

APPLICATION OF CATE STREET DEVELOPMENT, LLC
428 US Route One By-Pass (“West End Yards”), Portsmouth, Tax Map 172, Lot 001

APPLICANT’S NARRATIVE

I. THE PROPERTY:

The applicant, Cate Street Development, LLC, is in the finishing stages of the substantial redevelopment of a large tract of land between the Route 1 By-Pass and Cate Street, known as the West End Yards, a 250 unit apartment development located in the Gateway Corridor, Mixed Residential District. The development also includes 44,000 square feet of retail and office space. In addition, the development included a land swap for the creation of a new public road, significant improvements to Hodgson Brook and a public dog park. Construction of a new City roadway to divert traffic from Bartlett Street to the By-Pass has been a goal of the City for over 20 years. The applicant worked closely with the City to make this a reality.

The West End Yards development consists of three buildings on an approximately nine acres. The development covers a large, relatively narrow area that moves east away from the By-Pass, and surrounds the U-Haul facility on the By-Pass to the south of Cate Street. The property actually has two points of access from the By-Pass. Due to these factors, and given the multiple uses on the site, which is encouraged in this zone, effective signage is very important to the success of the development.

The property is within the G-1 Gateway Corridor District and Sign District 5. The applicant proposes to replace the existing Frank Jones Function Center sign with the Main Entry “West End Yards” sign depicted on Sheet 1.0 and 1.1. This will be on the northern side of Cate Street at the By-Pass at the signalized intersection.

The project name and branding, including monument signs, wayfinding signs and interior and exterior building signage have been thoughtfully designed to pay homage to the site’s industrial and railroad-related past. The design of the main entrance sign includes a perimeter of transparent decorative steel framing consistent with this design program. The inclusion of these design elements pushes the sign area to 388.5 square feet, where 100 square feet is the maximum allowed. Accordingly, relief from Section 10.1251.20 is required.

The applicant also proposes to replace the existing “Happy Summer” sign with a freestanding Commercial Building Entry sign for tenant placards, which is depicted on Sheet 2.0 and 2.1. This site has access from both the By-Pass and Cate Street. A site with multiple driveways may have more than one freestanding sign (section 10.1243), however, the secondary signs must comply with the requirements of Section 10.1243 and 10.1251.30. The proposed sign is approximately 60 square feet¹, and therefore, because

¹ The applicant proposes installing a 12 foot tall sign, otherwise all dimensions are as shown on Sheet 2.0 and 2.1, which will be supplemented subsequent to this submission.

it is on the By-Pass, it exceeds the maximum 40 square feet permitted and relief from section 10.1251.30 is required.

The applicant proposes replacing the signs in their current, conforming locations, which exceed 10 feet from the By-Pass.

II. CRITERIA:

The applicant believes the within Application meets the criteria necessary for the Board to grant the requested variances.

Granting the requested variance will not be contrary to the spirit and intent of the ordinance nor will it be contrary to the public interest. The “public interest” and “spirit and intent” requirements are considered together pursuant to Malachy Glen Associates v. Chichester, 152 NH 102 (2007). The test for whether or not granting a variance would be contrary to the public interest or contrary to the spirit and intent of the ordinance is whether or not the variance being granted would substantially alter the characteristics of the neighborhood or threaten the health, safety and welfare of the public.

In this case, were the variances to be granted, there would be no change in the essential characteristics of the neighborhood, nor would any public health, safety or welfare be threatened. This property has been home to a constellation of retail and commercial enterprises for over twenty five years and is within the Gateway zone where the uses here approved are permitted by right. It is bounded on both sides by existing retail and commercial operations.

The health, safety and welfare of the public will not be threatened, nor will the essential characteristics of the neighborhood change in any way by virtue of the size of the signs here proposed. In fact, the competing signage at the U-Haul facility arguably cuts in favor of more prominent signage for this site to properly direct visitors to the location. There is a fully signalized intersection at the main entry, which is the last point at which southbound traffic on the By Pass may make a left turn onto the property without making a U-turn further south. Accordingly, prominent signage is appropriate for this location.

Substantial justice would be done by granting the variance. Whether or not substantial justice will be done by granting a variance requires the Board to conduct a balancing test. If the hardship upon the owner/applicant outweighs any benefit to the general public in denying the variance, then substantial justice would be done by granting the variance. It is substantially just to allow a property owner the reasonable use of his or her property. Here, there are significant challenges to the site that make enhanced visibility necessary and desirable. The lot is large and significant development is set

back far away from the By-Pass, and obscured from the right of way by the U-Haul facility. Prominent signage is necessary in order to secure and maintain effective and reasonable sight lines. The signs are tastefully designed and in no way promote the visual clutter the City's sign ordinance is meant to protect against.

It would be an injustice to the applicant to deny the variances here requested.

The values of surrounding properties will not be diminished by granting the variance. The surrounding properties and those in the vicinity will not be negatively affected in any way by this relief. The proposed signs will enhance the visibility of this complex site, which will decrease potential negative impacts on neighboring properties. Directing motorists off the By-Pass to this site requires more prominent signage than the ordinance contemplates.

There are special conditions associated with the property which prevent the proper enjoyment of the property under the strict terms of the zoning ordinance and thus constitute unnecessary hardship. The property for which relief is sought is unique. It is a large, irregularly shaped lot with frontage in two separate places on the By-Pass and on Cate Street. It completely surrounds and is partially obscured by the U-Haul facility, which is a very visually busy site. The property is bounded on the north and south by existing commercial uses. There is a fully signalized intersection at the main entry, which is the last point at which southbound traffic on the By Pass may make a left turn onto the property without making a U-turn further south. Accordingly, prominent signage is appropriate for this location.

These are special conditions of the property which counsel for more prominent signage in order to secure and maintain effective and reasonable sight lines.

The use is a reasonable use. The uses proposed are permitted within this district and are compatible with the surrounding retail and commercial enterprises and residential uses.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The purpose of the sign ordinance is to maintain and enhance the character of the city's commercial districts and to protect the public from hazardous and distracting displays. Section 10.1211. Neither of the proposed new signs do anything to distract from the character of this district and there is nothing hazardous or distracting about them. There is no fair and substantial relationship between these purposes and this property.

III. Conclusion.

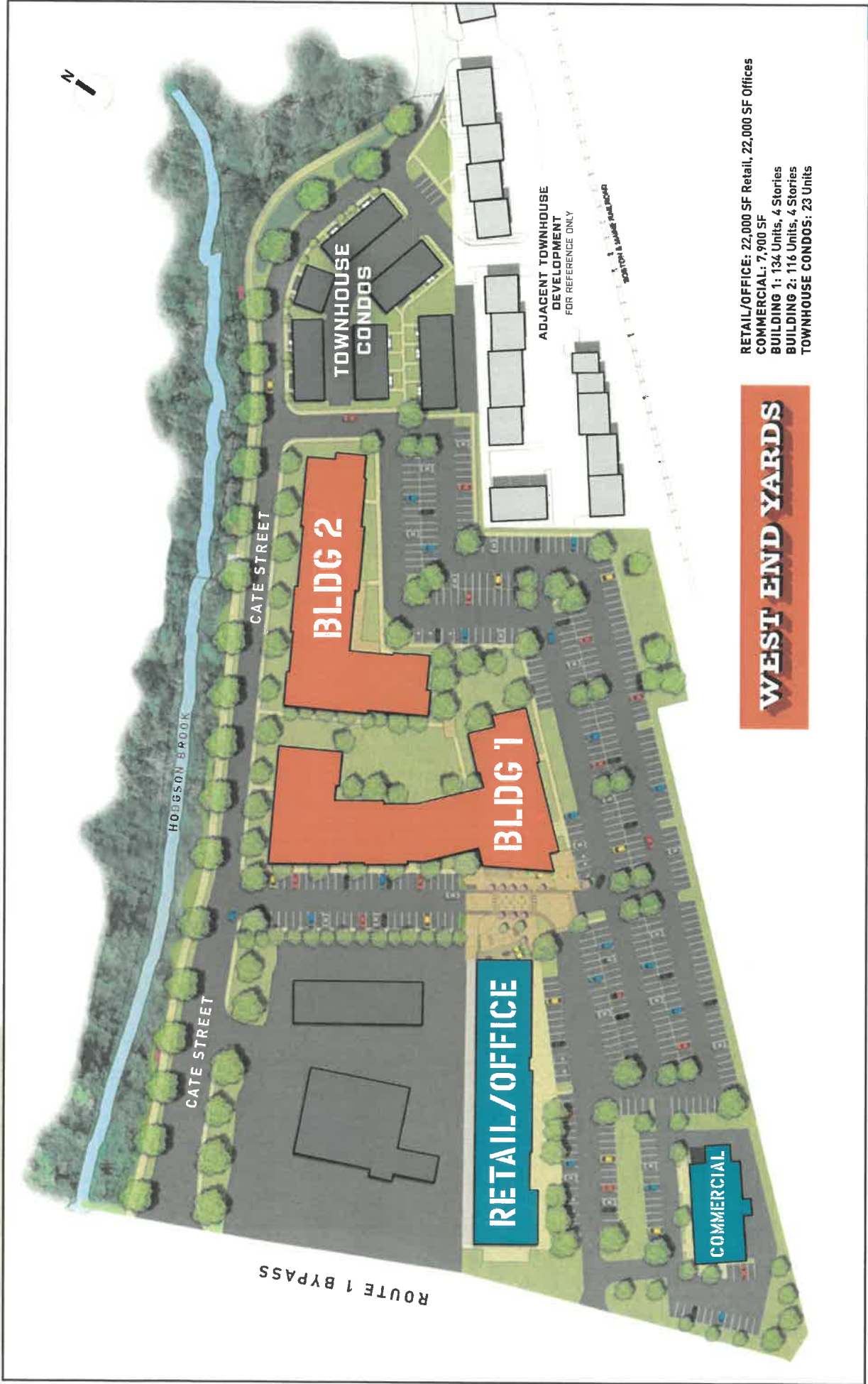
For the foregoing reasons, the applicant respectfully requests the Board grant the variances as requested and advertised.

Respectfully submitted,

Dated: May 26, 2021

By: *John K. Bosen*
John K. Bosen, Esquire

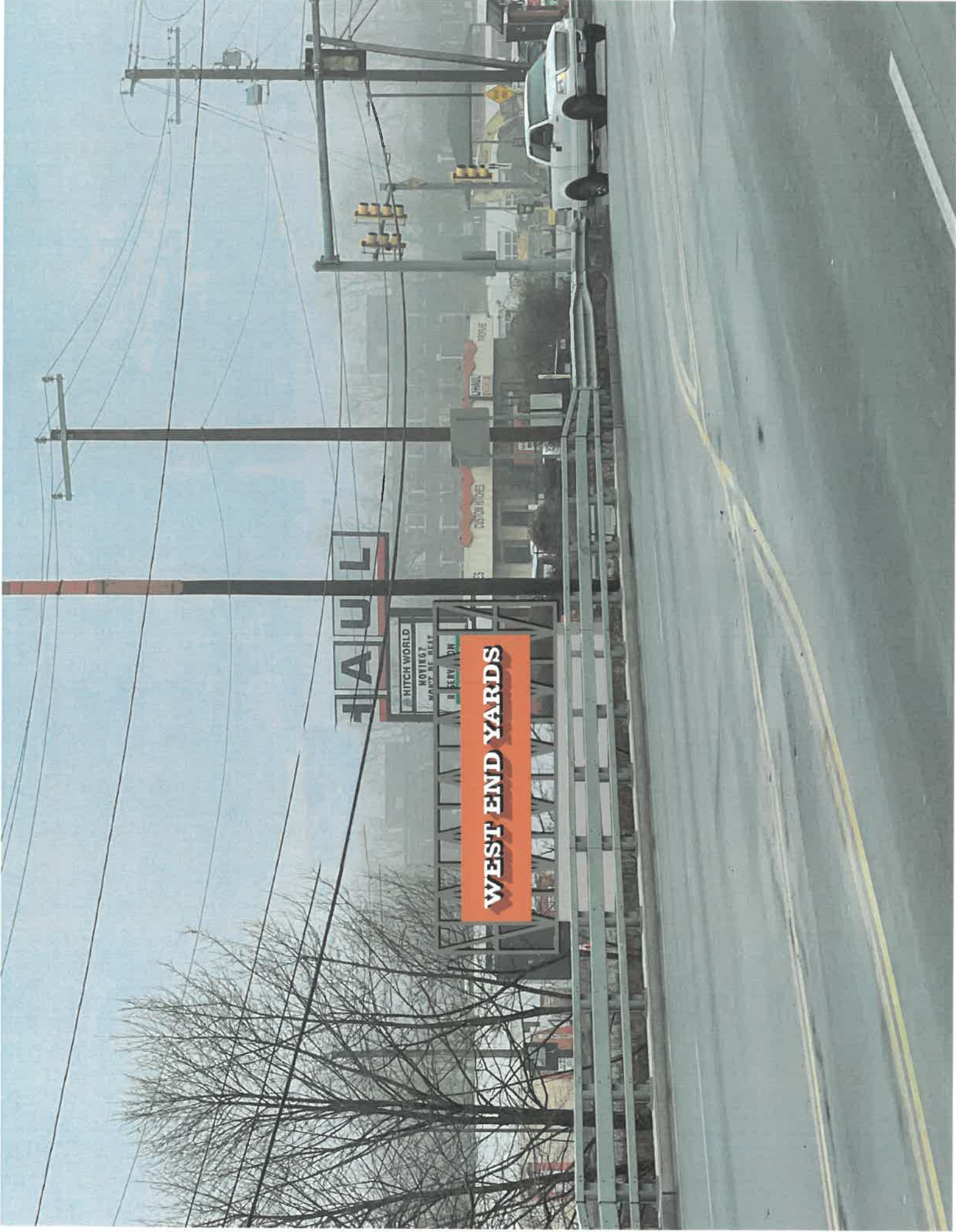
WEST END YARDS

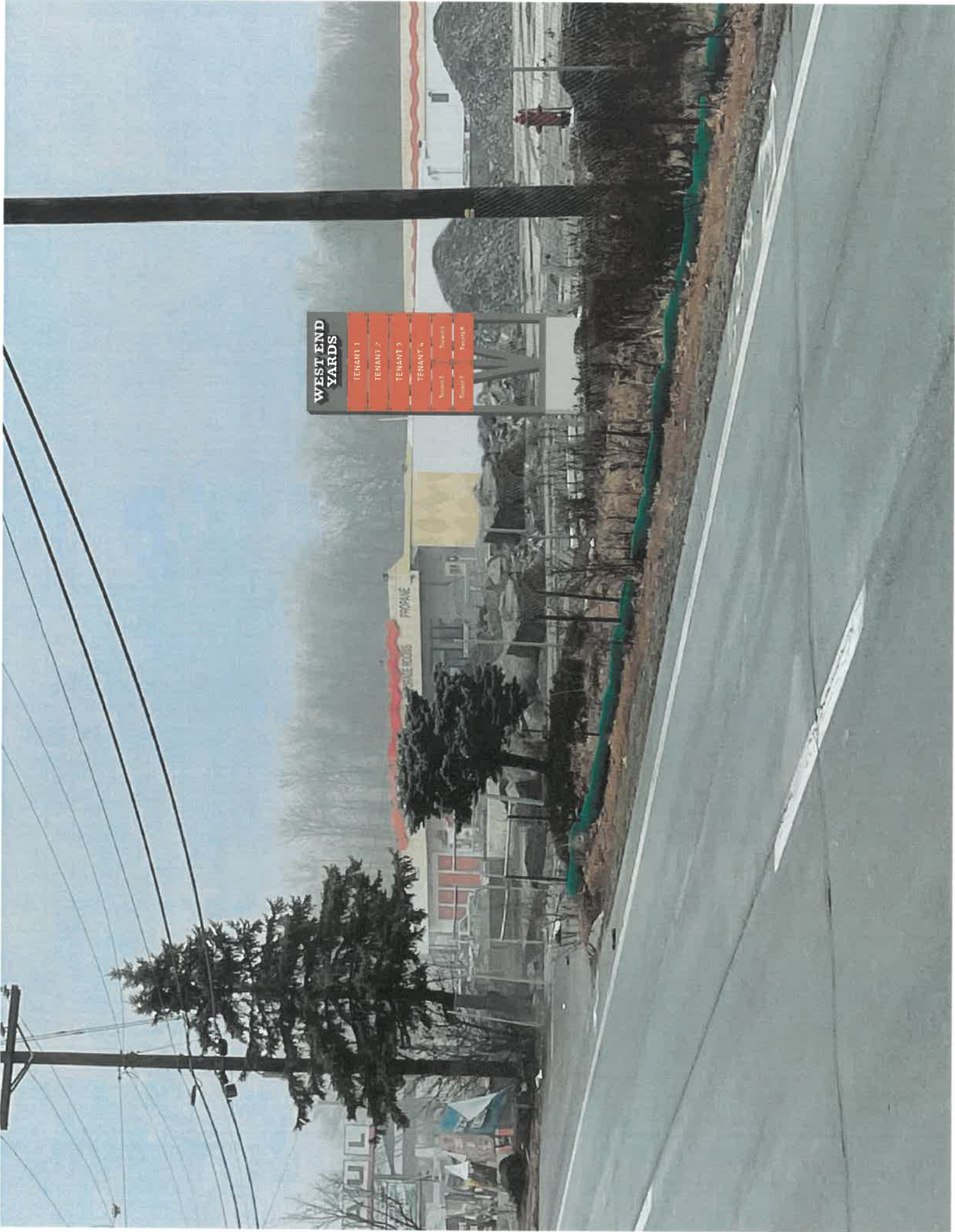












SITE NOTES:

1. TOTAL PARCEL AREA:
TAX MAP 163, LOT 33-12,230 SF (0.28 AC.)
TAX MAP 163, LOT 34-64,109 SF (1.47 AC.)
COMBINED AREA-451,572 SF (10.37 AC.)
TAX MAP 165, LOT 2
TAX MAP 172, LOT 1
TAX MAP 173, LOT 2

OWNER OF RECORD:
CATE STREET DEVELOPMENT, LLC
60 K STREET
BOSTON, MA 02127
RCRD BOOK5929, PAGE 109

2. ZONES: G-1-GATEWAY NEIGHBORHOOD MIXED USE

3. DIMENSIONAL REQUIREMENTS, DEVELOPMENT SITE STANDARDS:	
REQUIRED	PROPOSED
MIN. DEVELOPMENT AREA	20,000 sq.ft.
MIN. SITE WIDTH	100 ft.
MIN. LOT DEPTH	100 ft.
MIN. PERIMETER BUFFER	75 ft. FROM RES.

MAX. DEV. BLOCK	800 ft. LENGTH, 2,200 LINEAR ft.
MIN. FRONTAGE	50 ft.
MAX. BUILDING HEIGHT	45 ft.
MAX. BUILDING COVERAGE	70 %
MIN. OPEN SPACE	20 %
COMMUNITY SPACE	ALL TYPES

WETLAND SETBACKS	100 ft.
IMPERVIOUS COVER	390,471 sq. ft. (87.3%)

ZONING INFORMATION LISTED HEREON IS BASED ON THE CITY OF PORTSMOUTH ZONING ORDINANCE DATED MARCH 4, 2019 AS AVAILABLE ON THE CITY WEBSITE. ADDITIONAL REGULATIONS APPLY, AND REFERENCE IS HEREBY MADE TO THE EFFECTIVE ZONING ORDINANCE. THE LAND OWNER IS RESPONSIBLE FOR COMPLYING WITH ALL APPLICABLE MUNICIPAL, STATE AND FEDERAL REGULATIONS.

4. PARKING CALCULATIONS PER 10.1112.60:

COMMERCIAL BUILDING	AREA	REQUIREMENT	REQUIRED	PROVIDED
EATING AND DRINKING	13,600SF	1/100 SF	136	---
RETAIL	5800SF	1/300 SF	20	---
OFFICE	15900SF	1/350 SF	46	---
SUB-TOTAL			202	165

RESIDENTIAL A AND B:	UNITS	REQUIREMENT	REQUIRED	PROVIDED
UNITS <500 SQ. FT.	71	0.5 SPACE/UNIT	36	---
UNITS 500-750 SQ. FT.	107	1 SPACE/UNIT	107	---
UNITS >750 SQ. FT.	72	1.5/UNIT	94	---
VISITOR	250	1 SPACE/5 UNITS	50	---
SUB-TOTAL			287	287

TOWNHOMES:	UNITS	REQUIREMENT	REQUIRED	PROVIDED
UNITS >750 SQ. FT.	23	1.5/UNIT	35	46
VISITOR	5	1/5 UNITS	1	5
SUB-TOTAL			36	51

5. SHARED PARKING CALCULATIONS: COLUMN C WEEKDAY EVENINGS PER 10.1112.60:	
COMMERCIAL BUILDING	REQUIRED
EATING AND DRINKING	136
RETAIL	20
OFFICE	46
SUB-TOTAL	184
BICYCLE PARKING	17
HANDICAP ACCESSIBLE = 6	17

RESIDENTIAL A AND B:	REQUIRED	SHARED %	SHARED	PROVIDED
UNITS <500 SQ. FT.	71	0.5 SPACE/UNIT	36	---
UNITS 500-750 SQ. FT.	107	1 SPACE/UNIT	107	---
UNITS >750 SQ. FT.	72	1.5/UNIT	94	---
VISITOR	250	1 SPACE/5 UNITS	50	---
SUB-TOTAL			287	287

TOWNHOMES:	REQUIRED	SHARED %	SHARED	PROVIDED
UNITS >750 SQ. FT.	36	100%	30	46
VISITOR	5	100%	5	5
SUB-TOTAL			35	51

DEVELOPMENT SITE TOTAL:	REQUIRED	PROVIDED
	488	503

7. COMMUNITY SPACE CALCULATION:	REQUIRED	PROVIDED
TOTAL DEVELOPMENT SITE	---	579,818 SF
GREENWAY	---	55,151 SF (9%)
PARK/COMMON	---	6,105 SF (1%)
POCKET PARK	---	2,648 SF (1%)
WIDE PEDESTRIAN SIDEWALK	---	17,901 SF (3%)
TOTAL	57,982 SF (10%)	81,805 SF (14%)

8. PUBLIC REALM IMPROVEMENTS ARE BEING PROVIDED AS A PART OF THIS PROJECT. A CONNECTOR ROAD CONNECTING ROUTE 1 BYPASS TO BARTLETT STREET AND THE WEST END OF PORTSMOUTH, AS WELL AS A BICYCLE/MULTI-USE TRAIL ALONG HODGSON BROOK ARE BOTH BEING PROVIDED. PUBLIC REALM SPACE CANNOT COUNT TOWARD COMMUNITY SPACE, AS SUCH THE AREA OF THE LAND OCCUPIED BY THE MULTI-USE TRAIL TO THE SIDEWALK ON THE SOUTH SIDE OF THE CONNECTOR ROAD IS EXCLUDED FROM THE CALCULATION IN NOTE #6 COMMUNITY SPACE CALCULATIONS.

PUBLIC REALM SPACE:	REQUIRED	PROVIDED
TOTAL DEVELOPMENT SITE	---	579,818 SF
PUBLIC REALM	OPTIONAL	84,814 SF (14%)

9. IF, DURING CONSTRUCTION, IT BECOMES APPARENT THAT ADDITIONAL EROSION CONTROL MEASURES ARE REQUIRED TO STOP ANY EROSION ON THE CONSTRUCTION SITE, THE PROPERTY OWNER SHALL BE REQUIRED TO INSTALL THE NECESSARY EROSION PROTECTION AT NO EXPENSE TO THE CITY.

10. ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REGULATIONS.

11. THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.

12. ALL IMPROVEMENTS SHOWN ON THE SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.

13. SHOW SHALL BE STORED ON SITE IN DESIGNATED AREAS AS SHOWN ON CS-201 THRU CS-202. WHEN ON SITE STORAGE AREAS ARE EXCEEDED, SHOW SHALL BE DISPOSED OF OFF SITE IN ACCORDANCE WITH LOCAL, STATE AND FEDERAL REGULATIONS.

NH LLS-2

PURSUANT TO RSA 678:18 III:

I CERTIFY THAT THIS SURVEY PLAT IS NOT A SUBDIVISION PURSUANT TO THIS TITLE AND THAT THE LINES OF STREETS AND WAYS SHOWN ARE THOSE OF PUBLIC OR PRIVATE STREETS OR WAYS ALREADY ESTABLISHED AND THAT NO NEW WAYS ARE SHOWN.

I CERTIFY THAT THIS SURVEY AND PLAN WERE PREPARED BY ME OR BY THOSE UNDER MY DIRECT SUPERVISION AND FALLS UNDER THE URBAN SURVEY CLASSIFICATION OF THE NH CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS. I CERTIFY THAT THIS SURVEY WAS MADE ON THE GROUND AND IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF. RANDOM TRAVERSE SURVEY BY TOTAL STATION, WITH A PRECISION GREATER THAN 1:15,000.

_____, L.L.S. #
_____, DATE

THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET REGISTRY OF DEED REQUIREMENTS AND ARE NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.

NOTES

1. THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
2. ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.
3. THIS IS NOT A BOUNDARY SURVEY AND SHALL NOT BE USED AS SUCH.

APPROVED BY THE CITY OF PORTSMOUTH, NH PLANNING BOARD:

CHAIRMAN _____ DATE _____

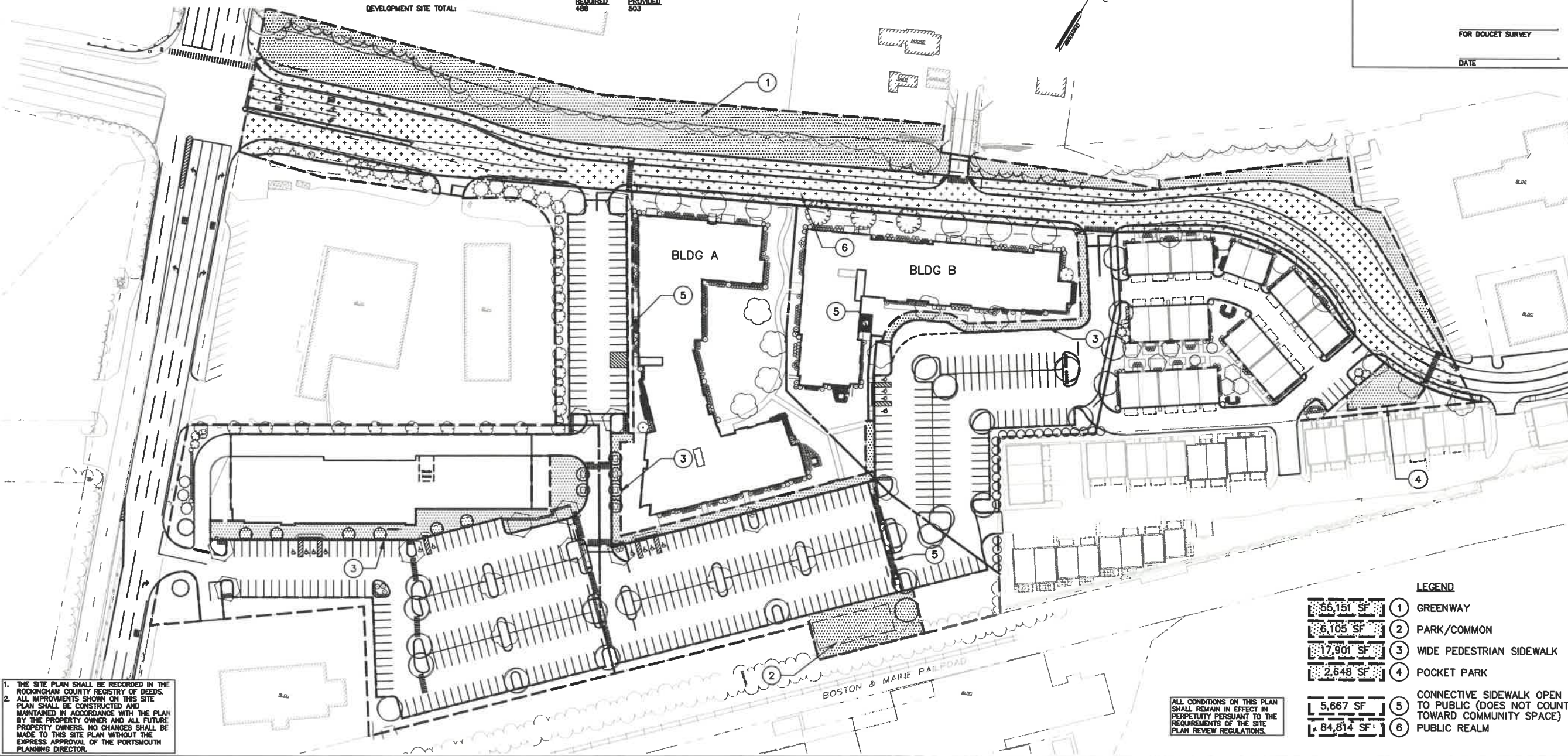
THE SOLE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF EXISTING AND PROPOSED IMPROVEMENTS ON THE SITE. RECORDING OF THIS PLAN WAS A REQUIREMENT OF THE PORTSMOUTH PLANNING BOARD AS PART OF THEIR SITE PLAN APPROVAL DATED _____

_____, L.L.S. #
_____, DATE

THE CERTIFICATIONS SHOWN HEREON ARE INTENDED TO MEET REGISTRY OF DEEDS REQUIREMENTS AND ARE NOT A CERTIFICATION TO TITLE OR OWNERSHIP OF PROPERTY SHOWN. OWNERS OF ADJOINING PROPERTIES ARE ACCORDING TO CURRENT TOWN ASSESSORS RECORDS.

FOR DOUCET SURVEY

DATE _____



1. THE SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
2. ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR.

LEGEND

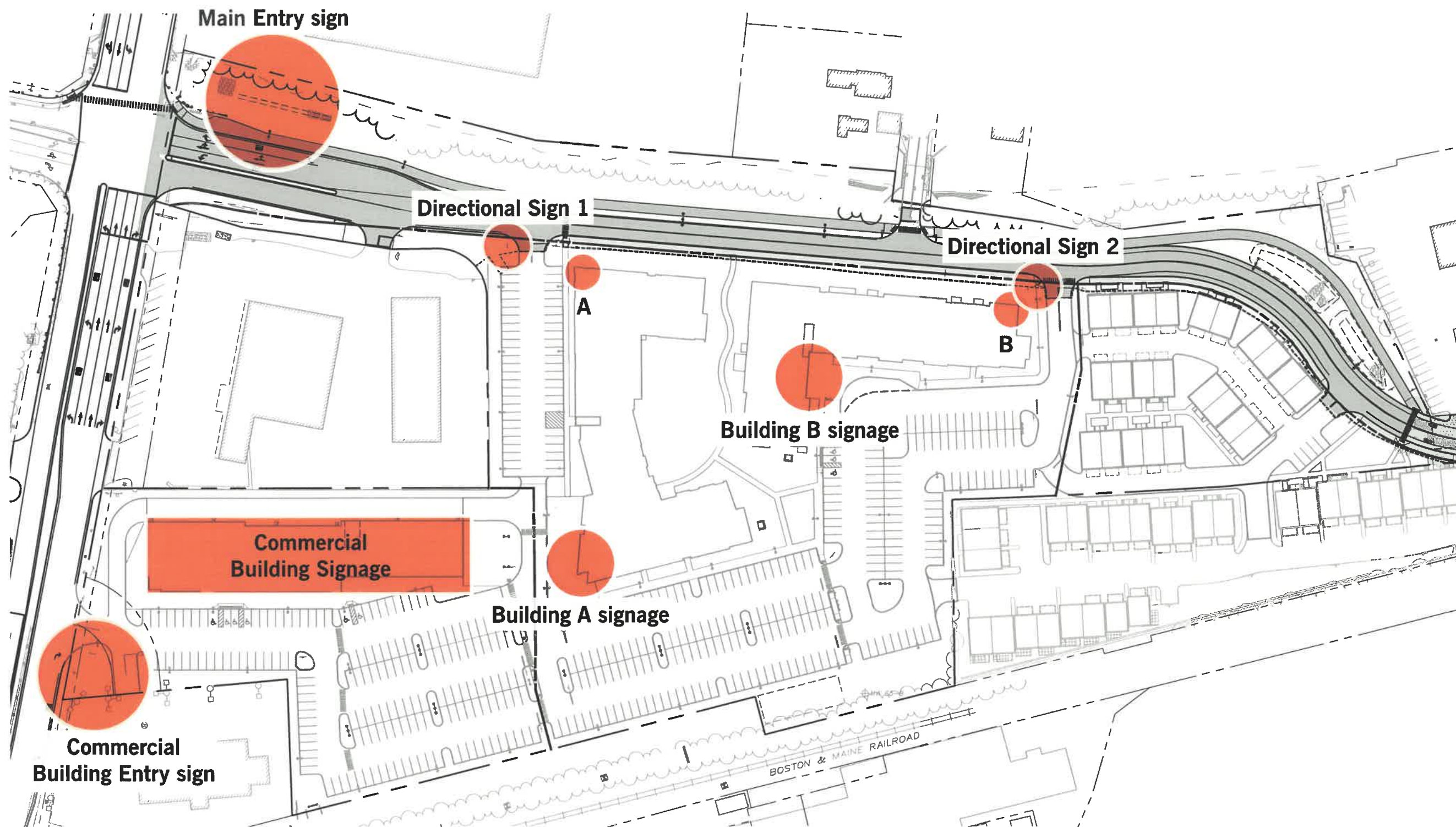
- | | |
|-----------|--|
| 55,151 SF | 1 GREENWAY |
| 6,105 SF | 2 PARK/COMMON |
| 17,901 SF | 3 WIDE PEDESTRIAN SIDEWALK |
| 2,648 SF | 4 POCKET PARK |
| 5,667 SF | 5 CONNECTIVE SIDEWALK OPEN TO PUBLIC (DOES NOT COUNT TOWARD COMMUNITY SPACE) |
| 84,814 SF | 6 PUBLIC REALM |

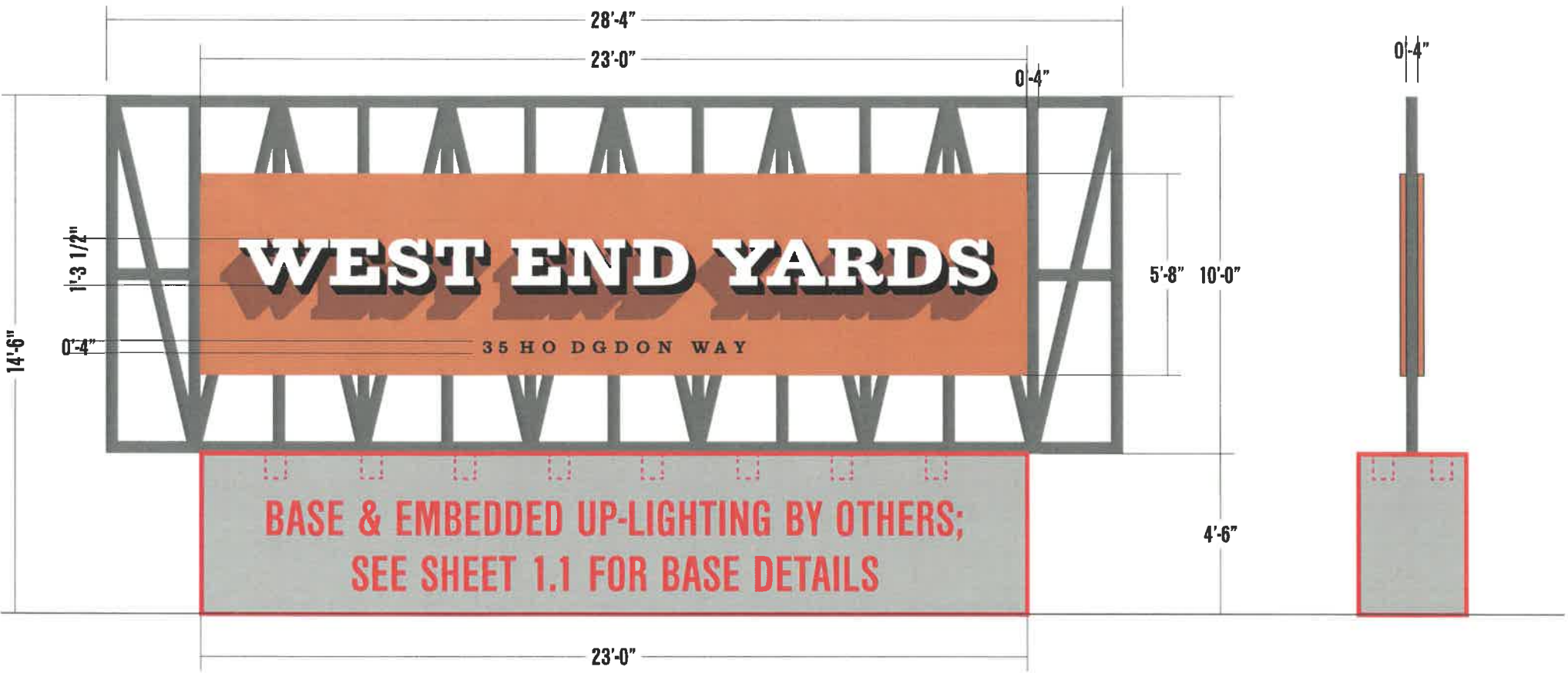
CATE STREET DEVELOPMENT, LLC
DEVELOPMENT STANDARDS
SITE PLAN
CATE STREET/ WEST END YARDS
PORTSMOUTH
NEW HAMPSHIRE

FUSS & O'NEILL
UPPER SQUARE BUSINESS CENTER
5 FLETCHER STREET, SUITE 1
KENNEBUNK, MAINE 04043
207.363.0669
www.fuss.com

PROJ. No.: 20180317.A10
DATE: 04/17/2020

CS-002





(DOUBLE FACED - SAME BOTH SIDES)

SCOPE OF WORK

MANUFACTURE & INSTALL (1) D/F ROUTE 1 BYPASS MAIN ENTRY SIGN CONSTRUCTED AS FOLLOWS: A CUSTOM BUILT AND PAINTED STEEL FRAME WITH (2) POWDER COATED STEEL PANELS WITH DIGITALLY PRINTED & STANDARD 3M VINYL APPLIED GRAPHICS/COPY - 1 PANEL PER EACH SIDE OF STEEL FRAME STRUCTURE. SIGN IS MOUNTED TO A CONCRETE BASE BY OTHERS WITH EMBEDDED UP-LIGHTING WHICH ARE BY OTHERS.

SEE SHEET 1.1 FOR BASE DETAILS.

TOTAL SQUARE FEET: 130.00 SQ FT (23'-0" X 5'-8")

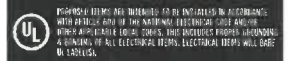
COLOR SCHEDULE - CLIENT TO VERIFY

- POWDER COATED:
R.A.L. COLOR TO MATCH PMS 7583 C "ORANGE" (TENANT PANELS)
- PTM PMS COOL GRAY 9 C (FRAME)
- 3630-22 BLACK VINYL (ADDRESS)
- DIGITALLY PRINTED "WEST END YARDS" W/ SHADOW GRAPHIC;
CONTOUR CUT



INTERNATIONAL

1540 Gentry St., Hudson, NH 02858 P: (603) 882-2300 F: (603) 882-1800
© COPYRIGHT 2019
THIS DESIGN CONCEPT IS THE PROPERTY OF
BARLO SIGNS INTERNATIONAL, INC.



PROJECT APPROVAL

Client:	Date:
Design: LP	Date: 5/12/21
Sales:	Date:
Updating:	Date:
Production:	Date:

DESIGNER: LP
SALES REP: BARN
PM: BC

WEST END YARDS

55 CATE ST
PORTSMOUTH, NH 03801

5/11/21

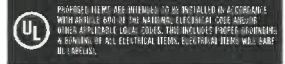
ITEM
A

SHEET 1.0



INTERNATIONAL

1500 Broadway St., Newbury, NH 03305 P: 603.252.3434 F: 603.252.3440
© COPYRIGHT 2019
THIS DESIGN CONCEPT IS THE PROPERTY OF
BARLO SIGNS INTERNATIONAL, INC.



PROJECT APPROVAL

Client:	Date:
Design: LP	Date: 5/12/21
Sales:	Date:
Updating:	Date:
Production:	Date:

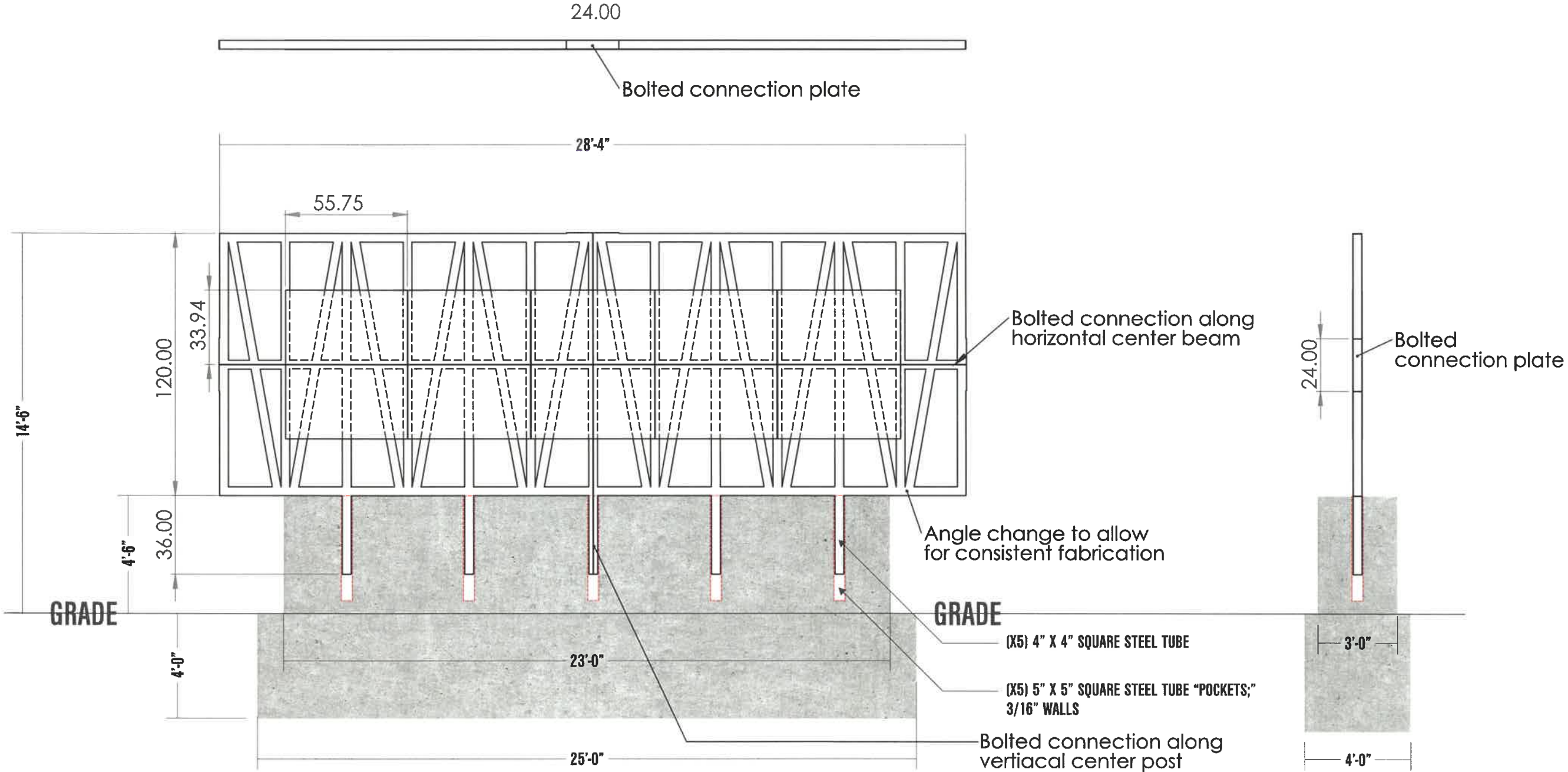
DESIGNER: LP
SALES REP: BARN
PM: BC

WEST END YARDS
55 CATE ST
PORTSMOUTH, NH 03801

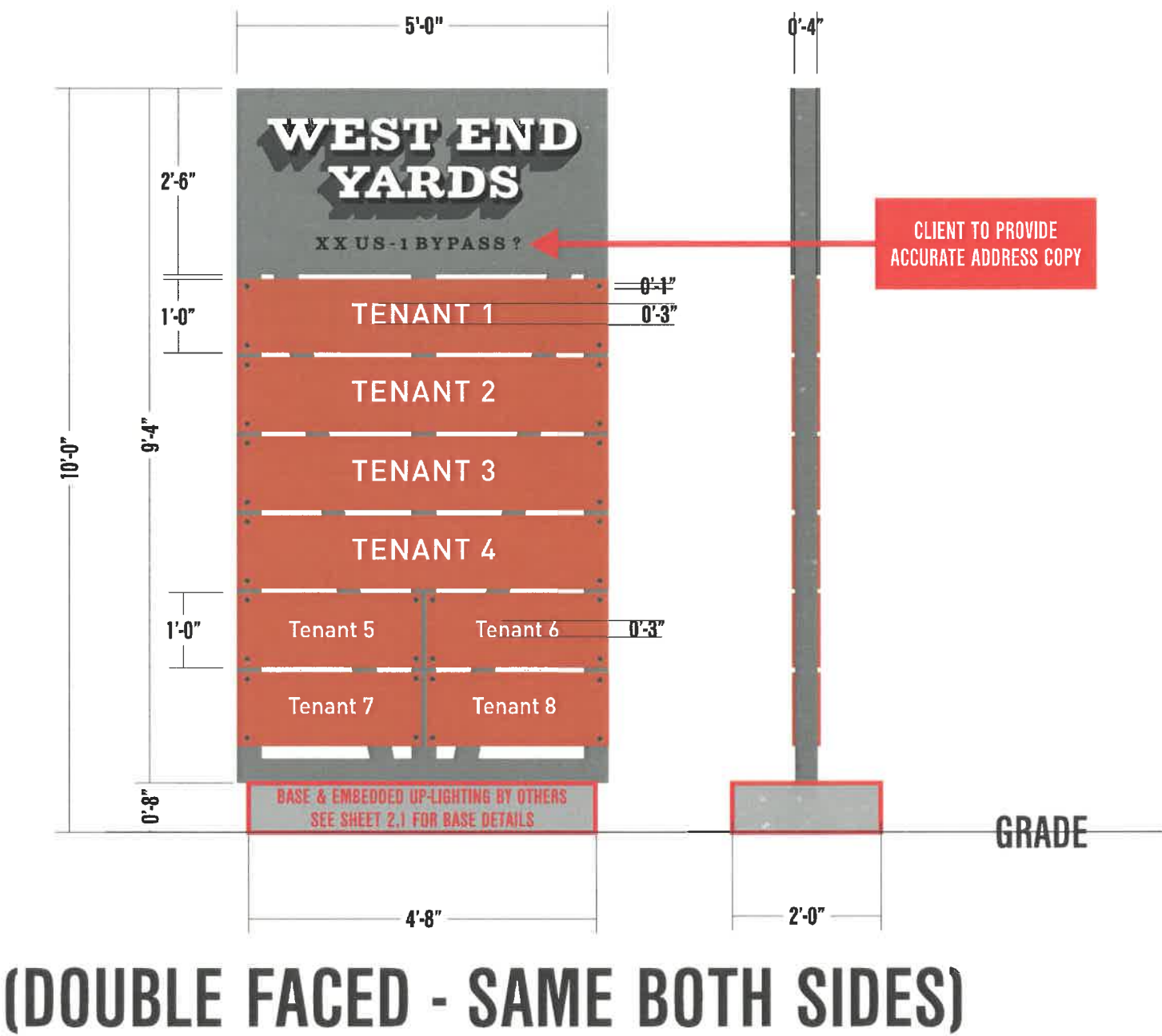
5/11/21

ITEM
A

SHEET 1.1



- Notes:
- Steel Frame design
 - Steel panels on front and back
 - Powder coat steel panels, pms 7583c
 - Grey hand painted frame



SCOPE OF WORK

MANUFACTURE & INSTALL (1) D/F COMMERCIAL PROPERTY MONUMENT SIGN WITH TENANTS CONSTRUCTED AS FOLLOWS: A CUSTOM BUILT AND PAINTED STEEL FRAME WITH (2) POWDER COATED TOPPER PANELS WITH DIGITALLY PRINTED & STANDARD 3M VINYL APPLIED GRAPHICS/COPY AND (16) POWDER COATED STEEL TENANT PANELS WITH VINYL APPLIED TENANTS - (8) TENANT PANELS & (1) TOPPER PANEL PER EACH SIDE OF STEEL FRAME STRUCTURE. SIGN IS MOUNTED TO A CONCRETE BASE BY OTHERS WITH EMBEDDED UP-LIGHTING WHICH ARE BY OTHERS.

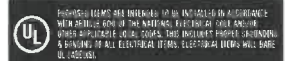
TOTAL SQUARE FEET: 46.67 SQ FT

COLOR SCHEDULE - CLIENT TO VERIFY

- POWDER COATED: R.A.L. COLOR TO MATCH PMS 7583 C "ORANGE" (TENANT PANELS)
- POWDER COATED: R.A.L. COLOR TO MATCH PMS COOL GRAY 9 C (TOPPER PANELS) | PTM PMS COOL GRAY 9 C (FRAME)
- 3630-22 BLACK VINYL (ADDRESS)
- 7725-20 WHITE VINYL (TENANT COPY)
- DIGITALLY PRINTED "WEST END YARDS" W/ SHADOW GRAPHIC; CONTOUR CUT



INTERNATIONAL
158 Greeple St, Hudson, NH 03051 P: (603) 882-2638 F: (603) 882-7692
© COPYRIGHT 2019
THIS DESIGN CONCEPT IS THE PROPERTY OF
BARLO SIGNS INTERNATIONAL, INC.



PROJECT APPROVAL	
Client:	Date:
Design: LP	Date: 5/12/21
Sales:	Date:
Updating:	Date:
Production:	Date:

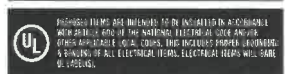
DESIGNER: LP
SALES REP: BARN
PM: BC

WEST END YARDS
55 CATE ST
PORTSMOUTH, NH 03801
5/11/21

ITEM B
SHEET 2.0



INTERNATIONAL
158 Greeley St, Hudson, NH 03051 P: (603) 882-2638 F: (603) 882-7880
© COPYRIGHT 2019
THIS DESIGN CONCEPT IS THE PROPERTY OF
BARLO SIGNS INTERNATIONAL, INC.



PROJECT APPROVAL	
Client:	Date:
Design: LP	Date: 5/12/21
Sales:	Date:
Updating:	Date:
Production:	Date:

DESIGNER: LP
SALES REP: BARN
PM: BC

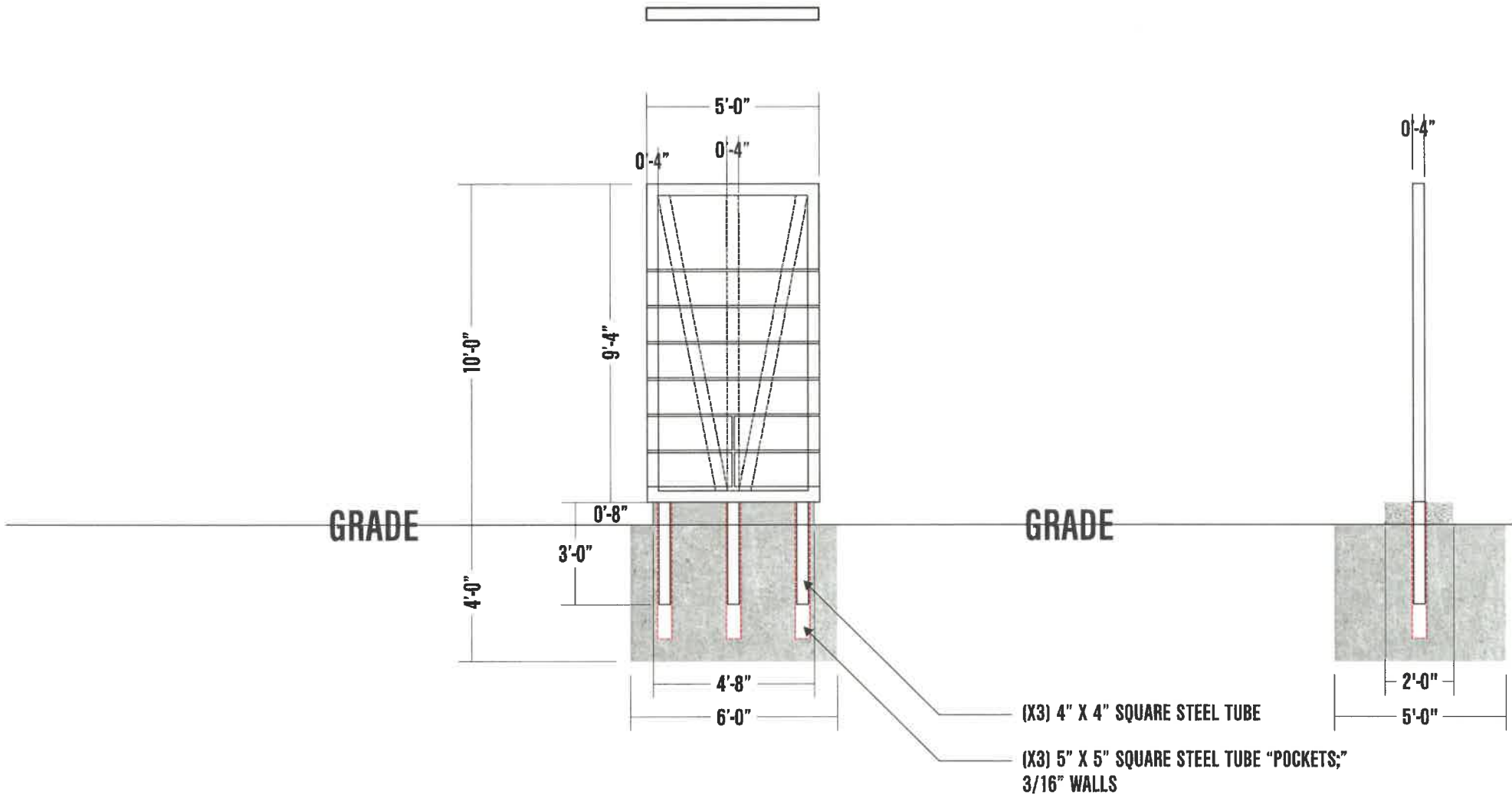
WEST END YARDS

55 CATE ST
PORTSMOUTH, NH 03801

5/11/21

ITEM
B

SHEET 2.1



- Notes:
- Steel Frame design
 - Steel panels on front and back
 - Removeable pannels
 - Powder coat steel panels, pms 7583c
 - Grey hand painted frame