

SECOND REVISED¹ MEMORANDUM

TO: Portsmouth Zoning Board of Adjustment (“ZBA”)
FROM: R. Timothy Phoenix, Esquire
Stephanie J. Johnson, Esquire
DATE: Revised December 5, 2025²
Re: Kenneth & Rebecca Nicholson
53 Pray Street
Tax Map 102/Lot 40
LU-25-160/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”) to allow reconstruction of an existing covered porch as an enclosed, year-round sunroom with roof deck, replace an impervious patio with permeable pavers, reconstruct the existing driveway with new brick or pavers, move the existing generator and concrete pad away from the Piscataqua River, and replace the existing fencing on the Property, including installing a decorative gate (the “Project”). Although the Project is confined to the home’s existing footprint, relief is necessary because the sunroom renovation slightly expands the exterior volume on the existing dimensionally nonconforming structure and the proposed replacement fence with decorative gate may exceed front yard fence height restrictions.

I. EXHIBITS

- A. Site Plan Set – Altus Engineering, Inc.
 - Existing Conditions Plan
 - Site Plan (Revised 12/1/25 and attached hereto)
 - Elevations
- B. Landscaping Design Plan – Woodburn & Company
(Revised 12/4/25 and attached hereto)

¹ Revisions to the original submission dated November 19, 2025 were completed on December 3, 2025 after consultation with Planning Staff. Review of the revised submission and further consultation with Planning Staff resulted in the need for this Second Revised Memorandum.

² Amended relief chart below

- C. Architectural Plan Set – Auger Building Company
 - Existing Elevations
 - Proposed Elevations
- D. Site Photos.
- E. Tax Map 102.
- F. Conservation Commission Approval.
- G. NHDES Administrative Completeness Notice.

II. PROPERTY/PROJECT

53 Pray Street is an undersized 4,356-s.f. lot containing a 1,191-s.f single family home, detached garage, and boathouse with six-foot (6') perimeter fence on the Piscataqua River ("the Property"). Located in the Waterfront Business District ("WB") and Historic District Overlay ("HD"), Nicholson proposes to convert an existing covered porch to a year-round sunroom of the same footprint, adding a roof deck and replace the existing 6' fencing in the front of the Property with a more attractive 6' cedar fence in the same location, including colonial caps and an eight-foot (8') arbor with decorative gate, and replace the existing fence in the side and rear of the property with a six-foot (6') cedar fence with two-foot (2') cedar picket above for a total of eight feet (8'). The front fence extends from the garage to the proposed sunroom, approximately 15' behind the front of the home. Because the existing porch is in the floodplain, the replacement sunroom will be raised 14.4" out of the floodplain with a finished floor elevation of 9.2'± to match the existing home's finished floor elevation, improving over existing conditions while also resulting in a slight expansion of its volume. The Project complies with height restrictions. Robust landscaping is proposed. Nicholson is scheduled for a hearing with the Historic District Commission to review the Project³. The Portsmouth Conservation Commission reviewed and approved the Project. **Exhibit F.** The New Hampshire Department of Environmental Services is reviewing Nicholson's application for wetland impact. **Exhibit G.** Due to the unique shape of

³ A previous application to replace the fencing and screened 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 concept.

the existing lot and its proximity to the Piscataqua River, only ± 6 -s.f. that complies with setback requirements. As a result, any reconstruction on the Property would require relief.

III. RELIEF REQUIRED

- ~~1. PZO §10.321 – Expansion of nonconforming structure – To permit replacement of an existing porch with an enclosed sunroom and deck above.⁴~~
1. PZO §10.521 – Table of Dimensional Standards – ~~To permit replacement of an existing porch with an enclosed sunroom and deck above where the existing porch is entirely within the required front, side, and rear yard setbacks.~~ To allow a 7.5' right side yard where 30' is required.
2. PZO §10.516.10 – Front Yard Exception for Existing Alignments – To allow a 6.5' front yard where 17' is required.
3. PZO §10.515.13 – Yards – To permit replacement in the same location of a six-foot (6') fence in the front yard with a six-foot (6') cedar plank fence with colonial enhancements and decorative eight-foot (8') arbor with gate where 4' is allowed.

IV. 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.

⁴ Nicholson was advised by the Planning Department that relief from PZO §10.321 is not needed.

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 a residential zone.
- The intensity of land use, including lot sizes, building coverage, building height and bulk, yards and open space – The Project is largely contained within the existing home’s footprint, **replacing existing structures on the Property**, 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 sunroom will be raised out of the floodplain, and the existing generator and concrete pad will be relocated farther from the Piscataqua River.
- The preservation and enhancement of the visual environment – The Project increases year-round 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’ wooden fence in the front of the Property** with **a 6’ cedar fence** with period-appropriate colonial enhancements and **an 8’ 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.⁵
- 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 and an 8% reduction in impervious surfaces on the Property. The existing generator and concrete pad will be moved farther away from the Piscataqua River. The Project was approved by the Conservation Commission.

⁵ See Supra, LU-25-21.

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 on the lot by 8%, and moving the existing generator and concrete pad back from the Piscataqua River. Increased flood protection is an added benefit as the proposed sunroom will be lifted out of the floodplain and brought level with the home’s existing finished floor elevation. 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 enclosed sunroom with roof deck; replaces an impervious patio with permeable pavers; includes robust landscaping; moves the existing generator and concrete pad away from the Piscataqua

River; and replacing a six-foot fence situated between the home and garage with an enhanced 6' cedar plank fence with colonial accents and 8' arbor with decorative gate, is in keeping with the surrounding area. 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 convert the sunroom to a year-round living space and upgrade 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 year-round living space and beautify their property with improved living space, upgraded fencing, robust landscaping, and an 8% 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 expand their 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 provides a slight increase in sunroom volume while maintaining the perimeter of an existing nonconforming structure in a thickly settled, historic neighborhood with multiple nonconforming lots and structures. The Project improves existing conditions by elevating the structure out of the floodplain and providing year-round living space 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. 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. The Property is developed with a colonial-era, nonconforming structure within all yard setbacks and abuts the Piscataqua River. A 6' fence and gate exists in the required front yard but set back substantially from the front of the home where 4' is allowed. 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. Square footage of the proposed year-round sunroom and roof deck does not increase while the increased volume related to the enclosed sunroom and deck does not require relief and is driven in large measure by flood compliance. The proposed sunroom and deck do not expand beyond the existing home's footprint and are compliant with height limitations.

The proposed front yard replacement of the existing 6' fence located behind the front of the home between the existing garage and screened-in porch. The proposal adds a decorative 8' arbor to enhance visual interest and improve aesthetics while conforming to the Property's colonial history. The design, and indeed the Project, was approved by the Conservation Commission, and a similar proposal was approved by the Historic District Commission⁶.

⁶ Id.

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 living space while maintaining the existing home's footprint and improving the existing fence, there is no fair and substantial relationship between the purposes of the setback requirements and their application in this instance.

c. The proposed use is reasonable.

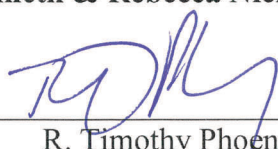
There is no proposed expansion of the intensity of the Property's residential use. Indeed, the Project improves existing conditions by improving stormwater treatment and flood protection, upgrading the fence with historically-appropriate, colonial accents and a decorative gate, while confining the proposed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

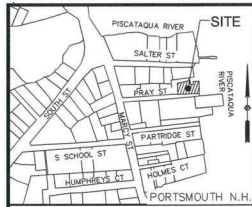
V. CONCLUSION

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
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
 - ROAD - ROCKINGHAM COUNTY REGISTRY OF DEEDS
 - 101-03 TAX SHEET / LOT NO.
 - WATER VALVE
 - WATER SHUT OF GATE VALVE
 - DECIDUOUS TREE
 - STONE WALL
 - SPOT GRADE
 - X 0.1' GAS METER
 - CONIFEROUS TREE (APPROXIMATE)
 - S SEWER MAIN
 - O DRAIN MAIN
 - GAS GAS LINE
 - W WATER LINE
 - SEWER MANHOLE
 - HYDRANT
 - DOWNSPOUT
 - THLD. THRESHOLD

REFERENCE PLANS:

- "BOUNDARY LINE AGREEMENT PLAN TAX MAP 102 - LOTS 33 & 38" DATED JULY 6, 2010 AND PREPARED BY AMBT ENGINEERING, INC. RORD #0-36435.
- "PLAN OF LOT #43 PRAY STREET" DATED AUGUST 1968 AND PREPARED BY JOHN W. DURGIN. ON THIS FILE WITH THIS OFFICE, JNO FILE #2368 PLAN #456.
- "PLAN OF LAND, 445 MARCY STREET" DATED SEPTEMBER 1, 1994 AND PREPARED BY JOHN W. DURGIN, VERRA AND ASSOCIATES, RORD #0-23172.
- "SUBDIVISION PLAN 445 MARCY STREET" DATED OCTOBER 13, 2022 AND PREPARED BY JAMES VERRA & ASSOCIATES, RORD #0-43568.
- "PLAN OF LOTS, RUTH PRICE SILVA" DATED OCTOBER 2, 1980 AND PREPARED BY KIMBALL CHASE, RORD #0-3887.
- "BOUNDARY SURVEY FOR ROBERT BYRNES AND PATRICIA TOBEY" DATED OCTOBER 13, 2004 AND PREPARED BY ALEX ROSS, RORD #0-32044.
- "STANDARD BOUNDARY SURVEY, WESTON" DATED AUGUST 2006 AND PREPARED BY AMBT ENGINEERING, RORD D-34272.
- "DRIVEWAY AND ACCESS EASEMENT PLAN TAX MAP 102 - LOT 37" DATED DECEMBER 12, 2017 AND PREPARED BY AMBT ENGINEERING, RORD #0-40555.
- WORKSHEETS AND FIELD NOTES OF JOHN W. DURGIN. ON THIS FILE WITH THIS OFFICE, JNO FILE #2366.
- "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 #10404.
- "CITY OF PORTSMOUTH, N.H. CONSTRUCTION DRAWING FOR SEWER SYSTEM IMPROVEMENTS, CONTRACT NO. 3, E.P.A. NO. C-330396-03" (LAST REVISED MAY 1, 1980 AND PREPARED BY WRIGHT, PIERCE, BARNES & WAYMAN. ON FILE WITH PORTSMOUTH DPW FILE #1841).

SEWER TABLE

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

NOTES:

- OWNER OF RECORD: KENNETH J. NICHOLSON
REBECCA T. NICHOLSON
ADDRESS: 12 CHAPEL ROAD, NORTH HAMPTON, N.H.
DEED REFERENCE: BK: 6587 PG: 485
TAX SHEET / LOT: 102 / 40
- PORTSMOUTH ZONED: WATERFRONT BUSINESS (WB), OVERLAY HISTORIC DISTRICT (HD)
MIN. LOT AREA: 20,000 S.F.
FRONTAGE: 100'
DEPTH: 100'
BUILDING COVERAGE: 308
"THE AVERAGE ALIGNMENTS: (304'+30')/2 = 17"
WETLAND BUFFER: 100'
VEGETATED BUFFER STRIP: 25'
PROTECTED SHORELAND (STATE BUFFER): 250'
FRONT YARD SETBACK: 30'
SIDE & REAR YARD SETBACK: 30' & 20'
LOT COVERAGE: 30%
HEIGHT: 35'
- 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.
- 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-DATE & 1-888-DIG-SAFE.
- HORIZONTAL DATUM: NAD83, VERTICAL DATUM: NAVD83. ESTABLISHED BY SURVEY GRADE GPS OBSERVATIONS. UNITS: US SURVEY FOOT.
- THE PLAN IS BASED UPON A FIELD SURVEY COMPLETED ON MARCH 10, 2025 WITH TRIMBLE S5 ROBOTIC TOTAL STATION, CARLSON B7X RTK GPS UNITS, PANASONIC TZ-M1/TRIMBLE TSC7 DATA COLLECTORS.
- THE PARCEL SHOWN HEREON LIES WITHIN ZONE AE (8FE=8 FEET) (SPECIAL FLOOD HAZARD AREA) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 330150278P EFFECTIVE DATE 1/29/2021 BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.
- WETLANDS WERE NOT DELINEATED AT THE TIME OF THE FIELD SURVEY.
- 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.
- PRAY STREET WAS LAD OUT IN CITY OF PORTSMOUTH'S VOLUME 6 PAGE 606 FROM WATER STREET, FORMERLY KNOWN AS MARCY STREET, TO THE PISCATAQUA RIVER. NO NOTWY WAS PROVIDED. SEE REFERENCE PLAN #10.
- HIGHEST OBSERVABLE TIDE LINE (H.O.T.L.) WAS BASED ON LOCATION OF THE RACK (DEEPS) LINE AS OBSERVED DURING THE FIELD SURVEY IN APRIL 2025. BASED ON THIS LOCATION, THE FIELD ELEVATION OF THE RACK LINE WAS APPROXIMATELY ELEVATION 4.82'. BASED ON RSA 483-C1, SECTION V, THE HIGH WATER MARK IS ESTABLISHED BASED ON THE 19-YEAR "NATIONAL TIDAL DATUM EPOCH" FOR PORTLAND MAIN, CASCO BAY (DGS NAME 841 8150), BASED ON THAT INFORMATION, THE COMPUTED ELEVATION PROVIDED BY NOAA FOR STATION 841 8150 MEAN HIGHER-HIGH WATER (MHHW) IS 4.85 FT (JANUARY 13, 2024).

SURVEYOR:
JVA
JAMES VERRA & ASSOCIATES, INC.
101 SHATTUCK WAY, SUITE 8,
NEWINGTON, N.H. 03801-7878
603-436-3557
JOB NO: 25-2018

ENGINEER:
ALTUS
ENGINEERING
133 Court Street Portsmouth, NH 03801
(603) 433-1335 www.altus-eng.com

ISSUED FOR: PERMITTING

ISSUE DATE: 11/11/2025

REVISIONS

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

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

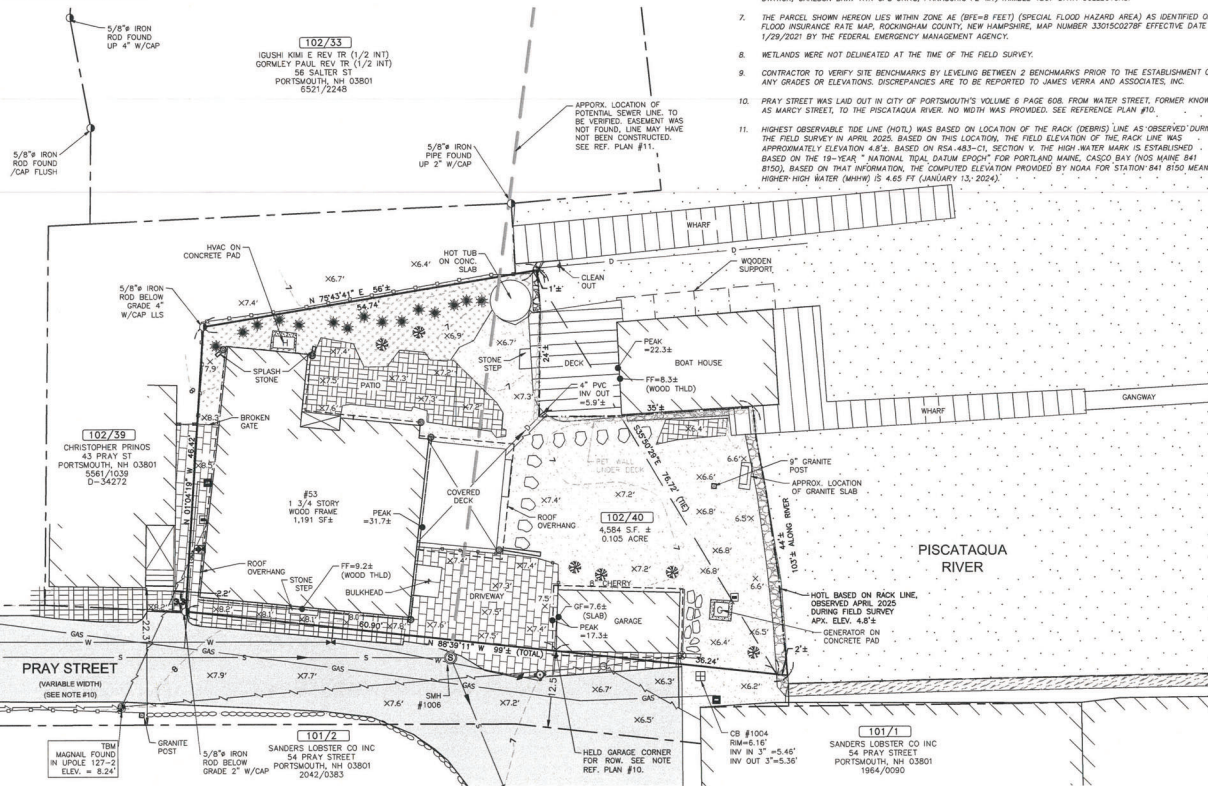
OWNER:
KENNETH J. NICHOLSON
REBECCA T. NICHOLSON
12 CHAPEL ROAD
NORTH HAMPTON
NEW HAMPSHIRE

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

TITLE:
EXISTING
CONDITIONS
PLAN

SHEET NUMBER:
S-1

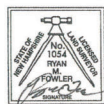
ALTUS JOB #05673



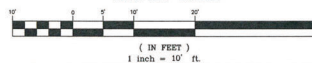
SURVEYOR'S CERTIFICATION

I, HEREBY CERTIFY THAT THIS SURVEY AND PLAN 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



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. REPLACE THE NEW COVERED PORCH, 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/SUN PORCH/DECK (1,410 SF) + EX. BULKHEAD (25 SF) + EX. GARAGE (200 SF) + EX. PAVER DRIVE (345 SF) + EX. STONE & BRICK WALKS (200 SF) + EX. STPS/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. STPS/CURBS/WALLS (152 SF) + PROP. EDGING (20 SF) + PROP. CRUSHED STONE (112 SF) + HVAC & EM. GENERATOR CONC. PADS (30 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 (8FE-8 FEET) (SPECIAL FLOOD HAZARD AREA) AS IDENTIFIED ON FLOOD INSURANCE RATE MAP, ROCKINGHAM COUNTY, NEW HAMPSHIRE, MAP NUMBER 3301500278F DATED 1/29/2021 BY FEDERAL EMERGENCY MANAGEMENT AGENCY.

ZONING SUMMARY

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

ZONING DISTRICT: HB (WATERFRONT BUSINESS), HD (OVERLAY HISTORIC DISTRICT)

PERMITTED USES: SINGLE FAMILY DWELLING STRUCTURE PERMITTED.

DIMENSIONAL REQUIREMENTS:

	REQUIRED	EXISTING	PROPOSED
MIN. LOT AREA:	30,000 SF.	±4,504 SF (1.08 AC.)	±4,504 SF
MIN. FRONTAGE:	100'	899'	899'
MIN. DEPTH:	100'	245'	245'
FRONT SETBACK:	30' (17')	25'	25' (EX. HOUSE)
SIDE SETBACK:	30'	25'	25' (EX. GARAGE)
REAR SETBACK:	20'	25'	25'

* AVERAGE OF ADJUTING 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)

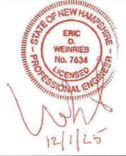
REFERENCE PLANS:

- EXISTING CONDITIONS PLAN, 53 PRAY STREET, TAX MAP 102, LOT 40, PORTSMOUTH, NH, DATED JULY 11, 2025 AND PREPARED BY JAMES VERRA & ASSOCIATES, INC.
- SITE VISIT BY ALTUS ENGINEERING, LLC ON APRIL 28, 2025.

ENGINEER:

ALTUS ENGINEERING

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



ISSUED FOR: APPROVAL

ISSUE DATE: DECEMBER 1, 2025

REVISIONS:

NO.	DESCRIPTION	BY	DATE
0	INITIAL SUBMISSION	EDW	11/18/25
1	ADD ADDITIONAL DIMS. PER PLANNING DEPT.	EDW	12/01/25

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

