



**Request for Appeal/Variance Application**

<b>For PDA Use Only:</b>			
Date Submitted: _____	Municipal Review: _____	Fee: _____	
Application Complete: _____	Date Forwarded: _____	Paid: _____	Check #: _____

<b>Action Requested (please check one):</b>	Appeal from Administrative Decision: [ <input type="checkbox"/> ]	Variance: [ <input type="checkbox"/> ]
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**Applicant Information**

<b>Applicant:</b> Aviation Avenue Group, LLC	<b>Contact Name:</b> John K. Bosen, Esq.
<b>Address:</b> 210 Commerce Way, Ste. 300 Portsmouth NH 03801	<b>Business Phone:</b> 603-427-5500
	<b>Mobile Phone:</b> 603-205-5171
	<b>Fax:</b> 603-427-5510

**Site Information**

<b>Address:</b> 100 New Hampshire Ave		<b>Frontage:</b> 51
<b>Description of Property:</b>		<b>Left Side:</b> 202
		<b>Right Side:</b> 202
<b>Zone(s) Location:</b> Industrial	<b>Lot #:</b> 1	<b>Rear:</b> 28.4
<b>Assessors Plan #:</b> 308	<b>Lot Area:</b> 10.9 acres	
<b>Existing Use:</b> vacant	<b>Proposed Use:</b> manufacturing	

**Request for Appeal from Administrative Decision:**

**Variance:**

<b>Applicable Rule/Regulation/Code Provision:</b> _____
<b>Applicable Zoning Regulation:</b> _____
<b>Interpretation Claimed:</b>
<b>Administrative Decision from which appeal is sought:</b>

<b>Zoning Regulation(s) from which Variance is Sought:</b> 304.03 (c)
<b>Reason(s) Why Variance Should Be Granted Including Circumstances Which Constitute Unnecessary Hardship:</b> See attached

*Please attach any required site plans or drawings to this application with a fee of \$ \_\_\_\_\_. All forms must be completely filled out and signed by the applicant or their agent before they will be accepted. Additional sheets may be attached if required. Completed forms must be returned to the PDA for a hearing by the PDA Zoning Adjustment and Appeals Committee or referral to the appropriate municipality. The applicant or their agent is required to attend the Public Hearing for the Appeal/Variance. If you have any questions, please contact the PDA Engineering Department at 603-433-6088.*

**Certification**

I hereby certify under the penalties of perjury that the foregoing information and accompanying plans, documents, and supporting data are true and complete to the best of my knowledge.	
10/25/22 _____ Date                      Signature of Applicant	JOHN STEISBE _____ Printed Name

**APPLICATION OF AVIATION AVENUE GROUP, LLC**

100 New Hampshire Avenue, Tax Map 308, Lot 1

**APPLICANT'S NARRATIVE**

**I. THE PROPERTY/PROJECT.**

The Applicant Aviation Avenue Group, LLC proposes to build a manufacturing facility at 100 New Hampshire Avenue located in the PDA Industrial Zone.

The property is currently a vacant 11.4-acre parcel that will be redeveloped for an "Advanced Manufacturing" facility, which will feature robotized assembly and create dynamic job opportunities, including many highly skilled and highly compensated positions.

This project received a variance from this Board by written decision dated November 21, 2022, from Article 304.03(c) of the Pease Development Authority Zoning Ordinance for a front yard setback of 51 feet, where 70 feet is required. Subsequent to the receipt of this variance, more detailed plans were prepared, and the Applicant became aware of a problem with the rear setback due to the location of the existing Rochester Avenue Right of Way and its utilities.

**II. RELIEF REQUESTED.**

The Applicant is seeking an additional variance from the provisions of Article 304.03(e) of the Pease Development Authority Zoning Ordinance for a rear yard setback of 28.4 feet, where 50 feet is required. In order to keep the existing Rochester Avenue Right of Way in its current location and maintain its utilities within the Right of Way while preserving the proposed building's structural column layout and the 2-to-1 length-to-width ratio ideal for Advanced Manufacturing tenants, we are requesting a rear yard setback variance to allow for a rear setback of approximately 28.4 feet. The Applicant did meet with the Pease Development Authority on January 9, 2023 and receive a recommendation for this variance per the letter attached from Paul E. Brean, Executive Director dated January 9, 2023.

The proposal meets all other requirements of the zoning ordinance.

**III. ARGUMENT.**

It is the Applicant's position that the five criteria necessary for the granting of the requested variances as set forth in Article 317.01(c) of the PDA Zoning Ordinance are met by the within Application.

1. No adverse effect or diminution in values of surrounding properties would be suffered.

Granting the requested variance would not in any way diminish the value of surrounding properties. All surrounding properties are Industrial/Commercial in nature and have similar setbacks to what the applicant is proposing, which in no way effect surrounding property values.

2. Granting the variance would be of benefit to the public interest.

Granting the requested variance would not substantially alter the characteristics of the neighborhood nor would granting the variance threaten public health, safety, or welfare. The Property sits in the Industrial Zone where manufacturing is permitted and consistent with other uses in this zone. Thus, granting the variance would not be contrary to the spirit and intent of the ordinance and it would be a benefit to the public interest.

3. Denial of the variance will result in unnecessary hardship to the person seeking it.

Owing to special conditions of this property that distinguish it from other properties in the area, no fair and substantial relationship exists between the general public purposes of the ordinance and the specific application of that provision to this property.

The Special conditions of the property are the fact that the property is burdened with wetlands that could be compromised if the building were pushed back further to accommodate the setbacks. Also, the Right of Way is 80 feet wide which is approximately 20 feet wider than a typical Right of Way. The combination of these two factors is unique and creates special conditions from other properties in the area. Because of these special conditions, the property cannot be reasonably

used in strict conformance with the ordinance and a variance is therefore necessary to enable the property to have a reasonable use.

4. Granting the variance would be substantial justice.

Granting the requested variance will result in substantial justice being done. The hardship upon the Applicant were the variance to be denied is not outweighed by some benefit to the general public in denying the requested variance.

5. The proposed use would not be contrary to the spirit of this zoning rule.

The Property sits in the Industrial Zone where manufacturing is permitted and consistent with other uses in this zone. Thus, granting the variance would not be contrary to the spirit and intent of the ordinance.

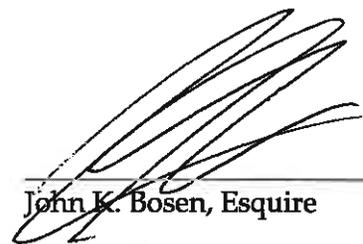
**IV. CONCLUSION.**

For the foregoing reasons, the applicant respectfully requests the Board recommend the variance be approved as requested and advertised.

Respectfully submitted,

Dated: January 30, 2023

By:

  
\_\_\_\_\_  
John K. Bosen, Esquire

## MEMORANDUM

To: Paul E. Brean, Executive Director *PEB*  
From: Michael R. Mates, PE, Engineering Manager *MRM*  
Date: October 13, 2022  
Subject: 100 New Hampshire Avenue Concept Approval

In January of this year, the PDA Board of Directors authorized entry into an Option Agreement with Aviation Avenue Group, LLC, regarding potential development at 14 Aviation Avenue, 7 Lee Street, and 100 New Hampshire Ave. Consistent with the intent of the agreement, staff recently received concept plans from the developer regarding a development on 100 New Hampshire Avenue. The developer is proposing to create a parcel of approximately 11.4 acres and construct a 209,750 square foot building as shown on the attached plans. An end user has not been identified at this juncture as explained by the developer in the attached correspondence. The intended uses include 18,144 square feet of office space and 191,606 square feet of advanced manufacturing space, both of which are allowed uses in the Industrial Zone.

The site will be accessed from both New Hampshire Avenue and Rochester Avenue. New Hampshire Avenue will serve as the main entrance for general passenger vehicles and Rochester Avenue will be used for access to the loading areas. Sidewalk access has been provided along the entire frontage on New Hampshire Avenue as well as along Stratham Street with two connections to the building at the north and south ends. In addition, site improvements include six loading docks at both the north and south ends of the facility, 147 parking stalls, utilities, lighting, landscaping, and other appurtenances. As part of the site design, stormwater management and treatment measures will be provided by filtration best management practices in accordance with NHDES and PDA rules and regulations. A Traffic Impact Assessment (attached) was conducted by Tighe & Bond, Professional Engineers licensed in NH, who estimate that the development is expected to generate 149 passenger vehicle trips and 6 truck trips during the weekday, peak hour. This estimate is based on formulas and data presented in the Institute of Transportation Engineers (ITE) Handbook for historical manufacturing and office uses. The actual number of trips may differ once a specific end user is identified. If the Board grants conceptual approval for this development, PDA will engage VHB, our on call transportation engineer, to complete a third party peer review of the assessment.

There are no wetlands on the subject parcel so there will be no wetland or wetland buffer impacts associated with this proposal. Parking and open space requirements have been met.

One variance is requested to reduce the front yard setback from 70' to 51'±. According to the project memo submitted by the applicant and attached hereto, the most common layout for these types of advanced manufacturing buildings includes 50' x 50' bays and a building footprint with a 2 to 1 length to width ratio. It is for this reason the applicant is seeking relief from the front yard setback.

Staff has reviewed the proposal and we believe the use is appropriate for this site and the development can be constructed in conformance with PDA's Land Use Controls with the exception of the front yard setback. If received favorably by the PDA Board, Aviation Avenue Group, LLC will continue with design work and, with staff concurrence, submit plans for a variance, as well as subdivision and site review applications to the City of Portsmouth for consideration.

Representatives from Aviation Avenue Group, LLC will be at the October meeting to present the project and answer questions.

At the October PDA Board of Directors meeting, please ask the Board to provide concept approval for the proposed development at 100 New Hampshire Avenue.

N:\ENGINEER\Board Memos\2022\100 NH Ave Concept.docx

- SITE NOTES:**
1. STRIPE PARKING AREAS AS SHOWN, INCLUDING PARKING SPACES, STOP BARS, ADA SYMBOLS, PAINTED ISLANDS, CROSS WALKS, ARROWS, LEGENDS AND CENTERLINES SHALL BE THERMOPLASTIC MATERIAL. THERMOPLASTIC MATERIAL SHALL MEET THE REQUIREMENTS OF AASHTO M249. (ALL MARKINGS EXCEPT CENTERLINE AND MEDIAN ISLANDS TO BE CONSTRUCTED USING WHITE TRAFFIC PAINT. CENTERLINE AND MEDIAN ISLANDS TO BE CONSTRUCTED USING YELLOW TRAFFIC PAINT. ALL TRAFFIC PAINT SHALL MEET THE REQUIREMENTS OF AASHTO M248 TYPE "F").
  2. ALL PAVEMENT MARKINGS AND SIGNS TO CONFORM TO "MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES", "STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS", AND THE AMERICANS WITH DISABILITIES ACT REQUIREMENTS, LATEST EDITIONS.
  3. SEE DETAILS FOR PARKING STALL MARKINGS, ADA SYMBOLS, SIGNS AND SIGN POSTS.
  4. CENTERLINES SHALL BE FOUR (4) INCH WIDE YELLOW LINES. STOP BARS SHALL BE EIGHTEEN (18) INCHES WIDE.
  5. PAINTED ISLANDS SHALL BE FOUR (4) INCH WIDE DIAGONAL LINES AT 3'-0" O.C. BORDERED BY FOUR (4) INCH WIDE LINES.
  6. THE CONTRACTOR SHALL EMPLOY A NEW HAMPSHIRE LICENSED LAND SURVEYOR TO DETERMINE ALL LINES AND GRADES.
  7. CLEAN AND COAT VERTICAL FACE OF EXISTING PAVEMENT AT SAW CUT LINE WITH RS-1 EMULSION IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE.
  8. ALL MATERIALS AND CONSTRUCTION SHALL CONFORM WITH APPLICABLE FEDERAL, STATE, AND LOCAL CODES & SPECIFICATIONS.
  9. COORDINATE ALL WORK WITHIN PUBLIC RIGHT OF WAY WITH THE CITY OF PORTSMOUTH AND PEASE DEVELOPMENT AUTHORITY.
  10. CONTRACTOR TO SUBMIT AS-BUILT PLANS IN DIGITAL FORMAT (.DWG AND .PDF FILES) ON DISK TO THE OWNER AND ENGINEER UPON COMPLETION OF THE PROJECT. AS-BUILTS SHALL BE PREPARED AND CERTIFIED BY A NEW HAMPSHIRE LICENSED LAND SURVEYOR.
  11. SEE ARCHITECTURAL/BUILDING DRAWINGS FOR ALL CONCRETE PADS & SIDEWALKS ADJACENT TO BUILDING.
  12. ALL WORK SHALL CONFORM TO THE CITY OF PORTSMOUTH DEPARTMENT OF PUBLIC WORKS, STANDARD SPECIFICATIONS AND WITH THE STATE OF NEW HAMPSHIRE DEPARTMENT OF TRANSPORTATION, "STANDARD SPECIFICATIONS OF ROAD AND BRIDGE CONSTRUCTION", CURRENT EDITION.
  13. CONTRACTOR TO PROVIDE BACKFILL AND COMPACTION AT CURB LINE AFTER CONCRETE FORMS FOR SIDEWALKS AND PADS HAVE BEEN STRIPPED. COORDINATE WITH BUILDING CONTRACTOR.
  14. COORDINATE ALL WORK ADJACENT TO BUILDING WITH BUILDING CONTRACTOR.
  15. ALL DIMENSIONS ARE TO THE FACE OF CURB UNLESS OTHERWISE NOTED.
  16. THE SITE ENGINEER SHALL OBSERVE THE CONSTRUCTION AND SHALL SUBMIT TO THE PDA A LETTER STATING THAT THE PROJECT WAS COMPLETED IN ACCORDANCE WITH THE PLANS.
  17. CONSTRUCTION CANNOT BEGIN UNTIL A DETERMINATION OF NO OBJECTION IS ISSUED BY FAA. TO OBTAIN THE FAA DETERMINATION, THE CONTRACTOR/DEVELOPER MUST SUBMIT TO FAA A NOTICE OF PROPOSED CONSTRUCTION OR ALTERATION FORM 7460-1, AVAILABLE AT [https://www.faa.gov/documentLibrary/media/Form/FAA\\_Form\\_7460-1\\_042023.pdf](https://www.faa.gov/documentLibrary/media/Form/FAA_Form_7460-1_042023.pdf).
  18. PROPERTY MANAGER WILL BE RESPONSIBLE FOR TIMELY SNOW REMOVAL FROM ALL PUBLIC WALKS, DRIVES, AND AIRSIDE PAVEMENT AREAS ON-SITE. SNOW SHALL BE HAULED OFF-SITE AND LEGALLY DISPOSED OF, WHEN NECESSARY, WHEN SNOW STORAGE AREAS HAVE REACHED CAPACITY.
  19. RETAINING WALL SHALL BE DESIGNED AND STAMPED BY A NEW HAMPSHIRE LICENSED PROFESSIONAL ENGINEER AND SHALL BE SUBMITTED TO PEASE DEVELOPMENT AUTHORITY FOR REVIEW.

**SITE DATA:**  
 LOCATION: TAX MAP 308, LOT 1  
 80 ROCHESTER AVENUE  
 PORTSMOUTH, NEW HAMPSHIRE

ZONING DISTRICT: INDUSTRIAL / WAREHOUSE  
 ALLOWED USE: INDUSTRIAL / WAREHOUSE

DIMENSIONAL REQUIREMENTS:	REQUIRED	PROPOSED
MINIMUM LOT AREA:	10 ACRES	±10.9 ACRES
MINIMUM STREET FRONTAGE:	200 FT	±1,200 FT
MINIMUM SETBACKS:		
• FRONT:	70 FT	±51 FT <sup>(1)</sup>
• SIDE:	50 FT	±202 FT
• REAR:	50 FT	±28.4 FT <sup>(2)</sup>
MAXIMUM BUILDING HEIGHT:	PER FAA	36 FT
MINIMUM OPEN SPACE:	25%	±30%

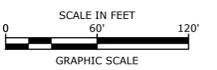
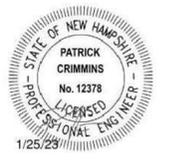
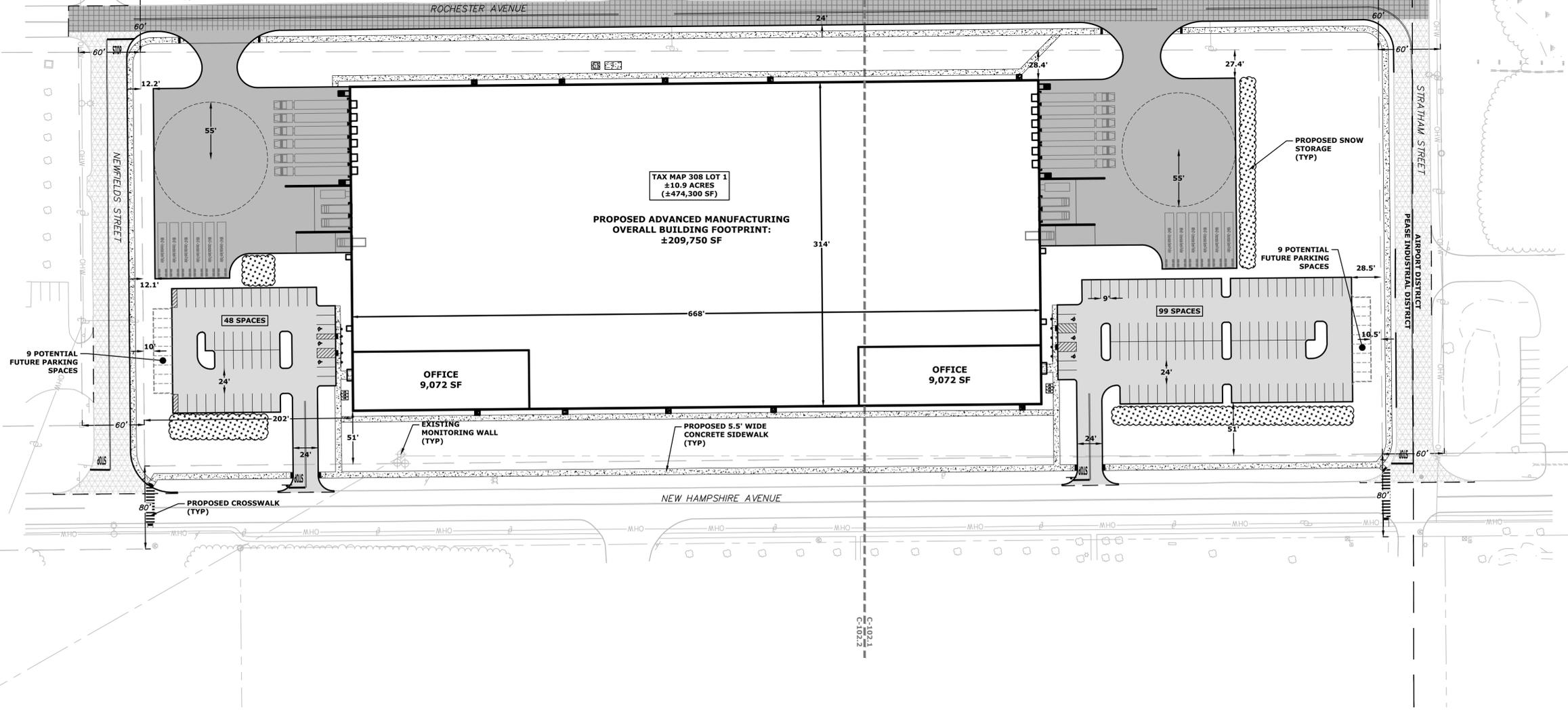
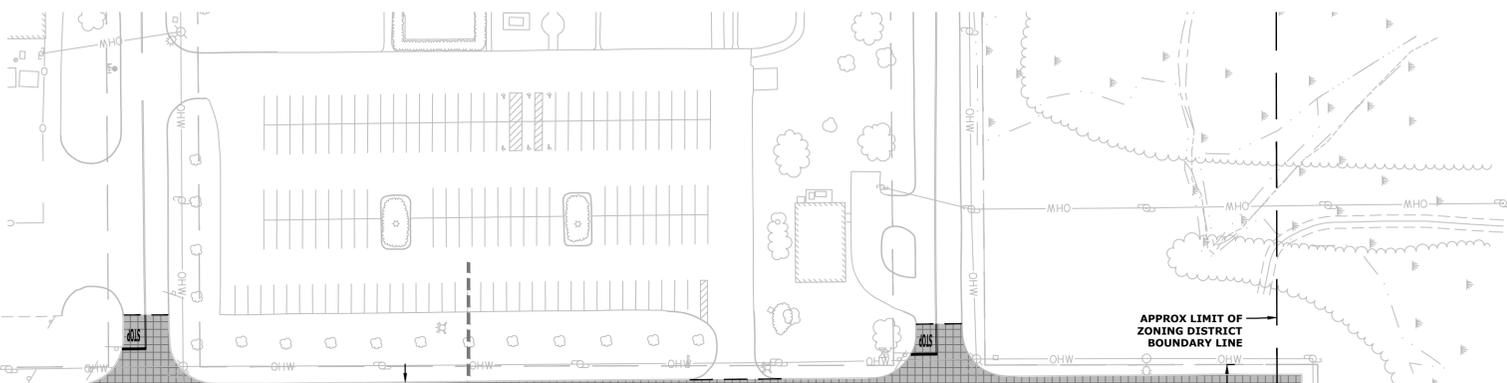
- (1) - ON NOVEMBER 15, 2022 THE CITY OF PORTSMOUTH ZONING BOARD OF ADJUSTMENT VOTED TO RECOMMEND APPROVAL TO THE PDA BOARD FOR A VARIANCE FROM PART 304.03(C) TO ALLOW A 51 FOOT FRONT YARD WHERE 70 FEET IS REQUIRED.
- (2) - VARIANCE REQUIRED FROM PART 304.03(E) OF THE PEASE INTERNATIONAL TRADEPORT ZONING ORDINANCE TO ALLOW FOR A ±28.4 FOOT REAR YARD WHERE 70 FEET IS REQUIRED.

PARKING REQUIREMENTS:	REQUIRED	PROPOSED
PARKING STALL LAYOUT:		
• STANDARD 90°	WIDTH: 8.5' MIN AREA: 160 SF MIN	9' X 18' (162 SF)
DRIVE AISLE WIDTH:	24 FT	24 FT (MIN)
• 90° (2-WAY TRAFFIC)		
PARKING SPACE REQUIREMENTS:		
INDUSTRIAL:		
2 / 3 EMPLOYEES (LARGEST SHIFT)		
+ 1 / COMPANY-OWNED-VEHICLE		
= 161 EMPLOYEES X 2/3 EMPLOYEES		
+ 2 COMPANY-OWNED-VEHICLE =	110 SPACES	
OFFICE:		
1 / 2 EMPLOYEES		
= 73 EMPLOYEES X (1 / 2 EMPLOYEES) =	37 SPACES	
TOTAL REQUIRED PARKING:	147 SPACES	147 SPACES <sup>(1)</sup>

(1) - SIX (6) ADA SPACES PROVIDED

**LEGEND**

	PROPOSED LEASE LINE
	PROPOSED CONCRETE
	PROPOSED STANDARD DUTY PAVEMENT SECTION
	PROPOSED HEAVY DUTY PAVEMENT SECTION
	PROPOSED RECLAIM AND RE-PAVE
	PROPOSED MILL AND OVERLAY
	PROPOSED SNOW STORAGE AREA
	APPROXIMATE LIMIT OF SAWCUT
	PROPOSED LIGHT POLE BASE
	EXISTING PROPOSED SIGN
	PROPOSED BOLLARD



**Proposed  
Advanced  
Manufacturing  
Facility**

Aviation Avenue  
Group, LLC

100 New Hampshire  
Avenue  
Portsmouth, NH

MARK	DATE	DESCRIPTION
B	1/25/2023	TAC Resubmission
A	12/19/2022	TAC Submission
PROJECT NO: P0595-015		
DATE: 12/19/2022		
FILE: P0595-015_DESIGN.DWG		
DRAWN BY: CML		
CHECKED: NAH		
APPROVED: PMC		

**OVERALL SITE PLAN**

SCALE: AS SHOWN

Last Save Date: January 24, 2023 5:03 PM By: CML  
 Plot Date: Wednesday, January 25, 2023 Plotted By: Craig M. Langton  
 Plot File Location: E:\P0595 Pro Con General Proposals\P0595-015 100 NH Avenue\Drawings - Figures\AutoCAD\Sheet\0595-015 Design.DWG Layout Tab: O-Site