particular area and  
7 vehicular circulation (indiscernible) decline both for  
8 adjacent parcels in the broader neighborhood. It's  
9 also important that the Historic District Commission  
10 previously expressed concern that this building was set  
11 too close to Pleasant Street and feels imposing because  
12 I did hear a comment or a question earlier about what  
13 the HDC thought of this, and that was a comment by  
14 public comment as well as members of the HDC. And that  
15 issue remains unresolved. And this plan, combined with  
16 the added drive-through lanes, only amplifies that  
17 impact.

18 Approving this variance would weaken the  
19 city's ability to uphold the very standards that define  
20 downtown Portsmouth walkability, human scale design,  
21 and neighborhood livability. In short, this project  
22 moves us further from those goals, not closer to them.

23 I have very much appreciation for all of your work and  
24 your service to the city. Thank you.

25 CHAIRWOMAN PHYLLIS ELDRIDGE: Thank you.



1                   Okay. Now the public hearing is closed  
2                   again.

3                   DAVID M. RHEAUME:       We open it up and if  
4                   they want to reply.

5                   CHAIRWOMAN PHYLLIS ELDRIDGE:       Okay. All  
6                   right. I thought that was an exception because they  
7                   weren't here. Okay.

8                   JOHN CHAGNON:       Yes. Thank you. John  
9                   Chagnon again. If you could put up the site plan and I  
10                  didn't respond appropriately to Mr. Rheaume's comments  
11                  earlier, I think there's easy ways to actually increase  
12                  the pedestrian access that you speak of, and I think I  
13                  can point that out.

14                  The -- this walkway that comes off of  
15                  Pleasant Street can easily be connected to a walkway  
16                  here that would then either connect this way but also  
17                  connect this way. So just to point out that in the  
18                  process of going through with the site plan approvals  
19                  will definitely bring that into the design and try to  
20                  connect through the site more appropriately.

21                  That's less of a walk from Pleasant to the  
22                  facilities than if you look at the existing walk path.

23                  It crosses a very large swath of pavement. So there  
24                  would be some very distinct and short crossings, but we  
25                  could add sidewalks. And thank you for allowing me to

1 speak again.

2 CHAIRWOMAN PHYLLIS ELDRIDGE: Okay. Thank  
3 you.

4 Okay. To, for, against?

5 PAUL MANNLE: Close it, please.

6 CHAIRWOMAN PHYLLIS ELDRIDGE: I'm going to  
7 try.

8 TRACY KOZAK: Tracy Kozak. If I just want  
9 to respond to some of the historic elements. The  
10 Langdon House, of course, you know, is across the  
11 street. Right now, the drive-through faces the Langdon  
12 House. In this proposed condition, it will be screened  
13 by buildings and landscaping. And, of course, it will  
14 go through HDC.

15 The current traffic pattern of the drive-  
16 through points the headlights right at the Langdon  
17 House. And there are photos in your packet of the  
18 historic conditions of this site, which had houses  
19 along the street. We've set it back the maximum  
20 allowed by zoning, which is ten feet maximum. We go  
21 further if we can, but that's what's allowed. Thank  
22 you.

23 CHAIRWOMAN PHYLLIS ELDRIDGE: Okay. Thank  
24 you.

25 Okay. To, for, against? Public hearing is



1 closed.

2 Yes, Ms. Margeson.

3 VICE CHAIR BETH MARGESON: So I echo a lot  
4 of what Mr. Rheaume's concerns are about this. I do  
5 think there was an intentionality about taking away  
6 drive-throughs. I recognize that there is an existing  
7 drive-through on the property. However, this project  
8 is a much more intense use with the redevelopment of  
9 it.

10 I think that this -- I know that this is a  
11 tack and planning board issue about the traffic  
12 circulation in and out, but there is a lot of  
13 pedestrians that cut around and through this property.

14 And I think having a drive-through combined with the  
15 entrance to the property, combined to people parking in  
16 the property, people getting into the -- to the back to  
17 access the garage is really problematic from a health,  
18 safety and welfare view.

19 I think also what we're seeing now is that,  
20 you know, the CD4, CD5, which is more pedestrian-  
21 friendly, allows the public to kind of get invited into  
22 the property. You're going to have a huge swath on one  
23 side of this that is really going to be dedicated to  
24 the access into the property by vehicles, I understand  
25 that. But I think that adding a drive-through to it is

1 really problematic.

2 CHAIRWOMAN PHYLLIS ELDRIDGE: Anybody like  
3 to make a motion?

4 DAVID M. RHEAUME: I -- yeah. Okay. So  
5 not ready yet to make a motion. But just to add a  
6 couple more things. And I do appreciate Mr. Chagnon  
7 trying to put -- well, trying to make it sound somewhat  
8 better, but I still see this as a, you know, pedestrian  
9 path that's going to have to cross, you know, through  
10 an ATM queuing line, through a drive-through queuing  
11 line, through a path to get to parking garage and other  
12 parking spots. It's really not the preferred.

13 I mean, what we really want is, is we want  
14 to keep the pedestrian experience tight to the actual  
15 building itself; right? That creates the -- what we're  
16 trying to do is create an inviting, walkable  
17 sensibility of buildings and people interacting --  
18 interrelating with each other. And I just -- I think  
19 that's not what would be happening here.

20 Second is, you know, there was talk that a,  
21 you know, a bank really needs to have a drive-through.

22 There are several banks that are in the downtown area  
23 that are, you know, taking up spaces that do not have  
24 that drive-through, you know, and I think in a modern  
25 bank, it's not something that's 100 percent necessary.



1                   Is it a convenience that some people still  
2           take advantage of perhaps, but there's certainly other  
3           banks that are successfully using other locations that  
4           do not have a drive-through capability.

5                   CHAIRWOMAN PHYLLIS ELDRIDGE:     Okay.   Mr.  
6           Mattson?

7                   JEFFREY MATTSON:     Well, so I'm inclined to  
8           make a motion, but my motion would be to approve, and I  
9           don't know if I can convince people.   So I could go  
10          forward with it, or if someone wants to make a motion  
11          to deny, we could try that one first or --

12                  CHAIRWOMAN PHYLLIS ELDRIDGE:     Does anybody  
13          have a second for Mr. Mattson?

14                  JEFFREY MATTSON:     My motion to approve.  
15          Okay.   Well, that answers that.

16                  PAUL MANNLE:     At least you tried.

17                  JEFFREY MATTSON:     Well, I guess I'll just  
18          make some comments then.

19                  CHAIRWOMAN PHYLLIS ELDRIDGE:     Yes.   Tell  
20          us what you think.

21                  JEFFREY MATTSON:     Okay.   Yes.   Okay.   So  
22          big picture.   You know, I heard comments both --  
23          essentially the comments that were, oh, it's too car  
24          friendly, and I heard other comments that, oh, it's too  
25          pedestrian-friendly.   I mean, I think the reality is,

1           it's not a zero-sum game, and it's a multimodal  
2           character district.

3                     You can access it by foot, there's even --  
4           there's bike racks proposed. You can access by bike,  
5           you can access by car. This, you know, the -- a lot of  
6           the character-based reasons, including the maximum of a  
7           ten-foot setback from Pleasant Street, is for the  
8           pedestrian experience. And this is moving the drive-  
9           through situation away from Pleasant Street.

10                    I understand you can see it from -- or you  
11           would experience it through the municipal Parrott  
12           parking lot. But technically, you're not supposed to  
13           walk across someone else's property. The proper way to  
14           leave Parrott would be onto city property and easements  
15           and whatnot.

16                    And so I think if you're going to put a  
17           drive-through anywhere -- again, this -- the only  
18           variance being asked for here is for a drive-through,  
19           nothing about parking or setbacks from streets and  
20           stuff.

21                    And this is a unique lot. It's big.  
22           There's interesting egress scenarios. It is adjacent  
23           to the municipal lot. And to be honest, to me the --  
24           the curb appeal from Pleasant Street is actually  
25           improved with the situation. But that's an esthetic



1 opinion.

2 And again, if drive-throughs were allowed  
3 here, all the criteria are met. It's just that drive-  
4 throughs aren't allowed. So even though there's  
5 already one here and this could be viewed as an  
6 improvement, it's just that it's not allowed anymore.  
7 Whether or not that intention was for fast-food type  
8 drive-throughs or whatever, can be debated. But yeah,  
9 I guess those are my thoughts.

10 CHAIRWOMAN PHYLLIS ELDRIDGE: Okay. Thank  
11 you. Anybody?

12 PAUL MANNLE: I'll go ahead.

13 CHAIRWOMAN PHYLLIS ELDRIDGE: Okay.

14 VICE CHAIR BETH MARGESON: Oh, I think,  
15 Mr. Rheaume. Did you have your --

16 CHAIRWOMAN PHYLLIS ELDRIDGE: No, he  
17 didn't.

18 VICE CHAIR BETH MARGESON: Oh, sorry.

19 PAUL MANNLE: Okay. I make a motion to  
20 deny the application as presented.

21 CHAIRWOMAN PHYLLIS ELDRIDGE: Is there a  
22 second?

23 DAVID M. RHEAUME: I'll second that.

24 CHAIRWOMAN PHYLLIS ELDRIDGE: Okay.

25 PAUL MANNLE: Having gone through this and

1           everybody's looking at the drive-through, and I agree  
2           with what board member Rheaume and Margeson said about  
3           the drive-through. We've tried to pack a lot on this,  
4           and it leads to some interesting questions that the  
5           drive-through is basically an afterthought to keep the  
6           bank. Considering how you designed it, you've opened  
7           up access to the Court for nine parking spaces. So now  
8           we have an access to the Court from Pleasant Street.

9                       Don't think that was intended, and we have  
10          the access to the garage. But first criteria,  
11          10.233.21, granting the variance would not be contrary  
12          to the public interest. No, granting the variance  
13          would be against the public interest.

14                     As they stated before, we want to get rid of  
15          drive-throughs in the downtown. This is slightly out  
16          of the overlay district, but still the same.

17                     Granting the variance would observe the  
18          spirit of -- no, it would not observe the spirit of the  
19          audience, as Mr. Rheaume and Ms. Margeson have already  
20          said. I don't know when this drive-through was  
21          approved because there's nothing in the record about  
22          it. Probably before I moved to Portsmouth 35 years  
23          ago.

24                     That being said, I don't think you've met at  
25          least two, possibly three, because your hardship



1 narrative talks about the lot, but doesn't talk  
2 anything about why you need the proposed drive-through  
3 moved. That's it.

4 CHAIRWOMAN PHYLLIS ELDRIDGE: Does the  
5 second have anything to add?

6 DAVID M. RHEAUME: Yeah, I'll double down.

7 To me, I mean, I can -- only needs to fill in one of  
8 the criteria. To me, it's -- it really is the first  
9 two criteria that this proposal is falling down on.  
10 Really, you know, the ordinance -- there's two things.

11 The ordinance -- one is to sort of reflect what's  
12 currently there. But the other part is to reflect what  
13 the desire is for the future of a particular  
14 neighborhood.

15 And, you know, part of this is really trying  
16 to do a philosophical change which agreed that there is  
17 currently a historic eight, you know, drive-through  
18 that's on the property, but the property was also much  
19 more open.

20 There was -- it's much more of a -- from a  
21 car centric time. It was a time when banks just took  
22 old, empty properties because they had failed, and they  
23 were the only people that had money left. And so they  
24 built -- they took them, and they built what they  
25 needed to go and make their bank successful.

1                   Appreciate that the applicant wants to do  
2                   something with this, rebuild it. I think that  
3                   ultimately the whole structure itself will be an  
4                   improvement overall for this lot. I just think  
5                   specific to continuing this, you know, previously  
6                   allowed use but not allowed anymore because we are  
7                   trying to change it is in violation of the, you know,  
8                   the characteristics of neighborhood, certainly as it --  
9                   kind of as it exists overall.

10                  You know, these aren't very many spots and  
11                  most of them are old uses and really where we want it  
12                  to go, where the spirit of the ordinance is trying to  
13                  go for the future which is really to make things more  
14                  pedestrian-focused.

15                  The amount of parking really isn't an issue  
16                  here. I would agree, with Ms. Margeson, that people  
17                  walking through to an adjacent property is really not a  
18                  burden that the property owner should have. I don't  
19                  think those are things that factor into saying that  
20                  this is not meeting that criteria.

21                  It really comes down to the ability to  
22                  connect all the whole structure that they're proposing  
23                  here, which is substantial and a fully pedestrian-  
24                  oriented way. And this ATM drive-through is preventing  
25                  that.



1 CHAIRWOMAN PHYLLIS ELDRIDGE: Any other  
2 comments? Okay. A yes vote denies the request and  
3 there will not be a drive-through.

4 Mr. Nies.

5 THOMAS NIES: Yes.

6 CHAIRWOMAN PHYLLIS ELDRIDGE: Mr. Mannle.

7 PAUL MANNLE: Yes.

8 CHAIRWOMAN PHYLLIS ELDRIDGE: Ms.

9 Margeson.

10 VICE CHAIR BETH MARGESON: Yes.

11 CHAIRWOMAN PHYLLIS ELDRIDGE: Mr. Rheaume.

12 DAVID M. RHEAUME: Yes.

13 CHAIRWOMAN PHYLLIS ELDRIDGE: Mr. Mattson.

14 JEFFREY MATTSON: No.

15 CHAIRWOMAN PHYLLIS ELDRIDGE: And the  
16 chair votes yes. So you are not approved this evening.

17 (Recording stopped.)

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CERTIFICATE

I Steven Thomas certify that I was authorized to and did transcribe the above audio and that the transcript is a true and correct record of the audio provided.

I further certify that I am not a relative, employee, attorney, or counsel of any of the parties, nor am I a relative or employee of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

*Steven Thomas*

/s/ Steven Thomas

Steven Thomas

Transcriber

November 6, 2025



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# CITY OF PORTSMOUTH

Planning & Sustainability  
Department  
1 Junkins Avenue  
Portsmouth, New  
Hampshire 03801  
(603) 610-7216

## ZONING BOARD OF ADJUSTMENT

October 30, 2025

Double Mc LLC  
10 Pleasant Street, Suite 300  
Portsmouth, New Hampshire 03801

**RE: Board of Adjustment Request for property located at 134 Pleasant Street,  
Portsmouth NH 03801 (LU-25-138)**

Dear Property Owner:

The Zoning Board of Adjustment, at its regularly scheduled meeting of **October 28, 2025**, considered your application for the property located at 134 Pleasant Street whereas relief is needed for redevelopment of the existing commercial building and construction of horizontal and vertical building expansions for a mix-use building with below-grade parking and the relocation of drive-through teller lanes, which requires the following: 1) Variance from Section 10.440, Use #19.40 for a drive-through facility as an accessory to a permitted principle use; and 2) Variance from Section 10.331 to change the location and use of the drive-through facility. Said property is shown on Assessor Map 116 Lot 30 and lies within the Character District 4 (CD4) and Historic District. As a result of said consideration, the Board voted to **deny** the request as it does not meet the public interest or the spirit of the Ordinance.

The Board's decision may be appealed up to thirty (30) days after the vote. Please contact the Planning & Sustainability Department for more details about the appeals process.

The minutes and audio recording of this meeting are available by contacting the Planning & Sustainability Department.

Very truly yours,

Phyllis Eldridge, Chair of the Zoning Board of Adjustment

cc:

Francis X. Bruton, Esq., Bruton & Berube, PLLC  
Tracy Kozak, ARCove Architects  
John Chagnon, Haley Ward



# Findings of Fact | Variance

## City of Portsmouth Zoning Board of Adjustment

Date: 10-28-2025

Property Address: 134 Pleasant St

Application #: LU-25-138

Decision: **Deny**

### Findings of Fact:

Effective August 23, 2022, amended RSA 676:3, It now reads as follows: The local land use board shall issue a final written decision which either approves or disapproves an application for a local permit and make a copy of the decision available to the applicant. **The decision shall include specific written findings of fact that support the decision. Failure of the board to make specific written findings of fact supporting a disapproval shall be grounds for automatic reversal and remand by the superior court upon appeal, in accordance with the time periods set forth in RSA 677:5 or RSA 677:15, unless the court determines that there are other factors warranting the disapproval.** If the application is not approved, the board shall provide the applicant with written reasons for the disapproval. If the application is approved with conditions, the board shall include in the written decision a detailed description of all conditions necessary to obtain final approval.

The proposed application meets/does not meet the following purposes for granting a Variance:

Section 10.233 Variance Evaluation Criteria	Finding (Meets Criteria)	Relevant Facts
10.233.21 Granting the variance would not be contrary to the public interest.	<b>NO</b>	<ul style="list-style-type: none"><li>• The proposed drive-through cuts the pedestrian flow on the property.</li><li>• The proposed drive-through segregates the pedestrian experience and creates an island for the back property.</li></ul>
10.233.22 Granting the variance would observe the spirit of the Ordinance.	<b>NO</b>	<ul style="list-style-type: none"><li>• The ordinance's intent is to eliminate the allowance for drive-throughs in the CD4 and CD5 zones in a desire to move the downtown core areas more toward pedestrian use and other types of transportation.</li><li>• Continuing the drive-through use that is no longer allowed in the area is in violation of the characteristics of the neighborhood as well as the spirit of the ordinance.</li></ul>

10.233.23 Granting the variance would do substantial justice.		
10.233.24 Granting the variance would not diminish the values of surrounding properties.		
<p>10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.</p> <p>(a)The property has special Conditions that distinguish it from other properties in the area. AND (b)Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one. OR Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.</p>		

**PLANNING BOARD  
PORTSMOUTH, NEW HAMPSHIRE**

**EILEEN DONDERO FOLEY COUNCIL CHAMBERS  
CITY HALL, MUNICIPAL COMPLEX, 1 JUNKINS AVENUE**

**7:00 PM Public Hearings begin**

**September 18, 2025**

**ACTION SHEET**

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**REGULAR MEETING 7:00pm**

**I. APPROVAL OF MINUTES**

**A.** Approval of the August 21, 2025 meeting minutes.

*The Board voted to approve the minutes as presented.*

**Motion:** B. Moreau; **Second:** R. Wolf

*Motion passed with all in favor with K. Conard and T. Coviello abstaining*

**II. DETERMINATIONS OF COMPLETENESS**

**SUBDIVISION REVIEW**

**A. REQUEST TO POSTPONE** The request of **Walter D. Hett Trust (Owner)**, for property located at **0 Banfield Road** requesting Preliminary and Final Subdivision approval and Site Plan Review approval to subdivide one lot into 5 new residential lots with associates site improvements. **REQUEST TO POSTPONE**

**SITE PLAN REVIEW**

**A. REQUEST TO POSTPONE** The request of **Walter D. Hett Trust (Owner)**, for property located at **0 Banfield Road** requesting Preliminary and Final Subdivision approval and Site Plan Review approval to subdivide one lot into 5 new residential lots with associates site improvements. **REQUEST TO POSTPONE**

*The Board voted to **postpone** both applications to the October meeting.*

**Motion:** J. Almeida; **Second:** K. Conard

*Motion passed with all in favor*



### III. PUBLIC HEARINGS -- OLD BUSINESS

*The Board's action in these matters has been deemed to be quasi-judicial in nature.  
If any person believes any member of the Board has a conflict of interest,  
that issue should be raised at this point or it will be deemed waived.*

- A.** The request of **SLF Realty Group LLC (Owner)**, for property located at **400 Spaulding Turnpike** requesting an amended Site Plan approval to change the temporary access path to a permanent access path. Said property is located on Assessor Map 238 Lot 2 and lies within the Gateway Corridor (G1) District. (LU-25-50)

*Motion to consider Old Business Items A and B.*

**Motion:** B. Moreau; **Second:** J. Almeida

*Motion passed with all in favor*

- 1) The Board voted to find that the Site Plan Application meets the requirements set forth in the Site Plan Regulations Section 2.9 Evaluation Criteria and adopt the findings of fact as presented.*

**Motion:** T. Coviello; **Second:** J. Almeida

*Motion passed with all in favor*

- 2) The Board voted to **grant** Amended Site Plan approval.*

**Motion:** T. Coviello; **Second:** J. Almeida

*Motion passed with all in favor*

- B.** The request of **SLF Realty Group LLC (Owner)**, for property located at **400 Spaulding Turnpike** requesting an after-the-fact Wetland Conditional Use Permit for permanent wetland buffer impacts that were not included in the original Wetland Conditional Use Permit for this project. The new request is an increase in wetland buffer impacts from 1,644 square feet to 3,685 square feet. Said property is located on Assessor Map 238 Lot 2 and lies within the Gateway Corridor (G1) District. (LU-25-50)

- 1) The Board voted to find that the Conditional Use Permit Application meets the requirements set forth in Section 10.1017.50 of the Ordinance and adopt the findings of fact as presented.*

**Motion:** T. Coviello; **Second:** J. Almeida

*Motion passed with all in favor*

- 2) The Board voted to **grant** the Conditional Use Permit with the following **conditions**:*

*2.1) In accordance with Section 10.1018.40 of the Zoning Ordinance, applicant shall permanently install wetland boundary markers, which may be purchased through the City of Portsmouth Planning & Sustainability Department. The Commission recommends placing two*

Action Sheet, Planning Board Meeting, September 18, 2025

*markers on either side of the proposed gate at the bottom of the access road. These markers must be installed by December 31, 2025.*

**Motion:** T. Coviello; **Second:** J. Almeida

*Motion passed with all in favor*

- C. The request of **Market Square LLC (Owner)**, for property located at **1 and 15 (21) Congress Street** requesting a Conditional Use Permit from Section 10.440, Use 1.71 Coliving. Said property is located on Assessor Map 117 Lots 12 & 14 and lies within the Character District 4 (CD-4), Character District 5 (CD-5), Historic, and Downtown Overlay Districts. (LU-22-12)

- 1) *The Board voted to find that the Conditional Use Permit application meets the criteria set forth in Section 10.243 and to adopt the findings of fact as presented.*

**Motion:** K. Conard; **Second:** J. Almeida

*Motion passed 8-1 with member Bowen voting in opposition*

- 2a.) *The Board voted to **grant** the modification from Section 10.815.26 to allow more than 80 residents per building and more than 40 residents per floor as presented.*

**Motion:** K. Conard; **Second:** J. Almeida

*Motion passed 5-4 with members Wolf, Samonas, Bowen, and Chellman voting in opposition.*

- 2.b) *The Board voted to grant the modification from Section 10.815.25 to: require one full-time on-site manager available 24/7/365 and one off-site manager available 24/7/365 located within one-half mile of the property, with the additional condition the applicant will report back one year from the issuance of the Certificate of Occupancy as required by the Ordinance. If the applicant wishes to change the on-site management at that time, they must demonstrate the on-site 24/7/365 management is not necessary based on data and City staff reports demonstrating that there have been no substantial issues or complaints.*

**Motion:** T. Coviello; **Second:** B. Moreau

*Motion passed 6-3 with members Wolf, Samonas, and Bowen voting in opposition*

- 3) *The Board voted to **grant** the Conditional Use Permit for Coliving with the following **condition**:*

- 3.1) *The applicant shall obtain a permit through the City Clerk's office in accordance with Section 10.815.50 prior to a Certificate of Occupancy for any Coliving Facility.*

**Motion:** B. Moreau; **Second:** K. Conard

*Motion passed 7-2 with members Samonas and Bowen voting in opposition.*

*The Board voted to continue past 10 pm.*

**Motion:** B. Moreau; **Second:** K. Conard

*Motion passed with all in favor*

#### **IV. PUBLIC HEARINGS – NEW BUSINESS**

*The Board's action in these matters has been deemed to be quasi-judicial in nature.*

*If any person believes any member of the Board has a conflict of interest,  
that issue should be raised at this point or it will be deemed waived.*

- A.** The request of **Roger and Elizabeth Trudeau and The Carol A. Claburn and Billy J. Claburn Revocable Trust of 2014 (Owner)**, for property located at **10 and 40 Crescent Way** requesting approval of a lot line relocation between two lots with 2,088 square feet being transferred from Assessor's Map 212 Lot 163 to Map 212 Lot 165. The proposed lot line relocation will straighten the common lot line between the two lots. Said property is located on Assessor Map 212 Lot 163, 165 and lies within the General Residence B (GRB) District. (LU-25-128)

- 1) *The Board voted to **grant** the requested waivers to the Subdivision Standards from Section IV.9/V.8 Requirements for Preliminary Plat and Requirements for Final Plat.*

- a) *Strict conformity would pose an unnecessary hardship to the applicant and waiver would not be contrary to the spirit and intent of the regulations.*

**Motion:** B. Moreau; **Second:** R. Wolf

*Motion passed with all in favor.*

- 2) *The Board voted to find that the Subdivision (Lot Line Revision) application meets the standards and requirements set forth in the Subdivision Rules and Regulations to adopt the findings of fact as presented.*

**Motion:** B. Moreau; **Second:** A. Samonas

*Motion passed with all in favor*

- 3) *The Board voted to **grant** Preliminary and Final Subdivision approval with the following **Conditions**:*

*3.1) The subdivision plan, and any easement plans and deeds shall be recorded simultaneously at the Registry of Deeds by the City or as deemed appropriate by the Planning Department.*

*3.2) GIS data shall be provided.*

**Motion:** B. Moreau; **Second:** K. Conard

*Motion passed with all in favor*



- B. REQUEST TO POSTPONE** The request of **Walter D. Hett Trust (Owner)**, for property located at **0 Banfield Road** requesting Preliminary and Final Subdivision approval and Site Plan Review approval to subdivide one lot into 5 new residential lots with associated site improvements. Said property is located on Assessor Map 255 Lot 2 and lies within the Single Residence A (SRA) District. **REQUEST TO POSTPONE (LU-25-22)**

*The Board voted to **postpone** the to the October meeting.*

**Motion:** J. Almeida; **Second:** K. Conard

*Motion passed with all in favor*

- C. REQUEST TO POSTPONE** The request of **Walter D. Hett Trust (Owner)**, for property located at **0 Banfield Road** requesting a Wetland Conditional Use Permit in accordance with Section 10.1017.50 for the installation of a shared residential driveway, underground utility piping, grading work, and at-grade stormwater management BMPs for the proposed five-lot subdivision including 3,393 s.f. of permanent disturbance in the 100' wetland buffer. Said property is located on Assessor Map 255 Lot 2 and lies within the Single Residence A (SRA) District. **REQUEST TO POSTPONE (LU-25-22)**

*The Board voted to **postpone** the request to the October meeting.*

**Motion:** J. Almeida; **Second:** K. Conard

*Motion passed with all in favor.*

## **V. PRELIMINARY CONCEPTUAL CONSULTATION**

- A.** The request of **Double MC LLC (Owner)**, for property located at **134 Pleasant Street** requesting Preliminary Conceptual Consultation. Said property is located on Assessor Map 116 Lot 30 and lies within the Character District 4 (CD4) and Historic Districts. (LUPD-25-9)
- B.** The request of **Meadowbrook Inn Corp (Owner)**, and **Portsmouth Chevrolet (Applicant)** for property located at **549 US Rt 1 Bypass** requesting Preliminary Conceptual Consultation. Said property is located on Assessor Map 234 Lot 51 and lies within the Gateway Corridor (G1) District. (LUPD-25-11)
- C.** The request of **PNF Trust of 2013** and **282 Middle Street LLC (Owners)**, for property located at **84 Pleasant Street** and **266-278 State Street** requesting Preliminary Conceptual Consultation. Said property is located on Assessor Map 107 Lots 77-80 and lies within the Character District 4(CD4), Downtown Overlay and Historic Districts. (LUPD-25-13)

## **VI. OTHER BUSINESS**

### **A. Zoning Amendments**

*The Board voted to **postpone** the zoning amendments to the October meeting.*

**Motion:** B. Moreau; **Second:** J. Almeida

*Motion passed with all in favor*

### **B. Chairman updates and discussion items**

### **C. Board discussion of Regulatory Amendments & other matters**

## **VII. ADJOURNMENT**

*The meeting adjourned at 11:30 pm*