

**BOARD OF ADJUSTMENT
PORTSMOUTH, NEW HAMPSHIRE**

Remote Meeting Via Zoom Conference Call

Register in advance for this meeting:

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You are required to register to join the meeting over Zoom, a unique meeting ID and password will be provided once you register. Public comments can be emailed in advance to planning@cityofportsmouth.com. For technical assistance, please contact the Planning Department by email (planning@cityofportsmouth.com) or phone (603) 610-7216.

Per NH RSA 91-A:2, III (b) the Chair has declared the COVID-19 outbreak an emergency and has waived the requirement that a quorum be physically present at the meeting pursuant to the Governor's Executive Order 2020-04, Section 8, as extended by Executive Order 2021-01, and Emergency Order #12, Section 3. Members will be participating remotely and will identify their location and any person present with them at that location. All votes will be by roll call.

7:00 P.M.

MARCH 23, 2021

AGENDA

I. PUBLIC HEARINGS – NEW BUSINESS

A) Petition of **Rita Abelson & Briana Spechuilli, Owners**, for property located at **80 Sapphire Street** whereas relief is needed from the Zoning Ordinance for a second floor addition on existing single family dwelling which includes the following: 1) Variances from Section 10.521 to allow: a) a 5 foot right side yard where 10 feet is required; and b) a 14 foot front yard where 30 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 220 Lot 43 and lies within the Single Residence B (SRB) District.

B) Petition of the **Hoerman Family Revocable Trust of 2019, Owners**, for property located at **56 Dennett Street** whereas relief is needed from the Zoning Ordinance to install a condenser unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 5 foot side setback where 10 feet is required. Said property is shown on Assessor Map 140 Lot 13 and lies within the General Residence A (GRA) District.

C) Petition of the **Laura G. Koulet Revocable Trust of 2019, Owner**, for property located at **45 Gardner Street** whereas relief is needed from the Zoning Ordinance to install two mechanical units which requires the following: 1) A Variance from Section 10.515.14 to allow: a) a 6 foot rear yard setback; and b) an 8 foot side yard setback where 10 feet is required for

both. Said property is shown on Assessor Map 103 Lot 21 and lies within the General Residence B (GRB) District.

D) Petition of **Cornwall Properties, LLC, Owner**, for property located at **50 Cornwall Street** whereas relief is needed from the Zoning Ordinance for partial demolition of existing structure and construction of new two-story rear addition to convert into two-family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) a 1 foot right side yard where 10 feet is required; b) to allow 36.5% building coverage where 35% is the maximum allowed; and c) to allow a lot area per dwelling unit of 2,000 square feet where 3,500 per dwelling is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 144 Lot 2 and lies within the General Residence C (GRC) District.

E) Petition of **64 Vaughan Mall, LLC, Owner**, for property located at **64 Vaughan Street** whereas relief is needed from the Zoning Ordinance for the addition of a fourth story as part of redevelopment of the existing structure which requires the following: 1) A Variance from Section 10.5A41.100 to allow a secondary front yard of 50.2 feet where 5 feet is the maximum. 2) A Variance from Section 10.5A41.100 to allow a building height of 52.5 feet and four stories where 40 feet and three stories is the maximum allowed. Said property is shown on Assessor Map 126 Lot 1 and lies within the Character District 5 (CD5) District.

F) Petition of **SAI Builders, Owners**, for property located at **84 Rockland Street** whereas relief is needed from the Zoning Ordinance for partial demolition of existing home to allow the addition of dormers and a two-story garage addition which requires the following: 1) Variances from Section 10.521 to allow: a) a 4 foot secondary front yard where 15 feet is required; b) an 8 foot primary front yard where 15 feet is required; and c) 27% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.321 to allow a non-conforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 113 Lot 26 and lies within the General Residence A (GRA) District.

II. OTHER BUSINESS

III. ADJOURNMENT

TO: Zoning Board of Adjustment
FROM: Peter Stith, AICP, Planning Department
DATE: March 17, 2021
RE: Zoning Board of Adjustment March 23, 2021 Meeting

NEW BUSINESS

1. 80 Sapphire Street
2. 56 Dennett Street
3. 45 Gardner Street
4. 50 Cornwall Street
5. 64 Vaughan Street
6. 84 Rockland Street

NEW BUSINESS

1.

Petition of **Rita Abelson & Briana Spechuilli, Owners**, for property located at **80 Sapphire Street** whereas relief is needed from the Zoning Ordinance for a second floor addition on existing single family dwelling which includes the following: 1) Variances from Section 10.521 to allow: a) a 5 foot right side yard where 10 feet is required; and b) a 14 foot front yard where 30 feet is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 220 Lot 43 and lies within the Single Residence B (SRB) District.

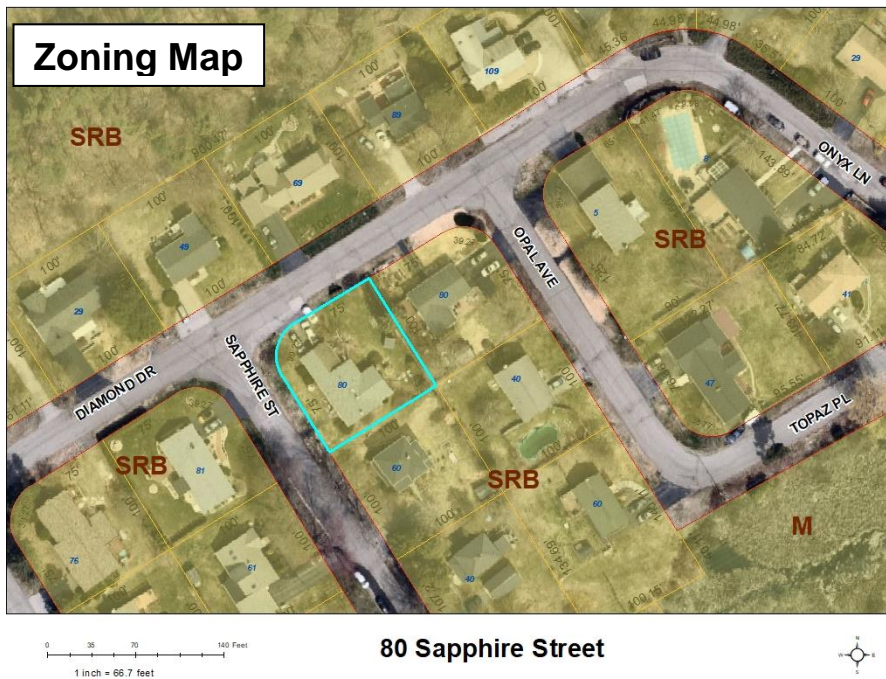
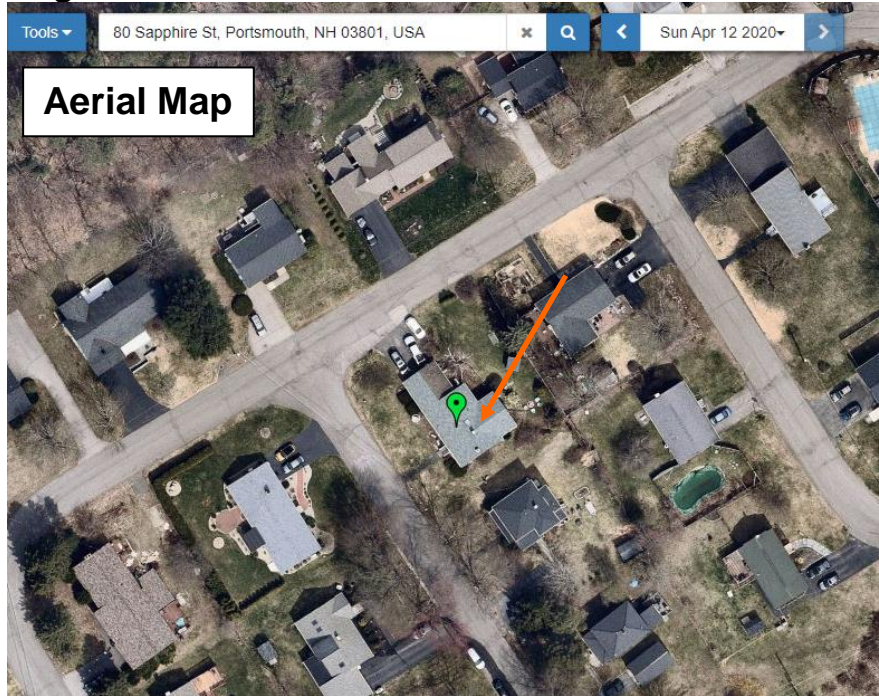
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Add second story addition	Primarily residential uses
<u>Lot area (sq. ft.):</u>	10,018	10,018	15,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	10,018	10,018	15,000 min.
<u>Street Frontage (ft.):</u>	189	189	100 min.
<u>Lot depth (ft.):</u>	100	100	100 min.
<u>Front Yard (ft.):</u>	20	14	30 min.
<u>Right Yard (ft.):</u>	5	5	10 min.
<u>Rear Yard (ft.):</u>	35	35	30 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	20	20	20 max.
<u>Open Space Coverage (%):</u>	>40	>40	40 min.
<u>Parking</u>	2	2	2
<u>Estimated Age of Structure:</u>	1959	Variance request(s) shown in red.	

Other Permits/Approvals Required

None

Neighborhood Context



Previous Board of Adjustment Actions

No BOA history found.

Planning Department Comments

The applicant is proposing to add a second story addition to the right side of the existing dwelling. The house is currently nonconforming with respect to the right side yard and front yard. A new portico over the existing front steps is what is creating the need for the addition front yard encroachment.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
- Planning Department Comments 2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*
 - AND**
 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*
 - OR**
 - Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.*

2.

Petition of the **Hoerman Family Revocable Trust of 2019, Owners**, for property located at **56 Dennett Street** whereas relief is needed from the Zoning Ordinance to install a condenser unit which requires the following: 1) A Variance from Section 10.515.14 to allow a 5 foot side setback where 10 feet is required. Said property is shown on Assessor Map 140 Lot 13 and lies within the General Residence A (GRA) District.

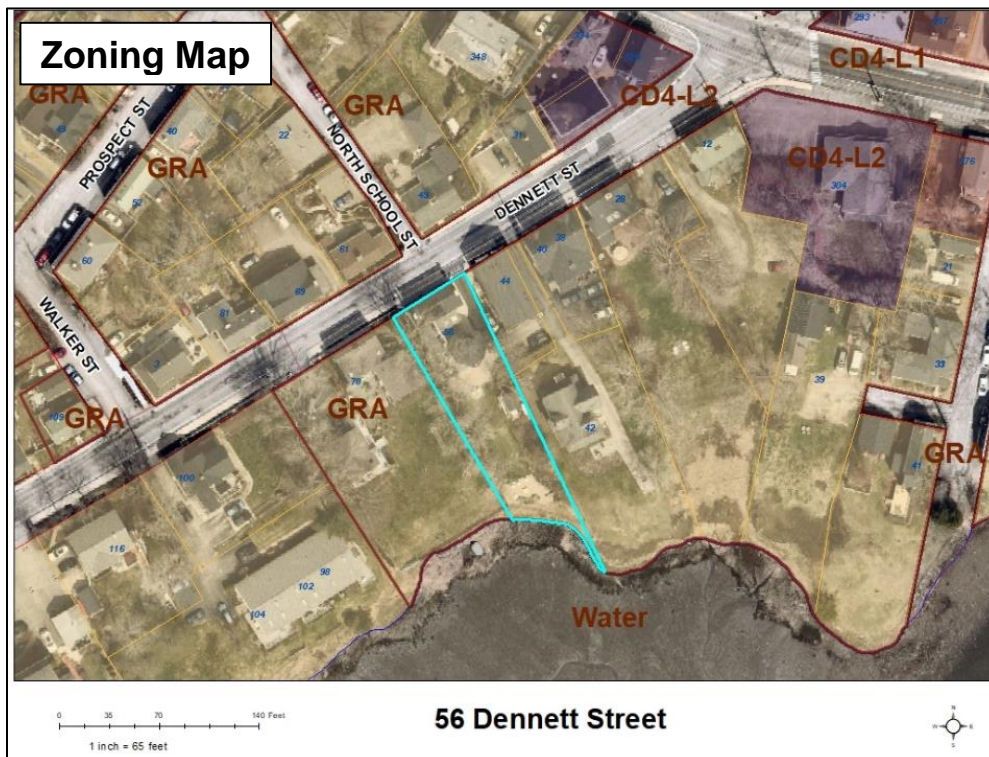
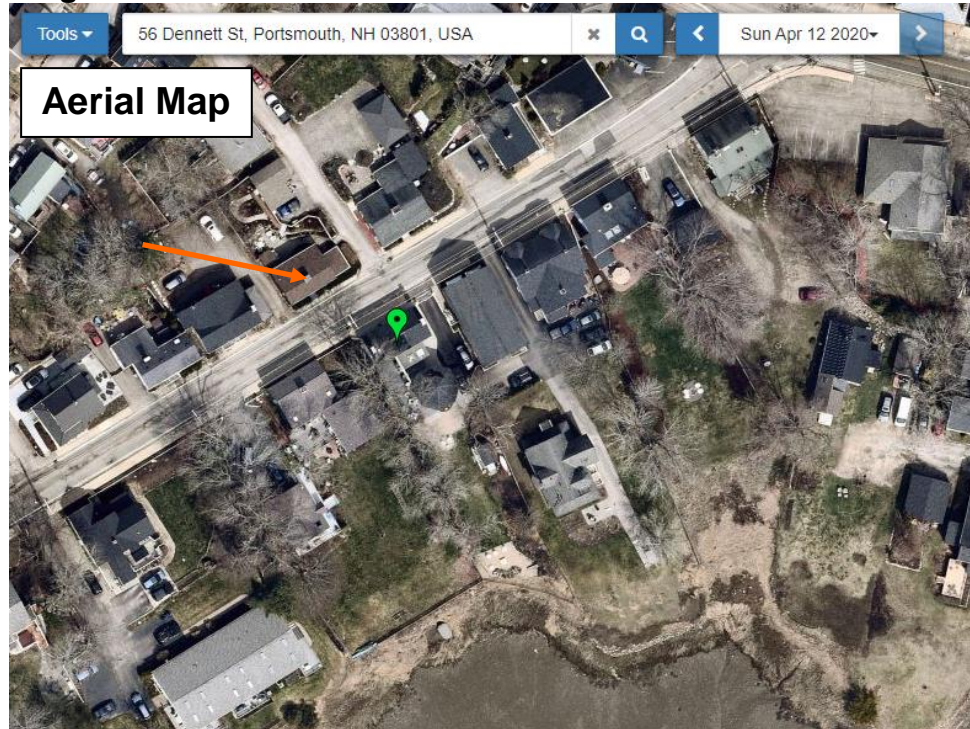
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	two family	Condenser unit	Primarily residential uses
<u>Lot area (sq. ft.):</u>	9,147	9,147	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	9,147	9,147	7,500 min.
<u>Street Frontage (ft.):</u>	59	59	100 min.
<u>Lot depth (ft.):</u>	197	197	70 min.
<u>Front Yard (ft.):</u>	1	1	15 min.
<u>Right Yard (ft.):</u>	6	5	10 min.
<u>Left Yard (ft.):</u>	10	10	10 min.
<u>Rear Yard (ft.):</u>	140	140	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	23	23	25 max.
<u>Open Space Coverage (%):</u>	>30	>30	30 min.
<u>Estimated Age of Structure:</u>	1730	Variance request(s) shown in red.	

Other Permits/Approvals Required

HDC

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

March 23, 2021 Meeting

Planning Department Comments

The applicant is proposing to add condenser unit within the 10 foot required setback for such units. The lot exceeds the minimum requirement for lot area in the GRA, however the location of the dwelling is on the front lot line, where the lot width is only 59 feet and the existing house is 36 feet wide with the driveway located on the left side. This arrangement leaves little space to accommodate a mechanical unit without encroaching into the required setback.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
- Planning Department Comments 2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

- (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

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3.

Petition of the **Laura G. Koulet Revocable Trust of 2019, Owner**, for property located at **45 Gardner Street** whereas relief is needed from the Zoning Ordinance to install two mechanical units which requires the following: 1) A Variance from Section 10.515.14 to allow: a) a 6 foot rear yard setback; and b) an 8 foot side yard setback where 10 feet is required for both. Said property is shown on Assessor Map 103 Lot 21 and lies within the General Residence B (GRB) District.

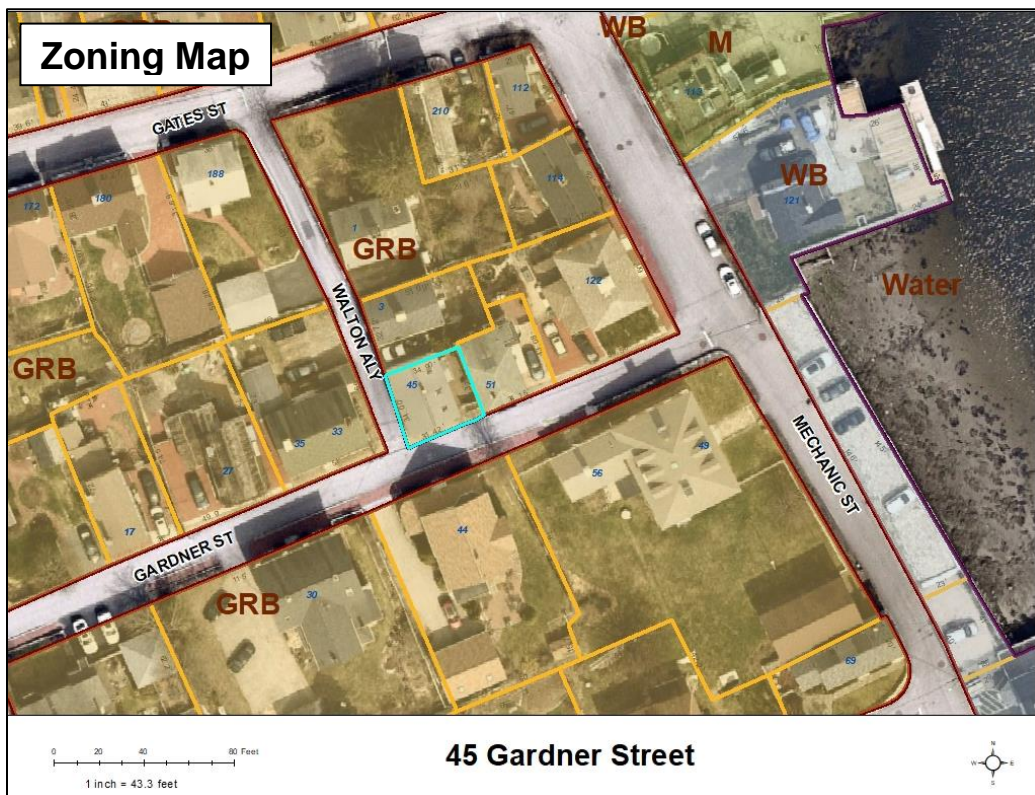
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	Add two mechanical units	Primarily residential uses
<u>Lot area (sq. ft.):</u>	1,219	1,219	5,000 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	1,219	1,219	5,000 min.
<u>Street Frontage (ft.):</u>	65	65	80 min.
<u>Lot depth (ft.):</u>	32	32	60 min.
<u>Front Yard (ft.):</u>	1	1	5 min.
<u>Right Yard (ft.):</u>		8	10 min.
<u>Secondary Front Yard (ft.):</u>	1.1*	1.1*	10 min.
<u>Rear Yard (ft.):</u>	0	6	20 (10 AC unit) min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	54*	54*	30 max.
<u>Open Space Coverage (%):</u>	23*	23*	25 min.
<u>Estimated Age of Structure:</u>	1900	Variance request(s) shown in red. *Prior variances granted	

Other Permits/Approvals Required

HDC

Neighborhood Context



Previous Board of Adjustment Actions

May 16, 2006 – the Board **granted** the following variance:

- Article III, Section 10-302(A) to allow a lot line revision between Lots 21 and 22 resulting in Lot 22 having the following: a) 1,346 square feet of lot area where 5,000 square feet is the minimum required, b) 34.15 feet of street frontage where 80 feet is the minimum required, c) a 1.1 foot left side yard where 10 feet is the minimum required, d) 23% open space where 25% is the minimum required, and, e) 54% building coverage where 30% is the maximum allowed.

July 21, 2009 – the Board **granted** the following variances:

- Article III, Section 10.302(A) and Article IV, Section 10-401(A)(2)(c) to allow the expansion of a nonconforming structure by creating a deck and steps with a side yard setback of 8 feet where a 10 foot side yard setback is required and a rear yard setback of 4 feet where a 25 foot rear yard setback is required.

Planning Department Comments

The applicant is proposing to add two condenser units under the existing porch. The history shows the prior variances granted for the deck and steps in 2009. Administrative Approval was granted by the HDC on February 3rd with the stipulation that BOA approval is required and that a screen must be added to the mini-split if no fencing exists along the property line.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

4.

Petition of **Cornwall Properties, LLC, Owner**, for property located at **50 Cornwall Street** whereas relief is needed from the Zoning Ordinance for partial demolition of existing structure and construction of new two-story rear addition to convert into two-family dwelling which requires the following: 1) Variances from Section 10.521 to allow a) a 1 foot right side yard where 10 feet is required; b) to allow 36.5% building coverage where 35% is the maximum allowed; and c) to allow a lot area per dwelling unit of 2,000 square feet where 3,500 per dwelling is required. 2) A Variance from Section 10.321 to allow a nonconforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 144 Lot 2 and lies within the General Residence C (GRC) District.

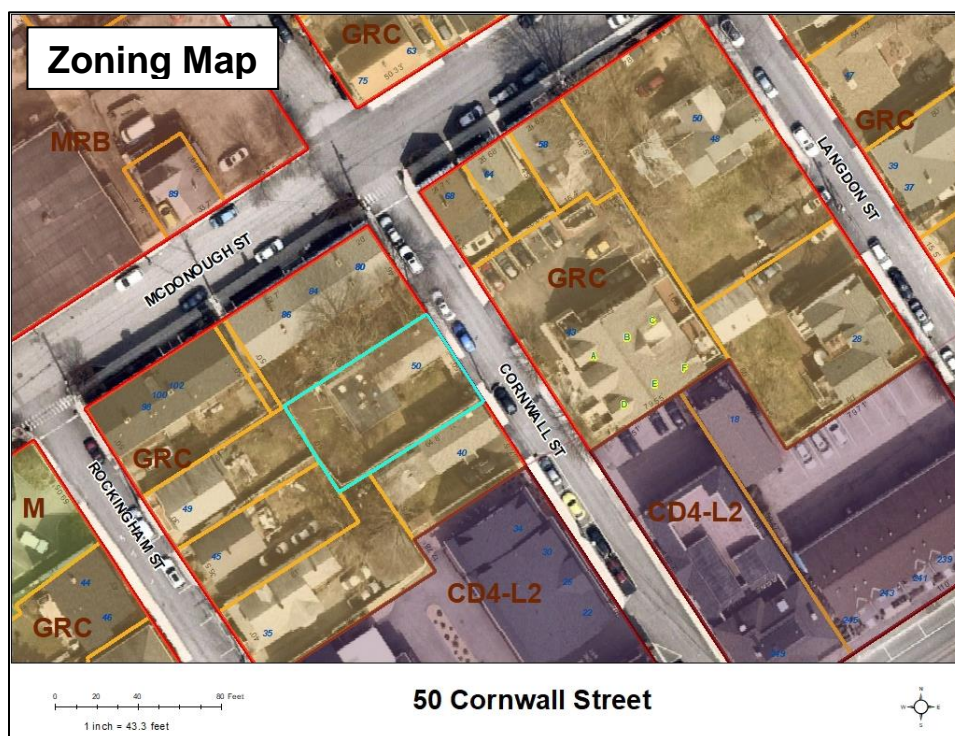
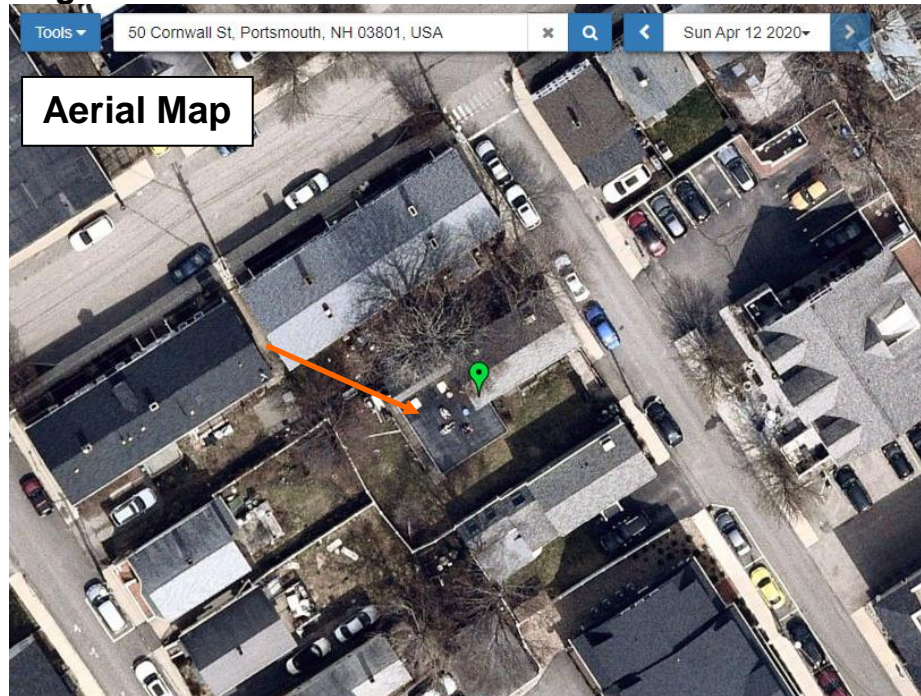
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single family	New 2 story rear addition/convert to 2 family	Primarily residential uses
<u>Lot area (sq. ft.):</u>	4,000	4,000	3,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	4,000	2,000	3,500 min.
<u>Street Frontage (ft.):</u>	50	50	70 min.
<u>Lot depth (ft.):</u>	80	80	50 min.
<u>Front Yard (ft.):</u>	2	2	5 min.
<u>Right Yard (ft.):</u>	1	1	10 min.
<u>Left Yard (ft.):</u>	15	15	10 min.
<u>Rear Yard (ft.):</u>	22	22	20 min.
<u>Height (ft.):</u>	28	32	35 max.
<u>Building Coverage (%):</u>	36.3	36.5	35 max.
<u>Open Space Coverage (%):</u>	57	40	20 min.
<u>Parking</u>	0	3	3
<u>Estimated Age of Structure:</u>	1820	Variance request(s) shown in red.	

Other Permits/Approvals Required

None.

Neighborhood Context



Previous Board of Adjustment Actions

No BOA history found.

March 23, 2021 Meeting

Planning Department Comments

The applicant is proposing to demolish the 1980s rear addition and construct a two-story rear addition and convert the structure into a two-family dwelling. The proposal maintains the existing right yard alignment of 1 foot and slightly increases the already nonconforming building coverage. In addition, converting to a two family on a 4,000 square foot lot requires a variance for lot area per dwelling, where 3,500 square feet per dwelling is the minimum.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
- Planning Department Comments 2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

5.

Petition of **64 Vaughan Mall, LLC, Owner**, for property located at **64 Vaughan Street** whereas relief is needed from the Zoning Ordinance for the addition of a fourth story as part of redevelopment of the existing structure which requires the following: 1) A Variance from Section 10.5A41.100 to allow a secondary front yard of 50.2 feet where 5 feet is the maximum. 2) A Variance from Section 10.5A41.100 to allow a building height of 52.5 feet and four stories where 40 feet and three stories is the maximum allowed. Said property is shown on Assessor Map 126 Lot 1 and lies within the Character District 5 (CD5) District.

Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Vacant	mixed use	Primarily mixed uses
<u>Lot area (sq. ft.):</u>	14,097	14,097	NR min.
<u>Front Lot Line Buildout (%)</u> :	100	100	80% min.
<u>Front Yard (ft.):</u>	4.3	4.3	5 max.
<u>Right Yard (ft.):</u>	0	0	NR min.
<u>Secondary Front Yard (ft.):</u>	58.1	50.2	5 max.
<u>Height (ft.):</u>	40' and 3 stories	52.5 and 4 stories	3 Stories or 40' max.
<u>Building Coverage (%)</u> :	70	75.7	95 max.
<u>Open Space Coverage (%)</u> :	0	13.9	5 min.
<u>Parking</u>	7	20	14
<u>Estimated Age of Structure:</u>	1870	Variance request(s) shown in red.	

Other Permits/Approvals Required

HDC

Planning Board/TAC – Site Review

Previous Board of Adjustment Actions

October 4, 1977 – the Board **granted** the following:

- To construct a storage and loading addition to existing building with a single story, where two stories are required for new construction in the Central Business District.

Planning Department Comments

The applicant is proposing to renovate and convert the existing structure into a mixed use building which includes adding small addition on the front, a recessed fourth story and underground parking in the existing basement. The maximum height for this area is 3 stories or 40' and the applicant is proposing a fourth story and a building height of 52.5 feet. The front addition will not comply with the maximum front yard in this zone, thus relief is needed for that requirement. If the variances are denied, the applicant has a design that complies with zoning and has indicated they would pursue.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
- Planning Department Comments 2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*

AND

 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*

OR

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

6.

Petition of **SAI Builders, Owners**, for property located at **84 Rockland Street** whereas relief is needed from the Zoning Ordinance for partial demolition of existing home to allow the addition of dormers and a two-story garage addition which requires the following: 1) Variances from Section 10.521 to allow: a) a 4 foot secondary front yard where 15 feet is required; b) an 8 foot primary front yard where 15 feet is required; and c) 27% building coverage where 25% is the maximum allowed. 2) A Variance from Section 10.321 to allow a non-conforming building or structure to be extended, reconstructed or enlarged without conforming to the requirements of the Ordinance. Said property is shown on Assessor Map 113 Lot 26 and lies within the General Residence A (GRA) District.

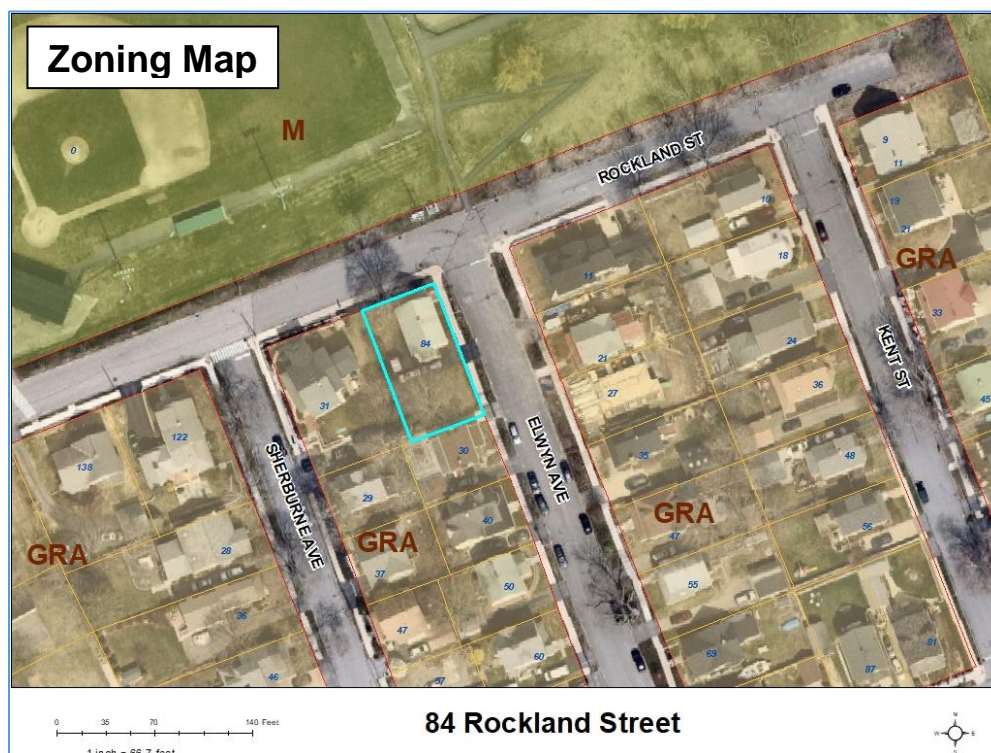
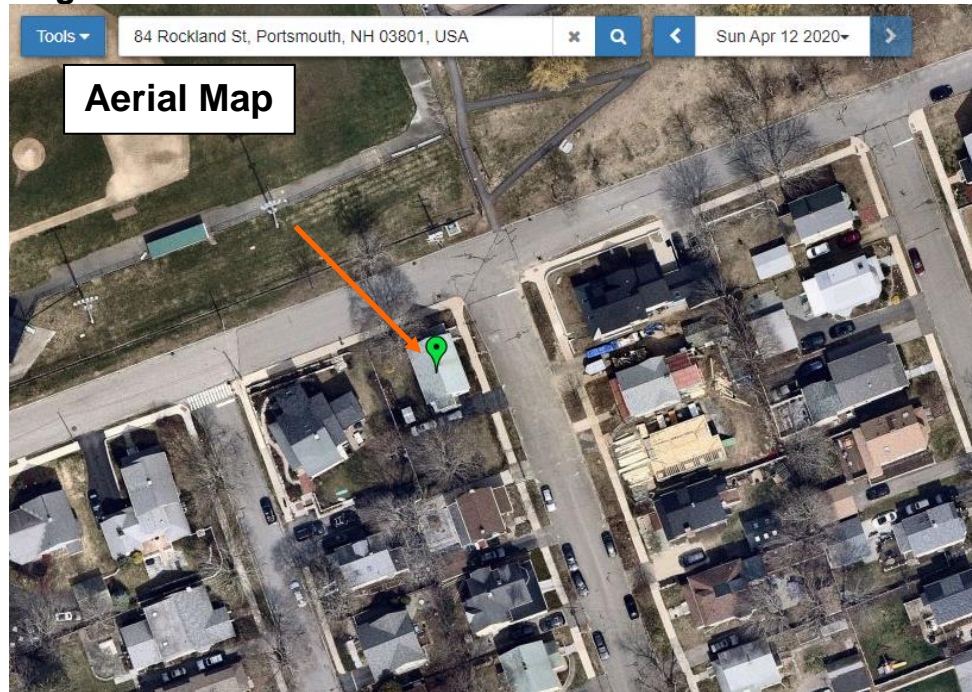
Existing & Proposed Conditions

	<u>Existing</u>	<u>Proposed</u>	<u>Permitted / Required</u>
<u>Land Use:</u>	Single-family	Partial Demo /construct new garage addition	Primarily Single-family Uses
<u>Lot area (sq. ft.):</u>	5,492	5,492	7,500 min.
<u>Lot Area per Dwelling Unit (sq. ft.):</u>	5,492	5,492	7,500 min.
<u>Street Frontage (ft.):</u>	154	154	100 min.
<u>Lot depth (ft.):</u>	100	100	70 min.
<u>Primary Front Yard (ft.):</u>	8	8	15 min.
<u>Secondary Front Yard (ft.):</u>	3	4	10 min.
<u>Right Yard (ft.):</u>	25	20	10 min.
<u>Rear Yard (ft.):</u>	48	33	20 min.
<u>Height (ft.):</u>	<35	<35	35 max.
<u>Building Coverage (%):</u>	20	27	25 max.
<u>Open Space Coverage (%):</u>	70	68	30 min.
<u>Parking:</u>	2	1	2
<u>Estimated Age of Structure:</u>	1920	Variance request shown in red.	

Other Permits/Approvals Required

CUP for parking (if 2 spaces are not provided)

Neighborhood Context



Previous Board of Adjustment Actions

No prior BOA history found.

March 23, 2021 Meeting

Planning Department Comments

The applicant is proposing to demolish the existing front porch and rear addition and construct a new rear two-story addition with one car garage and add dormers to the existing main structure. In addition, a new front porch and one-story addition will be added on the Rockland Street side of the house. The applicant has determined the average front yard is 8.75 feet for dwellings within 200 feet of the subject house, however the proposed front secondary front yard is 4 feet, so Section 10.516.10 does not help the applicant in this instance. The proposed renovation will result in 26.7% building coverage per the application, however the legal notice indicated 27% to allow a plus/minus to account for any discrepancies with the project. Similarly, the two front yard requests in the application are 4.3 and 8.1 feet and the legal notice indicated 4 feet and 8 feet, which again, if granted approval, would allow for a plus/minus to account for any discrepancies.

With the addition of the garage, it appears only one conforming off-street parking space will be provided, where 2 currently exist. If this is the case, a parking CUP will be required if the applicant cannot provide 2 off-street parking spaces. At the writing of this staff report, it was undetermined if that was the case.

Review Criteria

This application must meet all five of the statutory tests for a **variance** (see Section 10.233 of the Zoning Ordinance):

1. *Granting the variance would not be contrary to the public interest.*
- Planning Department Comments 2. *Granting the variance would observe the spirit of the Ordinance.*
3. *Granting the variance would do substantial justice.*
4. *Granting the variance would not diminish the values of surrounding properties.*
5. *The “unnecessary hardship” test:*
 - (a) *The property has special conditions that distinguish it from other properties in the area.*
 - AND**
 - (b) *Owing to these special conditions, a fair and substantial relationship does not exist between the general public purposes of the Ordinance provision and the specific application of that provision to the property; and the proposed use is a reasonable one.*
 - OR**

Owing to these special conditions, the property cannot be reasonably used in strict conformance with the Ordinance, and a variance is therefore necessary to enable a reasonable use of it.

Our home is located at 80 Sapphire Street in Portsmouth NH. We currently have 3 small bedrooms and one full bath. We have 3 children and one dog. We are seeking a variance today for an expansion of a non conforming structure. Our house is currently 1,356 sq. ft. We are seeking to add 3 bedrooms, one full bathroom, and a common area on a second floor addition.

One of the 3 current bedrooms would turn into a staircase, and one of the other bedrooms would turn into a master bath. The current full bath would turn into a ½ bath. Our lot size is 10,018 sq. ft. The land use is a corner unit and residential only.

The setbacks are not changing. The current setbacks from the front to the road are 40 feet. The left side where the driveway is is 35 feet. The back of the house to the fence is 34 feet and the right side to the fence is 12 feet.

Our proposed builder is Brendan King, 603-833-1191. He will be doing the roof removal, framing, new roof and shell. Brian Spechuilli, owner, will be completing the insulation, dry wall, windows, siding, finish wood, and will be working alongside a plumber and electrician not yet hired. Brian by trade owns his own handyman/construction business. The architect is Walter Rous 603-397-7690 and plans are provided.

The building footprint isn't going to be changed, what we are proposing is to add 28x42' on top of existing footprint. Building a second floor should not be contrary to the public as many homes in our neighborhood are already two stories. Financancing is already approved and the builder is set up to begin once approved. Our home will only blend in more and raise the value of our neighborhood. There are no changes to parking spaces being made.

10.233.21 The variance will not be contrary to the public interest;

The variance to build up on the existing structure will not be contrary to the public interest. It will not interfere with any other home owner or our neighborhood. We are not expanding the footprint of the home.

10.233.22 The spirit of the Ordinance will be observed;

The light and air of our home or other existing neighbors will not be affected by granting the variance. We are building straight up on the existing footprint and are seeking a variance because our house is non conforming to the lot.

10.233.23 Substantial justice will be done;

Granting this variance to us would not outweigh the hardship to others in the neighborhood. Denying us this variance would not outweigh the benefit to others. Increasing the value of our home will only increase the value of our neighbors and the neighborhood.

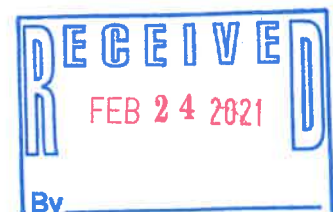
10.233.24 The values of surrounding properties will not be diminished;

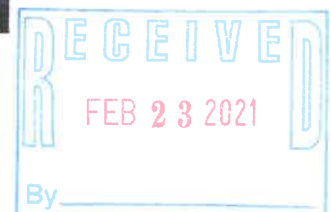
The value of our home and our neighbors would increase if this variance is approved. We are adding another bedroom and 1 1/32 baths to this addition. It will only make our home and neighborhood more attractive to buy in.

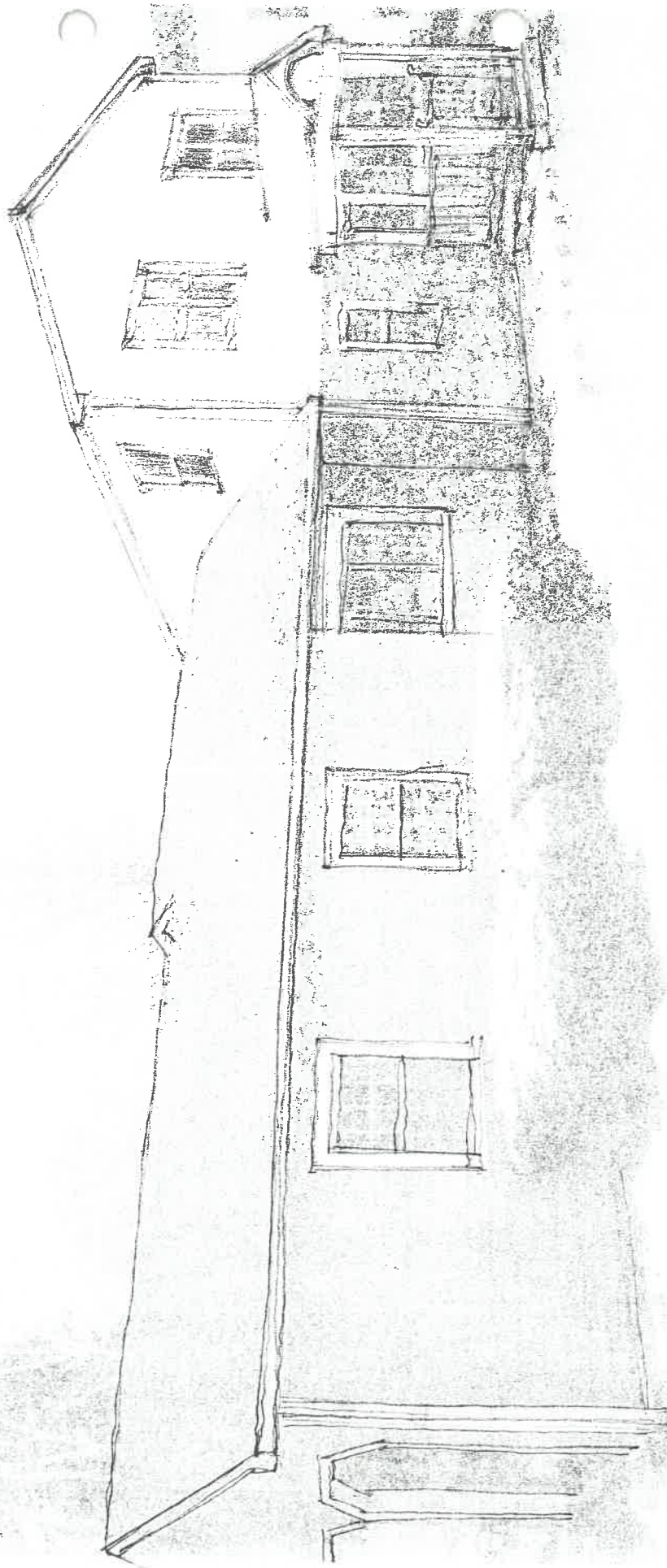
10.233.25 Literal enforcement of the provisions of the Ordinance would result in an unnecessary hardship.

The hardship we are facing is that our home was placed on a non conforming lot. We are 5 feet from the neighbors property line and anything we would like to do to this home causes us to seek a variance. This is a corner lot which is unique. The home is currently non conforming in the setbacks but we will only be building straight up so this should be a very reasonable variance to seek and approve.

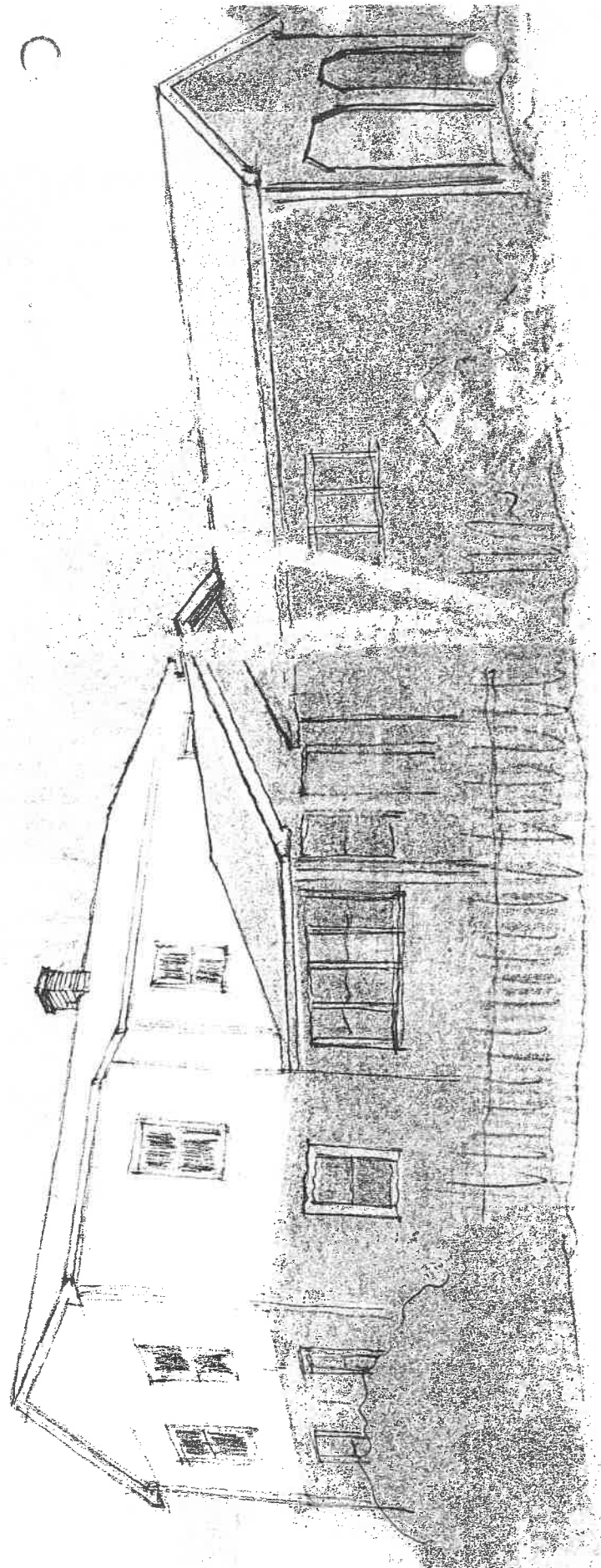
Thank you for your consideration.
Brian and Briana Spechuilli

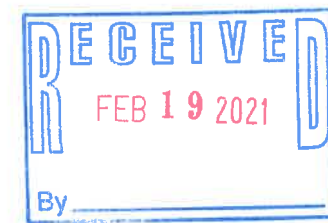
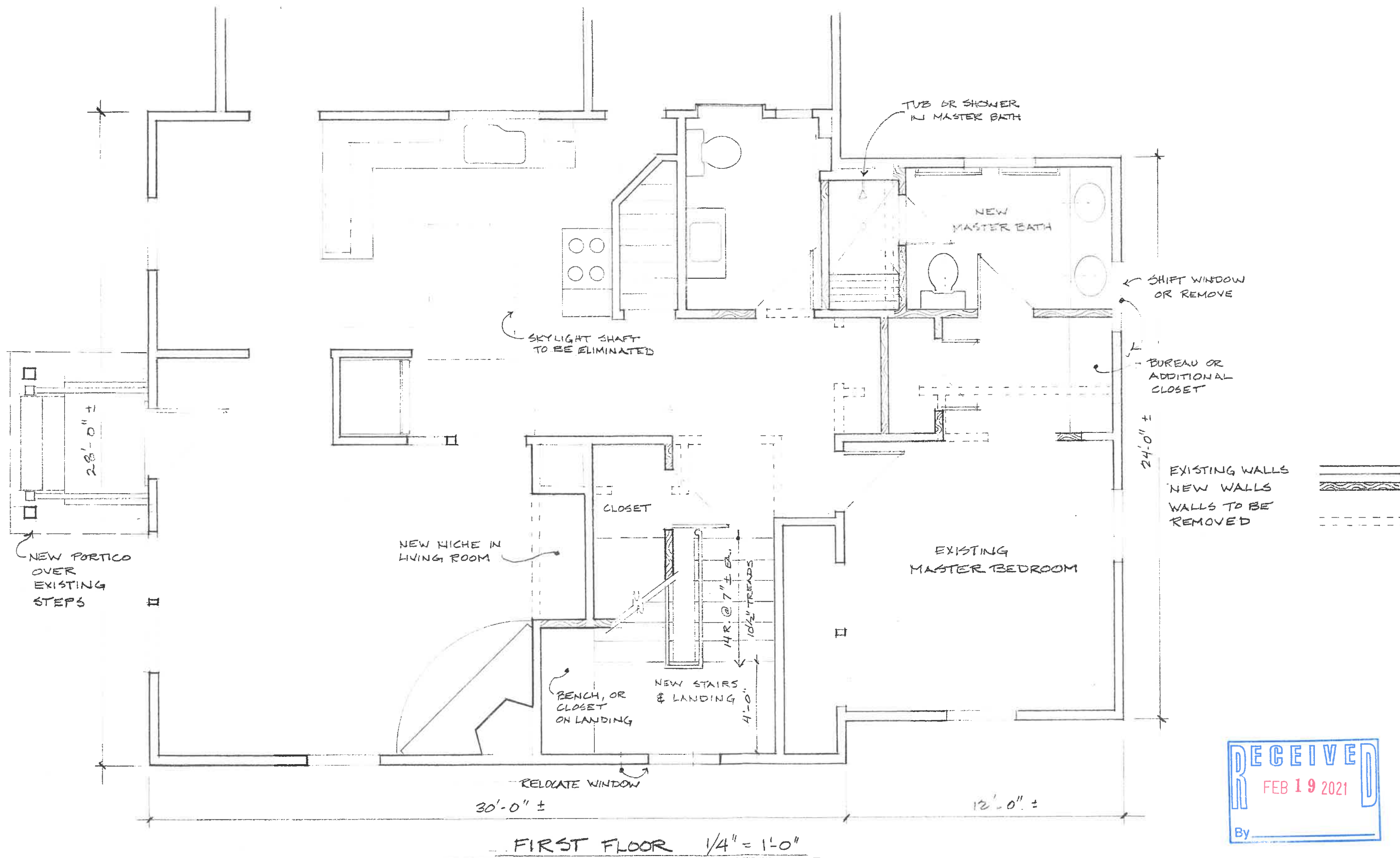






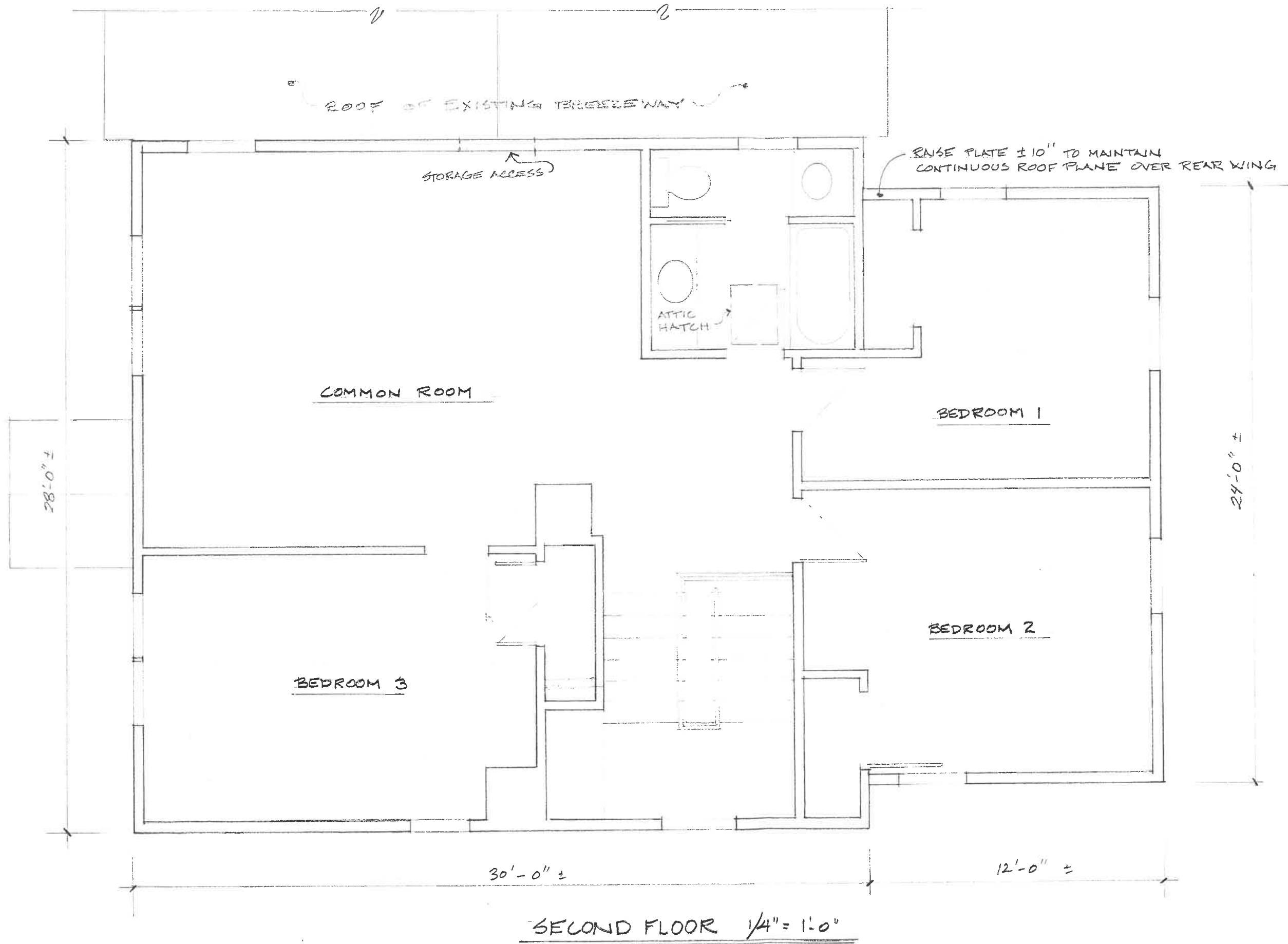
RECEIVED
FEB 19 2021
By _____





BRIANA & BRIAN SPECHUILLI ~ ADDITION
 80 SAPPHIRE STREET • PORTSMOUTH, NH
 WALTER ROUS, DESIGNER • 50 ADAMS POINT ROAD • DURHAM, NH • 868-7030

1
 2/11/21



BRIANA & BRIAN SPECHUILLI ~ ADDITION
80 SAPPHIRE STREET - PORTSMOUTH, NH

SECTION
 1/4" = 1'-0"

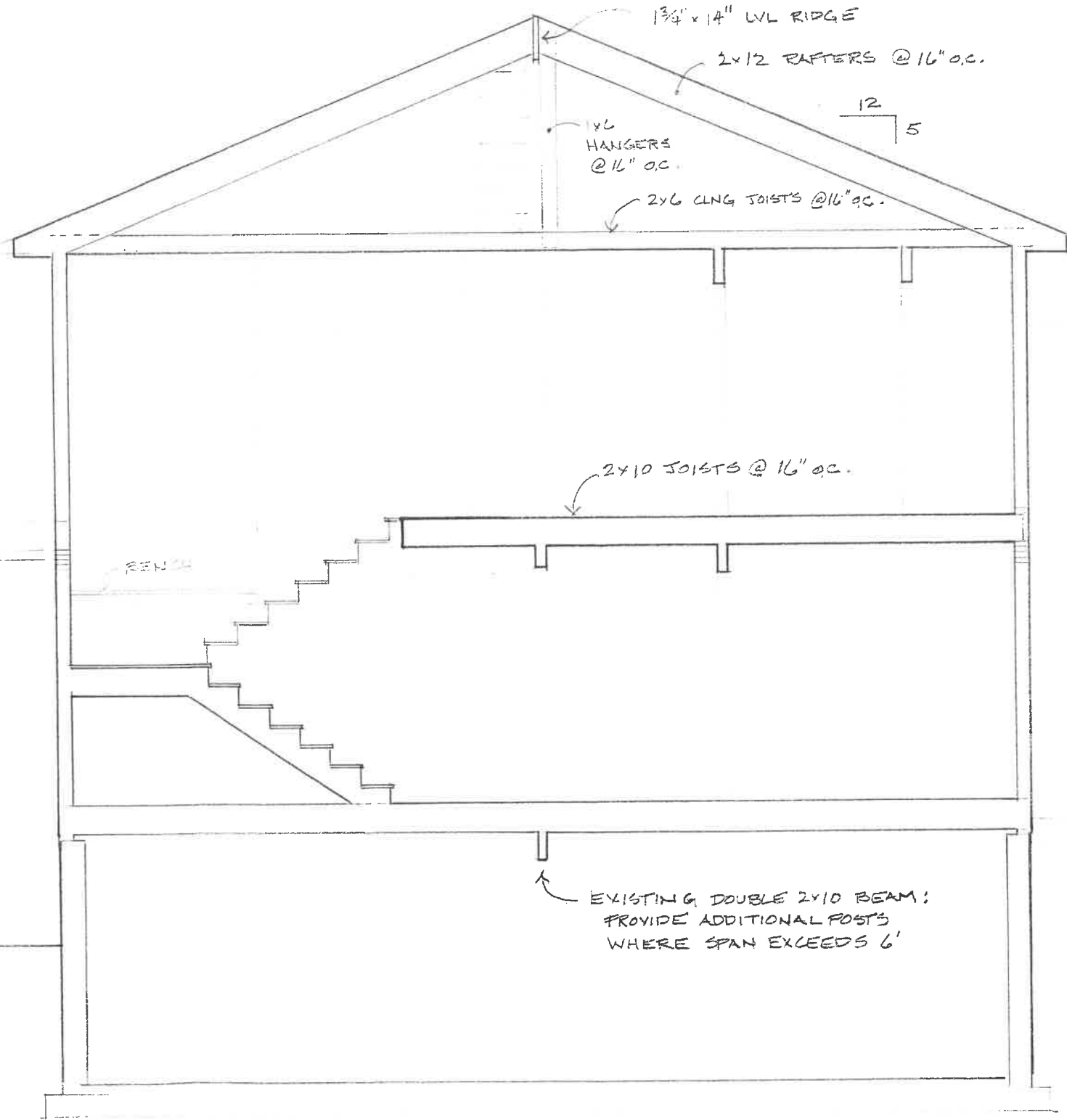
ADD DOUBLE PLATE FOR
 HIGHER CEILING?
 OR SIT NEW 2ND FLOOR JOISTS
 ON TOP OF EXISTING CEILING
 JOISTS & SAVE CEILING?

EXISTING PLATE

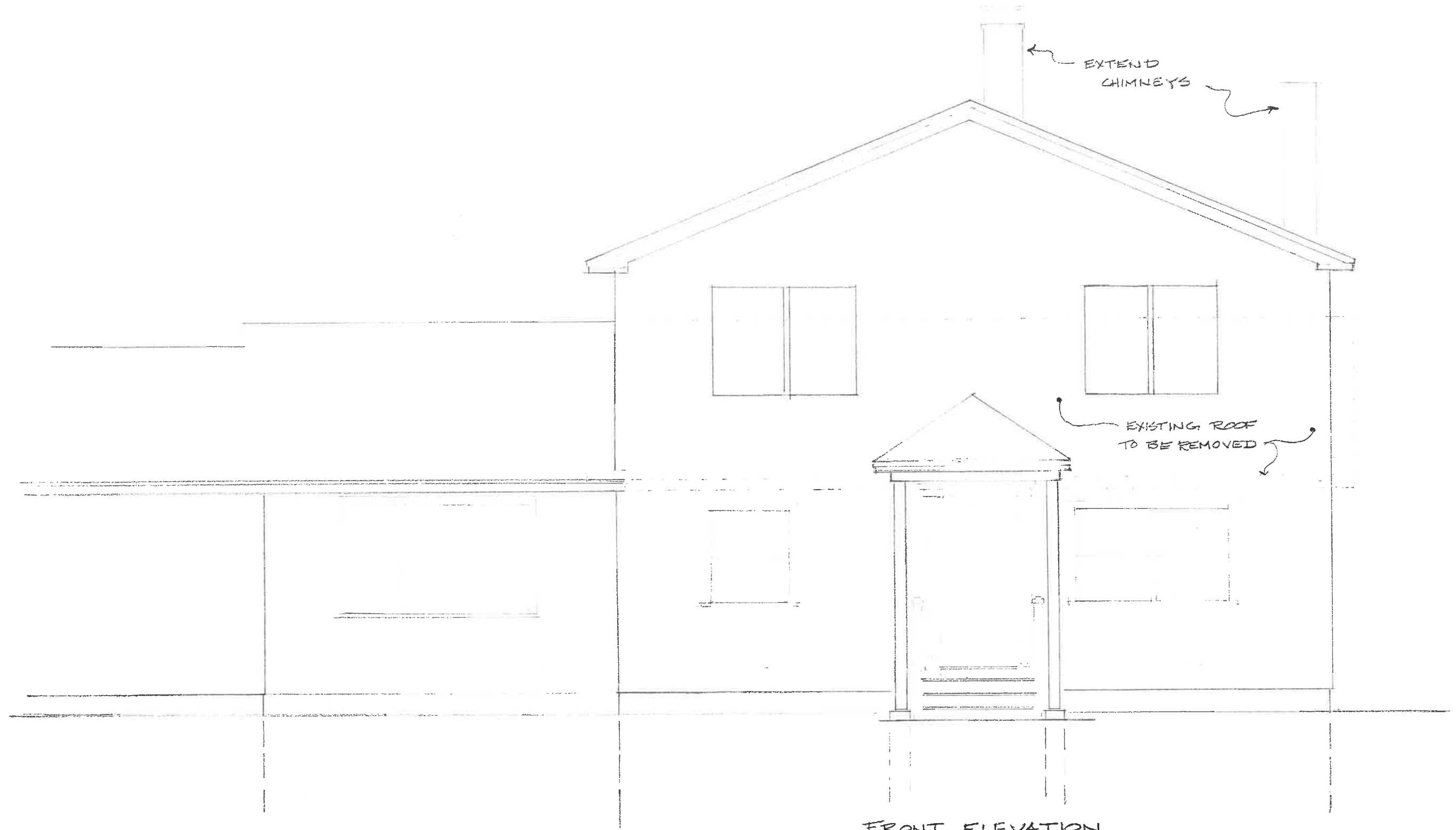
7'-2" ±

1'-8"

10"



EXISTING DOUBLE 2x10 BEAM!
 PROVIDE ADDITIONAL POSTS
 WHERE SPAN EXCEEDS 6'



FRONT ELEVATION

1/4" = 1'-0"

BRIANA & BRIAN SPECHUILLI ~ ADDITION

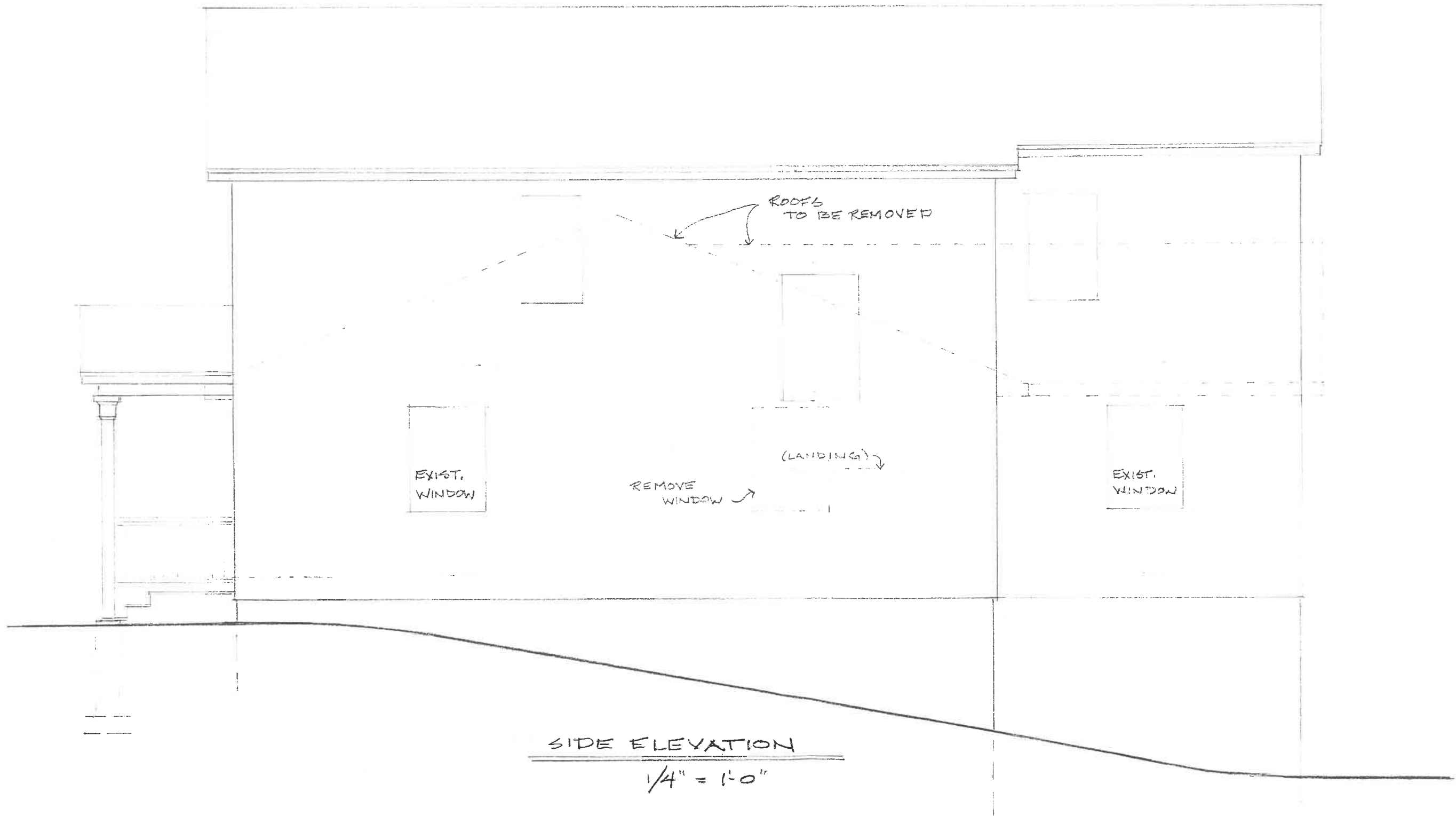
80 SAPPHIRE STREET • PORTSMOUTH, NH

DATE: 01/02/2024

BY: [Signature]

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

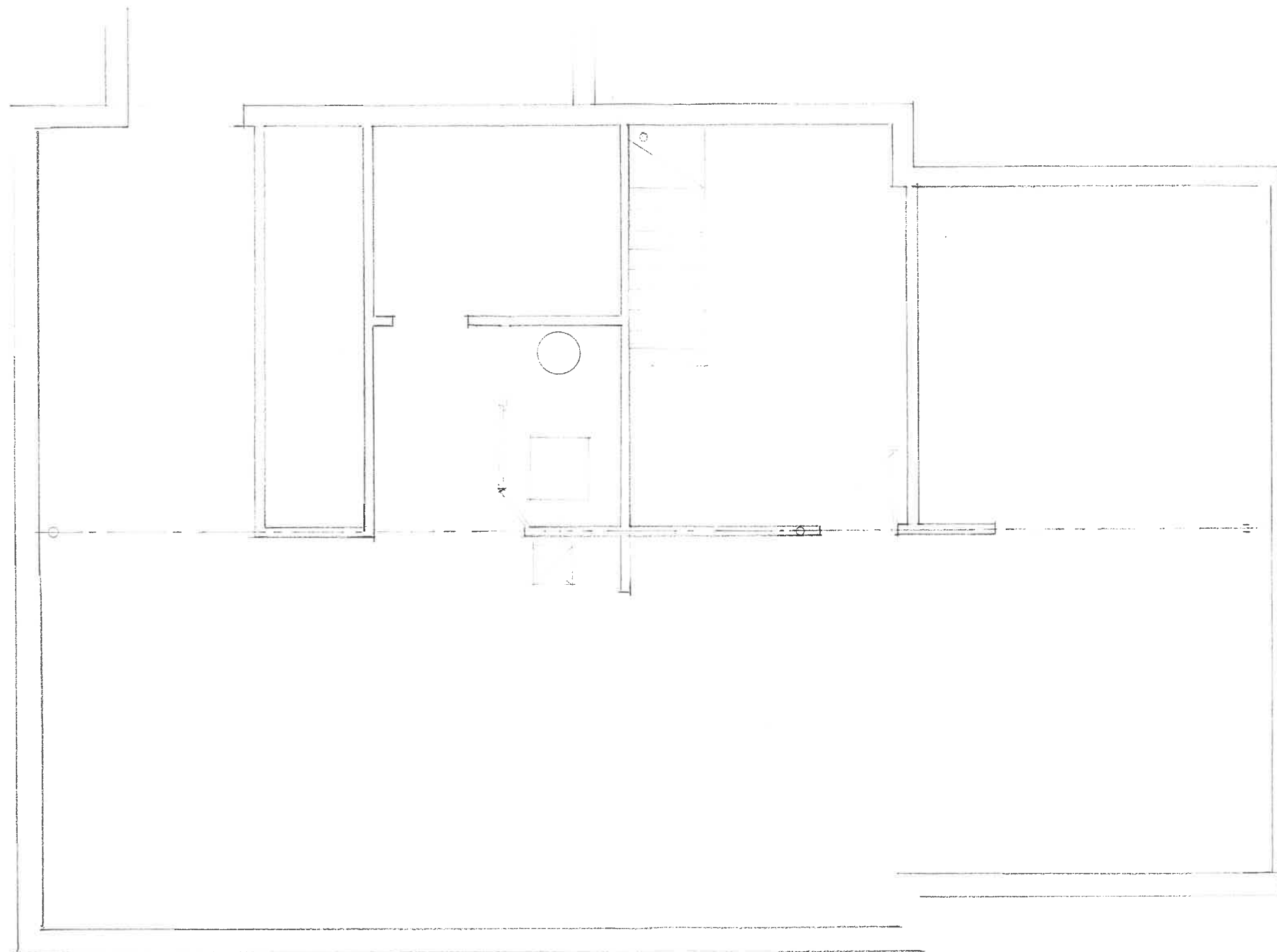
4



BRIANA & BRIAN SPECUILLI ~ ADDITION

80 SUPPHIRE STREET • PORTSMOUTH, NH

5



EXISTING FOUNDATION

$1/4" = 1'-0"$

To: Portsmouth Board of Adjustment

From: Walter and Mary Ellen Hoerman (owners)
56 Dennett Street
Portsmouth, NH

Re: Variance for placement of a small condenser less than 10 feet from the property line.

We, Walter and Mary Ellen Hoerman, the owners of 56 Dennett Street, are seeking a variance to place a small condenser next to our house. Due to the fact that our house sits 6 feet from the property line, it is impossible to comply with the ordinance asking it to be placed 10 feet from the property line.

This is part of a larger project that is approximately 75% completed, which included replacing windows and rotted siding, as well as enclosing an existing second floor porch. All of this has been submitted and approved by Planning and the Historic District Commission. This project has all been within the existing footprint of the house.

Upon further design/analyzing of the addition, it became apparent that there was no way our current forced hot air system could be ducted to adequately heat the new room. A mini-split was added to the design, which includes a small 1 x 2ft condenser be placed on the ground.

The only place that the condenser can be placed is on the side of the house where the side yard is only 6 foot wide. The front of the house is flush with the street, the other side of the house is completely driveway only 12 feet wide, and the rear of the house is too far away (greater than the 50 foot range of the mini-split plumbing) and quickly encroaches on the tidal buffer of North Mill Pond. Therefore the only option is the 6 foot wide side yard.

The placement of this small unit is the first part of the project outside the footprint of the existing 1730 house, therefore the first, and only thing needing a variance.

On recommendation of Peter Stith, I will outline this based on the 5 criteria needed for the variance:

10.233.21 The variance will not be contrary to the public interest;

This is a 1 x 2 foot small unit placed on ground level next to pre-existing equipment that will be fully screened from the street and neighbors. The screening is more than 50 feet from the street behind a street-level fence as well. The abutting house has no windows on that side. It is not visible from the other two sides.

There will be no change to the essential character of the neighborhood, and there are no threats to the public health, safety or welfare, or any otherwise injury to public rights. The unit will be not visible behind screening (which has been previously approved by the Historic District Commission), and has no appreciable noise or emissions. It is in a fenced area with no public access or right of way.

10.233.22 The spirit of the Ordinance will be observed;

The spirit of the ordinance is to keep an adequate buffer to avoid encroachment on the neighbors. The decision to make this side yard only 6 feet wide happened sometime in the 1800s when the lot was subdivided. A small unit, screened with minimal noise, will not particular encroach on the abutter, whose side yard has no windows and is brush filled and used for storage.

10.233.23 Substantial justice will be done;

Substantial justice entails benefit to the applicant should not be outweighed by the harm to the general public.

It is hard to define any harm to the general public of a small unit with minimal noise screened from view, more than 50 feet from the street. The screened area is there either way, whether this unit is there or not.

The benefit to the applicant is heat to make a part of our house livable.

10.233.24 The values of surrounding properties will not be diminished;

As stated previously, the screened area where this unit will be will be there even if this unit is not approved. There is no significant change to the neighborhood. Surrounding property values will be completely unchanged.

and

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

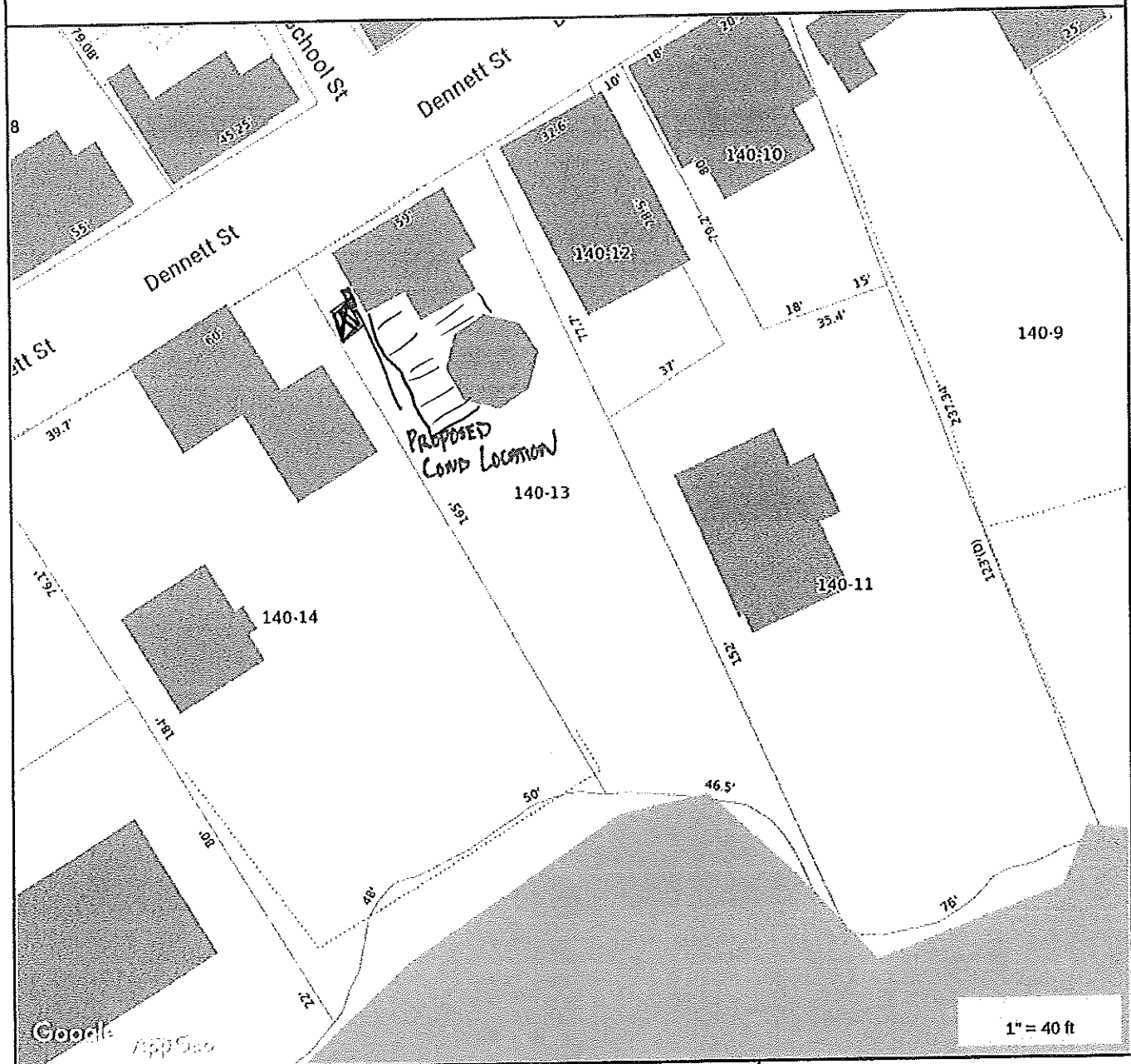
This unit is necessary to add heat to the new room that is already constructed. A room without heat is unusable and unsafe in New Hampshire. There is no other viable option for heat to this room.

The unit cannot be placed anywhere but within this 6 foot side yard. Any other place is further than safe for the piping for the unit. The only other yard with any room is the rear yard, which is much more visible, is too far away, and within the tidal buffer on North Mill Pond.

Enclosed are the details of the condenser as well as a sketch of the placement. If you need any further information, please contact me.

Walter & Mary Ellen Hoerman
56 Dennett Street
Portsmouth, NH 03801
603-828-2688
whoerman@gmail.com





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 4/1/2019
Data updated 7/17/2019



DAVID EDSON PUE
ARCHITECTURE &
DESIGN
1001 W. 10TH ST.
NORWICH, CT 06250
www.iiddesign.com

PROJECT:
1001 W. 10TH ST.
NORWICH, CT 06250
1001 W. 10TH ST.
NORWICH, CT 06250

CONSULTANT:
1001 W. 10TH ST.
NORWICH, CT 06250
1001 W. 10TH ST.
NORWICH, CT 06250

CONSULTANT:
1001 W. 10TH ST.
NORWICH, CT 06250
1001 W. 10TH ST.
NORWICH, CT 06250

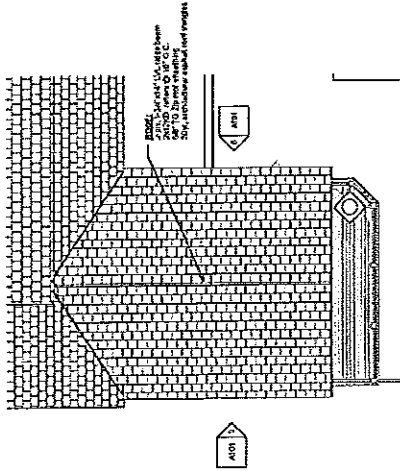
1001 W. 10TH ST.

HOERMAN
RESIDENCE
FLOOR PLANS

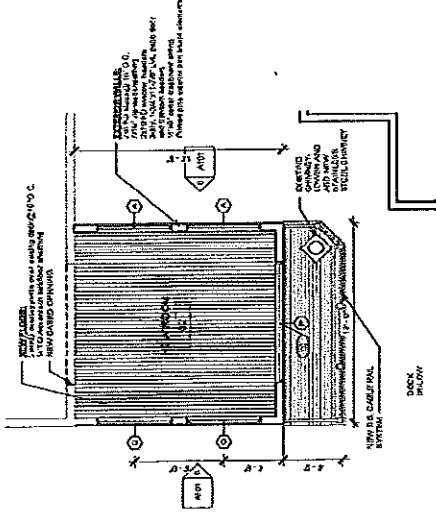
Project Number: 2006
Date: 10.23.20
Drawn by: M
Checked by: M

A101

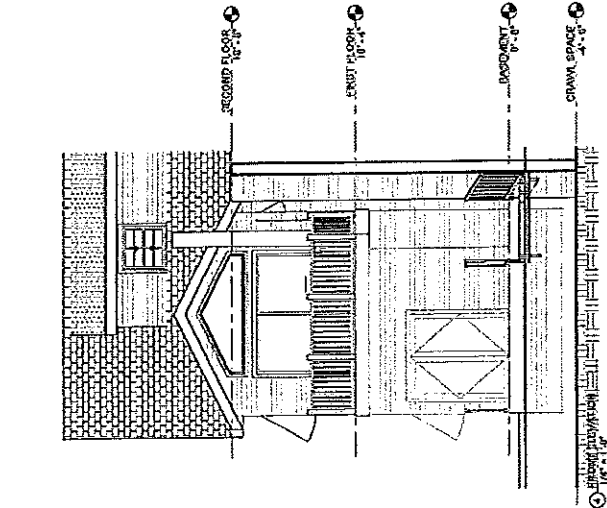
1/4" = 1'-0"



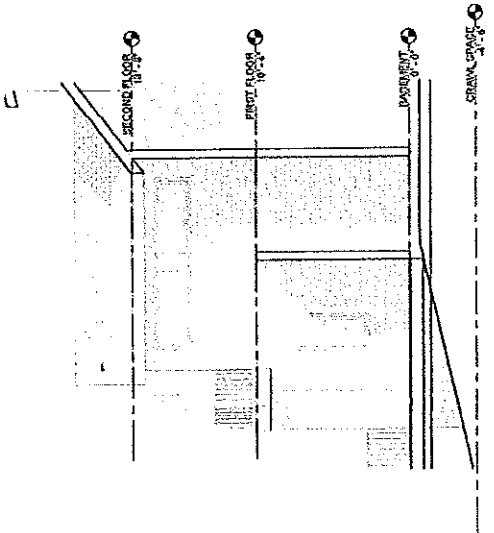
③ ROOF PLAN
1/4" = 1'-0"



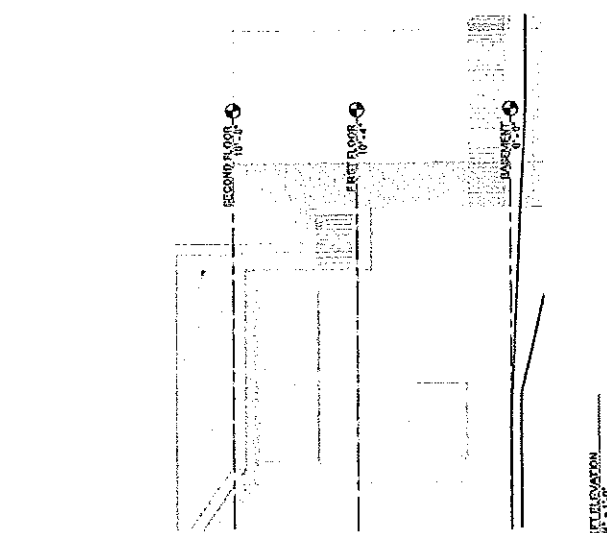
② SECOND FLOOR PLAN
1/4" = 1'-0"



① FIRST FLOOR PLAN
1/4" = 1'-0"



④ FRONT ELEVATION
1/4" = 1'-0"

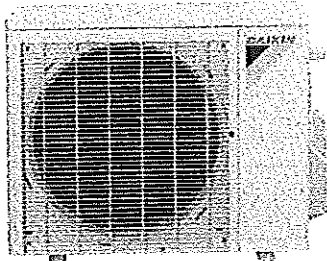
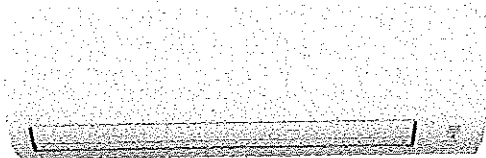


⑤ SIDE ELEVATION
1/4" = 1'-0"

Job Name:	
Tag#	



Submittal Data Sheet	FTX12NMVJU / RXL12QMVJU
1-Ton Wall Mounted Heat Pump System	



Complete warranty details available from your local dealer or at www.daikincomfort.com. To receive the 12-Year Parts Limited Warranty, online registration must be completed within 60 days of installation. Online registration is not required in California or Quebec. If product is installed in a commercial application, limited warranty period is 5 years.

Indoor Specifications

Airflow Rate (cfm)	Cooling		Heating	
	H	M	H	M
	434	311	413	321
Sound (dBA) H / M / L / SL	L	SL	L	SL
	247	145	258	219
Dimensions (H x W x D) (in)		11-1/4 x 30-5/16 x 8-3/4		
Weight (Lbs)		18		

Outdoor Specifications

Compressor	Hermetically Sealed Swing Type			
Refrigerant	R-410A			
Refrigerant Oil	PVE (FVC50K)			
Airflow Rate (cfm)	Cooling		Heating	
	H	M	H	M
	1,144	865	1,006	777
Sound Power Level (dBA)	L	SL	L	SL
	50	49	50	49
Dimensions (H x W x D) (in)		21-5/8 x 26-9/16 x 11-3/16		
Weight (Lbs)		70		

Efficiency

Cooling		Heating	
SEER	20.0	HSPF	12.0
EER	12.5	COP	3.90

Performance

Cooling (Btu/hr)	
Rated (Min/Max)	10,900 (4,400 / 13,300)
Sensible @ AHRI	9,100
Moisture Removal gal/h	.45
Operating Range	50°F - 115°F

Rated Cooling Conditions: Indoor: 80°F DB/67°F WB
Outdoor: 95°F DB/75°F WB

Heating (Btu/hr)	
1: @ 47° Rated (Min/Max)	13,600 (4,400 / 18,800)
2: @ 17° Rated	8,800
3: @ 5° Max	14,330
Operating Range	-13°F - 60°F

1: Rated Heating Conditions: Indoor: 70°F DB/60°F WB
Outdoor: 47°F DB/43°F WB
2: Rated Heating Conditions: Indoor: 70°F DB/60°F WB
Outdoor: 17°F DB/15°F WB
3: Rated Heating Conditions: Indoor: 70°F DB/60°F WB
Outdoor: 5°F DB/5°F WB

Electrical

	208/60/1	230/60/1
System MCA	13.0	13.0
System MFA	15	15
Compressor RLA	12.0	12.0
Outdoor fan motor FLA	.17	.17
Outdoor fan motor W	20	20
Indoor fan motor FLA	.23	.23
Indoor fan motor W	28	28

MFA: Max. fuse amps MCA: Min. circuit amps (A) FLA: Full load amps (A)
RLA: Rated load amps (A) W: Fan motor rated output (W)

Piping

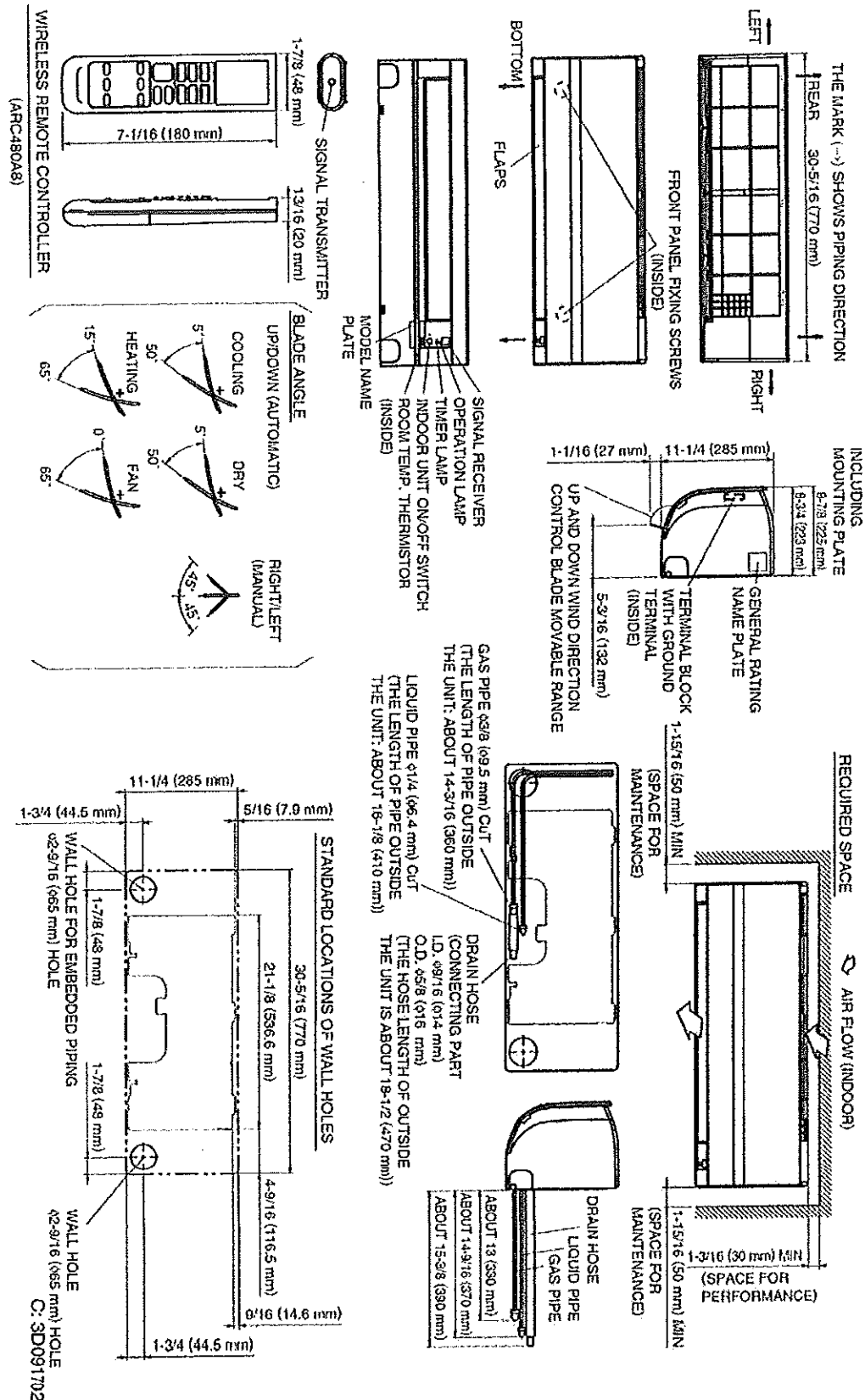
Liquid (in)	1/4
Gas (in)	3/8
Drain (in)	5/8
Max. Interunit Piping Length (ft)	65.625
Max. Interunit Height Difference (ft)	49.25
Chargeless (ft)	32.8
Additional Charge of Refrigerant (oz/ft)	.21

Daikin North America LLC 5151 San Felipe, Suite 500 Houston, TX 77056

(Daikin's products are subject to continuous improvements. Daikin reserves the right to modify product design, specifications and information in this data sheet without notice and without incurring any obligations)

FTX12NMVJU Dimensional Data

DAIKIN



Daikin North America LLC 5151 San Felipe, Suite 500 Houston, TX 77056

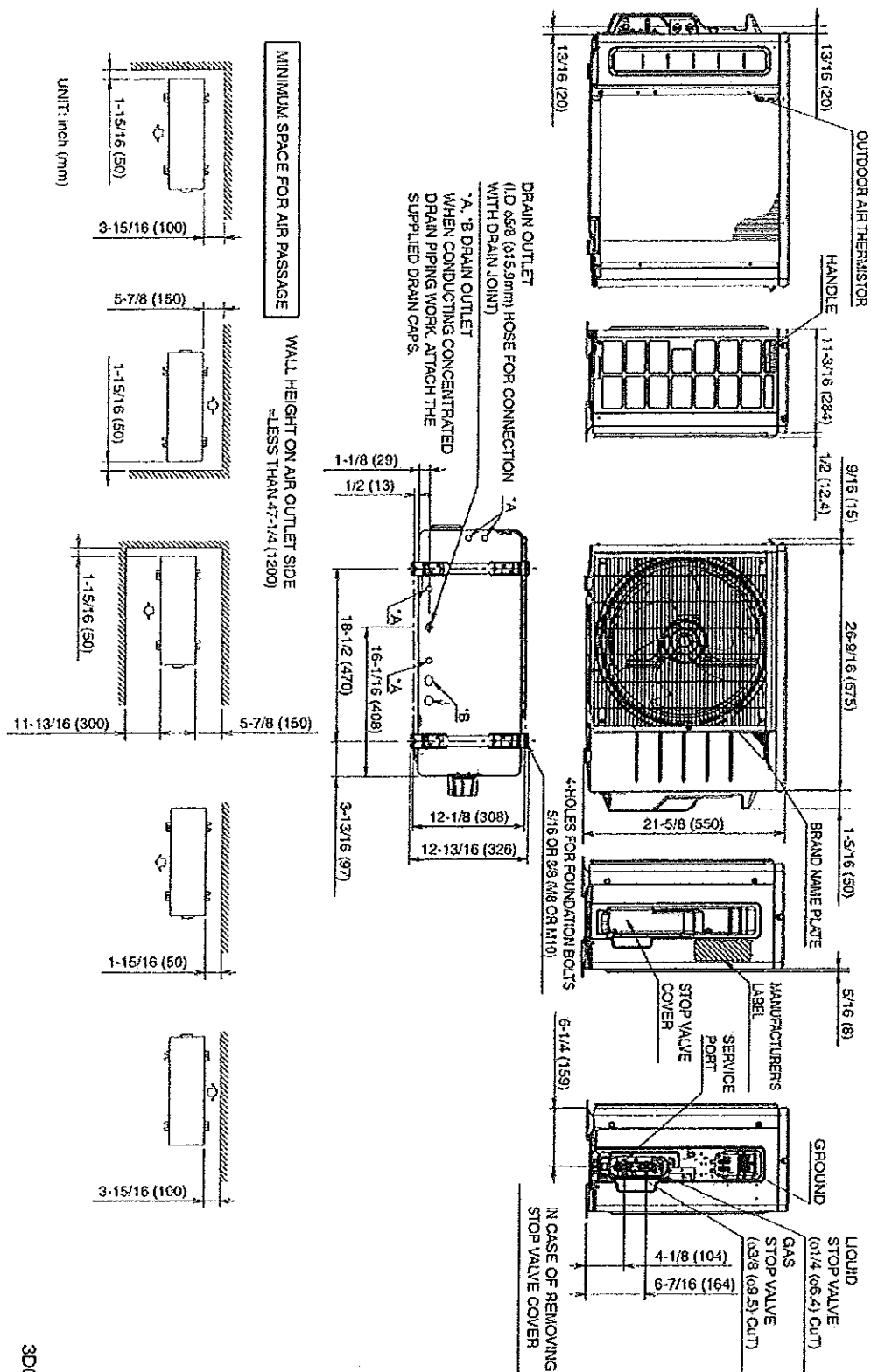
(Daikin's products are subject to continuous improvements. Daikin reserves the right to modify product design, specifications and information in this data sheet without notice and without incurring any obligations)

Submission Creation Date: June 2017

Page 2 of 4

RXL12QMVJU Dimensional Data

DAIKIN



3D092206A

Daikin North America LLC 5151 San Felipe, Suite 500 Houston, TX 77056

(Daikin's products are subject to continuous improvements. Daikin reserves the right to modify product design, specifications and information in this data sheet without notice and without incurring any obligations)

Submittal Creation Date: June 2017

Page 3 of 4



This combination qualifies for a Federal Energy Efficiency Tax Credit when placed in service between 1/1/2015 and 12/31/2020.

Certificate of Product Ratings

AHRI Certified Reference Number : 8849458

Date : 12-24-2020

Model Status : Production Stopped

AHRI Type : HRCU-A-CB-O (Mini-Split Heat Pump, with Remote Outdoor Unit Air-Source, Free Delivery)

Outdoor Unit Brand Name : DAIKIN

Outdoor Unit Model Number : RXL12QMVJU

Indoor Type : Mini-Splits (Non-Ducted)

Indoor Model Number(s) : FTX12NMVJU

Rated as follows in accordance with the latest edition of AHRI 210/240 with Addendum 1, Performance Rating of Unitary Air-Conditioning & Air-Source Heat Pump Equipment and subject to rating accuracy by AHRI-sponsored, independent, third party testing:

Cooling Capacity (95F) : 10900

EER (95F) : 12.50

SEER : 20.00

High Heat (47F) : 13600

Low Heat (17F) : 8800

HSPF : 12.00

Sold in? : USA

†"Active" Model Status are those that an AHRI Certification Program Participant is currently producing AND selling or offering for sale; OR new models that are being marketed but are not yet being produced. "Production Stopped" Model Status are those that an AHRI Certification Program Participant is no longer producing BUT is still selling or offering for sale.
Ratings that are accompanied by WAS indicate an involuntary re-rate. The new published rating is shown along with the previous (i.e. WAS) rating.

DISCLAIMER

AHRI does not endorse the product(s) listed on this Certificate and makes no representations, warranties or guarantees as to, and assumes no responsibility for, the product(s) listed on this Certificate. AHRI expressly disclaims all liability for damages of any kind arising out of the use or performance of the product(s), or the unauthorized alteration of data listed on this Certificate. Certified ratings are valid only for models and configurations listed in the directory at www.ahrldirectory.org.

TERMS AND CONDITIONS

This Certificate and its contents are proprietary products of AHRI. This Certificate shall only be used for individual, personal and confidential reference purposes. The contents of this Certificate may not, in whole or in part, be reproduced; copied; disseminated; entered into a computer database; or otherwise utilized, in any form or manner or by any means, except for the user's individual, personal and confidential reference.

CERTIFICATE VERIFICATION

The information for the model cited on this certificate can be verified at www.ahrldirectory.org, click on "Verify Certificate" link and enter the AHRI Certified Reference Number and the date on which the certificate was issued, which is listed above, and the Certificate No., which is listed at bottom right.

©2020 Air-Conditioning, Heating, and Refrigeration Institute



we make life better™

CERTIFICATE NO.:

132532881359293509

Table of abbreviations

Term	Description
Air Flow Rate	Air Flow Rate
Bse Refr	Standard factory refrigerant charge (16.4ft actual piping length) excluding extra refrigerant charge. For calculation of extra refrigerant charge refer to the databook
CC	Available cooling capacity
COP 47°C	COP value at nominal condition and at ambient temperature of 47°F
COP 17°C	COP value at nominal condition and at ambient temperature of 17°F
IEER	IEER value at nominal condition
Ex Refr	Extra refrigerant charge
FCU	Device model name
HC	Available heating capacity (integrated heating capacity)
HSPF	HSPF Rating
Max HC	Available heating capacity
Max SC	Available sensible cooling capacity
Max TC	Available total cooling capacity
MCA	Minimum Circuit Amps
Model	Device model name
MOP	Maximum Overcurrent Protection
Name	Logical name of the device
Piping	Largest distance from indoor unit to outdoor unit
PS	Power supply (voltage and phases)
Rq CC	Required cooling capacity
Rq HC	Required heating capacity
Rq SC	Required sensible cooling capacity
Rq TC	Required total cooling capacity
RunAmps	Running Amps
SEER	SEER Rating
Sound	Sound pressure level low and high
St curr	Starting current
Tmp C	Outdoor conditions in cooling
Tmp C	Indoor conditions in cooling
Tmp H	Indoor temperature in heating



Table of abbreviations

Term	Description
Tmp H	Outdoor conditions in heating (dry bulb temp. / RH)
WxHxD	WidthxHeightxDepth
Weight	Weight of the device

FW Webb Company
 218 Knox Marsh Road - Dover, New Hampshire 03820
 603-749-3100 - lyman@fwwebb.com

Hoerman Residence
 Portsmouth, NH 03801

Sales Consultant:

Job#: 122420-JDowling

Date: 12/24/2020

Heat Pump (Average Load Procedure)

Design Conditions

Location: Portsmouth Pease International Tradeport,	Elevation: 102 ft	Daily Range: Medium
Input Data: Outdoor Dry Bulb Indoor Dry Bulb	Latitude: 43° N	Design Grains: 26
Summer: 96 72	Heated Area 189 Sq.Ft.	
Winter: 5 72	Cooled Area 189 Sq.Ft.	

Heat/Loss Summary (July Heat Load Calculations)

	Gross Area	Loss	Sensible Gain	Latent Gain
Walls	393.75	0	0	0
Windows	115.5	4375	6381	0
Doors	0	0	0	0
Ceilings	189	387	185	0
Skylights	0	0	0	0
Floors	0	0	0	0
Room Internal Loads		0	1143	400
Blower Load			0	0
Hot Water Piping Load		0	0	0
Winter Humidification Load		417	0	0
Infiltration		1417	255	178
Ventilation		0	0	0
Duct Loss/Gain EHLF=0 ESGF=0		0	0	0
AED Exursion		n/a	0	n/a
Subtotal		6596	7964	578



**Approved ACCA
MJ8 Calculations**

Total Heating 6596 Btuh 2 kw of electric heat

Total Cooling 8542 Btuh 11 Linear ft. of Hydronic Baseboard

0.8 Nominal Tons of Sensible Cooling

0.71 Nominal Tons of Total Cooling

*Calculations are based on the ACCA Manual J 8th Edition and are approved by ACCA. All computed calculations are estimates based on building use, weather data, and inputted values such as R-Values, window types, duct loss, etc. Equipment selection should meet both the latent and sensible gain as well as building heat loss.

FW Webb Company
218 Knox Marsh Road - Dover, New Hampshire 03820
603-749-3100 - lyman@fwwebb.com

Hoerman Residence
Portsmouth, NH 03801

Sales Consultant:

Job#: 122420-JDowling

Date: 12/24/2020

Equipment Selection

Design Conditions

Design Location: Portsmouth Pease	Relative Humidity: 50%
Elevation: 102 ft	Summer Outdoor Design: 95
Latitude: 43° N	Winter Outdoor Design: 5
Daily Range: Medium	Summer Indoor Design: 72
Design Grains 26	Winter Indoor Design: 72

Heating Equipment

Mfg:	Altitude Correction Factor: 0
Model:	Heating Input (btuh):
AHRI Ref #:	Heating Output (btuh): 13600
Efficiency (AFUE):	Calculated HeatPump Output @ Design (btuh): 13819

Cooling Equipment

Mfg: DAIKIN MANUFACTURING	Altitude Correction Factor: 0
Outdoor Unit Model: RXL12QMVJU	Rated Total Cooling (btuh): 10900
Coil: FTX12NMVJU	Sensible Cooling (btuh): 9592
Furnace:	Latent Cooling (btuh): 1308
AHRI Ref #: 8849458	SEER - EER@95: 20 - 12.5
	Heat Pump HSPF: 12

Summary

<u>MJ8 Calculations</u>	<u>Status</u>	<u>Equipment Capacities</u>
Sensible Gain (btuh): 7964	Sufficient	Sensible Capacity (btuh): 9592
Latent Gain (btuh): 578	Sufficient	Latent Capacity (btuh): 1308
Total Heat Gain (btuh): 8542	Sufficient	Total Capacity (btuh): 10900
Heat Loss (btuh): 6596	Sufficient	Heating Capacity (btuh): 13819

FW Webb Company
 218 Knox Marsh Road - Dover, New Hampshire 03820
 603-749-3100 - lyman@fwwebb.com

Hoerman Residence
 Portsmouth, NH 03801

Sales Consultant:

Job#: 122420-JDowling

Date: 12/24/2020

New Room (Average Load Procedure)

Design Conditions

Location:	Portsmouth Pease International Tradeport,	Elevation:	102 ft	Daily Range:	Medium
Input Data:	Outdoor Dry Bulb	Indoor Dry Bulb	Latitude:	Design Grains: 26	
Summer:	95	72	Heated Area	189 Sq.Ft.	
Winter:	5	72	Cooled Area	189 Sq.Ft.	

Heat/Loss Summary (July Heat Load Calculations)

	Gross Area	Loss	Sensible Gain	Latent Gain
Walls	393.75	0	0	0
Windows	115.5	4375	6381	0
Doors	0	0	0	0
Ceilings	189	387	185	0
Skylights	0	0	0	0
Floors	0	0	0	0
Room Internal Loads		0	1143	400
Blower Load		417	0	0
Hot Water Piping Load			0	0
Winter Humidification Load			0	0
Infiltration		1417	255	178
Ventilation		0	0	0
Duct Loss/Gain		0	0	0
AED Excursion		n/a	0	n/a
Subtotal		6596	7964	578



**Approved ACCA
MJ8 Calculations**

Total Heating	6596	Btuh	2 kw of electric heat
Total Cooling	8542	Btuh	11 Linear ft. of Hydronic Baseboard

0.8 Nominal Tons of Sensible Cooling

0.71 Nominal Tons of Total Cooling

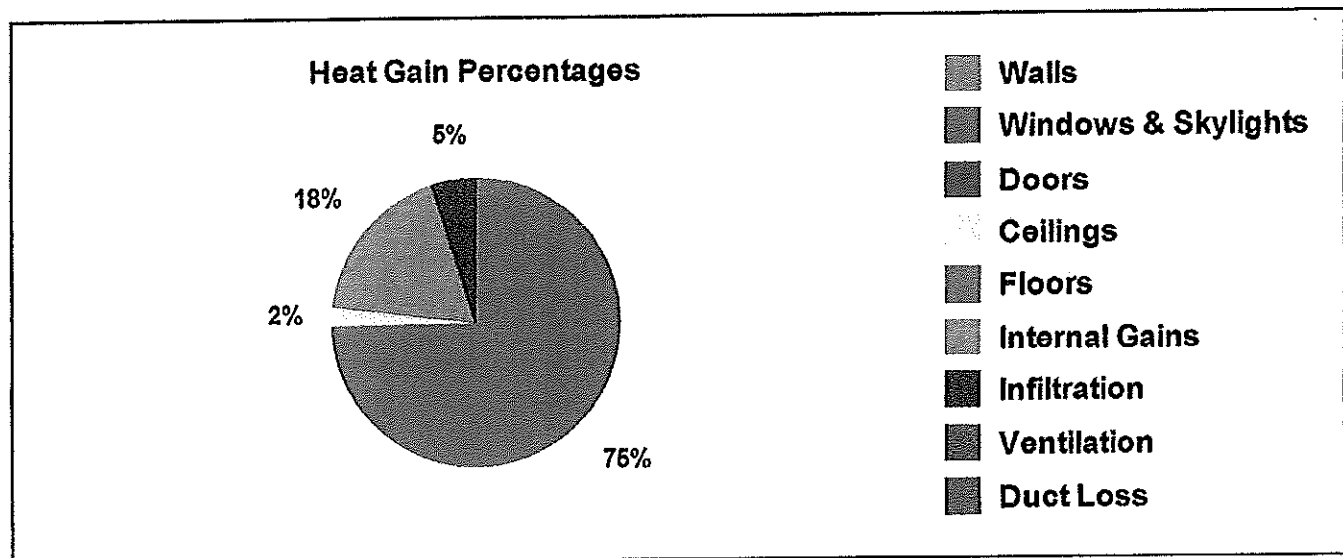
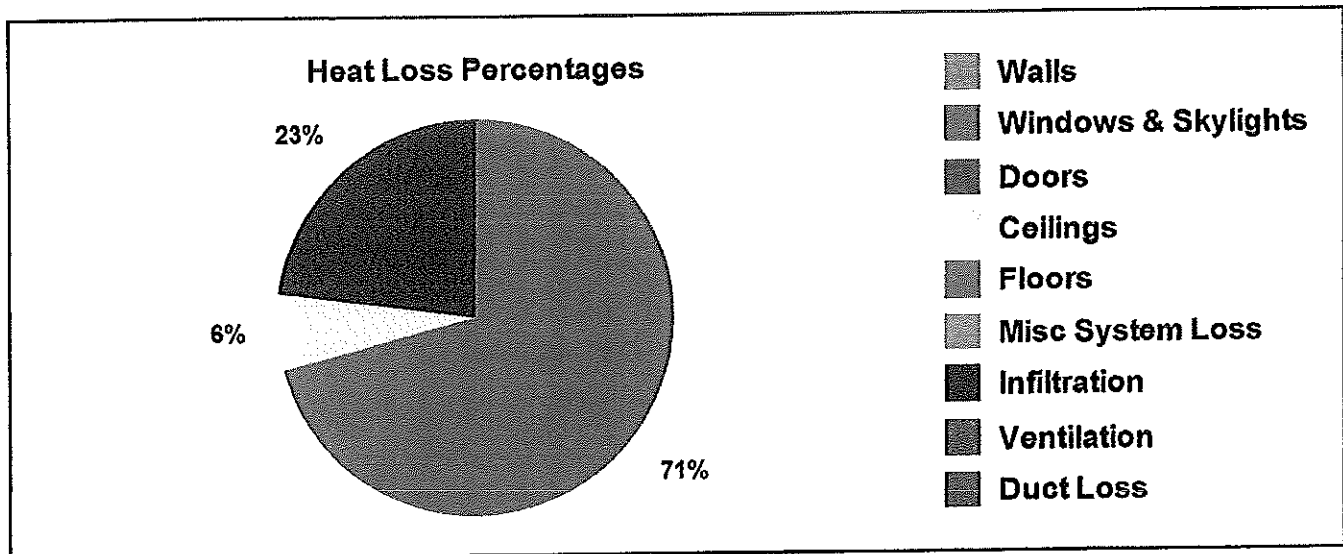
*Calculations are based on the ACCA Manual J 8th Edition and are approved by ACCA. All computed calculations are estimates based on building use, weather data, and inputted values such as R-Values, window types, duct loss, etc. Equipment selection should meet both the latent and sensible gain as well as building heat loss.

Sales Consultant:

Job#: 122420-JDowling

Date: 12/24/2020

New Room Load Chart



FW Webb Company
218 Knox Marsh Road - Dover, New Hampshire 03820
603-749-3100 - lyman@fwwebb.com

Hoerman Residence
Portsmouth, NH 03801

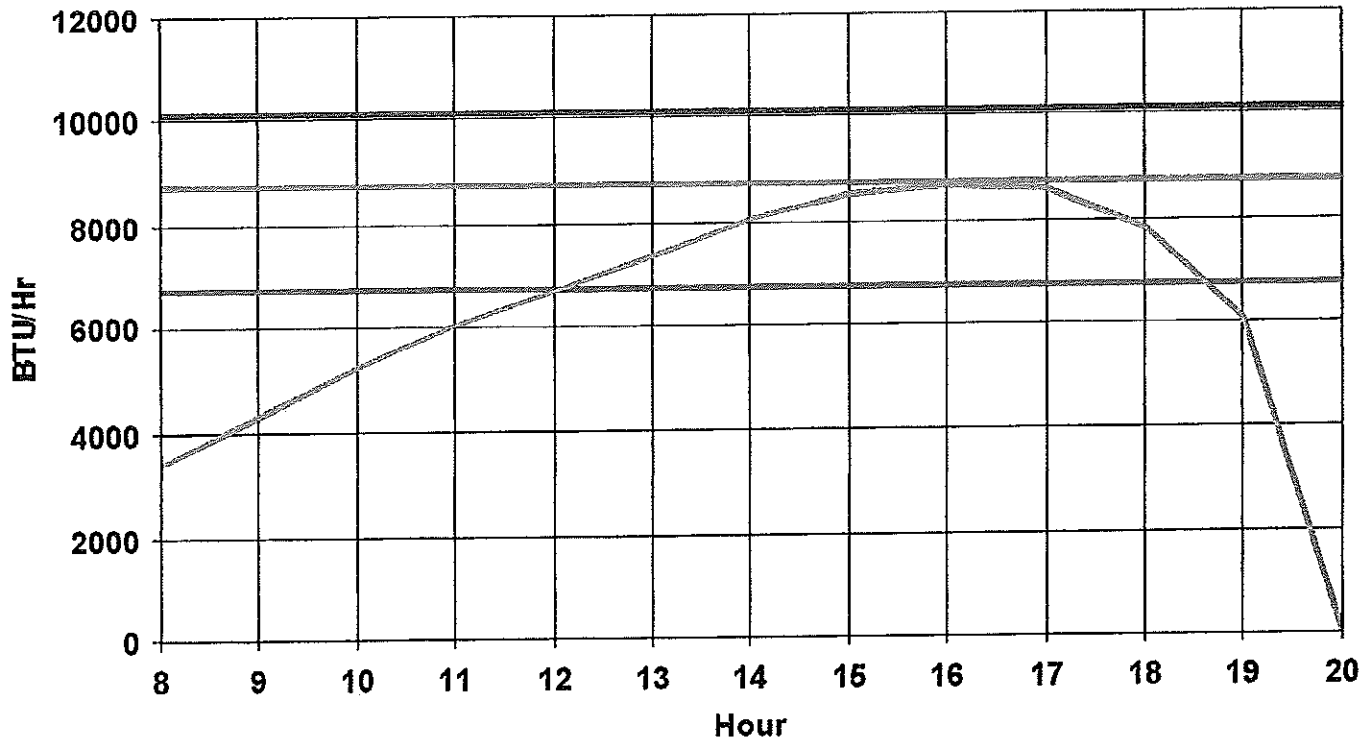
Sales Consultant:

Job#: 122420-JDowling

Date: 12/24/2020

Heat Pump

— AED Curve — DAL — 1.3 — 1.5



AED Excursion: 0 btuh
AED Status: System has Adequate Exposure Diversity.
AED Flag: No AED Flag.

Hours are listed in 24-hour format: 8 is 8am, 20 is 8pm.

FW Webb Company
 218 Knox Marsh Road - Dover, New Hampshire 03820
 603-749-3100 - lyman@fwwebb.com

Hoerman Residence
 Portsmouth, NH 03801

Sales Consultant:

Job#: 122420-JDowling

Date: 12/24/2020

Heat Pump Breakdown

Item Name	U-Value /SHGC	Net Area	Htg. HTM.	Clg. HTM	Sens. Htg.	Sens. Clg.	Lat. Clg.	Total Clg.
Construction Type								
Heat Pump					417	0	0	0

New Room					0	1143	400	1543
----------	--	--	--	--	---	------	-----	------

Ceiling	0.029	199.22	1.943	0.93	387	185	0	185
---------	-------	--------	-------	------	-----	-----	---	-----

Ceiling Below Roof Joists|Dark or Bold Color Asphalt Shingles|NA|R-38 blanket or loose fill

West Wall

FW Webb Company
218 Knox Marsh Road - Dover, New Hampshire 03820
603-749-3100 - lyman@fwwebb.com

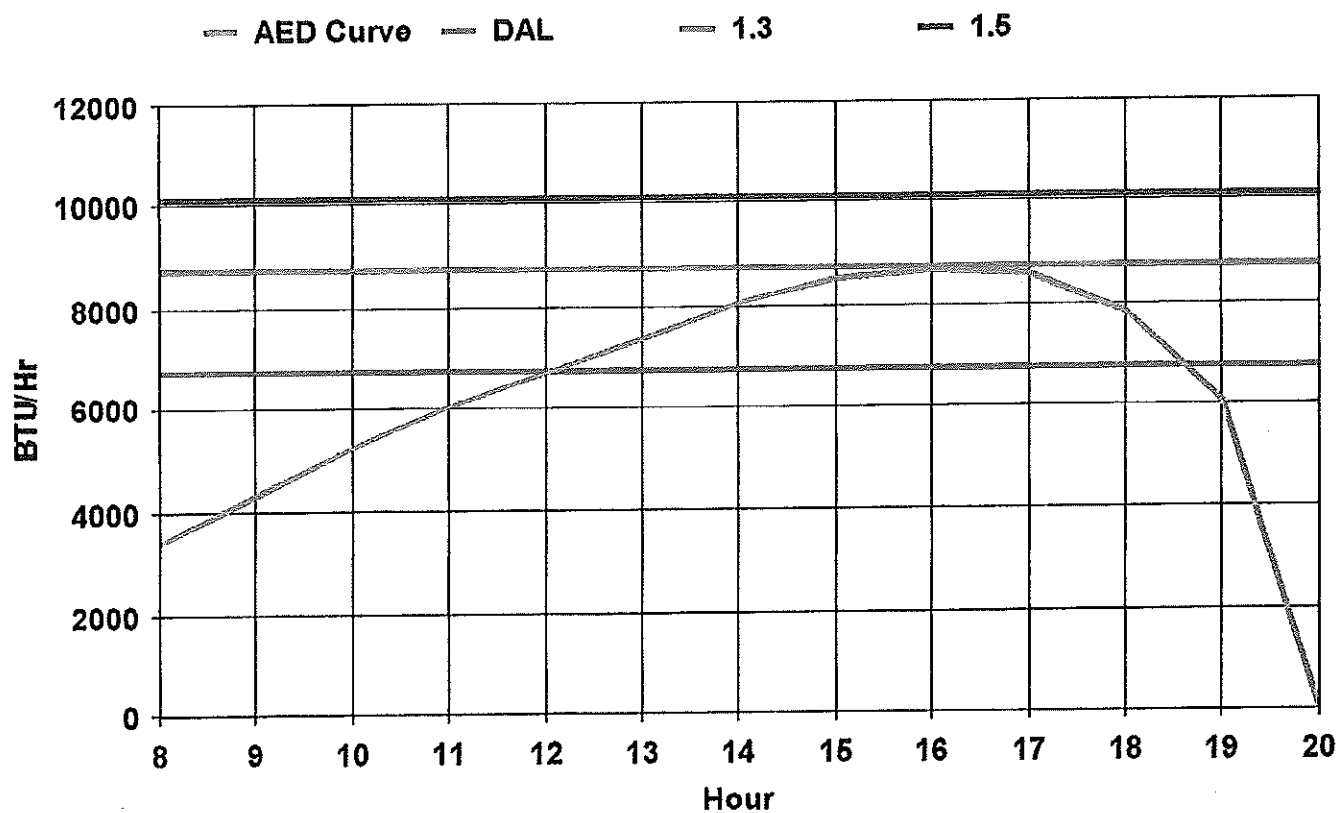
Hoerman Residence
Portsmouth, NH 03801

Sales Consultant:

Job#: 122420-JDowling

Date: 12/24/2020

Heat Pump



AED Excursion: 0 btuh

AED Status: System has Adequate Exposure Diversity.

AED Flag: No AED Flag.

Hours are listed in 24-hour format: 8 is 8am, 20 is 8pm.

FW Webb Company
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Hoerman Residence
 Portsmouth, NH 03801

Sales Consultant:
 Job#: 122420-JDowling
 Date: 12/24/2020

New Room (Average Load Procedure)

Design Conditions

Location: Portsmouth Pease International Tradeport,	Elevation: 102 ft	Daily Range: Medium
Input Data: Outdoor Dry Bulb	Indoor Dry Bulb	Latitude: 43° N
Summer: 95	72	Design Grains: 26
Winter: 5	72	Heated Area 189 Sq.Ft.
		Cooled Area 189 Sq.Ft.

Heat/Loss Summary (July Heat Load Calculations)

	Gross Area	Loss	Sensible Gain	Latent Gain
Walls	393.75	0	0	0
Windows	115.5	4375	6381	0
Doors	0	0	0	0
Ceilings	189	387	185	0
Skylights	0	0	0	0
Floors	0	0	0	0
Room Internal Loads		0	1143	400
Blower Load		417	0	0
Hot Water Piping Load			0	0
Winter Humidification Load			0	0
Infiltration		1417	255	178
Ventilation		0	0	0
Duct Loss/Gain		0	0	0
AED Excursion		n/a	0	n/a
Subtotal		6596	7964	678



Approved ACCA
 MJ8 Calculations

Total Heating	6596	Btuh	2 kw of electric heat
Total Cooling	8542	Btuh	11 Linear ft. of Hydronic Baseboard
0.8 Nominal Tons of Sensible Cooling		0.71 Nominal Tons of Total Cooling	

*Calculations are based on the ACCA Manual J 8th Edition and are approved by ACCA. All computed calculations are estimates based on building use, weather data, and inputted values such as R-Values, window types, duct loss, etc. Equipment selection should meet both the latent and sensible gain as well as building heat loss.

January 6th, 2021

City of Portsmouth, NH

Attn: Board of Adjustment

We would like to add heating and cooling to the 3rd floor of the house and add air conditioning to the first and second floors. This would require the addition of two outdoor HVAC units that will be placed beneath the existing deck off the side of the house. The units will consist of one Trane condenser (40"w x 36" h x 14"d) and one Mitsubishi heat pump (32"w x 22"h x 12"d).

There is not currently a heat source on the 3rd floor of the house which serves as a bedroom, closet, and bathroom. A variance is required given there is no location on the property that does not encroach within 10 ft of the property line. The location under the deck is the only feasible location on the property. The proposed location will place the units 6 ft and 8 ft from the rear and side property lines. In other words, the units will encroach into the setback limits by 4 ft and 2 ft respectively.

We believe this request complies with the requirements of the Zoning Ordinance as provided in Article 2 (Section 10.233.20):

10.233.21 The variance will not be contrary to the public interest and 10.233.22 The spirit of the Ordinance will be observed

The placement of the units will not be visible from any adjacent property since the deck will be screened in vertical lattice. The units therefore will not diminish the character of the neighborhood. The units are relatively quiet and will be below a 50 dB noise at 4 ft from the property line. We are making our best effort to keep the units as far from the property line as we can, while concealing them under the existing deck.

10.233.23 Substantial justice will be done

The 3rd floor is the primary sleeping bedroom for the homeowners so the addition of heat and A/C will make their living space much more comfortable and enjoyable. The first and second floors will also benefit from having A/C which will make the entire living space more comfortable.

10.233.24 The values of surrounding properties will not be diminished

The addition of the two units will not diminish the value to the nearby or adjacent properties. Since the units will be hidden from view, they will not be a detriment to any property's value / an unsightly view or negatively affect the neighborhood's essential characteristics.

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

Literal enforcement of the Ordinance would inhibit the homeowners from having a heat supply on the 3rd floor since there is currently no available heating source for the 3rd floor bedroom/living area.

Thank you for your consideration and please let me know if you have any questions,

Chris Atwood

We are requesting your approval for the following improvements that we are making to our residence at 45 Gardner St.



No changes to front facing Gardner St.



No changes facing Walton Alley.

3. Condensers - 2 added and hidden by deck

- a. A condenser for heating and cooling system for the 3rd floor to be added as currently no heat is available on the 3rd floor, the primary bedroom. The current cooling is available on the third floor is the wall unit external air conditioner, and therefore the replacement unit would be a Mitsubishi heat pump. As this condenser would be required, we will also replace our furnace system that is aging out with a full furnace and air conditioner unit. This will also utilize the condenser. The condenser will be placed in the side patio, with no view from the street, under the deck.



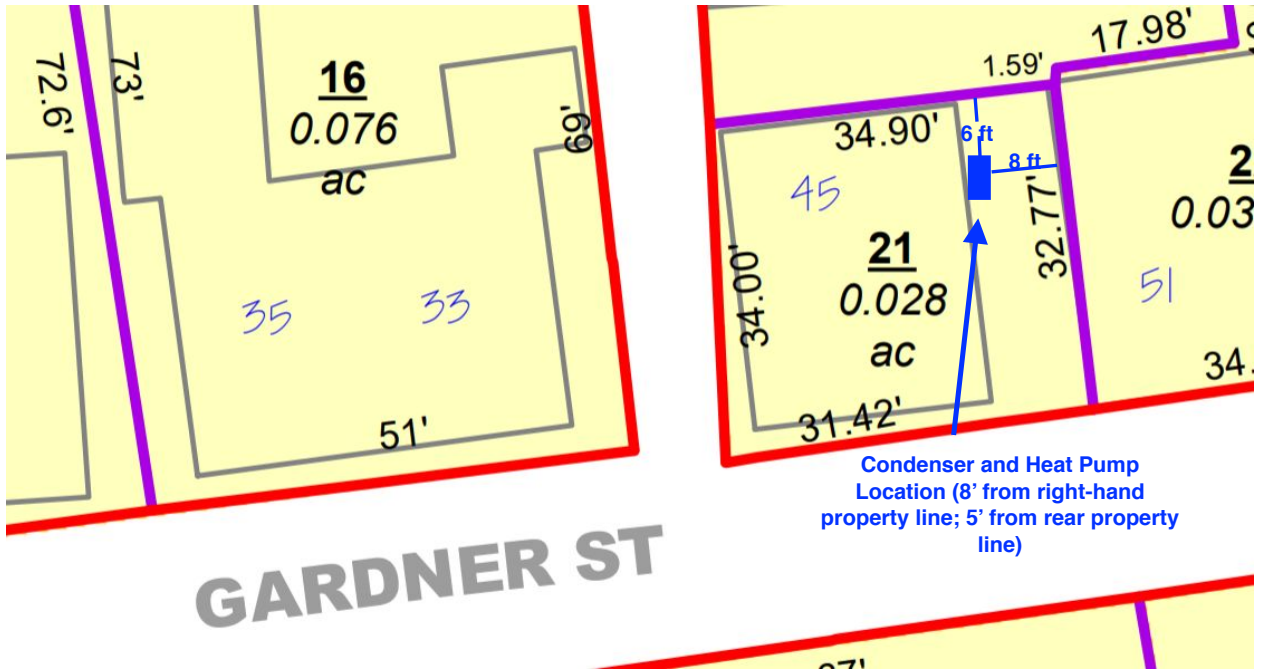
Side yard hidden by fence.



Condensers hidden by fence, and again by deck.



SitePlan:



45 Gardner

Property Location: 45 GARDNER ST
Vision ID: 32977

Account #32977

MAP ID: 0103/ 0021/ 0000/ /

Bldg #: 1 of 1

Bldg Name:

Sec #: 1 of 1 Card 1 of 1

State Use: 1010

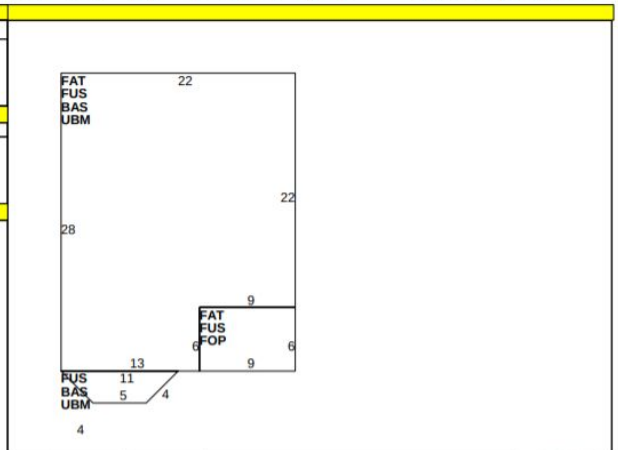
Print Date: 09/27/2019 22:31

CONSTRUCTION DETAIL				CONSTRUCTION DETAIL (CONTINUED)			
Element	Cd.	Ch.	Description	Element	Cd.	Ch.	Description
Style	06		Conventional				
Model	01		Residential	Bsmt Garage			
Grade	B+		B+				
Stories	2						
Occupancy	1						
Exterior Wall 1	11		Clapboard				
Exterior Wall 2							
Roof Structure	03		Gable/Hip				
Roof Cover	03		Asph/F Gls/Cmp				
Interior Wall 1	03		Plastered				
Interior Wall 2							
Interior Flr 1	12		Hardwood	Adj. Base Rate:			235.67
Interior Flr 2							
Heat Fuel	03		Gas	Replace Cost			355,388
Heat Type	02		Warm Air	AYB			1900
AC Type	01		None	EYB			1998
Total Bedrooms	03		3 Bedrooms	Dep Code			VG
Total Bthrms	2			Remodel Rating			
Total Half Baths	1			Year Remodeled			
Total Xtra Fixtrs	1			Dep %			21
Total Rooms	7			Functional Obslnc			
Bath Style	1		Avg Quality	External Obslnc			
Kitchen Style	1		Avg Quality	Cost Trend Factor			1
Kitchen Gr				Condition			
WB Fireplaces	0			% Complete			79
Extra Openings	0			Overall % Cond			
Metal Fireplaces	0			Apprais Val			280,800
Extra Openings	0			Dep % Ovr			0
				Dep Ovr Comment			
				Misc Imp Ovr			0
				Misc Imp Ovr Comment			
				Cost to Cure Ovr			0
				Cost to Cure Ovr Comment			

[illegible]

BUILDING SUB-AREA SUMMARY SECTION						
Code	Description	Living Area	Gross Area	Eff. Area	Unit Cost	Undeprc. Value
BAS	First Floor	586	586	586	235.67	138,101
FAT	Attic	154	616	154	58.92	36,291
FOP	Porch, Open	0	54	11	48.01	2,539
FUS	Upper Story, Finished	640	640	640	235.67	150,826
UBM	Basement, Unfinished	0	586	117	47.05	27,571

<i>Ttl. Gross Liv/Lease Area:</i>	1,380	2,482	1,508		355,388
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Responses to Variance Criteria

Charles and Laurie Moreno, 50 Cornwall Street

INTRODUCTION

We have owned 50 Cornwall St. for ten years, and hope to renovate and improve the property with the intent of moving there and becoming part of the vibrant Portsmouth community. The proposed architectural plans improve the house by removing a poorly designed flat-roof addition and replacing it with a traditional colonial design, in keeping with the historical character of the original home and the surrounding neighborhood.

There are two parts to our project. First, we would like to renovate the older structure, an 1828 colonial. Second, we would like to rebuild the substandard addition which was added to the back of the house, mostly in 1980. This section is poorly constructed and is incompatible with the rest of the house. The proposed design makes the structure more cohesive and aesthetically pleasing.

This is a family project; we are not developers. We plan to live at 50 Cornwall and be a part of the neighborhood and community. We bought the house ten years ago with this goal in mind, but need the accessory dwelling to make it all feasible. We care about not affecting the neighborhood, and kept this in mind when designing the project and in reaching out to our neighbors.

50 Cornwall Street is located within a fairly densely populated neighborhood which is anchored by Goodwin Park, Rock Street Park, and North Mill Pond, which provide natural open space areas.

The attached density maps indicate that our proposal is consistent with the neighborhood build-out over the years, including recent residential construction. Our house is in the GRC zone which allows multi-family dwellings. The proposed end use as a two-family home will not increase neighborhood traffic or population density, and provides off-street parking.

We are requesting four variances: 1) Altering an existing non-conforming building; 2) Sideyard setback; 3) Building coverage; and 4) Density variance. ***The first three variances are for pre-existing conditions and we are not expanding or altering them.*** The end use of the fourth variance--the density variance--does not impact the neighborhood in the sense that it will not increase the number of people using the house. It will in fact decrease on-street parking.

Speaking to the five variance criteria, with #1 and 2 taken together:

1 & 2. Variance is not contrary to the public interest. The spirit of the Ordinance is observed.

- Although a density variance is being requested, the use of the property will not intensify from its long-standing present use. ***The house has 6 bedrooms presently and will have 6 bedrooms in the future.***
 - Currently, the home has 6 bedrooms. The proposed two-family plan maintains the same number of bedrooms and will be owner-occupied, with fewer full-time residents. As such, it does not threaten public health, safety, or welfare, or otherwise injure public rights.
- ***The proposed project is a vertical expansion of part of the house. This expansion does not alter the building's footprint. The sideyard setback and building coverage variance request does not increase non-compliance.***
 - The house was built circa 1828 and falls within the modern property line setback. House renovations will remain consistent with the original footprint. As such, it does not threaten public health, safety, or welfare, or otherwise injure public rights.
 - The existing building coverage of the property is 1% over the maximum 35% requirement. ***The proposed house design does not alter or increase the percentage of the building coverage.*** In this regard, it observes the spirit of the ordinance and is not contrary to the public interest, nor does it threaten public health, safety, or welfare, or other otherwise injure public rights.
- The project does not alter the essential character of the neighborhood; instead, it restores the home's compatibility to align with the neighborhood's historic architecture. The house design does not threaten public health, safety, or welfare, or other otherwise injure public rights.
- Conditions that may appear incongruous with the neighborhood, such as the proximity of the house to the sideline or a density of 6 or more persons living on the property, have existed for a long time. Furthermore, these conditions already exist throughout the neighborhood, as exhibited on the attached Map A6.
- This project does not conflict with the explicit or implicit purpose of the ordinance.
- The project observes the spirit of the Ordinance by not increasing neighborhood crowding, and by greatly improving the quality and appearance of the subject property.

3. Substantial justice is done.

- The existing footprint of the building and intensity of property use will remain the same.
- We will benefit the neighborhood by adding 3 off-street parking spaces on pervious surfaces.
 - The new parking spaces allow for additional traffic flow, reduced density, and improved safety and access in the neighborhood.
- We will be constructing a modernized, energy-efficient, fire-safe structure, meeting current building and fire codes.
- The property will be renovated and upgraded in a pleasing design, which benefits the neighborhood.
- The rear addition will have a vertical expansion, and we designed this expansion to have little or no effect on the abutters.
- The house renovation will not perceptibly alter air movement, privacy, access, or light in the neighborhood. (Please reference the attached shadow study, A7 and A8.)
- The house renovation project does not harm the general public or other individuals.

4. The values of surrounding properties are not diminished.

- The 1980 addition predates current zoning standards and architectural aesthetic, and is incongruous with the original historical structure.
 - The proposed design will rebuild the 1980 flat-roof addition to mirror the existing colonial.
 - It's important to us that we honor the historic significance of the home, in keeping with the surrounding neighborhood.
- The proposed house renovations will be aesthetically-pleasing and greatly improve the look of the property, therefore increasing property values of the surrounding homes.
 - In Portsmouth, in recent years, even modest renovation to a residence has consistently resulted in an increase of surrounding property values.
- In our proposal, the property's green space will be maintained and preserved.

5. Literal enforcement of the Ordinance would result in unnecessary hardship.

- One hardship is that with 6 bedrooms, the house is too large for two people.
- A second hardship is the awkward layout of the addition with physical deficiencies. The existing addition was poorly conceived and cannot be adequately renovated.
- A third hardship is that the existing addition does not meet standard building codes and is a safety liability.
 - The pre-existing design flaws of the addition include the lack of a foundation under part of the addition, a shallow 2' crawl space, and a flat-roofed section. These conditions present safety concerns and difficulties for maintenance, access, and drainage.
 - The existing flat roof is a major issue--any changes to correct the roof requires a variance.
 - We would like to resolve these issues, make the house habitable to us, and marry the two structures.
- The sideyard setback is a fourth hardship--The property is a narrow lot to begin with. The original owners located the house to one side so that they could have a yard. We cannot feasibly move the house to the center of the property to make it conforming--so this is a hardship.
- A fifth hardship is that the existing location and configuration of the house and the surrounding buildings make it challenging to renovate the house in any other way than proposed.
- Literal enforcement of the Ordinance does not resolve 50 Cornwall Street's special conditions as outlined above and intrinsically results in unnecessary hardship.

CONCLUSIONS

- We are not increasing the house's footprint; we are not increasing non-conformity.
- We will maintain the existing green space.
- The house design is aesthetically-pleasing and fits the historic nature of the neighborhood.
- The renovations greatly improve the appearance of the house and property, and consequently, increase the value of surrounding properties.
- The sizes of the two dwelling units are modest, not maxed out.
- The structure is in keeping with the density of single-family and multi-unit buildings in the surrounding neighborhood. We are not requesting a different end use than what has been done with the many apartments, condominiums, and townhouses around us.
- We will be taking 3 cars off of the street.

RENOVATION TO THE RESIDENCE AT 50 CORNWALL STREET

Zoning Board of Adjustment - March 2021, Portsmouth, New Hampshire

GENERAL PROJECT DISCRIPTION: GENERAL RESIDENTIAL DISTRICT C

PROPOSED WORK:

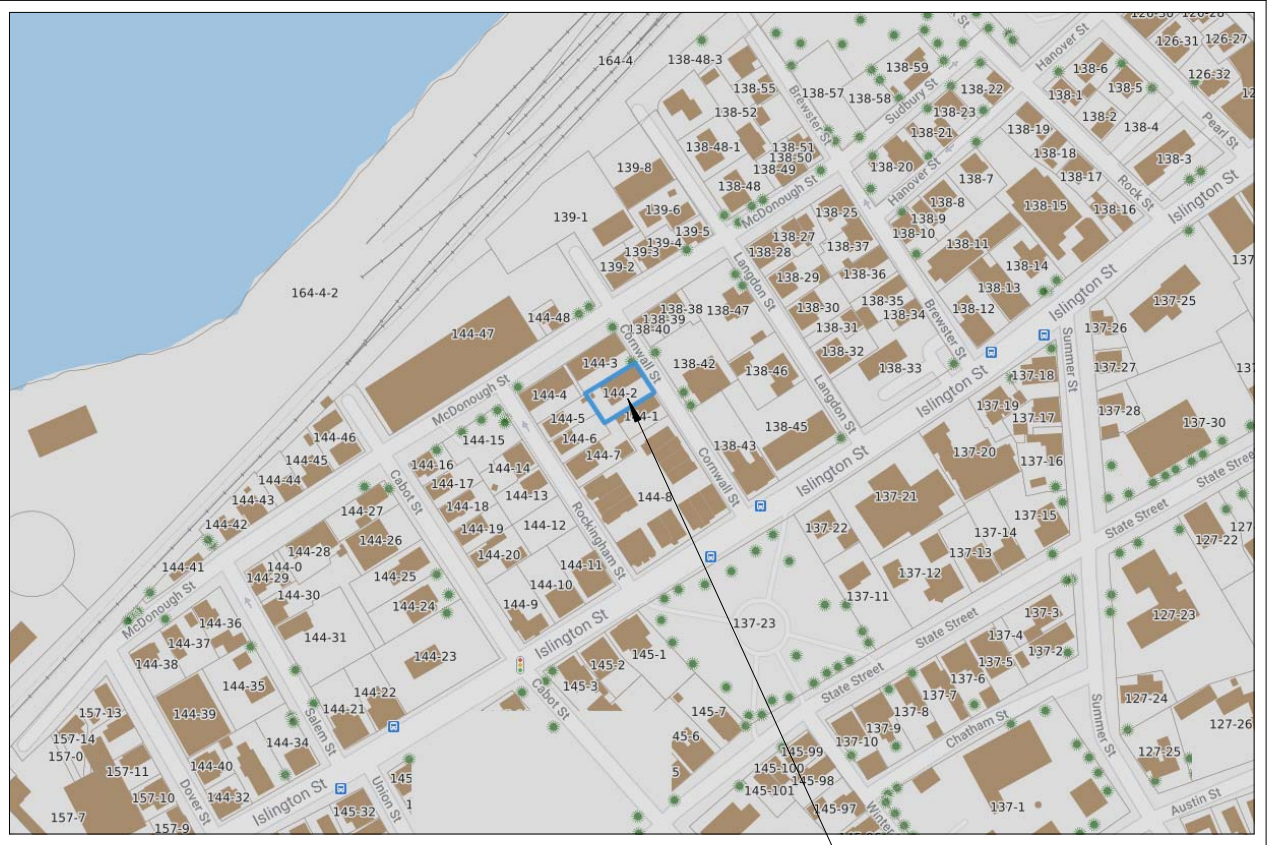
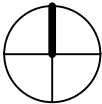
- REBUILDING OF THE REAR EXISTING ADDITION WITH A NEW ADDITION IN THE EXACT FOOTPRINT OF THE REMOVED PORTION REQUIRING A SETBACK RELIEF OF 1' - 0" +/- FROM THE RIGHT SIDE YARD.
- CONVERSION OF THE EXISTING SIX BEDROOM SINGLE FAMILY RESIDENCE TO A TWO FAMILY RESIDENCE WITH THREE BEDROOMS IN EACH RESIDENCE REQUIRING A DENSITY RELIEF OF 2,000 +/- SF PER DWELLING UNIT.
- INTERIOR RENOVATIONS IN THE EXISTING HOME.

SHEET LIST	
Sheet Number	Sheet Name

PFR	PETITION FOR RELIEF
C	RENOVATIONS OF 50 CORNWALL ST
A1	SITE PLAN
A2	EXISTING FLOOR PLANS
A3	PROPOSED FLOOR PLANS
A4	EXISTING CONDITION PHOTOS
A5	MASSING CONCEPT
A6	NEIGHBORHOOD DENSITY CONTEXT
A7	EXISTING SHADOW STUDY
A8	PROPOSED SHADOW STUDY
A9	NEIGHBORHOOD CONTEXT

DIMENSIONAL CRITERIA			
GENERAL RESIDENCE DISTRICT C			
	REQUIRED	EXISTING	PROPOSED
BUILDING COVERAGE	35%	36.3% +/-	36.3% +/-
RIGHT SIDE YARD SETBACK	10' - 0"	1' - 0" +/-	1' - 0" +/-
LEFT SIDE YARD SETBACK	10' - 0"	15' - 0"	15' - 0"
REAR YARD SETBACK	20' - 0"	22' - 0"	22' - 0"
FRONT YARD SETBACK	5' - 0"	2' - 0"	2' - 0"
LOT SIZE	3,500 SF	4,000 SF	4,000 SF
LOT AREA PER DWELLING UNIT	3,500 SF	4,000 SF	2,000 SF +/-
LOT FRONTAGE	70' - 0"	50' - 0"	50' - 0"
LOT DEPTH	50' - 0"	80' - 0"	80' - 0"
BUILDING HEIGHT	35' -0"	28' - 0"	32' - 0" +/-
PARKING SPACES	3 SPACES	0 SPACES	3 SPACES
OPEN SPACE	20%	57%	40%

RED INDICATES VARIANCE REQUEST



LOCUS MAP

50 CORNWALL STREET



VIEW FROM CORNWALL STREET



VIEW FROM LEFT SIDE YARD



VIEW FROM REAR YARD

EXISTING IMAGES

© 2021 McHenry Architecture

50 CORNWALL ST

50 CORNWALL STREET
PORTSMOUTH, NH 03801

RENOVATIONS OF 50 CORNWALL ST

MARCH 2021 - ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE

4 Market Street

Portsmouth, New Hampshire

C

03/16/2021

McHA: RD / JJ

NOT TO SCALE

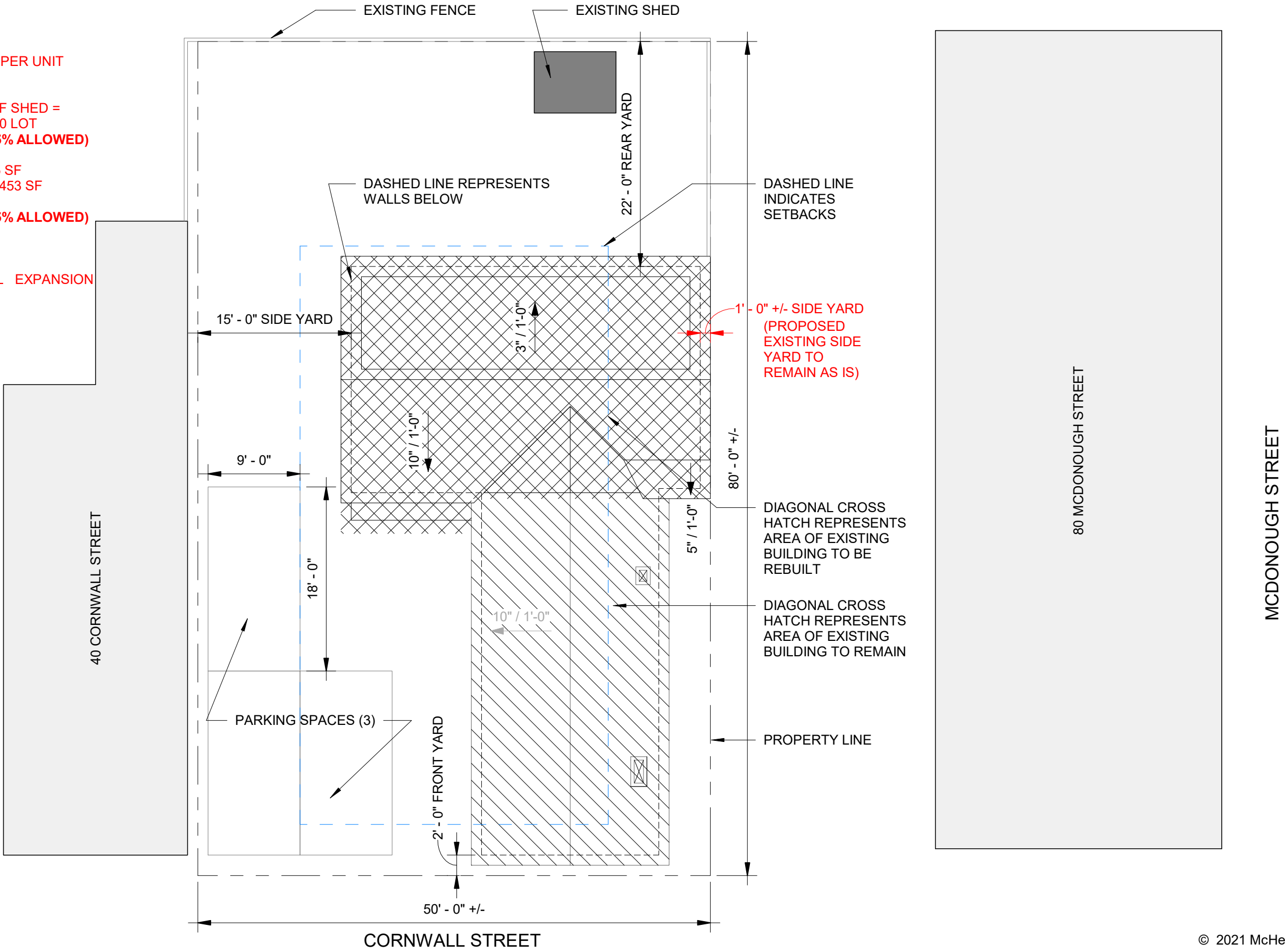
DENSITY CALCULATION:
80' X 50' LOT
3,500 SF PER UNIT REQUIRED
4,000 SF LOT / 2 UNITS = 2,000 SF +/- PER UNIT

COVERAGE CALCULATION:
EXISTING - 1,405 SF BUILDING + 48 SF SHED =
1,453 SF BUILDING COVERAGE / 4,000 LOT
= 36.3% +/- **BUILDING COVERAGE (35% ALLOWED)**

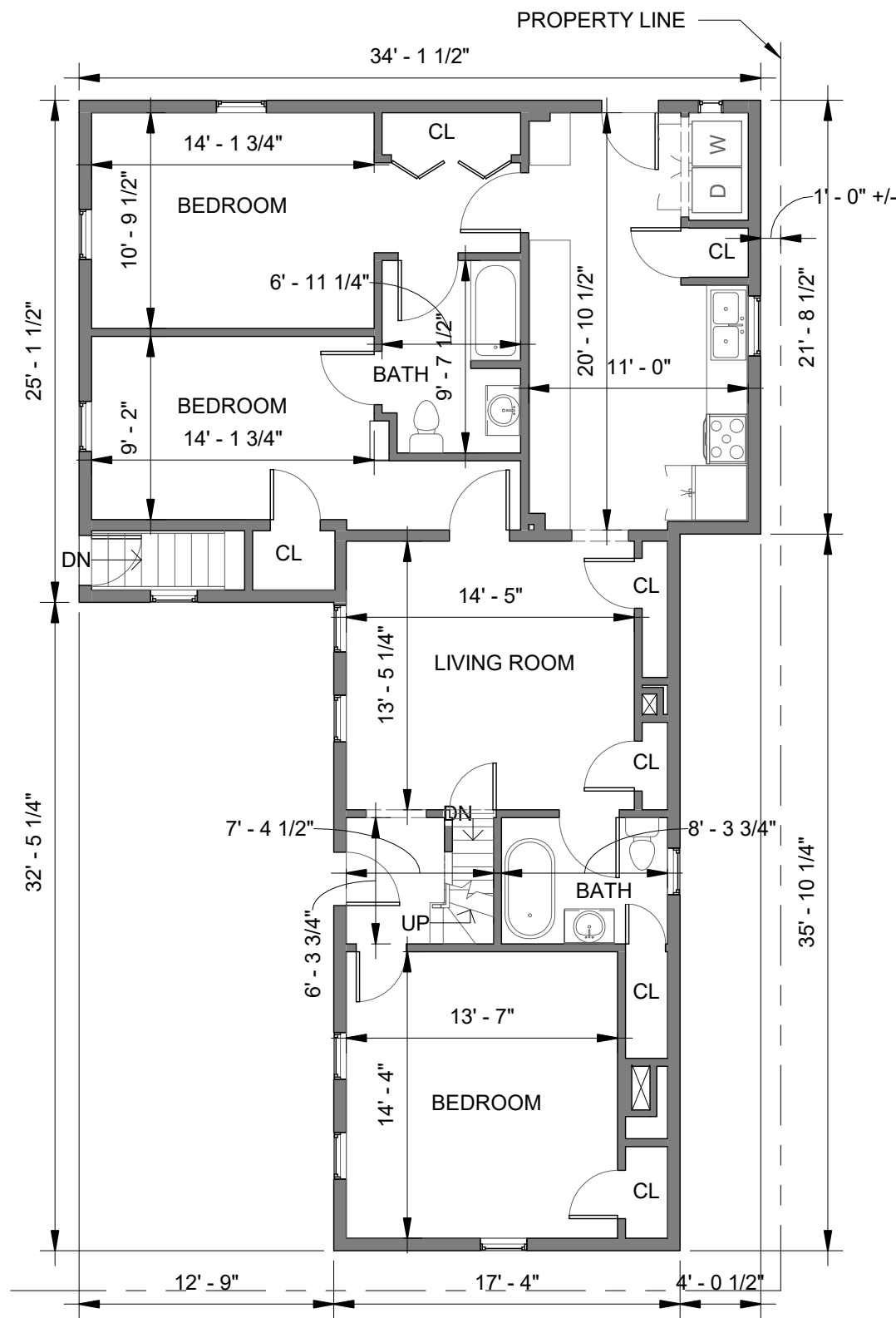
PROPOSED - 1,370 SF BUILDING + 35 SF
COVERED PORCH + 48 SF SHED = 1,453 SF
BUILDING COVERAGE / 4,000 LOT
= 36.3% +/- **BUILDING COVERAGE (35% ALLOWED)**

SIDE YARD SETBACK (NORTHWEST):
EXISTING - 1'-0" +/-
PROPOSED - 1'-0" +/- WITH VERTICAL EXPANSION

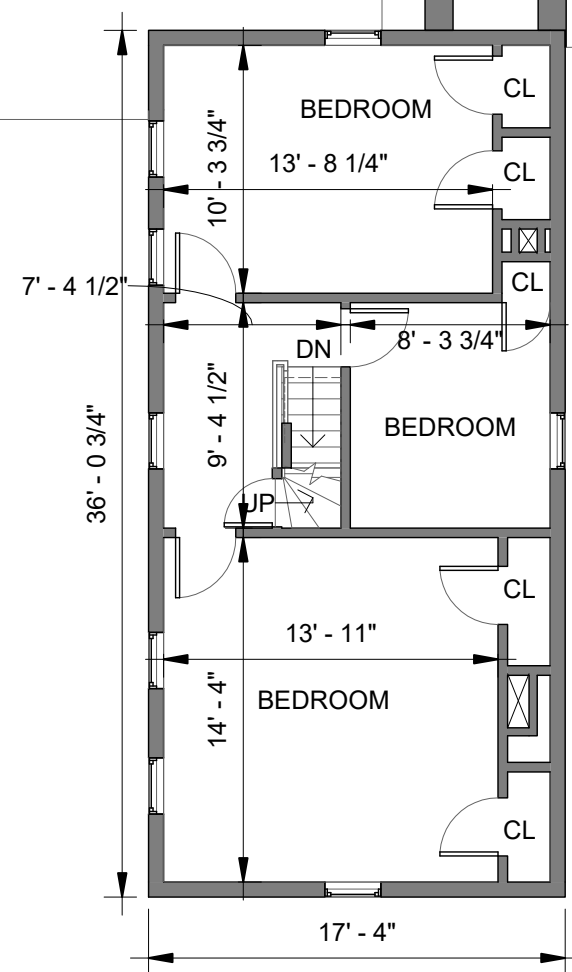
NON-CONFORMING LOT



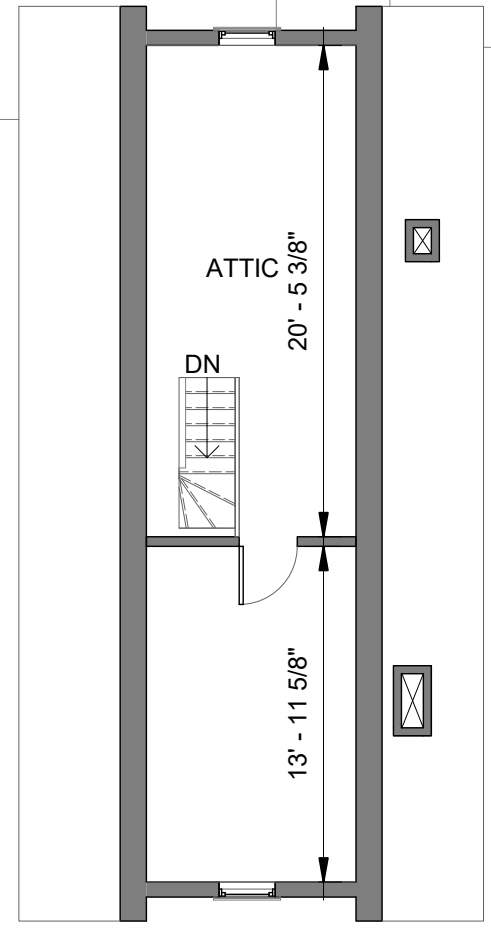
© 2021 McHenry Architecture



1 FIRST FLOOR
1/8" = 1'-0"



2 SECOND FLOOR
1/8" = 1'-0"



3 ATTIC
1/8" = 1'-0"

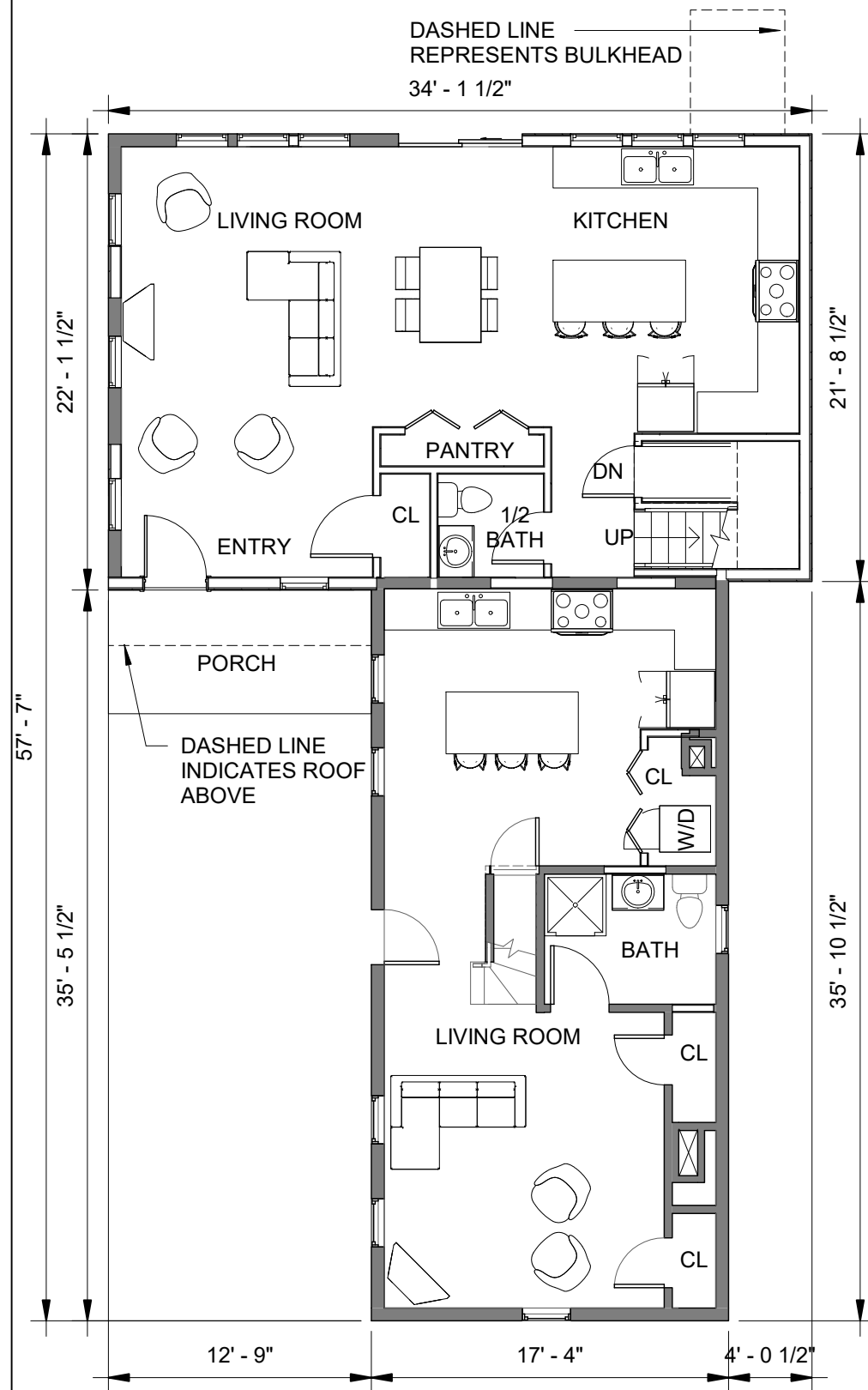
50 CORNWALL ST
50 CORNWALL STREET
PORTSMOUTH, NH 03801

EXISTING FLOOR PLANS
MARCH 2021 - ZONING BOARD OF ADJUSTMENT

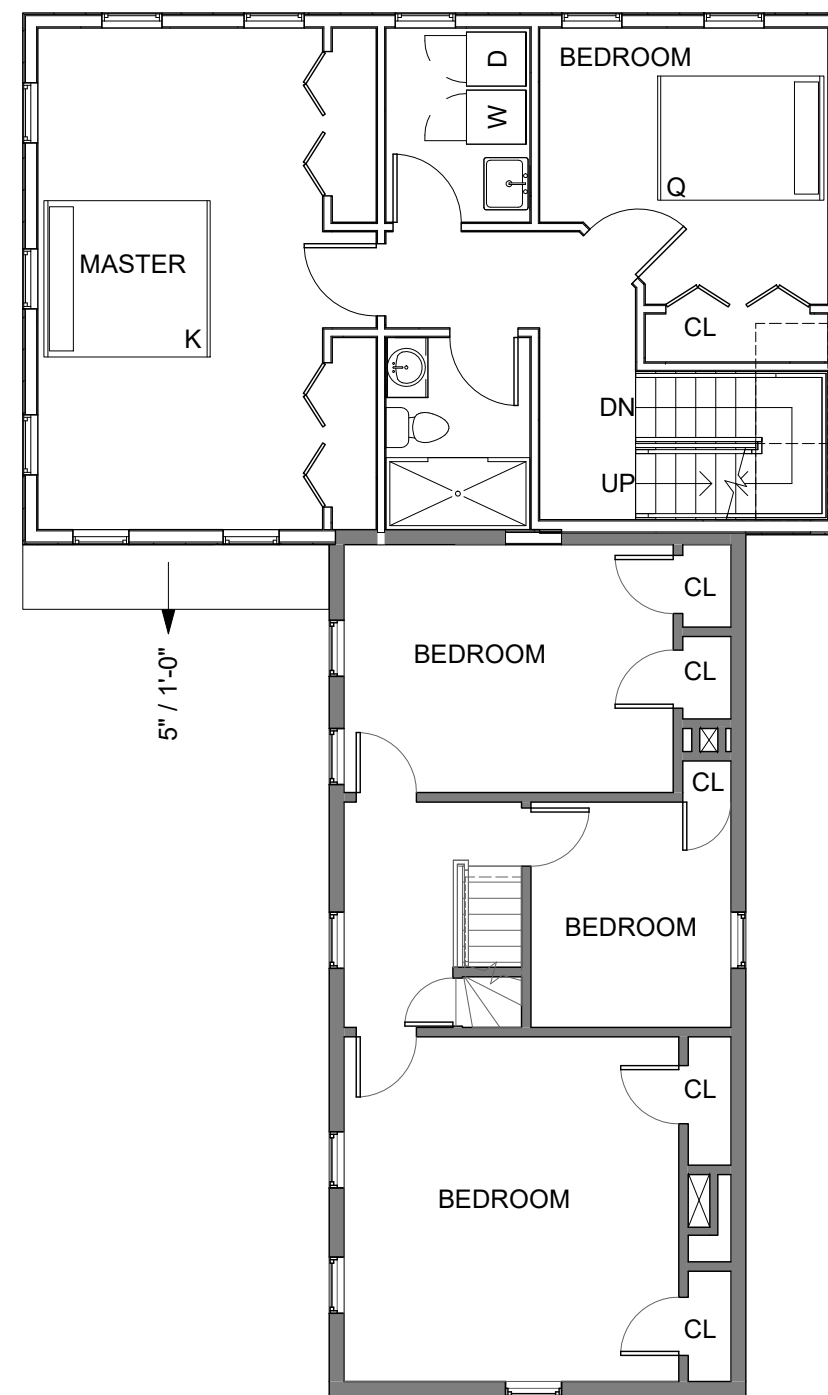
McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A2

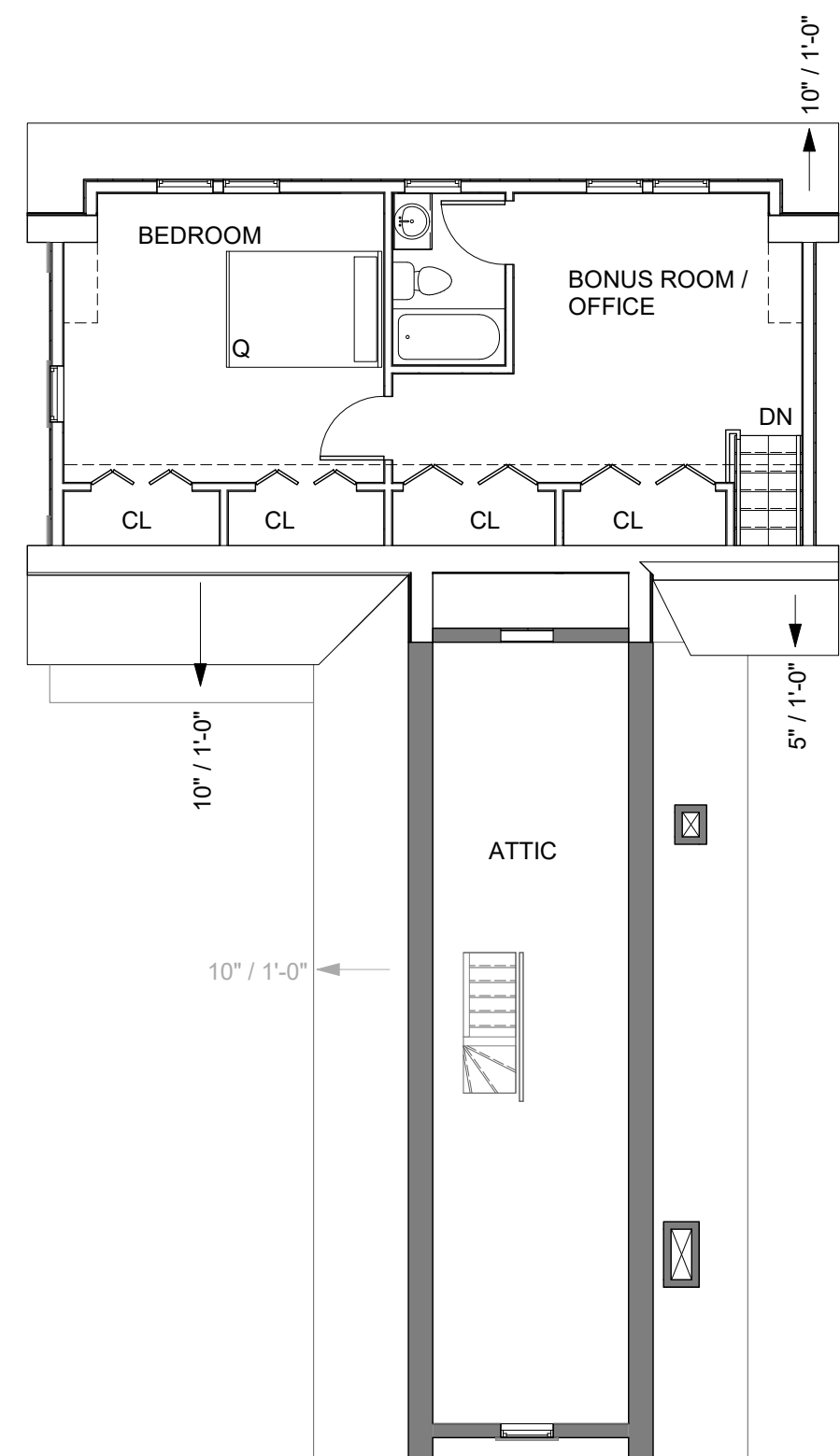
© 2021 McHenry Architecture
03/16/2021
McHA: RD / JJ
Scale: 1/8" = 1'-0"



1 FIRST FLOOR
1/8" = 1'-0"



2 SECOND FLOOR
1/8" = 1'-0"



3 THIRD FLOOR
1/8" = 1'-0"

© 2021 McHenry Architecture

50 CORNWALL ST
50 CORNWALL STREET
PORTSMOUTH, NH 03801

PROPOSED FLOOR PLANS

MARCH 2021 - ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE

4 Market Street
Portsmouth, New Hampshire

A3

03/16/2021

McHA: RD / JJ

Scale: $1/8" = 1'-0"$

Z:\Active Project Files\21012-50 CORNWALL STREET\Dwgs\2-SD\CORNWALL - SD.rvt



VIEW FROM CORNWALL STREET



VIEW FROM CORNWALL STREET



VIEW FROM CORNWALL STREET LOOKING AT RIGHT SIDE YARD



VIEW FROM LEFT (SOUTHEAST) SIDE YARD LOOKING TOWARDS REAR YARD



VIEW FROM REAR YARD LOOKING AT RIGHT SIDE YARD



VIEW LOOKING AT RIGHT (NORTHWEST) SIDE YARD

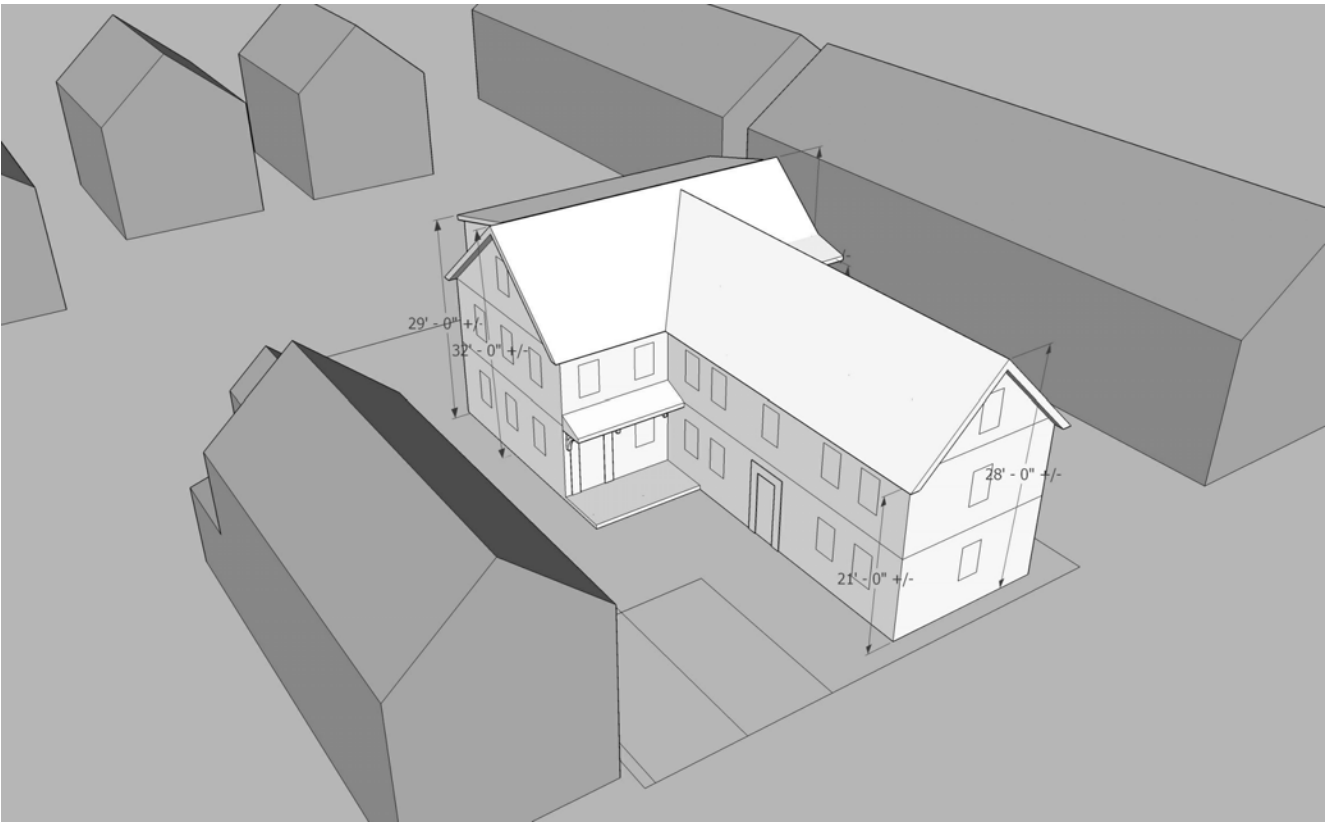
50 CORNWALL ST
50 CORNWALL STREET
PORTSMOUTH, NH 03801

EXISTING CONDITION PHOTOS
MARCH 2021 - ZONING BOARD OF ADJUSTMENT

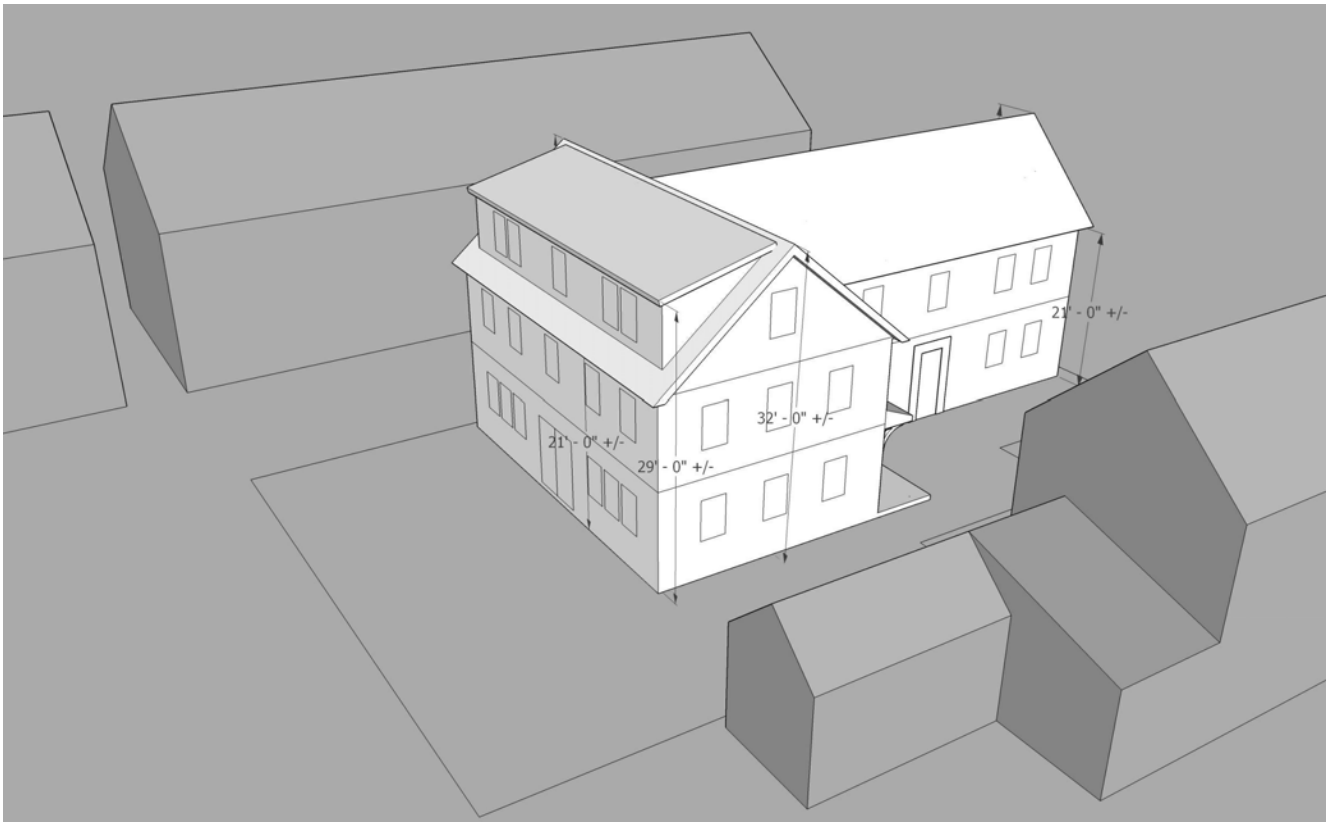
McHENRY ARCHITECTURE
4 Market Street
Portsmouth, New Hampshire

A4

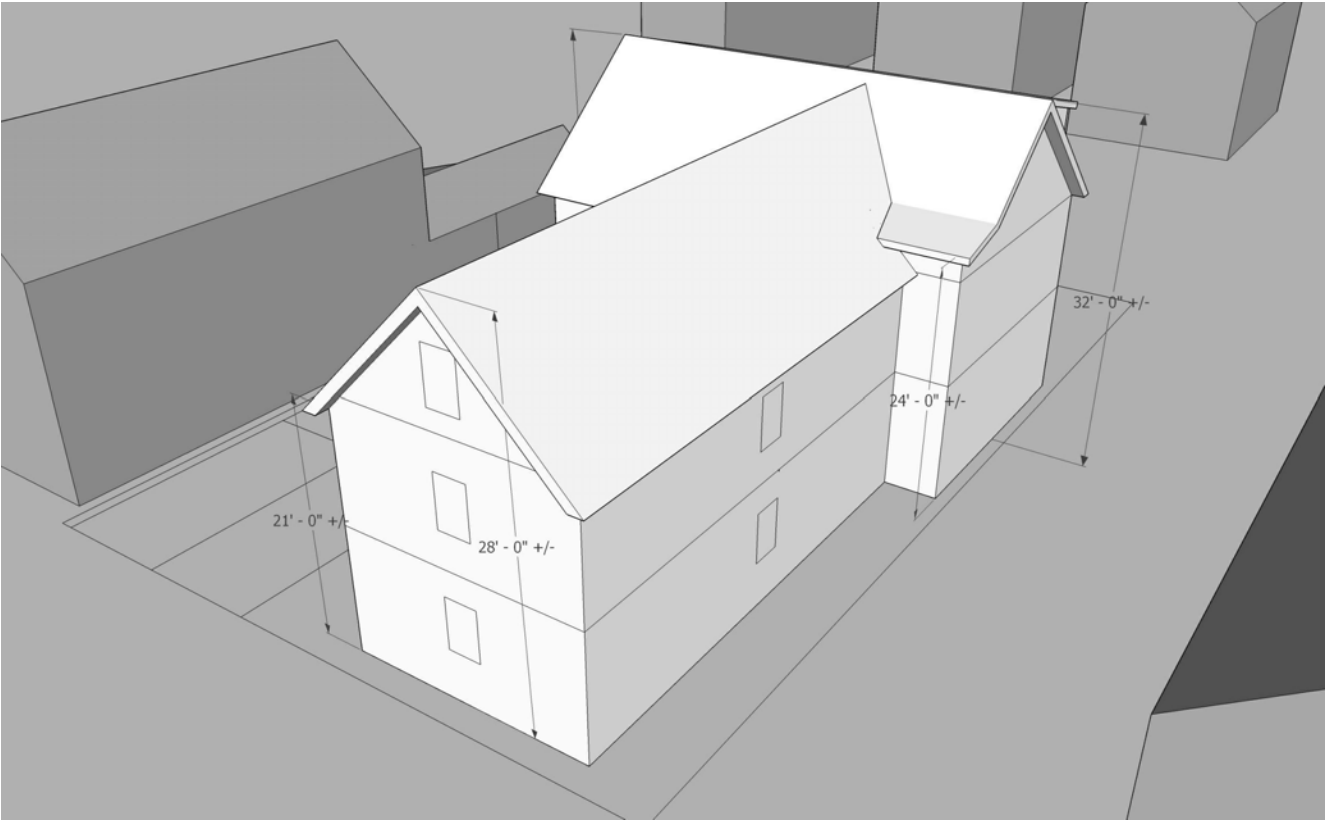
© 2021 McHenry Architecture
03/16/2021
McHA: RD / JJ
NOT TO SCALE



AERIAL VIEW FROM LEFT SIDE / FRONT YARD



AERIAL VIEW FROM LEFT SIDE / REAR YARD



AERIAL VIEW FROM RIGHT SIDE / FRONT YARD



VIEW FROM RIGHT SIDE / FRONT YARD

© 2021 McHenry Architecture

50 CORNWALL ST 50 CORNWALL STREET PORTSMOUTH, NH 03801	MASSING CONCEPT MARCH 2021 - ZONING BOARD OF ADJUSTMENT	McHENRY ARCHITECTURE 4 Market Street Portsmouth, New Hampshire	A5	03/16/2021
				McHA: RD / JJ
				NOT TO SCALE



GRAPHIC KEY

- : 50 CORNWALL STREET
GENERAL RESIDENCE DISTRICT C
- : UNDER 3,000 SF PER UNIT
CD4-L2 DISTRICT
- : OVER 3,500 SF PER UNIT
GENERAL RESIDENCE DISTRICT C
- : NOT IN SURVEY OF PROPERTIES
- : UNDER 3,500 SF PER UNIT
GENERAL RESIDENCE DISTRICT C
- 01

: PROPERTY DATA KEYNOTE

PROPERTY DENSITY DATA					
KEYNOTE	ADDRESS	NUMBER OF UNITS	REQUIRED SQUARE FEET PER UNIT	SQUARE FEET PER UNIT	COMMENTS
01	50 CORNWALL STREET	2	3,500 SF	2,000 SF	
02	40 CORNWALL STREET	1	3,500 SF	2,400 SF	
03	275 ISLINGTON STREET	14	3,000 SF	1,724.5 SF	CD4-L2
04	35 ROCKINGHAM STREET	3	3,500 SF	1,386 SF	
05	45 ROCKINGHAM STREET	1	3,500 SF	2,835 SF	
06	49 ROCKINGHAM STREET	1	3,500 SF	2,430 SF	
07	98 McDONOUGH STREET	4	3,500 SF	925 SF	
08	80 McDONOUGH STREET	4	3,500 SF	795 SF	
09	40 ROCKINGHAM STREET	1	3,500 SF	3,500 SF	
10	44 ROCKINGHAM STREET	2	3,500 SF	1,524 SF	
11	89 McDONOUGH STREET	1	3,500 SF	1,306 SF	
12	63 McDONOUGH STREET	2	3,500 SF	1,306.5 SF	
13	57 McDONOUGH STREET	1	3,500 SF	1,742 SF	
14	51 McDONOUGH STREET	1	3,500 SF	1,306 SF	
15	72 LANGDON STREET	1	3,500 SF	1,306 SF	
16	68 McDONOUGH STREET	1	3,500 SF	1,306 SF	
17	64 McDONOUGH STREET	1	3,500 SF	1,306 SF	
18	58 McDONOUGH STREET	1	3,500 SF	1,306 SF	
19	48 LANGDON STREET #50	2	3,500 SF	4,791.5 SF	
20	28 LANGDON STREET	5	3,500 SF	1,306 SF	
21	239 ISLINGTON STREET	7	3,000 SF	1,804.5 SF	CD4-L2
22	249 ISLINGTON STREET	11	3,000 SF	712 SF	CD4-L2
23	43 CORNWALL STREET	6	3,500 SF	1,379 SF	
24	28 McDONOUGH STREET	8	3,500 SF	326 SF	
25	47 LANGDON STREET	1	3,500 SF	3,920 SF	
26	37 LANGDON STREET	2	3,500 SF	1,960 SF	
27	25 LANGDON STREET	1	3,500 SF	1,742 SF	
28	21-23 LANGDON STREET	2	3,500 SF	1,742 SF	

RED INDICATES VIOLATING DENSITY

50 CORNWALL ST

50 CORNWALL STREET
PORTSMOUTH, NH 03801

NEIGHBORHOOD DENSITY CONTEXT

MARCH 2021 - ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE

4 Market Street
Portsmouth, New Hampshire

A6

03/16/2021
McHA: RD / JJ
NOT TO SCALE



EXISTING 50 CORNWALL SATELLITE VIEW:

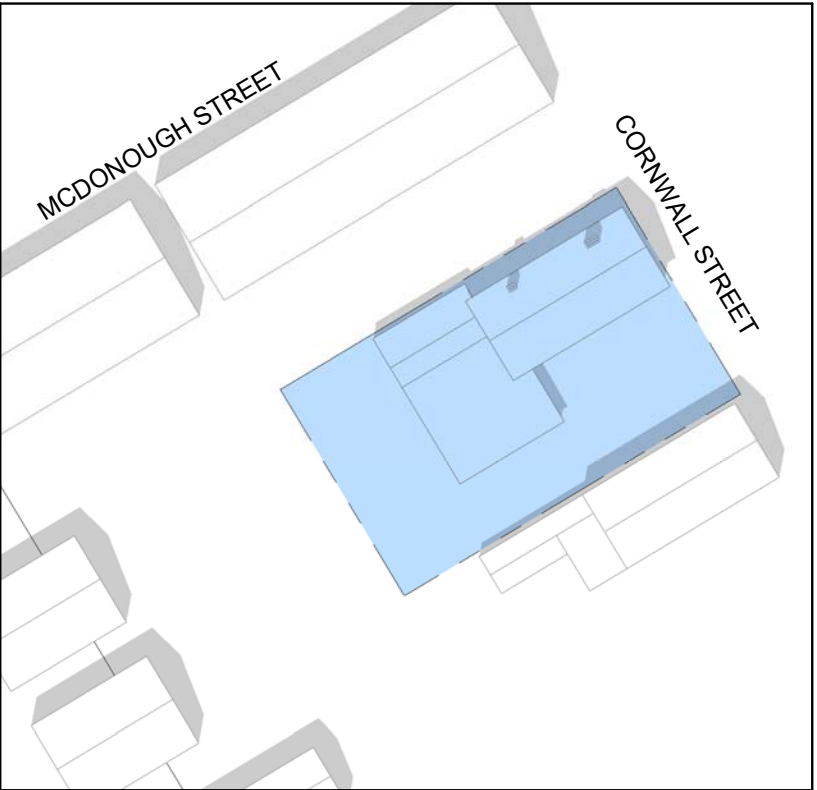
NOTE - THE DECIDUOUS TREES LOCATED ON THE PROPERTY OF 80 MCDONOUGH STREET ARE NOT REPRESENTED ON THE SHADOW STUDY. THE HEIGHT OF THESE TREES ARE MUCH HIGHER THAN THE NEIGHBORING BUILDINGS INCLUDING 50 CORNWALL STREET. WE BELIEVE THAT THE ADDITIONAL HEIGHT OF THE PROPOSED ADDITION WOULD HAVE A MINIMAL IMPACT SHADOW WISE SINCE THESE MASSIVE TREES ALREADY SHADE THE MAJORITY OF 80 MCDONOUGH DURING THE TIMES OF THE YEAR THESE TREES HAVE THEIR LEAVES. ALSO NOTE THAT THIS IS WHEN THE SUN IS AT ITS HIGHEST POINT. WHEN THERE ARE NO LEAVES ON THESE TREES, THE LOW ALTITUDE OF THE SUN IN THE WINTER MONTHS ALREADY PRODUCE SHADOW ON THE PROPERTY.

SUMMER SOLSTICE:
JUNE 21ST SUNRISE: 5:04 am
JUNE 21ST SUNSET: 8:26 pm

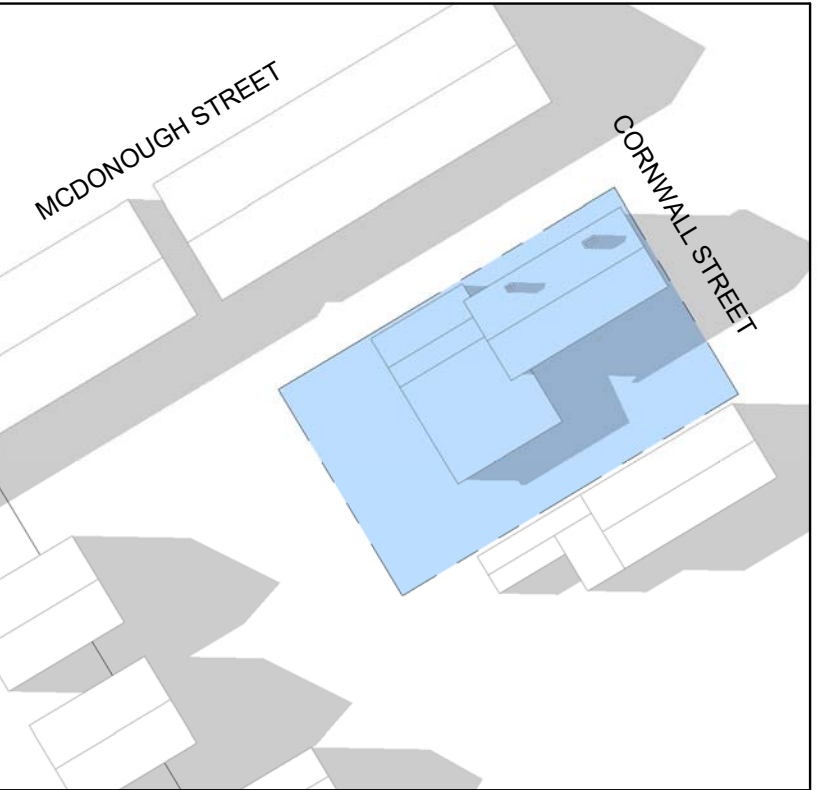
WINTER SOLSTICE:
DECEMBER 21ST SUNRISE: 7:11 am
DECEMBER 21ST SUNSET: 4:11 pm



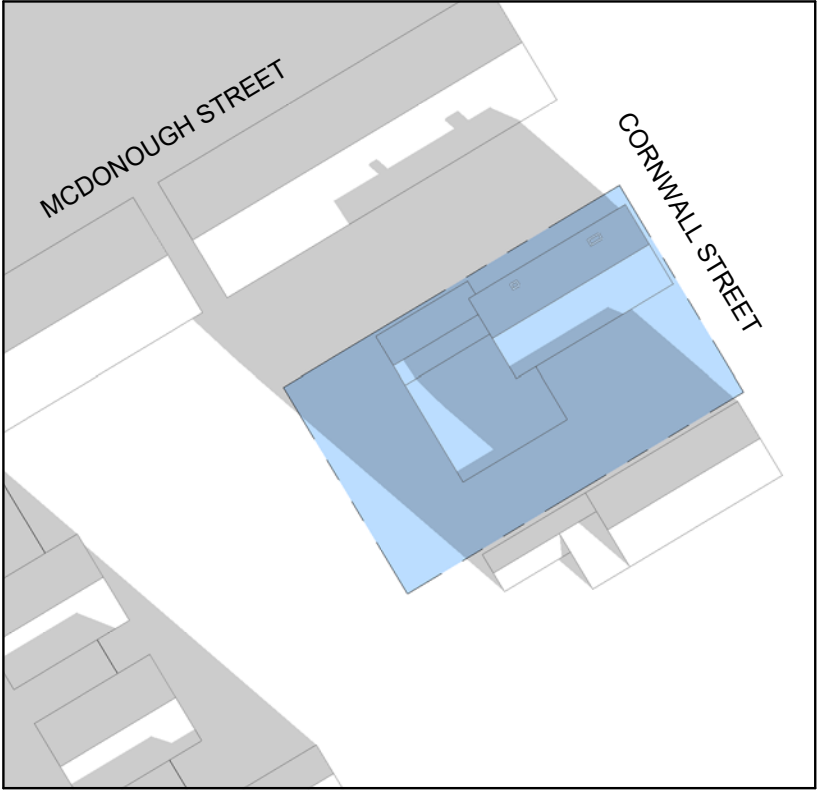
1 SUMMER SOLSTICE - JUNE 21ST 8AM
1" = 40'-0"



2 SUMMER SOLSTICE - JUNE 21ST 12PM
1" = 40'-0"



3 SUMMER SOLSTICE - JUNE 21ST 4PM
1" = 40'-0"



4 WINTER SOLSTICE - DECEMBER 21ST 8AM
1" = 40'-0"



5 WINTER SOLSTICE - DECEMBER 21ST 12PM
1" = 40'-0"



6 WINTER SOLSTICE - DECEMBER 21ST 3PM
1" = 40'-0"

© 2021 McHenry Architecture



50 CORNWALL ST
50 CORNWALL STREET
PORTSMOUTH, NH 03801

EXISTING SHADOW STUDY

MARCH 2021 - ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE

4 Market Street
Portsmouth, New Hampshire

A7

03/16/2021
McHA: RD / JJ
AS INDICATED



EXISTING 50 CORNWALL SATELLITE VIEW:

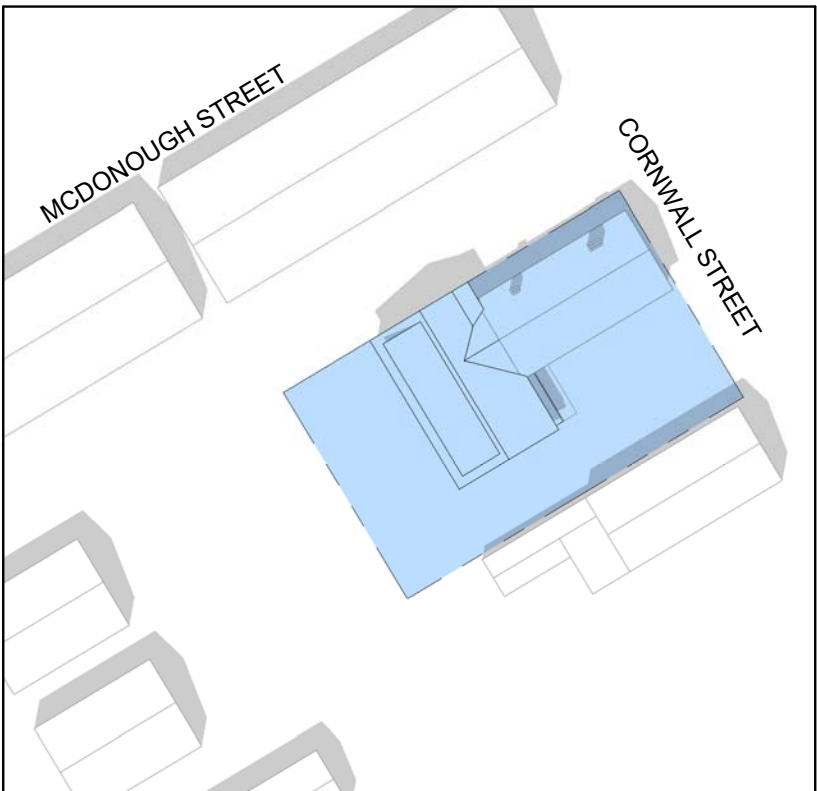
NOTE - THE DECIDUOUS TREES LOCATED ON THE PROPERTY OF 80 MCDONOUGH STREET ARE NOT REPRESENTED ON THE SHADOW STUDY. THE HEIGHT OF THESE TREES ARE MUCH HIGHER THAN THE NEIGHBORING BUILDINGS INCLUDING 50 CORNWALL STREET. WE BELIEVE THAT THE ADDITIONAL HEIGHT OF THE PROPOSED ADDITION WOULD HAVE A MINIMAL IMPACT SHADOW WISE SINCE THESE MASSIVE TREES ALREADY SHADE THE MAJORITY OF 80 MCDONOUGH DURING THE TIMES OF THE YEAR THESE TREES HAVE THEIR LEAVES. ALSO NOTE THAT THIS IS WHEN THE SUN IS AT ITS HIGHEST POINT. WHEN THERE ARE NO LEAVES ON THESE TREES, THE LOW ALTITUDE OF THE SUN IN THE WINTER MONTHS ALREADY PRODUCE SHADOW ON THE PROPERTY.

SUMMER SOLSTICE:
JUNE 21ST SUNRISE: 5:04 am
JUNE 21ST SUNSET: 8:26 pm

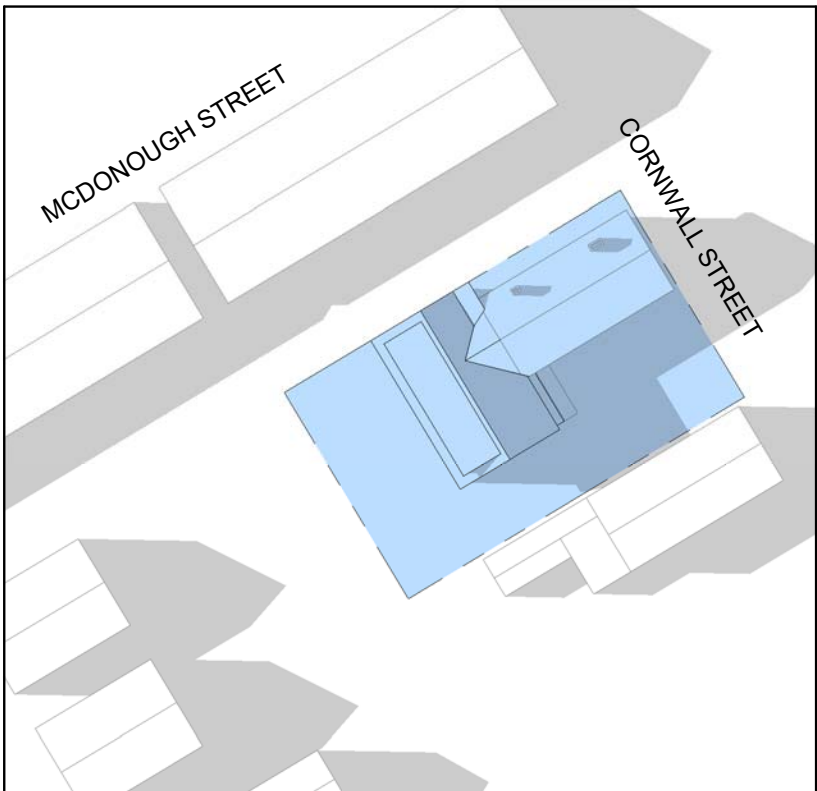
WINTER SOLSTICE:
DECEMBER 21ST SUNRISE: 7:11 am
DECEMBER 21ST SUNSET: 4:11 pm



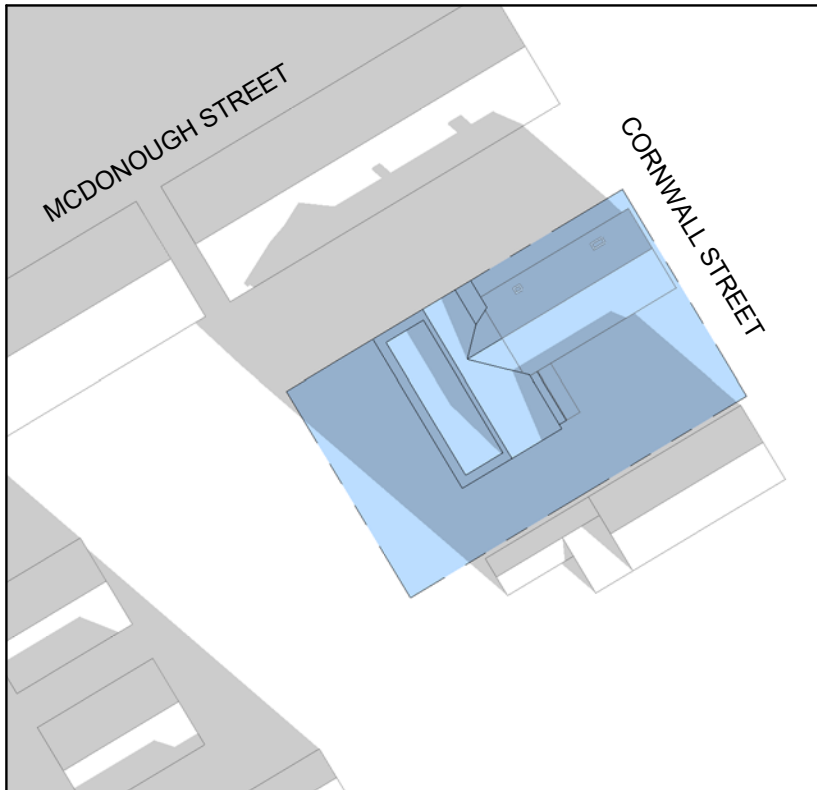
1 SUMMER SOLSTICE - JUNE 21ST 8AM
1" = 40'-0"



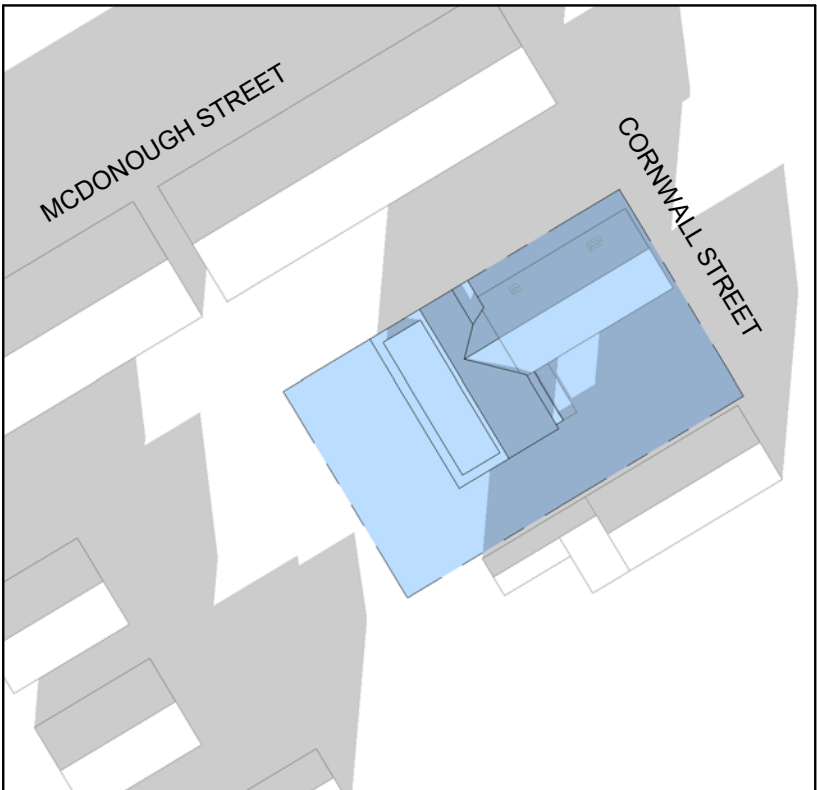
2 SUMMER SOLSTICE - JUNE 21ST 12PM
1" = 40'-0"



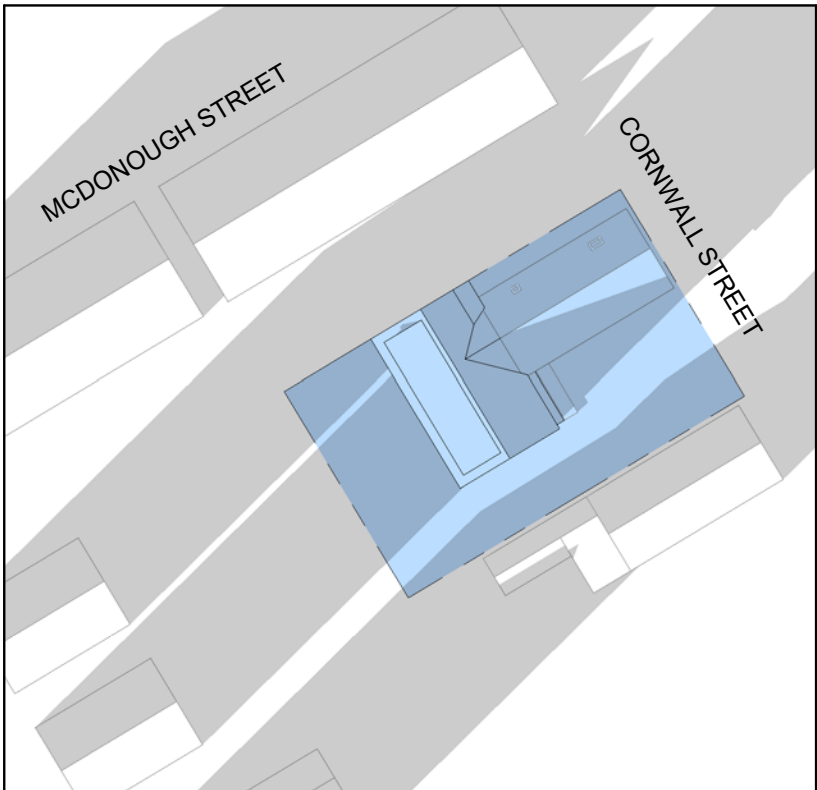
3 SUMMER SOLSTICE - JUNE 21ST 4PM
1" = 40'-0"



4 WINTER SOLSTICE - DECEMBER 21ST 8AM
1" = 40'-0"



5 WINTER SOLSTICE - DECEMBER 21ST 12PM
1" = 40'-0"



6 WINTER SOLSTICE - DECEMBER 21ST 3PM
1" = 40'-0"

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50 CORNWALL ST

50 CORNWALL STREET
PORTSMOUTH, NH 03801

PROPOSED SHADOW STUDY

MARCH 2021 - ZONING BOARD OF ADJUSTMENT

McHENRY ARCHITECTURE

4 Market Street
Portsmouth, New Hampshire

A8

03/16/2021
McHA: RD / JJ
AS INDICATED



IMAGE OF PROPERTIES NUMBERED 21 / 22



IMAGE OF PROPERTIES NUMBERED 03 / 22



IMAGE OF PROPERTY NUMBERED 03



IMAGE OF PROPERTIES NUMBERED 22 / 23



IMAGE OF PROPERTIES NUMBERED 16 / 17 / 18



IMAGE OF PROPERTIES NUMBERED 12 - 15



IMAGE OF PROPERTIES NUMBERED 07 / 08



IMAGE OF PROPERTIES NUMBERED 03-07 / 09-10

NOTE: REFER TO SHEET A6 FOR CONTEXT IMAGE REFERENCE

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<div>50 CORNWALL ST</div> <div>50 CORNWALL STREET PORTSMOUTH, NH 03801</div>	<div>NEIGHBORHOOD CONTEXT</div> <div>MARCH 2021 - ZONING BOARD OF ADJUSTMENT</div>	<div>McHENRY ARCHITECTURE</div> <div>4 Market Street Portsmouth, New Hampshire</div>	<div>A9</div>	<div>03/16/2021</div> <div>McHA: RD / JJ</div> <div>NOT TO SCALE</div>
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**ATTN: Zoning Board of
Adjustment**

RE: March 16, 2021 Meeting

**64 Vaughan Mall Restoration
Portsmouth, NH 03801**

**Steve Wilson
Hampshire Development Corp.
41 Industrial Drive #20
Exeter, NH 03833**

**CONTACT:
Shayne Forsley
Hampshire Development Corp.
Shayne.forsley@hdcgc.net
603.997.2519**

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CITY OF PORTSMOUTH
ZONING BOARD OF ADJUSTMENT

64 VAUGHAN STREET, PORTSMOUTH, NEW HAMPSHIRE

Tax Map 126 Lot 1

64 VAUGHAN MALL, LLC

APPLICANT'S NARRATIVE

THE APPLICANT

The Applicant, 64 Vaughan Mall, LLC, acquired the property at 64 Vaughan Street, formerly the home of Cabot Furniture, in September, 2020. The Applicant's principal, Steven P. Wilson, and his development team at Hampshire Development Corp. have recently successfully redeveloped the Connie Bean Center on Daniel Street and the former Shaines/Coldwell Banker building at 25 Maplewood Avenue, which directly abuts this site. They bring a wealth of experience to the adaptive re-use and redevelopment of historic properties in downtown Portsmouth.

THE PROPERTY

The lot is irregularly shaped, with approximately 75' of frontage on the pedestrian Vaughan Mall and 68' of frontage on Hanover Street, and abuts the rear alley which connects Hanover street to the Worth Parking Lot. The existing structure dominates the site, and is built right up to or very close to its lot lines on the Vaughan Mall and the Worth Lot.

Built in the late 19th century as a 3 story brick and heavy timber structure with a flat roof and full basement, the building was originally owned and occupied by the Margeson Bros. Furniture Co. Early in the 20th century, the building was more than doubled in size toward what is now the Worth Lot, with an addition constructed of essentially the same materials and form. A single story "modern" block addition with a shed roof was added mid-century toward the rear facing Hanover Street and was utilized as a loading dock for shipping and receiving for Cabot Furniture. Notably, in 1993, artist Robert Wyland received the owner's permission to install a mural on the side of the building facing the Worth lot, which became a landmark of sorts referred to as the "Whaling Wall." Unfortunately, through inappropriate preparation and application of paints, the mural has significantly degraded along with the facade of the building.

The only public access to the building is via the 75' of frontage on the Vaughan Mall, leaving long expanses of blank walls along the Worth Lot, the rear alley and the Hanover Street frontage with no entry or other focal points. This provides no pedestrian interface with the building on three sides. In fact, circumnavigating the building on foot requires walking in active vehicle

traffic lanes for an extended distance with no connectivity to the building or the Vaughan Mall from Maplewood Avenue, Hanover Street or the rest of downtown to the West, South and East.

The current condition of the building is substandard. The building is largely void of modern utility and mechanical systems with existing water, sewer, drainage, HVAC and fire protection all failing to meet modern standards and capacities.

The structure itself has not received any significant upgrades or improvements in over 70 years. The roof has failed in areas, allowing moisture penetration and threatening the integrity of the structure. Most of the original windows have been infilled and the brick facade has been painted on four sides with a product that has trapped moisture, causing extensive spalling of the masonry. The inside of the existing structure, although retaining some very worthwhile architectural features and wide open space with high ceilings, etc., is laden with asbestos and other environmental contaminants which must be removed and remediated. Finally, the shape and size of the structure presents a very monolithic and unappealing facade that does not enhance its surroundings, promote its history or engage the pedestrian at the street level.

THE PROPOSED PROJECT

In light of the building and site conditions, the Applicant seeks to rehabilitate and remediate the structure to convert the property into an attractive, mixed use project that will make a significant contribution to the vibrancy of the Vaughan Mall and its strategic location downtown. In order to successfully execute the necessary improvements, the Applicant needs to incorporate an additional 8,600 sq. ft. of building space.

The Applicant's specific plan for the property includes an additional, stepped-back, fourth story over the existing three story structure. Underground parking in the existing basement is provided via access from Hanover Street, and will more than replace the surface parking that will be removed to accommodate the proposed public pocket park. The ground floor would be developed as commercial space and would include the creation of a sidewalk, entries and storefronts along the Worth Lot façade, all of which will serve to activate the Vaughan Mall area. The limited vertical expansion of the existing building will moderate the monolithic, box-like form of the building by adding a third dimension to the building and a softening of its form. This will require a variance from the 40' existing elevation otherwise allowed in this zoning district.

Although existing zoning would allow a zero lot line expansion of approximately 8-10K square feet of new building volume at the existing parking area along Hanover Street, the Applicant is instead proposing to vertically expand the existing historic structure and replace the existing surface parking at the Hanover Street side with a new pocket park. If the Applicant does not receive the necessary variances, it is ready to proceed with this alternate design, plans for which are also included with this application. The Applicant believes this would be unfortunate, as the pocket park would represent the only true green space in the vicinity, and this tradeoff would benefit the neighborhood and surrounding properties far more than strict adherence to the height requirement would.

It should be noted that, as proposed, the building will be shorter than many of its recently renovated or constructed neighbors. The buildings across Hanover Street are 5-6 stories and 45'-70' tall. Accordingly, the massing and scale of the proposed additions will not be out of place here.

The proposal contemplates a number of improvements to the Worth Lot: a minor reconfiguration of parking spaces, and the installation of curbing, brick sidewalks and landscaping. This will require City approval independent of the zoning relief here sought. This is necessitated by new façade proposed for the Worth Lot side of the building. The results and impacts, as illustrated by the attached site plan and elevations, will be profoundly positive for the Worth Lot and Vaughan Mall. The proposal will result in no net loss of parking, improvements in ADA compliance for pedestrians and handicap parking, the creation of significant green space annexed to the Vaughan Mall and the completion of the pedestrian connection from Hanover Street, Maplewood Avenue, and the Worth Lot to the Vaughan Mall and the adjacent businesses. It will balance the pedestrian and vehicular experience for this active area with no functional downside to either. Additionally, the Applicant proposes to reactivate the existing infilled windows with new windows and doors, eliminating the blank wall along the Worth Lot façade, with an emphasis on maintaining the historic value in form and function on all sides of the building. A 1:3 replica of the original 'Whaling Wall' will be commissioned by a local artist.

At the time of this submission, this project has undergone preliminary design review from the Planning Board and has been the subject of two TAC sessions, all of which have been overwhelmingly positive. It has been submitted to the HDC, where the Applicant is confident it will obtain final approval. The Applicant looks forward to incorporating the Commission's feedback into the ultimate design, however we do not anticipate the zoning relief requested from this Board will change. The project must complete full site review before the Planning Board, and obtain the necessary authorization(s) from the City Council regarding the improvements and modifications contemplated within the Worth Lot.

In addition to the Historic District, the property is in the CD-5 zone and the Downtown Overlay District.

The project as proposed requires variances from Section 10.5A41.100 to permit the following:

- a secondary front yard (Hanover Street side) of 50.2 feet where 5 feet is the maximum allowed.
- building height of 54.5 feet at the peak, 52.5 feet to midpoint, and four stories where 40 feet and three stories is the maximum allowed.

In summary, the project will result in a significant net gain in on-site parking, the creation of much needed public green space, and a number of improvements to the Worth Lot that will enhance connectivity throughout the area.

VARIANCE CRITERIA

The Applicant believes that this project meets the criteria necessary for granting the variances.

Granting the requested variances 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 property is a very visible "cornerstone" of downtown where mixed commercial/residential development exists and is encouraged by our zoning. The health, safety and welfare of the public will be vastly improved given the proposed pedestrian improvements to the Worth Lot and the creation of a public pocket park where surface parking primarily exists today.

The essentially urban character of the neighborhood will not be altered in any fashion by this project, nor would the health, safety or welfare of the public be threatened by granting the relief requested, as what is proposed is entirely consistent with the mass and scale of neighboring buildings. The necessary reconfigurations to the Worth Lot will result in a marked enhancement of the area. The project must obtain further approval from the HDC and proceed through site plan approval at the Planning Board, in addition to approval from the City Council for changes to the Worth Lot, so the interest of the public will be more than adequately protected.

Substantial justice would be done by granting the variances. 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. The proposed added height will in no way detract from any neighboring properties, many of which are taller than what is here proposed. The secondary front yard on Hanover Street will be less non-conforming than it is today, and surface parking will be replaced by even more underground parking (20 spaces) with a well-designed and landscaped pocket park.

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 values of surrounding properties will not be diminished by granting the variances. The proposed uses are permitted in this zone by right. The surrounding properties and those in the vicinity have similar or taller heights as proposed here. The proposed additions will

also sit mostly within the footprint of the existing building. The addition of a pocket park and the improved access to the Vaughan mall will only enhance the values of surrounding properties. The Applicant will be spending millions of dollars to rehabilitate and redevelop this property.

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 currently non-conforming as to secondary front yard setback, and the proposal would bring it into slightly greater conformity, and will replace the existing surface parking with a much more appealing public pocket park. The property has frontage on two rights of way, Vaughan Mall and Hanover Street, and borders the Worth Lot, which does not meet the definition of a “street” under the ordinance, but has many of the same characteristics of one – i.e., regular vehicular circulation throughout the site. The structure itself is a historic building in need of substantial remediation and redevelopment.

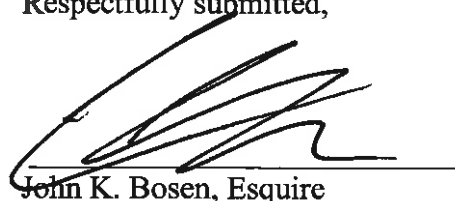
The use is a reasonable use. The proposed mixed residential/commercial use is permitted in this zone.

There is no fair and substantial relationship between the purpose of the ordinance as it is applied to this particular property. The Applicant is proposing to redevelop a historically significant building in the heart of downtown. The Hanover Street secondary front yard is already non-compliant and will become slightly less so. The purpose of minimum front yard setbacks in the Character Districts is to promote an active, vibrant street front and eliminate “missing tooth” properties. The proposed pocket park accomplishes these goals, while adding much needed public green space to the area. The additional height requested is necessary to obtain the developable square footage needed to justify the massive investment the Applicant must undertake to remediate this property and to activate and connect the Worth Lot façade to the Vaughan Mall. The building will not in any manner dominate or be out of scale with any of the neighboring properties. Strict compliance with the minimum secondary front yard and height requirements will come at the expense of the proposed public pocket park. There is no fair and substantial relationship between the purposes of these requirements and their application to this property.

I. Conclusion.

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

Respectfully submitted,

A handwritten signature in black ink, consisting of several overlapping, fluid strokes that form a stylized representation of the name John K. Bosen. The signature is written above a horizontal line.

John K. Bosen, Esquire

DATE: February 24, 2021

THIS DRAWING SET HAS NOT BEEN
RELEASED FOR CONSTRUCTION

64 VAUGHAN MALL BUILDING RESTORATION

64 Vaughan Mall,
Portsmouth, New Hampshire

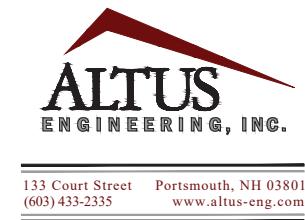
Owner:
64 Vaughan Mall LLC

Assessor's Parcel 126, Lot 1
ISSUED FOR PLANNING BOARD CONSULTATION

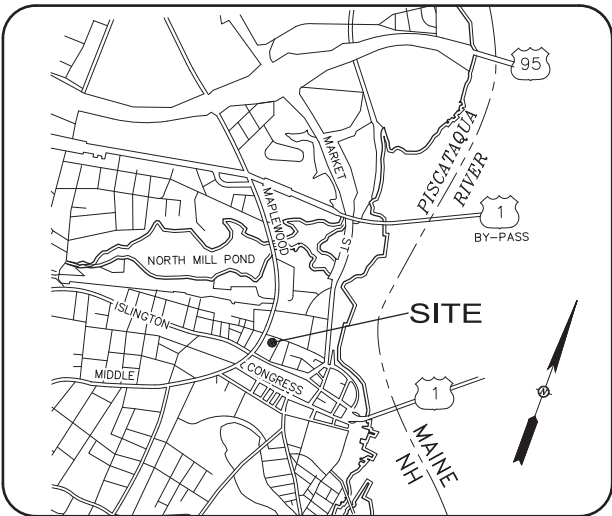
Plan Issue Date:
November 2, 2020

Applicant:
Hampshire
Development Corp.
41 Industrial Drive
Exeter, NH 03833
(603) 778-9999

Civil Engineer:



Surveyor:
James Verra
& Associates Inc.
LAND SURVEYORS
101 SHATTUCK WAY, SUITE 8
Newington, New Hampshire
03801-7876
Tel 603-436-3557



LOCUS MAP
Not to Scale

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Proposed Site Plan	5	
Exterior Elevation 1 of 2 - Proposed	5A	
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Architectural Perspective - Proposed	5C	
Conceptual Rendering 1 of 3	6A	
Conceptual Rendering 2 of 3	6B	
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Form Based Zoning - Site Plan	7	
Form Based Zoning - Architectural Perspective	7A	

EXHIBIT A



Aerial Photograph of 64 Vaughan Mall Property



Margeson Bros. Furniture Store; Photograph circa ~1910-1920

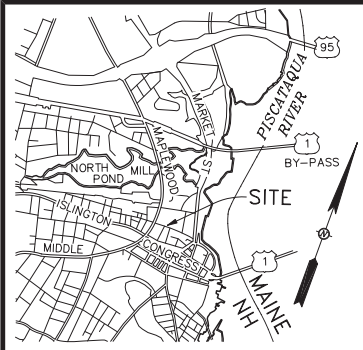
EXHIBIT A



EXHIBIT A



EXHIBIT A



TEMPORARY BENCHMARK TABLE

TBM#	DESCRIPTION	ELEV.
1	SURVEY NAIL SET IN TOP OF GRANITE CURBING	12.81
2	BOLT W/ "X" OUT - HYDRANT TOP FLANGE	13.58
3	SURVEY NAIL SET IN TOP OF TRANSFORMER PAD	17.71
4	TOP RIGHT OUTSIDE CORNER OF CONCRETE STEP	15.62

DRAIN TABLE

CB# 1 RIM EL= 17.62 (1) 12"RCP (PLUGGED)	DMH# 1 RIM EL= 13.75 (1) 12"RCP (PLUGGED) (2) INV IN 12"RCP= 9.76 (3) INV IN 18"RCP= 8.75 (4) 12"RCP (PLUGGED) (5) INV OUT 12"RCP= 8.77
CB# 2 RIM EL= 13.77 (1) INV OUT 12"RCP= 10.12	DMH# 2 RIM EL= 9.68 (1) INV IN 6"PVC= 7.10 (2) INV OUT 12"RCP= 6.99
CB# 3 RIM EL= 11.98 (1) INV OUT 12"HDPE= 7.74	DMH# 5195 RIM EL= 12.56 (1) INV IN 12"HDPE= 6.81 (2) INV IN 12"HDPE= 6.11 (3) INV OUT 12"RCP= 5.92
CB# 4 RIM EL= 9.57 (1) INV OUT 12"PVC= 7.32± W/ TRAP ON OUTLET	DMH# 5197 RIM EL= 10.14 (1) INV IN 12"RCP= 6.79 (2) INV IN 12"RCP= 6.83 (3) CL FLOW 36"RCP= 5.26
CB# 3763 RIM EL= 14.71 (1) INV OUT 12"RCP= 12.03	DMH# 5198 RIM EL= 12.50 (1) INV IN 12"RCP= 11.47 (2) INV IN 12"RCP= 11.51 (3) INV IN 18"RCP= 9.96 (4) INV IN 12"RCP= 11.60 (5) INV OUT 18"RCP= 9.91
CB# 3764 RIM EL= 15.05 WATER LEVEL= 11.10	DMH# 5202 RIM EL= 15.14 (1) INV IN 12"RCP= 11.47 (2) INV IN 12"RCP= 11.51 (3) INV IN 18"RCP= 9.96 (4) INV IN 12"RCP= 11.60 (5) INV OUT 18"RCP= 9.91
CB# 3765 RIM EL= 15.35 PLUGGED 13.5±	DMH# 5203 RIM EL= 17.38 (1) INV IN 12"DI= 13.82 (2) INV IN 15"CI= 11.30 (3) INV IN 15"CI= 11.83 (4) INV OUT 15"CI= 11.32
CB# 3766 RIM EL= 17.59	DMH# 5207 RIM EL= 12.66 (1) INV IN 12"HDPE= 7.48 (2) 12"HDPE W/ TRAP
CB# 25851 RIM EL= 16.26 (1) INV IN 12"HDPE= 12.08 (2) INV OUT 12"HDPE= 12.01	
CB# 25852 RIM EL= 16.81 (1) INV IN 10"HDPE= 12.29 (2) INV OUT 12"HDPE= 12.26	
CB# 25853 RIM EL= 17.12 (1) INV OUT 10"HDPE= 12.78	

SEWER TABLE

SMH# 1 RIM EL= 11.80 (1) INV OUT 4"PVC FM= 7.47	SMH# 1567 RIM EL= 12.96 (1) PLUGGED (2) INV IN 12"RCP= 5.19 (3) INACTIVE (4) INV OUT 12"____= 4.71
SMH# 2 RIM EL= 11.53 (COULD NOT OPEN)	SMH# 1568 RIM EL= 12.86 (1) INV IN 8"PVC= 4.88 (2) INV IN 12"____= 4.68 (3) INV IN 24"RCP= 5.05 (4) INV OUT 12"RCP= 6.83 (23" CSU PER DPW)
SMH# 1567 RIM EL= 12.96 (1) PLUGGED (2) INV IN 12"RCP= 5.19 (3) INACTIVE (4) INV OUT 12"____= 4.71	SMH# 1570 RIM EL= 10.16 (2) INV IN 15"RCP= 3.74
SMH# 1568 RIM EL= 12.86 (1) INV IN 8"PVC= 4.88 (2) INV IN 12"____= 4.68 (3) INV IN 24"RCP= 5.05 (4) INV OUT 12"RCP= 6.83 (23" CSU PER DPW)	
SMH# 1570 RIM EL= 10.16 (2) INV IN 15"RCP= 3.74	
SMH# 2306 RIM EL= 13.94 (1) INV IN 10"PVC= 6.86 (2) INV IN 24"RCP= 8.88 (3) INV IN 6"PVC= 11.24 (4) INV OUT 24"RCP= 6.83 (23" CSU PER DPW)	
SMH# 2307 RIM EL= 15.50 CL FLOW= 10.66 (OVAL RCP 18"W X 18"H) (23" CSU PER DPW)	

LEGEND:

110-5	TAX SHEET - LOT NUMBER
RCRD	ROCKINGHAM COUNTY REGISTRY OF DEEDS
RCSC	ROCKINGHAM COUNTY SUPERIOR COURT
VGC	VERTICAL FACED GRANITE CURB
RWBL	MODULAR BLOCK RETAINING WALL
Ⓚ	PARK METER KIOSK
Ⓚ	BOLLARD
Ⓚ	SIGN
Ⓚ	HANDICAP SPACE
Ⓚ	LIGHT POLE
Ⓚ	UTILITY POLE WITH ARM & LIGHT
Ⓚ	ELECTRICAL MANHOLE
Ⓚ	ELECTRICAL CONDUIT
Ⓚ	ELECTRIC METER
Ⓚ	GAS SHUT OFF
Ⓚ	GAS VALVE
Ⓚ	WATER GATE VALVE
Ⓚ	WATER SHUT OFF VALVE
Ⓚ	HYDRANT
Ⓚ	FIRE CONNECTION
Ⓚ	CATCH BASIN
Ⓚ	DRAIN MANHOLE
Ⓚ	ROOF DOWNSPOUT
Ⓚ	SEWER MANHOLE
Ⓚ	DECIDUOUS TREE
Ⓚ	CONIFEROUS SHRUB
Ⓚ	DECIDUOUS SHRUB
Ⓚ	WATER LINE
Ⓚ	SEWER LINE
Ⓚ	DRAIN LINE
Ⓚ	GAS LINE
Ⓚ	UNDERGROUND ELECTRIC
Ⓚ	UNDERGROUND COMMUNICATIONS
Ⓚ	CEMENT CONCRETE
Ⓚ	BRICK PAVERS
Ⓚ	RETAINING WALL
Ⓚ	LANDSCAPED AREA
Ⓚ	SPOT GRADE
Ⓚ	SEE SIGNAGE TABLE
Ⓚ	SEE BUILDING ELEVATION TABLE
Ⓚ	EXISTING TRAFFIC FLOW SYMBOL

VAUGHAN MALL f.k.a. VAUGHAN STREET (A PUBLIC WAY - VARIABLE WIDTH)

LINE	BEARING	DISTANCE
L1	N 48°33'05" E	20.00
L2	N 49°44'19" E	19.83
L3	N 61°31'47" E	1.00
L4	S 49°44'19" W	20.06

ABUTTERS LIST

MAP-LOT	OWNER OF RECORD	DEED REF.
117-2	JAMER REALTY, INC. 80 HANOVER ST, PORTSMOUTH, NH 03801	3093/1283
117-4	SJW LTD C/O GENE FISK & ASSOCIATES, LLC 4 GREENLEAF WOODS DR, SUITE 102 PORTSMOUTH, NH 03801	2574/495
125-1	PARADE OFFICE, PRIVATE INVESTMENTS C/O GATHARTS, SUITE 501, BOSTON, MA 02109	N/A
126-1A	NORTHERN TIER REAL ESTATE ACQUISITION & DEVELOPMENT, LLC C/O JOHN J. DUSSI 4 MOODY LN, WEST NEWBURY, MA 01985	4814/563
126-2	25 MAPLEWOOD AVENUE, LLC 41 INDUSTRIAL DR, EXETER, NH 03833	6068/2230
126-3	CITY OF PORTSMOUTH 1 JUNKINS AVE, PORTSMOUTH, NH 03801	4701/534

NOTES:

- OWNER OF RECORD.....BENDETSON-PORTSMOUTH REALTY TRUST C/O CABOT HOUSE, INC., 10 INDUSTRIAL WAY, AMESBURY, MA 01913
ADDRESS.....2402/1201
DEED REFERENCE.....126-1
TAX SHEET / LOT.....
- THIS PLAN IS BASED ON A FIELD SURVEY BY JAMES VERRA AND ASSOCIATES, INC. 3/2014, 4/2017 & 12/2019. ON SITE CONTROL ESTABLISHED USING SURVEY GRADE GPS UNITS. HORIZONTAL DATUM: NAD 1983 (1986 ADJUSTMENT) PRIMARY BM: NHDOT 379-0150 (PORTSMOUTH TRAFFIC CIRCLE) VERTICAL DATUM: NAVD 1988 PRIMARY BM: CITY CONTROL POINT "ALBA"
- CONTRACTOR TO VERIFY SITE BENCHMARKS BY LEVELING BETWEEN 2 BENCHMARKS PRIOR TO THE SETTING OR ESTABLISHMENT OF ANY GRADES/ELEVATIONS. DISCREPANCIES ARE TO BE REPORTED TO JAMES VERRA AND ASSOC., INC.
- THE LOCATION OF ALL UNDERGROUND UTILITIES SHOWN HEREON ARE APPROXIMATE AND ARE BASED UPON THE FIELD LOCATION OF ALL VISIBLE STRUCTURES (IE CATCH BASINS, MANHOLES, WATER GATES ETC.) AND INFORMATION COMPILED FROM PLANS PROVIDED BY UTILITY COMPANIES AND GOVERNMENTAL AGENCIES. ALL CONTRACTORS SHOULD NOTIFY, IN WRITING, SAID AGENCIES PRIOR TO ANY EXCAVATION WORK AND CALL DIG-SAFE @ 1-888-DIG-SAFE.
- SEE ROCKINGHAM COUNTY SUPERIOR COURT NOTICE OF DECISION DATED 3/18/2015, RCRD BOOK 5626, PAGE 1529. ALSO SEE STIPULATION DATED 1/30/2015, RCRD BOOK 5626, PAGE 1531.
- THE SUBJECT TRACT LIES IN ZONE X (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON FLOOD INSURANCE RATE MAP 33015C0259E, EFFECTIVE DATE MAY 17, 2005, BY FEMA.

REFERENCE PLANS:

- PLAT OF LAND, 64 VAUGHAN MALL, PORTSMOUTH, N.H., FOR BENDETSON-PORTSMOUTH REALTY TRUST, REVISED TO 9/17/2018, RCRD PLAN D-41080.
- CONDOMINIUM SITE PLAN, THE PROVIDENT CONDOMINIUM, 25 MAPLEWOOD AVENUE, PORTSMOUTH, N.H., FOR 25 MAPLEWOOD AVENUE, LLC., DATED 12/20/2019, RCRD PLAN D-41922.
- EXISTING CONDITIONS PLAN, PROPOSED SITE DEVELOPMENT PLANS, 25 MAPLEWOOD AVENUE, PORTSMOUTH, N.H., BY JAMES VERRA AND ASSOCIATES, INC., DATED 4/18/2017, NOT RECORDED.

PRELIMINARY
SUBJECT TO CHANGE

SIGNAGE TABLE

KEY	DESCRIPTION
A	HANDICAP PARKING
B	3 HOUR PARKING/PAY AT KIOSK
C	RESERVED PARKING 7AM-7PM
D	PAID PARKING 24/7
E	STOP

BUILDING ELEVATION TABLE

KEY	DESCRIPTION	ELEV.
A	FF CONCRETE AT ENTRANCE	15.17
B	FF CONCRETE AT LOADING DOCK	15.12
C	FF CONCRETE AT LOADING DOCK	15.09
D	CONCRETE THRESHOLD AT ENTRY	12.56
E	CONCRETE THRESHOLD AT ENTRY	12.13
F	CONCRETE THRESHOLD AT ENTRY	18.91
G	ALUMINUM THRESHOLD AT ENTRY	15.14
H	TOP OF CONCRETE LANDING	15.62
I	ALUMINUM THRESHOLD AT ENTRY	16.55
J	TOP OF CONCRETE LANDING	15.69
K	INVERT OUT 6"PVC CULVERT	12.66
L	TOP OF CONCRETE BASEMENT	6.95
M	TOP OF CONCRETE BASEMENT FLOOR	6.64
N	TOP OF CONCRETE BASEMENT FLOOR	6.42
O	TOP OF CONCRETE BASEMENT FLOOR	7.17
P	TOP OF CONCRETE BASEMENT FLOOR	6.92
Q	TOP OF CONCRETE BASEMENT FLOOR	6.67
R	TOP OF CONCRETE BASEMENT FLOOR	7.07
S	TOP OF CONCRETE BASEMENT FLOOR	6.77
T	TOP OF CONCRETE BASEMENT FLOOR	6.26

SURVEYOR:
James Verra and Associates, Inc.
LAND SURVEYORS

101 SHATTUCK WAY - SUITE 8
NEWINGTON, N.H. 03801- 7876
603-436-3557
JOB NO: 23524-A
PLAN NO: 23524-A

ENGINEER:

ALTUS ENGINEERING, INC.

133 COURT STREET PORTSMOUTH, NH 03801
(603) 433-2335 www.ALTUS-ENG.com

ISSUED FOR:

ENGINEERING REVIEW

ISSUE DATE:

PRELIMINARY

REVISIONS	NO.	DESCRIPTION	BY	DATE
0	ENGINEERING REVIEW	JV	2/3/20	

DRAWN BY: JCS
APPROVED BY: JV
DRAWING FILE: 23524-A.DWG

SCALE:
22" x 34" - 1" = 20'
11" x 17" - 1" = 40'

OWNER:
BENDETSON-PORTSMOUTH REALTY TRUST
C/O CABOT HOUSE, INC.
10 INDUSTRIAL WAY
AMESBURY, MA 01913
ASSESSOR'S PARCEL
126-1

PROJECT:
PROPOSED SITE DEVELOPMENT PLANS
64 VAUGHAN MALL
PORTSMOUTH, N.H.
ASSESSOR'S PARCEL
126-1

TITLE:
EXISTING CONDITIONS PLAN

SHEET NUMBER:
Sheet 4

P5042

EXHIBIT A

APPROVED BY THE PORTSMOUTH PLANNING BOARD

THE SOLE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF EXISTING AND PROPOSED IMPROVEMENTS ON THE SITE. RECORDING OF THIS PLAN WAS A REQUIREMENT OF THE PORTSMOUTH PLANNING BOARD AS PART OF THEIR APPROVAL.

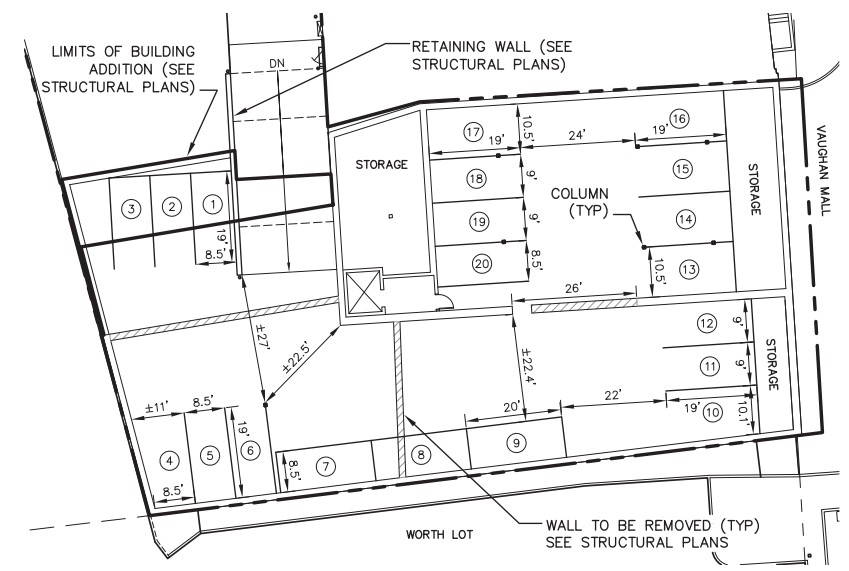
FOR JAMES VERRA & ASSOCIATES, INC.

CHAIRMAN DATE

DATE

NOTES

- DESIGN INTENT - THIS PLAN IS INTENDED TO DEPICT THE RETROFIT OF THE EXISTING BUILDING TO INCLUDE A ± 663 S.F. FOOTPRINT EXPANSION, A FOURTH FLOOR, UNDERGROUND PARKING GARAGE, RETAIL SPACE, 12 RESIDENTIAL UNITS, GREEN SPACE AND A SIDEWALK, MODIFIED PARKING SPACES AND GREEN SPACE ON THE ABUTTING WORTH LOT.
- THE BASE PLAN USED HERE WAS DEVELOPED FROM "EXISTING CONDITIONS PLAN, 64 VAUGHAN MALL, PORTSMOUTH, NH" BY JAMES VERRA AND ASSOCIATES, INC., DATED FEBRUARY 3, 2020.
- ZONE: CD5 (CHARACTER 5)
M (MUNICIPAL) FOR OFFSITE IMPROVEMENTS ON WORTH LOT
OVERLAY: DOWNTOWN OVERLAY DISTRICT
HISTORIC OVERLAY DISTRICT
FACADE: STOREFRONT
- | DIMENSIONAL REQUIREMENTS: | | EXISTING | PROPOSED |
|---------------------------|------------------------------------|-------------------|-------------------|
| FRONT YARD: | 5' (VAUGHAN MALL) | $\pm 4.3'$ | SAME |
| SECONDARY FRONT YARD: | 5' (HANOVER ST.) | $\pm 58.1'$ | $\pm 50.2'$ |
| SIDE YARD: | NR | 0' | SAME |
| REAR YARD: | 5' (ALLEY) | $\pm 0.15'$ | SAME |
| FRONT LOT LINE BUILDOUT: | 80% WIDTH MIN. | 100% | SAME |
| MAX. BUILDING BLOCK: | 225' | | |
| MAX. FACADE MODULATION: | 100' | | |
| MAX. ENTRANCE SPACING: | 50' | | |
| MAX. BUILDING COVERAGE: | 95% | $\pm 70.0\%$ | $\pm 75.7\%$ |
| MAX. BUILDING FOOTPRINT: | 20,000 S.F. | $\pm 10,008$ S.F. | $\pm 10,671$ S.F. |
| MIN. LOT AREA: | NR | 14,097 S.F. | SAME |
| MIN. LOT AREA/DWELLING: | NR | | |
| MIN. OPEN SPACE: | 5% | 0% | $\pm 13.9\%$ |
| MAX. GND. FLR. GFA/USE: | 15,000 S.F. | 0 S.F. | $\pm 1,963$ S.F. |
| MAX. BUILDING HEIGHT: | 3 STORIES OR 40' | $>15,000$ S.F. | SAME |
| PENTHOUSE HEIGHT: | MAX. HEIGHT +2' | $\pm 40'$ | $\pm 53.75'$ |
| MAX. GROUND FLOOR FFE: | SIDEWALK GRADE +3' | | |
| MIN. GND. FLR. STORY HT.: | 12' | | |
| MIN. 2ND STORY HEIGHT: | 10' | | |
| MIN. FACADE GLAZING: | 70% (SHOPFRONT) | | |
| ROOF TYPE: | FLAT, GABLE, HIP, GAMBREL, MANSARD | | |
| ROOF PITCH: | 6:12 TO 12:12 (GABLE) | | |
| | 3:12 (HIP) | | |
| | 6:12 TO 30:12 (MANSARD/GAMBREL) | | |
- | PARKING REQUIREMENTS: | |
|-------------------------|---|
| DWELLING UNITS: | 1.3 SPACES / DWELLING UNIT OVER 750 S.F. |
| 12 UNITS \times 1.3 = | 15.6 SPACES REQUIRED |
| VISITOR PARKING: | 1 SPACE / 5 DWELLING UNITS (FOR LOT W/OVER 4 UNITS) |
| 12 UNITS / 5 = | 2.4 SPACES REQUIRED |
| NON-RESIDENTIAL USE: | NR |
| DOWNTOWN OVERLAY: | SUBTRACT 4 SPACES/LOT |
| TOTAL PARKING REQUIRED: | 14 SPACES |
| TOTAL PARKING PROVIDED: | 20 SPACES (UNDERGROUND) |
- ALL BONDS AND FEES SHALL BE PAID/POSTED PRIOR TO INITIATING CONSTRUCTION.
- ALL CONDITIONS OF THIS APPROVAL SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
- ALL CONSTRUCTION SHALL MEET THE MINIMUM CONSTRUCTION STANDARDS OF THE CITY OF PORTSMOUTH & NHDOT'S STANDARD SPECIFICATIONS FOR ROAD & BRIDGE, LATEST EDITION. THE MORE STRINGENT SPECIFICATION SHALL GOVERN.
- CLEAN AND COAT VERTICAL FACE OF EXISTING PAVEMENT AT SAWCUT LINE WITH RS-1 IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE.
- THE CONTRACTOR SHALL VERIFY ALL BENCHMARKS AND TOPOGRAPHY IN THE FIELD PRIOR TO CONSTRUCTION.
- AREA OF DISTURBANCE IS UNDER 43,560 SF. COVERAGE UNDER EPA NPDES PHASE II CONSTRUCTION GENERAL PERMIT IS NOT REQUIRED.
- PAVEMENT MARKINGS SHALL BE CONSTRUCTED USING WHITE, YELLOW, OR BLUE TRAFFIC PAINT (WHERE SPECIFIED) MEETING THE REQUIREMENTS OF AASHTO M248, TYPE F OR EQUAL. PAINTED ISLANDS AND LOADING ZONES SHALL BE 4"-WIDE DIAGONAL WHITE LINES 3'-0" O.C. BORDERED BY 4"-WIDE WHITE LINES. PARKING STALLS SHALL BE SEPARATED BY 4"-WIDE WHITE LINES. SEE DETAILS FOR HANDICAP SYMBOLS, SIGNS AND SIGN DETAILS. PAVEMENT MARKINGS SHALL BE INSTALLED AT LEAST 14-DAYS AFTER INSTALLATION OF WEARING COURSE PAVEMENT. CONTRACTOR SHALL APPLY TWO (2) COATS OF ALL PAVEMENT MARKINGS.
- PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL ON UNIFORM TRAFFIC DEVICES," "STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS" AND THE AMERICANS WITH DISABILITIES ACT (ADA), LATEST EDITIONS.
- UNLESS OTHERWISE NOTED, ALL NEW CURBING SHALL BE VERTICAL GRANITE WITH A MINIMUM RADIUS OF 4'.
- THE CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS WITH THE ARCHITECTURAL AND STRUCTURAL DRAWINGS PRIOR TO CONSTRUCTION. ANY AND ALL DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF BOTH THE ARCHITECT AND CIVIL ENGINEER FOR RESOLUTION.
- ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
- ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR
- THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- SITWORK CONTRACTOR SHALL PREPARE A LICENSED LAND SURVEYOR (LLS) STAMPED AS-BUILT SITE PLAN & PROVIDE A DIGITAL (CAD FORMAT) COPY FOR THE CITY'S G.I.S. DATA BASE.
- TRASH AND RECYCLING SHALL BE STORED INSIDE BUILDING.
- THIS DEVELOPMENT IS SUBJECT TO LICENSING AGREEMENTS W/ THE CITY COUNCIL.
- RESTAURANTS SHALL NOT OCCUPY BUILDING WITHOUT THE INSTALLATION OF A GREASE TRAP MEETING CITY CODE.
- ALL SIDEWALKS TO BE CONSTRUCTED WITHIN PROJECT LIMITS SHALL BE BRICK. CONTRACTOR SHALL BE RESPONSIBLE FOR CONTACTING PORTSMOUTH DPW TO CONFIRM BRICK SPECIFICATIONS.
- STREET ADDRESSES FOR EACH USE SHALL BE DETERMINED BY PORTSMOUTH FIRE DEPARTMENT & DPW.
- SNOW SHALL BE STORED AT THE EDGE OF PAVEMENT, IN AREAS SHOWN ON THE PLAN, OR TRUCKED OFF SITE.



BASEMENT GARAGE PARKING LAYOUT

ALTUS
ENGINEERING, INC.

133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com

NOT FOR CONSTRUCTION

ISSUED FOR:
PB CONSULTATION

ISSUE DATE:
DECEMBER 30, 2020

NO.	DESCRIPTION	BY	DATE
0	CLIENT REVIEW	EBS	05/21/20
1	TAC WORK SESSION	EBS	07/07/20
2	TAC	EBS	10/19/20
3	PB CONSULTATION	EBS	12/30/20

DRAWN BY: EBS
APPROVED BY: EDW
DRAWING FILE: 5042-SITE.dwg

SCALE: 22"x34" 1" = 20'
11"x17" 1" = 40'

OWNER:
64 VAUGHAN MALL, LLC

**41 INDUSTRIAL DRIVE
EXETER, NH 0383**

APPLICANT:
**HAMPSHIRE
DEVELOPMENT CORP.**

**41 INDUSTRIAL DRIVE
EXETER, NH 03833**

PROJECT:
**64 VAUGHAN MALL
BUILDING RESTORATION**

**TAX MAP 126, LOT 1
64 VAUGHAN MALL
PORTSMOUTH, NH 03801**

TITLE:

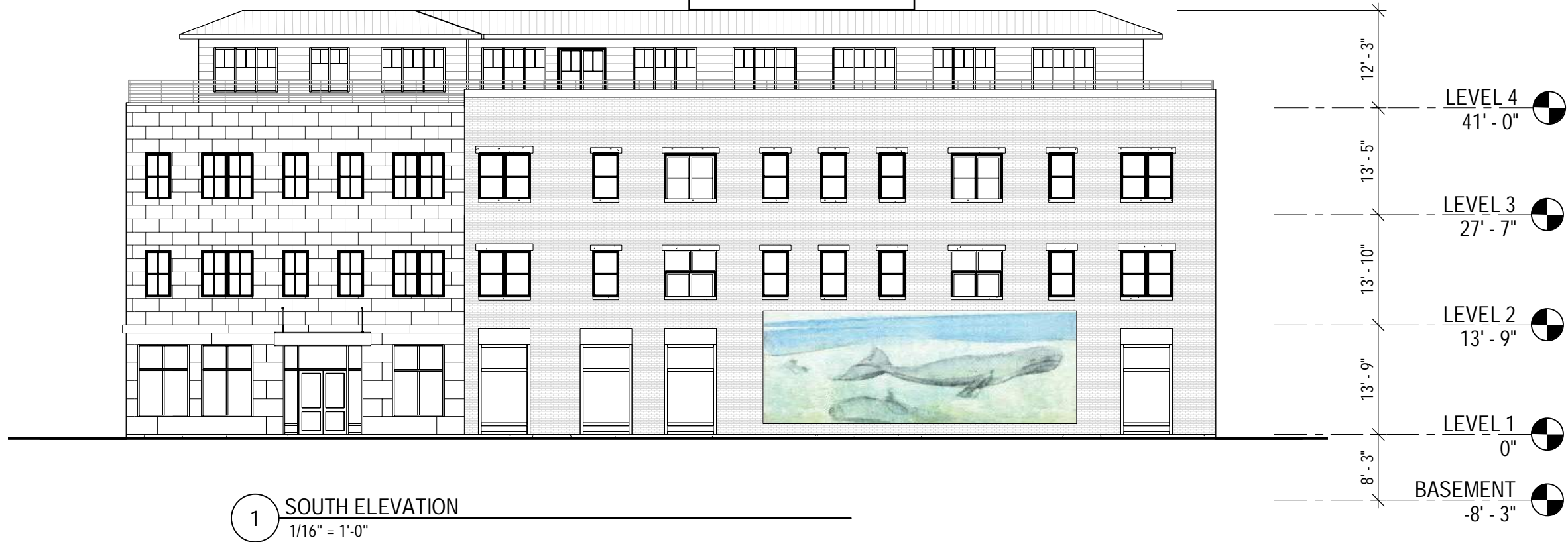
SITE PLAN

SHEET NUMBER:

Sheet 5

Proposed Site Plan

EXHIBIT A



EXTERIOR ELEVATIONS
64 Vaughan Mall

SCALE: 1/16" = 1'-0"
02/22/2021

Proposed

Sheet 5A



EXHIBIT A



EXTERIOR ELEVATIONS
64 Vaughan Mall

SCALE: 1/16" = 1'-0"
02/22/2021

Proposed

Sheet 5B



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INTERIORS
PLANNERS
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EXHIBIT A



1 VIEW 01



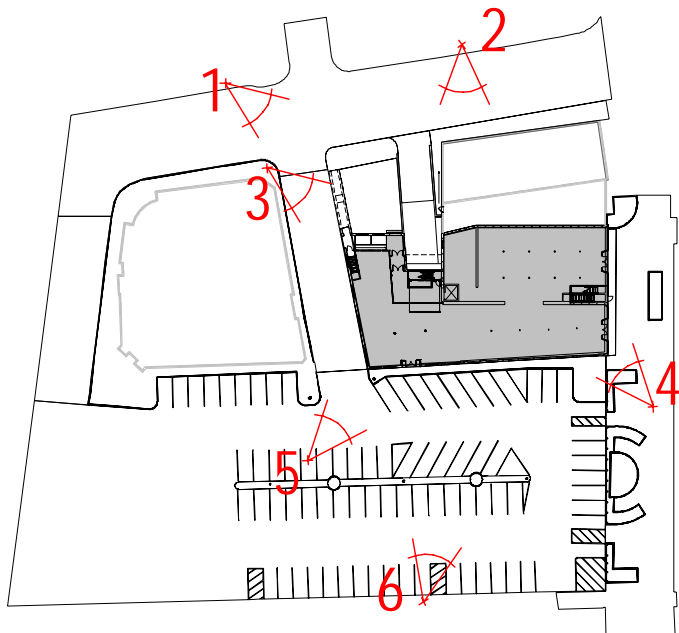
2 VIEW 02



3 VIEW 03



5 VIEW 05



01 LEVEL 1 - PERSPECTIVE PLAN
1" = 50'-0"



4 VIEW 04



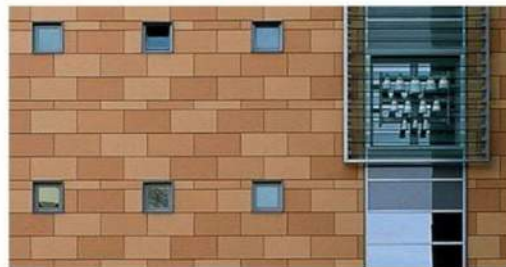
6 VIEW 06

PERSPECTIVE VIEWS
64 Vaughan Mall
1" = 50'-0"
02-20-2021

Architectural Perspective - Proposed

Sheet 5C

EXHIBIT A



CONCEPTUAL IMAGE - View from Hanover Street
64 Vaughan Street

SCALE:
02/12/2021

Sheet 6A



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EXHIBIT A



CONCEPTUAL IMAGE - View from Worth Lot
64 Vaughan Street

SCALE:
02/12/2021

Sheet 6B



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EXHIBIT A



CONCEPTUAL IMAGE - View from Vaughn Mall
64 Vaughan Street

SCALE:
02/12/2021

Sheet 6C



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EXHIBIT B

APPROVED BY THE PORTSMOUTH PLANNING BOARD

THE SOLE PURPOSE OF THIS PLAN IS TO DEPICT THE LOCATION OF EXISTING AND PROPOSED IMPROVEMENTS ON THE SITE. RECORDING OF THIS PLAN WAS A REQUIREMENT OF THE PORTSMOUTH PLANNING BOARD AS PART OF THEIR APPROVAL.

FOR JAMES VERRA & ASSOCIATES, INC.

CHAIRMAN

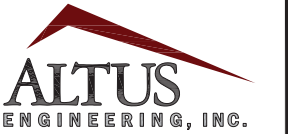
DATE

DATE

NOTES

- DESIGN INTENT – THIS PLAN IS INTENDED TO DEPICT THE RETROFIT OF THE EXISTING BUILDING TO INCLUDE A ±2,720 S.F. FOOTPRINT EXPANSION, UNDERGROUND PARKING GARAGE, RETAIL SPACE AND 12 RESIDENTIAL UNITS.
- THE BASE PLAN USED HERE WAS DEVELOPED FROM "EXISTING CONDITIONS PLAN, 64 VAUGHAN MALL, PORTSMOUTH, NH" BY JAMES VERRA AND ASSOCIATES, INC., DATED FEBRUARY 3, 2020.
- ZONE: CD5 (CHARACTER 5)
M (MUNICIPAL) FOR OFFSITE IMPROVEMENTS ON WORTH LOT
OVERLAY: DOWNTOWN OVERLAY DISTRICT
HISTORIC OVERLAY DISTRICT
FACADE: STOREFRONT
- | DIMENSIONAL REQUIREMENTS: | EXISTING | PROPOSED |
|---------------------------|--|--------------|
| FRONT YARD: | 5' (VAUGHAN MALL) ±4.3' | SAME |
| SECONDARY FRONT YARD: | 5' (HANOVER ST.) ±58.1' | 0' |
| SIDE YARD: | NR | 0' |
| REAR YARD: | 5' (ALLEY) ±0.15' | SAME |
| FRONT LOT LINE BUILDOUT: | 80% WIDTH MIN. 100% | SAME |
| MAX. BUILDING BLOCK: | 225' | |
| MAX. FACADE MODULATION: | 100' | |
| MAX. ENTRANCE SPACING: | 50' | |
| MAX. BUILDING COVERAGE: | 95% | ±70.0% |
| MAX. BUILDING FOOTPRINT: | 20,000 S.F. | ±10,008 S.F. |
| MIN. LOT AREA: | NR | 14,097 S.F. |
| MIN. LOT AREA/DWELLING: | NR | 0% |
| MIN. OPEN SPACE: | 5% | 0 S.F. |
| | | SAME |
| MAX. GND. FLR. GFA/USE: | 15,000 S.F. | >15,000 S.F. |
| MAX. BUILDING HEIGHT: | 3 STORIES OR 40' | |
| PENTHOUSE HEIGHT: | MAX. HEIGHT +2' | |
| MAX. GROUND FLOOR FFE: | SIDEWALK GRADE +3' | |
| MIN. GND. FLR. STORY HT.: | 12' | |
| MIN. 2ND STORY HEIGHT: | 10' | |
| MIN. FACADE GLAZING: | 70% (SHOPFRONT) | |
| ROOF TYPE: | FLAT, GABLE, HIP, GAMBREL, MANSARD | |
| ROOF PITCH: | 6:12 TO 12:12 (GABLE)
3:12 (HIP)
6:12 TO 30:12 (MANSARD/GAMBREL) | |
- | PARKING REQUIREMENTS: |
|--|
| DWELLING UNITS: 1.3 SPACES / DWELLING UNIT OVER 750 S.F. |
| 12 UNITS x 1.3 = 15.6 SPACES REQUIRED |
| VISITOR PARKING: 1 SPACE / 5 DWELLING UNITS (FOR LOT w/OVER 4 UNITS) |
| 12 UNITS / 5 = 2.4 SPACES REQUIRED |
| NON-RESIDENTIAL USE: NR |
| DOWNTOWN OVERLAY: SUBTRACT 4 SPACES/LOT |
| TOTAL PARKING REQUIRED: 14 SPACES |
| TOTAL PARKING PROVIDED: 20 SPACES (UNDERGROUND) |

- ALL BONDS AND FEES SHALL BE PAID/POSTED PRIOR TO INITIATING CONSTRUCTION.
- ALL CONDITIONS OF THIS APPROVAL SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
- ALL CONSTRUCTION SHALL MEET THE MINIMUM CONSTRUCTION STANDARDS OF THE CITY OF PORTSMOUTH & NHDOT'S STANDARD SPECIFICATIONS FOR ROAD & BRIDGE, LATEST EDITION. THE MORE STRINGENT SPECIFICATION SHALL GOVERN.
- CLEAN AND COAT VERTICAL FACE OF EXISTING PAVEMENT AT SAWCUT LINE WITH RS-1 IMMEDIATELY PRIOR TO PLACING NEW BITUMINOUS CONCRETE.
- THE CONTRACTOR SHALL VERIFY ALL BENCHMARKS AND TOPOGRAPHY IN THE FIELD PRIOR TO CONSTRUCTION.
- AREA OF DISTURBANCE IS UNDER 43,560 SF. COVERAGE UNDER EPA NPDES PHASE II CONSTRUCTION GENERAL PERMIT IS NOT REQUIRED.
- PAVEMENT MARKINGS SHALL BE CONSTRUCTED USING WHITE, YELLOW, OR BLUE TRAFFIC PAINT (WHERE SPECIFIED) MEETING THE REQUIREMENTS OF AASHTO M248, TYPE F OR EQUAL. PAINTED ISLANDS AND LOADING ZONES SHALL BE 4"-WIDE DIAGONAL WHITE LINES 3'-0" O.C. BORDERED BY 4"-WIDE WHITE LINES. PARKING STALLS SHALL BE SEPARATED BY 4"-WIDE WHITE LINES. SEE DETAILS FOR HANDICAP SYMBOLS, SIGNS AND SIGN DETAILS. PAVEMENT MARKINGS SHALL BE INSTALLED AT LEAST 14-DAYS AFTER INSTALLATION OF WEARING COURSE PAVEMENT. CONTRACTOR SHALL APPLY TWO (2) COATS OF ALL PAVEMENT MARKINGS.
- PAVEMENT MARKINGS AND SIGNS SHALL CONFORM TO THE REQUIREMENTS OF THE "MANUAL ON UNIFORM TRAFFIC DEVICES," "STANDARD ALPHABETS FOR HIGHWAY SIGNS AND PAVEMENT MARKINGS" AND THE AMERICANS WITH DISABILITIES ACT (ADA), LATEST EDITIONS.
- UNLESS OTHERWISE NOTED, ALL NEW CURBING SHALL BE VERTICAL GRANITE WITH A MINIMUM RADIUS OF 4'.
- THE CONTRACTOR SHALL VERIFY ALL BUILDING DIMENSIONS WITH THE ARCHITECTURAL AND STRUCTURAL DRAWINGS PRIOR TO CONSTRUCTION. ANY AND ALL DISCREPANCIES SHALL BE IMMEDIATELY BROUGHT TO THE ATTENTION OF BOTH THE ARCHITECT AND CIVIL ENGINEER FOR RESOLUTION.
- ALL CONDITIONS ON THIS PLAN SHALL REMAIN IN EFFECT IN PERPETUITY PURSUANT TO THE REQUIREMENTS OF THE SITE PLAN REVIEW REGULATIONS.
- ALL IMPROVEMENTS SHOWN ON THIS SITE PLAN SHALL BE CONSTRUCTED AND MAINTAINED IN ACCORDANCE WITH THE PLAN BY THE PROPERTY OWNER AND ALL FUTURE PROPERTY OWNERS. NO CHANGES SHALL BE MADE TO THIS SITE PLAN WITHOUT THE EXPRESS APPROVAL OF THE PORTSMOUTH PLANNING DIRECTOR
- THIS SITE PLAN SHALL BE RECORDED IN THE ROCKINGHAM COUNTY REGISTRY OF DEEDS.
- SITWORK CONTRACTOR SHALL PREPARE A LICENSED LAND SURVEYOR (LLS) STAMPED AS-BUILT SITE PLAN & PROVIDE A DIGITAL (CAD FORMAT) COPY FOR THE CITY'S G.I.S. DATA BASE.
- TRASH AND RECYCLING SHALL BE STORED INSIDE BUILDING.
- RESTAURANTS SHALL NOT OCCUPY BUILDING WITHOUT THE INSTALLATION OF A GREASE TRAP MEETING CITY CODE.
- STREET ADDRESSES FOR EACH USE SHALL BE DETERMINED BY PORTSMOUTH FIRE DEPARTMENT & DPW.
- SNOW SHALL BE STORED AT THE EDGE OF PAVEMENT, IN AREAS SHOWN ON THE PLAN, OR TRUCKED OFF SITE.



133 Court Street Portsmouth, NH 03801
(603) 433-2335 www.altus-eng.com

NOT FOR CONSTRUCTION

ISSUED FOR:

PB CONSULTATION

ISSUE DATE:

DECEMBER 30, 2020

REVISIONS
NO. DESCRIPTION BY DATE
0 PB CONSULTATION EBS 12/30/20

DRAWN BY: EBS

APPROVED BY: EDW

DRAWING FILE: 5042-SITE.dwg

SCALE: 22"x34" 1" = 20'
11"x17" 1" = 40'

OWNER:

64 VAUGHAN MALL, LLC

41 INDUSTRIAL DRIVE
EXETER, NH 0383

APPLICANT:

HAMPSHIRE
DEVELOPMENT CORP.

41 INDUSTRIAL DRIVE
EXETER, NH 03833

PROJECT:

64 VAUGHAN MALL
BUILDING RESTORATION

TAX MAP 126, LOT 1

64 VAUGHAN MALL
PORTSMOUTH, NH 03801

TITLE:

SITE PLAN

SHEET NUMBER:

Sheet 7

Form Based Zoning - Site Plan

EXHIBIT B



1 VIEW 01



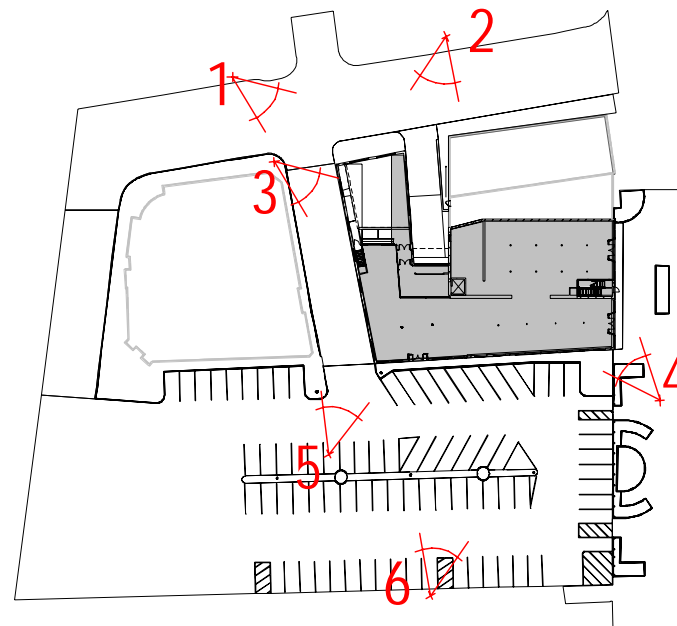
2 VIEW 02



3 VIEW 03



5 VIEW 05



01 LEVEL 1 - PERSPECTIVE PLAN
1" = 50'-0"



4 VIEW 04



6 VIEW 06

PERSPECTIVE VIEWS - THREE STORY
64 Vaughan Street
1" = 50'-0"
02-12-2021

Form Based Zoning - Architectural Perspective

Sheet 7A



BY: VIEWPOINT & HAND DELIVERY

February 24, 2021

City of Portsmouth
Zoning Board of Adjustment
1 Junkins Avenue
Portsmouth, NH 03801

**RE: Variance Application of SAI Builders LLC
84 Rockingham Street, Tax Map 113, Lot 26**

Dear Chairman Rheaume,

Our Office represents SAI BUILDERS LLC. Enclosed herewith, please find the following materials for submission to the Zoning Board of Adjustment for consideration at its next regularly scheduled meeting:

- 1) Landowner Letter of Authorization;
- 2) Narrative to Variance Application;
- 3) Existing Conditions and Variance Site Plan Set;
- 4) Floor Plans and Elevations;
- 4) Photographs of the Property; and
- 5) Tax Map Image of the Property.

Twelve (12) copies of the application submission are being delivered to the City. Should you have any questions or concerns regarding the enclosed application materials, do not hesitate to contact me at your convenience.

Sincerely,

Derek R. Durbin, Esq.

LETTER OF AUTHORIZATION

SAI Builders LLC, of 12 Industrial Way, Salem, New Hampshire 03079, the owner of the property located at 84 Rockland Avenue, Portsmouth, NH 03801 (the "Property"), hereby authorizes Durbin Law Offices PLLC to act as his agent and representative in connection with any building, zoning, planning or other municipal permit applications filed with the City of Portsmouth for said Property. Said Letter of Authorization shall be valid until expressly revoked in writing.

Anton J. Miller

Printed Name: Anton J. Miller
Duly Authorized

February 24, 2021

Date

**CITY OF PORTSMOUTH
ZONING BOARD OF ADJUSTMENT
APPLICATION NARRATIVE**

SAI Builders LLC
(Owner/Applicant)
Tax Map 113, Lot 26
84 Rockland Street
Portsmouth, NH 03801

INTRODUCTORY STATEMENT

The Property

SAI Builders LLC (the “Applicant”) is the owner of property located at 84 Rockland Street, identified on Portsmouth Tax Map 113, as Lot 26 (the “Property”). The Property is located within Portsmouth’s General Residence A (“GRA”) Zoning District. The Property is a corner lot with primary frontage on Rockland Street and secondary frontage on Elwyn Avenue. The City assessing records indicate that the single-family home on the Property was constructed in 1920.

The Property consists of 5,492 square feet of land, making it non-conforming with respect to lot area and lot area per dwelling unit. More than half of the home encroaches into the Rockland Street and Elywn Avenue front yard setbacks.

Proposed Renovation

The existing home needs updating and improvement. The Applicant desires to renovate and reconfigure the interior of the home so that it contains a modern floor plan and amenities. This will involve some demolition and reconstruction of certain sections of the home. In addition, the Applicant is proposing to add a garage to the rear of the home, thus expanding the building footprint. The architectural appearance of the home will remain consistent with surrounding properties, including those at 21 and 27 Elwyn Avenue which are also owned by and were designed and built-out by the Applicant. Because more than half of the existing home encroaches into the primary and secondary front yard setbacks, little can be done to improve it without requiring variance relief. The Applicant is not proposing any additional encroachment into the front yard setbacks beyond what exists.

SUMMARY OF VARIANCE RELIEF

The Applicant seeks the following variances:

Section 10.320: To allow a lawfully existing non-conforming structure to be enlarged or extended without achieving compliance with the Ordinance.

Section 10.521: To allow a 4.3' (+/-) secondary front yard setback (Elwyn Ave.) where 8.75' is required¹ (3' exists from stairs);

Section 10.521: To allow a 8.1' (+/-) primary front yard setback (Rockland St.) where 15' is required (8.1' exists)

Section 10.521: To allow 26.7% (+/-) building coverage where 25% is required by the Ordinance.

VARIANCE CRITERIA

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

“There are two methods of ascertaining whether granting a variance would violate an ordinance’s basic zoning objectives: (1) examining whether granting the variance would alter the essential character of the neighborhood or, in the alternative; and (2) examining whether granting the variance would threaten the public health, safety, or welfare.” *Harborside Assoc v. Parade Residence Hotel*, 162 N.H. 508, 514 (2011).

The goal of GRA Zoning is “to provide areas for **single-family, two family and multifamily dwellings**, with appropriate **accessory uses**, at moderate to high densities...[.]”

The proposed improvements to the home on the Property will not alter the essential character of the neighborhood. The neighborhood is characterized by “New Englander” style homes with gabled facades that were built in the late 1800s and early 1900s and later improved with dormers, garages and other modern space-creating features to keep up with the evolving needs of homebuyers. The neighborhood can be characterized as moderately dense.

Many of the surrounding properties have homes and outbuildings that encroach into the required setbacks and exceed the minimum building coverage requirement. Almost all of the properties between Rockland Street and Lincoln Avenue to the rear of the Property exceed allowable building coverage. Several of these properties have above 40% building coverage. The increase in building coverage proposed by the Applicant is primarily associated with the 1-stall garage addition to the rear of the home. This addition to the home will not result in an overcrowding of the land or give the Property an overly dense appearance when viewed in the

¹ 8.75' front yard requirement for Elwyn Avenue is based on average alignment provisions contained in Section 10.516 of the Ordinance.

context of the neighborhood. The Property will continue to exceed the Ordinance's open space requirement.

The appearance of the home will only be improved by the proposed renovations and will remain consistent in character to other homes within the neighborhood. As a point of comparison, as improved, the home will be similar in appearance to the homes at 21 and 27 Elwyn Avenue, both of which were designed and built-out by the Applicant.

The proposed renovations to the home will not result in any increase in the existing setback encroachments. In fact, the front yard setback from Elwyn Avenue will be improved with the removal of the stairs to northeastern side of the house. Thus, there will be no additional impact upon the light, air and space of abutting properties beyond what exists. There is only a city park located across from the home on Rockland Street. The homes of the only potentially impacted abutters on Elwyn Avenue are located a considerable distance away from the proposed improvements. One of these homes is presently owned by the Applicant. The other home is owned by the Shone family, who have indicated that they support the requests for relief.

The public health safety and welfare will not be negatively impacted by granting the variances requested. To the contrary, the improvements to the home will help ensure that the public safety, health and welfare is protected. The existing home was constructed in 1920. Any renovations performed on the home will be required to meet current building codes, which is a public benefit.

Substantial justice will be done by granting the variance relief.

Any loss to the individual that is not outweighed by a gain to the general public is an injustice. *New Hampshire Office of State Planning, The Board of Adjustment in New Hampshire, A Handbook for Local Officials* (1997); *Malachy Glen Assocs., Inc. v. Town of Chichester*, 155 N.H. 102 (2007).

The application involves relatively minor requests for dimensional relief. There would be no conceivable gain to the public by denying the variances sought.

Like other properties in this area of Portsmouth, the Property is a substandard lot that contains a modest sized home that was constructed well before modern zoning was adopted. More than half of the home is situated within the required front yard setbacks from Rockland Street and Elwyn Avenue. Anything done to improve or expand upon those sections of the home requires variance relief.

The proposed improvements to the home are designed to improve its functionality and appearance. If any of the variances are denied, the Applicant will lose some level of functionality associated with the proposed improvements to the home, which are only designed to benefit it and the values of surrounding properties. Ultimately, granting the variances achieve a better result than denying them. The loss the Applicant in denying the variances clearly outweighs any potential gain to the public.

The values of surrounding properties will not be diminished by granting the variance relief.

The proposed improvements to the Property will be in keeping with the character of the neighborhood and will give the home a fresh, attractive appearance. This can only serve to benefit the value of surrounding properties.

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

The Property is a corner lot, which makes it inherently unique. In addition, more than half of the home on the Property was constructed within the required front yard setbacks, which means that there are very few ways to improve upon it without having to obtaining variance relief. As existing and proposed, the Property has less building coverage than many of the surrounding properties and more open space. A vast majority of the properties directly to the rear of the Property are more densely developed and exceed allowable building coverage and contain less open space. Taken together, these are special conditions that distinguish the Property from those that surround it.

Owing to these special conditions there is no fair and substantial relationship between the general purposes of the Ordinance provisions and their application to the Property. If the setback variances were denied, the existing encroachments would remain. Moreover, the proposed increase in building coverage makes the Property more consistent with surrounding properties while keeping with the density goals of the GRA Zoning District.

The proposed use is reasonable.

The Property will continue to contain a single-family residence, a use which is permitted by right by GRA Zoning. Granting the variances associated with the improvements is reasonable when you consider that the home was built in its present location long before modern zoning existed in Portsmouth.

CONCLUSION

In conclusion, the Applicant has demonstrated that it meets the five (5) criteria for granting each of the variances requested. Accordingly, it respectfully requests that the Board approve its Variance Application.

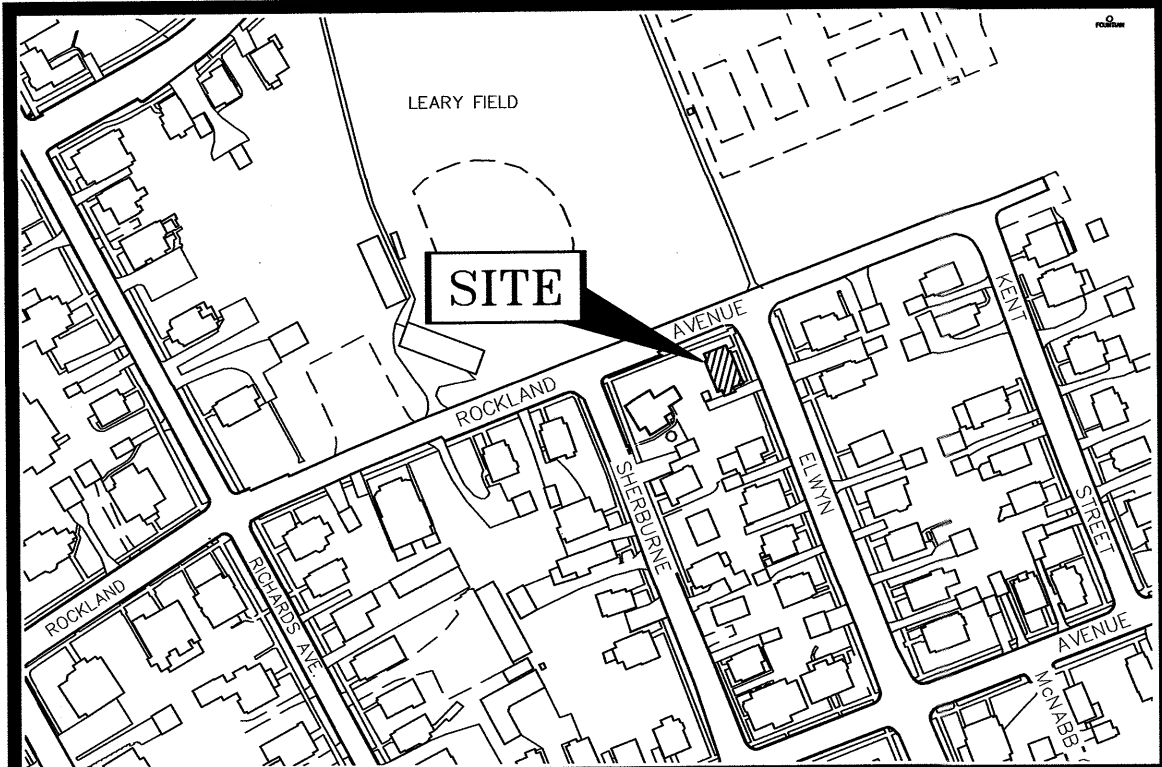
Dated: February 24, 2021
(as revised on 3/1/2021)

Respectfully Submitted,

SAI BUILDERS LLC

A handwritten signature in black ink, appearing to read "Derek R. Durbin", is written over a horizontal line.

By: Derek R. Durbin, Esq.
DURBIN LAW OFFICES PLLC
144 Washington Street
Portsmouth, NH 03801
(603)-287-4764
derek@durbinlawoffices.com

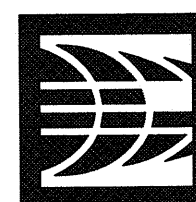
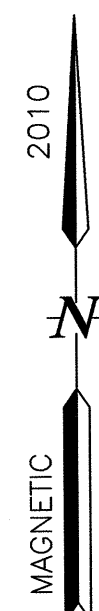
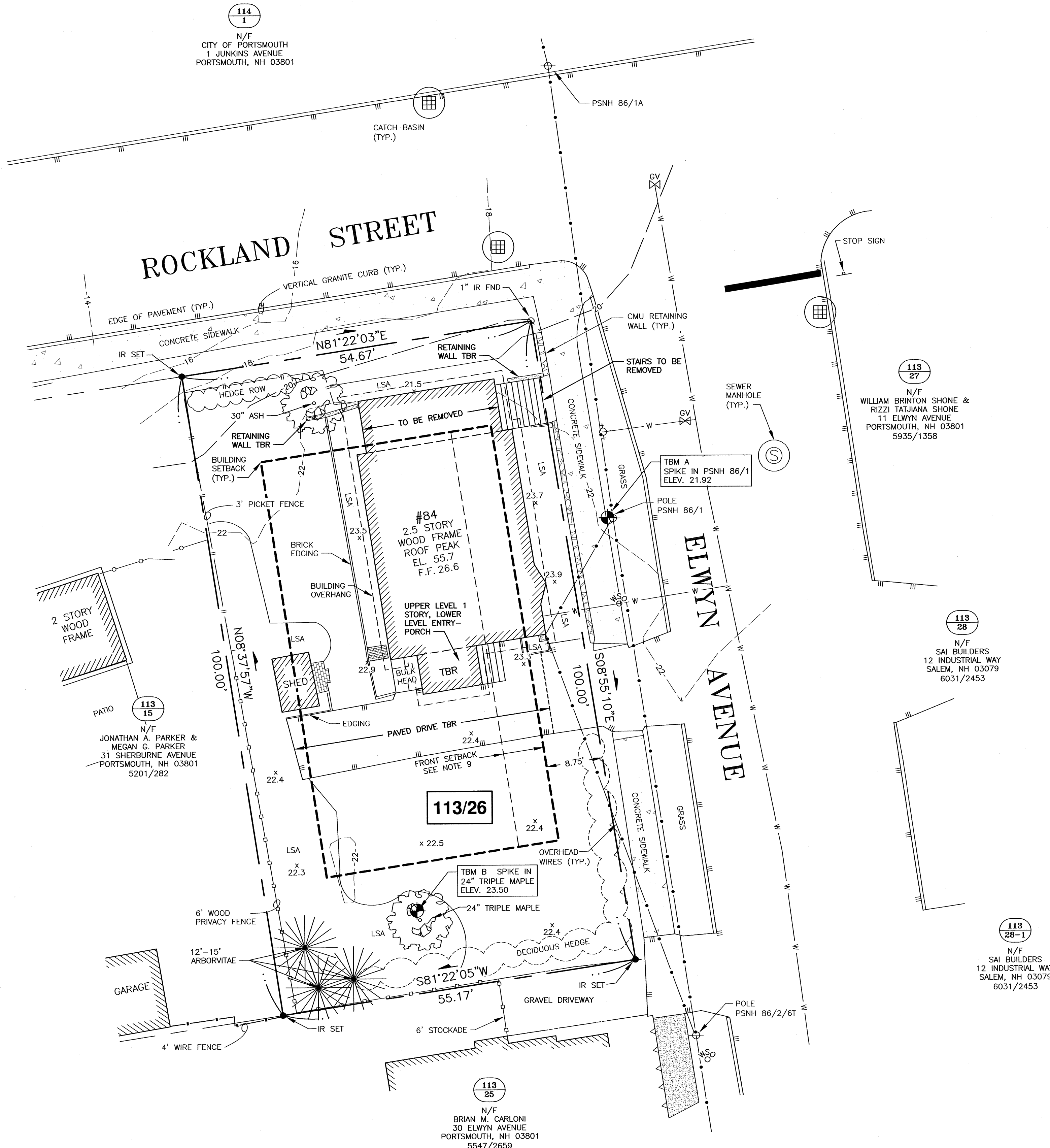


LOCATION MAP

SCALE: 1" = 200'

LEGEND:

	MAP 11 / LOT 21
	BOUNDARY SETBACK
	OVERHEAD ELECTRIC/WIRES
	EDGE OF PAVEMENT (EP)
	UTILITY POLE (w/ GUY)
	GAS SHUT OFF
	WATER SHUT OFF/CURB STOP
	GATE VALVE
	HYDRANT
	CATCH BASIN
	SEWER MANHOLE
	SIGNS
	ELEVATION
	EDGE OF PAVEMENT
	FINISHED FLOOR
	IRON ROD/PIPE
	LANDSCAPED AREA
	TO BE REMOVED



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

NOTES:

- 1) PARCEL IS SHOWN ON THE CITY OF PORTSMOUTH ASSESSOR'S MAP 113 AS LOT 26.
- 2) OWNERS OF RECORD:
SAI BUILDERS
12 INDUSTRIAL WAY
SALEM, N.H. 03079
5201/0282
- 3) PARCEL IS NOT IN A FLOOD HAZARD ZONE AS SHOWN ON FIRM PANEL 33015C0259F. EFFECTIVE JANUARY 29, 2021.
- 4) EXISTING LOT AREA: 5,492 S.F., 0.1261 ACRES
- 5) PARCEL IS LOCATED IN IN THE GENERAL RESIDENCE A (GRA) DISTRICT.
- 6) DIMENSIONAL REQUIREMENTS:
MIN. LOT AREA: 7,500 S.F.
FRONTAGE: 100 FEET
SETBACKS:
FRONT: 15 FEET (SEE NOTE 9)
SIDE: 10 FEET
REAR: 20 FEET
MAXIMUM STRUCTURE HEIGHT: 35 FEET
ROOF APPURTENANCE HEIGHT: 8 FT
MAXIMUM STRUCTURE COVERAGE: 25%
MINIMUM OPEN SPACE: 30%
- 7) THE PURPOSE OF THIS PLAN IS TO SHOW THE EXISTING CONDITIONS ON THE PARCEL SHOWN AS MAP 113 LOT 26 ON THE CITY OF PORTSMOUTH TAX MAPS.
- 8) VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS ($\pm 0.2'$).
- 9) PORTSMOUTH ZONING ORDINANCE SECTION 10.516.10 ALLOWS FRONT YARD SETBACKS TO AVERAGE ADJACENT LOTS WITHIN 200 FEET. ON ELWYN AVENUE THE FRONT SETBACK UNDER THIS SECTION IS 8.75 FEET.

PROPOSED ADDITION
84 ROCKLAND STREET
PORTSMOUTH, NH

3	ISSUED FOR APPROVAL	2/23/21
2	FLOOD HAZARD NOTE, DEMO	2/17/21
1	ADD TOPOGRAPHY	1/25/21
0	ISSUED FOR COMMENT	12/7/20

NO.	DESCRIPTION	DATE
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REVISIONS

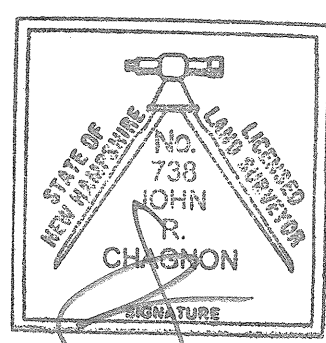
SCALE 1" = 10' DECEMBER 2020

EXISTING CONDITIONS
& DEMOLITION PLAN

C1

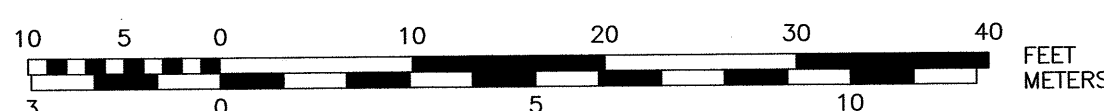
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JOHN R. CHAGNON, LLS
DATE 2.23.21



GRAPHIC SCALE

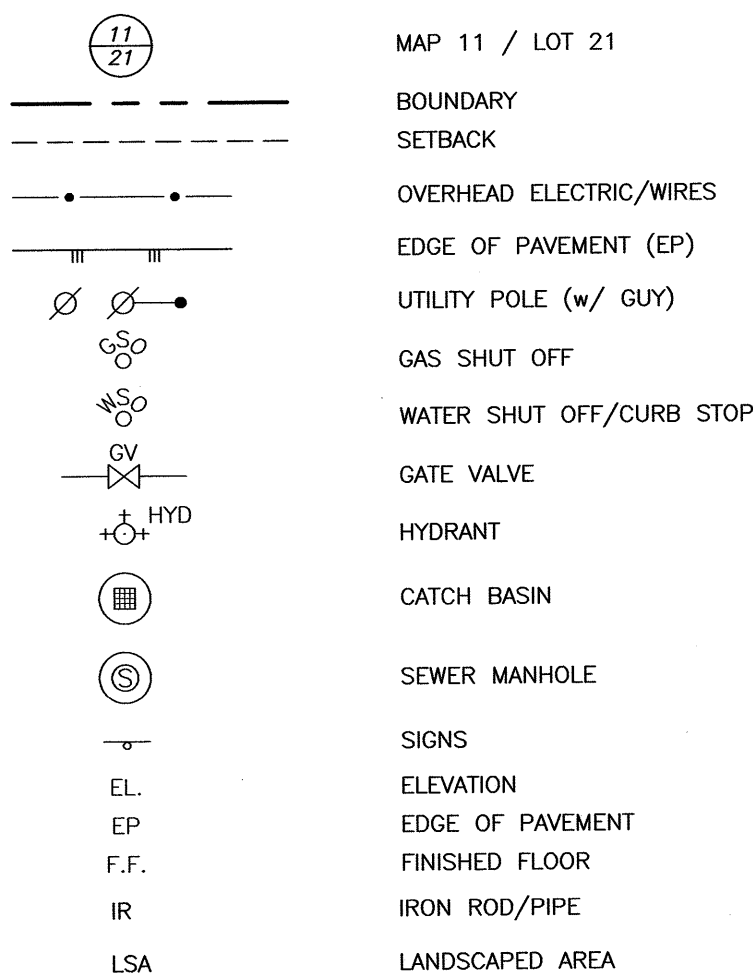
1" = 10'



LOCATION MAP

SCALE: 1" = 200'

LEGEND:

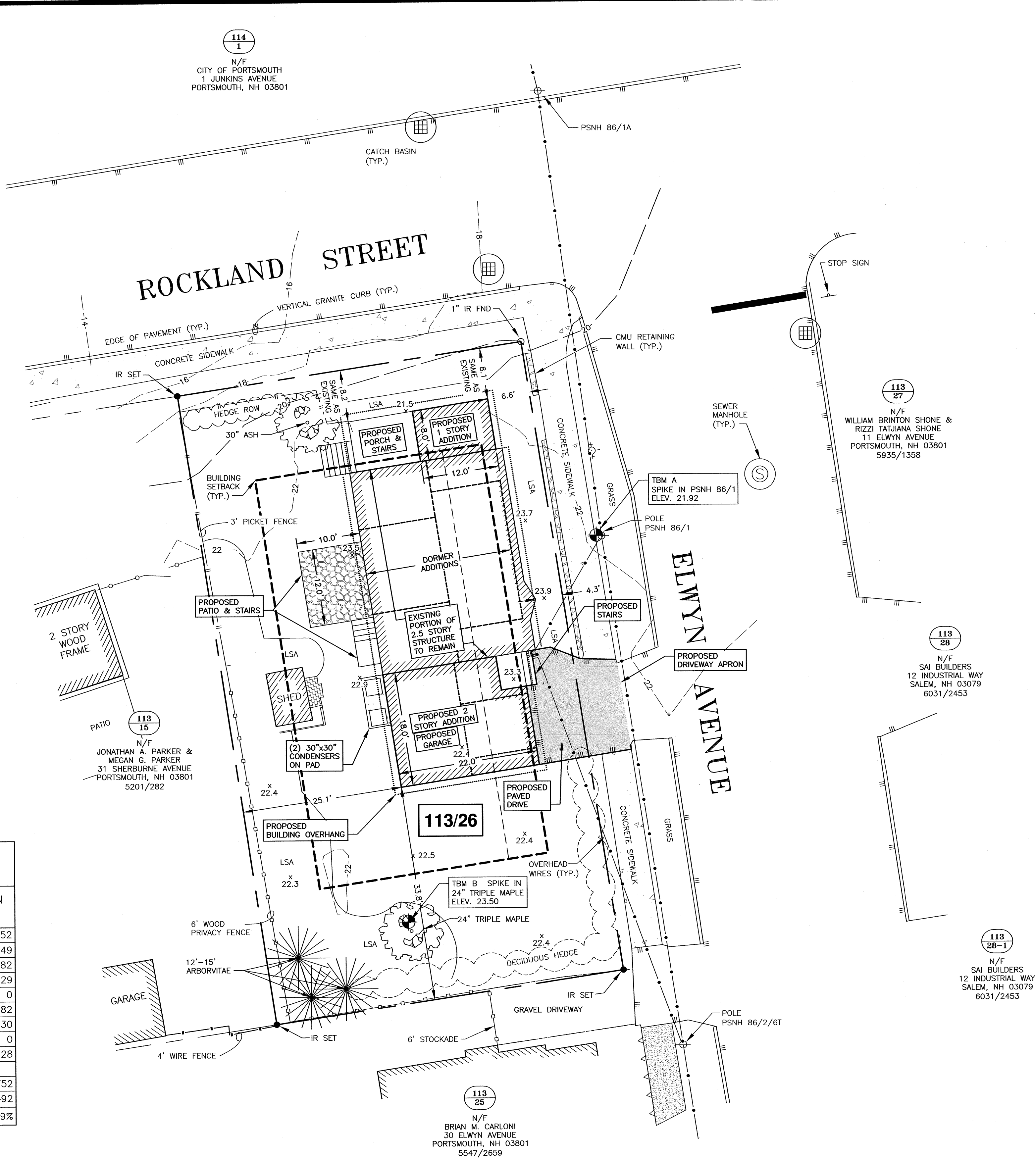
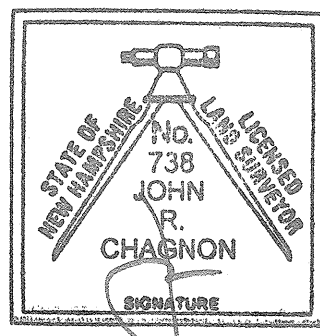


IMPERVIOUS SURFACE AREAS (TO PROPERTY LINE)		
STRUCTURE	PRE-CONSTRUCTION IMPERVIOUS (S.F.)	POST-CONSTRUCTION IMPERVIOUS (S.F.)
MAIN STRUCTURE	956	1,252
SHED	49	49
PORCH	57	82
PAVED DRIVEWAY	502	129
BULKHEAD	21	0
STAIRS	71	82
PATIO	16	130
RETAINING WALL	8	0
CONCRETE AC PAD	0	28
TOTAL	1,680	1752
LOT SIZE	5,492	5,492
% LOT COVERAGE	30.6%	31.9%

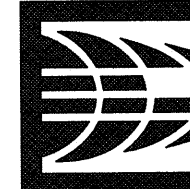
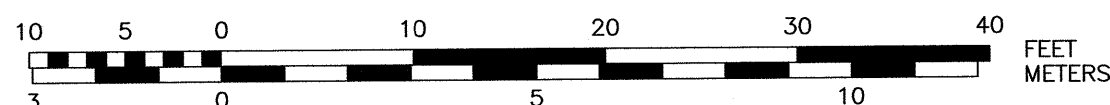
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JOHN R. CHAGNON, LLS

DATE _____



GRAPHIC SCALE

 $1'' = 10^6$ 

AMBIT ENGINEERING, INC.
Civil Engineers & Land Surveyors

200 Griffin Road - Unit 3
Portsmouth, N.H. 03801-7114
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SETBACKS:
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8.75 FEET (ELWYN AVE.)
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- 8) VERTICAL DATUM IS MEAN SEA LEVEL NAVD88. BASIS OF VERTICAL DATUM IS REDUNDANT RTN GNSS OBSERVATIONS ($\pm 0.2'$).
- 9) ARCHITECTURAL PLANS BY O'SULLIVAN ARCHITECTS, INC., 606 MAIN STREET, SUITE 3001, READING, MA 01867. TEL. (781) 439-6166, DATED 12/30/2020, REV. 2/10/21.
- 10) PROPOSED STRUCTURE COVERAGE:
MAIN STRUCTURE: 1,252 S.F.
SHED: 49 S.F.
PORCH: 82 S.F.
STAIRS: 82 S.F.

TOTAL COVERAGE: 1,465 S.F. / 26.7%

PROPOSED ADDITION
84 ROCKLAND STREET
PORTSMOUTH, NH

1	ISSUED FOR APPROVAL	2/23/21
0	ISSUED FOR COMMENT	2/17/21
NO.	DESCRIPTION	DATE
REVISIONS		

SCALE 1" = 10'

FEBRUARY 2021

VARIANCE PLAN

V1



○ Proposed Rear Elevation
Scale: 1/8" = 1'-0"

○ Proposed Right Elevation
Scale: 1/8" = 1'-0"

84 Rockland Street
Portsmouth, NH



O'SULLIVAN ARCHITECTS, INC.
ARCHITECTURE ■ INTERIORS ■ PLANNING

606 MAIN STREET, SUITE 3001 ■ READING, MA 01867
Tel: (781) 439-6166 ■ Fax: (781) 439-6170 ■ www.osullivanarchitects.com
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ISSUED	12/30/2020
REVISED / REVISED BY	1/5/21
	2/10/21

SHEET NUMBER	3
JOB NO:	20235

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Proposed Front Elevation

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



Proposed Left Elevation

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

84 Rockland Street
Portsmouth, NH



O'SULLIVAN ARCHITECTS, INC.
ARCHITECTURE ■ INTERIORS ■ PLANNING

606 MAIN STREET, SUITE 3001 ■ READING, MA 01867

Tel: (781) 439-6166 ■ Fax: (781) 439-6170 ■ www.osullivanarchitects.com

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2/10/21	

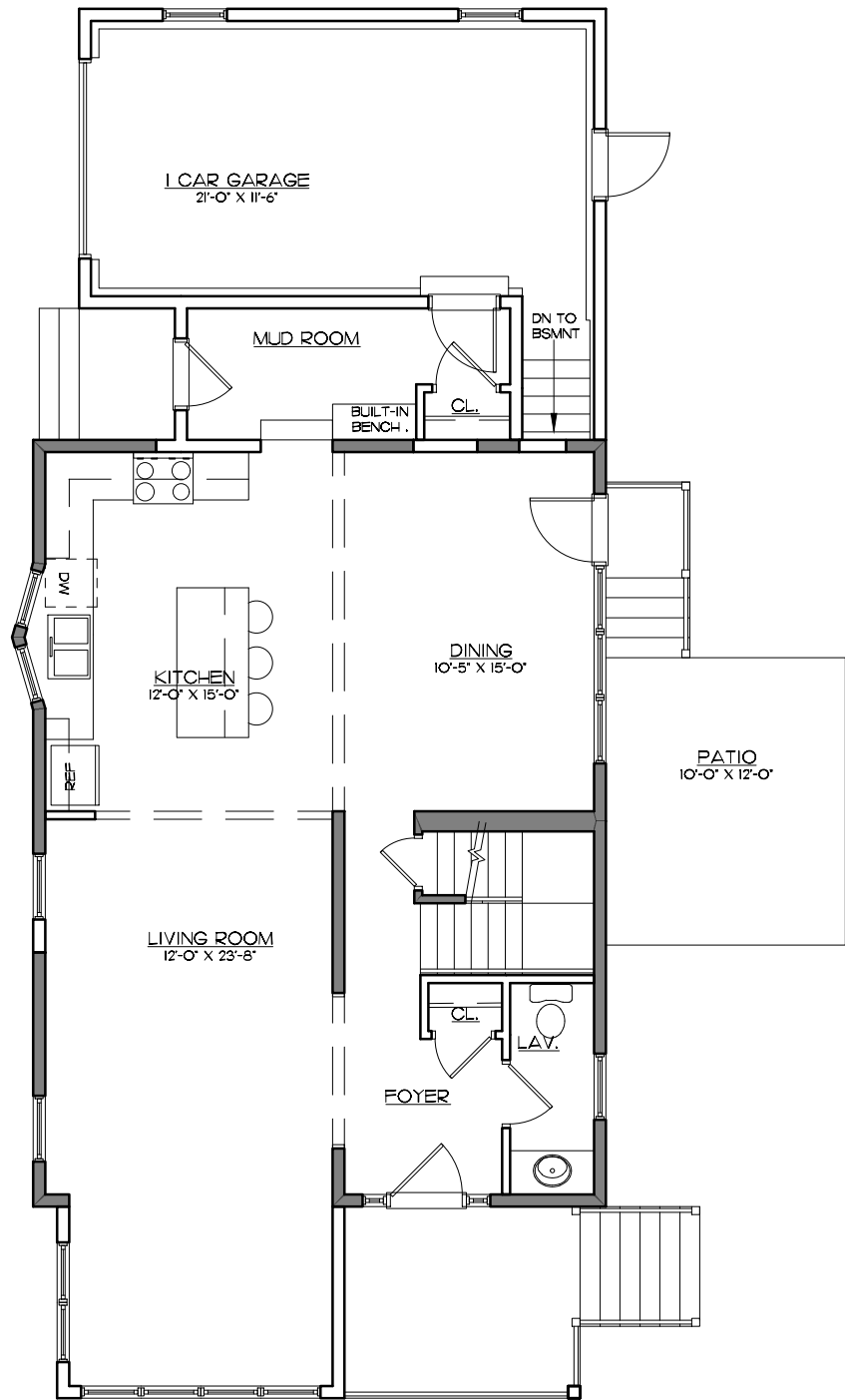
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JOB NO:

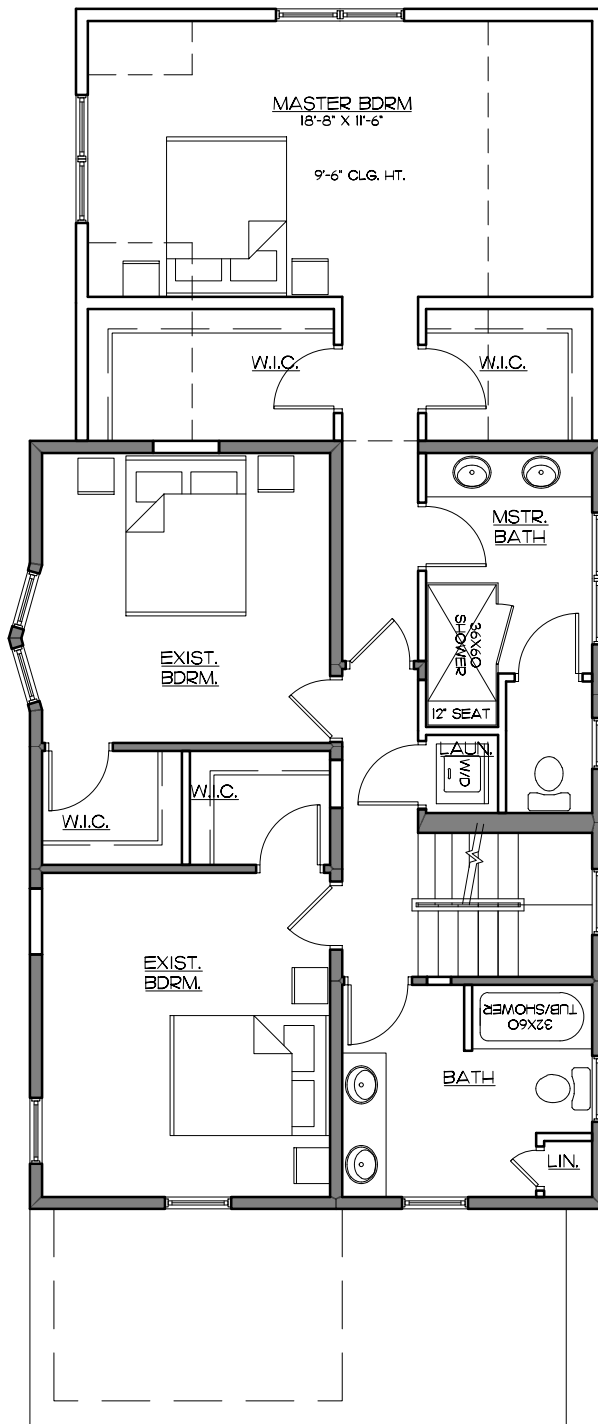
20235

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Proposed First Floor Plan

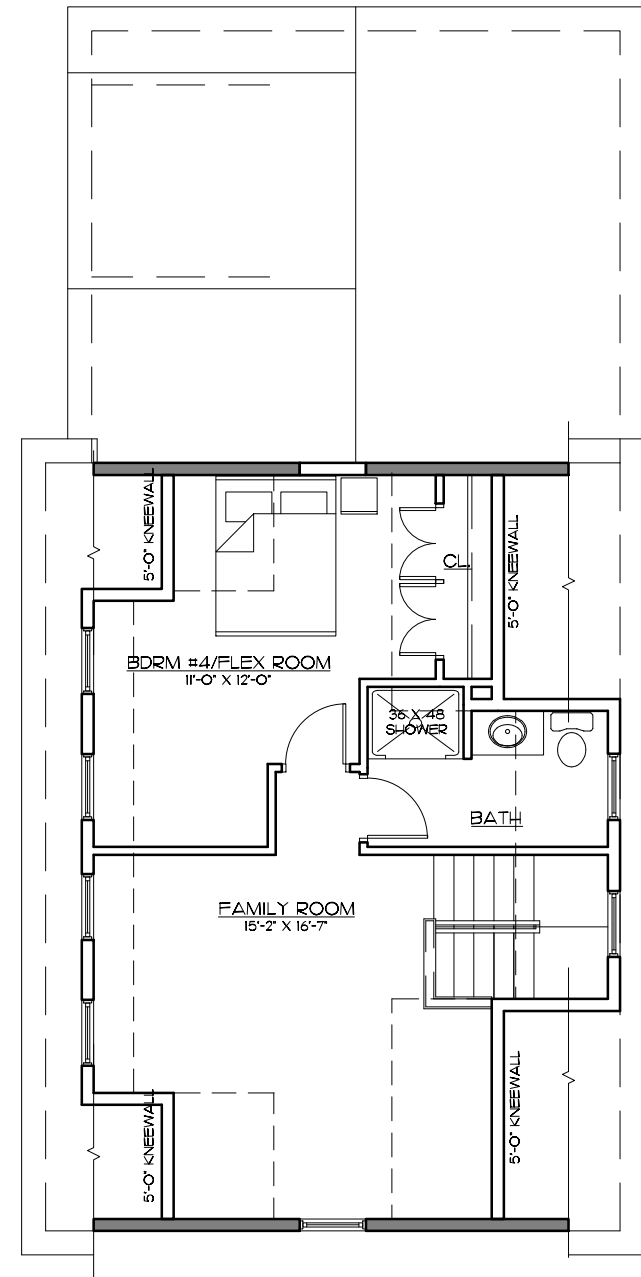
Scale: 1/8" = 1'-0"



Proposed Second Floor Plan

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

BUILDING S.F.	01/05/21
FIRST FLOOR	882 S.F.
SECOND FLOOR	1048 S.F.
THIRD FLOOR	494 S.F.
TOTAL *	2424 S.F.
GARAGE	260 S.F.



Proposed Third Floor Plan

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

84 Rockland Street
Portsmouth, NH



O'SULLIVAN ARCHITECTS, INC.
ARCHITECTURE ■ INTERIORS ■ PLANNING

606 MAIN STREET, SUITE 3001 ■ READING, MA 01867
Tel: (781) 439-6166 ■ Fax: (781) 439-6170 ■ www.osullivanarchitects.com

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ISSUED

12/30/2020

REVISED / REVISED BY

1/5/21

2/8/21

2/10/21

SHEET NUMBER

1

JOB NO:

20235



Northerly side of house
facing Rockland Street



Easterly side of house
facing Elwyn Avenue



Southerly side of house



Westerly side of house



**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 4/1/2019
Data updated 7/17/2019