

From: [Hubert Krah](#)
To: [Planning Info](#)
Subject: ZBA 07/21/20 - Petition C - 39 Cass Street
Date: Tuesday, July 21, 2020 2:40:20 PM

Dear Members of the Board!

As a neighbor living across the street from the proposed project for the last 25 years, I cannot find anything to object to the proposal as presented. The changes from the original are both minimal and negligible.

However, I am somewhat puzzled that the owner wouldn't use the opportunity to address the most glaring lack of this property, i.e. the absence of off-street parking. On street parking has been a problem for years on Cass Street, seeing that many surrounding businesses have inadequate client and employee parking available. The development and rising popularity of the West End will only exacerbate this situation. Providing off-street parking would further improve the value of their property, and improve the quality of life for the occupants as well as the neighborhood in general.

Best Regards

Hubert Krah
52 Cass Street

Chairman of the Board of Adjustment
C/O Planning Department City of Portsmouth
1 Junkins Ave.
Portsmouth, NH 03801

July 20, 2020

To the Chairman of the Board of Adjustment

I write in the strongest opposition to the granting of a variance on the proposed project located at 39 Cass Street.

My name is Sharon Finley. I live next door at 29 Cass Street. **I ask that the variance requested by the owners and Amy Dutton, to allow construction on the existing footprint of 39 Cass Street, be denied.**

Overview and introduction:

As you have read in the request for a variance on this project, the current house is situated only five feet from our mutual property line. A fence belonging to me ran along the property line parallel to the side of the house. On November 25, 2019 there was a fire on the property. In the course of putting out the fire firefighters knocked over the fence so that they could access portions of the house. The mere five feet alongside the burning house was insufficient for their access. A window was broken outward and almost all of the glass, various burned pieces of wood, some very old insulation and patches of paint landed on my property. I learned then that five feet is a very short distance indeed if the structure of 39 Cass Street is disrupted in any significant way.

My concerns and objections to allowing this variance:

My grave concerns stem from the recognition that my own property will be severely impacted if the house at 39 Cass Street is demolished and a new structure rebuilt, all within 5 feet of my property. I can see no way to guarantee that construction debris of all sizes will not end up in my yard. Additionally, my own house has its original 1855 stone foundation and I have some concerns about the integrity of that foundation if major demolition of the old foundation and excavation for a new foundation are planned.

I am especially concerned because a house as old as 39 Cass (constructed in 1845) is likely to have considerable lead paint on the walls, and possibly asbestos insulation within the walls. I have grandchildren who play in my yard. Broken glass, lead paint and asbestos, as well as general construction dust and debris are extreme threats to their health and well-being, and to mine as well.

The current owner of the house, Kristin Martin, has told me that a construction fence will be erected for the duration of the work. Construction fences are typically open-mesh and rather low. They are principally intended to keep people out of a site. If proper setbacks are being

observed, perhaps such a fence will protect humans and adjacent property. But if this fence is intended to keep construction debris, dust, paint whether leaded or not, and insulation off of my property, then I must ask that the owner not be granted a variance allowing only 5 feet between the construction site and my property. And of course, construction fences are not designed to protect humans or the environment from lead paint or asbestos.

I have lived in a building in which lead paint amelioration and removal was required. It is alarming to think that such work could take place five feet from my yard. I do not know if the current owners have had a lead paint and asbestos assessment undertaken at this time. If they haven't, I assume they will do so before any demolition of the current house begins and plan for the safe removal of both lead paint and asbestos prior to the start of demolition. I don't see how this can be accomplished at a distance of only five feet from my yard.

Additional comments relating to placing the new structure on the footprint of the old:

The property (land) at 39 Cass Street has virtually the same dimensions as mine at 29 Cass Street. The frontage along the street is approximately 50 feet. Because the 39 Cass Street house was built well before zoning laws were in effect, it stretches across all but about 11 - 12 feet of the frontage, 5 feet on my side and 6 + feet on the other.

At this time the house has no off-street parking, and none can be fit onto the lot, because of the placement of the house. Every winter residents of the house, whether tenants or owner, face the difficulty of finding legal parking during declared snow emergencies. It is the only house on Cass Street with no off-street parking.

Since the house, including foundation, is going to be entirely rebuilt, it works for the benefit of future owners and residents to shorten the front face of the house by respecting the required 10 foot setback on both sides, and to extend the footprint further into the back yard.

My house has a footprint of 20 feet by 50 feet and has both a side-yard on one side and a driveway on the other. 39 Cass Street could have this as well. Off-street parking adds value to the property. Once a new structure is built on the old footprint, this opportunity to add value is lost.

I ask you again to deny this variance to the anticipated construction at 39 Cass Street.

Thank you,

Sharon Finley
29 Cass Street
Portsmouth, NH 03801
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From: [francis cormier](#)
To: [Planning Info](#)
Subject: petition of Chris & Jaime Dunaway Owners, for property located at 253 Melbourne St
Date: Tuesday, July 21, 2020 4:08:03 PM

I Francis P Cormier, live next door see that to many zoning ordinances are being varied. Additions encroach upon my property. Also block out sun during winter months. Ordinances should be enforced to maintain integrity of neighborhood. From Francis Cormier 239 Melbourne St. tel 436 2321.