

MARK E. BELIVEAU

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Admitted in: NH

March 16, 2021

Peter Stith, Principal Planner
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: Spaulding Group, LLC
180 Spaulding Turnpike
Portsmouth, NH
Tax Map 236, Lot 39
Variance Application

Dear Peter:

On behalf of the Spaulding Group, LLC, please find the original and ten (10) copies of the following documents in support of the request for variances by Spaulding Group, LLC. A complete application has been uploaded to the City of Portsmouth's online application center. We request that the enclosed application be considered by the Zoning Board at its April 20, 2021 meeting.

- 1) Variance Application
- 2) Landowner Letter of Authorization
- 3) Memorandum and Exhibits in support of Variances
- 4) Exhibits:
 - A. Ambit Engineering Plan Set, last revised February 23, 2021.
 - Cover Sheet
 - Existing Conditions Plan
 - Variance Plan
 - B. ChangeUp, Inc. Plans (the Mazda design firm), dated February 2021.
 - Exterior Rendering
 - Exterior Elevations
 - 1st Floor Plan
 - 2nd Floor Plan
 - C. Photographs of Existing Site Conditions.
 - D. Tax Map 236, Lot 39 (Seacoast Mazda Property).

Peter Stith, Principal Planner
March 16, 2021
Page 2

- E. Photograph of Property taken March 4, 1961, Opening Day.
- F. Letter from Bow Street Commercial Brokerage dated February 22, 2021.

Please let me know if you have any questions or comments. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mark E. Beliveau". The signature is fluid and cursive, with a large initial "M" and a stylized "B".

Mark E. Beliveau

MEB/dls

Enclosure

Cc: Timothy Ackerman, Spaulding Group, LLC
Ambit Engineering, Inc.
Port One Architects

MEMORANDUM

TO: City of Portsmouth Zoning Board of Adjustment (“**ZBA**”)

FROM: Mark E. Beliveau, Esq., Pierce Atwood LLP
Attorney for Spaulding Group, LLC (the “**Applicant**”)

DATE: March 16, 2021

RE: Spaulding Group, LLC Application for Variances at 180 Spaulding Turnpike
(Map 236, Lot 39) (the “**Application**”).

Dear Chairman Rheume and Members of the Board:

On behalf of Timothy Ackerman, Manager and Member of Spaulding Group, LLC and owner of Seacoast Mazda, we are pleased to provide this Memorandum in support of the requested variances. The variances sought will allow for the following (i) the demolition of the Seacoast Mazda showroom and customer service area and their reconstruction within the existing footprint, (ii) the addition of a new second floor office and storage space over a portion of the showroom, and (iii) the expansion of the building to convert the existing outdoor customer service drive-up area to an indoor customer service and customer drive-in area. The proposed new showroom, customer service and customer drive-in areas will align with the front, side and rear of the current building and, thereby, maintain the same setbacks from property boundaries that exist today.

Included with this Memorandum are the following Exhibits:

- A. Ambit Engineering Plan Set, last revised February 23, 2021.
 - Cover Sheet
 - Existing Conditions Plan
 - Variance Plan
- B. ChangeUp, Inc. Plans (the Mazda design firm), dated February 2021.
 - Exterior Rendering
 - Exterior Elevations
 - 1st Floor Plan
 - 2nd Floor Plan
- C. Photographs of Existing Site Conditions.
- D. Tax Map 236, Lot 39 (Seacoast Mazda Property).
- E. Photograph of Property taken March 4, 1961, Opening Day.
- F. Letter from Bow Street Commercial Brokerage dated February 22, 2021.

I. Property Description

Spaulding Group, LLC is the owner of the property at 180 Spaulding Turnpike (the “**Property**”), the home of Seacoast Mazda. Tim Ackerman has owned and operated Seacoast Mazda at the Property for the past 18 years. An automobile dealership has continuously operated at the Property since March 4, 1961 when Seacoast Motors, Inc. opened with Volkswagen and Porsche dealerships. See Exhibit E. As you can observe from comparing the photographs of existing site conditions (Exhibit C) with the photo from 1961, the Property has changed little in 60 years. The Property is located within the General Business District (“**GBD**”) and consists of 1.2485 acres. Sales and service of motor vehicles is permitted in the GBD.

The Property is improved with a single story building consisting of a small automobile showroom, offices and customer service area in the front and 10 automobile service bays in the rear. The parcel frontage is along the Spaulding Turnpike, with sidelines along Farm Lane and property of New England Marine and Industrial, Inc. (“**NE Marine**”), another commercial business. The rear property line also abuts the NE Marine property. A 300’ wide Public Service Company of New Hampshire transmission line easement with multiple poles, towers and wires crosses the NE Marine property running parallel to the northeast boundary of Seacoast Mazda. The PSNH easement abuts the Property and encumbers the full width of the NE Marine property extending to the nearest residence on Farm Lane. This part of the NE Marine property is within the Single Residence B District (“**SRB**”).

The Property is situated within a narrow strip of the GBD. In fact, the northeast boundary of the Property also serves as the common boundary for the GBD and SRB. As shown on the Existing Conditions Plan, the 100’ setback for structures from the SRB and 30’ front yard setback leaves approximately 20’ of buildable area on the Property. As a result, if the building at the Property were to be reconstructed for practically any of the 41 permitted uses in the GBD, variances would be needed. Moreover, the 200’ use setback from the SRB for the sale of motor vehicles consumes all of the Property extending into the Spaulding Turnpike.

II. Proposed Project

As a Mazda automobile dealer franchisee, Seacoast Mazda has been directed by Mazda North America to seek all the necessary approvals to build a new showroom and customer service area. While clean and well maintained, the existing showroom and customer service area are in need of updating to provide a more functional, efficient and welcoming space.

The proposed project involves demolishing the existing showroom, offices and service area and building a new showroom and connected customer service area within the existing footprint, adding a second floor over a portion of the showroom for offices and storage space and expanding the showroom to include an enclosed customer service and customer drive-in area. The enclosed customer service and customer drive-in area will be in the same location as the existing outdoor customer service drive-up area. The proposed new showroom, customer service and customer drive-in areas will align with the front, side and rear of the current building and thereby maintain the same setbacks from property boundaries that exist today. There will be no other changes to the Property. See Exhibits A and B for survey plans and design plans.

The proposed project will increase the footprint of the existing building by approximately 2,410 GSF. This increase is largely represented by the conversion of the existing outdoor customer service drive-up area to an indoor customer service and customer drive-in area. The proposed second floor office and storage space is approximately 1,710 GSF resulting in a total increase of 4,120 GSF. The estimated cost of construction is approximately \$2,500,000.

The height of the existing showroom from floor elevation is approximately 12'-8". The height of the rear portion of the building from floor elevation is approximately 17'. The roof height of the proposed new two-story showroom will be approximately 25'-6". The roof height of the proposed one-story service wing will be approximately 18'. These heights are well below the maximum permitted structure height in the GBD of 60'.

Seacoast Mazda and its project team have worked hard to create a design that fits the Property, is attractive and results in functional and welcoming space that is consistent with modern standards.

III. Required Variances from Portsmouth Zoning Ordinance

- A variance from Section 10.531 to allow a fifteen foot (15') rear yard setback where fifty feet (50') is required.
- A variance from Section 10.591 to allow a structure to be setback fifteen feet (15') from a parcel in the SRB where one hundred feet (100') is required.
- A variance from Section 10.592.20 to allow the sale, rental, leasing, distribution and repair of vehicles adjacent to the SRB where a minimum distance of two hundred feet (200') is required.
- A variance from Section 10.321 to allow a nonconforming building to be extended, reconstructed or enlarged without conforming to the requirements of the Zoning Ordinance.

IV. Prior Application and Fisher v. Dover Analysis

In 2000, a prior owner of the Property applied to the ZBA for variances to construct improvements that were substantially similar to what is being proposed in the current Application. The earlier application was denied under the *Governor's Island Club v. Gilford* hardship standard which required that the applicant show a deprivation "so great as to effectively prevent the owner from making any reasonable use of the land." 124 N.H. 126, 130 (1983) (the "**Prior Application**").

It is well established in New Hampshire that successive variance proposals must show either (a) material changes in the proposed use of the land, or (b) material changes in the circumstances affecting the merits of the application. *Fisher v. City of Dover*, 120 N.H. 187

(1980). While the Applicant is not proposing a materially different project from that which was proposed in 2000, the law concerning variances has fundamentally changed since 2000, particularly concerning the unnecessary hardship standard, and the New Hampshire Supreme Court has found that this change in standard constitutes a “material change in circumstances affecting the merits of [an] application” requiring that a zoning board consider a subsequent variance application under the new law. *Brandt Development Co. of N.H. v. City of Somersworth*, 162 N.H. 553 (2011).

Ironically, just one year after the Prior Application was denied, the New Hampshire Court in *Simplex Technologies v. Town of Newington*, 145 N.H. 727 (2001), recognized that its restrictive approach to granting variances was contrary to the constitutional rights of property owners and overruled *Governor’s Island*. In *Brandt*, the Court said that “*Simplex* established a new standard that is markedly more favorable to property owners seeking variances than was the standard under *Governor’s Island*.” *Brandt*, 162 N.H. at 597 (citing *Simplex*, 145 N.H. at 731-32).

Simplex was followed by *Boccia v. City of Portsmouth*, 151 N.H. 85 (2004), which made further significant changes to how “area” variances were to be determined.

Then, in 2010, the New Hampshire legislature established a uniform unnecessary hardship standard for both use and area variances that is substantially similar to the test the Court adopted in *Simplex*. Now, “unnecessary hardship” means that owing to special conditions of the property that distinguish it from other properties in the area (i) no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property; and (ii) the proposed use is a reasonable one. RSA 674:33(I)(b)(1).

Thus, the unnecessary hardship standard under which this Application would be reviewed is materially and fundamentally different than the standard under which the Prior Application was denied. In *Brandt*, the Supreme Court confirmed that the doctrinal changes in the unnecessary hardship standard create a “reasonable possibility” of a different outcome for a zoning variance application, which is sufficient under *Fisher* to obtain a second review of a previously denied variance application. The Court further noted that, “Although the other four criteria of the variance test under RSA 647:33 have not changed to the same degree as the unnecessary hardship criterion, they have been refined and clarified since 1994”, citing cases that were decided after 2000. *Brandt*, 162 N.H. at 559.

Based on the changes in the law concerning the unnecessary hardship standard and other criteria, there is a reasonable possibility of a different outcome for the Application and, pursuant to the Court’s holding in *Brandt*, the ZBA should consider the Application.

Accordingly, the Applicant respectfully requests that the Zoning Board find that a material change of circumstances has occurred since the Prior Application and, therefore, will give the Application full consideration.

V. Five Criteria Must be Met to Obtain Approval of a Variance

An applicant seeking a variance must demonstrate that;

- (A) The variance will not be contrary to the public interest;
- (B) The spirit of the ordinance will be observed;
- (C) Substantial justice will be done;
- (D) The values of surrounding properties will not be diminished;
- (E) Literal enforcement of the provisions of the ordinance would result in an unnecessary hardship.

NH RSA 674:33(I)(a)(2). As set forth below, the Application meets each of the criteria for the approval of the variances.

- A. The variances are not contrary to the public interest; and**
- B. The spirit of the Ordinance is observed.**

The New Hampshire Supreme Court has observed that “[t]he requirement that the variance not be contrary to the public interest is related to the requirement that the variance be consistent with the spirit of the ordinance” and, therefore, the Court considers these criteria together. *Malachy Glen Assocs. v. Town of Chichester*, 155 N.H. 102, 105 (2007). The analysis of these criteria begins by examining the applicable ordinance. However, the Court has acknowledged that because “the provisions of the ordinance represent a declaration of public interest, any variance would in some measure be contrary thereto.” *Harborside Assocs. v. Parade Resident Hotel*, 162 N.H. 508, 514 (2011).

Accordingly, to determine whether a variance is not contrary to the public interest and is consistent with the spirit of the Ordinance, it must be determined whether granting the variance would “unduly and in a marked degree” conflict with the Ordinance such that “it violates the ordinance’s basic zoning objectives.” *Harborside Assocs. v. Parade Resident Hotel*, 162 N.H. 508, 514 (2011). Determining whether a variance violates the Ordinance’s basic zoning objectives involves evaluating “whether granting the variance would alter the essential character of the neighborhood or threaten public health, safety or welfare.” *Id.*

Granting the variances presented in the Application will neither alter the essential character of the neighborhood nor threaten public health, safety or welfare. The Property is located in the GBD where the sale of motor vehicles is permitted. In addition, the property abuts the Spaulding Turnpike and is surrounded by commercial uses. The GBD along the Spaulding Turnpike where the Property is located is heavily commercial and, as such, is consistent with the purpose of the GBD, which is “to provide for a wide range of retail and commercial uses in areas with excellent regional highway access.” City of Portsmouth, N.H., Zoning Ordinance § 10.410.

The proposal of the Applicant is to continue the same permitted use that has been made of the Property for 60 years but conduct a much needed renovation of the showroom and customer service area working within the existing footprint, the addition of a second floor office and storage space over a portion of the showroom and expanding the showroom to include an enclosed customer service and customer drive-in area. These improvements will modernize the existing space allowing for a more functional and comfortable environment for employees and customers. Importantly, the improvements do not represent an expansion of operations. For example, the service bays will not be changing and neither will the vehicle display area.

Furthermore, the purpose and spirit of the setback provisions will be observed if the variances are granted. First, the new construction will not be any closer to property lines than what already exists at the Property. And, second, the existing transmission line easement creates a 310' setback of the Property from the nearest residence in SRB. As a result, in actuality, the required setbacks from the SRB for which we seek a variance are met and exceeded today and that will not change if the variances are granted.

C. Substantial justice will be done.

With respect to this criterion, the Court has said that “perhaps the only guiding rule . . . is that any loss to the individual that is not outweighed by a gain to the general public is an injustice.” *Malachy*, 155 N.H. at 107 (citing 15 P. Loughlin, *New Hampshire Practice, Land Use Planning and Zoning*, § 24.11, at 308 (2000)).

The building at the Property is in need of renovation. Not granting the variances will result in a substantial loss for the Applicant especially in light of the fact that any attempt to reconstruct the building at the Property for any other permitted use in the GBA will also require variances. Plainly, the loss to the Applicant will not be outweighed by a gain to the general public. The general public gains nothing from keeping the Property in its current condition. Indeed, the general public will benefit from the increased property tax revenue that is realized as a result of the new construction.

Approving the variances will allow the Applicant to rehabilitate an out-of-date building and continue a business in more functional and comfortable space that has operated at the Property for 60 years. There is no benefit to the general public that outweighs the burden and hardship to the Applicant if the variances are denied. Approving the requested variances will achieve substantial justice.

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

The proposed improvements will not diminish the value of surrounding properties. The Property is located in the GBD where the sale of motor vehicles is permitted. In addition, the property abuts the Spaulding Turnpike and commercial uses surround the Property. The GBD along the Spaulding Turnpike where the Property is located is heavily commercial and includes retail, hotels, restaurants and automobile dealerships. The use of the Property is consistent with

the uses of other nearby properties within the GBD. The proposed improvements will not diminish the value of the surrounding commercial uses.

The nearest residential property is over 300 feet away. A substantial 300' wide Public Service Company of New Hampshire transmission line easement with numerous poles, towers and wires separates the Property from the residential homes on Farm Lane. Moreover, the proposed improvements do not represent an expansion of operations but only an opportunity to renovate a building that has not changed since it was built 60 years ago. We believe that the enclosure of the drive-up customer service area will be an added benefit as it will bring that transition area inside. In addition, the building will not be any closer to the lot line than the existing building. Furthermore, there is a limited amount of glass proposed for the right side of the building minimizing any new interior light that might be visible from enclosing the drive-up customer service area. In any event, the substantial distance that separates the Property from the nearest residential property provides a significant buffer. The exterior lighting for the Property will not change from what is present today.

In support of this criterion, the Applicant has provided the opinion of Margaret O'Brien, Principal Broker with Bow Street Commercial Brokerage. A copy is attached hereto as Exhibit F. Ms. O'Brien has worked as a commercial real estate broker in the Portsmouth area for more than 23 years. In her letter report, she cites to recent nearby strong residential sales of property that are closer to the Spaulding Turnpike and Port City Nissan than any residential properties are to Seacoast Mazda. Her professional opinion is that the proposed improvements will be viewed positively by both the commercial and residential marketplace and will in no way diminish surrounding property values.

E. Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

An unnecessary hardship exists when "[o]wing to special conditions of the property that distinguish it from other properties in the area (A) no fair and substantial relationship exists between the general public purposes of the ordinance provision and the specific application of that provision to the property, and (B) the proposed use is a reasonable one. RSA 674:33(I)(b)(1).

The size and width of the Property are the special conditions that distinguish it from other properties in the area. The property is one of the smallest and most narrow strips of land among all of the commercially zoned properties in the GBD and other districts that exist along the Spaulding Turnpike from the Portsmouth Traffic Circle to the Newington town line.

These conditions that characterize 180 Spaulding Turnpike are compounded by the fact that the SRB district boundary is the northeast boundary of the Property resulting in setbacks that engulf the Property. A major mitigating factor, however, and the reason that no fair and substantial relationship exists between the purpose of the setbacks and their application to the Property, is the existence of the transmission line easement that encumbers the abutting SRB property for more than 300'. This easement has the effect of creating a buffer between the

commercially zoned Seacoast Mazda property and the residences on Farm Lane that is greater than the required setbacks. Accordingly, there is no reason to apply the literal requirements of the setbacks in question to the Property.

The Applicant's proposed use of the Property is reasonable. As stated above, motor vehicle sales and service is permitted in the GBD. The proposed new showroom, customer service area and customer service drive-in area will align with the front, side and rear of the current building and, as a result, maintain the same setbacks from property boundaries that exist today. The increased height of the showroom is well-below the allowed maximum height for structures. Significantly, any attempt to reconstruct the building at the Property for practically any other permitted use in the GBA will also require variances.

For these reasons, literal enforcement of the Ordinance would result in an unnecessary hardship to the Applicant under RSA 674:33(I)(b)(1).

VI. Conclusion

Based on all of the reasons discussed herein, the Applicant respectfully requests that the Zoning Board grant the variances. Thank you.

Respectfully submitted,
Spaulding Group, LLC

By:


Mark E. Beliveau, Esq.

Pierce Atwood LLP

1 New Hampshire Avenue, Suite 350

Portsmouth NH 03801

603-373-2002

mbeliveau@pierceatwood.com

SITE DEVELOPMENT
SEACOAST MAZDA
180 SPAULDING TURNPIKE
PORTSMOUTH NEW HAMPSHIRE
ZBA PLANS

Exhibit A

OWNER AND APPLICANT:
SPAULDING GROUP, LLC
180 SPAULDING TURNPIKE
PORTSMOUTH, N.H. 03801
TEL. (603) 436-6811

ARCHITECT:
PORT ONE ARCHITECTS
959 ISLINGTON STREET
PORTSMOUTH, NH
TEL. (603) 436-8891

CIVIL ENGINEER & LAND SURVEYOR:

AMBIT ENGINEERING, INC.
200 GRIFFIN ROAD, UNIT 3
PORTSMOUTH, N.H. 03801
TEL. (603) 430-9282
FAX (603) 436-2315

CORPORATE ARCHITECT:

CHANGE UP
2056 BYERS ROAD
DAYTON, OH
TEL. (844) 804-7700

Legend

Character Districts

Character-Based Zoning Area
(Refer to Zoning Map Sheet 2 of 2
Character Districts Regulating Plan)

Residential Districts

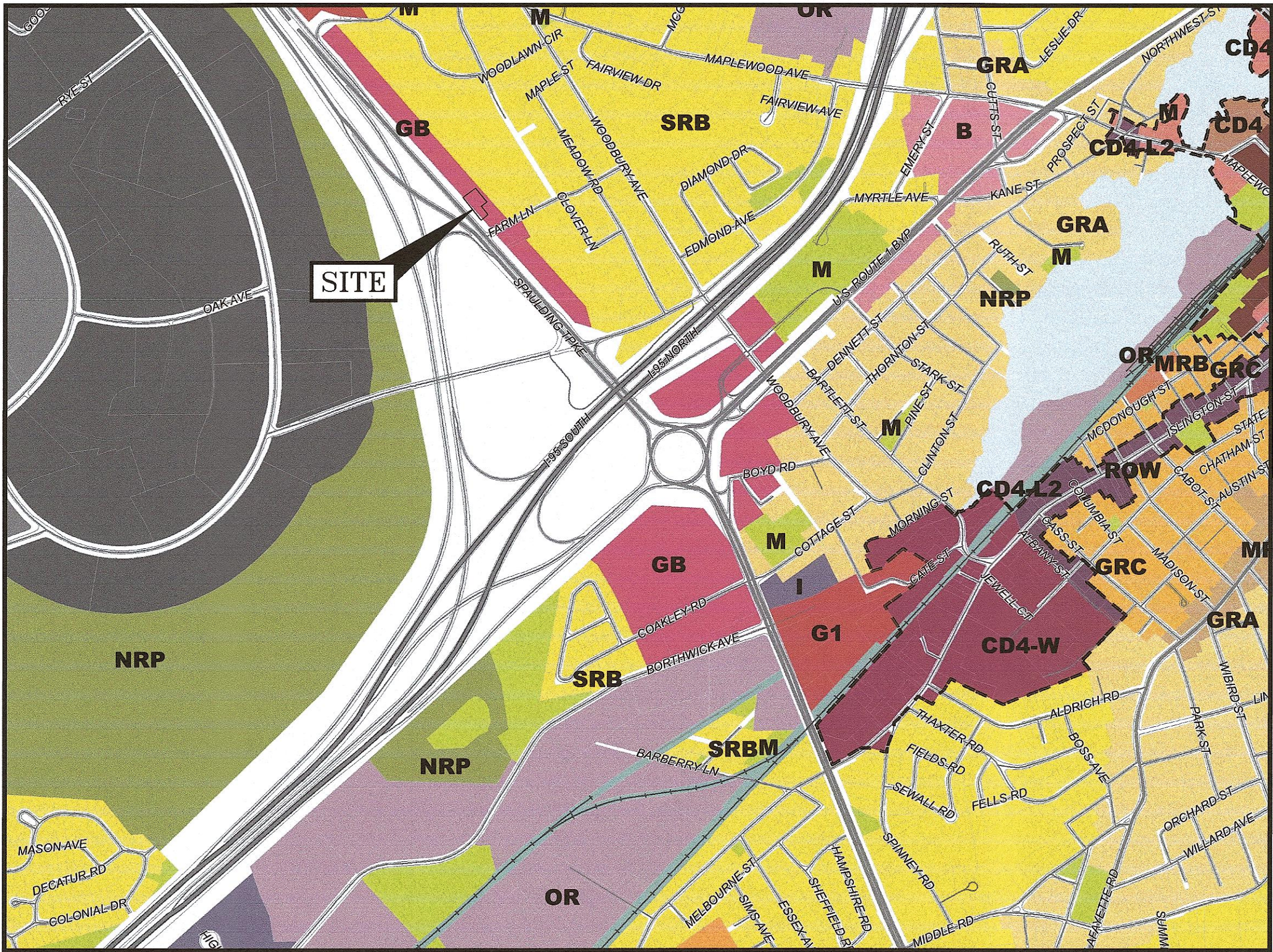
- R Rural
- SRA Single Residence A
- SRB Single Residence B
- GRA General Residence A
- GRB General Residence B
- GRC General Residence C
- GAMH Garden Apartment/Mobile Home Park

Mixed Residential Districts

- MRO Mixed Residential Office
- MRB Mixed Residential Business
- G1 Gateway Corridor
- G2 Gateway Center

Business Districts

- GB General Business
- B Business
- WB Waterfront Business



PORTSMOUTH ZONING MAP NTS

UTILITY CONTACTS

ELECTRIC:
EVERSOURCE
1700 LAFAYETTE ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 436-7708, Ext. 555.5678
ATTN: MICHAEL BUSBY, P.E. (MANAGER)

NATURAL GAS:
UNITIL
325 WEST ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 294-5144
ATTN: DAVE BEAULIEU

CABLE:
COMCAST
155 COMMERCE WAY
PORTSMOUTH, N.H. 03801
Tel. (603) 679-5695 (X1037)
ATTN: MIKE COLLINS

SEWER & WATER:
PORTSMOUTH DEPARTMENT OF PUBLIC WORKS
680 PEVERLY HILL ROAD
PORTSMOUTH, N.H. 03801
Tel. (603) 427-1530
ATTN: JIM TOW

COMMUNICATIONS:
CONSOLIDATED
COMMUNICATIONS
JOE CONSIDINE
1575 GREENLAND ROAD
GREENLAND, N.H. 03840
Tel. (603) 427-5525

LEGEND:

EXISTING	PROPOSED	
---	---	PROPERTY LINE
S	S	SETBACK
SL	SL	SEWER PIPE
G	G	SEWER LATERAL
D	D	GAS LINE
W	W	STORM DRAIN
WS	WS	WATER LINE
UGE	UGE	WATER SERVICE
OHW	OHW	UNDERGROUND ELECTRIC
	UD	OVERHEAD ELECTRIC WIRES
		FOUNDATION DRAIN
		EDGE OF PAVEMENT (EP)
		CONTOUR
		SPOT ELEVATION
		UTILITY POLE
		WALL MOUNTED EXTERIOR LIGHTS
		TRANSFORMER ON CONCRETE PAD
		ELECTRIC HANDHOLD
		SHUT OFFS (WATER/GAS)
		GATE VALVE
		HYDRANT
		CATCH BASIN
		SEWER MANHOLE
		DRAIN MANHOLE
		TELEPHONE MANHOLE
		PARKING SPACE COUNT
		PARKING METER
		LANDSCAPED AREA
		TO BE DETERMINED
		CAST IRON PIPE
		COPPER PIPE
		DUCTILE IRON PIPE
		POLYVINYL CHLORIDE PIPE
		REINFORCED CONCRETE PIPE
		ASBESTOS CEMENT PIPE
		VITRIFIED CLAY PIPE
		EDGE OF PAVEMENT
		ELEVATION
		FINISHED FLOOR
		INVERT
		SLOPE FT/FT
		TEMPORARY BENCH MARK
		TYPICAL
		WINDOW WELL



PORTSMOUTH APPROVAL CONDITIONS NOTE:
ALL CONDITIONS ON THIS PLAN SET SHALL REMAIN IN EFFECT IN
PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE CITY OF
PORTSMOUTH SITE PLAN REVIEW REGULATIONS.

APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN

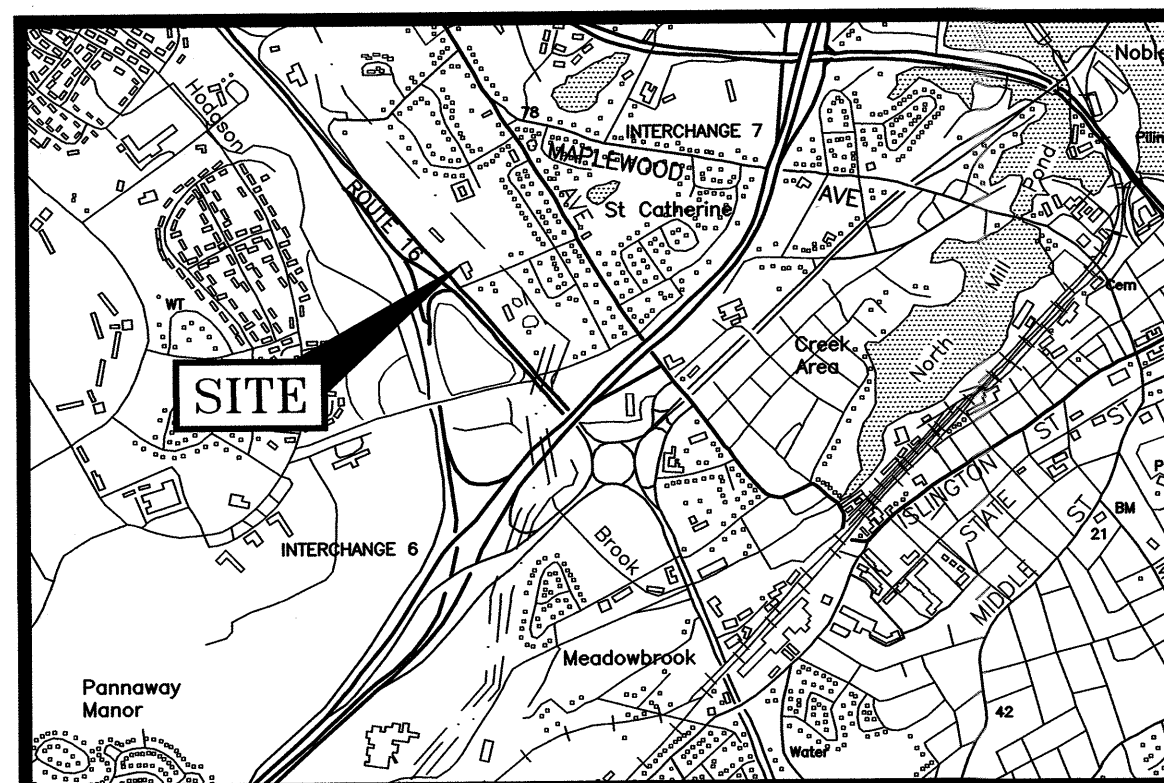
DATE

SITE DEVELOPMENT
SEACOAST MAZDA
180 SPAULDING TURNPIKE
PORTSMOUTH, N.H.



AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors
200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
Tel (603) 430-9282
Fax (603) 436-2315

PLAN SET SUBMITTAL DATE: 23 FEBRUARY 2021





1) PARCEL IS SHOWN ON THE PORTSMOUTH ASSESSOR'S TAX MAP 236 AS LOT 39.

2) OWNERS OF RECORD:

SPAULDING GROUP, LLC
180 SPAULDING TURNPIKE
PORTSMOUTH, NH 03801
5886/1774
PLAN REFERENCE 1

3) PARCEL IS NOT IN A SPECIAL FLOOD HAZARD AREA AS SHOWN ON FIRM PANEL 33015C0260E. EFFECTIVE 5/17/2005.

4) EXISTING LOT AREA:

54,384 S.F.
1.2485 ACRES

5) PARCEL IS LOCATED IN THE GENERAL BUSINESS (GB) ZONING DISTRICT.

6) DIMENSIONAL REQUIREMENTS:

MIN. LOT AREA:	43,560 SF
FRONTAGE:	200 FEET
SETBACKS:	FRONT 30 FEET
	SIDE 30 FEET
	REAR 50 FEET
MAXIMUM STRUCTURE HEIGHT:	60 FEET
MAXIMUM BUILDING COVERAGE:	30%
MINIMUM OPEN SPACE:	20%

7) THE PURPOSE OF THIS PLAN IS TO SHOW THE PROPOSED DESIGN IN SUPPORT OF A VARIANCE APPLICATION.

8) VERTICAL DATUM IS NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS ($\pm 0.2'$).

9) PROPOSED USE: SALES, LEASING, AND SERVICING OF VEHICLES.

10) PARKING CALCULATION:

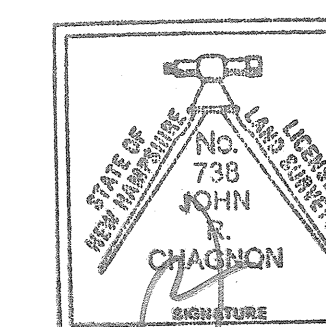
SECTION 11.10 SALES OF VEHICLES
15,852 S.F. GFA + 19,443 S.F. DISPLAY AREA.
REQUIRED: 1 PER 600 S.F. GFA + 1 PER 2,000 S.F. OUTSIDE DISPLAY AREA.
REQUIRED: 15,852/600 + 19,443 S.F./2,000
27+10=37 SPACES REQUIRED.
37 SPACES PROVIDED.

11) THERE ARE 11 UNSTRIPED PARKING SPACES IN THE GRAVEL AREA.

12) NO CHANGES TO EXTERIOR LIGHTING ARE PROPOSED. THERE WILL BE NO CHANGE TO THE CURRENT ON SITE PARKING OR DISPLAY AREA.

1	ISSUED FOR APPROVAL	2/23/20
0	ISSUED FOR COMMENT	12/5/20
NO.	DESCRIPTION	DATE

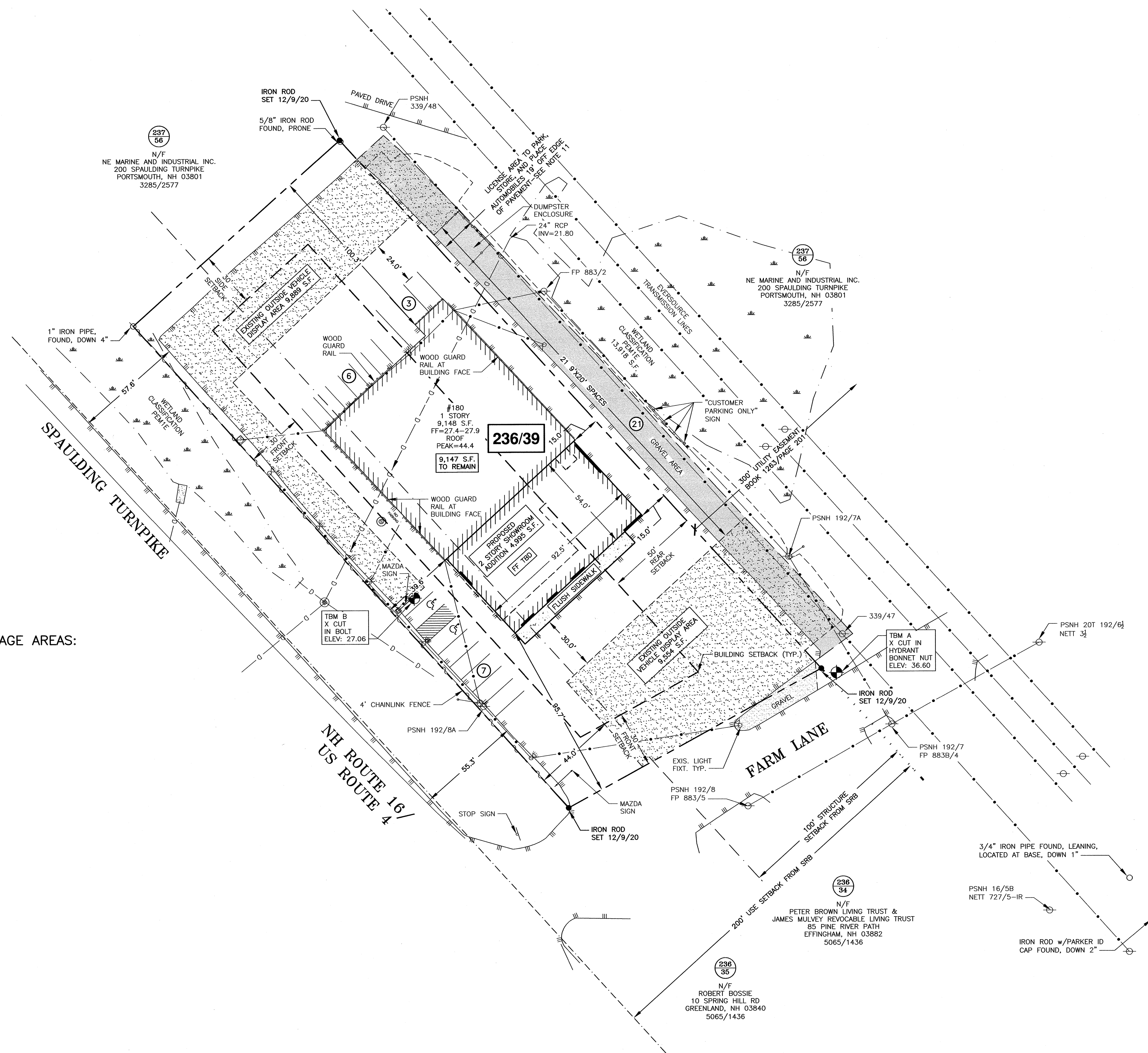
REVISIONS	
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SCALE: 1'=30' DECEMBER 2020

V1

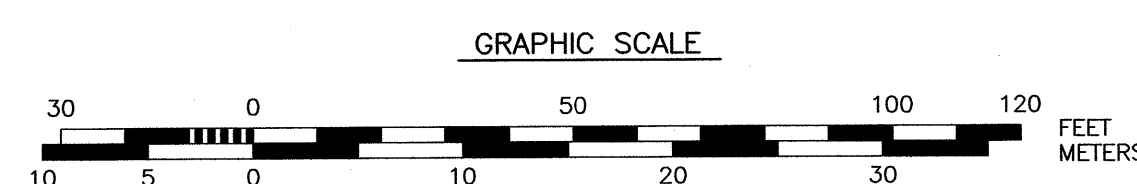
	3236
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APPROVED BY THE PORTSMOUTH ZONING BOARD

CHAIRMAN

DATE _____





	SEACOAST MAZDA PORTSMOUTH, NH	PROJECT NO. MAZ03.73	CHECKED CU	DATE FEB '21	REVISED	SCALE Not to Scale	ChangeUp <small>These drawings are for communication of design intent only. These drawings are to specify size, shape, color, features and proportions, and are not to be used as fabrication drawings.</small>	2056 Byers Rd. Dayton, OH 45342 Phone: 844.804.7700	DRAWING TITLE EXTERIOR RENDERING	DWG NO.
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CUT THIS PART OUT



SEACOAST MAZDA
PORTSMOUTH, NH

PROJECT NO.
MAZ03/73

CHECKED
CU

DATE
FEB '21

REVISED

SCALE
3/32"=1'-0"

ChangeUp
2056 Bwrs Rd | Dayton, OH 45342
Phone: 944-804-7700
These drawings are for informational purposes only. They are not to be used as a basis for construction. They are not to be used as a basis for construction. They are not to be used as a basis for construction.

DRAWING TITLE
EXTERIOR ELEVATIONS

DWG NO.
A-7

LEGEND

#	NOTE DESIGNATOR - REFER TO DRAWING NOTES ON THIS SHEET
EG-?	GRAPHICS DESIGNATOR - REFER TO "G" SERIES SHEETS
?-#	FINISH DESIGNATOR - REFER TO SCHEDULES ON A-4A AND A-4B SERIES SHEETS

GENERAL NOTES

- THE PURPOSE OF THESE DRAWINGS IS TO CONVEY THE DESIGN INTENT AND FINISH MATERIAL SPECIFICATIONS ONLY. THEY ARE NOT TO BE USED TO OBTAIN BUILDING PERMITS OR FOR ACTUAL CONSTRUCTION OF THE PROJECT. COMPLIANCE WITH LOCAL BUILDING ORDINANCES, FIRE REGULATIONS, ZONING CODES AND ADA REGULATIONS IS BEYOND THE SCOPE OF THESE DOCUMENTS.
- THE PROPOSED DESIGN SOLUTION MAY REQUIRE MODIFICATIONS BECAUSE OF JOB SPECIFIC INFORMATION REGARDING GRADING, UTILITIES, EASEMENTS, SETBACKS, WATER RETENTION, AND SITE ACCESS. ALL STRUCTURAL MODIFICATIONS MUST BE CAREFULLY ANALYZED BY A LICENSED STRUCTURAL ENGINEER AND MODIFIED/DESIGNED AS REQUIRED.
- COMPLIANT CONSTRUCTION DOCUMENTS ARE TO BE PREPARED BY LICENSED PROFESSIONALS WHO ARE WILLING TO ACCEPT RESPONSIBILITY FOR PROPER APPLICATION OF THESE INTENT DOCUMENTS.
- ALL SIGNAGE IS SHOWN FOR DESIGN INTENT ONLY. APPROVAL SUBJECT TO LOCAL JURISDICTION. ALL SIGNAGE PROVIDED BY MAZDA APPROVED VENDOR. SEE "EG" SERIES SHEETS FOR ADDITIONAL

INFORMATION. DEALER TO CONTACT THEIR REGIONAL DEALER DEVELOPMENT DEPARTMENT TO SCHEDULE SIGN SURVEY WITH MAZDA APPROVED SIGN VENDOR.

- ALL GRAPHICS AND WALL PANELS MAY REQUIRE BLOCKING OR OTHER POSITIVE FORM OF ANCHORAGE. COORDINATE WITH THE GRAPHICS VENDOR PRIOR TO CLOSING ANY WALL CAVITIES. SELECT SIGNS ARE ELECTRIFIED. REVIEW GRAPHICS SECTION OF THIS BOOK TO IDENTIFY WHICH GRAPHICS REQUIRE POWER.

- ELEVATIONS NOT SHOWN SHALL RECEIVE THE SAME OR COMPLEMENTARY FINISHES TO MATERIALS SHOWN.

- SEE SHEETS A-1B AND A-5A FOR LIGHTING DESIGN CRITERIA AND LIGHT FIXTURE SCHEDULE.

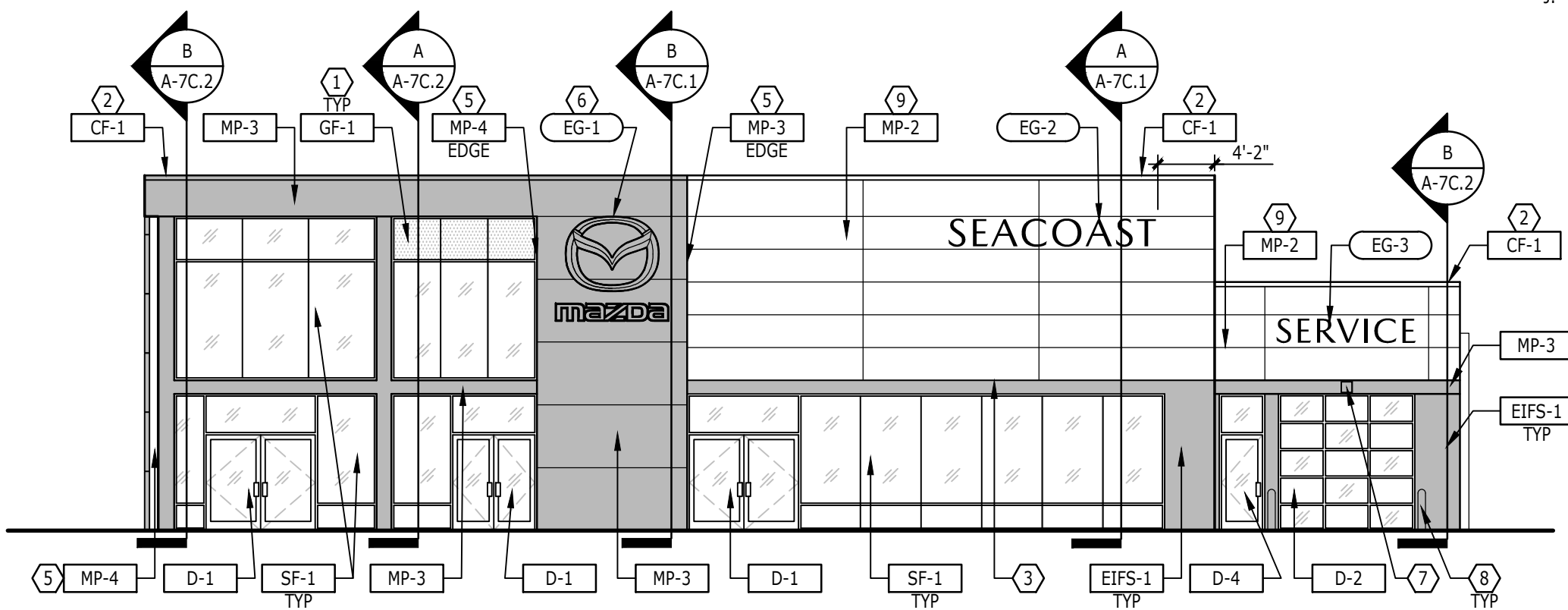
- EIFS SCORING AND JOINT LAYOUT PER MANUFACTURER REQUIREMENTS.

- ALL GUTTERS AND DOWNSPOUTS TO BE PAINTED TO MATCH ADJACENT WALL SURFACE.

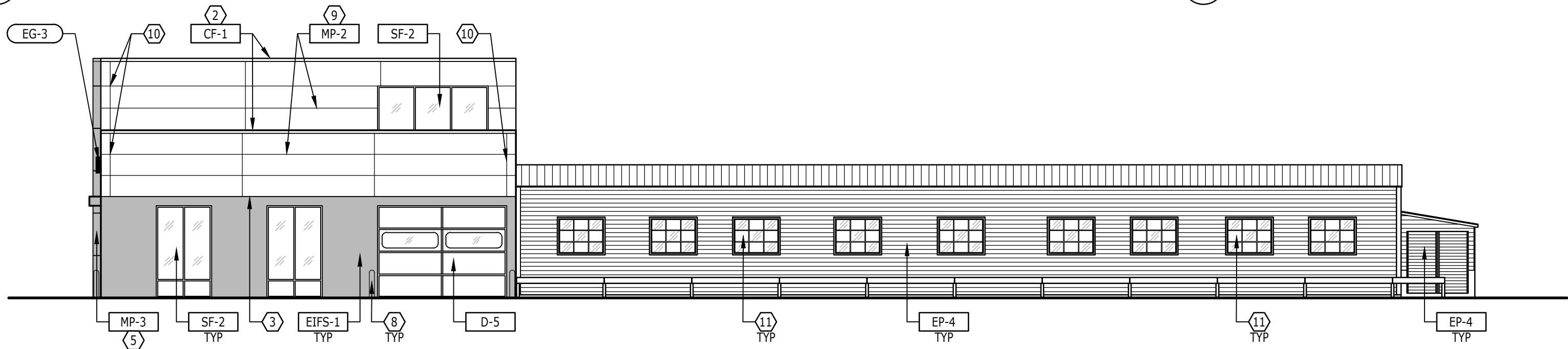
- SIGNAGE WILL REQUIRE A SEPARATE PERMIT APPLICATION.

DRAWING NOTES

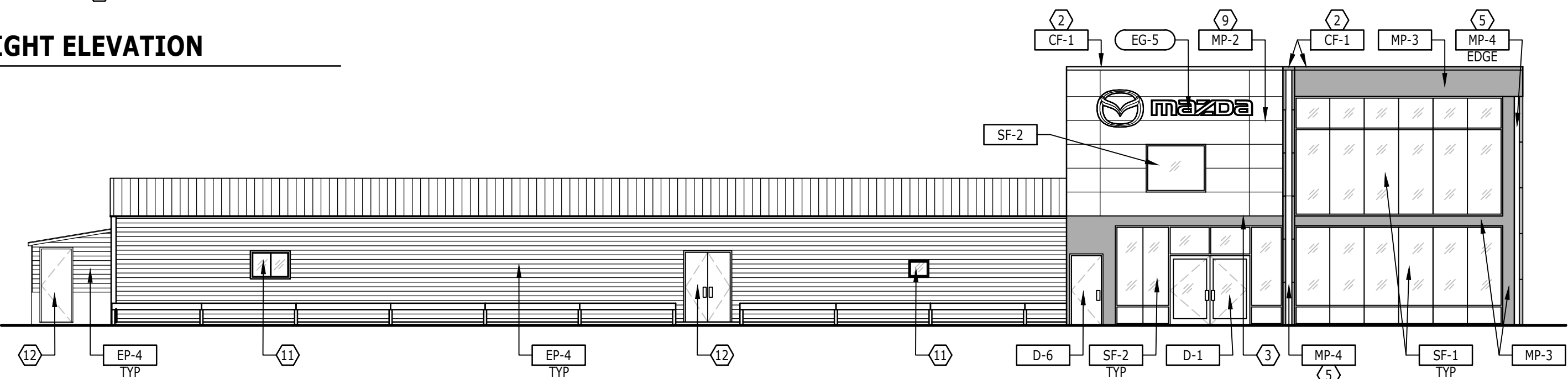
- GLASS FILM.
- METAL FLASHING TO MATCH ADJACENT MATERIAL COLOR. USE SIMILAR DETAIL TO CAPTURE BOTTOM EDGE OF METAL SIDING.
- ACM PANELS TO MEET EIFS BELOW PER MANUFACTURER REQUIREMENTS.
- NOT USED.
- SEE SHEET A-7C.1 FOR ACCENT PANEL DETAILS.
- MAZDA LOGO TO ALIGN WITH TOP OF WINDOW.
- STOP AND GO SIGNALS - X TYPE LIGHTS.
- BOLLARDS TO BE PAINTED PER LOCAL CODES.
- MUST MAINTAIN SPACING ON ACM PANELS AS SHOWN.
- ACM PANEL TO WRAP FROM FRONT AND BACK OF BUILDING TO SIDES.
- EXISTING WINDOW. FRAMES TO BE PAINTED BLACK.
- EXISTING DOOR TO BE PAINTED TO MATCH ADJACENT WALL.



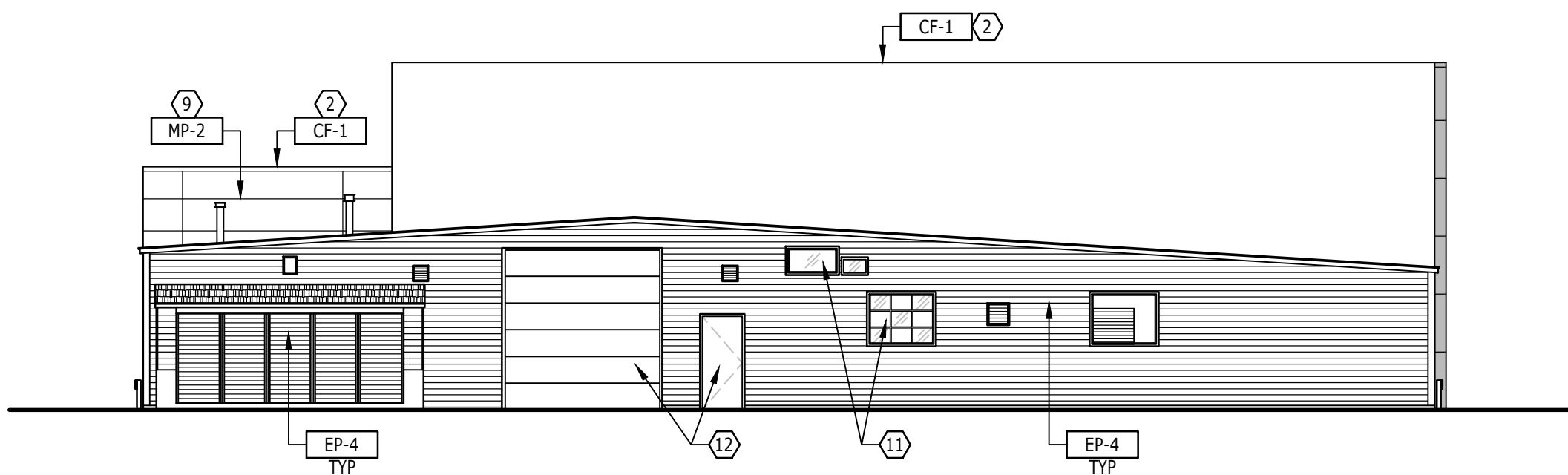
1 FRONT ELEVATION



2 RIGHT ELEVATION



3 LEFT ELEVATION



4 REAR ELEVATION

CUT THIS PART OUT

Exhibit B

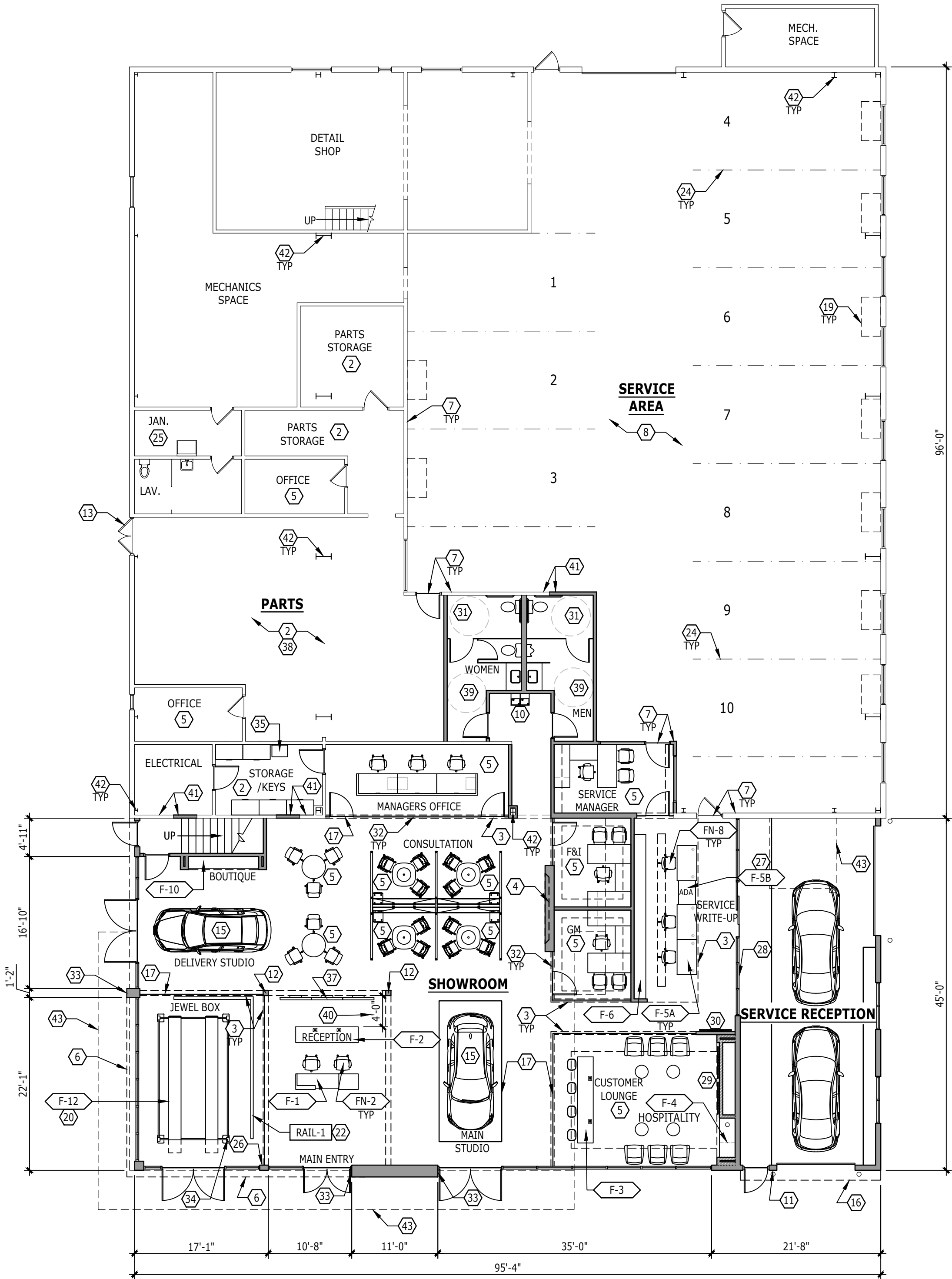
LEGEND	
#	NOTE DESIGNATOR - REFER TO DRAWING NOTES ON THIS SHEET
F-#	FIXTURE ITEM - REFER TO "F" SHEETS
FN-#	FURNITURE ITEM - REFER TO SHEET A-3
?-#	FINISH DESIGNATOR - REFER TO SCHEDULES ON A-4A AND A-4B SERIES SHEETS
	NEW FULL HEIGHT PARTITIONS/WALLS
	LOW WALLS OR PARTITIONS
	EXISTING WALLS

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- B. THE PROPOSED DESIGN SOLUTION MAY REQUIRE MODIFICATIONS DUE TO JOB SPECIFIC INFORMATION REGARDING GRADING, UTILITIES, EASEMENTS, SETBACKS, WATER RETENTION, AND SITE ACCESS. ALL STRUCTURAL MODIFICATIONS MUST BE CAREFULLY ANALYZED BY A LICENSED STRUCTURAL ENGINEER AND MODIFIED/DESIGNED AS REQUIRED.
- C. COMPLIANT CONSTRUCTION DOCUMENTS ARE TO BE PREPARED BY LICENSED PROFESSIONALS WHO ARE WILLING TO ACCEPT RESPONSIBILITY FOR PROPER APPLICATION OF THESE INTENT DOCUMENTS.
- D. BUILDING CONFIGURATION, ROOM SIZES AND SHAPES ARE ALL SHOWN FOR DESIGN INTENT PURPOSES AS A GUIDELINE ONLY. ALL CRITICAL DIMENSIONING SHALL BE PERFORMED BY A LICENSED PROFESSIONAL AS PART OF CONTRACT DOCUMENT PREPARATION.
- E. DEALER'S ARCHITECT TO CONTACT THE MAZDA AUTHORIZED SERVICE EQUIPMENT PROGRAM FOR ON-SITE DEALER CONSULTATION AND RECOMMENDED SPECIAL TOOLS AREA LAYOUT. PH: (877) 768-6657.
- F. FOR JEWEL BOX LIFT DISPLAY "FUSE DISCONNECT", DEALER'S ARCHITECT TO CONFIRM LOCAL CODE AND REQUIREMENTS.
- G. ARCHITECT AND GC TO CONFIRM THAT THERE ARE NO EXPOSED EXISTING CMU-1 WALLS IN ANY CUSTOMER CONTACT AREAS, FUR OUT WALLS WITH GYPSUM BOARD, AS APPLICABLE.

DRAWING NOTES

1. NOT USED.
2. STORAGE UNITS LAYOUT AND QUANTITY BY OWNER.
3. LINE OF SOFFIT ABOVE.
4. FEATURE WALL. SEE SHEET A-2C FOR DETAILS.
5. REFER TO FURNITURE LAYOUT PLAN ON SHEET A-3.
6. LINE OF FASCIA ABOVE.
7. FIRE RATED WALL - FIRE SHUTTERS OR FIRE RATED WINDOW WALL MAY BE REQUIRED.
8. SERVICE BAY LIFT AND ALIGNMENT RACK LAYOUTS BY OWNER.
9. NOT USED.
10. ELECTRIC WATER COOLER - SUPPLY ONE FOR ADA ACCESSIBILITY.
11. OPTIONAL "EARLY BIRD" NIGHT DROP INTEGRATED INTO FACADE.
12. SUGGESTED STRUCTURAL COLUMN LAYOUT. ALL LAYOUTS TO BE CERTIFIED BY A LICENSED PROFESSIONAL.
13. PARTS DOOR.
14. NOT USED.
15. VEHICLE LOCATION - MAINTAIN LOCATION.
16. LINE OF CANOPY ABOVE.
17. FLOOR FINISH TRANSITION. SEE SHEET A-4.1.
18. NOT USED.
19. TECH TOOL STORAGE CABINET BY OWNER.
20. CAR LIFT.
21. NOT USED.
22. DISPLAY LIFT RAILING/GLICK RAIL. PORTIONS OF RAIL MAY BE REMOVABLE TO FACILITATE SHOWROOM VEHICLE ACCESS.
23. NOT USED.
24. DEFINES SERVICE STALL AREA.
25. MOP SINK.
26. JEWEL BOX LIFT DISPLAY "FUSE DISCONNECT" RECOMMENDED LOCATION. SEE GENERAL NOTE "F".
27. ARCHITECT TO CONFIRM ADA REQUIREMENTS FOR SERVICE ADVISOR COUNTER.
28. GC TO PROVIDE AND CONFIRM ADDITIONAL POWER/DATA CABLE FOR FUTURE MONITOR LOCATION (APPROX. 25'). EXACT LOCATION TBD. (SERVICE DRIVE)
29. (2) 55" TV/MONITORS. POWER/DATA TO BE AT 60" A.F.F. (CUSTOMER LOUNGE)
30. VIDEO MONITOR. CENTER OF MONITOR TO BE AT 72" A.F.F. (SERVICE WRITE-UP)
31. ALL CUSTOMER RESTROOMS TO HAVE RE STANDARD FINISHES PER DID.
32. FULL HEIGHT FRAMELESS GLASS PANELS. CHROME FINISH TRACK ON TOP AND BOTTOM AS REQUIRED. FILM APPLIED AT +36" A.F.F., TYP.
33. SEE SHEET A-7C FOR ACCENT PANEL DETAILS.
34. LOCATION OF POWER FOR BENDPAK LIFT IN JEWEL BOX. RIGHT SIDE JEWEL BOX (SHOWN) - UPPER RIGHT; LEFT SIDE JEWEL BOX - LOWER LEFT.
35. KEY BOX.
36. NOT USED.
37. (9) MONITORS TO BE INSTALLED BEFORE INSTALLATION OF RECEPTION DESK. RECOMMENDED: ADD PLYWOOD BACKING ON ENTIRE BACK WALL BEHIND (9) MONITORS.
38. AREA MUST BE EXCLUSIVE FOR MAZDA PARTS STORAGE.
39. BABY CHANGING TABLES IN RESTROOMS.
40. RECEPTION STATION TO BE PLACED 4'-0" IN FRONT OF (9) MONITORS SOFFIT
41. ALIGN WITH FACE OF EXISTING CONSTRUCTION.
42. EXISTING COLUMN. LICENSED PROFESSIONAL TO VERIFY EXACT LOCATION.
43. LINE OF EXISTING BUILDING/CANOPY TO BE DEMOLISHED.



CUT THIS PART OUT

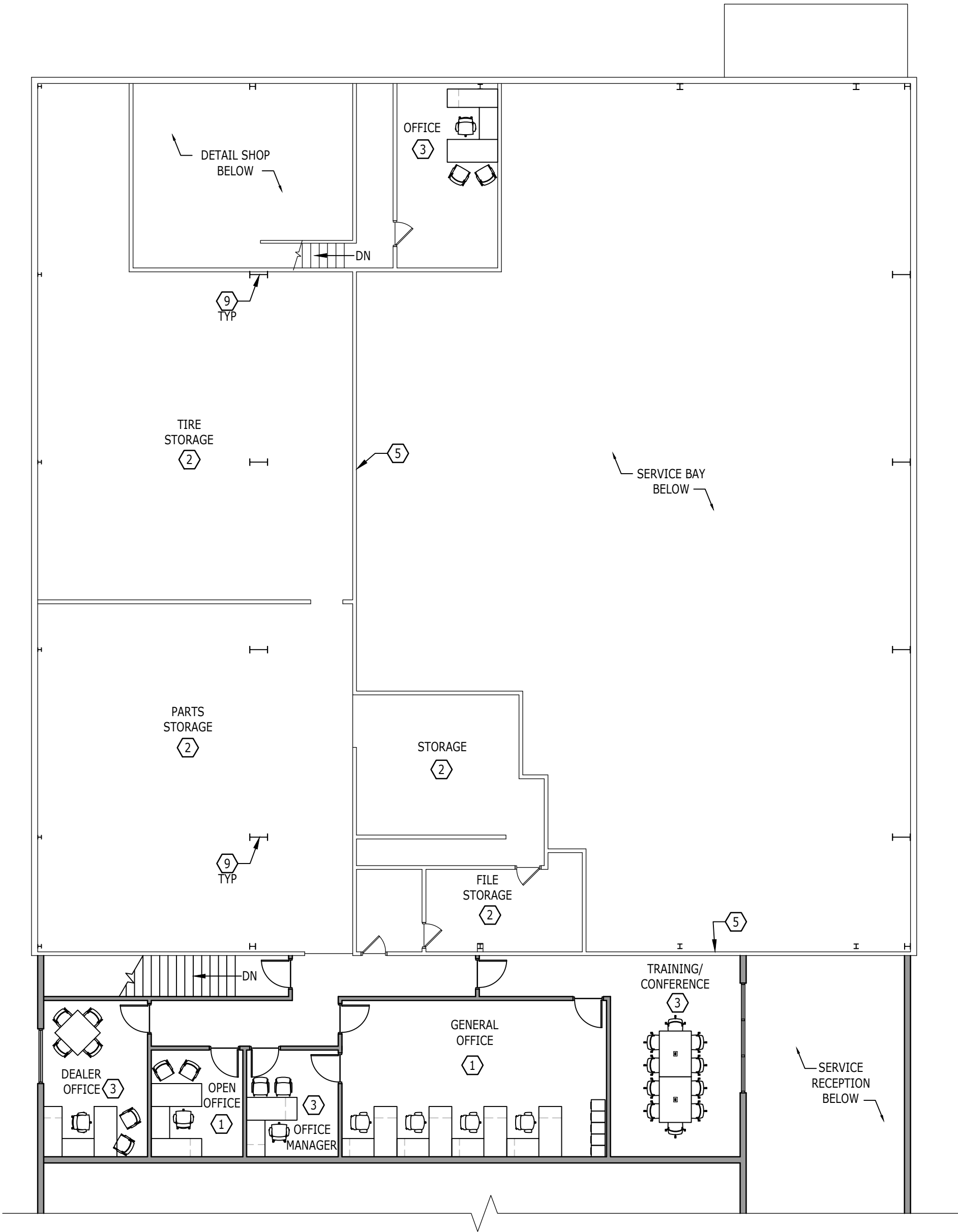
LEGEND	
#	NOTE DESIGNATOR - REFER TO DRAWING NOTES ON THIS SHEET
▬	NEW FULL HEIGHT PARTITIONS/WALLS
▬▬	EXISTING WALLS

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DRAWING NOTES

1. OFFICE FURNISHING LAYOUT BY OWNER. ITEMS CAN BE SELECTED FROM SPECIFIED FURNITURE SYSTEM.
2. STORAGE UNITS LAYOUT AND QUANTITY BY OWNER.
3. REFER TO FURNITURE LAYOUT PLAN ON SHEET A-3.
4. NOT USED.
5. FIRE RATED SEPARATION WALL.
6. NOT USED.
7. NOT USED.
8. NOT USED.
9. EXISTING COLUMN. LICENSED PROFESSIONAL TO VERIFY EXACT LOCATION.



Seacoast Mazda ZBA Application

Current Site Photos



Front Left



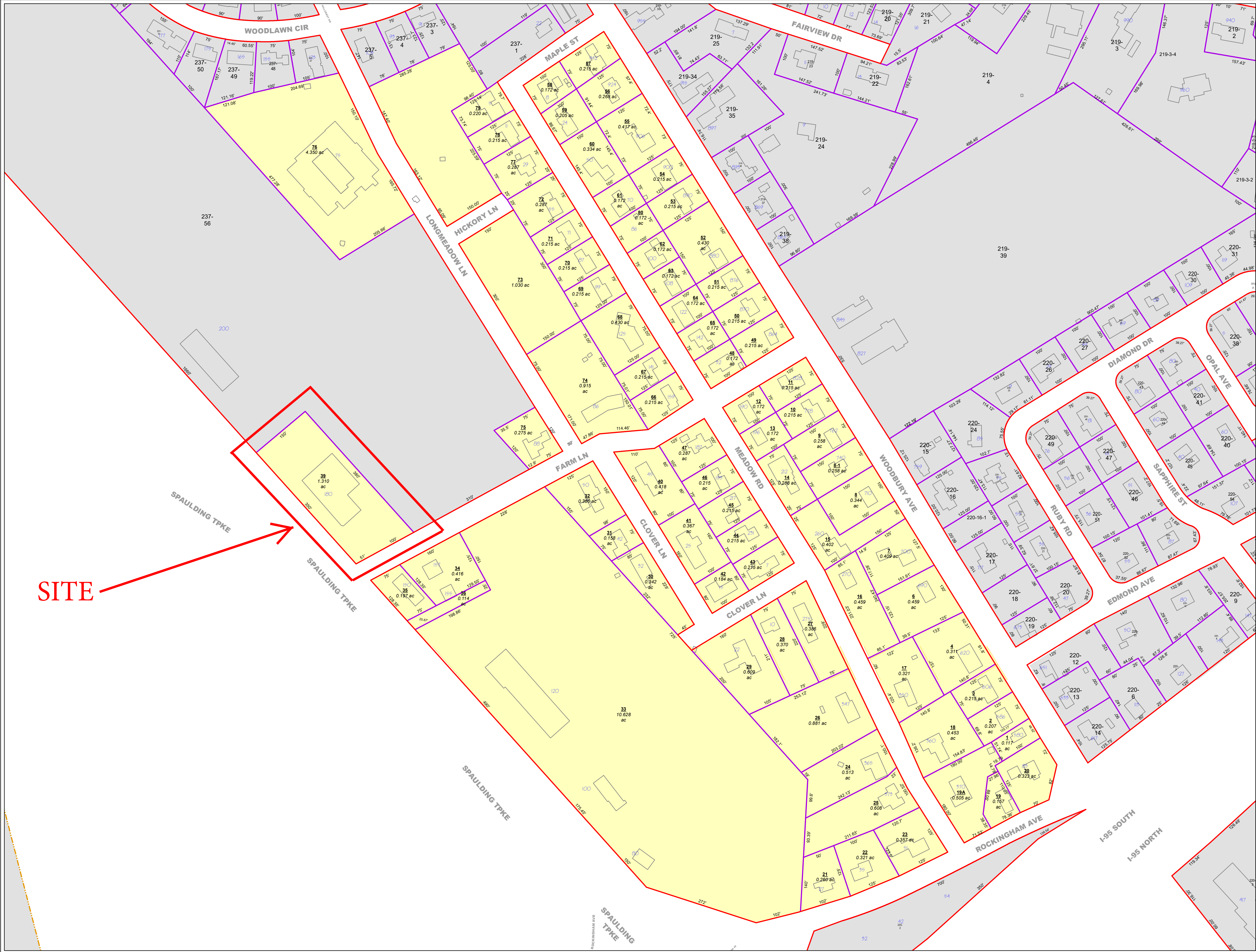
Front Right



Rear Right



Rear Left

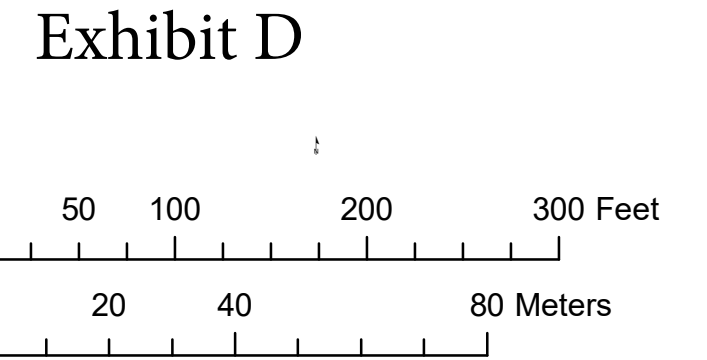


Partial Legend
See the cover sheet for the complete legend.

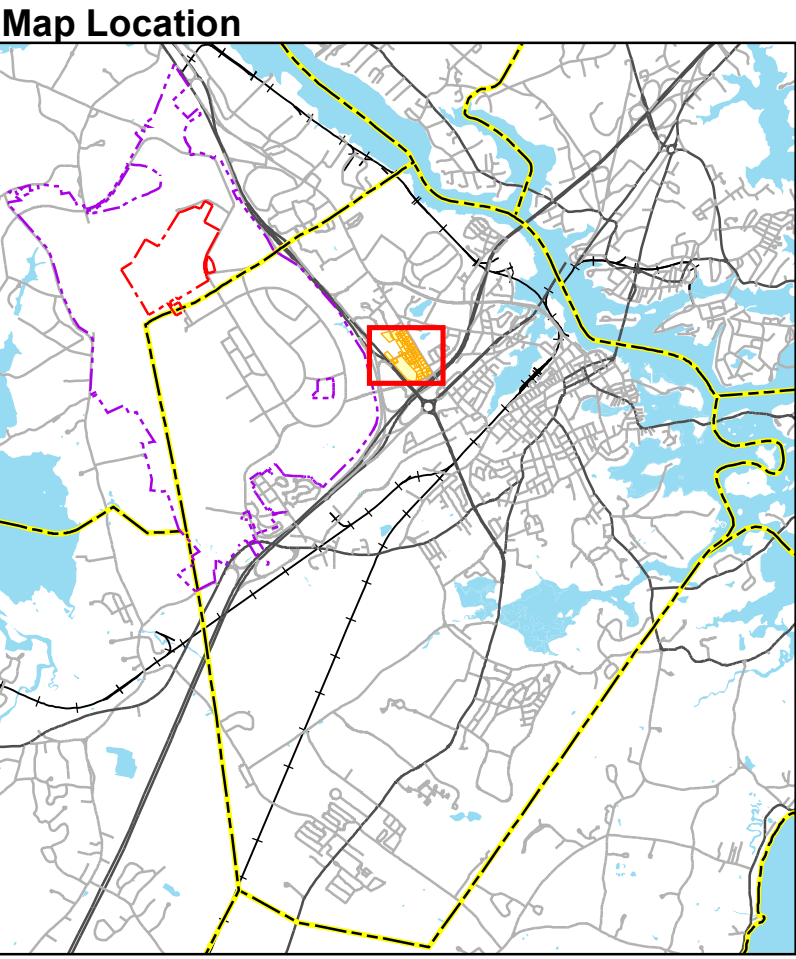
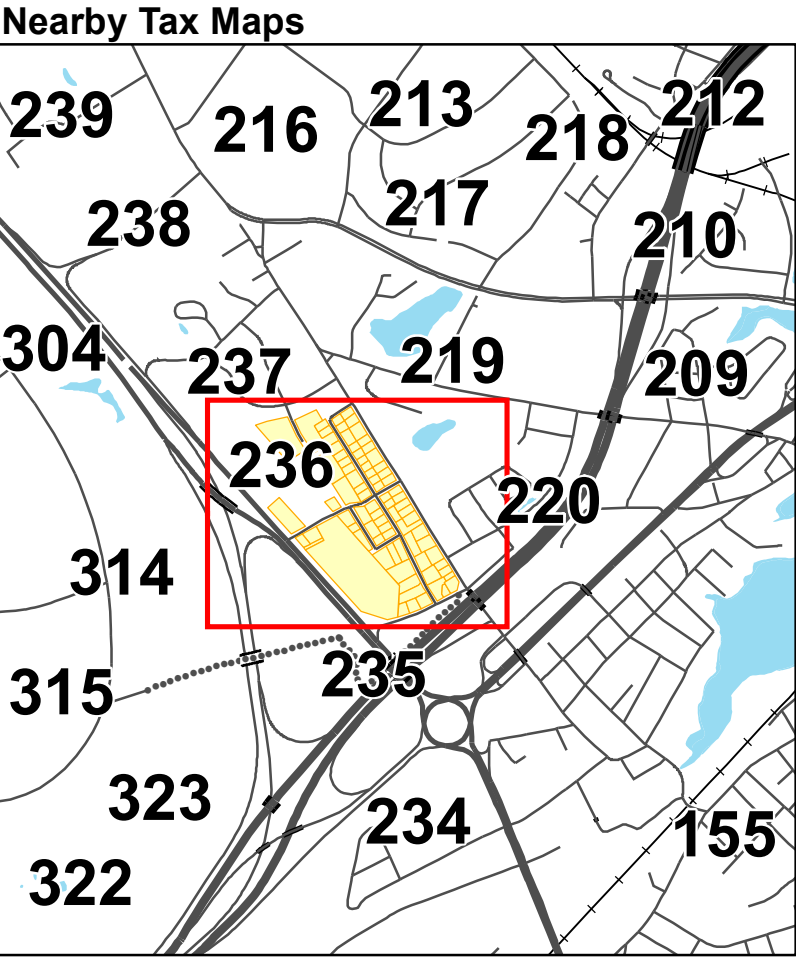
7-5A Lot or lot-unit number
2.56 ac Parcel area in acres (ac) or square feet (sf)
23 Address number
233-137 Parcel number from a neighboring map
68' Parcel line dimension
Sims Ave Street name

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.



Tax Map 236





111 Bow Street
Portsmouth, NH 03801
603.427.0700
margaret@bowstcommercial.com

February 22, 2021

Chairman David Rheaume
City of Portsmouth
Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, New Hampshire 03801

Re: Variance Request – 180 Spaulding Turnpike

Dear Chairman Rheaume and Members of the Zoning Board,

I have been engaged by the Spaulding Group, LLC, owner of the property located at 180 Spaulding Turnpike with regard to the proposed improvements to the site and request for a variance. Mr. Tim Ackerman, Member of the Spaulding Group and owner of Seacoast Mazda, has asked me to provide my professional broker's opinion as to whether the proposed improvements to his existing auto dealership building would in any way diminish the surrounding property values.

I have been a commercial real estate broker in the seacoast New Hampshire market for over 23 years. I began my career in commercial real estate in 1998 with The Kane Company. Beginning In 2000, I worked for thirteen years as a Vice President/Partner of the CBRE| Portsmouth office. For the last seven years, I have owned my own commercial real estate firm in downtown Portsmouth, as Margaret O'Brien Realty and now Bow Street, LLC. During my career in the commercial real estate industry, I successfully completed transactions with total consideration in excess of \$600 Million. I have been a top performer in the New Hampshire commercial real estate market for many years. I specialize in office, industrial and retail leasing, property acquisition and disposition. In addition, having worked in the Portsmouth market for more than 20 years, I am very familiar with the impact of commercial development on the residential market.

In reviewing the proposed improvements to the Seacoast Mazda property, I have visited the site and reviewed the plans prepared by Ambit Engineering, dated February 2021 along with the Exterior Rendering and Exterior Elevations plans prepared by ChangeUp.

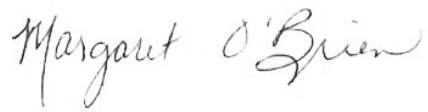
The Seacoast Mazda building is a 1960s vintage structure that has not seen any material improvement since it was constructed. The Seacoast Mazda property is over 300 feet from the nearest residential property and is flanked on both sides by commercial uses. The location of the property directly off the Spaulding Turnpike is and has always been a highly visible location for car dealerships, including the much larger Port City Nissan dealership and the Portsmouth Ford dealership. There is a substantial buffer between the subject property and the nearest residential properties that is afforded by the existence of significant electrical transmission lines. The front yard of the Seacoast Mazda property is on the side of the Spaulding Turnpike. The rear of the property abuts the New England Marine and Industrial property which has its access driveway off Farm Lane. The frontage of this property on Farm Lane is approximately 310 feet and at this location the property is fully encumbered by the transmission line easement which again creates a very significant buffer of the subject property to the nearest residences on Farm Lane and Meadow Road.

We recently saw the development by Green & Company of three new single- family residences at 32 and 42 and 54 Rockingham Avenue. These approx. 2700 +/- SF homes recently sold in February 2021 for \$645,000, \$639,000 and \$600,000 respectively. This development is adjacent to Port City Nissan and much closer to the Spaulding Turnpike than any residential properties are to the Seacoast Mazda dealership. The sale and value received for these properties was not adversely impacted by their proximity to Port City Nissan or the Spaulding Turnpike.

In my opinion, given the strong residential sales mentioned above, along with the fact that the improvements to the Seacoast Mazda building will be giving the property a much needed updating and refresh, the proposed improvements will certainly be viewed positively by both the commercial and residential marketplace and in no way would diminish the surrounding property values.

Please feel free to contact me directly if you have any follow up questions or concerns.

Sincerely,

A handwritten signature in cursive script that reads "Margaret O'Brien".

Margaret O'Brien
Principal Broker
Bow St, LLC
111 Bow Street
Portsmouth, NH 03801
Office: 603-427-0700
Cell: 603-828-7245
margaret@bowstcommercial.com