

APPLICATION OF CONVENIENT MD
1303 Woodbury Avenue, Portsmouth, Tax Map 207, Lot 1

APPLICANT'S NARRATIVE

I. THE PROPERTY:

The applicant, Convenient MD, is under contract to lease a portion of the building housing the former Rite Aid store at the corner of Woodbury Avenue and Market Street, for the purpose of establishing a primary care facility at that location.¹ The proposed medical office facility would encompass 7,800 square feet of the existing building, which was constructed in 2008, according to city tax records. No significant exterior modifications to the existing structure are proposed, beyond appropriate signage consistent with Convenient MD's branding, painting and additional windows. The existing impervious parking lot surface will remain as is, however, the applicant is proposing to add ten parking spaces on the south side of the building to accommodate its needs. Other than striping and directional arrows, the parking lot will remain as is.

The property is in the G1 zone, however, it is essentially on an island separated from the remainder of the zone by several lanes of traffic of the Market Street connector and the Woodbury Avenue/Market Street intersection. The lot is bounded to the south by Granite Street, and the residential lots across Granite Street are in the SRA zone. The property has existed since in its current, fully developed state, since approximately 2008, when site approval for the Rite Aid was granted. Commercial uses on this site appear to go back to at least 1979, when the former Woodbury Gardens greenhouse opened on the site.

The proposed additional parking spaces would lie on the southern side of the existing building, between the building and Granite Street. This requires relief from Sections 10.5B83.10 and 10.1113.20 to locate parking between the principal building and the street. It also requires relief from Section 10.1113.31 to permit parking within 100 feet of a residential zone.

There presently exists on site 39 parking spaces, which is one over the minimum required for the prior retail use. Repurposing the property for medical office use requires additional parking, per Table 10.1113.3231, as the minimum parking requirement increases from 1 space per 300 square feet to 1 space per 250 square feet. The applicant is proposing ten new spaces, for a total of 49, which is within the range permitted under 10.1112.51 (maximum permitted is 120% of minimum required). Siting additional parking anywhere else on this lot would require at the least the introduction of significant additional impervious surface.

¹ In contrast to Convenient MD's Urgent Care facilities, such as 599 Lafayette Road, the Primary Care facility functions like a traditional medical practice with primarily scheduled visits with practice patients, as opposed to drop in visits. The company's existing Primary Care facility at 1600 Woodbury Avenue has outgrown that space.

The existing row of mature arborvitaes along Granite Street screening the facility from the abutting residences will remain in place. Hours of operation for the primary care facility are anticipated to be 7:30am to 5:00pm, Monday through Friday. The applicant expects approximately 15-18 daily employees at any given time.

II. CRITERIA:

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

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. The existing built environment on the site will not be physically altered in any material fashion. Additional parking to accommodate the change in use from retail to medical office will not change the essential character of the neighborhood. Additionally, the proposed use would not create any threat to the public health, safety and welfare. The proposed parking will be adequately screened from the public and adjacent residential properties by the existing landscaping. Siting additional parking elsewhere on the site would require the introduction of additional impervious surface which would have a much more deleterious effect on the health, safety and welfare, and character, of the neighborhood.

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. The proposal is simply an adaptive reuse of a currently vacant facility. The proposed replacement use requires additional parking and the proposed location for it is the most logical one. This loss to the applicant far outweighs any gain to the public if the variance is denied.

The values of surrounding properties will not be diminished by granting the variance. The proposed additional parking is to accommodate the adaptive reuse of a fully developed commercial site in a manner that will require no material external

physical changes. The values of the 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 is a commercial site essentially cut off from the predominant commercial corridor along Woodbury Avenue running towards Newington. It is a fully developed commercial site. It is an unusually large, trapezoidal corner lot, burdened by two front yard setbacks. The existing built environment on the lot lends itself to siting the additional parking as proposed.

The use is a reasonable use. The proposed parking is required and falls within the requirements of the zoning ordinance. Medical office uses are permitted by right in the G1 zone.

There is no fair and substantial relationship between the purpose of the ordinance and its application to this particular property. The property as it exists already has parking between the building and Woodbury Avenue and the Market Street connector. The visual impact to the public of parking between the building and Granite Street will be negligible, if not non-existent. There is no fair and substantial relationship between the purposes of the parking restrictions and their application to this property.

III. Conclusion.

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

Respectfully submitted,

Dated: December 15, 2025

By: *Christopher P. Mulligan*
Christopher P. Mulligan, Esquire

**Property Information**

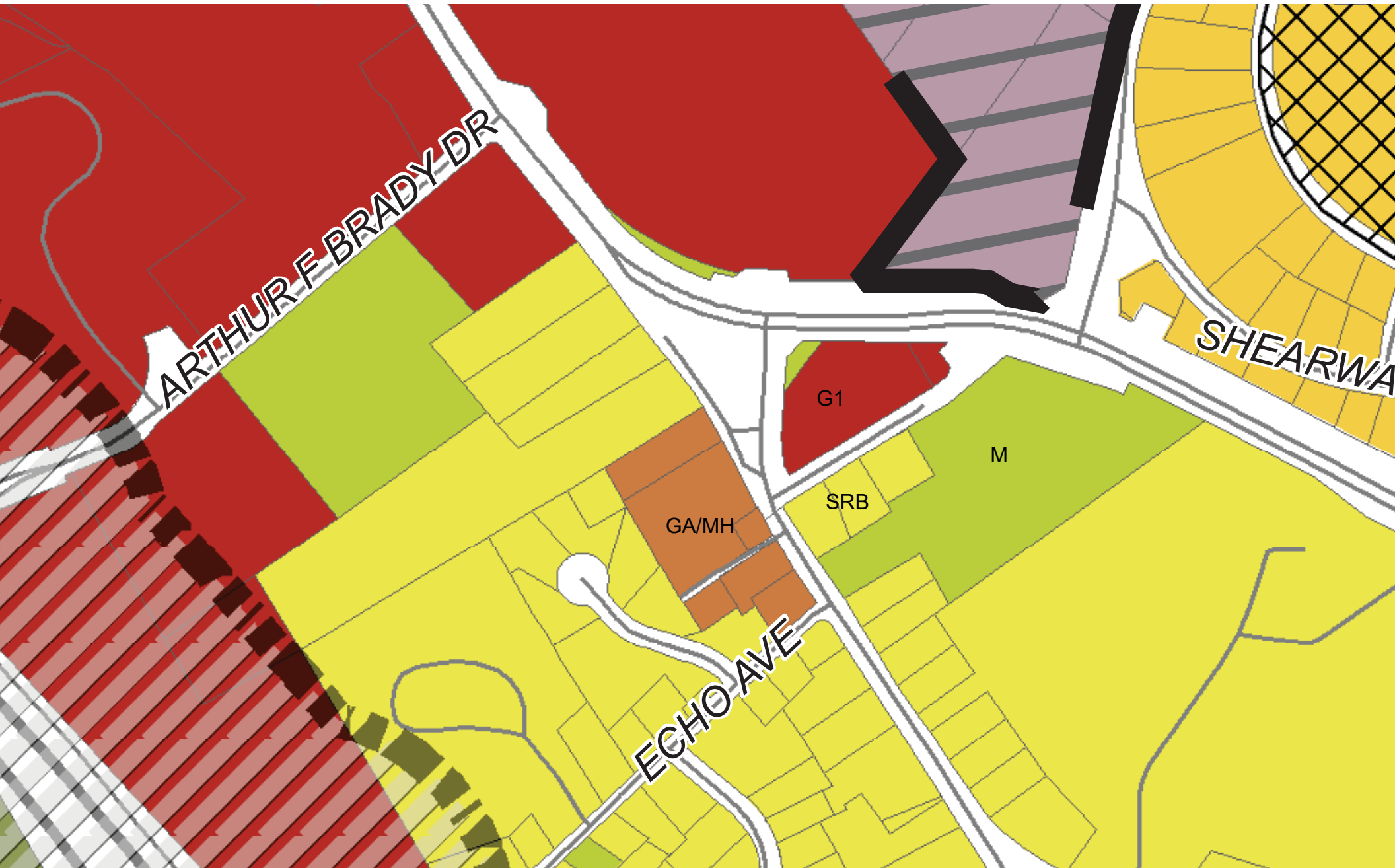
Property ID 0217-0001-0000
Location 1303 WOODBURY AVE
Owner THREE HUNDRED SEVENTY ONE LOWELL AVENUE REALTY LLC (56.21% INT)

**MAP FOR REFERENCE ONLY
NOT A LEGAL DOCUMENT**

City of Portsmouth, NH makes no claims and no warranties, expressed or implied, concerning the validity or accuracy of the GIS data presented on this map.

Geometry updated 10/23/2025

Print map scale is approximate. Critical layout or measurement activities should not be done using this resource.





Facing east from Woodbury



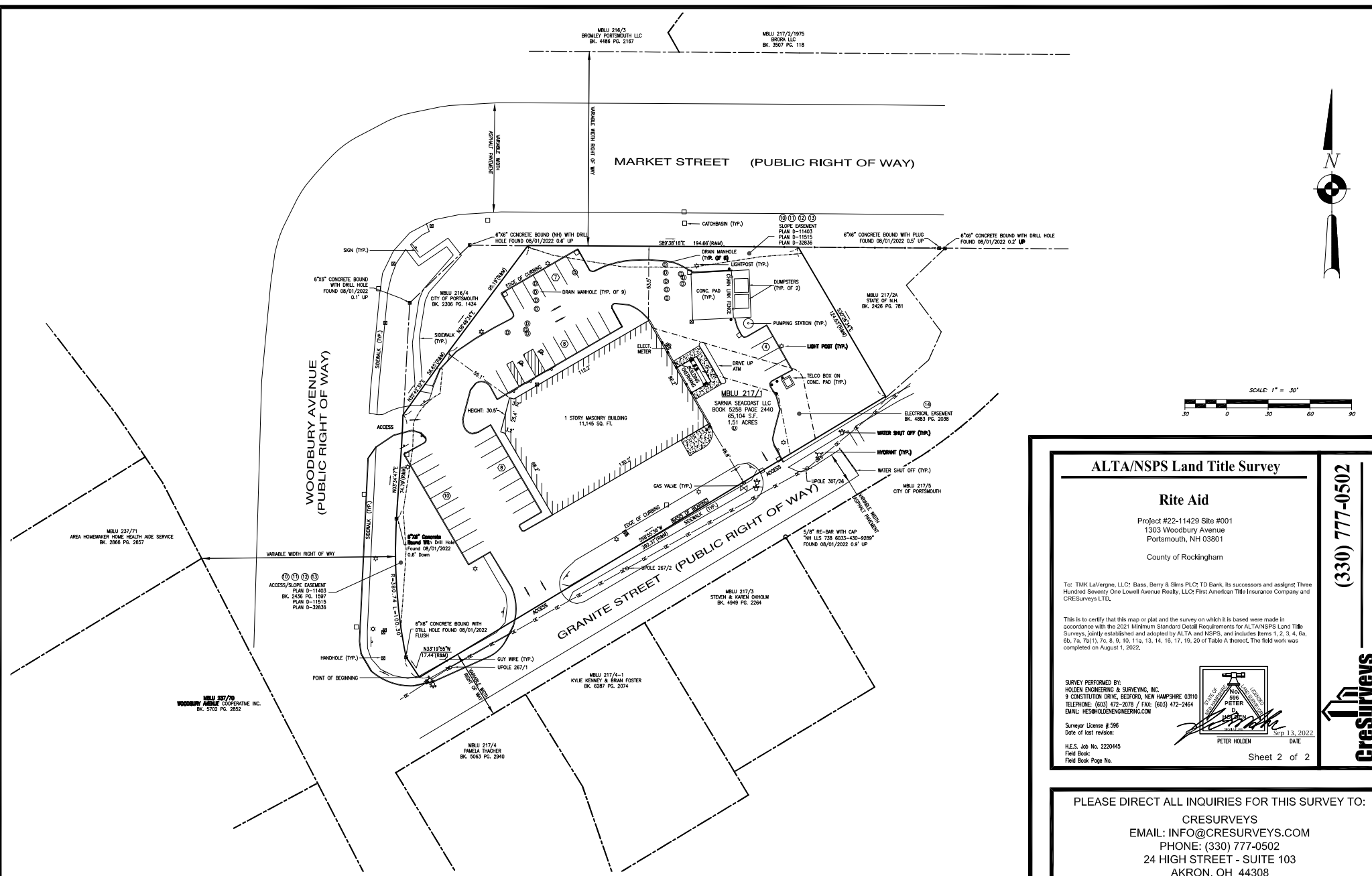
Facing west



Facing north from Granite



Facing south from Market



ALTA/NSPS Land Title Survey

Rite Aid

Project #22-11429 Site #001
1303 Woodbury Avenue
Portsmouth, NH 03801

County of Rockingham


To: TMK LaVergne, LLC; Bass, Berry & Sims PLC; TD Bank, its successors and assigns; Three Hundred Seventy One Lowell Avenue Realty, LLC; First American Title Insurance Company and CRESurveys LTD.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6a, 6b, 7a, 7b(1), 7c, 8, 9, 10, 11a, 13, 14, 16, 17, 19, 20 of Table A thereof. The field work was completed on August 1, 2022.

SURVEY PERFORMED BY:
HOLDEN ENGINEERING & SURVEYING, INC.
9 CONSTITUTION DRIVE, BEDFORD, NEW HAMPSHIRE 03110
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Surveyor License #: 596
Date of last revision:
H.E.S. Job No. 2220445
Field Book:
Field Book Page No.

WMP/SHIRE. 03110
3) 472-2464



Peter Holden
PETER HOLDEN
DATE Sep 13, 2011

PLEASE DIRECT ALL INQUIRIES FOR THIS SURVEY TO:

CRESURVEYS
EMAIL: INFO@CRESURVEYS.COM
PHONE: (330) 777-0502
24 HIGH STREET - SUITE 103
AKRON, OH 44308

Market Street Connector (Four Lane Divided Road)
Two-way Traffic 20,000 A.D.T.
(Variable Width, Limited Access Public ROW)

Woodbury Avenue (Four Lane Divided Road)
 Two-way Traffic 10,000 A.D.T.
 (Variable Width, Limited Access Public ROW)

7 EXISTING SPACES

10 EXISTING SPACES
(3 ADA SPACES)

10 EXISTING SPACES

8 EXISTING SPACES

PROPOSED
CONVENIENTMD
PRIMARY CARE

7,800 Sq.Ft.

FUTURE
TENANT
3,480 Sq. Ft.

4 EXISTING SPACES

EXISTING
DUMPSTER
PAD

10 PROPOSED SPACES

WB-65 TRUCK
PATH (TYP)

**Granite Street
(50 foot Width, Dead End Street)**