



CELEBRATING OVER 35 YEARS OF SERVICE TO OUR CLIENTS

LIZABETH M. MACDONALD
ROBERT M. DEROSIER
CHRISTOPHER L. BOLDT
SHARON CUDDY SOMERS
DOUGLAS M. MANSFIELD
KATHERINE B. MILLER
CHRISTOPHER T. HILSON
HEIDI J. BARRETT-KITCHEN
ERIC A. MAHER
CHRISTOPHER D. HAWKINS
JOHN K. BOSEN
CHRISTOPHER P. MULLIGAN
ELAINA L. HOEPPNER
WILLIAM K. WARREN
BRIANA L. MATUSZKO
BRANDON A. LATHAM

OF COUNSEL
MOLLY C. FERRARA

RETIRED
MICHAEL J. DONAHUE
CHARLES F. TUCKER
ROBERT D. CIANDELLA
JOHN J. RATIGAN
DENISE A. POULOS
NICHOLAS R. AESCHLIMAN

November 21, 2023

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

***RE: 266-278 State Street & 84 Pleasant Street
REQUEST FOR PARTIAL REHEARING***

Dear Ms. Eldredge:

On behalf of the applicant, PNF Trust of 2013, the foregoing is a formal request that the Board of Adjustment grant a rehearing with respect to its decision of November 19, 2024 to deny our application for a variance from Section 10.5A21B.

As presented and advertised, the applicant requested relief for gross building height of 55 feet. This was the upper bound needed to accommodate the proposed penthouse shown on the submitted plans. The Board denied the height variance for the penthouse, but otherwise granted the five other requested variances required for the larger underlying project. Unfortunately, and through no fault of the Board, the proposed building heights on the Pleasant and Church Street corners of State Street also exceed the 45 foot maximum height set forth in Map 10.5A21B. The discussion amongst the Board made clear that the height of the penthouse was the objectionable feature and that, otherwise, the proposed project met all the criteria for the requested variances.

Submitted herewith are BOA.3 elevations with the penthouse, and without. As can be seen, the recreated Times Building as proposed will be 51 feet in height, and the portion of the building at the corner of State and Pleasant Street will be 49'11". Accordingly, relief from 10.5A21B is required for these elevations. As the requested relief from that section was denied due to the penthouse, a strict reading of the ordinance and the Board's decision would not permit these heights. In order to avoid burdening the Board with additional variance applications and to provide certainty for this complex project moving forward, rehearing is appropriate to grant relief from 10.5A21B.

DONAHUE, TUCKER & CIANDELLA, PLLC
16 Acadia Lane, P.O. Box 630, Exeter, NH 03833
111 Maplewood Avenue, Suite D, Portsmouth, NH 03801
Towle House, Unit 2, 164 NH Route 25, Meredith, NH 03253
83 Clinton Street, Concord, NH 03301

I. Standard of Relief.

“Within 30 days after any order or decision of the zoning board of adjustment . . . any party . . . may apply for a rehearing . . . specifying in the motion for rehearing the ground therefor; and the board of adjustment . . . may grant such rehearing if in its opinion good reason therefor is stated in the motion.” RSA 677:2.

The Board of Adjustment has the inherent authority to grant less relief than an applicant seeks and we respectfully submit that, in this case, that is precisely what the Board intended to do. Accordingly, and with apologies to the Board, good cause for rehearing exists, so that the Board may grant the applicant a variance from 10.5A21B to permit a height of 51 feet where 55 feet was originally requested and 45 feet is the maximum allowed.

Thank you for your consideration.

Sincerely,

Christopher P. Mulligan

Christopher P. Mulligan

CPM/

Enclosures

mjk

Michael J. Keane
Architects, PLLC

ARCHITECTURE
PLANNING
DESIGN

101 Kent Place
Newmarket, NH
03857

603-292-1400
mjkarchitects.com

All drawings and written materials appearing herein constitute original unpublished work of Michael J. Keane Architects, PLLC and may not be duplicated, used, or disclosed without the written consent of Michael J. Keane Architects, PLLC, Newmarket, NH. © 2018

CONSULTANTS

REVISIONS

APPROVALS

BOA - 10/22/24

Accept only original stamp and signature
copies may contain unauthorized modifications

PROJECT

RESTORATION AND EXPANSION OF
266, 270 278 STATE STREET
AND 84 PLEASANT ST,
PORTSMOUTH NH

PNF TRUST OF 2013
282 MIDDLE STREET
PORTSMOUTH, NH
03801

TITLE

STATE STREET ELEVATION

DRAWN BY:

CHECKED BY:

DATE: 11/21/2024

SCALE: AS NOTED

DRAWING NO.

BOA.3

TOP OF MECH SCREEN
48" MAX -EXEMPT FROM
BUILDING HEIGHT
DEFINITION (c)

ELEVATOR OVERRIDE
EXCLUDED FROM HEIGHT
BY ZONING 10.517.30 AND
BY "PENTHOUSE" DEFINITION

TOP OF PARAPET
48" MAX -EXEMPT FROM
BUILDING HEIGHT
DEFINITION (c)

TOP OF FLAT ROOF

TOP OF WALL

49'-11"
BUILDING HEIGHT BY ZONING [DEF. BUILDING HEIGHT (b) 2]
11'-0"
11'-1"
11'-1"
16'-9"

51'-0"

FLOROS BUILDING

STATE STREET ELEVATION

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

DO NOT SCALE PRINTS



STATE STREET ELEVATION
SCALE: 1/4" = 1'-0"

mjk
Michael J. Keane
Architects, PLLC
ARCHITECTURE
PLANNING
DESIGN
101 Kent Place
Newmarket, NH
03857
603-292-1400
mjkarchitects.com

All drawings and written materials appearing herein constitute original unpublished work of Michael J. Keane Architects, PLLC and may not be duplicated, used, or disclosed without the written consent of Michael J. Keane Architects, PLLC.
Newmarket, NH © 2018

CONSULTANTS

REVISIONS

APPROVALS

BOA - 10/22/24

Accept: only original stamp and signature; copies may contain unauthorized modifications

PROJECT
RESTORATION AND EXPANSION OF
266, 270-278 STATE STREET
AND 84 PLEASANT ST,
PORTSMOUTH NH
PNF TRUST OF 2013
282 MIDDLE STREET
PORTSMOUTH, NH
03801

TITLE
STATE STREET ELEVATION

DRAWN BY:
CHECKED BY:
DATE: 10/22/2024
SCALE: AS NOTED
DRAWING NO.

DO NOT SCALE PRINTS

BOA.3