

APPLICATION OF GIRI HOTEL MANAGEMENT, LLC
505 U.S. ROUTE 1-BYPASS
Map 234, Lot 5

APPLICANT'S NARRATIVE

A. The Project.

The Applicant, Giri Hotel Management, LLC, owns and operates the Port Inn located at 505 U.S. Route 1 Bypass. According to the City tax records, the motel was built in 1957 and has fifty-six rooms with associated parking. The structure is severely outdated for the modern traveler. This property has unique site constraints in that it is a corner lot bound by two streets to the front and Hodgson Brook to the rear.

The proposed project consists of the demolition of the existing motel and the construction of a five story, 124 key hotel that will operate under the Cambria brand. The hotel will have first floor parking and a one-story Starbucks restaurant with an accessory drive-through. The project will include associated site improvements such as parking, pedestrian access, utilities, stormwater management, lighting, and landscaping.

The proposal includes two (2) driveways off Coakley Road. The main driveway will be a two-way access that is approximately 415 feet west of the Coakley Road/Route 1 Bypass intersection and will reduce the width of a large curb cut that exists there today. The secondary driveway will be a one-way exit only that will utilize an existing curb at the north corner of the property. An existing curb cut on Route 1 Bypass and an existing curb cut on Coakley Road are eliminated as part of this design.

The proposed parking and buildings have been sited in a manner such that all impervious surfaces will be removed within twenty-five feet of Hodgson Brook and all buildings will be removed within 50 feet of Hodgson Brook. The project will require a CUP from the Planning Board for a reduction in the parking requirement through use of a parking demand analysis. Per the City of Portsmouth zoning, this project would require 179 parking spaces. However, utilizing data from the Institute of Transportation Engineers (ITE) Parking Generation Manual for a preliminary parking demand analysis, the average peak parking demand for this project is 112 spaces where 112 are provided. This reduction in the parking required will not only eliminate unnecessary impervious surface but also will be beneficial for the implementation of buffer improvements along Hodgson Brook.

Overall, this concept will reduce impervious surface within the 100-foot wetlands buffer by approximately 6,750 SF and incorporates opportunities for buffer enhancement along the brook. The proposed project will also enhance water quality with the addition of stormwater treatment practices that do not currently exist on the site. The project is anticipated to incorporate a stormwater management system that will provide pretreatment via offline deep sump catch basins with oil separator hoods and collected in an underground

detention system prior to flowing through a stormwater filtration device that will provide stormwater treatment.

This project will require the following variances:

- (a) – For a reduction in off street parking distance from front lot line per 10.1113.41
- (b) – For a reduction in dumpster location from lot line per 10.575
- (c) – For a reduction in drive-through/Bypass lands distance from lot line per 10.835.32
- (d) – For reduction in menu board and speaker distance from front line lot per 10.835.31
- (e) – For parking spaces between a principal building and a street per 10.1113.20

Hotels are permitted in the General Business zone by special exception. §10.440.10.40. Given that a motel currently operates on this site, the Applicant believes the requested relief is reasonable given the site's existing conditions and the significant environmental benefit the project will provide for Hodgson's Brook.

B. The Special Exception.

The Applicant believes the proposal easily meets the criteria for the necessary special exception. Those criteria are set forth in the ordinance at §10.232.20.

First, the use proposed here, "hotel," is permitted within this district by special exception, see §10.440 Table of Uses, no. 10.40. §10.232.10.

Second, the proposed use will pose no hazard to the public or adjacent properties on account of potential fire, explosion or release of toxic materials. §10.232.22. No explosives, toxic materials or unusual accelerants will be stored on site. To the best knowledge of the Applicant, there has never been any fire, explosions, or release of toxic materials at this location since the hotel was built in 1957.

Third, there will be no detriment to property values in the vicinity or change in the essential characteristics of any area including residential neighborhoods or business and industrial districts on account of the location or scale of buildings and other structures, parking areas, accessways, odor, smoke, gas, dust, or other pollutant, noise, glare, heat, vibration, or unsightly outdoor storage of equipment, vehicles or other materials. §10.232.23. A motel has existed on this site since 1957 and is surrounded by other hotels and commercial uses. This project will therefore cause no detriment to property values or change the essential characteristics of the neighborhood.

Fourth, there will be no creation of a traffic safety hazard or a substantial increase in the level of traffic congestion in the vicinity. §10.232.23. The existing use is comprised of a motel. The proposed project will require Site Plan Review from the Planning Board and a

Driveway Permit from the New Hampshire Department of Transportation (NHOT), where a Traffic Impact Study will be required for approval. The project will also require a CUP from the Planning Board for parking. Utilizing data from the ITE Parking Generation Manual for a preliminary parking demand analysis, the average peak parking demand for a 124-key hotel is 99 spaces and the average peak parking demand for Starbuck's is 13 spaces. Based on this, the total peak parking demand for the project is 112 spaces which is provided on Site Plan.

Fifth, there will be no excessive demand on municipal services, including, but not limited to, water, sewer, waste disposal, police and fire protection and schools. §10.232.24. None of these services will be implicated by this proposal.

Finally, the project will result in no significant increase of stormwater runoff onto adjacent property or streets. §10.232.25. Currently, the motel is built right up to Hodgson's Brook. The Applicant intends to remove all buildings within 50 feet of Hodgson Brook and all pavement within 25 feet of Hodgson Brook resulting in a significant improvement over the existing condition. The site currently has no stormwater treatment either. However, as part of the site improvements for this project, the Applicant will collect and treat all stormwater before it goes into Hodgson Brook.

C. The Variances.

The Applicant submits that the proposal meets the criteria for granting 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.

The proposed use fits in well with the mix of hotels and other commercial uses characteristic of this neighborhood. A new, modern code compliant hotel will improve the health, safety and welfare of the public. Further, the enhancements to Hodgson's Brook support this conclusion. Health, safety and welfare of the public will thus be enhanced by this project. The project will require further review and approval by the Planning Board (and review by the Conservation Commission further assuring the public health, safety and welfare will be adequately preserved.

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.

In this case, there is no benefit to the public in denying the variances that is not outweighed by the hardship upon the owner. The existing motel already violates many of the sections of the zoning ordinance the Applicant here seeks relief from. The project was designed to site the building and structures as far away from Hodgson's Brook as possible. Impervious surface adjacent to the brook of 6,750 square feet will be removed and stormwater management infrastructure will be introduced. With respect to the relief needed for the Starbucks menu board, the fact that the speaker itself will be adjacent to the highway alleviates the noise concerns the ordinance seeks to protect against.

Accordingly, the loss to the applicant clearly outweighs any gain to the public if the Applicant were required to conform to the ordinance.

The values of surrounding properties will not be diminished by granting the variance. The proposal will bring a modern, state of the art, code compliant hotel to the property. The area is already surrounded by similar uses so the values of surrounding properties will not be negatively affected in any way.

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 has unique site constraints because it is a corner lot bound by two streets to the front and Hodgson Brook, an impaired waterway, to the rear. The existing condition is non-compliant with respect to front building setback (15ft provided where 30ft is required); parking setback from the front lot line (1ft provided where 40ft is required); and parking is located between a principal building and street along both frontages. Runoff from existing impervious surfaces directly discharge to Hodgson Brook without any stormwater treatment. The existing built environment impacts the 100ft wetland buffer adjacent to Hodgson Brook with buildings and parking. The existing condition includes approximately 36,000 SF of total impervious surface impact within the 100ft buffer. Within that total wetland buffer impact, approximately 4,000 SF is located within the 25ft of Hodgson Brook where the ordinance seeks to provide a 25ft natural vegetated buffer strip. Also, structures are located within the 50ft wetland buffer with existing buildings setback as close as 24ft from the brook. While the proposed project seeks similar relief to the existing conditions for parking, the proposed project will now comply with front building setback requirements and more importantly will provide a meaningful environmental improvement to Hodgson Brook. The proposed project will result in a 18% net overall reduction of impervious surface within the 100ft wetland buffer. The proposed condition will remove all impervious surfaces within 25ft of Hodgson Brook and return those areas to a natural vegetated buffer strip that consists of native plantings. The proposed condition will locate all proposed buildings greater than 50ft from Hodgson Brook. In addition, the project's stormwater management system will collect and treat all runoff generated by impervious surfaces on the property before it is discharged to the brook. Compliance with the ordinance would prevent these meaningful improvements to Hodgson Brook.

The use is a reasonable use. The proposed hotel use is permitted by special exception in this Zone and is consistent with the intent of the General Business zone and the existing use. The Starbucks restaurant is permitted in this zone as well.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. All of the variance relief here requested is driven by existing site restraints and the applicant's desire to provide meaningful improvements to Hodgson's Brook.

Accordingly, the relief requested here would not in any way frustrate the purpose of the ordinance and there is no fair and substantial relationship between the purpose of these requirements and their application to this property.

D. Conclusion.

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

Respectfully submitted,

Dated: December 27, 2023

By: /s/ John K. Bosen
John K. Bosen, Esquire

SITE DATA:
 LOCATION: TAX MAP 234, LOT 5
 505 USA ROUTE 1-BYPASS
 PORTSMOUTH, NEW HAMPSHIRE

ZONING DISTRICT: GENERAL BUSINESS
 PRINCIPAL USE: HOTEL⁽¹⁾, FAST FOOD RESTAURANT
 ACCESSORY USE: DRIVE-THROUGH⁽²⁾

DIMENSIONAL REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
MINIMUM LOT AREA	1 ACRE	±2.56 ACRES	±2.56 ACRES
CONTIGUOUS STREET FRONTAGE	200 FT	±225 FT	±225 FT
MINIMUM FRONT YARD	30 FT	±15 FT	±36 FT
MINIMUM SIDE YARD	30 FT	±32 FT	±87 FT
MINIMUM REAR YARD	50 FT	±87 FT	±136 FT
MAXIMUM BUILDING HEIGHT	60 FT	<60 FT	<60 FT
BUILDING COVERAGE	30%	±10.8%	±16.86%

DIMENSIONAL REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
MINIMUM PARKING SETBACK FROM FRONT LOT LINE:	40 FEET	±1 FT	±1 FT ⁽³⁾
DUMPSTER SETBACK FROM LOT LINE:	10 FEET	±17 FT	±1 FT ⁽⁴⁾

DRIVE-THROUGH REQUIREMENTS:	REQUIRED	EXISTING	PROPOSED
MINIMUM DRIVE-THROUGH/BYPASS LANES DISTANCE FROM LOT LINE:	30 FT	N/A	±1 FT ⁽⁵⁾
MINIMUM TRANSACTION WINDOW, MENU BOARD, AND SPEAKER LOCATION FROM LOT LINE:	50 FT	N/A	±37 FT ⁽⁶⁾

- (1) - HOTEL USE ALLOWED THROUGH A SPECIAL EXCEPTION
- (2) - CONDITIONAL USE PERMIT REQUIRED FOR DRIVE-THROUGH FACILITY AS AN ACCESSORY USE
- (3) - ZONING RELIEF REQUIRED FOR A REDUCTION IN OFF STREET PARKING DISTANCE FROM FRONT LOT LINE PER 10.1113.41
- (4) - ZONING RELIEF REQUIRED FOR A REDUCTION IN DUMPSTER LOCATION FROM LOT LINE PER 10.575
- (5) - ZONING RELIEF REQUIRED FOR A REDUCTION IN DRIVE-THROUGH/BYPASS LANES DISTANCE FROM LOT LINE PER 10.835.32
- (6) - ZONING RELIEF REQUIRED FOR A REDUCTION IN MENU BOARD AND SPEAKER DISTANCE FROM FRONT LOT LINE PER 10.835.31
- (7) - CONDITIONAL USE PERMIT REQUIRED FOR WORK WITHIN WETLAND BUFFER
- (8) - ZONING RELIEF REQUIRED FOR PARKING SPACES BETWEEN A PRINCIPAL BUILDING AND A STREET PER 10.1113.20

PARKING CALCULATIONS:

ZONING MINIMUM REQUIREMENT:
 HOTEL: 1.25 SPACE PER GUEST ROOM
 RESTAURANT: 1 SPACE PER 100 SF

PROPOSED SPACE CENTER (TOTAL):	USE	SIZE	ZONING	ITE ANALYSIS	PROVIDED
HOTEL:	124 ROOMS		155 SPACES	99 SPACES	
RESTAURANT:	2,400 SF		24 SPACES	13 SPACES	
TOTAL:			179 SPACES	112 SPACES ⁽⁹⁾	112 SPACES

(9) - CONDITIONAL USE PERMIT REQUIRED FOR USE OF ALTERNATIVE PARKING DEMAND ANALYSIS

ACCESSIBLE PARKING REQUIREMENT:	REQUIRED	PROVIDED
ACCESSIBLE SPACES:	5 SPACES	5 SPACES
VAN ACCESSIBLE SPACES:	1 SPACE	1 SPACE

DIMENSIONAL REQUIREMENTS:	REQUIRED	PROVIDED
90° PARKING STALL SIZE:	8.5 FT X 19 FT	8.5 FT X 19 FT
90° DRIVE AISLE:	24 FT	24 FT
60° PARKING STALL SIZE:	8.5 FT X 19 FT	8.5 FT X 19 FT
60° DRIVE AISLE (1-WAY TRAFFIC):	18 FT	20 FT



CAMBRIA HOTEL

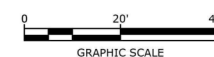
GIRI HOTEL MANAGEMENT, LLC

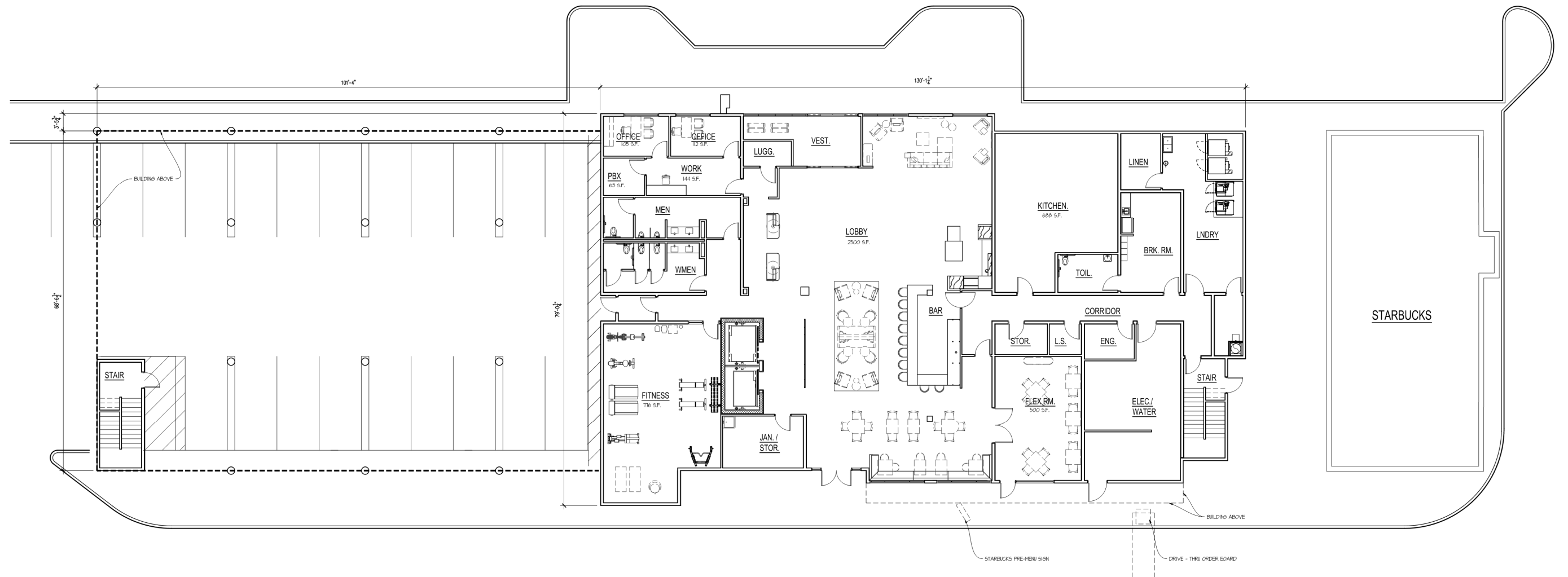
505 USA ROUTE 1-BYPASS
 PORTSMOUTH, NH

MARK	DATE	DESCRIPTION
PROJECT NO:	G5088-001	
DATE:	12/27/2023	
FILE:	G-5088-001-C-DSGN.dwg	
DRAWN BY:	CIK	
DESIGNED/CHECKED BY:	NAH	
APPROVED BY:	PMC	

SITE PLAN

SCALE: AS SHOWN





FIRST FLOOR PLAN
 SCALE: 1/8" = 1'-0"
 TRUE NORTH

Guest Room Count Breakdown						
	1ST FLOOR	2ND FLOOR	3RD FLOOR	4TH FLOOR	5TH FLOOR	TOTAL
KS-01 (KING SUITE SOFA)	0	11	11	11	11	33
KS-02 (KING SUITE CHAIR)	0	8	8	8	8	24
QQS (QQ SUITE)	0	10	10	10	11	30
H.C. KS-01 (H.C. KING SUITE SOFA)	0	1	1	1	1	3
H.C. QQ SUITE (KITCHENETTE)	0	1	1	1	0	3
	0	31	31	31	31	124

BUILDING AREA

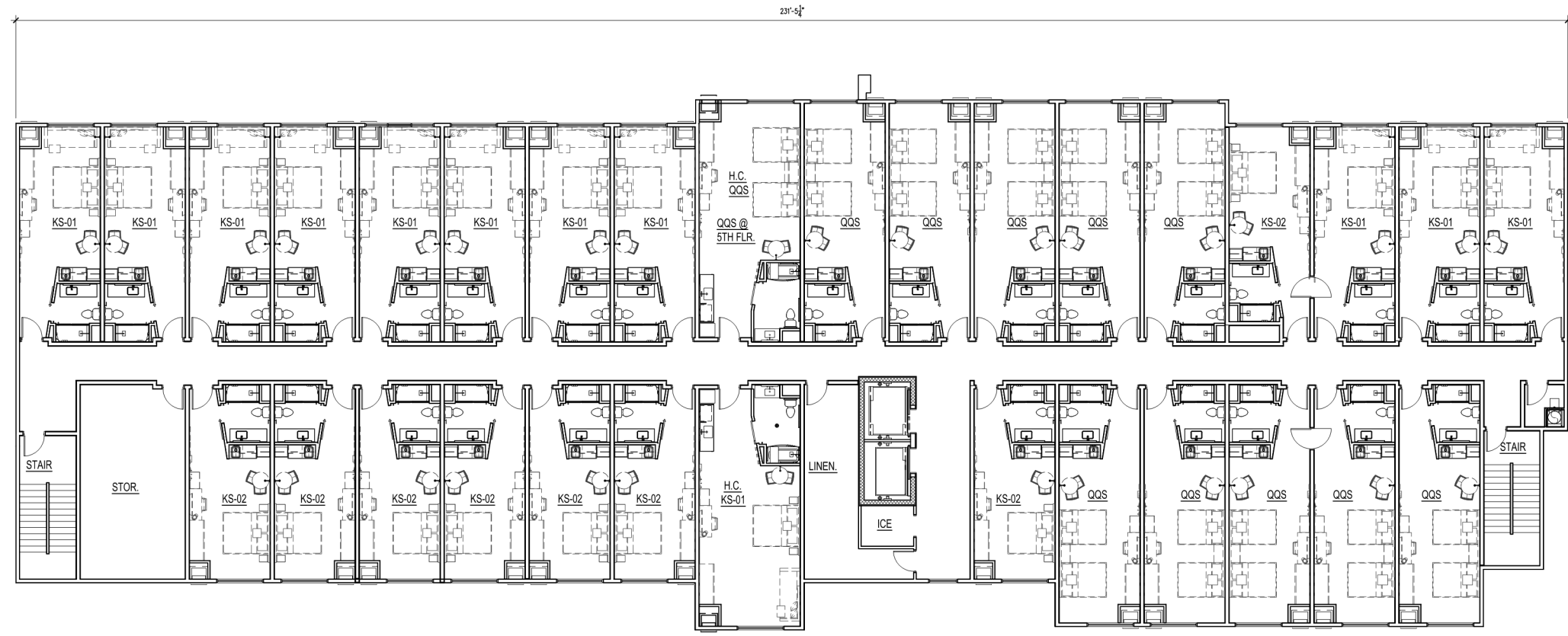
1ST FLOOR:	9,850 S.F.
2ND FLOOR:	16,568 S.F.
3RD FLOOR:	16,568 S.F.
4TH FLOOR:	16,568 S.F.
5TH FLOOR:	16,568 S.F.
TOTAL:	76,122 S.F.

CAMBRIA HOTELS
 PORTSMOUTH, NH

#222031
 12-18-23



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SECOND & FIFTH FLOOR PLAN
 SCALE: 1/8" = 1'-0"

CAMBRIA HOTELS
 PORTSMOUTH, NH

#222031
 12-10-23

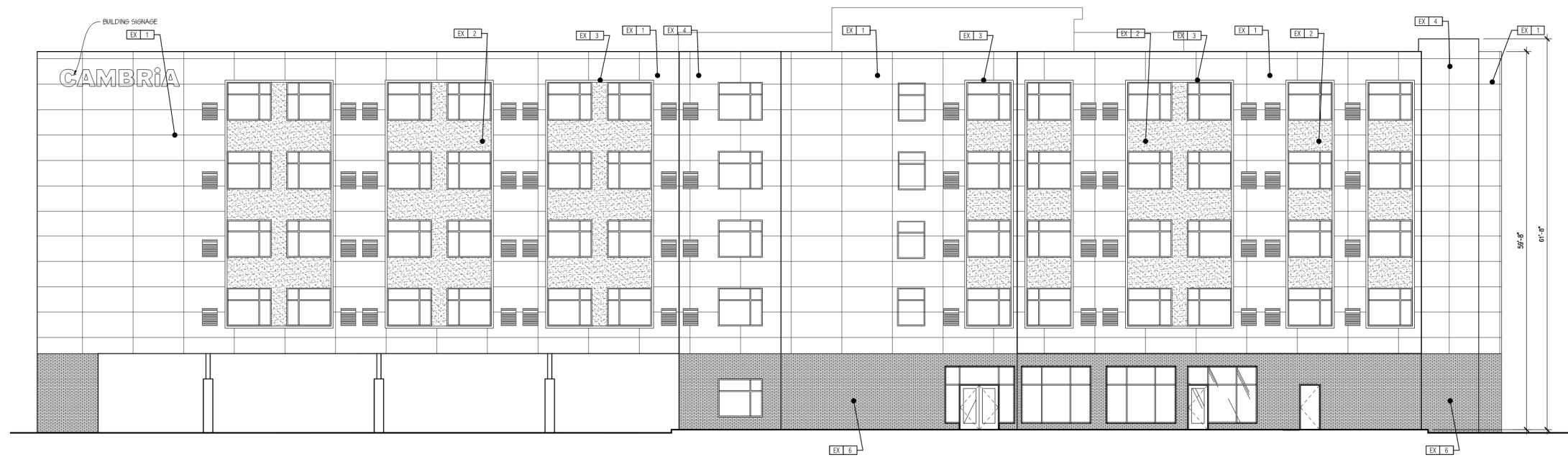
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NORTH ELEVATION

SCALE: 1/8" = 1'-0"



SOUTH ELEVATION

SCALE: 1/8" = 1'-0"

EXTERIOR FINISH

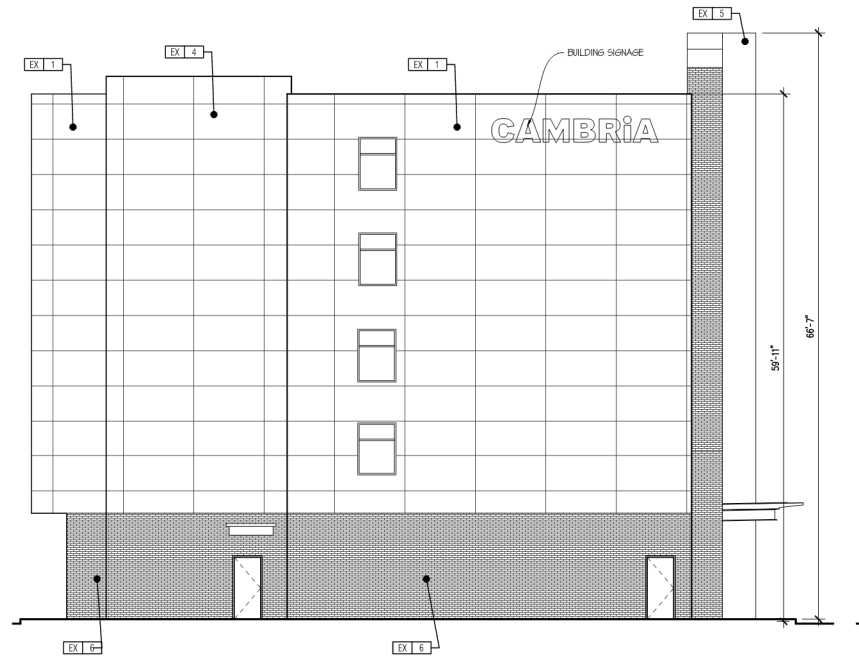
- EX 1 MATERIAL: FIBERCEMENT PANEL
COLOR: GRAY SLATE
MFG: JAMES HARDIE
- EX 2 MATERIAL: FIBERCEMENT PANEL
COLOR: PEARL GRAY
MFG: JAMES HARDIE
- EX 3 MATERIAL: 6" FIBERCEMENT TRIM
COLOR: MIDNIGHT BLACK
MFG: JAMES HARDIE
- EX 4 MATERIAL: FIBERCEMENT PANEL
COLOR: NIGHT GRAY
MFG: JAMES HARDIE
- EX 5 MATERIAL: FIBERCEMENT PANEL
COLOR: ARCTIC WHITE
MFG: JAMES HARDIE
- EX 6 MATERIAL: FIBERCEMENT BRICK PANEL
PRODUCT: MODERN BRICK
COLOR: MIDNIGHT
MFG: NCHHA

CAMBRIA HOTELS
PORTSMOUTH, NH

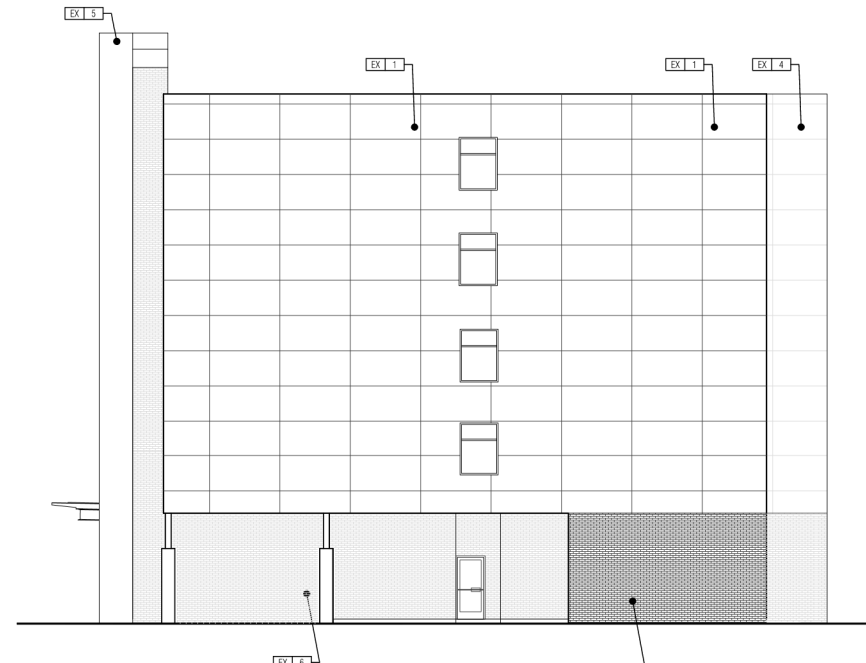
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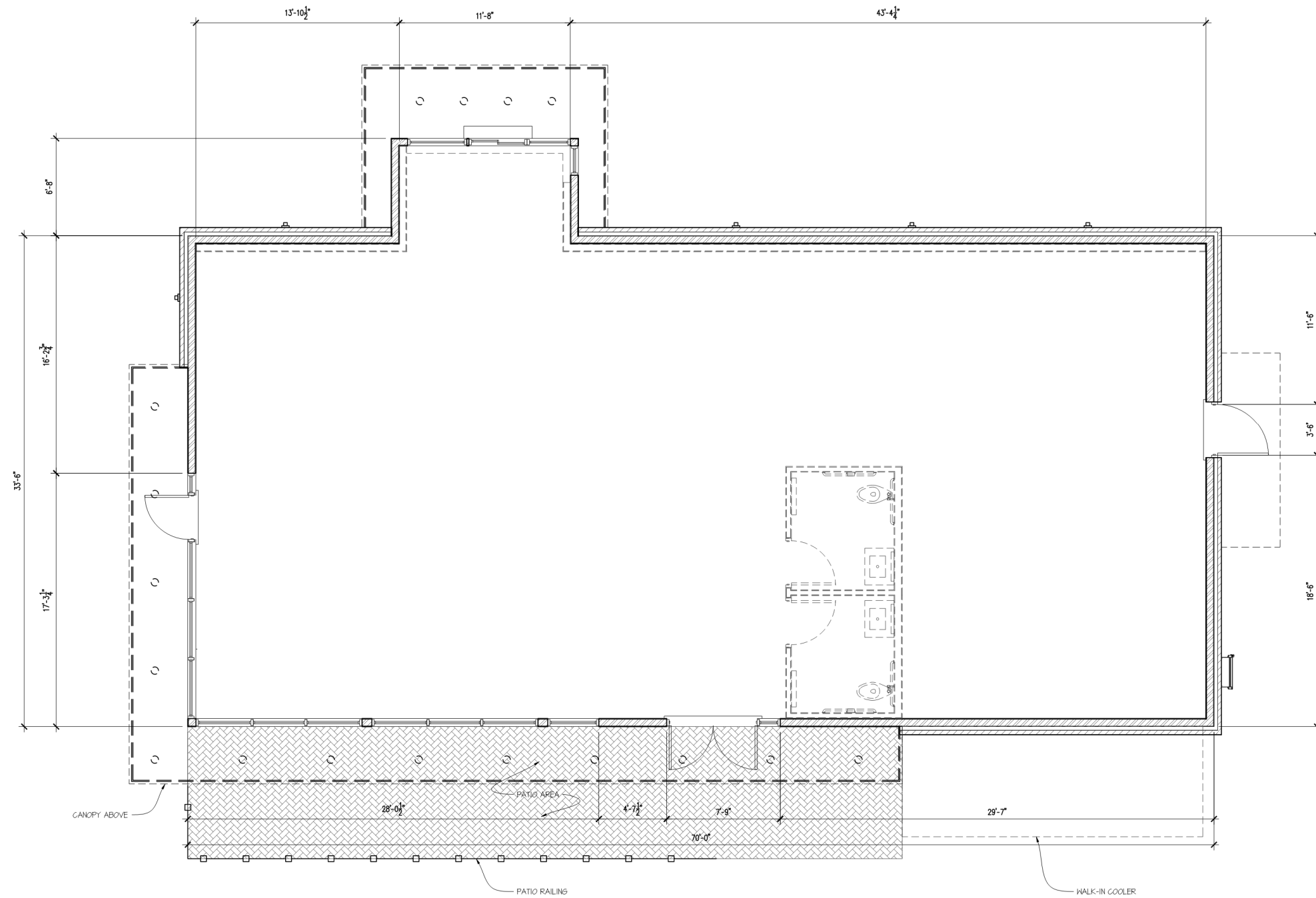


EAST ELEVATION
SCALE: 1/8" = 1'-0"



WEST ELEVATION
SCALE: 1/8" = 1'-0"

EXTERIOR FINISH	
EX 1	MATERIAL: FIBERCEMENT PANEL COLOR: GRAY SLATE MFG: JAMES HARDIE
EX 2	MATERIAL: FIBERCEMENT PANEL COLOR: PEARL GRAY MFG: JAMES HARDIE
EX 3	MATERIAL: 6" FIBERCEMENT TRIM COLOR: MIDNIGHT BLACK MFG: JAMES HARDIE
EX 4	MATERIAL: FIBERCEMENT PANEL COLOR: NIGHT GRAY MFG: JAMES HARDIE
EX 5	MATERIAL: FIBERCEMENT PANEL COLOR: ARCTIC WHITE MFG: JAMES HARDIE
EX 6	MATERIAL: FIBERCEMENT BRICK PANEL PRODUCT: MODERN BRICK COLOR: MIDNIGHT MFG: NCHBA



FLOOR PLAN
SCALE: 1/4" = 1'-0"



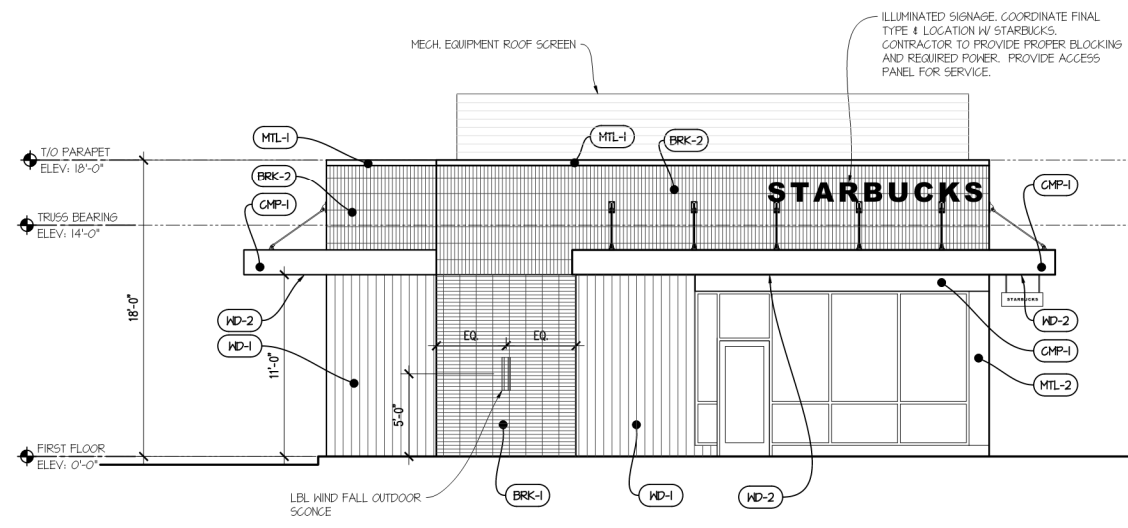
STARBUCKS COFFEE

USA ROUTE 1-BYPASS, PORTSMOUTH NH

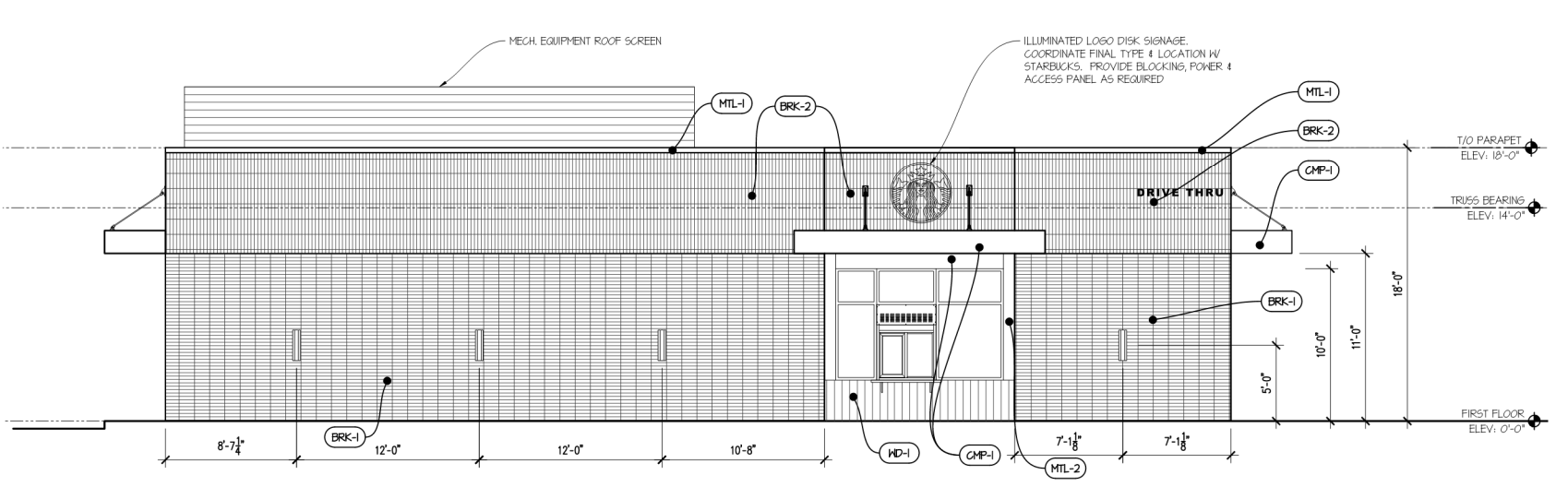
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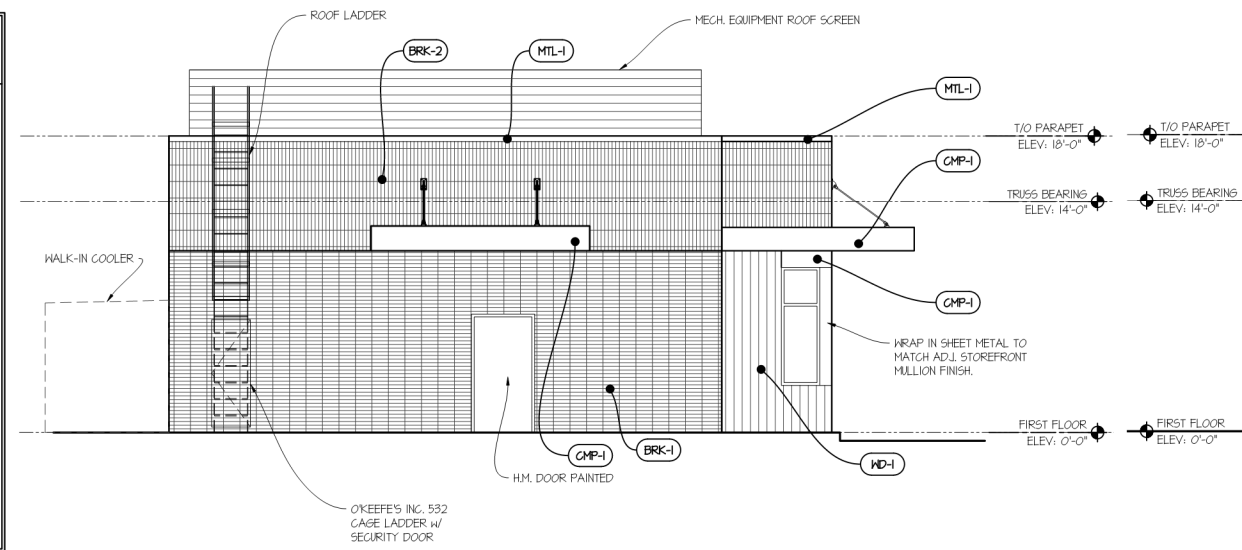


1 NORTH ELEVATION (FRONT)
SCALE: 3/16" = 1'-0"

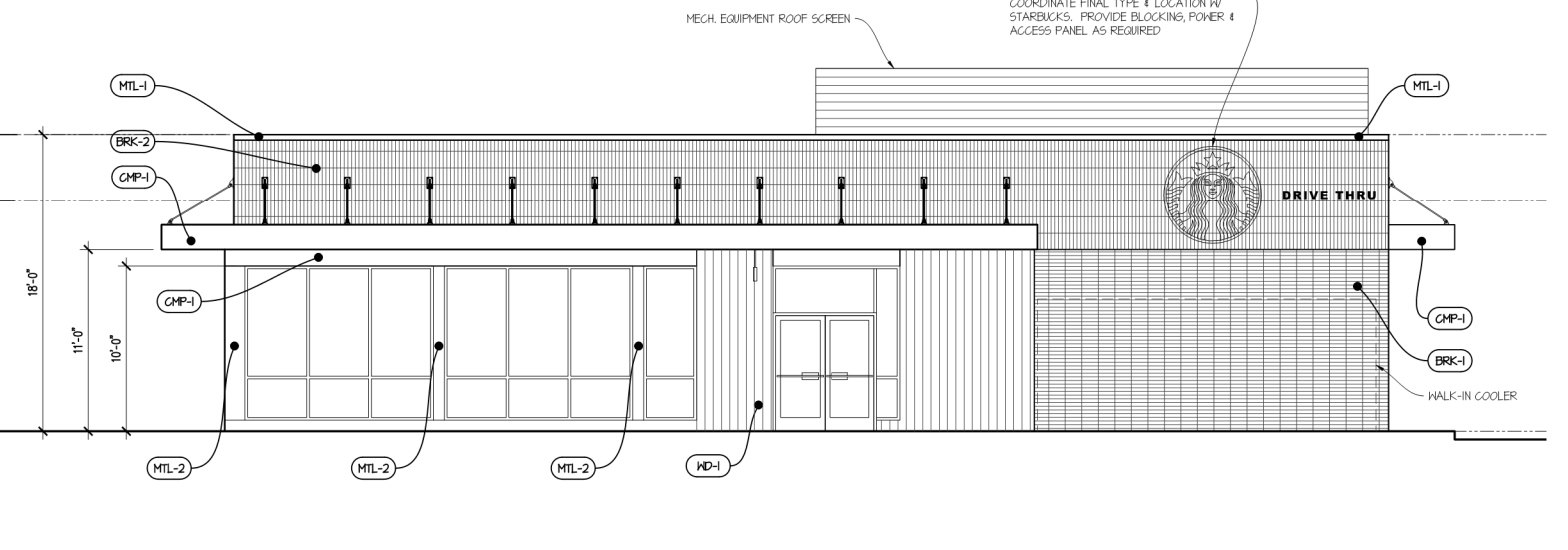


2 EAST ELEVATION (DRIVE-THRU LANE)
SCALE: 3/16" = 1'-0"

EXTERIOR FINISH LEGEND PALETTE C	
BRK-1	MASONRY BRICK - MANUFACTURE - MORA CREMICA - COLOR - GLINKER; MANHATTEN
BRK-2	MASONRY BRICK - MANUFACTURE - MORA CREMICA - COLOR - GLINKER; MANHATTEN
HD-1	TONGUE & GROOVE ADOBO & AGCOYA WOOD SIDING - RESAWN TIMBER CO. COLOR - HEKA FINISHED ON FACE ONLY, SEALED ON ALL 4 SIDES
HD-2	E4E EASED EDGE ADOBO WOOD SIDING COLOR - HEKA FINISHED ON FACE ONLY, SEALED ON ALL 4 SIDES
MTL-1	ANODIZED METAL COPING - COLOR - TO MATCH RAL#1021 MATTE MTO028 - FLAT BLACK
MTL-2	PONDER COATED METAL CANOPY - COLOR - TO MATCH RAL#1021 MATTE MTO028 - FLAT BLACK
CMP-4	PAINTED HOLLOW METAL - COLOR - TO MATCH RAL#1021 MATTE MTO028 - FLAT BLACK



3 SOUTH ELEVATION (REAR)
SCALE: 3/16" = 1'-0"



4 WEST ELEVATION (MAIN ENTRANCE/PATIO)
SCALE: 3/16" = 1'-0"

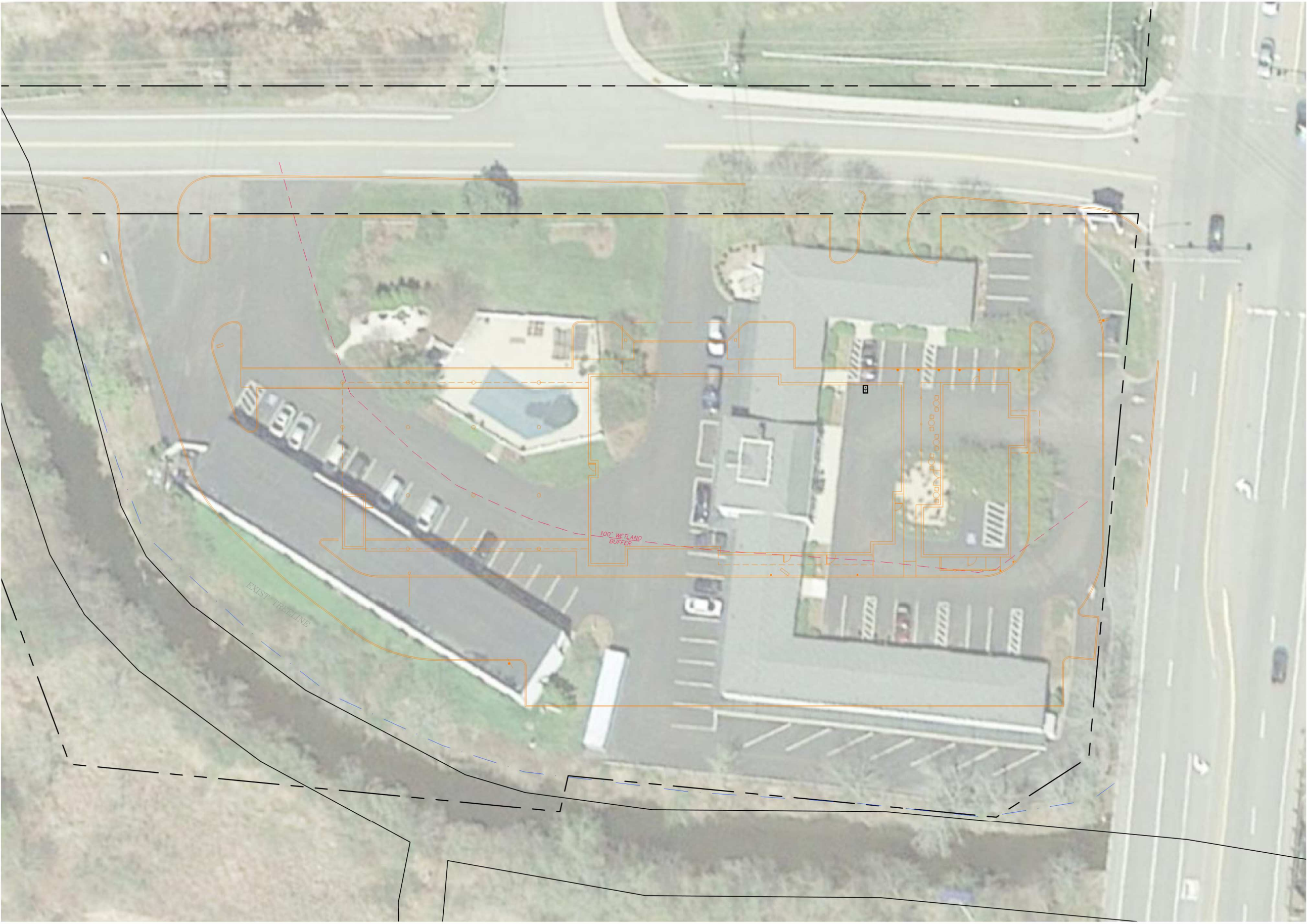
STARBUCKS COFFEE

USA ROUTE 1 BYPASS, PORTSMOUTH NH

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AERIAL OVERLAY EXHIBIT

SCALE IN FEET
0 10 20 40



AUTHORIZATION OF GIRI HOTEL MANAGEMENT, LLC
505 U.S. ROUTE 1-BYPASS
Map 234, Lot 5

The undersigned, on behalf of Giri Hotel Management, LLC , owner of the above-referenced property, hereby authorizes representatives of Bosen & Associates, PLLC and Tighe & Bond, to represent its interests before the Portsmouth land use boards and to submit any and all applications and materials related thereto on its behalf.

GIRI HOTEL MANAGEMENT, LLC

Dated:

By:

Name:

Title:



Ankur Patel
Principal