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February 11, 2026

HAND DELIVERED

Stefanie Casella, Planner
Portsmouth City Hall
1 Junkins Avenue
Portsmouth, NH 03801

Re: Kenneth & Rebecca Nicholson, Owner/Applicant
Project location: 53 Pray Street
Tax Map 102, Lot 40
Waterfront Business (WB) District/Historic District Overlay

Dear Ms. Casella & Zoning Board Members:

On behalf of Kenneth & Rebecca Nicholson (“Nicholson” or “Applicant”), enclosed please find the following materials submitted through ViewPoint in support of a request for zoning relief:

- Digital Application submitted via Viewpoint today.
- Owner’s Authorization.
- 02/11/2026 – Memorandum and exhibits in support of Variance Application

We look forward to presenting this application to the Zoning Board at its March 17, 2026 meeting.

Sincerely,



R. Timothy Phoenix
Monica F. Kieser
Stephanie J. Johnson

Enclosures

cc: Kenneth & Rebecca Nicholson
Eric Weinrieb, Altus Engineering, LLC (email)
Jennifer Ramsey (email)
Robbi Woodburn, Woodburn & Company (email)

| | | | |
|---------------------|-----------------------|-------------------------|--------------------------------|
| DANIEL C. HOEFLE | ALEC L. MCEACHERN | PETER V. DOYLE | STEPHEN H. ROBERTS In Memoriam |
| R. TIMOTHY PHOENIX | KEVIN M. BAUM | MONICA F. KIESER | OF COUNSEL: |
| LAWRENCE B. GORMLEY | JACOB J. B. MARVELLEY | CHRISTOPHER P. MULLIGAN | SAMUEL R. REID |
| R. PETER TAYLOR | GREGORY D. ROBBINS | STEPHANIE J. JOHNSON | JOHN AHLGREN |

MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Monica F. Kieser, Esquire
Stephanie J. Johnson, Esquire
DATE: February 11, 2026
Re: Kenneth & Rebecca Nicholson
53 Pray Street
Tax Map 102/Lot 40
Waterfront Business (“WB”)/Historic District Overlay (“HD”)

Dear Chair Eldridge and Zoning Board Members:

On behalf of Applicants, Kenneth & Rebecca Nicholson (“Nicholson”), we are pleased to submit this memorandum and attached exhibits in support of Zoning Relief from the Portsmouth Zoning Ordinance (“PZO”) for consideration by the ZBA on March 17, 2026.

I. EXHIBITS

- A. Site Plan Set – Altus Engineering, Inc.
 - Existing Conditions Plan
 - Site Plan
 - Elevations
- B. Landscaping Design Plan – Woodburn & Company
- C. Architectural Plan Set – Auger Building Company
 - Existing Elevations
 - Proposed Elevations
- D. Site Photos.
- E. Conservation Commission Approval.
- F. Tax Map 102.

II. PROPERTY/PROJECT

53 Pray Street is an undersized 4,356-s.f. developed lot in the Waterfront Business District (“WB”) and Historic District (“HD”) (the “Property”). The Property has a 1,191-s.f single family home and covered porch detached garage, and brick patio; it is also served by an associated boathouse and dock. The Property is located directly on the Piscataqua River next to Sanders Lobster Pound and is enclosed with a 6-foot tall perimeter fence. The undersized lot is somewhat L-shaped and application of yard setbacks results in almost no building envelope, so all existing structures are nonconforming.

Nicholson proposes to convert the existing covered porch to a three-season room with roof deck above, replace the existing bulkhead in the front yard setback, and replace the existing

6-foot fence (“the Project”). The three-season room will occupy the same footprint, raised to match the finished floor elevation of the home; the roof deck above is height-compliant. The bulkhead will also occupy the same footprint. The height of the proposed fence will match existing height, add an 8-foot arbor at the gate and increase to a permitted 8-feet in the side and rear yard. The Project includes robust landscaping, conversion of an existing patio to a pervious surface, relocation of the generator slightly farther from the resource, and a driveway upgrade.

Due to the unique shape of the existing lot and its proximity to the Piscataqua River, there is only ±6-s.f. that complies with setback requirements. Although the Project is confined to replacing nonconforming structures in the same footprint, staff have opined that relief from yard setbacks is nonetheless required along with relief for the new arbor gate.

III. RELIEF REQUIRED

| <u>Variance Section</u> | <u>Required</u> | <u>Existing</u> | <u>Proposed</u> |
|---|--|---|---|
| <u>PZO §10.521</u> <u>Dimensional Standards</u> <ul style="list-style-type: none"> • Front Yard • Side Yard • Building Coverage | 17' ¹ 30' 30% | house 2.6' bulkhead 6.6' six ft. fence 10' six ft. fence 14' open porch 15.2' open porch 7.5' 35.7% | house 2.6' bulkhead 6.6' ² 6' fence 10' 8' arbor/gate 14' 3-season room with roof deck 15.2' 3-season room with roof deck 7.5' 35.7% |
| <u>PZO §10.515.13</u> Front yard fence height | $\leq 4'$ | 6' fence | 6' fence 8' arbor/gate |

IV. OTHER PERMITS REQUIRED

Historic District Commission – hearing scheduled.³
 Conservation Commission Review – complete (**Exhibit E**).
 DES Wetland/Shoreland Permit – pending.

¹ PZO §10.516.

² The existing bulkhead and the proposed replacement is less than 18” high which does not require relief; we request relief in an abundance of caution.

³ A previous application to replace the fencing, porch and add a rooftop deck was approved by the Historic District Commission on May 9, 2025 (LU-25-21). The Project is substantially similar to the previously approved Project.

V. **VARIANCE REQUIREMENTS**

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

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

Portsmouth Zoning Ordinance (“PZO”) Section 10.121 identifies the general purposes and intent of the ordinance “to promote the health, safety and general welfare of Portsmouth...in accordance with the...Master Plan.” These purposes are accomplished by regulating:

- The use of land, buildings and structures for business, industrial, residential and other purposes – The Property will continue to support a residential use in the Waterfront Business District, site of many historical homes that predate the PZO.
- The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The Project replaces existing elements in the same footprint, and does not increase the intensity of the lot’s use.
- The design of facilities for vehicular access, circulation, parking and loading – No change.
- The impact on properties on of outdoor lighting, noise, vibration, stormwater runoff and flooding – The Project does not increase the impact of the existing home on outdoor lighting, noise, vibration, and improves over existing conditions related to stormwater runoff and flooding as an impervious patio will be replaced with permeable pavers, the proposed three-season room will be raised out of the floodplain, and the existing generator and concrete pad will be relocated slightly farther from the resource.
- The preservation and enhancement of the visual environment – The Project increases the functionality of outdoor living space and improves flood compliance while maintaining the existing footprint and character of the existing single-family home. The appearance of the Property is improved by replacing the existing 6-foot wooden fence in the front of the Property with a 6-foot cedar fence with period-appropriate colonial enhancements and an 8-foot arbor with decorative gate.
- The preservation of historic districts and building and structures of historic architectural interest – The Project will be reviewed by the Historic District Commission; however the Project honors the existing home’s colonial history and enhances that history with period-appropriate design enhancements. The Historic District Commission previously approved a substantially similar project.⁴

⁴ See *Supra*, LU-25-21.

- The protection of natural resources, including groundwater, surface water, wetlands, wildlife habitat and air quality – The existing impervious patio will be replaced with permeable pavers and a robust landscaping plan is proposed, ensuring improved infiltration of stormwater runoff. The existing generator and concrete pad will be moved farther away from the Piscataqua River. The Project was approved by the Conservation Commission.

The intent of the WB Zone is to “to accommodate and support business uses that depend on the ocean or the Piscataqua River for transport or resources.” PZO §10.410. Built in 1750, the existing home has been used as a residence for centuries and will continue to be used as a single-family residence, thus residential use of the lot is permitted. PZO §10.331. The Property is located in the Historic District Overlay, the stated purpose of which includes maintaining “the special character of the District as reflected in the scale, mass, location and style of buildings.” PZO §10.631.20(2). Given that the Project preserves and enhances the historic features of the home without enlarging its existing footprint by upgrading portions of the existing structures on the Property, and that the intensity of the residential use of the lot will not increase, Nicholson’s proposal is reasonable. The Project improves over existing conditions through stormwater management improvements including a robust landscaping plan, decreasing impervious surfaces, and moving the existing generator and concrete pad back from the Piscataqua River. Increased flood protection is an added benefit as the proposed three-season porch will be lifted out of the floodplain and brought level with the home’s existing finished floor elevation. Additionally, the replacement of a 6-foot tall fence where only 4-foot tall fences are permitted in the front yard is reasonable given the adjacent commercial use. Therefore, granting the requested variances will not conflict with the basic zoning objectives of the PZO.

In considering whether variances “in a marked degree conflict with the ordinance such that they violate the ordinance’s basic zoning objectives,” Malachy Glen, supra, also held: One way to ascertain whether granting the variance would violate basic zoning objectives is to determine whether it would alter the essential character of the locality... . Another approach to [determine] whether granting the variance violates basic zoning objectives is to examine whether granting the variance would threaten the public health, safety or welfare. (emphasis added)

Pray Street is a very narrow lane extending from Marcy Street to the Piscataqua River. **Exhibit D**. Nicholson’s home encroaches on all existing yard setbacks. **Exhibits A, D**. There is only ±6-s.f. of space available on the lot compliant with the PZO’s setback requirements. Accordingly, this proposal, which: replaces an existing porch with a floodplain-compliant three-

season porch with roof deck; slightly moves the existing generator and concrete pad away from the resource; and replaces a 6-foot fence between the home and garage with a cedar fence and 8' arbor/gate, is in keeping with the surrounding area. The related site improvements decrease impervious surfaces on the lot and incorporate of robust plantings which together improve stormwater management and strengthen the wetland buffer.

The proposed design tastefully maintains the existing neighborhood aesthetic. There will also be no threat to the public health, safety, or welfare by granting the requested variances, which will enhance the historic character of the existing home while providing more year-round living space, and added flood protection. Clearly, the variances neither alter the essential character of the locality nor threaten the public health, safety, or welfare. Accordingly, granting the variances is not contrary to the public interest and observes the spirit of the ordinance.

3. Substantial justice will be done by granting the variances.

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

Nicholson is constitutionally entitled to the reasonable use of their land. For all of the reasons previously stated, it is entirely reasonable to upgrade the existing porch and add a rooftop deck and improve a fence/gate. “The right to use and enjoy one's property is a fundamental right protected by both the State and Federal Constitutions.” N.H. CONST. pt. I, arts. 2, 12; U.S. CONST. amends. V, XIV; Town of Chesterfield v. Brooks, 126 N.H. 64 (1985) at 68. Part I, Article 12 of the New Hampshire Constitution provides in part that “no part of a man's property shall be taken from him, or applied to public uses, without his own consent, or that of the representative body of the people.” Thus, our State Constitutional protections limit the police power of the State and its municipalities in their regulation of the use of property. L. Grossman & Sons, Inc. v. Town of Gilford, 118 N.H. 480, 482 (1978). “Property” in the constitutional sense has been interpreted to mean not the tangible property itself, *but rather the right to possess, use, enjoy and dispose of it.* Burrows v. City of Keene, 121 N.H. 590, 597 (1981). (emphasis added).

The Supreme Court has held that zoning ordinances must be reasonable, not arbitrary and must rest upon some ground of difference having fair and substantial relation to the object of the

regulation. Simplex Technologies, Inc. v. Town of Newington, 145 N.H. 727, 731 (2001); Chesterfield at 69.

The variances allow Nicholson to create more outdoor living space and beautify their property with upgraded fencing, robust landscaping, a reduction in impervious surface and improved stormwater management without increasing the footprint of the existing home. The Project is visually consistent with and improves over the existing neighborhood's character and appearance while decreasing impervious surface and improving flood protection and on-site aesthetics. The Project fits the character of their existing neighborhood and honors the colonial home's original design. The Project replaces existing structures in essentially the same locations with upgraded and more functional and aesthetically pleasing elements. Thus, there is no gain to the public from denial of the variances. Conversely, Nicholson will be greatly harmed by denial of the variances because they will be unable to reasonably improve their outdoor living space and upgrade their fence for aesthetic, livability, and flood protection purposes. Accordingly, substantial justice will be done by granting the variances, while a substantial injustice will be imposed if denied.

4. Granting the variances will not diminish surrounding property values.

The Project maintains the footprint and perimeter of an existing nonconforming structure in a thickly settled, historic neighborhood with multiple nonconforming lots and structures and maintains screening between the Property and the adjacent commercial use. The Project improves existing conditions by elevating the structure out of the floodplain without expanding the home's footprint, while honoring the Property's colonial-era roots. Replacing the existing 6' front fence with the proposed 6' cedar fence with colonial accents and 8' arbor with decorative gate, supported by extensive landscaping, will beautify the Property, further increasing its aesthetics and value. The additional improvements move the generator farther from the resource and reduce overall impervious surfaces. Given the limited scope of the request, it is clear that granting the variances will not diminish surrounding property values.

5. Denial of the variances results in an unnecessary hardship.

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

At .105 acres, the Property is a very small, irregularly-shaped lot situated in a high-density historic neighborhood adjacent to a commercial lobster pound. The Property is

developed with a colonial-era, nonconforming structure within all yard setbacks abutting the Piscataqua River. A 6-foot fence and gate exists in the required front yard where 4-feet is allowed, shielding the Property from the commercial lobster pound. Due to the PZO's dimensional requirements, leaving only ±6-s.f. of building envelope, any change to the Property would require similar relief. These circumstances combine to create special conditions.

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

The purpose of setbacks, as well as limiting expansion of nonconforming residential structures, is to prevent overcrowding and overburdening of land, provide sightlines for pedestrians and motorists, ensure adequate light and air circulation, and provide sufficient area for stormwater treatment. None of these purposes are impaired by granting the requested variances. The nonconforming home already exists in the front, side, and rear yard setbacks. The footprint will not change and the slight increase in volume provides flood compliance. The proposed three-season room and deck are compliant with height limitations.

The proposed replacement of the existing 6' fence located behind the front of the home between the existing garage and screened-in porch requires relief due to its height and location. The proposal adds a decorative 8' arbor to enhance visual interest and improve aesthetics while conforming to the Property's colonial history but otherwise replaces an older fence with a more attractive cedar fence of the same height. The design, and indeed the Project, was approved by the Conservation Commission, and a similar proposal was approved by the Historic District Commission⁵.

Moreover, due to the historic character of the neighborhood, it is densely developed with multiple nearby parcels non-conforming for setbacks. See Walker v. City of Manchester, 107 N.H. 382, 386 (1966) (Hardship may be found where similar nonconforming uses exist within the neighborhood and the proposed use will have no adverse effect on the neighborhood). See also Belanger v. City of Nashua, 121 N.H. 389 (1981) (Variance proper where ordinance no longer reflects the current character of neighborhood). Balancing the clearly minimal effect upon neighbors against the reasonable request to expand outdoor living space while maintaining the existing home's footprint and improving the existing fence, there is no fair and substantial

⁵ Id.

relationship between the purposes of the setback requirements and their application in this instance.

c. The proposed use is reasonable.

There is no proposed expansion of the intensity of the Property's residential use. Indeed, the Project improves existing conditions by improving stormwater treatment and flood protection, upgrading the fence with historically-appropriate, colonial accents and a decorative gate, while confining the proposed three-season porch and deck to the home's existing footprint. Approval by the Conservation Commission (**Exhibit E**), and approval of a substantially similar design by the Historic District Commission on May 9, 2025, further demonstrates that the relief requested is reasonable.

V. CONCLUSION

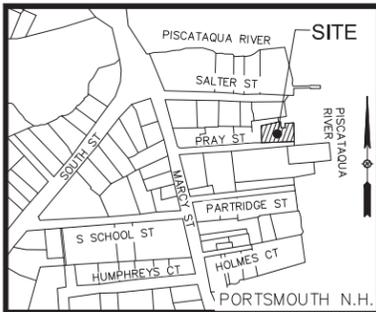
For all of the reasons stated, Nicholson respectfully requests that the Portsmouth Zoning Board of Adjustment grant the requested variances.

Respectfully submitted,

Kenneth & Rebecca Nicholson



By: R. Timothy Phoenix
Monica F. Kieser
Stephanie J. Johnson



LOCUS

(N.T.S.)

LEGEND:

- GUY
- IRON PIPE (AS NOTED)
- WOOD FENCE
- ▨ PAVER PATIO
- ▨ CONCRETE
- ▨ PAVED
- ▨ RETAINING WOOD WALL
- ▨ ROCK AREA
- ▨ STONE WALKWAY
- L.S.A. LANDSCAPE AREA
- UTILITY POLE
- ☆ LAMP
- OVERHEAD WIRES
- ⊠ ELECTRIC METER
- RCRD ROCKINGHAM COUNTY REGISTRY OF DEEDS
- 101-03 TAX SHEET / LOT NO.
- ⊘ WATER VALVE
- ⊘ WATER SHUT OF GATE VALVE
- ☀ DECIDUOUS TREE
- STONE WALL
- X 51.7' SPOT GRADE
- ⊠ GAS METER
- ☀ CONIFEROUS TREE (ARBORVITAE)
- S SEWER MAIN
- D DRAIN MAIN
- GAS LINE
- W WATER LINE
- ⊘ SEWER MANHOLE
- ⊘ HYDRANT
- ⊘ DOWNSPOUT
- THLD. THRESHOLD

REFERENCE PLANS:

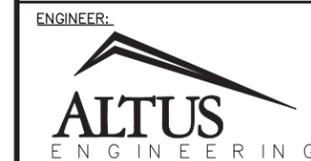
1. "BOUNDARY LINE AGREEMENT PLAN TAX MAP 102 - LOTS 33 & 38." DATED JULY 6, 2010 AND PREPARED BY AMBIT ENGINEERING, INC. RCRD #D-36438.
2. "PLAN OF LOT #43 PRAY STREET." DATED AUGUST 1968 AND PREPARED BY JOHN W. DURGIN. ON THIS FILE WITH THIS OFFICE, JWD FILE #2366 PLAN #456.
3. "PLAN OF LAND, 445 MARCY STREET." DATED SEPTEMBER 1, 1994 AND PREPARED BY DURGIN, VERRA AND ASSOCIATES, RCRD #D-23172.
4. "SUBDIVISION PLAN 445 MARCY STREET." DATED OCTOBER 13, 2022 AND PREPARED BY JAMES VERRA & ASSOCIATES, RCRD #D-43569.
5. "PLAN OF LOTS, RUTH PRICE SILVA." DATED OCTOBER 2, 1980 AND PREPARED BY KIMBALL CHASE, RCRD #D-9887.
6. "BOUNDARY SURVEY FOR ROBERT BYRNES AND PATRICIA TOBEY." DATED OCTOBER 13, 2004 AND PREPARED BY ALEX ROSS, RCRD #D-32044.
7. "STANDARD BOUNDARY SURVEY, WESTON." DATED AUGUST 2006 AND PREPARED BY AMBIT ENGINEERING, RCRD D-34272.
8. "DRIVEWAY AND ACCESS EASEMENT PLAN TAX MAP 102 - LOT 37." DATED DECEMBER 12, 2017 AND PREPARED BY AMBIT ENGINEERING, RCRD #D-40555.
9. WORKSHEETS AND FIELD NOTES OF JOHN W. DURGIN. ON THIS FILE WITH THIS OFFICE, JWD FILE #2366.
10. "PLAN OF PRAY STREET SHOWING LINES AS EXISTED IN 1905 AND 1939" DATED OCTOBER 13, 1939 PREPARED BY W.L. HASKELL. ON FILE WITH PORTSMOUTH DPW, FILE #T0404.
11. "CITY OF PORTSMOUTH, N.H. CONSTRUCTION DRAWING FOR SEWER SYSTEM IMPROVEMENTS, CONTRACT NO. 3, E.P.A. NO. C-330196-03." LAST REVISED MAY 1, 1980 AND PREPARED BY WRIGHT, PIERCE, BARNES & WAYMAN. ON FILE WITH PORTSMOUTH DPW FILE #11841.

SEWER TABLE

- SMH# 1081
RIM EL=10.33'
(1) INV OUT 8" PVC = 3.35'
- SMH# 1006
RIM EL=7.7'
(1) INV IN 8" PVC = 0.08'
(2) INV OUT 8" PVC = 0.05'
- SMH# 1003
RIM EL=6.27'
(1) INV IN 8" PVC = 34.70'
(2) INV IN 8" PVC = 32.47'

NOTES:

1. OWNER OF RECORD: KENNETH J. NICHOLSON
REBECCA T. NICHOLSON
ADDRESS: 12 CHAPEL, NORTH HAMPTON, N.H.
DEED REFERENCE: BK: 6597 PG: 495
TAX SHEET / LOT: 102 / 40
2. PORTSMOUTH ZONED: WATERFRONT BUSINESS (WB), OVERLAY HISTORIC DISTRICT (HD)
MIN. LOT AREA: 20,000 S.F. FRONT YARD SETBACK: 30'
FRONTAGE: 100' SIDE & REAR YARD SETBACK: 30' & 20'
DEPTH: 100' LOT COVERAGE: 30%
BUILDING COVERAGE: 20% HEIGHT: 35'
*THE AVERAGE ALIGNMENTS: (3.04+30)/2 = 17'
3. THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS OF THE SUBJECT PARCELS AND THE IMPROVEMENTS THEREON FOR FUTURE SITE DESIGN AND PERMITTING.
WETLAND BUFFER: 100'
VEGETATED BUFFER STRIP: 25' LIMITED CUT AREA: 50'
PROTECTED SHORELAND (STATE BUFFER): 250'
4. THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS OF RECORD, AND PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
5. HORIZONTAL DATUM: NAD83, VERTICAL DATUM: NAVD88. ESTABLISHED BY SURVEY GRADE GPS OBSERVATIONS. UNITS: US SURVEY FOOT.
6. THE PLAN IS BASED UPON A FIELD SURVEY COMPLETED ON MARCH 10, 2025 WITH TRIMBLE S5 ROBOTIC TOTAL STATION, CARLSON BRX7 RTK GPS UNITS, PANASONIC FZ-M1/TRIMBLE TSC7 DATA COLLECTORS.
7. THE PARCEL SHOWN HEREON LIES WITHIN ZONE AE (BFE=8 FEET) (SPECIAL FLOOD HAZARD AREA) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015C0278F EFFECTIVE DATE 1/29/2021 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
8. WETLANDS WERE NOT DELINEATED AT THE TIME OF THE FIELD SURVEY.
9. CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE ESTABLISHMENT OF ANY GRADES OR ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOCIATES, INC.
10. PRAY STREET WAS LAID OUT IN CITY OF PORTSMOUTH'S VOLUME 6 PAGE 608. FROM WATER STREET, FORMER KNOWN AS MARCY STREET, TO THE PISCATAQUA RIVER. NO WIDTH WAS PROVIDED. SEE REFERENCE PLAN #10.
11. HIGHEST OBSERVABLE TIDE LINE (HOTL) WAS BASED ON LOCATION OF THE RACK (DEBRIS) LINE AS OBSERVED DURING THE FIELD SURVEY IN APRIL 2025. BASED ON THIS LOCATION, THE FIELD ELEVATION OF THE RACK LINE WAS APPROXIMATELY ELEVATION 4.8±. BASED ON RSA.483-C1, SECTION V. THE HIGH WATER MARK IS ESTABLISHED BASED ON THE 19-YEAR "NATIONAL TIDAL DATUM EPOCH" FOR PORTLAND, MAINE, CASCO BAY (NOS MAINE 841 8150). BASED ON THAT INFORMATION, THE COMPUTED ELEVATION PROVIDED BY NOAA FOR STATION 841 8150, MEAN HIGHER-HIGH WATER (MHHW) IS 4.65 FT (JANUARY 13, 2024).



ISSUED FOR: PERMITTING

ISSUE DATE: 11/11/2025

REVISIONS
NO. DESCRIPTION BY DATE
1 ADD HTL & NOTE 11 RMF 11/11/25

EXHIBIT A

DRAWN BY: DK
APPROVED BY: RMF
DRAWING FILE: 25-2018 ALTUS 53 PRAY ST.DWG

SCALE:
22" x 34" - 1" = 10'
11" x 17" - 1" = 20'

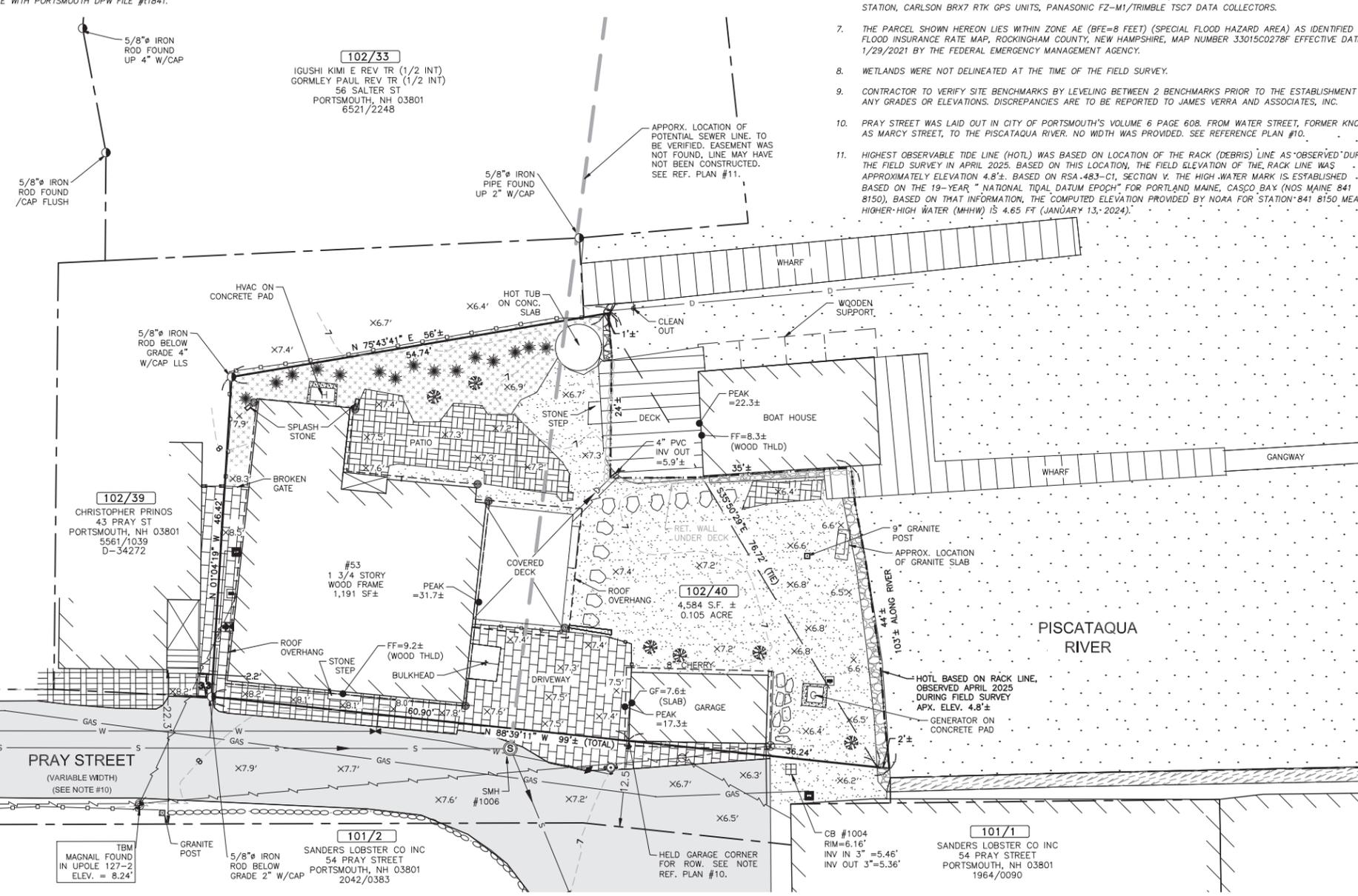
APPLICANT:
KENNETH J. NICHOLSON
REBECCA T. NICHOLSON
12 CHAPEL ROAD
NORTH HAMPTON
NEW HAMPSHIRE

OWNER:
KENNETH J. NICHOLSON
REBECCA T. NICHOLSON
12 CHAPEL ROAD
NORTH HAMPTON
NEW HAMPSHIRE

PROJECT:
53 PRAY
TAX MAP 102, LOT 40
STREET
PORTSMOUTH
NEW HAMPSHIRE

TITLE:
EXISTING
CONDITIONS
PLAN

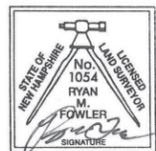
SHEET NUMBER:
S-1



SURVEYOR'S CERTIFICATION

"I HEREBY CERTIFY THAT THIS SURVEY AND PLAT WERE PREPARED BY ME OR THOSE UNDER MY DIRECT SUPERVISION AND IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS AN ERROR OF CLOSURE OF GREATER ACCURACY THAN ONE PART IN FIFTEEN THOUSAND (1:15,000)."

11/11/25
DATE



GRAPHIC SCALE



(IN FEET)
1 inch = 10' ft.

WETLANDS PERMIT APPLICATION NOTES

- DESIGN INTENT - THIS PLAN SET IS INTENDED TO DEPICT THE AREAS OF IMPACT WITHIN THE 100-FOOT WETLAND BUFFER TO RENOVATE THE SINGLE FAMILY RESIDENCE; RECONSTRUCT THE THREE SEASON ROOM, ADD A ROOF TOP DECK ABOVE, REPLACE EXISTING PATIOS AND DRIVEWAY CONNECTION ALONG WITH LANDSCAPING & ASSOCIATED UTILITIES.
- SEE EXISTING CONDITIONS PLAN (PLAN REFERENCE 1).
- HIGHEST OBSERVABLE TIDE LINE (REFERENCE LINE) IS THE EDGE OF STONE SEAWALL. NO WORK IS PROPOSED IN THE PISCATAQUA RIVER.
- EXISTING IMPERVIOUS AREAS WITHIN THE 100' WETLAND BUFFER ARE AS FOLLOWS: EX. RESIDENCE/COVERED DECK (1,410 SF) + EX. BULKHEAD (25 SF) + EX. GARAGE (200 SF) + EX. PAVER DRIVE (345 SF) + EX. STONE & BRICK WALKS (200 SF) + EX. STEPS/CURBS/WALLS (172 SF) + PATIO (290 SF) + CONCRETE PADS (70 SF) + EX. CRUSHED STONE (±112 SF) = ±2,824 SF TOTAL (±61.6% OF THE PARCEL)
- PROPOSED IMPERVIOUS AREAS WITHIN THE 100' WETLAND BUFFER ARE AS FOLLOWS: EX. RESIDENCE/SUN PORCH/DECK (1,410 SF) + PROP. BULKHEAD (25 SF) + EX. GARAGE (200 SF) + PROP. BRICK DRIVE (345 SF) + EX. STONE & BRICK WALKS (165 SF) + EX. STEPS/CURBS/WALLS (152 SF) + PROP. EDGING (20 SF) + PROP. CRUSHED STONE (102 SF) + HVAC & EM. GENERATOR CONC. PADS (40 SF) = 2,459 SF TOTAL (±53.6% OF THE PARCEL) THEREFORE AN IMPROVEMENT.
- THE CONTRACTOR SHALL OBTAIN A "DIGSAFE" NUMBER AT LEAST 72 HOURS PRIOR TO COMMENCING CONSTRUCTION.
- EXISTING RESIDENCE IS SERVICED WITH MUNICIPAL SEWER & WATER.
- PARCEL IS LOCATED ENTIRELY WITHIN ZONE AE (BFE=8 FEET) (SPECIAL FLOOD HAZARD AREA) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 33015CO278F DATED 1/29/2021 BY FEDERAL EMERGENCY MANAGEMENT AGENCY.
- CITY OF PORTSMOUTH OPEN SPACE REQUIREMENT: ±917 SF (20%)
EXISTING: 2,490 S.F.± (54.3%±)
PROPOSED: 2,550 S.F.± (55.6%±)
- NHDES WETLANDS PERMIT APPLICATION FILE NUMBER: 2025-03073

ZONING SUMMARY

TAX MAP 102, LOT 40
OWNER: REBECCA T. & KENNETH J. NICHOLSON
12 CHAPEL ROAD
NORTH HAMPTON, NH 03862

ZONING DISTRICTS: WB (WATERFRONT BUSINESS), HD (OVERLAY HISTORIC DISTRICT)

PERMITTED USES: SINGLE FAMILY DWELLING STRUCTURE PERMITTED.

DIMENSIONAL REQUIREMENTS:

| | REQUIRED | EXISTING | PROPOSED |
|----------------------------------|----------------|----------------------|-------------------------------------|
| MIN. LOT AREA: | 20,000 S.F. | ±4,584 SF (1.08 AC.) | ±4,584 SF |
| MIN. LOT AREA PER DWELLING UNIT: | NO REQUIREMENT | ±4,584 SF | ±4,584 SF |
| MIN. FRONTAGE: | 100' | ±99' | ±99' |
| MIN. DEPTH: | 100' | ±45' | ±45' |
| FRONT SETBACK: | 30' (17)* | ±2' | ±2' (EX. HOUSE) ±0' (EX. GARAGE) |
| SIDE SETBACK: | 30' | ±0' | ±2' |
| REAR SETBACK: | 20' | ±2' | ±4' |
| STRUCTURE HEIGHT: | 35' | ±25' | ±25' |
| ROOF APPURTENANCE HT.: | 10' | ±5' | ±5' |
| BUILDING COVERAGE: | 30% | ±35.7% | ±35.7% |
| MIN. OPEN SPACE: | 20% | ±54.3% | ±55.6% |

* AVERAGE OF ABUTTING PROPERTIES (3' + 30' = 33' / 2 = 16.5'). USE 17'

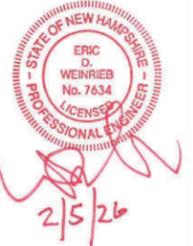
LEGEND

- EXISTING STRUCTURE TO REMAIN
- EXISTING STRUCTURE TO BE RECONSTRUCTED
- EXISTING SUMP PUMP DRAIN (TO BE REPLACED)

REFERENCE PLANS:

- "EXISTING CONDITIONS PLAN, 53 PRAY STREET, TAX MAP 102, LOT 40, PORTSMOUTH, NH", DATED NOVEMBER 11, 2025 AND PREPARED BY JAMES VERRA & ASSOCIATES, INC.
- SITE VISIT BY ALTUS ENGINEERING, LLC ON APRIL 28, 2025.
- ARCHITECTURAL ELEVATIONS BY AUGER BUILDING COMPANY DATED MARCH 2026.
- "PRELIMINARY LANDSCAPE PLAN", BY WOODBURN & COMPANY DATED 09-10-2025, LATEST REVISION 02-05-2026.

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



ISSUED FOR: APPROVAL

ISSUE DATE: FEBRUARY 5, 2026

REVISIONS

| NO. | DESCRIPTION | BY | DATE |
|-----|---|-----|----------|
| 0 | INITIAL SUBMISSION | EDW | 11/18/25 |
| 1 | ADD ADDITIONAL DIMS. PER PLANNING DEPT. | EDW | 12/01/25 |
| 2 | ADD OPEN SPACE CALC. COORD. DRAWINGS | EDW | 02/05/26 |

DRAWN BY: RLH
APPROVED BY: EDW
DRAWING FILE: 5673-EDW.DWG

SCALE:
22" x 34" - 1" = 5'
11" x 17" - 1" = 10'

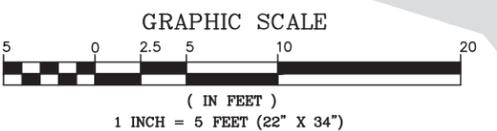
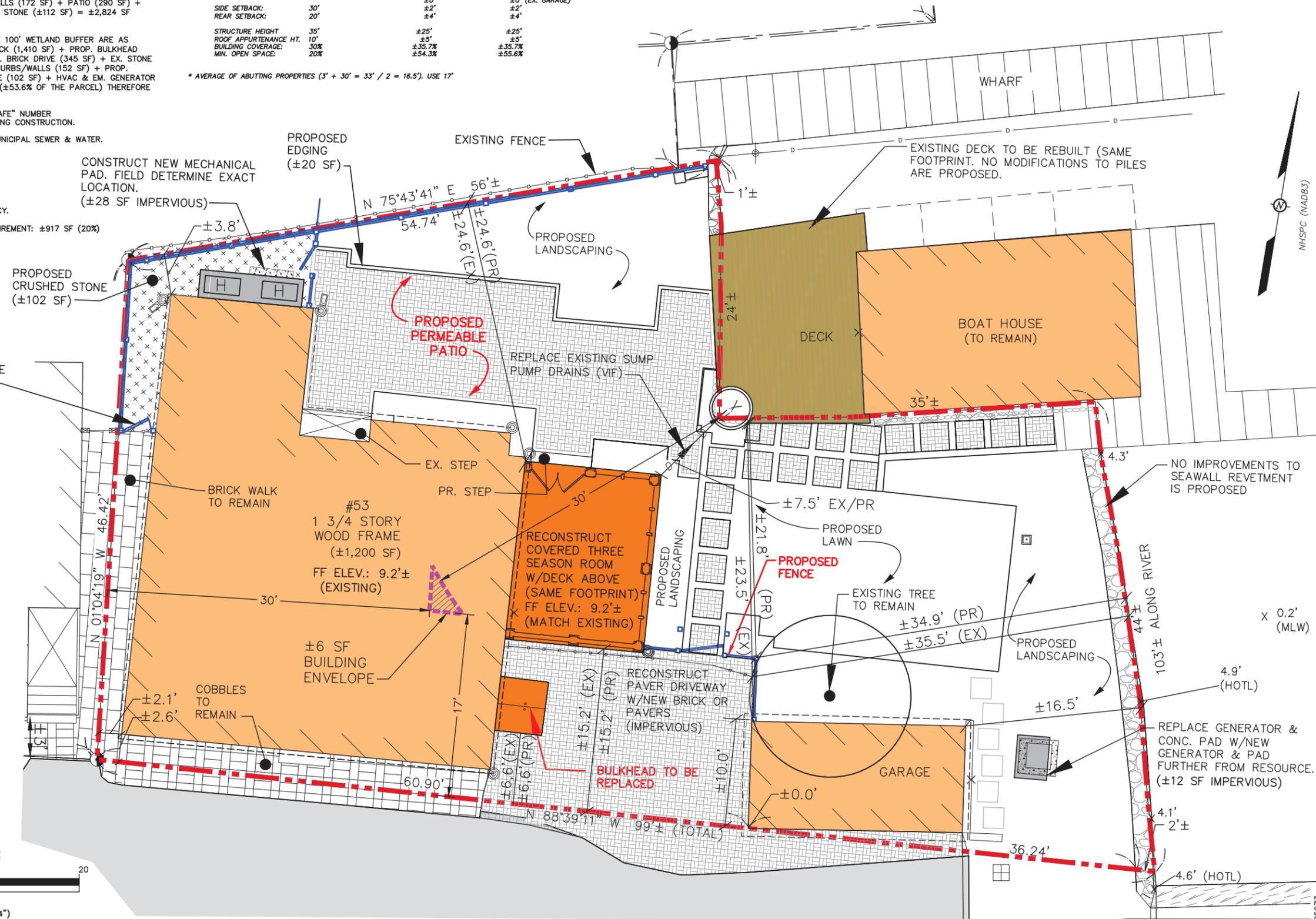
APPLICANT:
KENNETH J. NICHOLSON
REBECCA T. NICHOLSON
12 CHAPEL ROAD
NORTH HAMPTON
NEW HAMPSHIRE 03862
OWNER:

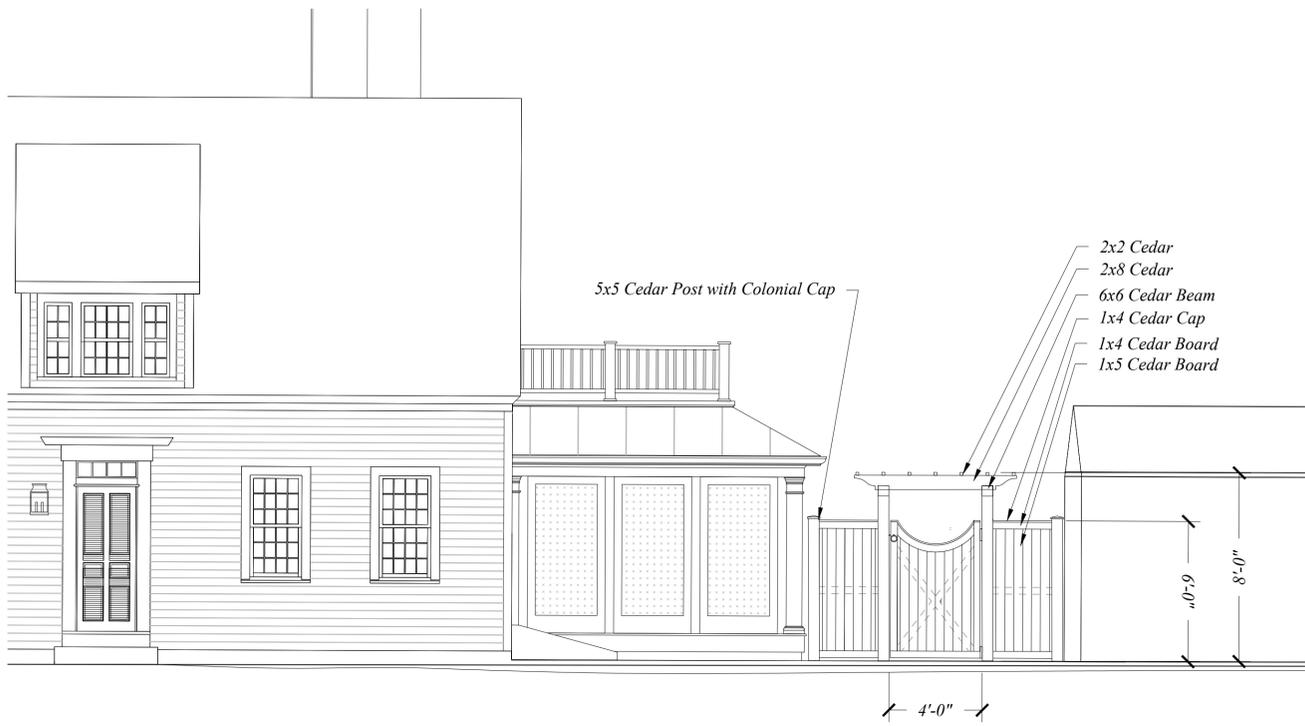
KENNETH J. NICHOLSON
REBECCA T. NICHOLSON
12 CHAPEL ROAD
NORTH HAMPTON
NEW HAMPSHIRE 03862

PROJECT:
53 PRAY STREET
TAX MAP 102, LOT 40
PORTSMOUTH
NEW HAMPSHIRE

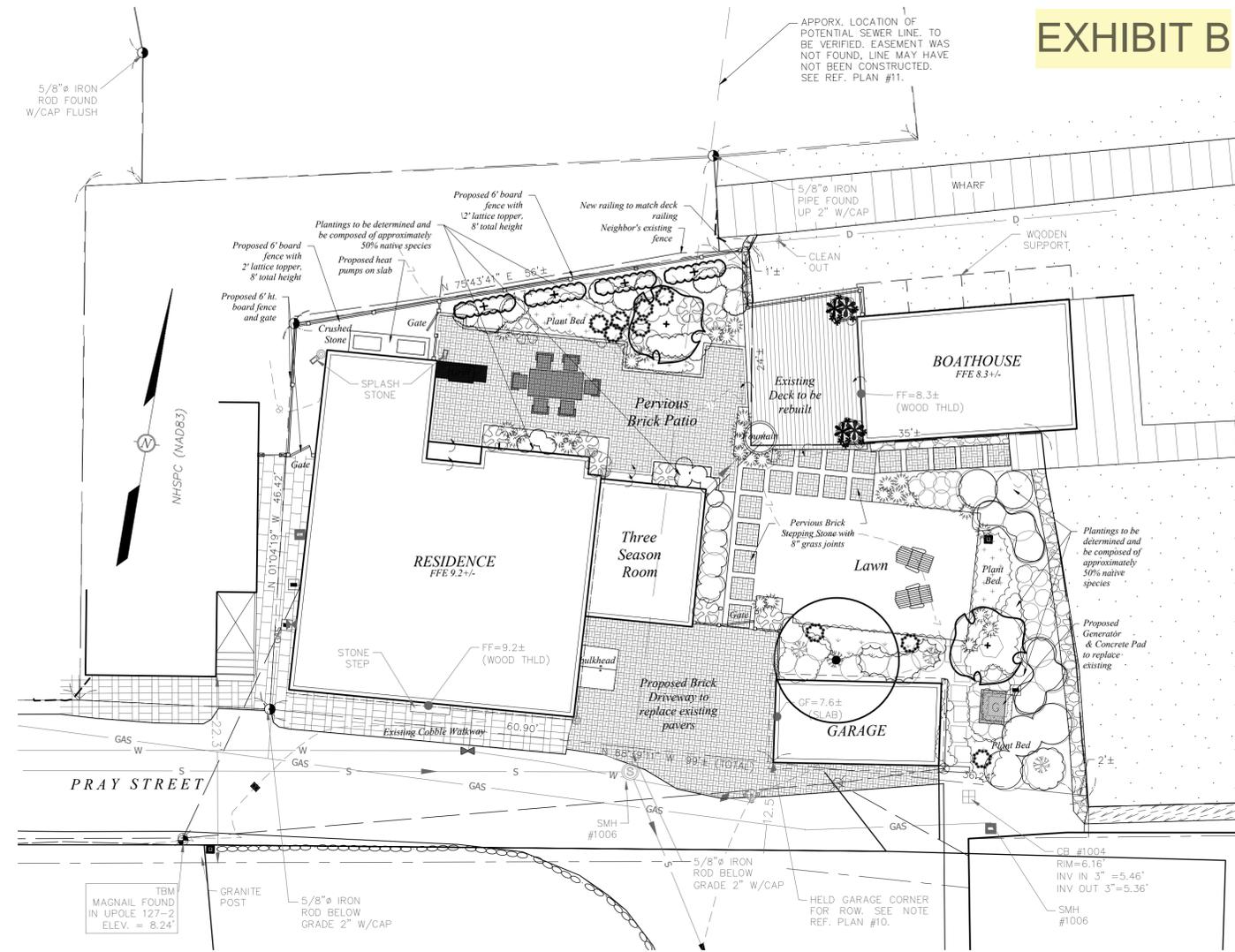
TITLE:
BOARD OF
ADJUSTMENT
SITE PLAN

SHEET NUMBER:
1 OF 1

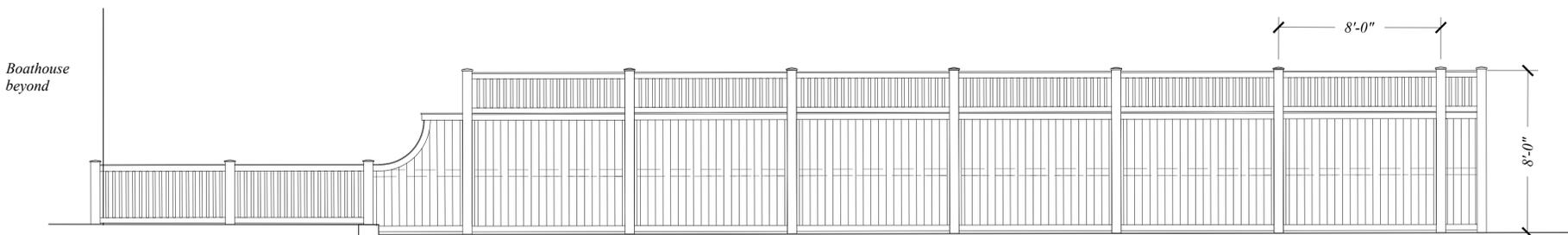




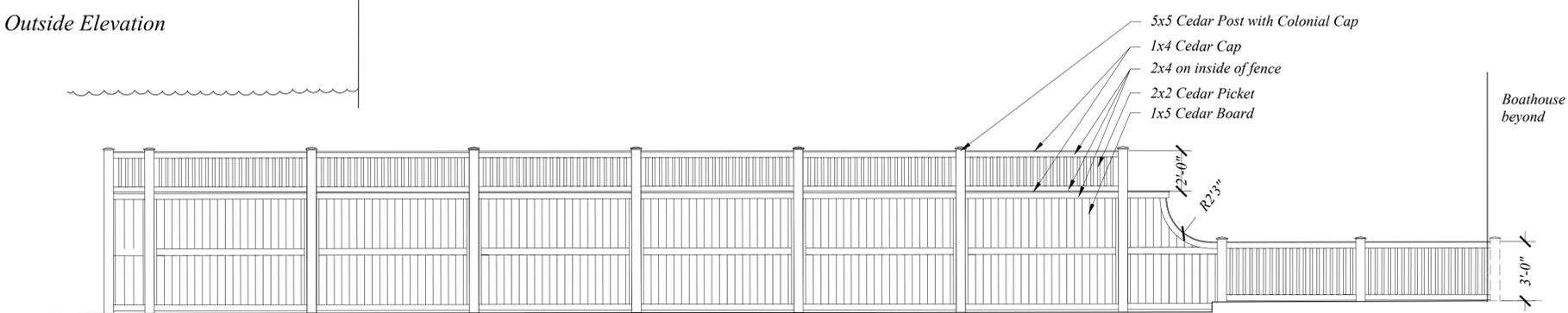
Front Gate - Elevation



0 2 5 10 20 Plan



Outside Elevation

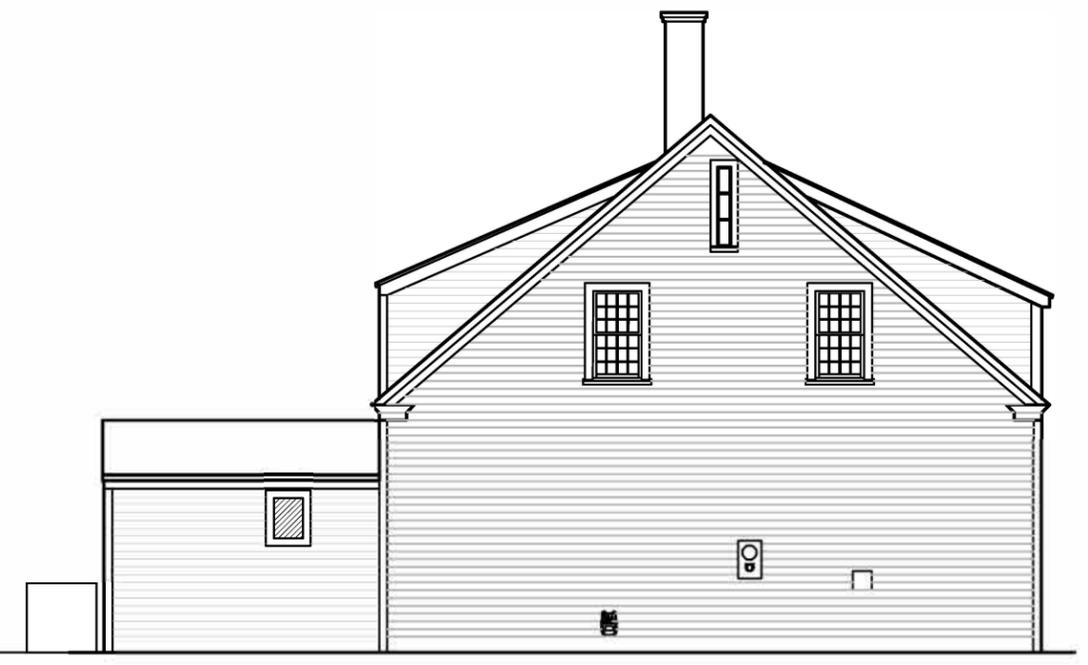
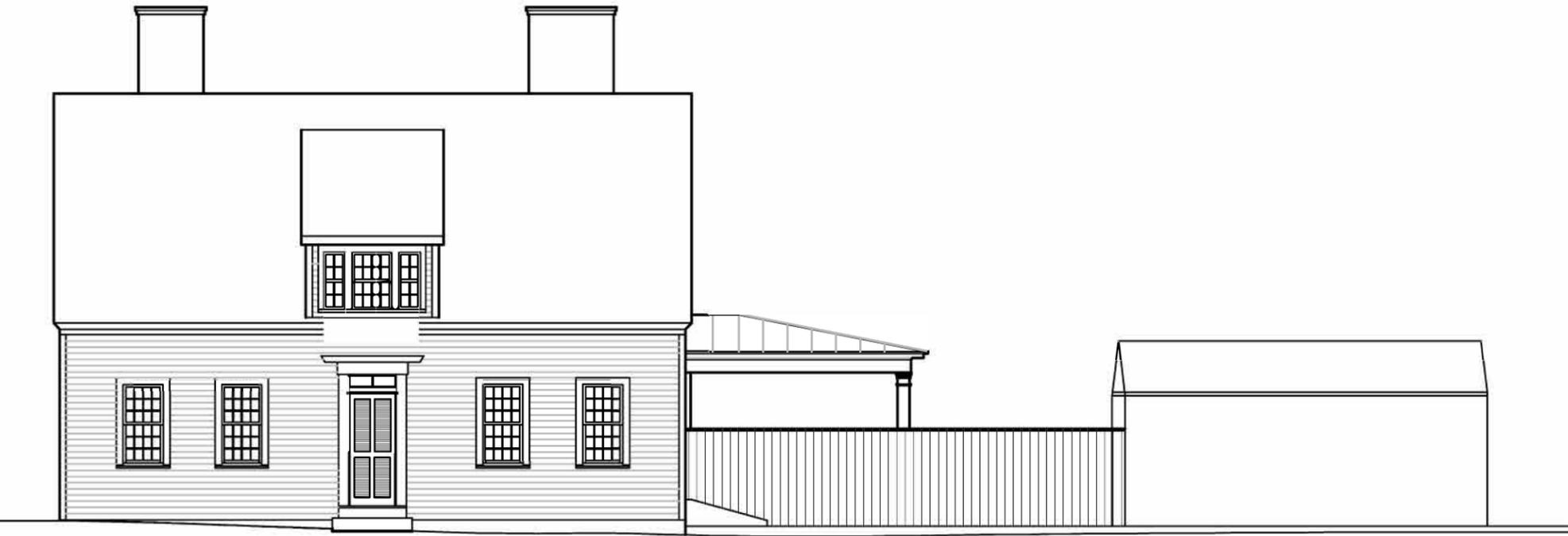


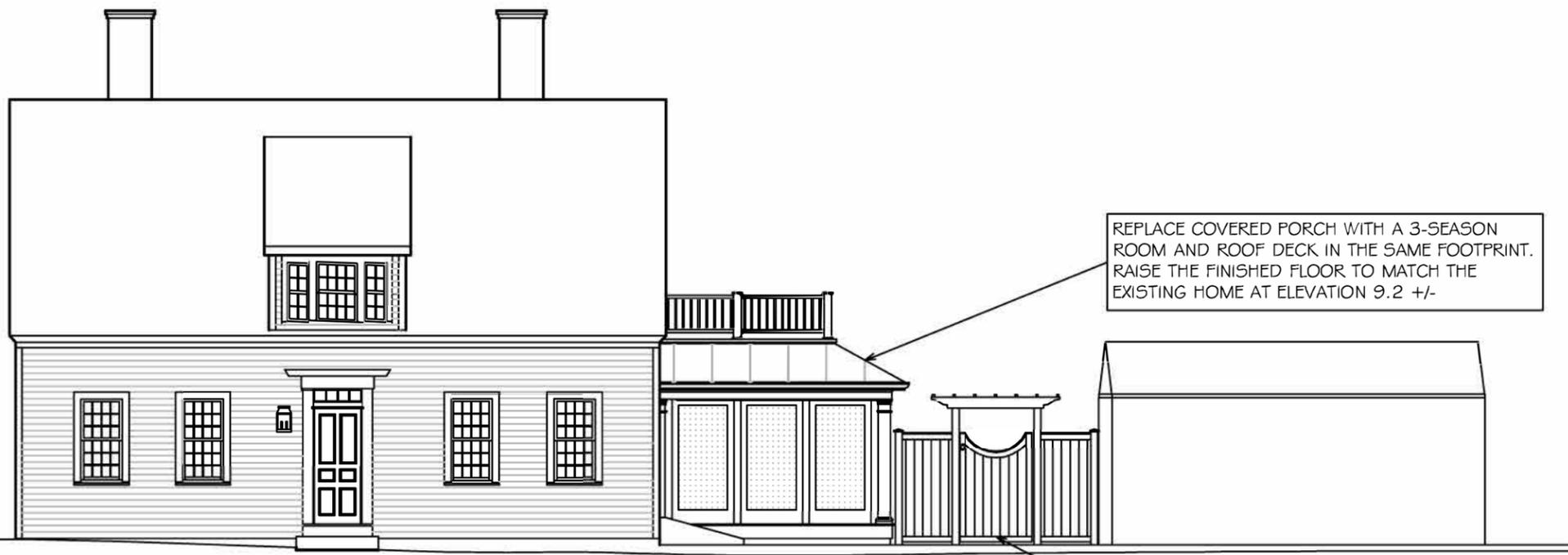
Inside Elevation

Front Gate - Proposed Cedar Fence



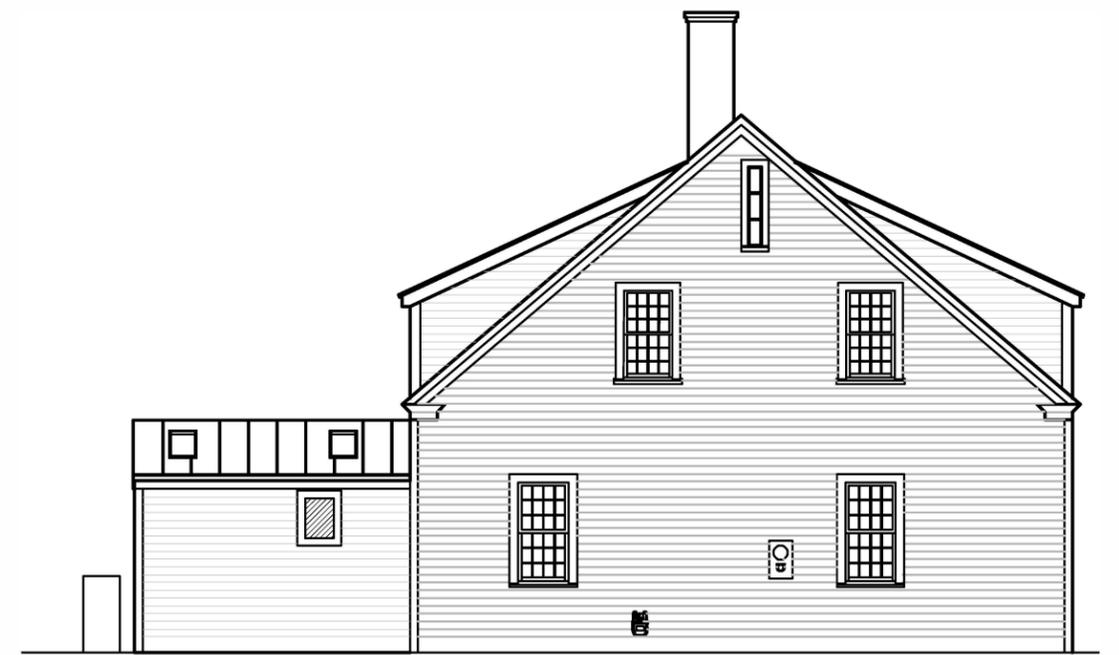
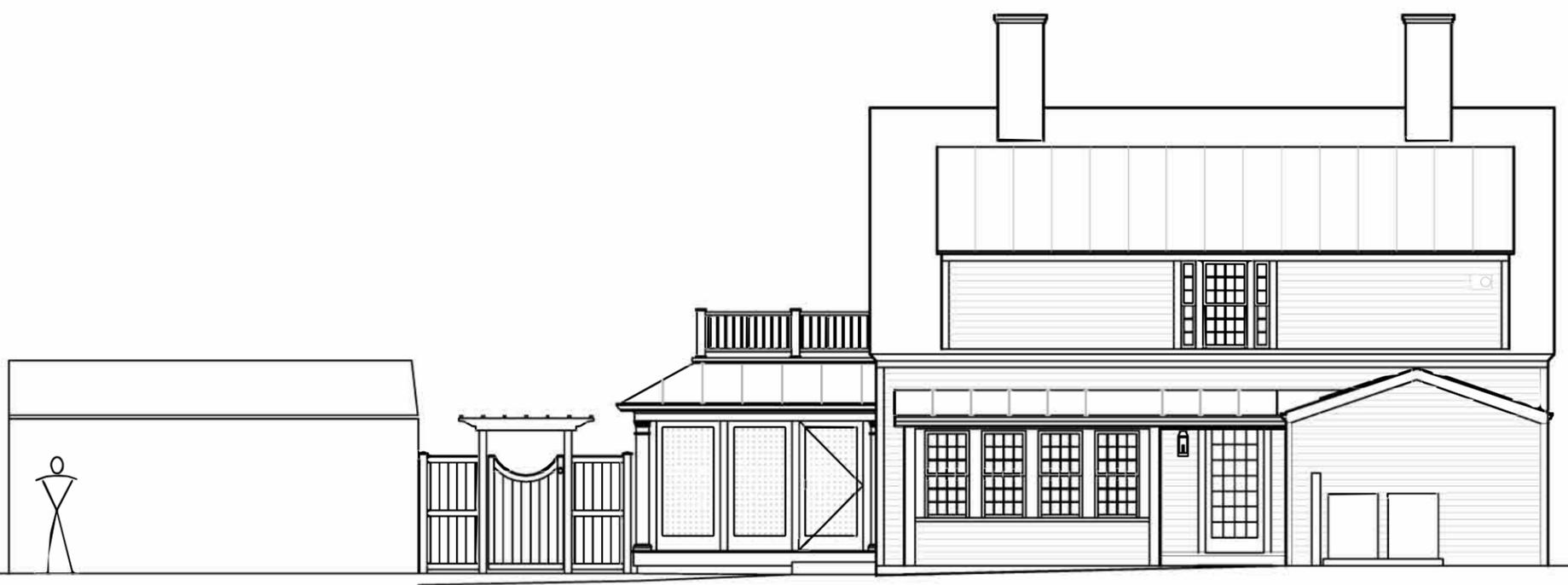
| | |
|-------------|---|
| Drawn By: | RW |
| Checked By: | RW |
| Scale: | scale |
| Date: | 2025-09-10 FOR REVIEW |
| Revisions: | 2025-10-03 ISSUED TO ALTUS 2025-10-09 elevation update 2025-10-24 bulkhead, brick and plantings 2025-11-18 ISSUED FOR ZBA 2025-12-04 Heat Pumps 2026-02-03 labels and generator 2026-02-05 Heat pump spacing |





REPLACE COVERED PORCH WITH A 3-SEASON ROOM AND ROOF DECK IN THE SAME FOOTPRINT. RAISE THE FINISHED FLOOR TO MATCH THE EXISTING HOME AT ELEVATION 9.2 +/-

SEE LANDSCAPE PLANNING FOR GATE AND FENCE DETAILS



11/14/25, 11:44 AM

53 Pray St - Google Maps

Google Maps

53 Pray St



Imagery ©2025 Airbus, Maxar Technologies, Map data ©2025 20 ft



Google Maps



PORTSMOUTH CONSERVATION COMMISSION

November 14, 2025

TO: DES Wetlands – Coastal Region
222 International Drive, Suite 175
Portsmouth, NH 03801

Attn: Permit Coordinator

RE: Minimum Impact Standard Dredge and Fill Application

MEETING DATE: November 13, 2025

CONSTRUCTION SITE: 53 Pray Street, Portsmouth, NH 03801

This Commission recommends approval of the cited project.

This Commission requests the statutory 40-day delay in order to allow for further investigation of the project. (See below)

This Commission recommends denial of the cited project for the reasons.

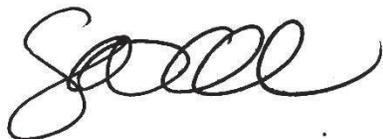
Other

The Commission voted (6-0) to recommend approval of this application to NHDES with the following condition:

1. Applicant shall develop maintenance plan for property owners which should include NHDES shoreland regulations.

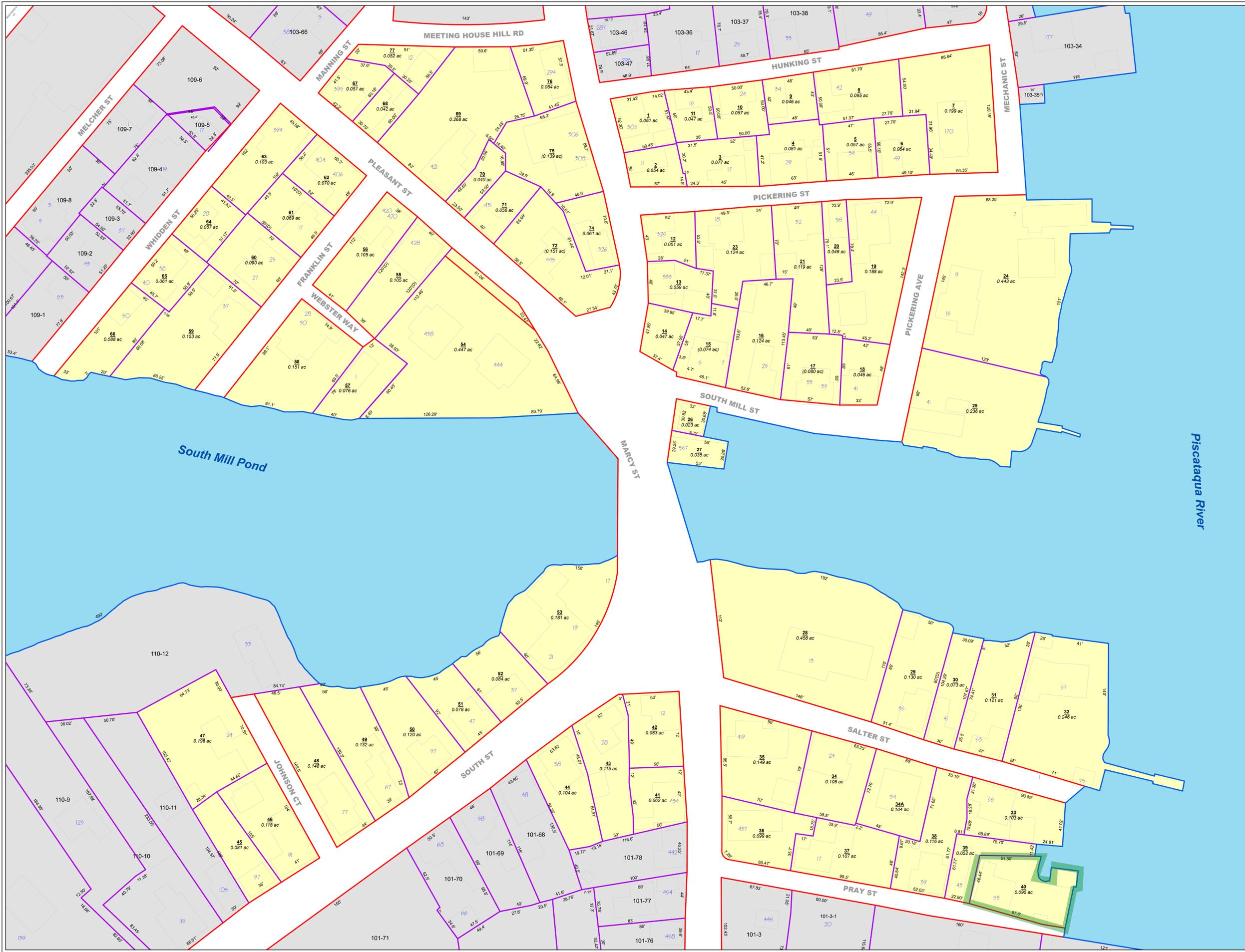
FOR THE COMMISSION:

Sincerely,



Samantha Collins, Chair
Portsmouth Conservation Commission

cc: Peter Britz, Planning and Sustainability Director
Eric Weinrieb, Project Manager



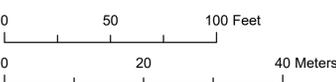
Partial Legend
See the cover sheet for the complete legend.

- 7-5A** Lot or lot-unit number
- 2.56 ac Parcel area in acres (ac) or square feet (sf)
- Address number
- 233-137 Parcel number from a neighboring map
- 68' Parcel line dimension
- Street name

SIMS AVE Street name

- Parcel/Parcel boundary
- Parcel/ROW boundary
- Water boundary
- Structure (1994 data)

- Parcel covered by this map
- Parcel from a neighboring map (see other map for current status)



This map is for assessment purposes only. It is not intended for legal description or conveyance. Parcels are mapped as of April 1. Building footprints are 2006 data and may not represent current structures. Streets appearing on this map may be paper (unbuilt) streets. Lot numbers take precedence over address numbers. Address numbers shown on this map may not represent posted or legal addresses.

