COLBY T. GAMESTER

Attorney At Law

154 Maplewood Avenue
Portsmouth, New Hampshire 03801

(603)-427-0000
colby@gamesterlaw.com

October 21, 2026

SUBMITTED VIA VIEWPOINT & HAND DELIVERED
City of Portsmouth
Zoning Board of Adjustment
Attn: Beth Margeson, Chair
1 Junkins Avenue
Portsmouth, NH 03801

Re: Supplemental Narrative to Variance Application of Christopher H. Daniell
50 Whidden Street, Portsmouth, NH (Tax Map 102, Lot 66)
LU-26-15

Dear Chair Margeson:

Please find enclosed a supplemental materials to and for the Variance Application originally submitted with the Zoning Board of Adjustment on August 19, 2026. These additional materials are provided due to the changes in the design of the proposed project.

Enclosed herewith are the following materials for submission (to be included along with the original Application) to the Board for consideration at the November 2026 meeting:

1. Supplemental Narrative to Variance Application
2. Exhibit A-1 – Site Plan
3. Exhibit D-1 – Elevations

One (1) hardcopy of these materials will be delivered this same day to the Planning Department. Should there be any questions, comments or concerns regarding the enclosed materials or the Application in general then please do not hesitate to contact me.

Kindest Regards,

Colby T. Gamester, Esq.

Enclosures
Cc: file; Client; Scott Simons; Scott Boudreau; Jason Lajeunesse; Brian Bouchard, Esq. (all via email only)

CITY OF PORTSMOUTH
ZONING BOARD OF ADJUSTMENT
SUPPLEMNTAL NARRATIVE TO APPLICATION

Christopher H. Daniell
50 Whidden Street
Portsmouth, NH 03801
Owner and Applicant

Christopher H. Daniell (the "Owner" or "Applicant") submits this Supplemental Narrative, together with the materials identified below, to update the Zoning Board of Adjustment ("ZBA") regarding the status of the pending variance application (LU-26-15) and to address the revised design of the proposed project.

Following the initial submission of August 19, 2026, and the subsequent receipt of opposition from an abutter, the Owner elected to revise the architectural design of the proposed living area expansion at the Property. The new design is a scaled-back version of the project previously submitted. These changes and redesign are shown on the Elevations prepared by the project architect, Scott Simons, enclosed herewith as the supplemental Exhibit D-1 (the "Redesign").

Massing has been reduced significantly; there is no longer a proposed roof and roofline extending beyond the second floor. The second floor changes now only propose a walk out deck from a proposed set of French doors, and the proposed new roof line matches what currently exists over the first floor. These changes can best be seen on the updated east elevation. Ultimately, the reduction and changes were designed to continue seamlessly matching the existing building and the architectural character of the 1780 structure.

In addition, the Planning Department had previously recommended that an updated site plan be provided to show the impacted area of the existing footprint of the structure and to include more information regarding the rear yard setback. That updated site plan, prepared by Boudreau Land Surveying, PLLC, is also submitted herewith as supplemental Exhibit A-1.

The updated site plan provides the visual representation of the portion of the existing house footprint affected by the proposed project, confirming that the only new horizontal projection beyond the preexisting footprint continues to be the modest cantilevered deck extending toward the South Mill Pond, and that the living-area expansion, occurring within the rear yard setback, continues to occur only on and within the preexisting footprint. The updated site plan also provides the existing distance from the southeasterly corner of the house to the rear boundary and the distance from the proposed southeasterly corner of the cantilevered deck to the rear boundary.

The Redesign does not change the relief requested in the original application. The Owner continues to seek the same variance from Article 10.521 to permit a rear-yard setback of 9.9 feet where 25 feet is required. The expansion area remains within the preexisting nonconforming building footprint in the rear yard area, and the sole new horizontal projection remains the cantilevered deck directed toward the open shoreland. No new horizontal expansion is created toward any abutter. The changes are confined to massing and architecture within the same existing footprint and building envelope. A new application is not required; the Owner is simply modifying the massing and intensity of the in-fill project while remaining fully within the relief previously noticed and requested. That said, we understand that the application will be re-noticed since it has been postponed twice.

While private views of the South Mill Pond are not a protected interest under the Zoning Ordinance or New Hampshire law, the Redesign has been conceived to further advance the purposes of the rear yard setback by improving light, air, and spatial relationships relative to the abutter to the north, all while remaining fully consistent with the historic character of the structure and the neighborhood.

The Redesign will require an updated approval from the Historic District Commission ("HDC"), and the HDC meeting is to occur prior the November ZBA meeting. Should the HDC suggest any changes to the design, or condition its hopeful approval, then the ZBA will be informed accordingly.

The responses to the variance criteria in the original Narrative still stand; however, because of the Redesign, the following supplements the variance criteria responses previously submitted.

A. Granting the variance will not be contrary to the public interest and will observe the spirit of the Ordinance.

The Redesign further ensures that the proposal will not alter the essential character of the neighborhood or threaten public health, safety, or welfare. The HDC previously granted a Certificate of Approval for the larger original design and architectural approach. The scaled-back massing makes the addition even more subservient to the primary historic form of the 1780 structure. The work remains confined to the southeasterly corner with only the modest cantilevered deck projecting toward open shoreland. By further reducing the massing, while continuing to concentrate new living area inside the existing structure's footprint, the Redesign continues to advance the purposes of the setback by protecting light, air, and open space, without introducing any expansion toward abutters.

B. Substantial justice will be done.

The redesign reinforces that any loss to the Owner from denial would not be outweighed by a gain to the general public. The Owner has now further minimized potential dimensional and neighborhood effects while still achieving a reasonable increase in living area on a uniquely constrained 1780 waterfront lot. The Redesign represents the least impactful means of accomplishing the project's purpose. Denial would leave the Owner unable to make a modest, carefully scaled improvement to his home with no corresponding public benefit.

C. The values of surrounding properties will not be diminished.

This criterion is particularly strengthened by the Redesign. The reduced massing and matching roof lines further minimize any potential effect on light, air, and open space relative to neighboring properties. Most notably, the abutter to the north has agreed to withdraw his opposition because of the Redesign. With the opposition grounded in concerns over the prior proposed project's massing and height, in relation to diminution of his property value, which is now resolved, and with no other evidence of diminution based on support of the other direct abutters, the record supports a finding that surrounding property values will not be diminished. Improvement of a well maintained historic waterfront home through a restrained, architecturally consistent addition is more likely to support and maintain, if anything, than to diminish neighborhood property values.

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

The special conditions of the Property remain unchanged: a small 3,636 sq. ft. preexisting nonconforming lot of record whose dwelling was constructed in 1780, entirely within the 100-foot wetland buffer, with multiple dimensional nonconformities that are the direct product of the structure's historic placement on a small waterfront lot prior to the enactment of zoning. These conditions distinguish the Property and make ordinary expansion practically impossible without relief. The Redesign demonstrates that the Owner has pursued a least impactful solution consistent with reasonable residential use.

There remains no fair and substantial relationship between the general purposes of the rear-yard setback and its rigid application to this pre-zoning, buffer-constrained parcel. Expanding modest living area within the existing footprint, together with a small cantilevered deck directed toward open shoreland, continues to be a reasonable use.

The Redesign does not alter the relief requested. It simply reduces massing and intensity within the same existing footprint and building envelope previously submitted. The five criteria remain satisfied. The Owner respectfully requests that the ZBA approve the variance.

Respectfully submitted,

Christopher H. Daniell
Owner and Applicant

By and through his Attorney,

Dated: October 21, 2026

Colby T. Gamester, Esquire
154 Maplewood Avenue
Portsmouth, NH 03801
603-427-0000
colby@gamesterlaw.com

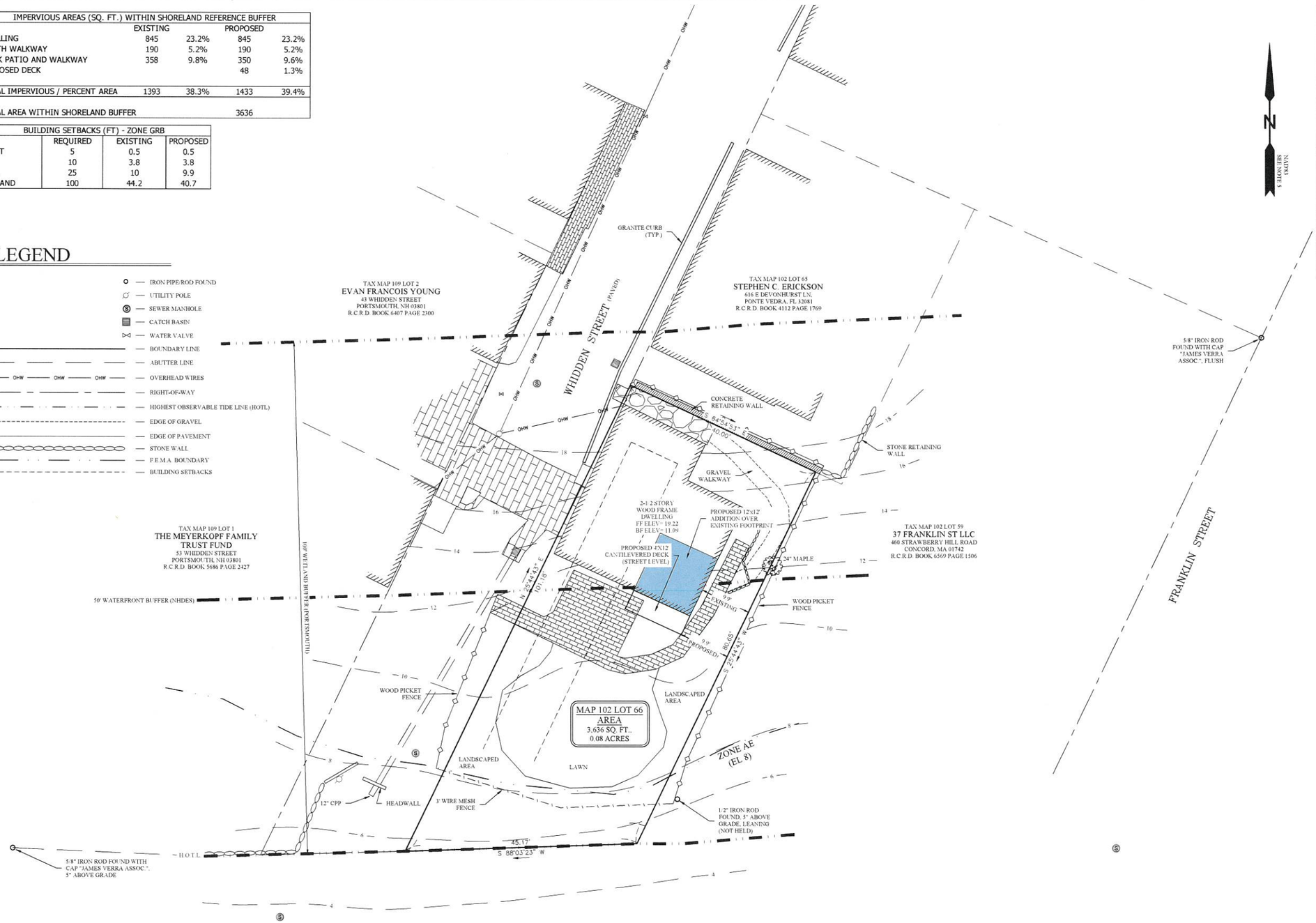
EXHIBIT A1

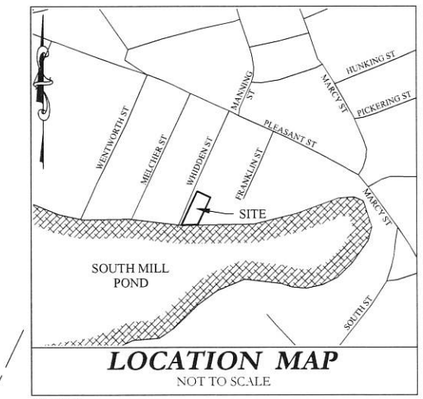
IMPERVIOUS AREAS (SQ. FT.) WITHIN SHORELAND REFERENCE BUFFER				
	EXISTING		PROPOSED	
DWELLING	845	23.2%	845	23.2%
NORTH WALKWAY	190	5.2%	190	5.2%
BRICK PATIO AND WALKWAY	358	9.8%	350	9.6%
PROPOSED DECK			48	1.3%
TOTAL IMPERVIOUS / PERCENT AREA	1393	38.3%	1433	39.4%
TOTAL AREA WITHIN SHORELAND BUFFER			3636	

BUILDING SETBACKS (FT) - ZONE GRB			
	REQUIRED	EXISTING	PROPOSED
FRONT	5	0.5	0.5
SIDE	10	3.8	3.8
REAR	25	10	9.9
WETLAND	100	44.2	40.7

LEGEND

- IRON PIPE/ROD FOUND
- UTILITY POLE
- SEWER MANHOLE
- CATCH BASIN
- WATER VALVE
- BOUNDARY LINE
- ABUTTER LINE
- OVERHEAD WIRES
- RIGHT-OF-WAY
- HIGHEST OBSERVABLE TIDE LINE (HOTL)
- EDGE OF GRAVEL
- EDGE OF PAVEMENT
- STONE WALL
- F.E.M.A. BOUNDARY
- BUILDING SETBACKS





LOCATION MAP
NOT TO SCALE

NOTES:

1. REFERENCE: TAX MAP 102 LOT 66
R.C.R.D. BOOK 5490 PAGE 2114

2. TOTAL PARCEL AREA: 3,636 SQ. FT. OR 0.08 AC.

3. OWNER OF RECORD: CHRISTOPHER H. DANIELL
50 WHIDDEN STREET
PORTSMOUTH, NH 03801

4. ZONE: GRB DISTRICT
DIMENSIONAL REQUIREMENTS

MINIMUM LOT AREA	5,000 sf.
MINIMUM FRONTAGE	80 ft.
MINIMUM FRONT SETBACK	5 ft.
MINIMUM SIDE SETBACK	10 ft.
MINIMUM REAR SETBACK	25 ft.
WETLAND BUFFER	100 ft.
BUILDING COVERAGE	30%+
MINIMUM OPEN SPACE	25%+

5. HORIZONTAL DATUM IS NHSPC (NAD'83) BASED ON GPS OBSERVATIONS.

6. VERTICAL DATUM SHOWN IS NAVD'88 BASED ON GPS OBSERVATIONS.

7. THE INTENT OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS AT THE TIME OF THE SURVEY IN RELATION TO THE LEGAL BOUNDARIES OF RECORD.

8. THE RESULTS OF THIS PLAN ARE BASED ON AN ON THE GROUND SURVEY PREPARED BY SDB ON AUGUST 6, 2026 USING A SPECTRA PRECISION FOCUS 30 ROBOTIC TOTAL STATION AND DATA COLLECTOR, AND A CARLSON BRx7 GNSS GPS RTK RECEIVER AND REMOTE BASE STATION.

9. A PORTION OF TAX MAP 102 LOT 66 FALLS WITHIN "ZONE AE" OF THE SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD, AS SHOWN ON F.I.R.M. MAP NUMBER 33015C0259F, EFFECTIVE JANUARY 29, 2021.

10. THE SURVEYED PREMISES FALLS ENTIRELY WITHIN THE 100-FOOT WETLAND BUFFER FROM SOUTH MILL POND.

PLAN REFERENCES:

1. PLAN TITLED "EASEMENT PLAN, TAX MAP 109 - LOTS 2 & 3 ON LAND OF MAHANNA PROPERTIES, LLC, TO BENEFIT JOHN F. GREEN & ALISON L. ZAEDER, 37 & 43 WHIDDEN STREET, CITY OF PORTSMOUTH, COUNTY OF ROCKINGHAM, STATE OF NEW HAMPSHIRE" DATED FEBRUARY 2016, PREPARED BY AMBIT ENGINEERING, INC., R.C.R.D. PLAN NO. D-39341.

0 10 20 30
1" = 10'

NO.	DATE	DESCRIPTION	BY
1	9/11/2026	SHOW 12'x12' ADDITION AND DIMENSIONS TO BOUNDARY	SDB

SITE PLAN
LAND OF
CHRISTOPHER H. DANIELL
(TAX MAP 102 LOT 66)
50 WHIDDEN STREET
PORTSMOUTH, NH

DRAWN BY: SDB	DATE: AUGUST 16, 2026
CHECKED BY: ARB	DRAWING NAME: 26031A2
JOB NAME: 26031	SHEET: C1

STATE OF NEW HAMPSHIRE — No. 961 SCOTT D BOUDREAU — SIGNATURE — LAND SURVEYOR

Boudreau Land Surveying PLLC
SCOTT D. BOUDREAU, L.L.S. #961
2 BEATRICE LANE
NEWMARKET, NH 03857
(603) 659-3468

EXHIBIT D1



SOUTH ELEVATION

D003 EXISTING CONDITIONS + REMOVALS

50 WHITTEN STREET, PORTSMOUTH, NH

SIMONS, LLC, PORTLAND, ME 04101 03.24.26

REVISED 1 09.22.26



A201 REV.

SOUTH ELEVATION

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

50 WHIDDON STREET, PORTSMOUTH, N.H.

SCOTT SIMONS ARCHITECT, FAIA
PORTLAND, ME

REVISED: 09.22.26



A201 REV.

SOUTH ELEVATION

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

50 WHIDDON STREET, PORTSMOUTH, N.H.

SCOTT SIMONS ARCHITECT, FAIA
PORTLAND, ME

REVISED: 09.22.26



EAST ELEVATION
EXISTING CONDITIONS + REMOVALS

D004

50 WHIDDEN STREET, PORTSMOUTH, NH

SIMONS, LLC, PORTLAND, ME 04101 03.24.26

REVISED: 09.22.26



A202 REV.

EAST ELEVATION

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

50 WHIPPON STREET, PORTSMOUTH, N.H.

SCOTT SIMONS ARCHITECT, FAIA
PORTLAND, ME.

REVISED: 09.22.26



A202 REV.

EAST ELEVATION

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

50 WHIPPLE STREET, PORTSMOUTH, N.H.

SCOTT SIMONS ARCHITECT, FAIA
PORTLAND, ME.

REVISED: 09.22.26